# WHATCOM COUNTY COUNCIL AGENDA BILL

## CLEARANCES

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## TITLE OF DOCUMENT:

Proposed Whatcom County Code Chapter 20.51 Lake Whatcom Watershed Overlay District; PLN2011-00015

## ATTACHMENTS:

Memo to Council, Exhibit A - code, Exhibit B - Removal of Lake Whatcom from existing code sections, Exhibit C - Definitions, Exhibit D - Comparison of existing to proposed code, Exhibit E - Potential Amendments

## SEPA review required? (X) Yes ( ) No

SEPA review completed? (X) 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.)

Whatcom County Planning & Development Services will provide an update to the proposed WCC 20.51 Lake Whatcom Watershed Overlay District.

## 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](http://www.co.whatcom.wa.us/council).
Memorandum

TO: Whatcom County Council Natural Resources Committee

THROUGH: Mark Personius, Long Range Planning Manager

FROM: Peter Gill, Senior Planner

DATE: May 7, 2013

SUBJECT: Lake Whatcom Overlay District, File # PLN2011 - 00015

OVERVIEW: Staff will bring forward to the Natural Resources Committee on May 7, 2013 an update of our progress on the proposed WCC 20.51 Lake Whatcom Watershed Overlay District. The purpose of this meeting is to (1) describe how the proposed code differs from existing code, and (2) discuss potential amendments for committee to consider prior to introduction of an ordinance in June.

BACKGROUND: New stormwater code was introduced to the Planning Commission in November of 2011. Code was reviewed at five work sessions, comments taken at two hearings, and reviewed by a sub-committee of engineers and planning commissioners. The proposal was first presented to Council Natural Resource Committee in April of 2012. At the last Committee meeting in November 2012, council asked for an analysis of small lots. This work is in progress, we are now waiting for stormwater facility cost estimates from a number of local engineering firms. While waiting for this information, we are looking for feedback by the Natural Resource Committee on the rest of the code.

In your packet you will find five attachments, the first three are the proposed code, the last two are the subject of Tuesday’s discussion:

- Exhibit A – Proposed code (WCC 20.51) showing Planning Commission recommended changes

• Exhibit C – Definitions

• Exhibit D – General comparison of existing requirements to those proposed under Exhibit A.

• Exhibit E – Potential Amendments for Committee Consideration. Since Planning Commission review, new state NPDES stormwater standards have come into effect and the Lake Whatcom draft Total Maximum Daily Load (TMDL) has been published. The amendments in Exhibit E change the stormwater design references and the protection and maintenance standards to meet the standards of 2012 Stormwater Manual for Western Washington (NPDES Standards). This will improve predictability and consistency to the code by ensuring that the full regulatory burden is met by following WCC 20.51. Exhibit E also includes the small lot exemption language, adjustments to the phosphorus loading standards to meet the TMDL reduction goals for new development, and clarify language.
EXHIBIT A—Whatcom County Code Proposed Chapter 20.51

Chapter 20.51
LAKE WHATCOM WATERSHED OVERLAY DISTRICT

20.51.010 Purpose.
The Lake Whatcom watershed Overlay District is intended to manage and treat stormwater runoff and establish more stringent standards on clearing activities and reduce the phosphorus loading into Lake Whatcom in order to preserve and protect a unique and important water resource, Lake Whatcom. This district is designed to protect the long-term viability of Lake Whatcom as a drinking water source, and to comply with the requirements set forth by the Washington State Department of Ecology through the pending Lake Whatcom Total Maximum Daily Load (TMDL) by limiting the phosphorus loading into Lake Whatcom that results from land disturbing or conversion projects, and work, or activities and reduces phosphorus loading from existing sources to that of native vegetation (as defined by the Washington State Department of Ecology Stormwater Management Manual for Western Washington (WSDOE SWMMWW)).

20.51.030 Area and Applicability.
(1) The Lake Whatcom Watershed Overlay District is an overlay zone that covers the entire geographic area of the Lake Whatcom watershed within Whatcom County's jurisdiction, and applies to all land disturbing or conversion projects, work or activities within the overlay zone.

(2) In the event that the provisions of this chapter conflict with the provisions of the Shoreline Management Program (WCC Title 23), Chapter 16.16 WCC, Critical Areas, the Whatcom County Development Standards, the provisions of the underlying zoning district or other applicable county policies or regulations, then the most restrictive shall apply; provided, that the minimum setback provisions established in WCC 20.51.340 shall prevail. (Ord. 2009-009 Exh. A, 2009; Ord. 2005-085 § 1, 2005; Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 2003-032 Exh. A, 2003; Ord. 2002-075, 2002; Ord. 2002-034, 2002; Ord. 2001-021 § 1, 2001; Ord. 99-086, 1999).

20.51.040 Conformance.
The provisions of this chapter overlay other permit and approval requirements of the Whatcom County Code. All use and development shall conform to all relevant requirements and standards of:

(1) Whatcom County Code, Title 20, Zoning, except as modified by this chapter;
(2) The International Building and Fire Codes;
(3) Whatcom County Critical Area Ordinance 16.16;
(4) Flood Damage Prevention, Title 17;
(5) Subdivision, Title 21, except as modified by this chapter;
EXHIBIT A-Whatcom County Code Proposed Chapter 20.51

(6) Whatcom County Development Standards - Stormwater, Chapter 2, except as modified by this chapter;
(7) Whatcom County Development Standards, Stormwater Special Districts, Chapter 2-Section 221, except as modified by this chapter;
(8) Whatcom County Code, Title 23, Shoreline Management Program;
(9) Whatcom County Code, Title 24 Health Code; and
All other applicable official controls

20.51.050 Permitted Uses.

All permitted uses in the underlying zone districts are permitted except as expressly prohibited, made conditional, or further conditioned by this chapter.


20.51.060 Accessory uses.


20.51.070 Conditional Uses.

All conditional uses in the underlying zone districts shall remain conditional uses unless expressly prohibited, made conditional, or further conditioned by this chapter. In addition, the following uses shall only be conditionally permitted:

.071 On-site storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses, other than cottage industries as defined in WCC 20.51.095, subject to the most current siting criteria under Chapter 173-303 WAC within the Rural, Rural Forestry, Commercial Forestry, Neighborhood Commercial and Resort Commercial Zone Districts only.

.072 Retail or wholesale plant nurseries or greenhouses for storage, propagation and culture of plants, provided:

(1) Greenhouses shall not be larger than 1,000 square feet.

(2) Greenhouses and cultivated ground shall not be located within 250 feet of Lake Whatcom, Lake Samish, Lake Padden, or streams subject to the Shoreline Management Program; 200 feet from fish-bearing streams; or 150 feet from other streams and their tributaries that flow into Lake Whatcom, Lake Samish, and Lake Padden.
EXHIBIT A - Whatcom County Code Proposed Chapter 20.51

(3) A monitoring program has been established to ensure that chemical and pesticide quantities in stormwater runoff do not exceed state water quality standards. Complete control of drainage from the operation shall be in effect. Such runoff will be tested for pollutants bimonthly by a licensed water quality testing agency. All requirements will be met at the owner’s expense.

(4) No person shall apply a commercial fertilizer, either liquid or granular, that is labeled as containing more than zero percent phosphorous or other compound containing phosphorous, such as phosphate; provided, that such fertilizers may be used for establishment of new vegetation in the first growing season.

.073 Type I solid waste handling facilities, except:

(1) Moderate risk waste facilities; and


.081 Dry cleaning establishments.

.082 Gas stations, service stations, combustion engine repair garages and automotive wrecking yards.

.083 Sod farming.

.084 Aquaculture and mariculture projects.

.085 Operation of fur farms.

.086 Confinement feeding operations.

.087 Asphalt and concrete batch plants.

.088 Gravel bar scalping projects within the jurisdiction of the Shoreline Management Program.

.089 Utilization of sewage sludge on land.

.090 On-site treatment facilities for hazardous wastes.

.091 Type I solid waste handling facilities, except those specified in WCC 20.51.073.
EXHIBIT A—Whatcom County Code Proposed Chapter 20.51

.092 Type II, and Type III, and Type IV solid waste handling facilities.

.093 Golf courses.

.094 Cemeteries.

.095 Cottage industries that would require on-site hazardous waste storage facilities.

.096 Surface mining outside of designated Mineral Resource Lands (MRL) Special Districts; provided, that surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW) are permitted.

.097 Major passenger intermodal terminals.

.098 Freight railroad switching yards and terminals.

.099 Agriculture, including animal husbandry, horticulture, viticulture, floriculture, and the cultivation of crops.

.100 Animal hospitals and accessory kennels and stables.


2.051.300 Open space and impervious surfaces.

.301 Open space requirements shall be as follows:

1. For uses in the TC and NC Zones, at least 25 percent of the parcel shall be reserved as open space.

2. For uses in the RC Zone, at least 40 percent of the parcel shall be reserved as open space.

3. Open space areas shall be maintained in natural vegetation or landscaped per WCC 20.80.325.

4. For properties within the jurisdiction of the Shoreline Management Program (WCC Title 23), submerged lands and/or tidelands within the boundaries of any waterfront parcel that are located waterward of the ordinary high water mark shall not be used in open space calculations.

.302 Impervious surface requirements shall be as follows:

1. For uses in the UR, URM, and RR Zone Districts, at least 80 percent of the lot or parcel shall be kept free of structures and impervious surfaces.
EXHIBIT A—Whatcom County Code Proposed Chapter 20.51

(2) For uses in the R-Zone-District, at least 90 percent of the lot or parcel shall be kept free
of structures and impervious surfaces.

(3) Where subsection (1) or (2) of this section does not allow 2,500 square feet of total
impervious surface area, 2,500 square feet shall be allowed.

(4) Two or more lots of record consolidated pursuant to the provisions of WCC 20.83.070
shall be treated as one undivided parcel for the purpose of calculating total allowable
impervious surface. Where two or more lots or parcels are consolidated, are not subject to
the provisions of WCC 20.83.070, and are not subject to a permanent restrictive covenant
that precludes development of buildings, structures or other improvements not otherwise
identified by said covenant, 4,000 square feet of impervious surface shall be allowed.

(5) Preexisting nonconforming impervious surfaces may be routinely maintained/repaird or
redeveloped; provided, that if 50 percent or greater of the preexisting nonconforming
impervious area is to be redeveloped, then the applicable impervious surface limitations of
subsections (1), (2) and (3) of this section shall apply. However, if a legal nonconforming
structure is destroyed, the nonconforming use may be reconstructed using the pre-existing
footprint. Expansion of nonconforming impervious surfaces shall be prohibited.

(6) A mobile home within an existing mobile home park may be replaced with a larger
mobile home (not to exceed a maximum of 1,500 square feet), provided there is not an
increase in the overall number of mobile homes in the park or any increase in other
impervious surfaces beyond the new mobile home footprint.

(7) For properties within the jurisdiction of the Shoreline Management Program (WCC Title
22), submerged lands and/or tidelands within the boundaries of any waterfront parcels that
are located waterward of the ordinary high-water mark shall not be used in
impervious/porous surface calculations.

(8) Any portion of a roof overhang or other overhanging architectural feature which projects
further than three feet from the footprint of a structure shall be calculated as impervious
surface.

(9) Alternative surface methods described in WCC 20.71.603 may be used. (Ord. 2009-009
Exh. A, 2009; Ord. 2005-068 § 1, 2005; Ord. 2005-079 § 1, 2005; Ord. 2004-007 § 1,

20.51.310 Cluster subdivisions.

The purpose of cluster subdivision is to provide a method of creating building lots with
spatially efficient sizes. Clustering is intended to consolidate development and associated
infrastructure, reduce development costs, and increase infrastructure efficiency. Clustering
is also intended to help preserve open space and the character of areas, reduce total
impervious surface area, and minimize development effects on critical areas and associated
EXHIBIT A—Whatcom County Code Proposed Chapter 20.51

buffers, as defined in Chapter 16.16 WCC, and resource lands. Preservation of open space is
thereby intended to reduce potential stormwater runoff and associated impacts while
assuring protection of viable, undeveloped, and naturally vegetated corridors for wildlife
habitat, protection of watersheds, preservation of critical areas, preservation of aesthetic
values including view corridors, and preservation of trail and/or recreation areas. (Ord.
007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 2003-032 Exh. A, 2003; Ord. 2002-075,

20.51.320 Cluster design standards.

The creation of new building lots within the Water Resource Protection–Lake Whatcom
Watershed Overlay Districts shall be subject to the following design standards:

(1) Cluster subdivisions shall be required for all land divisions resulting in lots less than five
acres in size, with the exception of boundary line adjustments.

(2) A cluster subdivision shall include a permanent open space reserve area meeting the
criteria established in WCC 20.51.330.

(3) The minimum cluster lot size requirements of the underlying zone district shall apply.

(4) The maximum number of building lots in a lot cluster shall be 10.

(5) Clusters containing two or more lots of less than one acre within a proposed
development shall be separated by at least 80 feet.

(6) Clustered building lots may only be created through the subdivision, short subdivision or
binding site plan process pursuant to WCC Title 21.

(7) Building lots shall be designed and located to be compatible with, and avoid disturbance
of, critical areas or other valuable or unique natural resources, known archaeological sites,
as well as physical constraints of the site.

(8) Building lots shall be arranged in a cluster/concentrated pattern.

(9) A cluster subdivision shall have no more than two common encroachments on existing
county roads unless site constraints require additional road access. The arrangement of
clustered building lots shall be designed to avoid development forms commonly known as
linear, straight line or highway strip patterns.

(10) As applicable, interior streets shall be designed to allow future vehicular access to any
portion of the reserve tract which may be divided into future building lots; provided, that
the required permanent open space reserve area, pursuant to WCC 20.51.330, shall not be

20.51.330 Open space reserve area.
EXHIBIT A-Whatcom County Code Proposed Chapter 20.51

(1) For purposes of this title, an "open space reserve area" shall be defined as that portion of a subdivision or short subdivision set aside in accordance with this chapter, and permanently dedicated for active or passive recreation, critical area protection, natural resource or archaeological site preservation, wildlife habitat and/or visual enjoyment, and shall be consistent with the definition of "open space" pursuant to WCC 20.97.275.

(2) The open space reserve area shall be subject to the following provisions:

(a) The minimum open space reserve area shall be determined by the minimum cluster subdivision reserve area requirements of the underlying zone district.

(b) A permanent open space reserve area shall be protected using one of the following mechanisms:

(i) Placement in a separate nonbuilding tract owned in common by all lots within the subdivision; or

(ii) Covered by a protective easement or public or private land trust dedication which protects at least the minimum required cluster reserve area specified in the underlying zone district; or

(iii) Preserved through an appropriate permanent protective mechanism that provides the same level of permanent protection as subsection (2)(b)(i) of this section as determined by the county zoning administrator or hearing examiner which applies to at least the minimum required cluster reserve area specified in the underlying zone district.

(c) The boundaries of the open space portion of the reserve area may be altered only if the county finds that in dedicating adjacent reserve areas it would further the objectives listed in WCC 20.51.310 by altering the reserve area and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in open space reserve area.

(d) The purpose of the open space reserve area as defined in subsection (1) of this section shall be recorded on the face of the final plat or short plat.

(e) The remaining unused development density and/or impervious surface allowances remaining on the parcel containing the open space reserve area, based on the gross density of the parent parcel, may be assigned to that portion of the reserve tract not subject to the minimum area requirements of subsection (2)(b) of this section. The density shall be recorded on the face of the final plat or short plat. The development rights assigned to the reserve tract in accordance with this subsection may not be transferred if the pervious surface area associated with the reserve tract has been transferred to the other building lots within the subdivision.

(f) The requirements stated in subsections (2)(c) and (d) of this section shall be recorded as a restriction on the face of the final plat or short plat, and shall constitute
EXHIBIT A—Whatcom County Code Proposed Chapter 20.51

an agreement between Whatcom County and the current/future owner(s) of record
that shall run with the land. Said restriction(s) may be amended by mutual agreement
between said parties after review for consistency and compliance with the official
Whatcom County Zoning Ordinance, the Whatcom County Subdivision Ordinance, and
the Whatcom County Comprehensive Plan.

(g) For cluster subdivisions approved after December 7, 1999, that portion of the
reservable tract which is kept in pervious open space may be counted toward pervious
surface area requirements for the building lots in the subdivision on a prorated basis;

20.51.340 Building setback/buffer areas.

.341 Setbacks for all properties within the overlay district shall be as follows: Class I and
Class II roads shall have a minimum setback of 30 feet; and Class III, IV and V roads shall
have a minimum setback of 20 feet; provided, that the road right-of-way meets the
minimum standard for road rights-of-way pursuant to the Whatcom County Development
Standards.

.342 Roof overhangs or other overhanging architectural features shall not project further
than 18 inches into the side or rear yard setbacks. Such overhangs may extend three feet
into the front yard setback; however, in no case shall they extend more than one-half the
2002-075, 2002; Ord. 2002-034, 2002; Ord. 2001-062 § 1, 2001; Ord. 2001-021 § 1,

20.51.350 Development criteria.

2002; Ord. 2001-021 § 1, 2001).

20.51.360 Parking space dimensions.

A standard parking space shall have the rectangular dimensions of 10 feet in width and 20
feet in length; provided, that for any parking area of six or more spaces, 90 percent of all
spaces may have the rectangular dimensions of eight feet in width and 15 feet in length;
and further provided, that these spaces are marked for use by compact automobiles. Except
in single-family residential areas, all dimensions shall be exclusive of driveways, aisles and
other circulation areas required under WCC 20.80.560 and 20.80.570. (Ord. 2009-009 Exh.
§ 1, 2001; Ord. 99-086, 1999).

20.51.370 Parking requirements.
EXHIBIT A-Whatcom County Code Proposed Chapter 20.51

1. Parking shall conform to the requirements of WCC 20.80.500 through 20.80.590 unless otherwise specified in this section. Minimum parking requirements may be reduced through any of the following methods:

2. (1) A shared parking agreement has been filed with the county auditor establishing a shared parking lot for land uses with noncompeting hours of operation, or for multi-tenant retail and commercial facilities; provided, the parking lot is not located further than 700 feet from any of the uses it is intended to serve.

3. (a) The minimum required parking in shared facilities shall be based on the land use with the highest parking demand.

4. (b) Mixed use developments with similar operating hours may be required to submit a parking demand study to determine if parking can be combined.

5. (2) A 20 percent reduction may be approved if an establishment is located within 1,000 feet of any regularly scheduled bus stop.


\[20.51.360\] Alternative surfacing methods:

1. Alternative surfaces including, but not limited to, bark or wood mulch, washed gravel, grid roller systems, permeable interlocking pavers, pervious concrete, porous asphalt, and other similar approved materials are encouraged. Alternative surfacing methods may be approved for fringes or overflow parking areas, emergency parking areas, private roads, fire lanes, road shoulders, bike paths, walkways, patios, driveways, and easement service roads in residential or commercial zones unless site constraints make use of such materials detrimental to water quality. Utilization of alternative surfacing methods shall be subject to review and approval by the Whatcom County public works department, the fire marshal and/or the county ADA coordinator for compliance with other applicable regulations and development standards. Surfaces shall be considered impervious surfaces under WCC 20.72.180 unless the following conditions are met:

2. (1) Bark, wood mulch, and washed gravel shall be designed and installed so that all rainwater falling upon the alternative surface will be infiltrated directly beneath the alternative surface without generating surface runoff based on the one-year, 24-hour storm event.

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20.51.390 Vehicular access.
Driveways and curb cuts shall be minimized along all arterial and collector roads. Each existing lot shall be allowed only one driveway or curb cut; adjacent lots are encouraged to share access points. In new developments, lots or leased sites shall be oriented toward internal driveways, parking areas, or roads with limited access to arterial or collector roads. (Ord. 2009-009 Exh. A, 2009; Ord. 2005-085 § 1, 2005; Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 2003-032 Exh. A, 2003; Ord. 2002-075, 2002; Ord. 2002-034, 2002; Ord. 2001-021 § 1, 2001; Ord. 99-086, 1999).

20.51.400 Roads, curbs, gutters and sidewalks.
The intent of this section is to reduce impervious surfaces and stormwater runoff. Innovative street sections, which do not compromise public safety, shall be encouraged in the watershed. Narrow streets and reduced sidewalk standards that satisfy pedestrian and vehicular circulation requirements may be implemented with the approval of the Whatcom County public works department. Unless specifically required, roads shall not be wider than the minimum applicable standard. A rural road standard may be approved by the Whatcom County public works department for urban density residential areas where the developer provides adequate off-street parking and pedestrian walkways. (Ord. 2009-009 Exh. A, 2009; Ord. 2005-085 § 1, 2005; Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 2003-032 Exh. A, 2003; Ord. 2002-075, 2002; Ord. 2002-034, 2002; Ord. 2001-021 § 1, 2001; Ord. 99-086, 1999).

20.51.410 Seasonal Clearing Activity Limitations.
The intent of seasonal clearing activity limitations is to establish a more stringent standard for clearing activity in highly valued water resource areas, environmentally sensitive areas, or areas where natural conditions are so unstable that clearing activity in the areas can result in hazardous conditions. Implementation of best management practices, including phased clearing, tree retention and seasonal clearing limitations, is intended to limit the amount of exposed soils on site that are susceptible to erosion at any one time, thereby improving site stability during development and reducing potential for transport of dissolved pollutants and sediments off site. Preservation of existing trees on site also reduces the quantity and maintains the quality of stormwater leaving a site during and after development activities by encouraging interception, infiltration and evapotranspiration of rainfall and surface runoff.

(1) County review and approval shall be required for all clearing activities associated with a fill and grade permit, building permit or other development proposal.
EXHIBIT A—Whatcom County Code Proposed Chapter 20.51

1. (2) Clearing activity, as defined in WCC 20.97.054, that will result in exposed soils exceeding 500 square feet shall not be permitted from October 1st through May 31st; provided, that:

2. (3) The zoning administrator may approve an exemption to this requirement for the following activities:

3. (a) Routine maintenance and repair of erosion and sediment control measures;

4. (b) Activities located at or waterward of the ordinary high water mark subject to state, federal, and/or local (per Chapter 16.16 WCC and/or WCC Title 22) conditions of approval requiring commencement of clearing activity between October 1st and May 31st for purposes of minimizing surface water disturbance and site inundation by high water or wave action;

5. (c) Activities necessary to address an emergency that presents an unanticipated and imminent threat to public health, safety or the environment that requires immediate action within a time too short to allow full compliance with this section. Upon abatement of the emergency situation, the clearing activity shall be reviewed for consistency with this chapter and may be subject to additional permit requirements; provided, that the applicant shall make a reasonable attempt to contact the zoning administrator prior to the activity. When prior notice is not feasible, notification of the action shall be submitted to the zoning administrator as soon as the emergency is addressed and no later than two business days following such action. Emergency construction does not include development of new permanent protective structures where none previously existed.

6. (d) The proposed activity does not involve the conversion of forest land, is outside critical areas and associated buffers, and is exclusively related to agriculture as defined in this title; or

7. (e) The proposed activity consists of nonconversion forest practices, other than Class IV-General forest practices on platted land, and other than those with an approved COHP regulated under Chapter 76.09 RCW; or

8. (4) To ensure compliance with subsection (2) of this section, Whatcom County planning and development services shall not issue development permits requiring more than 500 square feet of land disturbance located within the Lake Whatcom watershed within two weeks prior to the watershed seasonal closure on October 1st.

9. (5) Soil disturbance associated with an exempt clearing activity shall be minimized to the maximum extent practicable. The zoning administrator shall have the authority to condition an exempt activity to ensure that temporary erosion and sediment control measures will be implemented.
EXHIBIT A - Whatcom County Code Proposed Chapter 20.51

(6) An exemption from the seasonal land clearing requirements of this section does not
grant authorization for any work to be done in a manner that does not comply with other
provisions of this chapter or other applicable development regulations.

(7) Within the Lake Whatcom Watershed Overlay District, clearing activity must conform to
the following conditions:

(a) Temporary erosion and sediment control shall be installed and inspected prior to
any clearing activity. The technical administrator shall conduct periodic inspections
to ensure the integrity of temporary erosion and sediment controls. Temporary
erosion and sediment control measures include, but are not limited to, installation of
silt fencing, installation of check dams, covering of excavation piles, and mulching of
exposed soils, as specified in the Whatcom County Development Standards.

(b) Phased Clearing. Construction activities and clearing activities shall be phased to
limit the amount of exposed soil that occurs at any one time, if determined to be
appropriate by the technical administrator, based on site characteristics or
constraints including, but not limited to, slopes, proximity to shorelines and
wetlands. A phased clearing plan may be required. A phased clearing plan, if
required, shall be submitted for review and approval by the technical administrator
prior to any clearing activity and shall contain a detailed construction schedule or
timeline.

(c) Soil Stabilization. All disturbed areas shall be provided with soil stabilization
within two days of the time of disturbance. The technical administrator may approve
an exemption to this requirement when a tree canopy area retention plan includes a
soil stabilization plan. This plan component must specifically detail erosion and
sediment control and stormwater runoff measures that provide runoff control equal
to or greater than the protection provided by the standard two-day soil stabilization
requirements of this section.

20.51.420 Permanent Stormwater Management Systems

(1) Exemptions. This section does not apply to any of the following projects, work, or
activities (which does not necessarily exempt them from other stormwater related titles
and/or standards that might otherwise apply; see WCC 20.51.040(6), WCC
20.51.040(7) and WCC 20.80.630(3)) within the Lake Whatcom Watershed Overlay
District:

(a) Installations of, and/or repairs to, and/or replacements of, any of the following
facilities:

1. Below grade:
   i. Pipe,
   ii. Conduit,
EXHIBIT A-Whatcom County Code Proposed Chapter 20.51

iii. Ductwork,

iv. Cabling and wiring (direct burial or conduit encased),

2. Above grade:

i. Utility or light poles,

ii. Communication and/or data transmission systems pedestals,

3. Below grade, at grade, and/or above grade appurtenances to any of the above respective facilities.

(b) Roof replacements and/or conversions at the same, or less, surface area. Conversions to metal roofs require coatings with inert non-leachable materials.

(c) Deck, porch, and/or other raised surfaces area replacements at the same, or less, surface area.

(d) Land disturbing activities (per WCC 20.97 definition) of less than 5,000 square feet in total area, excluding any impervious surface area work within the land area disturbed.

(e) Projects, work, or activities that will create less than:

1. 501 square feet of previously nonexistent impervious surface area and/or permeable pavement area (per WCC 20.97 definitions), and/or

2. 1,501 square feet of replaced impervious surface area and/or replaced permeable pavement area (per WCC 20.97 definitions).

(f) Any new parcels created by a proposed subdivision or short subdivision (per WCC 21.10.020(32) definition) if the created parcel(s) is/are greater than 22,000 gross square feet in area.

(g) Maintenance (e.g., debris, moss, and/ or mildew removal) of existing impervious surface areas and/or permeable pavement areas. Pre-existing nonconforming impervious surfaces may be routinely maintained/repaired.

(h) If a legal nonconforming structures are destroyed, the nonconforming use may be reconstructed using the pre-existing footprint. Damage repairs (e.g., from fire, wind, falling trees or limbs, flooding) to existing impervious surface areas and/or permeable pavement areas within their same respective existing footprints.

Expansion of nonconforming impervious surfaces shall be subject to this ordinance.

(2) Best Management Practices.

(a) Unless otherwise exempt per WCC 20.51.420(1), or unless a standard land use vesting determination concludes otherwise, all projects, work, or activities, including subdivisions, binding site plans, and non-exempt new short subdivision parcels, proposed to occur within the Lake Whatcom Watershed Overlay District...
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shall incorporate presumptive BMPs and/or demonstrative BMPs, per WCC 20.51.420(2)(c) and/or WCC 20.51.420(2)(d), respectively, to:

(1) All project, work, or activity affected:
   i. Net land area disturbed (per WCC 20.97 definition, and/or
   ii. Newly created and/or replaced:
      A. Net new impervious surface area (per WCC 20.97 definition), and/or
      B. Net replaced impervious surface area (per WCC 20.97 definition), and/or
      C. Net new permeable pavement area (per WCC 20.97 definition), and/or
      D. Net replaced permeable pavement area (per WCC 20.97 definition), and/or
   iii. The land area subdivided, and/or

(2) Existing off-parcel phosphorus-unmitigated areas and/or on-parcel phosphorus-unmitigated areas within the entire Lake Whatcom Watershed at a 2:1 ratio of phosphorus-unmitigated area to the corresponding project, work, or activity affected area(s) that WCC 20.51.420(2)(a)(1)(i) - (ii) outlines.

(b) The development stormwater runoff (per WCC 20.97 definition) phosphorus loading profile from each phosphorus-mitigated area noted in WCC 20.51.420(2)(a)(1) & (2) shall not exceed by a factor of 1.25 the corresponding natural stormwater runoff (per WCC 20.97 definition) phosphorus loading profile from each respective phosphorus-mitigated area.

(c) Presumptive BMPs (per WCC 20.97 definition). Presumptive BMPs, which are combunable with each other and with demonstrative BMPs, follow:

1. Full infiltration. See current Stormwater Manual (per WCC 20.97 definition) Volume III Chapter III Section 3.3.9(A). Use of this BMP requires an engineered design (per WCC 20.97 definition).

2. Full dispersion:

   i. See current Stormwater Manual Volume V Chapter 5 BMP T5.30. This BMP might, but does not necessarily, require an engineered design. See current Stormwater Manual Volume I Chapter 3 page 3-1 to determine need for an engineered design.

   ii. See current Stormwater Manual Volume III Appendix C paragraph 7.2.1. Use of this BMP requires an engineered design. If impervious surface areas exceed 10% of the site, those excess impervious surface areas shall not
drain to the native vegetation area. The excess impervious surface areas
are subject to the treatment and flow control requirements of WCC
20.51.420(2)(a)(1), and/or WCC 20.51.420(2)(a)(2).iii, and/or WCC
20.51.420(2)(a)(3).

iii. See current Stormwater Manual Volume III Appendix C paragraph 7.2.2.
Use of this BMP requires an engineered design.

Appendix C paragraph 7.2.4. Use of this BMP requires an engineered design.
This BMP, which is primarily used for road projects, is adaptable to residential
projects where Type A Outwash Soils already exist, and/or are imported and
established per the stated criteria.

(d) Demonstrative BMPs (per WCC 20.97 definition). Demonstrative BMPs, which are
combinable with each other and with presumptive BMPs, use engineered designs
that, once constructed or installed, and assuming that system preservation
activities occur as prescribed by the design engineer, will satisfy current
Stormwater Manual Minimum Requirement numbers 3 – 8, and 10, disregarding
any Minimum Requirement applicability thresholds therein, while also conforming
to at least one of the following:

1. The engineered design limits the estimated phosphorus loading in development
stormwater runoff to less than 0.1875 lb of P/acre/year. Engineered designs
shall cite and use only WSDOE-approved references for estimated phosphorus
loading information and criteria.

2. The monthly development stormwater runoff volume does not exceed the
monthly natural stormwater runoff volume of the project, work, or activity
affected areas, as determined by a WSDOE-approved continuous runoff model.

3. Development stormwater runoff does not occur

20.51.430 Forest Area Preservation.

For the intent and purpose of this chapter, the term “Forest Area” shall refer to the tree
canopy and any native vegetation (as defined by the most current version of the
Washington State Department of Ecology Stormwater Management Manual for Western
Washington) that occurs within the boundaries of the tree canopy. (1) When a permit is not
required by 20.51.420(1) tree canopy areas may be removed when limited to those canopy
areas affected under the following circumstances:

(1) Fire prevention methods when supported by the county fire marshal;

(2) Hazard trees, as defined in Chapter 20.97 WCC, are identified (an evaluation and
determination by a licensed arborist may be required);
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1. (3) Encroachments where the trunk, branches or roots would be, or are, in contact with main or accessory structures; or

2. (4) Where installation and/or maintenance of roads or utilities would unavoidably require removal or cutting through the root system.
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735

Chapter 20.71
WATER RESOURCE PROTECTION OVERLAY DISTRICT*

Sections:

20.71.010 Purpose.
20.71.020 Application.
20.71.021 Area and applicability.
20.71.050 Permitted uses.
20.71.100 Accessory uses.
20.71.150 Conditional uses.
20.71.200 Prohibited uses.
20.71.300 Open space and impervious surfaces.
20.71.350 Cluster subdivisions.
20.71.351 Cluster design standards.
20.71.352 Open space reserve area.
20.71.400 Building setback/ buffer areas.
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20.71.602 Parking requirements.
20.71.603 Alternative surfacing methods.
20.71.604 Vehicular access.
20.71.700 Roads, curbs, gutters and sidewalks.

*Prior legislation: Ord. 2008-035, which expired March 20, 2009, was formerly codified in this chapter.

20.71.010 Purpose.
The Water Resource Protection Overlay District is an overlay zone that is intended to impose additional controls to preserve and protect unique and important water resources within Whatcom County. This district is designed to protect the long-term viability of the Lake Whatcom, Lake Samish and Lake Padden watersheds while creating a regulatory framework to address the needs of these watersheds that are not otherwise provided for in the underlying zone districts. (Ord. 2003-009 Exh. A, 2009; Ord. 2005-085 § 1, 2005; Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 2003-032 Exh. A, 2003; Ord. 2002-075, 2002; Ord. 2002-034, 2002; Ord. 2001-021 § 1, 2001, Ord. 99-086, 1999).

20.71.020 Application.

20.71.021 Area and applicability.
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735

(1) The Water Resource Protection Overlay District is an overlay zone that covers the entire geographic area of the Lake Whatcom, Lake Samish and Lake Padden watersheds within Whatcom County’s jurisdiction. For purposes of this title, the Lake Samish watershed shall consist of that portion of the Friday Creek subbasin of the Samish River watershed that lies within Whatcom County.

(2) This district may be expanded to include other areas through the annual zoning text amendment process.

(3) The Lake Whatcom, Lake Samish and Lake Padden watersheds are also designated as stormwater special districts pursuant to WCC 20.80.635 and water resource special management areas pursuant to WCC 20.80.735.

(4) In the event that the provisions of this chapter conflict with the provisions of the Shoreline Management Program (WCC Title 23), Chapter 16.16 WCC, Critical Areas, the Whatcom County Development Standards, the provisions of the underlying zoning district or other applicable county policies or regulations, then the most restrictive shall apply, provided, that the minimum setback provisions established in WCC 20.71.401 shall prevail. (Ord. 2009-009 Exh. A, 2009; Ord. 2005-085 § 1, 2005; Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 2003-032 Exh. A, 2003; Ord. 2002-075, 2002; Ord. 2002-034, 2002; Ord. 2001-021 § 1, 2001; Ord. 99-086, ’99).

20.71.050 Permitted uses.
All permitted uses in the underlying zone districts are permitted except as expressly prohibited, made conditional, or further conditioned by this chapter.


20.71.100 Accessory uses.

20.71.150 Conditional uses.
All conditional uses in the underlying zone districts shall remain conditional uses unless expressly prohibited, made conditional, or further conditioned by this chapter. In addition, the following uses shall only be conditionally permitted:

.151 On-site storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses, other than cottage industries as defined in WCC 20.71.215, subject to the most current
siting criteria under Chapter 173-303 WAC within the Rural, Rural Forestry, Commercial Forestry, Neighborhood Commercial and Resort Commercial Zone Districts only.

.152 Retail or wholesale plant nurseries or greenhouses for storage, propagation and culture of plants, provided:

(1) Greenhouses shall not be larger than 1,000 square feet.

(2) Greenhouses and cultivated ground shall not be located within 250 feet of Lake Whatcom, Lake Samish, Lake Padden or streams subject to the Shoreline Management Program; 200 feet from fish-bearing streams; or 150 feet from other streams and their tributaries that flow into Lake Whatcom, Lake Samish or Lake Padden.

(3) A monitoring program has been established to ensure that chemical and pesticide quantities in stormwater runoff do not exceed state water quality standards. Complete control of drainage from the operation shall be in effect. Such runoff will be tested for pollutants bimonthly by a licensed water quality testing agency. All requirements will be met at the owner’s expense.

(4) No person shall apply a commercial fertilizer, either liquid or granular, that is labeled as containing more than zero percent phosphorous or other compound containing phosphorous, such as phosphate; provided, that such fertilizers may be used for establishment of new vegetation in the first growing season.

.185 Type I solid waste handling facilities, except:

(1) Moderate risk waste facilities; and


20.71.200 Prohibited uses.
In addition to the uses prohibited in the underlying zone districts, the following uses are prohibited, except as per Chapter 20.83 WCC:

.201 Dry cleaning establishments.

.202 Gas stations, service stations, combustion engine repair garages and automotive wrecking yards.

.203 Sod farming.

.204 Aquaculture and mariculture projects.
Exhibit B - Removal of "Lake Whatcom watershed" reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735

.205 Operation of fur farms.

.206 Confinement feeding operations.

.207 Asphalt and concrete batch plants.

.208 Gravel bar scalping projects within the jurisdiction of the Shoreline Management Program.

.209 Utilization of sewage sludge on land.

.210 On-site treatment facilities for hazardous wastes.

.211 Type I solid waste handling facilities, except those specified in WCC 20.71.185.

.212 Type II and Type III solid waste handling facilities.

.213 Golf courses.

.214 Cemeteries.

.215 Cottage industries that would require on-site hazardous waste storage facilities.

.216 Surface mining outside of designated Mineral Resource Lands (MRL) Special Districts; provided, that surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW) are permitted.

.217 Major passenger intermodal terminals.

.218 Freight railroad switching yards and terminals.

.219 Agriculture, including animal husbandry, horticulture, viticulture, floriculture, and the cultivation of crops.

.220 Animal hospitals and accessory kennels and stables.


20.71.300 Open space and impervious surfaces.

.301 Open space requirements shall be as follows:

(1) For uses in the TC and NC Zones, at least 25 percent of the parcel shall be reserved as open space.
(2) For uses in the RC Zone, at least 40 percent of the parcel shall be reserved as open space.

(3) Open space areas shall be maintained in natural vegetation or landscaped per WCC 20.80.325.

(4) For properties within the jurisdiction of the Shoreline Management Program (WCC Title 23), submerged lands and/or tidelands within the boundaries of any waterfront parcel that are located waterward of the ordinary high water mark shall not be used in open space calculations.

.302 Impervious surface requirements shall be as follows:

(1) For uses in the UR, URM and RR Zone Districts, at least 80 percent of the lot or parcel shall be kept free of structures and impervious surfaces.

(2) For uses in the R Zone District, at least 90 percent of the lot or parcel shall be kept free of structures and impervious surfaces.

(3) Where subsection (1) or (2) of this section does not allow 2,500 square feet of total impervious surface area, 2,500 square feet shall be allowed.

(4) Two or more lots of record consolidated pursuant to the provisions of WCC 20.83.070 shall be treated as one undivided parcel for the purpose of calculating total allowable impervious surface. Where two or more lots or parcels are consolidated; are not subject to the provisions of WCC 20.83.070; and are not subject to a permanent restrictive covenant that precludes development of buildings, structures or other improvements not otherwise identified by said covenant, 4,000 square feet of impervious surface shall be allowed.

(5) Preexisting nonconforming impervious surfaces may be routinely maintained/repaired or redeveloped; provided, that if 50 percent or greater of the preexisting nonconforming impervious area is to be redeveloped, then the applicable impervious surface limitations of subsections (1), (2) and (3) of this section shall apply. However, if a legal nonconforming structure is destroyed, the nonconforming use may be reconstructed using the pre-existing footprint. Expansion of nonconforming impervious surfaces shall be prohibited.

(6) A mobile home within an existing mobile home park may be replaced with a larger mobile home (not to exceed a maximum of 1,500 square feet), provided there is not an increase in the overall number of mobile homes in the park or any increase in other impervious surfaces beyond the new mobile home footprint.

(7) For properties within the jurisdiction of the Shoreline Management Program (WCC Title 23), submerged lands and/or tidelands within the boundaries of any waterfront parcel that are located waterward of the ordinary high water mark shall not be used in impervious/pervious surface calculations.
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735

(8) Any portion of a roof overhang or other overhanging architectural feature which projects further than three feet from the footprint of a structure shall be calculated as impervious surface.


20.71.350 Cluster subdivisions.
The purpose of cluster subdivision is to provide a method of creating building lots with spatially efficient sizes. Clustering is intended to consolidate development and associated infrastructure, reduce development costs, and increase infrastructure efficiency. Clustering is also intended to help preserve open space and the character of areas, reduce total impervious surface area, and minimize development effects on critical areas and associated buffers, as defined in Chapter 16.16 WCC, and resource lands. Preservation of open space is thereby intended to reduce potential stormwater runoff and associated impacts while assuring protection of viable, undeveloped, and naturally vegetated corridors for wildlife habitat, protection of watersheds, preservation of critical areas, preservation of aesthetic values including view corridors, and preservation of trail and/or recreation areas. (Ord. 2009-009 Exh. A, 2009; Ord. 2005-085 § 1, 2005; Ord. 2005-048 Exh. A, 2005; Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 2003-032 Exh. A, 2003; Ord. 2002-075, 2002; Ord. 2002-034, 2002; Ord. 2001-021 § 1, 2001; Ord. 99-066, 1999).

20.71.351 Cluster design standards.
The creation of new building lots within Water Resource Protection Overlay Districts shall be subject to the following design standards:

(1) Cluster subdivisions shall be required for all land divisions resulting in lots less than five acres in size, with the exception of boundary line adjustments.

(2) A cluster subdivision shall include a permanent open space reserve area meeting the criteria established in WCC 20.71.352.

(3) The minimum cluster lot size requirements of the underlying zone district shall apply.

(4) The maximum number of building lots in a lot cluster shall be 10.

(5) Clusters containing two or more lots of less than one acre within a proposed development shall be separated by at least 80 feet.

(6) Clustered building lots may only be created through the subdivision, short subdivision or binding site plan process pursuant to WCC Title 21.
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735

(7) Building lots shall be designed and located to be compatible with, and avoid disturbance of, critical areas or other valuable or unique natural resources or known archaeological sites, as well as physical constraints of the site.

(8) Building lots shall be arranged in a cluster/concentrated pattern.

(9) A cluster subdivision shall have no more than two common encroachments on existing county roads unless site constraints require additional road access. The arrangement of clustered building lots shall be designed to avoid development forms commonly known as linear, straight line or highway strip patterns.

(10) As applicable, interior streets shall be designed to allow future vehicular access to any portion of the reserve tract which may be divided into future building lots; provided, that the required permanent open space reserve area, pursuant to WCC 20.71.352, shall not be further subdivided. (Ord. 2009-009 Exh. A, 2009; Ord. 2005-085 § 1, 2005; Ord. 2005-048 Exh. A, 2005; Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 2003-032 Exh. A, 2003; Ord. 2002-075, 2002; Ord. 2002-034, 2002).

20.71.352 Open space reserve area.

(1) For purposes of this title, an “open space reserve area” shall be defined as that portion of a subdivision or short subdivision set aside in accordance with this chapter, and permanently dedicated for active or passive recreation, critical area protection, natural resource or archaeological site preservation, wildlife habitat and/or visual enjoyment, and shall be consistent with the definition of “open space” pursuant to WCC 20.97.275.

(2) The open space reserve area shall be subject to the following provisions:

(a) The minimum open space reserve area shall be determined by the minimum cluster subdivision reserve area requirements of the underlying zone district.

(b) A permanent open space reserve area shall be protected using one of the following mechanisms:

(i) Placement in a separate nonbuilding tract owned in common by all lots within the subdivision; or

(ii) Covered by a protective easement or public or private land trust dedication which protects at least the minimum required cluster reserve area specified in the underlying zone district; or

(iii) Preserved through an appropriate permanent protective mechanism that provides the same level of permanent protection as subsection (2)(b)(i) of this section as determined by
Exhibit B – Removal of "Lake Whatcom watershed" reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735

the county zoning administrator or hearing examiner which applies to at least the minimum required cluster reserve area specified in the underlying zone district.

(c) The boundaries of the open space portion of the reserve area may be altered only if the county finds that in dedicating adjacent reserve areas it would further the objectives listed in WCC 20.71.350 by altering the reserve area and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in open space reserve area.

(d) The purpose of the open space reserve area as defined in subsection (1) of this section shall be recorded on the face of the final plat or short plat.

(e) The remaining unused development density and/or impervious surface allowances remaining on the parcel containing the open space reserve area, based on the gross density of the parent parcel, may be assigned to that portion of the reserve tract not subject to the minimum area requirements of subsection (2)(b) of this section. The density shall be recorded on the face of the final plat or short plat. The development rights assigned to the reserve tract in accordance with this subsection may not be transferred if the pervious surface area associated with the reserve tract has been transferred to the other building lots within the subdivision.

(f) The requirements stated in subsections (2)(c) and (d) of this section shall be recorded as a restriction on the face of the final plat or short plat, and shall constitute an agreement between Whatcom County and the current/future owner(s) of record that shall run with the land. Said restriction(s) may be amended by mutual agreement between said parties after review for consistency and compliance with the official Whatcom County Zoning Ordinance, the Whatcom County Subdivision Ordinance, and the Whatcom County Comprehensive Plan.


20.71.400 Building setback/buffer areas.

.401 Setbacks for all properties within the overlay district shall be as follows: Class I and Class II roads shall have a minimum setback of 30 feet; and Class III, IV and V roads shall have a minimum setback of 20 feet; provided, that the road right-of-way meets the minimum standard for road rights-of-way pursuant to the Whatcom County Development Standards.

.402 Roof overhangs or other overhanging architectural features shall not project further than 18 inches into the side or rear yard setbacks. Such overhangs may extend three feet into the front yard setback;
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735


20.71.600 Development criteria.

20.71.601 Parking space dimensions.
A standard parking space shall have the rectangular dimensions of 10 feet in width and 20 feet in length; provided, that for any parking area of six or more spaces, 50 percent of all spaces may have the rectangular dimensions of eight feet in width and 15 feet in length; and further provided, that these spaces are marked for use by compact automobiles. Except in single-family residential areas, all dimensions shall be exclusive of driveways, aisles and other circulation areas required under WCC 20.80.560 and 20.80.570. (Ord. 2009-009 Exh. A, 2009; Ord. 2005-085 § 1, 2005; Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 2003-032 Exh. A, 2003; Ord. 2002-075, 2002; Ord. 2002-034, 2002; Ord. 2001-021 § 1, 2001; Ord. 99-086, 1999).

