Ordinance amending WCC Title 20, zoning maps, CP & maps, related to rural zoning

ATTACHMENTS:
1. Proposed Ordinance, including draft amendments and Findings of Fact and Reasons for Action
2. Staff Memorandum

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

A proposed ordinance to amend the Whatcom County Comprehensive Plan Chapter Two (Land Use); 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; Whatcom County Code Title 24 (Health) Chapter 24.11 Drinking Water; and to amend 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.

COMMITTEE ACTION:
5/21/2013: Discussed in executive session

COUNCIL ACTION:
5/07/2013: Introduced
5/21/2013: Referred to COTW June 4. Record held open to May 31, 2013, at 4:30 p.m.

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:
PLN2012-00012

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

TO: Whatcom County Council

THROUGH: Mark Personius, AICP, Long Range Planning Manager

FROM: Gary Davis, AICP, Senior Planner

DATE: May 28, 2013

SUBJECT: Rural Element

On May 7, the County Council introduced a draft ordinance recommended by the Planning Commission, and on May 21 held a public hearing on that draft. Following the hearing the County Council voted to make several changes to the draft and referred further discussion for a Special Committee of the Whole meeting on June 4.

Staff has prepared a draft ordinance for discussion at the June 4 Special Committee of the Whole meeting. The draft ordinance includes the ordinance document with proposed findings and conclusions, and Exhibits A, B, and C, which are, respectively, the draft amendments to the Comprehensive Plan, Whatcom County Code (Zoning Code and Health Code), and zoning maps.

In Exhibits A and B, staff has added the changes made by the County Council on May 21 (indicated by comments in the right margin). In the ordinance/findings document, staff has shown in underline additional suggested wording to update and clarify several of the findings from the Planning Commission recommendation. Staff has highlighted findings and conclusions pertaining to issues that had yet to be resolved at the end of the May 21 meeting. Based on discussion at the June 4 Special Committee of the Whole meeting, staff will make the necessary changes to the draft text and maps – and the corresponding findings and conclusions – and will forward a finished draft ordinance to the Council later in the day for consideration of introduction at the regular Council meeting that night.

Also attached are analysis maps for reference on the LAMIRD and Rural Neighborhood boundary issues, and a revised list of R10A parcels that may meet the proposed density-based criterion for rezoning to R5A. The revised list includes the Caitac USA property, which staff has calculated would meet the criterion. Even with the addition of the Caitac USA property, staff estimates that the percentage of R10A zoning in the rural area would not fall below 20 percent using the criteria the Council has approved (Comprehensive Plan Policy 2GG-3).
Attachment:
Draft Ordinance, including findings and conclusions
Exhibit A: Comprehensive Plan amendments
Exhibit B: Whatcom County Code amendments
Exhibit C: Whatcom County zoning map amendments
Additional maps
Rural Neighborhood analysis maps
PDS alternative CP and zoning maps
R10A Parcels Potential for Rezone study, revised May 24, 2013
May 24, 2013 Draft ordinance document
Based on Planning Commission recommended document introduced May 7, 2013

Text in red underline is additional wording suggested by PDS staff to update or clarify findings and conclusions.

Note: Findings and conclusions that are highlighted pertain to issues on which the County Council had not yet voted as of the end of the May 21, 2013 meeting. Staff will modify these as necessary prior to the introduction of an ordinance.

SPONSORED BY: ________
PROPOSED BY: ________
INTRODUCTION DATE: ___________

ORDINANCE NO. __________

ORDINANCE AMENDING WHATCOM COUNTY ZONING CODE TITLE 20, THE OFFICIAL WHATCOM COUNTY ZONING MAP, AND THE WHATCOM COUNTY COMPREHENSIVE PLAN AND MAPS, TO IMPLEMENT CHANGES RELATING TO RURAL LAND USE PLANNING

WHEREAS, the Washington State Growth Management Act (GMA) requires Whatcom County to include a rural element in its Comprehensive Plan that governs rural development; and

WHEREAS, time is of the essence to complete the revisions of Whatcom County’s rural element due to an order of the Western Washington Growth Management Hearings Board in Futurewise v. Whatcom County, Case No. 11-2-0010c; and

WHEREAS, the recommended amendments have been considered by the Whatcom County Planning Commission, the Whatcom County Council Planning and Development Committee and the Whatcom County Council; and

WHEREAS, legal notice requirements have been met; and

WHEREAS, the County Council finds the Comprehensive Plan and zoning amendments in the interest of the public health, safety, and welfare, based on the following findings and conclusions:

FINDINGS OF FACT:

2) An addendum to the May 1, 2009 determination of non-significance (DNS) was
issued under the State Environmental Policy Act (SEPA) on April 12, 2013.

3) The proposed amendments were posted on the County website on March 11, 2013.

4) Notice that the proposal had been posted on the County website was sent to citizens, citizens groups, cities, service providers, media and other groups on the County’s e-mail list on March 11, 2013.

5) Notice of the subject amendment was submitted to the Washington State Department of Commerce on March 11, 2013.

6) Notice of the Planning Commission hearings for the subject amendment was published in the Bellingham Herald on March 16, 2013.

7) Notice of the Planning Commission hearing for the subject amendment was posted on the County’s website on March 8, 2013.


GMA Requirements

9) The Washington Growth Management Act (GMA) requires county comprehensive plans to include a rural element that protects the county’s established rural character by containing or otherwise controlling rural development.

10) GMA (RCW 36.70A.070(5)(a)) allows counties to consider local circumstances in its rural element but requires counties to develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of RCW 36.70A. (See Conclusions 2 and 3 below).

11) GMA allows, but does not require, counties to designate “limited areas of more intensive rural development” (LAMIRDs) (RCW 36.70A.070(5)(d)) and describes three types of development patterns that may be considered LAMIRDs:

a) Type I: “Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development villages, hamlets, rural activity centers, or crossroads developments...Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas.” (RCW 36.70A.070(5)(d)(i)) In RCW 36.70A.070(5)(d)(iv), GMA states, “Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands as provided in this subsection.” GMA requires counties to establish logical outer boundaries for areas of more intensive rural development and describes considerations that must be
addressed in establishing those boundaries Per RCW 36.70A.070(5)(d)(v), existing areas are those that existed on July 1, 1990.

b) Type II: “The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting but that do not include new residential development...” (RCW 36.70A.070(5)(d)(ii)

c) Type III: “The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents...” (RCW 36.70A.070(5)(d)(iii)

12) GMA requires that the rural element of a county comprehensive plan provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses, and allows counties to use innovative zoning techniques that will accommodate appropriate rural densities and uses that are consistent with rural character.

13) GMA requires that the rural element of a county comprehensive plan provide measures governing rural development that protect the rural character by:
   a) Containing or otherwise controlling rural development;
   b) Assuring visual compatibility of rural development with the surrounding rural area;
   c) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
   d) Protecting critical areas, as provided in RCW 36.70A.060, and surface and ground water resources; and
   e) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

14) GMA requires local governments that are required or choose to plan under GMA to utilize a process established by the Washington State Attorney General to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property. (RCW 36.70A.370) The Whatcom County Prosecutor’s office informed the Planning Commission and County Council of this requirement and, in accordance with Attorney General’s Advisory Memorandum, advised them regarding the proposed amendments with respect to avoiding unconstitutional taking of private property.

15) The legislature finds that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Further, the legislature finds that rural counties must have the flexibility to retain existing businesses and allow them to expand. (RCW 36.70A.011)
Growth Management Hearings Board Decisions: Futurewise vs. Whatcom County

16) In *Futurewise v. Whatcom County and Gold Star Resorts, Inc.* (#05-2-0013 Sept. 20, 2005 Final Decision and Order), the Western Washington Growth Management Hearings Board (WWGMHB) found Whatcom County out of compliance on three issues: The policies pertaining to Small Town, Crossroads Commercial, Resort and Recreational Subdivision, Suburban Enclave, and Transportation Corridor land use designations allow the creation of more intensive areas of rural development that do not comply with RCW 36.70A.070(5)(d); The Rural Residential zones (RR-1, RR-2, RR-3), Eliza Island (EI) zone, Rural two-acre (R-2A), and Rural Residential Island (RRI) zones allow residential densities that are not rural in the rural areas and are not in limited areas of more intensive rural development per RCW 36.70A.070(5)(d); and Urban Residential three-per-acre (UR-3) zoning in urban growth areas (except the UR-3 in Lake Whatcom watershed and the airport hazard area) failed to achieve appropriate urban densities.

17) In June, 2007 Whatcom County rezoned approximately 1,700 acres in the Ferndale and Everson UGAs to UR-4 in 2007 (Ord. 2007-030 and 2007-045) to address the urban density noncompliance issue in the September 20, 2005 *Futurewise v. Whatcom County and Gold Star Resorts, Inc.* decision.

18) The WWGMHB issued a finding of compliance on the urban density issue on August 30, 2007.

19) The September 20, 2005 *Futurewise v. Whatcom County and Gold Star Resorts, Inc.* decision relating to the land use designations and rural density issues was reversed in Whatcom County Superior Court in 2006. The Superior Court decision was, in turn, reversed by the Division I Court of Appeals in 2007, which reinstated the 2005 WWGMHB decision and ordered Whatcom County to comply with that decision (140 Wn. App. 378). In December, 2009 the Supreme Court of the State of Washington reversed the Court of Appeals’ holding that the hearings board did not improperly apply a bright line in addressing the challenge to Whatcom County’s rural densities, but affirmed the Court of Appeals’ decision that Whatcom County’s comprehensive plan did not comply with the Growth Management Act’s LAMIRD provisions. The Supreme Court remanded the rural density challenge to the Hearings Board for reconsideration without applying a bright line rule, and ordered Whatcom County to “revise its comprehensive plan to conform to the LAMIRD provision of the Growth Management Act and then apply the statutory criteria to establish appropriate areas of more intensive rural development.” (167 Wn.2d 723, 735, 222 P.3d 791)

20) In August, 2009 Whatcom County amended Whatcom County Code (WCC) Chapter 20.34 Rural Residential – Island District (one of the zones found to be out of GMA compliance in the 2005 *Futurewise vs. Whatcom County* decision) to change the required minimum lot size from three acres to five acres (Ord. 2009-062).

the Comprehensive Plan and zoning code in response to the 2005 Growth Management Hearings Board (GMHB) decision and the 2009 Supreme Court decision.

22) In 2011 the Washington Supreme Court issued a ruling in Kittitas County (172 Wash.2d 144) regarding the GMA requirement that county comprehensive plans must contain measures that protect the rural character.

23) On September 9, 2011, the GMHB Order Following Remand from the Supreme Court regarding the remaining rural density from case #05-2-0013 (remanded by the 2009 Supreme Court decision) found Ordinance 2011-013’s retention of rural zoning with density of one dwelling per two acres was compliant with the GMA because it was limited to areas in which similar densities had already been established.


25) The January 9, 2012 GMHB Final Decision and Order (FDO) in Futurewise et al v. Whatcom County (#11-2-0010c) found the amendments adopted under Ordinance 2011-013 out of compliance with respect to several issues involving Comprehensive Plan policies, LAMIRD boundaries and development regulations, and found invalidity on some of those issues.

26) The January 4, 2013 GMHB Compliance Order in Futurewise et al v. Whatcom County (#11-2-0010c) found some amendments adopted under Ordinance 2012-032 out of compliance with respect to several issues involving Comprehensive Plan policies, LAMIRD boundaries and development regulations, and found invalidity on some of those issues.

27) The January 4, 2013 GMHB Compliance Order in Futurewise et al v. Whatcom County (#11-2-0010c) found the population monitoring requirements of Policy 2DD-1 adopted by Ordinance 2012-032 does not create an internal inconsistency which violates GMA and is a “measure to contain and control rural development” that complies with GMA.

27)28) The January 4, 2013 GMHB Compliance Order in Futurewise et al v. Whatcom County (#11-2-0010c) found the establishment of Rural Neighborhoods by Ordinance 2012-032, based on 2011 development patterns of established higher rural densities, is compliant with GMA. However, the order found the boundaries of the Fort Bellingham/Marietta, North Bellingham, and Welcome Rural Neighborhoods create an internal inconsistency because of the number of large lots included within those boundaries.

Other Relevant Growth Management Hearings Board Decisions

28)29) Regarding the term “built environment,” the built environment includes those facilities which are manmade, whether they are above or below ground, and the built environment must predominate within a LAMIRD, though it may include limited undeveloped lands. (Anacortes vs. Skagit County, Case No.
00-2-0049c, Final Decision and Order, February 6, 2001)

29)30) The WWGMHB found that RCW 36.70A.115 does not impose an obligation on counties to conduct a needs and capacity analysis for areas outside the UGAs and that provision does not require a rural lands analysis but instead merely requires the County to ensure sufficient capacity of land for development to accommodate the growth allocated in the County’s countywide planning policies. (Friends of Skagit County vs. Skagit County, Case No. 07-2-0025c, Final Decision and Order, pp-43-45, May 12, 2008)

30)31) The WWGMHB found the uses a county allows within LAMIRDS designated per RCW 36.70A.070(5)(d)(iv) must be consistent with (though not necessarily the same as) the uses as of July 1, 1990, and allowance of a broader range of uses as conditional uses is not compliant with GMA. (Dry Creek Coalition and Futurewise vs. Clallam County, Case No. 07-2-0018c, Final Decision and Order, April 23, 2008)

31)32) The WWGMHB found Clallam County’s Rural Neighborhood Conservation (NC) Overlay (Clallam County Code 33-10-015), which permits rural densities outside LAMIRDS greater than one dwelling per five acres based on a calculation of the density of developed lots within 500 feet of a property, to be compliant with the Growth Management Act. The Board stated, “Because infill allowed by the NC overlay is limited to neighborhoods that have already been substantially developed, this will not lead to the ‘inappropriate conversion of undeveloped lands into sprawling, low-density development...’”, a reference to Goal 2 of the GMA. (Dry Creek Coalition and Futurewise vs. Clallam County, WWGMHB No. 07-2-0018c, Compliance Order, November 3, 2009, p.10)

32)33) The Washington State Supreme Court has held that a growth management hearings board cannot base its evaluation of a county’s permitted rural densities on a “bright line” rural density of one dwelling per five acres. (Thurston County vs. Western Washington Growth Management Hearings Board, 164 Wn.2d 329, 190 P.3d 38, 2008; and Gold Star Resorts vs. Futurewise and Whatcom County, 167 Wn.2d 723, 735, 222 P.3d 791, December 17, 2009)

33)34) The WWGMHB found Whatcom County used appropriate Type I LAMIRD criteria to revise its comprehensive plan designation boundary in the Lake Samish area. (Leenstra vs. Whatcom County, WWGMHB Case No. 03-2-0011, Final Decision and Order, September 26, 2003)

34)35) The WWGMHB found Jefferson County was not clearly erroneous when it designated a LAMIRD adjacent to an urban growth area where the City of Port Townsend had decided it was inappropriate to expand its urban growth area. (People for a Liveable Community, Jim Lindsay, et al. vs. Jefferson County, WWGMHB Case No. 03-2-0009c, Final Decision and Order, August 22, 2003)

35)36) The WWGMHB found that the use of the term “or” rather than “and” in RCW 36.70A.070(d)(i)(C) “appears to indicate a Legislative determination that the factors of building size, scale, use, or intensity are ones that may be considered in determining the character of the existing area, but that development is not required to meet every one of those parameters. If the Legislature had intended to use the word ‘and’ in the statute, they would have
done so.” (Dry Creek Coalition vs. Clallam County, WWGMHB Case No. 08-2-0033, Final Decision and Order, June 12, 2009, p.8)

**Whatcom County Policy and Requirements**

WCC 2.160.080 requires that, in order to approve the proposed comprehensive plan amendments the Planning Commission and County Council must find all of the following:

a) The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

b) Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

c) The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

   i) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
   
   ii) The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

   iii) Anticipated impact upon designated agricultural, forest and mineral resource lands.

   iv) The amendment does not include or facilitate spot zoning.

   e) Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

   Whatcom County’s County-wide Planning Policies include policies related to rural lands:

   a) County-wide Planning Policy B.1 states, “The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas.”

   b) County-wide Planning Policy B.2 states, “The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently characterized by a development threshold greater than a rural development
density.”

c) County-wide Planning Policy B.3 states, “Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial industrial, and intensive residential development greater than a rural development density. These areas should be clearly delineated and not expanded beyond logical outer boundaries in accordance with RCW 36.70A.070(5). Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.”

d) County-wide Planning Policies P.1 and P.2 reflect GMA Planning Goal (6) (RCW 36.70A.020(6), which states private property shall not be taken for public uses without just compensation, and Whatcom County Charter Section 1.11, which states no regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened.

Public Participation

38)39) Whatcom County’s County-wide Planning Policies include policies related to citizen involvement:

a) County-wide Planning Policy A.2 states, “The county and the cities shall provide opportunities for citizens to become involved in the growth management planning process through various mechanisms, such as surveys, public workshops, meetings, hearings, and advisory committees.”

b) County-wide Planning Policy A.4 states, “Citizen comments and viewpoints shall be incorporated into the decision-making process in development of draft plans and regulations. Consideration of citizen comments shall be evident in the decision-making process.”

39)40) Whatcom County’s Rural Element update process has provided extensive citizen participation opportunities since it began in late 2008. The Whatcom County Planning Commission held open work sessions on the most recent set of proposed amendments on March 14, March 28, April 11, and April 25, 2013 and held a public hearing on March 28, 2013. The County Council held open work sessions on May 21 and June 4, 2013, and held a public hearing on May 21, 2013. Since publication of the first draft amendments on March 11, 2013, the most current draft amendments have been continuously posted on the County’s web site, as have all documents presented to the Planning Commission and all written public comments. Whatcom County Planning and Development Services has sent e-mail notifications to interested parties regarding upcoming events and posted drafts on January 7, January 25, March 7, March 11, March 28, April 1, April 5, April 29, May 7, May 17, and May 22, 2013.

CONCLUSIONS:

1) The proposed amendments are consistent with the goals and requirements of
the Washington Growth Management Act (GMA) and are in the public interest, and the proposed amendments to Whatcom County Code and the Official Zoning Maps are consistent with the Comprehensive Plan.

2) The rural element of the Comprehensive Plan harmonizes the GMA planning goals in RCW 36.70A.020.

   a. Urban growth. Comprehensive Plan Policy 2DD-1 encourages development in urban areas by concentrating growth in urban areas per the adopted population projections and monitoring rural growth and taking actions as necessary to keep rural growth consistent with adopted projections. The proposed amendments do not affect this policy.

   b. Reduce sprawl. Proposed Comprehensive Plan Policy 2DD-8 and policies guiding growth within rural land use designations (under Goals 2GG, 2JJ, 2KK, 2LL) reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area through use of LAMIRDs with clearly defined boundaries and criteria for creating or changing those boundaries consistent with RCW 36.70A.070(5)(d). Policies 2MM-1 and 2 control and contain areas of higher rural densities. The proposed amendments do not affect these policies.

   c. Transportation. Comprehensive Plan Policy 2DD-1, which encourages growth in urban areas and keeps rural growth consistent with adopted projections, is consistent with effective planning of efficient countywide multimodal transportation systems. Policies 2FF-1, 2FF-2, 2FF-4 and the text describing rural character and lifestyle support rural employment opportunities, which can reduce vehicle trips from rural to urban areas. The proposed amendments do not affect these policies.

   d. Housing. Comprehensive Plan Policies 2GG-2 and 2GG-3, in conjunction with the development regulations in WCC 20.32 Residential Rural District and 20.36 Rural District, allows for residential development at a variety of densities appropriate to established rural character and development patterns. The proposed amendments change Policy 2GG-3 to restrict rezones from R10A zoning in order to better ensure a variety of rural densities.

   e. Economic development. Comprehensive Plan Policies 2DD-8, 2DD-9, 2EE-8, 2FF-1, 2FF-2, 2FF-3, 2FF-4, and 2JJ-5 support retention and expansion of existing businesses in rural areas within the capacity of natural resources and appropriate levels of rural services. The proposed amendments do not affect these policies.

   f. Property rights. Neither the rural element nor the process leading to its adoption has taken private property for public use without just compensation or involved arbitrary and discriminatory actions. On March 28, 2013 the Planning Commission was briefed on the Attorney General’s Advisory Memorandum on Avoiding Unconstitutional Takings of Private Property, and on May 21, 2013 the County Council was briefed on the memorandum, per RCW 36.70A.370.

   g. Permits. Nothing in the rural element prevents permit applications from
being processed in a timely and fair manner.

h. Natural resource industries. Comprehensive Plan Policy 2FF-2 and development regulations in WCC 20.69 Rural Industrial/Manufacturing District support resource-based industries. Policies 2DD-2.D, 2FF-3, 2GG-4 support minimizing conflicts with resource uses. The proposed amendments do not affect these policies.

i. Open space and recreation. Policies 2DD-2.A.2, 2DD-2.A.3, 2DD-2.B, 2DD-2.C, which adopt by reference various development regulations, provide measures to assure visual compatibility with surrounding rural areas, reserve open space through lot clustering, and to protect wildlife habitat and water resources. The proposed amendments do not affect these policies to the lot clustering provisions of WCC chapters 20.32, 20.34, and 20.36, and the definitions of “reserve area” and “reserve tract” (WCC 20.97.344 and .345) provide enforceable standards and prohibit residential development of reserve areas while in the Rural designation.

j. Environment. Policy 2DD-2.C, which adopts by reference various development regulations, provides measures to protect critical areas and surface and ground water resources. The proposed amendments do not affect this policy.

k. Citizen participation and coordination. Throughout the process to develop and adopt amendments to the rural element, citizens and local jurisdictions have been kept informed and invited to participate through use of e-mail and internet.

l. Public facilities and services. Policy 2DD-2.A.4, which adopts by reference WCC 20.80.212 Concurrency, ensures that no subdivision, commercial development or conditional uses be approved without a written finding that service providers have adequate capacity to serve the development and that no County facilities will be reduced below applicable levels of service as a result of the development. The proposed amendments do not affect this policy.

m. Historic preservation. Policy 2DD-7 supports maintaining the historic character and cultural roles of each rural area and community. The proposed amendments do not affect this policy.

3) The rural element of the Comprehensive Plan and the county development regulations, as amended, meet the requirements of the Growth Management Act, RCW 36.70A.

a. The rural element includes measures that protect the rural character per RCW 36.70A.070(5)(c) in Policies 2DD-1, 2DD-2, 2GG-2, 2GG-3, and 2MM-1-4. The proposed amendments change the boundaries of the Fort Bellingham/Marietta, North Bellingham, and Welcome Rural Neighborhoods so that they are consistent with the policies under Goal 2MM, and amend Comprehensive Plan descriptions of Rural Neighborhoods pertaining to Goal 2MM so that the intention to designate
Rural Neighborhoods based on higher rural densities is clear.

b. The rural element provides for limited areas of more intensive rural development, limited per the requirements of RCW 36.70A.070(5)(d), in policies 2HH-1 through 3, 2JJ-1 through 8, 2KK-1 and 2, and 2LL-1-4. The proposed amendments do not affect these policies. The Birch Bay-Lynden & Valley View and Smith & Guide Meridian LAMIRD boundaries to exclude parcels that do not meet GMA criteria for inclusion in a LAMIRD per RCW 36.70A.070(5)(d).

c. The rural element contains a description of rural character and lifestyle that considers local circumstances as permitted in RCW 36.70A.070(5)(a), and contains the GMA definition of rural character per RCW 36.70A.030(15). The proposed amendments do not affect that description.

d. Policies 2DD-8, 2DD-9, 2EE-8, 2FF-1, 2FF-2, 2FF-4, and 2JJ-5 support retention and expansion of existing businesses in rural areas, as supported by RCW 36.70A.011. The proposed amendments do not affect these policies.

e. Comprehensive Plan policies describing rural land use designations and rural services (under Goals 2EE, 2GG, 2JJ, 2KK, 2LL, and 2MM), and the development regulations that implement those policies, are consistent with RCW 36.70A.070(5)(b), which requires the rural element to provide for a variety of rural densities, uses, essential public facilities and rural governmental services. The proposed amendments change Policy 2GG-3 to restrict rezones from R10A zoning in order to better ensure a variety of rural densities.

f. Policies 2DD-2.A.2, 2DD-2.A.3, 2DD-5, 2DD-6, 2GG-6, and 2MM-2 support innovative techniques, consistent with RCW 36.70A.070(5)(b). The proposed amendments do not affect these policies. Amend the lot clustering provisions referenced in Policy 2DD-2.A.2 to provide enforceable standards and to prohibit residential development in reserve areas.

g. The County has evaluated the Comprehensive Plan and development regulation amendments to ensure that they do not result in an unconstitutional taking of private property, per RCW 36.70A.370. On March 28, 2013 the Planning Commission was briefed on the Attorney General's Advisory Memorandum on Avoiding Unconstitutional Takings of Private Property, and on May 21, 2013 the County Council was briefed on the memorandum, per RCW 36.70A.370.

4) The amendments to the rural element of the Comprehensive Plan and the county development regulation resolve the noncompliance and invalidity findings of the January 4, 2013 GMHB Compliance Order in Futurewise et al v. Whatcom County (#11-2-0010c):

a. Variety of Rural Densities: Comprehensive Plan Policy 2GG-3 restricts rezonings from R10A to districts allowing higher densities based on
specific criteria, thus ensuring a variety of rural densities similar to that which already exists. PDS staff estimates that about 40 R10A parcels, or about 1,500 acres would be eligible for rezoning under this policy, resulting in at least 20.6% of the rural lands remaining R-10A even if all the eligible parcels were rezoned. PDS estimated that 21.8% of the rural lands were zoned R10A with the adoption of Ordinance 2012-032.

b. Lot Clustering: Amendments to WCC Title 20 revise rural lot clustering provisions to provide enforceable criteria and to prohibit residential development within reserve areas while in the Rural designation. Reduction of required reserve area percentages in the Rural (R) zone allows for flexibility of lot configuration similar to existing conditions, without allowing residential development of reserve areas. Reserve area percentages are not reduced in Agricultural Protection Overlay areas, maintaining protection for agricultural uses in the rural areas.

c. Rural Neighborhoods: Amended boundaries of the Fort Bellingham/Marietta, North Bellingham, and Welcome Rural Neighborhoods, along with the amendments to the zoning maps, exclude several larger parcels in order to be more consistent with the small-lot 2011 development pattern of higher rural densities. PDS staff estimates the revised boundaries reduce the potential new lots in Fort Bellingham/Marietta from 52 to ## and in North Bellingham from 50 to ##. Potential new lots in Welcome would remain at zero with the removal of the Rural Neighborhood designation.

d. Smith & Guide Meridian LAMIRD: The amendments to the LAMIRD designation and zoning map excludes two parcels to create a Type I LAMIRD boundary that is consistent with the requirements of RCW 36.70A.070(5)(d)(iv).

e. Birch-Bay-Lynden & Valley View LAMIRD: The amendments to the LAMIRD boundary and zoning map excludes one parcel to create a Type I LAMIRD boundary that is consistent with the requirements of RCW 36.70A.070(5)(d)(iv).

f. d. Water Lines: The amendments to WCC 20.82.030 and 20.97.452 clarify that urban-scale water service cannot be extended into rural areas by adding a definition of “transmission line” based on the definition in WAC 246-290-010(267), and by amending wording in the Health Code, WCC 20.11.050(C) which implied that service connections could be made to transmission lines.

5) Additional conclusions regarding LAMIRD boundaries:

a. With regard to Parcel No. 400123 029037 0000, situated in the I-5/Birch Bay Lynden Road/Valley View Road LAMIRD, the Board originally held in its FDO of January 9, 2012 that the subject parcel should not be included in the LAMIRD because there was an insufficient built environment on that parcel.
In response, based on new evidence of a built environment, including a structure and site preparation work existing in July 1990, we declined to remove that parcel from the LAMIRD. We believe the new evidence refuted the conclusion of the Board.

In response, in its FDO dated January 4, 2013, the Board stated that allowing a LAMIRD at this location was probably a mistake in the first place and again required that the parcel be removed. The owner of the parcel appealed both of the Board decisions which are pending.

The owner of the subject parcel has supplied additional information relating to the loss of value of the parcel as a result of the downzone which the Board has mandated. That information, consisting of letters from a Certified General Real Estate Appraiser and a real estate broker with decades of experience in this area of Whatcom County demonstrates that the uses remaining for this property after the downzone from RGC to RSA are not financially viable.

We are concerned that such a downzone would result in a violation of RCW 36.70A.020(6) which provides that we should not take property without compensation. We conclude that the benefit to the community by downzoning this property is not roughly proportional to the damage to the property owner. This exaction likely violates RCW 82.02.020 et. seq., and provisions of the Washington State and United States Constitutions.

In addition, the exclusion of this 2.5 acre parcel does not comport with RCW 36.70A.070(5)(d)(iv) which requires a logical outer boundary for all LAMIRDS. The Board failed to comply with this section of the Growth Management Act.

For the reasons stated above, and based on the new evidence and on the belief that the Board previously erred, we respectfully decline to remove this parcel from the LAMIRD.

b. With regard to Parcel No. 390225 470286 0000 situated in the Smith & Guide Meridian LAMIRD, in its FDO dated January 9, 2013, the Board determined that this parcel should not be included in the LAMIRD because its inclusion does not create a logical outer boundary. New evidence was submitted to the County regarding this parcel. We find the new evidence refutes the conclusion of the Board.

The owner of the parcel appealed the Board decision, which is pending. The Board's FDO dated January 9, 2013, is the first time that the zoning of this parcel has been questioned. It has been zoned for commercial uses since 1990 when it was zoned General Commercial. Moreover, the new evidence indicates that commercial use has been ongoing on the parcel for decades.
In addition, the one-acre parcel (Parcel No. 390225 510322 0000) situated directly north of the parcel has also contained continuous commercial use for decades. Over the years, this smaller parcel has contained a Culligan Water retailer, a veterinarian office, and a paintball business. Presently, a church is located there.

Finally, the Board believes that the distance between the portion of the Smith & Guide Meridian LAMIRD the Board retained and Parcel No. 390225 510322 0000 is too far. We disagree and note that 472 lineal feet of Guide Meridian frontage, which is the east boundary of Parcel No. 390225 470286 0000, is minimal considering that the Smith & Guide Meridian LAMIRD contains over one mile of Guide Meridian frontage. The Guide is a five-lane state highway.

Due to the prior uses, existing uses and the decades of commercial zoning, retaining Parcel No. 390225 510322 0000 and Parcel No. 390225 470286 0000 in the Smith & Guide Meridian LAMIRD is consistent with the location and outer boundary criteria of Policy 2HH-I.A- C and complies with RCW 36.70A.070(5)(d)(iv).

We are concerned that such a downzone would result in a violation of RCW 36.70A.020(6), which provides that we should not take property without compensation. We conclude that the benefit to the community by downzoning these properties is not roughly proportional to the damage to the property owner. As such, this exaction likely violates RCW 82.02.020 et. seq., and provisions of the Washington State and United States Constitutions.

For the reasons stated above and based on the new evidence, we respectfully decline to remove Parcel No. 390225 510322 0000 and Parcel No. 390225 470286 0000 from the LAMIRD.

c. With regard to the Fort Bellingham/Marietta former LAMIRD, the Board originally held in its FDO of January 9, 2012 that the LAMIRD was too close to an Urban Growth Area. Therefore, the Board held that the entire LAMIRD was "clearly erroneous." In response, based on a 2011 survey showing predominantly small lots, we created the Rural Neighborhood designation allowing R2A zoning in that area. We believe this new designation clearly reflects the rural character of the area.

In response, in its FDO dated January 4, 2013, the board stated that inclusion of large undivided parcels within the Rural Neighborhood was in violation of the Growth Management Act - specifically the "internal consistency" contained within the preamble RCW 36.70A.070. The owner of Smith Gardens (a 40 acre parcel situated at the southeast end of the Fort Bellingham/Marietta Rural Neighborhood) appealed both of the Board decisions which are pending.
The Rural Neighborhood was created and is used in the Fort Bellingham area because of its somewhat unique situation. The Rural Neighborhoods and particularly Fort Bellingham have been recognized as areas established with predominantly residential uses, with higher densities than surrounding rural areas. The neighborhood was zoned RR 1 for decades and much of the development in that area developed at that density (1 unit per acre). Because of this previous development, it is unlikely that there will ever be pressure to bring the full array of urban services into the Fort Bellingham Rural Neighborhood.

The Lummi Nation reservation already has a sewer line that serves homes there. The owners of that property have no incentive to participate financially in extending the sewer out to that area. The existing septic systems work just fine for most residents. The topography also suggests a lack of interest in extending sewer and Bellingham city limits out that far. The Nooksack River's flood plain and property zoned AG form a boundary for containing the rural neighborhood.

There has been little support from residents just outside the city limits to become part of the city. The landowners at the city limit are typically industrial users who already have city services and do not desire to be subjected to city regulation. The distance from the end of the sewer to the Fort Bellingham rural neighborhood is about one mile and there is no one available to pay the cost of extending the sewer out to the Neighborhood.

Because of the foregoing, it is apparent that the Bellingham city limit will remain where it is now and there will be no need to extend the urban growth area further to the west for many decades. This information is contained in the record and was referenced by the Board in the January 9, 2012 FDO when it explicitly stated "during the recent review of Whatcom County's UGA's the area was not proposed for inclusion in the Bellingham UGA."

The Smith Gardens property and the Satushek property to the east are scheduled for subdivision and short subdivision development within the next couple of years. This means that the remaining acreage on the Smith Gardens site is the only land that has potential for division into smaller lots.

Rural Neighborhood zoning would allow two acre lots which could result in an overall density of 12 residential units if the Smith Gardens property is left inside the Rural Neighborhood. These units would be completely consistent with the existing development in the area and in most cases, much less dense. Most of the developed lots in the Fort Bellingham area are 1 acre or smaller.
As the regulatory burden continues to grow, the likelihood that Smith Gardens will be able to continue to operate on this site gets smaller and smaller. In addition, the business is located a significant distance from I-5, truck routes, and Airport Way.

While the site remains profitable for now, that may not be the case in 10 years. The owner needs to plan today for the conversion of the Smith property into other uses. The most likely choice is residential uses that are clearly compatible with the existing development. The problem with that analysis is that 4 building sites, each on a 5-acre tract, are unlikely to economically justify the demolition of the buildings in the conversion of the 24 acres into such a project.

Rather, with no incentive to remove the buildings and convert the site, there is a significant likelihood that the site could become another abandoned cement plant. That is, a place where 100-year old buildings simply stand and rot, for the most part because the cost of removal and conversion cannot be justified by the uses that would be available at RR2A zoning.

There is a vested subdivision plat for 15 lots on the southernmost portion of the Smith gardens property. On the remaining 24 acres, an estimated maximum 12 dwelling units would be possible under the current RR2A zoning. If the parcel were removed from the Rural Neighborhood and rezoned to RR5A, 4 dwelling units would be possible. Assuming the vested plat is developed, retaining the parcel in the Rural Neighborhood would result in a maximum of an additional 8 dwelling units.

For the reasons above, and based on the new evidence and on the belief that the Board previously erred, we respectfully decline to remove the Smith Gardens from the Fort Bellingham/Marietta Rural Neighborhood.

6) The subject comprehensive plan amendment complies with the approval criteria of WCC 2.160.080, which requires that the County must find the following criteria, are satisfied in order to approve the proposed comprehensive plan amendment.

   a. The amendment conforms to the requirements of Growth Management Act, is internally consistent with the County-Wide Planning Policies and is consistent with any interlocal planning agreements.

      i. Growth Management Act

      The amendments are consistent with the Growth Management Act as described in Conclusions 3 and 4, above.
ii. County-Wide Planning Policies

County-wide Planning Policy B.1 states, “The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas.” Beginning in November of 2008, Whatcom County has engaged the public in the development of the rural element amendments through public meetings, e-mail, and the County’s web site. The proposed amendment to WCCP Policy 2GG-3 ensures a variety of rural densities by restricting rezoning from R10A to districts that allow higher density.

County-wide Planning Policy B.2 states, “The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently characterized by a development threshold greater than a rural development density.” The proposed amendments retain requirements that higher rural densities be contained in designated LAMIRDs and Rural Neighborhoods, per WCCP Policy 2GG-2, and remove land from the Smith & Guide-Meridian and Birch-Bay-Lynden & Valley-View Rural Communities (Type I LAMIRDs), and the Fort Bellingham/Marietta, North Bellingham, and Welcome Rural Neighborhoods.

County-wide Planning Policy B.3 states, “Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial-industrial, and intensive residential development greater than a rural development density. These areas should be clearly delineated and not expanded beyond logical outer boundaries in accordance with RCW 36.70A.070(5).” Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.” The proposed amendments retain Comprehensive Plan policies under Goals 2HH, 2JJ, 2KK, and 2LL that provide criteria and policies for limited areas of more intensive rural development. Proposed amendments to the Smith & Guide Meridian and Birch-Bay-Lynden & Valley-View Rural Community boundaries create Type I LAMIRDs that are compliant with RCW.36.70A.070(5)(d)(iv).

County-wide Planning Policies P.1 and P.2 reflect GMA Planning Goal (6) (RCW 36.70A.020(6)), which states private property shall not be taken for public uses without just compensation, and Whatcom County Charter Section 1.11, which states no regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened. The Comprehensive Plan amendments do not result in a taking of private property for public use without compensation. On March 28, 2013 the Whatcom County Prosecutor’s office advised the Planning Commission on the Attorney General’s Advisory Memorandum on Avoiding Unconstitutional Takings of Private Property, per RCW 36.70A.370.
iii) Whatcom County Comprehensive Plan

Proposed amendments to the Zoning Code regarding lot clustering and water line extension are consistent with WCCP Policies 2GG-6 and 2EE-4, respectively. Changes to LAMIRD and Rural Neighborhood boundaries are consistent with the criteria provided under WCCP Goals 2HH, 2JJ, and 2MM.

iv) Interlocal Agreements

The interlocal agreements between Whatcom County and the cities require coordination on adopting population projections and reviewing UGAs. The amendments do not adopt new population projections without City-County coordination.

b. Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the comprehensive plan amendment.

The need for this Comprehensive Plan amendment and accompanying Zoning Code and Zoning Map amendments is generated by the Growth Management Hearings Board’s January 4, 2013 Compliance Order.

c. The public interest will be served by approving the comprehensive plan amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.

The proposed amendments either retain existing zoning intensities and densities or reduce them in rural Whatcom County.

ii. The anticipated effect on the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

No amendments are proposed that increase densities or intensity of uses or increase the demand for services and facilities beyond levels needed to serve development under existing zoning.

iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
No amendments are proposed that increase adverse impacts on designated resource lands.

d. *The amendment does not include or facilitate spot zoning.*

WCC 20.97.186 defines “illegal spot zoning” as “a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the Comprehensive Plan. Spot zoning is zoning for private gain designed to favor of benefit a particular individual or group and not the welfare of the community as a whole.” Rezonings proposed under these amendments apply to areas, or to lots identified by the Growth Management Hearings Board as not meeting GMA requirements for inclusion in a LAMIRD, and therefore none meet this definition of spot zoning.

e. *Urban growth area amendments that propose the expansion of an urban growth area boundary shall be required to acquire development rights from a designated TDR sending area, unless one of the exceptions set forth in WCC 2.160.080(A)(5) applies to the amendment.*

No urban growth area amendments are proposed.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

Section 1. The Whatcom County Comprehensive Plan is hereby amended as shown on Exhibit A.

Section 2. The Whatcom County Official Zoning Code is hereby amended as shown on Exhibit B.

Section 3. The Whatcom County Official Zoning Map and Comprehensive Plan Map 8 are hereby amended as shown in Exhibit C.

Section 4. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ____ day of ______________ 2013.

WHATCOM COUNTY COUNCIL

ATTEST: WHATCOM COUNTY, WASHINGTON
Dana Brown-Davis, Council Clerk
APPROVED as to form:

Civil Deputy Prosecutor

Kathy Kershner, Council Chair
( ) Approved ( ) Denied

Jack Louws, Executive

Date:
Chapter Two

LAND USE

RURAL LANDS – INTRODUCTION

Rural Character and Lifestyle

Rural Whatcom County is the portion of the County not planned for either urban or resource use and its character differs from that of the County’s urban and resource areas. While agriculture and forestry are practiced in the rural areas, it is generally on a smaller scale than in the resource areas that are set aside specifically for those purposes. The rural areas provide an important buffer between urban areas and resource lands, and the character of the rural areas is differentiated from the urban areas by less intensive uses and densities, and greater predominance of vegetation, wildlife habitat, and open space.

Small unincorporated communities have existed in the rural areas for many decades but have not become urban centers. Land uses in these communities are more intensive than those in the surrounding rural areas, and provide rural residents places to shop, eat, play, etc, and access public services such as schools, libraries, and post offices without having to travel to cities. The businesses in these communities are important contributors to the economy of Whatcom County. Even outside these settlements, residents of the rural areas have established home occupations, cottage industries, and small-scale businesses that are an important part of the County’s traditional rural economy.

Historically, rural Whatcom County has been a place of great variety. Residential densities vary greatly from homes on 10 or 20 acre lots to lots smaller than one acre in the rural communities and neighborhoods that have been established over the years. The scale and intensity of rural businesses varies from the home occupations, cottage industries, and resource-based industries to the more intensive commercial and manufacturing uses, though the County’s largest commercial and industrial uses have been established in the urban areas.

Whatcom County’s rural lifestyle is one where residents enjoy views of a green landscape dotted by homes and barns, and have an appreciation for clean water and air. Residents can work and shop in small rural communities, or earn a living on their own rural lands, but these enterprises do not detract from the overall sense of openness and predominance of the landscape in the rural area. Rural Whatcom County has long been a place to raise children with the values of hard work and responsible stewardship of the land, and where residents can grow food and livestock for themselves or for
market. While rural property owners do not expect to be provided with urban-level services, they enjoy a quality of life and sense of self-sufficiency not ordinarily found in the urban areas.

In the rural element of this chapter, Whatcom County establishes policy consistent with the findings of the legislature and with the above vision of rural character and lifestyle that will:

- Help preserve rural-based economies and tradition lifestyles,
- Encourage the economic prosperity of rural residents
- Foster opportunities for small-scale, rural-based employment and self employment.
- Permit the operation of rural-based agriculture, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns,
- Be compatible with the use of the land by wildlife and for fish and wildlife habitat,
- Foster the private stewardship of the land and preservation of open space, and
- Enhance the rural sense of community and quality of life.

**GOAL 2DD:** Retain the character and lifestyle of rural Whatcom County.

**Policy 2DD-1:** Concentrate growth in urban areas per the population projections in Chapter 1 of this plan, and recognize rural lands as an important transition area between urban areas and resource areas. By February 1 of each year the department will publish a report that monitors residential development activity outside the urban growth areas during the previous year and compares that data with the adopted population growth projection for those areas. If it is apparent that growth occurring outside the urban growth areas is inconsistent with adopted projections, the County shall take action to address the discrepancy. Actions may include changing the allocation of the projected population growth during the comprehensive plan update required per RCW 36.70A.130(1), or changing development regulations to limit growth outside the urban growth areas. In addition, as the County and cities review the capacity for growth in the urban growth areas, the county should coordinate with the cities to ensure that policies are in place that are consistent with encouraging growth in the urban areas and reducing demand for development in rural areas.

**Policy 2DD-2:** Protect the character of the rural area through the County's development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County's key development regulations are incorporated into this plan by reference to assure that the plan contains measures to protect rural character:
A. Measures to contain or otherwise control rural development and reduce the inappropriate conversion of undeveloped land into sprawling, low-density development:

1. Limit the expansion of areas of more intensive development and higher rural densities through Policies 2A-8, 2A-9, 2DD-1, 2DD-8, 2GG-2, 2GG-3, 2JJ-1 through 8, 2KK 1 and 2, 2LL-1 through 4, and 2MM-1 through 4 of this plan.

2. Provide options to reserve areas of land suitable for agriculture, forestry, or open space through lots clustering in the following Zoning Code provisions, adopted herein by reference:
   a. WCC 20.32.305, .310, and .320, Lot clustering, Residential Rural District;
   b. WCC 20.34.305, .310, and .320, Lot clustering, Rural Residential Island District;
   c. WCC 20.36.305, .310, and .320, Lot clustering, Rural District;

3. Prohibit short subdivisions outside of urban growth areas and limited areas of more intensive rural development that would require extension of public sewer except for health or safety reasons through the following Whatcom County Land Division regulations adopted herein by reference:
   a. WCC 21.04.090, Sewage Disposal, Short Subdivisions
   b. WCC 21.05.090 Sewage Disposal, Preliminary Long Subdivisions

B. Measures to assure visual compatibility of rural development with the surrounding rural area:

1. Ensure that the visual landscapes traditionally found in rural areas and communities are preserved through limitations on structural coverage of lots in the following Zoning Code provisions, adopted herein by reference:
   a. WCC 20.32.450 Lot coverage, Residential Rural District;
   b. WCC 20.36.450 Lot coverage, Rural District.

2. Require that lots developed under the lot clustering option be designed and located to be compatible with valuable or...
unique natural features as well as physical constraints of
the site through standards provided in the following Zoning
Code provisions adopted herein by reference:

a. WCC 20.32.310 Lot clustering design standards,
   Residential Rural District;

b. WCC 20.34.310 Lot clustering design standards, Rural
   Residential-Island District;

c. WCC 20.36.310 Lot clustering design standards, Rural
   District;

d. WCC 20.71.351 Lot clustering design standards, Water
   Resource Protection Overlay District.

3. Protect the aesthetic assets of the rural areas and soften
   the impact of structures through landscape buffers and
   setback requirements provided in the following Zoning
   Code provisions, adopted herein by reference:

a. WCC 20.80.200 Setback requirements;

b. WCC 20.80.300 Landscaping.

4. In the Point Roberts Rural Community, regulate visual
   aspects of development through the standards in the
   following Zoning Code provisions, adopted herein by
   reference:

a. WCC 20.72.350 Building setbacks/buffer areas, Point
   Roberts Special District;

b. WCC 20.72.651 Facility design, Point Roberts Special
   District;

c. WCC 20.72.653 Tree canopy retention, Point Roberts
   Special District;

d. WCC 20.72.654 Site design/view corridors, Point
   Roberts Special District.

C. Measures to protect critical areas and surface and
   groundwater resources:

1. Protect the functions and values of critical areas
   (geologically hazardous areas, frequently flooded areas,
   critical aquifer recharge areas, wetlands, and habitat
   conservation areas) and the ecological processes that
   sustain them, through WCC 16.16 Critical Areas
   provisions, adopted herein by reference.
2. Minimize the adverse effects of discharges from on-site sewage systems on ground and surface waters through WCC 24.05, adopted herein by reference.

3. Preserve and protect unique and important water resources through development standards in WCC 20.71 Water Resource Protection Overlay District, adopted herein by reference:

4. Protect surface and ground water resources through stormwater management standards established in the County's Development Standards per WCC 20.80.630 and 12.08.035 and referenced in the following Zoning Code provisions, adopted herein by reference:
   a. 20.32.656 Drainage, Residential Rural District;
   b. 20.34.659 Drainage, Rural Residential-Island District;
   c. 20.36.656 Drainage, Rural District;
   d. 20.37.655 Drainage, Point Roberts Transitional District;
   e. 20.44.652 Drainage, Recreation and Open Space District;
   f. 20.59.704 Drainage, Rural General Commercial District;
   g. 20.60.655 Drainage, Neighborhood Commercial District;
   h. 20.61.704 Drainage, Small Town Commercial District;
   i. 20.63.654 Drainage, Tourist Commercial District;
   j. 20.64.655 Drainage, Resort Commercial District;
   k. 20.67.653 Drainage, General Manufacturing District;
   l. 20.69.655 Drainage, Rural Industrial and Manufacturing District.

5. Assure that subdivisions meet requirements for critical areas, shoreline management, and stormwater management through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
   a. WCC 21.04.034 Application Procedures, Short Subdivisions
   b. WCC 21.05.037 Hearing Examiner Notice Hearing and Decision, Preliminary Long Subdivisions

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6. Limit water withdrawals resulting from land division through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
   a. WCC 21.04.090 Water supply, Short Subdivisions
   b. WCC 21.05.080 Water supply, Preliminary Long Subdivisions

7. Regulate groundwater withdrawals by requiring purveyors of public water systems and private water system applicants to comply with Washington State Department of Ecology ground water requirements per WCC 24.11.090, adopted herein by reference.

8. Limit phosphorus entering Lake Whatcom and Lake Samish due to the application of commercial fertilizers to residential lawns and public properties through WCC 16.32, adopted herein by reference.

9. Protect vital drinking water, sensitive habitats, and recreational resources within the Department of Ecology’s designated Western Washington Phase II Municipal Stormwater Permit area and the Lake Whatcom watershed by prohibiting illicit discharges to the county’s stormwater collection system through WCC 16.36 Illicit Discharge Detection and Elimination Program, adopted herein by reference.

D. Measures to protect against conflicts with the use of agricultural, forest, and mineral resource lands:

1. Ensure separation of new residences from agricultural and forestry uses through setback requirements in the following Zoning Code provisions, adopted herein by reference:
   a. WCC 20.80.255 Agricultural District, Supplementary Requirements;
   b. WCC 20.80.256 Forestry districts, Supplementary Requirements;
   c. WCC 20.80.258 All districts, Supplementary Requirements.

2. Ensure separation of businesses from agricultural uses through setback requirements in the following Zoning Code provisions, adopted herein by reference:
   a. WCC 20.59.600 Buffer area, Rural General Commercial District;
b. WCC 20.60.550 Buffer area, Neighborhood Commercial District;

c. WCC 20.61.600 Buffer area, Small Town Commercial District;

d. WCC 20.63.000 Buffer area, Tourist Commercial District;

e. WCC 20.64.550 Buffer area, Resort Commercial District;

f. WCC 20.67.550 Buffer area, General Manufacturing District;

g. WCC 20.69.550 Buffer area, Rural Industrial and Manufacturing District.

3. Require that all discretionary project permits within one half mile of areas designated in this plan as Rural, Agriculture, Commercial Forestry, or Rural Forestry, or within 300 feet of areas designated as Mineral Resource Lands, be subject to disclosure practices in the following Whatcom County Code provisions, adopted herein by reference:

   a. WCC 20.40.662 Use of Natural Resources, Agriculture District;

   b. WCC 20.42.652 Use of Natural Resources, Rural Forestry District;

   c. WCC 20.43.662 Use of Natural Resources, Commercial Forestry District;

   d. WCC 20.14.02 Right to Farm;

   e. WCC 20.14.04 Right to Practice Forestry;


RURAL LANDS – LAND USE

Rural Designation

Lands outside the County’s urban and resource areas include a variety of uses and densities. Traditionally, Whatcom County’s rural areas have been characterized by a spectrum of uses ranging from farms and large-lot residential areas to recreational
communities and small towns. The more intensive uses in that spectrum (commercial/industrial areas and residential areas with densities greater than one unit per five acres) are contained within the boundaries of Rural Community, Rural Tourism, or Rural Business designations (LAMIRDs) and Rural Residential Overlays.

The remainder of the rural areas are designated Rural and contain traditional rural residential and farm uses as well as small home-based and conditionally-permitted businesses. The rural character of the lands designated as Rural should not be compromised by the encroachment of more intensive development. Commercial and industrial uses in the rural areas not contained within a Rural Community designation must meet GMA criteria for small-scale tourism or isolated business uses (RCW 36.70A.070(5)(d)(ii) and (iii)).

Portions of the rural area that historically contain larger lots have been zoned for densities of one dwelling per ten acres. These areas provide for a variety of densities important to the rural character and must be retained. Rezones from R10A to allow higher densities are limited to those R10A areas that are adjacent to established higher densities.

Goal 2GG: Designate Rural areas to contain a variety of uses and densities while retaining their traditional rural character.

Policy 2GG-1: Provide a variety of residential choices at rural densities which are compatible with the character of each of the rural areas.

Policy 2GG-2: The Rural designation includes areas of traditional rural uses and gross residential densities at or below one unit per five acres. To reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area, more intensive development shall be contained within Rural Community, Rural Tourism, or Rural Business designations, which are limited areas of more intensive rural development (LAMIRDs), and predominantly residential areas with established densities greater than one unit per five acres shall be contained in Rural Neighborhood designations.

Policy 2GG-3: Uses and densities within the Rural designation should reflect established rural character. Rezones within the Rural designation should be consistent with the established rural character and densities, in the general area of the proposed rezone. Land in the R10A district may be zoned to a rural zone that allows a higher density only if:

A. Residential density (the average size of parcels that contained a residence as of January 1, 2013) within 500 feet of the area to be rezoned is less than 7.5 acres,
P. The proposed rezoning area is not in a designated urban growth area reserve, and

C. The proposed rezoning area is not within an area designated as a rural study area in the 2007 Rural Land Study accepted by the County in Resolution 2009-040.

Policy 2GG-4: Minimize potential conflicts of rural residential development near designated natural resource lands to prevent adverse impacts on resource land uses.

Policy 2GG-5: Provide landowners with incentives and options to develop their property at densities that may be less than the underlying zone, when necessary to protect critical areas and high-value resource lands.

Policy 2GG-6: Ensure that flexible development patterns such as cluster subdivisions effectively preserve open space and agricultural land and do not create the need for more intensive rural services.

Policy 2GG-7: Development within Rural designations shall be consistent with rural character as described in this chapter.

Rural Neighborhoods

The GMA does not set a maximum allowed residential density for rural areas. A large majority of the lands designated as Rural are zoned for one residence per five or ten acres, however, a small proportion has been developed under a zoning that allows lots smaller than five acres where public water service is available. These areas have their own unique rural character (as compared with the higher densities contained within LAMIRDs) and they serve to provide a needed variety of rural densities. However, it is important to maintain the character of the more traditional rural areas and prevent expansion of the smaller-lot rural areas beyond their traditional limits.

This plan recognizes the unique qualities of these established Rural Neighborhoods and contains them within boundaries that reflect the extent of these areas in 2011. Unlike the Rural Communities, these areas are not LAMIRDs.

GOAL 2MM: Designate Rural Neighborhoods to recognize and contain rural areas that have been established with predominantly residential uses with higher densities than surrounding rural areas.

Policy 2MM-1 Areas zoned for densities greater than one dwelling per five acres shall be contained within Rural Neighborhood boundaries. Rural Neighborhood boundaries shall not be expanded beyond those...
established in 2012, which were drawn to include areas that were
developed at higher rural densities in 2011.

Policy 2MM-2

In the Whatcom County Code, the Rural and Rural Residential
zoning districts may include Rural Residential Density Overlays
that may be applied to areas within the Rural Neighborhood
designation where smaller-lot rural residential development has
already occurred. The overlay should allow for infill development
with lot sizes consistent with those of surrounding lots, where
public water service is available. The overlay shall limit eligibility
of lots based on the percentage of surrounding lots that were
developed in 2011, and shall establish a maximum density that
may be achieved using the overlay. The Rural Residential
Density Overlays shall not be created or expanded outside of
Rural Neighborhoods or into areas where smaller-lot development
has not occurred; such expansion is not consistent with
maintaining the traditional character of the surrounding rural
areas.

Policy 2MM-3

Rural Neighborhoods are designated adjacent to Urban Growth
Areas only in areas where developed densities exceeded one
dwelling per 2.5 acres in 2011, and there is little potential for
efficient urban development in the future.

Policy 2MM-4

Urban governmental services shall not be extended into a Rural
Neighborhood unless such extensions are shown to be necessary
to protect basic public health and safety and the environment, and
when such services are financially supportable at rural densities
and do not permit urban development.
Exhibit B: WCC Title 20 Amendments
April 25, 2013 Planning Commission Recommendation with May 21, 2013 County Council revisions

DRAFT WCC Sections Affected by January 4, 2013 Compliance Order

WCC TITLE 20 ZONING.

20.32 Residential Rural (RR) District

20.32.253 Maximum density and minimum lot size.
The following districts with their associated lot sizes as indicated below, are only allowed within Rural Neighborhoods and Rural Communities, as outlined described in the Comprehensive Plan: RR-2A, RR-1, RR-2, RR-3. The RR-5A and RR-10A districts are allowed throughout in the rural areas; the Comprehensive Plan contains policies regarding application of these districts within the Residential Rural Designation. For boundary line adjustments on lots not conforming to minimum lot sizes in this zoning district, lot size averaging may be used by calculating the average lot size of legal lots of record within 500 feet of the outside perimeter of the lots proposed for boundary line adjustment.

<table>
<thead>
<tr>
<th>District</th>
<th>Gross Density</th>
<th>Minimum Lot Size</th>
<th>Min. Reserve Area (Cluster Subdivisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Conventional</td>
<td>Cluster</td>
</tr>
<tr>
<td>RR-1, RR-2, RR-3, RR-5A: without water</td>
<td>1 dwelling unit/5 acres</td>
<td>5 acres</td>
<td>N/A</td>
</tr>
<tr>
<td>RR-10A without public water</td>
<td>1 dwelling unit/10 acres</td>
<td>10 acres</td>
<td>N/A</td>
</tr>
<tr>
<td>With public water, and stormwater detention and collection facilities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RR-1</td>
<td>1 dwelling unit/1 acre</td>
<td>36,000 sq. ft.</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>RR-2</td>
<td>2 dwelling units/1 acre</td>
<td>18,000 sq. ft.</td>
<td>15,000 sq. ft.</td>
</tr>
</tbody>
</table>
### Exhibit B: WCC Title 20 Amendments

April 25, 2013 Planning Commission Recommendations with May 21, 2013 County Council revisions

<table>
<thead>
<tr>
<th>RR-3</th>
<th>3 dwelling units/1 acre</th>
<th>12,000 sq. ft.</th>
<th>8,000 sq.ft.</th>
<th>25%</th>
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</thead>
<tbody>
<tr>
<td>RR-2A</td>
<td>1 dwelling unit/2 acres</td>
<td>2 acres</td>
<td>15,000 sq.ft.</td>
<td>30%</td>
</tr>
<tr>
<td>RR-5A</td>
<td>1 dwelling unit/5 acres</td>
<td>5 acres</td>
<td>15,000 sq.ft.</td>
<td>30%</td>
</tr>
<tr>
<td>RR-10A</td>
<td>1 dwelling unit/10 acres</td>
<td>10 acres</td>
<td>15,000 sq.ft.</td>
<td>30%</td>
</tr>
<tr>
<td>RR-5A and RR-2A subject to Rural Residential Density Overlay</td>
<td>Maximum: 1 dwelling unit/ 1 acre per 20.32.252(2) see 20.32.252</td>
<td>15,000 sq.ft.</td>
<td>30%</td>
<td></td>
</tr>
</tbody>
</table>

---

### 20.32.300 Lot clustering, reserve area and reserve tract.

### 20.32.305 Lot clustering.

1. The purpose of lot clustering is to provide an alternative method of creating economical building lots with spatially efficient sizes. Clustering is intended to reduce development cost, increase energy efficiency and reserve areas of land which are suitable for agriculture, forestry, or open space or possible future development.

2. The clustering option is also intended to help preserve open space and the character of areas and reduce total impervious surface area thereby reducing runoff while assuring continued viable undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds, preservation of wetlands, preservation of aesthetic values including view corridors, and preservation of potential trail and recreation areas.

### 20.32.310 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following recommended design standards:

1. Clustered building lots may be only created through the subdivision or short subdivision process.
(2) Building lots shall be designed and located to the fullest extent possible to be compatible with valuable or unique natural features, as well as physical constraints of the site.

(3) Where practical, the majority of building sites shall be arranged in a cluster or concentrated pattern to be compatible with physical site features, allow for the efficient conversion of the "reserve tract" to other uses in the future, and have no more than two common encroachments on existing county roads. The arrangement of clustered building lots is intended to discourage development forms commonly known as linear, straight-line or highway strip patterns.

(4) Common access to clustered building lots shall be provided by short length roads or loop roads. In addition, urban growth areas and urban growth area reserves, interior streets shall be designed to allow access to the "reserve tract" for the purpose of future approved development in urban growth areas and urban growth area reserves.

20.32.315 Reserve area.

(1) An easement on the subdivision plat shall establish a reserve area per the definition in WCC 20.97.344 that is protected in perpetuity so long as it is not within an urban growth area. The minimum percentage of the parent parcel required to be within a reserve area is shown in WCC 20.32.253.

(2) A reserve area may contain infrastructure necessary for the subdivision, including but not limited to underground utilities, stormwater ponds, and on-site septic system components. And, in reserve areas designated for agriculture, structures used for on-site agricultural uses permitted in WCC 20.32.054. Above-ground hard surface infrastructure such as roads and water tanks may be included in a reserve tract, but the area they occupy shall not be included in the reserve area percentage required in WCC 20.32.253.

20.32.320 Reserve tract.

For the purposes of this section, "reserve tract" is defined as that portion of a proposed subdivision or short subdivision which is intended for agricultural, forestry, or open space or future development purposes. All "reserve tracts" created through the subdivision process shall be subject to the following provisions:

(1) After a site is initially subdivided pursuant to this chapter, the "reserve tract" may be retained by the subdivider, conveyed to residents of the subdivision or conveyed to a third party.

(2) The "reserve tract" may be considered as a building lot; provided, that such lot is included in the overall density calculation of the original parcel of record and that development within a "reserve area" easement is consistent with the uses permitted in reserve areas in this chapter.
(3) The "reserve tract" may be further subdivided only through the long subdivision process and only under the following circumstances:

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.32.305(2) by dividing the reserve tract and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in reserve area; and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract.

(b) When the Comprehensive Plan and Zoning have been updated as part of the normal process (other than a revision initiated by the private sector or done for a specific area) and the public process has been gone through, subject to findings that there is no adverse impact to critical areas and development is in compliance with rural land use Comprehensive Plan policies, and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract.

(4) The purpose of the reserve tract as stated in subsections (1), (2) and (3) of this section shall be communicated in writing on the face of the plat or short plat. The number of developable building sites remaining (if any) with the original parcel of record, based on the assigned density, shall also be prominently displayed on the plat or short plat. Whatcom County shall make every effort to assist all agents in communicating clearly such information to all purchasers and prospective purchasers of building lots or "reserve tracts." Any remaining density beyond the number of lots created on the plat may be assigned to either the lots or the reserve tract, but future subdivision shall not reduce the size of the reserve area below the minimum percentage of the original parent parcel required in WCC 20.32.253.

(5) The above requirements in subsections (2) to (4) of this section shall be recorded as a deed restriction at the time of filing of the final plat or short plat, and shall constitute an agreement between Whatcom County and the owner of record. Said deed restriction 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.

...
20.34.300 Lot clustering, reserve area, reserve tract and density transfer.

20.34.305 Lot clustering.

(1) The purpose of lot clustering is to preserve the rural character of Lummi Island and to provide an alternative method of creating economical building lots with spatially efficient sizes. Clustering is intended to reduce development cost, increase energy efficiency and reserve areas of land which are suitable for agriculture, forestry, or open space in accordance with the adopted zoning density requirements, as applied to the entire subdivision or short subdivision.

(2) The clustering option is also intended to help preserve open space and reduce total impervious surface area thereby reducing runoff while assuring continued viable undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds, preservation of wetlands, preservation of aesthetic values including view corridors, and preservation of potential trail and recreation areas.

20.34.310 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following recommended design standards:

(1) Clustered building lots may be only created through the subdivision or short subdivision process.

(2) Building lots shall be designed and located to the fullest extent possible to be compatible with valuable or unique natural features, as well as physical constraints of the site.

(3) The majority of building sites shall be arranged in a cluster or concentrated pattern to be compatible with physical site features, and have no more than two common encroachments on existing county roads. The arrangement of clustered building lots is intended to discourage development forms commonly known as linear, straight-line or highway strip patterns.