20.71.602 Parking requirements.
Parking shall conform to the requirements of WCC 20.80.500 through 20.80.590 unless otherwise specified in this section. Minimum parking requirements may be reduced through any of the following methods:

(1) A shared parking agreement has been filed with the county auditor establishing a shared parking lot for land uses with noncompeting hours of operation, or for multitenant retail and commercial facilities; provided, the parking lot is not located further than 700 feet from any of the uses it is intended to serve.

    (a) The minimum required parking in shared facilities shall be based on the land use with the highest parking demand.

    (b) Mixed use developments with similar operating hours may be required to submit a parking demand study to determine if parking can be combined.

(2) A 20 percent reduction may be approved if an establishment is located within 1,000 feet of any regularly scheduled bus stop.

(3) The zoning administrator determines that a reduced requirement will reduce overall impervious surfaces while maintaining consistency with this title. (Ord. 2009-009 Exh. A, 2009; Ord. 2005-085 § 1,
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735


20.71.603 Alternative surfacing methods.
Alternative surfaces including, but not limited to, bark or wood mulch, washed gravel, gridlattice systems, permeable interlocking pavers, pervious concrete, porous asphalt, and other similar approved materials are encouraged. Alternative surfacing methods may be approved for fringe or overflow parking areas; emergency parking areas, private roads, fire lanes, road shoulders, bike paths, walkways, patios, driveways, and easement service roads in residential or commercial zones unless site constraints make use of such materials detrimental to water quality. Utilization of alternative surfacing methods shall be subject to review and approval by the Whatcom County public works department, the fire marshal and/or the county ADA coordinator for compliance with other applicable regulations and development standards. Surfaces shall be considered impervious surfaces under WCC 20.71.300 unless the following conditions are met:

(1) Bark, wood mulch, and washed gravel shall be designed and installed so that all rain water falling upon the alternative surface will be infiltrated directly beneath the alternative surface without generating surface runoff based on the one-year, 24-hour storm event.


20.71.604 Vehicular access.
Driveways and curb cuts shall be minimized along all arterial and collector roads. Each existing lot shall be allowed only one driveway or curb cut; adjacent lots are encouraged to share access points. In new developments, lots or leased sites shall be oriented toward internal driveways, parking areas, or roads with limited access to arterial or collector roads. (Ord. 2009-009 Exh. A, 2009; Ord. 2005-085 § 1, 2005; Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 2003-032 Exh. A, 2003; Ord. 2002-075, 2002; Ord. 2002-034, 2002; Ord. 2001-021 § 1, 2001; Ord. 99-086, 1999).

20.71.700 Roads, curbs, gutters and sidewalks.
The intent of this section is to reduce impervious surfaces and stormwater runoff. Innovative street sections, which do not compromise public safety, shall be encouraged in the watershed. Narrow streets and reduced sidewalk standards that satisfy pedestrian and vehicular circulation requirements may be implemented with the approval of the Whatcom County public works department. Unless specifically
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735


20.80.635 Stormwater special districts.
(1) Whatcom County shall establish the following geographical areas as stormwater special districts:

(a) Drayton Harbor watershed.

(b) Lake-Whatcom watershed.

(e) Lake Samish watershed.

(d) (c) Birch Bay watershed.

(e) (d) Lake Padden watershed.


20.80.636 Stormwater special district requirements.
In areas designated as stormwater special districts (per WCC 20.80.635), permanent on-site stormwater quality and quantity facilities shall be required on all lots less than five acres in size for projects that meet either of the following criteria:

(1) New construction or remodels that increase impervious surfaces by more than 500 square feet; or

(2) Renovation projects where the estimated cost of the work exceeds 50 percent of the assessed value of the existing structure. Interior remodels, nonpolluting roof replacements, house maintenance and energy upgrades shall be exempt from this requirement.

If stormwater quality and quantity facilities are required based on either of these criteria, the provisions of the Whatcom County Development Standards, Chapter 2, Section 221, shall apply to the entire property, unless it can be demonstrated that off-site facilities would provide better treatment, or unless common detention and water quality facilities meeting the standards of the 1995 Whatcom County Development Standards or the 1992 Department of Ecology Stormwater Management Manual for the Puget Sound
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735


20.80.735 Water resource special management areas.
The purpose of a water resource special management area is to establish a more stringent standard for clearing activity in highly valued water resource areas, environmentally sensitive areas, or areas where natural conditions are so unstable that clearing activity in the areas can result in hazardous conditions. Implementation of best management practices, including phased clearing, tree retention and seasonal clearing limitations, is intended to limit the amount of exposed soils on site that are susceptible to erosion at any one time, thereby improving site stability during development and reducing potential for transport of dissolved pollutants and sediments off site. Preservation of existing trees on site also reduces the quantity and maintains the quality of stormwater leaving a site during and after development activities by encouraging interception, infiltration and evapotranspiration of rainfall and surface runoff.

Whatcom County shall establish the following geographic areas as water resource special management areas:

• Lake Whatcom watershed;
• Drayton Harbor watershed;
• Lake Padden watershed;
• Lake Samish watershed; and
• Birch Bay watershed.

(1) Water Resource Special Management Area Review Thresholds. County review and approval shall be required for clearing activities which exceed the following thresholds. If the clearing activity does not meet the threshold criteria, county review is not required. However, the owner is still subject to, and must comply with, the minimum requirements established in this chapter and in the Whatcom County Development Standards.

(a) Lake Whatcom, Lake Samish and Lake Padden Watersheds. County review and approval shall be required for all clearing activities associated with a fill and grade permit, building permit or other
development proposal. Clearing activities which are not associated with a development permit shall require county review if they are:

(i) Five thousand square feet or greater during the dry season, June 1st through September 30th; or

(ii) Five hundred square feet or greater during the wet season, October 1st through May 31st.

(2) Within water resource special management areas, clearing activity must conform to the following conditions:

(a) Temporary erosion and sediment control shall be installed and inspected prior to any clearing activity. The technical administrator shall conduct periodic inspections to ensure the integrity of temporary erosion and sediment controls. Temporary erosion and sediment control measures include, but are not limited to, installation of silt fencing, installation of check dams, covering of excavation piles, and mulching of exposed soils, as specified in the Whatcom County Development Standards.

(b) Phased Clearing. Construction activities and clearing activities shall be phased to limit the amount of exposed soil that occurs at any one time, if determined to be appropriate by the technical administrator, based on site characteristics or constraints including, but not limited to, slopes, proximity to shorelines and wetlands. A phased clearing plan may be required. A phased clearing plan, if required, shall be submitted for review and approval by the technical administrator prior to any clearing activity and shall contain a detailed construction schedule or timeline.

(c) Soil Stabilization. All disturbed areas shall be provided with soil stabilization within two days of the time of disturbance. The technical administrator may approve an exemption to this requirement when a tree canopy area retention plan includes a soil stabilization plan. This plan component must specifically detail erosion and sediment control and stormwater runoff measures that provide runoff control equal to or greater than the protection provided by the standard two-day soil stabilization requirements of this section.

(d) Tree Canopy Area Retention. In the Lake Whatcom, Lake Samish and Lake Padden watersheds, in addition to compliance with all other requirements of this title and other titles of the Whatcom County Code, clearing activities on any lot or parcel, with the exception of nonconversion forest practices occurring on lands platted after January 1, 1960, shall comply with the following provisions:

(i) Existing tree canopy areas, as defined by the dripline of the tree(s), may be removed for purposes of a building site, driveways, parking areas, and areas to be landscaped, but such
Exhibit B – Removal of "Lake Whatcom watershed" reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735

areas shall not exceed a cumulative total of 5,000 square feet or 35 percent of the existing tree canopy area, whichever is greater.

(ii) The following criteria shall be used to determine which tree canopy areas are to be prioritized for retention:

(A) Stands of mature native trees;

(B) Trees on sensitive slopes, on lands classified as having landslide hazards, or high erosion hazards, as defined under the critical areas ordinance;

(C) Trees within critical areas or their associated setback and/or buffer areas as defined under WCC Titl 16 or 23; or

(D) Trees with significant habitat value as identified by a qualified wildlife biologist or by the technical administrator, per WCC Title 16.

(iii) Existing trees and vegetation may be used to meet all or part of the landscaping requirements of this title.

(iv) The county shall require that tree canopy areas to be retained are identified on a site plan and clearly flagged, or delineated, on the site. A tree canopy area retention plan must accompany a project or clearing permit application and be approved by the technical administrator before clearing activity takes place. The plan shall contain the following components:

(A) A scaled drawing identifying the following:

1. North arrow;

2. Property boundaries;

3. Existing structures;

4. Site access;

5. Tree canopy areas to be removed;

6. The outer dripline of tree canopy areas to be retained;

7. Critical areas including, but not limited to, slopes, wetlands, and habitat conservation areas;
8. Protection measures to be utilized for areas that will be undisturbed; and

9. Areas to be replanted pursuant to subsection (2)(d)(vii) of this section;

(B) A planting schedule that indicates the time frame for replanting of trees as applicable; and

(C) Provisions for maintenance and monitoring.

(v) Prior to any clearing activity or development activity, any tree canopy area designated for retention shall be delineated by temporary fencing, tape, or other indicators around the outer dripline of the trees. Temporary fencing, tape, or other indicators shall be clearly visible and shall be maintained for the duration of the proposed clearing or development activity. Any tree canopy areas designated for retention shall be field verified by the technical administrator before clearing activities begin. Trees within canopy areas designated for retention shall not be damaged by clearing, excavation, ground surface level changes, soil compaction, or any other activities that may cause damage to roots or trunks. Machinery, impervious surfaces, fill and storage of construction materials shall be kept outside of the dripline of the tree canopy areas designated for retention.

(vi) Tree canopy areas may be removed when limited to those canopy areas affected under the following circumstances:

(A) Fire prevention methods when supported by the county fire marshal;

(B) Hazard trees, as defined in Chapter 20.97 WCC, are identified (an evaluation and determination by a licensed arborist or forester may be required);

(C) Encroachments where the trunk, branches or roots would be, or are, in contact with main or accessory structures; or

(D) Where installation and/or maintenance of roads or utilities would unavoidably require removal or cutting through the root system.

(vii) In the event that tree canopy areas in excess of the applicable threshold must be removed to facilitate reasonable use of the site, or to eliminate hazard trees, not less than two replacement trees shall be planted for every tree removed. Replacement trees shall:

(A) Be of the same, or similar, native species as those trees removed from site;

(B) Be planted to re-establish tree clusters where they previously existed, or to enhance protected tree clusters;
(C) Be planted in locations appropriate to the species' growth habitat and horticultural requirements; and

(D) Be located away from areas where damage is likely.

(viii) If any trees within canopy areas designated for retention are damaged or destroyed through the fault of the applicant, agent or successor, the applicant, their agent or successor shall restore the site pursuant to a restoration plan approved by the county.

(ix) The county may require a bond or other security in an amount not to exceed 125 percent of the merchantable timber to guarantee retention of existing trees within designated canopy areas during construction. In the event of a dispute between the landowner and the county over the established value, an assessment will be made by a professional forester or arborist whose selection will be made by mutual agreement between the county and the landowner. The fee for the services of the professional forester or arborist shall be paid by the landowner or responsible party. In the event any trees designated to be retained are removed, the county shall require that sufficient trees be re-planted to replace those previously in existence. In the event that replanting does not occur, the county may enforce upon any bond posted. Each tree removed or destroyed shall constitute a separate violation.

(e) Seasonal Clearing Activity Limitations. In the Lake Whatcom, Lake Samish and Lake Padden watersheds, clearing activity, as defined in WCC 20.97.054, that will result in exposed soils exceeding 500 square feet shall not be permitted from October 1st through May 31st; provided, that:

(i) In addition to the clearing activities exempted under WCC 20.80.733, the zoning administrator may approve an exemption to this requirement for the following activities:

(A) Routine maintenance and repair of erosion and sediment control measures;

(B) Activities located at or waterward of the ordinary high water mark subject to state, federal, and/or local (per Chapter 16.16 WCC and/or WCC Title 23) conditions of approval requiring commencement of clearing activity during the wet season, as defined in subsection (1)(a)(ii) of this section, for purposes of minimizing surface water disturbance and site inundation by high water or wave action;

(C) Activities necessary to address an emergency that presents an unanticipated and imminent threat to public health, safety or the environment that requires immediate action within a time too short to allow full compliance with this section. Upon abatement of the emergency situation, the clearing activity shall be reviewed for consistency with this chapter and may be subject to additional permit requirements; provided, that the
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735

applicant shall make a reasonable attempt to contact the zoning administrator prior to the activity. When prior notice is not feasible, notification of the action shall be submitted to the zoning administrator as soon as the emergency is addressed and no later than two business days following such action. Emergency construction does not include development of new permanent protective structures where none previously existed.

(ii) To ensure compliance with subsection (2)(e) of this section, Whatcom County planning and development services shall not issue development permits requiring more than 500 square feet of land disturbance located within the Lake Whatcom, Lake Samish or Lake Padden watersheds within two weeks prior to the watershed seasonal closure on October 1st.

(iii) Soil disturbance associated with an exempt clearing activity shall be minimized to the maximum extent practicable. The zoning administrator shall have the authority to condition an exempt activity to ensure that temporary erosion and sediment control measures will be implemented.

(iv) An exemption from the seasonal land clearing requirements of this section does not grant authorization for any work to be done in a manner that does not comply with other provisions of this chapter or other applicable development regulations.

(f) One Hundred Fifty Percent Violation Fines. When a violation occurs in an area designated as a water resource special management area the total fine assessment shall be increased to 150 percent of the standard penalty as provided for in Chapter 20.94 WCC, Enforcement and Penalties.

EXHIBIT C-Proposed definitions for WCC 20.97

**Current Stormwater Manual**- The Washington State Department of Ecology (WSDOE) Stormwater Management Manual for Western Washington edition that is in effect on the date that the County receives a complete application for the project, work, or activity.

**Demonstrative BMPs**- Those BMPs that do not otherwise qualify as presumptive.

**Development stormwater**- Stormwater that results from non-native vegetated areas.

**Development runoff**- Runoff that results from non-native vegetated areas.

**Development stormwater runoff**- Stormwater runoff that originates from non-native vegetated areas.

**Engineered design**- A design performed, and/or supervised, by a Washington State licensed professional engineer.

**Forested Area** – The area encompassed by the tree canopy and any native vegetation that occurs within the boundaries of the tree canopy.

**Hazard Tree** -- Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.

**Interflow**- The portion of precipitation that infiltrates into the soil and moves laterally through the upper soil horizons until intercepted by a stream channel or until it returns to the surface, e.g., in a roadside ditch, a wetland, a spring, or a seep. Interflow is a function of the soil system depth, permeability, and water-holding capacity.

**Land disturbing activity**- Activity that results in a movement of earth or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

**May**- Permissive action.

**Native Vegetation** – Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been
EXHIBIT C-Proposed definitions for WCC 20.97

expected to naturally occur on the site. Examples include trees such as Douglas Fir, Western Hemlock, Western Red Cedar, Alder, Big-leaf Maple, and Vine Maple; shrubs such as willow, elderberry, salmonberry and salal; and herbaceous plants such as sword fern, foam flower, and fire weed. (From Department of Ecology Stormwater Manual)

**Natural runoff**- Runoff that originates from native vegetated areas.

**Natural stormwater**- Stormwater that originates from native vegetated areas.

**Natural stormwater runoff**- Stormwater runoff that originates from native vegetated areas.

**Net land area disturbed**- The quantity of disturbed native vegetated land area minus the quantity of any non-native vegetated land area converted to native vegetation by a proposed project, work, or activity.

**Net new impervious surface area**- The quantity of new minus the quantity of any existing impervious surface area converted to native vegetation by a proposed project, work, or activity.

**Net new permeable pavement areas**- The quantity of new permeable pavement area minus the quantity of any existing permeable pavement area converted to native vegetation by a proposed project, work, or activity.

**Net replaced impervious surface area**- The quantity of replaced impervious surface area minus the quantity of any existing impervious surface area converted to native vegetation by a proposed project, work, or activity.

**Net replaced permeable pavement areas**- The quantity of replaced permeable pavement area minus the quantity of any existing permeable pavement area converted to native vegetation by a proposed project, work, or activity.

**Permeable pavement**- Pervious concrete, porous asphalt, permeable pavers, or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

**Phosphorus-mitigated**- Areas where the development stormwater runoff phosphorus loading profile does not exceed the corresponding natural stormwater runoff phosphorus loading profile.
EXHIBIT C-Proposed definitions for WCC 20.97

**Phosphorus neutral**- Areas where the development stormwater runoff phosphorus loading profile does not exceed the natural stormwater runoff phosphorus loading profile from that area.

**Phosphorus-unmitigated**- Areas where the development stormwater runoff phosphorus loading profile exceeds the corresponding natural stormwater runoff phosphorus loading profile.

**Presumptive BMPs**- Those BMPs that will require no additional development stormwater runoff flow control or treatment per current Stormwater Manual declaration once physically established in compliance with all current Stormwater Manual criteria.

**Replaced impervious surface** – For structures, the removal and replacement of impervious surfaces down to the foundation. For other impervious surfaces, the removal down to bare soil or base course and replacement. (From Draft 2012 DOE Stormwater Manual)

**Replaced impervious surface area**- For structures, the removal and replacement of impervious surfaces down to the foundation. For other impervious surfaces, the removal down to bare soil or base course and replacement.

**Replaced permeable pavement area**- The removal and replacement of permeable pavement areas down to bare soil or base course and replacement.

**Runoff**- The portion of precipitation that does not evaporate or naturally percolate into the ground, but flows via one or more of the following means:
- surface or overland flow,
- interflow,
- shallow ground water,
  - into one or more of the following:
- stormwater drainage facilities,
- defined surface waterbodies (e.g., rivers, streams, creeks, sloughs, ponds, lakes),
- springs,
- seeps,
- wetlands

**Shall**- Mandatory action.

**Should**- Recommended action, but not mandatory or required.
**EXHIBIT C - Proposed definitions for WCC 20.97**

**Stormwater.** The portion of precipitation that does not evaporate or naturally percolate into the ground, but flows via one or more of the following means:
- surface or overland flow,
- interflow,
- pipes and other features of a stormwater drainage system,
  into one or more of the following:
  - defined surface waterbodies (e.g., rivers, streams, creeks, sloughs, ponds, lakes),
  - constructed infiltration facilities.

**Stormwater runoff.** The portion of precipitation that does not evaporate or naturally percolate into the ground, but flows via one or more of the following means:
- surface or overland flow,
- interflow,
- shallow ground water,
- pipes and other features of a stormwater drainage system,
  into one or more of the following:
  - defined surface waterbodies (e.g., rivers, streams, creeks, sloughs, ponds, lakes),
  - springs,
  - seeps,
  - wetlands.
Exhibit D  General Comparison Between Current Lake Whatcom Regulations and Proposed Amendments

Current Minimum Stormwater Standards in Lake Whatcom

Stormwater management in the watershed has traditionally taken a preventive approach to the protection of Lake Whatcom. For example, tree canopy retention and maximum impervious surface limits in existing code are regulatory measures focused on preventing the potential impacts.

Clearing Thresholds
- Up to 3,000 sqft without a permit, until 35% is cleared
- Seasonal Closure Oct. 1 – May 31

Impervious Surface Limits (WCC 20.71.302)
- In the Rural (R) zone, impervious surface and structures limited to 10% of the parcel.
- In the Urban Residential (UR) and Rural Residential (RR) zones, impervious surface and structures limited to 20% of the lot or parcel.
  (i) Where the above cannot be achieved, this section allows 2,500 square feet of total impervious surface area.

Vegetation Retention (WCC 20.80.735 2 (d)(1))
- All parcels can clear up to a cumulative 35% or 5,000 square feet of the existing tree canopy, whichever is greater. For parcels 2-5 acres, the remaining canopy must be retained and managed as a Protected Native Growth Area (PNGA).

Stormwater Treatment (WCC 20.80.636)
- Permanent on-site stormwater quality and quantity facilities shall be required on all lots less than five acres in size for projects that meet either of the following criteria:
  - (a) A land disturbing activity of more than 5000 square feet of land, and/or
  - (b) Creates or adds more than 500 square feet of impervious surface or pervious pavement
  - (c) Creates a subdivision or short subdivision resulting in parcels less than 22,000 square feet

If one or more of the new thresholds are met, one of the following three options for treatment of stormwater may be utilized (Only the development activity that is applied for must meet the new stormwater standards).

Record and Maintenance (WCC Development Standards Ch. 2, Section 231)
- Site Plan Covenant for onsite stormwater systems
- Site Plan Covenant and maintenance for Protective Native Growth Area

Planning Commission Recommended Standards

The proposed code takes a more managed approach to the protection of Lake Whatcom. For example, the proposed code would eliminate tree retention requirements on many parcels, but would require an engineered stormwater system to prevent phosphorus runoff. While the "managed" approach provides less regulatory restrictions, the more the site is changed from a native vegetated condition, the greater the cost of the stormwater system.

Clearing Thresholds
- Up to 5,000 sqft without a permit
- Seasonal Closure Oct. 1 – May 31

Impervious Surface Limits - None

Vegetation Retention - None
  - (i) No automatic clearing restriction. If selected, the stormwater dispersion option below may limit clearing area.

Stormwater Treatment (WCC 20.51.420 1 (a), (b), (c))
  - New thresholds trigger stormwater review and treatment options:
    (a) A land disturbing activity of more than 5000 square feet of land, and/or
    (b) Creates or adds more than 500 square feet of impervious surface or pervious pavement
    (c) Replaces more than 1,500 square feet of impervious surface or pervious pavement
    (d) Creates a subdivision or short subdivision resulting in parcels less than 22,000 square feet

If one or more of the new thresholds are met, one of the following three options for treatment of stormwater may be utilized (Only the development activity that is applied for must meet the new stormwater standards).

Record and Maintenance - None
EXHIBIT E  CODE AMENDMENTS TO WCC 20.51 FOR NATURAL
RESOURCE COMMITTEE DISCUSSION MAY 7, 2013

- Modifying the code references to reflect the 2012 Stormwater
Management Manual for Western Washington instead of the 2005
edition as currently written.

CHANGE 1

These changes reference the
2012 Ecology
Storm Water
Management
Manual, rather
than the 2005
Manual that was
in effect when
code was
written.

20.51.420(2)

(c) Presumptive BMPs (per WCC 20.97 definition). Presumptive
BMPs, which are combinable with each other and with
demonstrative BMPs, follow:

1. Full infiltration. See current-the 2012 Stormwater
Management Manual for Western Washington (per WCC 20.97
definition) BMP T5.10A Volume III Section 3.1.1. Volume III
Chapter III Section 3.3.9(A). Use of this BMP may requires
an engineered design (per WCC 20.97 definition).

2. Full dispersion:
   i. See current-the 2012 Stormwater Management Manual for
Western Washington Volume V Chapter 5 BMP T5.30.
This BMP might, but does not necessarily, require an
engineered design. See current-the 2012 Stormwater
Management Manual for Western Washington Volume V,
Chapter 5, pages 5-30 through 5-38 for further design
requirements and infeasibility criteria.Volume I Chapter 3
page 3-1 to determine need for an engineered design.

ii. See current Stormwater Manual-Volume III Appendix C
paragraph 7.2.1. Use of this BMP requires an engineered
design. If impervious surface areas exceed 10% of the
site, those excess impervious surface areas shall not drain
to the native vegetation area. The excess impervious
surface areas are subject to the treatment and flow
control requirements of WCC 20.51.420(2)(a)(1), and/or
WCC 20.51.420(2)(a)2.i, and/or WCC
20.51.420(2)(a)2.iii, and/or WCC 20.51.420(2)(a)(3).

iii. See current Stormwater Manual Volume III Appendix C
paragraph 7.2.2. Use of this BMP requires an engineered
design.

3. Flow dispersion and infiltration. See current Stormwater
Manual Volume III Appendix C paragraph 7.2.4. Use of
this BMP requires an engineered design. This BMP, which
is primarily used for road projects, is adaptable to
residential projects where Type A Outwash Soils already
exist, and/or are imported and established per the stated
criteria.

(d) Demonstrative BMPs (per WCC 20.97 definition). Demonstrative
BMPs, which are combinable with each other and with
presumptive BMPs, use engineered designs that, once
constructed or installed, and presuming that system preservation activities occur as prescribed by the design engineer, will satisfy current the 2012 Stormwater Management Manual for Western Washington Minimum Requirements numbers 3 — 8 and 10 through 9, disregarding any Minimum Requirement applicability thresholds therein, while also conforming to at least one of the following:

- Changes to remain consistent with existing stormwater recording requirements of Whatcom County Development Standards, Chapter 2, Section 221, and to meet new NPDES permit requirements.

CHANGE 2

20.51.420

(3) System Recording, Protection, and Maintenance.
A declaration of covenant shall be recorded for each property where permanent stormwater BMPs exist. The covenant is used to protect the stormwater management facilities from cover by structures or impervious material, soil compaction, and damage by soil removal and grade alteration. A draft of the proposed covenant must be reviewed and approved by Whatcom County prior to recording. All required covenants must be recorded prior to final permit issuance for the proposed project.

(a) Notice on Title: For all permanent stormwater facilities, the type of stormwater system and location shall be recorded with the County Auditor real estate records in a format similar to the recording documents in Whatcom County Development Standards, Chapter 2, Section 221. The recording document provides notice to future owners of the presence of stormwater system on the lot, and shall contain,

(i) A site plan to scale, showing the location and descriptions of stormwater facilities, treatment BMPs, terrain features, Protective Native Growth Areas, and stormwater flowpaths,
(ii) Notice of the property owner’s responsibility to retain, uphold, and protect the devices, features, pathways, Protective Native Growth Areas, and operate and maintain BMPs at the owner’s expense.

(b) Protected Native Growth Area (PNGA): For projects that utilize dispersion for their stormwater system, a Protected Native Growth Area covenant shall be required to meet the following criteria:

(i) Include native plant species including, but not limited to, those on approved lists provided by Whatcom County common to this region,
(ii) Described in the recorded documents as “a Protected Native Growth Area established for the purposes of dispersing and treating stormwater flows.”
(iii) All vegetation and trees within the PNGA at the time of permit application shall be retained aside from approved timber harvest activities and the removal of hazardous and diseased trees. Hazard trees, as defined in Chapter 20.97 WCC, are identified (an evaluation and determination by an ISA licensed arborist may be required).

(iv) The PNGA can include onsite critical areas and its buffer, allowable uses in the PNGA shall be limited to those specified in WCC 16.16.

(v) When a permit is not required by 20.51.420(1) trees may be removed within a PNGA with a Notice of Activity consistent with 16.16.235, under the following circumstances:

1. Fire prevention methods when supported by the county fire marshal;

2. Hazard trees, as defined in Chapter 20.97 WCC, are identified (an evaluation and determination by a licensed arborist may be required);

3. Encroachments where the trunk, branches or roots would be, or are, in contact with main or accessory structures; or

4. Where installation and/or maintenance of roads or utilities would unavoidably require removal or cutting through the root system.

• Clarification or Clean Up

CHANGE 3
Clarification that land is exempt from building onsite stormwater system at time of platting but not when home is built.

CHANGE 4
Typo

CHANGE 5
Forest Area Preservation is clarified as a Protective Native Growth Area, with applicable sections moved

Exhibit A, Page 13, line 20-
20.51.420(1)(f) Any new parcels created by a proposed subdivision or short subdivision (per WCC 21.10.020(3) definition) if the parcel(s) is/are greater than 22,000 gross square feet in area.

Exhibit A, Page 14, line 12-
20.51.420(2)(a)(1)(iii.) The land area subdivided, and/or,

Exhibit A, Page 15, line 28-
**20.51.430 Forest Area Preservation:**
For the intent and purpose of this chapter, the term "Forest Area" shall refer to the tree canopy and any native vegetation (as defined by the most current version of the Washington State Department of Ecology Stormwater Management Manual for Western Washington) that occurs within the boundaries of the tree canopy. (1) When a permit is not required by 20.51.420(1) tree canopy areas may be removed when limited to those canopy areas affected under the following circumstances:
(1) Fire prevention methods when supported by the county fire marshal;

(2) Hazard trees, as defined in Chapter 20.97 WCC, are identified (an evaluation and determination by a licensed arborist may be required);

(3) Encroachments where the trunk, branches or roots would be, or are, in contact with main or accessory structures; or

(4) Where installation and/or maintenance of roads or utilities would unavoidably require removal or cutting through the root system.

- Changes to meet phosphorus neutral goal

Exhibit A, Page 14, line 17-

20.51.420(2)(b) The development stormwater runoff (per WCC 20.97 definition) phosphorus loading profile from each phosphorus-mitigated area noted in WCC 20.51.420(2)(a)(1) & (2) shall not exceed by a factor of 1.25 the corresponding natural stormwater runoff (per WCC 20.97 definition) phosphorus loading profile from each respective phosphorus-mitigated area.

- Removing small lots from the phosphorus Neutral Standard

Within 20.51.030 Area and Applicability,

“(1) The Lake Whatcom Watershed Overlay District is an overlay zone that covers the entire geographic area of the Lake Whatcom watershed within Whatcom County’s jurisdiction, and applies to all land disturbing or conversion projects, work or activities within the overlay zone, for parcels that are greater than X,XXX square feet. For parcels less than X,XXX square feet, any proposed project shall follow the applicable NPDES standards in WCC 20.630 and in 20.71 Water Resource Protection Overlay, WCC 20.80.635 Stormwater Special Districts, and WCC 20.80.735 Water Resource Special Management Areas.”
### TITLE OF DOCUMENT:
Executive Louws provides an update on EMS contract progress.

### ATTACHMENTS:

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

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:
Executive Louws will provide an update to Council regarding the Emergency Management Services contract progress.

### COMMITTEE ACTION:

### COUNCIL ACTION:

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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).
WHATCOM COUNTY COUNCIL AGENDA BILL

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**TITLE OF DOCUMENT:**
Update from the Commission Against Domestic Violence

**ATTACHMENTS:**
None

**SEPA review required?** ( ) Yes ( ) 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.)
Update from the Commission Against Domestic Violence

**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.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to:
---|---|---|---|---|---
Originator: | | 4/24/2013 | | 5/7/2013 | Finance
Division Head: | | | | |
Dept. Head: | | | | |
Prosecutor: | | | | |
Purchasing/Budget: | | | | |
Executive: | | | | |

TITLE OF DOCUMENT:
Discussion of Internal Audit position

ATTACHMENTS:

SEPA review required? ( ) Yes ( ) NO
SEPA review completed? ( ) Yes ( ) NO
Should Clerk schedule a hearing? ( ) Yes ( ) 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.)
Discussion of Internal Audit position

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.
April 22, 2013

For Your Consideration: Restoration of a Position in Internal Audit

To: Members of County Council; County Executive Jack Louws

Survey of County of Similar Size – Internal Audit

Benton (180,678)   Kitsap (247,600)
Thurston (252,264)  Yakima (243,231)
Whatcom (202,100)

Benton County does not have one.

Kitsap is trying to get one back; currently under proposal. Sample job description supplied.

Thurston lost theirs in budget cuts. They just reorganized to add it back in. New job description supplied.

Yakima does not have one.

Snohomish County, while not in our size group, supplied information and has it assigned to the County Council.

Job descriptions of Kitsap (model based on Snohomish County) and Thurston are attached, as well as the current job description for the Internal Auditor in Whatcom County and our County Code provisions (Chapter 3.09).

Possible areas of involvement (to be determined):

1. Advise departments in assisting with best practices for accounting, procedures and internal controls.
2. Provide risk management assessments to evaluate greatest needs.
3. Conduct compliance audits.
4. Examine and audit financial records and internal controls.
5. Assist with performance reviews.
6. Expand coverage for grant administration and contract management; assist departments in getting expertise in these areas.
7. Develop or have expertise in LEAN processes.
Financial Considerations

Budget costs for such a position in our 2011 budget was $97,907 and for 2012 was $101,045. An additional amount would be needed to cover administrative/supply costs. The Auditor’s office had this funding removed at the end of 2010 from our budget. We have some funding available that we could offer up by eliminating another unfilled position of approximately $50,000 per year (assuming those funds are not required for any other budget adjustments in the future).

Recommendation

I recommend giving full consideration to the restoration of a position for an internal auditor. Questions arise from citizens, departments could benefit from having consultation available, and not having this service available could be considered risky. The stakes are too high in this day and age to be operating without it.

I look forward to setting a time we can meet and discuss this further.

Sincerely,

Debbie Adelstein
County Auditor
CLASSIFICATION SPECIFICATION
ACCOUNTANT/INTERNAL AUDITOR

GENERAL DESCRIPTION

Responsible for independently analyzing, evaluating, and reporting internally on Thurston County's systems of fund accounting, financial record keeping, financial reporting, financial management, financial accountability, and internal financial controls. This position provides highly responsible analytical and systems support, including performance auditing, to the County Auditor, through the Financial Services Manager.

This class specification reflects the general concept and intent of the classification and should not be construed as a detailed statement of all the work requirements that may be inherent in a position.

ESSENTIAL JOB FUNCTIONS

Follows and implements policies, practices and standards for internal auditing as prescribed by various national, state and local regulator agencies.

Develops an annual audit plan which is presented to the Financial Policy Committee. The annual audit plan will include assessing Thurston County's accounting practices and procedures and methods to achieve various efficiencies.

Assists in preparing the County for the external auditing process annually performed by the State Auditor's Office as well as other external audits.

Independently assesses the financial status of the County as well as to make recommendations to enhance and promote its well being. This includes developing and presenting audit reports.

Acts as a County-wide resource for departments and agencies in addressing questions on accounting practices and procedures and internal controls.

Participates as staff to the Financial Policy Committee and various boards as required.

Provides lead efforts for presenting results of Internal Audit Reviews to Financial Policy Committee and various boards as required.

Represents the Auditor's Office before various professional or action committees, public meetings and/or boards to provide information regarding internal audit results as well as other matters.

Performs other duties as assigned.
WORKING CONDITIONS

Work is performed primarily in an office environment. May require visiting various County locations.

QUALIFICATIONS

Bachelor's degree with major course work in accounting.

Three years experience in auditing of financial accounting systems.

DESIRED SKILLS

Certified Internal Auditor (CIA) and/or Certified Public Accountant (CPA).

Professional experience as an internal or external auditor of government accounting systems.

Knowledge of Generally Accepted Accounting Principles (GAAP).

Knowledge of Generally Accepted Auditing Standards (GAAS).

Knowledge and experience working with American Management Systems (AMS) including: Local Government Financial System (LGFS) and Government Human Resource System (GHRS).

Knowledge of various internal auditing standards including; AICPA standards.

Knowledge of governmental accounting standards.

Ability to work cooperatively and diplomatically with department and agency managers and staff.

Ability to work independently with minimum supervision.

Ability to express ideas and convey complex information effectively in written and oral communications.

Ability to analyze data and prepare recommendations for action.

Ability to coordinate and organize a variety of projects with varying deadlines and criteria.

Ability to conduct long range planning.

PC skills including experience utilizing spreadsheets, word processing and other software.

11/93
SNOHOMISH COUNTY EXEMPT JOB DESCRIPTION

INTERNAL AUDITOR

Spec No. 2097

BASIC FUNCTION

To conduct a variety of financial, compliance, performance, operational and program audits of County departments and programs subject to compliance with generally accepted governmental auditing standards and generally accepted accounting principles.

Fulfills the County Council's charter mandate to conduct periodic audits to review the effectiveness and efficiency of programs and operations of agencies and departments in county government.

STATEMENT OF DUTIES

1. Plans, coordinates and conducts a variety of financial, compliance, operational and program audits; proposes audit scope and objectives to the council, and selects appropriate audit methodology; conducts pre-audit surveys, plans audit tasks and conducts the audit.

2. Conducts compliance audits to ensure that departmental and/or program activities are in compliance with administrative, legislative and legal requirements, policies and procedures.

3. Examines and audits financial records and internal controls for the purpose of determining that funds are properly used, that receipts are properly recorded and controlled, and that financial records and statements are complete, accurate and reliable.

4. Examines and studies departmental and/or program operations, policies and procedures in order to evaluate the efficiency and effectiveness of operations, policies, procedures, practices and control mechanisms; may conduct cost/benefit analyses or other studies in order to evaluate program effectiveness in relationship to program goals and objectives.

5. Prepares and submits audit reports detailing audit findings and recommendations.

6. Discusses audit findings and recommendations with elected officials, department heads and departmental staff, as appropriate; may recommend remedial action to correct deficiencies and resolve problems.

7. Liaison and coordinate with external management audit consultants at the request of the County Council.

8. May plan, organize, coordinate and supervise the work of employees assigned to the Internal Audit Division.

9. Prepares the Internal Audit Division Annual budget and develops division performance objectives.

10. Conducts special projects as assigned by the County Council.

11. Presents final audit report to the County Council.
SNOHOMISH COUNTY EXEMPT JOB DESCRIPTION

INTERNAL AUDITOR

Spec No. 2097

STATEMENT OF ESSENTIAL JOB DUTIES (continued)

12. Performs related duties as required.

MINIMUM QUALIFICATIONS

A bachelor's degree in accounting, business or public administration, finance or other field directly related to professional auditing work; PLUS, five (5) years of professional auditing experience which includes experience planning and conducting financial, compliance, operational and program audits in a variety of different operations; OR, any equivalent combination of training and/or experience that provides the required knowledge and abilities. Must pass job related tests.

SPECIAL REQUIREMENTS

A valid State of Washington Drivers License is required for employment. A C.P.A. certificate or an equivalent level of knowledge and experience concerning governmental auditing and accounting. Ability to make presentations to top level officials of a political subdivision.

KNOWLEDGE AND ABILITIES

Knowledge of:

- auditing theory, practices, procedures and methodologies;
- internal and operational control concepts, techniques and relationships;
- federal, state and local laws, rules and regulations governing County government operations;
- the principles and practices of professional accounting;
- governmental auditing standards as established by the Comptroller General of the United States;
- budgetary principles, practices and procedures;
- management information theory and practices including an understanding of the development, purpose, use and maintenance of automated data processing systems;
- hands on experience with personal computers and electronics spreadsheet applications.

Ability to:

- plan and conduct a full range of financial, compliance, operational and program audits of complex organizations and analysis of specific issues;
- plan, coordinate and carryout assigned tasks in a tactful and professional manner;
- analyze financial records, program operations, policies, procedures, and control mechanisms, identify deficiencies and problem areas, and to prepare appropriate recommendations for remedial action;
- read, interpret and apply relevant federal, state and local laws, rules and regulations;
- establish and maintain effective work relationships with elected officials, management staff and other County employees;
- communicate effectively, both orally and in writing;
KNOWLEDGE AND ABILITIES (continued)

Ability to:

- work independently;
- work under pressure and meet required deadlines;
- maintain required records and to prepare clear and concise written reports;
- maintain the confidentiality of data;
- identify recommendations which increase net resources of the county.

SUPERVISION

The employee reports directly to the County Council. The work is performed independent of direct daily supervision and is reviewed through meetings, reports and results obtained. The employee may occasionally supervise auditing task forces composed of employees from other departments.

WORKING CONDITIONS

Usual office environment with field trips to various County operations throughout Snohomish County as necessary.

Class Established: pre-1980  Spec No.  310235
Revised: August 1986; May 1992
EEO Category: 2
Pay Grade: 112
Workers Comp: 5305 Non-Hazardous
WHATCOM COUNTY JOB DESCRIPTION

| POSITION: | Internal Auditor | RANGE: 280 |
| DEPARTMENT: | Auditor | FLSA: E |
| REPORTS TO: | Auditor | EEO: 2 |

SUMMARY
Coordinates, assists in planning, and conducts County wide internal audits consisting of special projects and financial, compliance, operational, program, and management audits and performance measures. Organizes, coordinates and facilitates the efforts of diverse individuals, groups and agencies, as assigned. Coordinates the collection, development and analysis of data and other information. Examines all personnel, funds, programs, records, and activities affected to assure compliance with federal, state or county laws, ordinances, rules and regulations and accepted internal controls. Develops, implements, analyzes and recommends policies and methods of solving operational deficiencies identified through audits. Assists management and other staff, as directed.

ESSENTIAL JOB DUTIES
Coordinates, assists in planning and performs audits for the Internal Audit Program under the direction of the County Auditor and Chief Deputy. Develops testing and sampling techniques. Determines scope, develops plans and methodologies, schedules and conducts County wide financial, operational, compliance, program and management audits and performance measures pertaining to each department or function being audited which can be incorporated into the County’s budget.

Interacts and communicates with Elected Officials, Department Heads, Supervisors, staff, County Committees, taxpayers, vendors and contractors. Maintains effective relationships.

Researches, retrieves, updates and analyzes complex information and data. Formulates recommendations anticipating possible ramifications and appropriately communicates significance of findings.

Plans, conducts, facilitates and presents at various types of meetings, including public meetings, as assigned.

Examines and analyzes operations, accounting systems, records, budgets and appropriate usage of automated data processing.

Examines receipts, deposits, bank reconciliation’s, and other records to assure proper application of funds and to determine if standard accounting practices are followed.

Examines claims and expenditure records to assure proper payment and classification of expenses, and to determine if standard accounting practices are followed.

Examines fixed assets, expendable supplies, cash, postage, keys, and signature facsimile devices and accompanying records and controls.

Reviews liability under and compliance with federal, state, and county laws, ordinances, rules and regulations.
Examines, analyzes and recommends controls for prevention and detection of internal abuse or misuse of funds, assets or supplies.

Reviews operations to assure compliance with county policies and procedures and recommends changes to enhance operational and organizational efficiencies. Reviews departmental and county-wide policies and procedures for effectiveness and compliance with laws, ordinances, rules, and regulations and makes recommendations as needed to identify and assist departments with compliance, increasing efficiencies and in order to meet internal controls.

Documents findings, maintains files and prepares audit reports with supporting conclusions and recommendations for the Auditor, County Council, County Executive, other Elected Officials and Department Heads.

Prepares annual report including a summary of projects completed for the year, highlights of the projects completed and a summary of projects in process.

Reviews corrective action plans and provides assistance as appropriate to ensure implementation of audit recommendations.

Conducts special projects, as assigned.

ADDITIONAL JOB DUTIES
Verifies the county’s financial reports on an established schedule.

Researches federal, state and local changes as appropriate to maintain current knowledge of relevant policies and requirements in order to provide technical assistance to county staff.

Assists with coordinating external audits and responses to audit findings, as assigned.

Plans and monitors county external audit budget.

Trains and works closely with temporary and other staff, as assigned.

Assists with the creation or updating of internal audit policies, procedures, tasks, workflows and systems, as assigned.

Performs other duties as assigned.

QUALIFICATIONS
Bachelor’s Degree in accounting, finance, business, public administration or a closely related field AND four years of progressively responsible experience in planning and conducting financial and operational audits.

Two years of experience auditing governmental, non-profit or quasi-governmental organizations, including working with the Single Audit Act or other governmental auditing standards is preferred.

Requires knowledge of:
The field of assignment sufficient to perform thoroughly and accurately the full scope of responsibility as illustrated by example in this job description.
Principles of planning, time management, project coordination, group dynamics, and program and process evaluation.

Principles, practices and procedures of effective public or business administration, local government operations, general accounting, fund accounting, inventory control and budgeting.

Governmental accounting (including BARS), management theory, internal controls, administrative systems, qualitative and quantitative analysis and fiscal management.

Generally accepted auditing standards, techniques and practices as applied to governmental programs and operations.

Management information theory and practices and an understanding of the development, use and maintenance of automated data processing systems.

Computer operation and a variety of office software including word processing, spreadsheet and database applications.

Safety precautions, practices and procedures applicable to the area of assignment.

Requires ability to:

- Plan, coordinate, organize and schedule programs, processes and services. Prepare, research, analyze, administer and change plans, policies and work programs as necessary. Conduct comprehensive financial, operational, program, compliance and management audits.

- Maintain appropriate level of confidentiality on all matters.

- Use tact, discretion, persuasion, diplomacy, respect and courtesy to gain the cooperation and commitment of others and establish and maintain effective working relationships and rapport with County Council, County Executive, public officials, department heads, co-workers, employees, representatives of other agencies or entities and diverse members of the public.

- Listen attentively and communicate effectively, both orally and in writing, with individuals and groups in clear, concise language appropriate for the purpose and parties addressed, including facilitating groups and preparing and making technical and/or public presentations on audit findings which can be understood by non-technical listeners or readers, and preparing thorough and substantive reports of findings and recommendations for corrective action.

- Fulfill the commitment of the County to provide outstanding public, intra- and inter-departmental customer service.

- Maintain a high level of personal and professional integrity and honesty.

- Research, read, understand, interpret, analyze and apply appropriately the terminology, instructions, policies, procedures, legal requirements and relevant federal, state or county laws, ordinances, rules and regulations.
Organize, prioritize and coordinate work projects, plans and assignments. Be attentive to detail, maintain a high degree of accuracy and recognize, resolve and correct discrepancies in data or information. Work effectively in a multi-task environment. Take appropriate initiative. Apply good judgement, creativity and logical thinking to obtain potential solutions to problems within the scope of knowledge and authority or refer to the appropriate source. Develop ways to improve and promote efficient work methods.

Initiate, compile, compose and/or edit correspondence, records, narrative, statistical and financial reports and other applicable documents and assure all pertinent information from appropriate sources is included and accurate.

Proficiently operate office equipment standard to the area of assignment.

Maintain current knowledge for assigned areas and adapt to new technologies, keeping technical skills up-to-date and using technology to increase productivity.

Understand and apply professionally accepted auditing standards.

Work independently and cooperatively as a team.

SPECIAL REQUIREMENTS
A current Certified Public Accountant (CPA), Certified Internal Auditor (CIA) or Certified Management Accountant (CMA) is preferred.

Must have a driving record that meets County standards and possess a valid driver’s license at time of hire and throughout employment.

Background check must meet County criteria.

WORKING CONDITIONS
Work is primarily performed in an office or meeting room setting. May sit or stand for long periods of time. May occasionally carry items weighing up to 50 pounds. Moves throughout the County facilities and drives a motor vehicle. May be required to attend meetings or perform duties outside of normal office hours. Possibility of exposure to hostile and offensive language from the public. Uses appropriate safety equipment and follows established work safety policies, practices and procedures.

The statements contained herein reflect general details as necessary to describe the principal functions of this job, the level of knowledge and skill typically required and the scope of responsibility, but should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas, to cover absences or relief, to equalize peak work periods or otherwise to balance the workload. At its sole discretion, Whatcom County may consider combinations of education, experience, certifications, and training in lieu of specifically required qualifications contained herein.

Whatcom County’s policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, sex, age, national origin, marital status, disability, or veteran status.

Employee Status: This is an FLSA-exempt position and, as such, is not entitled to overtime. The position is also subject to an "employee at will" doctrine.

Signature

Date

1/2/02
Chapter 3.09
INTERNAL AUDIT SYSTEM

Sections:
3.09.010 Creation and purpose.
3.09.020 Administration.
3.09.030 Authority and functions.
3.09.040 Duties.
3.09.050 Timing, frequency and notification.
3.09.060 Reporting of audit results.
3.09.070 Severability.

3.09.010 Creation and purpose.
The purpose of this system is to provide an independent internal audit function to evaluate county programs and services to determine if those operations have been conducted in accordance with state statutes, county council policy, executive orders and financial internal control standards. To provide an effective audit, the internal audit system must be independent of both the operating and accounting departments. (Ord. 93-042 Exh. G).

3.09.020 Administration.
The county auditor shall have full authority and responsibility for the management of the internal audit system while taking direction regarding audit priorities from the county council. (Ord. 93-042 Exh. G).

3.09.030 Authority and functions.
The internal audit system shall be designed to provide audit services in accordance with generally accepted auditing standards. To these ends, all officers and employees of Whatcom County shall furnish information and records that the auditor may request as deemed necessary to further the purposes of this chapter. Such information and records shall be submitted in a timely manner and in such form as the auditor may specify. Internal audit system functions shall include the following elements:

A. Perform an internal operational and/or financial audit of all programs, services and accounts which come under the budgeting authority of the county.

B. Prepare an annual internal audit report for Whatcom County.

C. Representative samples of all claims against county funds may be audited at any time for control purposes. Sample sizes selected should be based on professional auditing standards with a due consideration of the risk factors involved.

D. Establish and maintain procedures for the internal audit function.

E. Perform such other duties as may be required to further the purposes of this chapter. (Ord. 93-042 Exh. G).

3.09.040 Duties.
The county auditor's office shall:

A. Supervise and administer the activities of the internal audit system.
B. Exercise all the powers and perform all the duties prescribed by ordinance with respect to the administration of the internal audit system.

C. Advise the county executive and the county council with respect to matters regarding internal audits conducted.

D. Appoint all officers and employees of the system in accordance with the rules of the county personnel system, and any other applicable laws and regulations.

E. Delegate functions and duties to other officers and employees of the county as deemed necessary to further the purposes of this chapter. Such delegation does not absolve the director of the responsibilities set forth in this chapter. (Ord. 93-042 Exh. G).

3.09.050 Timing, frequency and notification.
The timing and frequency of audits shall be at the discretion of the county auditor with the aim of auditing each program and service of Whatcom County over a five-year cycle. The county auditor shall request specific direction from the county council annually during the budget cycle regarding internal auditing priorities. The county auditor shall make prior arrangements with the head of each department subject to audit before conducting said audit except when fraud or wrongdoing is suspected. (Ord. 93-042 Exh. G).

3.09.060 Reporting of audit results.
Final audit reports on county programs and services shall be made to the county executive and to the county council. In all cases where audit findings are included in the audit report, the county auditor shall provide a reasonable time for review of the preliminary report by the head of the department that is the subject of the audit report. The affected department head shall respond in writing to the county auditor regarding the audit report. The department head shall respond with a corrective action plan directed toward the specific audit findings or in the case of a disagreement, with the reasons for disagreement with the findings in the report. The department head's response shall be included as an addendum to each audit report. (Ord. 93-042 Exh. G).

3.09.070 Severability.
If any provision of this chapter is held to be invalid, the remainder of the chapter shall remain in effect. (Ord. 93-042 Exh. G).
**TITLE OF DOCUMENT:**  Flood Control Zone District 2013 Supplemental Budget Request #2

**ATTACHMENTS:** Resolution, Memoranda and Budget Modification Requests

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>Yes</td>
<td>No</td>
</tr>
</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.)

Supplemental #2 requests funding from the Flood Control Zone District Fund:

1. To appropriate $53,155 to fund Aquatic Invasive Species Inspection Program.

**COMMITTEE ACTION:**

**BOARD OF SUPERVISORS ACTION:**
4/23/2013: Introduced

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.
RESOLUTION NO. 

(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

AMENDMENT NO. 2 OF THE 2013 BUDGET

WHEREAS, the 2013 budget for the Whatcom County Flood Control Zone District and Subzones was adopted November 20, 2012; and,

WHEREAS, changing circumstances require modifications to the approved 2013 budget; and,

WHEREAS, the modifications to the budget have been assembled here for deliberation by the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Flood Control Zone District Board of Supervisors that the 2013 budget as approved in Resolution 2012-035 is hereby amended by adding the following additional amounts to the budgets included therein:

<table>
<thead>
<tr>
<th></th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Control Zone District</td>
<td>53,155</td>
<td></td>
<td>53,155</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of __________________, 2013

WHATCOM COUNTY FCZD
BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Kathy Kershner, Chair of the Board of Supervisors

APPROVED AS TO FORM:

[Signature]

Civil Deputy Prosecutor
<table>
<thead>
<tr>
<th>Flood Control Zone District and Subzones Supplemental #2</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Control Zone District</td>
<td>53,155</td>
<td>-</td>
<td>53,155</td>
</tr>
<tr>
<td>To fund Aquatic Invasive Species Inspection Program.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>53,155</td>
<td>-</td>
<td>53,155</td>
</tr>
</tbody>
</table>
MEMORANDUM

To: Honorable Members of the Whatcom County Council, and
The Honorable Jack Louws, Whatcom County Executive

Through: Frank M. Abart, Director

From: Chris Brueske, P.E., Assistant Director

Date: April 8, 2013

Re: Supplemental Budget Request - 2013 Aquatic Invasive Species Inspection Program

Enclosed for your review and consideration is Supplemental Budget Request ID No. 1482 related to the 2013 Aquatic Invasive Species (AIS) inspection program.

Background and Purpose
The Whatcom County Council is currently considering legislation mandating AIS inspections for watercraft launching on certain Whatcom County water bodies. The attached Supplemental Budget Request establishes Cost Center 169120 to budget and track the costs associated with this program.

Funding Amount and Source
The proposed budget for the AIS inspection program in 2013 is $53,155. Of this amount, $28,155 comes from existing budget authority in the approved 2013 Natural Resources and Noxious Weed budgets, and $25,000 is transferred from the Flood fund balance, as detailed below:

<table>
<thead>
<tr>
<th>Expenditure</th>
<th>Amount</th>
<th>Budget Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.1 FTE of Noxious Weed Coordinator</td>
<td>$8,155</td>
<td>Approved 2013 Noxious Weed and Natural Resource Budgets</td>
</tr>
<tr>
<td>Temporary Extra Help – Lake Whatcom</td>
<td>$20,000</td>
<td>Approved 2013 Noxious Weed and Natural Resources Budgets</td>
</tr>
<tr>
<td>Temporary Extra Help and/or Parks Dept. reimbursement – Lake Samish</td>
<td>$22,000</td>
<td>Transferred in from Flood Fund Balance</td>
</tr>
<tr>
<td>Educational Signs – Lake Samish</td>
<td>$3,000</td>
<td>Transferred in from Flood Fund Balance</td>
</tr>
<tr>
<td>Total 2013 Planned Expenditures</td>
<td>$53,155</td>
<td></td>
</tr>
</tbody>
</table>

The $25,000 from the Flood fund balance has been included in the Supplemental Budget Request to allow inclusion of Lake Samish in the 2013 inspection program.

The fee structure for AIS inspections and permits is included in an amendment to the Unified Fee Schedule forwarded under separate cover. An additional supplemental budget request is anticipated later this year to address budget needs for the 2014 AIS inspection program. Due to uncertainty regarding the amount of revenue that will be generated by fees during 2013, fee revenue collected during 2013 is not included in the table above and will be applied toward the cost of the 2014 inspection program.

Please contact Chris Brueske at extension 50693 if you have any questions or concerns regarding this agreement.
Supplemental Budget Request

Public Works

Noxious Weed

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1482</td>
<td>169</td>
<td>169120</td>
<td>Chris Brueske</td>
</tr>
</tbody>
</table>

Expenditure Type: Ongoing
Year: 2013
Add'l FTE: ✓
Add'l Space: □
Priority: 1

Name of Request: Aquatic Invasive Species (AIS) Inspection Program

Department Head Signature (Required on Hard Copy Submission) 4/8/2013

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>2910.1000</td>
<td>Fund Balance</td>
<td>($53,155)</td>
</tr>
<tr>
<td>6120</td>
<td>Extra Help</td>
<td>$20,000</td>
</tr>
<tr>
<td>6290</td>
<td>Applied Benefits</td>
<td>$2,000</td>
</tr>
<tr>
<td>6320</td>
<td>Office &amp; Op Supplies</td>
<td>$3,000</td>
</tr>
<tr>
<td>6699</td>
<td>Other Services-Interfund</td>
<td>$28,155</td>
</tr>
</tbody>
</table>

Request Total: $0

1a. Description of request:
Funding for full-time seasonal inspectors and additional staff time to perform AIS inspections on boats entering Lake Whatcom and Lake Samish. Fund 0.1 FTE from Noxious Weed to support work performed by Weed Control Coordinator related to AIS.

Reimburse $18,155 to Noxious Weed (cost center 108110) of .1 FTE for Noxious Weed Coordinator's time and one (1) part-time inspector at Lake Whatcom. These funds are part of the approved 2013 Noxious Weed budget. Reimburse $10,000 to Parks Department for one (1) part-time inspector at Lake Samish.

Utilize $3,000 of Flood fund balance for installation of educational signs around Lake Samish. Utilize $22,000 of Flood fund balance for staff time and/or extra seasonal staff to administer inspection program on Lake Samish.

1b. Primary customers:
Citizens of Whatcom County.

2. Problem to be solved:
This program is being conducted in coordination with the City of Bellingham and the Lake Whatcom Water and Sewer District and is intended to reduce the possibility of AIS being introduced into Whatcom County water bodies. AIS such as Zebra mussels and Quagga mussels have the potential to cause serious impacts to water quality, infrastructure, recreation, and aesthetics if they become established in Whatcom County.

3a. Options / Advantages:
The other options considered include (a) not conducting an AIS inspection program and (b) limiting the AIS inspection program only to Lake Whatcom. This supplemental budget request includes funding to include Lake Samish in the 2013 inspection program in order to obtain a higher level of protection of Whatcom County water bodies.

3b. Cost savings:
N/A.

4a. Outcomes:
The outcome of this supplemental budget request will be a functional AIS inspection program for Lake

Monday, April 08, 2013

Rpt: Rpt Suppl Regular
Supplemental Budget Request

<table>
<thead>
<tr>
<th>Public Works</th>
<th>Noxious Weed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fund</strong> 169</td>
<td><strong>Cost Center</strong> 169120</td>
</tr>
</tbody>
</table>

Whatcom and Lake Samish in 2013.

4b. Measures:
Data will be collected on the number of inspections conducted, as well as the number of Whatcom County resident boats vs non-County resident boats.

5a. Other Departments/Agencies:
The Lake Whatcom inspection program is being coordinated with the City of Bellingham and the Lake Whatcom Water and Sewer District. The Lake Samish inspection program will be coordinated with the Whatcom County Parks Department if feasible to increase administrative efficiencies.

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

6. Funding Source:
Flood fund balance. Eventually will be partially supported by fee revenue. Unable to predict the level of fee revenue that will be generated at this time.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to:
----- | ----- | ---- | ------------------------------- | ----------- | ------------
Originator: | bb | 04/12/13 | | | 04/23/13 Intro
Division Head: | | | | | 05/07/13 finance / Council
Dept. Head: | | 04/12/13 | | | 
Prosecutor: | | 04/12/13 | | | 
Purchasing/Budget: | bb | 04/12/13 | | | 
Executive: | | | | | 4/1/13

TITLE OF DOCUMENT:
An Ordinance Authorizing Interfund Loans to Finance Cash Flow for Road Capital Project Budgets

ATTACHMENTS:
Ordinance

SEPA review required? ( ) Yes ( ) NO
SEPA review completed? ( ) Yes ( ) NO
Should Clerk schedule a hearing? ( ) Yes ( ) 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.)

The attached ordinance authorizes the Whatcom County Treasurer for make interfund loans from the County Road Fund to Road Capital Project Funds for up to $1,000,000 for terms up to 2 years.

COMMITTEE ACTION:

COUNCIL ACTION:
4/23/2013: Introduced

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: Brad Bennett, Finance Manager

Date: April 12, 2013

Re: Ordinance Authorizing Interfund Loans to Finance Cash Flow for Road Capital Project Budgets

Multi-year Road Fund capital projects are generally budgeted in capital project funds which improves our ability to budget and account for these projects. Cash flow loans from the Road Fund to a capital project fund maybe necessary if a project is principally funded by grants and the Road Fund contribution to the project is insufficient to provide the funding necessary for cash flow between grant reimbursements or if there is a delay in State or Federal grant reimbursements. The attached ordinance authorizes the County Treasurer to make interfund loans between the County Road Fund and road capital project funds for up to $1,000,000 per project for terms up to 2 years.
ORDINANCE NO.
AN ORDINANCE AUTHORIZING INTERFUND LOANS
TO FINANCE CASH FLOW FOR ROAD CAPITAL PROJECT BUDGETS

WHEREAS, multi-year road capital projects are budgeted in capital project funds to facilitate project accounting and,

WHEREAS, from time to time due to the processing time required to receive grant reimbursements, road capital project funds need a temporary loan for cash-flow purposes; and,

WHEREAS, the Road Fund is the appropriate source to provide cash-flow loans for road capital project funds,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council: The Whatcom County Treasurer is hereby authorized to make inter-fund loans from the County Road Fund to Road Capital Project Funds for cash flow purposes. The loans shall not exceed $1,000,000 per project and shall not be for a term exceeding two years. No interest shall be charged on the loans.

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

Daniel Gibson
Chief Civil Deputy Prosecutor

Jack Louws, Executive
## Settlement Agreement Extending Collective Bargaining Agreement between Whatcom County, WA and Professional & Technical Employees 17 (PTE 17)

### ATTACHMENTS:
- Settlement Agreement with Professional & Technical Employees 17 (PTE 17) regarding extension of Collective Bargaining Agreement

### 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.)


### COMMITTEE ACTION:

### COUNCIL ACTION:

---

**Related County Contract #:** 200805008  
**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](http://www.co.whatcom.wa.us/council).
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Administrative Services – Human Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Administrator:</td>
<td>Wendy Wefer-Clinton</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>Professional &amp; Technical Employees 17 (PTE 17) Collective Bargaining Agreement Extension</td>
</tr>
</tbody>
</table>

**Is this a New Contract?**
Yes [ ] No [x] If not, is this an Amendment or Renewal to an Existing Contract?
Yes [ ] No [ ]
If yes, previous number(s): 200805008

**Is this a grant agreement?**
Yes [ ] No [x]
If yes, grantor agency contract number(s) ____________ CFDA # ____________

**Is this contract grant funded?**
Yes [ ] No [x]
If yes, associated Whatcom County grant contract number(s) ____________

**Is this contract the result of a RFP or Bid process?**
Yes [ ] No [x]
If yes, RFP and Bid number(s) ____________ Cost Center: ____________

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

- [ ] Contract less than $100,000.
- [x] Professional services agreement for certified/licensed professional
- [ ] Work is for less than 120 days
- [ ] Interlocal Agreement (between Govt.)
- [ ] 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)
$ ____________

**This Amendment Amount:**
$ ____________

**Total Amended Amount:**
$ ____________

If a Professional Services Agreement is more than $15,000 or a Bid is more than $35,000, please submit an Agenda Bill for Council approval and a supporting memo. Any amendment that provides either a 10% increase in amount or more than $10,000, whichever is greater, must also go to Council and will need an agenda bill and supporting memo. If less than these thresholds, just submit to Executive with supporting memo for approval.

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

Collective Bargaining Agreement

**Term of Contract:** May 7, 2013

**Expiration Date:** December 31, 2014

---

**Contract Routing Steps & Signoff:**

1. Prepared by **[signature]**  
   Date 4/10/13 [electronic]

2. Attorney reviewed **[signature]**  
   Date 4/11/13 [electronic]

3. AS Finance reviewed  
   Date 4/11/13 [electronic]

4. IT reviewed if it related  
   Date [electronic]

5. Corrections made  
   Date 4/11/13 [electronic] hard copy printed

6. Attorney signoff **[signature]**  
   Date 4/11/13

7. Contractor signed  
   Date

8. Submitted to Exec Office  
   Date 4/25/13 [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
SETTLEMENT AGREEMENT
EXTENDING COLLECTIVE BARGAINING AGREEMENT
BETWEEN
WHATCOM COUNTY, WA
AND
PROFESSIONAL & TECHNICAL EMPLOYEES 17 (PTE 17)

This Settlement Agreement is by and between Whatcom County (hereafter called the County) and Professional & Technical Employees 17, (hereafter called the Union) regarding the Professional & Technical Employees 17 (PTE 17) May 20, 2008 – December 31, 2012 Collective Bargaining Agreement.

The purpose of this Settlement Agreement is to modify and extend the May 20, 2008 – December 31, 2012 Collective Bargaining Agreement in its entirety, except as modified below.

1. Section 23.2. For the Plan Years 2013 and 2014, the County shall fund a Cap Medical plan up to $1,039.50 per month for each eligible employee.
   - Medical Plan Alternatives. In addition to provisions of sections 23.1 and 23.2 a & b, the parties have agreed to the following:
     1. Contributory Cap Plan. For 2013, employees may retain a lower deductible plan of $500 per individual with a maximum deductible of up to $1,500 for families through the payment of a monthly premium. The premium will be in the amount of $100.44 for 2013 coverage via payroll deduction.
        a. 2014 Coverage. Should the County’s Benefit Consultant’s Renewal Projection for 2014 be more than $1,139.50 ($1,039.50 County contribution plus $100.44 employee contribution), modifications to the plan will be made per section 23.2b – Medical Schedule of Benefits. Any amount required to fund the Contributory Cap Plan for 2014 above the County’s contribution of $1,039.50 per month will be paid by employees through payroll deduction.
     2. Cap 2000 Plan – Non-Qualified High Deductible 2013. For 2013 only, employees may elect a non-qualified high deductible plan with $2,000 deductible per individual; with a maximum deductible of up to $6,000 for families. Out-of-pocket maximum (which does not include co-pays and other items not applied to the out-of-pocket maximum) will be $4,000 for individuals with a maximum of up to $12,000 for families. There will be no monthly premium paid by employees.
        a. Non-Qualified High Deductible 2014. The County anticipates the continuation of an employee Non-Qualified High Deductible option as would be constituted/revised following the application of section 23.2b (Medical Schedule of Benefits) with no payroll deductions.
     3. Health Savings Account in conjunction with Cap Plan (QHDHP). Employees participating in the default Cap Plan which will be recognized as a Qualified High Deductible Health Plan (QHDHP) may be enrolled in a Health Savings Account (HSA) if otherwise qualified to have such an account. The County will contribute one-time seed money in 2013 to a voluntary HSA, a total of $1,250 per employee if signing up as an employee only OR $2,500 per employee if also
signing up to cover dependents. Fifty percent (50%) will be contributed in the
month following adoption of this Agreement with the remainder contributed in
equal monthly installments throughout the remaining months in 2013.

a. **Employees who do not elect to participate in the Cap – QHDP in
2013** can elect to participate in the Cap – QHDP offered in 2014 and
will receive the same one-time seed money as outlined above.

b. **Part-time Employees.** Health Savings Account contributions for part-
time employees will be pro-rated based on currently assigned, but not
more than their budgeted FTE.

c. **New Hires.** Employees hired between January 1, 2013 and December
31, 2014 and participating in the default Cap Plan (QHDP), may
receive a County contribution of one-time seed money in 2013 **OR** 2014
to a voluntary HSA, a total of up to $1,000 for an employee signing up
as an employee only **OR** up to $2,000 for an employee if also signing up
to cover dependents. Fifty percent (50%) will be contributed the first
paycheck they are eligible for medical benefits and enrolled in the HSA
with either $45.45 (employee only) **OR** $90.91 (employee plus
dependents) contributed by the County throughout the remaining
months in 2013 **OR** 2014.

d. **Employee HSA Contributions.** Employees participating in the Health
Savings Account are also eligible to contribute to their Whatcom
County Health Savings Account (HSA) through payroll deduction.

4. It is further agreed that in the event any other employees in the County,
represented or unrepresented, excluding binding interest arbitration groups,
should achieve a settlement of CAP medical issues affording employees a
“different deal on medical” the County shall advise the Union of such
settlement and afford the Union an opportunity to bargain regarding the
difference between the medical settlements.

Agreement between Whatcom County and Professional & Technical Employees 17 is
extended through December 31, 2014.

3. **Effective Date.** This Settlement Agreement is effective upon the date it is approved by the
County Council.

<table>
<thead>
<tr>
<th>NAME</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional &amp; Technical Employees 17 (PTE 17)</td>
<td></td>
<td>4/4/13</td>
</tr>
<tr>
<td>Jack Louws County Executive</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date Council Approved: ________________________________

Approved as to Form: ________________________________

Daniel L. Gibson, Assistant Chief Civil Deputy Prosecuting Attorney

Date 04/11/13
**CLEARANCES** | **Initial** | **Date** | **Date Received in Council Office** | **Agenda Date** | **Assigned to:**
--- | --- | --- | --- | --- | ---
Originator: | twh | 4/17/13 | | 5/7/13 | Finance Council
Division Head: | | | | |
Dept. Head: | | | | |
Prosecutor: | dl | 04/29/13 | | |
Purchasing/Budget: | 2/24/13 | | | |
Executive: | | | | |

**TITLE OF DOCUMENT:** Interlocal Agreement between Fire Protection District 7 and Whatcom County

**ATTACHMENTS:**
- Interlocal Agreement
- Cover Memo

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

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

**Should Clerk schedule a hearing?**
( ) Yes ( ) 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.)

Authorizing an interlocal agreement between Fire Protection District 7 and Whatcom County to support the costs associated with paramedic incentive pay and continuing education as approved by the EMS Advisory Board and County Council adopted through Budget Ordinance 2012-048.

**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](http://www.co.whatcom.wa.us/council).*
MEMORANDUM

TO: Whatcom County Council

FROM: Tawni Helms, Administrative Coordinator

RE: Interlocal Agreement for the Provision of Paramedic Services

DATE: April 17, 2013

Enclosed are two (2) originals of an Interlocal Agreement between Whatcom County and Whatcom County Fire Protection District #7 for your review and signature.

▪ Background and Purpose
Whatcom County will support the District in paying for paramedic incentive pay and continuing education for seven (7) paramedics to prepare for the implementation of the 5\textsuperscript{th} Medic unit as called for in the 2005 EMS Plan. Although the 5\textsuperscript{th} Medic Unit implementation has been delayed due to lower than projected call volumes and the need to conserve EMS fund balance, the District needs funding for the increased costs of having 7 paramedics on staff.

On October 4, 2012, the EMS Advisory Board unanimously approved for recommendation to County Council the proposed 2013 budget submitted by Fire Protection District 7.

▪ Funding Amount and Source
Funding was authorized by council approved Ordinance 2012-048 during the 2013-2014 biennium budget process. The fund source is the EMS Fund.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Executive Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Administrator:</td>
<td>Tawni Helms</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Fire Protection District 7</td>
</tr>
</tbody>
</table>

**Is this a New Contract?**
- Yes [X] No [ ]
- If not, is this an Amendment or Renewal to an Existing Contract?
  - Yes [ ] No [X]
  - If yes, previous number(s): ______________________

**Is this a grant agreement?**
- Yes [ ] No [X]
  - If yes, grantor agency contract number(s) __________ CFDA # __________

**Is this contract grant funded?**
- Yes [ ] No [X]
  - If yes, associated Whatcom County grant contract number(s) ______________________

**Is this contract the result of a RFP or Bid process?**
- Yes [ ] No [X]
  - If yes, RFP and Bid number(s) ______________________ Cost Center: __________

**Is this contract excluded from E-Verify?**
- Yes [ ]
- If no, include Attachment D Contractor Declaration Form

If yes, indicate qualified exclusion(s) below:
- Contract less than $100,000.
- Work is for less than 120 days
- [X] Interlocal Agreement (between Govt.)
- 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)
- $117,245

**This Amendment Amount:**
- $________________________

**Total Amended Amount:**
- $________________________

If a Professional Services Agreement is more than $15,000 or a Bid is more than $5,000, please submit an Agenda Bill for Council approval and a supporting memo. Any amendment that provides either a 10% increase in amount or more than $10,000, whichever is greater, must also go to Council and will need an agenda bill and supporting memo. If less than these thresholds, just submit to Executive with supporting memo for approval.

**Scope of Services:** [Insert language from contract (Exhibit A) or summarize; expand space as necessary]
Whatcom County with financial resources from the county emergency Medical (EMS) Fund will support the district in paying for paramedic incentive pay and continuing education for seven (7) paramedics as approved during the 2013-2014 budget process.

**Term of Contract:**
- Expiration Date: 12-31-13

**Contract Routing Steps & Signoff:**
- [sign or initial]
- [indicate date transmitted]

1. Prepared by twh
2. Attorney reviewed Daniel L. Gibson
3. AS Finance reviewed bchenu
4. IT reviewed if IT related
5. Corrections made
6. Attorney signoff Daniel L. Gibson
7. Contractor signed
8. Submitted to Exec Office
9. Council approved (if necessary)
10. Executive signed
11. Contractor Original Returned to dept.
12. County Original to Council

[Last Revised 1/19/12]
INTEROCAL COOPERATION AGREEMENT
BETWEEN FIRE PROTECTION DISTRICT 7 AND WHATCOM COUNTY
FOR THE PROVISION OF PARAMEDIC SERVICES

This “Agreement” is entered into between the COUNTY OF WHATCOM, a municipal subdivision of the State of Washington, (hereinafter referred to as the “County”) and WHATCOM COUNTY FIRE PROTECTION DISTRICT 7, a municipal corporation of the State of Washington, (hereinafter referred to as the “District”) in accordance with the provisions of RCW 39.34. In instances where the District and County will act jointly, they will hereinafter be referred to as the “parties.”

WHEREAS, Whatcom County with financial resources from the County Emergency Medical Services (EMS) Fund will support the District in paying for paramedic incentive pay and continuing education for seven (7) paramedics. The incentive pay and continuing education will prepare for the implementation of the 5th Medic Unit as called for in the 2005 EMS Plan (the Plan).

WHEREAS, the parties have agreed to delay implementation of the 5th Medic Unit as a result of less than projected call volumes as described in the Plan and the need to conserve EMS fund balance for future use. However, the District does need funding for the increased costs of having 7 paramedics on staff.

WHEREAS, in the interim, without adding another unit the District has started answering Advanced Life Support calls, as other duties have allowed, within its own boundaries and surrounding areas when demand requires. The paramedics providing the Advanced Life Support also continue participating in Basic Life Support (BLS) transports. Participation in BLS transports has reduced the call volume pressure on the current Medic One system.

WHEREAS, the parties recognize the advantages to be gained and the services to be provided to the citizens from having paramedics trained and ready for the expansion of Medic One.

NOW, THEREFORE, the parties agree that the County will reimburse the District on a monthly basis for the costs of this paramedic incentive pay and required continuing education.

I. CONTRACTUAL PAYMENT

A. The District will only bill for paramedic expenses actually incurred, limited to a maximum payment under this Agreement as follows:

- Paramedic Incentive Pay: $ 77,245.
- Continuing Education: $ 40,000.

$ 117,245.
Total reimbursement for paramedic incentive pay and continuing education will not exceed: $117,245.

B. The District will submit to the Whatcom County Executive an invoice and supporting documentation to prove expenses incurred. Unless specifically stated above or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the District for any costs or expenses incurred by the District in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the District, no more often than monthly, in accordance with the County’s customary procedures, pursuant to the fee schedule set forth above.

II. TERM

A. This Agreement shall be effective January 1, 2013 as authorized by Council-approved Ordinance 2012-048’s adoption of the 2013 - 2014 Budget, and shall continue through and including December 31, 2013. Costs incurred by the District prior to or after the term of this contract shall be the responsibility of the District and are not compensable under this contract unless both parties hereto agree to such provision in writing. The term of this Agreement may be extended by mutual agreement of the parties; provided, however, that the Agreement is in writing and signed by both parties. The term of this Agreement is effective January 1, 2013 regardless of the date of signature.

B. The parties covenant to work cooperatively and in good faith under the terms and conditions expressed herein until this Agreement is terminated.

C. This Agreement may only be terminated upon the mutual agreement of the parties or upon written notice of termination as set forth above or as otherwise provided herein.

III. ADMINISTRATION OF CONTRACT

A. This Agreement shall be subject to all laws, rules, and regulations of the United States of America, the State of Washington, and political subdivisions of the State of Washington. The District also agrees to comply with applicable federal, state, county or municipal standards for licensing, certification and operation of facilities and programs, and accreditation and licensing of individuals.

B. The County hereby appoints, and the District hereby accepts, the Whatcom County Executive, and his or her designee, as the County’s representative, hereinafter referred to as the Administrative Officer, for the purposes of administering the provisions of this Agreement, including the County’s right to receive and act on all reports and documents, and any auditing performed by the County related to this Agreement.
C. The District hereby appoints, and the County hereby accepts, the Fire District 7 Board Chair, and his or her designee, as the District’s representative, hereinafter referred to as the Administrative Officer, for the purposes of administering the provisions of this Agreement, including the District’s right to receive and act on all reports and documents, and any auditing performed by the District related to this Agreement. The District’s Administrative Officer for purposes of this agreement is Gary Russell, Fire Chief.

IV. NOTICES

A. Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by each party to the other party’s respective Administrative Officer under this Agreement. All notices, demands, requests, consents and approvals shall be in writing to:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack Louws, County Executive</td>
<td>Whatcom County</td>
</tr>
<tr>
<td></td>
<td>311 Grand Avenue, Suite 108</td>
</tr>
<tr>
<td></td>
<td>Bellingham, WA 98225</td>
</tr>
<tr>
<td>Gary Russell, Fire Chief</td>
<td>P.O. Box 1599</td>
</tr>
<tr>
<td></td>
<td>Ferndale, WA 98248-1599</td>
</tr>
</tbody>
</table>

V. ACCOUNTING/AUDIT/PAYMENTS/RECORDING

A. The District shall be responsible for keeping an ongoing accounting of the expenses incurred under this contract.

B. The District shall maintain records as required by state law and make records available for inspection, review, or audit during business hours at the Fire District or other mutually acceptable location. The District agrees to provide such information as requested by the County’s designee within a reasonable period of time.

VI. INSURANCE

A. Proof of Insurance: Each party shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums naming the other party as an “additional insured” under those policies:

- Property Damage per occurrence - $500,000.00
- General Liability & Property Damage for bodily injury- $1,000,000.00

B. Industrial Insurance Waiver: With respect to the performance of this agreement and as to claims against the County, its officers, agents and employees, the District expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligations to indemnify, defend and hold harmless
provided in this agreement extend to any claim brought by or on behalf of any employee of the District. This waiver is mutually negotiated by the parties to this agreement.

VII. DEFENSE AND INDEMNITY AGREEMENT

A. To the extent permitted by law, each party agrees to defend, indemnify and save harmless the other party, its appointed and elective officers and employees, from and against all loss or expense, including, but not limited to, judgments, settlements, attorneys' fees and costs by reason of any and all claims and demands upon that party, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property, including loss of use thereof, whether such injury to persons or damage to property is due to the negligence of that party, its subcontractors, its successor or assigns, or its agents, servants, or employees, the party, its appointed or elected officers, employees or their agents in proportion and to the extent the to the negligence of that party, its subcontractors, its successor or assigns, or its agents, servants, or employees causes the loss or damage.

B. It is further provided that no liability shall attach to either party by reason of entering into this contract, except as expressly provided herein.

VIII. DISPUTES

A. Differences between the District and the County, arising under and by virtue of the Agreement Documents, shall be brought to the attention of the County at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. Except for such objections as are made of record in the manner hereinafter specified and within the time limits stated, the records, orders, rulings, instructions, and decisions of the County's Administrative Officer shall be final and conclusive.

B. Notice of Potential Claims: The District shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the Administrative Officer or the County, or (2) the happening of any event or occurrence, unless the District has given the County a written Notice of Potential Claim within ten (10) days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the County. The written Notice of Potential Claim shall set forth the reasons for which the District believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. District shall keep full and complete daily records of the work performed and all costs claimed to be additional.

C. Detailed Claim: The District shall not be entitled to claim any such additional compensation, or extension of time, unless within thirty (30) days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the County, the District has given the County a detailed written statement of each element of cost or other
compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

D. Venue and Choice of Law; In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington in and for the County of Whatcom. This Agreement shall be governed by the laws of the State of Washington.

IX. TERMINATION FOR PUBLIC CONVENIENCE

A. Upon ten (10) days written notice, either party may terminate the Agreement in whole or in part whenever that party determines, in its sole discretion that such termination is in the interests. Whenever the Agreement is terminated in accordance with this paragraph, the District shall be entitled to payment for actual costs incurred up to the termination date and costs that it cannot reasonably avoid in the future which were to be paid by the County. Termination of this Agreement by either party at any time during the term, whether for default or convenience, shall not constitute breach of contract by either party.

X. CONFLICT OF INTEREST

A. If at any time prior to commencement of, or during the term of this Agreement, if either party or any of its employees involved in the performance of this Agreement shall have or develop an interest in the subject matter of this Agreement that is potentially in conflict with the other party's interest, then that party shall immediately notify the other party of the same. The notification shall be made with sufficient specificity to enable an informed judgment to be made as to whether or not the other party's interest may be compromised in any manner by the existence of the conflict, actual or potential. Thereafter, either party may require the other to take reasonable steps to remove the conflict of interest. Either party may also terminate this contract according to the provisions herein for termination.

XI. RELATIONS

A. The parties hereto recognize and agree that they are independent governmental entities. Except as expressly provided for herein, nothing in this Agreement shall be construed to limit the discretion of the governing bodies of each party.

B. Neither party shall assume any liability for the direct payment of any salary, wages or other compensation of any type to any of the other party's personnel performing services hereunder. No agent, employee or other representative of the parties shall be deemed to be an employee of the other party for any reason.

C. This Agreement shall not be construed or interpreted such that either party hereto is held to be an agent of the other party.
XII. NON-DISCRIMINATION IN EMPLOYMENT

A. The County’s policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, sexual orientation, disability, or veteran status. The District shall comply with all laws prohibiting discrimination against any employee or applicant for employment on the grounds of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran status, except where such constitutes a bona fide occupational qualification.

B. Furthermore, in those cases in which the District is governed by such laws, the District shall take affirmative action to insure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status, except where such constitutes a bona fide occupational qualification. Such action shall include, but not be limited to: advertising, hiring, promotions, layoffs or terminations, rate of pay or other forms of compensation benefits, selection for training including apprenticeship, and participation in recreational and educational activities. In all solicitations or advertisements for employees placed by them or on their behalf, the District shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

XIII. MISCELLANEOUS PROVISIONS

A. If any provision of this Agreement is held to be invalid, illegal or unenforceable for any reason, that holding shall not affect or impair, in any manner, the validity, legality or enforceability of the remainder of this Agreement.

B. No failure by any of the parties to insist upon the strict performance of any covenant, duty, agreement or condition of this Agreement, or to exercise any right or remedy for a breach thereof, shall constitute a waiver of any such breach or any other covenant, agreement, term or condition. Any party hereto, by notice, may, but shall be under no obligation to, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation or covenants of any other party hereto. No waiver shall affect or alter this Agreement, and each and every covenant, agreement, term and condition of this Agreement shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

C. Each of the provisions of this Agreement has been reviewed and negotiated, and represents the combined work product of all parties hereto. No presumption or other rules of construction which would interpret the provisions of this Agreement in favor of, or against, the party preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of this Agreement.
D. Either party may request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties.

E. The performance of all activities contemplated by this agreement to be performed by the District shall be accomplished by the District. No portion of this agreement may be assigned or subcontracted, except as is provided for in this contract, to any other individual, firm or entity without the express and prior written approval of the County.

F. The performance of all or part of this contract by the District employees shall not operate to vest any employment rights whatsoever and shall not be deemed to guarantee any employment of the District or any employee of the District or any subcontractor or any employee of any subcontractor by the County at the present time or in the future.

Approved as to form:

[Signature]
County Civil Deputy Prosecuting Attorney

Executed this ___ day of ____________, 2013 for 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 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 ________________.
Executed this ___ day of ____________, 2013 for FIRE DISTRICT 7.

_____________________________________
Board Chair

Attest:

_____________________________________
Board Secretary

Departmental Approval:

_____________________________________
Department Head

Approved as to form:

_____________________________________
Fire District Attorney
**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>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>B B</td>
<td>4/26/13</td>
<td><strong>RECEIVED</strong> APR 30 2013 WHATCOM COUNTY COUNCIL</td>
<td>5/7/13</td>
<td>Finance / Council</td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td>4/26/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:** Approval to Award Bid 13-12, Rental Equipment

**ATTACHMENTS:** Memo from Finance and Public Works

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

Administrative Services is requesting approval to award Bid 13-12, Rental Equipment. They would like to award to all bidders. The intent of this bid is to obtain firm pricing on rental equipment that could be used by Public Works and any other department that may need to rent equipment for regular projects or emergencies. When equipment is needed, the County will select it from the list, based on equipment availability and suitability, with preference to low bidders. It is possible that more than $35,000 could be spent with a single vendor.

**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](http://www.co.whatcom.wa.us/council).
DATE: 26 April 2013
TO: Jack Louws, County Executive
FROM: Brad Bennett, Administrative Services Finance Manager
SUBJECT: Award of Bid 13-12, Rental of Equipment

BACKGROUND
The purpose of this bid is to establish prices and identify firms that are interested in providing construction equipment for rent to the County on an on-call basis.

Public Works and other departments will select equipment for rent from the list. The selection will be based on equipment availability and suitability, with preference to the low bidder. The following companies submitted bids on Tuesday April 23. A list of available equipment and labor rates is attached.

- Birch Equipment Rentals
- Brim Tractor
- Hertz Equipment Rental
- NC Machinery Rental Store
- Northwest Heavy Equipment
- Pape’ Machinery Inc
- Star Rentals
- United Rentals
- Xylem Dewatering Solutions

Rentals will be made on an as-needed basis. It is possible that more than $35,000 could be spent with a single vendor. Administrative Services is requesting approval to award to all bidders.

I concur with the recommendation.

[Signature]
Administrative Services Finance Manager

Approved as Recommended:

________________________________________
County Executive

Date of Council Action ____________
GROUP 1, GRAVEL DUMP TRUCKS

<table>
<thead>
<tr>
<th>BIDDER, PHONE</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hertz Equipment Rental Corp // 360-491-9424</td>
<td>12</td>
<td>$408</td>
<td>$1,476</td>
<td>$3,119</td>
<td></td>
</tr>
<tr>
<td>Location: Bellingham, WA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobilization: $48/hr</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>United Rentals // 647-7800 / 360-595-7957 Cell</td>
<td>10</td>
<td>$564.69</td>
<td>$1,411.72</td>
<td>$3,529.30</td>
<td></td>
</tr>
<tr>
<td>Location: Bellingham, WA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobilization: To Be Determined</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12-YARD 4-AXLE DUMP TRUCKS

- No Bid

18-YARD 5-AXLE DUMP TRUCK & PONY TRAILER

- No Bid

22-YARD 8-AXLE TRUCK & PONY TRAILER

- No Bid

MISCELLANEOUS

- No Bid

GROUP 2, ROCK DUMP TRUCKS

- No Bid

GROUP 3, SIDE DUMP TRUCK

<table>
<thead>
<tr>
<th>10-YARD 3-AXLE DUMP TRUCK</th>
<th>No Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-YARD 4-AXLE DUMP TRUCK</td>
<td>No Bid</td>
</tr>
<tr>
<td>18-YARD 5-AXLE DUMP TRUCK &amp; PONY TRAILER</td>
<td>No Bid</td>
</tr>
<tr>
<td>22-YARD 7-AXLE DUMP TRUCK &amp; PONY TRAILER</td>
<td>No Bid</td>
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</table>

GROUP 4, LOWBOY & PUP TRAILERS

<table>
<thead>
<tr>
<th>2-AXLE LOWBOY TRAILER</th>
<th>No Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-AXLE LOWBOY TRAILER</td>
<td>No Bid</td>
</tr>
<tr>
<td>4-AXLE LOWBOY TRAILER</td>
<td>No Bid</td>
</tr>
<tr>
<td>PUP TRAILER</td>
<td>No Bid</td>
</tr>
<tr>
<td>2-AXLE PUP TRAILER WITH TRUCK</td>
<td>No Bid</td>
</tr>
<tr>
<td>3-AXLE PUP TRAILER WITH TRUCK</td>
<td>No Bid</td>
</tr>
<tr>
<td>4-AXLE PUP TRAILER WITH TRUCK</td>
<td>No Bid</td>
</tr>
</tbody>
</table>
GROUP 5, SEMI-BOTTOM DUMP TRUCKS

<table>
<thead>
<tr>
<th>ARTICULATED DUMP TRUCK</th>
<th>BIDDER, PHONE</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-YARD BELLY DUMP 2-AXLE TRAILER</td>
<td>No Bid</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20-YARD BELLY DUMP 3-AXLE TRAILER</td>
<td>No Bid</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MISCELLANEOUS</td>
<td>No Bid</td>
<td></td>
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</table>

GROUP 6, OFF ROAD DUMP TRUCK

<table>
<thead>
<tr>
<th>ARTICULATED DUMP TRUCK</th>
<th>BIDDER, PHONE</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC Machinery // 360-416-5290 / 425-508-1665 Cell</td>
<td>Location: Seattle, WA</td>
<td>Mobilization: $150/hr</td>
<td>CAT 725 Articulated Truck</td>
<td>10</td>
<td>$1,250</td>
<td>$3,750</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CAT 730 Articulated Truck</td>
<td>6</td>
<td>$1,450</td>
<td>$4,250</td>
</tr>
<tr>
<td>Pape' Machinery Inc // 360-424-3291 / 360-661-1327</td>
<td>Location: Mt Vernon, WA</td>
<td>Mobilization: $125/hr</td>
<td>JD 25 or 30 ton ADT</td>
<td>4</td>
<td>$1,180</td>
<td>$3,535</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>JD 35 or 40 ton ADT</td>
<td>4</td>
<td>$1,740</td>
<td>$5,220</td>
</tr>
</tbody>
</table>

GROUP 7, FRONT END LOADER

<table>
<thead>
<tr>
<th>ARTICULATED DUMP TRUCK</th>
<th>BIDDER, PHONE</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-cubic yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NC Machinery // 416-5290 / 425-508-1665 Cell</td>
<td>Location: Mount Vernon, WA</td>
<td>Mobilization: $85 each way</td>
<td>3</td>
<td>$550</td>
<td>$1,700</td>
<td>$5,100</td>
</tr>
<tr>
<td>Pape' Machinery Inc // 360-424-3291 / 360-661-1327</td>
<td>Location: Mt Vernon, WA</td>
<td>Mobilization: $125/hr</td>
<td>2</td>
<td>$480</td>
<td>$1,435</td>
<td>$3,635</td>
</tr>
<tr>
<td>Star Rentals // 360-255-2020 / 206-510-9405</td>
<td>Location: Ferndale WA</td>
<td>Mobilization: no charge</td>
<td>1</td>
<td>$189</td>
<td>$672</td>
<td>$1,683</td>
</tr>
<tr>
<td>United Rentals // 647-7800 / 360-595-7957 Cell</td>
<td>Location: Bellingham, WA</td>
<td>Mobilization: To Be Determined</td>
<td>10</td>
<td>$572</td>
<td>$1,424</td>
<td>$3,553</td>
</tr>
</tbody>
</table>
# GROUP 7, FRONT END LOADER

## 3-cubic yard

<table>
<thead>
<tr>
<th>BIDDER, PHONE, MAKE &amp; MODEL</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Birch Equip</strong> // 734-5717 / 815-6256</td>
<td>3</td>
<td>$440</td>
<td>$1,200</td>
<td>$4,100</td>
<td></td>
</tr>
<tr>
<td>Location: Whatcom, Skagit, Island Counties</td>
<td>Mobilization: $120.00/hr</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Hertz Equipment Rental Corp</strong> // 360-491-9424</td>
<td>9</td>
<td>$379</td>
<td>$1,075</td>
<td>$3,300</td>
<td></td>
</tr>
<tr>
<td>Location: Bellingham, WA</td>
<td>Mobilization: $48/hr</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NC Machinery</strong> // 416-5290 / 425-508-1665 Cell</td>
<td>6</td>
<td>$600</td>
<td>$1,900</td>
<td>$5,800</td>
<td></td>
</tr>
<tr>
<td>Location: Mount Vernon, WA</td>
<td>Mobilization: $85 each way</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Northwest Heavy Equipment Repairs</strong> // 676-9331</td>
<td>1</td>
<td>$300</td>
<td>$1,200</td>
<td>$3,600</td>
<td></td>
</tr>
<tr>
<td>Location: Bellingham, WA</td>
<td>Mobilization: $110/hr</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pape' Machinery Inc</strong> // 360-424-3291 / 360-661-1327</td>
<td>4</td>
<td>$535</td>
<td>$1,755</td>
<td>$5,260</td>
<td></td>
</tr>
<tr>
<td>Location: Mt Vernon, WA</td>
<td>Mobilization: $125/hr</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Star Rentals</strong> // 360-255-2020 / 206-510-9405</td>
<td>1</td>
<td>$360</td>
<td>$1,260</td>
<td>$2,340</td>
<td></td>
</tr>
<tr>
<td>Location: Ferndale WA</td>
<td>Mobilization: no charge</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>United Rentals</strong> // 647-7800 / 360-595-7957 Cell</td>
<td>10</td>
<td>$654.50</td>
<td>$1,644.50</td>
<td>$4,108.50</td>
<td></td>
</tr>
<tr>
<td>Location: Bellingham, WA</td>
<td>Mobilization: To Be Determined</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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</table>