(4) Common access to clustered building lots shall be provided by short length roads or loop roads. In addition, interior streets shall be designed to allow access to the "conservation reserve tract."
20.34.315 Reserve area.

(1) An easement on the subdivision plat shall establish a reserve area per the definition in WCC 20.97.344 that is protected in perpetuity so long as it is not within an urban growth area. The minimum percentage of the parent parcel required to be within a reserve area is shown in WCC 20.32.253.

(2) A reserve area may contain infrastructure necessary for the subdivision, including but not limited to underground utilities, stormwater ponds, and on-site septic system components, and, in reserve areas designated for agriculture, structures used for on-site agricultural uses permitted in WCC 20.34.052. Above-ground hard surface infrastructure such as roads and water tanks may be included in a reserve tract, but the area they occupy shall not be included in the reserve area percentage required in WCC 20.34.252.

20.34.320 Conservation Reserve tract.

For the purposes of this section, “conservation reserve tract” is defined as that portion of a proposed subdivision or short subdivision which is intended for agricultural, forestry, or open space purposes which does not exceed adopted zoning density requirements, as applied to the entire subdivision or short subdivision. All “conservation reserve tracts” created through the subdivision process shall be subject to the following provisions:

(1) After a site is initially subdivided pursuant to this section, the “conservation reserve tract” may be retained by the subdivider, conveyed to residents of the subdivision or conveyed to a third party.

(2) The “conservation tract” may be considered as a building lot; provided, that such lot is included in the overall density calculation of the original parcel of record and that development within a “reserve area” easement is consistent with the uses permitted in reserve areas in this chapter.

(3) The conservation reserve tract is created and is unbuildable beyond any building density remaining at the time of land division. This is intended to ensure that the conservation reserve tract open space will remain in the same location adjacent to the clustered lot it serves.

(4) The purpose of the conservation reserve tract as stated in subsections (1), (2), and (3) of this section shall be communicated in writing on the face of the plat or short plat; also, the number of developable building sites remaining (if any) with the original parcel of record, based on the assigned density, shall also be prominently displayed on the plat or short plat. Whatcom County shall make every effort to assist all agents in communicating clearly such information to all purchasers and prospective purchasers of building lots or “conservation reserve tracts.” Any remaining density beyond the number of lots created on the plat may be assigned to either the lots or the reserve tract, but future subdivision shall not
reduce the size of the reserve area below the minimum percentage of the original parent parcel required in WCC 20.34.252.

(5) That the above stated requirements in subsections (2), (3), and (4) of this section shall be recorded as a deed restriction at the time of filing of the final plat or short plat, and shall constitute an agreement between Whatcom County and the owner of record. Said deed restriction 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.

......

20.36 Rural (R) District

......

20.36.253 Maximum density and minimum lot size.

The R-2A district is allowed only within areas designated as Rural Neighborhoods, as described in the Comprehensive Plan. R-5A and R-10A districts are allowed in the Rural areas, the Comprehensive Plan contains policies regarding application of these districts within the Rural designation. The R-10A district is allowed in Urban Growth Area Reserve designations.

For boundary line adjustments on lots not conforming to minimum lot sizes in this zoning district, lot size averaging may be used by calculating the average lot size of legal lots of record within 500 feet of the outside perimeter of the lots proposed for boundary line adjustment.

<table>
<thead>
<tr>
<th>District</th>
<th>Gross Density</th>
<th>Minimum Lot Size</th>
<th>Min. Reserve Area</th>
<th>Min. Reserve Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Conventional</td>
<td>(Cluster Subdivisions Outside of Urban Growth Areas)</td>
<td>(Cluster Subdivisions in Urban Growth Areas)</td>
</tr>
<tr>
<td>R-2A without public water</td>
<td>1 dwelling unit/5 acres</td>
<td>5 acres</td>
<td>1 acre</td>
<td>20%</td>
</tr>
<tr>
<td>R-2A with public water</td>
<td>1 dwelling unit/2 acres</td>
<td>2 acres</td>
<td>12,500 sq. ft.</td>
<td>6555%</td>
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### Exhibit B: WCC Title 20 Amendments

April 25, 2013 Planning Commission Recommendations with May 21, 2013 County Council revisions

<table>
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<tr>
<th>Zoning District</th>
<th>Residential Unit Size</th>
<th>Lot Size</th>
<th>Minimum Square Footage</th>
<th>Density requirement</th>
<th>Other Requirements</th>
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</thead>
<tbody>
<tr>
<td>R-5A without public water</td>
<td>1 dwelling unit/5 acres</td>
<td>5 acres</td>
<td>1 acre</td>
<td>5550%</td>
<td>80%</td>
</tr>
<tr>
<td>R-5A subject to Agricultural Protection Overlay (Chapter 20.38 WCC)</td>
<td>1 dwelling unit/5 acres</td>
<td>Not applicable</td>
<td>15,000 sq. ft.</td>
<td>75%</td>
<td>Not applicable</td>
</tr>
<tr>
<td>R-5A with public water</td>
<td>1 dwelling unit/5 acres</td>
<td>5 acres</td>
<td>12,500 sq. ft.</td>
<td>7565%</td>
<td>80%</td>
</tr>
<tr>
<td>R-5A with public water subject to Rural Residential Overlay</td>
<td>Maximum: 1 dwelling unit/2 acres per 20.36.252(2)</td>
<td>see 20.36.252(2)</td>
<td>15,000 sq. ft.</td>
<td>7565%</td>
<td>Not applicable</td>
</tr>
<tr>
<td>R-10A without public water</td>
<td>1 dwelling unit/10 acres</td>
<td>10 acres</td>
<td>1 acre</td>
<td>7060%</td>
<td>80%</td>
</tr>
<tr>
<td>R-10A subject to Agricultural Protection Overlay (Chapter 20.38 WCC)</td>
<td>1 dwelling unit/10 acres</td>
<td>Not applicable</td>
<td>15,000 sq. ft.</td>
<td>75%</td>
<td>Not applicable</td>
</tr>
<tr>
<td>R-10A with public water</td>
<td>1 dwelling unit/10 acres</td>
<td>10 acres</td>
<td>12,500 sq. ft.</td>
<td>8070%</td>
<td>80%</td>
</tr>
<tr>
<td>Public facilities approved under WCC 20.36.151</td>
<td>Not applicable</td>
<td>No minimum</td>
<td>No minimum</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

* * * * *
20.36.300 Lot clustering, reserve area and reserve tract.

20.36.305 Lot clustering.

(1) The purpose of lot clustering is to provide an alternative method of creating economical building lots with spatially efficient sizes. Clustering is intended to reduce development cost, increase energy efficiency and reserve areas of land which are suitable for agriculture, forestry, or open space. or possible future development.

(2) The clustering option is also intended to help preserve open space and the character of areas and reduce total impervious surface area thereby reducing runoff while assuring continued viable undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds, preservation of wetlands, preservation of aesthetic values including view corridors, and preservation of potential trail and recreation areas.

(3) Lot clustering is required for residential developments on parcels 10 acres or greater when:

(a) The property is located within a short-term planning area and public water and sewer are not available; or

(b) The property is located within an urban growth area reserve long-term planning area.

20.36.310 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following recommended design standards:

(1) Clustered building lots may be only created through the subdivision or short subdivision process.

(2) Building lots shall be designed and located to the fullest extent possible to be compatible with valuable or unique natural features, as well as physical constraints of the site.

(3) Where practical, the majority of building sites shall be arranged in a cluster or concentrated pattern to be compatible with physical site features, allow for the efficient conversion of the “reserve tract” to other uses in the future, and have no more than two common encroachments on existing county roads. The arrangement of clustered building lots is intended to discourage development forms commonly known as linear, straight-line or highway strip patterns.

(4) Common access to clustered building lots shall be provided by short length roads or loop roads. In addition, interior streets shall be designed to allow
access to the "reserve tract" for the purpose of future approved development in urban areas and urban growth area reserves.

(5) Where the boundaries of a proposed cluster subdivision includes land in more than one rural zone designation (R2-A, R-5A and R-10A) the following shall apply:

   (a) The total number of units permitted shall be computed by separately calculating the number of lots allowed in each zone district based on the amount of land area within the district. The number of lots allowed in each district shall be totaled to arrive at the total number of lots.

   (b) Lot clusters may be distributed or arranged on property(s) covered by the subdivision such that density from an R-5A or R-10A portion of a subdivision may be transferred to an adjacent portion of the subdivision with a different rural zoning designation (R-2A, R-5A or R-10A); provided, the total number of lots for the entire subdivision does not exceed the number calculated in subsection (5)(a) of this section; and provided further, that the lot design is consistent with subsections (1) through (4) of this section. Density from R-2A portions of the subdivision may not be transferred to R-5A or R-10A portions of the subdivision.

(6) In order to preserve rural character, no more than 16 residential lots shall be permitted in one cluster and there shall be at least 500 feet of separation between any new clusters, except when the cluster subdivision is located on a parcel or contiguous parcels in the same ownership, greater than 20 acres.

20.36.315 Reserve area.

(1) An easement on the subdivision plat shall establish a reserve area per the definition in WCC 20.97.344 that is protected in perpetuity so long as it is not within an urban growth area. The minimum percentage of the parent parcel required to be within a reserve area is shown in WCC 20.36.253.

(2) A reserve area may contain infrastructure necessary for the subdivision, including but not limited to underground utilities, stormwater ponds, and on-site septic system components, and, in reserve areas designated for agriculture, structures used for on-site agricultural uses permitted in WCC 20.36.052. Above-ground hard surface infrastructure such as roads and water tanks may be included in a reserve tract, but the area they occupy shall not be included in the reserve area percentage required in WCC 20.36.253.

20.36.320 Reserve tract.

For the purposes of this section, "reserve tract" is defined as that portion of a proposed subdivision or short subdivision which is intended for agricultural, forestry, or open space or future development purposes. All "reserve tracts" created through the subdivision process shall be subject to the following provisions:
(1) After a site is initially subdivided pursuant to this section, the "reserve tract" may be retained by the subdivider, conveyed to residents of the subdivision or conveyed to a third party.

(2) The "reserve tract" may be considered as a building lot; provided, that such lot is included in the overall density calculation of the original parcel of record and that development within a "reserve area" easement is consistent with the uses permitted in reserve areas in this chapter.

(3) The "reserve tract" may be further subdivided only through the long subdivision process and only under one of the following circumstances:

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.36.305(2) by dividing the reserve tract and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in reserve area; and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract; or

(b) When the Comprehensive Plan and zoning have been updated as part of the normal process (other than a revision initiated by the private sector or done for a specific area) and the public process has been gone through, subject to findings that there is no adverse impact to critical areas and development is in compliance with rural land use Comprehensive Plan policies, and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract; or

(c) The site is within a short-term planning area and public water and sewer serve the proposed development on the reserve tract.

(4) The purpose of the reserve tract as stated in subsections (1), (2) and (3) of this section shall be communicated in writing on the face of the plat or short plat; also, the number of developable building sites remaining (if any) with the original parcel of record, based on the assigned density, shall also be prominently displayed on the plat or short plat. Whatcom County shall make every effort to assist all agents in communicating clearly such information to all purchasers and prospective purchasers of building lots or "reserve tracts." Any remaining density beyond the number of lots created on the plat may be assigned to either the lots or the reserve tract, but future subdivision shall not reduce the size of the reserve area below the minimum percentage of the original parent parcel required in WCC 20.36.253.

(5) The requirements of subsections (2) to (4) of this section shall be recorded as a deed restriction at the time of filing of the final plat or short plat, and shall constitute an agreement between Whatcom County and the owner of record. Said deed restriction 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.

20.82 Public Utilities

20.82.030 Conditional uses.
The following uses shall require a conditional use permit or major project permit and shall be subject to a threshold determination in accordance with the Whatcom County SEPA Ordinance:

(3) New water lines with a nominal pipe size greater than eight inches except for the following, which are permitted outright:

(a) New water lines located and installed by a public utility or municipality within urban growth areas, or limited areas of more intensive rural development (LAMIRDs), or Rural Neighborhoods, or.

(b) New water lines outside urban growth areas or limited areas of more intensive rural development (LAMIRDs) in conformance with a state approved water comprehensive plan pursuant to RCW 43.20.260 and consistent with the Whatcom County Comprehensive Plan, which shall be permitted outright so long as they are water transmission lines per WCC 20.97.452, or provide service at an intensity historically and typically found in rural areas, per RCW 36.70A.030(17), including but not limited to agricultural uses. Water service for uses or densities not permitted in rural or resource areas shall not be extended or expanded outside urban growth areas or limited areas of more intensive rural development (LAMIRDs), except where necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development, per RCW 36.70A.110(4).

20.97 Definitions
20.97.344 Reserve area.

When the lot clustering method of land division or subdivision is used, the “reserve area” is an easement on a proposed division, subdivision or short subdivision which is reserved for agricultural, forestry, or open space purposes in perpetuity, or for other future-approved development purposes as specified in Whatcom County Code.

20.97.345 Reserve tract.

When the lot clustering method of land division or subdivision is used, the “reserve tract” is that portion of a proposed cluster division, subdivision or short subdivision which is intended for agricultural, forestry, open space, or other future-approved development purposes. A reserve area easement may cover all or part of a reserve tract. A portion of a reserve tract may be developed but development within a reserve area easement shall be limited to that permitted per the reserve area standards for the zoning district in which the tract is located.

20.97.452 Water Transmission Lines

“Water transmission lines” means pipes used to convey water from source, storage, or treatment facilities to points of distribution or distribution mains, and from source facilities to treatment or storage facilities. This also can include transmission mains connecting one section of distribution system to another section of distribution system as long as this transmission main is clearly defined on the plans and no service connections are allowed along the transmission main.

WCC TITLE 24 HEALTH CODE

24.11 Drinking Water.

24.11.050 General requirements.

A. Applicants must submit all required forms, letters and documents to the director.

B. The director will consider applications for water availability proposing to use groundwater, spring water, surface water, sea water or rainwater.
C. The director shall evaluate the availability of a public water system prior to approving the use of a private water system. If it is determined that a public water system is available and willing to provide water, the applicant must connect to that public water system when:

1. The applicant proposes to use surface water, spring water, rainwater, or contaminated groundwater; or

2. The applicant proposes to build on a lot located in a short subdivision or long subdivision that Whatcom County approved based on the availability of public water; or

3. The existing public water system has transmission-water lines adjacent to the property line of the applicant and connection is consistent with RCW.36.70A.110(4); or

4. The existing public water system has defined a “service area boundary” in accordance with the Whatcom County Coordinated Water System Plan which includes the property of the applicant.
ANALYSIS AND ALTERNATIVE MAPS

(PDS Staff Proposals)
File #: PLN2012-00012
Proposed Rezoning

- Existing Zoning Boundary
- Proposed Zoning Boundary
- Proposed Rezone Area

Proposed Zoning - RR10A (not in parentheses)
Existing Zoning - (RR2)
# R10A Parcels - Potential for Rezone Under Proposed Policy 2GG-3

Parcels larger that 10 acres with existing residential density greater than 1 per 7.5 acres
From PDS R10A Perimeter Study map sheets (revised May 24, 2013)

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Whatcom County PDS Revised May 24, 2013
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| # parcels                      | Total: | 1,863.7 | 287 | 103 | 184 | 59 |
| Outside UGA Res.              | 1,692.6 | 265 | 98 | 167 | 50 |
| Outside UGA Res., RSA         | 1,496.8 (staff rec.) | 243 | 95 | 148 | 37 |
| *Adjacent to higher zone      | 1,118.8 (overlap with PC recommendation) | 22 |
| *Adj. to higher zone          | 990.7 (overlap with PC recommendation) | 18 |
| outside UGA reserve           | | | | | |

**Planning Commission Recommendation Comparison**

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<td>Total eligible pcs</td>
<td>7,717.8 (per PC recommendation)</td>
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<td>R10A pcs &gt; 10 acres</td>
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<td>All R10A parcels</td>
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<td>All parcels in rural lands</td>
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<td>% R10A zone, current</td>
<td>21.8% &quot; &quot;</td>
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<td>% R10A zone, staff rec.</td>
<td>20.6% assumes all 1,496.8 acres rezoned</td>
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<td>% R10A zone, PC rec.</td>
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Note: Four Caitac USA parcels are calculated as one "rezone area" (excludes RSA Caitac parcels)
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:** Zoning amendment to allow Packinghouses in the Agriculture Zoning District

**ATTACHMENTS:**

1. Proposed Ordinance
2. Memo to Council
3. Exhibit A – Proposed Code Amendments
4. Exhibit B – Comprehensive Plan Policy 2HH-3 regarding designation of new LAMIRDS
5. Exhibit C – Health Department Comment
6. Exhibit D – PowerPoint presentation from May 21st Planning and Development Committee

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

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

To allow packinghouses of up to 10,000 square feet as an accessory use, or greater than 10,000 but less than 30,000 square feet as a conditional use. Review criteria include limits on livestock source, adequate services by necessary facilities, an approved and implemented waste management plan, appropriate vehicular approaches, limits on, noxious emissions, and requires avoidance of prime soils to the extent feasible, among other criteria.

**COMMITTEE ACTION:**

5/21/2013: Exhibit A amended and recommended for introduction at the next meeting (Joshua Fleischmann to provide an amended ordinance.

**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. ________

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Whatcom County Council held 7 work sessions in the Planning and Development Committee; and

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

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

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

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

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

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

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

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

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

This proposed zoning amendment would allow for new packinghouses within the agriculture zoning district. Staff recognizes the benefit to the agricultural industry this amendment would provide by allowing greater opportunities for farmers to get their product to the end user. This proposed amendment would support planning goal RCW 36.70A.020(8) Natural Resource Industries.

8. Consistent with RCW 36.70A.177, this amendment will allow packinghouses within the agricultural zone that will support the agricultural community by
allowing production of value-added agricultural products and will not interfere with the overall agricultural use and character of the County's designated agricultural lands of long-term commercial significance.

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

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

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

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

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

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

12. County-Wide Planning Policy I-5: The county and the cities should include an economic development element in their Comprehensive Plans. Economic development elements should be consistent with the CEDS. Economic development shall be coordinated with environmental concerns to protect the quality of life. Planning efforts should address economic sustainability. As part of the comprehensive planning process and through implementation of the comprehensive plan, the County shall develop and adopt goals, policies and regulations that protect resource land industries and support and encourage resource-based industries.
Approval of this proposed amendment would allow citizens within the agriculture zoning district to provide slaughtering services to Whatcom County farmers and allow greater opportunities for farmers to get their product to the end user. By approving the proposed amendment, comprehensive plan goals and policies and their related development regulations that support and encourage resource-based industries would be implemented.

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

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

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

15. Limiting holding pens to that necessary to accommodate animals intended for immediate processing would prevent packinghouse holding pens from becoming feedlots, while allowing each facility the flexibility to adjust their business accordingly.

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

17. The Rural Industrial Manufacturing (RIM) zone is the only zone presently in Whatcom County that provides a permitting pathway to allow for slaughtering facilities packinghouses and slaughterhouses. Applicability of land within the RIM zone to a new agricultural slaughtering facility is limited to the I-5 Rural Business RIM zone.

18. According to the 2007 USDA Census of Agriculture, Whatcom County has 95,500 cattle and calves.

19. Keizer Meats, the only USDA approved slaughtering facility in Whatcom County, is limited to slaughtering 2,000 animals per year through their Conditional Use Permit.
20. The percentage of livestock operations selling product directly to consumers or retailers is much smaller than that of other agricultural products.

21. Limited slaughter and processing capacity is often cited as a key barrier to marketing of meat and poultry locally.

22. The number of slaughter plants has decreased in recent years.

23. 87 percent of federally inspected facilities combine to process just over 1 percent of cattle slaughtered per year.

24. Lack of nearby slaughter facilities can create logistical impediments to animal slaughter, particularly in being able to transport animals/meat to and from the slaughter plant in a financially practical way.

25. Given the mismatch between smaller producers and larger plants, many individual producers marketing their meat via niche marketing arrangements must rely on smaller facilities, wherever they are located. Small producers may prefer to use a smaller slaughter and processing facility because a smaller plant is likely to be more flexible in satisfying the producer’s individual processing requests.

26. Sales of food sold via direct-to-consumer marketing have more than doubled over the last decade (USDA/NASS, 2007 Census of Agriculture). However, direct-to-consumer and intermediated sales of livestock products have not grown as rapidly as other food categories, despite apparent demand. Local producers continue to perceive a lack of local slaughter capacity as a hindrance in trying to meet growing demand.

27. Currently, the vast majority of livestock and poultry slaughter in the United States is done in a relatively small number of very large facilities.

28. New methods for animal slaughter and processing geared toward local markets, for example, mobile slaughter units (MSUs), can help meet some of the need for increased slaughter capacity in localized areas and enable the growth of small livestock producers marketing products to consumers in their region or community.

29. As part of the review process for the proposed amendments, Planning and Development Services has read numerous background documents including, but not limited to: USDA Layout Guide for Small Meat Plants; University of Wisconsin Cooperative Extension, Pollution Prevention for Small Slaughterhouse and Meat Packing Operations handout; USDA Slaughter and Processing Options and Issues for Locally Sourced Meat; Siskiyou Slaughter Facility Preliminary Feasibility Study & Action Plan; EPA Technical Development Document for the Final Effluent Limitations Guidelines and Standards for the Meat and Poultry Products Point Source Category (40 CFR
CONCLUSIONS

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

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

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

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

ADOPTED this _____ day of __________, 20____.

ATTEST: WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Clerk of the Council WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

APPROVED AS TO FORM: WHATCOM COUNTY EXECUTIVE

Civil Deputy Prosecutor WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: ____________________________
Memorandum

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

Revised Exhibit A

At the May 21st Planning and Development Committee meeting, Exhibit A, as provided for that meeting, was revised with the following changes:

- Criteria that 75% of the animals processed by packinghouses originate from Whatcom or Skagit County. The previous version required that 50% come from Whatcom County.
- Criteria requiring an approved state waste discharge permit, industrial stormwater permit, and/or an NPDES permit, if required by the Washington State Department of Ecology. This language was added to the requirement that the facility provide and implement a waste management plan, approved by the Whatcom County Health Department.
- An upper limit on the size of packinghouse facilities was set at 30,000 square feet, through the Conditional Use process.
- The minimum separation between packinghouses and adjacent property lines shall be 150 feet.

Exhibit A, including revisions, is provided with this memo. Criteria from Exhibit B, as provided at the May 21st Planning and Development Committee meeting, which were not incorporated into Exhibit A include:

- Limitation on size of holding pens so that necessary to accommodate animals intended for immediate processing.
- Criteria that considers presence and proximity to similar existing uses and cumulative impacts within the Agriculture zone.
- Criteria that clearly indicates the solid waste handling standards, as administered by the Whatcom County Health Department.
- Allowing Packinghouses as an administrative approval use in the AG zone.
Questions from Committee

At the May 21st Planning and Development Committee meeting, committee members asked staff to provide answers to multiple questions that had come up through discussions with constituents. These concerns/questions include impacts to Drayton Harbor, aquifer recharge, creation of new LAMIRDS, how to determine/enforce “local” requirement

- Drayton Harbor includes roughly 6,320 acres of designated Agricultural Lands. This is roughly 7% of the entire County’s designated Agricultural land. It should be noted that the only area within Whatcom County where a slaughtering facility could presently locate (RIM zone) is also within the Drayton Harbor watershed.
- Protection of critical aquifer recharge areas would be accomplished through the Critical Areas Ordinance.
- Designation criteria for new Type III LAMIRDs (isolated new small-scale businesses) are described in Policy 2HH-3 of the Whatcom County Comprehensive Plan. This Policy is included as Exhibit B
- The simplest way to determine whether an animal came from Whatcom or Skagit County would be to use the information provided to the USDA as part of their record keeping. While not perfect (as dairy cows may live in Eastern Washington for their first year before coming to Whatcom County for milk production), it would be the most efficient way to track this information. Reporting this information could be a condition on the building permit, though enforcement of this criterion would be difficult for accessory uses, whereas a conditional use or administrative approval use permit could be revoked.
- At the moment, information on slaughtering facilities in Skagit County has not been obtained.

Other Considerations

- The criteria for public notice to neighboring properties within 1,000 feet of a proposed packinghouse through the accessory use process may prove troubling. With no the legal authority, or requirement, to consider public comments through the accessory use process, some neighbors may be frustrated that, after receiving notice of a proposed facility, their input is not considered during review. Essentially, this notice let’s neighbors know that a packinghouse is being built on the property a little earlier than they would find out by seeing construction equipment on site, but does not enable the zoning administrator to incorporate neighbor’s concerns into the design or approval process.
- The proposed language within WCC 20.80.255(4) requires the minimum separation between packinghouses and adjacent property lines be 150ft. It was my understanding the impetus for this requirement was a situation where the agricultural zone abuts another zone, such as a city. It may be worth considering that the separation be between packinghouses and non-agricultural zones. If the proposed language is kept, references to new packinghouses in WCC 20.80.255(2) should be removed, as the requirement would be duplicative.
EXHIBIT A

Chapter 20.40 AGRICULTURE (AG) DISTRICT
20.40.100 Accessory Uses

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

1. The total allowable building area is no larger than 10,000 square feet.
2. The facility processes at least 50 75 percent agricultural goods produced in Whatcom or Skagit County and that originate from uses permitted in WCC 20.40.051.
3. For purposes of public notice, the applicant shall submit stamped envelopes with typed addresses for each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.
4. The facility will be serviced adequately by necessary facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and wastewater treatment.
5. The facility shall provide and implement a waste management plan, approved by the Whatcom County Health Department and an approved state waste discharge permit from the Washington State Department of Ecology that complies with WAC 173-216, WAC 173-226 industrial stormwater permit (general permits), and/or an NPDES Permit (RCW 90.48 and WAC 173-220), if required by the Washington State Department of Ecology.
6. The facility will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.
7. The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:
   a. Are sized to be as small as feasible; and
   b. Located to maximize the agricultural use of the remaining area; and
   c. Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.
8. The packinghouse, as identified in WCC 20.97.282.1, shall emit no noxious emissions that are detectable, at or beyond the property line for the use concerned, in such a concentration or of such duration as to cause a public
nuisance, or threaten health or safety, or to unreasonably infringe upon the use of adjacent property.

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

(1) The total allowable building area is larger than 10,000 square feet and no larger than 30,000 square feet.

(2) The facility processes at least 50 75 percent agricultural goods produced in Whatcom or Skagit County and that originate from permitted uses in WCC 20.40.051.

(3) The facility will be serviced adequately by necessary facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and wastewater treatment.

(4) The facility shall provide and implement a waste management plan, approved by the Whatcom County Health Department and an approved state waste discharge permit from the Washington State Department of Ecology that complies with WAC 173-216, WAC 173-226 industrial stormwater permit (general permits), and/or an NPDES Permit (RCW 90.48 and WAC 173-220), if required by the Washington State Department of Ecology.

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

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

(7) The packinghouse, as identified in WCC 20.97.282.1, shall emit no noxious emissions that are detectable, at or beyond the property line for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use of adjacent property.

Chapter 20.69 Rural Industrial Manufacturing (RIM)
20.69.130 Administrative approval uses
20.69.131 Slaughterhouses. Agricultural-slaughtering facilities, if done in compliance with WAC Title 16 (Department of Agriculture) and RCW Title 16 (Animals and Livestock).

Chapter 20.80 Supplementary Requirements
20.80.200 Setback requirements

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

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

(3) The minimum separation between packinghouses and schools shall be 500 feet.

(4) The minimum separation between packinghouses and adjacent property lines shall be 150 feet.

20.97.282.1 Packinghouse
“Packinghouse” means a plant that both slaughters animals and subsequently processes carcasses into cured, smoked, canned or other prepared meat products. Rendering and importation of animal by-products is strictly prohibited in packinghouses. Packinghouses shall not slaughter poultry. Packinghouses exclude temporary, mobile or other on-farm, owner-raised poultry slaughtering operations regulated under WAC 16-170 and/or RCW 69.07 that do not require USDA inspection. Agricultural producers who raise poultry may slaughter up to one thousand (1,000) poultry raised on their own farm annually subject to the special poultry permit requirements of WAC 16-170. Agricultural producers who process between one thousand (1,000) and twenty thousand (20,000) poultry a year on their farm are subject to the food processor license requirements of RCW 69.07.

20.97.310 Poultry
“Poultry” means products derived from the slaughter and processing of broilers, other young chickens, mature chickens, hens, turkeys, capons, geese, ducks, small game fowl such as quail or pheasants, and small game such as rabbits.

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

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

20.97.423.1 Slaughterhouse
“Slaughterhouse” means a facility that slaughters animals and has as its main product fresh meat as whole, half or quarter carcasses or small meat cuts.

20.97.424 Slaughtering
“Slaughtering” means the killing and processing of animals for human consumption.
EXHIBIT B

Policy 2HH-3: Rural Business (Type III LAMIRD) designation criteria

A. Location Criteria. Rural Business may be designated on land that:
   1. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
   2. Consists of a lot or small group of lots that either:
      a. Contain nonresidential uses and is located within a commercial, manufacturing, or industrial zoning district at the time of original county-initiated designation, or
      b. Allow for new development of isolated cottage industries and isolated small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents.

B. Additional Criteria
   1. A Rural Business designation on a lot or small group of lots containing nonresidential uses shall be separated from other LAMIRD designations, regardless of type, by no less than one-half mile by public road, except where the other LAMIRD is separated by a major physical feature such as a water body, freeway, major road, or other physical feature.
   2. In the event that the listed criteria result in the need to choose one proposed designation over another, preference is given to a proposed use that:
      a. Provides the greatest number of job opportunities for rural residents.
      b. Is located at a controlled public road intersection.
EXHIBIT C
Thank you Josh. As we have discussed, and as I have presented to committee, the Health Department has no legal jurisdictional authority or context to approve or disapprove a ‘waste management plan’ as referenced in the proposed ordinance. The Health Department will not approve or disapprove any such ‘plan’ that may be submitted, and again recommends that this requirement be deleted from the draft ordinance (State Waste Discharge Permit applications already require information regarding solid waste management from operations(§173-216-110(c)). As we also discussed, and presented in committee, the Health Department WILL diligently enforce the requirements of WAC 173-350, Solid Waste Handling Standards, as adopted by reference in WCC 24.06, Solid Waste Rules. The Health Department will also provide technical assistance to applicants and facility operators, and respond to complaints filed regarding activities at these facilities. Please feel free to call if there are any questions. Thank you.

Hello Jeff,

Following your presence at the Planning and Development Committee meeting on April 9th, you and I collaborated on language regarding waste handling. The language that we developed was:

- The facility shall comply with solid waste handling standards as set forth in WAC 173-350, as administered by the Whatcom County Health Department as adopted by reference in WCC 24.06.

At the Planning and Development Committee meeting on May 21st, the language that the committee forwarded to the County Council for introduction was:

- The facility shall provide and implement a waste management plan, approved by the Whatcom County Health Department and an approved state waste discharge permit from the Washington State Department of Ecology that complies with WAC 173-216, WAC 173-226 industrial stormwater permit (general permits), and/or an NPDES Permit (RCW 90.48 and WAC 173-220), if required by the Washington State Department of Ecology.

The attached Exhibit A will be discussed at the County Council Special Committee of the Whole on the morning of June 4th. From there, the Exhibit A (including any changes made at committee) will be sent for introduction that evening. If you have any comments you would like to provide, please do. I will be providing the packet to Dana Brown-Davis on Tuesday, so if you would like to provide comment, that would allow the most time for the Council to consider it. If you cannot provide comment by Tuesday, I can still relay any comments you provide at the Special Committee of the Whole meeting.

Thank You,
Josh
EXHIBIT D
Packinghouses Review

Planning and Development Committee
May 21, 2013

Custom vs USDA

- Custom (Washington State Department of Agriculture)
  - Not for re-sale
  - 2 in Whatcom County (Columbia Valley Meats and Lynden Meats)

- USDA
  - Re-sale allowed
  - Each animal inspected
  - 1 in Whatcom County (Keizer Meats)
Regional Demand
2007 USDA Census of Agriculture

• 1,088,846 cattle statewide
• 308,957 Western Washington
  – 202,893 North Puget Sound (King, Snohomish, Skagit, Whatcom, San Juan, Island)
  – 95,500 Whatcom County (~31% of W. Wash.)

Regional Supply

• 14 USDA facilities statewide
  – 7 Eastern Washington
  – 7 Western Washington
    • 5 service independent producers
      – 2 cooperatives
      – 3 Public
        » 1 Halal; limited excess capacity
        » Pork only
        » Keizer Meats; limited excess capacity
    • 4 located in N. Puget Sound (King, Snohomish, Skagit, Whatcom, San Juan, Island)
      – 1 not open to independent producers
      – 1 cooperative
      – 1 Halal; limited excess capacity
      – Keizer Meats; limited excess capacity
Whatcom County Demand/Supply

- **Demand:**
  - 95,500 cattle/calves, 304 hogs/pigs, 547 lamb/sheep, 1209 goats, 430 misc. (2007, USDA)
  - ~115-120k cattle by other estimates
  - ~25-30k slaughtered/year

- **Supply:**
  - USDA Certified: Keizer Meats (permitted for 2,000 animals/year, though capacity limits to less)
  - Custom: Lynden Meats, Columbia Valley Meats (2012 slaughtered 889 cattle/calves, 325 hogs/pigs, 117 lambs)

- Roughly 90% of animals leave the county for slaughter

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*Figure 6*

Counties with no small cattle slaughter facilities and 143 or more small cattle farms

- Cattle
  - Small farms
    - 143 - 235
    - 236 - 356
    - 359 - 525
    - 528 - 773
    - 780 - 1,268

Small slaughter establishments are defined as having less than 500 employees. Small livestock/poultry farms are defined as having $250,000 or less in annual income from livestock sales.

Note: Alaska and Hawaii are not shown as they have no counties with 143 or more small cattle farms and no small cattle slaughter facilities.

Source: USDA, Food Safety and Inspection Service (FSIS). Farm size is based on the 2012 Census of Agriculture, conducted by USDA, National Agricultural Statistics Service. Slaughter establishment data are from 2016 from USADFIS.
Cumulative Impacts

- According to one operator of a USDA approved facility in W. Washington, very real possibility of multiple facilities locating here

Accessory Use and Administrative Use

- No difference regarding water availability, waste, wastewater, fire flow, landscaping, parking, etc.
- Administrative approval allows comprehensive site review earlier in the process (ex: location of generators/holding pens)
- Administrative approval criteria in county code WCC 20.84.235 and 20.84.220
Administrative Approval approvals

- Since the year 2000, 393 administrative approval applications have been approved, while only 12 have been denied (97% approval decisions)
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**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:**
5/07/2013: Held in committee until a date when the County Auditor can attend

**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 (GHRIS).

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 Councils 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.
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;
SNOHOMISH COUNTY EXEMPT JOB DESCRIPTION

INTERNAL AUDITOR

Spec No. 2097

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

DEPARTMENT: Auditor

REPORTS TO: Auditor

RANGE: 280

FLSA: E

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 as 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: 11/2/02

Internal Auditor Job (KAP) [129081]
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.
There is hereby established an internal audit system effective July 1, 1994. 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).
**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>C. Brueske</td>
<td>Division Head:</td>
<td>5/22/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F. Abor</td>
<td>Dept. clead:</td>
<td>5/22/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. Gibson</td>
<td>Prosecutor:</td>
<td>5/22/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Lowes</td>
<td>Purchasing/Budget:</td>
<td>5/22/13</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**

Amendment #5 to Recreation and Conservation Office Agreement No. 10-1481R - Canyon Creek Barrier Removal Project

**ATTACHMENTS:**

Amendment to Project Agreement and Exhibits

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

Amendment #5 to Washington State Recreation and Conservation Office Agreement No. 10-1481R (WCC 201011025) provides an additional $197,302 in Puget Sound Partnership –NOAA Community Restoration Partnership (CRP) federal grant funds for construction of the lower Canyon Creek integrated fish and flood project. The previously amended amount of $1,339,060 is further amended to $2,171,362 including the Partnership funds and $635,000 in FCZD funding as a local match.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: The Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Frank M. Abart, Public Works Director

FROM: Paula J. Cooper, P.E., River and Flood Manager
       Chris Brueske, P.E., Assistant Director

RE: Amendment #5 to RCO Agreement for Canyon Creek Barrier Removal Project

DATE: May 22, 2013

Enclosed are two (2) originals of Amendment #5 to the Canyon Creek Barrier Removal project agreement between the Washington State Recreation and Conservation Office (RCO) and Whatcom County Flood Control Zone District (FCZD) for your review and signature.

Requested Action
Public Works respectfully requests that the County Executive, acting on behalf of the FCZD Board of Supervisors, amend the existing grant agreement with RCO to add more grant funding and local sponsor match for 2013 construction of the Canyon Creek integrated salmon recovery and flood hazard management project.

Background and Purpose
This amendment adds new federal Puget Sound Partnership – NOAA Community Restoration Partnership funds to the existing construction grant agreement. The additional funding was included in the project funding summary presented to the Board of Supervisors at the Surface Water Work Session on March 19, 2013; its award was contingent on commitment of additional local funds to ensure the work proposed for 2013 was fully funded. The Board of Supervisors’ April 23, 2013 approval of the River and Flood budget supplemental fulfilled this commitment.

Funding Amount and Source
The existing RCO agreement, as previously amended, provides federal and state grant funding and $73,062 in local match for a total of $1,339,060. This amendment adds $197,302 in federal Puget Sound Partnership – NOAA Community Restoration Partnership funds and an additional $635,000 in FCZD funds to be used as local match; and the FCZD budget includes this grant amendment and the local match. The newly amended grant agreement is $2,171,362.

Please contact Paula Cooper at extension 50625 or John N. Thompson at extension 50695, if you have any questions or concerns regarding the terms of this agreement.

Enclosure
## Whatcom County Contract
### Information Sheet

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works - River &amp; Flood and Natural Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Administrator:</td>
<td>John N. Thompson, L.E.G., Senior Planner</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Washington State Recreation and Conservation Office</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this a New Contract?</th>
<th>Yes</th>
<th>No</th>
<th>If not, is this an Amendment or Renewal to an Existing Contract?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this a grant agreement? Yes</th>
<th>No</th>
<th>If yes, grantor agency contract number(s): RCO No. 10-1481R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>__</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this contract grant funded? Yes</th>
<th>No</th>
<th>If yes, associated Whatcom County grant contract number(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>__</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this contract the result of a RFP or Bid process? Yes</th>
<th>No</th>
<th>X</th>
<th>If yes, RFP and Bid number(s) Cost Center: 169114-710013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this contract excluded from E-Verify? Yes</th>
<th>No</th>
<th>X</th>
<th>If no, include Attachment D Contractor Declaration Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contract Amount: sum of orig contract amt and any prior amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,339,060</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>This Amendment Amount:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$832,302</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Amended Amount:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,171,362</td>
</tr>
</tbody>
</table>

| 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 |

Amendment #5 to Washington State Recreation and Conservation Office Agreement 10-1481R (WCC 201011025) provides an additional $197,302 in grant funds matched by $635,000 in Flood Funds for construction of the lower Canyon Creek integrated fish and flood project. The previously amended project agreement of $1,339,060 is amended to $2,171,362.

| Term of Contract: | Expiration Date: September 30, 2013 |

<table>
<thead>
<tr>
<th>Contract Routing Steps &amp; Signoff:</th>
<th>[sign or initial]</th>
<th>[indicate date transmitted]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Prepared by J.N. Thompson</td>
<td>Date 5/20/2013 [electronic]</td>
<td></td>
</tr>
<tr>
<td>2. Attorney reviewed Daniel L. Gibson</td>
<td>Date 05/20/13 [electronic]</td>
<td></td>
</tr>
<tr>
<td>3. AS Finance reviewed</td>
<td>Date 5/22/13 [electronic]</td>
<td></td>
</tr>
<tr>
<td>4. IT reviewed if IT related</td>
<td>Date [electronic]</td>
<td></td>
</tr>
<tr>
<td>5. Corrections made</td>
<td>Date [electronic] hard copy printed</td>
<td></td>
</tr>
<tr>
<td>6. Attorney signoff Daniel L. Gibson</td>
<td>Date 05/20/13</td>
<td></td>
</tr>
<tr>
<td>7. Contractor signed</td>
<td>Date 5/31/13</td>
<td></td>
</tr>
<tr>
<td>8. Submitted to Exec Office</td>
<td>Date 5/22/13 [summary via electronic; hardcopies]</td>
<td></td>
</tr>
<tr>
<td>9. Council approved (if necessary)</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>10. Executive signed</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>11. Contractor Original Returned to dept.</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>12. County Original to Council</td>
<td>Date</td>
<td></td>
</tr>
</tbody>
</table>
Amendment to Project Agreement

Project Sponsor: Whatcom County FCZD
Project Title: Canyon Creek Barrier Removal

Amendment Type:
Cost Change

Amendment Description:
Adding the $197,302 of Puget Sound Partnership - NOAA - Community Restoration Partnership (CRP) funds into the grant, now that the Whatcom County Flood Control Zone Board has approved the remaining $635,000 for the project.

Project Funding:
The total cost of the project for the purpose of this Agreement changes as follows:

<table>
<thead>
<tr>
<th></th>
<th>Old Amount</th>
<th></th>
<th>New Amount</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>%</td>
<td>Amount</td>
<td>%</td>
</tr>
<tr>
<td>RCO - PSAR</td>
<td>$73,679.00</td>
<td>5.50%</td>
<td>$73,679.00</td>
<td>3.39%</td>
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<tr>
<td>RCO - PSCS</td>
<td>$973,750.00</td>
<td>72.72%</td>
<td>$973,750.00</td>
<td>44.85%</td>
</tr>
<tr>
<td>RCO - NOAA-CRP</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$197,302.00</td>
<td>9.09%</td>
</tr>
<tr>
<td>RCO - SALMON FED PROJ</td>
<td>$218,569.00</td>
<td>16.32%</td>
<td>$218,569.00</td>
<td>10.07%</td>
</tr>
<tr>
<td>Total Project Sponsor</td>
<td>$73,062.00</td>
<td>5.46%</td>
<td>$708,062.00</td>
<td>32.61%</td>
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<tr>
<td>Admin Limit</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>A&amp;E Limit</td>
<td>$87,650.00</td>
<td>7.00%</td>
<td>$142,129.48</td>
<td>7.00%</td>
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<tr>
<td>Total Project Cost</td>
<td>$1,339,060.00</td>
<td>100%</td>
<td>$2,171,362.00</td>
<td>100%</td>
</tr>
</tbody>
</table>

Agreement Terms
In all other respects the Agreement, to which this is an Amendment, and attachments thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this Amendment.

State Of Washington
Recreation and Conservation Office

By: [Signature]
Kaleen Cottingham
Title: Director
Date: 5/3/13

Whatcom County FCZD

Agency: See Attached FCZD
By: [Signature]
Title: [Blank]
Date: [Blank]

Pre-approved as to form:
By: [Signature]
/S/

Chapter 77.85 RCW, Chapter 420 WAC
WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT:
Recommended for Approval:

Frank Abart 5/22/13
Public Works Department Director

Approved as to form:

Daniel Gibson 05/22/13
Chief Civil Prosecuting Attorney

Approved:
Accepted for Whatcom County Flood Control Zone District:

By: ____________________________
Jack Louws, Whatcom County Executive, acting for the Whatcom County Flood Control Zone District Board of Supervisors

STATE OF WASHINGTON  )
ss                     )
COUNTY OF WHATCOM     )

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

______________________________
NOTARY PUBLIC in and for the State of Washington, residing at

______________________________
My commission expires __________________
Amendment Agreement Description

Project Sponsor: Whatcom County FCZD
Project Title: Canyon Creek Barrier Removal

Project Number: 10-1481 R
Amendment Number: 5

Agreement Description
Assessments of the geomorphology and alluvial fan risk on lower Canyon Creek led to recommendations for acquisition of properties in high risk areas, standards for new construction, and partial removal and setback of an existing levee. These measures are intended, in part, to reverse ongoing impacts to salmon habitat. With a combination of state and federal flood hazard reduction (FEMA) and Salmon Recovery Funding Board funding, Whatcom County partnered with the Whatcom Land Trust to purchase repetitive flood loss and undeveloped properties in the high risk zone of the Canyon Creek alluvial fan. The acquisitions presented the opportunity to engage in the restoration design process. This project will build on progress to date by: 1) addressing floodplain constriction through additional levee shortening, setback and/or removal; 2) providing instream structure (Engineered Log Jams) to improve habitat complexity and diversity and riparian persistence; 3) ensure long-term anadromous fish passage at the manmade rivermile 0.2 bedrock cascade; and, 4) riparian plantings to speed recovery of riparian function at stable floodplain nodes.
Amendment Special Conditions

Project Sponsor: Whatcom County FCZD
Project Title: Canyon Creek Barrier Removal
Project Number: 10-1481 R
Amendment Number: 5

Special Conditions

The SRFB grant (#12-1521) and its matching funds, totalling $365,310, is not eligible for indirect administration costs. The PSCS grant funds, totalling $973,750, is eligible for indirect administration funds equal to the federal indirect agreement on record. Currently the PSCS budget does not include indirect administration costs.
Amendment Eligible Scope Activities

Project Sponsor: Whatcom County Flood Control Zone District
Project Title: Canyon Creek Barrier Removal
Program: Puget Sound Critical Stock

Project Number: 10-1481
Project Type: Restoration
Amendment #: 5

Restoration Metrics

Worksite #1, Canyon Creek

Targeted salmonid ESU/DPS:

Chinook Salmon-Puget Sound ESU,
Chum Salmon-Puget Sound/Strait of Georgia ESU,
Coho Salmon-Puget Sound/Strait of Georgia ESU,
Pink Salmon-unidentified ESU,
Steelhead-Puget Sound DPS

Targeted species (non-ESU species):

Bull Trout

Project Identified In a Plan or Watershed Assessment:

WRIA 1 Salmon Recovery Board, 2005,
WRIA 1 Salmonid Recovery Plan:
prepared by WRIA 1 SRB, Bellingham, Washington.
Implementation Monitoring

Type Of Monitoring:

Fish Passage Improvement

Type Of Barrier:

Weir

The partial barrier is a bedrock controlled section of streams that was created through blasting as part of a flood control project in 1994. The ‘weirs’ are a series of more resistant layers of sandstone that create a series of cascades and chutes which are a partial to full blockage to upstream salmonid migration depending on species and life stage.

Miles Of Stream Made Accessible:

3.90

The partial barrier is at RM 0.2. Total length of historic anadromous access is ~4.1 miles.

Square Miles Of streambed made accessible:

1.0

3.9 miles of stream habitat with an average width of 60 or less will be opened up. Terrestrial habitat is not included as that is not the restoration objective for this project.

Fish passage blockages removed or altered

Number of Blockages/Impediments/Barriers Removed/Altered:

1

Bedrock cascade and chutes at ~RM 0.2

Instream Habitat Project

Total Miles Of Instream Habitat Treated:

0.70

Channel structure placement

Logs Fastened Together (Logjam),
Other Engineered Structures

0.56

This is an estimate and will be adjusted based on final design and as-built data.

Acres Of Streambed Treated for channel structure placement:

18.3
Amendment Eligible Scope Activities

Estimated cumulative historic channel area in which placement of channel structures will be placed. This does not reflect the total area of the structures which will be much less.
8

This is an estimate. Final number of pools created by placed structures will be determined in final design.
20
15

This is an estimate. This includes both structure to be placed in-channel as well as floodplain roughness structures to encourage complex channel form and riparian forest retention. Final number of structures to be determined in final design.

0.28

This is an estimate with final length to be stabilized dependent on final design.

Pools Created through channel structure placement:

Yards Of Average Stream-Width At Mid-Point Of Worksite:
Number of structures placed in channel:

Streambank stabilization
Miles of Streambank Stabilized:

Riparian Habitat Project
Total Riparian Miles Streambank Treated:
Total Riparian Acres Treated:
Planting
Acres Planted in riparian:

Site Maintenance Project
Stream or streambank maintained
Miles of Streambank Maintained:

General restoration activities
Implementation monitoring
Number of site visits:
Restoration signs
Number of signs installed.
Traffic control

Cultural Resources
Cultural resources
Permits
Obtain permits
Architectural & Engineering
Architectural & Engineering (A&E)
**Title of Document:** Adopt a resolution to sell surplus property

**Attachments:** Resolution & Memo

**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.

Pursuant to WCC 1.10.260 the purchasing agent is requesting approval to enter into negotiations to sell a K-9 animal to its former handler. The Council may find by resolution that it is in the public interest to sell the property.

**Committee Action:**

**Council Action:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

To: Jack Louws, County Executive
From: Brad Bennett, Finance Manager
Date: May 23, 2013
Re: Resolution to retire and sell the K-9 Kabar to his former handler.

The attached resolution requests permission from the County Council to negotiate the sale of the K-9 Kabar to his former handler pursuant to WCC 1.10.260. The former handler has expressed interest in purchasing the dog. The Sheriff Department has determined it is in the best interest of Whatcom County to retire K-9 Kabar. I have attached a memo from Undersheriff Jeff Parks explaining the rationale for this decision.

Please call if you have any questions.
A RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY SURPLUS PROPERTY PURSUANT TO WCC 1.10

WHEREAS, a Deputy Sheriff who was a K-9 handler has left county employment, and

WHEREAS, the K-9 Kabar assigned to this handler is six years old with one to two years of remaining working capacity, and

WHEREAS, the K-9 would require approximately $12,000 of training to be reassigned to another handler and there is a question whether the reassignment would be successful, and

WHEREAS, the Sheriff’s Department has determined it is in the County’s best interest to retire the K-9 Kabar

NOW THEREFORE BE IT RESOLVED that pursuant to WCC 1.10.260 Specialty or unique personal property the County Council hereby authorizes the county purchasing agent to enter into negotiations for the sale of the K-9 Kabar to his former handler for not less than 90 percent of the estimated market value of the K-9. The negotiated sale price will be reported to the County Council and will be public information, however due to the nature of the transaction and the potential for County liability, the County Council hereby waves the requirement that the public will be given two weeks notice by advertisement in a legal newspaper, and an opportunity to compete for the item’s purchase by mailed bids.

APPROVED this ___________ day of ___________, 2013

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Civil Deputy Prosecuting Attorney
Memorandum

TO: Brad Bennett, Finance Manager
FROM: Undersheriff Jeff Parks
DATE: May 13, 2013
SUBJECT: Release of Canine from Sheriff's Office

As we have previously discussed, the Sheriff's Office desires to surplus a canine that was acquired with grant funds several years ago. The County expended $9500.00 of grant money awarded through a WA State Homeland Security Grant (SHSP 2008 – cc# 2988). Until recently the dog and handler have been working in the capacity of a patrol canine, cross trained in narcotics detection. Deputy Freeman, the handler who has had sole responsibility for care and deployment of the canine, has left employment with Whatcom County. Our Canine Program staff, to include a WA State certified master police canine trainer, has recommended that we not try to retain the dog for reassignment to another handler. There are a number of reasons for this, to include the cost of training a new handler with a canine that may only have one or two years service life remaining, and the high probability that the dog would not respond to a new handler. Cost savings and liability concerns point to the conclusion that the dog should be retired. In order to recoup some of the cost of the acquisition of the canine and the associated training we have spoken with his handler, Jeremy Freeman, who prior to leaving employment, indicated he would be willing to purchase the dog. We will be working with him to establish a purchase price.

I have attached documentation to include the supporting staff recommendations and the opinion of the Regional Grant Coordinator for SHSP, that there is no further obligation on Whatcom County if the asset is sold (released to Freeman) for less than $5000.00. Considering the physical condition, life expectancy, completed service life and training investment (and potential re-training costs) the value of this canine is less than the $5000.00 threshold.

Please let me know if you have any further questions or if you are in need of further documentation.
WHATCOM COUNTY SHERIFF'S OFFICE

MEMORANDUM

TO: US Parks
FROM: CCD Chadwick
DATE: May 9, 2013

SUBJECT: Asset analysis - K9 Kabar

Per your request, I am submitting information regarding the valuation of K9 Kabar. Deputy Jeremy Freeman was assigned K9 Kabar in March of 2010 and has been the sole trainer and handler. K9 Kabar is trained in general tracking, as well as drug detection. Deputy Freeman terminated his employment with the County effective May 4, 2013, leaving the County without a K9 resource. This was due in part to the recent retirement of K9 Hawkeye and the injury to current K9 handler, Deputy Streubel.

As part of the analysis, we evaluated whether or not K9 Kabar could be reassigned to a new dog handler for the remainder of his working dog life. According to both the K9 unit supervisor and the Sheriff’s Office Master K9 trainer, K9 Kabar has 1 to 2 years working life remaining. It is the assessment of both the supervisor and trainer that K9 Kabar could be given to another handler, however it would take significant retraining and the dog may not respond well to a different handler. It would cost approx. $12,000.00 to train a new handler to work with K9 Kabar. This includes time and salary for both the handler and trainer. Ultimately, it would likely result in a marginally effective K9 team for a limited amount of remaining working dog life. They also noted that due to recent changes in marijuana law, new dogs should not be trained in the detection of marijuana. They felt there were liability concerns if the dog was sold to another department or citizen. They recommend selecting a new handler and dog, to ensure an effective team with a long working life.

K9 Kabar is also starting to show signs of advanced age, specifically he has exhibited signs of pain and loss of motion in his neck. During long tracks, he is
showing signs of his age by way of an altered gait. He was recently taken out of service for two weeks and treated with anti-inflammatory medications. He was released back to active status, however further MRI and veterinary evaluation would be necessary to determine the full extent of his issues. The cost of these procedures starts at $1500.00. In addition, K9 Kabar has been taking a regular does of meds to help address a congenital defect that affects his eye sight.

In conclusion, the K9 unit supervisor and trainer agree that the loss of K9 Kabar has had a negative impacted the ability of the County to deploy a K9 resource. In assigning a value to the loss of the asset, they considered the age of the dog, level of training, medical costs, liability and loss to the County. They came up with a figure anywhere between $1000-4000. One of the most compelling mitigating factors was that K9 Kabar has a much reduced value without his handler. These dogs are trained to respond to the commands and direction of a sole handler, as not to confuse the dog or allow a suspect to control its response. They believe that the best course of action is to surplus the asset and sell it to former Deputy Freeman. This would mitigate liability concerns and allow the County to recoup some of the funds to purchase a replacement K9.
I would not recommend that we keep Kabar for training with a new handler for the following reasons.

Kabar will be turning 6 yrs old in a couple of months. The average age that a dog can no longer perform police work is about 8 yrs old + or - 2 years, with anything over 1 year from that average being rare.

Kabar already is on a regular regimen of medicine to help control / slow a congenital defect that is causing degeneration in one of his eyes. I have talked to our Master Trainer, Jason Nyhus and also to the Bellingham PD Master Trainer, Shan Hanon. They both say that they are already seeing the early signs of aging in Kabar. Specifically in an altered gait during longer tracks. While this is not something that would effect Kabar’s ability to work in the short term, it is a sign that Kabar would most probably have a working life expectancy on the lower end of the average.

In addition, Kabar exhibited pain and loss of motion in his neck while running a training track just shortly before Deputy Freeman left our Office. Kabar was taken to our vet who prescribed two weeks of no activity and anti-inflammatory medications. This was done and Kabar was taken back to the vet for a reevaluation. Kabar showed no signs of current pain and was deemed fit to return to duty. However, the vet said that due to what Kabar was doing when he first exhibited a problem, the vet could not determine whether the pain was caused by a muscle injury or by a spinal problem pressing on a nerve. Both could have been corrected, at least temporarily, by the proscribed treatment. If the problem is a spinal one a return to full activity would most likely cause a reoccurrence and progressive worsening. The only way to rule that possibility out totally at this time would be to perform an MRI on the front third of Kabar at a projected cost of approx $1500.00. To treat a problem of that type would most likely require surgery costing several thousand dollars with a significant recovery period.

Kabar is also trained to alert to the odor of marijuana. This presents a problem in light of our new marijuana laws for his alerts on narcotics sniffs. As you know a temporary work around for this problem has been recommended by the State. In the long term the current consensus is to not train narcotics detection dogs to alert to marijuana in the future. We feel that there is another option to train dogs to give a different type of alert. However, we have not gotten much traction with our idea so far and even if it was accepted Kabar would need to go through remedial training to change his alerts.

The real major cost for a police dog is in the training. It is the handler who must meet the training hours requirement to comply with State Law - not the dog. Current standards require a minimum of 12 weeks of initial training. This would cost the County somewhere in the area of $12000 per month for both the prospective handler and for the Master Trainer’s wages and benefits for at least 3 months.

We could shorten the training period somewhat if we gave Kabar to Deputy Nyhus to handle. I do not feel that this is a viable option as it would still expose us to all of the uncertainties of Kabar’s health and the lack of a meaningful working life projection for the dog. We would also still have the marijuana problem to deal with.

In conclusion, it is my professional opinion that it would be in the best interest of the County to select a new handler and dog for training for all of the reasons that I have listed above. I believe that it would allow us to put out a more effective team and give us more value for our money over time.

I have asked Deputy Nyhus and Officer Hanon to email you with their evaluation of this matter. They have told me that they will get them to you in the next few days as they are just finishing up with having hosted the Washington State Police Canine Association Seminar here and have been working 16 to 18
hour days for the last week.
From: Jason Nyhus
To: Rossmiller, Scott
Date: 5/8/2013 11:16 PM
Subject: Re: Kabar

Lt

I guess my thoughts are two fold. I understand the dog is an asset but I ask myself what value is he to the county. I don't think another department would buy him with his medical issues. I also stand by I don’t think he has another two years in him to work (1+). So with that I think with his age and other issues I mentioned at the previous meetings $1,000-$1,500. I don’t think the county could get rid of him to a non LE home because of civil liability issues with a retired police dog.

JN

>>> Scott Rossmiller 5/6/2013 11:30 AM >>>
As you are aware we are working through the process of transferring Kabar to Freeman. With that said, we need to determine a price. Please respond with the price you think we should ask and how you can to that number. The sooner I can get this info, the sooner we can make this happen.

Thanks. Stay Safe. Scott
JOHN RIBONI  
Police and Sport Dog Training  
8425 Horseshoe Hill Rd.  
Loomis, CA  95650  
652-3479

BILL TO: Whatcom County S.D.  
311 Grand Ave.  
Bellingham, WA 98225

INVOICE #Theo

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<td>Purchase of one adult male German Shepherd Sch 1 titled K-9</td>
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<td>Name: Theo vh Vortkamp</td>
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<td>Theo is guaranteed to pass the</td>
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<td>Whatcom County Department's medical</td>
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<td></td>
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<td>performance certifications.</td>
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<td>If Theo does not pass either, he will be</td>
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<td>replaced with a dog of equal quality &amp; valu</td>
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\[LEVI] 3-10-10
OK to pay

TOTAL DUE: 9500.00

8.5% of 9,500 = $807.50

\[CC: 2998] SHSP FFY08

\[130] $10,307.50
Tammy,
Thanks, as always, for your guidance.
Frances

Frances Burkhart
Whatcom County Sheriff's Office Division of Emergency Management
311 Grand Avenue, Bellingham, WA 98225
360-778-7161
360-676-6681 — DEM Office

NOTICE: All emails and attachments sent to and from Whatcom County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: Tamara Jones [mailto:Tammy.Jones@co.snohomish.wa.us]
Sent: Thursday, April 25, 2013 2:10 PM
To: Jeff Parks; Frances Burkhart
Subject: RE: FW: SHSP-08 LE Canine
Importance: High

Jeff / Frances,

For Federal grant purposes: Jeff indicates that the WCSO has determined the equipment (dog) is no longer needed (since you will have sufficient police handler/dog teams) in place. So a determination of "value" needs to be made and documented (written recommendations/opinions of Master Canine Trainer, Veterinarian, and/or similar transactions in other agencies.) Documentation of how this valuation was determined should be retained in your grant files for review or audit.

Assuming the "value" is under $5K — Whatcom Co. has no obligation to the grantor (Snohomish Co/EMD/DHS) for any monies received from the disposal of this "equipment". Therefore, the receipt from the "sale" can be used by the County as it deems appropriate ... (for any legal purpose, this year or in the future).

Additionally, you would need to follow & document any procedures required for the disposal of equipment by Whatcom Co.

Criteria:
4-6. Disposed Equipment

When original or replacement equipment is no longer needed for the original project or program or for other activities currently or previously supported by DHS, disposition of the equipment will be made as follows:
* Items of equipment with a current per-unit fair market value of less than $5,000 may be retained, sold or otherwise disposed of by the sub-grantee with no further obligation to DHS.

Tammy Jones
HLS Region 1 Coordinator
Snohomish Co. Department of Emergency Management
720 80th Street SW, Bldg A
Everett, WA 98203
Phone: 425-388-5072 Fax: 425-423-8152
NOTICE: All emails, and attachments, sent to and from Snohomish County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: Jeff Parks [mailto:jparks@co.whatcom.wa.us]<mailto:jparks@co.whatcom.wa.us>
Sent: Friday, April 19, 2013 12:01 PM
To: Jones, Tamara
Cc: Burkhart, Frances; Chadwick, Doug; Mohnkern, Chris
Subject: Re: FW: SHSP-08 LE Canine

Tammy,

We would like to look into the possibility of retiring and transferring this canine (K-BAR) to the current handler. If possible we would like to consider further option 4.6, Disposed Equipment. There are several reasons for this:

Our master canine trainer has made recommendations that the dog is not likely to transition well to another handler (his current handler will leave our employ as of 5/4/2013) due to the method of training employed with this dog. He also states that the dog is not performing well and has some physical issues. We are in the process of ascertaining through a veterinarian the condition and expected service life remaining for this particular dog. We are just concluding the process of training and certifying one new canine/handler team and are in the acquisition process for another canine and the selection process for a new handler. With two teams in service we are in good shape and will look to replace the canine/handler at issue in the future as resources allow. We would incur significant expense and also be in a position of a questionable outcome maintaining the dog in question when the current handler leaves employment. I expect that the transfer cost (purchase) to the current handler to be in the $4000-$4500 range, possibly lower. We would maintain this money in an account to be used toward the purchase of a replacement canine, or to offset training costs (if allowable) in the future.

Please let me know at your earliest convenience if this sounds workable under grant guidelines.

Best regards,

Jeff Parks
Undersheriff
Whatcom County Sheriff's Office
311 Grand Ave / Public Safety Building
Bellingham, WA 98225
jparks@whatcomcounty.us<mailto:jparks@whatcomcounty.us>
360-676-6650

Excellence, Integrity, Teamwork
[cid:image001.jpg@01CE41BE.D128B260]

Our Vision: The Office of Sheriff, dedicated to making Whatcom County the safest in the state through excellence in public safety

This e-mail, including any attached files, may be legally privileged, and is solely for the intended recipient(s). If you receive this e-mail in error, please destroy it and notify the sender. Any unauthorized use, dissemination, disclosure, copying or printing is strictly prohibited.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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TITLE OF DOCUMENT: Documents to support a loan for the Cornwall Housing Facility.

ATTACHMENTS:
1. Memo
2. Info Sheet
3. Two copies of Loan Agreement/Promissory Note/Restrictive Covenant/Leasehold Deed of Trust
4. MOA with Catholic Housing Services
5. Letter from Rob Van Tassell, VP, Catholic Housing Services

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

On June 19, 2012, County Council voted to commit $550,000 for the Catholic Housing Services Cornwall Permanent Supportive Housing Project. Since that time, CHS has reduced their request for participation in this project to $300,000 and changed their request to a loan rather than a grant. The project has broad community support from the City of Bellingham, the Whatcom Housing Advisory Committee, and the Whatcom County Coalition to End Homelessness. The Behavioral Health Revenue Advisory Committee (BHRAC) also recommended support of this project. This local support allows Catholic Housing Services to secure the bulk of the funding for the $9 million project from the Washington State Housing Trust Fund and Low Income Housing Tax Credit investments.