## 4-cubic yard

<table>
<thead>
<tr>
<th>BIDDER, PHONE</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hertz Equipment Rental Corp</strong> // 360-491-9424</td>
<td>10</td>
<td>$540</td>
<td>$1,315</td>
<td>$4,475</td>
<td></td>
</tr>
<tr>
<td>Location: Bellingham, WA</td>
<td>Mobilization: $48/hr 4.25cubic yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NC Machinery</strong> // 416-5290 / 425-508-1665 Cell</td>
<td>8</td>
<td>$555</td>
<td>$1,350</td>
<td>$4,500</td>
<td></td>
</tr>
<tr>
<td>Location: Mount Vernon, WA</td>
<td>Mobilization: $100 each way</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pape' Machinery Inc</strong> // 360-424-3291 / 360-661-1327</td>
<td>6</td>
<td>$750</td>
<td>$2,650</td>
<td>$7,500</td>
<td></td>
</tr>
<tr>
<td>Location: Mt Vernon, WA</td>
<td>Mobilization: $125/hr</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>United Rentals</strong> // 647-7800 / 360-595-7957 Cell</td>
<td>4</td>
<td>$895</td>
<td>$2,880</td>
<td>$8,030</td>
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</tr>
<tr>
<td>Location: Bellingham, WA</td>
<td>Mobilization: To Be Determined</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## 5-cubic yard

<table>
<thead>
<tr>
<th>BIDDER, PHONE</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NC Machinery</strong> // 416-5290 / 425-508-1665 Cell</td>
<td>6</td>
<td>$1,250</td>
<td>$3,750</td>
<td>$11,250</td>
<td></td>
</tr>
<tr>
<td>Location: Mount Vernon, WA</td>
<td>Mobilization: $150/hr</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pape' Machinery Inc</strong> // 360-424-3291 / 360-661-1327</td>
<td>4</td>
<td>$1,200</td>
<td>$3,600</td>
<td>$10,800</td>
<td></td>
</tr>
<tr>
<td>Location: Mt Vernon, WA</td>
<td>Mobilization: $125/hr</td>
<td></td>
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</tbody>
</table>
**GROUP 8, ROAD GRADER**

<table>
<thead>
<tr>
<th>BIDDER, PHONE, MAKE &amp; MODEL</th>
<th>UNITS</th>
<th>SIZE/WT</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC Machinery // 416-5290 / 425-508-1665 Cell</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: Mount Vernon, WA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobilization: Leeboy $85 each way / Cats $125/hr</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leeboy 685</td>
<td>6</td>
<td>17,000 lb</td>
<td>$550</td>
<td>$1,500</td>
<td>$4,500</td>
<td></td>
</tr>
<tr>
<td>CAT 140</td>
<td>6</td>
<td>33,000 lb</td>
<td>$950</td>
<td>$2,750</td>
<td>$8,000</td>
<td></td>
</tr>
<tr>
<td>CAT 14H</td>
<td>4</td>
<td>42,000 lb</td>
<td>$1,500</td>
<td>$4,200</td>
<td>$12,500</td>
<td></td>
</tr>
<tr>
<td>Pape' Machinery Inc // 360-424-3291 / 360-661-1327</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: Mt Vernon, WA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobilization: $125/hr</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leeboy 685</td>
<td>2</td>
<td>15,200 lb</td>
<td>$535</td>
<td>$1,600</td>
<td>$4,800</td>
<td></td>
</tr>
<tr>
<td>JD 672</td>
<td>2</td>
<td>48,800 lb</td>
<td>$955</td>
<td>$2,850</td>
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**GROUP 9, DOZERS**

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<th>HOUR</th>
<th>DAY</th>
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## GROUP 9, DOZERS

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94
# GROUP 10, 11, 12, 13 EXCAVATORS

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<td>14</td>
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<td>JD35D/ Takeuchi TB135</td>
<td>7,500lb</td>
<td>12*-30&quot;</td>
<td>2,500lb</td>
<td>Yes</td>
<td>77</td>
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<td>JD50D/ Takeuchi TB145</td>
<td>10,600lb</td>
<td>12&quot;*-30&quot;</td>
<td>4,500lb</td>
<td>Yes</td>
<td>34</td>
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<td>JD65D/ Takeuchi TB175, Bobcat E80</td>
<td>18,000lb</td>
<td>12&quot;*-36&quot;</td>
<td>6,300lb</td>
<td>Yes</td>
<td>30</td>
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<td>JD135C/Komatsu PC138</td>
<td>31,000lb</td>
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<td>Yes</td>
<td>32</td>
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<td>JD200/Komatsu PC200</td>
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<td>JD225 Reduced Swing</td>
<td>53,000lb</td>
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<td>JD350/Komatsu PC300</td>
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<td>26,000lb</td>
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<td><strong>NC Machinery // 424-4292 / 425-508-1665 Cell</strong></td>
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<td><strong>Group 10</strong>: CAT 303.5</td>
<td>7,500lb</td>
<td>12&quot;*-40&quot;</td>
<td>2,900lb</td>
<td>Yes</td>
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<td>CAT 304</td>
<td>9,000lb</td>
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<td>3,600lb</td>
<td>Yes</td>
<td>12</td>
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<td>CAT 305</td>
<td>12,000lb</td>
<td>12&quot;*-40&quot;</td>
<td>5,200lb</td>
<td>Yes</td>
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<td>CAT 308</td>
<td>18,000lb</td>
<td>18&quot;*-48&quot;</td>
<td>8,000lb</td>
<td>Yes</td>
<td>12</td>
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<td>$450</td>
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<td>$3,900</td>
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<td>CAT 312</td>
<td>30,000lb</td>
<td>24&quot;*-60&quot;</td>
<td>16,000lb</td>
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<td>CAT 315</td>
<td>45,000lb</td>
<td>24&quot;*-60&quot;</td>
<td>18,000lb</td>
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<td>CAT 320</td>
<td>54,000lb</td>
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<td>Yes</td>
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<tr>
<td><strong>Group 11</strong>: CAT 304 ECR</td>
<td>10,000lb</td>
<td>3,600lb</td>
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</table>
# GROUP 10, 11, 12, 13 EXCAVATORS

<table>
<thead>
<tr>
<th>BIDDER/PHONE</th>
<th>WEIGHT</th>
<th>BUCKET SIZE</th>
<th>CAPACITY</th>
<th>THUMB</th>
<th>UNITS</th>
<th>HOURLY</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
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<tr>
<td>Northwest Heavy Equipment Repairs // 676-9331</td>
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<tr>
<td><strong>Mobilization:</strong> $75/hr KX41, KX121-3, U45 / $100/hr KX161-ZX70-200</td>
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<tr>
<td><strong>Location:</strong> Bellingham, WA</td>
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<tr>
<td><strong>$110/hr ZX330 plus pilot car</strong></td>
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<table>
<thead>
<tr>
<th>Group 10</th>
<th>Kubota KX41V</th>
<th>3,700lb</th>
<th>9,12,16&quot;</th>
<th>No</th>
<th>1</th>
<th>$128</th>
<th>$512</th>
<th>$1,536</th>
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<tbody>
<tr>
<td>Kubota KX121</td>
<td>9,000lb</td>
<td>Yes</td>
<td>5</td>
<td>$184</td>
<td>$736</td>
<td>$2,208</td>
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<tr>
<td>Kubota KX161</td>
<td>12,000lb</td>
<td>Yes</td>
<td>2</td>
<td>$220</td>
<td>$880</td>
<td>$2,640</td>
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<tr>
<td>Hitachi ZX/70</td>
<td>17,000lb</td>
<td>24*-48*</td>
<td>Yes</td>
<td>1</td>
<td>$240</td>
<td>$960</td>
<td>$2,880</td>
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<tr>
<td>Hitachi ZX120</td>
<td>29,000lb</td>
<td>36*-54*</td>
<td>Yes</td>
<td>2</td>
<td>$300</td>
<td>$1,200</td>
<td>$3,600</td>
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<td>Hitachi ZX160</td>
<td>38,000lb</td>
<td>36*-60*</td>
<td>Yes</td>
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<td>$350</td>
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<td>$4,200</td>
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<td>Hitachi ZX200</td>
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<td>Hitachi ZX330</td>
<td>80,000lb</td>
<td>54*-72*</td>
<td>Yes</td>
<td>1</td>
<td>$640</td>
<td>$2,560</td>
<td>$7,680</td>
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<table>
<thead>
<tr>
<th>Group 11</th>
<th>Kubota K121-3 AB ($75/hr Mob)</th>
<th>9,000lb</th>
<th>1</th>
<th>$184</th>
<th>$736</th>
<th>$2,208</th>
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<tbody>
<tr>
<td>Kubota U45 AB ($110/hr Mob)</td>
<td>12,000lb</td>
<td>Yes</td>
<td>1</td>
<td>$220</td>
<td>$880</td>
<td>$2,640</td>
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<tr>
<td>Kubota 057 AB ($110/hr Mob)</td>
<td>12,000lb</td>
<td>Yes</td>
<td>1</td>
<td>$220</td>
<td>$880</td>
<td>$2,640</td>
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| Pape' Machinery Inc // 360-424-3291 / 360-661-1327 |  |  |  |  |  |  |  |  |  |
| **Mobilization:** $125/hr |  |  |  |  |  |  |  |  |  |

<table>
<thead>
<tr>
<th>Group 10</th>
<th>JD75/85</th>
<th>17,000lb</th>
<th>.65 cu yd</th>
<th>varies</th>
<th>Yes</th>
<th>2</th>
<th>$445</th>
<th>$1,330</th>
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<tbody>
<tr>
<td>JD/HIT 130</td>
<td>31,000lb</td>
<td>.75 cu yd</td>
<td>varies</td>
<td>Yes</td>
<td>2</td>
<td>$545</td>
<td>$1,630</td>
<td>$4,890</td>
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<td>JD/HIT Z10</td>
<td>50,000lb</td>
<td>1.17cu yd</td>
<td>varies</td>
<td>Yes</td>
<td>2</td>
<td>$775</td>
<td>$2,325</td>
<td>$6,975</td>
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<tr>
<td>JD/HIT 350</td>
<td>81,200lb</td>
<td>2 cu yd</td>
<td>varies</td>
<td>Yes</td>
<td>2</td>
<td>$1,340</td>
<td>$4,010</td>
<td>$12,025</td>
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<tr>
<td>JD450</td>
<td>118,000lb</td>
<td>2.39 cu yd</td>
<td>varies</td>
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<td>2</td>
<td>$1,740</td>
<td>$5,220</td>
<td>$15,660</td>
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<table>
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<tr>
<th>Group 11</th>
<th>JD/HIT 60D</th>
<th>10,600lb</th>
<th>varies</th>
<th>Yes</th>
<th>2</th>
<th>$350</th>
<th>$1,045</th>
<th>$3,135</th>
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| Star Rentals // 360-255-2020 / 206-510-9405 |  |  |  |  |  |  |  |  |  |
| **Mobilization:** no charge |  |  |  |  |  |  |  |  |  |

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<thead>
<tr>
<th>Group 10</th>
<th>Takeuchi TB016</th>
<th>4,000lb</th>
<th>4,100lb</th>
<th>No</th>
<th>1</th>
<th>$135</th>
<th>$480</th>
<th>$975</th>
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<tr>
<td>Takeuchi TB235</td>
<td>7,650lb</td>
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<td>1</td>
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<td>$480</td>
<td>$975</td>
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<td>Takeuchi TB250</td>
<td>10,650lb</td>
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<td>$752</td>
<td>$1,527</td>
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<tr>
<td>Takeuchi TB285</td>
<td>18,780lb</td>
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<td>$265</td>
<td>$1,184</td>
<td>$2,301</td>
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<tr>
<td>JD 120</td>
<td>25,000lb</td>
<td>Yes</td>
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<td>$292</td>
<td>$1,040</td>
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| United Rentals // 360-647-7800 / 360-595-7957 Cell |  |  |  |  |  |  |  |  |  |
| **Mobilization:** Mini Ex's $75 each way / JD 120-225 $95hr / JD 350 $125hr |  |  |  |  |  |  |  |  |  |

<table>
<thead>
<tr>
<th>Group 10</th>
<th>Takeuchi TB616</th>
<th>4,000lb</th>
<th>Yes</th>
<th>$209</th>
<th>$522.50</th>
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<td>Takeuchi TB125</td>
<td>6,000lb</td>
<td>Yes</td>
<td>$231</td>
<td>$572</td>
<td>$1,430</td>
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<tr>
<td>Takeuchi TB235/138</td>
<td>8,500lb</td>
<td>Yes</td>
<td>$264</td>
<td>$660</td>
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<td>Takeuchi TB145</td>
<td>10,000lb</td>
<td>Yes</td>
<td>$308</td>
<td>$759</td>
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<tr>
<td>Takeuchi TB153</td>
<td>12,000lb</td>
<td>Yes</td>
<td>$352</td>
<td>$874.50</td>
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<td>Takeuchi TB 175</td>
<td>18,000lb</td>
<td>Yes</td>
<td>$412.50</td>
<td>$1,034</td>
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## GROUP 14, LOG LOADER WITH HYDRAULIC GRAPPLE

<table>
<thead>
<tr>
<th>Bidder, Phone, Make &amp; Model</th>
<th>Rippers</th>
<th>Units</th>
<th>Hour</th>
<th>Day</th>
<th>Week</th>
<th>Month</th>
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<tbody>
<tr>
<td>Pape Machinery Inc // 360-424-3291 / 360-661-1327</td>
<td>JD2154 36' Boom</td>
<td>No</td>
<td>1</td>
<td>$1,180</td>
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<td>JD2454 38' Boom</td>
<td>No</td>
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<td>JD2956 40' Boom</td>
<td>No</td>
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## GROUP 15, SCRAPER

No Bid

## GROUP 16, SHOULDER SPREADER

No Bid

## GROUP 17, BROOMS, REGENERATIVE AIR SWEEPER

### VACUUM TRUCK SWEEPER, & SELF-PROPELLED BROOM

<table>
<thead>
<tr>
<th>Bidder, Phone, Make &amp; Model</th>
<th>Miscellaneous Brooms &amp; Sweepers</th>
<th>Units</th>
<th>Hour</th>
<th>Day</th>
<th>Week</th>
<th>Month</th>
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<tbody>
<tr>
<td>Birch Equip // 734-5717 / 815-8295 Cell</td>
<td>8' Laymor Sweeper</td>
<td>4</td>
<td>$170</td>
<td>$625</td>
<td>$1,500</td>
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<tr>
<td>Location: Whatcom, Skagit, Island, Snohomish Counties</td>
<td>Hertz Equip Rental // 360-491-9424</td>
<td>Laymor 6HC - 8' Boom Sweeper</td>
<td>3</td>
<td>$191</td>
<td>$61</td>
<td>$1,343</td>
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<tr>
<td>Mobilization: $45/hr</td>
<td>Location: Bellingham, WA</td>
<td>Bruce RS550</td>
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<td>$225</td>
<td>$68</td>
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<td>NC Machinery // 416-5290 / 425-608-1695 Cell</td>
<td>Laymor 6HC</td>
<td>6</td>
<td>$200</td>
<td>$600</td>
<td>$1,800</td>
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<tr>
<td>Location: Mount Vernon, WA</td>
<td>Northwest Heavy Equipment Repairs // 670-9331</td>
<td>Bobcat S130 air sweeper</td>
<td>8 hrs</td>
<td>40 hrs</td>
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<td>Mobilization: $75/hr</td>
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### GROUP 18A, ROLLERS

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<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
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<td><strong>Steel Roller</strong></td>
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### GROUP 18B, ROLLERS

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<td><strong>Pneumatic Roller</strong></td>
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<td>8 hrs</td>
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<td>176 hrs</td>
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### GROUP 18C, SHEEPSFOOT ROLLERS

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### GROUP 19, MOBILE CRANES

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<th>TONS</th>
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<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
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### GROUP 20, PILE DRIVERS

- **No Bid**

### GROUP 21, DRAG LINES OR CLAMS

- **No Bid**

### GROUP 22, LAYTON BOXES

- **No Bid**

### GROUP 23, PAVEMENT PULVERIZER

- **No Bid**

### GROUP 24, SELF-LOADING DITCH CLEANER

- **No Bid**

### GROUP 25, HYDROSEEDER

<table>
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<th>WEEK</th>
<th>MONTH</th>
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<tbody>
<tr>
<td>Pape Machinery Inc // 360-424-3291 / 360-861-1327</td>
<td>Mt Vernon, WA</td>
<td>Mobilization: $95/hr</td>
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<td>Location:</td>
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<tr>
<td>BIDDER, PHONE, MAKE &amp; MODEL</td>
<td>BACKHOE</td>
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</tr>
<tr>
<td></td>
<td>UNITS</td>
<td>HOUR</td>
<td>DAY</td>
<td>WEEK</td>
<td>MONTH</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Birch Equip</strong> // 734-5744 / 815-6256 Cell</td>
<td></td>
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<tr>
<td>Location: Whatcom, Skagit, Island Counties</td>
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<tr>
<td>JD 310</td>
<td>10</td>
<td>$240</td>
<td>$925</td>
<td>$2,100</td>
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<tr>
<td>Case 580</td>
<td>6</td>
<td>$240</td>
<td>$925</td>
<td>$2,100</td>
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<tr>
<td><strong>Brim Tractor</strong> // 354-4411 / 305-4066 Cell</td>
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<tr>
<td>Location: Lynden, WA</td>
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<tr>
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<td>Yanmar SC2450</td>
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<td>$140</td>
<td>$575</td>
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<tr>
<td>JD310/Case 580 4wd, Ext</td>
<td>45</td>
<td>$171</td>
<td>$433</td>
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<tr>
<td>Case 590M, Cab, 4wd, Ext</td>
<td>2</td>
<td>$299</td>
<td>$930</td>
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<tr>
<td>Location: Mount Vernon, WA</td>
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<td></td>
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<tr>
<td>Mobilization: $85 each way</td>
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<tr>
<td>CAT 416 4x4 E/O</td>
<td>6</td>
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<td>$775</td>
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<td>$900</td>
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<tr>
<td><strong>Northwest Heavy Equipment Repairs</strong> // 676-9331</td>
<td></td>
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<td>Location: Bellingham, WA</td>
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<tr>
<td>Mobilization: $110/hr JD310 $75/hr Kubota B26</td>
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<tr>
<td>JD310 SG 4x4 12', 3' c/o buckets</td>
<td>2</td>
<td>$152</td>
<td>$608</td>
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<td>Optional Hoe Pack</td>
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<td>$300</td>
<td>$900</td>
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<tr>
<td>Kubota B26 4x4</td>
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<td>$128</td>
<td>$512</td>
<td>$1,536</td>
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<tr>
<td><strong>Pape’ Machinery Inc</strong> // 360-424-3291 / 360-661-1327</td>
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<tr>
<td>Location: Mt Vernon, WA</td>
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<td></td>
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<tr>
<td>Mobilization: $95/hr</td>
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<tr>
<td>JD 310K</td>
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<td>$285</td>
<td>$845</td>
<td>$2,530</td>
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<td>JD310SK</td>
<td>2</td>
<td>$320</td>
<td>$960</td>
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<td>JD410K</td>
<td>2</td>
<td>$360</td>
<td>$1,075</td>
<td>$3,225</td>
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<tr>
<td><strong>Star Rentals</strong> // 360-255-2020 / 206-510-9405</td>
<td></td>
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<tr>
<td>Location: Ferndale WA</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Mobilization: no charge</td>
<td></td>
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<tr>
<td>Case 580XD Extend-a-hoe</td>
<td>1</td>
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<td>$196</td>
<td>$704</td>
<td>$1,716</td>
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<tr>
<td><strong>United Rentals</strong> // 360-647-7800 / 360-595-7957 Cell</td>
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<td></td>
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</tr>
<tr>
<td>Location: Bellingham, WA</td>
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<td></td>
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</tr>
<tr>
<td>Mobilization: To Be Determined</td>
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<tr>
<td>JD 310 / Case 580</td>
<td>10</td>
<td>$275</td>
<td>$682</td>
<td>$1,694</td>
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<td>JD 310 / Ext Hoe</td>
<td>10</td>
<td>$267</td>
<td>$742</td>
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</table>
### GROUP 27, TRACTOR-MOUNTED MOWERS & BRUSH CUTTERS

<table>
<thead>
<tr>
<th>Bidder, Phone, Make &amp; Model</th>
<th>Rotary/Rear Mount</th>
<th>Reach</th>
<th>Units</th>
<th>Hour</th>
<th>Day</th>
<th>Week</th>
<th>Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch Equipment</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Location: Whatcom, Skagit, Island Counties</td>
<td></td>
<td></td>
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<tr>
<td>Mobilization: $120/hr</td>
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<tr>
<td>New Holland 30hp w/60° Deck</td>
<td>10</td>
<td></td>
<td>$210</td>
<td>$650</td>
<td>$1,800</td>
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<tr>
<td>Brin Tractor 334-4411 / 305-4068 Cell</td>
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<td></td>
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<tr>
<td>Location: Lynden, WA</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Mobilization: $30/hr</td>
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<tr>
<td>Braber, Woods</td>
<td>60°</td>
<td>2</td>
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<td>$85</td>
<td>$280</td>
<td>$840</td>
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<tr>
<td>Northwest Heavy Equipment Repairs / 676-9331</td>
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<td></td>
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</tr>
<tr>
<td>Location: Bellingham, WA</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Mobilization: $75/hr</td>
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<tr>
<td>Kubota S26</td>
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<td>1</td>
<td></td>
<td>$128</td>
<td>$512</td>
<td>$1,536</td>
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</table>

### GROUP 28, SKID-STEER MOUNTED MOWER & BRUSH CUTTER

<table>
<thead>
<tr>
<th>Bidder, Phone, Make &amp; Model</th>
<th>Skid-Steer Mounted Mower &amp; Brush Cutter</th>
<th>Reach</th>
<th>Units</th>
<th>Hour</th>
<th>Day</th>
<th>Week</th>
<th>Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hertz Equipment Rental</td>
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<tr>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Mobilization: $45/hr</td>
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<td></td>
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<tr>
<td>Bobcat S220 w/80° Mower</td>
<td>60°</td>
<td>1</td>
<td></td>
<td>$281</td>
<td>$943</td>
<td>$1,284</td>
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<td>NC Machinery / 424-4222 / 423-908-1665 Cell</td>
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<td></td>
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<tr>
<td>Location: Mount Vernon, WA</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Mobilization: $85 each way</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>CAT 279 w/br172</td>
<td>72°</td>
<td>12</td>
<td></td>
<td>$450</td>
<td>$1,500</td>
<td>$4,800</td>
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### GROUP 29, ROADSIDE MOWER

No Bid

### GROUP 30, WALKING LEG-TYPE HEAVY-DUTY BRUSH CUTTER

No Bid

### GROUP 31, SEWER JET

No Bid
### GROUP 32, WATER TRUCK

<table>
<thead>
<tr>
<th>Bidder, Phone, Make &amp; Model</th>
<th>Water Truck Capacity</th>
<th>Units</th>
<th>Hour</th>
<th>Day</th>
<th>Week</th>
<th>Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hertz Equip Rental // 360-491-9424</td>
<td>2,000 gal</td>
<td>12</td>
<td>$221</td>
<td>$793</td>
<td>$1,519</td>
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<tr>
<td>Location: Bellingham, WA</td>
<td>3,700 gal</td>
<td>7</td>
<td>$393</td>
<td>$1,373</td>
<td>$2,649</td>
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</tr>
<tr>
<td>Mobilization: $45/hr</td>
<td>NC Machinery // 416-5290 / 425-508-1665 Cell</td>
<td>2,000 gal</td>
<td>3</td>
<td>$450</td>
<td>$1,300</td>
<td>$3,900</td>
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<tr>
<td>Location: Mount Vernon, WA</td>
<td>4,000 gal</td>
<td>3</td>
<td>$600</td>
<td>$1,600</td>
<td>$5,400</td>
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</tr>
<tr>
<td>Mobilization: $85 each way</td>
<td>Star Rentals // 360-255-2020 / 206-510-9405</td>
<td>International</td>
<td>2,000 gal</td>
<td>1</td>
<td>$225</td>
<td>$800</td>
</tr>
<tr>
<td>Location: Ferndale WA</td>
<td>Mobilization: no charge</td>
<td>Ford F750</td>
<td>2,000 gal</td>
<td>10</td>
<td>$352</td>
<td>$880</td>
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<tr>
<td>United Rentals // 360-247-7800 / 360-395-7957 Cell</td>
<td>International 7502</td>
<td>4,000 gal</td>
<td>10</td>
<td>$528</td>
<td>$1,320</td>
<td>$3,300</td>
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<tr>
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<td>Mobilization: $75 each way</td>
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### GROUP 33, DUST RETARDANT TRUCK

<table>
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<th>Water Truck Capacity</th>
<th>Units</th>
<th>Hour</th>
<th>Day</th>
<th>Week</th>
<th>Month</th>
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</thead>
<tbody>
<tr>
<td>Star Rentals // 360-255-2020 / 206-510-9405</td>
<td>International</td>
<td>2,000 gal</td>
<td>1</td>
<td>$225</td>
<td>$800</td>
<td>$1,950</td>
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<td>Location: Ferndale WA</td>
<td>Mobilization: no charge</td>
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### GROUP 34, UTILITY BORING MACHINE

<table>
<thead>
<tr>
<th>Bidder, Phone, Make &amp; Model</th>
<th>Utility Boring Machine</th>
<th>Units</th>
<th>Hour</th>
<th>Day</th>
<th>Week</th>
<th>Month</th>
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</thead>
<tbody>
<tr>
<td>Birch Equip // 734-5744 / 815-6256 Cell</td>
<td>3&quot; Boring Tool</td>
<td>6</td>
<td>$90.00</td>
<td>$200</td>
<td>$650</td>
<td>$1,800</td>
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<tr>
<td>Location: Whatcom, Skagit, Island Counties</td>
<td>Mobilization: $90/hr</td>
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### GROUP 35, UNDER BRIDGE INSPECTION EQUIPMENT

<table>
<thead>
<tr>
<th>Bidder, Phone, Make &amp; Model</th>
<th>Under Bridge Inspection Equipment</th>
<th>Units</th>
<th>Hour</th>
<th>Day</th>
<th>Week</th>
<th>Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Bid</td>
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### GROUP 36, SNOW REMOVAL EQUIPMENT

<table>
<thead>
<tr>
<th>Bidder, Phone, Make &amp; Model</th>
<th>Snow Removal Equipment</th>
<th>Units</th>
<th>Hour</th>
<th>Day</th>
<th>Week</th>
<th>Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch Equip // 734-5717 / 815-6256 Cell</td>
<td>Gehl 4640 Skidsteer</td>
<td>30</td>
<td>$90</td>
<td>$185</td>
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<tr>
<td>Location: Whatcom, Skagit, Island Counties</td>
<td>Hertz Equip Rental // 360-491-9424</td>
<td>Avalanch CD400 w/10' Snow Box Attachment for Wheel Loader</td>
<td>2</td>
<td>$67</td>
<td>$155</td>
<td>$359</td>
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<tr>
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<td>Mobilization: $45/hr</td>
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<tr>
<td>Northwest Heavy Equipment Repairs // 678-9331</td>
<td>CAT 259B Track Loader</td>
<td>1</td>
<td>$225</td>
<td>$900</td>
<td>$2,700</td>
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<tr>
<td>Location: Bellingham, WA</td>
<td>Mobilization: $75/hr</td>
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### GROUP 37, MAN LIFT

<table>
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<tr>
<th>BIDDER, PHONE, MAKE &amp; MODEL</th>
<th>MAN LIFT</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch Equip // 734-5717 / 815-6256 Cell</td>
<td>Location: Whatcom, Skagit, Island Counties</td>
<td>Mobilization: $120/hr</td>
<td>45' Genie Boom</td>
<td>20</td>
<td>$225</td>
<td>$775</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>26' Genie Scissor</td>
<td>40</td>
<td>$90</td>
<td>$250</td>
</tr>
<tr>
<td>Hertz Equip Rental // 360-491-9424</td>
<td>Location: Bellingham, WA</td>
<td>Mobilization: $45/hr</td>
<td>See attachment for US Communities pricing</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BIDDER, PHONE, MAKE &amp; MODEL</th>
<th>MAN LIFT</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC Machinery // 416-5290 / 425-508-1665 Cell</td>
<td>Location: Mount Vernon, WA</td>
<td>Mobilization: $85 each way</td>
<td>Genie 540</td>
<td>9</td>
<td>$350</td>
<td>$750</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Genie 560</td>
<td>8</td>
<td>$375</td>
<td>$1,200</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Genie 580</td>
<td>10</td>
<td>$550</td>
<td>$1,650</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Genie 2445 Boom</td>
<td>1</td>
<td>$198</td>
<td>$704</td>
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<td></td>
<td>Skytech 3219 1/2' Scissor</td>
<td>1</td>
<td>$81</td>
<td>$216</td>
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</table>

### GROUP 38, GAS POWERED BREAKER-ROCK DRILL

No Bid

### GROUP 39, FORK LIFT

<table>
<thead>
<tr>
<th>BIDDER, PHONE, MAKE &amp; MODEL</th>
<th>FORK LIFT</th>
<th>WEIGHT</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch Equip // 734-5717 / 815-6256 Cell</td>
<td>Location: Whatcom, Skagit, Island Counties</td>
<td>Mobilization: $120/hr</td>
<td>1044 Gehl Reach</td>
<td>10,000lb</td>
<td>5</td>
<td>$450</td>
<td>$1,400</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Hyster H225</td>
<td>2</td>
<td>$250</td>
<td>$900</td>
<td>$3,100</td>
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<tr>
<td>Hertz Equip Rental // 360-491-9424</td>
<td>Location: Bellingham, WA</td>
<td>Mobilization: $45/hr</td>
<td>See attachment for US Communities pricing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BIDDER, PHONE, MAKE &amp; MODEL</th>
<th>FORK LIFT</th>
<th>WEIGHT</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC Machinery // 416-5290 / 425-508-1665 Cell</td>
<td>Location: Mount Vernon, WA</td>
<td>Mobilization: $85 each way</td>
<td>CAT TL1055 Reach Fork</td>
<td>10,000lb</td>
<td>6</td>
<td>$400</td>
<td>$1,200</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>CAT PS5000 Industrial Fork</td>
<td>5,000lb</td>
<td>3</td>
<td>$125</td>
<td>$450</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>CAT TH360 Reach Fork</td>
<td>7,000lb</td>
<td>6</td>
<td>$300</td>
<td>$900</td>
</tr>
<tr>
<td>Star Rentals // 360-255-2020 / 206-510-9405</td>
<td>Location: Ferndale WA</td>
<td>Mobilization: no charge</td>
<td>Gehl RS-10</td>
<td>10,000lb</td>
<td>1</td>
<td>$308</td>
<td>$1,088</td>
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<td></td>
<td></td>
<td></td>
<td>Gehl RS-6</td>
<td>8,000lb</td>
<td>1</td>
<td>$247</td>
<td>$880</td>
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<td></td>
<td></td>
<td></td>
<td>Gehl RS-6</td>
<td>6,000lb</td>
<td>1</td>
<td>$180</td>
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## GROUP 41, MISCELLANEOUS

<table>
<thead>
<tr>
<th>MAKE &amp; MODEL</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Brilm Tractor</strong> // 354-4411 / 305-4066 Cell</td>
<td></td>
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<tr>
<td>Location: Lynden, WA</td>
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<td></td>
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<tr>
<td>Mobilization:</td>
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<tr>
<td><strong>Hertz Equip Rental</strong> // 360-491-9424</td>
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</tr>
<tr>
<td>Location: Bellingham, WA</td>
<td>See attachment for US Communities pricing</td>
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<tr>
<td>Mobilization: $46/hr</td>
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<tr>
<td><strong>NC Machinery</strong> // 415-5290 / 425-508-1665 Cell</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Location: Mount Vernon, WA</td>
<td></td>
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<td></td>
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<tr>
<td>Mobilization: $85 each way</td>
<td></td>
<td></td>
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<tr>
<td>8x8 Aluminum Trench Box</td>
<td>10</td>
<td>$150</td>
<td>$450</td>
<td>$1,250</td>
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<tr>
<td>6x10 Aluminum Trench Box</td>
<td>10</td>
<td>$200</td>
<td>$600</td>
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<tr>
<td>6x6 Man Hole Box</td>
<td>6</td>
<td>$150</td>
<td>$450</td>
<td>$1,250</td>
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<tr>
<td>8x16 Trench Box</td>
<td>12</td>
<td>$1,850</td>
<td>$400</td>
<td>$1,300</td>
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<tr>
<td>8x20 Trench Box</td>
<td>6</td>
<td>$175</td>
<td>$500</td>
<td>$1,500</td>
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<tr>
<td>185cfm Air Compressor</td>
<td>6</td>
<td>$120</td>
<td>$360</td>
<td>$900</td>
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<tr>
<td>3&quot; Trash Pump</td>
<td>6</td>
<td>$75</td>
<td>$200</td>
<td>$600</td>
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<tr>
<td>8&quot; Trash Pump</td>
<td>6</td>
<td>$450</td>
<td>$1,250</td>
<td>$3,700</td>
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<tr>
<td>8x15 Road Plates</td>
<td>12</td>
<td>$100</td>
<td>$300</td>
<td>$900</td>
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<tr>
<td>8x20 Road Plates</td>
<td>12</td>
<td>$150</td>
<td>$450</td>
<td>$1,200</td>
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<tr>
<td>Light Tower</td>
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<td>$100</td>
<td>$250</td>
<td>$700</td>
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<tr>
<td>Water Trailer</td>
<td>10</td>
<td>$90</td>
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<td>Pipe Lasers</td>
<td>6</td>
<td>$75</td>
<td>$225</td>
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<td>Rev Plate Comp - small</td>
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<td>$50</td>
<td>$175</td>
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<td>Rev Plate Comp</td>
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<td>$125</td>
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<td>$1,125</td>
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<td><strong>Northwest Heavy Equipment Repairs</strong> // 676-9331</td>
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<tr>
<td>Location: Bellingham, WA</td>
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<td></td>
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<tr>
<td>Mobilization: $75/hr</td>
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<tr>
<td>Vermeer BC1000XL chipper 10&quot;</td>
<td>1</td>
<td>$200</td>
<td>$800</td>
<td>$2,400</td>
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<tr>
<td>Wacker 800lb rev. plate, diesel electric start</td>
<td>1</td>
<td>$128</td>
<td>$512</td>
<td>$1,536</td>
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<td>Wacker plate comp 166lbs w/water</td>
<td>1</td>
<td>$48</td>
<td>$192</td>
<td>$576</td>
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<td>Auger for mini excavator stands</td>
<td>1</td>
<td>$100</td>
<td>$400</td>
<td>$1,200</td>
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<tr>
<td><strong>Pape' Machinery Inc</strong> // 360-424-3291 / 360-661-1327</td>
<td>See attached list for miscellaneous</td>
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<tr>
<td>Location: Mount Vernon, WA</td>
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<tr>
<td>Mobilization: $50 - 175/hr</td>
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</table>

## GROUP 41, MISCELLANEOUS

<table>
<thead>
<tr>
<th>MAKE &amp; MODEL</th>
<th>UNITS</th>
<th>HOUR</th>
<th>DAY</th>
<th>WEEK</th>
<th>MONTH</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Star Rentals</strong> // 360-255-2020 / 206-510-9405</td>
<td>See attached list for miscellaneous</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: Ferndale WA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Mobilization: no charge</td>
<td></td>
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<td></td>
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<tr>
<td><strong>United Rentals</strong> // 360-647-7800 / 360-595-7957 Cell</td>
<td>See attached list for miscellaneous</td>
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<tr>
<td>Location: Bellingham, WA</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobilization: $75 each way</td>
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<tr>
<td><strong>Xylem Dewatering Solutions</strong> // 354-9933</td>
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<tr>
<td>Location: Lynden WA</td>
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<td></td>
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</tr>
<tr>
<td>Mobilization: $150</td>
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<tr>
<td>GHP100kw-R 100kw Diesel Generator</td>
<td>2</td>
<td>$323</td>
<td>$969</td>
<td>$2,907</td>
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<tr>
<td>4000 Watt Light Tower</td>
<td>2</td>
<td>$90</td>
<td>$270</td>
<td>$810</td>
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<tr>
<td>Road Ramps</td>
<td>2</td>
<td>$60</td>
<td>$180</td>
<td>$540</td>
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</tr>
<tr>
<td>2&quot;x20&quot; QD Suction Hose</td>
<td>20</td>
<td>$10</td>
<td>$30</td>
<td>$90</td>
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</tr>
<tr>
<td>3&quot;x20&quot; QD Suction Hose</td>
<td>20</td>
<td>$14</td>
<td>$42</td>
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<tr>
<td>4&quot;x20&quot; QD Suction Hose</td>
<td>20</td>
<td>$19</td>
<td>$57</td>
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<tr>
<td>6&quot;x20&quot; QD Suction Hose</td>
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<td>$26</td>
<td>$78</td>
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<td>8&quot;x20&quot; QD Suction Hose</td>
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<td>$47</td>
<td>$141</td>
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<tr>
<td>2&quot;x50&quot; QD Discharge Hose</td>
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<td>$9</td>
<td>$27</td>
<td>$81</td>
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</tr>
<tr>
<td>3&quot;x50&quot; QD Discharge Hose</td>
<td>20</td>
<td>$11</td>
<td>$33</td>
<td>$99</td>
<td></td>
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<tr>
<td>4&quot;x50&quot; QD Discharge Hose</td>
<td>20</td>
<td>$19</td>
<td>$57</td>
<td>$171</td>
<td></td>
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<tr>
<td>6&quot;x50&quot; QD Discharge Hose</td>
<td>20</td>
<td>$31</td>
<td>$93</td>
<td>$279</td>
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<tr>
<td>8&quot;x50&quot; QD Discharge Hose</td>
<td>20</td>
<td>$77</td>
<td>$231</td>
<td>$693</td>
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</tr>
</tbody>
</table>
# Approval to Purchase Playground Equipment

**Title of Document:** Approval to purchase playground equipment

**Attachments:** Memo from Finance and Parks

### SEPA Review
- **Required?** ( ) Yes (x) No
- **Completed?** ( ) Yes (x) 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.)

Parks & Recreation is requesting approval to use the KCDA contract to purchase playground equipment for Silver Lake Park. The vendor is Landscape Structures and the total cost of the purchase is $84,003.90. This is a planned purchase and funds were approved in ASR 2013-5028.

### Committee Action

### Council Action

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>

**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).
DATE: 29 April 2013
TO: Jack Louws, County Executive
FROM: Brad Bennett, Administrative Services Finance Manager
SUBJECT: Purchase of Playground Equipment

BACKGROUND
The Parks & Recreation department is requesting approval to purchase playground equipment for Silver Lake Park. They would like to use the KCDA contract. The vendor is Landscape Structures, Inc. and the total cost for the purchase is $84,003.90.

This is a planned purchase and funds were approved in ASR 2013-5028.

I concur with the recommendation.

[Signature]
Administrative Services Finance Manager

Approved as Recommended:

__________________________________________
County Executive

Date of Council Action _____________________
MEMORANDUM

TO: Brad Bennett
FROM: Michael McFarlane
RE: Silver Lake Park Playground Improvement Project
DATE: 4/29/13

- Parks is requesting authorization to purchase new playground equipment for Silver Lake Park. Attached is an order form from KCDA Purchasing Cooperative that includes a quote in the amount of $84,003.90 for the proposed playground equipment manufactured by Landscape Structures, Inc.

- Funding for this purchase was authorized by ASR 2013-5028 approved by the County Council on November 20, 2012 (AB2012-332A).

- This is a new contract. If you have any questions or need additional information please contact Rod Lamb at extension 31727.
**Quote / Order Form**

**KCDA Purchasing Cooperative**

---

**#1303-6017**

**TO:**
Whatcom County Parks & Recreation  
attention: Rod Lamb  
3373 Mount Baker Hwy  
Bellingham, WA 98226  
360.733.2900  
rdlbmb@co.whatcom.wa.us

**Date:** April 16, 2013

*Please issue Purchase Order to KCDA Purchasing Cooperative / Contract 13-315*

<table>
<thead>
<tr>
<th>Lead Time</th>
<th>USA Manufacturer</th>
<th>Your Representative</th>
</tr>
</thead>
</table>
| 21 days   | Landscape Structures, Inc | Mike Desmond 206.540.8590  
mike@playcreation.com |

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Model Number &amp; Description</th>
<th>Unit Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 lot</td>
<td>PlayShaper Design #54781-1-1-1 (Sides, Climbers, Enclosures, More Fun, Roof, Decks, Posts, Signs)</td>
<td>$13,020.00</td>
<td>$13,020.00</td>
</tr>
<tr>
<td>1 lot</td>
<td>PlayBoxer Design #94781-1-1-2 (Sides, Climbers Nature-Inspired, Bridges &amp; Ramps, Enclosures, More Fun, Roof, Decks, Posts)</td>
<td>$44,290.00</td>
<td>$44,290.00</td>
</tr>
<tr>
<td>1 lot</td>
<td>Freestanding Play Design #2781-1-1-2 (Climbers, Signs)</td>
<td>$13,100.00</td>
<td>$13,100.00</td>
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<tr>
<td>1 ea</td>
<td>#120991A Arch Tire Swing</td>
<td>$3,090.00</td>
<td>$3,090.00</td>
</tr>
<tr>
<td>1 ea</td>
<td>#100148B Coi Spring T-Rex TuffRider, Direct Bury</td>
<td>$910.00</td>
<td>$910.00</td>
</tr>
<tr>
<td>1 ea</td>
<td>#100123R Coi Spring Rhino-Dino TuffRider, Direct Bury</td>
<td>$925.00</td>
<td>$925.00</td>
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<tr>
<td>2 ea</td>
<td>#186583C Wood Grain Bench with Back, 70&quot;, cedar/mink colored slats</td>
<td>$820.00</td>
<td>$1,640.00</td>
</tr>
</tbody>
</table>

| KCDA Purchasing Cooperative  
18639 80th Ave S  
Kent, WA 98064-5550  
attention: Paula Schilling  
pschilling@kcda.org  
425-251-8115 ext. 127 | Sub Total | $78,575.00  
KCDA | $4,594.50  
Freight | $5,300.00  
Tax (8.7%) | $6,723.40  
TOTAL | $84,003.90 |

*PlayCreation, Inc - 2104 SW 192nd Street, Suite 4 Burien, WA 98166 - 206.932.6366 - hq@playcreation.com  
This is material pricing. Installation not included on this quote.*
## TITLE OF DOCUMENT:
Discussion regarding Whatcom County Code Section 2.27A, Aquatic Invasive Species

### ATTACHMENTS:

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

### COMMITTEE ACTION:

### COUNCIL ACTION:

---

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**FINAL: List of topics for discussion regarding aquatic invasive species (AIS):**

4/23/2013 Regular Council Meeting
4/24/2013 Various Correspondence

All: Review this again next year in the Joint Lake Whatcom meeting.

Brenner: add a one-time charge for any boat that is only on Lake Whatcom. a one
time fee for those who don’t take their boats off the lake;

Mann: everyone would still have to pay this year. Implement the program and grant
an exemption for boats who don’t leave the lake as a part of the follow-up revisions.

Brenner: allow legitimate organizations that the Council knows about and that have
worked with the State to fill out the State form should have an event exemption.

Brenner: have a fee for all boats, not just motor boats. Create a graduated fee
schedule depending on the difficulty of inspection.

Kershner: remove Lake Samish from this ordinance this year, until they can create a
full program for Lake Samish.

Mann: make the fees $25 for the annual sticker and $10 for the day pass until they
have a more comprehensive plan.

Kershner: the annual pass is only good until September 31. Brueske stated the
annual permit would go January to December of the calendar year.

Knutzen: add a $5 day pass for group inspections and scheduled events.

Kershner: create an aquatic invasive species subcommittee of the Council, talk to
the City Council, and see if the City is open to coming up with solutions to some of
these changes.

Weimer: Other things should be changed, such as exempting boats that don’t ever
leave the lake; considering the risk of small craft such as kayaks, canoes, and
rowboats; finding an easy way for the people at Lake Samish to get inspected,
without hauling their boats to Bellingham and back.

From Barbara’s email to Chris Brueske dated 4/24/2013: “I have scheduled the AIS
ordinance and fee schedule in public works, health, and safety committee in two
weeks. The e-mail below (regarding SAR exemption suggested by John Leiberherr) is
one of the issues I would like addressed.

Additionally: an exemption for groups that have already gone through the WDFW AIS
inspection confirmation (Bob Harriman, who has spoken to you is actually a designee
for inspecting boats for his group. I would sure like to use the assistance of him and
others who have been doing this for a long time); a fee schedule that acknowledges
all boats, not just motor boats; a reduction of the fees in general; and most of all,
getting classes up and running this year.”

From John Leiberherr email: On Mar 18, I sent all of you an email requesting an
exemption for Search and Rescue Watercraft to the use fee charged for Whatcom
County bodies of water - to include rivers in 2015.
Ordinance revising Whatcom County Code 2.27A, Aquatic Invasive Species

This revision to the ordinance expands the AIS prevention program to include mandatory inspections of watercraft prior to launching at Lake Whatcom and Lake Samish in 2013, and at all Whatcom County water bodies starting in 2015.

COMMITTEE ACTION:
4/23/2013: Discussed

COUNCIL ACTION:
4/09/2013: Introduced
4/23/2013: Council Adopted 5-1, Brenner opposed, Kremen absent
Ord. 2013-018

Related County Contract #: Related File Numbers: Ordinance or Resolution Number: Ord. 2013-018

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.
ORDINANCE NO. 2013-018

AMENDING WHATCOM COUNTY CODE CHAPTER 2.27A TO PREVENT THE RELEASE AND SPREAD OF AQUATIC INVASIVE SPECIES.