This loan will be used to pay construction-related fees associated with the project. This agreement ensures that a majority (22) of the planned 42 rental units are dedicated to housing Whatcom County residents who are struggling with homelessness due to serious mental illness and/or addiction. During the 40 year term of the loan, a program of on-site case management and behavioral health services will support the recovery efforts of the residents living in the 22 units dedicated to formerly homeless individuals.

This matter was presented at the 4/23/13 Council meeting. At that meeting Council suggested that the loan documents be revised to include assurances and financial penalties related to ongoing management of the facility. CHS is not able to make the requested revisions to the loan documents as explained in the attached letter from Rob Van Tassell, VP of CHS. However, similar provisions are included in a proposed Memorandum of Agreement between the County and Catholic Housing Services included in the packet. The MOA establishes a standing subcommittee of the existing Whatcom County Homeless Coalition Steering Committee, the “Supportive Housing Advisory Committee”, to include housing and social service agencies, the Health Department and neighboring business representatives. The MOA outlines County oversight, CHS commitments, and how the parties will work together to ensure that supportive housing efforts, including the Cornwall property are well managed and neighbor concerns are addressed promptly.

COMMITTEE ACTION:
4/23/2013: Held in committee to an unspecified date. Waiting for the Executive to discuss proposed agreement changes (recommended by Councilmember Knutzen) with Cornwall Housing.

COUNCIL ACTION:

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

133
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<th>Originating Department:</th>
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<tr>
<td>Contract Administrator:</td>
<td>Gail deHoog</td>
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<tr>
<td>Contractor's / Agency Name:</td>
<td>Cornwall Housing LLC</td>
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**Is this a New Contract?**
Yes _X_ No ___  
If not, is this an Amendment or Renewal to an Existing Contract?
Yes ___ No ___  
If yes, previous number(s): ____________

**Is this a grant agreement?**
Yes ___ No _X_  
If yes, grantor agency contract number(s) ________________  
CFDA number ________________

**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?**
No _X_ Yes ___  
If no, include Attachment D Contractor Declaration Form  
If yes, indicate qualified exclusion(s) below:
___ Contract less than $100,000.  
___ Professional services agreement for certified/licensed professional  
___ Work is for less than 120 days  
___ Contract for Commercial off the shelf items (COTS)  
___ Interlocal Agreement (between Govt.)  
___ Public Works Dept. - Local Agency/Federally Funded FHWA

**Contract Amount:** (sum of orig contract amt and any prior amendments)
$ 300,000 ____________  
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]

The purpose of this loan is to provide support for building a permanent supportive housing rental complex on the 1100 block of Cornwall Avenue. Loan funds will be used to pay construction-related fees associated with the project. This loan will ensure that 22 units of the planned 42 rental units are dedicated to housing Whatcom County residents who are struggling with homelessness due to serious mental illness and/or addiction. On-site behavioral health services will provide support to the recovery efforts of the residents living in the 22 units dedicated to individuals living with serious mental illness and/or addiction.

**Term of Contract:** 40 Years from Signing  
Expiration Date: 12/31/2054

**Contract Routing Steps & Signoff: [sign or initial] [indicate date transmitted]**
1. Prepared by: [pj]  
   Date [3/21/13] [electronic]
2. Attorney reviewed: ELG  
   Date [4/4/13] [electronic]
3. AS Finance reviewed: [electronic]  
   Date [5/24/13] [electronic]  
   Date [hard copy printed]
4. IT reviewed if IT related
5. Corrections made:  
6. Attorney signoff: [pj]  
   Date
7. Contractor signed:  
   Date [summary via electronic; hardcopies]
8. Submitted to Exec Office  
9. Council approved (if necessary)  
10. Executive signed:  
11. Contractor Original Returned to dept;  
12. County Original to Council  
   Date
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Regina A. Delahunt, Director
RE: Cornwall Housing LLC, Cornwall Project Loan
DATE: May 23, 2013

Enclosed are two (2) originals of a loan agreement and supporting documents between Cornwall Housing LLC and Whatcom County for your review and signature.

- **Background and Purpose**

  On June 19, 2012, County Council voted to commit $550,000 for the Catholic Housing Services Cornwall Permanent Supportive Housing Project. Since that time, CHS has reduced their request for participation in this project to $300,000 and changed their request to a loan rather than a grant. The project has broad community support from the City of Bellingham, the Whatcom Housing Advisory Committee, and the Whatcom County Coalition to End Homelessness. The Behavioral Health Revenue Advisory Committee (BHRAC) also recommended support of this project. This local support allows Catholic Housing Services to secure the bulk of the funding for the $9 million project from the Washington State Housing Trust Fund and Low Income Housing Tax Credit investments.

  This loan will be used to pay construction-related fees associated with the project. This agreement ensures that a majority (22) of the planned 42 rental units are dedicated to housing Whatcom County residents who are struggling with homelessness due to serious mental illness and/or addiction. During the 40 year term of the loan, a program of on-site case management and behavioral health services will support the recovery efforts of the residents living in the 22 units dedicated to formerly homeless individuals.

  This matter was presented at the 4/23/13 Council meeting. At that meeting Council suggested that the loan documents be revised to include assurances and financial penalties related to ongoing management of the facility. CHS is not able to make the requested revisions to the loan documents as explained in the attached letter from Rob Van Tassell, VP of CHS. However, similar provisions are included in a proposed Memorandum of Agreement between the County and Catholic Housing Services included in the packet. The MOA establishes a standing subcommittee of the existing Whatcom County Homeless Coalition Steering Committee, the "Supportive Housing Advisory Committee", to include housing and social service agencies, the Health Department and neighboring business representatives. The MOA outlines County oversight, CHS commitments, and how the parties will work together to ensure that supportive
May 21, 2013

Whatcom County Executive Louws
Whatcom County Council
311 Grand Ave.
Bellingham, WA 98225

Dear Elected officials,

I wish to express my gratitude to the County for considering to participate in the funding of our proposal to construct new apartments serving homeless Whatcom County residents. The intention of this facility, at the 1100 block of Cornwall Ave in downtown Bellingham, is to reduce the impact of homelessness on emergency services and create a space for people to improve their lives and regain health and live a life of active community participation and citizenship.

We undertook this effort at the behest of the Whatcom County Coalition to End Homelessness, the support of a great number of Whatcom County and Bellingham service agencies and, local, state and federal priorities that support such a facility and it’s goals and proposed outcomes. We also understand that there is some opposition to these efforts and we are willing to work with the opposition to determine the best possible methods to create good neighborhood relations and solid improvements to the neighborhood.

Unfortunately, we are not able to accept the proposed stringent loan recapture or other financial penalties within the real estate contract associated with the $300,000 loan we are requesting from the county. This is not because we are unwilling to commit to clear performance goals at the facility; rather other funding sources that provide the larger portion of the facility’s costs will not allow such language in a contract as it impacts the property so severely and threatens the security of their investment.

However, we are willing to enter into a Memorandum of Agreement (MOA) with the County Health Department that is designed to create good neighborhood relations and promote accountability among all parties associated with the project. To this end, we have begun work with County staff and Executive Louws to create the attached MOA. We are hopeful that this MOA will go beyond creating good community relations; moreover it will also ensure that the County and its citizens can expect only the best performance from this well designed and much needed facility.

Thank you for your consideration,

Rob Van Tassel
VP, Catholic Housing Services of Western Washington
MEMORANDUM OF AGREEMENT

BETWEEN

Whatcom County
AND
Archdiocesan Housing Authority
dba Catholic Housing Services

Whatcom County, hereinafter referred to as County, and the Archdiocesan Housing Authority, dba Catholic Housing Services, hereinafter referred to as CHS, enter into this agreement for the purpose of establishing oversight of the permanent housing apartment building to be located at 1122 Cornwall Avenue in downtown Bellingham.

The County administers human services programs that provide housing support, behavioral health treatment, and recovery-oriented systems of care. Residents of the Cornwall apartments will likely receive some of these services, or those provided by the County’s partner agencies.

Catholic Community Services (CCS) owns the property at 1122 Cornwall Avenue in Bellingham. The Archdiocesan Housing Authority, dba Catholic Housing Services (CHS) will be the manager of Cornwall Housing and is a non-profit organization that provides housing and supportive services for low-income and formerly homeless residents.

In response to requests from the Whatcom County Coalition to End Homelessness, and the stated goals in Whatcom County’s Ten-Year Plan to End Homelessness, CHS has stepped forward to work collaboratively with a large number of social service agencies and government entities to create a permanent supportive housing apartment facility that will utilize “Housing First” principles. The intention of this facility is to improve the Bellingham community by reducing the impact of homelessness on emergency services and creating a home for these homeless individuals to improve their lives and begin the process of regaining a life of active participation and citizenship within society.

All parties share a common desire to:
- Provide appropriate housing for a highly vulnerable group of individuals;
- Create a peaceful, safe, and beautiful neighborhood;
- Maintain a strong retail environment;
- Share open and honest communication;
- Help each other address concerns and solve problems;
- Offer public service for the benefit of the neighborhood.

In order to accomplish these goals, the parties agree to commitments described in this agreement.
THE COUNTY WILL
A. Work with the Whatcom County Homeless Coalition Steering Committee to establish a standing sub-committee, hereinafter referred to as the “Supportive Housing Advisory Committee (SHAC),” for the purpose of providing oversight and expertise to Supportive Housing Facilities. The Cornwall facility will be included as one of the facilities addressed by this sub-committee.
1. Organize, develop agendas, convene and facilitate the SHAC
2. Set a regular meeting schedule that accommodates the members’ attendance
3. Assist with collaborative communication among all parties
4. Open meetings to the public and allow designated time for public input
5. Ensure that all SHAC members are treated with respect and have the opportunity for candid communication
6. Develop with the SHAC “Block Watch” programs where appropriate
7. Draft a charter that outlines the role of the committee in relation to the Supportive Housing Facilities, with specific mechanisms for timely communication and action
8. SHAC members will include the following representatives
   a. 1 - Whatcom County Health Department representative
   b. 1 - CHS representative
   c. 1- SUN Community Services representative
   d. 1- Pioneer Human Services representative
   e. 1 - City of Bellingham representative
   f. 1 - Whatcom Homeless Service Center representative
   g. 2 - Social Service agency representatives, to be named by County
   h. 1 - Downtown Bellingham Partnership (DBP) representative
   i. 3 - Neighboring business owners
B. Perform regular visits to Supportive Housing Facilities to monitor outside and inside cleanliness, tenant behavior, general operations and conditions of the building
C. Work with the SHAC, Supportive Housing Facilities, and their partner agencies to resolve concerns at the earliest opportunity, especially those related to safety of tenants and downtown neighbors
D. Work with the SHAC and Supportive Housing Facilities to develop “House Rules” that promote good behavior and preserve the individual rights and freedoms of all residents
E. Perform regular check-ins with business neighbors during the first year of any new Supportive Housing Facility and solicit feedback and recommendations for improvements, and then report to the SHAC
F. Work with Social Service agencies who serve the residents to ensure that problematic tenant behavior is addressed in a timely and effective manner.

CHS WILL
A. Address property and safety issues with a goal of preserving well-maintained and attractive grounds and building, and an immediate neighborhood that is safe
   1. Provide a designated contact number and/or email to the SHAC and the neighborhood
   2. Ensure access to the living units will be controlled and monitored by on-site staff
   3. Have staff on-site 24/7/365 and available to neighbors for consultation if needed
4. Meet no less than once monthly with agencies providing case management services to residents to ensure regular communication and collaboration, and to design effective responses to residents’ problems
5. Not accept residents with histories of arson, sexual predation, or serious violence
6. Maintain the building and grounds in good condition, and promptly make any repairs needed
7. Keep the building and grounds clean and neat in appearance
8. Maintain a well-lighted facility and grounds
9. Where possible, install and maintain attractive trees, gardens, and other landscaping that contribute to the beauty of the neighborhood
10. Conceal graffiti within 48 hours after immediately informing the Bellingham Police Department
11. Encourage residents and staff to become involved in volunteer efforts to help clean and improve the neighborhood’s public spaces
12. Abide by and fully comply with all laws and regulations that govern activities and building codes at this location
13. Work with the City of Bellingham to provide all required parking
14. Actively discourage loitering, panhandling, littering, smoking and other disturbing behaviors around Cornwall Housing and surrounding properties
15. Respond to all concerns that involve an emergency (defined as a grave or imminent risk to the health or safety of any person) by immediately calling 911, mental health crisis line (if appropriate), and the supervisor on-call
16. Respond to all other concerns in a timely manner.

B. Promote tenant and staff good conduct and behavior with the goal of contributing to the peaceful enjoyment of life in the community, demonstrated by respectful and cooperative actions
   1. Create and enforce lease and house rules that encourage respect for others and prescribe lawful behavior for residents and guests
   2. Prohibit loud music and loud or offensive language in public
   3. Prohibit all firearms on the premises
   4. Investigate and respond promptly, as indicated above, to all concerns about resident behavior expressed by neighbors or other community members.
   5. Investigate and respond promptly, as indicated above, to all concerns about neighbor’s behavior expressed by residents.

C. Promote active communication with the County and neighboring community with a goal of developing and maintaining positive relationships
   1. Actively participate in the SHAC
   2. Document and report to SHAC positive outcomes from the Cornwall Housing program annually, including housing stability, employment, educational, volunteer, and accomplishments, in aggregate data
   3. Respond promptly to all concerns expressed by neighbors or community members regarding residents or by residents regarding neighbors or community members, using the following procedure:
      a. Staff taking such a call will determine if it is an emergency (defined as a grave or imminent threat to the health or safety of any person), in which case 911 will be contacted, along with the supervisor on-call and any appropriate crisis assistance lines
      b. Staff will address the concern directly and as soon as possible if appropriate
c. Staff will engage the services of the resident's Case Manager as soon as possible if it is more appropriate

d. Staff will contact a supervisor within 24 hours to discuss the concern

e. The supervisor will review the issue and gather additional information as needed to form a plan designed to resolve the concern. These plans will comply with landlord tenant laws and all other laws

f. The supervisor will make follow-up contact with the original caller and other parties involved as necessary and advise all parties of the plan and/or current status of investigation to resolve issue, within the ethical and legal boundaries of confidentiality

4. Notify neighbors, residents and others at least annually of procedures for raising issues and concerns which describe contact persons and resolution process

5. Document all complaints and concerns, including responses to problems and outcomes of responses, and provide a summary report to the SHAC, in aggregate data annually

6. Notify the SHAC in advance of major changes proposed to the program or facility.

Changes to Agreement
This agreement may be only be changed or modified by mutual agreement of the County and CHS.

Resolving Concerns not otherwise addressed
For issues not covered by this agreement that may have a direct impact on the neighborhood, the County will request a remedy directly from CHS. If the issue and its resolution are significant, the County may consider an amendment to this agreement to cover the situation.

CHS will make every effort to resolve concerns in a timely manner. If the County is unable to secure a plan for resolution of a specific and identifiable concern from CHS within 30 days, the SHAC will be convened to address options for resolution.

If no resolution is obtained, the County will reevaluate its support to the programs and services at the facility, and consider modifications. The County assumes through this agreement a good faith partnership with CHS and intends to preserve to the greatest extent possible the goals stated herein for the facility.

AGREED:

Whatcom County Executive _______________________________ Signature _______________________________ Date

Archdiocesan Housing Authority
dba Catholic Housing Services _______________________________ Signature _______________________________ Date

County CHS MOA June 2013
LOAN AGREEMENT

Whatcom County Chemical Dependency/Mental Health Program Fund

Cornwall Housing

THIS LOAN AGREEMENT (this "Agreement") made as of _____________, 2013 and is by and between CORNWALL HOUSING LLC, a Washington limited liability company (the "Borrower"), and WHATCOM COUNTY, a municipal corporation and a political subdivision of the State of Washington (the "County").

PART I: INTRODUCTION

A. Sales and use taxes are collected in and for the County under authority of RCW 82.14.460 and Whatcom County Code 3.37.010 for the purpose of financing chemical dependency or mental health treatment programs and services in the County, and the proceeds are deposited in the Whatcom County Chemical Dependency/Mental Health Program Fund.

B. State statute, RCW 82.14.460, referenced in County Code 3.37, allows for funding of housing when it is a "component of a coordinated chemical dependency or mental health treatment program or service".

C. The Behavioral Health Revenue Advisory Committee (BHRAC) advises the County on program and service priorities that should be funded with the Chemical Dependency/Mental Health Program Fund. BHRAC has also recommended that a portion of this fund should be dedicated to housing support, recognizing that stable housing is essential to recovery.

D. Borrower is the tenant under the Lease Agreement with Catholic Community Services of Western Washington, a Washington nonprofit corporation, as landlord ("CCS"), for the property located at 1100 Cornwall, Bellingham, Washington (the "Property"). Borrower intends to develop the Property to be permanent supportive housing for formerly homeless individuals and small families.

E. Pursuant to the terms of this Agreement and the Promissory Note, Leasehold Deed of Trust, dated the same date as this Agreement, made by Borrower in favor of the County, the County has agreed to loan Borrower $300,000.00 (the "Loan"). The proceeds of the Loan will be applied solely to costs associated with investigating the Property, permitting, attorney fees, architectural fees, engineering fees, and other soft costs. None of the proceeds of the Loan shall be used for construction costs or expenses.

F. As consideration for the Loan, the Borrower has agreed to comply with the Covenant (as defined below), which requires that twenty two (22) (the "County Units") of the 42 rental units in the Property will be dedicated to housing Whatcom County residents who are struggling with homelessness due to mental illness and/or chemical addiction. On-site residential support and/or counseling services will be available 24 hours daily/365 days per year to the residents of the
County Units. These services will provide residential behavioral health programming focused on promoting the recovery efforts of the residents of the County Units. The County Units must be used to house Whatcom County residents who are struggling with homelessness due to mental illness and/or chemical addiction in a coordinated chemical dependency or mental health treatment program for the Commitment Period (as defined below).

PART II: BASIC LOAN TERMS AND CONDITIONS

2.01 Amount, Interest and Maturity

A. The Loan is in the amount of Three Hundred Thousand and 00/100 Dollars ($300,000.00).

B. The entire balance of the Loan will be due on December 31, 2054 (the “Maturity Date”).

C. No interest will be charged on the Loan, except in the Event of Default (as defined in the Note and Covenant).

D. No payments will be due until the Maturity Date.

2.02 Security

A. Promissory Note and Deed of Trust

The Loan will be evidenced by a promissory note (the “Note”) and secured by a leasehold deed of trust in favor of the County (the “Deed of Trust”), which will encumber Borrower’s leasehold interest in the Property. The Deed of Trust shall be recorded in Whatcom County, Washington. The original Note shall be returned to the County.

B. Title Insurance

The Borrower shall purchase an extended coverage lender’s policy of title insurance insuring the lien position of the Deed of Trust in an amount not less than $300,000.

C. Covenant Running with the Land

The Borrower shall cause to be recorded a covenant running with the land (the “Covenant”) limiting the use of the Property as set forth in Section 2.03 below.

D. Cross Default

The County has not and will not cross default or cross collateralize the Loan made hereunder with any other loan or award.
2.03 **Target Population and Commitment Period**

The Borrower shall house Whatcom County residents who are struggling with homelessness due to mental illness and/or chemical addiction in the County Units. Borrower’s commitment to house Whatcom County residents who are struggling with homelessness due to mental illness and/or addiction in the County Units will commence on the date the Property is first occupied and end on December 31, 2054 (the “Commitment Period”).

All County Units will be considered “floating units”, meaning that units originally designated as County Units may change over time. During the Commitment Period, the number of County Units in the Project shall never be less than twenty-two (22) units.

The Borrower shall make available on-site residential support and/or counseling services to the residents of the County Units 24 hours daily/365 days per year. Upon the County’s reasonable prior request, the Borrower shall provide evidence to the County that such services or an agreement to provide such services is currently in place with an appropriate provider.

2.04 **Final Contract Close Out**

Upon the expiration of the Commitment Period and payment in full of the Note, the Deed of Trust recorded against the Borrower’s leasehold interest in the Property shall be reconveyed, the County shall mark the Note “Paid in Full” and return the same to the Borrower, and the parties shall terminate the Covenant by written agreement and record a copy of such termination in the Whatcom County real property records. This Agreement will automatically terminate upon the latest to occur of (a) the expiration of the Commitment Period, (b) the reconveyance of the Deed of Trust, or (c) the termination of the Covenant.

**PART III: PROGRAM TERMS AND CONDITIONS**

3.01 **Non-Recourse**

Notwithstanding anything to the contrary herein, the Borrower, its assigns and their respective members, partners, officers, directors, employees, agents and contractors shall have no personal liability for payment of the indebtedness evidenced by the Note or performance of the covenants set forth in the Note, in the Deed of Trust or in this Agreement, and the sole recourse of the County shall be confined to the exercise of its rights under the Deed of Trust.

3.02 **Insurance**

The County shall be specifically named as a lender loss payee on all policies, and all policies shall be primary to any other valid and collectable insurance.

3.03 **Nondiscrimination**
The Borrower shall make the Project facilities available to the public in a manner that assures fair, equal, and non-discriminatory treatment to all persons without regard to race, creed, color, national origin, sex, honorable discharged veteran or military status, sexual orientation; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a person with a disability. No personnel shall be refused service, be given discriminatory treatment, be denied any privilege, use of facilities, or participation in activities on account of race, creed, color, national origin, sex, honorable discharged veteran or military status, sexual orientation; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a person with a disability, nor shall any person be required to participate in any religious worship, exercise, or instruction. The funds provided under this Agreement shall not be used to fund religious worship, exercise, or instruction.

**PART IV: MISCELLANEOUS**

**4.01 Construction**

All terms and provisions in this Agreement, as well as the attachments, shall be construed in accordance with their ordinary and customary meaning.

**4.02 Entire Agreement**

This Agreement, the Note, the Covenant, and the Deed of Trust represent all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

**4.03 Conformance**

If any provision of this Agreement violates any statute or rule of law of the State of Washington, it is considered modified to conform to that statute or rule of law.

**4.04 Assignment**

The Borrower shall not assign its rights or obligations under this Agreement, the Note, the Deed of Trust, or the Covenant (collectively, the “Loan Documents”) without the County’s prior written consent. The County hereby consents to the Borrower’s assignment of all of its rights under the Loan Documents to the Archdiocesan Housing Authority, a Washington nonprofit corporation (“AHA”), or CCS or a nonprofit affiliate of either AHA or CCS provided that such assignee assumes all of Borrower’s obligations under the Loan Documents.

**4.05 Notice**

All notices given hereunder shall be in writing, shall be hand delivered or sent by overnight courier or by certified mail, return receipt requested, postage prepaid, addressed as follows:

If to the Borrower: Cornwall Housing LLC  
c/o Catholic Housing Services of Western Washington
100 23rd Avenue South,
Seattle, WA, 98122

If to the County: Whatcom County Health Department
Business Office
509 Girard Street
Bellingham, WA 98225

Any such notice shall be deemed effective when hand delivered, or one day after timely delivery to an overnight courier for next day delivery (as evidenced by a receipt from the overnight courier), or three days after notice is deposited with the U.S. Postal Service.

[Signatures on Following Page]
This Loan Agreement is executed by the persons signing below who warrant that they have the authority to execute this Loan Agreement on the day and year first written above.

BORROWER:

CORNWALL HOUSING LLC,
a Washington limited liability company

By: Archdiocesan Housing Authority, a Washington nonprofit corporation, dba Catholic Housing Services of Western Washington, its managing member

By: [Signature]
John Hickman, Vice President

STATE OF WASHINGTON  )
COUNTY OF [Signature]  ) ss.

I certify that I know or have satisfactory evidence that John Hickman is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Vice President of Archdiocesan Housing Authority dba Catholic Housing Services of Western Washington, in its capacity as the managing member of Cornwall Housing LLC, to be the free and voluntary act and deed of such company for the uses and purposes mentioned in the instrument.

Date: April 5, 2013

[Signature]
Notary Public in and for the state of Washington, residing at Seattle, WA

My commission expires 1/8/2015

[Signature]
Print Name
COUNTY:

DEPARTMENT APPROVAL

Anne Deacon, Human Services Manager  
4/18/13  
Date

Regina Delahunt, Director, Health Department  
4/9/13  
Date

WHATCOM COUNTY

JACK LOUWS  
County Executive

STATE OF WASHINGTON  
)  
COUNTY OF WHATCOM  
)

On this ______ day of __________________, 2013, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County and 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 Bellingham.

My Commission expires:_________________

APPROVED AS TO FORM

Elizabeth L. Gallery, Deputy Prosecuting Attorney  
Date 4/10/13
Contract for Services Agreement for benefit consultant for the self-insured medical program – Kibble & Prentice, a USI Company

1. Memorandum to Executive Louws
2. Contract for Services Agreement with Kibble & Prentice

This agreement is for benefit consultation services for the County’s self-insured medical program.
Enclosed are two (2) originals of a Contract for Services for benefits consulting between Whatcom County and Kibble & Prentice for your review and signature.

**Background and Purpose**
While Whatcom County administers key elements of the self-insured medical plan in-house, we require outside expertise to monitor claims data, analyze benefit options, provide actuarially-sound plan pricing, bid for competitive stop loss coverage, and educate employees on new plan options. Martin “Marty” Andrews of Kibble & Prentice was unanimously recommended following a Request for Qualifications process to continue providing these services. This firm has demonstrated performance from a high quality, County-focused team, has experience and knowledge of our program, and has offered reasonable pricing. Continuing with Kibble & Prentice as benefits consultant will lend continuity for our self-insured health plan as we go out to bid for third party administrator and now join other large employers in offering multiple plan choices to our employees. The agreement before you would commence January 1, 2014 and run through December 31, 2016 with a renewal option of up to three more years.

**Funding Amount and Source**
The self-insured medical program is funded through contributions collected internally from departments per eligible employee. The budgeted plan cost in 2014 is $6,436,636. Consultant costs will be $45,000 in 2014; $46,500 in 2015; and $48,000 in 2016. Starting in 2015, more extensive data analysis through predictive modeling tools will be included in the price.

**Differences from Previous Agreement**
This service agreement continues previous services and adds predictive modeling and more extensive employee communications.

Please contact me at extension 50550 if you have any questions or concerns regarding the terms of this agreement.
# WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Contract Administrator:</th>
<th>Karen S. Goens, HR Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>Kibble &amp; Prentice, a USI Company</td>
</tr>
</tbody>
</table>

- **Is this a New Contract?** Yes \( X \) No ___
- **If yes, previous number(s):**
- **Is this a grant agreement?** Yes ___ No \( X \)
- **CFDA number:**
- **Is this contract grant funded?** Yes ___ No \( X \)
- **Is this contract the result of a RFP or Bid process?** Yes \( X \) No ___
- **Contract number(s):** 13-34
- **Cost Center:** 507340
- **Is this contract excluded from E-Verify?** No ___ Yes \( X \)

- **Contract Amount:** (sum of orig contract amt and any prior amendments)
  - $45,000 in 2014
  - $46,500 in 2015
  - $48,000 in 2016
- **This Amendment Amount:** $___
- **Total Amended Amount:** $___

**Scope of Services:**

- Provide benefit consultation services for the County’s self-insured medical program

**Term of Contract:** 3 yrs + up to 3 yr renewal | **Expiration Date:** December 31, 2016

**Contract Routing Steps & Signoff:**

1. Prepared by: KSGoens
2. Attorney reviewed: **Daniel L. Gibson**
3. AS Finance reviewed: **[Signature]**
4. IT reviewed if IT related:
5. Corrections made:
6. Attorney signoff: **Daniel L. Gibson**
7. Contractor signed: \( X \)
8. Submitted to Exec Office: \( X \)
9. Reviewed by DCA
10. Council approved (if necessary)
11. Executive signed:
12. Contractor Original Returned to dept:
13. County Original to Council

**Date 05/09/2013** [transmitted]
COUNTY ORIGINAL

CONTRACT FOR SERVICES
Benefits Consultant – Self-Insured Medical Program

Kibble & Prentice, a USI Company, hereinafter called Contractor, and Whatcom County, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 8,
Exhibit A (Scope of Work), p. 9,
Exhibit B (Compensation), p. 10,
Exhibit C (Certificate of Insurance), p. 11,
Exhibit D (Business Associate Agreement), pp. 12 to 16.

Copies of these items are attached hereto and incorporated herein by this reference as if fully set forth herein.

The term of this Agreement shall commence on the 1st day of January, 2014, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2016.

The general purpose or objective of this Agreement is to provide benefit consultation for the County’s self-insured medical plan as more fully and definitively described in Exhibit A hereto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed $45,000 for 2014; $46,500 for 2015; $48,000 for 2016. The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

Contractor acknowledges and by signing this contract agrees that the indemnification provisions set forth in Paragraphs 11.1, 21.1, 30.1, 31.2, 32.1, 34.2, and 34.3, if included, are totally and fully part of this contract and have been mutually negotiated by the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement this 15th day of May, 2013.

CONTRACTOR:

Kibble & Prentice, a USI Company

[Signature]

Todd C. McMahon, CCO/SVP

STATE OF WASHINGTON
COUNTY OF KING

On this 15th day of May, 2013, before me personally appeared Todd C. McMahon to me known to be the CCO/SVP of Kibble & Prentice and who executed the above instrument and who acknowledged to me the act of signing, and sealing thereof.

[Signature]

HEATHER L. ROBERTS
Commissioner

COMMISIONER OF PUBLIC

NOTARY PUBLIC in and for the State of Washington, residing at

My commission expires 10/11/15.

Contract for Services
WHATCOM COUNTY:
Recommended for Approval:

[Signature] 5/20/2013
Karen S. Goens, Human Resources Manager  Date

Approved as to form:

Daniel L. Gibson, Chief Civil Deputy Prosecutor  Date

Approved:
Accepted for Whatcom County:

By: __________________________
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON  }
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 ________________.

CONTRACTOR INFORMATION:

KIBBLE & PRENTICE, a USI Company

Martin (Marty) Andrews, Senior Vice President, Employee Benefits
Stacey Thomas, Account Manager, Employee Benefits
Lara Jones, Benefit Analyst

Address:
601 Union Street – Suite 1000
Seattle, WA 98101-4084

Mailing Address: SAME

Contact Name: Marty Andrews
Contact Phone: (206) 676-5672
Contact FAX: (206) 577-5956
Contact Email: marty.andrews@kpcm.com

Contract for Services

v 1.0
GENERAL CONDITIONS

Series 00-09: Provisions Related to Scope and Nature of Services

0.1 Scope of Services:
The Contractor agrees to provide to the County services and any materials as set forth in the project narrative identified as Exhibit "A", during the agreement period. No material, labor, or facilities will be furnished by the County, unless otherwise provided for in the Agreement.

Series 10-19: Provisions Related to Term and Termination

10.1 Term:
Services provided by Contractor prior to or after the term of this contract shall be performed at the expense of Contractor 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.

10.2 Extension:
The duration of this Agreement may be extended by mutual written consent of the parties, for a period of up to three years, and for a total of no longer than six years from the inception of the contract.

11.1 Termination for Default:
If the Contractor defaults by failing to perform any of the obligations of the contract or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the County may, by depositing written notice to the Contractor in the U.S. mail, first class postage prepaid, terminate the contract, and at the County's option, obtain performance of the work elsewhere. Termination shall be effective upon Contractor's receipt of the written notice, or within three (3) days of the mailing of the notice, whichever occurs first. If the contract is terminated for default, the Contractor shall not be entitled to receive any further payments under the contract until all work called for has been fully performed. Any extra cost or damage to the County resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor shall bear any extra expenses incurred by the County in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the County by reason of such default.

11.2 Termination for Reduction in Funding:
In the event that funding from State, Federal or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement, and prior to its normal completion, the County may summarily terminate this Agreement as to the funds withdrawn, reduced, or limited, notwithstanding any other termination provisions of this Agreement. If the level of funding withdrawn, reduced or limited is so great that the County deems that the continuation of the programs covered by this Agreement is no longer in the best interest of the County, the County may summarily terminate this Agreement in whole, notwithstanding any other termination provisions of this Agreement. Termination under this section shall be effective upon receipt of written notice as specified herein, or within three days of the mailing of the notice, whichever occurs first.

11.3 Termination for Public Convenience:
The County may terminate the Agreement in whole or in part whenever the County determines, in its sole discretion, that such termination is in the interests of the County. Whenever the Agreement is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed at unit contract prices for completed items of work. An equitable adjustment in the contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this Agreement by the County at any time during the term, whether for default or convenience, shall not constitute breach of contract by the County.

Series 20-29: Provisions Related to Consideration and Payments

20.1 Accounting and Payment for Contractor Services:
Payment to the Contractor for services rendered under this Agreement shall be as set forth in Exhibit "B." Where Exhibit "B" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhibit "B," by documentation of units of work actually performed and amounts earned, including, where appropriate, the actual number of days worked each month, total number of hours for the month, and the total dollar payment requested, so as to comply with municipal auditing requirements.
Unless specifically stated in Exhibit "B" 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 Contractor for any costs or expenses incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the County's customary procedures, pursuant to the fee schedule set forth in Exhibit "B."

21.1 Taxes:
The Contractor understands and acknowledges that the County will not withhold Federal or State income taxes. Where required by State or Federal law, the Contractor authorizes the County to withhold for any taxes other than income taxes (i.e., Medicare). All compensation received by the Contractor will be reported to the Internal Revenue Service at the end of the calendar year in accordance with the applicable IRS regulations. It is the responsibility of the Contractor to make the necessary estimated tax payments throughout the year, if any, and the Contractor is solely liable for any tax obligation arising from the Contractor's performance of this Agreement. The Contractor hereby agrees to indemnify the County against any demand to pay taxes arising from the Contractor's failure to pay taxes on compensation earned pursuant to this Agreement.

The County will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Contractor must pay all other taxes, including, but not limited to, Business and Occupation Tax, taxes based on the Contractor's gross or net income, or personal property to which the County does not hold title. The County is exempt from Federal Excise Tax.

22.1 Withholding Payment:
In the event the County's Administrative Officer determines that the Contractor has failed to perform any obligation under this Agreement within the times set forth in this Agreement, then the County may withhold from amounts otherwise due and payable to Contractor the amount determined by the County as necessary to cure the default, until the Administrative Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to termination or damages, provided that the County promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than 10 days after it determines to withhold amounts otherwise due. A determination of the Administrative Officer set forth in a notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provisions of the Disputes clause of this Agreement. The County may act in accordance with any determination of the Administrative Officer which has become conclusive under this clause, without prejudice to any other remedy under the Agreement, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount so paid or incurred from amounts due or to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Contractor by reason of good faith withholding by the County under this clause.

23.1 Labor Standards:
The Contractor agrees to comply with all applicable state and federal requirements, including but not limited to those pertaining to payment of wages and working conditions, in accordance with RCW 39.12.040, the Prevailing Wage Act; the Americans with Disabilities Act of 1990; the Davis-Bacon Act; and the Contract Work Hours and Safety Standards Act providing for weekly payment of prevailing wages, minimum overtime pay, and providing that no laborer or mechanic shall be required to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous to health and safety as determined by regulations promulgated by the Federal Secretary of Labor and the State of Washington.

Series 30-39: Provisions Related to Administration of Agreement

30.1 Independent Contractor:
The Contractor's services shall be furnished by the Contractor as an independent contractor, and nothing herein contained shall be construed to create a relationship of employer-employee or master-servant, but all payments made hereunder and all services performed shall be made and performed pursuant to this Agreement by the Contractor as an independent contractor.

The Contractor acknowledges that the entire compensation for this Agreement is specified in Exhibit "B" and the Contractor is not entitled to any benefits including, but not limited to: vacation pay, holiday pay, sick leave pay, medical, dental, or other insurance benefits, or any other rights or privileges afforded to employees of the County. The Contractor represents that he/she/it maintains a separate place of business, serves clients other than the County, will report all income and expense accrued under this contract to the Internal Revenue Service, and has a tax account with the State of Washington Department of Revenue for payment of all sales and use and Business and Occupation taxes collected by the State of Washington.
Contractor will defend, indemnify and hold harmless the County, its officers, agents or employees from any loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees or costs incurred by reason of claims or demands because of breach of the provisions of this paragraph.

30.2 Assignment and Subcontracting:
The performance of all activities contemplated by this agreement shall be accomplished by the Contractor. No portion of this contract may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the County.

30.3 No Guarantee of Employment:
The performance of all or part of this contract by the Contractor shall not operate to vest any employment rights whatsoever and shall not be deemed to guarantee any employment of the Contractor or any employee of the Contractor or any subcontractor or any employee of any subcontractor by the County at the present time or in the future.

31.1 Ownership of Items Produced:
All writings, programs, data, public records or other materials prepared by the Contractor and/or its consultants or subcontractors, in connection with performance of this Agreement, shall be the sole and absolute property of the County.

31.1 Ownership of Items Produced:
When the Contractor creates any copyrightable materials or invents any patentable property, the Contractor may copyright or patent the same, but the County retains a royalty-free, nonexclusive and irrevocable license to reproduce, publish, recover, or otherwise use the materials or property and to authorize other governments to use the same for state or local governmental purposes. Contractor further agrees to make research, notes, and other work products produced in the performance of this Agreement available to the County upon request.

31.2 Patent/Copyright Infringement: Not Applicable

32.1 Confidentiality:
The Contractor, its employees, subcontractors, and their employees shall maintain the confidentiality of all information provided by the County or acquired by the Contractor in performance of this Agreement, except upon the prior written consent of the County or an order entered by a court after having acquired jurisdiction over the County. Contractor shall immediately give to the County notice of any judicial proceeding seeking disclosure of such information. Contractor shall indemnify and hold harmless the County, its officials, agents or employees from all loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees and costs resulting from Contractor's breach of this provision.

33.1 Right to Review:
This contract is subject to review by any Federal, State or County auditor. The County or its designee shall have the right to review and monitor the financial and service components of this program by whatever means are deemed expedient by the Administrative Officer or by the County Auditor's Office. Such review may occur with or without notice and may include, but is not limited to, on-site inspection by County agents or employees, inspection of all records or other materials which the County deems pertinent to the Agreement and its performance, and any and all communications with or evaluations by service recipients under this Agreement. The Contractor shall preserve and maintain all financial records and records relating to the performance of work under this Agreement for three (3) years after contract termination, and shall make them available for such review, within Whatcom County, State of Washington, upon request. Contractor also agrees to notify the Administrative Officer in advance of any inspections, audits, or program review by any individual, agency, or governmental unit whose purpose is to review the services provided within the terms of this Agreement. If no advance notice is given to the Contractor, then the Contractor agrees to notify the Administrative Officer as soon as it is practical.

34.1 Proof of Insurance:
The Contractor shall carry for the duration of this Agreement Professional Liability insurance with the following minimums:
$10million/Claim and $10million Aggregate. A Certificate of Insurance, that also identifies the County as an additional insured, is attached hereto as Exhibit "C". This insurance shall be considered as primary and shall waive all rights of subrogation. The County insurance shall be noncontributory.

34.2 Industrial Insurance Waiver: Not Applicable

34.3 Defense & Indemnity Agreement:
The Contractor agrees to defend, indemnify and save harmless the County, 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 the County, 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 the Contractor, its subcontractors, its successor or assigns, or its agents, servants, or employees, the County, its appointed or elected officers, employees or their agents, except only such injury or damage as shall have been occasioned by the sole negligence of the County or its appointed or elected officials or employees. In case of damages caused by the concurrent negligence of Contractor, its subcontractors, its successors or assigns, or its agents, servants, or employees, and the County, its appointed or elected officers, employees or their agents, then this indemnification provision is enforceable only to the extent of the negligence of the Contractor, its agents, or its employees.

It is further provided that no liability shall attach to the County by reason of entering into this contract, except as expressly provided herein. The parties specifically agree that this agreement is for the benefit of the parties only and this agreement shall create no rights in any third party.

35.1 Non-Discrimination in Employment:
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, disability, or veteran status. The Contractor 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.

Furthermore, in those cases in which the Contractor is governed by such laws, the Contractor 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 Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The foregoing provisions shall also be binding upon any subcontractor, provided that the foregoing provision shall not apply to contracts or subcontractors for standard commercial supplies or raw materials, or to sole proprietorships with no employees.

36.2 Non-Discrimination in Client Services: Not Applicable

36.1 Waiver of Noncompetition: Not Applicable

36.2 Conflict of Interest:
If at any time prior to commencement of, or during the term of this Agreement, Contractor 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 County's interest, then Contractor shall immediately notify the County of the same. The notification of the County shall be made with sufficient specificity to enable the County to make an informed judgment as to whether or not the County's interest may be compromised in any manner by the existence of the conflict, actual or potential. Thereafter, the County may require the Contractor to take reasonable steps to remove the conflict of interest. The County may also terminate this contract according to the provisions herein for termination.

37.1 Administration of Contract:
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 Contractor 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.

The County hereby appoints, and the Contractor 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. The Administrative Officer for purposes of this agreement is:

Karen S. Goens, Human Resources Manager
Administrative Services Department
311 Grand Avenue – Suite 107
Bellingham, WA 98225-4038
(360) 676-6802
kgoens@co.whatcom.wa.us
37.2 Notice:
Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to the County's Administrative Officer under this Agreement. Notice to the Contractor for all purposes under this Agreement shall be given to the address provided by the Contractor herein above in the "Contractor Information" section. Notice may be given by delivery or by depositing in the US Mail, first class, postage prepaid.

38.1 Certification of Public Works Contractor's Status under State Law: Not Applicable

38.2 Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions: Not Applicable

38.3 E-Verify: Not Applicable

Series 40-49: Provisions Related to Interpretation of Agreement and Resolution of Disputes

40.1 Modifications:
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.

40.2 Contractor Commitments, Warranties and Representations: Not Applicable

41.1 Severability:
If any term or condition of this contract or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this contract are declared severable.

41.2 Waiver:
Waiver of any breach or condition of this contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this contract shall be held to be waived, modified or deleted except by an instrument, in writing, signed by the parties hereto. The failure of the County to insist upon strict performance of any of the covenants and agreements of this Agreement, or to exercise any option herein conferred in any one or more instances, shall not be construed to be a waiver or relinquishment of any such, or any other covenants or agreements, but the same shall be and remain in full force and effect.

42.1 Disputes:

a. General:
Differences between the Contractor and the County, arising under and by virtue of the Contract 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 Administrative Officer shall be final and conclusive.

b. Notice of Potential Claims:
The Contractor 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 Contractor 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 Contractor 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. Contractor shall keep full and complete daily records of the work performed, labor and material used, and all costs and additional time claimed to be additional.

c. Detailed Claim:
The Contractor 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 Contractor 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. Arbitration: Not Applicable
43.1 **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.

44.1 **Survival:**
The provisions of paragraphs 11.1, 11.2, 11.3, 21.1, 22.1, 22.2, 30.1, 31.1, 31.2, 32.1, 33.1, 34.2, 34.3, 36.1, 40.2, 41.2, 42.1, and 43.1, if utilized, shall survive, notwithstanding the termination or invalidity of this Agreement for any reason.

45.1 **Entire Agreement:**
This written Agreement, comprised of the writings signed or otherwise identified and attached hereto, represents the entire Agreement between the parties and supersedes any prior oral statements, discussions or understandings between the parties.
EXHIBIT "A"
(SCOPE OF WORK)

Kibble & Prentice will perform consulting services including but not limited to the following analytics and strategy projects:

1. Regular monitoring and analysis of data from third party medical and prescription plan administrators.
2. Preparation of Quarterly Group Experience Reports and on-site visits to Whatcom County administrators to provide financial updates and to discuss marketplace and benefit trends.
3. Renewal Projections for coming plan year, including plan options and pricing based on an actuarially-sound basis (relative to one another) and using predictive modeling tools.
4. Development of "what if" recommendations for plan design changes if projected costs exceed contribution caps.
5. Consultation for third party administrator, network, pharmacy manager, and other benefits vendor selection.
6. Bidding and evaluation to obtain competitive rates and benefits for excess coverage and options.
7. Calculation of potential fee costs for Whatcom County with regard to the Patient Protection and Affordable Care Act.
8. Presentations and reports to the Medical Advisory Committee.
9. Implementation and delivery of employee communications and meetings about the Qualified High Deductible Health Plan and Health Savings Account and other medical plan choices.
10. Other incidental consultation, as needed.

Adjustments to projects contained within this Scope of Work may be made by mutual agreement between the Contractor and Contract Administrator.
EXHIBIT "B"
(COMPENSATION)

As consideration for services outlined in Exhibit "A" (Scope of Work), the County agrees to compensate the Contractor:

$45,000 in 2014
$46,500 in 2015
$48,000 in 2016

The County will make quarterly payments in four equal parts for services covered under the flat annual rate.
EXHIBIT "C"
(INSURANCE)

ACORD CERTIFICATE OF LIABILITY INSURANCE

Date: 12/25/2012

Client#: 463788

DEANWORM

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

Important: If the certificate holder is an additional insured, the policy(ies) must be endorsed. If subrogation is waived, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not convey rights to the certificate holder in lieu of each endorsement(s).

Producer:

Date:

Lynn Owen

Producer #: 214-643-3146

INSURER APPOINTING COMPANY: XL Specialty Insurance Company #37685

PRODUCER
1445 Ross Avenue
Suite 4200
Dallas, TX 75202

USES
Onex USI Holdings Corp.
USI Insurance Services LLC
555 Pleasantville Road
Branford Manor, NY 11718

COVERAGES CERTIFICATE NUMBER

Revisions:

REVISED TO CERTIFY THAT THE COVERAGES LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OF CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

LIMITS

PROFESSIONAL LIABILITY

ELU12847512

12/21/2012

12/31/2012

$10,000,000 per claim

$10,000,000 aggregate

DESCRIPTION OF EXCLUSIONS SHOWN:

EXCLUSIONS

CANCELLATION

Evidence of Coverage

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

J. W. Wagner

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DXVHD

Contract for Services


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v 1.0
EXHIBIT "D"
(BUSINESS ASSOCIATE AGREEMENT)

K&P has been retained by the Client ("Covered Entity") as its benefits consultant and will perform certain services on behalf of the Covered Entity, in its capacity as a broker, consultant or other service provider with respect to activities of the Covered Entity as a "group health plan" as defined in 45 C.F.R. § 160.103. In connection with the provision of such services by K&P, the Covered Entity may disclose to K&P certain Protected Health Information (as defined below), concerning the Covered Entity and its activities.

K&P and the Covered Entity desire to enter into a business associate agreement for the purpose of addressing the Privacy Rule, the Security Rule, and the Electronic Transaction Rule, (as those terms are defined below), and for addressing the privacy and security provisions set forth in the Health Information Technology for Economic and Clinical Health Act (the "HITECH Act"), contained in Title XIII, Subtitle D, of the American Recovery and Reinvestment Act of 2009. In consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, K&P and the Covered Entity agree as follows:

4.1. DEFINITIONS

4.1.1 "Agreement" shall mean this document, including all exhibits, attachments, and properly executed amendments and addendums.

4.1.2 "Breach" shall have the same meaning as the term "breach" in 45 C.F.R. § 164.402.

4.1.3 "Electronic Health Record" shall have the same meaning as the term "electronic protected health information" in § 13400(5) of the American Recovery and Reinvestment Act of 2009.

4.1.4 "Electronic Protected Health Information" shall have the same meaning as the term "electronic protected health information" in 45 C.F.R. § 160.103.

4.1.5 "Electronic Transaction Rule" shall mean the final regulations issued by the U.S. Department of Health and Human Services concerning standard transactions and code sets under 45 C.F.R. Parts 160 and 162.

4.1.6 "Individual" shall mean the person who is the subject of the Protected Health Information or a person who qualifies as the personal representative of the individual in accordance with 45 C.F.R. § 164.502(g).

4.1.7 "Privacy Rule" shall mean the Standards for Privacy of Individually Identifiable Health Information at 45 C.F.R. Part 160 and Part 164, Subparts A and E.

4.1.8 "Protected Health Information" shall mean any information that: (a) relates to the past, present, or future physical or mental health or condition of an Individual; (b) the provision of health care to an Individual; (c) or the past, present, or future payment for the provision of health care to an Individual; and that identifies the Individual or with respect to which there is a reasonable basis to believe the information can be used to identify the Individual.

4.1.9 "Required By Law" shall have the same meaning as the term "required by law" in 45 C.F.R. § 160.103.

4.1.10 "Secretary" shall mean the Secretary of the Department of Health and Human Services ("HHS") and any other officer or employee of HHS to whom authority has been delegated.

4.1.11 "Security Incident" shall have the same meaning as the term "security incident" in 45 C.F.R. § 160.103.


4.1.13 "Transaction" shall have the same meaning as the term "transaction" in 45 C.F.R. § 160.103.
4.1.14 "Unsecured Protected Health Information" shall have the same meaning as the term "unsecured protected health information" in 45 C.F.R. § 164.402.

4.2. SAFEGUARDING PRIVACY AND SECURITY OF PROTECTED HEALTH INFORMATION

4.2.1 Permitted Uses and Disclosures. K&P hereby agrees that it shall be prohibited from using or disclosing Protected Health Information provided or made available by the Covered Entity (or another business associate of the Covered Entity) for any purpose other than as expressly permitted or required by this Agreement.

4.2.1(a) Functions and Activities on Covered Entity's Behalf. Except as otherwise set forth in this Agreement, the parties hereby agree that K&P shall be permitted to use and/or disclose Protected Health Information provided or made available by the Covered Entity (or another business associate of the Covered Entity) only for the purpose of conducting the transactions contemplated under this Agreement and only for purposes within the scope of K&P’s representation of the Covered Entity.

4.2.1(b) Business Operations. K&P is permitted to use and/or disclose Protected Health Information if necessary for the proper management and administration of K&P's representation of the Covered Entity, or to carry out any legal responsibilities of K&P, provided that, with respect to any disclosure of Protected Health Information, either:

4.2.1(b)(1) the disclosure is Required By Law; or

4.2.1(b)(2) K&P obtains reasonable assurances from the person to whom the Protected Health Information is disclosed that: (a) the Protected Health Information will be held in confidence and used or further disclosed only as for the purposes for which K&P disclosed the Protected Health Information to the person or as Required by Law; (b) the person will use appropriate safeguards to prevent use or disclosure of the Protected Health Information; and (c) the person immediately notifies K&P of any instance of which it is aware in which the confidentiality of the Protected Health Information has been breached.

4.2.1(c) Data Aggregation Services. K&P is permitted to use or disclose Protected Health Information to provide data aggregation services, as that term is defined by 45 C.F.R. § 164.501, relating to health care operations of the Covered Entity.

4.2.1(d) Minimum Necessary. K&P will, in its performance of the functions, activities, services, and operations specified above, make reasonable efforts to use, to disclose, and to request only the minimum amount of Covered Entity’s Protected Health Information reasonably necessary to accomplish the intended purpose of the use, disclosure or request, except that K&P will not be obligated to comply with this minimum-necessary limitation if neither K&P nor Covered Entity is required to limit its use, disclosure or request to the minimum necessary. K&P and Covered Entity acknowledge that the phrase “minimum necessary” shall be interpreted in accordance with the HITECH Act.

4.2.2 Information Safeguards.

4.2.2(a) Privacy of Covered Entity's Protected Health Information. K&P will develop, implement, maintain, and use appropriate administrative, technical, and physical safeguards to protect the privacy of Covered Entity's Protected Health Information. The safeguards must reasonably protect Covered Entity's Protected Health Information from any intentional or unintentional use or disclosure in violation of the Privacy Rule and limit incidental uses or disclosures made pursuant to a use or disclosure otherwise permitted by this Agreement.

4.2.2(b) Security of Covered Entity's Electronic Protected Health Information. K&P will develop, implement, maintain, and use administrative, technical, and physical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of Electronic Protected Health Information that K&P creates, receives, maintains, or transmits on Covered Entity's behalf as required by the Security Rule.
4.2.3 **Subcontractors and Agents.** K&P will require any of its subcontractors and agents to which K&P is permitted by this Agreement, or in writing by Covered Entity, to disclose Covered Entity's Protected Health Information and/or Electronic Protected Health Information, to provide reasonable assurance that such subcontractor or agent will comply with the same privacy and security safeguard obligations with respect to Covered Entity's Protected Health Information and/or Electronic Protected Health Information that are applicable to K&P under this Agreement.

4.2.4 **Prohibition on Sale of Records.** As of the effective date specified by HHS in final regulations to be issued on this topic, K&P shall not directly or indirectly receive remuneration in exchange for any Protected Health Information of an individual unless the Covered Entity or K&P obtains from the Individual, in accordance with 45 C.F.R. § 164.508, a valid authorization that includes a specification of whether the Protected Health Information can be further exchanged for remuneration by the entity receiving Protected Health Information of that individual, except as otherwise allowed under the HITECH Act.

4.2.5 **Penalties For Noncompliance.** K&P acknowledges that it is subject to civil and criminal enforcement for failure to comply with the Privacy Rule and Security Rule, as amended by the HITECH Act.

4.3. **COMPLIANCE WITH ELECTRONIC TRANSACTION RULE**

If K&P conducts in whole or part electronic Transactions on behalf of Covered Entity for which HHS has established standards, K&P will comply, and will require any subcontractor or agent it involves with the conduct of such Transactions to comply, with each applicable requirement of the Electronic Transaction Rule. K&P shall also comply with the National Provider Identifier requirements, if and to the extent applicable.

4.4. **INDIVIDUAL RIGHTS**

4.4.1 **Access.** K&P will make available to Covered Entity or, at Covered Entity's direction, to an Individual (or the Individual's personal representative) for inspection and obtaining copies Covered Entity's Protected Health Information about the Individual that is in K&P's custody or control, so that Covered Entity may meet its access obligations under 45 C.F.R. § 164.524. Effective as of the date specified by HHS, if the Protected Health Information is held in an Electronic Health Record, then the Individual shall have a right to obtain from K&P a copy of such information in an electronic format. K&P shall provide such a copy to Covered Entity or, alternatively, to the Individual directly, if such alternative choice is clearly, conspicuously, and specifically made by the Individual or Covered Entity.

4.4.2 **Amendment.** K&P will, upon receipt of written notice from Covered Entity, promptly amend or permit Covered Entity access to amend any portion of Covered Entity's Protected Health Information, so that Covered Entity may meet its amendment obligations under 45 C.F.R. § 164.526.

4.4.3 **Disclosure Accounting.** To allow Covered Entity to meet its disclosure accounting obligations under 45 C.F.R. § 164.528:

4.4.3(a) **Disclosures Subject to Accounting.** K&P will record the information specified below ("Disclosure Information") for each disclosure of Covered Entity's Protected Health Information, not excepted from disclosure accounting as specified below, that K&P makes to Covered Entity or to a third party.

4.4.3(b) **Disclosures Not Subject to Accounting.** K&P will not be obligated to record Disclosure Information or otherwise account for disclosures of Covered Entity's Protected Health Information if Covered Entity need not account for such disclosures.

4.4.3(c) **Disclosure Information.** With respect to any disclosure by K&P of Covered Entity's Protected Health Information that is not excepted from disclosure accounting, K&P will record the following Disclosure Information as applicable to the type of accountable disclosure made:

4.4.3(c)(1) **Disclosure Information Generally.** Except for repetitive disclosures of Covered Entity's Protected Health Information as specified below, the Disclosure Information that K&P must record for each accountable disclosure is (i) the disclosure date, (ii) the name and (if known) address of the entity to which K&P made the disclosure, (iii) a brief description of Covered Entity's Protected Health Information disclosed, and (iv) a brief statement of the purpose of the disclosure.
4.4.3(c)(2) Disclosure Information for Repetitive Disclosures. For repetitive disclosures of Covered Entity's Protected Health Information that K&P makes for a single purpose to the same person or entity (including Covered Entity), the Disclosure Information that K&P must record is either the Disclosure Information specified above for each accountable disclosure, or (i) the Disclosure Information specified above for the first of the repetitive accountable disclosures; (ii) the frequency, periodicity, or number of the repetitive accountable disclosures; and (iii) the date of the last of the repetitive accountable disclosures.

4.4.3(d) Availability of Disclosure Information. K&P will maintain the Disclosure Information for at least 6 years following the date of the accountable disclosure to which the Disclosure Information relates (3 years for disclosures related to an Electronic Health Record, starting with the date specified by HHS). K&P will make the Disclosure Information available to Covered Entity within 60 calendar days following Covered Entity's request for such Disclosure Information to comply with an Individual's request for disclosure accounting. Effective as of the date specified by HHS, with respect to disclosures related to an Electronic Health Record, K&P shall provide the accounting directly to an Individual making such a disclosure request, if a direct response is requested by the Individual.

4.4.4 Restriction Agreements and Confidential Communications. K&P will comply with any agreement that Covered Entity makes that either (i) restricts use or disclosure of Covered Entity's Protected Health Information pursuant to 45 C.F.R. § 164.522(a), or (ii) requires confidential communication about Covered Entity's Protected Health Information pursuant to 45 C.F.R. § 164.522(b), provided that Covered Entity notifies K&P in writing of the restriction or confidential communication obligations that K&P must follow. Covered Entity will promptly notify K&P in writing of the termination of any such restriction agreement or confidential communication requirement and, with respect to termination of any such restriction agreement, instruct K&P whether any of Covered Entity's Protected Health Information will remain subject to the terms of the restriction agreement. Effective February 17, 2010 (or such other date specified as the effective date by HHS), K&P will comply with any restriction request if: (i) except as otherwise Required by Law, the disclosure is to a health plan for purposes of carrying out payment or health care operations (and is not for purposes of carrying out treatment); and (ii) the Protected Health Information pertains solely to a health care item or service for which the health care provider involved has been paid out-of-pocket in full.

4.5. BREACHES

4.5.1 Privacy or Security Breach. K&P will report to Covered Entity any use or disclosure of Covered Entity's Protected Health Information not permitted by this Agreement along with any Breach of Covered Entity's Unsecured Protected Health Information. K&P will treat the Breach as being discovered in accordance with 45 CFR §164.410. K&P will make the report to the Covered Entity not more than 15 calendar days after K&P learns of such non-permitted use or disclosure. If a delay is requested by a law-enforcement official in accordance with 45 CFR §164.412, K&P may delay notifying Covered Entity for the applicable time period. K&P’s report will at least:

4.5.1(a) Identify the nature of the Breach or other non-permitted use or disclosure, which will include a brief description of what happened, including the date of any Breach and the date of the discovery of any Breach;

4.5.1(b) Identify Covered Entity’s Protected Health Information that was subject to the non-permitted use or disclosure or Breach (such as whether full name, social security number, date of birth, home address, account number or other information were involved) on an individual basis;

4.5.1(c) Identify who made the non-permitted use or disclosure and who received the non-permitted disclosure;

4.5.1(d) Identify what corrective or investigational action K&P took or will take to prevent further non-permitted uses or disclosures, to mitigate harmful effects and to protect against any further Breaches;

4.5.1(e) Identify what steps the individuals who were subject to a Breach should take to protect themselves;

4.5.1(f) Provide such other information, including a written report, as Covered Entity may reasonably request.
4.5.2 **Security Incidents.** K&P will report to Covered Entity any attempted or successful (A) unauthorized access, use, disclosure, modification, or destruction of Covered Entity’s Electronic Protected Health Information or (B) interference with Business Associate’s system operations in Business Associate’s information systems, of which K&P becomes aware. K&P will make this report once per month, except if any such Security Incident resulted in a disclosure not permitted by this Agreement or Breach of Covered Entity’s Unsecured Protected Health Information, Business Associate will make the report in accordance with the provisions set forth in Section 4.5.1.

4.5.3 **Return or Destruction of Covered Entity’s Protected Health Information as Feasible.** Upon termination or other conclusion of Agreement, K&P agrees to return all Protected Health Information received from the Covered Entity, or created or received by K&P on behalf of the Covered Entity, and not to retain any copies of the Protected Health Information after termination of this Agreement, if feasible in the reasonable opinion of K&P. If K&P elects to destroy the Protected Health Information, it shall certify to the Covered Entity that the Protected Health Information has been destroyed.

4.5.4 **Continuing Privacy and Security Obligation.** If return or destruction of the Protected Health Information is not feasible, K&P agrees to extend the protections of this Agreement for as long as necessary to protect the Protected Health Information and to limit any further use or disclosure so as to be consistent with the intent of this Agreement.

4.5.5 **Access to Books and Records.** K&P hereby agrees to make its internal practices, books and records relating to the use, disclosure, and safeguards for Protected Health Information received from, or created or received by K&P on behalf of the Covered Entity, available to the Secretary or the Secretary’s designee for purposes of determining compliance with the Privacy Rule and/or the Security Rule.

4.5.6 **Mitigation Procedures.** K&P agrees to have procedures in place for mitigating, to the extent practicable, any deleterious effect from the use or disclosure of Protected Health Information received from, or created or received by K&P on behalf of the Covered Entity, in a manner contrary to this Agreement or the Privacy Rule.

4.5.7 **Amendment to Agreement.** Upon the compliance date of any final regulation or amendment to final regulation promulgated by HHS that affects K&P or Covered Entity’s obligations under this Agreement, this Agreement will be automatically amended such that the obligations imposed on K&P or Covered Entity remain in compliance with the final regulation or amendment to final regulation.
### 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>
</tr>
</thead>
<tbody>
<tr>
<td>Joe Ruan, P.E.</td>
<td>M</td>
<td>5/20/13</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Frank Abart</td>
<td>M</td>
<td>5/20/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daniel Gibson</td>
<td>Y</td>
<td>5/22/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brad Bennett</td>
<td>L</td>
<td>5/22/13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jack Louws</td>
<td>D</td>
<td>5/24/13</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TITLE OF DOCUMENT:
Construction Contract Award – Lummi Island Ferry Dock Remote Control
CRP No. 912004

### ATTACHMENTS:
1. Cover Memo
2. Resolution amending County Road Project (CRP) No. 912004 and awarding construction contract
3. Approval to Award Construction Contract endorsed by Executive
4. Project Summary and Vicinity Map
5. Project Cost Breakdown
6. Bid Tabulation
7. Low Bid Proposal

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

**SEPA review required?**  
( ) 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.)

Resolution amending CRP No. 912004 and authorizing additional funds for the award of a contract for Lummi Island Ferry Terminal Remote Control to Dalton Electric Company as low bidder in the amount of $114,376.36.

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

Through: Frank M. Abart, Director [5/21/2013]

From: Joseph P. Rutan, P.E., Assistant Director/County Engineer
James E. Lee, P.E., Engineering Manager

Date: May 20, 2013

Re: Lummi Island Ferry Terminal Remote Control CRP No. 912004 Construction Contract Award

Attached for your review and signature is the standard construction contract award package for the “Lummi Island Ferry Terminal Remote Control project; CRP 912004”. The package consists of the following: agenda bill, resolution to amend the CRP and award the contract, approval for contract award, project summary and vicinity map, project cost breakdown, tabulation of all bids and low bid proposal.

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to enter into a contract for the Lummi Island Ferry Terminal Remote Control project to the low bidder, Dalton Electric Co. in the amount of $114,376.36 including all taxes. This recommendation is based on a review of the one (1) bid received.

Background and Purpose
This project consists of installing a remote control system for operating the transfer span and apron at the Lummi Island Ferry Terminal for the Whatcom Chief. The project is listed as Item No. 37 on the 2013 Annual Construction Program that was adopted by Council on September 25, 2012.

Funding Amount and Source
Whatcom County local funds will fully support the costs of this project.

Please contact James Lee at extension 50617 if you have any questions or concerns regarding the terms of this agreement.

In accordance with W.C.C. 3.08.230, I concur with this recommendation:

Chris Mohnkern, Purchasing Coordinator

Date 5.22.13
RESOLUTION NO. ________________

AMENDING COUNTY ROAD PROJECT NO. 912004 AND AUTHORIZING ADDITIONAL FUNDS FOR THE AWARD OF A CONTRACT FOR "LUMMI ISLAND FERRY TERMINAL REMOTE CONTROL."

WHEREAS, this project is included in the officially adopted 2013 Annual Construction Program as Item No. 37;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council:

That CRP No. 912004 is formally amended to include the construction of the Lummi Island Ferry Terminal Remote Control

The Contract for this project is awarded to Dalton Electric Co. in the amount of their bid of $114,376.36

An appropriation from the officially adopted Road Fund Budget and based on the County Engineer’s estimate is hereby made in the amounts and for the purposes shown:

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>AMOUNT OF APPROPRIATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering</td>
<td>$ 45,000.00</td>
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<tr>
<td>Right-of-Way</td>
<td>$ 0.00</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$ 45,000.00</td>
</tr>
<tr>
<td>Construction Contract</td>
<td>$114,376.36</td>
</tr>
<tr>
<td>Construction Engineering / Testing / Contingency</td>
<td>$25,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$184,376.36</strong></td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the construction is to be accomplished by Contract in accordance with RCW 36.77.020 et. seq.

APPROVED this _____ day of __________, 2013

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis
Clerk of the Council

Kathy Kershner
Council Chair

Approved as to Form:

Daniel L. Gibson
Chief Civil Deputy Prosecutor
Lummi Island Ferry Terminal Remote Control

CRP No. 912004

APPROVAL FOR CONTRACT AWARD

Approval is hereby granted to award the Contract as follows:

Project:       Lummi Island Ferry Terminal Remote Control
               CRP 912004

To:             Dalton Electric Co.

In the amount of their bid proposal $114,376.36 including all taxes.

Whatcom County Executive
Approving Authority

Daniel L. Gibson
Chief Civil Deputy Prosecutor

Date
May 22, 2013
Date
Whatcom County Public Works
Project Narrative

Ferry Dock Improvements
CRP #912004

Construction Funding Year(s): 2013 - 2018

Project Narrative:
This project includes improvements to the ferry docks at Gooseberry Point and Lummi Island, in Sections 3 & 4, T37N, R1E. It includes replacement of dolphins, wingwalls, paint systems and other dock facilities. This project is listed #37 on the 2013-2018 Six Year Transportation Improvement Program.

Project Status:
Design, permitting, and construction activities are ongoing

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$1,525,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>N/A</td>
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</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$ 400,000</td>
</tr>
<tr>
<td>State</td>
<td>$</td>
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<tr>
<td>Local</td>
<td>$1,124,000 (STIP 2013-2018)</td>
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</table>

Environmental Permitting: HPA, SEPA, CORPS 404, COUNTY SHORELINES
Right-of-Way Acquisition (Estimate): None Required
County Forces (Estimate): N/A
Project Cost Breakdown
Lummi Island Ferry Terminal Remote Control
CRP No. 912004

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Whatcom County</th>
<th>Federal Funds</th>
<th>TOTAL</th>
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<tr>
<td>Preliminary Engineering</td>
<td>$45,000</td>
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<tr>
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<td>$0</td>
<td>$0</td>
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<td>Contract</td>
<td>$114,376</td>
<td>$0</td>
<td>$114,376</td>
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<tr>
<td>Construction Engineering, Testing, and Contingency</td>
<td>$25,000</td>
<td>$0</td>
<td>$25,000</td>
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<tr>
<td>Total</td>
<td>$184,376</td>
<td>$0</td>
<td>$184,376</td>
</tr>
</tbody>
</table>
BID PROPOSAL
FOR
LUMMI ISLAND FERRY TERMINAL
REMOTE CONTROL
CRP No. 912004

DATE     April 30, 2013

TO:     Whatcom County Executive and Council
        Whatcom County Courthouse
        311 Grand Avenue
        Bellingham, Washington 98225

Gentlepersons:

This certifies that the Undersigned has examined the location of the project site and the
conditions of work; and has carefully read and thoroughly understands the contract
documents entitled: "LUMMI ISLAND FERRY TERMINAL REMOTE CONTROL, CRP
No. 912004" Whatcom County, Washington, including the "Bid Procedures and
and "Appendix," governing the work embraced in this project, and the method by which
payment will be made for said work. The Undersigned hereby proposes to undertake
and complete the work embraced in this project in accordance with said contract
documents, and agrees to accept as payment for said work, the schedule of lump sum
and unit prices as set forth in the "Bid" below.

The Undersigned acknowledges that payment will be based on the actual work
performed and material used as measured or provided for in accordance with the said
contract documents, and that no additional compensation will be allowed for any taxes
not included in each lump sum or unit price, and that the basis for payment will be the
actual work performed and measured or provided for in accordance with the said
contract documents.

The Undersigned certifies that it is not currently disqualified from bidding on any public
works contract under RCW 39.06.010 or RCW 39.12.085(3).
<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>UNIT MEASURE</th>
<th>ITEM DESCRIPTION</th>
<th>APPROX. QUANTITY</th>
<th>UNIT PRICE IN FIGURES</th>
<th>EXTENDED PRICE IN FIGURES</th>
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<tbody>
<tr>
<td>1</td>
<td>LUMP SUM</td>
<td>SPILL PREVENTION, CONTROL, AND COUNTERMEASURES PLAN</td>
<td>L.S.</td>
<td>L.S.</td>
<td>$500.00</td>
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<td>2</td>
<td>LUMP SUM</td>
<td>REMOTE CONTROL ASSEMBLY COMPLETE</td>
<td>L.S.</td>
<td>L.S.</td>
<td>$999.16</td>
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<tr>
<td>3</td>
<td>DOLLARS</td>
<td>UNANTICIPATED SITE WORK (FORCE ACCOUNT)</td>
<td>EST.</td>
<td>EST.</td>
<td>$5,000.00</td>
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Sales Tax 8.5%

$8960.36

$114,376.36

TOTAL BID AMOUNT
NON-COLLUSION DECLARATION

LUMMI ISLAND FERRY TERMINAL
REMOTE CONTROL

CRP NO. 912004

I, by signing the proposal, hereby declare, under penalty of perjury under the laws of the United States that the following statements are true and correct:

1. That the undersigned person(s), firm, association or corporation has (have) not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the project for which this proposal is submitted.

2. That by signing the signature page of this proposal, I am deemed to have signed and have agreed to the provisions of this declaration.

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

The U.S. Department of Transportation (USDOT) operates the above toll free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m. Eastern Time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of USDOT's continuing effort to identify and investigate highway construction contract fraud and abuse, and is operated under the direction of the USDOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.
BIDDER IDENTIFICATION

The name of the Bidder submitting this proposal, the address and phone number to which all communications concerning with this proposal shall be made, and the number which has been assigned indicating the Bidder is licensed to do business in the State of Washington are as follows:

Firm Name: DALTON ELECTRIC COMPANY
Address: 3511 182nd St. S.W. #4
LYNNWOOD, WA 98037
Telephone: 425-787-1826
Contractor's WA Registration Number: DALTOEC 071KL
Contractor's WA UBI Number: 601-440-223
Contractor's WA Employment Security Department Number: 840, 613-00
Contractor's WA Excise Tax Registration Number: 91-1587794

The Firm submitting this proposal is a: ___ Sole Proprietorship
___ Partnership
X Corporation

The names and titles of the principal officers of the corporation submitting this proposal, or of the partnership, or of all persons interested in this proposal as principals are as follows:

JOE ZEPA ZALY
PRESIDENT

NOTE: Signatures of this proposal must be identified above. Failure to identify the Signatories will be cause for considering the proposal irregular and for subsequent rejection of the bid.
BID PROPOSAL SIGNATURE AND ADDENDUM ACKNOWLEDGMENT

The bidder is hereby advised that by signature of this proposal he/she is deemed to have acknowledged all requirements and signed all certificates contained herein. The undersigned hereby agrees to pay labor not less than the prevailing rates of wages or less than the hourly minimum rate of wages as specified in the Specifications and Conditions for this project.

CASHIERS CHECK □ DOLLARS ($__________) ______

CERTIFIED CHECK □ ($__________) PAYABLE TO WHATCOM COUNTY

PROPOSAL BOND □ IN THE AMOUNT OF 5% OF THE BID.

Receipt is hereby acknowledged by addendum(s) No.(s) _____, _____, & _____

SIGNATURE OF AUTHORIZED OFFICIAL(S)
(Proposal Must Be Signed)

__________________________ (Seal)

FIRM NAME: DALTON ELECTRIC COMPANY

STATE OF WASHINGTON )
COUNTY OF San Juan ) ss.
On this _____ day of May, 2013, before me personally appeared
__________________________, to me personally known to be the person
described in and who executed the above instrument and who acknowledged to me the act of signing thereof

__________________________
Notary Public, in and for the
State of Washington, residing at: Lynden
My Commission Expires: ______/_____/2015

This proposal form is not transferable and any alteration of the firm's name entered hereon without prior permission from Whatcom County will be cause for considering the proposal irregular and for subsequent rejection of the bid.

Lummi Island Ferry Terminal
Remote Control
CRP 912004
WHATCOM COUNTY
DEPARTMENT OF PUBLIC WORKS

SUBCONTRACTOR LIST

Prepared in Compliance with RCW 39.30.060 as amended.

To be Submitted with the Bid Proposal

Project Name:

LUMMI ISLAND FERRY TERMINAL REMOTE CONTROL

CRP 912004

Failure to list subcontractors who are proposed to perform work of heating, ventilation and air conditioning, plumbing as described in Chapter 18.106 RCW, and electrical work as described in Chapter 19.28 RCW, will result in your bid being nonresponsive and therefore void.

Subcontractor(s) that are proposed to perform work of heating, ventilation and air conditioning, plumbing as described in Chapter 18.106 RCW, and electrical work as described in Chapter 19.28 RCW must be listed below. The work to be performed is to be listed below the subcontractor(s) name.

If no subcontractor is listed below, the bidder acknowledges that it does not intend to use any subcontractor to perform those items of work.

<table>
<thead>
<tr>
<th>Subcontractor Name</th>
<th>Work to be Performed</th>
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<tbody>
<tr>
<td>WESTERN INTEGRATED TECH.</td>
<td>HYDRAULIC WORK</td>
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<td></td>
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<tr>
<td>SYSTEM INTERFACE INC.</td>
<td>CONTROL'S</td>
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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>
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<td>Executive:</td>
<td></td>
<td>5/24/13</td>
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</table>

TITLE OF DOCUMENT:
FFY2012 Operation Stonegarden, Contract # E13-232

ATTACHMENTS:
Supporting Memo
Whatcom County Contract Information Sheet
Two (2) copies of the FFY2012 OPSG Contract

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

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

FFY2012 Operation Stonegarden (OPSFG) provides funding to enhance the cooperation and coordination among local, Tribal, State, and Federal law enforcement agencies in a joint mission to secure the international borders of the United States.

Award amount: $725,000


COMMITTEE ACTION:  

COUNCIL ACTION:  

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

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

To: Jack Louws, County Executive

From: Sheriff Bill Elfo, Director of Emergency Management

Subject: Department of Homeland Security, Operation Stonegarden Program
        FFY2011 OPSG Contract # E12-248

Date: May 1, 2012

Enclosed is the contract between Whatcom County Sheriff’s Office Division of Emergency Management (WCSO-DEM) and the Washington State Military Department Emergency Management Division.

- Background and Purpose
  Whatcom County Sheriff’s Office Division of Emergency Management has been awarded $725,000 from the Dept of Homeland Security (DHS) Operation Stonegarden Program (OPSG) for Federal Fiscal Year 2012. This grant flows from DHS through the Washington State Military Department to Whatcom County. This is the fifth year that WCSO-DEM has received an Operation Stonegarden award.

  The US Dept of Homeland Security supports programs designed to enhance local jurisdictions’ capability to prevent, protect against, respond to, and recover from terrorist attacks and other disasters. The DHS FFY2012 Operation Stonegarden Program provides funds to enhance the cooperation and coordination among local, Tribal, State, and Federal law enforcement agencies in a joint mission to secure the international borders of the United States. This funding will be used for operational overtime and related mileage/fuel and for the purchase of equipment pre-approved during the application process. The equipment includes patrol vehicles, mobile data terminals, radio equipment, and field investigation equipment. The participating agencies are the Blaine, Everson, Ferndale, Lynden, and Sumas Police Departments, the WA Dept of Fish & Wildlife Police, and the Whatcom County Sheriff’s Office.

  The performance period for this grant runs from September 1, 2012 through July 31, 2014.

- Funding Amount and Source
  $725,000 from the Dept of Homeland Security FFY2012 OPSG, Contract # E13-232, Funding Source Agreement EMW-2012-SS-00115-S01, CFDA 97.067 SHSP.

Please contact Undersheriff Jeff Parks or Frances Burkhart if you have any questions or concerns regarding this contract.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Sheriff's Office – Division of Emergency Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Administrator:</td>
<td>Jeff Parks</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Washington State Military Department</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 _____  
If yes, previous number(s): __________________________

**Is this a grant agreement?**  
Yes __X__ No ____  
If yes, grantor agency contract number(s) E13-232 CFDA # 97.067 - HSGP

**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?**  
Contract  
Yes _____ No __X__  
If yes, RFP and Bid number(s) __________________________  
Cost Center: __________________________

**Is this contract excluded from E-Verify? No _____ Yes __X__**  
If yes, indicate qualified exclusion(s) below:  
____ Contract less than $100,000.  
____ Work is for less than 120 days  
____ 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

<table>
<thead>
<tr>
<th>Contract Amount: (sum of orig contract amt and any prior amendments)</th>
<th>$725,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>This Amendment Amount:</td>
<td>___________</td>
</tr>
<tr>
<td>Total Amended Amount:</td>
<td>___________</td>
</tr>
</tbody>
</table>

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]  
To enhance the cooperation and coordination among local, Tribal, State, and Federal law enforcement agencies in a joint mission to secure the international borders of the United States.  
Funding for this contract is provided by the US Dept of Homeland Security Operation Stonegarden Program for Federal Fiscal Year 2012.

**Term of Contract:**  
Expiration Date: July 31, 2014

**Contract Routing Steps & Signoff:** [sign or initial]  
1. Prepared by  
   Date 5-18-12 [electronic]  
2. Attorney reviewed  
   Date 5-18-12 [electronic]  
3. AS Finance reviewed  
   Date 5-16-12 [electronic]  
4. IT reviewed if IT related  
   Date  
   [electronic]  
5. Corrections made  
   Date  
   [electronic]  
6. Attorney signoff  
   Date  
7. Contractor signed  
   Date  
8. Submitted to Exec Office  
   Date 5-20-12 [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
# Washington State Military Department
## HOMELAND SECURITY GRANT AGREEMENT FACE SHEET

<table>
<thead>
<tr>
<th>1. Sub-grantee Name and Address:</th>
<th>2. Grant Agreement Amount:</th>
<th>3. Grant Agreement Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whatcom County Sheriff's Office</td>
<td>$725,000</td>
<td>E13-232</td>
</tr>
<tr>
<td>Division of Emergency Management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>311 Grand Avenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bellingham, Washington 98225-4048</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Sub-grantee Contact, phone / email:</th>
<th>5. Grant Agreement Start Date:</th>
<th>6. Grant Agreement End Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frances Burkhart, (360) 778-7161</td>
<td>9/1/2012</td>
<td>7/31/2014</td>
</tr>
<tr>
<td><a href="mailto:fburkhar@co.whatcom.wa.us">fburkhar@co.whatcom.wa.us</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Sierra Wardell, 253-512-7121</td>
<td>060044641</td>
<td>600-358-208</td>
</tr>
<tr>
<td><a href="mailto:sierra.wardell@mil.wa.gov">sierra.wardell@mil.wa.gov</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Washington State Military Department (the &quot;Department&quot;) and the U.S. Department of Homeland Security (DHS)</td>
<td>EMW-2012-SS-00115-S01</td>
<td>723GA</td>
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<table>
<thead>
<tr>
<th>13. Catalog of Federal Domestic Assistance (CFDA) # &amp; Title:</th>
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</thead>
<tbody>
<tr>
<td>97.067 - HSGP</td>
<td>91-6001383</td>
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</table>

<table>
<thead>
<tr>
<th>15. Service Districts: (BY LEGISLATIVE DISTRICT):</th>
<th>16. Service Area by County(ies):</th>
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<tbody>
<tr>
<td>39, 40, 42</td>
<td>Whatcom County</td>
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<tr>
<td>(BY CONGRESSIONAL DISTRICT):</td>
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<tr>
<td>2</td>
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</table>

<table>
<thead>
<tr>
<th>18. Agreement Classification:</th>
<th>19. Contract Type (check all that apply):</th>
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<tbody>
<tr>
<td>☐ Personal Services</td>
<td>☑ Contract</td>
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<tr>
<td>☐ Client Services</td>
<td>☑ Grant</td>
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<tr>
<td>☐ Collaborative Research</td>
<td>☑ Intergovernmental (RCW 39.34)</td>
</tr>
<tr>
<td>☐ A/E</td>
<td>☑ Agreement</td>
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<tr>
<td>☐ Other</td>
<td>☑ Interagency</td>
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<table>
<thead>
<tr>
<th>20. Sub-Grantee Selection Process:</th>
<th>21. Sub-Grantee Type (check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ &quot;To all who apply &amp; qualify&quot;</td>
<td>☑ Private Organization/Individual</td>
</tr>
<tr>
<td>☐ Competitive Bidding</td>
<td>☑ For-Profit</td>
</tr>
<tr>
<td>☐ Sole Source</td>
<td>☑ Public Organization/Jurisdiction</td>
</tr>
<tr>
<td>☐Filed w/OFM?</td>
<td>☑ Non-Profit</td>
</tr>
<tr>
<td>☐ Advertised?</td>
<td>☑ VENDOR</td>
</tr>
<tr>
<td>☐ YES</td>
<td>☑ SUBRECIPIENT</td>
</tr>
<tr>
<td>☐ NO</td>
<td>☑ OTHER</td>
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</tbody>
</table>

## PURPOSE:
Provide U.S. Department of Homeland Security (DHS) FY 2012 Homeland Security Grant Program (HSGP) funds to enhance the ability of state, local, and tribal governments to prevent, protect against, respond to, and recover from terrorist attacks and other disasters. The HSGP is comprised of three distinct grant programs: State Homeland Security Program, Urban Area Security Initiative, and Operation Stonegarden (OPS). Through OPS, funding enhances the cooperation and coordination among local, Tribal, State, and Federal law enforcement agencies in a joint mission to secure the United States’ borders along routes of ingress from international borders to include travel corridors in States bordering Mexico and Canada, as well as States and territories with international water borders.

IN WITNESS WHEREOF, the Department and Sub-Grantee acknowledge and accept the terms of this Grant Agreement, including all referenced Exhibits and Attachments which are hereby incorporated in and made a part hereof, and have executed this Grant Agreement as of the date and year written below. This Grant Agreement Face Sheet; Special Terms & Conditions (Exhibit A); General Terms and Conditions (Exhibit B); Approved Projects (Exhibit C); Milestone Timeline (Exhibit D); Budget (Exhibit E); and all other documents, exhibits and attachments expressly referenced and incorporated herein contain all the terms and conditions agreed upon by the parties and govern the rights and obligations of the parties to this Grant Agreement. No other understandings, oral or otherwise, regarding the subject matter of this Grant Agreement shall be deemed to exist or to bind any of the parties hereto.

In the event of an inconsistency in this Grant Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order:

1. Applicable Federal and State Statutes and Regulations
2. Approved Projects
3. Special Terms and Conditions
4. General Terms and Conditions, and,
5. Other provisions of the grant agreement incorporated by reference.

WHEREAS, the parties hereto have executed this Grant Agreement on the day and year last specified below.

FOR THE DEPARTMENT:

Signature: Dan Swisher, Date: 7/25/2011, Title: Chief Financial Officer, Agency: Washington State Military Department

FOR THE SUBGRANTEE:

Signature: Jack Louws, Date: 5/16/13, Title: County Executive

Signature: Bill Elfo, Date: 5/17/13, Title: Sheriff

APPROVED AS TO FORM (if applicable):

Signature: Applicant's Legal Review, Date: 5/17/13
SPECIAL TERMS AND CONDITIONS

ARTICLE I -- KEY PERSONNEL
The individuals listed below shall be considered key personnel for point of contact under this Grant Agreement. Any substitution of key personnel by either party shall be made by written notification to the current key personnel.

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frances Burkhart</td>
<td>Sierra Wardell</td>
</tr>
<tr>
<td>Title</td>
<td>Title</td>
</tr>
<tr>
<td>Program Specialist</td>
<td>OPSG Program Manager</td>
</tr>
<tr>
<td>E-Mail</td>
<td>E-Mail</td>
</tr>
<tr>
<td><a href="mailto:fburkhart@co.whatcom.wa.us">fburkhart@co.whatcom.wa.us</a></td>
<td><a href="mailto:sierra.wardell@mil.wa.gov">sierra.wardell@mil.wa.gov</a></td>
</tr>
<tr>
<td>Phone</td>
<td>Phone</td>
</tr>
<tr>
<td>360-778-7161</td>
<td>253-512-7121</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeff Parks</td>
<td>Olivia Hallowwa</td>
</tr>
<tr>
<td>Title</td>
<td>Title</td>
</tr>
<tr>
<td>Undersheriff</td>
<td>OPSG Program Coordinator</td>
</tr>
<tr>
<td>E-Mail</td>
<td>E-Mail</td>
</tr>
<tr>
<td><a href="mailto:jparks@co.whatcom.wa.us">jparks@co.whatcom.wa.us</a></td>
<td><a href="mailto:olivia.hallowwa@mil.wa.gov">olivia.hallowwa@mil.wa.gov</a></td>
</tr>
<tr>
<td>Phone</td>
<td>Phone</td>
</tr>
<tr>
<td>360-568-6650</td>
<td>253-512-7149</td>
</tr>
</tbody>
</table>

ARTICLE II -- ADMINISTRATIVE AND/OR FINANCIAL REQUIREMENTS
The Sub-grantee shall comply with all applicable state and federal laws, regulations, and program guidance. A non-exclusive list of laws, regulations, and guidance commonly applicable to DHS/FEMA grants are listed here for reference only, and include, but are not limited to, the following:


3. Grant funds will not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. The Sub-grantee, upon written request by the Department, DHS, or FEMA, shall demonstrate through supporting records and documentation that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

4. Duplication of Benefits: There may not be a duplication of any Federal assistance by governmental entities per 2 CFR Part 225, Appendix A, Basic Guidelines, Section C.3 (c), which states: "Any cost allocable to a particular Federal award or cost objective under the principles provided for in 2 CFR Part 225 may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons." However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and 48 CFR Part 31.2.
5. The Sub-grantee shall comply with all applicable federal laws, regulations and guidance referenced in the Fiscal Year 2012 Homeland Security Grant Program (HSGP) Funding Opportunity Announcement (FOA) which can be found at http://www.fema.gov/grants and is hereby incorporated in and made a part of this Agreement.

6. The Sub-grantee shall comply with the Federal Funding Accountability and Transparency Act (FFATA) and related OMB Guidance consistent with Public Law 109-282 as amended by section 6202(a) of Public Law 110-252 (see 31 U.S.C. 6101 note) and Attachment #1 attached to and made a part of this Agreement.

ARTICLE III – REIMBURSEMENT/INVOICING PROCEDURES

1. The Sub-grantee acknowledges that since this Grant Agreement involves federal funding, the period of performance described herein will likely begin prior to the availability of appropriated federal funds. The Sub-grantee agrees that it will not hold the Department, the State of Washington, or the United States liable for any damages, claim for reimbursement, or any type of payment whatsoever for services performed under this Grant Agreement prior to distribution of appropriated federal funds.

2. This is a fixed price, reimbursement Grant Agreement. Within the total Grant Agreement amount, travel, sub-contracts, salaries and wages, benefits, printing, equipment, and other goods and services or other budget categories will be reimbursed on an actual cost basis unless otherwise provided in this Grant Agreement. Any travel or subsistence reimbursement allowed under the Grant Agreement shall be paid in accordance with rates set pursuant to RCW 43.03.050 and RCW 43.03.060 as now existing or amended, but shall not exceed federal maximum rates set forth at http://www.gsa.gov without prior written approval by Department key personnel.

3. Receipts and/or backup documentation for any approved budget line items including travel related expenses that are authorized under this Grant Agreement must be maintained by the Sub-grantee and be made available upon request by the Department, and local, state, or federal auditors.

4. The Sub-grantee will submit reimbursement requests to the Department by submitting an State Form A-19 Invoice form and a completed reimbursement spreadsheet (in the format provided by the Department) detailing the expenditures for which reimbursement is sought. Reimbursement requests shall be submitted to the Department’s key personnel and must be submitted no more frequently than monthly; and it is required that invoices be submitted at least bi-annually.

5. All work under this Agreement must end on or before the Agreement End Date, and the final reimbursement request must be submitted to the Department within 45 days after the Agreement End Date. The maximum amount of all reimbursement requests permitted to be submitted under this Grant Agreement, including the final reimbursement request, is limited to and shall not exceed the total Grant Agreement Amount.

6. No equipment or supply costs will be reimbursed until the related equipment/supplies have been received by the Sub-grantee and invoiced by the vendor.

7. Requests for reimbursement of equipment purchases must include a copy of the vendor’s invoice and packing slip or a statement signed and dated by the Sub-grantee’s authorized representative that states “all items invoiced have been received in good working order, are operational, and have been inventoried according to contract and local procurement requirements”.

8. Failure to timely submit complete reports and reimbursement requests as required by this Agreement (including but not limited to those reports in the Milestone Timeline) will prohibit the Sub-grantee from being reimbursed until such complete reports and reimbursement requests are submitted and the Department has had reasonable time to conduct its review.

9. Final reimbursement requests will not be approved for payment if the Sub-grantee is not current with all reporting requirements contained in this Agreement.

DHS-FEMA-HSGP-FFY 12 Page 3 of 26 Whatcom County Sheriff’s Office-DEM, E13-232
ARTICLE IV – REPORTING REQUIREMENTS
1. The Sub-grantee shall submit bi-annual progress reports as indicated in the Milestone Timeline.

2. The Sub-grantee shall submit a final report describing completed activities under this Grant Agreement within 45 days of Agreement End Date.

ARTICLE V – EQUIPMENT MANAGEMENT
All equipment purchased under this Grant Agreement, by the Sub-grantee or a contractor, will be recorded, and maintained in the Sub-grantee’s equipment inventory system.

1. Upon successful completion of the terms of this Grant Agreement, all equipment purchased through this Grant Agreement will be owned by the Sub-grantee, or a recognized sub-recipient for which a contract, sub-Grant Agreement, or other means of legal transfer of ownership is in place.

2. The Sub-grantee, or a recognized sub-grantee/sub-contractor, shall be responsible for any and all operational and maintenance expenses and for the safe operation of their equipment including all questions of liability. The Sub-grantee shall develop appropriate maintenance schedules and procedures to ensure the equipment is well maintained and kept in good operating condition.

3. The Sub-grantee shall maintain equipment records that include: a description of the property; the manufacturer’s serial number, model number, or other identification number; the source of the equipment, including the Catalogue of Federal Domestic Assistance (CFDA) number; who holds title; the acquisition date; the cost of the equipment and the percentage of Federal participation in the cost; the location, use and condition of the equipment at the date the information was reported; and disposition data including the date of disposal and sale price of the property.

4. Records for equipment shall be retained by the Sub-grantee for a period of six years from the date of the disposition, replacement, or transfer. If any litigation, claim, or audit is started before the expiration of the six year period, the records shall be retained by the Sub-grantee until all litigation, claims, or audit findings involving the records have been resolved.

5. The Sub-grantee shall take a physical inventory of the equipment and reconcile the results with the property records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the records shall be investigated by the Sub-grantee to determine the cause of the difference. The Sub-grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the equipment.

6. The Sub-grantee shall develop a control system to ensure adequate safeguards to prevent loss, damage, and theft of the property. Any loss, damage, or theft shall be investigated and a report generated and sent to the Department.

7. If the Sub-grantee is authorized or required to sell the property, proper sales procedures must be established and followed to ensure the highest possible return.

8. When original or replacement equipment is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:
   a. Items of equipment with a current per-unit fair market value of less than $5,000 may be retained, sold, or otherwise disposed of by the Sub-grantee with no further obligation to the awarding agency.
   b. Items of equipment with a current per-unit fair market value of more than $5,000 may be retained or sold and the Sub-grantee shall compensate the Federal-sponsoring agency for its share.

9. As recipient of federal funds the Sub-grantee must pass on equipment management requirements that meet or exceed the requirements outlined above for all sub-contractors,
consultants, and sub-grantees who receive pass-through funding from this Grant Agreement.

ARTICLE VI - ENVIRONMENTAL AND HISTORICAL PRESERVATION

1. The Sub-grantee shall ensure full compliance with FEMA’s Environmental and Historic Preservation (EHP) Program http://www.fema.gov/environmental-planning-and-historic-preservation-program

2. The Sub-grantee agrees that to receive any federal preparedness funding, all EHP compliance requirements outlined in applicable guidance must be met. The Sub-grantee is advised that any project or expenditure with the potential to impact natural or biological resources or historic properties, including but not limited to, communication towers, physical security enhancements, new construction, renovation, or modification to buildings or structures, cannot be initiated until FEMA has completed the required EHP review. If potential impact is identified, EHP review is required prior to project implementation. Projects implemented prior to receiving EHP approval from FEMA risk de-obligation of funds.

ARTICLE VII - PROCUREMENT

The Sub-grantee shall comply with all procurement requirements of 44 CFR Part 13.36, Procurement. All sole source contracts expected to exceed $100,000 must be submitted to the Department for review and approval prior to the Sub-grantee’s award and execution of a contract. This requirement must be passed on to all of the Sub-grantee’s sub-contractors, at which point the Sub-grantee will be responsible for reviewing and approving their subcontractor’s sole source justifications.

1. Per the 44 CFR Part 13.36, the Sub-grantee’s contracts must contain the following provisions:
   a. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than $100,000)
   b. Termination for cause and for convenience by the Sub-grantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of $10,000)
   c. Compliance with Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Chapter 60). (All construction contracts awarded in excess of $10,000)
   d. Compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). (All contracts and sub-grants for construction or repair)
   e. Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts in excess of $2,000 awarded when required by Federal grant program legislation)
   f. Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts in excess of $2,000, and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers)
   g. Notice of requirements and regulations pertaining to reporting.
   h. Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.
   i. Requirements and regulations pertaining to copyrights and rights in data.
   j. Access by the Department, the Sub-grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized
representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

k. Retention of all required records for six years after the Sub-grantee makes final payments and all other pending matters are closed.

l. Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and sub-grants of amounts in excess of $100,000)

m. Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

2. The Sub-grantee's contracts must also contain the following DHS specific acknowledgements and assurances:
   a. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
   b. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office. The United States has the right to seek judicial enforcement of these obligations.

ARTICLE VIII – SUB-GRAnteE MONITORING
1. The Department will monitor the activities of the Sub-grantee from award to closeout. The goal of the Department's monitoring activities will be to ensure that agencies receiving federal pass-through funds are in compliance with this Agreement, federal and state audit requirements, federal grant guidance, and applicable federal and state financial regulations, as well as OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

2. Monitoring activities may include, but are not limited to:
   a. review of performance reports;
   b. monitor and document the completion of Grant Agreement deliverables;
   c. documentation of phone calls, meetings, e-mails and correspondence;
   d. review of reimbursement requests and supporting documentation to ensure allowability and consistency with Grant Agreement budget and federal requirements;
   e. observation and documentation of Grant Agreement related activities, such as exercises, training, funded events and equipment demonstrations;
   f. on-site visits to review equipment records and inventories, to verify source documentation for reimbursement requests and performance reports, and to verify completion of deliverables.

3. As a sub-recipient of federal funds, the Sub-grantee is required to meet or exceed the monitoring activities, as outlined above, for all sub-contractors, consultants, and sub-recipients who receive pass-through funding from this Agreement.

ARTICLE IX – GRANT AGREEMENT MODIFICATION REQUESTS
A Sub-grantee may request a modification to the Grant Agreement in writing to the Department key personnel. Modifications may be requested for Grant Agreement end date, budget or scope change.
ARTICLE X – NIMS COMPLIANCE
1. The Sub-grantee agrees that in order to receive Federal Fiscal Year 2012 (FFY12) federal preparedness funding, the National Incident Management System (NIMS) compliance requirements for 2012 must be met.

2. In accordance with Homeland Security Presidential Directive (HSPD)-5, Management of Domestic Incidents, the adoption of the National Incident Management System (NIMS) is a requirement to receive Federal preparedness assistance, through grants, contracts, and other activities. The NIMS provides a consistent nationwide template to enable all levels of government, Tribal nations, nongovernmental organizations including voluntary organizations, and private sector partners to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity.

3. All local government and Tribal nation sub-grantees should update their respective NIMS Compliance Assistance Support Tool (NIMSCAST) assessments and, if necessary, submit a Corrective Action Plan via NIMSCAST for FFY11. Corrective Action Plans are only required if a jurisdiction fails to meet one of the NIMS implementation activities. Comprehensive information concerning NIMS implementation for States, Tribal nations, local governments, nongovernmental organizations, and the private sector is available through the National Integration Center (NIC) at FEMA’s NIMS Resource Center at http://www.fema.gov/nims.

4. Local governments and tribal nations should continue to implement NIMS training guidance (course curricula and instructor qualifications) contained in the NIMS Training Plan, released in September 2011 and any successor guidance released by FEMA. [Note: Coursework and training developed and/or delivered by National Wildfire Coordinating Group (NWCG) meet the course and instructor requirements of the NIMS Training Plan]. NIMS training guidance is available on FEMA’s NIMS Resource Center at http://www.fema.gov/emergency/nims/NIMSTrainingCourses.shtm.

ARTICLE XI – OPSG SPECIFIC REQUIREMENTS
1. The Washington State Military Department receives grant funding each year from the U.S. Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) through the Homeland Security Grant Program (HSGP). The FFY 2012 HSGP funding plays an important role in the implementation of Presidential Policy Directive – 8 (PPD-8) by supporting the development and sustainment of core capabilities. Core capabilities are essential for the execution of each of the five mission areas outlined in the National Preparedness Goal (NPG). As one of the grants within HSGP, Operation Stonegarden (OPSG) supports enhanced cooperation and coordination among local, tribal, territorial, State, and Federal law enforcement agencies in a joint mission to secure the United States’ borders along routes of ingress from international borders to include travel corridors in States bordering Mexico and Canada, as well as States and territories with international water borders.

2. The FFY12 HSGP FOA stipulates the following caps that apply to OPSG:
   a. A maximum of up to five percent of OPSG funding may be used for management and administrative purposes associated with this award.
   b. Per the PRICE of Homeland Security Act (Public Law 110-412), subgrantees are allowed to utilize up to 50 percent of their OPSG funding for personnel related costs which include overtime activities.

3. OPSG-funded activities must have a clear correlation to the goals, objectives, and priorities identified in the evaluated and approved FFY12 OPSG Operations Order submitted to DHS and identified in the Scope of Work, Exhibit C.

4. All equipment is required to be on the Authorized Equipment List located at the Responder Knowledge Base (http://www.rkb.us/). No reimbursement for equipment costs will occur until the appropriate approvals have been obtained.
5. Sub-grantees may consider marking equipment in the following manner, “Purchased with funds provided by the U.S. Department of Homeland Security,” in order to facilitate their own audit processes, as well as Federal audits and monitoring visits, which may result from receiving Federal funding.

6. The Sub-grantee will comply with

a. All applicable state and federal statutes, regulations and executive orders relating to nondiscrimination, including but not limited to: (a) Title VI of the Civil Rights Act of 1964 (PL 88-352, 42 U.S.C. 2000d) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 et seq.), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973 (PL 93-112), as amended (29 U.S.C §794), which prohibits discrimination on the basis of disability; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C §§6101 et seq.), which prohibits discrimination on the basis of age; (e) the Americans with Disabilities Act of 1990 (42 U.S.C. §§12101 et seq.); and (f) the Fair Housing Amendments Act of 1988 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing. However, the requirements of Section 202 of Executive Order 11246, as amended, do not apply to a government contractor or subcontractor that is a religious corporation, association, educational institution or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution or society of its activities.

b. As applicable, labor and wage provisions related to certain federally-assisted contracts (e.g., the wage rate requirements in the Davis-Bacon Act, as amended, 40 U.S.C. §§3141 et seq., the Copeland Anti-Kickback provisions in 40 U.S.C §3145 and 18 U.S.C §874, and the Contract Work Hours and Safety Standards in 40 U.S.C §§3701 et seq.).

c. If applicable, environmental standards prescribed pursuant to the following: (a) protection and enhancement of environmental quality pursuant to Executive Order (EO) 11514, as amended; (b) administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990, as amended; (d) floodplains management pursuant to EO 11988, as amended; (e) the Coastal Zone Management Act of 1972 (P.L. 92-583), 16 U.S.C. §§1451 et seq., as amended; (f) Air Quality & Emission Limitations pursuant to 42 U.S.C. §§7401 et seq.; (g) the Safe Drinking Water Act of 1974 (PL 93-523), as amended; and, (h) the Endangered Species Act of 1973 (PL 93-205), as amended.

7. Per the 2 CFR Part 215, Sub-grantees are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements.”

The Sub-Grantee may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. DHS/FEMA reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

The Federal Government has the right to: obtain, reproduce, publish or otherwise use the data first produced under an award and authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

8. All recipients of financial assistance will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.
9. All recipients of financial assistance must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
A.1 DEFINITIONS

As used throughout this Grant Agreement, the following terms will have the meaning set forth below:

a. "Department" means the Washington State Military Department, as a state agency, any division, section, office, unit or other entity of the Department, or any of the officers or other officials lawfully representing that Department.

b. "Sub-grantee" means the government or other eligible legal entity to which a sub-grant is awarded and which is accountable to the Grantee for the use of the funds provided under this Grant Agreement, and includes all employees of the Sub-grantee and any sub-contractor retained by the Sub-grantee as permitted under the terms of this Grant Agreement. The term "Sub-grantee" and "Contractor" may be used interchangeably in this Agreement.

c. "Sub-grantee Agent" means the official representative and alternate designated or appointed by the Sub-grantee in writing and authorized to make decisions on behalf of the Sub-grantee.

d. "Grantee" means the government to which a grant is awarded and which is accountable for the use of the funds provided. The Grantee is an entire legal entity even if only a particular component of the entity is designated in the grant award document. For the purpose of this Grant Agreement, the state of Washington is the Grantee. The Grantee and the Department are one and the same.

e. "Monitoring Activities" means all administrative, financial, or other review activities that are conducted to ensure compliance with all state and federal laws, rules, authorities and policies.

f. "Investment Justification" means grant application investment justification submitted by the Sub-grantee describing the project for which federal funding is sought and provided under this Grant Agreement. Such grant application investment justification is hereby incorporated into this Grant Agreement by reference.

g. "PL" – is defined and used herein to mean the Public Law.

h. "CFR" – is defined and used herein to mean the Code of Federal Regulations.

i. "OMB" – is defined and used herein to mean the Office of Management and Budget.

j. "WAC" – is defined and used herein to mean the Washington Administrative Code.

k. "RCW" – is defined and used herein to mean the Revised Code of Washington.

A.2 SINGLE AUDIT ACT REQUIREMENTS (INCLUDING ALL AMENDMENTS)

Non-federal entities as subrecipients that expend $500,000 or more in one fiscal year of federal funds from all sources, direct and indirect, are required to have a single or a program-specific audit conducted in accordance with the Office of Management and Budget (OMB) Circular A-133-Audits of States, Local Governments, and Non-Profit Organizations (amended June 27, 2003, effective for fiscal years ending after December 31, 2003, and further amended June 26, 2007). Non-federal entities that spend less than $500,000 a year in federal awards are exempt from federal audit requirements for that year, except as noted in Circular No. A-133. As defined in Circular A-133, the term "non-federal entity" means a State, local government, or non-profit organization, and the term "State" includes Indian tribes. Circular A-133 is available on the OMB Home Page at http://www.omb.gov.

Sub-grantee required to have an audit must ensure the audit is performed in accordance with Generally Accepted Government Auditing Standards (GAGAS) as found in the Government Auditing Standards (the Revised Yellow Book) developed by the Comptroller General and the OMB Compliance Supplement. The Sub-grantee-grantee
has the responsibility of notifying its auditor and requesting an audit in compliance with Circular A-133, to include the Washington State Auditor’s Office, a federal auditor, or a public accountant performing work using GAGAS, as appropriate. Costs of the audit may be an allowable grant expenditure as authorized by Circular A-133.

The Sub-grantee shall maintain auditable records and accounts so as to facilitate the audit requirement and shall ensure that any sub-contractors also maintain auditable records.

The Sub-grantee is responsible for any audit exceptions incurred by its own organization or that of its sub-contractors. Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report. The Sub-grantee must respond to Department requests for information or corrective action concerning audit issues or findings within 30 days of the date of request. The Department reserves the right to recover from the Sub-grantee all disallowed costs resulting from the audit.

Once the single audit has been completed, the Sub-grantee must send a full copy of the audit to the Department and a letter stating there were no findings, or if there were findings, the letter should provide a list of the findings. The Sub-grantee must send the audit and the letter no later than nine (9) months after the end of the Sub-grantee’s fiscal year(s) to:

Accounting Manager
Washington Military Department
Finance Division, Building #1  TA-20
Camp Murray, WA  98430-5032

In addition to sending a copy of the audit, the Sub-grantee must include a corrective action plan for any audit findings and a copy of the management letter if one was received.

If Sub-grantee claims it is exempt from the audit requirements of Circular A-133, Sub-grantee must send a letter identifying this Grant Agreement and explaining the criteria for exemption no later than nine (9) months after the end of the Sub-grantee fiscal year(s) to:

Accounting Manager
Washington Military Department
Finance Division, Building #1  TA-20
Camp Murray, WA  98430-5032

The Department retains the sole discretion to determine whether a valid claim for an exemption from the audit requirements of this provision has been established.

The Sub-grantee shall include the above audit requirements in any sub-contracts.

Conducting a single or program-specific audit in compliance with Circular A-133 is a material requirement of this Grant Agreement. In the absence of a valid claim of exemption from the audit requirements of Circular A-133, the Sub-grantees failure to comply with said audit requirements may result in one or more of the following actions in the Department’s sole discretion: a percentage of federal awards being withheld until the audit is completed in accordance with Circular A-133; the withholding or disallowing of overhead costs; the suspension of federal awards until the audit is conducted and submitted; or termination of the federal award.

A.3 ADVANCE PAYMENTS PROHIBITED
The Department shall make no payments in advance or in anticipation of goods or services to be provided under this Agreement. Sub-grantee shall not invoice the Department in advance of delivery and invoicing of such goods or services.
A.4 AMENDMENTS AND MODIFICATIONS
The Sub-grantee or the Department may request, in writing, an amendment or modification of this Grant Agreement. However, such amendment or modification shall not be binding, take effect or be incorporated herein until made in writing and signed by the authorized representatives of the Department and the Sub-grantee. No other understandings or agreements, written or oral, shall be binding on the parties.

The Sub-grantee must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunication.

A.6 ASSURANCES
Department and Sub-grantee agree that all activity pursuant to this Grant Agreement will be in accordance with all the applicable current federal, state and local laws, rules and regulations.

A.7 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, OR INELIGIBILITY
As federal funds are a basis for this Grant Agreement, the Sub-grantee certifies that the Sub-grantee is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Grant Agreement by any federal department or agency.

If requested by the Department, the Sub-grantee shall complete and sign a Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion form. Any such form completed by the Sub-grantee for this Grant Agreement shall be incorporated into this Grant Agreement by reference.

Further, the Sub-grantee agrees to comply with all applicable federal regulations concerning the federal debarment and suspension system, including 2 CFR Part 180. The Sub-grantee certifies that it will ensure that potential sub-contractors or sub-recipients or any of their principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in “covered transactions” by any federal department or agency. “Covered transactions” include procurement contracts for goods or services awarded under a non-procurement transaction (e.g. grant or cooperative agreement) that are expected to equal or exceed $25,000, and sub-awards to sub-recipients for any amount. With respect to covered transactions, the Sub-grantee may comply with this provision by obtaining a certification statement from the potential sub-contractor or sub-recipient or by checking the Excluded Parties List System (EPLS) maintained by the federal General Services Administration (GSA). The Sub-grantee also agrees not to enter into any arrangements or contracts with any party on the Washington State Department of Labor and Industries’ “Debarred Contractor List.”

A.8 CONFLICT OF INTEREST
No officer or employee of the Department; no member, officer, or employee of the Sub-grantee or its designees or agents; no member of the governing body of the jurisdiction in which the project is undertaken or located; and no other official of such the Sub-grantee who exercises any functions or responsibilities with respect to the project during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement. The Sub-grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to this provision.
A.9 COMPLIANCE WITH APPLICABLE STATUTES, RULES AND DEPARTMENT POLICIES
The Sub-grantee and all its contractors shall comply with, and the Department is not
responsible for determining compliance with, any and all applicable federal, state, and
local laws, regulations, executive orders, OMB Circulars, and/or policies. This obligation
includes, but is not limited to: nondiscrimination laws and/or policies, Energy Policy and
Conservation Act (PL 94-163, as amended), the Americans with Disabilities Act (ADA),
the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (PL 93-288, as
amended), Ethics in Public Service (RCW 42.52), Covenant Against Contingent Fees
(48 CFR Section 52.203-5), Public Records Act (RCW 42.56), Prevailing Wages on
Public Works (RCW 39.12), State Environmental Policy Act (RCW 43.21C), Shoreline
Management Act of 1971 (RCW 90.58), State Building Code (RCW 19.27), Energy
Related Building Standards (RCW 19.27A), Provisions in Buildings for Aged and
Handicapped Persons (RCW 70.92), and safety and health regulations.

In the event of the Sub-grantee’s or its contractor’s noncompliance or refusal to comply
with any applicable law, regulation, executive order, OMB Circular or policy, the
Department may rescind, cancel, or terminate the Grant Agreement in whole or in part in
its sole discretion. The Sub-grantee is responsible for all costs or liability arising from its
failure to comply with applicable law, regulation, executive order, OMB Circular or policy.

A.10 DISCLOSURE
The use or disclosure by any party of any information concerning the Department for any
purpose not directly connected with the administration of the Department’s or the Sub-
grantee’s responsibilities with respect to services provided under this Grant Agreement
is prohibited except by prior written consent of the Department. However, the parties
acknowledge that the Department, and state and local agencies as defined in RCW
42.56.010, are subject to RCW 42.56, the state Public Records Act.

A.11 DISPUTES
The Department and Sub-grantee shall make every effort to resolve disputes arising out
of or relating to this Grant Agreement through discussion and negotiation. Should
discussion and negotiation fail to resolve a dispute arising under this Agreement, the
parties shall select a dispute resolution team to resolve the dispute. The team shall
consist of a representative appointed by each party and a third representative mutually
agreed upon by both parties. The team shall attempt, by majority vote, to resolve the
dispute.

Both parties agree that this dispute resolution process shall precede any action in a
judicial or quasi-judicial tribunal. Nothing in this section shall preclude the parties from
mutually agreeing to a different dispute resolution method in lieu of the procedure
outlined above.

A.12 LEGAL RELATIONS
It is understood and agreed that this Grant Agreement is solely for the benefit of the
parties to the Grant Agreement and gives no right to any other party. No joint venture or
partnership is formed as a result of this Grant Agreement.

To the extent allowed by law, the Sub-grantee, its successors or assigns, will protect,
save and hold harmless the Department, the State of Washington, and the United States
Government and their authorized agents and employees, from all claims, actions, costs,
damages or expenses of any nature whatsoever by reason of the acts or omissions of the
Sub-grantee, its sub-contractors, assigns, agents, contractors, consultants,
licensees, invitees, employees or any person whomsoever arising out of or in connection
with any acts or activities authorized by this Grant Agreement.

To the extent allowed by law, the Sub-grantee further agrees to defend the Department
and the State of Washington and their authorized agents and employees in any litigation;
including payment of any costs or attorneys’ fees for any claims or action commenced
thereon arising out of or in connection with acts or activities authorized by this Grant Agreement.

This obligation shall not include such claims, costs, damages or expenses which may be caused by the sole negligence of the Department; provided, that if the claims or damages are caused by or result from the concurrent negligence of (1) the Department, and (2) the Sub-grantee, its agents, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Sub-grantee, or Sub-grantee’s agents or employees.

Insofar as the funding source, the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), is an agency of the federal government, the following shall apply:

44 CFR 206.9 Non-liability. The federal government shall not be liable for any claim based upon the exercise or performance of, or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the federal government in carrying out the provisions of the Stafford Act.

A.13 LIMITATION OF AUTHORITY – Authorized Signature
The signatories to this Agreement represent that they have the authority to bind their respective organizations to this Agreement. Only the Department’s Authorized Signature representative and the Authorized Signature representative of the Sub-grantee or Alternate for the Sub-grantee, formally designated in writing, shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of this Grant Agreement. Any alteration, amendment, modification, or waiver of any clause or condition of this Grant Agreement is not effective or binding unless made in writing and signed by both parties Authorized Signature representatives. Further, only the Authorized Signature representative or Alternate for the Sub-grantee shall have signature authority to sign reimbursement requests, time extension requests, amendment and modification requests, requests for changes to projects or work plans, and other requests, certifications and documents authorized by or required under this Agreement.

A.14 LOSS OR REDUCTION OF FUNDING
In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement and prior to normal completion or end date, the Department may unilaterally reduce the scope of work and budget or unilaterally terminate all or part of the Agreement as a "Termination for Cause" without providing the Sub-grantee an opportunity to cure. Alternatively, the parties may renegotiate the terms of this Agreement under "Amendments and Modifications" to comply with new funding limitations and conditions, although the Department has no obligation to do so.

A.15 NONASSIGNABILITY
Neither this Grant Agreement, nor any claim arising under this Grant Agreement, shall be transferred or assigned by the Sub-grantee.

A.16 NONDISCRIMINATION
The Sub-grantee shall comply with all applicable federal and state non-discrimination laws, regulations, and policies. No person shall, on the grounds of age, race, creed, color, sex, sexual orientation, religion, national origin, marital status, honorably discharged veteran or military status, or disability (physical, mental, or sensory) be denied the benefits of, or otherwise be subjected to discrimination under any project, program, or activity, funded, in whole or in part, under this Grant Agreement.

A.17 NOTICES
The Sub-grantee shall comply with all public notices or notices to individuals required by applicable local, state and federal laws and shall maintain a record of this compliance.
A.18 OCCUPATIONAL SAFETY/HEALTH ACT and WASHINGTON INDUSTRIAL SAFETY/HEALTH ACT (OSHAWISHA)
The Sub-grantee represents and warrants that its work place does now or will meet all applicable federal and state safety and health regulations that are in effect during the Sub-grantee’s performance under this Grant Agreement. To the extent allowed by law, the Sub-grantee further agrees to indemnify and hold harmless the Department and its employees and agents from all liability, damages and costs of any nature, including but not limited to, costs of suits and attorneys’ fees assessed against the Department, as a result of the failure of the Sub-grantee to so comply.

A.19 OWNERSHIP OF PROJECT/CAPITAL FACILITIES
The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement, and by this grant of funds does not and will not acquire any ownership interest or title to such property of the Sub-grantee. The Sub-grantee shall assume all liabilities arising from the ownership and operation of the project and agrees to hold the Department and the state of Washington and the United States government harmless from any and all causes of action arising from the ownership and operation of the project.

A.20 POLITICAL ACTIVITY
No portion of the funds provided herein shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

A.21 PROHIBITION AGAINST PAYMENT OF BONUS OR COMMISSION
The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval of the application for such assistance or any other approval or concurrence under this Grant Agreement provided, however, that reasonable fees or bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

A.22 PUBLICITY
The Sub-grantee agrees to submit to the Department prior to issuance all advertising and publicity matters relating to this Grant Agreement wherein the Department’s name is mentioned or language used from which the connection of the Department’s name may, in the Department’s judgment, be inferred or implied. The Sub-grantee agrees not to publish or use such advertising and publicity matters without the prior written consent of the Department. The Sub-grantee may copyright original work it develops in the course of or under this Grant Agreement; however, pursuant to 44 CFR 13.34, FEMA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use the work for government purposes.

Publication resulting from work performed under this Grant Agreement shall include an acknowledgement of FEMA’s financial support, by CFDA number, and a statement that the publication does not constitute an endorsement by FEMA or reflect FEMA’s views.

A.23 RECAPTURE PROVISION
In the event the Sub-grantee fails to expend funds under this Agreement in accordance with applicable federal, state, and local laws and/or the provisions of the Grant Agreement, the Department reserves the right to recapture funds in an amount equivalent to the extent of noncompliance. Such right of recapture shall exist for the life of the project following Grant Agreement termination. Repayment by the Sub-grantee of funds under this recapture provision shall occur within 30 days of demand.

In the event the Department is required to institute legal proceedings to enforce the recapture provision, the Department shall be entitled to its costs thereof, including attorney fees.

A.24 RECORDS
a. The Sub-grantee agrees to maintain all books, records, documents, receipts, invoices and all other electronic or written records necessary to sufficiently and properly reflect the Sub-grantee’s contracts, grant administration, and payments, including all direct and indirect charges, and expenditures in the performance of this Grant Agreement (the "records").

b. The Sub-grantee’s records related to this Grant Agreement and the projects funded may be inspected and audited by the Department or its designee, by the Office of the State Auditor, DHS, FEMA or their designees, by the Comptroller General of the United States or its designees, or by other state or federal officials authorized by law, for the purposes of determining compliance by the Sub-grantee with the terms of this Grant Agreement and to determine the appropriate level of funding to be paid under the Grant Agreement.

c. The records shall be made available by the Sub-grantee for such inspection and audit, together with suitable space for such purpose, at any and all times during the Sub-grantee’s normal working day.

d. The Sub-grantee shall retain and allow access to all records related to this Grant Agreement and the funded project(s) for a period of at least six (6) years following final payment and closure of the grant under this Grant Agreement.

A.25 RESPONSIBILITY FOR PROJECT/STATEMENT OF WORK/WORK PLAN

While the Department undertakes to assist the Sub-grantee with the project/statement of work/work plan (project) by providing grant funds pursuant to this Grant Agreement, the project itself remains the sole responsibility of the Sub-grantee. The Department undertakes no responsibility to the Sub-grantee, or to any third party, other than as is expressly set out in this Grant Agreement.

The responsibility for the design, development, construction, implementation, operation and maintenance of the project, as these phrases are applicable to this project, is solely that of the Sub-grantee, as is responsibility for any claim or suit of any nature by any third party related in any way to the project.

Prior to the start of any construction activity, the Sub-grantee shall ensure that all applicable Federal, State, and local permits and clearances are obtained, including but not limited to FEMA compliance with the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, and all other environmental laws and executive orders.

The Sub-grantee shall defend, at its own cost, any and all claims or suits at law or in equity, which may be brought against the Sub-grantee in connection with the project. The Sub-grantee shall not look to the Department, or to any state or federal agency, or to any of their employees or agents, for any performance, assistance, or any payment or indemnity, including but not limited to cost of defense and/or attorneys’ fees, in connection with any claim or lawsuit brought by any third party related to any design, development, construction, implementation, operation and/or maintenance of a project.

A.26 CERTIFICATION REGARDING RESTRICTIONS ON LOBBYING

As required by 44 CFR Part 18, the Sub-grantee hereby certifies that to the best of its knowledge and belief: (1) no federally appropriated funds have been paid or will be paid by or on behalf of the Sub-grantee to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement; (2) that if any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Grant Agreement, grant, loan, or cooperative agreement, the Sub-grantee will complete and
submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; (3) and that, as applicable, the Sub-grantee will require that the language of this certification be included in the award documents for all subawards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into, and is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code.

A.27 SEVERABILITY
If any court of rightful jurisdiction holds any provision or condition under this Grant Agreement or its application to any person or circumstances invalid, this invalidity does not affect other provisions, terms or conditions of the Grant Agreement, which can be given effect without the invalid provision. To this end, the terms and conditions of this Grant Agreement are declared severable.

A.28 SUB-CONTRACTING
The Sub-grantee shall use a competitive procurement process in the award of any contracts with contractors or sub-contractors that are entered into under the original contract award. The procurement process followed shall be in accordance with 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or with OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations, as applicable to the Sub-grantee.

All sub-contracting agreements entered into pursuant to this Grant Agreement shall incorporate this Grant Agreement by reference.

A.29 SUB-GRANTEE NOT EMPLOYEE
The parties intend that an independent contractor relationship will be created by this Grant Agreement. The Sub-grantee, and/or employees or agents performing under this Grant Agreement are not employees or agents of the Department in any manner whatsoever. The Sub-grantee will not be presented as nor claim to be an officer or employee of the Department or of the State of Washington by reason of this Grant Agreement, nor will the Sub-grantee make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the Department or of the State of Washington by reason of this Grant Agreement, including, but not limited to, Workmen's Compensation coverage, unemployment insurance benefits, social security benefits, retirement membership or credit, or privilege or benefit which would accrue to a civil service employee under Chapter 41.06 RCW.

It is understood that if the Sub-grantee is another state department, state agency, state university, state college, state community college, state board, or state commission, that the officers and employees are employed by the state of Washington in their own right and not by reason of this Grant Agreement.

A.30 TAXES, FEES AND LICENSES
Unless otherwise provided in this Grant Agreement, the Sub-grantee shall be responsible for, pay and maintain in current status all taxes, unemployment contributions, fees, licenses, assessments, permit charges and expenses of any other kind for the Sub-grantee or its staff required by statute or regulation that are applicable to Grant Agreement performance.

A.31 TERMINATION FOR CONVENIENCE
Notwithstanding any provisions of this Grant Agreement, the Sub-grantee may terminate this Grant Agreement by providing written notice of such termination to the Department's Key Personnel identified in the Grant Agreement, specifying the effective date thereof, at least thirty (30) days prior to such date.

Except as otherwise provided in this Grant Agreement, the Department, in its sole discretion and in the best interests of the State of Washington, may terminate this Grant Agreement...
Agreement in whole or in part by providing ten (10) calendar days written notice, beginning on the second day after mailing to the Sub-grantee. Upon notice of termination for convenience, the Department reserves the right to suspend all or part of the Grant Agreement, withhold further payments, or prohibit the Sub-grantee from incurring additional obligations of funds. In the event of termination, the Sub-grantee shall be liable for all damages as authorized by law. The rights and remedies of the Department provided for in this section shall not be exclusive and are in addition to any other rights and remedies provided by law.

A.32 TERMINATION OR SUSPENSION FOR CAUSE
In the event the Department, in its sole discretion, determines the Sub-grantee has failed to fulfill in a timely and proper manner its obligations under this Grant Agreement, is in an unsound financial condition so as to endanger performance hereunder, is in violation of any laws or regulations that render the Sub-grantee unable to perform any aspect of the Grant Agreement, or has violated any of the covenants, agreements or stipulations of this Grant Agreement, the Department has the right to immediately suspend or terminate this Grant Agreement in whole or in part.

The Department may notify the Sub-grantee in writing of the need to take corrective action and provide a period of time in which to cure. The Department is not required to allow the Sub-grantee an opportunity to cure if it is not feasible as determined solely within the Department’s discretion. Any time allowed for cure shall not diminish or eliminate the Sub-grantee liability for damages or otherwise affect any other remedies available to the Department. If the Department allows the Sub-grantee an opportunity to cure, the Department shall notify the Sub-grantee in writing of the need to take corrective action. If the corrective action is not taken within ten (10) calendar days or as otherwise specified by the Department, or if such corrective action is deemed by the Department to be insufficient, the Grant Agreement may be terminated in whole or in part.

The Department reserves the right to suspend all or part of the Grant Agreement, withhold further payments, or prohibit the Sub-grantee from incurring additional obligations of funds during investigation of the alleged compliance breach, pending corrective action by the Sub-grantee, if allowed, or pending a decision by the Department to terminate the Grant Agreement in whole or in part.

In the event of termination, the Sub-grantee shall be liable for all damages as authorized by law, including but not limited to, any cost difference between the original Grant Agreement and the replacement or cover Grant Agreement and all administrative costs directly related to the replacement Grant Agreement, e.g., cost of administering the competitive solicitation process, mailing, advertising and other associated staff time. The rights and remedies of the Department provided for in this section shall not be exclusive and are in addition to any other rights and remedies provided by law.

If it is determined that the Sub-grantee: (1) was not in default or material breach, or (2) failure to perform was outside of the Sub-grantee’s control, fault or negligence, the termination shall be deemed to be a “Termination for Convenience”.

A.33 TERMINATION PROCEDURES
In addition to the procedures set forth below, if the Department terminates this Grant Agreement, the Sub-grantee shall follow any procedures specified in the termination notice. Upon termination of this Grant Agreement and in addition to any other rights provided in this Grant Agreement, the Department may require the Sub-grantee to deliver to the Department any property specifically produced or acquired for the performance of such part of this Grant Agreement as has been terminated.

If the termination is for convenience, the Department shall pay to the Sub-grantee agreed upon price, if separately stated, for properly authorized and completed work and services rendered or goods delivered to and accepted by the Department prior to the effective date of Grant Agreement termination, and the amount agreed upon by the Sub-grantee and the Department for (i) completed work and services and/or equipment or
supplies provided for which no separate price is stated, (ii) partially completed work and services and/or equipment or supplies provided which are accepted by the Department, (iii) other work, services and/or equipment or supplies which are accepted by the Department, and (iv) the protection and preservation of property.

Failure to agree with such amounts shall be a dispute within the meaning of the "Disputes" clause of this Grant Agreement. If the termination is for cause, the Department shall determine the extent of the liability of the Department. The Department shall have no other obligation to the Sub-grantee for termination. The Department may withhold from any amounts due the Sub-grantee such sum as the Department determines to be necessary to protect the Department against potential loss or liability.

The rights and remedies of the Department provided in this Grant Agreement shall not be exclusive and are in addition to any other rights and remedies provided by law.

After receipt of a notice of termination, and except as otherwise directed by the Department in writing, the Sub-grantee shall:

a. Stop work under the Grant Agreement on the date, and to the extent specified, in the notice;

b. Place no further orders or sub-contracts for materials, services, supplies, equipment and/or facilities in relation to this Grant Agreement except as may be necessary for completion of such portion of the work under the Grant Agreement as is not terminated;

c. Assign to the Department, in the manner, at the times, and to the extent directed by the Department, all of the rights, title, and interest of the Sub-grantee under the orders and sub-contracts so terminated, in which case the Department has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and sub-contracts;

d. Settle all outstanding liabilities and all claims arising out of such termination of orders and sub-contracts, with the approval or ratification of the Department to the extent the Department may require, which approval or ratification shall be final for all the purposes of this clause;

e. Transfer title to the Department and deliver in the manner, at the times, and to the extent directed by the Department any property which, if the Grant Agreement had been completed, would have been required to be furnished to the Department;

f. Complete performance of such part of the work as shall not have been terminated by the Department in compliance with all contractual requirements; and

g. Take such action as may be necessary, or as the Department may require, for the protection and preservation of the property related to this Grant Agreement which is in the possession of the Sub-grantee and in which the Department has or may acquire an interest.

A.34 TRAVEL AND SUBSISTENCE REIMBURSEMENT

Unless the Grant Agreement specifically provides for different rates, any travel or subsistence reimbursement allowed under the Agreement shall be paid in accordance with rates set pursuant to RCW 43.03.050 and RCW 43.03.060 as now existing or amended. The Sub-grantee may be required to provide to the Department copies of receipts for any travel related expenses other than meals and mileage (example: parking) that are authorized under this Agreement.