WHEREAS, the County has authority under Washington State law to protect the health, safety, and general welfare of the public, to regulate and protect waters within its jurisdiction, and to control the transport and release of Aquatic Invasive Species,

WHEREAS, Lake Whatcom and Lake Samish are the drinking water sources for approximately half of the residents of Whatcom County and the vast majority of the City of Bellingham residents; and

WHEREAS, Whatcom County has adopted goals and policies to protect Lake Whatcom, Lake Samish and other freshwater lakes and streams; and

WHEREAS, Aquatic Invasive Species pose a serious threat to the waters of Whatcom County and can have severe impacts to ecology, water quality, water supply infrastructure, and recreational use; and

WHEREAS, watercraft transported from water bodies with Aquatic Invasive Species to uninfested waters are the principal cause of new infestations; and

WHEREAS, prevention programs that include education, screening, and watercraft inspection are effective in preventing the spread of Aquatic Invasive Species to uninfested water bodies; and

WHEREAS, an Aquatic Invasive Species prevention program is necessary to reduce the risk of Aquatic Invasive Species infestation and related impacts at Lake Whatcom and other waters of Whatcom County; and

WHEREAS, Whatcom County has authority under RCW 36.32.120 and Washington State law generally to regulate and protect its water supply and other waters within its jurisdiction; and

WHEREAS, Whatcom County adopted Ordinance 2012-034 in September 25, 2012, codified at WCC Chapter 2.27A, to prevent the release and spread of Aquatic Invasive Species into waters of Whatcom County; and

WHEREAS, it is in the best interests of Whatcom County to amend WCC Chapter 2.27A to further define and enhance its Aquatic Invasive Species detection and prevention program, including the adoption of mandatory inspection and permitting requirements for watercraft in Whatcom County.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 2.27A is hereby deleted in its entirety and replaced with the following, adopted as set forth in Exhibit A, attached hereto.

ADOPTED this day of April 2013.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

Date Signed: 4-27-13


**Exhibit A**

WCC Chapter 2.27A  
Aquatic Invasive Species

**2.27A.010 Definitions**

For the purpose of this chapter, the following definitions shall apply:

A. "Authorized Inspector" means a person who has received the necessary training approved by Whatcom County to inspect Watercraft to detect the presence of Aquatic Invasive Species.

B. "Aquatic Invasive Species" and "AIS" shall mean and include those species classified in Washington Administrative Code (WAC) 220-12-090 as "prohibited aquatic animal species", and those plant species listed in WAC 16-752-400-415; 505; and 610. For purposes of this section, WAC 220-12-090 and WAC 16-752-400-415; 505; and 610, as presently constituted or as hereinafter amended, are adopted and incorporated herein by reference.

C. "Enforcement Officer" includes any peace officer with jurisdiction in Whatcom County, and the County Noxious Weed Coordinator or his or her designee, to enforce the prohibitions set forth in this section.

D. "Inspection" means an inspection of a Watercraft or other vessel conducted by an Authorized Inspector for the purpose of detecting Aquatic Invasive Species and preventing their transport and release into any Public Water Body. Inspections may consist of questioning as well as a visual and tactile search of the exterior and interior of the Watercraft or other vessel, including but not limited to the hull, trailer, motor, propeller, bilge pump, compartments, bait well, ballast tank, bladdr, and all areas of standing water.

E. "Inspection Seal" means a chord or tether installed by an Authorized Inspector in a manner that connects a Watercraft to its trailer for the purpose of indicating that the Watercraft has passed Inspection, has not entered a water body since passing Inspection, and, therefore, may launch without further Inspection so long as the Inspection Seal is intact at the time of launch.

F. "Launch" means any act that places or attempts to place a Watercraft into a Public Water Body.

G. "Public Water Body" shall mean Lake Whatcom, Lake Samish, Baker Lake, Tennant Lake, Lake Terrell, Wiser Lake, Silver Lake, Toad Lake, Squalicum Lake, Reed Lake, Cain Lake and all other freshwater lakes and streams in unincorporated areas of Whatcom County where Watercraft have access.

H. "Watercraft" shall mean any vessel requiring registration by the State of Washington Department of Licensing under RCW 88.02 and WAC 308-93-030 and any vessel registered under the laws of a state other than Washington State or a country other than the United States.

**2.27A.020 Prohibitions**

The following activities are prohibited:

A. The transport or release of Aquatic Invasive Species into a Public Water Body.
B. Launching, operating or keeping on a Public Water Body a Watercraft that has not submitted to Inspection and decontamination as required by this section.

C. Launching, operating or keeping a Watercraft on a Public Water Body without a current AIS Permit as required by WCC 2.27A.070, below.

2.27A.030 Inspection and Decontamination.

A. Inspections shall be required of:

i. Effective April 27, 2013, all Watercraft prior to its first launch onto Lake Whatcom or Lake Samish in each calendar year;

ii. Effective April 27, 2013, all Watercraft prior to its first launch onto Lake Whatcom or Lake Samish after it has entered any fresh water body located outside Whatcom County, Washington; and

iii. Effective April 25, 2015, all Watercraft prior to its first launch onto a Public Water Body in each calendar year;

iv. Effective April 25, 2015, all Watercraft prior to its first launch onto a Public Water Body after it has entered any fresh water body located outside Whatcom County, Washington; and

v. All Watercraft prior to each and every launch onto a Public Water Body from a public access point for which an AIS check station is operating under this section, except Watercraft bearing an intact Inspection Seal.

B. Exemptions

Watercraft inspections and the associated fees shall not be required for:

i. Law enforcement and emergency response watercraft.

ii. Watercraft involved in search and rescue operations or training.

C. Inspection and Decontamination Services

i. Whatcom County may establish and operate AIS check stations at public access points to Public Water Bodies.

ii. Whatcom County may, upon request by an owner or operator of a Watercraft, conduct an Inspection on private property owned by the Watercraft owner or operator.

iii. All AIS check stations operating under this section shall be marked by signs and staffed by one or more Authorized Inspectors. AIS check stations authorized by this section shall be subject to hours of operation and other program requirements established by the Director of Public Works or his designee.

iv. If upon Inspection an Authorized Inspector determines that a Watercraft is not contaminated with Aquatic Invasive Species, then said Watercraft shall be permitted to launch, subject to payment of fees authorized in Section .050 of this Chapter.

v. If upon Inspection an Authorized Inspector reasonably suspects that a Watercraft or any other vessel is contaminated with Aquatic Invasive Species, the Authorized Inspector may decontaminate the Watercraft on site or direct the Watercraft owner or operator to a decontamination
station where the Watercraft will undergo a decontamination process. Following decontamination, the Watercraft owner or operator shall not launch the Watercraft onto a Public Water Body until the Watercraft has been re-inspected and approved for launch by an Authorized Inspector.

vi. A Watercraft owner or operator may refuse to stop and consent to Inspection at any AIS check station authorized by this section; provided, if any Watercraft owner or operator refuses to stop and consent to Inspection at an AIS check station authorized by this section, then said owner or operator shall not launch his or her Watercraft from said location and shall be in violation of this section if he or she nevertheless attempts to do so.

2.27A.040 Safe Harbor

Any person who voluntarily stops and consents to Inspection at an AIS check station or other Inspection station and cooperates in the decontamination process shall not be subject to penalties under this section for possessing or transporting Aquatic Invasive Species.

2.27A.050 AIS Permits and Fees

A. Every Watercraft requiring inspection under this Chapter shall be affixed with an AIS Permit issued by Whatcom County or the City of Bellingham prior to launching or operating on Public Water Bodies.

B. AIS Permits shall be issued upon passage of Inspection and payment of the applicable fee.

C. The fee for inspection and decontamination services shall be established in the Whatcom County Unified Fee Schedule.

D. AIS Permits shall be available as follows:

i. Annual Sticker. Each Annual Sticker shall be effective during the calendar year in which it is issued. A receipt evidencing payment of the Annual Sticker fee shall entitle the holder to unlimited Inspections and Inspection Seal installation services for the Watercraft to which the Annual Sticker is affixed.

ii. Day Pass. Each Day Pass shall be effective only on the date it is issued. A receipt evidencing payment of the Day Pass fee shall entitle the holder to one Inspection of the Watercraft to which the Day Pass is affixed.

E. AIS Permits are nontransferable and shall apply to a single Watercraft. AIS Permits shall be affixed to the Watercraft as directed by the Authorized Inspector in a visible location located above the waterline.

F. A Watercraft shall be deemed to be in compliance with the inspection and permitting requirements of this section if his or her Watercraft is currently in compliance with an Aquatic Invasive Species inspection and permitting program adopted by the City of Bellingham, Washington.

G. The fees authorized by this section are intended to offset the cost to Whatcom County of implementing this section for the purpose of detecting and preventing the spread of Aquatic Invasive Species and are not intended to be, nor shall they be construed to be, charges imposed upon access to Public Water Bodies for the purpose of outdoor recreation.
H. The Public Works Department is directed to develop an expedited inspection and permitting program for residents of unincorporated Whatcom County for consideration by the Whatcom County Council prior to April 1, 2015.

2.27A.060 Cooperative Agreements.

Whatcom County may enter into cooperative agreements with persons and entities, including but not limited to, homeowner’s associations, condominium associations, civic groups and governmental entities, to adopt and execute plans, which may be implemented inside or outside Whatcom County, to detect and prevent the transport and release of Aquatic Invasive Species in Public Water Bodies.

2.27A.070 Penalties

A. Any person violating this section shall have committed a civil infraction, and shall be punished by a fine not to exceed $1,000 for each violation. Each violation of this section shall be a separate infraction, and in the case of a continuing violation, each day’s continuance shall be deemed to be a separate and distinct infraction. Civil infractions under this section shall be issued and processed in accordance with Chapter 7.80 RCW, except as otherwise provided in this section. Each party to a civil infraction case shall bear its own attorney’s fees, witness fees and costs.

B. Any individual who violates this section may be held responsible for the costs expended by the Whatcom County or its designee for response and mitigation of impacts.

C. Payment of any civil penalty herein shall not relieve any individual from the responsibility of correcting the violations as found by the Enforcement Officer.

D. Any person found not in compliance with this section is subject to citation, shall be escorted off the Public Water Body, and shall be subject to any other legal action as deemed necessary by the Enforcement Officer including but not limited to detaining said person and Watercraft until inspected and decontaminated as required under this section.

E. Fines collected as a result of violating this section that are not otherwise encumbered, shall be used to fund the Whatcom County Aquatic Invasive Species Management and Prevention Program.

2.27A.080 Applicability

The provisions of this code section shall apply in addition to the provisions of any other code provision or ordinance. Where there is a conflict, the more restrictive provision shall apply. The provisions of this section are in addition to those provisions regulating Aquatic Invasive Species as contained in Washington State law.

2.27A.090 Severability.

If any section, provision, or portion of this chapter shall be determined to be invalid, the remainder of the chapter shall not for that reason be rendered ineffective or invalid.
PDS would like to make a short presentation (10-15) minutes on a recent week long training that 20 staff participated in on lean process improvements (called a kaizen). PDS charter (goal) was to figure out a way to reduce processing time for residential permits from 30 to 15 days.
### TITLE OF DOCUMENT:
Agricultural Strategic Plan Implementation (part of PLN2012-00007) – Agricultural Area Amendments

### ATTACHMENTS:
1) Staff memo to Council
2) Draft code amendments
3) Clean version of effected portions of WCC 20.40 (Ag zone) and WCC 20.97 (definitions), that shows ONLY tracked changes based on the April 9 discussion

### 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.)

Proposed amendments to portions of the Official Whatcom County Zoning (Title 20) and Subdivision (Title 21) Ordinances for categorical changes related to the Ag Strategic Plan File. Changes include: Change to Ag Farmstead Parcel creation, Ag Siting Criteria, and Procedurally treating Ag Parcel Reconfigurations similar to Boundary Line Adjustments.

### COMMITTEE ACTION:
3/26/2013: Discussed. Reschedule as time allows.
4/9/2013: Discussed. Committee wishes to proceed with option 1 on page four of the March 28 staff memo.

### COUNCIL ACTION:

### Related County Contract #:
RES2011-023

### Related File Numbers:
RES2011-023

### 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](http://www.co.whatcom.wa.us/council).
MEMORANDUM

TO: Honorable Whatcom County Council Members
CC: The Honorable Jack Louws, County Executive
FROM: Samya Lutz, Planner
THROUGH: Mark Personius, Long Range Planning Manager
DATE: April 24, 2013
SUBJECT: Whatcom County Agricultural Strategic Plan Implementation (PLN2012-00007): Agricultural area amendments

Staff discussed various options with the Council Planning Committee on April 9, 2013, related to the proposed parcel reconfiguration amendments effecting Agricultural areas, and following up on discussion during the March 26 Council Planning Committee meeting. Specific options presented and discussed included the following (taken from March 28 memo):

The Parcel Reconfiguration draft amendments include a variety of changes to the Ag zone. Some proposed changes may not elicit the level of controversy that the specific ag parcel reconfiguration amendments have, such as: 1) the allowance for a 1-3 acre residential lot to be created in advance of a home being built through a boundary line adjustment or ag short plat (farmstead parcel creation); 2) the addition of siting criteria; or 3) the exemption for ag-only divisions (with a deed restriction).

Staff provides the following options, which may be added to those offered by Council members for the discussion on April 9:

A. Set aside the parcel reconfiguration-specific amendments, but proceed with the other agricultural amendments (summarized as 1-3, above) contained in the draft ordinance;

B. Set aside the full draft amendment package, or condition implementation of the package until a revised TDR program is developed that allows transfers of development rights from the agricultural areas;

C. Move forward with review of the full draft parcel reconfiguration amendment package (i.e. without TDR or other related proposals), discussing modifications that align with the Council’s policy priorities in terms of agricultural preservation, using examples such as those set forth earlier in this memo.

At the April 9th meeting, staff understood that proceeding with Option A is how councilmembers would like to move forward at this time, allowing for possible future reconsideration of both TDR (or some modification thereof) and the parcel reconfiguration-specific amendments. Accordingly, staff has re-drafted the amendments to remove the allowance for parcel reconfiguration, but
maintain related amendments as indicated in Option A above. Staff members are now referring to these proposed changes as “agricultural area amendments” rather than “parcel reconfiguration amendments.”

At the May 7 Council Planning Committee meeting, staff will plan to focus on one of the specific amendments contained in the package: the allowance for a 1-3 acre residential lot to be created in advance of a home being built through a boundary line adjustment or ag short plat (item 1, above). Staff will discuss how things are done today, in comparison to what these amendments would allow if passed. After discussion, staff would appreciate an informal affirmation of the approach to include this option in the package going forward, or direction to redraft the amendments in some alternative fashion.

Attached please find:

- A ‘clean’ version of effected portions of WCC 20.40 (Ag zone) and WCC 20.97 (definitions), that shows ONLY tracked changes based on the April 9 discussion; and

- The draft code amendments, showing all changes to the current code related to the version under consideration.

A new ordinance is not included with materials for this meeting. Staff anticipates at least one additional committee discussion session will be desirable prior to re-drafting the ordinance for Council consideration and public hearing. At least one additional discussion session will allow staff to focus on the other two specific amendments contained in the package, or whatever is not covered in enough detail at the May 7 committee meeting. Staff is attempting to give council members enough information to fully understand the repercussions of the draft amendments so they can weigh constituents’ concerns and make recommendations for improving the draft amendments.


Staff members look forward to discussing these amendments with you during the Planning Committee meeting on May 7.

Feel free to contact Amy Keenan (x50264) or me (x51072) with any questions.
Ag Area Amendments WCC 20.40 “Clean” Re-organization
AGRICULTURE (AG) DISTRICT
with DEFINITIONS from WCC 20.97.132 and .133

Re-organization of chapter showing clean (non-tracked) code changes through February 28, 2013 and tracked code changes made following the April 9 Council Committee meeting for selected chapters that are subject of the proposed changes.

Existing Ag District Sections:

20.40.010 Purpose.
20.40.050 Permitted uses.
20.40.100 Accessory uses.
20.40.130 Administrative approval uses.
20.40.150 Conditional uses.
20.40.200 Prohibited uses.
20.40.250 Minimum lot size and land subdivision.
20.40.350 Building setbacks.
20.40.450 Lot coverage.
20.40.650 Development criteria.
20.40.651 Landscaping.
20.40.652 Drainage.
20.40.662 Use of natural resources.

Table of Contents:

20.40.010 Purpose.

The primary purposes of this district are to implement the agricultural designation of the Comprehensive Plan, established pursuant to RCW 36.70A.170, preserve, enhance and support the production of food and fiber in Whatcom County, to maintain a sufficiently large agricultural land base to ensure a viable agriculture industry and to maintain the economic feasibility of supporting services. Whatcom County supports agricultural activities as the highest priority use in the Agriculture District, with all other uses being subordinate to agricultural activities. Whatcom County seeks to minimize conflict with surrounding zoning districts, in conjunction with Chapter 14.02 WCC, Right to Farm. In order to limit the further fragmentation of the commercial agricultural land base, the Agriculture District includes smaller areas of land with poorer quality soils or nonagricultural uses, which do not meet the definition of agriculture lands of long-term commercial significance.

A secondary purpose of this district is to serve as a holding district when located within the urban growth area Comprehensive Plan designation to allow agricultural uses in the near term while protecting the area from suburban sprawl and preserving the potential for future urban development consistent with the protection of the resource land. (Ord. 2009-071 § 2 (Exh. B), 2009; Ord. 2005-079 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001).
20.40.250 Division or Modification of Parcels

It is the intent of this section to allow divisions which benefit the long-term viability of agriculture. This section describes the requirements for division or modification of parcels within the agricultural district that are either consistent with the minimum lots size or would result in substandard parcels or make existing substandard parcels further substandard.

Requests for land division or boundary line adjustment, or agricultural parcel reconfiguration in the Agriculture District shall be made on forms provided by the department and will be reviewed administratively. All divisions must comply with the following provisions:

(1) **Agricultural Divisions.** All divisions of land in the Agriculture District shall proceed in accordance with the local and state subdivision laws.

(2) **Allowable Density.** No division, or boundary line adjustment, or agricultural parcel reconfiguration shall result in an increase in allowable density.

(3) **Additional Acreage.** Additional acreage gained through a boundary line adjustment or agricultural parcel reconfiguration shall not be considered in the total acreage calculations for determining density.

(4) **Plat Restrictions.** The following plat restriction is required, prior to recording, on the nonresidential lot of all divisions of land provided for in WCC 20.40.254(2):

> No further division or residential structure shall be allowed on this parcel unless and until changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.

(5) **Deed Restrictions.** Deed restrictions are required for all boundary line adjustments or agricultural parcel reconfigurations allowed under WCC 20.40.254(3) and (4).

(a) The following language must be recorded separately and placed by reference of auditors file number on the deed, and placed on the tract map of the nonresidential portion of the adjusted parent parcels prior to recording:

> The development density of the original parcel (parent parcel) remains with legal description _______. The _______ (# of acres) appended through boundary line adjustment [or agricultural parcel reconfiguration] to legal description _________ (receiving parcel) shall not be included in calculations to determine total development density for the receiving parcel.

(b) The following deed restriction language must be recorded separately and placed by reference of auditors file number on the deed, and is required when there is no additional means to further subdivide the property due to the parcel sizes and density standards of this zone:

> No further division or residential structure shall be allowed on this parcel unless and until changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.
20.40.251 Minimum Lot Size.

The minimum lot size in the Agriculture District is 40 acres, except as provided for in WCC 20.40.253 and .254. The creation of a lot less than the minimum size is permitted only when the subject application meets the standards contained in WCC 20.40.253, .254 and .650 as applicable.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Size Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional Parcel</td>
<td>40 acres</td>
<td>Reconfiguring existing nonconforming parcels</td>
</tr>
<tr>
<td><strong>Farmstead Parcels Created through Agricultural Short Subdivision or Agricultural Boundary Line Adjustment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmstead Parcel – Parent Parcel <strong>with</strong> Existing Farmstead <strong>with</strong> public water</td>
<td>1 acres</td>
<td>Up to 3 acres pursuant to WCC 20.40.253 (1),(2) &amp; (4)</td>
</tr>
<tr>
<td>Farmstead Parcel – Parcel <strong>with</strong> Existing Farmstead <strong>without</strong> public water</td>
<td>2 acres</td>
<td>Up to 3 acres pursuant to WCC 20.40.253 (1)-(4)</td>
</tr>
<tr>
<td>Farmstead Parcel – Parent Parcel <strong>without</strong> Existing Farmstead <strong>with</strong> public water</td>
<td>1 acre</td>
<td>Up to 2 acres pursuant to WCC 20.40.253 (1) &amp; (2)</td>
</tr>
<tr>
<td>Farmstead Parcel – Parcel <strong>without</strong> Existing Farmstead <strong>without</strong> public water</td>
<td>2 acres</td>
<td>Up to 3 acres pursuant to WCC 20.40.253 (1),(2) &amp; (3)</td>
</tr>
<tr>
<td><strong>Parcels Created Through Agricultural Parcel Reconfiguration</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reconfigured Parcel – reconfiguration <strong>with</strong> public water</td>
<td>1 acre</td>
<td>N/A</td>
</tr>
<tr>
<td>Reconfigured Parcel – reconfiguration <strong>without</strong> public water</td>
<td>1 acre</td>
<td>Up to 2 acres pursuant to WCC 20.40.253 (1),(2) &amp; (3)</td>
</tr>
<tr>
<td><strong>Parcel Created for Agricultural Purposes Only</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Created Parcel <strong>with</strong> deed restriction for no residential buildings</td>
<td>10 acres</td>
<td>N/A</td>
</tr>
</tbody>
</table>

20.40.252 Minimum lot width and depth.

(1) For parcels created consistent with the minimum lot size the: The minimum length to width ratio is 1/5. The terms “length” and “width” refer to the average length and average width of the parcel.

(2) For lots created or rearranged pursuant to WCC 20.40.254, the following lot width and depth shall apply:
## Minimum Width at Street Line

<table>
<thead>
<tr>
<th>Minimum Width at Street Line</th>
<th>Minimum Width at Bldg. Line</th>
<th>Minimum Mean Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>70’ [A]</td>
<td>80’</td>
<td>100’</td>
</tr>
</tbody>
</table>

[A] Applies only to land divisions or parcel reconfigurations where the parcel(s) does not contain a farmstead homesite at the time of the application.

### 20.40.253 Farmstead or Reconfigured Parcel Minimum Lot Size Exceptions

The base maximum for the farmstead parcel shall be consistent with the minimum lots size in 20.40.251, except as follows:

1. A greater area is determined necessary by the health officer pursuant to Chapter 24.05 On-Site Sewage System Regulations;
2. A greater area is determined necessary by the responsible official to accommodate a driveway or other access necessary for the farmstead parcel;
3. For farmstead parcels without public water: Unless substantial evidence is provided by the responsible official indicating the location is not feasible, wells and wellhead protection zones shall also be located within farmstead parcel. Wells located outside of the farmstead parcel area shall be sited to minimize potential impacts on agricultural activities.
4. For farmstead parcels with existing farmstead homesites: There is an existing agricultural structure(s) within the farmstead parcel and any of the following criteria are met:
   a. The separation between the agricultural structure(s) and the primary residential structure is less than 150 feet; or
   b. Current use of the agricultural structure(s) is not related to an agricultural activity; or
   c. There is a low potential for future use of the agricultural structure(s) to be associated with an agricultural activity due to physical condition or compatibility with agricultural practices; or
   d. Water is not available for use at the agricultural structure(s).

### 20.40.254 Separation of the Farmstead Parcel Criteria:

1. The criteria for approval for the farmstead parcel and remainder parcel created through Agricultural Boundary Line Adjustment, or Agricultural Short Subdivision, and Agricultural Parcel Reconfiguration shall be the following:
   a. The area of the parcel containing the farmstead home site, whether the home exists or is to be added, is limited to the minimum amount required to encapsulate structures, parking areas, driveways, septic systems, wells, and landscaping required setbacks; and
   b. The farmstead parcel size shall be as stated in WCC 20.40.251, unless the existing residential structure(s) and/or well and septic constraints require a larger parcel, but shall not exceed the maximum lot size consistent with the exceptions in WCC 20.40.253; and
   c. The farmstead parcel and farmstead home site meet the siting criteria contained in WCC 20.40.650; and
(d) A remainder parcel shall be created equal to or greater than 10 nominal acres; and

(e) The remainder parcel shall have no existing residential development and no development rights, and a condition containing the language as provided in WCC 20.40.250(4) or (5) shall be included on the short plat, boundary line adjustment, or agricultural parcel reconfiguration for the remainder parcel prior to final approval; and

(f) The applicant and his or her heirs provide right of first purchase for a period of not less than 60 days through deed restriction to the original purchaser and subsequent purchasers of the remainder parcel for purchase of the farmstead parcel before they are offered on the open market; and

(g) A right to farm disclosure statement as provided for in WCC 14.02.040(B) will be signed by the farmstead parcel owner and subsequent purchasers of the farmstead parcel, and recorded as per WCC 14.02.040(A)(1) and 14.02.050; and

(h) All land division shall comply with the appropriate map and recording provisions of WCC Title 21; and

(i) The overall submittal shall comply with WCC 20.40.250 et seq.

(2) **Agricultural Short Subdivisions.** Agricultural Short subdivisions for the purpose of reducing the acreage below the minimum lot size as provided by WCC 20.40.251 for a farmstead homesite shall comply with the following provisions:

(a) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable code and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and

(b) The short subdivision application shall meet the size and performance standards of WCC 20.40.650.

(3) **Boundary Line Adjustments.** Boundary line adjustments for the purpose of reducing the acreage below the minimum lot size as provided by WCC 20.40.251 of an existing or proposed farmstead parcel if such boundary line adjustment complies with the following provisions:

(a) Boundary line adjustments shall not make a lot substandard or further substandard, except as provided for in WCC 20.40.251.

(b) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable codes and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and

(c) The farmstead parcel and boundary line adjustment application shall meet the size and performance standards of WCC 20.40.250 and .251, and the siting criteria of WCC 20.40.650.

(4) **Agricultural Parcel Reconfiguration.** Parcels are reconfigured and finalized according to the agricultural parcel reconfiguration process established in Chapter 21.03, Exempt Land Divisions, Boundary Line Adjustments, and Agricultural Parcel Reconfigurations, and when meeting the following performance standards:

(a) Existing parcels to be reconfigured are:
(i) Smaller than the minimum lot size established for new lots in the Agriculture district. Parcels which meet the minimum lot size may be adjusted as a part of this process, provided the reconfiguration meets the provisions of (4)(b) below;

(ii) Determined to be legally created and buildable pursuant to WCC Title 21.01.180.

(b) Proposed parcel(s) results in the following:

(i) No additional parcels; and

(ii) A remainder parcel shall be created equal to or greater than 10 nominal acres; and

(iii) The siting criteria of WCC 20.40.650 are met and development standards of WCC 20.40.252 et seq. are met; and

(iv) The reconfiguration shall result in achieving four (4) or more of the identified agricultural-related purposes as follows:

(A) Expand the amount of commercially viable resource land under contiguous single ownership; and/or

(B) Protect and buffer designated resource lands; and/or

(C) Reduce impervious surfaces, such as by reducing the amount of road and utility construction required to serve reconfigured lots, or by reducing the amount impervious area for nonagricultural uses that could otherwise occur without parcel reconfiguration; and/or

(D) Reduce the total number of lots of record through voluntary consolidation; and/or

(E) Produce a farm management plan approved through the Whatcom Conservation District or WA Department of Agriculture that demonstrates increased viability of the agricultural operation through the agricultural parcel reconfiguration; and/or

(F) Enable improved floodplain management in cooperation with Whatcom County Public Works; and

(viii) Reconfigured lots shall not be further adjusted by boundary line adjustment without approval under this section.

(c) The responsible official may impose conditions, consistent with Whatcom County Code, on the agricultural parcel reconfiguration to further the purposes of this section.

(d) Parcel reconfigurations will be tracked by County Planning and Development Services so the procedure can be adaptively managed by review of all projects passed per this code in year 2017.

(5) Public Facility. The division is for the purpose of public facilities for health and safety use or expansion of such uses; provided, that:

(a) The division or boundary line adjustment will not adversely affect the surrounding agricultural activities; and

(b) The applicant has demonstrated to the administrator’s satisfaction that the siting of the proposed use cannot be located in an adjacent zoning district or alternative site, if the area is intensively farmed.
(6) **Division or Boundary Line Adjustment for Agricultural Purposes Only.** Lots smaller than the minimum lot size of WCC 20.40.251 may be created through land division or re-arranged through a boundary line adjustment provided the following:

(a) The parent parcel does not contain an existing residence, or said existing residence will remain on a parcel larger than 40 acres in size; and

(b) The parcel created is greater than 10 acres or is appended to another parcel; and

(c) There is a properly executed deed restriction which runs with the land on lots which have been created through the division or modified by the boundary line adjustment, except those lots at or over 40 acres in size that maintain an associated development density. Such deed restriction shall be substantially similar to that listed under 20.40.250(5), approved by the zoning administrator and recorded with the County Auditor specifying:

(i) All land divided or parcels adjusted are to be used exclusively for agricultural or flood management purposes and specifically not for a dwelling(s), and

(ii) All land divided or parcels adjusted shall have no residential density, and

(iii) For land divisions, the acreage of the newly created parcels shall not be included in calculations to determine total development density in the future, and

(iv) For boundary line adjustments, the acreage of the newly created parcel and appended portion shall not be included in calculations to determine total development density in the future.

### 20.40.255 Consolidation of Adjacent Tracts.
Consolidation of adjacent tracts in the same ownership shall be required in accordance with 20.83.070 in approval of any subdivision, short subdivision, agricultural parcel reconfiguration, or boundary line adjustment in the Agricultural District. The County may waive the permit fee for a boundary line adjustment or agricultural parcel reconfiguration where adjacent lots of record are not in the same ownership and are consolidated voluntarily for purposes of the agricultural parcel reconfiguration, or boundary line adjustment.

### 20.40.256 Establishing Intent.
The burden of establishing intent in and legal proceeding relating to a transaction accomplished or proposed under the authority of this section shall be upon the land owner or purchaser.

### 20.40.350 Building setbacks.
Building setbacks shall be administered pursuant to WCC 20.80.200 (Setback Requirements). Building setbacks for parcels of less than five nominal acres shall be administered pursuant to WCC 20.80.250.

### 20.40.450 Lot coverage.
No structure or combination of structures, including accessory buildings, shall occupy or cover more than 25 percent of the total area of the subject parcel. Exceptions to the maximum lot coverage may be allowed when any of the following can be demonstrated:

(1) Proposed structures, in excess of the allowed maximum lot coverage, are located on lesser quality soils.
(2) Proposed structures in excess of the allowed maximum lot coverage support additional agricultural production on parcels other than the subject parcel.

(3) Expansion of facilities that were in operation prior to the adoption of the ordinance codified in this section if it can be demonstrated that substantial on-site investment has been made and location of additional structures off-site would cause an economic hardship to the farm operation.

**20.40.650 New or Modified Parcel Siting Criteria**

The location of vacant farmstead parcels or parcels arranged through agricultural parcel reconfiguration (which may or may not be vacant) shall be consistent with the following siting criteria and standards:

(1) **Minimum Lot Size.** Parcels shall be consistent with WCC 20.40.251.

(2) **Parcel Design.** Parcels shall be located and arranged to provide the maximum protection of agricultural land located both on and off-site. Parcel design and development shall be as follows:

   (a) The residential parcels shall be configured so that property lines are immediately adjacent and physically contiguous to each other. A maximum of two development areas containing no more than four (4) lots may be allowed. The two development areas shall contain no more than a total of six lots, and shall be separated by a minimum of 500 feet to minimize the visibility of the future development and reinforce the purposes of the zone; provided that reductions in the separation standard by up to 10% are allowed if an applicant can demonstrate that the future development visibility from the public right of way or from neighboring properties is minimized and the purposes of the parcel reconfiguration in WCC 20.40.254(4)(b)(iv) are met; and

   (b) Residential parcels shall be located as close as possible to existing public roads, or if none abut the property then to existing access roads. New road or driveway development shall be avoided to the maximum extent feasible; and

   (c) Except for parcels that recognize existing farmsteads, residential parcels shall be located to the extent feasible to maximize the remainder lot configuration and farmable area; and

   (d) Except for reconfigured parcels that recognize existing farmsteads, each reconfigured parcel shall be limited to one single family residence and residential accessory structures; and

   (e) Residential building sites shall maintain sufficient separation from on-site and off-site agricultural resources and exterior property lines. The setback, lot coverage, and height standards for reconfigured lots shall be as established in WCC 20.40.350 to 450; and

   (f) Applicants shall verify that reconfigured parcels or farmstead parcels do not prohibit access to a point of withdrawal for any irrigation water rights certificates, claims, permits, or applications on the affected parcels; and

   (g) All development shall be consistent with WCC Chapter 16.16; and

   (h) The farmstead parcel or reconfigured parcels avoids prime soils to the extent feasible. Where the site is predominantly in prime soils and such cannot be avoided, the applicant shall demonstrate that:

      (i) the parcels are sized to be as small as feasible pursuant to WCC 20.40.251; and

      (ii) located to maximize the agricultural use of the remainder lot; and
(iii) achieve the most suitable locations for parcels in terms of minimizing roads, allowing for water availability, and septic suitability.

(3) Substitute Parcel Design Standards. Applicants proposing a farmstead parcel or agricultural parcel reconfiguration may propose a substitute performance standard in place of a listed standard in .650 (New or Modified Parcel Siting Criteria) provided that the applicant submits a written justification demonstrating the substitute standard better or equally meets the purposes of the zone in WCC 20.40.010 and the following agricultural-related purposes:

(A) Expand the amount of commercially viable resource land under contiguous single ownership; and/or
(B) Protect and buffer designated resource lands; and/or
(C) Reduce impervious surfaces, such as by reducing the amount of road and utility construction required to serve the farmstead homesite, or by reducing the amount of impervious area for nonagricultural uses that could otherwise occur without the ag division; and/or
(D) Reduce the total number of lots of record through voluntary consolidation; and/or
(E) Produce a farm management plan approved through the Whatcom Conservation District or WA Department of Agriculture that demonstrates increased viability of the agricultural operation through the ag division; and/or
(F) Enable improved floodplain management in cooperation with Whatcom County Public Works described in WCC 20.40.254(4)(b)(iv); except under no condition shall more than the maximum of six (6) residential parcels with no more than four (4) lots in one development area be allowed. Such substitution shall be considered at the Administrator’s discretion.

Chapter 20.97 DEFINITIONS

Zoning Definitions

20.97.132 Farmstead parcel.
The “farmstead parcel” is the legally subdivided portion of the parent parcel containing an existing or planned farmstead home site. (Ord. 2005-073 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 3), 2001).

20.97.133 Farmstead home site.
The “farmstead home site” includes that portion of the parent parcel used for existing or planned residential buildings, uses accessory to residential buildings, drainfields, wells, wellhead protection area(s), established landscaped areas contiguous with the non-agricultural built area, and structures as allowed in WCC 20.40.253. (Ord. 2005-073 § 1, 2005).
PROPOSED CODE AMENDMENTS: AGRICULTURAL AREA

April 24, 2013

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20.40.250 Division or Modification of Parcels.

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20.40.252 Minimum lot width and depth.

20.40.253 Farmstead or Reconfigured Parcel Minimum Lot Size Exceptions.

20.40.254 Separation of the Farmstead Parcel Criteria.

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AGRICULTURE (AG) DISTRICT

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- 20.40.651 Landscaping.
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- 20.40.662 Use of natural resources.

20.40.010 Purpose.

The primary purposes of this district are to implement the agricultural designation of the Comprehensive Plan, established pursuant to RCW 36.70A.170, preserve, enhance and support the production of food and fiber in Whatcom County, to maintain a sufficiently large agricultural land base to ensure a viable agriculture industry and to maintain the economic feasibility of supporting services. Whatcom County supports agricultural activities as the highest priority use in the Agriculture District, with all other uses being subordinate to agricultural activities. Whatcom County seeks to minimize conflict with surrounding zoning districts, in conjunction with Chapter 14.02 WCC, Right to Farm. In order to limit the further fragmentation of the commercial agricultural land base, the Agriculture District includes smaller areas of land with poorer quality soils or nonagricultural uses, which do not meet the definition of agriculture lands of long-term commercial significance.

A secondary purpose of this district is to serve as a holding district when located within the urban growth area Comprehensive Plan designation to allow agricultural uses in the near term while protecting the area from suburban sprawl and preserving the potential for future urban development consistent with the protection of the resource land. (Ord. 2009-071 § 2 (Exh. B), 2009; Ord. 2005-079 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001).

.....

20.40.250 Minimum lot size and land subdivision. Division or Modification of Parcels.

(1) The minimum lot size in the Agriculture District is 40 acres, except as provided for in WCC 20.40.251 and 20.40.252. The minimum length to width ratio is five to one. The terms “length” and “width” refer to the average length and average width of the parcel.
(2) All divisions of land in the Agriculture District shall proceed in accordance with the local and state subdivision laws.

(3) Boundary line adjustments shall not make a lot substandard or further substandard, except as provided for in WCC 20.40.251 and 20.40.252.

.251 It is the intent of this section to allow divisions which benefit the long-term viability of agriculture. This section describes the requirements for division or modification of parcels within the agricultural district that either are consistent with the minimum lot size, or would result in substandard parcels or make existing substandard parcels further substandard.

Requests for land division or boundary line adjustment, or agricultural parcel reconfiguration in the Agriculture District shall be made on forms provided by the department and will be reviewed administratively. An additional application, deemed sufficient to initiate subdivision or boundary line adjustment review by planning and development services, must be submitted within 24 months of the administrative approval granted pursuant to this section. All divisions must comply with the following provisions:

(1) **Agricultural Divisions.** All divisions of land in the Agriculture District shall proceed in accordance with the local and state subdivision laws.

(2) **Allowable Density.** No divisions or boundary line adjustments, or agricultural parcel reconfiguration shall result in an increase in allowable density.

(3) **Additional Acreage.** Additional acreage gained through a boundary line adjustment or agricultural parcel reconfiguration shall not be considered in the total acreage calculations for determining density.

(4) **Plat Restrictions.** The following plat restriction is required, prior to recording, on the nonresidential lot of all divisions of land provided for in WCC 20.40.254(2),

No further division or residential structure shall be allowed on this parcel until and unless changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.

(5) **Deed Restrictions.** Deed restrictions are required for all boundary line adjustments or agricultural parcel reconfigurations allowed under WCC 20.40.254(3) and (4).

(a) The following language must be recorded separately and placed by reference of auditors file number on the deed, and placed on the tract map of the nonresidential portion of the adjusted parent parcels prior to recording:

The development density of the original parcel (parent parcel) remains with legal description _______. The _______ (# of acres) appended through boundary line adjustment or agricultural parcel reconfiguration to legal description __________ (receiving parcel) shall not be included in calculations to determine total development density for the receiving parcel.

.252 Maximum Lot Size Exceptions. The inclusion of existing agricultural structure(s) within the farmstead home site parcel shall be allowed if the farmstead home site parcel does not exceed three acres, and if any of the following criteria are met.
The following deed restriction language must be recorded separately and placed by
reference of auditors file number on the deed, and is required when there is no additional
means to further subdivide the property due to the parcel sizes and density standards of this
zone:
No further division or residential structure shall be allowed on this parcel unless and until
changes in the zoning of this property occur consistent with State and local laws which
would result in additional development density, in which case this restriction shall be null
and void, and density and uses of the new zone shall apply to the property upon review by
the Whatcom County zoning administrator.

20.40.251 Minimum Lot Size.
The minimum lot size in the Agriculture District is 40 acres, except as provided for in WCC 20.40.2531 and
20.40.2542. The creation of a lot less than the minimum size is permitted only when the subject application
meets the standards contained in WCC.20.40.253, .254, and .650, as applicable.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Size Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional Parcel</td>
<td>40 acres</td>
<td>Reconfiguring existing nonconforming parcels</td>
</tr>
<tr>
<td><strong>Farmstead Parcels Created through Agricultural Short Subdivision or Agricultural Boundary Line Adjustment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmstead Parcel – Parent Parcel with Existing Farmstead with public water</td>
<td>1 acre</td>
<td>Up to 3 acres pursuant to WCC 20.40.253 (1),(2) &amp; (4)</td>
</tr>
<tr>
<td>Farmstead Parcel – Parent Parcel with Existing Farmstead without public water</td>
<td>2 acres</td>
<td>Up to 3 acres pursuant to WCC 20.40.253 (1)-(4)</td>
</tr>
<tr>
<td>Farmstead Parcel – Parent Parcel without Existing Farmstead with public water</td>
<td>1 acre</td>
<td>Up to 2 acres pursuant to WCC 20.40.253 (1) &amp; (2)</td>
</tr>
<tr>
<td>Farmstead Parcel – Parent Parcel without Existing Farmstead without public water</td>
<td>2 acres</td>
<td>Up to 3 acres pursuant to WCC 20.40.253 (1),(2) &amp; (3)</td>
</tr>
</tbody>
</table>

**Parcels Created through Agricultural Parcel Reconfiguration**

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Size Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconfigured Parcel – reconfiguration with public water</td>
<td>1 acre</td>
<td>N/A</td>
</tr>
<tr>
<td>Reconfigured Parcel – reconfiguration without public water</td>
<td>1 acre</td>
<td>Up to 2 acres pursuant to WCC 20.40.253 (1),(2) &amp; (3)</td>
</tr>
</tbody>
</table>
Parcels Created for Agricultural Purposes Only

| Created Parcel with deed restriction for no residential buildings | 10 acres | N/A |

20.40.252 Minimum lot width and depth.

(1) For parcels created consistent with the minimum lot size: The minimum length to width ratio is five to one. The terms “length” and “width” refer to the average length and average width of the parcel.

(2) For lots created or rearranged pursuant to WCC 20.40.254, the following lot width and depth shall apply:

<table>
<thead>
<tr>
<th>Minimum Width at Street Line</th>
<th>Minimum Width at Bldg. Line</th>
<th>Minimum Mean Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>70' [A]</td>
<td>80'</td>
<td>100'</td>
</tr>
</tbody>
</table>

[A] Applies only to land divisions or parcel reconfigurations where the parcel(s) does not contain a farmstead homesite at the time of the application.

20.40.253 Farmstead or Reconfigured Parcel Minimum Lot Size Exceptions

The base maximum for the farmstead parcel shall be consistent with the minimum lots size in 20.40.251, except as follows:

(1) A greater area is determined necessary by the health officer pursuant to Chapter 24.05 On-Site Sewage System Regulations;

(2) A greater area is determined necessary by the responsible official to accommodate a driveway or other access necessary for the farmstead parcel;

(3) For farmstead parcels without public water: Unless substantial evidence is provided by the responsible official indicating the location is not feasible, wells and wellhead protection zones shall also be located within the farmstead parcel. Wells located outside of the farmstead parcel area shall be sited to minimize potential impacts on agricultural activities.

(4) For farmstead parcels with existing farmstead homesites: There is an existing agricultural structure(s) within the farmstead parcel and any of the following criteria are met:

(a) The separation between the agricultural structure(s) and the primary residential structure is less than 150 feet; or

(b) Current use of the agricultural structure(s) is not related to an agricultural activity; or

(c) There is a low potential for future use of the agricultural structure(s) to be associated with an agricultural activity due to physical condition or compatibility with agricultural practices; or

(d) Water is not available for use at the agricultural structure(s).

(1) 20.40.254 Separation of the Farmstead Home Site Parcel. Criteria:

(1) The maximum lot size criteria for approval for the home site farmstead parcel and remainder parcel created through Agricultural Boundary Line Adjustment, or Agricultural Short Subdivision, and Agricultural Parcel Reconfiguration shall be determined by the following criteria for approval:
(a) The area of the parcel containing the farmstead home site, whether the home exists or is to be added, is limited to the minimum amount required to encapsulate structures, parking areas, driveways, septic systems, wells, and landscaping required setbacks; and

(b) The farmstead parcel size shall be as stated in WCC 20.40.251 less than one acre, unless the existing residential structure(s) and/or well and septic constraints require a larger parcel, but shall not exceed three acres; the maximum lot size consistent with the exceptions in WCC 20.40.253; and

(b) The farmstead parcel and farmstead home site meet the siting criteria contained in WCC 20.40.650; and

(d) A remainder parcel shall be created equal to or greater than 10 nominal acres; and

(ee) The remainder parcel shall have no existing residential development and no development rights, and a condition containing the language as provided in WCC 20.40.250(4) or (5) shall be included on the short plat, boundary line adjustment, or agricultural parcel reconfiguration for the remainder parcel prior to final approval; and

(df) The applicant and his or her heirs provide right of first purchase for a period of not less than 60 days through deed restriction to the original purchaser and subsequent purchasers of the remainder parcel for purchase of the farmstead home site parcel before they are offered on the open market; and

(eg) A right to farm disclosure statement as provided for in WCC 14.02.040(B) will be signed by the farmstead home site parcel owner and subsequent purchasers of the farmstead home site parcel, and recorded as per WCC 14.02.040(A)(1) and 14.02.050; and

(fh) All land division shall comply with the appropriate map and recording provisions of WCC Title 21; and

(gi) The overall submittal shall comply with WCC 20.40.250 et seq.

(2) Agricultural Short Subdivisions. Agricultural Short subdivisions for the purpose of reducing the acreage below the minimum lot size as provided by WCC 20.40.251 for a farmstead homesite shall comply with the following provisions:

[a] The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable code and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and

(b) The short subdivision application shall meet the size and performance standards of WCC 20.40.650.

(3) Boundary Line Adjustments. Boundary line adjustments for the purpose of reducing the acreage below the minimum lot size as provided by WCC 20.40.251 of an existing or proposed farmstead home site parcel if such boundary line adjustment complies with the following provisions:

(a) Boundary line adjustments shall not make a lot substandard or further substandard, except as provided for in WCC 20.40.251 and 20.40.252.

(b) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable codes and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and
The farmstead home site parcel and boundary line adjustment application shall meet the size and performance standards of WCC 20.40.250 and 251, and the siting criteria of WCC 20.40.650.