A.35 UTILIZATION OF MINORITY AND WOMEN BUSINESS ENTERPRISES (MWBE)

The Sub-grantee is encouraged to utilize business firms that are certified as minority-owned and/or women-owned in carrying out the purposes of this Grant Agreement. The Sub-grantee may set utilization standards, based upon local conditions or may utilize the state of Washington MWBE goals, as identified in WAC 326-30-041.
A.36  **WAIVERS**

No conditions or provisions of this Grant Agreement can be waived unless approved in advance by the Department in writing. The Department's failure to insist upon strict performance of any provision of the Grant Agreement or to exercise any right based upon a breach thereof, or the acceptance of any performance during such breach, shall not constitute a waiver of any right under this Grant Agreement.

A.37  **VENUE**

This Grant Agreement shall be construed and enforced in accordance with, and the validity and performance shall be governed by the laws of the state of Washington. Venue of any suit between the parties arising out of this Grant Agreement shall be the Superior Court of Thurston County, Washington. The Sub-grantee, by execution of this Grant Agreement acknowledges the jurisdiction of the courts of the State of Washington.
FFY12 Homeland Security Grant Program (HSGP)  
Operation Stonergarden (OPSG) Scope of Work

Operations Order Name    FY12 OPSG Whatcom County
Op-Order Number     13-BLWBLW-01-003 Version 0
Op Order Dates   9/01/2012               To  8/30/2014

From Approved Operations Order:

EXECUTIVE SUMMARY: Operation Stonergarden FY 2012 is a Category 2 Operation, which will be conducted in Blaine Sector beginning 9/01/2012 and continuing until 8/30/2014.

The Whatcom County Sheriff’s Office established an Operation Stonergarden (OPSG) Integrated Planning Team (IPT) in 2008 that is represented by the Undersheriff of Whatcom County, the Chiefs of Police for the cities of Blaine, Lynden, Everson, Sumas, and Ferndale, Washington State Fish and Wildlife Police, and the U.S. Border Patrol (USBP) Blaine Sector OPSG Coordinator.

The IPT will continue to use OPSG funding to augment terrestrial border security patrols in exploited border zones and to conduct joint law enforcement marine patrols along the maritime boundary in order to gain better situational awareness and to deliver a meaningful deterrent to illegal incursions.

MISSION: In coordination with the U.S. Border Patrol, participating agencies will perform additional routine patrols and special operations in order to supplement the Department of Homeland Security in the prevention, detection, and deterrence of any illegal cross-border activity and the detection and disruption of criminal or terrorist organizations attempting to smuggle narcotics, people, or weapons of mass destruction into the United States.

ACTIVE PARTICIPANTS: Blaine Police Department; Everson Police Department; Ferndale Police Department; Lynden Police Department; Sumas Police Department; Whatcom County Sheriff’s Office; Washington State Fish and Wildlife Police; US Border Patrol

EXECUTION:

- State and local law enforcement entities, utilizing OPSG overtime, fuel and equipment funding, will provide an enhanced law enforcement presence in exploited border zones. Participants will perform duties normal to their agency’s mission while providing additional “eyes and ears” and resources in support of the border security mission. Information gathered during OPSG operations will be forwarded to the Sector Intelligence Unit (SIU) for analysis and dissemination.

- Blaine Sector Stations will be responsible for OPSG related enforcement activities within their respective AORs. A representative from Blaine Sector Headquarters will monitor/coordinate all OPSG activities, generate and distribute participant schedules, collect the OPSG Daily Activity Report (DAR), generate and submit the weekly OPSG recap for OBP, and keep appropriate command staff apprised as necessary.
<table>
<thead>
<tr>
<th>MILESTONE</th>
<th>TASK</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 1, 2012</td>
<td>Start of Grant Agreement performance period</td>
</tr>
<tr>
<td>May 2013</td>
<td>Contract Execution</td>
</tr>
<tr>
<td>July 15, 2013</td>
<td>Bi-Annual Progress Report due</td>
</tr>
<tr>
<td>January 15, 2014</td>
<td>Bi-Annual Progress Report due</td>
</tr>
<tr>
<td>July 31, 2014</td>
<td>End of Grant Agreement performance period</td>
</tr>
<tr>
<td>September 15, 2014</td>
<td>Requests for Reimbursement, Final Progress Report and/or Deliverables due</td>
</tr>
</tbody>
</table>
## BUDGET SHEET

**FFY12 Homeland Security Grant Program (HSGP)**  
**Operation Stonegarden (OPSG)**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Subtotal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational Overtime</td>
<td>$359,600.00</td>
<td>$359,600.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>$359,600.00</strong></td>
</tr>
<tr>
<td>Travel</td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>$0.00</strong></td>
</tr>
<tr>
<td>Vehicle/Equipment Maintenance</td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>$0.00</strong></td>
</tr>
<tr>
<td>Fuel Cost and/or Mileage</td>
<td>$41,900.00</td>
<td>$41,900.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>$41,900.00</strong></td>
</tr>
<tr>
<td>Equipment</td>
<td>$323,500.00</td>
<td>$323,500.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>$323,500.00</strong></td>
</tr>
<tr>
<td>Management and Administration</td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>$0.00</strong></td>
</tr>
<tr>
<td>Indirect</td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>$0.00</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$725,000.00</strong></td>
</tr>
</tbody>
</table>

**Funding Source:**  
723GA

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1. Cumulative changes to budget categories in excess of 10% of the grant agreement will not be reimbursed without prior written authorization from the Department.

2. The Sub-grantee will not be reimbursed for personnel costs that exceed $362,500.

3. Funds shall not be used to supplant inherent routine patrols and law enforcement operations or activities not directly related to providing enhanced coordination between local and Federal law enforcement agencies.
ADDITIONAL AGREEMENT PROVISIONS AND WORKSHEET
For Compliance With The

The Federal Funding Accountability and Transparency Act (FFATA) was signed on September 26, 2006. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website. Federal awards include grants, subgrants, loans, awards, cooperative agreements and other forms of financial assistance as well as contracts, subcontracts, purchase orders, task orders, and delivery orders. The legislation does not require inclusion of individual transactions below $25,000 or credit card transactions before October 1, 2008. However, if an award is initially below this amount yet later increased, the act is triggered. Due to this variability in compliance Subrecipients are required by the Military Department to be familiar with the FFATA requirements and complete this Worksheet for each contract for the State’s submission in to the FFATA portal.

ADDITIONAL PROVISIONS

A. This contract (subaward) is supported by federal funds, requiring compliance with the Federal Funding Accountability and Transparency Act (FFATA or the Transparency Act) and Office of Management and Budget Guidance (OMB). Public Law 109-282 as amended by section 6202(a) of Public Law 110-252 (see 31 U.S.C. 6101 note). By entering into this contract, contractor agrees to provide all applicable reporting information to the Washington Military Department (WMD) required by FFATA and OMB Guidance.

B. The FFATA requires the OMB to establish a publicly available online database (USASpending.gov) containing information about entities that are awarded Federal grants, loans, and contracts. As required by FFATA and OMB Guidance, certain information on the first-tier subawards related to Federal contracts and grants, and the executive compensation of awardees, must be made publicly available.

C. For new Federal grants beginning October 1, 2010, if the initial subaward is equal to or greater than $25,000, reporting of the subaward and executive compensation information is required. If the initial subaward is below $25,000 but subsequent grant modifications result in a total subaward equal to or over $25,000, the subaward will be subject to the reporting requirements as of the date the subaward exceeds $25,000. If the initial subaward equals or exceeds $25,000 but funding is subsequently de-obligated such that the total award amount falls below $25,000, the subaward continues to be subject to the reporting requirements of the Transparency Act and OMB Guidance.

D. As a Federal grant subawardee under this contract, your organization is required by FFATA, OMB Guidance and this contract to provide the WMD, as the prime grant awardee, all information required for FFATA compliant reporting by WMD. This includes all applicable subawardee entity information required by FFATA and OMB Guidance, subawardee DUNS number, and relevant executive compensation data, as applicable.

1. Data about your organization will be provided to USASpending.gov by the WMD or by the Federal Contractor Registry (CCR). CCR is a government wide registration system for organizations that do business with the Federal Government. CCR stores information about awardees including financial account information for payment purposes and a link to D&B for maintaining current DUNS information, www.ccr.gov. WMD encourages CCR registration and annual renewal by your organization to minimize unnecessary data entry and re-entry required by both WMD and your organization. It will also reduce the potential of inconsistent or inaccurate data entry.
2. Your organization must have a Data Universal Numbering System (DUNS) number obtained from the firm Dun and Bradstreet (D&B) (www.dnb.com). A DUNS number provides a method to verify data about your organization. D&B is responsible for maintaining unique identifiers and organizational linkages on behalf of the Federal Government for organizations receiving Federal assistance.

E. The WMD, as the prime awardee, is required by FFATA to report names and total compensation of the five (5) most highly compensated officers of your organization (as the subawardee) if:

1. Your organization (the subawardee), in the preceding fiscal year, received 80 percent or more of its annual gross revenues from Federal awards and $25,000,000 or more in annual gross revenues from Federal awards; and

2. The public does not have access to this information about the compensation of the senior executives of your organization through periodic reports filed under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986.

"Total compensation" for purposes of this requirement generally means the cash and non-cash value earned by the executive during the past fiscal year and includes salary and bonus; awards of stock, stock options and stock appreciation rights; and other compensation such as severance and termination payments, and value of life insurance paid on behalf of the employee, and as otherwise provided by FFATA and applicable OMB guidance.

F. If (1) in the preceding fiscal year your organization received 80 percent or more of its annual gross revenues from Federal awards and $25,000,000 or more in annual gross revenues from Federal awards, and (2) the public does not have access to this information about the compensation of the senior executives of your organization through periodic reports filed under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986, insert the names and total compensation for the five most highly compensated officers of your organization in the table below.
**WORKSHEET**

**Subrecipient Agency:** Whatcom County

**Grant and Year:** CGPC-2012

**Agreement Number:** E13-232

**Completed by:**
- **Name:** Frances Buckheit
- **Title:** Specialist
- **Telephone:** 360-676-6681

**Date Completed:**

### STEP 1

Is your grant agreement less than $25,000?

- YES ☑
- NO ☒

**Direction:** STOP, no further analysis needed, GO to Step 6

**Direction:** GO to Step 2

### STEP 2

In your preceding fiscal year, did your organization receive 80% or more of its annual gross revenues from federal funding?

- YES ☐
- NO ☑

**Direction:** GO to STEP 3

**Direction:** STOP, no further analysis needed, GO to Step 6

### STEP 3

In your preceding fiscal year, did your organization receive $25,000,000 or more in federal funding?

- YES ☐
- NO ☑

**Direction:** GO to STEP 4

**Direction:** STOP, no further analysis needed, GO to Step 6

### STEP 4

Does the public have access to information about the total compensation* of senior executives in your organization?

- YES ☐
- NO ☑

**Direction:** STOP, no further analysis needed, GO to step 6

**Direction:** GO to STEP 5

### STEP 5

<table>
<thead>
<tr>
<th>Executive #1</th>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Compensation amount: $</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Executive #2</th>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Compensation amount: $</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Executive #3</th>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Compensation amount: $</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Executive #4</th>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Compensation amount: $</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Executive #5</th>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Compensation amount: $</td>
<td></td>
</tr>
</tbody>
</table>

### STEP 6

If your organization does not meet these criteria, specifically identify below each criteria that is not met for your organization: For Example: "Our organization received less than $25,000."

Whatcom County received less than 80% of its annual gross revenue from federal funding.

---

**Signature:** [Signature]

**Date:** 05/15/2013

* Total compensation refers to:
  - Salary and bonuses
  - Awards of stock, stock options, and stock appreciation rights
  - Other compensation including, but not limited to, severance and termination payments
  - Life insurance value paid on behalf of the employee

Additional Resources:
- http://www.whitehouse.gov/omb/open
- http://www.grants.gov/
**WHATCOM COUNTY COUNCIL AGENDA BILL**

**TITLE OF DOCUMENT:** Bid 13-37 Annual Drydock Repairs & Maintenance to the Whatcom Chief Ferry

**ATTACHMENTS:** Memos 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.)

Public Works Equipment Services Division is requesting approval to award the bid and enter into a contract for the annual drydock repairs and maintenance of the Whatcom Chief Ferry. Three bids were received. Public Works requests that the bid be awarded to the low bidder Foss Maritime Company in the amount of $343,959.00.

This is a planned project and funds were approved in the current budget.

**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: 22 May 2013

TO: Jack Louws, County Executive

FROM: Brad Bennett, Administrative Services Finance Manager

SUBJECT: Award of Bid 13-37, Annual Ferry Drydock, Repairs, & Maintenance

BACKGROUND
Bids were advertised for the annual drydock, repairs and maintenance service for the
Whatcom Chief, three bids were received on May 21. The bid totals are as follows:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>TOTAL BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foss Maritime Company</td>
<td>$343,959.00</td>
</tr>
<tr>
<td>Dakota Creek Industries</td>
<td>$344,839.00</td>
</tr>
<tr>
<td>Lake Union Drydock Company</td>
<td>$347,000.00</td>
</tr>
</tbody>
</table>

Public Works Equipment Services Division requests approval to award the bid and enter
into a contract with the low bidder Foss Maritime Company in the amount of
$343,959.00.

FUNDING
This is a regularly budgeted project and funds for this purchase were approved in the
current budget. I concur with this recommendation.

Approved as Recommended:

County Executive

Date of Council Action
MEMORANDUM

TO: Brad Bennett, AS Finance Manager
THROUGH: Frank M. Abart, PW Director
FROM: Eric L. Schlehuber, PW Equipment Services Manager
RE: Bid 13-37, Drydocking, Repair & Maintenance of the Whatcom Chief (2013)
DATE: May 21, 2013

- Requested Action
Approval requested to award the bid and subsequent contract for the 2013 Annual Drydocking, Repair and Maintenance of the Whatcom Chief to the lowest responsive bidder, Foss Maritime Company, DBA Foss Shipyard in Seattle, in the total amount of $343,959.00.

- Background and Purpose
Bids were duly advertised and submitted for the annual drydocking, repair and maintenance of the Whatcom Chief Ferry. Public Works Equipment Services Division contracts out annually the drydocking of the Whatcom Chief Ferry. Bid responses were received Tuesday, May 21, 2013. We received responses from three vendors. This year’s drydock is anticipated to take up to three weeks from September 4 to September 25, 2013. The Engineer’s Estimate was $450,066.00. Listed below is the detailed bid tabulation for the lowest responsive bid that meets minimum specifications of the three bid responses received for the annual drydocking for 2013.

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foss Maritime Company, DBA Foss Shipyard</td>
<td>$343,959.00</td>
</tr>
</tbody>
</table>

- Funding Amount and Source
Adequate funds exist within the 2013-2014 ER&R fund budget and is within the budgeted expenditure amount for repairs and maintenance as approved during the 2013-2014 budget process.

I am requesting Executive and the Whatcom County Council approval to award this bid and subsequent contract to Foss Maritime Company, DBA Foss Shipyard in Seattle, Washington for a total of $343,959.00.

Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the June 4, 2013 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 50607, if you have any questions or concerns.

Encl.
<table>
<thead>
<tr>
<th>Item</th>
<th>Foss Maritime</th>
<th>Dakota Industries</th>
<th>Lake Union DD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Drydock Vessel Misc Items</td>
<td>51,445.00</td>
<td>46,397.00</td>
<td>73,000.00</td>
</tr>
<tr>
<td>2 Internal Compartments</td>
<td>38,195.00</td>
<td>16,360.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>3 Replace Manhole Gaskets</td>
<td>4,450.00</td>
<td>4,863.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>4 Clean &amp; Paint Sea Valves</td>
<td>1,716.00</td>
<td>2,724.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>5 Replace All Zinks</td>
<td>2,809.00</td>
<td>5,979.00</td>
<td>5,000.00</td>
</tr>
<tr>
<td>6 Keel Coolers</td>
<td>4,221.00</td>
<td>5,390.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>7 Inspect/Repair Propellers</td>
<td>2,308.00</td>
<td>3,768.00</td>
<td>2,000.00</td>
</tr>
<tr>
<td>8 Rudders</td>
<td>8,505.00</td>
<td>8,550.00</td>
<td>9,000.00</td>
</tr>
<tr>
<td>9 Throttle Actuator Box</td>
<td>4,438.00</td>
<td>4,821.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>10 Replace Bilge Valves</td>
<td>6,656.00</td>
<td>6,418.00</td>
<td>11,000.00</td>
</tr>
<tr>
<td>11 LED Lighting</td>
<td>2,524.00</td>
<td>3,619.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>12 Install Fuel Flow Meters</td>
<td>5,435.00</td>
<td>5,229.00</td>
<td>4,000.00</td>
</tr>
<tr>
<td>13 Air Compressor</td>
<td>485.00</td>
<td>928.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>14 Wheelhouse Work</td>
<td>2,206.00</td>
<td>4,324.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>15 Relocate Fire Piping Takedown Joint</td>
<td>1,787.00</td>
<td>1,625.00</td>
<td>2,000.00</td>
</tr>
<tr>
<td>16 Replace/Relocate Fire Pump Bleeder Valve</td>
<td>634.00</td>
<td>1,424.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>17 Main Engines &amp; Generator Maintenance</td>
<td>8,997.00</td>
<td>11,365.00</td>
<td>8,000.00</td>
</tr>
<tr>
<td>18 Rebuild 2 Cat 3406C Engines</td>
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<td>28 Miscellaneous Work</td>
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</tr>
</tbody>
</table>

Calculated Totals from Bid                                           | 343,959.00     | 344,839.00       | 347,000.00    |
Bid Total                                                            | 343,689.00     | 344,839.00       | 347,000.00    |
Difference                                                          | 270.00         | -               | -             |

Final Total                                                        $ 343,959.00   $ 344,839.00   $ 347,000.00
### WHATCOM COUNTY COUNCIL AGENDA BILL

**CLEARANCES**
- Initial: EB
- Date: 5/23/13
- **Date Received in Council Office**: 6/04/13
- **Agenda Date**: 6/04/13
- **Assigned to**: Finance/Council

**MAY 28 2013**

**WHATCOM COUNTY COUNCIL**

**TITLE OF DOCUMENT**: Approval to Purchase a Manufactured Restroom Building

**ATTACHMENTS**: Memo from Finance and Parks & Recreation

**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 Parks & Recreation Department is requesting approval to purchase a manufactured restroom building for installation at Lookout Mountain/Olsen Trailhead using the Washington State Contract. The vendor is CXT Inc and the total purchase is $85,459.68. Funds were approved in the current budget.

**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: 23 May 2013
TO: Pete Kremen, County Executive
FROM: Brad Bennett, Administrative Services Finance Manager
SUBJECT: Approval to Purchase Restroom for Lookout Mountain / Olsen Trailhead

BACKGROUND
The Parks & Recreation Department is requesting approval to purchase a pre-manufactured restroom building for installation at the Lookout Mountain / Olsen Trailhead using the Washington State Contract. The vendor is CXT Inc. The total purchase price is $85,459.68.

This is a planned purchase and funds are in the current budget.

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, Director
DATE: 05/23/13
RE: Purchase of Pre-Manufactured Restroom for Lookout Mountain Trailhead

Parks and Recreation is requesting to purchase 1 pre-manufactured restroom from CXT Precast Concrete Products Inc. from the State Contract #00213. Attached is an order form for the “Denali” unit and a copy of the State of Washington Department of Enterprise Services Contract. Funding for this project was authorized by ASR 2013-5017 and Supplemental Budget Request #1508. Please contact Rod Lamb at extension 31727 if you have any questions or need additional information.
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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
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<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<tbody>
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<td>06/04/13</td>
<td>Finance Council</td>
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<td>Exec:</td>
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</tbody>
</table>

**TITLE OF DOCUMENT:** Interlocal agreement between Whatcom County and the Whatcom Council of Governments for the Comprehensive Economic Development Strategy update.

**ATTACHMENTS:** Memo and Interlocal agreement

<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>

**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.)

Requesting Council approval of an Interlocal agreement between Whatcom County and the Whatcom Council of Governments. Pursuant to RCW 39.24, Whatcom Council of Governments will update and maintain the 2002 CEDS for the purposes of carrying out economic development planning for the entirety of Whatcom County.
# 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>Whatcom Council of Governments (WCOG)</td>
</tr>
</tbody>
</table>

**Is this a New Contract?**
- Yes ☒ No ☐ If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No ☒

**Is this a grant agreement?**
- Yes ☐ No ☒ If yes, grantor agency contract number(s) ☐ ☐ CFDA # ☐
  - County Grant Administrator ☐ ☐ Extension #: ☐

**Is this contract the result of a RFP or Bid process?**
- Yes ☐ No ☒ If yes, RFP and Bid number(s) ☐ ☐ Cost Center: 332219

**Professional Service Contracts** may require the E-Verify clause. Indicate if any of the following exemptions apply:
- ☐ Professional services agreement for certified/licensed professional
- ☐ Contract less than $100,000.
- ☐ Contract for Commercial off the shelf items (COTS)
- ☐ Contract work is all performed outside U.S.
- ☐ Work related subcontract less than $25,000.
- ☐ Interlocal Agreement (between Gov't's)
- ☐ Public Works - Local Agency/Federally Funded FHWA

**Contract Amount:** (sum of orig contract amt and any prior amendments)
- $ 12,500.

**This Amendment Amount:**
- $ ☐

**Total Amended Amount:**
- $ ☐

**Summary of Scope:**
Whatcom will administer and oversee the preparation and ongoing maintenance of an updated Whatcom County Comprehensive Economic Development Strategy (CEDS)

**Term of Contract:** 5 years

**Expiration Date:** June 30, 2018

**Contract Routing Steps & Signoff:** [sign or initial][indicate date transmitted]
- 1. Prepared by: twol Date 05/21/13 [electronic]
- 2. Attorney reviewed: Daniel L. Gibson Date 05/21/13 [electronic]
- 3. AS Finance reviewed: T. Bennett Date 05/21/13 [electronic]
- 4. IT reviewed if IT related Date 05/21/13 [electronic]
- 5. Corrections made Date 05/21/13 [electronic] hard copy printed
- 6. Attorney signoff: T. Bennett Date 05/21/13
- 7. Contractor signed: Date
- 8. Submitted to Exec Office Date 05/23/13 [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 Edited 5/1/13
MEMORANDUM

TO: Jack Louws, County Executive

FROM: Tawni Helms, Administrative Coordinator

RE: Comprehensive Economic Development Strategy (CEDS)

DATE: May 21, 2013

Enclosed are two (2) originals of an interlocal agreement between Whatcom County and Whatcom Council of Governments for your review and signature.

- **Background and Purpose**
  The current Comprehensive Economic Development Strategy was prepared by the Port of Bellingham and adopted by the Whatcom County Council in 2002. The CEDS has not been updated since. However, the companion CEDS Project List was updated every two years and was last updated in 2010 by the Northwest Economic Council.

  Whatcom Council of Governments (WCOG) agrees to administer and oversee the preparation and ongoing maintenance of an updated Whatcom County CEDS. WCOG further agrees to maintain the CEDS for a period of 4 state fiscal years following its acceptance by the Economic Development Association (EDA), including annually preparing the required CEDS Performance Report and updating the CEDS Project List.

- **Funding Amount and Source**
  Funding in the amount of $12,500 for this service will come from the EDI Fund. Budget authority is provided through the Economic Development Consortium cost center 332219.

  Please contact Tawni Helms at extension 50124 if you have any questions or concerns regarding the terms of this agreement.

Enclosures
INTERLOCAL AGREEMENT BY AND BETWEEN
WHATCOM COUNTY AND THE WHATCOM COUNCIL OF GOVERNMENTS

REGARDING PREPARATION AND ONGOING MAINTENANCE OF A
COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) FOR WHATCOM COUNTY

This Interlocal Agreement by and between the government of Whatcom County (hereinafter, “the County”) and the Whatcom Council of Governments (hereinafter, “WCOG”) – hereinafter together referred to as “the Parties” – is entered into pursuant to the provisions of Chapter 39.34 RCW for the purposes carrying out economic development planning for the entirety of Whatcom County, including the seven (7) incorporated cities within its boundaries.

WHEREAS, the current Comprehensive Economic Development Strategy (2002 CEDS) was prepared by the Port of Bellingham and adopted by the Whatcom County Council in October 2002, but was not updated within five years of its adoption nor since, rendering it invalid by the U.S. Economic Development Administration (EDA), and

WHEREAS, an EDA-approved CEDS is required for local governments to be eligible to receive certain federal funding for public works projects, and

WHEREAS, the County desires to have the 2002 CEDS updated, and

WHEREAS, WCOG has agreed to administer and oversee the preparation and ongoing maintenance of an updated Whatcom County CEDS.

NOW, THEREFORE, IT IS AGREED THAT the government of Whatcom County and the Whatcom Council of Governments agree to work together to update the 2002 CEDS and maintain it, as follows:

Section 1. Program Responsibilities

WCOG agrees to provide staff support and hire qualified subcontractors as deemed necessary to update the 2002 CEDS for Whatcom County such that it will satisfy the requirements of the EDA. The anticipated period of performance for preparation of the CEDS is one (1) year, not including time required by the County and EDA for review of the final draft document. The County agrees to provide timely input, feedback and background information throughout the development of the CEDS, including geographic information system (GIS) and other relevant data held by the County. WCOG further agrees to maintain the CEDS for a period of four (4) state fiscal years following its acceptance by EDA, including annually preparing the required CEDS Performance Report and updating the CEDS Project List.

Section 2. Funding

The cost to update the 2002 CEDS will not exceed Twelve Thousand Five Hundred Dollars ($12,500), which will fund WCOG staff and administrative costs as well as consultants that may be engaged to perform tasks or to provide technical assistance in the preparation of the CEDS. The County agrees to reimburse WCOG following the latter’s submittal to the County of invoices documenting staff hours expended, consultant costs and other direct expenses, including but not limited to photocopies, travel, etc., in an amount not to exceed Twelve Thousand Five Hundred Dollars ($12,500). Following adoption of the CEDS by the County Council and its acceptance by EDA, WCOG will maintain it for a period of four (4) state fiscal years, to be funded through the County’s normal annual dues to WCOG, i.e., at no additional cost to the County.
Section 3. Administrative Responsibilities

The County administrative officer for the purpose of this Agreement is:

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

The WCOG administrative officer for the purpose of this Agreement is:

    Robert H. Wilson, Executive Director
    Whatcom Council of Governments
    314 East Champion Street
    Bellingham, WA 98225

Section 4. Public Involvement

WCOG will establish a CEDS Steering Committee consistent with the requirements of the Grant to oversee and provide policy guidance in the preparation of the CEDS. This committee shall include representation from the private sector, elected and other public officials, community and economic development organizations, workforce and training agencies, institutions of higher education, labor groups, tribes, minority and special interest groups, and others as appropriate.

Section 5. Effective Date, Duration, Amendment and Termination

This Agreement shall be effective five (5) days after its approval and signature by the Whatcom County Executive and the Executive Director of the Whatcom Council of Governments and shall remain in effect until June 30, 2018. This agreement can be terminated, amended or extended by mutual agreement of the Parties.

Section 6. Relationship of the Parties

The Parties agree that they are each an independent entity operating pursuant to the terms and conditions of this Agreement. No agent, employee or representative of any party shall be deemed to be an agent, employee or representative of any other party for any purpose. Each party shall be solely and entirely responsible for the acts of its agents and employees during the term of this Agreement.

Section 7. Indemnification

Each party, as an indemnitee, agrees to protect, defend, hold harmless and indemnify the other party from and against all claims, suits and actions arising from the intentional or negligent acts or omissions of such indemnitee, its agents or employees in the performance of this Agreement.

Section 8. Extent of Agreement

This Agreement contains all of the terms and conditions agreed upon by the Parties. The Parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement.
IN WITNESS THEREOF, the Parties have signed this agreement, effective on the dates indicated below.

Whatcom County

By ____________________________________________
   Jack Louws, County Executive

Date ________________________________________

Approved as to form:

[Signature]
Whatcom County Prosecutor

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, and 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 Bellingham.
My appointment expires: ______________

Whatcom Council of Governments

By ________________________________________
   Robert H. Wilson, Executive Director

Date ____________________________

STATE OF WASHINGTON )
   ) ss
County of Whatcom )

On this _____ day of ____________, 2013, before me personally appeared ROBERT H. WILSON, to me known to be the EXECUTIVE DIRECTOR of the WHATCOM COUNCIL OF GOVERNMENTS, and 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 Bellingham.
My appointment expires: ______________
**TITLE OF DOCUMENT:** Resolution to approve the inclusion of three capital facility projects to the Comprehensive Economic Strategy **Project List.**

**ATTACHMENTS:**

Resolution

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<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>

| Should Clerk schedule a hearing? | Yes | NO |

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

Resolution approving the inclusion of three identified Whatcom County projects onto the existing Comprehensive Economic Development Strategy **Project List.**

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**
RESOLUTION NO 2013 –

ACCEPTING THE ADDITION OF THREE WHATCOM COUNTY CAPITAL PROJECTS INTO THE 2010 WHATCOM COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)

WHEREAS, the Economic Development Reform Act of 1998 identifies a Comprehensive Economic Development Strategy (CEDS) as a requirement to apply for assistance under the Federal Economic Development Administration’s (EDA) economic adjustment and public works programs; and

WHEREAS, the Whatcom Council of Governments will soon begin the process of updating the existing 2010 CEDS list; and

WHEREAS, three Whatcom County facilities are either slated for immediate upgrading or the possibility exists upgrades will be carried out prior to inclusion on the CEDS list; and

WHEREAS, the first project is identified as the Data Center Generator and UPS for the County Courthouse which will include the replacement of the 22 year old UPS (uninterruptable power supply) system and connection to an existing generator. This upgrade will provide extra capacity and redundancy for the courthouse power supply. The second project, in collaboration with the Port of Bellingham and the City of Bellingham, is the planning and possible renovation of space in a Port of Bellingham Building, previously known as the Olympic Coordination Center, as an Emergency Operations Center. The third project is for planning the potential renovation of the 1500 N. State Street Facility in preparation of placing various departments and office space resulting from the possible purchase of said property; and

WHEREAS, the Economic Development Administration requires that Whatcom County approve a resolution accepting the addition of projects to the current Greater Whatcom Comprehensive Economic Development Strategy (CEDS); and

WHEREAS, RCW 82.14.370 requires that projects utilizing rural sales tax revenue must be contained in the County’s overall economic development plan.
NOW, THEREFORE, BE IT RESOLVED that the Whatcom county Council hereby approves the inclusion of the identified projects into the current 2010 Greater Whatcom Comprehensive Economic Development Strategy (CEDS).

APPROVED this _____ day of ________, 2013

ATTEST:

__________________________
Dana Brown-Davis, Clerk of the Council

__________________________
Kathy Kershner, Council Chair

APPROVED AS TO FORM:

__________________________
Chief Civil Deputy Prosecutor
WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
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<th>Initial</th>
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<th>Date Received in Council Office</th>
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**TITLE OF DOCUMENT:**
Update Related to Multiple Ferry Operations Issues

**ATTACHMENTS:**

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

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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Public Works, Health and Safety Committee
June 4, 2013
Tentative Agenda Items

Public Works – Ferry

- Funding clarification
  - “attributable” clarification discussion
  - Ferry Deficit Reimbursement Funding
  - Options – Additional Road Fund Subsidy

- Web-based Ferry Ticket project status

- Ferry Kiosk project discussion, pilot project

- Needs Based Ticket discussion, status

- Surcharge status, currently permanent in ordinance
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<tr>
<th>CLEARANCES</th>
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</table>

**TITLE OF DOCUMENT:**

Jail Planner Consultant, DLR Group to present Jail Planning Update

**ATTACHMENTS:** No attachments

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

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

DLR Group to present an update of Whatcom County’s Jail Planning Process.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers</th>
<th>Ordinance or Resolution Number</th>
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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
CALL TO ORDER

Council Chair Kathy Kershner called the meeting to order at 6:30 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

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

Attorneys also present: Karen Frakes

COMMITTEE DISCUSSION

1. CONSIDERATION OF AN APPEAL OF THE HEARING EXAMINER’S DECISION ON FILE NO. APL2012-0005, FILED BY JOSEPH BOWEN, REGARDING APPLICANT THOMAS FENTON’S APPEAL OF AN ADMINISTRATIVE DECISION BY WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES (AB2013-079)

Kershner stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1) (i). Executive session will conclude no later than 7:00 p.m. If the meeting extends beyond the stated conclusion time, she will step out of the meeting to make a public announcement.

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

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

OTHER BUSINESS

ADJOURN

The meeting adjourned at 6:43 p.m.

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

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to:
---|---|---|---|---|---
Originator: | | 5/9/2013 | | 5/21/2013 | Introduction
Division Head: | | | | 6/04/2013 | Hearing
Dept. Head: | | 5/9/13 | | |
Prosecutor: | | 05/14/13 | | |
Purchasing/Budget: | | | | |
Executive: | | | | |

TITLE OF DOCUMENT:
Ordinance amending WCC 9.32 and 9.36 to repeal sections pre-empted by state law

ATTACHMENTS:
Ordinance

SEPA review required? | ( ) Yes | ( ) NO
SEPA review completed? | ( ) Yes | ( ) NO
Should Clerk schedule a hearing? | (X) Yes | ( ) NO
Requested Date: | 6/4/2013

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.)
The Whatcom County Council has been notified that certain sections of the Whatcom County Code related to possession and display of firearms in county parks and firearm possession by minors are pre-empted by state law and should be repealed.

COMMITTEE ACTION:

COUNCIL ACTION:
5/21/2013: 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.
ORDINANCE NO. ________

AMENDING WHATCOM COUNTY CODE TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) TO REVISE SECTIONS PRE-EMPTED BY STATE LAW

WHEREAS, the Whatcom County Council has been notified that certain sections of the Whatcom County Code related to possession and display of firearms (possession in county parks and possession by minors) are pre-empted by state law; and

WHEREAS, the Whatcom County Prosecutor’s Office recommends amending the County Code to remove these pre-empted sections; and

WHEREAS, the recommendations of the Prosecutor's Office are not based on the merits of the matters addressed, but upon the clear directive that state law occupies and pre-empts local municipalities from regulating these areas except for clear cut exceptions outlined in RCW 9.41.300, none of which apply to the sections recommended here for amendment or repeal.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Section 9.32.085 is hereby amended as outlined in Exhibit A to this ordinance.

BE IT FINALLY ORDAINED that Whatcom County Code Chapter 9.36 is hereby repealed in its entirety as outlined in Exhibit B to this ordinance.

ADOPTED this _____ day of _____________, 2013.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Kathy Kershner, Council Chair

APPROVED AS TO FORM:

Daniel L. Leibson

Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: ____________________
EXHIBIT A

9.32.085 UNLAWFUL FIREARMS AND/OR WEAPONS IN PARKS.

A. It is unlawful within a county-owned park for any person to:

1. Display, exhibit or draw any firearm or dangerous weapon; or

2. Leave any firearm or dangerous weapon unattended and unsecured, or exposed to public view; or

3. Discharge or propel across, in, or into any county-owned park a firearm, bow and arrow, spear gun, harpoon, or air or gas weapon, or any similar dangerous device capable of injuring or killing any person or animal, or damaging or destroying any public or private property.

A violation of this section shall constitute a misdemeanor.

B. The following are affirmative defenses to a violation of this section, which the defendant must prove by a preponderance of the evidence:

1. The activity constituting the violation was authorized by the Whatcom County parks and recreation director as a special recreational activity upon a finding that the activity is consistent with parks use.

2. Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person.

3. Any person making or assisting in making a lawful arrest for the commission of a felony.

4. Any properly licensed hunter during an applicable hunting period or season, who is entering or leaving an approved hunting area, or who traverses park property while entering or leaving an approved hunting area.

5. If otherwise exempted by either RCW 9.41.300(2)(b) or (6) as currently enacted or hereafter amended or by WCC 9.32.090(C), (D), or (G) as currently enacted or hereafter amended.

C. Nothing in this section shall be construed to abridge the right of an individual licensed under RCW 9.41.070 to carry a concealed weapon in a county-owned park. (Ord. 99-007).
EXHIBIT B

CHAPTER 9.36—USE OF FIREARMS BY MINORS

Sections:

9.36.010 Permit required.
9.36.020 Unlawful use or possession of firearms by persons under the age of 16.
9.36.030 Unlawful parental approval.
9.36.040 Violation—Penalty.

9.36.010 Permit required.
A permit for the use and possession of any gun, firearm, or similar instrument capable of propelling any shot or slug by air or otherwise, shall be issued by the chief of police or his agent, of any incorporated city or town, or the sheriff of this county or his agent, upon presentation by the minor requesting the permit of satisfactory evidence that the minor has received proper instruction in the handling of firearms by a qualified instructor at a regularly constituted rifle-range or gun club. The permit shall be issued without charge and must be carried by the individual to whom it is issued at all times while he is in the possession of any such firearm. (Prior code § 5.12.030).

9.36.020 Unlawful use or possession of firearms by persons under the age of 16.
It is unlawful for any person under the age of 16 years to carry, shoot, or have in his possession any gun, firearm, or similar instrument for propelling any shot or slug by air or otherwise, unless accompanied by a person over the age of 21 years, and, in addition, having in his possession a permit for the possession and use of firearms issued by a law enforcement agency according to the provisions of Section 9.36.010; provided, that possession of any such firearm shall be lawful by a person under the age of 16 while traveling by direct route to or from a regularly constituted rifle-range or gun club. (Prior code § 5.12.010).

9.36.030 Unlawful parental approval.
It is unlawful for any parent or guardian of a person under the age of 16 to knowingly allow said minor to violate any of the provisions of this chapter. (Prior code § 5.12.020).

9.36.040 Violation—Penalty.
Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than $10.00, nor more than $100.00. (Prior code § 5.12.040).
**TITLE OF DOCUMENT:** Reappointments to the Northwest Senior Services Board

**ATTACHMENTS:** NWRC Executive Director correspondence recommending the re-appointment of Glen Hallman and Sharon Wolf.

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

County Executive Jack Louws requests confirmation of his reappointment of Glen Hallman and Sharon Wolf to the Northwest Senior Services Board.

**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.
May 17, 2013

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

Dear Jack,

The terms of Glen Hallman and Sharon Wolf of the Northwest Senior Services Board end on June 30. Mr. Hallman and Ms. Wolf have each expressed a desire to be reappointed to a new three-year term beginning July 1, 2013 and ending June 30, 2016.

Both Mr. Hallman and Ms. Wolf have provided exemplary service to the board.

If reappointed, both terms will run from July 1, 2013 through June 30, 2016.

Should Mr. Hallman and Ms. Wolf be reappointed, Whatcom County will have two remaining slots vacant. We will work with Suzanne Mildner of your office and Whatcom Council on Aging in recruiting candidates for your consideration.

If I can be of further assistance, please do not hesitate to contact me.

Thank you.

Sincerely,

Victoria Doerper
Executive Director

c: Suzanne Mildner, Mary Carlson, Glen Hallman, Sharon Wolf
**TITLE OF DOCUMENT:** Appointment(s) to the Lodging Tax Advisory Committee.

**ATTACHMENTS:**

**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.)

County Executive Jack Louws requests the confirmation of his appointment of Mel Monkelis and John Gibb to the Lodging Tax Advisory Committee.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: __Mel Monkelis_________________________ Date: __April 20, 2013________

Street Address: __2256 Yew Street Road________________________

City: ___Bellingham, WA_____________________________ Zip Code: __98229_____

Mailing Address (if different from street address): _Whatcom Events, PO Box 211, Bellingham, WA 98227 ______

Day Telephone: 360-746-8861________ Even Telephone: 360-392-1015___ Cell Phone: 360-739-9426________

E-mail address: Mel@SkitoSea.com

1. Name of board or committee—please see reverse:

Lodging Tax Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list.

Tax Recipient

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.)

(X) yes ( ) no

4. Which Council district do you live in?

(X) One ( ) Two ( ) Three

5. Are you a US citizen?

(X) yes ( ) no

6. Are you registered to vote in Whatcom County?

(X) yes ( ) no

7. Have you ever been a member of this Board/Commission?

( ) yes (X) no

If yes, dates: _____________________________

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?

(X) yes ( ) no

If yes, please explain: Recipient of past lodging tax awards for Ski to Sea race

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

As Executive Director of Whatcom Events, I oversee the management and operations of three major summer events in Whatcom County: Ski to Sea; Tour deWhatcom, and Muds to Suds races. These 3 events have a major impact on tourism and sales tax generated for Whatcom County in that they generate over 1.5 million into the local economy. I have been the recipient of lodging tax funds from the city and the county since 2007, when I first started managing the Ski to Sea for the Bellingham Chamber of Commerce. I have successfully completed Leadership Whatcom along with the full set of courses offered by Excellence Northwest. In the past, I have been on the Hospitality and Tourism Advisory Cmt for Whatcom Community College and presently sit on the board for Appliance Depot. I am also a member of the Mount Baker Club. I have a B.S. in Human Services from Metropolitan State College in Denver, CO.

10. Please describe why you’re interested in serving on this board or commission: I’m interested in serving on the committee because of a personal interest in promoting Whatcom County, along with the desire to increase tourism activity within the county.

References (please include daytime telephone number): Pete Coy-Realtor, 360-739-4100; Rodd Pembble-Outreach Manager for Sanitary Service Co. 360-734-3490; Chris Rashnussen, Business Manager, Bellingham Chamber of Commerce-360-734-1330

Signature of applicant: ________________________________

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name:  John Gibb  Date:  4.20.13
Street Address: 2579 W. Shore Drive
City: Lummi Island, WA  Zip Code: 98262
Mailing Address (if different from street address): 3004 Eagleridge Way, Bellingham WA 98226.
Day Telephone:  Evening Telephone:  Cell Phone: 360-961-8883
E-mail address: john.gibb@willows-inn.com

1. Name of board or committee-please see reverse: Lodging Tax Advisory Committee
   NEW "TAX COLLECTOR" Position

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? (If applicable, please refer to vacancy list.) 
   (X) yes  ( ) no

4. Which Council district do you live in? 
   ( ) One  ( ) Two  ( ) Three

5. Are you a US citizen? 
   (X) yes  ( ) no

6. Are you registered to vote in Whatcom County? 
   (X) yes  ( ) no

7. Have you ever been a member of this Board/Commission? 
   ( ) yes  ( ) no
   If yes, dates: ____________________________

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? 
   ( ) yes  (X) no
   If yes, please explain: ____________________________

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   * Currently-Owner/Operator of West Shore Hospitality, LLC.
   - Operates: The Willows Inn + The Beach Store Cafe on Lummi Island.
   * Previous - President of Chemco, Inc., Ferndale, WA (15 years)
   - Regional VP, Wyndham Hotels + Resorts (15 years)
   - GM @ Semiahmoo Resort, Blaine, WA

10. Please describe why you're interested in serving on this board or commission: I believe that I have related experience, + a track record of success in marketing, tourism.

References (please include daytime telephone number): Dean Schmitt, San Juan Cruises - 738-8099
Teri Treat - 739-6949

Signature of applicant: ____________________________

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
LODGING TAX ADVISORY COMMITTEE

Per RCW 67.28.1817 the Lodging Tax Committee must consist of at least 5 members and have equal representation of both the collector and an eligible recipient of the tax. One member shall be an elected official of the municipality who shall serve as chair of the committee.

Jack Louws (Chair)
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225
jlouws@co.whatcom.wa.us

TAX RECIPIENT

Drew Schmidt
Victoria/San Juan Cruises
355 Harris Avenue, Suite 104
Bellingham, WA 98225
drew@whales.com
738-8099

Guy Occhiogrosso
Ferndale Chamber of Commerce
6147 Vista Drive #A
Ferndale, WA 98248
guy@ferndale-chamber.com
384-3042

TAX COLLECTOR

Alex Nephew
Hampton Inn
3985 Bennett Drive
Bellingham, WA 98225
alex_nephew@hilton.com
676-7700x109

Dan Graham
Mt. Baker Lodging, Inc.
7463 Mt. Baker Highway/POB 2002
Maple Falls, WA 98266-2002
Reservations@mtbakerlodging.com
599-1948 X113

2013 Proposed additional members to expand participation on committee:

Mel Monkelis
Whatcom Events
P.O. Box 2011
Bellingham, WA 98227
mel@SkitoSea.com
746-8861

John Gibb
Willows Inn
3204 Eagleridge Way
Bellingham, WA 98226
John.gibb@willows-inn.com
961-3883

Staff: Tawni Helms, Administrative Coordinator
Linda Kasper, Executive Secretary
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Resolution restoring the WRIA 1 Planning Unit

**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.)
Resolution restoring the WRIA 1 Planning Unit to assist the Whatcom County Council regarding water resources

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
5/21/2013: 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](http://www.co.whatcom.wa.us/council).
RESOLUTION NO. 2013-____

RESOLUTION RESTORING THE WRIA 1 PLANNING UNIT TO ASSIST THE WHATCOM COUNTY COUNCIL REGARDING WATER RESOURCES

WHEREAS, in 1998, the Washington State Legislature adopted ESHB 2514, 90.82 RCW, the Washington State Watershed Planning Act (WPA); and

WHEREAS, the RCW 90.82.005 states, “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”; and

WHEREAS, RCW 90.82.005 states, “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”; and

WHEREAS, RCW 90.82.030 (1) states, “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”; and

WHEREAS, on May 5, 1998, Whatcom County Council unanimously adopted Resolution 1998-024 whereby Whatcom County affirmed its duty under RCW 90.82 to serve as “watershed planning lead agency” among the initiating governments; and

WHEREAS, on December 22, 1999, the WRIA 1 Planning Unit (“Planning Unit”) was formed through adoption of the Watershed Management Project Planning Unit Process and Procedural Agreement. The Planning Unit included a broad range of water resource user interests and directly involved interest groups. Governmental participants included Whatcom County, PUD No. 1 of Whatcom County, the City of Bellingham, the State Department of Ecology, the Small Cities Caucus, the Water Districts Caucus, the Diking and Drainage Districts Caucus and the Port of Bellingham. Non-governmental participants included the following caucuses: agriculture, fishers, forestry, land development, environmental, private well owners, and non-municipal water systems; and

WHEREAS, in 2005 the Planning Unit approved and Whatcom County adopted the WRIA 1 Watershed Management Plan (WMP); and

WHEREAS, in 2007 the Planning Unit approved and Whatcom County adopted the WRIA 1 Detailed Implementation Plan (DIP), which was required pursuant to RCW 90.82.043; and
WHEREAS, both the WMP and DIP called for the Planning Unit to continue functioning to address, without limitation, instream flows and WMP updates; and

WHEREAS, Whatcom County Council has consistently recognized that review and approval of watershed plans and plan amendments shall be conducted by the Planning Unit in a continuous improvement process in the manner provided for by the Council-adopted WMP and DIP; and

WHEREAS, the Planning Unit has not met since June 30, 2009 and is consequently unable to carry out its role as contemplated in the adopted WMP and DIP; and

WHEREAS, Whatcom County Charter states in Section 2.20 (c) that the legislature has the power to "establish, abolish, combine and divide by ordinance, non-elective administrative offices and executive departments and to establish their powers and responsibilities"; and

WHEREAS, Whatcom County Charter states in Section 2.20 (d) that the legislature has the power to "adopt by ordinance comprehensive plans, including improvement plans for the present and future development of the county," and further, that "The enumeration of particular legislative powers shall not be construed as limiting the legislative powers of the County Council."

NOW, THEREFORE BE IT RESOLVED:

Section 1: Finding. The Council finds that the Planning Unit is the advisory board established and responsible for recommending WRIA 1 water resource plans under RCW 90.82, including, without limitation, development of instream flow recommendations, and which is fully representative of the interests of local citizens in WRIA 1.

Section 2: Council Authority. The County Council has sole authority under Chapter 90.82 to approve and adopt by ordinance WRIA 1 water resource plans and plans necessary for implementation thereof.

Section 3: Request for Information. The County Council requests that the County Executive report regularly to the Whatcom County Council, the legislative branch of the WRIA 1 Lead Agency, on the status of the Planning Unit.

Section 4: Cooperation of County Officials. It is the policy of the County Council that Whatcom County shall support the Planning Unit as necessary to fulfill all its functions and obligations.

Section 5: Governance and Structure. The County Council supports a Planning Unit that meets regularly and conducts all meetings under the Open Public Meetings Act. It is the policy of the County Council that the Planning Unit shall review its adopted governance structure and operating rules as it deems necessary, so as to maintain 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.

Section 6: Review and Approval of Watershed Plans. The County Council requests that the Planning Unit regularly review and approve assessments of the current water resource situation, including, but not limited to water availability, instream flow, water quality, and habitat. As provided in the Watershed Planning Act, amendments to the WMP will be submitted to Whatcom County Council for approval.

Section 7: Coordinate with salmon recovery board. The County Council requests that the Planning Unit review the progress of salmon recovery efforts and provide input to the salmon recovery board.
Section 8: Review and Comment on Water Resource Issues. The Whatcom County Council finds that the Planning Unit, by virtue of its expertise, experience, and inclusiveness, can add significant value for the Council and Executive by providing review and recommendations of water resources issues that come before the Council. The Council requests that the Planning Unit provide such review.

APPROVED this ____ day of __________, 2013.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

APPROVED AS TO FORM:

Civil Deputy Prosecutor
## WHATCOM COUNTY COUNCIL AGENDA BILL

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### TITLE OF DOCUMENT:
Proposed Whatcom County Code Chapter 20.51, Lake Whatcom Watershed Overlay District; and related Comprehensive Plan Amendments

### ATTACHMENTS:
- Memo to Council, Findings and Ordinance
- Exhibit A – Updated 20.51 based on Council’s Natural Resource Committee recommendations
- Exhibit B – Removal of Lake Whatcom from existing code sections
- Exhibit C – Definitions
- Exhibit D – Comprehensive Plan Language changes

### SEPA review required? (X) Yes ( ) NO
### SEPA review completed? (X) Yes ( ) NO

Should Clerk schedule a hearing? (X) Yes ( ) NO  
Requested Date: 06-18-2013

### 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.)

Introduction of an ordinance to amend Whatcom County Code, Title 20 – Zoning to adopt Chapter 20.5i, Lake Whatcom Watershed Overlay District and corresponding definitions in 20.97; amend Title 20 – Zoning, to remove Lake Whatcom from Chapter 20.71, and applicable sections of 20.80.600; Amend the text of Whatcom County Comprehensive Plan, Land Use Chapter policies relating to water quality and stormwater management in the Lake Whatcom Watershed.

### COMMITTEE ACTION:

### COUNCIL ACTION:

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<th>Related County Contract #:</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).
Memorandum

TO: Whatcom County Council

THROUGH: Mark Personius, Long Range Planning Manager

FROM: Peter Gill, Senior Planner

DATE: June 4, 2013

SUBJECT: Introduction of an ordinance to add a new chapter to the Zoning code, Lake Whatcom Watershed Overlay District; and amend the applicable references in the Whatcom County Comprehensive Plan


This chapter modifies the stormwater management rules for new development. These changes are needed in order to protect Lake Whatcom from water quality degradation that can result from an imbalance of nutrients and bacteria in the runoff that gets into the lake.

At the May 21, 2013 Natural Resource Committee meeting staff were asked to prepare an ordinance based on the code recommended by Planning Commission and updated by the Committee. This code is being introduced on June 4th.

In your packet you will find:

- **Ordinance** adopting the Lake Whatcom Watershed Overlay District and amending the Whatcom County Comprehensive Plan, Land Use chapter.


- Exhibit B – Removal of Lake Whatcom from existing land use and stormwater regulations in WCC 20.71, WCC 20.80.635, and WCC 20.80.735

- Exhibit C – New definitions (WCC 20.97)

- Exhibit D – Comprehensive Plan Amendments to Policy 2DD – 2.C. This amendment is necessary to maintain consistency between the Comprehensive Plan and implementing development regulations.

PLN2011 – 00015

May 23, 2013

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AMENDING THE WHATCOM COUNTY ZONING CODE TITLE 20 – TO CREATE CHAPTER 20.51, LAKE WHATCOM WATERSHED OVERLAY DISTRICT and corresponding definitions in 20.97; amend Title 20 – Zoning, to remove Lake Whatcom from Chapter 20.71, and applicable sections of 20.80.600; AMENDING THE TEXT OF WHATCOM COUNTY COMPREHENSIVE PLAN, Land Use Chapter policies relating to water quality and stormwater management in the Lake Whatcom Watershed.

WHEREAS, Lake Whatcom is the drinking water source for approximately half the residents of Whatcom County; and

WHEREAS, the preservation and protection of drinking water is a high priority for Whatcom County; and

WHEREAS, Erosion, sedimentation, phosphorus and other pollutants associated with increased land clearing and development are of concern for a number of reasons including their impacts on water quality and beneficial uses, such as drinking water.

WHEREAS, Whatcom County recognizes the need to address phosphorus loading into Lake Whatcom through land use management; and

WHEREAS, in 1998, Whatcom County, the City of Bellingham, and the Lake Whatcom Water and Sewer District formalized their joint commitment to protect and manage the lake through the adoption of an interlocal agreement concerning the joint management of the lake creating the Lake Whatcom Management Program (LWMP); and

WHEREAS, Lake Whatcom Management Program, 2010 five year work plan included updating stormwater regulations to address phosphorus loading from new development in the Lake Whatcom watershed; and

WHEREAS, Whatcom County council adopted the 2010 five year work plan in Resolution 2010-031; and

WHEREAS, the Washington State Department of Ecology has listed Lake Whatcom as an impaired waterbody and placed Lake Whatcom on the Federal Clean Water Act 303(d) list fecal coliform and low dissolved oxygen level; and
WHEREAS, the Washington State Department of Ecology has released the draft Lake Whatcom TMDL calling for significant reductions in phosphorus runoff from current conditions; and

WHEREAS, Whatcom County has addressed land use and stormwater in the Lake Whatcom watershed through Whatcom County Code (WCC) 20.71 Water Resource Protection Overlay, WCC 20.80.635 Stormwater Special Districts, and WCC 20.80.735 Water Resource Special Management Areas; and

WHEREAS, Whatcom County is combining land use and stormwater regulations from WCC 20.71, 20.80.635, and 20.80.735, along with updated criteria, to develop Chapter 20.51 Lake Whatcom Watershed Overlay District; and

WHEREAS, in 2008, the Whatcom County Council adopted Resolution 2008-048 declaring its intention to create a stormwater utility pursuant to RCW 36.89, and requesting the Executive to investigate various geographic limitations and funding options; and

WHEREAS, the Whatcom County Planning Commission held public hearings on November 17, 2011, January 12, 2012, and March 8, 2012 on the proposed zoning text amendment. The written public comment period was additionally held open between November 17, 2011, January 12, 2012, and March 8, 2012; and

WHEREAS, Whatcom County staff conducted a presentation on the proposed regulations to the Building Industry Association of Whatcom County on December 8, 2011; and

WHEREAS, Whatcom County staff facilitated a technical review of the proposed regulations with attendance by local engineering firms, City of Bellingham staff, and Department of Ecology staff on December 19, 2011; and

WHEREAS, on January 9, 2012, the Whatcom County Planning Commission held a special work session with presentations on the Lake Whatcom Total Maximum Daily Load (TMDL) and the National Pollutant Discharge Elimination System (NPDES) Phase II Permit by staff from the Department of Ecology; and

WHEREAS, Between March 23, 2011 and October 26, 2011, Whatcom County staff held (5) coordination meetings with the Department of Ecology to update and refine proposed regulations based on Whatcom County’s letter of commitment dated March 10, 2011 to the Department of Ecology to expedite amending Title 20 to address criteria affecting development in the Lake Whatcom watershed.

WHEREAS, Whatcom County staff facilitated a technical review of the proposed regulations with attendance by local engineering firms on March 15, 2012; and

WHEREAS, Whatcom County Comprehensive Plan Goal 11G identifies protection of water resources and natural drainage systems by controlling the quantity and quality of stormwater runoff as an objective of Whatcom County; and


WHEREAS, in August of 2012 new state NPDES stormwater standards came into effect, and sections of proposed code needed to be modified to meet the stormwater design, protection, and maintenance standards of the 2012 Stormwater Management Manual for Western Washington; and

WHEREAS, In August of 2012, Whatcom County Ordinance 2012-023 added County development regulations by reference to the rural element section of the county comprehensive plan.

WHEREAS, the Washington Growth Management Act (GMA) requires county comprehensive plans to include a rural element that protects the county’s established rural character by containing or otherwise controlling rural development.

WHEREAS, GMA requires that the rural element of a county comprehensive plan provide measures governing rural development that protect the rural character by protecting critical areas, as provided in RCW 36.70A.060, and surface and ground water resources; and

WHEREAS, the Whatcom County Council finds the amendments to be in the best interest of the public health, safety and welfare; and

WHEREAS, the Council makes the following findings of fact to justify its actions as required by RCW 36.70.795;

1. The Lake Whatcom Watershed Overlay District amendments were docketed by Whatcom County Council on March 15, 2011.

2. Public Workshops were held on November 1, 2011 at the Whatcom County Council Chambers, and on November 2, 2011 at Bloedel-Donovan Park Facility.


5. Public comments, questions and concerns received were recorded in the public record and addressed in subsequent draft code as appropriate.


7. A determination of non-significance was issued under the State Environmental Policy Act (SEPA) on November 2, 2011.

8. An addendum to the May 1, 2009 determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on May 21, 2013.

9. GMA requires that the rural element of a county comprehensive plan provide measures governing rural development that protect the rural character by protecting critical areas, as provided in RCW 36.70A.060, and surface and ground water resources; and

10. Amendments to the Whatcom County Comprehensive Plan are proposed in response to the Washington State Growth Management Hearings Board’s January 4, 2013 Compliance Order (GMHB No. 11-2-0010c).

11. Whatcom County Comprehensive Plan policy 2DD – 2.C contains the required measures to protect critical areas and surface and groundwater resources. These measures reference Whatcom County code provisions on critical areas and water resources. The proposed amendments to Policy 2DD – 2.C reflect the new stormwater regulations within the Lake Whatcom Watershed by adding reference to WCC 20.51.

12. The new chapter protects water resources by requiring new development in the watershed to meet NPDES stormwater requirements and implement permanent best management practices that prevent and/or treat phosphorus to match the natural vegetated condition.

13. The Comprehensive Plan text amendments are being proposed pursuant to WCC 2.160.010.D.

14. The zoning text amendments are consistent with the processing requirements of WCC 20.90.050 and serve the public interest.

15. The amendments will not create an undue burden under section 1.11 of the County Charter.

16. The proposed amendments are consistent with the Comprehensive Plan, the Washington State Growth Management Act, and are in the public interest.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Whatcom County zoning code (WCC Title 20) is hereby amended as shown in Exhibit A, B, and C.

Section 2. The Whatcom County Comprehensive Plan is hereby amended as shown in Exhibit D.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ____ day of ___________________ 2013.

ATTEST: WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

APPROVED as to form:

Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: ___________________
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, and reduces phosphorus loading from existing sources.

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.

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;
(6) Whatcom County Development Standards - Stormwater, Chapter 2, except as modified by this chapter;
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(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.

.051 Private noncommercial greenhouses less than 250 square feet. (Ord. 2009-009 Exh.
§ 1, 2001; Ord. 99-086, 1999).

20.51.060 Accessory uses.

All accessory uses in the underlying zone districts are permitted except as expressly
prohibited or made conditional, or further conditioned by this chapter. (Ord. 2009-009 Exh.
§ 1, 2001; Ord. 99-086, 1999).

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 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.
(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
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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 phosphorus 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


20.51.080 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:

.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.

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

.093 Golf courses.
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.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.


20.51.300 Open space.

.301 Open space requirements shall be as follows:

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

2. For properties within the jurisdiction of the Shoreline Management Program (WCC Title 22), 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.

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 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-
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20.51.320 Cluster design standards.
The creation of new building lots within the Lake Whatcom Watershed Overlay District 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 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 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).

20.51.330 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:
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(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 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 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.

20.51.340 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
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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, 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.
§ 1, 2001; Ord. 99-086, 1999).

20.51.370 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.
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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.

(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:

(3) 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 between October 1st and May 31st 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 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.

(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

(e) The proposed activity consists of non-conversion 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

(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.

(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.
(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,
   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) 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/repai red.

(g) 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.

(h) For a Single Family Dwelling that meets all of the following:
   1. To be located within the platted boundaries of, and in general belonging to, an incorporated homeowners association; and
   2. Which association has a stormwater runoff management and phosphorus mitigation plan that provides at least the same level of overall protection from and/or treatment of phosphorus runoff to Lake Whatcom as would the application of WCC 20.51.420(2) to any of the individual parcels therein that may be developed; and
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3. Ongoing implementation program, applicable to all newly developed parcels within that association's boundaries, as well as to the association as a whole; and

4. Which plan and program have been agreed to by a memorandum of agreement between Whatcom County and the Incorporated Homeowners Association; and


(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 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

(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.

(3) The developable areas and infrastructure as required for long and short subdivision approval. A stormwater management plan for developable areas and required infrastructure, consistent with the 2012 Stormwater Management Manual for Western Washington is required prior to primarily plat approval. Installation of required BMPs for infrastructure is required prior to final plat approval.

(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 the corresponding natural stormwater runoff (per WCC 20.97
EXHIBIT A-Whatcom County Code Proposed Chapter 20.51

definition) phosphorus loading profile from each respective phosphorus-mitigated
area.

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

1. Full infiltration and downspout full infiltration. See the 2012 Stormwater
Management Manual for Western Washington BMP T5.10A Volume III Section
3.3.1 and Volume III Chapter III Section 3.3.9(A). Use of these BMPs may
require an engineered design (per WCC 20.97 definition).

2. Full dispersion:

   i. See current 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 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.

(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 the 2012
Stormwater Management Manual for Western Washington Minimum Requirements
numbers 3 through 9, 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

(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
EXHIBIT A—Whatcom County Code Proposed Chapter 20.51

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:

(i) Include native plant species including, but not limited to, those on approved lists provided by Whatcom County common to this region.

(ii) Be described in the recorded documents as “a Protected Native Growth Area established for the purposes of dispersing and treating stormwater flows.”

(iii) Retain all vegetation and trees within the PNGA at the time of permit application aside from approved timber harvest activities and the removal of hazardous and diseased trees (as defined in Chapter 20.97 WCC), an evaluation and determination by an ISA licensed arborist may be required.

(iv) The PNGA can include onsite critical areas and its buffer,

(v) Limit uses in the PNGA to those specified in WCC 16.16.

(vi) Provide a Notice of Activity consistent with WCC 16.16.235, to remove trees within a PNGA when a permit is not required by 20.51.420(1), 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.
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.
20.71.600 Development criteria.
20.71.601 Parking space dimensions.
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. 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).

20.71.020 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, 1999).

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

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 20.71.165.

.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. 99-086, 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,

20.71.603 Alternative surfacing methods.
Alternative surfaces including, but not limited to, bark or wood mulch, washed gravel, grid/lattice 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. 2005-065 § 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.

(c) Lake Samish watershed.

(d) Birch Bay watershed.

(e) 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 1996 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
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735

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 Title 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;
Exhibit B – Removal of “Lake Whatcom watershed” reference in Whatcom County Code Sections 20.71, 20.80.635, and 20.80.735

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 planed 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)(i) 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.

EXHIBIT C- Planning Commission Recommended 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- Planning Commission Recommended 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- Planning Commission Recommended 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- Planning Commission Recommended 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

Whatcom County Comprehensive Plan, Chapter 2: Updates to reflect the addition of the Lake Whatcom Watershed Overlay District

Policy 2DD-2: Protect the character of the rural area through the County’s development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County’s key development regulations are incorporated into this plan by reference to assure that the plan contains measures to protect rural character:

C. Measures to protect critical areas and surface and groundwater resources:

3. Preserve and protect unique and important water resources through development standards in WCC 20.71 Water Resource Protection Overlay District and WCC 20.51 Lake Whatcom Watershed Overlay District adopted herein by reference, ♦

4. Protect surface and groundwater resources through stormwater management standards established in the County’s Development Standards per WCC 20.80.630, WCC 20.51, and 12.08.035 and referenced in the following Zoning Code provisions, adopted herein by reference:

   a. 20.32.656 Drainage, Residential Rural District;
   b. 20.34.659 Drainage, Rural Residential-Island District;
   c. 20.36.656 Drainage, Rural District;
   d. 20.37.655 Drainage, Point Roberts Transitional District;
   e. 20.44.652 Drainage, Recreation and Open Space District;
   f. 20.59.704 Drainage, Rural General Commercial District;
   g. 20.60.655 Drainage, Neighborhood Commercial District;
   h. 20.61.704 Drainage, Small Town Commercial District;
   i. 20.63.654 Drainage, Tourist Commercial District;
   j. 20.64.655 Drainage, Resort Commercial District;
   k. 20.67.653 Drainage, General Manufacturing District;
   l. 20.69.655 Drainage, Rural Industrial and Manufacturing District.

8. Limit phosphorus entering Lake Whatcom through WCC 20.51 Lake Whatcom Watershed Overlay District and Lake Whatcom and Lake Samish due to the application of commercial fertilizers to residential lawns and public properties through WCC 16.32, adopted herein by reference.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Originator: Matt Aamot</th>
<th>Initial: M.A.</th>
<th>Date: 5/23/2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division Head: Mark Perssonius</td>
<td>Initial: MP</td>
<td>Date: 5/23/2013</td>
</tr>
<tr>
<td>Dept Head: Sam Ryan</td>
<td>Initial: SR</td>
<td>Date: 5/23/2013</td>
</tr>
<tr>
<td>Prosecutor: Royce Bucklethorn</td>
<td>Initial: RB</td>
<td>Date: 5/23/2013</td>
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<tr>
<td>Purchasing/Budget:</td>
<td></td>
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<tr>
<td>Executive: Jack Louws</td>
<td>Initial: JL</td>
<td>Date: 5/24/13</td>
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</tbody>
</table>

TITLE OF DOCUMENT:
Repeal the Lynden-Nooksack Valley Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

ATTACHMENTS:
1. Staff Memo
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Planning Commission minutes

Other background information is on file at the Council office.

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.)

Repeal the Lynden-Nooksack Valley Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans. The Lynden-Nooksack Valley Subarea Plan was adopted in 1986, prior to enactment of the Growth Management Act GMA in 1990.

NOTE: Final approval of these amendments would occur as part of concurrent review of comprehensive plan amendments in early 2014.

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.
May 23, 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: Repeal the Lynden-Nooksack Valley Subarea Plan and Related Amendments

The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080. However, the GMA also requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

Most of the comprehensive land use plan designations in the 1986 Lynden-Nooksack Valley Subarea Plan are not the same as the designations utilized in the current Whatcom County Comprehensive Plan. Additionally, the requirement to designate urban growth areas was not enacted until after the Subarea Plan was adopted. The Subarea Plan has “Urban Reserve” designations, but they do not match the current UGA designations. The GMA’s rural element requirements did not exist when the Subarea Plan was adopted. Finally, the Subarea Plan utilized a 15-year planning period (which ended in 2001). Therefore, we recommend repealing the Subarea Plan and amending provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

Planning & Development Services is requesting Council consideration of these amendments on July 9. However, the proposed Comprehensive Plan amendments are subject to concurrent review. Therefore, the Council would not render a final decision on the proposal until early 2014.

Thank you for your consideration of this matter.
ORDINANCE NO. ______________

REPEALING THE 1986 LYNDEN-NOOKSACK VALLEY SUBAREA PLAN AND AMENDING PROVISIONS IN THE WHATCOM COUNTY COMPREHENSIVE PLAN RELATING TO SUBAREA PLANS

WHEREAS, The Whatcom County Council initiated the subject amendments for review in 2013; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on May 9, 2013; and

WHEREAS, The Whatcom County Planning Commission recommended the comprehensive plan amendments on May 9, 2013; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to subarea plans.
   b. Repealing the Lynden-Nooksack Valley Subarea Plan (1986).

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on April 5, 2013.

3. Notice of the Planning Commission hearing was posted on the County website on April 9, 2013.

4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to the Cities of Lynden, Everson, Nooksack and Sumas and citizen, media and other groups on the County’s e-mail list on April 10, 2013.

5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 18, 2013.
6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 26, 2013.

7. The Planning Commission held a public hearing on the subject amendments on May 9, 2013.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:

   a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

   b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

   c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

      i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

      ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

      iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.

   d. The amendment does not include or facilitate spot zoning.

   e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

**Growth Management Act**

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).
10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

11. The Lynden-Nooksack Valley Subarea Plan was adopted in 1986, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address urban growth areas (UGAs), contains different land use designations, is inconsistent with the Comprehensive Plan’s rural element, and has a different planning period.

**County-Wide Planning Policies**

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

**Interlocal Agreements**

13. The Lyden, Everson, Nooksack and Sumas UGAs are included in the Lynden-Nooksack Valley Subarea.

14. Interlocal agreements between these cities Whatcom County concerning Planning, Annexation and Development within the UGAs were signed in 2012. These interlocal agreements do not require the County to retain this subarea plan.

**Further Studies/Changed Conditions**

15. The Lynden-Nooksack Valley Subarea Plan was adopted in 1986.

16. The GMA, adopted in 1990, included a requirement to designate UGAs. The 1986 Lyden-Nooksack Valley Subarea Plan does not address UGAs.

17. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDS). The 1986 Lynden-Nooksack Valley Subarea Plan does not address LAMIRDs.

18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1986 Lynden-Nooksack Valley Subarea Plan is not consistent with the County Comprehensive Plan.


20. The cities of Lynden, Everson, Nooksack, and Sumas adopted and/or updated their comprehensive Plans after adoption of the Subarea Plan.
21. Changed conditions including enactment of the GMA, adoption of newer plans and the passage of time warrant repealing the 1986 Lynden-Nooksack Valley Subarea Plan.

Public Interest

22. Repealing the 1986 Lynden-Nooksack Valley Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.

Spot Zoning

23. The subject proposal does not involve rezoning property.

CONCLUSIONS

The subject proposal is consistent with the approval criteria of WCC 2.160.080.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Whatcom County Comprehensive Plan Chapter 2 (Land Use) is hereby amended as shown on Exhibit A.

Section 2. The Lynden-Nooksack Valley Subarea Plan (1986) is hereby repealed as shown on Exhibit B.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this _______ day of ____________, 2014.

ATTEST:                                             WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk                      WHATCOM COUNTY, WASHINGTON

Chairperson

APPROVED as to form:

( ) Approved   ( ) Denied

Civil Deputy Prosecutor

Jack Louws, Executive

Date: __________________
Exhibit A

Amend Chapter 2 of the Whatcom County Comprehensive Plan as follows:

Policy 2L-2: Retain and periodically review update the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Lake Whatcom, Urban Fringe, Lynden-Nooksack Valley, Chuckanut-Lake Samish, Birch Bay-Blaine, Foothills, Point Roberts, South Fork Valley, and Eliza Island). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county’s first Growth Management comprehensive plan adopted in 1997.

NOTE: The text of Policy 2L-2 above is also being amended in association with the proposed repeal of the Birch Bay-Blaine Subarea Plan (file # 2013-00005) and the proposed repeal of the Chuckanut-Lake Samish Subarea Plan (file # 2013-00006). The changes to Policy 2L-2 proposed in the subject amendment are intended to be harmonious and compatible with the changes to Policy 2L-2 proposed in these other two amendments.
Exhibit B

(Repealing the Subarea Plan)
LYNDEN
NOOKSACK VALLEY
SUBAREA

a component of the

Whatcom County
Comprehensive Land Use Plan

- Pt. Roberts Subarea
- Lummi Island Subarea
- Cherry Pt. - Ferndale Subarea
- Lake Whatcom Subarea
- Urban Fringe Subarea
- **Lynden - Nooksack Valley Subarea**
- Birch Bay - Blaine Subarea
- Chuckanut - Lake Samish Subarea
- South Fork Valley Subarea
- Foothills Subarea
LYNDEN-NOOKSACK VALLEY SUBAREA

COMPREHENSIVE PLAN

June, 1986

Whatcom County Executive
Shirley Van Zanten

Whatcom County Council
Don Hansey, Chairman
Tom Burton
Jim Hawley
C.J. "Corky" Johnson
R.W. "Bob" Muenscher
William Roehl
Dan Warner

Whatcom County Planning Commission
Peggy Hinton, Chairperson
David Simpson, Vice Chairperson
Emil deWilde
James Freeman
Louise Greer
Al Hickinbotham
Faruk Taysi
Alvin Van Dalen
John Vanderhage

Whatcom County Planning Staff
William G. Trimm, Director
Sandra Palm, Planner III
Diane E. Harper, Planner II
Carl F. Batchelor, Planner I
Elizabeth K. Olsen, Cartographer
Sharon Hayes, Administrative Aide
Carrie Unick, Word Processor

Whatcom County Planning Department
401 Grand Avenue
Bellingham, WA 98225
THE LYNDEN-NOORSACK VALLEY SUBAREA COMPREHENSIVE PLAN
A COMPONENT OF THE WHATCOM COUNTY COMPREHENSIVE PLAN

Adopted this 21st day of April, 1986,
by the Whatcom County Planning Commission.

Peggy Hinton, Chairperson
William G. Trimm, Secretary

Certified this 10th day of June, 1986,
by Whatcom County Council.

Donald H. Hansey, Chairman

Approved this 20th day of June, 1986,
by the Whatcom County Executive.

Shirley Van Zanten, Executive

Attest: Carol Eringer
Clerk of the Council

Reviewed this ___ day of _____________, 1986,
by the Boundary Review Board.

Stewart Buttrick, Chairperson
DATE: May 15, 1986
INTRODUCED BY: Consent
PROPOSED BY: PLANNING

ORDINANCE NO. 86-43

AN ORDINANCE AMENDING THE 1970 WHATCOM COUNTY COMPREHENSIVE PLAN TEXT AND MAP FOR THE GEOGRAPHIC AREA KNOWN AS THE LYNDEN-NOOKSACK VALLEY SUBAREA SITUATED IN WHATCOM COUNTY.

WHEREAS, the Whatcom County Planning Agency is charged with updating and revising the 1970 Comprehensive Plan Text and Map and providing recommendations for legislative action to Whatcom County Council; and

WHEREAS, the Whatcom County Planning Agency has reviewed the provisions of the 1970 Comprehensive Plan as applied to the Lynden-Nooksack Valley Subarea, through the development of a Background Document that inventoried and analyzed land use, transportation, community facilities and utilities, and environmental features existing in the subarea, and determined important land use related issues; and

WHEREAS, the Whatcom County Planning Agency developed a comprehensive citizen participation process that resulted in the formation of the Proposed Comprehensive Plan for the Lynden-Nooksack Valley Subarea; and

WHEREAS, the Whatcom County Planning Commission conducted one public hearing on January 21, 1986, for the purpose of receiving public testimony on the proposed Lynden-Nooksack Valley Subarea Comprehensive Plan; and

WHEREAS, the Whatcom County Planning Commission has prepared Findings, Reasons, and Motion recommending adoption of the Proposed Lynden-Nooksack Valley Subarea Comprehensive Plan; and

WHEREAS, the Whatcom County Council has reviewed the Planning Agency’s Findings, Reasons and Motion;

NOW, THEREFORE, BE IT ORDERED by Whatcom County Council as follows:

Section 1. Comprehensive Plan Text

The 1970 Whatcom County Comprehensive Plan Text is hereby amended to read as set forth in Exhibit 2, which is attached hereto and incorporated herein by reference, is hereby adopted for the area referred to as the Lynden-Nooksack Valley Subarea.

Section 2. Comprehensive Plan Map

The 1970 Whatcom County Comprehensive Plan Map is hereby amended in its entirety for the geographic area referred to as the Lynden-Nooksack Valley Subarea.
Valley Subarea, as set forth in Exhibit 3, which is attached hereto and incorporated herein by reference.

Section 3. Validity

Adjudication or invalidity of any of the sections, classes, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

PASSED this 19th day of June, 1986.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

[Signature]
Don Hunsley, Chairperson

ATTEST:
[Signature]
Carol Cebrows
Clerk of Council

[Signature]
Shirley Van Swarten, Executive

( ) APPROVED  ( ) VETOED

Date
June 20, 1986

APPROVED AS TO FORM:

Randy Watts,
Civil Deputy Prosecuting Attorney

Published June 4 and July 2, 1986.

This Ordinance becomes effective June 30, 1986.

DRAFT 1, PAGE 2, May 15, 1986
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  7. General Manufacturing ................................... 56
  8. Residential Rural ........................................ 58
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## VIII. COMPREHENSIVE LAND USE PLAN MAP ........................ 89
I. COMPREHENSIVE LAND USE PLANNING
   
   A. STATUTORY AUTHORITY

   Statutory authority for county comprehensive land use planning is estab-
   lished in the Washington State Planning Enabling Act, in which it is stated that
   "each planning agency shall prepare a comprehensive plan for the orderly physical
   development of the county or any portion thereof..." (RCW 36.70.320). The
   Lyden-Nooksack Valley Subarea Comprehensive Plan has been developed in response
   to statutory authority as well as in recognition of the widely accepted principle
   that future Whatcom County land use decisions should be made in a coordinated and
   responsible manner by both the public and private sectors.

   B. DEFINITION AND APPLICATION

   The Whatcom County Comprehensive Plan is defined as an official public
   document to be used by both the public and private sectors as a policy guideline
   for making orderly decisions concerning the future use of land in the County.
   The plan has been formulated by the Whatcom County Planning Commission and is
   comprehensive, general and long-range in nature. The plan is comprehensive in
   that it encompasses major geographic areas of the county and the functional
   elements that bear on physical development. The plan is general in that it
   summarizes major policies and proposals and is not, by statute, a detailed
   regulation. The plan is long-range in application because it addresses current
   issues, as well as anticipated problems and possibilities of the future.

   The purpose of this document is to foster a responsible process of land use
   decision-making. The goals, policies and land use plan map contained herein
   serve to amend the 1970 Whatcom County Comprehensive Plan for the geographic area
   defined as the Lyden-Nooksack Valley Subarea. The 1970 plan served as a basic
   plan for the 1970's, but as times change, people's attitudes, technologies and
   economies also change. Consequently, the primary decision-making document of
   local government must be revised to address current and anticipated issues of the
   future.

   In consideration of the changes that have occurred since the existing plan
   was adopted, the Planning Commission resolved in December, 1978, to revise and
   update the 1970 Comprehensive Plan. The Commission is also aware that changes
   will continue through the 1980's and has realized that the policies contained
   herein will be subject to modification and revision over a period of time. As is
   discussed in the following section, this subarea plan will be revised on a five-
   year basis.

   C. SUBAREA PLANNING CONCEPT

   Because of the county's diverse physical and cultural composition, the
   Planning Commission elected to revise the plan on an individual geographic area
   basis. Thus, the Commission divided the western one-third of the county into ten
   logical geographic areas where the planning process could be applied in a uniform
   and consistent manner. Denoted as "subareas", these geographic areas were
delineated to address various land use related issues that appeared to be unique to particular areas of the county.

The criteria used by the commission to delineate subarea boundaries include natural and physical features; political subdivisions such as sewer, water, fire and school districts; existing land use patterns; and the presence of a city or town to act as a nucleus for the area. Thus, subareas are planning units determined through the application of criteria and are considered as a practical means of revising the comprehensive plan in a consistent and orderly fashion.

D. WHATCOM COUNTY PLANNING PROCESS

The Whatcom County comprehensive planning process is defined as a continual process of evaluating goals, conducting various land-related studies, and then using the goals and studies to fashion a balanced and practical set of land use policies and proposals for future land uses in the County. Stated differently, the planning process serves as a blueprint for the logical development of the comprehensive plan, as well as the formulation of effective implementation tools.

The process describes, through a logical sequence, the various land use related factors that must be considered to effect the formulation of responsible and meaningful land use policies and proposals. These factors include the definition of county-wide goals; the inventory and analysis of land use, community facilities and utilities, transportation, and environmental resource characteristics; the forecasting of population levels and the county's economic vitality; the analysis of issues both technical and citizen related; the development of policies to resolve or address the relevant issues; and the transformation of policies into the plan map and attendant implementation tools.

The planning process is continual. The implementation of the comprehensive plan, through the application and use of various regulatory tools, must be continually monitored. The effectiveness of the planning process in Whatcom County relies on the county's ability to keep the major components of the plan current through periodic review and adoption of any necessary amendments.

E. PLAN FORMAT

The Comprehensive Plan for the Lynden-Nooksack Valley Subarea includes the necessary information for the appropriate formulation of land use decisions by both the public and private sectors of Whatcom County. The components of the plan include the following:

I. Comprehensive Land Use Planning: To assist both the public and private sectors with respect to the development, adoption, and amendment of the comprehensive plan policies and map.

II. Goal Statements: To provide the overall direction for land use planning in Whatcom County.
III. **Population Forecasts:** To correlate anticipated demand for land uses with the supply of land.

IV. **Subarea Description:** To generally define subarea characteristics and establish issue topics as determined by area residents, the Planning Commission and the planning staff.

V. **Rationale and Locational Criteria:** To establish the necessity of land use designations and the spatial determinants to be used in applying land use designations.

VI. **Policies:** To provide the primary decision-making tools required to address the land use, community facility and utility, transportation/circulation and environmental resource issues of the subarea.

VII. **Comprehensive Land Use Plan Map:** To reflect the spatial distribution of the policy statements together with the policies; perhaps, the most widely used component of the comprehensive plan.

VIII. **Amendment Criteria:** To assist both the public and private sectors with respect to revisions of the comprehensive plan policies and map.

IX. **Adoption Certificate and Ordinance:** To acknowledge acceptance of the plan by the Whatcom County Planning Commission and Council, City of Lynden, City of Sumas, City of Everson, City of Nooksack and the Boundary Review Board.
Whatcom County Planning Process

Goals

Continuous Update

Implementation
- Zoning Ordinance
- Subdivision Regs.
- Shoreline Mgt.
- City agreements
- Floodplain Regs.

Whatcom County Council

Proposed Subarea Comprehensive Plan

Public Hearing

Inventory and Analysis by Subarea
- Land Use
  - residential
  - commercial
  - industrial
- Transportation
- Comm. Services
- Population
- Parks-Recreation
- Physical Features
- Shoreline Mgt.

Determination of Issues

Subarea Citizen Participation:
- Phase 1

Formulation of Preliminary Subarea Policies and Plan Map by Planning Commission

Subarea Citizen Participation:
- Phase 2

Refinement of Preliminary Subarea Policies and Plan Map by Planning Commission
II. GOAL STATEMENTS

The following goals provide the general direction for making land use decisions in the subarea and Whatcom County as a whole. They were developed and adopted by the Planning Commission and County Council in July, 1979.

A. REGIONAL DESIGN GOALS

1. Future urban development should occur within or immediately adjacent to existing urban areas in order to eliminate sprawl and strip development, assure the provision of an adequate range of urban services, conserve agricultural and forestry lands, optimize investments in public services and conserve energy resources.

2. Future development in rural areas should be low density, complement existing rural character, contribute to the conservation of agricultural and forest land and not result in demands for urban-level services.

B. GROWTH MANAGEMENT GOALS

1. To promote a conscientious program designed to plan, guide and influence the appropriate location, timing, intensity, type and servicing of diverse land use patterns.

2. To determine the required amounts of land anticipated to be utilized within the planning period (15 years) while retaining options for future land use decisions beyond the planning period.

3. To encourage a predictable pattern of urban and rural development which utilizes previously committed land areas and existing facility investments before committing new areas for development.

4. To ensure that a beneficial balance exists between the supply and demand for public services. To encourage the cooperation among municipalities, special districts, and associations in the planning and provision of public services. To discourage the proliferation of unnecessary special purpose districts.

5. To develop a concise, equitable and practical set of land use regulations intended to implement the goals, policies and proposals of the County Comprehensive Plan in a timely and orderly fashion.

C. LAND USE GOALS

1. To conserve the agricultural and forest lands of Whatcom County for the continued production of food, forage and timber crops while promoting the expansion and stability of the county's agricultural and forestry economies.

2. Urban residential development should be planned in areas that can be economically and efficiently served with existing or planned services,
optimize energy use, function as integral neighborhood units and can environmentally support intensive land uses.

3. Adequate community and neighborhood commercial facilities should be encouraged in appropriate locations while avoiding incompatible land uses and the proliferation of unnecessary new commercial areas.

4. To encourage a balanced and diversified economy in order to assure desirable local employment opportunities and to strengthen and stabilize the tax base. To accommodate anticipated economic development in an environmentally responsible manner with due consideration for public cost, energy availability, land use compatibility and transportation accessibility.

5. To promote the availability of economical and attractive housing for all income, age and ethnic groups, while also enhancing the integrity and identity of existing communities.

6. To promote a functional, coordinated and multi-mode transportation system which provides for the safe and efficient movement of people and goods, avoids undesirable environmental impacts, and optimize public investments and the conservation of energy resources.

7. Adequate facilities and services which provide diverse education, recreation, cultural and social opportunities should be encouraged.

D. CULTURAL AND NATURAL RESOURCES

1. To identify and manage environmentally sensitive areas in such a manner as to prevent destruction of the resource base and reduce potential losses to property and human life.

2. To continue the identification of cultural and natural resources and formulate viable methods to preserve and conserve such resources in recognition of their irreplaceable character.

3. To promote a park and recreation system which is integrated with existing and planned land use patterns and is diverse, abundant and assures maximum public access and usage.

E. CITIZEN INVOLVEMENT AND INTERGOVERNMENTAL COORDINATION

1. To assure opportunity for citizens to be involved in the formulation of land use goals, policies and proposals and to provide a structure for citizen participation in the planning program of federal, state, regional and local agencies.

2. To participate in intergovernmental coordination with federal, state, provincial, regional and local agencies, to develop a coordinated approach to problems which transcend local government bodies and to create an environment for the exchange of information and technical assistance.
III. POPULATION FORECASTS

Introduction

The purpose of population forecasting, as it relates to land use planning, is to accommodate the long-term spatial requirements of various land uses such as residential, commercial, recreational and public. Population forecasting may also be of assistance in decision making for land use related matters, such as determining the appropriate scale and location of public works facilities and land development activities. Population forecasts are subject to revision which may be accomplished in the five-year comprehensive plan update process.

The population information contained herein is a summary of the forecasts prepared by several agencies. Because of the technical difficulties involved with current and projected population assessment on a subarea basis, the information has been presented by total county, unincorporated county and incorporated community. Furthermore, this information has been used in a qualitative manner or as a general guideline, rather than as a specific numerical forecast. To relate this information to the Lynden-Nooksack Valley Subarea Comprehensive Plan, the following assumptions are used:

1. The majority of population growth will occur in URBAN RESERVE, URBAN RESERVE MEDIUM and RESIDENTIAL-RURAL areas.

2. The remainder of population growth will occur in RURAL and AGRICULTURAL areas.

3. The rate of population growth will be at unincorporated Whatcom County rates (Table B).

Tables A, B, C, D, E and F, respectively relate to total Whatcom County, unincorporated Whatcom County, City of Lynden, City of Sumas, City of Everson and City of Nooksack population trends and forecasts. Figures 1, 2, 3, 4, 5 and 5 present this information in a graphical format. The remainder of the information summarizes the various assumptions and variables which may affect the included population forecasts.

Assumptions Relating to Population Forecasts

All population forecasts are based on assumptions which affect the numerical results, and different population forecasting agencies do not make the same assumptions. The following items are intended to present an overview of assumptions as they relate to Whatcom County populations:

1. In-migration will continue to contribute substantially to population increases at the Washington State and Whatcom County levels.

2. The trend of decreasing family size and population per household will continue.
3. Labor market potential and location will affect population distribution, gross natural increase and in-migration levels.

4. The purpose of the population forecast affects assumption utilization, which in turn affects the results.

Variables Affecting Population Forecasts

Agencies which prepare population forecasts often make revisions due to changes in the variables affecting their assumptions. The following variables are intended as an overview for potential Whatcom County population forecast revisions, and may not affect all the agencies whose forecasts are contained herein:

1. Changes in Whatcom County birth, death and in-migration rates.

2. Changes in the level of industrial development and the related labor market potential of Whatcom County.

3. Changes in the Canadian economy and the related level of Canadian spending in Whatcom County.

4. Changes in the demand for the products of local resources such as agriculture, forestry, fishing and mining by local, state, national, and international markets.
FIGURE 1
TOTAL WHATCOM COUNTY

![Graph showing population trends and forecasts for 1970-2000.]

TABLE A
TOTAL WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000
(INCORPORATED AND UNINCORPORATED)

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>U.S. Census</td>
<td>81,983</td>
<td>106,701</td>
<td></td>
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<tr>
<td>CB&amp;I: EIS¹</td>
<td>103,941</td>
<td>119,771</td>
<td>132,997</td>
<td>149,217</td>
<td>167,287</td>
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<tr>
<td>WCCOG²</td>
<td>104,876</td>
<td>122,300</td>
<td>141,160</td>
<td>160,623</td>
<td>184,910</td>
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<td>OFM³</td>
<td>106,735</td>
<td>119,297</td>
<td>132,352</td>
<td>147,976</td>
<td>156,553</td>
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</tr>
<tr>
<td>BPA⁴</td>
<td>102,350</td>
<td>113,625</td>
<td>123,925</td>
<td>132,750</td>
<td>141,350</td>
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<tr>
<td>Mean</td>
<td>---</td>
<td>118,748</td>
<td>132,609</td>
<td>147,642</td>
<td>162,525</td>
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ANNUAL GROWTH RATES

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>2.67%⁵</td>
<td>2.20%⁶</td>
<td>2.06%⁷</td>
</tr>
</tbody>
</table>

9
FIGURE 2

UNINCORPORATED WHATCOM COUNTY

(1000's)

YEAR

POPULATION


UNINCORPORATED WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<tbody>
<tr>
<td>U.S. Census</td>
<td>34,004</td>
<td>48,628</td>
<td>56,825</td>
<td>64,456</td>
<td>74,026</td>
<td>84,769</td>
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<tr>
<td>CB&amp;I: EIS</td>
<td>47,652</td>
<td>56,825</td>
<td>64,456</td>
<td>74,026</td>
<td>84,769</td>
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<tr>
<td>WCCOG</td>
<td>46,451</td>
<td>55,340</td>
<td>64,305</td>
<td>73,603</td>
<td>86,210</td>
<td></td>
</tr>
</tbody>
</table>

Mean: --- --- 56,083 64,381 73,815 85,490

ANNUAL GROWTH RATES

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Mean</td>
<td>3.64%(^5)</td>
<td>2.84%(^6)</td>
<td>2.88%(^7)</td>
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</table>
LYNDEN, WASHINGTON

![Graph showing population trend]

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<thead>
<tr>
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<tr>
<td>U.S. Census</td>
<td>2,808</td>
<td>4,028</td>
<td></td>
<td></td>
<td>6,113</td>
<td>6,988</td>
</tr>
<tr>
<td>CB&amp;I: EIS¹</td>
<td>3,975</td>
<td>4,722</td>
<td>5,335</td>
<td>6,113</td>
<td>7,380</td>
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</tr>
<tr>
<td>WCCOG²</td>
<td>3,970</td>
<td>4,670</td>
<td>5,490</td>
<td>6,365</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OFM¹⁰</td>
<td></td>
<td>4,500</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Actual Population</td>
<td>2,808</td>
<td>4,028</td>
<td>---</td>
<td>---</td>
<td>---</td>
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<tr>
<td>Mean Population</td>
<td>---</td>
<td>---</td>
<td>4,631</td>
<td>5,413</td>
<td>6,239</td>
<td>7,184</td>
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ANNUAL GROWTH RATES

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<tbody>
<tr>
<td></td>
<td>3.67%⁵</td>
<td>3.03%⁶</td>
<td>2.87%⁷</td>
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</table>
SUMAS, WASHINGTON

TABLE D
POPULATION TRENDS & FORECASTS, 1970 - 2000
SUMAS, WASHINGTON

<table>
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<tr>
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</thead>
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<tr>
<td>U.S. Census</td>
<td>722</td>
<td>712</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CB&amp;I: EIS</td>
<td>674</td>
<td>683</td>
<td>695</td>
<td>696</td>
<td>693</td>
<td></td>
</tr>
<tr>
<td>WCCOG</td>
<td>745</td>
<td>800</td>
<td>860</td>
<td>935</td>
<td>1020</td>
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</tr>
<tr>
<td>OFM</td>
<td>736</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Actual Population</td>
<td>722</td>
<td>712</td>
<td>736</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean Population</td>
<td></td>
<td></td>
<td></td>
<td>778</td>
<td>816</td>
<td>857</td>
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ANNUAL GROWTH RATES

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>-0.14%</td>
<td>0.90%</td>
<td>0.97%</td>
</tr>
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</table>

12
EVERSON, WASHINGTON

![Population Trend Chart]

TABLE E
POPULATION TRENDS & FORECASTS, 1970 - 2000
EVERSON, WASHINGTON

<table>
<thead>
<tr>
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</tr>
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<tr>
<td>U.S. Census</td>
<td>633</td>
<td>898</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CB&amp;I: EIS¹</td>
<td>877</td>
<td></td>
<td>1,035</td>
<td>1,166</td>
<td>1,330</td>
<td>1,515</td>
</tr>
<tr>
<td>WCCOG²</td>
<td>877</td>
<td></td>
<td>955</td>
<td>1,085</td>
<td>1,210</td>
<td>1,350</td>
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<tr>
<td>OFM¹⁰</td>
<td></td>
<td>1,100</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

| Actual Population | 633 | 898 |      |      |      |      |
| Mean Population   | --- | --- | 1,030| 1,126| 1,270| 1,433|

ANNUAL GROWTH RATES

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>3.56%⁵</td>
<td>2.29%⁵</td>
<td>2.54%⁷</td>
</tr>
</tbody>
</table>

13
### POPULATION TRENDS AND FORECASTS: 1970-2000
NOOKSACK, WASHINGTON

![Graph showing population trends with lines for WCCOG, Mean, and CB&I.]

### TABLE F
POPULATION TRENDS & FORECASTS, 1970 - 2000
NOOKSACK, WASHINGTON

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>U.S. Census</td>
<td>322</td>
<td>429</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>CB&amp;I: EIS¹</td>
<td>387</td>
<td>437</td>
<td>478</td>
<td>528</td>
<td>583</td>
<td></td>
</tr>
<tr>
<td>WCCOG²</td>
<td>450</td>
<td>530</td>
<td>625</td>
<td>735</td>
<td>865</td>
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<tr>
<td>OFM¹⁶</td>
<td></td>
<td>585</td>
<td></td>
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<tr>
<td>Actual Population</td>
<td>322</td>
<td>429</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean Population</td>
<td>---</td>
<td>---</td>
<td>517</td>
<td>552</td>
<td>632</td>
<td>724</td>
</tr>
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### ANNUAL GROWTH RATES

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<tbody>
<tr>
<td></td>
<td>2.92%⁵</td>
<td>2.55%⁶</td>
<td>2.75%⁷</td>
</tr>
</tbody>
</table>
Footnotes


2 Whatcom County Council of Governments; Population Forecasts; June, 1980.


5 Annual growth rates are based upon the official 1970 and 1980 U.S. Census figures.

6 Annual growth rates are based upon the official 1980 U.S. Census figure and the 1990 mean calculation figure.

7 Annual growth rates are based upon the 1990 and 2000 mean calculation figures.

8 Immigration is equal to total population less natural increase, in which natural increase is equal to total births less total deaths.

9 The Whatcom County Council of Government's population forecast exhibits a high correlation with the Canadian Impact Study and is thus presumed to accommodate Canadian spending.


IV. SUBAREA DESCRIPTION

A. INTRODUCTION

The Lynden-Nooksack Valley Subarea is bounded on the north by the Canadian Border, on the east by Vedder and Sumas mountains, on the south by East Smith Road and Stewart Mountain, and on the west by Aldrich and Delta Line Roads. Incorporated communities include Lynden, Sumas, Everson and Nooksack. Unincorporated communities include Hinote's Corner, Nugent's Corner, Deming, Lawrence, Laurel and Wiser Lake.

Subarea boundaries were delineated by Planning Commission in 1979 prior to beginning the comprehensive plan update process. Delineation of the boundaries was based on the intent to analyze the major agricultural resource area and related soils of Whatcom County, to conserve forest resources and to address land uses within flood plains. An additional intent was to manage growth in unincorporated communities and areas adjacent to incorporated communities.

B. FINDINGS

In December, 1983, the Whatcom County Planning Department completed the background document for the Lynden-Nooksack Valley Subarea. A portion of the document contains descriptions of existing conditions related to land use, the physical environment, transportation, and community facilities and utilities. In addition, the document identified specific issues for the subarea. The issues identified by the planning department staff, Planning Commission and citizens have been evaluated and addressed through the development of specific comprehensive plan policy statements. For additional detail concerning issues, the Lynden-Nooksack Valley Subarea Background Document can be consulted.

Land Use Description

The subarea contains approximately 123,000 acres and includes approximately 5,280 dwelling units. Land uses in the subarea are primarily associated with agriculture and forestry. Agriculture is the dominant land use, comprising approximately 87,250 acres or 69% of all land uses. Of total land in agriculture, 23,415 acres are used for crop production, 23,405 acres are used for dairies, 6,820 acres are used for livestock raising, 270 acres are used for poultry farms, and 30,340 acres are used for pasture and part-time agricultural operations. Agricultural operations are situated in the Nooksack River floodplain and north thereof, the Sumas River floodplain, and surrounding the communities of Lynden, Nooksack, Everson and Sumas.

Forest land is the second most prevalent land use, occupying 32,065 acres or 26% of all land uses. Forest land includes parcels owned by major timber companies, the State of Washington and woodlot operations. The majority of forest land is situated on Vedder, Sumas and Stewart mountains and woodlots are scattered throughout the subarea.

The remaining 5% of existing land uses are composed of residences comprising 2,865 acres or 2.3% of all land; vacant land situated on 1,475 acres or 1.2% of all land; industrial uses occupying 530 acres or 0.5% of all land; public and
quasi-public uses comprising 550 acres or 0.45% of all land; and commercial uses occupying 490 acres or 0.4% of all land. Residences are generally situated adjacent to roads or are associated with agricultural operations, reflecting a general absence of major residential development. Commercial uses are primarily located at Hinote’s Corner, Nugent’s Corner, Deming, Laurel, near Pole Road and the Guide Meridian, and directly west of Lynden adjacent to the Guide Meridian.

Approximately 69% or 85,000 acres of the subarea use the provisions of the Washington State Open Space Taxation Act of 1970 to obtain current use tax assessment. Current use tax assessment generally indicates the intent, by the property owner, to maintain the land in its present use. Approximately 80% of all agricultural land and 55% of all forest land in the subarea has current use tax assessment status. An additional 3,000 acres of forest land is managed by the Department of Natural Resources and is exempt from taxation; however, this land will continue to be used for long-term forest production.

Environmental Conditions

Existing environmental conditions relate to topography, geology, geologically related resources, soils, water resources, flora and fauna. Subarea topography is generally flat with steep slopes located on Vedder, Sumas and Stewart mountains.

Sumas Outwash, composed of sand and gravel, and Alluvial Deposits, composed of silt, clay, gravel and till, underlie the majority of flat lands in the subarea. Bellingham Glaciomarine Drift, composed of clay, underlies the Boundary Highlands area, as well as the south central portion of the subarea. Huntington Formation and Chuckanut Formation, both composed of sandstone and shale, are the primary geologic units of Vedder, Sumas and Stewart mountains. Slope stability is satisfactory in the flat lands; however, steep slopes of the mountains have marginal stability.

Geologically related resources include natural gas and oil, coal, and sand and gravel deposits. Natural gas and oil were encountered in early exploratory wells at depths ranging from 28 feet to over 6,000 feet; however, the wells and associated deposits are not presently considered to have commercial value. Huntington and Chuckanut formations contain bituminous and sub-bituminous coal. The formations are located at the surface in the mountains, but underlie, at varying depths, the glacial deposits of the flat lands. Coal is not being extracted currently. Sand and gravel are contained in alluvial and outwash deposits, and are located throughout the subarea. Several extraction sites are operating presently near East Pole Road, Trapline Road, East Axton Road, Alm Road and Siper Road.

One-hundred and five soil units are located in the subarea. Of these, thirty-eight are classified as various categories of prime farmland by the Soil Conservation Service. The prime farmland soils occupy the majority of the flat lands. The mountainous areas contain the majority of soil units; however, these are not considered as prime farmland, although several soils are very conducive to forestry.

Suitability for development, as related to soil characteristics, is expressed as slight, moderate or severe limitations for a particular use. Uses considered include septic drainfields, shallow excavations, dwellings without
basements, dwellings with basements, small commercial buildings, and local roads and streets. Composite ratings for these uses result in severe limitations for mountainous areas and floodplains; moderate to severe limitations for flat lands above floodplains; moderate limitations for areas with sandy soils; and slight to moderate limitations for an area near Pole and Mecklen roads. Varying degrees of limitation are based on degree of slope, presence of floodplains, seasonally high water tables or slow permeability.

Water resources include groundwater, surface water and 100-year floodplains. Potential high yield aquifers underlie the majority of the subarea, excluding the Boundary Highlands area, the area near Trapline and East Badger roads, the south central portion of the subarea, and mountainous regions. In addition, part of the Blaine municipal watershed is located in the northwestern part of the subarea. In general, groundwater quality is satisfactory for domestic and agricultural consumption. The most commonly occurring groundwater quality problems are the presence of iron and nitrates. Rarer quality problems include incidents of PCB and EDB contamination.

Several creeks and rivers are located in the subarea including Bertrand, Fishtrap, Tenmile, Deer, Anderson, Smith, Swift, Breckenridge, Saar and Johnson creeks, and Sumas and Nooksack rivers. Subarea lakes include Wiser, Fazon and Judson.

One-hundred year floodplains are associated with Sumas and Nooksack rivers, as well as Bertrand, Johnson, Breckenridge, Swift, Smith and Anderson creeks. These areas are those where there is a 1% per year chance of inundation from flood waters.

Although the mountainous portions of the subarea continue to be forested, the lowlands have generally been cleared of the original forest and are presently cultivated. Several woodlots occur throughout the flat lands.

Subarea fauna consist of birds, fish and mammals. The Nooksack River, Sumas River, subarea lakes and nearby fields provide medium-to-high density waterfowl habitats. Several beaver ponds and a heron rookery are located in the Boundary Highlands area. A medium-to-high density deer habitat is situated on Vedder and Sumas mountains. Salmon spawning, rearing and migration occur in Deer, Fourmile, Tenmile, Bertrand, Fishtrap, Anderson, Smith, McCauley, Mitchell, Wiser Lake Outlet, Dale, Breckenridge, Saar, Squaw and Johnson creeks, and Sumas and Nooksack rivers. Johnson Creek is one of the better coho salmon spawning areas in Whatcom County.

Community Facilities and Utilities

Community facilities in the subarea include education, public safety, fire protection, energy, solid waste, flood control and drainage while utilities include water and wastewater systems. Education is provided by several school districts including Ferndale School District No. 502, Blaine School District No. 503, Lynden School District No. 504, Meridian School District No. 505, Nooksack Valley School District No. 506 and Mt. Baker School District No. 507. With the exception of elementary schools in the Lynden and Meridian school districts, all school districts have sufficient capacity within their systems to accommodate additional students.
Law enforcement in the subarea is provided by the Whatcom County Sheriff's Department. The department consists of approximately 22 patrol deputies, 4 detectives and 15 other commissioned officers with arrest powers. Three patrol vehicles are deployed throughout the county, 24 hours a day and an average of 440 calls per year are presently received on a per capita personnel basis.

Fire protection is provided by four Whatcom County fire protection districts including District No. 1, District No. 3, District No. 4 and District No. 14. District No. 1 provides service to the area east of Noon Road and south of Badger Road. The district has two fire stations and has mutual aid agreements with Whatcom County Fire Protection Districts No. 4 and 14. District No. 3 serves the area west of Noon Road and Tralpine Road. The district has four fire stations and mutual aid is provided by a county-wide agreement. District No. 4 serves the area between Noon and Mission roads. The district has three fire stations and has mutual aid agreements with Whatcom County Fire Protection Districts No. 3, No. 2 and No. 1. District No. 14 provides service to the area east of Tralpine Road and north of East Badger Road. The district has two fire stations and has mutual aid agreements with Whatcom County Fire Protection Districts No. 1 and No. 3.

Energy services in the subarea are provided by Puget Sound Power and Light Company and Cascade Natural Gas Company. Puget Sound Power and Light presently has three substations in the subarea and intends to build two additional substations in the future, one at Lynden and one at Nugent's Corner.

Solid waste disposal is accomplished by residents or private haulers taking refuse to sanitary land fills or to the incineration plant located on Slater Road. Sanitary land fills serving subarea residents are located at Cedarville Road, Y Road and Birch Bay. Nooksack Valley Disposal, Inc. and Sanitary Service Company are certified to collect both residential and commercial garbage.

Flood control is provided by the McCauley Creek Flood Control District. The purpose of the district is to investigate and take any actions that are necessary and environmentally sound to control flooding for a part or all of the stream system.

Ten drainage improvement districts exist within the subarea. The purpose of the districts is to provide land drainage and be responsible for the rehabilitation and maintenance of ditches and streams.

In the subarea, domestic, industrial and agricultural water is provided by cities, water associations or individual on-site wells. The City of Sumas obtains its water from four artesian wells and sells water to city residents, two rural water associations and the City of Nooksack. Capacity appears to be more than sufficient to meet the city's needs over the next decade.

The City of Nooksack purchases water from the City of Sumas and distributes it to residents within city limits and certain areas adjacent thereto. The city's infrastructure appears adequate and capital improvements are not planned over the next three to five years.

The City of Lynden obtains its water from the Nooksack River. The capacity of the existing system is adequate to meet current demand; however, the present water rights certificate is no longer sufficient to meet a growing demand for
water service. To meet future demands, Lynden is investigating a groundwater source to supplement its current surface water appropriation. The City of Lynden also supplies water to two water associations.

The City of Everson obtains water from three wells. The system serves approximately 1,000 residents within city limits as well as two water associations. Because of the lack of storage capacity, the City of Everson no longer extends water service outside its city limits.

There are over 40 water associations in the subarea. The largest are Pole Road Water Association, Sumas Rural Water Association and Delta Water Association. Approximately 8,000 year-round residents are estimated to be served by the associations.

Wastewater disposal is accomplished either through sewer systems or through on-site methods. The cities of Lynden, Everson and Sumas provide sewer service for residences, businesses and industries situated within municipal boundaries. Presently, the City of Nooksack lacks sewer service but is cooperating with the City of Everson in obtaining funding to enlarge the Everson facility and expand sewer service to Nooksack. Lynden and Everson will only provide sewer service to properties situated within their municipal boundaries; therefore, annexation is required to obtain sewer service. Sumas, however, presently does not have a policy on the provision of sewer service and will consider requests for extension of service on a case-by-case basis. The remainder of wastewater disposal in the subarea is accomplished through on-site septic systems.

Transportation

Subarea transportation consists of state routes and county roads. State routes include the Guide Meridian, Mount Baker Highway, State Route 9 formed by Lawrence and Nooksack roads, and East Pole Road. According to the Washington State Department of Transportation, all roads currently deliver an adequate level of service and meet or exceed roadway standards for developed roadway and pavement width. However, all roads are substandard for right-of-way width. Thus, the Department of Transportation hopes to cooperate with Whatcom County and individual property owners to acquire additional right-of-way, where needed.

Major county roadways serving the subarea include Birch Bay-Lynden Road, Enterprise Road, Smith Road, Hannegan Road, Rock Road and Everson-Goshen Road. All roads are in good condition and are generally in compliance with Whatcom County road standards.

According to the Washington State Department of Transportation, the intersections of the Guide Meridien with Smith, Axton, Laurel, Hemmi, Pole, Badger and Wiser Lake roads represent the worst accident locations for state highways within the subarea. In response to this situation, the Department of Transportation has installed flashing beacons at the intersections of Badger Road, Birch Bay-Lynden Road and Pole Road with the Guide.

In addition, the Department of Transportation plans to cooperate with Whatcom County to address access control along the Guide Meridian. Access control has become a problem as more individual access openings have been approved for new residential, commercial and industrial development. Unrestricted access has reduced the efficiency and safety of the Guide Meridian.
Burlington-Northern Railroad provides industrial rail service to the subarea. The main spur parallels Lawrence and Nooksack roads from Burlington to Sumas and the International Border. One train per day operates northbound from Seattle, and one train per day operates southbound from Sumas.

C. SUBAREA ISSUES AND CITIZEN PARTICIPATION

Subarea issues pertain to growth areas, incorporated or unincorporated communities where residential and related uses exist and are expected to continue, and to resource areas where available natural resources affect appropriate land uses. The major issues affecting the incorporated communities of Lynden, Sumas, Everson and Nooksack are the appropriate locations, amount of land, types and densities of land uses, utility services and capital improvements that are necessary for future urban growth. Additional issues include suitable annexation policies, responsiveness to agricultural lands that adjoin existing municipal boundaries and minimizing potential residences in 100-year flood plains.

Unincorporated communities include Hinote's Corner, Nugent's Corner, Deming, Laurel and the Wiser Lake area. The major issues affecting Laurel, Nugent's Corner, and the Pole Road and Guide Meridian intersection include the type and acreage of commercial uses, and methods to maintain safe and efficient traffic flows on state highways. Deming and the Wiser Lake area are primarily residential. Major issues affecting these areas include the appropriate type of residential land use, suitable partial utility servicing, methods to assure safe and efficient transportation access to state highways, and appropriate supporting land uses. Major issues affecting the Hinote's Corner area include the extent and type of commercial land uses, the extent and type of residential uses, appropriate partial utility servicing and methods to minimize conflict with nearby agricultural operations.

Issues associated with the remainder of the subarea relate to various types and extent of natural resources, as well as natural hazards. Natural hazards are associated with steep slopes situated on Sumas, Vedder and Stewart mountains. A majority of these areas are owned by major timber companies for the purpose of commercial forest management.

Another natural hazard pertains to 100-year floodplains associated with the Nooksack River, Sumas River, and Bertrand, Johnson, Breckenridge, Swift, Smith and Anderson creeks. The river floodplains and several creek floodplains contain soils that facilitate agricultural operations, and the floodplains are used for agriculture. Thus, a major issue pertains to the continuation of agricultural land uses that minimize flooding damage and beneficially use soil resources as compared to intensive residential land use. For those floodplain areas not used for agriculture, the major issue relates to applying an appropriate land use designation that will minimize the number of potential residential structures.

Natural resources are associated with soils that facilitate agricultural operations, forestry areas, sand and gravel deposits, aquifers and wildlife habitats. Soils that are designated as Prime Farmland by the Soil Conservation Service are situated in the majority of the subarea. The Prime Farmlands situated in 100-year floodplains are used for agricultural purposes, and the application of the agricultural plan designation appears to be appropriate during the next planning period. A major issue affecting the remainder of the subarea
is the extent that the Agriculture plan designation or other designations should be applied to conserve agricultural soils.

Forested areas are situated on Vedder, Sumas and Stewart mountains. In these areas topography is steep, making residential development difficult. A major issue is the extent that the Forestry plan designation should be applied to provide for the continuation of forest resources. An additional issue relates to methods to minimize potential conflict between forestry land uses and adjoining rural uses.

Sand and gravel deposits are situated throughout the subarea in agricultural areas and rural areas. Major issues affecting these areas include the extent to which extraction activities should occur in agricultural areas, methods to maintain water quality and methods to assure compatibility with adjoining land uses.

High-yield aquifers underlie the majority of the subarea, excluding mountainous areas, the south central portion of the subarea and Boundary Highlands. A major issue affecting aquifers relates to designing land uses that will assure future ground water quality.

The major wildlife habitat issue relates to salmon spawning, rearing or migration routes, and methods to maintain stream integrity. Of special importance is Johnson Creek, one of the county's most significant Coho spawning streams.

Resolution of these issues was accomplished through working with citizen's advisory committees and through input received at citizen information meetings. During 1984, ten meetings were conducted with the Agricultural Advisory Committee. The main purposes of the Committee were to identify areas that should be recommended for the Agriculture plan designation and zone, make recommendations for appropriate plan designations for areas adjoining Agriculture areas and make recommendations for text amendments to the Agriculture zone.

During early 1985, three meetings were conducted with the Forestry Advisory Committee. The purposes of this Committee were to recommend locations that should be considered for the Forestry plan designation and zone, make recommendations concerning appropriate language in the Forestry zone, and develop methods to minimize conflicts at the interface between Forestry and Rural areas.

Also during early 1985, several meetings were conducted with representatives of incorporated communities including meetings with the Planning Commission of the City of Lynden, and the mayors of Sumas, Everson and Nooksack. The purpose of these meetings was to develop recommendations concerning appropriate types, extent and locations of land uses; and appropriate utility service levels to serve the future growth needs of the various communities.

The results of citizen advisory group input were summarized on the "Suggested Land Uses and Densities Map." From May until September of 1985, eight citizen information meetings were conducted throughout the subarea. The purposes of these meetings were to receive input from citizens concerning the "Suggested Land Use Map" and to identify additional land use issues. The policy response to the input received at the meetings is contained in the policy section of this document.
V. LAND USE DESIGNATIONS

INTRODUCTION

The land use designations as illustrated on the Comprehensive Land Use Plan Map, together with the policies, represent the most appropriate uses of land in the subarea for the planning period. The land use designations have been developed as a means of addressing and resolving particular land use needs. The following rationale and locational criteria for each land use designation are set forth to provide consistency when applying designations and to avoid confusion concerning establishment of land use boundaries.

RATIONALE AND LOCATIONAL CRITERIA

1. URBAN RESERVE

Rationale

The continuing trend of outward urban expansion in response to growth pressures will create a constant demand for land, the most fundamental of all urban resources. Although outward expansion is an accepted city planning practice, problems have occurred when potential urban lands have been committed to long-term "non urban" uses. Such problems are primarily caused by the lack of coordinated public policy among governmental jurisdictions and have resulted in uncoordinated and costly service systems, inefficient transportation networks and unmanageable land use patterns.

As a means of alleviating problems associated with outward expansion, the Comprehensive Plan establishes the URBAN RESERVE land use designation. The rationale underlying the designation is to reserve certain land areas for future urban residential purposes and to encourage interim uses that are complementary and compatible with future urban uses, densities and utility services. When transportation improvements and urban utility services, including public sewer and water, are provided to these areas, land use densities shall increase and result in the orderly, economic and expeditious transition from rural to urban land use patterns.

The application of the URBAN RESERVE designation is intended to accomplish the following objectives.

a. To reduce urbanization and encroachment pressures on lands most suitable for other uses.

b. To stabilize land speculation, inequitable tax structures, and the artificial inflation of land values in the "urban fringe" by designating an adequate amount of land for urban growth and uses during the planning period; and to provide land owners with a reasonable expectation of future municipal and county land use policies.

c. To clearly establish appropriate levels of urban services including public sewer and water, transportation improvements, storm drainage, and sheriff and fire protection.
d. To conserve energy resources by reducing unnecessary travel distances between living, shopping and employment locations.

e. To encourage the conservation of natural resources and environmentally sensitive areas, both within and outside of designated URBAN RESERVE areas.

Locational Criteria

The criteria to be used for the application of the URBAN RESERVE designation include the following.

a. Land areas adjacent to specified municipalities that are of sufficient size to adequately accommodate projected demands for residential, commercial, transportation and public uses for a ten to fifteen-year period.

b. Land areas where a full range of urban utility services, such as sewer, water, storm drainage, transportation improvements, fire and sheriff protection, and parks and recreation, presently exist or can be economically and efficiently provided in the near future.

c. Areas that contain an adequate supply of vacant urbanizable land to avoid the artificial inflation of land values.

d. The boundaries of the URBAN RESERVE designation should:

1. be well defined, logical, provide a physical "sense of community", and be capable of being expanded to accommodate additional urban growth as need arises; and

2. acknowledge the existing character of land use densities and the existing or potential level of utility servicing.

2. URBAN RESERVE MEDIUM DENSITY

Rationale

Within areas that are planned for urban residential types of uses, Whatcom County recognizes the need to provide areas where affordable housing types can be situated including condominiums, apartments, townhouses and mobile home parks. To address the need for compatibility between uses within and outside of medium density residential areas, the URBAN RESERVE MEDIUM DENSITY plan designation is provided with a maximum density of six dwelling units per acre.

Locational Criteria

The following Locational Criteria provide direction for application of the plan designation.

a. The density of six dwelling units per acre should be applied to areas that are adjacent to low density Urban Reserve areas or are
transition between low density Urban Reserve areas and higher intensity uses such as commercial or light industrial.

b. Land areas should be feasible to supply with public sewer, water, storm drainage, transportation improvements, fire and sheriff protection, and parks and recreation facilities during the planning period.

c. The areas may be situated adjacent to similarly designated areas within existing municipalities.

3. NEIGHBORHOOD COMMERCIAL

Rationale

The rationale underlying the NEIGHBORHOOD COMMERCIAL land use designation is to accommodate centrally located and concentrated areas, in both urban areas and rural areas, that provide a limited range of retail sales and services to nearby neighborhoods. NEIGHBORHOOD COMMERCIAL areas, when situated in proximity to existing urban areas, may have a full or partial range of servicing. NEIGHBORHOOD COMMERCIAL areas situated in rural areas generally do not have planned utility servicing.

Locational Criteria

Areas suitable for the NEIGHBORHOOD COMMERCIAL plan designation conform to the following criteria.

a. Parcels are served by collectors or arterials.

b. Parcels have the same level of utility servicing as the surrounding neighborhood.

c. The designation is situated in a location that is central to the neighborhood area being served.

d. The designation is applied to an area of at least five acres that is configured in a concentrated and consolidated pattern.

e. The designation is applied to property where ownership patterns and land parcelization area conducive to future development.

f. The designation should be applied where a public need for neighborhood shopping exists.

4. GENERAL COMMERCIAL

Rationale

The rationale pertaining to the GENERAL COMMERCIAL plan designation is to provide a broad range of goods and services to people living within Whatcom County, as well as other regions. The designation intends to maximize safe and efficient on and off-site transportation systems, delineate areas that are
conducive to overall site planning, acknowledge existing patterns of GENERAL COMMERCIAL land use forms, and promote compatibility with surrounding noncommercial uses.

**Locational Criteria**

Areas that are suitable for application of the GENERAL COMMERCIAL plan designation conform to the following criteria.

a. Parcels are served by principal, minor or collector arterials, or major collectors.

b. Parcels will be provided with urban services including public sewer and water, stormwater drainage, sheriff and fire protection; except that existing areas that have concentrations of general commercial uses may be recognized based on adequate levels of wastewater disposal, water and fire flow.

c. The designation contains a minimum of ten (10) acres configured in a concentrated and consolidated arrangement.

d. The designation is located on property where ownership patterns and land parcelization are conducive to feasible land packaging for future development.

e. The designation is located where a public need for general commercial shopping exists.

5. **TOURIST COMMERCIAL**

**Rationale**

The rationale underlying the TOURIST COMMERCIAL designation is to serve the traveling public with a limited range of goods and services directly related to their transportation needs. TOURIST COMMERCIAL areas are intended to serve vehicular, rail, truck and air transportation systems. TOURIST COMMERCIAL areas should be located near major transportation corridors and be designed to assure safe and convenient access.

**Locational Criteria**

Areas that are suitable for application of the TOURIST COMMERCIAL plan designation conform to the following criteria.

a. Parcels are served by principal or minor arterials, or major collectors.

b. Parcels will be provided with urban services including public sewer and water, stormwater drainage, sheriff and fire protection; except that existing areas that have concentrations of tourist commercial uses may be recognized based on adequate levels of wastewater disposal, water and fire flow.
c. The designation is located in close proximity to major transportation corridors including air, rail or road terminals or border crossings.

d. The designation contains approximately ten acres, is configured to provide safe and convenient access and will not adversely impact adjacent noncommercial activities.

e. The designation is located where a public need exists for TOURIST COMMERCIAL types of uses.

6. **LIGHT INDUSTRIAL PARK**

**Rationale**

Manufacturing assumes a significant role in Whatcom County's economy, and this role is anticipated to continue in the future. To augment the role of manufacturing to the local economy, it is necessary to provide land for a variety of industrial uses.

One form of industrial land use is characterized by the LIGHT INDUSTRIAL PARK. LIGHT INDUSTRIAL PARKS generally are large tracts of land that are planned, developed and operated as an integrated facility for a number of individual industrial uses. Special attention is given to circulation, parking, utility needs, aesthetics and compatibility between uses both within the park and with surrounding areas. This type of LIGHT INDUSTRIAL PARK is considered to be the campus setting.

Another type of LIGHT INDUSTRIAL PARK is composed of small tracts of land in different ownerships where industrial uses occur independently, with less attention given to aesthetic measures and joint use of circulation and parking systems. Although this type of park does not generally use master planning, it does conform to zone and buffer requirements of the zone that implements the plan designation.

The underlying rationale of the LIGHT INDUSTRIAL PARK designation is to supply land for a variety of light industrial uses that may depend upon close proximity to other industries and are dependent upon an urban or rural labor supply. In addition, the designation promotes efficient public and private utility and transportation expenditure, and promotes compatibility with surrounding nonindustrial areas.

**Locational Criteria**

Areas that are suitable for the LIGHT INDUSTRIAL PARK designation conform to the following criteria.

a. The area contains flat topography, has well-drained soils with sufficient bearing capacity to support large structures, and contains parcels of adequate size to accommodate buffer and bulk regulations.

b. The area should be served by truck, air or rail access.
c. Available or potential utility servicing should be adequate to satisfy public health and safety requirements for waste water disposal, water supply, fire flow and storm drainage.

d. The area is situated within a 45 minute commuting distance from a concentrated labor supply.

7. GENERAL MANUFACTURING

Rationale

The fundamental reasons for the General Manufacturing designation are to augment the economy of Whatcom County and to create a favorable condition for economic stability by providing for a variety of potential types of industrial operations and locations. Industrial operations associated with General Manufacturing are less intensive than uses associated with Heavy Impact Industrial areas; however, said uses may be more intensive than use related to Light Industrial Park areas.

More specifically, General Manufacturing uses relate to manufacturing, fabrication, and processing of finished products, and may involve non-product operations such as warehousing, storage, and other industrially associated services. General Manufacturing operations may function independently of other industrial areas or may supplement the operations of Light Industrial Parks or Heavy Impact Industrial areas.

An underlying rationale concerning General Manufacturing areas is to provide locations where industrial uses will be compatible with surrounding non-industrial land uses. An additional rationale for General Manufacturing areas is to take advantage of truck, rail, freeway and/or air transportation access, as well as the proximity to potential labor pools. A final rationale regarding General Manufacturing areas is to benefit from existing or planned utility services including fire and sheriff protection, public sewer, public water, and storm drainage.

Locational Criteria

The criteria to be used for application of the GENERAL MANUFACTURING designation follow.

a. The area consists of flat topography, has well-drained soils with sufficient bearing capacity to support large structures.

b. The area should be at least twenty acres in size, be large enough to accommodate necessary buffers, and should be located in proximity to a potential labor supply.

c. The area should be served with by a combination of truck routes, freeway, rail and/or air transportation.

d. Available or potential utility servicing should be adequate to satisfy public health and safety requirements for waste water disposal, water supply, fire flow, sheriff and fire protection, and storm drainage.
8. **RESIDENTIAL RURAL**

**Rationale**

Many citizens prefer to live in settings of low residential density. Low density usually implies that a full range of urban utility servicing, including public sewer and water, is not planned; sheriff and fire protection are provided to a lesser degree than in urban areas; roadways are scheduled for maintenance only; and the residential landscape is visually different from urban areas. Residents of such areas usually rely on urban centers for amenities such as shopping, employment and entertainment. Because of the non urban character of RESIDENTIAL RURAL areas, transportation facilities are limited to collector arterials or lower classifications, and only a partial range of urban utility servicing will be available during the planning period. Thus, the purpose of the RESIDENTIAL RURAL designation is to provide an alternate residential setting where non urban living patterns may be developed with minimal public services.

**Locational Criteria**

The criteria to be used for the application of the RESIDENTIAL RURAL designation follow.

- **a.** Land areas presently have low density residential development and such densities are planned to continue in the future.

- **b.** Areas are planned to be served or currently are served with a partial range of urban services including municipal or district supplied water or sewer, fire and sheriff protection, and storm drainage where appropriate; or areas with existing small parcels that are or can be provided with water from a Class I water association and have on-site wastewater disposal, fire and sheriff protection, and storm drainage where appropriate.

- **c.** Areas contain soils that are generally not suitable for agriculture, forestry or mineral extraction.

- **d.** The boundaries of the RESIDENTIAL RURAL areas should be well defined by physical or cultural features.

9. **RURAL**

**Rationale**

The present land use pattern in parts of the Lynden-Nooksack Valley Subarea is characterized by part and full-time agricultural operations, forestry and woodlots, and very low density residential activity. These types of land uses can be considered as "rural".

Dispersed settlement patterns are a function of physical conditions such as soils, high water tables or topography that impose constraints to higher residential densities. Such patterns also can be attributed to the absence of past and future public commitments for the provision of sewer, water and roadway improvements. Very low density residential areas offer alternative living styles
providing for increased privacy, aesthetic advantages of particular sites, or small scale agriculture and forestry operations, in comparison with an urban residential setting.

Rural areas may contain nonrenewable natural resources, such as soils that contribute to agricultural or forestry productivity, sand and gravel deposits suitable for extraction, or environmentally fragile areas such as steep slopes or 100-year flood plains. Existing parcel sizes are large and can accommodate land uses such as agriculture, forestry or low residential densities during the planning period.

Thus, the RURAL plan designation is important in the subarea comprehensive plan because it provides flexibility concerning agricultural, forestry, mineral extraction and low density residential uses while retaining public and private land use options for the future.

Locational Criteria

To define locations where the RURAL plan designation is appropriate, the following criteria are used.

a. Areas have very low residential densities and are compatible with existing land use plans.

b. Areas where buffers are needed between residential uses and land use practices associated with commercial agriculture and forestry.

c. Areas where features of the physical environment, such as the lack of adequate ground water, slow or rapid permeability rates, seasonal ponding, 100-year floodplains or steep topography may require very low densities in order to minimize the impacts of physical constraints. In addition, areas may contain natural resources, such as soils that facilitate agriculture or forestry, or may have sand and gravel, coal or other extractable minerals.

d. Areas have no planned capital improvements to community facilities, utilities or transportation systems.

Zoning Density Criteria

The RURAL comprehensive plan designation shall be implemented with three Rural zone district densities including one dwelling unit per two acres, one dwelling unit per five acres, and one dwelling unit per ten acres. Criteria defining the application of each density follow.

a. The density of one dwelling unit per two acres shall be applied where:

1. existing density is less than or equal to one dwelling unit per five acres and existing average parcel size is greater than or equal to two acres;

2. physical limitations such as lack of adequate ground water, slow permeability rates, seasonal ponding or steep slopes prohibit increased densities;
3. existing public services are not sufficient to support increased densities, and there are no planned capital improvements to existing public services; and

4. maximum build out at the prescribed density will be compatible with the surrounding land use character.

b. The density of one dwelling unit per five acres shall be applied where:

1. existing density is less than or equal to one dwelling unit per ten acres and existing parcel size is greater than or equal to five acres;

2. part-time agriculture and woodlots exist; and

3. items 2, 3 and 4, above, are applicable.

c. The density of one dwelling unit per ten acres shall be applied where:

1. existing density is less than or equal to one dwelling unit per twenty acres and existing parcel size is greater than or equal to ten acres;

2. the use of natural resources including sand, gravel, coal, timber and Prime Farmland soils is facilitated by low densities;

3. a mixture of part-time and full-time agriculture and silviculture are viable economic enterprises;

4. physical limitations may preclude higher densities; and

5. there is an absence of planned expenditures for capital improvements to the existing minimal public service infrastructure.