(4) Agricultural Parcel Reconfiguration: Parcels are reconfigured and finalized according to the agricultural parcel reconfiguration process established in Chapter 21.03, Exempt Land Divisions, Boundary Line Adjustments, and Agricultural Parcel Reconfigurations, and when meeting the following performance standards:

(a) Existing parcels to be less reconfigured are:

(i) Smaller than one acre, unless the site, existing structure and/or well and septic constraints require a larger parcel, but shall not exceed three acres; and the minimum lot size established for new lots in the Agriculture district. Parcels which meet the minimum lot size may be adjusted as a part of this process, provided the reconfiguration meets the provisions of (4)(b) below;

(c) The appended parcel shall have no development rights and a condition containing the language as provided in WCC 20.40.251(4) shall be included on the deed for the appended parcel prior to final approval; and

(d) The applicant and his or her heirs provide right of first purchase for a period of not less than 60 days through deed restriction to the original purchaser and subsequent purchasers of the remainder parcel for purchase of the farmstead home site parcel before they are offered on the open market, and

(e) A right to farm disclosure statement as provided for in WCC 14.02.040(B) will be signed by the farmstead home site owner and subsequent purchasers of the farmstead home site parcel, and recorded as per WCC 14.02.040(A)(1) and 14.02.050; and

(f) All land division shall comply with the appropriate map and recording provisions of WCC Title 21; and

(g) The overall submittal shall comply with WCC 20.40.250 et seq.

(3) The division is to allow for the realization of a security interest entered into for the purpose of financing a new house; provided, that the divided parcel shall not be sold separately from the farm except in the event of foreclosure or forfeiture, pursuant to the criteria of subsection (1) of this section.

(A) (ii) Determined to be legally created and buildable pursuant to WCC Title 21.01.180.

(b) Proposed parcel(s) results in the following:

(i) No additional parcels; and

(ii) A remainder parcel shall be created equal to or greater than 10 nominal acres; and

(iii) The siting criteria of WCC 20.40.650 are met and development standards of WCC 20.40.252 et seq. are met; and

(iv) The reconfiguration shall result in achieving four (4) or more of the identified agricultural-related purposes as follows:

- Expand the amount of commercially viable resource land under contiguous single ownership; and/or
- Protect and buffer designated resource lands; and/or
Reduce impervious surfaces, such as by reducing the amount of road and utility construction required to serve reconfigured lots, or by reducing the amount impervious area for nonagricultural uses that could otherwise occur without parcel reconfiguration; and/or
Reduce the total number of lots of record through voluntary consolidation; and/or
Produce a farm management plan approved through the Whatcom Conservation District or WA Department of Agriculture that demonstrates increased viability of the agricultural operation through the agricultural parcel reconfiguration; and/or
Enable improved floodplain management in cooperation with Whatcom County Public Works; and
(viii) Reconfigured lots shall not be further adjusted by boundary line adjustment without approval under this section.

(c) The responsible official may impose conditions on the agricultural parcel reconfiguration to further the purposes of this section.

(d) Parcel reconfigurations will be tracked by County Planning and Development Services so the procedure can be adaptively managed by review of all projects passed per this code in year 2017.

(5) Public Facility. The division is for the purpose of public facilities for health and safety use or expansion of such uses pursuant to WCC 20.40.251; provided, that:
(a) The division or boundary line adjustment will not adversely affect the surrounding agricultural activities; and
(b) The applicant has demonstrated to the administrator’s satisfaction that the siting of the proposed use cannot be located in an adjacent zoning district or alternative site, if the area is intensively farmed.

20.40.253 Division or Boundary Line Adjustment for Agricultural Purposes Only. Lots smaller than the minimum lot size of WCC 20.40.251 may be created through land division or re-arranged through a boundary line adjustment provided the following:
(a) The parent parcel does not contain an existing residence, or said existing residence will remain on a parcel larger than 40 acres in size; and
(b) The parcel created is greater than 10 acres or is appended to another parcel; and
(c) There is a properly executed deed restriction which runs with the land on lots which have been created through the division or modified by the boundary line adjustment, except those lots at or over 40 acres in size that maintain an associated development density. Such deed restriction shall be substantially similar to that listed under 20.40.250(5), approved by the zoning administrator and recorded with the County Auditor specifying:
(i) All land divided or parcels adjusted are to be used exclusively for agricultural or flood management purposes and specifically not for a dwelling(s), and
(ii) All land divided or parcels adjusted shall have no residential density, and
(iii) For land divisions, the acreage of the newly created parcels shall not be included in calculations to determine total development density in the future, and
(iv) For boundary line adjustments, the acreage of the newly created parcel and appended portion shall not be included in calculations to determine total development density in the future.

20.40.255 Consolidation of Adjacent Tracts.
Consolidation of adjacent tracts in the same ownership shall be required in accordance with 20.83.070 in approval of any subdivision, short subdivision, agricultural parcel reconfiguration, or boundary line adjustment in the Agricultural District. The County may waive the permit fee for a boundary line adjustment or agricultural parcel reconfiguration where adjacent lots of record are not in the same ownership and are consolidated voluntarily for purposes of the agricultural parcel reconfiguration, or boundary line adjustment.

20.40.256 Establishing Intent.
The burden of establishing intent in and legal proceeding relating to a transaction accomplished or proposed under the authority of this section shall be upon the land owner or purchaser.

20.40.350 Building setbacks.
Building setbacks shall be administered pursuant to WCC 20.80.200 (Setback Requirements). Building setbacks for parcels of less than five nominal acres shall be administered pursuant to WCC 20.80.282(3).

20.40.450 Lot coverage.
No structure or combination of structures, including accessory buildings, shall occupy or cover more than 25 percent of the total area of the subject parcel. Exceptions to the maximum lot coverage may be allowed when any of the following can be demonstrated:

1. Proposed structures, in excess of the allowed maximum lot coverage, are located on lesser quality soils.
2. Proposed structures in excess of the allowed maximum lot coverage support additional agricultural production on parcels other than the subject parcel.
3. Expansion of facilities that were in operation prior to the adoption of the ordinance codified in this section if it can be demonstrated that substantial on-site investment has been made and location of additional structures off-site would cause an economic hardship to the farm operation.

20.40.650 Development New or Modified Parcel Siting Criteria
The location of vacant farmstead parcels or parcels arranged through agricultural parcel reconfiguration (which may or may not be vacant) shall be consistent with the following siting criteria, and standards:

2. Parcel Design. Parcels shall be located and arranged to provide the maximum protection of agricultural land located both on and off-site. Parcel design and development shall be as follows:
   a. The residential parcels shall be configured so that property lines are immediately adjacent and physically contiguous to each other. A maximum of two development areas containing no more than four (4) lots may be allowed. The two development areas shall contain no more than a total of six lots, and shall be separated by a minimum of 500 feet to minimize the visibility of the future development and reinforce the purposes of the zone; provided that reductions in the separation standard by up to 10% are allowed if an applicant can demonstrate that the future
development visibility from the public right of way or from neighboring properties is minimized and the purposes of the parcel reconfiguration in Section 25(4)(b) are met; and

(b) Residential parcels shall be located as close as possible to existing public roads, or if none abut the property then to existing access roads. New road or driveway development shall be avoided to the maximum extent feasible; and

(c) Except for parcels that recognize existing farmsteads, residential parcels shall be located to the extent feasible to maximize the remainder lot configuration and farmable area; and

(d) Except for reconfigured parcels that recognize existing farmsteads, each reconfigured parcel shall be limited to one single family residence and residential accessory structures; and

(e) Residential building sites shall maintain sufficient separation from on-site and off-site agricultural resources and exterior property lines. The setback, lot coverage, and height standards for reconfigured lots shall be as established in WCC 20.40.350 to 450; and

(f) Applicants shall verify that reconfigured parcels or farmstead parcels do not prohibit access to a point of withdrawal for any irrigation water rights certificates, claims, permits, or applications on the affected parcels; and

(g) All development shall be consistent with WCC Chapter 16.16; and

(h) The farmstead parcel or reconfigured parcel avoids prime soils to the extent feasible. Where the site is predominantly in prime soils and such cannot be avoided, the applicant shall demonstrate that:

(i) the parcels are sized to be as small as feasible pursuant to WCC 20.40.251; and

(ii) located to maximize the agricultural use of the remainder lot; and

(iii) achieve the most suitable locations for parcels in terms of minimizing roads, allowing for water availability, and septic suitability.

(3) Substitute Parcel Design Standards. Applicants proposing a farmstead parcel or agricultural parcel reconfiguration may propose a substitute performance standard in place of a listed standard in .650 (New or Modified Parcel Siting Criteria) provided that the applicant submits a written justification demonstrating the substitute standard better or equally meets the purposes of the zone in WCC 20.40.010 and the following agricultural-related purposes: described in WCC 20.40.254(4)(b)(iv)

(A) Expand the amount of commercially viable resource land under contiguous single ownership; and/or

(B) Protect and buffer designated resource lands; and/or

(C) Reduce impervious surfaces, such as by reducing the amount of road and utility construction required to serve the farmstead homesite, or by reducing the amount of impervious area for nonagricultural uses that could otherwise occur without the ag division; and/or

(D) Reduce the total number of lots of record through voluntary consolidation; and/or

(E) Produce a farm management plan approved through the Whatcom Conservation District or WA Department of Agriculture that demonstrates increased viability of the agricultural operation through the ag division; and/or

(F) Enable improved floodplain management in cooperation with Whatcom County Public Works.
except under no condition shall more than the maximum of six (6) residential parcels with no more than four (4) lots in one development area be allowed. Such substitution shall be considered at the Administrator’s discretion.
CHAPTER 20.80
SUPPLEMENTARY REQUIREMENTS

Sections:
- **20.80.210** Minimum setbacks.
- **20.80.230** Measurement of setbacks.
- **20.80.250** Special setbacks provisions by district.
- **20.80.252** Rural District.
- **20.80.255** Agriculture District.
- **20.80.258** All districts.

**20.80.210 Minimum setbacks.**

(5) Setbacks. For the purposes of this chapter, the road classification used to determine setback requirements shall be as set forth in this section. In the event a particular road is not listed in this section, the department of public works shall determine the classification, which classification shall be based on the Whatcom County Development Standards or such other local, state or federal roadway standards as the department of public works deems appropriate.

(a) Setback Requirements of All Districts.

(i) No manure lagoon or other open pit storage shall be located closer than 150 feet from any property line, or in a manner which creates any likelihood of ground water pollution or other health hazard.

(ii) All manure storage shall be protected from a 25-year flood and shall be located 50 feet from irrigation ditches and waterways, 50 feet from the ordinary high water line of any lake or waterway; provided, that best management practices as determined by the Whatcom County Conservation District are in place. If the best management practices are not in place, 300 feet shall be substituted for 50 feet.

(iii) In all districts where a single-family residence is a primary permitted use, a building permit may be issued for the construction of a replacement dwelling on the same lot; provided, that the owner agrees by filing a statement with the building official that the old dwelling will be demolished, removed or converted to another permitted use upon completion of the new dwelling.

(iv) A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.
(b) Setbacks Table.

***

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<th>Resource Lands Setbacks</th>
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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 and 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, 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, 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. Parcels of less than five nominal acres shall have the following minimum setbacks:

   Front yards:
   – Primary arterials and secondary arterials: 45 feet.
   – Collector arterials: 35 feet.
   – Neighborhood collectors, local access streets: 25 feet.
   – Minor access streets: 20 feet.

   Minimum front yard requirements can be reduced by the zoning administrator for agricultural parcel reconfigurations, boundary line adjustments, or farmstead parcels established through WCC 20.40.253 -.254 if the proposed placement of the structures will result in a better fit with critical areas or prime soils and goes through the approval process in WCC 21.03. In no case shall front yard depth be less than 20 feet.

   Side yards: minimum side yard setbacks shall be five feet. For agricultural parcel reconfigurations, boundary line
adjustments, or farmstead parcels established through WCC 20.40.253 - .254, the exterior side yard and exterior rear yard requirements of habitable structures shall be 30 feet.

Rear yards: minimum rear yard setbacks shall be five feet.

4. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

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, 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, 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) Parcels of less than five nominal acres shall have the following minimum setbacks:

Front Yards:
– Primary arterials and secondary arterials: 45 feet.
– Collector arterials: 35 feet.
– Neighborhood collectors, local access streets: 25 feet.
– Minor access streets: 20 feet.

Minimum front yard requirements can be reduced by the zoning administrator for agricultural parcel reconfigurations, boundary line adjustments, or farmstead parcels established through WCC 20.40.253 - .254 if the applicant demonstrates better placement of the structures in relation to critical areas or prime soils and goes through the approval process in WCC 21.03, but in no case shall be less than 20 feet.

Side Yards: Minimum side yard setbacks shall be five feet. For agricultural parcel reconfigurations, boundary line adjustments, or farmstead parcels established through WCC 20.40.253 - .254, the exterior side yard and exterior rear yard requirements of habitable structures shall be 30 feet.

Rear Yards: Minimum rear yard setbacks shall be five feet. (Ord. 2001-020 § 1 (Exh. 1 § 2), 2001; Ord. 99-080, 1999).
CHAPTER 20.83
NONCONFORMING USES AND PARCELS

20.83.110 Reduction of area.

The administrator shall not cause or increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements through boundary line adjustments; provided, however, that the administrator or hearing examiner may approve boundary line adjustments required to satisfy an unidentified or disputed property line or to identify the same in accordance with RCW 58.04.007. In addition, boundary line adjustments or agricultural parcel reconfigurations in the Agricultural zone in conformance with WCC 20.40.251 and 20.40.25220.40.253-.254 shall be allowed. (Ord. 2009-031 § 1 (Exh. 1), 2009).
CHAPTER 21.01
GENERAL PROVISIONS

Sections:

21.01.010 Title.
This title shall be known and may be cited as the Whatcom County land division regulations. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.01.020 Purpose.
The purpose of this title is:

(1) To promote the public health, safety, and general welfare, and to protect the natural resources and the environment.

(2) To provide for proper application of Chapter 58.17 RCW.

(3) To facilitate efficient and cost-effective land division and to ensure orderly growth and development consistent with the Whatcom County Comprehensive Plan and the Whatcom County Code.

(4) To establish an orderly transition from existing land uses to urban development patterns in designated urban growth areas. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.01.030 Authority.
This title is authorized pursuant to the authority delegated to Whatcom County under Chapter 58.17 RCW, Plats – Subdivisions – Dedications. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.01.040 Applicability and exemptions.
(1) This title shall apply to property boundary actions as defined in this title.
(2) The subdivision and short subdivision provisions of this title shall not apply to:

....

(f) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site in accordance with the provisions of this title;

....

(l) Divisions of land into parcels of less than forty acres but greater than ten acres within the area zoned and designated as Agriculture in the Comprehensive Plan for Whatcom County proceeding in accordance with 20.40.254(6).

21.01.100 Applications required.

(1) The applicant is encouraged to seek assistance from the subdivision administrator as to which approvals are required for a particular proposal. One or more of the following applications may be required for a particular proposal:

(a) Exempt land division;

(b) Boundary line (lot line) adjustment; or agricultural parcel reconfiguration;

(c) Short subdivision;

(d) Preliminary long subdivision;

(e) Final long subdivision;

(f) Subdivision vacations and alterations;

(g) Preliminary binding site plan;

(h) General binding site plan;

(i) Specific binding site plan;

(j) Agricultural short plat. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).
CHAPTER 21.03
EXEMPT LAND DIVISIONS AND BOUNDARY LINE ADJUSTMENTS, AND AGRICULTURAL PARCEL RECONFIGURATIONS

Sections:
21.03.010 Purpose.
21.03.020 Repealed.
21.03.030 Pre-approval.
21.03.040 Certificate of exemption.
21.03.045 Required disclosures.
21.03.050 Access on state highways.
21.03.060 Boundary line adjustments and Agricultural Parcel Reconfigurations.
21.03.065 Inactive applications.
21.03.080 Requirements for a fully completed exempt land division application.
21.03.085 Requirements for a fully completed boundary line adjustment application.
21.03.090 Repealed.

21.03.010 Purpose.

The purpose of this chapter is to establish or reference the procedure and requirements for the application, review and approval of exempt land divisions, pursuant to WCC 21.01.040, and boundary line adjustments, and agricultural parcel reconfigurations. The procedure is intended to provide orderly and expeditious processing of such applications. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.020 Exemptions.


21.03.030 Pre-approval.

Applicants may request that their proposed exempt land division be reviewed by the subdivision administrator and pre-approved using forms supplied by the planning and development services department. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.040 Certificate of exemption.

(1) A certificate of exempt land division shall be obtained from the planning and development services department for exempt land divisions under WCC 21.01.040(2)(b) and (k). A certificate of exempt land division shall consist of a suitably inscribed stamp on the instrument conveying land title and shall be certified prior to the recording of the instrument with the county auditor. County review and/or a county certificate of exemption stamp shall not be required for WCC 21.01.040(2)(a) and (c) through (j).

(2) A certificate of exempt land division shall be approved, approved with conditions, or denied as follows:

(a) Applications shall include information required by WCC 21.03.085.
(b) The exempt land division results in a lot(s) that qualifies as a valid land use pursuant to the Whatcom County Code, including but not limited to lot area, lot width, building setbacks, critical areas protection or shorelines protection.

(c) The exempt land division will not detrimentally affect access, access design, sight distance, grade, road geometry or other public safety and welfare concerns.

(3) An exempt land division is not considered approved until said instrument has been duly stamped as exempt and is filed for record concurrently with all applicable disclosures of WCC 21.03.045 within 12 months of pre-approval. Failure to record within 12 months of pre-approval means the exempt land division application is expired and must be resubmitted for review and approval. The time periods of this section do not include the time during which the exempt land division was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. (Ord. 2009-007 § 1; Ord. 2004-031 § 1; Ord. 2002-017 § 1; Ord. 2000-056 § 1).

21.03.045 Required disclosures.

The following disclosures, if applicable, shall be recorded in the county auditor’s office and shall be filed concurrently with all conveyances of property subject to this title:

1. Right to farm, right to practice forestry, or mineral resource disclosures.
2. Boundary discrepancies.
3. Protective covenants, conditions and restrictions.
4. Latecomers’ agreements.
5. Significant pipeline in vicinity disclosure when the subject property is within 660 feet of a pipeline shown on Map 12, Chapter 5 of the Whatcom County Comprehensive Plan. (Ord. 2009-007 § 1; Ord. 2004-031 § 1; Ord. 2002-017 § 1).

21.03.050 Access on state highways.

For parcels that will access onto a state highway, the applicant shall provide evidence of an approved access from the State Department of Transportation prior to approval of the exempt land division. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.060 Boundary line adjustments and Agricultural Parcel Reconfigurations.

The purpose of this section is to provide procedures for the review and approval of adjustments or alterations to boundary lines of existing lots of record which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

1. Procedures. Boundary line adjustments and agricultural parcel reconfigurations shall be approved, approved with conditions, or denied as follows:
(a) Applications shall include information required by WCC 21.03.085.

(b) Any adjustment of boundary lines must be approved by the subdivision administrator prior to the transfer of property ownership between adjacent lots.

(c) The subdivision administrator shall make a preliminary decision on boundary line or agricultural parcel reconfiguration applications within 45 days following submittal of a complete application or revision, unless the applicant consents to an extension of such time period.

(d) A title insurance certificate updated not more than 60 days prior to application, which includes all parcels within the adjustment, must be submitted to the subdivision administrator with boundary line adjustment or agricultural parcel reconfiguration applications.

(e) All persons having an ownership interest within the boundary line adjustment or agricultural parcel reconfiguration shall sign the final recording document in the presence of a notary public.

(2) Decision Criteria. In reviewing a proposed boundary line adjustment or agricultural parcel reconfiguration, the subdivision administrator or hearing examiner shall use the following criteria for approval:

(a) The boundary line adjustment shall not result in the creation of an additional lot.

(b) With the exception of those boundary line adjustments or lots within agricultural parcel reconfigurations that recognize an existing farmstead home site located within the agricultural zone, the boundary line adjustment or agricultural parcel reconfiguration shall result in lots which contain sufficient area and dimensions to meet minimum requirements for width and area for a building site pursuant to this title.

(c) The boundary line adjustment or agricultural parcel reconfiguration shall be consistent with any restrictions, depictions or conditions regarding the overall area or a plat or short plat devoted to open space, environmental mitigation or conservation.

(d) The boundary line adjustment or agricultural parcel reconfiguration shall be consistent with any restrictions or conditions of approval for a recorded plat, short plat, zoning permit, or development permit.

(e) The boundary line adjustment or agricultural parcel reconfiguration shall not cause boundary lines to cross on-site sewage disposal systems or their reserve areas, prevent suitable area for on-site sewage disposal systems, or prevent adequate access to water supplies unless suitable mitigation including, but not limited to, the granting of utility easements is provided to the satisfaction of Whatcom County; provided, however, in the agricultural zone only those lots with existing on-site sewage disposal systems or potable water supplies are subject to this provision.

(f) The boundary line adjustment or agricultural parcel reconfiguration will not create a new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road
(g) The boundary line adjustment or agricultural parcel reconfiguration on lots without an existing farmstead home site shall demonstrate adequate septic and potable water suitability. Applicants shall demonstrate adequate potable water availability per WCC 24.11. Applicants shall demonstrate septic suitability approval pursuant to WCC 24.05.

(3) Final Approval and Recording Required. To finalize an approved boundary line adjustment or agricultural parcel reconfiguration, the applicant must submit to the subdivision administrator within one year of preliminary approval final review documents meeting the requirements of approval.

(a) All persons having an ownership interest within the boundary line adjustment or agricultural parcel reconfiguration shall sign the final recording document in the presence of a notary public.

(b) Certified legal descriptions of the lots after the boundary line adjustment or agricultural parcel reconfiguration, together with conveyance document(s) and language clearly binding the property which is conveyed to the remainder portion of the property, shall be prepared by a title company or licensed surveyor for all lots affected by the boundary line adjustment or agricultural parcel reconfigurations.

(c) A title insurance certificate updated not more than 60 days prior to recording of the adjustment, which includes all parcels within the adjustment, submitted to the subdivision administrator with boundary line adjustment or agricultural parcel reconfiguration final review documents.

(d) A final boundary line or agricultural parcel reconfiguration map, prepared by a licensed surveyor, along with legal descriptions, shall be prepared and submitted for review and approval. Two map copies shall be provided for review demonstrating compliance with the preliminary boundary line adjustment or parcel reconfiguration approval.

(e) A boundary line adjustment or agricultural parcel reconfiguration is not considered approved until the conveyance documents have been duly stamped as exempt and is filed for record concurrently with all applicable disclosures of WCC 21.03.045 within 12 months of approval of final documents. Failure to record within 12 months of approval means the boundary line adjustment or agricultural parcel reconfiguration application is expired and must be resubmitted for review and approval. (Ord. 2009-030 § 1 (Exh. 1); Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.070 Inactive applications.

An applicant may place an exempt land division or boundary line adjustment or agricultural parcel reconfiguration application, which has not yet received preliminary approval, on hold for a cumulative maximum of 180 days. This 180-day period shall not include time the applicant is performing studies required by the county when the study is provided within the time frame agreed to by the county and the applicant. Applications which fail to meet these time limits will be considered expired and void. The time periods of this
chapter do not include the time during which the exempt land division was not actually pursued due to the
pendency of administrative appeals or legal actions or due to the need to obtain any other government
permits and approvals for the development that authorize the development to proceed, including all
reasonably related administrative or legal actions on any such permits or approvals. (Ord. 2009-007 § 1; Ord.
2000-056 § 1).

21.03.080 Requirements for a fully completed exempt land division application.

The following, and any other information on a form prescribed by the subdivision administrator, is required
for a complete application for exempt land divisions under WCC 21.01.040(2)(b) and (k).

(1) Written Data and Fees.

(a) Name, address and phone number of land owner, applicant, and contact person.
(b) Intended uses.
(c) A current title report or update of title report issued no more than 60 calendar days prior to
   application.
(d) Assessor’s parcel number (of the parent parcel).
(e) Fees as specified in the Unified Fee Schedule.
(f) Signature of all owners as shown on title report, and authorization for any agent to act on behalf of
   owners.

(2) Map Data.

(a) Name of land owner.
(b) Name of proposed land division (if an original drawing is prepared).
(c) General layout of proposed land division.
(d) Common language description of the general location of the land division.
(e) Approximate location and names of existing roads identified as either public or private.
(f) Vicinity map.
(g) Common engineering map scale/north arrow/sheet numbers (on each sheet containing a map).
(h) Section, township, range, and municipal and county lines in the vicinity.
(i) General boundaries of the site with general dimensions shown.
(j) Legal description of the land. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.085 Requirements for a fully completed boundary line adjustment or agricultural parcel
reconfiguration application.

The following, and any other information on a form prescribed by the subdivision administrator, is required
for a complete application.

(1) Written Data and Fees.

(a) Name, address and phone number of land owner, applicant, and contact person.
(b) Intended uses.
(c) A current title report or update of title report issued no more than 60 calendar days prior to
   application.
(d) Assessor’s parcel numbers of existing parcels.
(e) Fees as specified in the Unified Fee Schedule.
(f) Signature of all owners as shown on title report, and authorization for any agent to act on behalf of owners.

(2) Map Data.
   (a) Names of land owners.
   (b) Name of proposed boundary adjustment.
   (c) Common language description of the general location of the land division.
   (d) Map at a common engineering scale of boundaries of existing parcels that are contributing to or receiving land from the proposed adjustment.
   (e) Approximate location and labeling of any disputed or undetermined property lines proposing to be resolved by the adjustment.
   (f) Clear depiction of property lines proposed for adjustment which identifies existing property lines and proposed property lines.
   (g) Legal description and area of original parcels.
   (h) Legal description and area of proposed adjusted parcels.
   (i) Approximate location and names of existing roads identified as either public or private.
   (j) Approximate location of existing buildings and existing on-site septic systems.
   (k) Approximate locations of existing utilities and infrastructure.
   (l) Vicinity map.
   (m) Common engineering map scale/north arrow/sheet numbers (on each sheet containing a map).
   (n) Section, township, range, and municipal and county lines in the vicinity.
   (o) General boundaries of the site with general dimensions shown. (Ord. 2009-007 § 1).

21.03.090 Original drawing.

Repealed by Ord. 2009-007. (Ord. 2000-056 § 1).
CHAPTER 21.04 SHORT SUBDIVISIONS

Sections:

21.04.010 Purpose.
21.04.031 Pre-application meeting.
21.04.032 Short subdivision application submittal.
21.04.033 Determination of completeness and vesting.
21.04.034 Application procedures.
21.04.035 Final short subdivision review process.
21.04.038 Applications subject to time limits.
21.04.040 Restriction of further division.
21.04.050 Development requirements.
21.04.060 Roads.
21.04.070 Public dedications.
21.04.080 Easements.
21.04.090 Water supply.
21.04.100 Sewage disposal.
21.04.110 Fire protection.
21.04.120 Short subdivision vacation and alteration.
21.04.130 Land survey.
21.04.150 Requirements for a fully completed application for short subdivisions.
21.04.160 Final review and submittal.
21.04.170 Disclosures and notes.

21.04.010 Purpose.

The purpose of this chapter is to establish or reference the procedure and requirements for the application, review and approval of short subdivisions.


The provisions of WCC 20.40.253 - .2542 provide for the segregation of a farmstead parcel with an existing residence(s) from a remainder parcel used for farming in the Agriculture Zone. The remainder parcel is restricted to agricultural use only. Because no further residential development can occur on the remainder parcel and an existing residential structure is already on the farmstead parcel, many of the standard short plat requirements are unnecessary. Therefore, a shortened review process has been established.

Agricultural short plats that qualify under WCC 20.40.253 - .2542 shall be subject to the following:
(1) Agricultural short plats that recognize an existing farmstead homesite shall be processed pursuant to all the requirements of this chapter except that the short plat will not be reviewed for compliance with:

(a) WCC 21.04.060 (Roads);

(b) WCC 21.04.090 (Water supply), when the remainder parcel will not require potable water;

(c) WCC 21.04.100 (Sewage disposal);

(d) WCC 21.04.130 (Land survey);

(e) Chapter 16.16 WCC (Critical Areas); and

(f) Shoreline master program.

(2) Any subsequent development must comply with all applicable codes.

(3) Survey Requirements – Partial. A survey, prepared by a professional land survey in accordance with WCC 21.09.010 and 21.09.020, which provides the location of at least two corners of the farmstead parcel shall be submitted. A survey is not required for the remainder parcel that cannot have further residential development.
CHAPTER 20.97 DEFINITIONS

Zoning Definitions

20.97.132 Farmstead parcel.

The “farmstead parcel” includes the legally subdivided portion of the property parent parcel containing an existing or planned primary and secondary agricultural structures and the farmstead home site. (Ord. 2005-073 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 3), 2001).

20.97.133 Farmstead home site.

The “farmstead home site” includes that portion of the farmstead-parent parcel used for existing or planned residential buildings, uses accessory to residential buildings, drainfields, wells, wellhead protection area(s), established landscaped areas contiguous with the non-agricultural built area, and structures as allowed in WCC 20.40.2532(a) through (d). (Ord. 2005-073 § 1, 2005).
WHATCOM COUNTY COUNCIL AGENDA BILL 2013-177

CLEARANCES
Originator: Matt W. Aamot
Division Head: Mark Persomius
Dept. Head: Sam Ryan
Prosecutor: Royce Buckingham
Purchasing/Budget: 
Executive: Jack Louns

TITLE OF DOCUMENT:
Draft Public Participation Plan

ATTACHMENTS:
1. Cover letter
2. Draft Public Participation Plan
3. Planning Commission minutes
4. Public comment letter

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( X ) 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.)

The Growth Management Act requires counties to develop public participation programs for comprehensive plan and development regulation amendments. A draft Public Participation Plan has been developed for Whatcom County Comprehensive Plan and Development Regulation Amendments. This plan will guide public participation efforts relating to comprehensive plan and development regulation amendments, including zoning and critical areas ordinance changes.

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.
April 22, 2013

To: Jack Louws, The Honorable Whatcom County Executive  
The Honorable Whatcom County Council

From: Matt Aamot, Senior Planner

Through: Mark Personius, Long Range Planning Division Manager

RE: Draft Public Participation Plan

The Growth Management Act requires counties to develop public participation programs for comprehensive plan and development regulation amendments. The Whatcom County Council approved the 2012 Public Participation Plan last June, after review by the Planning Commission. The County is now updating this Plan.

Whatcom County Planning and Development Services met with City Planners on January 25, 2013 to seek City input relating to preliminary draft modifications to the Plan. On February 20, 2013, the draft Public Participation Plan was posted on the County’s website. On February 20, 2013, the draft Plan was also sent to the people and agencies on the County’s e-mail list. The Planning Commission held a public hearing and recommended approval of the draft Public Participation Plan on March 28, 2013. Proposed changes from last year’s Public Participation Plan include:

- **New Amendments** - Inserting the comprehensive plan and development regulation amendments that were initiated for review in 2013 (Resolution 2013-007); and

- **Completed Amendments** - Deleting the amendments that were previously initiated for review that have gone through the review process and been adopted by the County Council or will no longer be pursued.

The Planning Commission also approved several motions, which are set forth in the minutes.

Thank you for your review and consideration of this matter.
Public Participation Plan

Whatcom County Comprehensive Plan and Development Regulation Amendments

Draft - March 2013
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Chapter 1. Introduction

Whatcom County has initiated a multi-year project to update its Comprehensive Plan. The Washington State Growth Management Act (GMA) requires the County to review and revise its comprehensive plan and development regulations periodically [RCW 36.70A.130(1)]. The GMA states:

"...Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter... The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management."

Additionally, the GMA requires review of urban growth areas [RCW 36.70A.130(3)]. The GMA states:

"(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsection (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period."
According to RCW 36.70A.130(5), Whatcom County is required to complete its next review and update of the comprehensive plan, development regulations (zoning, critical areas ordinance, etc.) and urban growth areas by June 30, 2016.¹ The update will represent the county’s vision for the next twenty years.

This Public Participation Plan (PPP) is intended to guide the County in completing the comprehensive plan update and other amendments. The Plan is required by state law (RCW 36.70A.140), which indicates:

“Comprehensive plans - Ensure public participation. Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments...”

The bolded sentence of RCW 36.70A.140 above guided the County in developing this PPP. Prior to implementation, this plan will have been reviewed by the planning commission and the county council, with opportunity for the public to comment. The plan will be implemented as adopted.

The issues that will be considered as part of County’s review and amendment of the comprehensive plan and development regulations are divergent and far-reaching. A one-size-fits-all approach to this public participation plan for all of these very different types of issues would not be effective and would do a disservice to the residents of Whatcom County.

This PPP outlines the public participation approach that will be taken with each issue rather than a generic overall approach. Some issues will require a lot of public participation, while others will require a different approach for various reasons. The objective of this plan is to provide a clear process for each issue so residents can easily determine how best to be involved in the issues they care about most.

There are other planning issues that require public participation that may not be mentioned in this plan, including standard map and text amendments to Title 20 Zoning. At minimum, these items will be processed as Level 1 projects. If additional public participation is required or another approach is appropriate, the Planning and Development Services Department will upgrade the item to a more vigorous approach. Please see Chapter 4 for more information about public participation approaches.

¹ Per Engrossed Substitute House Bill 1478, signed by the Governor May 16, 2011.
Ongoing programs administered through the Planning Department, including the Agricultural program, also provide opportunities for public participation through their respective advisory committees. The Agricultural Advisory Committee and Purchase of Development Rights Oversight Committee meet regularly to assist in the administration of their programs, and may recommend additional items to be docketed for consideration in the future. These advisory committee meetings are open to the public. More information on these Agricultural programs can be found at: http://www.whatcomcounty.us/pds/plan/1r/projects/agprogram/index.jsp http://www.whatcomcounty.us/pds/planning/agricultural_program.jsp.

The PPP is designed to meet the following objectives:

- Provide a roadmap for the public, outlining a clear and accessible public process for the comprehensive plan and development regulation update;
- Provide a roadmap for the public, outlining a clear and accessible public process for the review of urban growth areas;
- Ensure input is sought from a broad base of public participants and is elicited in a timely fashion, considered, and incorporated as appropriate into the Comprehensive Plan and Development Regulation updates; and
- Make a concerted and continuous effort to ensure that elected officials and staff are fully aware of and understand community and stakeholder concerns.

1.1. Public Participation Plan Format

To meet PPP objectives consistent with GMA goals this document:

- Outlines the issues that will be considered (Chapter 2);
- Identifies the potential project participants in the comprehensive planning process (Chapter 3), and;
- States the approach that will be taken with each issue (Chapter 4).
Chapter 2. The Issues

The issues that Comprehensive Plan and development regulation amendments will address can be divided into three categories: statutory requirements, reconciliation items, and docketed requests. This section of the PPP outlines these issues, within these categories. Each issue has been assigned a number beginning first with an “S”, “R” or “D” for “statutory”, “reconciliation” or “docket” respectively. These numbers will carry with each issue to Chapter 4 of this document. Chapter 4 will go into greater detail on the public participation approach that the County will take on each of these issues.

2.1. Statutory Requirements

The County has identified the following issues as those requiring attention during the comprehensive plan and development regulation update process in order to comply with the changes in state Growth Management law that have occurred between the last Comprehensive Plan update in Jan. 2005 and the conclusion of the 2012 2011 state legislative session. This section also addresses the review of urban growth areas, which must be completed by 2016. This list will be updated each year with new statutory requirements, passed during the prior year, the County must address as part of the comprehensive plan update. The following is a current list of identified statutory requirements:

S-1. Transportation – The Transportation Chapter of the Whatcom County Comprehensive Plan will be updated. This update will consider provisions of the GMA and changes to the law, including the physical activity amendments (RCW 36.70A.070, amended in 2005 by SSB 5186) and the multimodal concurrency amendments (RCW 36.70A.108, amended in 2005 by 2SHB 1565). The physical activity amendments indicate that transportation element of the comprehensive plan must contain a pedestrian and bicycle component that includes identified planned improvements for pedestrian and bicycle facilities and corridors to enhance community access and promote healthy lifestyles. The multimodal...
concurrency amendments specify that concurrency compliance improvements or strategies may include qualifying multimodal transportation improvements or strategies. This update will involve coordination with Cities, Washington State Department of Transportation (WSDOT), and other governmental and quasi-governmental groups, including the Whatcom Council of Governments (including the Citizens Transportation Advisory Group) and Tribal governments. (See also Item D-138 in section 2.3 below).


S-3. **Land for Facilities (RCW 36.70A.110, .115, .210, amended in 2009 by SHB 1825)** – Identifying specific facilities planning requirements under the Growth Management Act. Each city and county fully planning under the Growth Management Act must identify areas sufficient to accommodate the full range of needs and uses that will accompany projected growth.

S-4. **Accessory Uses in Agricultural Lands (RCW 36.70A.177, amended in 2006 by SHB 2917)** – SHB 2917 clarifies that any accessory use a city or county may allow on designated agricultural lands of long-term significance must not interfere with and must support continuation of the overall agricultural use of the property and neighboring properties.

S-5. **Family Day-Care Providers in Home (RCW 36.70A.450 amended in 2007 by SB 5952)** – No county or city may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider’s home facility.

S-6. **Housing (RCW 36.70A.070(2))** – Review and update housing inventory as part of the required Housing Element of the Comprehensive Plan. Review new provisions governing affordable housing incentive programs that may be enacted or expanded in jurisdictions planning under the GMA (RCW 36.70A.540, amended in 2009 by EHB 1464).

S-7. **Forest Practices (RCW 36.70A.570, amended in 2007 by SHB 1409)** – Relating to the transfer of jurisdiction over conversion-related forest practices to local governments. For counties planning under the GMA, if more that 25 Class IV applications had been filed with the DNR between certain dates, then the county, and the cities within it, are required to adopt forest practices approval ordinances.

S-8. **Critical Areas/Best Available Science (RCW 36.70A.130(1)(c))** – The GMA was amended in 1995 to include the requirement that the county include the best available science (BAS) in developing policies and development regulations to protect the functions and values of critical areas. State law requires the county to consider the critical areas ordinance and best available science as part of this update. See also EHB 1653 and SSB 6520 from 2010.
S-9. **Population Analysis (RCW 36.70A.130(1)(c))** - An analysis of the population allocated to a city or county from the most recent population forecast by State Office of Financial Management (OFM).

S-10. **UGA Review (RCW 36.70A.130(3))** – Review urban growth areas and densities permitted within urban growth areas by June 2016, in conjunction with the Cities. If necessary, revise urban growth areas and associated development regulations to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

### 2.2. Reconciliation Items

The items in this section were identified to be reconciled as part of the periodic review during 2009 Urban Growth Area review and revision.

R-1. **Public Facility and Service Plan Consistency** (Policy 2C-5): A review of public facilities and services must be completed for the unincorporated UGAs — Birch Bay, Columbia Valley, and Cherry Point — as part of the periodic review to ensure that plans are consistent with the Comprehensive Plan. The cities are expected to complete their own reviews as part of their respective growth management processes.

R-2. **Subarea Plan Updates** (Policy 2L-2): The adopted subarea plans are of varying ages and applicability. Policy 2L-2 defines a process for revising these subarea plans. The timelines established for revision of subarea plans, however, may need to be reconsidered. Staff is currently limited and more time is needed to revise subarea plans. Additionally, the County will consider repealing some of the older subarea plans (see items D-5 through D-7 below).

R-3. **Bellingham Population Allocation**: Bellingham has been asked to return as part of their comprehensive plan and development regulation update with a proposal for how they would accommodate a total of approximately 116,200 people, either through infill, changes in densities within the city and UGA, or expansion (see Whatcom County Comprehensive Plan, Chapter 2, p. 2-24).

R-4. **Bellingham UGA Land Use** (Policy 2U-12): Evaluate the feasibility of changing zoning from General Commercial to Light Impact Industrial in the Bellingham UGA in the vicinity of Interstate 5, north of the Bellingham International Airport.

R-5. **Agricultural Lands Mitigation, UGA Reserve**: UGA Reserves in Everson, Lynden, Nooksack, and Sumas include agricultural lands. The city and county are expected to work on strategies and plans to ensure protection of at least 100,000 acres of agricultural land in Whatcom County.
2.3. Docketed Amendment Requests

The items in this section were docketed amendment requests in 2013. These were items initiated for further review by the County Council under Resolution 2013-007-2012-006. As with statutory requirements in the previous section, this list will be updated as new items are docketed.

D-1. Capital Facility Planning - Special Purpose Districts (PLN2013-00001) - Review and amend provisions of the Whatcom County Comprehensive Plan relating to capital facilities. Potential amendments include adopting by reference or incorporating information from Mount Baker School District and Fire District 8 capital facility plans.

D-2. Capital Facility Planning - LOS for Correction Facilities (PLN2013-00002) - Review and potentially modify the level of service standards for correction facilities (jails and juvenile detention) in the Capital Facilities Chapter of the Whatcom County Comprehensive Plan (Chapter 4).


D-4. Ferndale Development Standards (PLN2013-00004) - Review and potentially revise the Whatcom County Code to adopt City of Ferndale Development Standards for the Ferndale UGA.

D-5. Repeal Birch Bay-Blaine Subarea Plan (PLN2013-00005) - Repeal the Birch Bay-Blaine Subarea Plan, which was adopted in 1987, prior to enactment of the Growth Management Act (GMA). The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

D-6. Repeal Chuckanut-Lake Samish Subarea Plan (PLN2013-00006) - Repeal the Chuckanut-Lake Samish Subarea Plan, which was adopted in 1986, prior to enactment of the GMA. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

D-7. Repeal Lynden - Nooksack Valley Subarea Plan (PLN2013-00007) - Repeal the Lynden-Nooksack Valley Subarea Plan, which was adopted in 1986, prior to enactment of the GMA. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

D-8. MRL Policies and Surface Mining Regulations (PLN2013-00008) - Amend the mineral resource land (MRL) policies and MRL designation criteria in the Whatcom County Comprehensive Plan. Amend the Official Whatcom County Zoning Ordinance to change certain surface mining and related uses from an administrative approval use to a conditional...
use permit that requires a public hearing. Make other changes to the surface mining regulations.

**D-9. Six-Year CIP Amendments (PLN2013-00009)** - Amend the Six-Year Capital Improvement Program for Whatcom County Facilities (Appendix F of the Whatcom County Comprehensive Plan) by adding the following projects: Courthouse - replace exit lighting, Central Plaza Building - replace four gas packs on the roof, Central Plaza building - envelope patch and repaint, and painting throughout County buildings.

**D-1. Six-Year CIP and LOS Amendments (PLN2012-00002)** - Review and update the Six-Year Capital Improvement Program for Whatcom County Facilities (Appendix F of the Whatcom County Comprehensive Plan). Review and amend the capital facility provisions of the Whatcom County Comprehensive Plan to modify level of service standards, if the County is unable to afford additional facilities to meet the existing level of service standards.

**D-2. Capital Facility Planning for the East County (PLN2012-00004)** - Review and amend provisions of the Whatcom County Comprehensive Plan relating to capital facilities in the eastern portion of the County. Potential amendments include adopting by reference or incorporating information from updated water, sewer, and fire plans serving the Columbia Valley Urban Growth Area (UGA), Sumas UGA and surrounding areas.

**D-3. Unincorporated UGA Interlocal Agreements (PLN2012-00005)** - Amend Whatcom County Comprehensive Plan Policy 2Q-3 and Action Plan Item # 28 to establish interlocal agreements with service providers, including water and sewer districts, serving unincorporated urban growth areas (UGAs) only if appropriate.

**D-104. Specified Fittings (R5A to RIM) (PLN2012-00006)** - Amend the Comprehensive Plan designation from Rural to Rural Community and amend the zoning from Rural one dwelling/five acres (R5A) to Rural Industrial and Manufacturing for approximately 1.86 acres located on the north side of Smith Rd., west of the Guide Meridian.

**D-115. Agricultural Strategic Plan Implementation (PLN2012-00007)** - Resolution 2011-023 was approved by the County Council on 7/26/2011 declaring support for the Whatcom County Agricultural Strategic Plan. An immediate priority in this plan is to review the Rural Study Areas as listed in the 2007 Rural Land Study and make recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2011-023 (the Agricultural Strategic Plan), and RCW 36.70A.170 and .177. Other immediate and short-term priorities in this plan include developing tools that can be incentives for agricultural operators within the priority agricultural areas, including parcel reconfiguration. All of these activities will begin in the 2012 year, and may lead to proposed changes to the agricultural portions of the Comprehensive Plan and zoning regulations.

**D-126. Small Scale Slaughterhouses (PLN2012-00008)** - Amend the Official Whatcom County Zoning Ordinance to allow small scale slaughterhouses in the Agriculture zoning district.

**D-137. MRL Expansion - North Star Rd. (PLN2012-00009)** - Amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to
expand a MRL overlay zone on approximately 19.7 acres on the west side of North Star Rd., south of Brown Rd. The underlying zoning is Rural one dwelling/five acres (R5A).

D-148. Comprehensive Plan Chapter 6 – Transportation (PLN2012-00010) – Amend Comprehensive Plan Chapter Six, Transportation. Includes level of service standards, identification of roadway deficiencies, 20-year project list, and policies for design and implementation of transportation improvements with a multimodal approach.

D-159. Title 20 Amendments (PLN2012-00011) – Review and, as needed, amend portions of the Official Whatcom County Zoning Ordinance (Title 20) to ensure consistency with the Growth Management Act and the Whatcom County Comprehensive Plan, and address issues identified in the administration of the code.

D-160. Rural Element Update (PLN2012-00012) – Amend the Rural element of the Whatcom County Comprehensive Plan, including provisions relating to limited areas of more intensive rural development, in response to a decision of the Growth Management Hearings Board. Make related amendments to the Official Whatcom County Zoning Ordinance and maps.

D-174. MRL Expansion – Lummi Island (PLN2011-00009) – Amend the comprehensive plan designation from Rural Forestry to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 27.5 acres on Lummi Island. The underlying zoning is Rural Forestry.

D-12. Birch Bay Watershed Action Plan (PLN2011-00012) – The County and the Birch Bay watershed community are looking to implement new land use policies and programs to accommodate growth and development in a way that protects the environment and respects landowners’ interests. In order to meet these goals, Planning and Development Services is proposing Low Impact Development (LID) criteria and an offsite buffer mitigation program. As part of the Birch Bay Watershed Action Plan, these optional tools are aimed at facilitating community supported development and improving the success of stream and wetland buffer mitigation. This program implements goals shared by the Birch Bay Watershed Planning and Characterization Pilot Study, the Birch Bay Stormwater Plan, and the Birch Bay Community Sub-area Plan. Changes to Title 20 will include defining criteria for LID practices, formally recognizing the LID manual, and allowing code flexibility.