10. AGRICULTURE

Rationale

The AGRICULTURE land use designation identifies areas suitable for the practice of commercial agriculture. Commercial agriculture is a significant industry in Whatcom County and has the potential to become increasingly significant as indicated by trends related to local farm incomes. Related industries add additional dollars to the local and regional economy as a direct result of agricultural production.

As significant as agriculture is in the local economy, agricultural lands are often considered for other purposes, namely urban or rural uses. Urban and rural encroachment can raise assessed valuation, resulting in higher property taxes for the agricultural operator. In addition, encroachment of residences not associated with agriculture can create conflicts with customary agricultural operations. Premature conversion to urban or rural uses occasionally forces the operator to cease agricultural uses. This situation is especially pronounced in the fringe areas of communities where residential growth pressures are most
evident. The rapid rate of farmland conversion is being recognized by federal, state and local governments. Increasingly, communities are taking steps to inventory existing farmland and agriculturally productive soils, to determine alternative locations for residential uses, and to devise techniques for preserving farmland with the assistance and cooperation of the agricultural operator.

The comprehensive plan established the AGRICULTURE designation to promote agriculture by identifying and retaining land suitable for commercial agricultural pursuits.

**Locational Criteria**

Areas that are suitable for application of the AGRICULTURE designation conform to the following criteria.

a. The majority of area contains Prime Farmland Soils as determined by the Soil Conservation Service.

b. The area may contain 100-year floodplains as delineated by the Soil Conservation Service and the U.S. Army Corps of Engineers.

c. Existing land uses are primarily full-time agriculture intermixed with part-time agriculture and woodlots; and minimal commitment to non-farm uses has been made.

d. The area is composed of agricultural operations that have historically been and continue to be economically viable.

e. Parcel sizes are generally greater than forty acres.

f. Urban utility services including public sewer and water are not planned.

g. Special purpose districts that are oriented to enhancing agricultural operations exist, including drainage improvement and flood control.

h. Areas have a pattern of landowner capital investment in agricultural operation improvements including irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, livestock upgrading, agricultural worker housing, etc.

i. Areas contain a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act. RCW 84.34.

11. **FORESTRY**

**Rationale**

Forestry and related industries historically have been significant factors in the local economy, a role that has expanded to affect state, national and international economies. In addition, forest management provides a significant renewable resource base to Whatcom County. Forested areas often contain non-renewable mineral and non-mineral resources, serve as wildlife habitats, and
contribute to watershed management. Since population increases may create pressure to irrevocably convert forest land, it is important that Whatcom County provide for the long term productivity of forest and related resources by safeguarding prime forest areas from conversion to non forest uses. The purpose of the FORESTRY designation is to preserve the viability of Whatcom County’s renewable and nonrenewable resource base.

**Locational Criteria**

Areas that are suitable for the FORESTRY designation conform to the following criteria.

a. Land ownership patterns reveal a prevalence of large parcel sizes ranging from 20 to 640 acres.

b. Parcels are usually owned for the purpose of managing forest resources by major timber industries, logging companies, the State of Washington, and private individuals engaged in woodlot operations.

c. The majority of parcels use the provisions of the Washington State Open Space Taxation Act to obtain current use tax assessment.

d. Public roads and other servicing generally associated with residential development are minimal.

e. Physical constraints to residential development may exist, including slopes in excess of 15%, soils that are unsuitable for septic systems or conventional building foundations, unstable geologic units, or important wildlife habitats.

f. Nonrenewable natural resources may be present such as minerals, coal, sand and gravel, or soils that facilitate forest management.

12. **PUBLIC**

**Rationale**

This designation recognizes those parcels and facilities currently in or planned for public ownership. The underlying rationale of the PUBLIC designation is to assure continuation and potential expansion of public services at levels consistent with population requirements, while providing sufficient acreage to be compatible with surrounding land uses.

**Locational Criteria**

Identification of areas which are suitable for application of the PUBLIC plan designation is based on the following criteria.

a. Parcels currently are owned or are being considered for ownership by public agencies such as cities; federal, state and local governments; and special purpose districts including school and fire districts.
b. The function of parcel ownership is to provide public services including recreation, education, utilities, communications, solid waste disposal and health care.
VI. POLICIES

INTRODUCTION

The policies, together with the Comprehensive Plan Land Use Map, designate the locations for various land uses that are appropriate and economically feasible for this planning period. The policies also provide guidelines for Whatcom County citizens and government administrators to assure orderly development and predictability concerning land use opportunities; and provide for the economic extension of utility services; and for the well reasoned use of renewable and nonrenewable natural resources. The policies respond to issues originating from citizen and data analysis, and provide specific definition of the adopted Whatcom County Goal Statements.

LAND USE DESIGNATIONS

The Lynden-Nooksack Valley Subarea comprises approximately 200 square miles. Major uses are oriented to natural resources, as evidenced by the prevalence of agricultural and forestry operations. Other subarea activities include small lot and large parcel residential, part-time farming, woodlots, light industrial, commercial, and public services for several types of land uses. Because of the variety of land use patterns existing in the subarea, eleven of the sixteen land use designations for Whatcom County have been applied. Following is an overview of the land use designations applied in the subarea.

The URBAN RESERVE designation is applied to the areas southeast and northeast of the existing Lynden city limits and southwest of the exiting Everson city limits. These directions are those in which Lynden and Everson historically have been growing. Considerable vacant land presently exists within the each city. The indicated boundaries of the URBAN RESERVE areas provide for additional residential growth capacity beyond that which is presently available, as well as define the area that feasibly can be provided with urban sewer and water utility services from Lynden or Everson during this 15-year planning period.

The URBAN RESERVE MEDIUM DENSITY designation is applied to areas southwest and west of Lynden. The maximum density of six dwelling units per acre provides compatibility with existing densities in Lynden and provides a transition to LIGHT INDUSTRIAL PARK and GENERAL COMMERCIAL designations, also situated west and southwest of Lynden.

The NEIGHBORHOOD COMMERCIAL designation is applied in two non urban locations where commercial uses presently exist. The NEIGHBORHOOD COMMERCIAL designation situated at the intersection of Badger and Northwood roads is intended to serve residents living in nearby RURAL and AGRICULTURE designated areas. The NEIGHBORHOOD COMMERCIAL area located directly west of Everson on the Everson-Goshen Road is intended to serve residents living in nearby Everson subdivisions, and nearby residents of designated RURAL and AGRICULTURE areas.

The GENERAL COMMERCIAL designation is applied in ten locations that are situated adjacent to state arterials. Although the potential market area for each location occasionally may be county-wide, it is anticipated that the primary market area will be a sub-portion of Whatcom County. The GENERAL COMMERCIAL designation is applied directly west of Lynden and adjacent to the Guide Meridian; to an area north of Wiser Lake on the east side of the Guide Meridian;
to an area situated north of Bartlett Road on the east and west sides of the
Guide Meridian; at the intersection of Pole Road and the Guide Meridian; to an
area beginning south of the intersection of Laurel Road and the Guide Meridian,
and extending north to Hemmi Road; to an area beginning north of Axton Road and
extending south to Light Industrial Park area, for a depth of 1/8 mile on each
side of the Guide Meridian; to three quadrants of the intersection of Smith Road
and the Guide Meridian; at Hinote’s Corner; in Deming; and at Nugent’s Corner.

The TOURIST COMMERCIAL designation is applied in one location situated at
the Lyden Border Crossing. The designated area is intended to provide goods and
services for the motoring public, as well as provide for public uses associated
with customs facilities.

The LIGHT INDUSTRIAL PARK designation is applied in five locations. Two
areas are situated directly west of Lynden and acknowledge several existing light
industrial uses, as well as provide reserve areas for future light industrial
development. Portions of these may be suitable for a campus setting light
industrial park. The LIGHT INDUSTRIAL PARK designation is applied to a portion
of the area west and east of the Guide Meridian, between Axton and Smith roads
where the designation recognizes an historical pattern of light industrial uses.
In addition, the designation is applied to an area directly west of Everson near
Everson-Goshen Road, and to a portion of a parcel situated east of Hinote’s
Corner and north of Pole Road.

The GENERAL MANUFACTURING designation is applied in one location situated on
the west side of Guide Meridian in proximity to Hemmi Road, where the designation
recognizes existing land use patterns.

The RESIDENTIAL RURAL designation is applied in five locations. In three
locations including Hinote’s Corner, the Dutch Haven subdivision area, and the
area west of Lynden along Flynn Road, the designation acknowledges existing
residential lot sizes and a partial range of public utility services. The
RESIDENTIAL RURAL designation that is situated at Wiser Lake acknowledges
existing parcel sizes, existing residential densities and a partial range of
public utility services, and provides for a moderate amount of residential
subdivision activity at densities similar to already platted parcels. The
RESIDENTIAL RURAL designation applied directly west of Sumas acknowledges the
provision of water by Sumas, reflects an area outside of 100-year floodplains
that is suitable for residential development, and accommodates anticipated demand
for Sumas residential expansion during the planning period.

The RURAL designation affects large expanses of the subarea. The design-
ation affirms, in various locations, trends established with the original 1970
Whatcom County Comprehensive Plan; recognizes the absence of publicly provided
utilities; provides for a mixture of part-time and full-time agriculture, woodland, commercial forestry, mineral use, and very low density residential
activities; establishes a use intensity gradient to commercial agriculture and
forestry; and responds to physical constraints including steep slopes, aquifers
that are vulnerable to ground water degradation, minimal amounts of ground water
availability and the presence of floodway fringes.

The RURAL designation has been applied in part of Boundary Highlands; near
Harkess Road; near Berthusen Road; west of Lynden along Birch Bay-Lynden Road;
near East Wiser Lake Road; around Hinote’s Corner; in portions of the south-
western subarea; in the south central subarea; in the area situated between the AGRICULTURE and FORESTRY designations near Vedder and Sumas mountains; in the northern Stewart Mountain foothills; in part of the Deming valley; and to the area east of Lynden between Badger Road and the Nooksack and Sumas river floodplains.

A unique characteristic of the Lynden-Nooksack Valley Subarea, compared with other subareas, is the prevalence of various forms of agricultural operations. In fact, this subarea contains the majority of land in Whatcom County that supplies significant farm income and forms the basis for agriculturally related secondary and tertiary industries. In recognition of these functions, the AGRICULTURE designation is applied to a considerable portion of the subarea. Application of the AGRICULTURE designation is intended to conserve Prime Farmland Soils; promotes use of floodplains for agriculture; and acknowledges the continuing role of agriculture in the county as originally recognized in the 1970 Comprehensive Land Use Plan, and subsequent applications of the Agriculture zone in 1978 and 1978. In addition, the designation provides assurance to the individual farm operator concerning investments in farmstead improvements; promotes the continuation of a lifestyle that historically has been important to many people; and reduces pressures to convert farmland to other uses, thereby conserving the farmland base for Whatcom County and the western Washington region.

The FORESTRY designation is applied to Vedder, Sumas and Stewart mountains. FORESTRY designation boundaries encompass parcels used for commercial forestry and owned by major timber companies, the State Department of Natural Resources and individuals who are engaged in large woodlot operations. The designation is intended to conserve the renewable resource base associated with timber management and promote well reasoned use of nonrenewable mineral resources. In addition, the designation intends to promote the retention in Whatcom County of secondary and tertiary industries related to forestry.

The PUBLIC designation is applied to land and facilities that are owned by public entities including the City of Lynden and school districts. Application of the PUBLIC designation is intended to foster public recreational and educational opportunities.

The following land use policies contain an Intent Statement and several Policy Statements. Each section of Policy Statements is organized in the following format.

.01 Purpose and Uses.
.02 Plan Designation Boundaries, and Attendant Zone Districts and Densities.
.03 Appropriate Utilities and Facilities.
.04 Use Guidelines, Land Development Options and Site Design.
.05 Other.
1. URBAN RESERVE

Intent Statement

The primary intent of the URBAN RESERVE policies is to promote an orderly transition from rural land uses and densities to urban uses and densities. In addition, the policies intend to facilitate and guide the growth of urban areas by assuring that urban services, including public sewer and water, stormwater drainage, fire protection, law enforcement, schools and parks, are available to support urban densities. When services are available, development should occur in neighborhood units that have suitable densities, uses and circulation networks.

To facilitate future urban growth, the URBAN RESERVE policies intend to discourage interim uses and subdivision patterns that may foreclose future alternatives that would achieve urban densities, and that would prevent the efficient provision of utility services and traffic circulation. The policies are also intended to maintain low density character and compatible residential, recreational, commercial and agricultural land uses on an interim basis prior to the provision of publicly provided urban services.

Policy Statements

1.01 It is the policy of Whatcom County to promote an orderly transition from rural land uses and densities to urban uses and densities by designating portions of the Lynden-Nooksack Valley Subarea as URBAN RESERVE.

1.01.1 When urban utility services including sewer, water and stormwater drainage facilities are available, predominant land uses shall be residential and related forms, including neighborhood commercial, neighborhood parks and other public uses.

1.01.2 The URBAN RESERVE designation discourages interim uses and subdivision patterns that will foreclose alternatives pertaining to the efficient provision of urban utility services and transportation networks.

1.01.3 Until urban utility services are available, acceptable uses shall be considered as compatible residential, recreational, neighborhood commercial and agricultural uses.

1.02 The URBAN RESERVE designation is applied east of Lynden, between the Nooksack River floodplain and Kamm Road, and south and southeast of Lynden between the floodplain and the existing city limits. The designation also is applied west of Everson in proximity to Everson-Goshen Road. The plan designation shall be implemented with the URBAN RESIDENTIAL zone district. Applicable densities follow.

1.02.1 Until a full range of urban utility services, including stormwater management facilities and publicly provided sewer and water, is available, the maximum density shall be one dwelling unit per five acres.
1.02.2 When urban utility services become available for areas in proximity to Lynden, the maximum density shall automatically be increased to four dwelling units per acre.

1.02.3 When urban utility services become available for the area west of Everson, the maximum density automatically shall be increased to three dwelling units per acre.

1.03 Within designated URBAN RESERVE areas, Whatcom County encourages efficient land use patterns and cooperation between municipalities and special districts in the provision of a full range of urban services including publicly provided sewer and water, and stormwater management facilities.

1.03.1 Prior to the provision of urban utility services, appropriate service levels for a density of one dwelling unit per five acres shall include domestic water from water associations or individual on-site wells, on-site wastewater disposal, on-site stormwater collection and retention, as needed, county and private roads, sheriff protection, and fire protection from District #1 or #3.

1.03.2 To achieve the density of four dwelling units per acre, appropriate services shall include water and sewer provided by Lynden, city or county roads, sheriff or police protection, and City of Lynden or Fire District #3 fire protection services. Stormwater facilities shall be consistent with the provisions of the Whatcom County stormwater management plan now being developed; provided that on-site collection and retention may be required on an interim basis.

1.03.3 To achieve the density of three dwelling units per acre, appropriate services shall include water and sewer provided by Everson, city or county roads, sheriff or police protection, and City of Everson or Fire District #1 fire protection services. Stormwater facilities shall be consistent with the provisions of the Whatcom County stormwater management plan now being developed; provided that on-site collection and retention may be required on an interim basis.

1.03.4 The provision of sewer and water in the designated URBAN RESERVE area is intended to be provided by the City of Lynden or the City of Everson. In addition, Whatcom County acknowledges the cities' policies of extending such utility services, contingent with annexation. Thus, URBAN RESERVE areas adjoining Lynden and Everson can be viewed as holding areas until urban utility services are provided and annexation is realized.

1.04 The following policies are established to guide the use of URBAN RESERVE areas and aid in the transition from rural to urban land use patterns.

1.04.1 Several methods of providing residential lots are established including conventional subdivision, cluster subdivision and planned unit development. Additional guidelines are contained in the Land Development Options, Guidelines and Requirements Section of this document, and regulations concerning densities and parcel
sizes are contained in the URBAN RESIDENTIAL zone district and the PLANNED UNIT DEVELOPMENT section of the Title 20 Zoning Ordinance.

1.04.2 To assist individual property owners, the City of Lynden, the City of Everson and Whatcom County in the planning and development of functional neighborhoods, the following guidelines are provided.

1. Urban neighborhoods should be consistent with cultural and natural boundaries; facilitate the efficient provision of sewer, water, transportation networks, law enforcement, fire protection and stormwater drainage; and have vacant and developable land.

2. Neighborhood components may include an elementary school; recreational facilities and neighborhood parks; neighborhood commercial activities; a variety of residential structural types; and efficient pedestrian and vehicular circulation systems.

3. Urban level development should occur contiguous to existing developments and avoid "leap-frogging" of utility services; be developed with similar street and development standards as in Lynden or Everson; and be compatible with adjacent municipal land use patterns.

1.04.3 The following policies are intended to provide guidelines for the development of residential neighborhoods.

1. Residential and related uses should be sited to conserve site amenities, view and solar access.

2. To minimize erosion and sedimentation, the site and attendant utility placement should be designed to minimize disturbance to natural systems and adjoining parcels.

3. Pedestrian and bicycle pathways should be sited to unite parks, schools, shopping and residential areas.

4. Subdivisions should include common open space in which pedestrian and bicycle pathways may be integrated.

5. Subdivisions should be buffered along busy streets, and on-site circulation networks should be oriented to the interior of the subdivision.

1.05 To facilitate cooperation between the City of Lynden, the City of Everson, and Whatcom County relative to proposals in designated URBAN RESERVE areas, the following policies are provided.

1.05.1 Whatcom County Planning Department, in cooperation with the county Public Works Department, the City of Lynden, the City of Everson and other jurisdictions, should assist individual neighborhoods with identifying, planning and establishing local improvement
projects including open space, circulation improvements, and utility improvements.

1.05.2 Land proposed to be annexed to the City of Lynden, the City of Everson, or to be included in a utility local improvement district shall be evaluated by the Boundary Review Board, consistent with RCW 36.93.170.

1.05.3 To further an information exchange, Whatcom County shall send copies of applications for major land use, subdivision, transportation and utility service activities within designated URBAN RESERVE areas to the City of Lynden or the City of Everson, as applicable, within fifteen days of county receipt.

1.05.4 The City of Lynden and the City of Everson are requested to send copies of major land use and utility actions to Whatcom County Planning Department in order to provide the county with future opportunity to amend land use boundaries, when applicable.

1.05.5 If unanticipated population growth occurs during the planning period within designated URBAN RESERVE areas, the comprehensive plan and zoning ordinance should be amended consistent with the Amendment Criteria section of this document.

1.05.6 It is the policy of Whatcom County to cooperate with the City of Lynden and the City of Everson to develop annexation policies that are consistent with the goals and policies of Whatcom County. In addition, the City of Lynden and the City of Everson are encouraged to make their annexation policies official.
2. URBAN RESERVE MEDIUM DENSITY

Intent Statement

The URBAN RESERVE MEDIUM DENSITY designation intends to provide for a transition between intensive and less intensive uses, affordable housing types, and other compatible nonresidential uses. The designation intends to promote an orderly and cost effective transition from rural to urban uses.

Policy Statement

2.01 It is the policy of Whatcom County to promote an orderly and predictable transition from rural to urban uses and densities, and provide for affordable housing types and compatible mixed use development forms, by designating portions of the Lynden-Nooksack Valley Subarea as URBAN RESERVE MEDIUM DENSITY.

2.01.1 When urban utility services are available, including publicly provided sewer and water, and stormwater management facilities, predominant land uses shall include single-family detached dwellings, apartments, condominiums, rooming houses, mobile home parks, retirement and convalescent centers, professional offices, neighborhood parks and other public uses.

2.01.2 Until urban utility services are available, acceptable uses shall include single-family detached dwellings, neighborhood parks and other public uses.

2.02 To acknowledge existing land use forms, and to provide a transition between moderate density residential patterns and commercial and light industrial uses, the URBAN RESERVE MEDIUM DENSITY designation is applied to areas west and southwest of Lynden near the intersection of the Guide Meridian and Main Street, and near the intersection of the Guide Meridian and Eok Road. The plan designation shall be implemented with the URBAN RESIDENTIAL MEDIUM DENSITY zone district.

2.02.1 Until a full range of urban utility services is available, including publicly provided sewer and water, and stormwater management facilities, the maximum density shall be one dwelling unit per five acres.

2.02.2 When urban utility services become available, the maximum density shall automatically be increased to six dwelling units per acre.

2.03 Within designated URBAN RESERVE MEDIUM DENSITY areas, Whatcom County encourages efficient land use patterns and cooperation between the county, Lynden and special districts in the provision of a full range of services.

2.03.1 Prior to the provision of urban utility services, appropriate service levels to achieve a density of one dwelling unit per five acres include domestic water from water associations or individual on-site wells, on-site wastewater disposal, on-site stormwater management facilities, as may be necessary, county and private
roads, sheriff protection and fire protection from Fire District No. 3.

2.03.2 To achieve the density of six dwelling units per acre, appropriate services shall include water and sewer from Lynden, sheriff or police protection, and City of Lynden or Fire District No. 3 protection services. Stormwater facilities shall be consistent with the provisions of the Whatcom County stormwater management plan now under development; provided that interim on-site collection and retention may be required.

2.04 The following policies are established to guide the use of designated URBAN RESERVE MEDIUM DENSITY areas in the transition from rural to urban patterns.

2.04.1 Several methods of creating residential lots and mixed use developments are established including conventional subdivision, cluster subdivision and planned unit development. Additional policies are contained in the Land Development Options, Guidelines and Requirements Section of this document. Regulations concerning densities, parcel sizes and uses are contained in the URBAN RESIDENTIAL MEDIUM DENSITY zone text and the PLANNED UNIT DEVELOPMENT section of the Title 20 Zoning Ordinance.

2.04.2 Guidelines for establishing functional neighborhoods and site design are respectively included in URBAN RESERVE policies 1.04.2 and 1.04.3.

2.05 With the intent of facilitating cooperation between the City of Lynden and Whatcom County, URBAN RESERVE policies contained in 1.05 are herein also established for designated URBAN RESERVE MEDIUM DENSITY areas.
3. NEIGHBORHOOD COMMERCIAL

Intent Statement

The NEIGHBORHOOD COMMERCIAL designation is intended to provide small, concentrated areas for sales of convenience goods and services needed for urban or rural neighborhoods. The land uses are intended to be developed in a cohesive and coordinated form that will foster compatibility with surrounding uses. Designated areas should be approximately five acres in size, delineated in a concentrated form and be centrally located within the intended neighborhood market area.

Policy Statements

3.01 To assure the provision of convenience goods and services to rural neighborhoods, it is the policy of Whatcom County to designate certain portions of the Lynden-Nooksack Valley Subarea as NEIGHBORHOOD COMMERCIAL. Typical uses include convenience retail stores, eating and drinking establishments, professional offices, automobile service stations and personal services.

3.02 The following areas shall be designated NEIGHBORHOOD COMMERCIAL and shall be implemented with the Neighborhood Commercial zone district.

3.02.1 To acknowledge existing uses and provide for additional uses to serve the nearby rural and agricultural neighborhood, an area situated south of East Badger Road at the intersection with Northwood Road is designated NEIGHBORHOOD COMMERCIAL.

3.02.2 To acknowledge existing uses and to serve the nearby rural community, as well as residents within Everson, an area situated south of Everson-Goshen Road, adjacent to Everson, is designated NEIGHBORHOOD COMMERCIAL.

3.03 All designated NEIGHBORHOOD COMMERCIAL areas are situated in rural service areas. Appropriate service levels should be the same as the surrounding non urban areas and include on-site wastewater disposal, on-site wells or water associations, on-site stormwater collection and retention, as needed, sheriff protection, and fire protection from volunteer fire departments.

3.04 The following policies are intended to facilitate the development of NEIGHBORHOOD COMMERCIAL areas in a manner that is economical and promotes safety.

3.04.1 Ingress and egress points to state and county roads should be minimized by consolidating on-site circulation networks and by developing access points to roads that are classified as collectors or access roads, rather than arterials.

3.04.2 On-site circulation should be designed to accommodate private vehicles, delivery vehicles and pedestrians; and potential vehicular/pedestrian conflicts should be minimized.

3.04.3 Development should occur in a concentrated and compact form, and should avoid linear development patterns. In addition, site
development should occur consistent with adopted county standards for roads, stormwater management and land alteration.

3.04.4 Site design should respond to environmental opportunities and constraints, promote building placement that will maximize open space and minimize utility extensions, and should maximize energy efficiency.

3.04.5 The Planned Unit Development provision is an option that may be used in the development of designated commercial areas. Additional policies are located in the Land Development Options, Guidelines and Requirements Section of this document; and regulations are located in the Title 20 Zoning Ordinance.

3.05 The following policies provide guidelines for amendments, during the planning period, to the location and acreage of designated NEIGHBORHOOD COMMERCIAL areas.

3.05.1 Although it is anticipated that additional NEIGHBORHOOD COMMERCIAL acreage will not be necessary, unexpected population increase and demand may result in plan amendment. Expansions to established NEIGHBORHOOD COMMERCIAL areas should be concentrated and compact forms, should avoid lineal patterns, and should be consistent with the Amendment Criteria Section of this document.

3.05.2 It is not anticipated that NEIGHBORHOOD COMMERCIAL areas will be required in areas designated URBAN RESERVE and URBAN RESERVE MEDIUM DENSITY because of the close proximity of such areas to existing and planned commercial areas in Lynden and nearby county locations.
4. GENERAL COMMERCIAL

Intent Statement

The GENERAL COMMERCIAL designation is intended to provide a broad range of retail goods and services that will benefit a large trade area. The designation also intends to facilitate safe and efficient circulation systems, provide methods to attain compatibility with surrounding noncommercial uses, and promote site design that will efficiently use available commercial land.

Policy Statements

4.01 It is the policy of Whatcom County to acknowledge existing patterns of commercial uses and to provide for additional future development by designating certain areas as concentrated centers for commercial activities. In designated areas, a broad range of goods and services should be available including sales and servicing of vehicles, mobile homes and boats; eating and drinking establishments; professional offices; service and retail establishments; commercial indoor and outdoor recreation; commercial wholesaling; and public uses that are necessary for the function of the designation.

4.02 The following areas shall be designated GENERAL COMMERCIAL and shall be implemented with the General Commercial zone district.

4.02.1 To accommodate existing uses, provide for additional uses servicing the general community and nearby planned industrial areas, and to supplement the commercial land base associated with Lynden, in a manner that is responsive to reduced speed, traffic signals and extra lanes along the Guide Meridian, an area directly west of Lynden and adjacent to the Guide Meridian is designated GENERAL COMMERCIAL.

4.02.2 To accommodate existing uses and provide for additional commercial land, an area situated north of Wiser Lake and east of the Guide Meridian is designated GENERAL COMMERCIAL.

4.02.3 To acknowledge an existing use, an approximate 45 acre area situated north of Bartlett Road and south of Wiser Lake on the east and west sides of the Guide Meridian is designated GENERAL COMMERCIAL.

4.02.4 To accommodate existing uses and provide additional commercial land to serve the general community in a manner that is consistent with increased traffic safety associated with traffic signal improvements, the intersection of Pole Road and the Guide Meridian is designated GENERAL COMMERCIAL.

4.02.5 To accommodate existing uses and provide additional commercial land to serve the general community in a manner that is consistent with traffic improvements including reduced speed and a two-way left turn lane, an area beginning south of Laurel Road and extending north to Hemmi Road is designated GENERAL COMMERCIAL.
4.02.6 To accommodate random existing commercial uses, respond to existing left turn bays at the intersection of the Guide Meridian and Axton Road, and to acknowledge future road improvements to Axton Road, an area beginning north of Axton Road and extending south to the Light Industrial Park area, for a depth of 1/8 mile on the west and east sides of the Guide Meridian is designated GENERAL COMMERCIAL.

4.02.7 To acknowledge existing uses and traffic improvements to the state highway, three quadrants of the intersection of the Guide Meridian and Smith road are designated GENERAL COMMERCIAL.

4.02.8 To accommodate existing uses and provide additional commercial land to serve nearby communities and the central county in a manner that responds to traffic safety improvements including signals and reduced speed, the central portion of Hinote's Corner is designated GENERAL COMMERCIAL.

4.02.9 To accommodate existing uses and provide additional commercial land to serve the southeastern portion of the subarea in a manner that is consistent with reduced traffic speed, a portion of Nugent's Corner is designated GENERAL COMMERCIAL.

4.02.10 To accommodate existing uses that serve Deming and the general community, an area south of and adjacent to the Mount Baker Highway in Deming is designated GENERAL COMMERCIAL.

4.03 With the exception of the GENERAL COMMERCIAL area directly west of Lynden, all designated GENERAL COMMERCIAL areas will be served by rural services. The following policies are intended to establish appropriate service levels, use intensities and other service considerations.

4.03.1 The GENERAL COMMERCIAL area situated directly west of Lynden shall be served with public sewer and water from Lynden, sheriff protection and volunteer fire protection. On an interim basis limited use of each parcel shall be allowed commensurate with the existing level of services including on-site wastewater disposal systems, water associations, sheriff and volunteer fire protection.

4.03.2 The remainder of designated GENERAL COMMERCIAL areas shall be served by on-site wells, water associations, on-site wastewater disposal systems, sheriff and volunteer fire protection. In addition, the presence of GENERAL COMMERCIAL locations in rural areas shall not be used as a future basis for extending public sewer systems, except when necessary to mitigate a public health condition.

4.03.3 Stormwater facilities for all designated GENERAL COMMERCIAL areas shall be consistent with the county stormwater management plan when adopted; provided that in the interim, on-site collection and retention systems may be required.
4.03.4 Maximum use of designated GENERAL COMMERCIAL areas shall be commensurate with available fire flow, public health considerations and zone district requirements. Because of the absence of planned sewerage facilities in all planned GENERAL COMMERCIAL areas, with the exception of Lynden, it is herein the policy of Whatcom County to recognize that maximum lot coverage established in the General Commercial zone may not be able to be attained due to the additional area that may be necessary for on-site septic disposal systems.

4.03.5 To facilitate intensive use of the available commercial land base in those designated GENERAL COMMERCIAL areas not intended to be provided with urban utility services and to maintain public health, developers of parcels in such areas are encouraged to work with the Bellingham-Whatcom County Department of Public Health to install innovative wastewater disposal systems, such as community septic systems.

4.03.6 The GENERAL COMMERCIAL areas located directly west of Lynden, at the Pole Road and Guide Meridian intersection, at the Laurel Road and Guide Meridian intersection, at Hinote’s Corner and at Nugent’s Corner, contain soils with rapid permeability that may cause groundwater to be vulnerable to contamination. Thus, wastewater disposal systems and stormwater drainage facilities should be designed to minimize the volume and types of leachates that could reach and adversely affect groundwater supplies.

4.04 The following policies are intended to facilitate the development of GENERAL COMMERCIAL areas in a manner that is economical, efficiently uses land and promotes safety.

4.04.1 Ingress and egress points to state and county roads should be minimized by consolidating on-site circulation networks and by developing access points to county roads.

4.04.2 On-site circulation should be designed to accommodate private vehicles, delivery vehicles and pedestrians; and potential vehicular/pedestrian conflicts should be avoided.

4.04.3 Following endorsement by the Washington State Department of Transportation, the Guide Meridian Improvement Plan, Title 22, is intended to be supplied to designated GENERAL COMMERCIAL areas adjoining the Guide Meridian.

4.04.4 Property owners in the GENERAL COMMERCIAL, LIGHT INDUSTRIAL PARK and URBAN RESERVE MEDIUM DENSITY areas situated directly west of Lynden on the west side of the Guide Meridian are encouraged to participate in the development of a parallel road system that will benefit all properties and will relieve congestion on the Guide Meridian.

4.04.5 GENERAL COMMERCIAL areas should be developed to attain aesthetic and functional compatibility with other uses within the designa-
tion, as well as with adjoining noncommercial areas by use of the following methods.

1. Overall site planning for designated areas is encouraged for landscaping, parking, lighting, signage, access, on-site circulation, building location and scale and utility placement. To this end, the Whatcom County Planning Department will provide assistance and guidance.

2. A screened and/or landscaped buffer shall be established along the periphery of the GENERAL COMMERCIAL district to minimize noise, glare and other intrusions into adjoining residential and rural areas.

4.04.6 The GENERAL COMMERCIAL area west of Lynden is encouraged to be designed and developed in a manner that is integrated with adjoining LIGHT INDUSTRIAL PARK and URBAN RESERVE MEDIUM DENSITY areas. The Planned Unit Development option may be used to attain master planning of the area.

4.05 The following policy provides guidelines for amendments, during the planning period, to the location and acreage of designated GENERAL COMMERCIAL areas.

4.05.1 Future amendments to designated GENERAL COMMERCIAL areas at the intersection of Pole Road and the Guide Meridian, and the intersection of Laurel Road and the Guide Meridian, should avoid lineal forms that would result in a commercial strip between the two centers.
5. TOURIST COMMERCIAL

Intent Statement

The TOURIST COMMERCIAL designation is intended to provide concentrated areas, located in proximity to major transportation corridors or international border crossings, for uses that serve the traveling public. The designation intends to facilitate safe and efficient circulation systems, provide methods to attain compatibility with surrounding noncommercial uses, and promote site design that will efficiently use available commercial land.

Policy Statements

5.01 To provide a limited area for uses serving private and commercial vehicles that are entering and leaving the United States, approximately eight acres of land situated at the Lynden Border Crossing is hereby designated TOURIST COMMERCIAL. Uses should be directly related to border crossing activities including customs facilities, brokerages, duty free stores, automobile service stations and tourist information centers.

5.02 The TOURIST COMMERCIAL designation is implemented with the Tourist Commercial zone district. The boundaries of the district are established in accordance with Whatcom County Ordinance No. 85-13.

5.02.1 To minimize conflict with surrounding designated AGRICULTURE areas and to acknowledge available overnight accommodations in Blaine, Ferndale, Lynden and Bellingham, permanent overnight accommodations including hotels, motels and recreational vehicle parks are discouraged from sitting at this location.

5.03 The TOURIST COMMERCIAL designation is located in an agricultural area with rural utility services. Servicing levels in the TOURIST COMMERCIAL area should be similar to the surrounding area including on-site wells, on-site wastewater disposal facilities, on-site stormwater collection and retention facilities, as needed, sheriff protection and volunteer fire protection.

5.04 The following policies are intended to facilitate the economical and safe development of the TOURIST COMMERCIAL area.

5.04.1 Guidelines for establishing access points and on-site circulation are respectively included in NEIGHBORHOOD COMMERCIAL policies 3.04.1 and 3.04.2.

5.04.2 Guidelines for site development and design are established in NEIGHBORHOOD COMMERCIAL policies 3.04.3, 3.04.4 and 3.04.5.

5.04.3 A screened and/or landscaped buffer shall be established at the periphery of the Tourist Commercial district to promote compatibility with adjoining agricultural uses.

5.05 It is the policy of Whatcom County to minimize the potential conversion of adjoining agricultural lands to Tourist Commercial uses, by acknowledging that the designated area is sufficient to meet the needs, during the planning period, of persons using the border crossing. Should requests for
increases to the designated area be made, Planning Commission approval should be based on the finding that a need exists to provide additional services for persons crossing the border that will benefit the general public welfare, rather than individual pecuniary interests.

5.06 It is the policy of Whatcom County to consider potential impacts to surrounding areas that are designated AGRICULTURE when evaluating potential utility service improvements in the TOURIST COMMERCIAL area. Such improvements should not be used as a basis to convert agricultural lands to commercial uses.
6. LIGHT INDUSTRIAL PARK

Intent Statement

The intent of the LIGHT INDUSTRIAL PARK designation is to provide for uses relating to fabrication, manufacture, assembly and distribution of finished products. The uses generally will not emit smoke, glare, noise, vibrations, odors and other nuisances beyond the building exterior, and therefore, the uses are considered to be compatible with other uses in the designated area. The designation also intends to assure compatibility with uses in surrounding nonindustrial locations and is intended to make use of adjoining transportation networks including truck routes or railroads.

The designation provides for two forms of development. One form is the campus type LIGHT INDUSTRIAL PARK in which parcels are large, are suitable for master planning, and where open space, parking, circulation and utilities can be shared by park establishments. The other form of LIGHT INDUSTRIAL PARK is oriented to the single use that develops individually and independently of other uses in the designation, is not master planned, but does comply with provisions of the implementing zone.

Policy Statements

6.01 To accommodate existing uses, provide for additional light industrial uses and to recognize truck traffic, it is the policy of Whatcom County to designate portions of the Lynden-Nooksack Valley Subarea as LIGHT INDUSTRIAL PARK. Typical uses include fabrication and assembly of finished products from previously manufactured items, business firm headquarters, professional offices, warehousing, storage and distribution.

6.02 The following areas shall be designated LIGHT INDUSTRIAL PARK and shall be implemented with the Light Impact Industrial zone district.

6.02.1 The areas west of Lynden between Main and Tromp roads, and between Tromp and Birch Bay-Lynden are designated LIGHT INDUSTRIAL PARK. Because of their sizes, shapes and locations, these areas may be appropriate for master planning as campus-type parks.

6.02.2 To acknowledge existing uses and to consolidate future similar uses, areas west and east of the Guide Meridian between Axton and Smith roads are designated LIGHT INDUSTRIAL PARK. Because of existing use pattern, these areas are recommended for the single use form of development type—park. Joint use of necessary amenities is encouraged when possible.

6.02.3 To acknowledge existing uses and proximity to Everson, a forty acre area situated west of Everson and adjacent to Everson-Goshen Road is designated LIGHT INDUSTRIAL PARK. Because of parcel shape, parcel size, and ownership pattern, the area is encouraged for development in the single use form of industrial park.

6.02.4 To acknowledge an existing use and provide for its continued expansion, a twenty acre portion of a parcel situated in the
northwest quadrant of Fountain Lake and Pole roads is designated LIGHT INDUSTRIAL PARK.

6.03 The designated LIGHT INDUSTRIAL PARK areas situated directly west of Lynden will be provided with urban utility services and the LIGHT INDUSTRIAL PARK area situated between Smith and Axton roads will be provided with rural utility services. The following policies are intended to establish appropriate utility service levels, use intensities and other service considerations.

6.03.1 The planned industrial areas west of Lynden shall be served with public water and sewer from Lynden, the planned industrial area situated west of Everson shall be served with public water and sewer from Everson, sheriff protection and volunteer fire protection; provided that on an interim basis, on-site wastewater disposal systems, water associations, sheriff protection, and volunteer fire protection will be sufficient, commensurate with reduced building coverage and impervious surfacing.

6.03.2 The industrial areas situated between Axton and Smith roads, and east of Hinote’s Corner and adjacent to Pole Road, shall be served by water associations, individual on-site wastewater disposal systems, sheriff and volunteer fire protection. In addition, the existence of this light industrial area shall not be used as a future basis for extending public sewer systems, except to mitigate a public health hazard.

6.03.3 Stormwater facilities for LIGHT INDUSTRIAL PARK areas shall be consistent with the county stormwater management plan when adopted; provided that in the interim, on-site collection and retention systems may be required.

6.03.4 Maximum use of LIGHT INDUSTRIAL PARK areas shall be commensurate with available fire flow, public health considerations and zone requirements. Because of the absence of planned sewerage facilities in the planned LIGHT INDUSTRIAL PARK areas located between Axton and Smith roads, and east of Hinote’s Corner and adjacent to Pole Road, it is herein the policy of Whatcom County to recognize that the maximum lot coverage established in the Light Impact Industrial zone may not be able to be attained due to the additional area that may be necessary for on-site septic disposal systems.

6.03.5 The LIGHT INDUSTRIAL PARK areas located west of Lynden and west of Everson contain soils with rapid permeability that may cause groundwater to be vulnerable to contamination. Thus, wastewater disposal systems and stormwater drainage facilities are encouraged to be designed to minimize the volume and types of leachates that could reach and adversely affect groundwater supplies.

6.04 The following policies are intended to facilitate the development of LIGHT INDUSTRIAL PARK areas in a manner that is economical, efficiently uses land and promotes safety.
6.04.1 Ingress and egress points to state and county roads are encouraged
to be minimized by consolidating access points between adjoining
properties. In addition, property owners in the LIGHT INDUSTRIAL
PARK, GENERAL COMMERCIAL and URBAN RESERVE MEDIUM DENSITY areas
situated directly west of Lynden on the west side of the Guide
Meridian are encouraged to participate in the development of a
parallel road system that will benefit all properties and will
relieve congestion on the Guide Meridian.

6.04.2 When possible, on-site circulation networks should be designed to
serve several parcels. In addition, on-site circulation networks
should be designed for private vehicles, delivery vehicles and
pedestrians. Potential vehicular/pedestrian conflicts should be
minimized.

6.04.3 Following endorsement by the Washington State Department of Trans-
portation, The Guide Meridian Improvement Plan, Title 22, is
intended to be applied to designated LIGHT INDUSTRIAL PARK areas
adjoining the Guide Meridian.

6.04.4 Areas containing large parcels in few ownerships are encouraged to
utilize master planning and joint use of internal circulation,
parking and open space. Areas with small parcels in several
ownerships are encouraged to consolidate parcels for use in
development packages.

6.04.5 Site design is encouraged that includes underground wiring,
complementary buildings and signage, structures oriented for
maximum solar access and minimum wind exposure, minimum utility
extensions, and responsiveness to environmental constraints and
possibilities.

6.04.6 A screened and/or landscaped buffer shall be established at the
designation periphery consistent with provisions of the Title 20
Zoning Ordinance. All uses shall occur within enclosed buildings,
with the exception of outside storage which shall be screened. In
addition, site development shall occur consistent with provisions
of the Title 20 Zoning Ordinance and adopted county standards for
stormwater drainage, domestic water, wastewater disposal, fire
flow, land alternation, and with state and county road standards.

6.04.7 The LIGHT INDUSTRIAL PARK areas that are situated west of Lynden
are encouraged to be designed and developed in a manner that is
integrated with adjoining GENERAL COMMERCIAL and URBAN RESERVE
MEDIUM DENSITY areas. The Planned Unit Development option may be
useful to facilitate master planning of the areas.

6.04.8 The Planned Unit Development provision is an option that may be
used in the development of LIGHT INDUSTRIAL PARK areas. Additional
policies are located in the Land Development Options,
Guidelines and Requirements Section of this document; and regu-
lations are located in the Title 20 Zoning Ordinance.
6.05 It is not anticipated that additional LIGHT INDUSTRIAL PARK acreage will be needed during the planning period; however, unanticipated demand may result in requests for additional land. Future modification should be consistent with the Amendment Criteria Section of this document and should critically evaluate the potential irretrievable loss to the county agricultural land base associated with conversion of parcels located to the north and west of presently planned LIGHT INDUSTRIAL PARK areas.
8. RESIDENTIAL RURAL

Intent Statement

The intent of the RESIDENTIAL RURAL designation is to provide an alternative to the residential living opportunities of the urban or rural setting; recognize existing land parcelization; and acknowledge the absence of a full range of public utility services including both sewer and water. The designation also intends to provide options for future utility servicing and related density increases, and promote the efficient use of land by using the cluster subdivision option.

Policy Statements

8.01 To acknowledge existing parcelization patterns and provide alternative residential living opportunities, certain portions of the Lynden-Nooksack Valley Subarea are designated RESIDENTIAL RURAL. Typical uses in designated areas include single-family dwellings, duplexes, neighborhood parks, public recreation, home occupations, neighborhood grocery stores, and customary public and quasi-public functions.

8.02 The RESIDENTIAL RURAL designation is applied in the following locations and is implemented with the Residential Rural: Two Dwelling Units per Acre Zone.

8.02.1 An area directly west of Lynden near Flynn and Kok roads is designated RESIDENTIAL RURAL to acknowledge existing residential patterns and the provision of water from Kok Road Water Association which obtains its water from the Lynden municipal system; and to provide options concerning future utility servicing.

8.02.2 An area in proximity to Wiser Lake is designated RESIDENTIAL RURAL to acknowledge existing residential patterns, to provide for additional residences in the Wiser Lake neighborhood, and to acknowledge a partial range of public utility services including water supplied by Pole Road Water Association, a Class I purveyor.

8.02.3 An area adjoining the Old Guide Meridian and Pole Road, including the Dutch Haven subdivision, is designated RESIDENTIAL RURAL to acknowledge existing parcelization and a partial range of public utility services including water supplied by Pole Road Water Association, a Class I purveyor. Because of the partial range of planned public utility servicing, and to respond to public health considerations, future expansion of the designation into surrounding RURAL areas is discouraged.

8.02.4 An area at Hinote’s Corner is designated RESIDENTIAL RURAL to acknowledge existing parcel sizes, to acknowledge a partial range of public utility services including water supplied by Pole Road Water Association, a Class I purveyor, and to provide a transition between the GENERAL COMMERCIAL area and surrounding RURAL and AGRICULTURE areas. Because of the partial range of public utility services, and to respond to public health considerations and conserve the county agricultural land base, future expansion of the designation into surrounding AGRICULTURE areas is discouraged.
8.02.5 An area situated west of Sumas on Moe Hill is designated RESIDENTIAL RURAL, to acknowledge existing parcel sizes and a partial range of utility services including water supplied by the City of Sumas. Future expansions of the designation should be consistent with a partial range of public utility services and should be located outside of 100-year floodplains.

8.03. The following policies establish appropriate service levels for RESIDENTIAL RURAL areas.

8.03.1 All areas are to be served with water supplied from Class I water associations or municipalities, have individual on-site wastewater disposal systems, and have sheriff and volunteer fire protection.

8.03.2 Stormwater facilities shall be consistent with the future adopted county stormwater management plan when adopted; provided that in the interim, on-site collection and retention facilities may be required.

8.03.3 Designated RESIDENTIAL RURAL areas have soils with moderate to rapid permeability that may cause groundwater to be vulnerable to contamination. It is the policy of Whatcom County that newly installed stormwater drainage facilities and wastewater disposal systems should be designed to minimize the volume and types of leachates that could reach and adversely affect groundwater supplies. In addition, future expansions to designated RESIDENTIAL RURAL areas shall be discouraged with the intent of conserving groundwater quality.

8.04. The following policies are intended to promote the economical, safe and efficient development of RESIDENTIAL RURAL areas in a manner that promotes compatibility with surrounding land uses of lesser residential intensity.

8.04.1 In filling of existing vacant parcels is encouraged before committing additional land to residential subdivisions.

8.04.2 Several methods of providing residential lots are available including conventional subdivision, cluster subdivision and planned unit development. Additional guidelines are contained in the Land Development Options, Guidelines and Requirements Section of this document. Regulations concerning densities and parcel sizes are contained in the Residential Rural District and the Planned Unit Development Section of the Title 20 Zoning Ordinance.

8.04.3 Subdivision ingress and egress points to state and county arterials should be minimized.

8.04.4 To reduce erosion and sedimentation, subdivision design and utility placement should minimize disturbance to natural systems and adjoining parcels.

8.04.5 Subdivisions should be designed to contain common open space and pedestrian circulation networks which are integrated with residential areas.
9. **RURAL**

**Intent Statement**

The primary intent of the RURAL designation is to accommodate areas that are suitable for multiple uses including agriculture, forestry, low density residential, surface mining and home occupations. The designation recognizes physical factors that preclude higher densities such as extremely rapid or slow soil percolation rates, shallow depths to aquifers, steep topography and the presence of aquifers. In addition, the designation is responsive to environmentally fragile areas and retains future options for access to nonrenewable natural resources including sand, gravel, coal, other minerals, Prime Farmland soils and productive forest soils. The designation acknowledges the absence of planned public utility services, and circulation system funding that is only maintenance oriented. Thus, the designation intends to provide for uses needing minimal public expenditure and provides options for future land use decisions beyond the planning period.

**Policy Statements**

9.01 To acknowledge the existing variety of uses and lifestyles present in the Lynden-Nooksack Valley Subarea, to affirm the continued viability of several citizen land use petitions initiated in the past, and to recognize the absence of planned public utility services, large portions of the subarea are designated RURAL. typical uses include a mixture of very low density residential, part and full-time agriculture, woodlots, commercial forestry, surface mining, homestead occupations, neighborhood grocery stores, small scale processing of agricultural and forestry products, and public and quasi-public uses that enhance the functioning of RURAL areas.

9.02 The RURAL plan designation is implemented by three zone districts including Rural: One Dwelling Unit per Two Acres, Rural: One Dwelling Unit per Five Acres, and Rural: One Dwelling Unit per Ten Acres. The following policies establish the location, boundaries and densities of the plan designation and zone districts.

9.02.1 To acknowledge existing parcelization patterns and provide a transition between uses of different intensities, the following areas are designated RURAL and zoned Rural: One Dwelling Unit per Two Acres.

1. An area west of Lynden, south of Birch Bay Road and north of the Nooksack River floodplain.

2. An area situated near the intersection of East Badger and Northwood roads.

3. An area situated in proximity to East Wiser Lake, Van Dyk and Hannegan roads.

4. An area situated in the northeast quadrant of the Pole and Hannegan road intersection between the planned GENERAL COMMERCIAL and AGRICULTURE areas.
5. An area generally situated in the southwest quadrant of Pole and Hannegan roads, including the Vista Lamonte Subdivision.

6. An area situated south of East Pole Road and extending from Hinote's Corner.

7. An area generally situated between Mount Baker Highway and Deming Road, including Deming.

8. An area situated northeast of Berthusen Park.

9. An area 1/8 mile deep on the east and west sides of the Guide Meridian, and generally located between Pole and King Tut roads.

9.02.2 To acknowledge existing parcelization patterns, to provide for additional low density settlement, to affirm several citizen petitions initiated in the past, to provide uniformity with planned land use densities in adjoining subareas, and to provide a transition to areas planned AGRICULTURE and FORESTRY, the following areas are planned RURAL and shall be implemented with the Rural: One Dwelling Unit per Five Acre zone district.

1. An area situated in the northwest part of the subarea generally located between the International Border, and Burk, Delta Line and Markworth roads.

2. Part of the west central subarea in the vicinity of Harksell, Delta Line and Woodland roads.

3. An area situated in proximity to Loomis Trail and Berthusen roads, including Bertranda Estates, nearby parcels of less than five acres in size, and existing wooded parcels.

4. An area generally located between Rathbone and Berthusen roads in the vicinity of Birch Bay-Lynden Road.

5. An area generally situated between Bartlett and King Tut roads in proximity to the Old Guide and Guide Meridian, exclusive of areas planned RESIDENTIAL RURAL or GENERAL COMMERCIAL.

6. An area located at Hinote's Corner that adjoins planned RESIDENTIAL RURAL or GENERAL COMMERCIAL in the northeast and northwest quadrants of the Hannegan and Pole road intersection.

7. An area east of the City of Nooksack generally situated between the Sumas River floodplain, North Pass, South Pass, Alm and Breckenridge roads.

8. An area located at the base of Sumas Mountain and east of Goodwin and Siper roads.
9. An area located in Deming Valley between the base of Sumas Mountain and the Nooksack River floodplain.

10. A large area in the south central and central part of the subarea generally situated between Everson, planned AGRICULTURE areas, the Nooksack River floodplain and the base of Stewart Mountain; extending west beyond the Guide Meridian, exclusive of the Rural: One Dwelling Unit per Ten Acre District.

11. An area generally situated south of East Badger Road, between Vinup and Northwood roads.

9.02.3 To promote compatibility with adjoining planned AGRICULTURE and FORESTRY areas, to accommodate physical constraints including steep slopes and clay soils, to provide uniformity with planned land use densities in adjoining subareas, and to acknowledge existing land use and parcelization patterns, the following areas are planned RURAL and shall be implemented with the Rural: One Dwelling Unit per Ten Acre Zone District.

1. An area generally situated between East Badger Road, the Nooksack River floodplain, Trapline Road, and the Sumas River floodplain.

2. An area situated between the Sumas River floodplain and Vedder Mountain, near North Pass and Minaker roads.

3. An area situated at the southeast quadrant of the intersection of North Pass and South Pass roads, adjacent to Sumas Mountain.

4. An area situated at the base of Sumas Mountain near the south terminus of Goodwin Road.

5. An area situated in the central part of the subarea between planned AGRICULTURE areas, and Everson-Goshen, Medcalf and Axton roads.

6. An area situated in the west central part of the subarea between Aldrich, Hemmi and Pole roads.

9.03 Appropriate service levels in designated RURAL areas include on-site wells, water associations, individual on-site wastewater disposal systems, volunteer fire protection and emergency services, and law enforcement provided by the Washington State Patrol and Whatcom County Sheriff's Department.

9.03.1 Cluster subdivisions may require on-site stormwater collection and retention facilities, consistent with Engineering Bureau requirements or regional stormwater management plan provisions.

9.03.2 When residential or other structural uses are intended to be supplied with potable water from off-site sources such as streams, written permission shall be obtained from the affected property...
owner, prior to subdivision approval or building permit issuance, as applicable.

9.03.3 Several planned RURAL areas overlie moderate or high-yield aquifers and have soils with rapid permeability that make groundwater vulnerable to contamination. Whatcom County encourages designs for stormwater drainage facilities and wastewater disposal systems, for development in such areas, that will minimize the volume and type of leachates that may reach and adversely affect groundwater quality.

9.04 The following policies are intended to promote the economical, safe and efficient use of RURAL planned areas in a manner that promotes compatibility with surrounding land uses and physical constraints.

9.04.1 Several methods of providing residential lots are available including conventional subdivision, cluster subdivision and planned unit development. Additional guidelines are contained in the Land Development Options, Guidelines and Requirements Section of this document. Regulations concerning densities and parcel sizes are contained in the Rural District and Planned Unit Development Section of the Title 20 Zoning Ordinance.

9.04.2 Subdivision ingress and egress points to state and county roads should be minimized.

9.04.3 To reduce erosion and sedimentation, subdivision design and utility placement should minimize disturbance to natural systems and adjoining parcels.

9.04.4 To minimize potential degradation of regional groundwater supplies, extraction of sand and gravel in the vicinity of East Pole and Everson-Goshen roads shall not extend below the yearly average groundwater level. In addition, reclamation materials shall not be of the type that through leaching could adversely affect groundwater quality.

9.05 The following policies are established to address concerns that may occur during the planning period.

9.05.1 It is the policy of Whatcom County to recognize the planned RURAL area that is directly southwest and south of the present City of Everson as the preferable direction for future municipal expansion and urban utility servicing for sewer and water. Municipal expansion should avoid the Nooksack River 100-year floodplain, as well as designated AGRICULTURE areas.

9.05.2 It is the policy of Whatcom County to recognize the planned RURAL area that is northeast and east of the present City of Nooksack as the preferable direction for future municipal expansion and urban utility servicing for sewer and water. Municipal expansion should avoid the 100-year floodplain and designated AGRICULTURE areas.
9.05.3 Whatcom County supports the acquisition of conservation easements by public land trusts, consistent with the intentions of affected property owners in RURAL areas to:

1. Conserve Prime Farmland soils;
2. Conserve agricultural operations;
3. Conserve forest resources;
4. Conserve wildlife habitats; or
5. Provide scenic corridors.

9.05.4 In recognition of the variety of commercial uses provided in the Rural Zone District, it is the policy of Whatcom County to support the retention of RURAL designated areas along the Guide Meridian, until such time that available acreage in planned commercial areas is nearing full occupancy. Consistent with future demand, the preferred action is to convert presently planned RURAL areas that are immediately adjacent to planned commercial areas to the appropriate commercial plan designation. Amendment requests shall be reviewed in accordance with the Amendment Criteria Section.

9.05.5 Whatcom County supports the continued efforts of citizen groups engaged in promoting agricultural and forestry education, operations and marketing.
10. **AGRICULTURE**

**Intent Statement**

The intent of the AGRICULTURE designation is to maintain and encourage the conservation of agricultural lands in Whatcom County. The designation promotes the continuation of viable economic livelihoods for the agricultural operator, agricultural producer and related agricultural services. The designation also provides clear direction for nonagricultural uses to locate in other urban or rural designations; thereby minimizing potential conflicts between agricultural operators and uses that are not directly involved in agriculture. Additional intents of the designation include maintenance of open space; conservation of natural resources and systems; minimizing energy and expense through encouraging agricultural operations at fertile locations; sustaining existing county agricultural products; encouraging the development of additional agricultural products; and encouraging the stewardship approach to land management.

**Policy Statements**

10.01 To acknowledge existing agricultural land uses and Prime Farmland soils, and to affirm the continued applicability of the 1970 Comprehensive Plan relative to agriculture, large portions of the Lynden-Nooksack Valley Subarea are designated AGRICULTURE.

10.01.1 Predominant uses include the cultivation and management of field, shrub, vine, greenhouse, orchard and forest crops; dairying; livestock raising; animal husbandry; beekeeping; and uses that are accessory to agricultural operations including operator and farmhand residences, small-scale product marketing and home occupations.

10.01.2 Other uses shall be subject to public review to assure maintenance of the agricultural resource and compatibility with agricultural operations. Such uses include various public uses, animal hospitals, agricultural worker housing, processing of agricultural products, limited sand and gravel extraction, and commercial activities that directly provide agricultural goods and services to the agricultural operator.

10.02 The following areas are designated AGRICULTURE and shall be implemented with the Agriculture zone district.

9.02.1 The floodplains associated with the Nooksack and Sumas rivers; the areas situated to the west, north and northeast of Lynden; the Nooksack Valley between Nooksack and the Canadian border; the area to the east of the Nooksack River floodplain between Nooksack and Nugent's Corner; the Deming valley; and an area trending southwest from Everson.

9.02.2 The boundaries of designated AGRICULTURE areas acknowledge existing agricultural land uses, land in agricultural current use tax assessment, areas with Prime Farmland soils, 100-year floodplains, and areas with parcel sizes or land ownership patterns of generally greater than twenty acres. In
addition, the boundaries are established to minimize periphery length and peninsular forms, and maximize consolidation and unification of agricultural areas.

9.02.3 Several minimum parcel sizes are provided as follow.

1. Variable minimum parcel size shall be permitted, consistent with the generally acceptable size for an economically viable operation for the particular form of intended agricultural pursuit, subsequent to affirmative review by representatives from the Bureau of Buildings and Code Administration, the Planning Department, the Cooperative Extension Agency and the Soil Conservation Service.

2. Parcels of less than five acres in size will be permitted for the residential use of retiring farm operators, public and quasi-public uses that are necessary in agricultural areas, and for purposes of securing bank loans for farm residences.

3. Forty acres shall be the minimum size for parcels used solely for residential purposes, except as described above, with the intent of minimizing the introduction of people into agricultural areas who are not associated with agriculture. In addition, one dwelling will be permitted on each legally created parcel of record existing at the time of adoption of this document of greater than one acre in size.

10.03 Appropriate utilities and facilities in designated AGRICULTURE areas include on-site wells or water associations for the provision of potable and irrigation water, individual on-site wastewater disposal systems, volunteer fire protection and law enforcement provided by the county Sheriff's Department and the Washington State Patrol.

10.03.1 The continued efforts of drainage improvement districts are encouraged to enable improved use of agricultural lands.

10.03.2 The continued efforts of flood control and diking districts are encouraged to enhance use of floodplains for agriculture, as well as increase protection of existing agricultural investments in land improvements and buildings.

10.04 The following policies are intended to promote the continued economic viability of agriculture in Whatcom County and conserve associated resources.

10.04.1 Consolidation of adjoining parcels in the same ownership by filing a new deed is encouraged to promote easily workable farm units.

10.04.2 Residential subdivisions and other uses not related to agriculture are discouraged from locating in designated AGRICULTURE areas.
10.04.3 The stewardship approach to land management is encouraged to foster the long-term productivity of the agricultural land base, associated industries and lifestyles of Whatcom County.

10.04.4 The agricultural community is supported in its efforts to diversify the types of agricultural operations in the county and to continue to incorporate techniques that will enhance agricultural productivity and efficiency.

10.04.5 To enhance economic returns to the operator, direct marketing of products to the consumer is supported. In addition, to minimize "overhead" in the conduct of farm businesses, the formation of cooperatives is supported for warehousing, processing, and providing agricultural supplies and equipment.

10.04.6 To increase direct economic benefits to Whatcom County originating with agriculture, continued local processing of agricultural products is encouraged, as well as the development of additional processing facilities.

10.04.7 In recognition of the prevailing type of agricultural operation, Whatcom County encourages the continuation of the small farm as the basic unit of farm production. In addition, Whatcom County encourages the continued efforts of citizen groups engaged in promoting agricultural education, operations and marketing.

10.04.8 Locating major transportation and utility corridors that would preclude the agricultural use of land is discouraged in designated AGRICULTURE areas.

10.05 The following policies are established to address other aspects of agricultural concerns.

10.05.1 Agriculture in its various forms is the preferred use of areas designated AGRICULTURE. Although it is anticipated that adjustments to designated AGRICULTURE areas will not be necessary during the planning period, proposed conversions shall be processed consistent with the Amendment Criteria Section of this document. In addition, Whatcom County should develop a system for addressing potential conversions that uses the principles established in the "Land Evaluation System Analysis (LESA)," formulated by the Soil Conservation Service.

10.05.2 Agricultural operators are encouraged to use the information and assistance that is available from the Soil Conservation Service and the Cooperative Extension Service for building siting, manure storage, recommended agricultural uses and new technologies.
10.05.3 Agricultural operators are encouraged to fence streams and ditches to prevent the direct introduction of livestock and livestock wastes to conserve surface water quality and reduce stream bank erosion and soil loss. In addition, to minimize any potential short and long-term impacts to groundwater supplies, agricultural operators are encouraged to use only those chemicals in conservative amounts that are necessary for crop production, applied according to state and federal guidelines, and to use chemicals having low potency and residues of short duration.

10.05.4 Whatcom County supports the acquisition of conservation easements by public land trusts, consistent with the intentions of affected property owners in AGRICULTURAL areas to:

1. Preserve agricultural operations;
2. Conserve Prime Farmland soils;
3. Conserve wildlife habitats; or
4. Conserve scenic resources.

10.05.5 Conservation of agricultural operations and Prime Farmland soils is encouraged through using the current use tax assessment opportunities of the Open Space Taxation Act (RCW 84.34).

10.05.6 Implementation of "special district" and water association plans, and other capital improvements, shall be approved or supported only when it is found that designated AGRICULTURAL areas will benefit.

10.05.7 It is the policy of Whatcom County to support the future annexation for industrial purposes of the area bounded by the Burlington Northern Railroad, Haiverstick Road and the city limits to the City of Sumas.
11. FORESTRY

Intent Statement

The intent of the FORESTRY designation is to promote the conservation of forest lands for sustained yield management; and thereby foster continued economic vitality for the county's forest industries. The designation intends to identify areas that are suitable for long-term forestry use, guard against premature conversion of forest lands to non-forest uses, and minimize the type and extent of uses that could adversely affect customary forest operations. In addition, the designation intends to accommodate other activities that are compatible with forest management including mineral extraction, wildlife management, watershed management and occasional outdoor recreation. The designation intends that all uses will be conducted in accordance with applicable local, state and federal regulations.