D-183. Lake Whatcom Watershed Stormwater and Land Clearing Amendments (PLN2011-00015) – Amendments to the Official Whatcom County Zoning Ordinance related to stormwater management, vegetation retention, re-vegetation options, erosion and sediment control, etc. in order to address the Washington State Department of Ecology’s Total Maximum Daily Load (TMDL) Findings for Lake Whatcom, the future Water Quality Cleanup Plan, and the 2010-2014 Lake Whatcom Management Program Work Plan tasks.

D-195. Offsite Wetland Mitigation/Habitat Restoration (ZON2008-00001) – Amend the Official Whatcom County Zoning Ordinance to allow offsite wetland mitigation and habitat restoration as a form of compensatory mitigation in all zoning districts.

2.4. Comprehensive Plan and Development Regulation Appeals

The Whatcom County Council may continue to address appeals brought to the Growth Management Hearings Board (GMHB). Public participation for settlement activities that will result in an ordinance amending the comprehensive plan and/or development regulations will include, at a minimum:

- Posting a draft proposal on the County website and sending it to anyone requesting notification, at least 30 days prior to the public hearing.
- If urban growth areas are being modified, sending the draft proposal to cities and any citizen planning groups for non-City UGAs at least 30 days prior to the public hearing.
- Publishing notice of the hearing in the newspaper and, if urban growth areas are being modified, e-mailing notice to cities at least 10 days prior to the public hearing; and
- Holding a public hearing.
Chapter 3. Project Participants

The Public Participation Plan is designed to reach all audiences that may have an interest in the Comprehensive Plan and development regulation update process. It is also designed to reach out to other groups and individuals — those that may not yet have an interest or be inclined to participate — to encourage their awareness, understanding and involvement in the process. The PPP also promotes use of existing communication networks to encourage involvement in the Whatcom County Comprehensive Plan and development regulation update process.

3.1. The Public

The general public is defined as members of the community including residents, groups, property owners, farmers, business owners and any others that might be interested in the Comprehensive Plan update process. The following sections contain a breakdown of some specific types of community groups and organizations that the County will attempt to engage in the Comprehensive Plan update process.

3.1.1. Interested Property Owners and Developers

Interested property owners and developers are defined as members of the community that have an interest in growth and development regulations, especially as they relate to their private property rights. They may have an interest in developing or preserving their property. This might include farmers, real estate and development groups and other related professionals.

3.1.2. Community Organizations

Community organizations are loosely defined as groups, associations, or committees that come together for a common interest or cause. This includes service groups, environmental groups, chambers of commerce, non-profit organizations, advocacy groups, community councils, neighborhood associations, local granges, social service organizations, religious organizations,
and others. Community organizations also include groups that are centered around non-city UGAs like the Birch Bay steering committee and others.

3.1.3. Other Groups and Individuals

WAC 365-196-600(4) states that “Each county or city should try to involve a broad cross-section of the community, so groups not previously involved in planning become involved.” The County will continue to expand our email list when people request to be added to the list and as new groups come to the County’s attention, we will work to include them as appropriate.

3.2. Governmental/Quasi-Governmental Groups

Governmental and quasi-governmental groups are defined as organizations that have a connection to local government, including Whatcom Council of Governments; Whatcom County Council; City Councils; Whatcom County and individual cities’ Planning Commissions; area tribes; local special purpose districts; citizen advisory committees and others. Groups typically consist of elected officials, appointed or volunteer community members, or jurisdictional staff. Table 2.1 below shows a selected group of advisory committees that may be asked to comment on portions of amendments required to update the comprehensive plan. It will be important to ensure continued coordination with these groups throughout the entire Comprehensive Plan Update process.

<table>
<thead>
<tr>
<th>Table 2.1: Selected Whatcom County Advisory Boards/Committees and Commissions</th>
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<tbody>
<tr>
<td>Agricultural Advisory Committee</td>
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<td>Bicycle/Pedestrian Advisory Committee</td>
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<td>Birch Bay Shellfish Protection District Advisory Committee</td>
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<td>Birch Bay Watershed and Aquatic Resources Management Advisory Committee</td>
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<td>Development Standards Technical Advisory Committee</td>
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<td>Drayton Harbor Shellfish Protection District Advisory Committee</td>
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<td>Flood Control Sub-Zone District Advisory Committee</td>
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<tr>
<td>Whatcom Transportation Authority's Citizen Advisory Panel</td>
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<tr>
<td>Marine Resource Committee</td>
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</table>

\(^2\) This advisory committee has been inactive. The committee will need additional appointments to form a complete committee before they will be able to actively engage in any projects in this program.
3.2.1. Planning Commission

Recently, the Washington State Department of Commerce issued revisions to the Washington Administrative Code (WAC). Implementation of the GMA as it relates to public participation is covered within WAC 365-196-600 “Public Participation.” WAC 365-196-600(3)(c) states: “The public participation program should clearly describe the role of the planning commission, ensuring consistency with requirements of chapter 36.70, 35.63, or 35A.63 RCW.” RCW 36.70 is the Planning Enabling Act, which requires:

- Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county at least ten days before the hearing (RCW 36.70.390 and .590).
- A recommendation of approval of comprehensive plan or official control amendments shall be by the affirmative vote of not less than a majority of the total members of the planning commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the planning commission and the reasons for its action (RCW 36.70.400 and .600).

For purposes of this process, the Planning Commission will be more involved throughout each of the projects within the larger process. The Planning Commission is an appointed group of citizens that work directly with Planning and Development Services to craft legislation and make recommendations to the County Council. They also hear and make recommendations on applications for amendments to the Whatcom County Code and the Comprehensive Plan from private individuals, agencies and other applicants. Currently, the Planning Commission hears from the public primarily during public hearings and through written correspondence.

It is the goal that most town hall meetings, open houses and other public participation activities will occur with some involvement with the Planning Commission. In this way, the Planning Commission will hear straight from the public on each issue and will be more involved in crafting policies, earlier in the process. The public is encouraged to communicate with planning commissioners through the email and mailing address listed in Chapter 5 of this document in addition to attending planning commission meetings.

3.3. The Cities

Whatcom County will continue to engage with the Cities on issues that need to be reconciled as part of the periodic review. The County will work with the cities to achieve coordinated and consistent planning during the UGA review and revision process. The Cities will be conducting their own periodic reviews as required by state law, and public participation regarding issues associated with City planning areas will be undertaken by each city.
Chapter 4. Public Participation Approach

4.1. Overall Approach

The Washington Administrative Code (WAC) provides guidelines and rules for public involvement in comprehensive planning. WAC 365-196-600 “Public Participation” states that “The public participation program should clearly describe the role of the planning commission, ensuring consistency with requirements of chapter 36.70, 35.63, or 35A.63 RCW.”

Through this public participation program the planning commission will act as a central hub for many public participation activities. In this way, the planning commission will have maximum exposure to the public perspective no matter how complex or minute the issue.

Starting in section 4.2, issues are broken down into 3 types for the purposes of public participation. Each type of issue has a different approach and the approach is described in each section. All the issues retain the numbers assigned to them in Chapter 2, so if more information is needed about an issue, the reader may refer back to Chapter 2.

4.2. Level 1 Issues

Level 1 issues are generally less complicated, have already been through extensive public process or are quasi-judicial actions. This level is also appropriate for most standard map and text amendments to Title 20 Zoning. A more vigorous public participation approach may be assigned at the discretion of the Planning and Development Services Department.

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3 Quasi-judicial actions of local decision-making bodies are “those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding” (RCW 42.36.010). These require adjudication in a court-like process, in which the guidelines for public participation are different from other actions.
4.2.1. Approach

Level 1 issues will travel through the process with the public process required by the code. Typically, they will follow this process:

1) Proposal: Staff generates a proposal or a recommendation on an application.

2) Proposal posted: Proposal is posted to the website and announced through email list. Legal notice will be given as required and applicable. Public may make comment to the Planning Commission via email and/or US mail.

3) Public hearing: Planning Commission holds public hearing on issue.

4) Work session and recommendation: Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.

5) County Council: County Council will review the recommendation of the Planning Commission and hold a work session in committee. The Council will approve the recommendation, modify, or deny. If the Planning Commission recommendation is substantively modified, another hearing will be held on that modification and then the Council will act.

4.2.2. Level 1 Projects

S-3. Land for Facilities (RCW 36.70A.110, .115, .210, SHB 1825)

S-5. Family Day-Care Providers in Home (RCW 36.70A.450, SB 5952)

S-7. Forest Practices (RCW 36.70A.570, SHB 1409)

R-1. Public Facility and Service Plan Consistency (Policy 2C-5)

D-1. Capital Facility Planning - Special Purpose Districts (PLN2013-00001)


D-4. Ferndale Development Standards (PLN2013-00004)

D-5. Repeal Birch Bay-Blaine Subarea Plan (PLN2013-00005)

D-6. Repeal Chuckanut-Lake Samish Subarea Plan (PLN2013-00006)

D-7. Repeal Lynden – Nooksack Valley Subarea Plan (PLN2013-00007)


D-10. Six-Year CIP and LOS Amendments (PLN2012-00002)

D-2. Capital Facility Planning for the East County (PLN2012-00004)

D-3. Unincorporated UGA-Interlocal Agreements (PLN2012-00005)
4.3. Level 2 Issues

Level 2 issues require a little more than the code-required public process. The issues in this category are of a sensitive or political nature and/or the public has come out to oppose or support them in the past. They are generally more complicated.

4.3.1. Approach

Typically, level 2 issues will follow this process:

1) Alternatives: Staff generates alternative approaches to the issue, when applicable.

2) Alternatives posted: Alternatives are posted to the website and announced through email list.

3) Advisory Committee/Agency/City Review and Comment: The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.

4) Proposal: Staff generates a proposal considering any feedback received on the alternatives.

5) Proposal posted: Proposal is posted to the website and announced through email list and legal notice as required and applicable. Public may make comment to the Planning Commission via email and/or US mail.

6) Public hearing: Planning Commission holds public hearing on issue.

7) Work session: Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.

8) County Council: County Council will review the recommendation of the Planning Commission and hold a work session in committee. The Council will approve the recommendation, modify, or deny. If the Planning Commission recommendation is substantively modified, another hearing will be held on that modification and then the Council will act.
4.3.2. Level 2 Projects

S-1. Transportation (RCW 36.70A.070 and RCW 36.70A.108)

S-6. Housing (RCW 36.70A.070(2)) and (RCW 36.70A.540, EHB 1464)

S-9. Population Analysis (RCW 36.70A.130(1)(c)).

R-5. Agricultural Lands Mitigation, UGA Reserve: Coordination with Everson, Lynden, Nooksack, and Sumas, and the Agricultural Advisory Committee


D-8. MRI, Policies and Surface Mining Regulations (PLN2013-00008)

D-159. Title 20 Amendments (PLN2012-00011)

D-160. Rural Element Update (PLN2012-00012)

D-195. Offsite Wetland Mitigation/Habitat Restoration (ZON2008-00001)

4.4. Level 3 Issues

These issues are generally more complicated and are of interest to the general public. All of these issues will have many opportunities for public comment, including a town-hall style meeting where people are able to openly share their feelings on the alternatives proposed or just the issue in general. When appropriate, town hall meetings will be planned close to areas that will be or are being impacted by the issue.

4.4.1. Approach

Typically, level 3 issues will follow this process:

1) **Alternatives**: Staff generates alternative approaches to the issue, when appropriate.

2) **Alternatives posted**: Alternatives are posted to the website and announced through email list.

3) **Advisory Committee/Agency/City Review and Comment**: The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.

4) **Town hall meeting**: A town hall style meeting is held to seek public input on the issue and the proposed alternatives. When appropriate, the meeting is held in a location that is reasonably located near an area affected by the issue. Planning Commission may be in attendance at this town hall meeting. Announcements of town hall meetings will be done through the website, email list, media releases, and local postings as appropriate.

5) **Proposal**: Staff generates a proposal considering feedback received on the alternatives, including feedback heard at the town hall meeting.
6) **Proposal posted:** Proposal is posted to the website and announced through email list. Legal notice will be given as required and as appropriate. Public may make comment to the Planning Commission via email and/or US mail.

7) **Public hearing:** Planning Commission holds public hearing on issue.

8) **Work session:** Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.

9) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee. The Council will approve the recommendation, modify, or deny. If the Planning Commission recommendation is substantively modified, another hearing will be held on that modification and then the Council will act.

### 4.4.2. Level 3 Projects

S-2. **Mineral Resource Lands** (RCW 36.70A.131)

S-4. **Accessory Uses in Agricultural Lands** (RCW 36.70A.177, SHB 2917). Coordination with Agriculture Advisory Committee.

S-8. **Critical Areas/Best Available Science** (RCW 36.70A.130(1)(c)). A review committee will be reactivated for this effort. However, many of the existing advisory committees will make recommendations including, as applicable, the Agriculture Advisory Committee, Lake Whatcom Watershed Advisory Committee, Shellfish and Marine advisory committees and others who are impacted by Best Available Science.

S-10. **UGA Review** (RCW 36.70A.130(3)). Coordination with the seven Cities and capital facility/urban service providers.

R-2. **Subarea Plan Updates** (Policy 2L-2). Activate subarea/community plan groups, if appropriate and in consideration of work plan priorities, and/or coordinate with Cities.

R-3. **Bellingham Population Allocation:** Coordination with the City of Bellingham.

R-4. **Bellingham UGA Land Use** (Policy 2UT-12): Coordination with the City of Bellingham.

D-115. **Agricultural Strategic Plan Implementation** (PLN2012-00007). Coordination with Agriculture Advisory Committee and applicable Cities.


Chapter 5. Conclusion

This public participation plan was initially crafted at the beginning of the comprehensive planning process. It is a living document that should be updated as conditions change or new methods are discovered. This public participation plan meets the requirements of the RCW and the recently revised requirements of the WAC. Specifically, the Planning and Development Services Department hopes that this public participation program will “involve a broad cross-section of the community, so groups not previously involved in planning become involved” as WAC 365-196-600(4) suggests it should.

To provide written feedback on this public participation plan, please contact Planning and Development Services at rboxx@co.whatcom.wa.us. If you wish to provide comment on any issue to the Planning Commission or County Council, please utilize the following addresses:

Whatcom County Planning and Development Services
5280 Northwest Drive
Bellingham, WA 98226

Planning Commission
C/o Becky Boxx, coordinator
5280 Northwest Drive
Bellingham, WA 98226
PDS_Planing_Commission@co.whatcom.wa.us

County Council
311 Grand Ave, Ste 105
Bellingham, WA 98225
council@co.whatcom.wa.us
Regular Meeting

Call To Order: The meeting was called to order, by Whatcom County Planning Commission Chair, Michelle Luke, in the Northwest Annex Conference Room at 6:30 p.m.

Roll Call
Present: Michelle Luke, Ben Elenbaas, Jerry Vekved, Rod Erickson, Gary Honcoop, David Onkels, Jeff Rainey, Mary Beth Teigrob
Absent: Ken Bell

Staff Present: Mark Personius, Gary Davis, Pam Brown

Executive Session: Commission Chair Michelle Luke adjourned for an executive session regarding legal issues pertaining to the rural element at 6:31 p.m. Executive session ended at 6:48 p.m.

Department Update

Open Session for Public Comment

Commissioner Comments

Public Hearing

File #PLN2013-00010: The Draft Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments. This plan will guide public participation efforts relating to comprehensive plan and development regulation amendments, including zoning and critical areas ordinance changes.

Mark Personius presented the staff report.

The Growth Management Act (GMA) requires counties to develop public participation programs for amendments to their comprehensive plans and or development regulations. The plan is required to be updated yearly. There are three levels that set out how we will involve the public in the process. Level 1 which is the standard approach to any change. Level 2 requires the same processes but may also need alternatives to be developed, review by an advisory committee or review by an outside agency. Level 3 has the requirements of Levels 1 and 2 but also requires town hall meetings. There are 7 new Comprehensive Plan amendments and 2 new zoning amendments included in this year's plan.

The hearing was opened to the public.

Ellen Baker, Whatcom County: She stated she was concerned that the planning process is suffering from less public participation. The plan states there will be early and often review but what she sees is a staff driven process that has no public input before the process begins and the public finds itself in the position of responding to the staff’s impression of what the public desires. There are very few town hall meetings in the plan. A few years ago she made recommendations regarding a broad notice to the public. She was told it is impossible to get out broad notice and to get people to meetings. She thinks
that is disingenuous. It is possible. PDS staff can place flyers on public bulletin boards. Ads can be run in the papers and on the radio. At this public hearing as usual the public speaks at the end of the process instead of at the beginning. She thinks it is important that the WRIA 1 planning unit be mentioned in the plan.

The hearing was closed to the public.

Commissioner Luke stated she agreed with Ms. Baker’s statement that more needs to be done for outreach. She has seen improvement.

Commissioner Onkels feels communication should be enhanced by email, Facebook, etc.

Commissioner Luke moved to recommend to the Council that the County continue with attempts at outreach. Commissioner Teigrob seconded. The motion carried.

Commissioner Honcoop asked why WRIA 1 was not listed. Staff stated that is because it is not a GMA issue, it is a Watershed Management Act issue, so it goes through a different statutory process.

Ms. Baker responded by saying as part of the planning unit WRIA should be included. Planning is mentioned in the GMA and the Planning Unit does planning so it should be included in the plan.

Commissioner Onkels moved to recommend that the document be forwarded to the Council with the recommendation to give consideration of incorporating the WRIA 1 planning unit. Commissioner Rainey seconded. The motion carried.

Commissioner Rainey commented on the issue of public notification. Last year he stated it would be a good idea to send notice with the property tax statement asking if people wanted to be included on an email list for notices. The Commission never heard any more about it. He would like to see this happen.

Commissioner Rainey moved to recommend to Council that a notice be included in tax statements. ??? seconded. The motion carried.

**Public Hearing**

File #PLN2012-00012: Rural Element Update: Pertaining to land uses and densities in rural areas of Whatcom County, consider amendments to Whatcom County Comprehensive Plan Chapter Two (Land Use); amendments to Whatcom County Code Title 20 (Zoning) Chapters 20.32 Residential Rural (RR) District, 20.34 Rural Residential-Island (EI) District, 20.36 Rural (R) District, 20.37 Point Roberts Transitional Zone (TZ) District, 20.71 Water Resources Protection Overlay, 20.80 Supplementary Requirements, 20.82 Public Utilities, and 20.97 Definitions: amendments to Whatcom County Code Title 24 (Health) Chapter 24.11 Drinking Water; and amending the Whatcom County Comprehensive Plan Map 8 (Land Use Designations) and the official zoning map in the areas generally described as Birch Bay-Lynden & Valley View, Fort Bellingham/Marietta, North Bellingham, Smith & Guide Meridian, and Welcome.
March 28, 2013

Dear Planning Commission;

I made a detailed appeal to the Planning Commission in 2011 about the substance of the Public Participation Plan. Many of you weren’t on the Planning Commission then, so I thought I’d re-submit these concerns and ideas again, particularly in light of the fact that the ball is rolling for the 2016 countywide comp plan update.

On whole, everyone recognizes that the public has very little knowledge about planning. There’s no question that every process is elaborate, and too many elements are remote.

A large number of countywide plans and implementation “strategies” are developed beyond the Planning Commission’s view and reach by advisory committees, official boards and quasi-agencies like the Whatcom Council of Governments, the Economic Development Investment board. There’s little visibility or public knowledge about what plans official bodies like the Whatcom Transit Authority, Port of Bellingham, and Public Utility District adopt.

Overlapping issues are deliberated (and recommendations are made) in so many places by so many groups at any given time that the public has little or no realistic chance to participate in plans that affect it, either “early” or “often” (GMA, GMHB).

The perspective of the PPP is clearly “agency first.” It is written from the viewpoint of the Planning Department and Whatcom County, entity. Little in the PPP describes a what the cover suggests — a process that attracts or achieves broad public participation at the planning concept level. Because participation is not early, public input is not incorporated in the “options” that PDS offers. The public doesn’t “participate” so much as “react.” The problem is systemic — public participation in board and commission planning recommendations and other inter-agency work follows the same pattern. Public input is more ancillary than it should be.

Therefore, it seems the greatest weakness of the “Public Participation Plan” is its failure to address or commit to effective general public awareness and input at any stage - regardless of complexity “level.”

Suggestion #1 (broad notice): The PPP should describe and commit to a notice effort that will ensure general public awareness. (Participation cannot occur without awareness.)

- Post printed notices (single page flyers) about pending and continuing work in “public places” (post offices, community bulletin boards, etc.). This is not impossible. I know of a county in Indiana that includes public information notices along with water bills. A half-page insertion could be made in SSC invoices throughout the entire county at marginal cost. Notices could be added to property tax mailings — numerous options are available. (See exhibit)

- Place display ads and “community meeting notices” in newspapers. I have included an exhibit, with a cost estimate, for a regular print notice that could be tried. The Planning budget runs about $5 million per year or more. A bi-weekly “current planning alert” in the Herald (in combination with other papers) every other week for a year would cost about $7,200. That’s

Ellen Baker, 3-28-13 – Page 1 of 4
barely over one-tenth of one percent (0.144%) of the Planning Department’s annual budget. That’s not “too much to spend.” Outreach consultant expenses have been known to reach six figures. Only a few hours of staff time per month would be required to do this.

**Suggestion #2 (website content):** The county/planning website needs **content** improvement.

Because the current PPP *modus operandi* places the burden on “interested citizens” to **seek information** almost solely by visiting the County website, the website must be improved. If citizens **find** the county website, and locate the planning section, and **discover** that planning is underway in their community or interest-area, they must place a request to be added to contact e-mail lists. This approach ranges from “chancy” to **remote**. (Who can deny it?)

- The idea of “adding a “planning project schedule to the website” has merit. But if such a schedule is posted, it should be continuously updated, and include information for at least a two-week or three-week window. It takes time for citizens to research an issue, find out where a meeting will be held, and make time in their schedules to attend a meeting or hearing. Written comments take time to prepare, too. It’s not uncommon for e-mail notices to be launched a week (five working days) ahead of a hearing date or deadline.

- **Not all “Boards and Commissions”** (or “community advisory groups”) are shown at the County **website.** I can provide you all with a spreadsheet that lists these.

  - **Every “board” and “commission” should have a web page on the county site.** The public should know that these exist, and when they meet. **Major** policy deliberations are made by quasi and “public-private” organizations, entirely outside the public view. Not all of the decisions that affect the Comprehensive Plan are decided by Council, itself (WTA, Port, city planning). The activities of “3.2 Governmental/Quasi-Governmental Groups” are not particularly transparent or responsive to public involvement.

  - **Appointee names (boards and commissions) should be listed on the website, along with linked scans of their applications.** Appointee names aren’t shown now, and they should be. Once they’re added, they’ll only have to be periodically updated. We need to know more about those who have been selected to “represent” the views of the public. Persons with fiduciary interests (in receiving grants or funding for their organizations) must not make self-serving policy.

  - **Many (most) board and commission** pages don’t include links to agendas or minutes. They should. (Exercise: Try to find minutes from Rural Library Board meetings on the county website or internet. I never have.)

  - The **names (and scans of the applications) of advisory committee participants should be available** to the public on special planning project web pages. If these “volunteers” are representing the public, surely the communities they represent should know who they are, and what their interests and affiliations are. Again, persons with fiduciary interests (in receiving grants or funding for their organizations) must not make self-serving policy.
• Few Planning Department memos and reports that reviewers see (like the Planning Commission or Council) are available for the public to follow. More intermediate documents and revisions should be linked for public review. The public often finds it’s responding to outdated material.

Another major weakness of the PPP is its overwhelming dependence on “stakeholders,” “advisory” and “community groups” for public input. The interests and concerns of property owners, businesses, and residents is grossly understated. The term “residents” only appears three times in the entire PPP — and only once in “Project Participants” Chapter 3.

Compared to residents, there’s an overwhelming dependence on “stakeholders” and groups. It is undeniable that groups form to pursue special interests — and these may not bring the views of the “general public” to the table. I realize that it’s convenient to invite groups (3.1.1, 3.1.2, 3.1.3, 3.2), but they are no substitute for the kind of public participation that would reflect the general perspective and needs of communities.

Suggestion #3 (balance): I believe that a valid PPP must offer some methodology for arriving at a reasonable balance between “stakeholders,” “groups” and “residents.” The public does not elect or select “stakeholders” and “groups,” therefore the public can’t eject them. Some “volunteers” become so deeply embedded in planning processes personal — not public — opinion may dominate the process.

• Limit the number of “advisory” members from any single group or association to 1-person. A reasonable ratio of “non-group affiliation” residents to “group members” should be attempted, to reflect the land-use mix. (Example: A business district might have a higher ratio of business participation than “resident” participation.) Also, be wary that some sub-committees of associations operate with different “aka” operating names. A single organization should not dominate an entire “advisory” committee or board. This does happen, and the effect can be very detrimental.

• Invite advisory committee nominations from the general public. Notices about advisory posts should be broadly and prominently posted on bulletin boards, post offices, etc. when advisory committees are forming, and when vacancies occur. This is possible.

• Provide a mechanism for the retirement of “plan advisory” members. Because a “non-confidence vote” or “community challenge” process would be unpleasant, I strongly recommend implementing staggered term-limits for long-range planning advisory participants. If the “advisory” approach is sound to begin with (if these groups produce widely accepted planning product) periodic participant changes shouldn’t impact work in process negatively.

The most serious problem I see in the PPP is the overlap (and redundancy) in planning efforts, countywide. It is extremely difficult for the public to follow and participate constructively when an issue or project is discussed concurrently by numerous “bodies” and “quasi-planning” agencies. Transportation projects overlap with parks projects. Economic studies cite economic claims made in transportation and parks reports. Health committees may have an interest in recreation (and public works, and transportation) projects. Any single issue or project may be presented before six or seven different boards, commissions, agencies, or advisories in a given month, quarter, or year.
Suggestion #4 (consolidation): Planning efforts have become so diverse that it may be necessary to consolidate some boards and commissions to assure bona fide public participation of any kind.

- I have prepared an exhibit that demonstrates how this might be achieved over time. State and federal requirements would not necessarily be compromised if this were undertaken with care. I believe some individuals already serve on more than one of these groups.

- If groups must remain separate, perhaps they could join periodically not only for the benefit of the work, but to improve general public participation, perhaps at local town-halls. Example: A joint noxious weed, horticulture & agriculture committee town hall meeting in Lynden.

Suggestion #5: Whatcom County has just formally acknowledged the need to support the WRIA 1 Planning Unit, which is charged as the official nexus for watershed planning. This update needs to incorporate a reference to the WRIA 1 Planning Unit.

While I know this PPP will proceed as-is, perhaps the Planning Commission can recommend early and regular public notice, improvements to the website, better balance between residents and special-interests, and the benefits that some consolidation may bring.

I am happy to provide further comments and ideas. Feel free to call any time. Thanks for reading this through.

Respectfully submitted,  

Ellen Baker

D. Ellen Baker – Glacier Resident since 1973  
orion@telecomplus.net, 599-2544  
PO Box 5149, Glacier, WA 98244

Attachments: Sample Print Ad or Insertion Notice, Sample “Advisory Forming” Notice
Residents wanting to “participate” in specific projects and issue-areas must follow the discussion and deliberations of multiple “groups.” This can lead to burn-out and “participation fatigue.” How can the ‘general public’ approach “participation” when,

**AGRICULTURE** may involve
- Flood Control Zone Advisory Committee (sub-committees)
- Horticultural Pest and Disease Board
- Noxious Weed Control Board
- Open Space Advisory Committee [“represents the active farming community”]
- Solid Waste Advisory Committee
- Agricultural Advisory Committee
- + Conservation District Board (?), tribal agencies
- + Local UGA & community “advisory committees”
- + watershed district(s), water districts & associations
- + Economic Development (EDI), Northwest Economic Council, Port of Bellingham
- Planning Commission Reviews
- Council Committee & “Council of the Whole” Hearings

**TRANSPORTATION** may involve
- Lummi Island Ferry Task Force
- Bicycle/Pedestrian Advisory Committee
- Parks and Recreation Commission
- Whatcom County Council of Governments (WCOG)
- WCOG CTAG – Citizens Transportation Advisory Group
- Whatcom Transportation Policy Board (WTPB)
- WTA Board & Advisory(-ies)
- WRIA 1 – Joint Management Team
- + Local UGA & community “advisory committees,” tribal agencies
- + Economic Development (EDI), Northwest Economic Council, Port of Bellingham
- + The Opportunity Council (“quasi” – a private non-profit “partnership”)
- Planning Commission Reviews
- Council Committee & “Council of the Whole” Hearings

**HEALTH/MENTAL HEALTH/SAFETY** may involve
- Whatcom County Community Network (“quasi” – a private non-profit “partnership”)
- Americans with Disabilities Act Compliance Committee
- Bellingham-Whatcom Comm. Against Domestic Violence
- Developmental Disabilities Board
- Mental Health Advisory Board
- Public Health Advisory Board
- Substance Abuse Advisory Board
- + North Sound Mental Health Administration
- + Local UGA & community “advisory committees,” tribal agencies
- + The Opportunity Council (“quasi” – a private non-profit “partnership”)
- + Planning Commission Reviews
- Council Committee & “Council of the Whole” Hearings
NOTICE – PLEASE PARTICIPATE!

The Xxxxxxx Subarea Plan is scheduled for update beginning September 1, 2011

We will depend on a broad cross-section of community input throughout the process, and invite local residents, business owners, and local organizations to bring local views, knowledge, and experience to the plan. Meetings will begin about September 15th. Watch for future notices here, or call Sam Snead at xxx-xxxx to receive regular updates by e-mail.

Seven vacancies on the review advisory committee will be filled by the Executive and confirmed by the County Council. The committee will meet regularly for about one year, without compensation unless otherwise noted. All members must be registered voters and residents of Whatcom County. Only one member of an organization or group may be on the commission at one time.

Call Jane Doe at the Whatcom County Planning Department (360) xxx-xxxx
Or visit our website at http://www.whatcomcounty.us/boards/board_vacancies.pdf for details and an application form.

Committee applications are due by August 15, 2011
## Upcoming Comprehensive Plan Review - Participate!

- **Family Day-Care Providers in Home** - review begins 6/1/11
- **Wind Energy Systems** - new ordinance - begins 6/12/11
- **MRL Expansion, Lummi Island** - continues 6/18/11
- **Periodic Update - Chap. 10, Design** - begins 7/1/11
- **Population Analysis - Update**
- **Birch Bay Fire Protection & Emergency Svcs - cont.** 7/1/11
- **Critical Areas, Best Available Science - Continues** 7/14/11
- **Bellingham Population Allocation - Cont.** 7/14/11

Public input is welcome. For schedule info, call (360) xxx-xxxx, or visit our website [http://www.whatcomcounty.us/pds/index.jsp](http://www.whatcomcounty.us/pds/index.jsp)

**Other service on boards & commissions may interest you - see:**
- [http://www.whatcomcounty.us/boards/councilvac.pdf](http://www.whatcomcounty.us/boards/councilvac.pdf) and

A "3 column x 3.5 inch" print ad in the Herald runs about $300@$300 x 26 weeks = $7,200 (probably less, with a volume discount)
90.82.005
Purpose.

The purpose of this chapter is to develop a more thorough and cooperative method of determining what the current water resource situation is in each water resource inventory area of the state and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development.

It is necessary for the legislature to establish processes and policies that will result in providing state agencies with more specific guidance to manage the water resources of the state consistent with current law and direction provided by local entities and citizens through the process established in accordance with this chapter.

[1997 c 442 § 101.]

90.82.010
Finding.

The legislature finds that the local development of watershed plans for managing water resources and for protecting existing water rights is vital to both state and local interests. The local development of these plans serves vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources. The development of such plans serves the state's vital interests by ensuring that the state's water resources are used wisely, by protecting existing water rights, by protecting instream flows for fish, and by providing for the economic well-being of the state's citizenry and communities. Therefore, the legislature believes it necessary for units of local government throughout the state to engage in the orderly development of these watershed plans.

[1997 c 442 § 102.]

90.82.030
Principles.

In order to have the best possible program for appropriating and administering water use in the state, the legislature establishes the following principles and criteria to carry out the purpose and intent of chapter 442, Laws of 1997.

(1) All WRIA planning units established under this chapter shall develop a process to assure that water resource user interests and directly involved interest groups at the local level have the opportunity, in a fair and equitable manner, to give input and direction to the process.

(2) If a planning unit requests technical assistance from a state agency as part of its planning activities under this chapter and the assistance is with regard to a subject matter over which the agency has jurisdiction, the state agency shall provide the technical assistance to the planning unit.

(3) Plans developed under chapter 442, Laws of 1997 shall be consistent with and not duplicative of efforts already under way in a WRIA, including but not limited to watershed analysis conducted under state forest practices statutes and rules.

[1997 c 442 § 104.]
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Ordinance Establishing Parking Restrictions on Roma Road

**ATTACHMENTS:**
1. Memo to County Executive and Council
2. Ordinance
3. Vicinity Map

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

**Should Clerk schedule a hearing?** (X) Yes ( ) NO
**Requested Date:** 5/7/13

**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.)

It is found necessary to establish parking restrictions on Roma Road.

**COMMITTEE ACTION:**

<table>
<thead>
<tr>
<th>COUNCIL ACTION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/23/2013: Introduced</td>
</tr>
</tbody>
</table>

**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, 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: 4/10/2013

RE: Ordinance Establishing Parking Restrictions on Roma Road

Requested Action:
Recommend adoption of an ordinance for the establishment of parking restrictions on Roma Road.

Background and Purpose:
The County Engineer is recommending that a “No Parking Anytime” zone be established on Roma Road from 196 feet to 225 feet west of Tamarack Road on the north side of the road. This zone is located where the trail from Northern Heights Elementary School meets Roma Road.

Information:
This ordinance will allow the installation of a “No Parking Anytime” zone on Roma Road to comply with RCW 46.61.570 to restrict parking on certain County roads.

Northern Heights Elementary School, the Bellingham School District, and Whatcom County Public Works have worked together to update and amend this school’s “Safe Walk to School Route” per WAC 392-151-025. This amended plan requires the installation of two stop signs, three marked crosswalks, a new sidewalk ramp, and creation of a small no parking zone. (See attached map.)

Encl.
ORDINANCE NO.________
ESTABLISHING PARKING RESTRICTION
ON ROMA ROAD

WHEREAS, Whatcom County Council is authorized under RCW 46.61.570 to restrict parking on certain County roads; and

WHEREAS, Bellingham School District contacted Public Works with the concerns of unsafe parking and waiting; and

WHEREAS, an engineering study was conducted by the County Engineer’s office it was found that the parking was in a manner that was unsafe;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following be added to the Whatcom County Code Section 10.24.235 as follows:

No Parking Anytime zone be established on Roma Road from 196 feet to 225 feet west of Tamarack Road on the north side of the road. This zone is located where the trail from Northern Heights Elementary School meets Roma Road.

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

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

Civil Deputy Prosecutor Jack Louws, Executive Date:

Daniel L. Gibson

Page 1 of 1
Roma Rd. Vicinity Map
Proposed No Parking Zone

Northern Heights Elementary School
City of Bellingham

Proposed No Parking Sign

© 2010 NAVTEQ © AND © 2013, Bellingham Corporation
This ordinance amends Whatcom County Code 10.34. The amendment will change the method of calculating the 45% Road Fund Subsidy of the Ferry Operations expenses. The change will make the method of calculation identical to the 55% Ferry Fare Box contribution calculation. If approved, both calculations will be based upon the same adjusted total expenses number.

The Ordinance amendment also includes language to clarify the specific state funding included in the calculation as "Ferry Deficit Reimbursement" in an effort to reduce confusion.
MEMORANDUM

TO: The Honorable Jack Louws, Whatcom County Executive
    Honorable Members of the Whatcom County Council
FROM: Frank M. Abart, Director
RE: An Ordinance to amend WCC 10.34, Ferry Rates
DATE: April 8, 2013

Requested Action:
Consideration of the attached ordinance that amends Whatcom County Code 10.34. The amendment will change the method of calculating the 45% Road Fund Subsidy of the Ferry Operations expenses. The change will make the method of calculation identical to the 55% Ferry Fare Box contribution calculation. **If approved, both calculations will be based upon the same adjusted total expenses number.**

The recommendation also includes language to clarify the specific state funding applicable to the calculation as “Ferry Deficit Reimbursement” in an effort to reduce confusion.

Background and Purpose:
The intended purpose is to provide the same basis of calculation for the 45% Road Fund Subsidy as is currently used to calculate the 55% Fare Box Recovery. The current calculation allowed by ordinance provides a disproportionate increase in the amount subsidized by the Road Fund.

The change also clarifies the source and identification of state funding intended to directly assist County Ferry Operations. There have been concerns expressed regarding other state funding and confusion about whether it applies or not. This language change is intended to eliminate the confusion.

Other Information:
The financial impact from the previous three years has required the Road Fund to pay an additional $228,888 in increased subsidy toward the Ferry Operational expenses (2010 = $61,735, 2011 = $80,028, 2012 = $87,125).

If approved, this Ordinance change would eliminate the increased subsidy (over 45%) from the Road Fund and shift the expense back to the Ferry Fund.

If you have any questions please call Frank Abart at extension 50678. Thank you.

Enc.
ORDINANCE NO. ________

AMENDING WHATCOM COUNTY CODE CHAPTER 10.34 FERRY RATES

WHEREAS, Chapter 10.34 of the Whatcom County Code addresses administration of ferry rates; and

WHEREAS, Section 10.34.030 addresses use of ferry user fee revenue; and

WHEREAS, the amendment will change the method of calculating the 45% Road Fund Subsidy of the Ferry Operations expenses. The change will make the method of calculation identical to the 55% Ferry Fare Box contribution calculation. If approved, both calculations will be based upon the same adjusted total expenses number.

WHEREAS, the amendment also includes language to clarify the specific state funding applicable to the calculation as “Ferry Deficit Reimbursement” in an effort to reduce confusion.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 10.34 is hereby amended as shown in Exhibit A to this ordinance, and

BE IT FURTHER ORDAINED that the amended calculations shall be effective retroactively to January 1, 2013.

ADOPTED this ___ day of ________, 2013.

ATTEST:

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

( ) Approved ( ) Denied

Date Signed: ____________________
EXHIBIT A

Chapter 10.34 FERRY RATES

Sections:

10.34.005 Definitions.

10.34.010 Effective date for ferry user fees.

10.34.020 Interpretation of rate schedule.

10.34.030 Use of ferry user fee revenues.

10.34.005 Definitions.

A. "Ferry system" means all physical elements of the Lummi Island ferry operations, including both the Gooseberry Point and Lummi Island vehicle and pedestrian staging areas, vehicle parking areas, and ferry docks, and any and all boats utilized for transport purposes.

B. "Operating cost" means all actual daily running expenses and all actual regular and routine maintenance and administrative expenses associated with the use and operation of all physical elements of the ferry system.

C. "Capital cost" means all capital expenditures, including financing and depreciation expenses applied to the replacement, expansion, or creation of ferry system physical elements.

D. "Fare box recovery rate" means the calculated percentage of total revenue generated through ferry user fees in comparison to total actual operating costs for the same period of time minus any revenue from the motor vehicle fuel tax meant for ferry operations, or from interest.

E. "Ferry user fees" means the rates and charges required of and collected from any and all users of the ferry system, as established and periodically amended in the Unified Fee Schedule.


10.34.010 Effective date for ferry user fees.
Ferry user fees are set forth in the Whatcom County Unified Fee Schedule and become
10.34.020 Interpretation of rate schedule.

The following provisions should be observed in application of the ferry rate schedule:

A. Trailers shall include, but not be limited to, ball hitches, military hitches, fifth wheel in bed of pickup, dump trailers, recreation trailers and mobile homes.

B. Special trips are a surcharge in addition to the applicable fare.

C. A weekly run limited to fuel trucks, charged at the regular rate, shall be scheduled by the public works department and published appropriately.

D. Trucks and tow vehicles with trailers shall be charged a rate based on length and weight. Heavy machinery and motor homes shall be charged at the corresponding vehicle rate.

E. All trucks shall be charged regular round-trip rates based on legal license capacity.

F. Over-width vehicles or trailers occupying more than one lane shall be charged a 50 percent surcharge. In addition, vehicles towing over-width trailers shall also be charged a 50 percent surcharge.

G. Student multi-ride cards shall be sold to full-time post-high school students only. Proof of post-high school enrollment shall be required at time of purchase. No special student discount is available for drivers of vehicles.

H. Children 12 to under 19 (nineteen) years of age will receive free passenger and pedestrian passage all year round. No special child discount is available for drivers of vehicles.

I. County employees on official county business shall be exempt from fares. All county employee trips exempt from fares will be tracked, and $10.00 per trip will be credited toward the fare box recovery rate each year.

J. Enrolled members of the Lummi Indian Tribe who are issued appropriate identification cards by the tribe, or current fishing cards, licenses, or Lummi Indian Business Council ID cards and who have legitimate tribal business upon Lummi Island, as indicated by the Lummi Indian Tribe, shall have free foot passage upon and across the ferry operated by Whatcom County between Gooseberry Point and Lummi Island.

K. A special-needs-based discount is provided for Lummi Island residents who meet the income levels listed below. These special tickets will only be sold at the Whatcom County treasurer’s office in Bellingham and will require proof of income and family size. Eligibility will be reviewed at least annually. Forms and procedures will be developed by the
Whatcom County treasurer's office.

1. Family of four or more with less than $40,000 total annual income;
2. Family of three with less than $30,000 total annual income;
3. Family of two with less than $20,000 total annual income;
4. Individual with less than $10,000 total annual income.

L. Eligibility for a special "senior/disabled" discount is available to all Lummi Island residents who currently hold property tax exemptions or deferral as defined under RCW 84.36.381 and 84.38.030 and WAC 458-16-020 and 458-18020, and as these may be hereafter amended. Eligibility for a special "senior/disabled" discount is also available to all Lummi Island residents that also qualify for medical assistance within the Medicaid Program.

M. Intentionally left blank.

N. All children under the age of 12 years when traveling on the Whatcom County ferry must be accompanied by an adult. An exception to this policy will be made only if the adult parent or guardian signs a waiver exempting Whatcom County from all liabilities for any and all injuries, loss of life, etc., while the child is traveling on the ferry.

**10.34.030 Use of ferry user fee revenues.**

Beginning January 1, 2006, a 55 percent fare box recovery rate shall be applied and evaluated continuously from that time forward. An annual review of ferry system services, actual and projected operating costs, and actual and projected revenue from ferry user fees shall occur in order to verify the 55 percent fare box recovery rate is being achieved.

In any given year the actual fare box recovery rate exceeds 55 percent, the excess revenue shall be retained in the ferry system fund and applied only to future operating costs.

In any given year the actual fare box recovery rate is below 55 percent, the difference shall be recovered in a future ferry user fee increase unless there is adequate excess ferry user fee revenue remaining in the ferry system fund collected during prior years.

Beginning January 1, 2007, any interest income or miscellaneous ferry fares income, or income from the State of Washington specifically identified as the annual Ferry Deficit Reimbursement motor vehicle fuel tax for ferry operation and the credit for County employee ferry trips will be deducted from the actual operating costs before the actual 55 percent fare box recovery rate is calculated and before the actual 45% Road Fund subsidy is calculated. The goal of this method of calculation is that the Road Fund will not contribute more than 45 percent of the adjusted operating costs each year. (Ord 2012-016, Exh A, Ord. 2010-054, Exh A, Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001

Prior legislation: Ord. 89-103.
EXHIBIT B

Example of **Current** and **Proposed** method of calculation and the resulting impact using actual numbers from the 2012 budget.

### Current Calculation Method

<table>
<thead>
<tr>
<th></th>
<th>Ferry Fund</th>
<th>Road Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total ferry operating expenses</td>
<td>$2,488,023 (A)</td>
<td>$2,488,023 (A)</td>
</tr>
<tr>
<td>less ferry deficit reimbursement</td>
<td>(181,433) (B)</td>
<td>0 (B)</td>
</tr>
<tr>
<td>less county employee trip credit</td>
<td>(5,510) (B)</td>
<td>0 (B)</td>
</tr>
<tr>
<td>less miscellaneous income</td>
<td>(526) (B)</td>
<td>0 (B)</td>
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<tr>
<td>less interest income</td>
<td>(6,142) (B)</td>
<td>0 (B)</td>
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<tr>
<td>Adjusted operating expenses</td>
<td>$2,294,412 (C)</td>
<td>$2,488,023 (A)</td>
</tr>
<tr>
<td>Cost recovery amounts</td>
<td>55%</td>
<td>45%</td>
</tr>
<tr>
<td></td>
<td>$1,261,927 (50.72%) (D)</td>
<td>$1,119,610 (45%) (E)</td>
</tr>
</tbody>
</table>

Total ferry operating expenses:

<table>
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<tr>
<th></th>
<th>Ferry Fund</th>
<th>Road Fund</th>
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</thead>
<tbody>
<tr>
<td>less fare recovery amount</td>
<td>(1,261,927) (D)</td>
<td></td>
</tr>
<tr>
<td>less road fund contribution</td>
<td>(1,119,610) (E)</td>
<td></td>
</tr>
<tr>
<td>Amount paid by ferry fund</td>
<td>$106,486 (4.28%) (F)*</td>
<td></td>
</tr>
</tbody>
</table>

Total paid by ferry fund

|                                     | $106,478 (F)*       |

* $1 difference due to rounding.

The current Ferry Fund contribution is total operating expenses (A) less credited income items (B) equaling adjusted operating expenses (C), multiplied by 55 percent which results in a fare recovery amount of 50.72% of total operating expenses (D). The remaining 4.28 percent (F) of the credited income items is paid by the ferry fund.

The current calculation method for the Road fund contribution is total operating expenses (A), multiplied by 45 percent equaling the road fund contribution (E).
## Proposed Calculation Method

<table>
<thead>
<tr>
<th>Description</th>
<th>Ferry Fund</th>
<th>Road Fund</th>
</tr>
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<tbody>
<tr>
<td>Total ferry operating expenses</td>
<td>$2,488,023 (A)</td>
<td>$2,488,023 (A)</td>
</tr>
<tr>
<td>less ferry deficit reimbursement</td>
<td>(181,433) (B)</td>
<td></td>
</tr>
<tr>
<td>less county employee trip credit</td>
<td>(5,510) (B)</td>
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<tr>
<td>less miscellaneous income</td>
<td>(526) (B)</td>
<td></td>
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<tr>
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<td>(6,142) (B)</td>
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<tr>
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<td>$2,294,412 (C)</td>
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<table>
<thead>
<tr>
<th>Description</th>
<th>Ferry Fund</th>
<th>Road Fund</th>
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<tbody>
<tr>
<td>Cost recovery amounts</td>
<td>$1,261,927 (50.72%) (D)</td>
<td>$1,032,485 (41.5%) (E)*</td>
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<tr>
<td></td>
<td>55%</td>
<td>45%</td>
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The proposed contribution amounts are adjusted operating expenses (C) multiplied by 55 and 45 percent respectively, which results in a fare recovery amounts of 50.72 percent (D) and 41.5 percent (E) of total operating expenses, (A). The remaining 7.78 percent (F) is paid by the ferry fund.

### 2010 Financial Impact:

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<th>Description</th>
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<td>Current calculation method</td>
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<td>(1,351,154)</td>
<td>(1,105,490)</td>
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<td>$61,735</td>
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### 2011 Financial Impact:

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<th>Description</th>
<th>Ferry Fund</th>
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<tbody>
<tr>
<td>Current calculation method</td>
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<td>Proposed calculation method</td>
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<td>Change to contribution amounts</td>
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### 2012 Financial Impact:

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<th>Description</th>
<th>Ferry Fund</th>
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<tbody>
<tr>
<td>Current calculation method</td>
<td>$1,119,610</td>
<td>$1,119,610</td>
</tr>
<tr>
<td>Proposed calculation method</td>
<td>(1,119,610)</td>
<td>(1,032,485)</td>
</tr>
<tr>
<td>Change to contribution amounts</td>
<td>0</td>
<td>$87,125</td>
</tr>
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</table>

* $43 difference due decimal points in percentage.
EXHIBIT A

Chapter 10.34 FERRY RATES

Sections:

10.34.005 Definitions.

10.34.010 Effective date for ferry user fees.

10.34.020 Interpretation of rate schedule.

10.34.030 Use of ferry user fee revenues.

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A. "Ferry system" means all physical elements of the Lummi Island ferry operations, including both the Gooseberry Point and Lummi Island vehicle and pedestrian staging areas, vehicle parking areas, and ferry docks, and any and all boats utilized for transport purposes.

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C. "Capital cost" means all capital expenditures, including financing and depreciation expenses applied to the replacement, expansion, or creation of ferry system physical elements.

D. "Fare box-recovery rate" means the calculated percentage of total revenue generated through ferry user fees in comparison to total actual operating costs for the same period of time minus any revenue from the motor vehicle fuel tax meant for ferry operations, or from interest.

E. "Ferry user fees" means the rates and charges required of and collected from any and all users of the ferry system, as established and periodically amended in the Unified Fee Schedule.


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The following provisions should be observed in application of the ferry rate schedule:

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C. A weekly run limited to fuel trucks, charged at the regular rate, shall be scheduled by the public works department and published appropriately.

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G. Student multi-ride cards shall be sold to full-time post-high school students only. Proof of post-high school enrollment shall be required at time of purchase. No special student discount is available for drivers of vehicles.

H. Children 12 to under 19 (nineteen) years of age will receive free passenger and pedestrian passage all year round. No special child discount is available for drivers of vehicles.

I. County employees on official county business shall be exempt from fares. All county employee trips exempt from fares will be tracked, and $10.00 per trip will be credited toward the fare box recovery rate each year.

J. Enrolled members of the Lummi Indian Tribe who are issued appropriate identification cards by the tribe, or current fishing cards, licenses, or Lummi Indian Business Council ID cards and who have legitimate tribal business upon Lummi Island, as indicated by the Lummi Indian Tribe, shall have free foot passage upon and across the ferry operated by Whatcom County between Gooseberry Point and Lummi Island.

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3. Family of two with less than $20,000 total annual income;
4. Individual with less than $10,000 total annual income.

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M. Intentionally left blank.

N. All children under the age of 12 years when traveling on the Whatcom County ferry must be accompanied by an adult. An exception to this policy will be made only if the adult parent or guardian signs a waiver exempting Whatcom County from all liabilities for any and all injuries, loss of life, etc., while the child is traveling on the ferry.

10.34.030 Use of ferry user fee revenues.

Beginning January 1, 2006, a 55 percent fare box recovery rate shall be applied and evaluated continuously from that time forward. An annual review of ferry system services, actual and projected operating costs, and actual and projected revenue from ferry user fees shall occur in order to verify the 55 percent fare box recovery rate is being achieved.

In any given year the actual fare box recovery rate exceeds 55 percent, the excess revenue shall be retained in the ferry system fund and applied only to future operating costs.

In any given year the actual fare box recovery rate is below 55 percent, the difference shall be recovered in a future ferry user fee increase unless there is adequate excess ferry user fee revenue remaining in the ferry system fund collected during prior years.

Beginning January 1, 2013, any interest income or miscellaneous ferry fares income, or income from the State of Washington specifically identified as the annual Ferry Deficit Reimbursement and the credit for County employee ferry trips will be deducted from the actual operating costs before the actual 55 percent fare box recovery rate is calculated and before the actual 45% Road Fund subsidy is calculated. The goal of this method of calculation is that the Road Fund will not contribute more than 45 percent of the adjusted operating costs each year. (Ord 2012-016, Exh A; Ord. 2010-054, Exh A; Ord. 2008-052 Exh. A; Ord. 2008-017 Exh. A; Ord. 2007-001 Exh. A; Ord. 2005-090 Exh. A; Ord. 2002-012; Ord.

206
Prior legislation: Ord. 89-103.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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TITLE OF DOCUMENT:
Ordinance regarding installation of stop signs on various roads within the County.

ATTACHMENTS:
1. Memo to County Executive and Council
2. Ordinance
3. Vicinity maps

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.)

It is found necessary to install stop signs to help control traffic on Darcy Court southbound at Roma Road and on Patrick Court southbound at Roma Road.

COMMITTEE ACTION:

COUNCIL ACTION:
4/23/2013: Introduced

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, 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: 4/10/2013

RE: Ordinance Regarding Installation of Stop Signs at Various Intersections

Requested Action:
Recommend adoption of an ordinance for the establishment of stop signs at various intersections and parking restrictions on Roma Road.

Background and Purpose:
The County Engineer is recommending that stop signs be installed at various intersections within the county.

Stop signs located at: Darcy Court southbound at Roma Road
                      Patrick Court southbound at Roma Road

The County Engineer is recommending that a “No Parking Anytime” zone be established on Roma Road from 196 feet to 225 feet west of Tamarack Road on the north side of the road. This zone is located where the trail from Northern Heights Elementary School meets Roma Road.

Information:
This ordinance will allow the installation of a “No Parking Anytime” zone on Roma Road to comply with RCW 46.61.570 to restrict parking on certain County roads.

Northern Heights Elementary School, the Bellingham School District, and Whatcom County Public Works have worked together to update and amend this school’s “Safe Walk to School Route” per WAC 392-151-025. This amended plan requires the installation of two stop signs, three marked crosswalks, a new sidewalk ramp, and creation of a small no parking zone. (See attached map.)

Encl.
SPONSORED BY: 

PROPOSED BY: Public Works - Engineering
INTRODUCTION DATE: 04/23/13

ORDINANCE NO. ______

INSTALLING STOP SIGNS ON VARIOUS ROADS WITHIN THE COUNTY

WHEREAS, in compliance with RCW 46.61.200 and 47.36.110, it is found necessary and expedient to install traffic control signs on certain County Roads; and

WHEREAS, Bellingham School district changed the safe walk route to school for Northern Heights Elementary School; and

WHEREAS, crosswalks will be installed at the intersection; and

WHEREAS, it is found necessary to install stop signs, to help control traffic, at the intersections described below.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following be added to the Whatcom County Code Section 10.16 as follows:

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Direction -Stopping</th>
<th>Cross Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darcy Court</td>
<td>SB</td>
<td>Roma Road</td>
</tr>
<tr>
<td>Patrick Court</td>
<td>SB</td>
<td>Roma Road</td>
</tr>
</tbody>
</table>

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

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

Civil Deputy Prosecutor
Jack Louws, Executive
Date:

Page 1 of 1
## WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td></td>
<td>4/30/13</td>
<td>5/7/13</td>
<td>Intro</td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td>4/30/13</td>
<td>5/21/13</td>
<td>Finance Committee; Council</td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/budget:</td>
<td></td>
<td>4/30/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td>4/30/13</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TITLE OF DOCUMENT: 2013 Supplemental Budget Request #6

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

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>SEPA review completed?</th>
<th>Should Clerk schedule a hearing?</th>
</tr>
</thead>
<tbody>
<tr>
<td>( ) Yes</td>
<td>( ) Yes</td>
<td>( ) Yes ( X ) NO</td>
</tr>
</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.)

Supplemental #6 requests funding from the General Fund:

1. To appropriate $60,000 in Heath to establish 2013 On-Site Sewage System Deferred Loan Program.
2. To appropriate $61,859 in Non Departmental to fund additional amounts added to the FY2012-13 WhatComm E911 operations contract from grant proceeds.
3. To appropriate $10,000 in the Sheriff’s Office to fund Leads Online radio system improvements from Lummi donation.
4. To appropriate $40,000 in the Sheriff’s Office to fund 2013 Boating Safety Program patrols from restricted fund balance.

Low Income Housing Fund:

5. To appropriate $26,670 to fund expanded capacity at Northwest Youth Service and Sun House.

Mental Heath / Chemical Dependency Fund:

6. To appropriate $450,000 to fund additional behavioral health programs and services.

Conservation Futures Fund:

7. To appropriate $50,000 to fund PDR program professional services.

Parks Improvement Fund:

8. To remove appropriation of $94,183 to remove 2013 Budget.

Real Estate Excise Tax II Fund:

9. To appropriate $42,950 to provide additional funding for Lookout Mountain Trailhead Project.

Administrative Services Fund:

10. To appropriate $10,713 in Information Services to fund 2013 Data Integration Grant activities.

### COMMITTEE ACTION: |

### COUNCIL ACTION:

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>
ORDINANCE NO.

AMENDMENT NO. 6 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>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>60,000</td>
<td>(60,000)</td>
<td>-</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>61,859</td>
<td>(61,859)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>50,000</td>
<td>(10,000)</td>
<td>40,000</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>171,859</td>
<td>(131,859)</td>
<td>40,000</td>
</tr>
<tr>
<td>Low Income Housing Fund</td>
<td>26,670</td>
<td>(21,247)</td>
<td>5,423</td>
</tr>
<tr>
<td>Mental Health / Chemical Dependancy Fund</td>
<td>450,000</td>
<td>-</td>
<td>450,000</td>
</tr>
<tr>
<td>Conservation Futures Fund</td>
<td>50,000</td>
<td>-</td>
<td>50,000</td>
</tr>
<tr>
<td>Parks Improvement Fund</td>
<td>(94,183)</td>
<td>7,870</td>
<td>(86,313)</td>
</tr>
<tr>
<td>Real Estate Excise Tax Fund II</td>
<td>42,950</td>
<td>(8,500)</td>
<td>34,450</td>
</tr>
<tr>
<td>Administrative Services Fund - Information Technology</td>
<td>10,713</td>
<td>(10,713)</td>
<td>-</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>658,009</td>
<td>(164,449)</td>
<td>493,560</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of __________________, 2013.

ATTEST:

Dana Brown-Davis, Council Clerk  
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Chair of the Council

APPROVED AS TO FORM:  
( ) Approved  ( ) Denied

Civil Deputy Prosecutor  
Jack Louws, County Executive

Date: __________________________

I:\BUDGET\SUPPLS\2013_Suppl\Supplemental #6-2013.doc
### WHATCOM COUNTY

#### Summary of the 2013 Supplemental Budget Ordinance No. 6

<table>
<thead>
<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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<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>To establish 2013 On-Site Sewage System Deferred Loan Program</td>
<td>60,000</td>
<td>(60,000)</td>
<td>-</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund additional amounts added to the FY2012-13 WhatComm E911 operations contract from grant proceeds.</td>
<td>61,859</td>
<td>(61,859)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund Leads Online web service and radio system improvements from Lummi donation.</td>
<td>10,000</td>
<td>(10,000)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund 2013 Boating Safety Program patrols from restricted fund balance.</td>
<td>40,000</td>
<td></td>
<td>40,000</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td>171,859</td>
<td>(131,859)</td>
<td>40,000</td>
</tr>
<tr>
<td>Low Income Housing Fund</td>
<td>To fund expanded capacity at Northwest Youth Service and Sun House.</td>
<td>26,670</td>
<td>(21,247)</td>
<td>5,423</td>
</tr>
<tr>
<td>Mental Health / Chemical Dependancy Fund</td>
<td>To fund additional behavioral health programs and services.</td>
<td>450,000</td>
<td></td>
<td>450,000</td>
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<tr>
<td>Conservation Futures Fund</td>
<td>To fund PDR program professional services.</td>
<td>50,000</td>
<td></td>
<td>50,000</td>
</tr>
<tr>
<td>Parks Improvement Fund</td>
<td>To remove 2013 Budget</td>
<td>(94,183)</td>
<td>7,870</td>
<td>(86,313)</td>
</tr>
<tr>
<td>Real Estate Excise Tax Fund II</td>
<td>To provide additional funding for Lookout Mountain Trailhead Project</td>
<td>42,950</td>
<td>(8,500)</td>
<td>34,450</td>
</tr>
<tr>
<td>Administrative Services Fund - Information Technology</td>
<td>To fund 2013 Data Integration grant activities</td>
<td>10,713</td>
<td>(10,713)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td>658,009</td>
<td>(164,449)</td>
<td>493,560</td>
</tr>
</tbody>
</table>
Memorandum

TO: Jack Louws, County Executive
FROM: Regina Delahunt, Director
DATE: April 22, 2013
RE: Supplemental Budget Request

We are submitting three supplemental budget requests for your consideration. These are to address situations that were not fully developed when we prepared our 2013-14 budget development process. The requests are as follows:

- **On-site sewage deferred payment loan program.** This request appropriates funds for the purpose of making deferred payment loans to repair or replace failing on-site sewage systems. This program is fully funded by a grant from the Washington State Department of Ecology. This was not included in the 2013-14 budget because of uncertainty regarding the level of funding needed for loans during the biennium. The amount included in this supplemental is our estimate of funding needed to fund deferred payment loans. This supplemental request includes funding for 2013.

- **Behavioral health -- health care reform, and sheriff training.** This request includes funding for health care reform care integration projects, and for sheriff deputy crisis negotiation training. This training relates to responding appropriately to mental health crisis situations. This request is fully funded by 0.1% Behavioral Health sales tax revenue.

- **Low income housing support to Northwest Youth Services and Sun Community Services.** This request increases funding to these two agencies and is fully funded by Auditor’s recording fees which are dedicated to this purpose. This request also includes an increase in the revenue estimate for 2013 based on improvements in the real estate market.

Additional information is included in the attached supplemental requests. Please let me or Terry Hinz know if you have any questions.

Cc: Marianne Caldwell, Senior Budget Analyst
**Supplemental Budget Request**

**Health**

- **Supp ID #**: 1484
- **Fund**: 1
- **Cost Center**: 654400
- **Originator**: Sandi Hughes-McMillan

**Environmental Health**

- **Expenditure Type**: Ongoing
- **Year 1**: 2013
- **Add'l FTE**: ☐
- **Add'l Space**: ☐
- **Priority**: 1

**Name of Request**: Establish OSS Deferred Loan Program (Yr 1)

**Department Head Signature (Required on Hard Copy Submission)**

- **Signature**: [Signature]
- **Date**: 4/25/13

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4334.0325</td>
<td>OSS Loan Program</td>
<td>($60,000)</td>
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<tr>
<td>6610</td>
<td>Contractual Services</td>
<td>$60,000</td>
<td></td>
</tr>
<tr>
<td><strong>Request Total</strong></td>
<td></td>
<td></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

**1a. Description of request:**

Establish appropriation for on-site sewage system (OSS) repair loans under the Deferred Loan Program which utilizes grant funding through the Department of Ecology (Ecology). Once the loans are funded, an invoice for grant fund reimbursement will be submitted to Ecology.

**1b. Primary customers:**

There are many anticipated water quality and environmental improvements from the project which will indirectly benefit many Whatcom County citizens. Direct primary customers for this service will be awardees of Deferred Loans for the purpose of repairing failing OSS.

**2. Problem to be solved:**

Replacement of failing on-site sewage systems.

**3a. Options / Advantages:**

na

**3b. Cost savings:**

na

**4a. Outcomes:**

The repair of failing OSS, ensuring that sewage is properly treated on the site.

**4b. Measures:**

Number of OSS failures repaired utilizing this funding option.

**5a. Other Departments/Agencies:**

This Deferred Loan Program is administered under contract by the Opportunity Council, with final funding approval by WCHD.

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

Kyle Dodd is the OSS Program Supervisor, responsible for managing all three contracts associated with this loan program (Ecology, Industrial Credit Union, and Opportunity Council) to ensure that grant funding and loan program guidelines are met.

**6. Funding Source:**

Ecology, Centennial Clean Water Program grant funding.
MEMORANDUM

To: Whatcom County Council Members
From: Suzanne Mildner, Grants Coordinator
Subject: Supplemental Budget Request for E911 funding (Pass through Grant to What-Comm)
Date: April 24, 2013

The County is currently under contract (by way of subrecipient agreement) with the City of Bellingham to facilitate a pass-through grant from The Washington State Military Department. The grant funding is for FY2012-13 Emergency 911 operational expenses for What-Comm Communications.

The grant contract period is July 2011 through September 2013, for a total of $83,000. We previously requested spending authority for a portion of the contract amount and to date, all but approximately $23,792 has been expended under this contract. In addition to this remaining balance, the State has approved a contract amendment that will allow an additional $38,067 – for use by What-Comm to upgrade their current logging recorder system.

We are now requesting approval for supplemental funding in the amount of $61,859 to support 911 operations at What-Comm Communications.
Supplemental Budget Request

Status: Pending

Executive

Suppl TD # 1513  Fund 1  Cost Center 4261  Originator: Suzanne Mildner

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

Name of Request: WhatComm E911 Operations for 2013

X

Department Head Signature (Required on Hard Copy Submission)  Date

4/25/13

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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</thead>
<tbody>
<tr>
<td>4334,0182</td>
<td>State Enhanced 911 Funds</td>
<td>($61,859)</td>
</tr>
<tr>
<td>7220</td>
<td>Intergov Subsidies</td>
<td>$61,859</td>
</tr>
</tbody>
</table>

Request Total $0

1a. Description of request:
This is a pass through grant from the Washington State Military Department to reimburse What-Comm Communication Center for eligible E911 operating expenditures under WAC 118-66-050 (professional development and operational expenses). We have an existing subrecipient agreement with What-comm and this additional funding authority allows for continued reimbursements for the remainder of the contract term, through September 30, 2013. It also allows for state-approved additional funding for an upgrade to the What-Comm logging recorder system.

1b. Primary customers:
City of Bellingham, What-Comm Communications

2. Problem to be solved:
What-Comm is able to access this State Military Department funding only by way of pass through the local county government. The acceptance of these grant funds ultimately reduces the cost to the community for 911 services.

3a. Options / Advantages:
The intergovernmental (subrecipient) grant agreement is the only way in which to access this source of funding on behalf of What-Comm Communications.

3b. Cost savings:
N/A

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:
City of Bellingham, What-Comm Communications

5b. Name the person in charge of implementation and what they are responsible for:
Lt. Craig Ambrose, What-Comm Director

6. Funding Source:
Washington State Military Department

Thursday, April 25, 2013

Rpt: Rpt Suppl Regular
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: April 22, 2013
SUBJECT: Supplemental Budget ID# 1515
Leads Online Software Subscription Renewal
Radio System Improvements

The attached Supplemental Budget requests budget authority to use a recent Community Contribution Award from Lummi Indian Business Council to continue Leads Online service and for radio system improvements in 2013.

Background and Purpose

The Sheriff’s Office received a contribution from Lummi Indian Business Council (LIBC) to support community safety projects. These funds will be used to renew the Leads Online (Pawned Property Database) service for one year and to help finance a communications project on Sumas Mountain, relocating radio equipment to the new Washington State Patrol tower.

Funding Amount and Source

A contribution of $10,000 was received from Lummi Indian Business Council.

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

Thank you.
Supplemental Budget Request

Sheriff

Status: Pending

Administration

Supp'l ID # 1515

<table>
<thead>
<tr>
<th>Fund 1</th>
<th>Cost Center 2900</th>
<th>Originator: Dawn Pierce</th>
</tr>
</thead>
</table>

Expenditure Type: One-Time

Year 1 2013

Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: Leads Online and Radio System Improvements 2013

x

Department Head Signature (Required on Hard Copy Submission)

Date 4/22/13

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4367,1000</td>
<td>Donations</td>
<td>($10,000)</td>
</tr>
<tr>
<td>6625</td>
<td>Software Maint Contracts</td>
<td>$5,335</td>
</tr>
<tr>
<td>7060</td>
<td>Repairs &amp; Maintenance</td>
<td>$4,665</td>
</tr>
</tbody>
</table>

Request Total $0

1a. Description of request:

The Sheriff’s Office received a $10,000 contribution from Lummi Indian Business Council (LIBC) in April 2013 to support community safety projects. These funds will be used to continue the Leads Online service and for Radio System Improvements.

1b. Primary customers:

The Sheriff’s Office and citizens of Whatcom County

2. Problem to be solved:

LEADS ONLINE

Leads Online is a web-based service used for entry and tracking of pawned and second hand property. This program is used by all law enforcement agencies in Whatcom County and allows investigators to monitor such transactions and work with second-hand dealers to enforce laws and recover stolen property. Unfortunately, Federal grant funds used to pay for Leads Online in the past have ended. Annual cost for Leads Online is $5,335. The Sheriff’s Office will use a portion of the contribution from LIBC to continue this important service.

RADIO SYSTEM IMPROVEMENTS

Relocation of radio equipment from an old building and tower on Sumas Mountain to the new Washington State Patrol (WSP) tower is required to improve reception, coverage, and connectivity to What-Comm dispatch. The cost of this project is estimated at $6,500. The contribution from LIBC will be used to help finance this project. Additional funds needed for this project will come from the existing Sheriff’s Office budget.

3a. Options / Advantages:

The contribution from Lummi Indian Business Council is to support community safety projects headed by the Sheriff’s Office. Specific community safety projects include Information and Data Sharing (Leads Online) and Radio System Improvement Projects (radio equipment relocation).

3b. Cost savings:

Cost savings of $5,335 for Leads Online and $4,665 for radio system improvements.

4a. Outcomes:

LEADS ONLINE

Continue Leads Online for one year without disruption of service.

RADIO SYSTEM IMPROVEMENTS

The Sheriff’s Office anticipates relocation of radio equipment from Sumas Mountain to the new WSP

Monday, April 22, 2013

Rpt: Rpt Supp1 Regular

220
tower will be complete in 2013.

4b. Measures:

LEADS ONLINE
Investigators will monitor transactions and work with second-hand dealers to enforce laws and recover stolen property.

RADIO SYSTEM IMPROVEMENTS
Relocation of radio equipment will improve reception, coverage, and connectivity to What-Comm dispatch thereby increasing community safety.

5a. Other Departments/Agencies:

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

6. Funding Source:

$10,000 contribution from Lummi Indian Business Council
TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: April 22, 2013
SUBJECT: Supplemental Budget ID# 1517
2013 Boating Safety Program Patrols

The attached Supplemental Budget requests budget authority for 2013 Boating Safety Program Patrols.

Background and Purpose
The Sheriff’s Office is currently the only law enforcement agency in Whatcom County that operates a state approved boating safety program under WAC 352-65. State approved boating safety programs require that certified deputies patrol the waterways during peak recreational boating periods. The Sheriff’s Office provides recreational boating safety patrols and enforcement of both county code and state law. In the past, federal grant funds have been used for water patrols. However, federal funds are currently limited and Vessel Registration Fee (VRF) Reserve Account funds are needed in 2013 for water patrols.

Funding Amount and Source
$40,000 from the Vessel Registration Fee (VRF) Reserve Account.

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

Thank you.

Our Vision: The Office of Sheriff: Dedicated to making Whatcom County the Safest in the State through Excellence in Public Safety.
Supplemental Budget Request

Status: Pending

Sheriff

Operations

<table>
<thead>
<tr>
<th>Supp'l ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1517</td>
<td>1</td>
<td>2960</td>
<td>Dawn Pierce</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time

Year: 2013

Add'l FTE  □  Add'l Space  □  Priority: 1

Name of Request: 2013 Boating Safety Program Patrols

Department Head Signature (Required on Hard Copy Submission) Date

4/22/13

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>2910.1000</td>
<td>Fund Balance</td>
<td>($40,000)</td>
</tr>
<tr>
<td>6140</td>
<td>Overtime</td>
<td>$34,695</td>
</tr>
<tr>
<td>6210</td>
<td>Retirement</td>
<td>$1,818</td>
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<tr>
<td>6230</td>
<td>Social Security</td>
<td>$2,655</td>
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<tr>
<td>6259</td>
<td>Worker's Comp-Interfund</td>
<td>$832</td>
</tr>
</tbody>
</table>

Request Total $0

1a. Description of request:

The Sheriff's Office is currently the only law enforcement agency in Whatcom County that operates a state approved boating safety program under WAC 352-65. The Sheriff's Office provides recreational boating safety patrols and enforcement of both county code and state law.

Vessel Registration Fees (VRF) are collected by Washington State and allocated to counties by the state treasurer for approved boating safety/education and law enforcement programs. In accordance with state law, these funds are deposited into an account dedicated solely for supporting the jurisdiction's boating safety programs.

1b. Primary customers:

Whatcom County citizens and visitors

2. Problem to be solved:

State approved boating safety programs require that certified officers patrol the waterways during peak recreational boating periods. The Sheriff's Office schedules water patrols during the boating season from Memorial Day weekend through Labor Day weekend on an off-duty overtime basis so as not to adversely impact the regular on-duty patrol schedule. In the past, federal grant funds have been used for overtime water patrols. However, federal funds are currently limited and VRF Reserve Account funds are needed in 2013 for water patrols.

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

Water patrols will be conducted in accordance with requirements of the state approved Boating Safety Program.

4b. Measures:

The Sheriff's Office will provide recreational boating safety patrols and enforcement of both county code and state law.

5a. Other Departments/Agencies:

Monday, April 22, 2013
Supplemental Budget Request

Sheriff

Operations

Supp'l ID # 1517

<table>
<thead>
<tr>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>2960</td>
<td>Dawn Pierce</td>
</tr>
</tbody>
</table>

N/A

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

N/A

6. Funding Source:

$40,000 from the Vessel Registration Fee (VRF) Reserve Account.
**Supplemental Budget Request**

**Health**

**Human Services**

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<thead>
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<th>Field</th>
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<tr>
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<tr>
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<td>Sandi Hughes-McMillan</td>
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<tr>
<td>Add'l FTE</td>
<td>□</td>
</tr>
<tr>
<td>Add'l Space</td>
<td>□</td>
</tr>
<tr>
<td>Priority</td>
<td>1</td>
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**Name of Request:** 2060 Affordable Housing Fund

**Department Head Signature (Required on Hard Copy Submission):**

X

**Date:** 4/22/13

**Costs:**

<table>
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<tr>
<th>Object</th>
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<tbody>
<tr>
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<tr>
<td>6610</td>
<td>Contractual Services</td>
<td>$26,670</td>
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</table>

**Request Total:** $5,423

**1a. Description of request:**

2060 Affordable Housing revenues fund housing programs for very low income individuals and families. These funds are for the operation and maintenance of housing units occupied by eligible households.

**1b. Primary customers:**

Homeless individuals and families with children living in shelters or transitional housing facilities.

**2. Problem to be solved:**

The 2060 fund is designed to support operations of shelters and transitional housing facilities. Northwest Youth Services (NWYS) has expanded its shelter facility in order to serve more homeless youth and these funds will allow for expanded services. Sun House, a shelter for homeless individuals suffering from mental illness has expanded its capacity to house more of the homeless, transitional population. These funds will be used to fund expanded capacity.

**3a. Options / Advantages:**

These funds provide resources to address the needs of persons who are homeless and allows the County to carry out the strategies of Whatcom County Plan to End Homelessness.

**3b. Cost savings:**

These funds will allow vulnerable and at risk Youth a safe place to live while they are reunited safely with family or allowed to remain housed while they continue education and skill learning, thus saving future costs to community. This request also provides expanded capacity at Sun House for homeless individuals with mental illness.

**4a. Outcomes:**

Reduce number of unsheltered homeless mentally ill individuals. Reduced number of homeless or street youth. Increased number of youth who return safely to family.

**4b. Measures:**

Homeless database (HMIS) and the Annual Point in Time Count of homeless persons

**5a. Other Departments/Agencies:**

Northwest Youth Services, Whatcom Homeless Service Center, Sun House, Whatcom County Jail, St. Joseph's Hospital

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

Gail de Hoog, Housing Specialist & Contract Administrator.

**6. Funding Source:**

Local Recording Fee Revenue. Increase in revenue collection plus fund balance allows for an increase in services.

Monday, April 22, 2013
Supplemental Budget Request

Health

Human Services

Supp'ID #  1483  Fund  124  Cost Center  124100  Originator:  Sandi Hughes-McMillan

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

Name of Request: Behavioral health

X

Department Head Signature (Required on Hard Copy Submission)  4/30/13

<table>
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<td></td>
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1a. Description of request:
Additional programs and services will be contracted, using the fund balance, to meet objectives supported by the Health Department and advised by the Behavioral Health Revenue Advisory Committee (aka Chemical Dependency/Mental Health Program Fund Oversight Advisory Committee). Those objectives include promotion of Health Care Reform projects, recovery support activities, housing, and services targeted to at-risk youth.

1b. Primary customers:
Whatcom County residents living with serious behavioral health challenges. Although the burden of mental and substance use disorders, in terms of economic and social costs, has been well documented to effect a much wider portion of Whatcom County citizens.

2. Problem to be solved:
People living with significant behavioral health challenges are more likely to receive inadequate health care, experience housing instability, and are at higher risk of serious conditions like depression and suicidal ideation.

3a. Options / Advantages:
Programs and services that target the problems noted above reduce the risk of poor health and early mortality, increase stable recovery, and prevent suicide.

3b. Cost savings:
Actual dollar savings are unknown at this time.

4a. Outcomes:
Increased locations where primary care and behavioral health services are provided conjointly. Increased on-site behavioral health support for newly housed residents. Increased programs and services aimed at preventing suicide in our youth while also promoting more accessible behavioral health treatment.

4b. Measures:
To be determined as contracts are initiated we will incorporate outcomes specific to that contracted service.

5a. Other Departments/Agencies:
Within the county it will affect only the Health Department although there are many Community based social service agencies impacted.

5b. Name the person in charge of implementation and what they are responsible for:
Anne Deacon, Human Services Manager, will oversee the procurement and implementation of additional behavioral health programs and services.

Tuesday, April 30, 2013
## Supplemental Budget Request

**Status:** Pending

<table>
<thead>
<tr>
<th>Health</th>
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</table>

### 6. Funding Source:

Chemical Dependency/Mental Health Program Fund sales tax revenue
WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax

Memorandum

TO: Jack Louws, Whatcom County Executive
FROM: Sam Ryan, Director
DATE: April 22, 2013
SUBJECT: Supplemental Budget Request

Requested Action

To appropriate funding from the Conservation Futures Fund for the Purchase of Development Rights Program.

Background and Purpose

Council, the PDR Oversight Committee, and Agricultural Advisory Committee have discussed the PDR program hoping improvements could be made to assist in protecting agricultural land through voluntary means in the core areas. A request of proposals for professional services is being developed that, if it results in a contract, would allow implementation of a reverse auction strategy to do just that. This request would transfer funds from Conservation Futures to fund the consultant services.

Funding Amount and Source

$50,000 is being requested from the Conservation Futures Fund (175).
## Supplemental Budget Request

### Planning & Development Services

<table>
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<th>Supp'ID #</th>
<th>Fund</th>
<th>Cost Center</th>
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<tr>
<td>1514</td>
<td>175</td>
<td>17550</td>
<td>Sanya Lutz</td>
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**Expenditure Type:** One-Time  **Year:** 2013  **Add'l FTE:** □  **Add'l Space:** □  **Priority:** 1

**Name of Request:** PDR Program Professional Services

**Department Head Signature (Required on Hard Copy Submission):**

![Signature]

**Date:**

<table>
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<th>Object</th>
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<td><strong>Request Total</strong></td>
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</table>

### 1a. Description of request:

1a. Description: Appropriate funding of professional services related to development of a core agricultural development rights acquisition strategy for the Agricultural Purchase of Development Rights Program.

### 1b. Primary customers:

The citizens of Whatcom County.

### 2. Problem to be solved:

Problem to be solved: Council, the PDR Oversight Committee, and Agricultural Advisory Committee have all discussed the PDR program with an eye toward possible improvements that could assist in protecting agricultural land through voluntary means in the core areas. An request of proposals for professional services is being developed that, if it results in a contract, would allow implementation of a reverse auction strategy to do just that.

### 3a. Options / Advantages:

Options/ Advantages: The other option would be to not support professional services assistance to improve the PDR program and provide more options to ag land property owners who are interested in alternative means of preserving their land for ag use.

### 3b. Cost savings:

None

### 4a. Outcomes:

If consultants respond to the RFP and a contract is agreed upon, a voluntary reverse auction strategy would be developed and ready to implement for landowners in the agricultural core areas.

### 4b. Measures:

The contract would be completed.

### 5a. Other Departments/Agencies:

None.

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

None.

### 6. Funding Source:

Conservation Futures Fund.

---

*Monday, April 22, 2013*
Supplemental Budget Request

Parks & Recreation

Fund 330  Cost Center 33000  Originator: M Caldwell

Expenditure Type: Ongoing  Year: 2013  Add'l FTE:  Add'l Space:  Priority: 1

Name of Request: Remove 2013 Parks Improvement Fund Budget

Date: 04.30.13

Department Head Signature (Required on Hard Copy Submission)

 Costs: Object | Object Description | Amount Requested  
 |1 | 2910.1000 Fund Balance | $86,313  
 |  | 4361.1100 Investment Interest | $7,870  
 |  | 8351 Operating Transfer Out | ($94,183)  
 | Request Total |  | $0  

1a. Description of request:  
Remove 2013 budget for Parks Improvement Fund, except for $800 investment income.

1b. Primary customers:  
NA

2. Problem to be solved:  
In accordance with the State Auditors’ recommendation, prior year grant funds for reimbursement of the Lily Point acquisition project were moved from the Parks Improvement Fund to the Conservation Futures Fund at the end of 2012. The Parks Improvement Fund contained budgeted items for the 2013 - 2014 biennial budget which are no longer feasible. This supplemental removes most of the investment income budget and the transfer out in support of a park ranger position to be hired when the Lake Whatcom Reconveyance is complete.

3a. Options / Advantages:  
No other options, the Parks Improvement Fund no longer has enough funding to support the current budget.

3b. Cost savings:  
NA

4a. Outcomes:  
NA

4b. Measures:  
NA

5a. Other Departments/Agencies:  
Will impact a position in the Parks Department General Fund budget which was funded by a transfer from Parks Improvement. Alternative funding will need to be decided upon for that position.

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

6. Funding Source:  
NA
Supplemental Budget Request

Parks & Recreation

<table>
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<tr>
<th>Supp# ID #</th>
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<td>324</td>
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<td>Rod Lamb</td>
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Expenditure Type: One-Time  Year: 2013  Add'l FTE  Add'l Space  Priority: 1

Name of Request: Lookout/Mountain Park, Trailhead & Restroom II

X

Department Head Signature (Required on Hard Copy Submission)  Date: 4/15/13

<table>
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<th>Object</th>
<th>Object Description</th>
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1a. Description of Request:

Purchase and install a new pre-manufactured restroom facility for the Lookout Mountain Forest Preserve. Parks is requesting an additional $42,950 in order to complete the trailhead and parking construction project at Lookout Mountain Forest Preserve. The additional funds are needed to cover anticipated construction and associated utility service fees. The initial regular additional service request (ASR #2013-5017) of $230,000 is insufficient to cover the project as proposed. That budget number was estimated from previous 2011 bids that the County received when the project was first advertised. Since that time construction costs, service fees, and other project expenses have risen. After contacting utility providers, the restroom manufacturer, and bidding the project we are confident that the additional funding will allow the project to be completed. The Whatcom Land Trust has provided the County with a letter of commitment to provide $8,500 matching donation in order to complete the proposed project.

1b. Primary Customers:

County residents are the primary customers of this new facility.

2. Problem to be Solved:

Construction of the new 29 car parking lot is scheduled to be completed in the Summer of 2013. These additional funds are needed to purchase the new restroom structure for the trailhead. Currently the park is well used but lacks an appropriate parking facility, we anticipate with the construction of the parking area there will be even more use by the public. A new restroom facility is needed for public health, and will also help protect water quality.

3a. Options / Advantages:

The restroom could be eliminated from the project or postponed to another date. However these options do not address the obvious public health and water quality issues.

3b. Cost Savings:

Installing the restroom at Lookout Mountain during the parking lot construction is a less expensive option than postponing the project to a future phase because of escalating construction costs.

4a. Outcomes:

The completed trailhead will provide residents with a safe and enjoyable hiking experience. The restroom facility will be a welcome addition to the new trailhead, and will improve water quality and protect public health.

4b. Measures:

Parks will monitor the number of park visitors with the use of an automated trail counter. The trail counter will provide accurate data for tabulating public use.

Monday, April 15, 2013
Supplemental Budget Request

Parks & Recreation

Fund 324  Cost Center 32497  Originator: Rod Lamb

5a. Other Departments/Agencies:
Planning & Development Services will be involved in permit review for the new restroom facility.

5b. Name the person in charge of implementation and what they are responsible for:
Specific personnel are not know at this time.

6. Funding Source:
REET II and donation.
MEMORANDUM

TO: Jack Louws, County Executive

FROM: Kathy Walker, Chair – Law & Justice MIS Committee
Perry L. Rice, Information Technology Manager

RE: Supplemental Budget Request – Data Integration Grant

DATE: April 15, 2013

• Background and Purpose

This Supplemental Budget requests the appropriation of $10,713.36 in unspent grant funds relating to the WENET (Whatcom Exchange Network) regional law and justice data integration project. This additional budget authority will be utilized for professional services and Extra Help to maintain the software application used to view criminal justice information across 10 regional agencies.

• Funding Amount and Source

The funding amount of $10,713.36 is from the $200,000 federal COPS grant (#2010CKWX0078). It was awarded on August 30, 2010 and extends through December 15, 2013.

Please contact Kathy Walker at extension 50308 or Perry Rice at extension 52511 if you have any questions or concerns regarding this request.
Supplemental Budget Request

Status: Pending

Administrative Services

Suppl ID #: 1512  Fund 507  Cost Center 507118  Originator: Kathy Walker - MIS Committ

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

Name of Request: Realign Data Integration Grant V for 2013

Department Head Signature (Required on Hard Copy Submission)

Costs:

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<td>6120</td>
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1a. Description of request:

This Supplemental Budget Request adds $10,713.36 in budget authority from the $200,000 COPS Grant (#2010CKWX0078) for the WENET (Whatcom Exchange Network) regional law and justice data integration project. The addition of $10,713.36 to the existing appropriation of $1,750.00 brings the total 2013 appropriation to $12,463.36. This is the 5th federal grant received to fund this project. It was awarded on August 30, 2010 and the award end date was extended from December 15, 2012 to December 15, 2013. This additional budget authority is being put towards professional services for vendor and Extra Help assistance to maintain the software application to view criminal justice information across 10 regional agencies.

1b. Primary customers:

All law enforcement agencies, including the Prosecutor's Office, in the Whatcom County area.

2. Problem to be solved:

Additional remaining federal Data Integration Grant funds have not yet been appropriated in the 2013 budget. This request is for professional services and Extra Help to maintain the software application used to view criminal justice information across 10 regional agencies.

3a. Options / Advantages:

3b. Cost savings:

Indirect cost savings will result in quicker access to information for law enforcement.

4a. Outcomes:

The two primary software vendors will maintain the software application in 2013 as long as funding is available.

4b. Measures:

The Whatcom Exchange Network (WENET) will continue to function.

5a. Other Departments/Agencies:

The Whatcom Exchange Network (WENET) will continue to be available for regional law enforcement agencies.

Monday, April 15, 2013

Rpt: Rpt Suppl Regular
Supplemental Budget Request

<table>
<thead>
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<th>Information Technology</th>
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<td></td>
<td><strong>Cost Center</strong> 507118</td>
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<tr>
<td></td>
<td><strong>Originator:</strong> Kathy Walker - MIS Commit</td>
</tr>
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</table>

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

Kathy Walker of the Prosecuting Attorney's Office chairs the regional Law & Justice MIS Committee and WENET Working Group.

6. **Funding Source:**

Federal Data Integration Grant V.

COPS Grant #2010CKWX0078 awarded on 08/30/2010 (Contract #20100909) that is specifically designated to this law enforcement integration project.

- **Award Amount:** $200,000
- **Award Start Date:** 12/16/2009
- **Award End Date:** 12/15/2012
- **Extended Award End Date:** 12/15/2013
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tr>
<td></td>
<td>60</td>
<td>4/26/13</td>
<td></td>
<td>5/7/2013</td>
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Division Head:

Dept. Head:

Prosecutor:    D  04/26/13

Purchasing/Budget:  60  4/26/13

Executive:

TITLE OF DOCUMENT:
Amending Ordinance No. 81-6 an Ordinance Authorizing the Treasurer to Establish a Fund to be Known as the Whatcom County Community Development Fund

ATTACHMENTS:
Ordinance and Exhibit A – Original Ordinance

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( X ) 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.)

This request amends Ordinance 81-6, which established the Community Development Fund, to expand its purpose to also allow for accounting for on-site sewage system deferred loans and re-loaning of repayments. The Community Development Fund was originally established to account for deferred payment loans to low and moderate income homeowners to rehabilitate their homes.

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.
ORDINANCE NO. ____________

AMENDING ORDINANCE NO. 81-6 AN ORDINANCE AUTHORIZING THE TREASURER TO ESTABLISH A FUND TO BE KNOWN AS THE WHATCOM COUNTY COMMUNITY DEVELOPMENT FUND

WHEREAS, Ordinance 81-6 (Exhibit A) provided for the establishment of the Whatcom County Community Development Fund to account for delayed payment loans to low and moderate income single family home owners to rehabilitate their homes with Federal Department of Housing and Urban Development (HUD) Community Development Block Grant funds; and

WHEREAS, proceeds from delayed payment loans must be used for mental health services, and

WHEREAS, only one or two payments are received from delayed payment loans annually, and

WHEREAS, the Health Department has received funding from the Washington State Department of Ecology for a similar program for delayed payment loans to low income single family home owners for on-site sewage system repairs; and

WHEREAS, Whatcom County needs a fund to account for the delayed payment loans that will result from this program,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Ordinance No. 81-6 is hereby amended as follows:

Section 1. The County Treasurer is hereby authorized to establish a fund to be known as the Whatcom County Community Development Fund. (Fund No. 151-0829 Department No. 0034).

Section 2. The purposes of establishing Fund No. 0829 151 (Whatcom County Community Development Fund) are:

(d) Receiving repayment of delayed payment loans made to property owners by Whatcom County under the Deferred Payment Sewage System Loan Program, Whatcom County Contract No. 201106007 between Whatcom County and Washington State Department of Ecology.

(e) Using proceeds received in (d) for additional loans under the Deferred Payment Sewage System Loan Program.
Section 3. The County Treasurer is hereby authorized and empowered to release and/or satisfy all liens placed upon these properties, upon fulfillment of the Promissory Note and Deed of Trust entered into by the property owner under the terms of the County Community Development Program and the Deferred Payment Sewage System Loan Program.

ADOPTED this ___ day of ________________, 2013.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Kathy Kershner, Chair of the Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Daniel L. Wilson
Civil Deputy Prosecutor

Jack Louws, County Executive
Date: ____________________________
ORDINANCE NO: 81-6

EXHIBIT A

Date: February 19, 1981

INTRODUCED BY: Hansey

PROPOSED BY: Grants & Executive

AN ORDINANCE AUTHORIZING THE COUNTY TREASURER TO ESTABLISH A FUND TO BE KNOWN AS THE WHATCOM COUNTY COMMUNITY DEVELOPMENT FUND.

WHEREAS, Whatcom County has received funds under 24 CFR 570 from the Federal Department of Housing and Urban Development (HUD) Community Development Block Grant/Small Cities Program; and

WHEREAS, the County has utilized such funds for delayed payment loans to low and moderate income single family home owners in the Cities of Sumas and Blaine to rehabilitate their homes; and

WHEREAS, the security instruments placing liens on such properties name Whatcom County as beneficiary; and

WHEREAS, from time to time as such properties are sold or transferred, monies will be received by the County; and

WHEREAS, it is necessary to establish a County fund to receive such monies; NOW THEREFORE,

THE WHATCOM COUNTY COUNCIL DOES ORDAIN:

Section 1. The County Treasurer is hereby authorized to establish a fund to be known as the Whatcom County Community Development Fund (Fund No. 0829 Department No. 0031).

Section 2. The purposes of establishing Fund No. 0829 (Whatcom County Community Development Fund) are:

(a) Receiving and disbursement of funds from delayed payment loans made to property owners by the Whatcom County Community Development Program;

(b) To use said funds as Program Income in accordance with 24 CFR 570.506(c) for activities approved in any current grant agreement under 24 CFR 570 between Whatcom County and HUD;

(c) To use said funds as miscellaneous revenue in accordance with 24 CFR 570.512(c) subsequent to closeout of grant agreements under 24 CFR 570 between the County and HUD.

ORDINANCE - 1
SECTION 3. The County Treasurer is hereby authorized and
e empowered to release and/or satisfy all liens placed upon these
properties, upon fulfillment of the Promissory Note and Deed of
Trust entered into by the property owner under the terms of the
County Community Development Program.

PASSED this 5th day of March, 1981.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Shirley VanZanted, Chairperson

Attest: Joan Ogden
Auditor & Ex-officio
Clerk of the Council
By: Carol Edgeron
Deputy

Approved as to form: 3/6/81

( ) Approved ( ) Vetoed
County Executive

Civil Deputy Prosecuting Attorney

Published February 26 and March 12, 1981

This ordinance becomes effective on March 5, 1981