Policy Statement

11.01 To acknowledge existing forest lands and associated nonrenewable resources, portions of the Lynden-Nooksack Valley Subarea are designated FORESTRY. The principal use of designated areas is the sustained yield management of forest resources, conducted in accordance with the Washington State Forest Practice Act (RCW 76.09) and the attendant regulations of WAC 222, which are administered by the Department of Natural Resources. Such uses include timber production, harvesting and reforestation; forest chemical use; logging road construction and maintenance; and fire prevention and suppression. Other compatible uses include watershed and wildlife habitat management, woodelot operations, certain forest industries, utilities, mineral extraction, and occasional outdoor recreation.

11.02 The FORESTRY designation is applied to Vedder, Sumas and Stewart mountains. The designation is implemented with the Forestry zone district. Minimum parcel size is twenty acres for the majority of uses; however, a density of one dwelling unit per twenty acres is applicable when calculating the maximum number of residential building sites.

11.03 The following policies establish appropriate service levels for designated FORESTRY areas.

11.03.1 Forest management areas generally shall be served by private logging roads; fire suppression shall be provided by individual property owners and the Department of Natural Resources; and law enforcement shall be provided by the Sheriff Department and the Department of Natural Resources.

11.03.2 Residential or other structural uses in designated FORESTRY areas shall have individual on-site wells or stream sources of potable water, volunteer fire protection or individual structural fire suppression systems consistent with county Fire Marshall requirements, and law enforcement shall be provided by the county Sheriff Department.
11.03.3 When residential or other structural uses are intended to be supplied with potable water from off-site sources, written permission shall be obtained from the affected property owner, prior to subdivision approval or building permit issuance, as applicable.

11.04 The following policies are intended to promote the economical, safe and compatible use of designated FORESTRY areas.

11.04.1 Forest practices are to be conducted in accordance with the Forest Practice Act (RCW 76.09), Forest Protection laws (RCW 76.04) and attendant regulations, as administered by the Department of Natural Resources.

11.04.2 Other permitted or conditionally permitted uses shall be conducted in accordance with applicable local, state and federal regulations.

11.04.3 Several methods of providing parcels for residential and other structural uses are available including conventional subdivision, cluster subdivision and planned unit development. Additional guidelines are contained in the Land Development Options, Guidelines and Requirements Section of this document. Regulations concerning densities and parcel sizes are contained in the Forestry zone district and the Planned Unit Development section of the Title 20 Zoning Ordinance.

11.04.4 Given that the majority of designated FORESTRY areas have slopes in excess of 15%, residential building site placement is encouraged on benches, terraces and other topographic features with slopes of less than 15%.

11.04.5 To promote compatibility with forest uses, residential and other structural activities shall be sited at a minimum of 100 feet from parcel boundaries when situated adjacent to existing forest management areas.

11.04.6 Residential building site placement shall avoid areas that may be vulnerable to debris flows, consistent with policies in the Physical Constraints and Natural Resources Section of this document or regulations adopted in the future.

11.04.7 Corridors of plant materials shall be encouraged for retention along stream channels to moderate runoff rates, foster stream bank stability, and promote water quality in accordance with the Forest Practice Act Rules and Regulations (WAC 222) for forest operations; or in accordance with Whatcom County standards for parcels associated with permanent structures, when adopted.

11.05 Whatcom County encourages forest land owners to be aware that their activities on forest lands may have an impact on adjacent landowners. The county also encourages residents living in or adjacent to desig-
nated FORESTRY areas to be aware of the type of activities that are customary with commercial forest operations.

11.05.1 To promote safe use of forest chemicals, forest operators are encouraged to strictly comply with the Forest Practice Act Rules and Regulations (WAC 222) when applying pesticides and fertilizers. In addition, the following policies are provided.

1. Forest operators are encouraged to informally contact adjoining property owners within FORESTRY or RURAL areas to inform them of forthcoming spraying. As a means to reduce citizen concerns about forest chemical use, forest operators are encouraged to investigate alternatives to aerial spraying including hand slashing of competing vegetation by community groups and ground application of chemicals.

2. The forest industry is encouraged to keep informed about advances in forest chemical technology, and to support research that intends to objectively identify any short and long-term affects of forest chemicals.

11.05.2 To promote safe and effective slash burning that will minimize disturbance to nearby residents, forest operators are encouraged to strictly comply with the Forest Protection Laws (RCW 76.04). In addition, forest operators are encouraged to informally contact nearby residents and local newspapers to provide information concerning the forthcoming burn, anticipated date and what can be expected.

11.05.3 Property owners are encouraged to use the current use tax assessment provisions of the Open Space Taxation Act (RCW 84.34), Designated Forest (RCW 84.28) and Classified Forest (RCW 84.33).
12. PUBLIC

Intent Statement

The intent of the PUBLIC designation is to assure the continued provision of a variety of public services in a manner that is commensurate with population and demand. In addition, the policies intend to promote efficient public investments and compatibility between public functions and surrounding land uses.

Policy Statements

12.01 To assure the continued provision of a variety of public services, it is the policy of Whatcom County to designate certain portions of the Lynden-Nooksack Valley Subarea as PUBLIC. Typical uses in PUBLIC designated areas include facilities and services related to recreation, education, utilities, wildlife management, solid waste disposal and health care facilities.

12.02 The PUBLIC designation is applied to Berthusen Park, schools, fire stations, municipally owned water sources, federally owned electrical transmission line corridors, substations, wildlife management areas owned by public agencies and solid waste disposal sites.

12.02.1 Berthusen Park and public agency-owned wildlife management areas shall be implemented with the Recreation and Open Space zone.

12.02.2 All other public functions shall be uses by right or condition within zone districts.

12.03 The appropriate standard of service for PUBLIC areas concerning domestic water, wastewater disposal, stormwater drainage, law enforcement, fire protection and transportation networks shall be the same as adjoining parcels.

12.04 The following policies are established to guide the development of PUBLIC designated areas.

12.04.1 Whenever practical, it is the policy of Whatcom County to encourage multi-purpose use of public lands and facilities to promote efficient public expenditure.

12.04.2 It is the policy of Whatcom County to minimize visual and functional impacts of PUBLIC land uses by encouraging the use of aesthetic site design and other methods to attain compatibility with surrounding areas.

12.04.3 Public agencies are encouraged to acquire those parcels that benefit the continued operation of the particular function.

12.04.4 Review of proposed uses in PUBLIC designated areas shall consider the effects to surrounding land uses relative to protection of the public health, safety and welfare.
12.05 Pursuant to the Inter-Local Cooperation Act (RCW 39.34), it is the policy of Whatcom County to encourage public agencies to prepare and adopt long-range plans that address future land, facility and service requirements, with the intent to coordinate public and private activities, and to minimize future conflict between public agencies and the private sector.

12.06 It is the policy of Whatcom County to cooperate and coordinate with the Parks Department to integrate existing park plans into a Recreation and Open Space Element that will supplement the Comprehensive Land Use Plan; and to participate in neighborhood park planning within areas that are designated URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY and RESIDENTIAL RURAL.
13. LAND DEVELOPMENT OPTIONS, GUIDELINES AND REQUIREMENTS

Intent Statement

The intent of this section is to provide options for land development that are environmentally efficient and that minimize public and private utility and transportation expenditures. This section provides general information and requirements that affect the majority of land use designations within the Lynden-Nooksack Valley Subarea. Guidelines and requirements that are unique are provided in the applicable land use policy section.

Policy Statements

13.01 Areas that are designated URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY, RESIDENTIAL RURAL, RURAL, AGRICULTURE and FORESTRY have the option of creating new residential parcels using the conventional subdivision method. Parcel sizes in conventional subdivisions are uniform and are specifically established in each implementing zone text.

13.02 Areas that are designated URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY, RESIDENTIAL RURAL, RURAL and FORESTRY have the option of creating new residential parcels using the cluster subdivision method. The purpose is to provide economic flexibility to the individual property owner, promote economic lot design, conserve nonrenewable and renewable natural resources, minimize disturbance to environmentally fragile areas, promote compatibility with surrounding nonresidential land uses, and provide options beyond the planning period for land use decisions. Cluster subdivision is defined as an alternative method of creating building parcels that are spatially efficient and economical, and that will retain options for future uses and densities by treating land as a commodity and resource. The following policies establish subdivision guidelines and implementation considerations.

13.02.1 Minimum parcel size shall be established consistent with the provisions of specific implementing zones or Health Department requirements, whichever is greater.

13.02.2 Subdivision design shall be discouraged from forming lineal residential patterns adjacent to roads by minimizing ingress and egress points, and by consolidating access for several parcels.

13.02.3 When possible, it is preferred that residential structures be sited at the perimeter of fields, at the perimeter of woodlots, in woodlots or be partially concealed by topographic features.

13.02.4 When possible, structures on open landscapes should be sited and designed to minimize view disruptions from adjacent properties and public roadways.

13.02.5 When a cluster subdivision is situated adjacent to a less intensive use including large parcel residential, agriculture or forestry, the subdivision shall be buffered at the site
periphery to prevent the encroachment of vehicles, pedestrians, animals and nuisances onto less intensively used parcels.

13.02.6 Vehicular and pedestrian networks should be oriented to the interior of clustered subdivisions.

13.02.7 To maintain area character and settlement patterns, and to achieve visual compatibility and land carrying capacity similar with the surrounding area, the Subdivision Administrator and Hearing Examiner may request that the potential number of building sites for a particular parcel be clustered into two or more residential concentrations.

13.03 Areas that are designated URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY, RESIDENTIAL RURAL, RURAL, FORESTRY, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, TOURIST COMMERCIAL and LIGHT INDUSTRIAL PARK have the option of using the Planned Unit Development provision of the Title 20 Zoning Ordinance. Planned Unit Development is defined as an official control that allows greater flexibility in density, bulk regulations, building types and land use mixture than is generally permitted in the specific implementing zone text. The option is intended to encourage creative site planning, permanent open space, variety in living, working and recreational settings, conservation of environmentally fragile areas, and mixed use developments.

13.04 When located adjacent to existing agricultural or forestry operations, either within the same land use designation or outside thereof, conventional and cluster residential subdivisions shall be required to have a "hold harmless" agreement attached to the face of the plat; the intent of which is to facilitate the unhampered continuation of legal and customary operations associated with agriculture and forestry.
TRANSPORTATION POLICIES

Intent Statement

It is the intent of Whatcom County to ensure that land use patterns and transportation planning mutually support the safe and efficient movement of people and goods; are consistent in encouraging a predictable pattern of urban and rural development; and together conserve and enhance existing public investments and resources.

Policy Statements

1.01 Whatcom County shall use the development approval process of subdivision, zoning, and building permits to establish community circulation patterns and to secure rights-of-way and construction of all functional road classifications. Whatcom County shall use the development approval process to ensure that all residential development includes safe vehicular access for citizens and emergency vehicles.

1.02 It is the policy of Whatcom County to cooperate with federal, state and municipal agencies in providing for a coordinated transportation system.

1.02.1 Whatcom County shall coordinate and cooperate with the cities of Lynden, Nooksack, Everson and Sumas and the State of Washington in the planning of new arterial routes in the Lynden-Nooksack Valley Subarea. Specifically, the land development process shall be used to facilitate the acquisition of additional right-of-way width for state highways having substandard right-of-way widths.

1.02.2 Whatcom County shall promote and encourage the provision of public transit as demand increases in the Lynden-Nooksack Valley Subarea, where warranted by potential ridership.

1.03 It is the policy of Whatcom County to maintain and enhance its natural and economic resources, land use patterns, and the safety and well-being of its citizens through the application of the following standards to its transportation system.

1.03.1 Whatcom County shall approve new road construction projects or improvements to existing roads consistent with the regional stormwater management plan now under development. Should the private or public sector begin such projects before the plan is complete, the county shall implement appropriate measures to assure total containment of excess stormwater runoff for each development proposal. Upon completion of the stormwater management plan, land area currently used for retention may be converted to permitted uses and densities consistent with the applicable zone district.

1.03.2 Whatcom County shall make every effort to preserve mature trees and unique wildlife habitats and other elements of the natural environment during the design and construction of road improvement projects. Where disruption of the natural environment is unavoidable, special techniques such as rounded slopes, erosion control,
reseeding and revegetation shall be employed to return road sides to their natural state.

1.03.3 Bikeways and pedestrian walkways shall be included as integral parts of the transportation system. Bikeways and pedestrian ways shall be provided in new developments, where warranted, to link residential areas, shopping areas, recreational areas and educational facilities. Whenever practical, bikeways proposed in new developments shall connect with the planned bikeways in the Whatcom County Trails Plan.

1.03.4 Whatcom County shall encourage the use of noise buffers and visual screens between future residential areas and high volume transportation routes such as Guide Meridian, Pole road, Badger Road, Birch Bay-Lynden Road and Hannegan Road.

1.03.5 Whatcom County intends to minimize the amount of impervious surfaces including streets, driveways, sidewalks, etc., whenever possible, by using "natural" engineering design methods such as the use of open, shallow, grassed street swales instead of curbs and gutters. In addition, Whatcom County shall encourage the use of surfacing options such as porous asphalt pavement, pre-cast interlocking blocks and rolled brick or cinder chips that reduce total surface runoff, slow concentration and capture particulates.

1.03.6 Whatcom County shall encourage the construction of new roads contiguous to existing development. Such phased road construction is intended to discourage the occurrence of "leap frog" development.

1.04 It is the policy of Whatcom County to use the following criteria to implement a safe and economic transportation system as indicated on the road classification plan designated on the Lynden-Nooksack Valley Subarea Roadway Classification Map, and to amend the Roadway Classification Map as necessary.

1.04.1 Whatcom County shall identify the need for and the approximate location of new principal and minor arterial routes in the Lynden-Nooksack Valley Subarea and shall program the construction of these routes in Whatcom County's Capital Improvement Program.

1.04.2 Whatcom County shall encourage a parallel road system around Lynden to decrease through traffic in congested areas, pursuant to GENERAL COMMERCIAL policy 4.04.2 and LIGHT INDUSTRIAL PARK policy 6.04.1.

1.04.3 Following endorsement by the Washington State Department of Transportation, The Guide Meridian Improvement Plan, Title 22, is intended to be applied to designated GENERAL COMMERCIAL, RESORT COMMERCIAL, LIGHT INDUSTRIAL PARK, and GENERAL MANUFACTURING areas adjoining the Guide Meridian.

1.04.4 Where The Guide Meridian Improvement Plan, Title 22, doesn't apply on the Guide Meridian Corridor, a 100 foot right-of-way shall be set aside.
1.04.5 Whatcom County intends to enforce clear vision standards at intersections in accordance with the Whatcom County Development Standards and Title 20 standards; specifically to reduce the accident potential at the intersection of East Pole Road and the Everson-Goshen Road.

1.04.6 Whatcom County has classified "H" Street Road between Sunrise Road and the Guide Meridian as a minor collector. All maintenance, signage and improvements should be designed to discourage the use of "H" Street Road as a truck route.

1.04.7 Through the land development approval process, Whatcom County shall improve the operational efficiency of the intersections along Guide Meridian. The intent of this policy is to reduce the number of automobile accidents occurring at intersections by improving access and reducing uncontrolled turning movements. Appropriate design criteria shall be applied consistent with the functional classification of the Guide Meridian and other applicable design criteria as provided in the Whatcom County Development Standards.

1.04.8 Whatcom County shall encourage the use of shared access roads from commercial, industrial and residential developments to limit intersections with arterials.

1.04.9 Through the development approval process, Whatcom County shall identify the short and long-range traffic impacts to subarea roads. The estimated number of vehicle trips generated by a project shall be compared with the planned level of service for each road segment and intersection in accordance with Whatcom County Engineering Department design standards and specifications. If it is determined that a proposed development will cause traffic impacts that will result in a level of service below that planned for all affected road classifications, Whatcom County shall request the developer to make the necessary improvements to maintain the pre-planned level of service or to make an equivalent cash contribution to Whatcom County.
COMMUNITY FACILITIES AND UTILITIES

Intent Statement

The implementation of land use designation is closely related to the provision of community facilities and utilities. In addition, the responsible application of various land use designations is affected by existing and projected service levels during the planning period. Thus, the underlying intent of the policies is to assure a beneficial balance between the demand and supply for community facilities and utilities, and to assure predictability during the development of planned land uses. The following policies address issues related to the provision of water, wastewater disposal, education, recreation, stormwater drainage, fire protection and law enforcement.

Policy Statements

1.01 It is the policy of Whatcom County to encourage cooperation among municipalities, special districts, water associations and other groups in the planning and provision of public services.

1.01.1 It is the policy of Whatcom County to work with Fire Districts One, Three, Four and Fourteen, as well as with the cities of Lynden, Everson, Nooksack and Sumas, to assure an adequate level of fire protection and emergency services for planned land uses.

1.01.2 It is the policy of Whatcom County to cooperate with and provide information to school districts that are located in the subarea to assist in determining facility siting and space requirements, commensurate with planned land use and densities.

1.01.3 Whatcom County shall assure that necessary staff and equipment are available to the Sheriff's Department to provide law enforcement, commensurate with anticipated population levels.

1.01.4 Whatcom County encourages the continued cooperation between the County Engineer, Soil Conservation Service and drainage improvements districts to provide positive drainage in designated RURAL and AGRICULTURE areas.

1.02 The following policies are established to guide the inter-relationship between land uses and water associations.

1.02.1 It is the policy of Whatcom County to cooperate and exchange information with water associations relative to land use designations, residential densities and anticipated service levels, with the intent of assuring adequate levels of potable water and fire flow for planned land uses.

1.02.2 Whatcom County shall discourage the formation of additional water associations; and instead shall encourage the consolidation or enlargement of water associations, or the formation of water districts, as preferable methods of providing domestic and irrigation water.
1.02.3 The provision of water in designated RESIDENTIAL RURAL, RURAL and AGRICULTURE areas shall be consistent with the comprehensive sewer and water plan now under development.

1.02.4 The presence or expansion of water associations shall not be used as the basis for growth inducement and increased densities in RESIDENTIAL RURAL, RURAL and AGRICULTURE areas. In addition, it is the policy of Whatcom County to recognize only those areas with concentrations of parcels of less than one acre in size that are provided with domestic water from Class I water associations as appropriate for application of the RESIDENTIAL RURAL designation. Class I water associations are those that have 100 or more services as defined in WAC 248-54-560(1).

1.03 The following policies are established to guide the provision of potable water and wastewater disposal for the designated URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY, GENERAL COMMERCIAL and LIGHT INDUSTRIAL PARK areas that adjoin Lynden.

1.03.1 The City of Lynden is recognized as the intended purveyor of sewer and water to the aforementioned areas.

1.03.2 When services are provided outside of municipal boundaries, utility local improvement districts (ULID's) shall be contiguous to existing development, shall not result in "leap frog" development patterns, and shall be of the size and configuration to facilitate cost effective and efficient development.

1.03.3 When services are provided through annexation, the size and configuration of the proposed annexation area shall facilitate cost effective and efficient extensions of utility lines.

1.03.4 On-site wastewater disposal systems and water association or private wells may be used in GENERAL COMMERCIAL and LIGHT INDUSTRIAL PARK areas in the interim until public sewer and water become available; provided there is a commensurate reduction in the usage of each parcel.

1.04 The following policies establish appropriate service levels for other parts of the subarea.

1.04.1 The City of Sumas is recognized as the intended purveyor of potable water for the planned RESIDENTIAL RURAL area situated to the west of the city. Kok Road Water Association that obtains water from the City of Lynden is recognized as the purveyor of potable water for the RESIDENTIAL RURAL area situated west of Lynden. Wastewater disposal for both areas is intended to be accomplished through individual on-site systems.

1.04.2 Other designated RESIDENTIAL RURAL areas shall obtain water from Pole Road Water Association, a Class I purveyor, and shall provide for wastewater disposal through individual on-site methods.
1.04.3 Individual on-site wastewater disposal systems, wells and water associations are the intended levels of service for areas that are designated RURAL, AGRICULTURE, FORESTRY, NEIGHBORHOOD COMMERCIAL, TOURIST COMMERCIAL and PUBLIC.

1.05 On-site stormwater collection and retention facilities may be required for designated URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY, GENERAL COMMERCIAL, LIGHT INDUSTRIAL PARK and RESIDENTIAL RURAL areas. Subsequent to adoption of the regional stormwater management plan, stormwater drainage shall be modified, as necessary, to be consistent with the plan.

1.06 Whatcom County recognizes the value of retaining wetlands including swamps, bogs, marshes and ponds as natural catchment basins for runoff generated in all comprehensive plan designations of the subarea. Runoff during development shall be controlled, consistent with Whatcom County Development Standards.

1.07 Whatcom County encourages the formulation of appropriate diking and flood control methods to minimize potential damage associated with flooding.

1.08 Whatcom County recognizes Puget Sound Power and Light as the primary electrical energy purveyor in the subarea. However, use of alternative energy systems including passive and active solar space and water heating, small scale hydroelectric, and wind power is encouraged.
PHYSICAL CONSTRAINT AND NATURAL RESOURCE POLICIES

Intent Statement

Natural conditions can facilitate various land uses and promote economic opportunities; however, natural conditions also can cause increased expenditure during development or threaten human lives and property. The underlying intent of the policies is to promote the well-reasoned use of renewable and nonrenewable resources with attendant immediate and long-term benefits to the county’s economy, to promote identification of physical constraints, and to formulate appropriate management techniques. In addition, the policies intend to conserve certain wildlife habitats in recognition of their irreplaceable character, and to maintain or enhance present water, air and noise quality.

Policy Statements

1.01 To minimize potential impacts to human life and property, and to maximize the use of Prime Farmland soils, the following policies are established for 100-year floodplains.

1.01.1 Agriculture is the preferred use of 100-year floodplains.

1.01.2 Certain areas located in 100-year floodway fringes are designated Rural. The clustering option is encouraged for new residential subdivisions, building sites are encouraged to be sited outside of floodway fringes and use of floodway fringes as "reserve tracts" is encouraged.

1.01.3 Several parcels exist within 100-year floodplains that are of insufficient size to be used for customary forms of agriculture. When possible, such parcels are encouraged to be consolidated into larger parcels that are suitable for agricultural operations. If used for residential, commercial or industrial purposes, such parcels are encouraged to incorporate flood proofing and flood protection measures into structural design, consistent with Federal and Washington State Department of Ecology regulations.

1.01.4 Future requests for amendments to the comprehensive plan and zoning ordinance that would result in increased residential densities in 100-year floodplains will be discouraged.

1.02 Extreme localized rainfall combined with existing slope gradients, soil characteristics, surficial geologic units and land uses, create the potential for debris flows on several subarea creeks including Saar, Breckenridge, Swift, Smith, McCueley, Mitchell and Anderson creeks. The following policies are intended to minimize potential hazards to human life, property and investments.

1.02.1 Whatcom County shall encourage studies to determine the potential extent of debris flows from the above mentioned streams. Property owners of parcels located in the headwaters and downstream portions of the streams are encouraged to cooperate with Whatcom County in the formulation of policies and regulations that will minimize potential damage in debris flow prone areas.
1.02.2 Until future studies provide specific delineation of areas prone to debris flows, new residential structures shall be discouraged from being sited on alluvial fans associated with the above mentioned streams.

1.02.3 Whatcom County shall support very low density and low intensity uses in areas that may be subject to debris flows. Appropriate density should be no greater than one dwelling unit per five acres.

1.02.4 Retention of stream bank vegetation is encouraged in order to maximize moisture holding capacity and debris catchment potential.

1.02.5 Whatcom County endorses the efforts of property owners of parcels in the headwaters of the above mentioned streams to self-monitor stream channel debris and take appropriate action, including debris removal, as necessary.

1.02.6 In recognition of the potential for instability and erosion in the Swift Creek drainage basin, the Department of Natural Resources is encouraged to manage state lands for open space. In addition, Whatcom County encourages the continued efforts of the Soil Conservation Service and the local district to maintain stream channel carrying capacity in the down stream portions of Swift Creek.

1.03 Whatcom County encourages the use of slopes in excess of 15% that are associated with the foothills or are situated on Vedder, Sumas and Stewart mountains for use as open space, very low density residential development, woodlots and commercial forestry.

1.03.1 If residential structures are placed in such areas, Whatcom County encourages structural placement on localized terraces and benches of lesser slope.

1.03.2 Buildings that are proposed to be sited on slopes in excess of 15% or on unstable slopes shall be constructed consistent with the regulations of the Uniform Building Code and a site safety confirmation prepared by a qualified geologic engineer, structural engineer or geologist will be required.

1.03.3 In recognition of the substantial portion of the subarea with slopes of less than 15%, Whatcom County encourages the development of such areas for residential and rural purposes instead of areas with slopes in excess of 15%.

1.03.4 Whatcom County encourages the use of construction techniques for logging, county and recreational roads that will be located on unstable or steep slopes to minimize subsequent earth movements, erosion and water impoundments.

1.03.5 It is the policy of Whatcom County to develop unstable slope regulations that will be included in the Title 20 Zoning Ordinance.
1.04 To conserve surface water quality that is suitable for domestic consumption, irrigation, livestock watering and instream resources, and to minimize associated bank erosion and soil loss, the following policies are provided. Applicable water bodies include subarea creeks, rivers, ditches and lakes.

1.04.1 Residential and rural developments shall establish green belts extending at least thirty feet from the vegetation lines of subarea streams or of a distance that is consistent with the Shoreline Management Program, whichever is greater.

1.04.2 Stream greenbelts are encouraged to be incorporated into subdivision design as common open space.

1.04.3 To foster and enhance existing salmon spawning, rearing and migration, and steelhead and sea run cutthroat spawning, stream bank disturbance to subarea streams and rivers is discouraged.

1.05 The major area of groundwater resources in Whatcom County is situated in the Lynden-Nooksack Valley Subarea. Until such time that specific studies have been prepared, potential high and moderate yield aquifers shall be determined to be consistent with the areas established in Environmental Geology of Western Whatcom County by Easterbrook. To continue to assure present and future groundwater quality that is suitable for a variety of beneficial uses, the following policies are established.

1.05.1 Whatcom County encourages federal, state and local agencies to conduct studies to define the extent of county aquifers, aquifer recharge areas and aquifer flow characteristics.

1.05.2 Whatcom County encourages low intensity and density uses for areas overlying potential high and moderate yield aquifers.

1.05.3 Solid waste and hazardous waste storage facilities are discouraged in areas overlying potential high and moderate yield aquifers. Whatcom County shall promote the formulation of local regulations that will prohibit new siting of such facilities in aquifer areas. In addition, Whatcom County encourages federal, state and local assistance to abate and remove existing solid waste and hazardous waste storage in aquifer areas when found to be degrading water quality.

1.05.4 Sand and gravel extraction in areas overlying potential high and moderate yield aquifers should not extend to depths that expose the regional groundwater table. In addition, reclamation shall be conducted with materials that if leached to aquifers will not cause water quality degradation.

1.05.5 The northwestern portion of the subarea is located within Blaine's groundwater supply interest area. In designated RURAL and AGRICULTURE areas, uses that may adversely affect Blaine's municipal water supply shall be discouraged.

1.05.6 Whatcom County Public Works Department is encouraged to explore cost effective alternatives to herbicide control for roadside
vegetation in areas overlying potential high and moderate yield aquifers.

1.05.7 It is the policy of Whatcom County to participate in and cooperate with various county departments and the State of Washington in the formulation of local regulations that will assure continued groundwater quality.

1.06 To conserve soils classified by the Soil Conservation Service as Prime Farmland, the following policies are provided.

1.06.1 AGRICULTURE is the preferred comprehensive plan designation for Prime Farmland soil areas and RURAL is the designation of second choice for such areas.

1.06.2 Whatcom County encourages agricultural operators to use soil conservation techniques by taking advantage of information and assistance available through the Soil Conservation Service.

1.07 To conserve the renewable resource base associated with mountainous portions of the subarea, the following policies are established.

1.07.1 Forestry and associated activities are the preferred uses in the mountainous portions of the subarea.

1.07.2 Designated FORESTRY areas shall be discouraged from conversion to other uses that might preclude continued forest management.

1.07.3 Public land trusts in cooperation with property owners are encouraged to acquire conservation easements in forested areas with the intent of maintaining renewable resources.

1.08 Portions of the Lynden-Nooksack Valley Subarea contain known sand, gravel and coal deposits. It is the policy of Whatcom County to foster low residential densities in such areas with the intent of facilitating access. Surface extraction of sand and gravel, and attendant processing shall be consistent with local land use regulations and state requirements. Subsurface extraction shall be conducted consistent with federal regulations.

1.09 It is the policy of Whatcom County to encourage the maintenance of air quality consistent with the Federal Clean Air Act, as administered by the Northwest Air Pollution Authority and other agencies. In addition, Whatcom County encourages the Northwest Air Pollution Authority to consider the effects on customary agricultural operations and the economic vitality of agriculture, when processing odor complaints originating from residents not involved with agriculture.

1.10 Whatcom County encourages the provision of an undisturbed 300-foot radius, consistent with State Department of Game guidelines, around the Great Blue Heron rookery located near the northwest quadrant of the intersection of Markworth and "M" Street roads.

1.11 Retention of the beaver ponds situated in the northwest portion of the subarea, as illustrated on the Environmental Constraints and Resources Map,
is encouraged during the development of future residential and rural land uses.

1.12 Whatcom County supports the acquisition of conservation easements by public land trusts, consistent with the intents of property owners, of parcels providing terrestrial, avian and aquatic wildlife habitats. In addition, Whatcom County encourages property owners of lands containing wildlife habitats to take advantage of current use tax assessment provisions contained in the Open Space Taxation Act (RCW 84.34).

1.13 The acquisition of conservation easements by public land trusts, consistent with the intentions of the affected property owner, is supported as a means of protecting scenic corridors and implementing the "Assessment Procedures for Countryside Landscapes" developed in 1984 with the assistance of the Soil Conservation Service.
ECONOMIC POLICIES

Intent Statement

The intent of this section is to assure that economic values are considered along with other goals and values, in a manner that will satisfy the economic requirements of present and future generations of Whatcom County citizens. Thus, the underlying intent of this section is to provide guidelines for evaluating existing resources and future development proposals of various types to establish a balance between social expectations, environmental opportunities and constraints, and economic alternatives.

Policy Statements

1.01 It is the policy of Whatcom County to productively manage economic resources including human resources, capital investments and natural resources with consideration for immediate and long-term economic benefits to residents and investors in the county.

1.02 Whatcom County shall encourage cooperation among state agencies, municipalities, economic development groups and private land owners to enhance economic resources and local development.

1.03 Owners of agricultural and forest lands are encouraged to conserve the economic base associated with the major productive natural resources in the county, by using the current use tax assessment provisions of the Open Space Taxation Act including RCW 84.28, RCW 84.33 and RCW 84.34.

1.04 It is the policy of Whatcom County to consider all impacts, including economic, related to adoption of the comprehensive Land Use Plan and attendant implementation tools.

1.05 To assist development and investment in Whatcom County, Whatcom County Planning Department shall make available to potential investors and developers information that is formulated during the subarea planning process that may be useful to augment private sector decision making.

1.06 To promote economic stability and protect existing investments in the Lynden-Nooksack Valley Subarea, those existing uses that are not permitted outright or by condition in specific implementing zones shall be classified as legal nonconforming uses.

1.07 It is the policy of Whatcom County to strengthen and stabilize the tax base through fostering economic development.

1.08 It is the policy of Whatcom County to support the formulation of a public benefit rating system for evaluation of property that is being considered for current use tax assessment through the provisions of the Open Space Taxation Act (RCW 84.34). Granting of current use tax assessment status should be based on the determination that the public benefit derived from maintaining the parcel in its present use is greater than the loss or deferral of revenue to the county. In addition, Whatcom County supports review of parcels presently enrolled in current use tax assessment programs to assure that the intent of state enabling legislation is being served; and if not, the parcels should be considered for removal from the programs.
VII. COMPREHENSIVE PLAN AMENDMENTS

The Lynden-Nooksack Valley Subarea Comprehensive Land Use Plan is a policy document that will guide land use decisions affecting both the private and public sectors. For the comprehensive plan to function effectively, it must be flexible enough to respond to changes in social expectations, technology, the economy and legislative policy.

Two types of plan amendments are envisioned. The first type is a review conducted every five years that is initiated by the Planning Commission. The review should re-examine the plan, re-evaluate the Whatcom County Goal Statements, update land use elements, and reaffirm or amend comprehensive plan policies and boundaries, as necessary. This review is the responsibility of the Whatcom County Planning Commission, Planning Department staff and subarea citizens.

The second type of amendment is initiated by individuals or groups from the private sector. Land uses that are designated on the Comprehensive Plan Map are the result of applying the Whatcom County Goal Statements and subarea policies. The private sector may propose plan policy or map amendments. Such proposals, submitted as an amendment application or by petition with an application, shall be processed consistent with statutory requirements of the Planning Enabling Act, RCW 36.70 and with the following Amendment Criteria.

The Planning Commission shall make the following findings before adopting any amendments to the Comprehensive Plan Map or policies, whether initiated by the public or private sector. The amendment:

1. Is based on changed conditions; or
2. Corrects a previously unknown informational error; and
3. Is consistent with the adopted Whatcom County Goal Statements; and
4. Fulfills a need benefitting the general public health, safety and welfare, consistent with the policies and intents of this document, rather than individual pecuniary interests; and
5. Is not arbitrary and capricious; and
6. Is consistent with existing and planned surrounding land uses; and
7. Will not result in unmitigated adverse impacts to existing or planned transportation networks, or existing or planned utility servicing.
WHATCOM COUNTY
PLANNING COMMISSION

Repeal the 1986 Lynden-Nooksack Valley Subarea Plan and Amend Provisions in the Whatcom County Comprehensive Plan relating to Subarea Plans

FINDINGS OF FACT AND REASONS FOR ACTION

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to subarea plans.
   b. Repealing the Lynden-Nooksack Valley Subarea Plan (1986).

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on April 5, 2013.

3. Notice of the Planning Commission hearing was posted on the County website on April 9, 2013.

4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to the Cities of Lynden, Everson, Nooksack and Sumas and citizen, media and other groups on the County’s e-mail list on April 10, 2013.

5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 18, 2013.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 26, 2013.

7. The Planning Commission held a public hearing on the subject amendments on May 9, 2013.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:
   a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.

d. The amendment does not include or facilitate spot zoning.

e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

**Growth Management Act**

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).

10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

11. The Lynden-Nooksack Valley Subarea Plan was adopted in 1986, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address urban growth areas (UGAs), contains different land use designations, is inconsistent with the Comprehensive Plan’s rural element, and has a different planning period.
County-Wide Planning Policies

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. The Lynden, Everson, Nooksack and Sumas UGAs are included in the Lynden-Nooksack Valley Subarea.

14. Interlocal agreements between these cities Whatcom County concerning Planning, Annexation and Development within the UGAs were signed in 2012. These interlocal agreements do not require the County to retain this subarea plan.

Further Studies/Changed Conditions

15. The Lynden-Nooksack Valley Subarea Plan was adopted in 1986.

16. The GMA, adopted in 1990, included a requirement to designate UGAs. The 1986 Lynden-Nooksack Valley Subarea Plan does not address UGAs.

17. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1986 Lynden-Nooksack Valley Subarea Plan does not address LAMIRDs.

18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1986 Lynden-Nooksack Valley Subarea Plan is not consistent with the County Comprehensive Plan.


20. The cities of Lynden, Everson, Nooksack, and Sumas adopted and/or updated their comprehensive Plans after adoption of the Subarea Plan.

21. Changed conditions including enactment of the GMA, adoption of newer plans and the passage of time warrant repealing the 1986 Lynden-Nooksack Valley Subarea Plan.

Public Interest

22. Repealing the 1986 Lynden-Nooksack Valley Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.
Spot Zoning

23. The subject proposal does not involve rezoning property.

CONCLUSION

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

1. Approval of Exhibit A, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use).

2. Repealing Exhibit B, the Lynden-Nooksack Valley Subarea Plan (1986).

WHATCOM COUNTY PLANNING COMMISSION

Michelle Luke, Chair

Sam Ryan, Secretary

May 21, 2013

Commissioners present at the May 9, 2013 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Michelle Luke, David Onkels, Jeff Rainey, Mary Beth Teigrob, and Gerald Vekved.

Vote: Ayes: 7, Nays: 0, Abstain: 0, Absent: 2. Motion carried to adopt the above amendments.
NOTE:

Exhibits A and B are attached to the proposed Ordinance that will be considered by the County Council in order to avoid redundancy.
Regular Meeting

May 9, 2013

**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 Eienbaas, Jerry Vekved, David Onkels, Jeff Rainey, Mary Beth Teigrob, Ken Bell

Absent: Gary Honcoop, Rod Erickson

**Staff Present:** Mark Personius, Matt Aamot, Becky Boxx

**Department Update**

Mark Personius gave the following updates:

- A Short Course on Local Planning will be presented by the City of Bellingham on May 21st.
- There will be a Water Supply Symposium May 30th & 31st sponsored by the WRIA I board.
- The Compliance order schedule: The Planning Commission/Staff proposals were submitted to the Council for introduction on May 7th. There will be a public hearing on May 21st, followed by Council meetings on June 4th and 18th.
- The Commission’s next meeting will be a public hearing on capital improvement projects.
- PDS has been conducting interviews for a new Planner. A decision should be made next week.

**Open Session for Public Comment**

There was no public comment.

**Commissioner Comments**

There were no Commissioner comments.

**Public Hearings**

File # PLN2013-00005: Repealing the Birch Bay–Blaine Subarea Plan, which was adopted in 1987. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot gave a power point presentation which highlighted the following: The GMA says counties can adopt subarea plans but they must be consistent with the County Comprehensive Plan.

The Birch Bay-Blaine Subarea Plan was first adopted in 1977. At that time the plan had a land use map which had resort and higher density designations in the core of bay, within what is now the Urban Growth Area (UGA). The predominate designation in the outlying areas was suburban. The plan also included a promenade area along the shoreline. A new subarea plan was adopted in 1987. This plan covered a larger area than the 1977 plan.
and preserved the promenade area. In 2004 the Birch Bay Community Plan was created and included the UGA boundary and had the promenade and berm included. There are a number of inconsistencies between the 1987 subarea plan and the Comprehensive Plan, which includes population projections, the planning horizon and different land use designations. Staff finds that the subarea plan served its purpose, it is outdated, inconsistent with GMA and inconsistent with the Comprehensive Plan so they recommended it be repealed.

The hearing was opened to the public. There was no public testimony. The hearing was closed to the public.

Commissioner Onkels moved recommend repeal of the plan. Commissioner Teigrob seconded. After discussion the Commission felt the motion should be worded differently so they voted down the motion.

Commissioner Bell suggested adding a new finding to state: Repeal of the Plan eliminates redundancy and ambiguity. The Commission agreed to add the finding.

Commissioner Onkels moved to recommend approval of Exhibit A which amends the Whatcom County Comprehensive Plan, approval of Exhibit B which repeals the Plan and the findings as amended. Commissioner Teigrob seconded. Roll Call Vote: Ayes – Bell, Elenbaas, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Honcoop. The motion carried.

File # PLN2013-00006: Repealing the Chuckanut-Lake Samish Subarea Plan, which was adopted in 1986. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot gave a power point presentation which highlighted the following: The Chuckanut-Lake Samish Subarea Plan was adopted in 1986. It includes the Yew Street, Lake Samish and Chuckanut areas. It summarizes citizen input that was received in the 1980s. The Yew Street residents were in favor of rural residential land use patterns. For the Lake Samish area residents were concerned about traffic, water quality, and water source. In the Chuckanut area the residents were concerned with residential development being compatible with scenic qualities and beach access. Staff findings indicate the plan served its purpose, it is outdated, inconsistent with GMA and inconsistent with the Comprehensive Plan so they recommended it be repealed.

The hearing was opened to the public. There was no public testimony. The hearing was closed to the public.

Commissioner Teigrob moved to recommend approval of Exhibit A which amends the Whatcom County Comprehensive Plan, approval of Exhibit B which repeals the Plan and the findings as amended. Commissioner Onkels seconded. Roll Call Vote: Ayes – Bell, Elenbaas, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Honcoop. The motion carried.
File # PLN2013-00007: Repealing the Lynden-Nooksack Valley Subarea Plan, which was adopted in 1986. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot gave a power point presentation which highlighted the following: The plan was adopted in 1986. The subarea covers a large area which contains large areas of agriculture. Staff compared the agricultural policies in the subarea plan to the Comprehensive Plan agricultural policies and concluded there may be some things that could be transferred over to the Comprehensive Plan in the 2016 update. The Agricultural Advisory Committee may review these policies over the next few years. There are four small cities in the subarea; Lynden, Everson, Nooksack and Sumas. PDS is working with officials from these cities regarding the 2016 update. Staff findings indicate the plan served its purpose, it is outdated, inconsistent with GMA and inconsistent with the Comprehensive Plan so they recommended it be repealed.

The hearing was opened to the public. There was no public testimony. The hearing was closed to the public.

Commissioner Onkels moved to recommend approval of Exhibit A which amends the Whatcom County Comprehensive Plan, approval of Exhibit B which repeals the Plan and the findings as amended. Commissioner Teigrob seconded. Roll Call Vote: Ayes – Bell, Elenbaas, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Honcoop. The motion carried.

The meeting was adjourned at 7:25 p.m.

Minutes prepared by B. Boxx.

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

Michelle Luke, Chair

J.E. "Sam" Ryan, Secretary
WHATCOM COUNTY COUNCIL AGENDA BILL

TITLES OF DOCUMENT:
Repeal the Birch Bay–Blaine Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

ATTACHMENTS:
1. Staff Memo
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Planning Commission minutes
5. Public Comment

Other background information is on file at the Council office.

SEPA review required? ( ) 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.)

Repeal the Birch Bay–Blaine Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans. The Birch Bay–Blaine Subarea Plan was adopted in 1987, prior to enactment of the Growth Management Act GMA in 1990.

NOTE: Final approval of these amendments would occur as part of concurrent review of comprehensive plan amendments in early 2014.

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.
May 23, 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: Repeal the Birch Bay-Blaine Subarea Plan and Related Amendments

The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080. However, the GMA also requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

Most of the comprehensive land use plan designations in the 1987 Birch Bay-Blaine Subarea Plan are not the same as the designations utilized in the current Whatcom County Comprehensive Plan. Additionally, the requirement to designate urban growth areas was not enacted until after the Subarea Plan was adopted. The Subarea Plan has “Urban Reserve” designations, but they do not match the current UGA designations. The GMA’s rural element requirements did not exist when the Subarea Plan was adopted. Finally, the Subarea Plan utilized a 15-year planning period (which ended in 2002). Therefore, we recommend repealing the Subarea Plan and amending provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

Planning & Development Services is requesting Council consideration of these amendments on July 9. However, the proposed Comprehensive Plan amendments are subject to concurrent review. Therefore, the Council would not render a final decision on the proposal until early 2014.

Thank you for your consideration of this matter.
ORDINANCE NO. __________

REPEALING THE 1987 BIRCH BAY-BLAINE SUBAREA PLAN
AND AMENDING PROVISIONS IN THE WHATCOM COUNTY
COMPREHENSIVE PLAN RELATING TO SUBAREA PLANS

WHEREAS, The Whatcom County Council initiated the subject amendments for review in
2013; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on May 9,
2013; and

WHEREAS, The Whatcom County Planning Commission recommended the comprehensive
plan amendments on May 9, 2013; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to subarea
      plans.

2. A determination of non-significance (DNS) was issued under the State Environmental
   Policy Act (SEPA) on April 5, 2013.

3. Notice of the Planning Commission hearing was posted on the County website on April
   9, 2013.

4. Notice of the Planning Commission hearing and that the proposal had been posted on the
   County website was sent to the City of Blaine and citizen, media and other groups on the
   County’s e-mail list on April 10, 2013.

5. Notice of the subject amendments was submitted to the Washington State Department of
   Commerce on April 18, 2013.
6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 26, 2013.

7. The Planning Commission held a public hearing on the subject amendments on May 9, 2013.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:

   a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

   b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

   c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

      i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

      ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

      iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.

   d. The amendment does not include or facilitate spot zoning.

   e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

Growth Management Act

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").
10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

11. The Birch Bay-Blaine Subarea Plan was adopted in 1987, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address urban growth areas (UGAs), contains different land use designations, is inconsistent with the Comprehensive Plan’s rural element, and has a different planning period.

County-Wide Planning Policies

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. Blaine is the only city within the Birch Bay-Blaine Subarea.

14. An interlocal agreement between the City of Blaine and Whatcom County concerning Planning, Annexation and Development within the Blaine UGA was signed in May 2012. This interlocal agreement does not require the County to retain the subarea plan.

Further Studies/Changed Conditions

15. The Birch Bay-Blaine Subarea Plan was adopted in 1987.

16. The GMA, adopted in 1990, included a requirement to designate UGAs. The 1987 Birch Bay-Blaine Subarea Plan does not address UGAs.

17. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1987 Birch Bay-Blaine Subarea Plan does not address LAMIRDs.

18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1987 Birch Bay-Blaine Subarea Plan is not consistent with the County Comprehensive Plan.


20. The Birch Bay Community Plan was adopted in 2004.

21. The City of Blaine Comprehensive Plan was adopted in 2006 and subsequently amended.
22. Changed conditions including enactment of the GMA, adoption of newer plans and the passage of time warrant repealing the 1987 Birch Bay-Blaine Subarea Plan.

Public Interest

23. Repealing the 1987 Birch Bay-Blaine Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.

24. Repeal of the Plan eliminates redundancy and ambiguity.

Spot Zoning

25. The subject proposal does not involve rezoning property.

CONCLUSIONS

The subject proposal is consistent with the approval criteria of WCC 2.160.080.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Whatcom County Comprehensive Plan Chapter 2 (Land Use) is hereby amended as shown on Exhibit A.

Section 2. The Birch Bay-Blaine Subarea Plan (1987) is hereby repealed as shown on Exhibit B.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ______ day of _____________, 2014.

ATTEST:                              WHATCOM COUNTY COUNCIL
                                        WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk       Chairperson

APPROVED as to form:                 ( ) Approved    ( ) Denied

Civil Deputy Prosecutor               Jack Louws, Executive

Date: ________________
Exhibit A

Amend Chapter 2 of the Whatcom County Comprehensive Plan as follows:

Policy 2L-1: Use the subarea planning process, where appropriate, to identify and support distinctions among different areas of the county.

Policy 2L-2: Retain and periodically review update the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Lake Whatcom, Urban Fringe, Lynden-Nooksack Valley, Chuckanut-Lake Samish, Birch Bay Community PlanBirch-Bay-Blaine, Foothills, Point Roberts, South Fork Valley, and Eliza Island). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county’s first Growth Management comprehensive plan adopted in 1997.

a. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan review update process should include the following steps:

1) Consistency Analysis. The County should review subarea plans based on the priority order in subsection “b” for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.

2) Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.

3) Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.

4) Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.

5) Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update.
process. Land capacity analysis may also be updated if appropriate.

b. Prioritize review update of subarea plans. Subarea plans should be reviewed updated in the following order.

1) Post-GMA Subarea Plans addressing UGAs. These subarea plans should be reviewed and amended, if necessary, during Whatcom County’s periodic review of the comprehensive plan-7-Year Review scheduled for completion in 2011. Subarea plans addressing UGAs associated with a city should be coordinated with the city’s comprehensive plan update process.

2) Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County’s periodic review of the comprehensive plan-7-Year Review scheduled for completion in 2011. Minor updates may be considered through the County’s docket process in subsequent years.

3) Pre-GMA Subarea Plans. These should be repealed or updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:

   a) whether update is needed for health, safety, or welfare concerns;
   b) whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;
   c) whether the subarea plan would benefit from broader policy concepts to be completed in advance or in tandem, such as agricultural land protection measures;
   d) whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.

NOTE: The text of Policy 2L-2 above is also being amended in association with the proposed repeal of the Chuckanut-Lake Samish Subarea Plan (file # 2013-00006) and the proposed repeal of the Lynden-Nooksack Valley Subarea Plan (file # 2013-00007). The changes to Policy 2L-2 proposed in the subject amendment are intended to be harmonious and compatible with the changes to Policy 2L-2 proposed in these other two amendments.
Amend the Comprehensive Plan Designation Descriptors text in Chapter 2 of the Whatcom County Comprehensive Plan as follows:

**Comprehensive Plan Designation Descriptors**

These descriptors are intended to be general in nature. More specific criteria and explanation may will be incorporated into subarea plans.

Amend the Land Use Action Plan in Chapter 2 of the Whatcom County Comprehensive Plan as follows:

**Subarea Plans**

11. Revise county subarea plans, if appropriate, to incorporate urban growth area boundaries as identified in this plan, ensure consistency with this plan, and eliminate any redundancy in policy. Continue to implement existing subarea plan action items that are consistent with this plan.

13. Update the Blaine Birch Bay Subarea Plan to re-evaluate the amount and location of area designated as resort commercial and multiple family, and the total amount of land dedicated to urban land-use in light of available water and sewer supplies.

**Citizen Involvement**

15-16. Establish Council appointed subarea citizens' committees to participate in the updating and review of subarea plans, if appropriate.
Exhibit B

(Repealing the Subarea Plan)
BIRCH BAY
BLAINE
SUBAREA

a component of the

Whatcom County
Comprehensive Land Use Plan

- Cherry Pt. - Ferndale Subarea
- Lake Whatcom Subarea
- Urban Fringe Subarea
- Lummi Island Subarea
- Chuckanut - Lake Samish Subarea
- Lynden – Nooksack Valley Subarea

- Birch Bay - Blaine Subarea
- Foothills Subarea
- South Fork Valley Subarea
- Pt. Roberts Subarea
BIRCH BAY-BLAINE SUBAREA
COMPREHENSIVE PLAN
November, 1987

Whatcom County Executive

Shirley Van Zanten

Whatcom County Council

Tom Burton
Donald G. Hansey
J.V. "Jim" Hawley, Jr.
C.J. "Corky" Johnson

R. W. "Bob" Muenscher
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Daniel M. Warner

Whatcom County Planning Commission

James Freeman
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THE BIRCH BAY-BLAINE SUBAREA COMPREHENSIVE PLAN
A COMPONENT OF THE WHATCOM COUNTY COMPREHENSIVE PLAN

Adopted this 21st day of September, 1987,
by the Whatcom County Planning Commission.

David Simpson, Chairperson
Daniel W. Taylor, Secretary

Certified this 17th day of November, 1987,
by Whatcom County Council.

Tom Burton, Chairperson

Approved this 17th day of November, 1987,
by the Whatcom County Executive.

Shirley Van Zanten, Executive

Attest:
By: Amanda Fleming
Clerk of the Council
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I. COMPREHENSIVE LAND USE PLANNING

A. STATUTORY AUTHORITY

Statutory authority for county comprehensive land use planning is established in the Washington State Planning Enabling Act, in which it is stated that "each planning agency shall prepare a comprehensive plan for the orderly physical development of the county or any portion thereof..." (RCW 36.70.320). The Birch Bay-Blaine Subarea Comprehensive Plan has been developed in response to statutory authority as well as in recognition of the widely accepted principle that future Whatcom County land use decisions should be made in a coordinated and responsible manner by both the public and private sectors.

B. DEFINITION AND APPLICATION

The Whatcom County Comprehensive Plan is defined as an official public document to be used by both the public and private sectors as a policy guideline for making orderly decisions concerning the future use of land in the County. The plan has been formulated by the Whatcom County Planning Commission and is comprehensive, general and long-range in nature. The plan is comprehensive in that it encompasses major geographic areas of the county and the functional elements that bear on physical development. The plan is general in that it summarizes major policies and proposals and is not, by statute, a detailed regulation. The plan is long-range in application because it addresses current issues, as well as anticipated problems and possibilities of the future.

The purpose of this document is to foster a responsible process of land use decision-making. The goals, policies and land use plan map contained herein serve to amend the 1977 Birch Bay Comprehensive Plan and the 1970 Whatcom County Comprehensive Plan for the geographic area defined as the Birch Bay-Blaine Subarea. The 1970 and 1977 plans served as a basic plan for the past 10-15 years, but as times change, people's attitudes, technologies and economies also change. Consequently, the primary decision-making document of local government must be revised to address current and anticipated issues of the future.

In consideration of the changes that have occurred in the areas subject to the 1970 Plan since the existing plan was adopted, the Planning Commission resolved in December, 1978, to revise and update the 1970 Comprehensive Plan. For the area covered under the 1977 Birch Bay plan, the major change needed is to use better tools to implement the 1977 plan objectives. That plan itself was developed through an extraordinary amount of time volunteered by citizens, and the general framework is excellent, although the implementing recommendations at the end of the plan regarding a creative approach to zoning regulation were not capable of being accomplished through the Interim Zoning Ordinance and the zone districts available in 1977. This plan supports the 1977 plan and uses it as a source document while acknowledging the change in zoning tools and the increased knowledge of the conditions in the area. It updates some of the population and other data in the 1977 plan, reflects the intent of the interim
zoning districts used in the 1977 plan with the addition of the county wide goals the County Council adopted in 1979 to guide the development and application of the permanent zoning ordinance, and implements the objectives in the 1977 plan through the permanent zoning ordinance, Title 20.

The Commission is also aware that changes will continue and realizes that the policies contained herein will be subject to modification and revision over a period of time. As is discussed in the following section, this subarea plan will be reviewed on a seven-year basis.

C. SUBAREA PLANNING CONCEPT

Because of the county's diverse physical and cultural composition, the Planning Commission elected to revise the plan on an individual geographic area basis. Thus, the Commission divided the western one-third of the county into ten logical geographic areas where the planning process could be applied in a uniform and consistent manner. Denoted as "subareas", these geographic areas were delineated to address various land use related issues that appeared to be unique to particular areas of the county.

The criteria used by the commission to delineate subarea boundaries include natural and physical features; political subdivisions such as sewer, water, fire and school districts; existing land use patterns; and the presence of a city or town to act as a nucleus for the area. Thus, subareas are planning units determined through the application of criteria and are considered as a practical means of revising the comprehensive plan in a consistent and orderly fashion.

D. WHATCOM COUNTY PLANNING PROCESS

The Whatcom County comprehensive planning process is defined as a continual process of evaluating goals, conducting various land-related studies, and then using the goals and studies to fashion a balanced and practical set of land use policies and proposals for future land uses in the County. Stated differently, the planning process serves as a blueprint for the logical development of the comprehensive plan, as well as the formulation of effective implementation tools.

The process describes, through a logical sequence, the various land use related factors that must be considered to effect the formulation of responsible and meaningful land use policies and proposals. These factors include the definition of county-wide goals; the inventory and analysis of land use, community facilities and utilities, transportation, and environmental resource characteristics; the forecasting of population levels and the county's economic vitality; the analysis of issues both technical and citizen related; the development of policies to resolve or address the relevant issues; and the transformation of policies into the plan map and attendant implementation tools.
The planning process is continual. The implementation of the comprehensive plan, through the application and use of various regulatory tools, must be continually monitored. The effectiveness of the planning process in Whatcom County relies on the county's ability to keep the major components of the plan current through periodic review and adoption of any necessary amendments.

E. PLAN FORMAT

The Comprehensive Plan for the Birch Bay-Blaine Subarea includes the necessary information for the appropriate formulation of land use decisions by both the public and private sectors of Whatcom County. The components of the plan include the following:

I. Comprehensive Land Use Planning: To assist both the public and private sectors in understanding the development, adoption, and amendment of the comprehensive plan policies and map.

II. Goal Statements: To provide the overall direction for land use planning in Whatcom County.

III. Population Forecasts: To correlate anticipated demand for land uses with the supply of land.

IV. Subarea Description: To generally define subarea characteristics and establish issue topics as determined by area residents, the Planning Commission and the planning staff.

V. Rationale and Locational Criteria: To establish the necessity of land use designations and the spatial determinants to be used in applying land use designations.

VI. Policies: To provide the primary decision-making tools required to address the land use, community facility and utility, transportation/circulation, parks and recreation, and the environmental resource and economic issues of the subarea.

VII. Amendment Criteria: To assist both the public and private sectors with respect to revisions of the comprehensive plan policies and map.

VIII. Comprehensive Land Use Plan Map: To reflect the spatial distribution of the policy statements together with the policies; perhaps, the most widely used component of the comprehensive plan.

IX. Legal Description of Boundaries: To provide the precise boundaries of each plan designation and zoning district through legal descriptions.
Whatcom County Planning Process

GOALS

CONTINUOUS UPDATE

IMPLEMENTATION
- Zoning Ordinance
- Subdivision Regs.
- Shoreline Mgt.
- City agreements
- Floodplain Regs.

INVENTORY AND ANALYSIS BY SUBAREA
- Land Use
  - residential
  - commercial
  - industrial
- Transportation
- Comm. Services
- Population
- Parks-Recreation
- Physical Features
- Shoreline Mgt.

DETERMINATION OF ISSUES

SUBAREA CITIZEN PARTICIPATION:
- Phase 1

FORMULATION OF PRELIMINARY SUBAREA POLICIES AND PLAN MAP BY PLANNING COMMISSION

SUBAREA CITIZEN PARTICIPATION:
- Phase 2

REFINEMENT OF PRELIMINARY SUBAREA POLICIES AND PLAN MAP BY PLANNING COMMISSION

WHATCOM COUNTY COUNCIL

PRELIMINARY SUBAREA COMPREHENSIVE PLAN

PROPOSED SUBAREA COMPREHENSIVE PLAN

PUBLIC HEARING
II. GOAL STATEMENTS

The following goals provide the general direction for making land use decisions in the subarea and Whatcom County as a whole. They were developed and adopted by the Planning Commission and County Council in July, 1979.

A. REGIONAL DESIGN GOALS

1. Future urban development should occur within or immediately adjacent to existing urban areas in order to eliminate sprawl and strip development, assure the provision of an adequate range of urban services, conserve agricultural and forestry lands, optimize investments in public services and conserve energy resources.

2. Future development in rural areas should be low density, complement existing rural character, contribute to the conservation of agricultural and forest land and not result in demands for urban-level services.

B. GROWTH MANAGEMENT GOALS

1. To promote a conscientious program designed to plan, guide and influence the appropriate location, timing, intensity, type and servicing of diverse land use patterns.

2. To determine the required amounts of land anticipated to be utilized within the planning period (15 years) while retaining options for future land use decisions beyond the planning period.

3. To encourage a predictable pattern of urban and rural development which utilizes previously committed land areas and existing facility investments before committing new areas for development.

4. To ensure that a beneficial balance exists between the supply and demand for public services. To encourage the cooperation among municipalities, special districts, and associations in the planning and provision of public services. To discourage the proliferation of unnecessary special purpose districts.

5. To develop a concise, equitable and practical set of land use regulations intended to implement the goals, policies and proposals of the County Comprehensive Plan in a timely and orderly fashion.

C. LAND USE GOALS

1. To conserve the agricultural and forest lands of Whatcom County for the continued production of food, forage and timber crops while promoting the expansion and stability of the county's agricultural and forestry economies.

2. Urban residential development should be planned in areas that can be economically and efficiently served with existing or planned services,
optimize energy use, function as integral neighborhood units and can environmentally support intensive land uses.

3. Adequate community and neighborhood commercial facilities should be encouraged in appropriate locations while avoiding incompatible land uses and the proliferation of unnecessary new commercial areas.

4. To encourage a balanced and diversified economy in order to assure desirable local employment opportunities and to strengthen and stabilize the tax base. To accommodate anticipated economic development in an environmentally responsible manner with due consideration for public cost, energy availability, land use compatibility and transportation accessibility.

5. To promote the availability of economical and attractive housing for all income, age and ethnic groups, while also enhancing the integrity and identity of existing communities.

6. To promote a functional, coordinated and multi-mode transportation system which provides for the safe and efficient movement of people and goods, avoids undesirable environmental impacts, and optimize public investments and the conservation of energy resources.

7. Adequate facilities and services which provide diverse education, recreation, cultural and social opportunities should be encouraged.

D. CULTURAL AND NATURAL RESOURCES

1. To identify and manage environmentally sensitive areas in such a manner as to prevent destruction of the resource base and reduce potential losses to property and human life.

2. To continue the identification of cultural and natural resources and formulate viable methods to preserve and conserve such resources in recognition of their irreplaceable character.

3. To promote a park and recreation system which is integrated with existing and planned land use patterns and is diverse, abundant and assures maximum public access and usage.

E. CITIZEN INVOLVEMENT AND INTERGOVERNMENTAL COORDINATION

1. To assure opportunity for citizens to be involved in the formulation of land use goals, policies and proposals and to provide a structure for citizen participation in the planning program of federal, state, regional and local agencies.

2. To participate in intergovernmental coordination with federal, state, provincial, regional and local agencies, to develop a coordinated approach to problems which transcend local government bodies and to create an environment for the exchange of information and technical assistance.
III. POPULATION FORECASTS

A. INTRODUCTION

The purpose of population forecasting, as it relates to land use planning, is to accommodate the long-term spatial requirements of various land uses such as residential, commercial, and recreational. Population forecasting may also be of assistance in decision making for land use related matters, such as determining the appropriate scale and location of public works facilities and land development activities. Population forecasts are subject to revision which may be accomplished in the comprehensive plan update process.

The population information contained in this section is a summary of the forecasts prepared by several agencies. Because of the technical difficulties involved with current and projected population assessment on a subarea basis, the information has been presented by total county, unincorporated county and incorporated community. Furthermore, this information has been used in a qualitative manner or as a general guideline, rather than as a specific numerical forecast.

Table A indicates the historic and projected population changes of Whatcom County. Graphs A, B, and C respectively relate to total Whatcom County, unincorporated Whatcom County, and City of Blaine population trends. Conclusions about population growth derived from Table A include:

1 - Blaine grew 17% between 1970 and 1980.
2 - At the rate Blaine grew between 1980 and 1986 total growth rate for the decade will be 1.2%
3 - Unincorporated Whatcom County grew 43% between 1970 and 1980
4 - At the rate Unincorporated Whatcom County grew between 1980 and 1986, total growth for the decade will be 16%
5 - At the rate that Whatcom County grew between 1980 and 1986 total growth for the decade will be 16% which is close to the state Office of Financial Management projection of 17%

B. BIRCH BAY-BLAINE SUBAREA APPLICATION

To relate this information to the Birch Bay-Blaine Subarea Comprehensive Plan, the following assumptions have been made based upon the data provided in the graphs, Table, and Background Document.

1. Location of population growth: The majority of population growth will occur in areas adjacent to existing population centers, i.e. adjacent to Blaine and Birch Bay.

2. Reasonable population growth: Barring any major economic changes, the rate of population growth will be at unincorporated Whatcom County rates. The state predicts a 38.89% growth from 1980 to 2000 for Whatcom County as a whole; however, unincorporated areas have been growing much faster than the cities. (See Table A.) A reasonably optimistic growth rate for the subarea would be from 30% to 50% during the next 15 to 20 years.

3. Maximum population growth: In 1980 industrial employment accounted for 22% of jobs held by subarea residents, and the number of jobholders
equalled about one fourth of Cherry Point employment. If industrial operations at Cherry Point, with similar employment requirements as the existing industries, expand and fill the existing vacant industrially zoned land, then industrial jobs will increase by 200% to 300%. Based upon this increase, assuming one fourth of new employees will continue to settle within the subarea, and that the multiplier effect from industrial jobs is about four, a maximum growth projection for the subarea for this planning period would be 300%. This rate of growth is realistically almost impossible to attain. The "boom" decade of 1970-1980 had a growth rate of 30%, and at that rate in twenty years the subarea's population would increase about 70%.

4. Limitations on population growth: Current information about the quantity of groundwater available indicates that population growth would be limited to somewhere between a 50% increase and a 300% increase. Discovery of additional sources would expand the possible growth that could be supported. In addition, the transportation system would have to be considerably improved and expanded to handle a large, rapid increase.

The zoning adopted in the 1970s would allow a growth in dwelling units, and presumably population, of over 1000%. The zoning based upon this comprehensive plan would allow about 900% growth in dwelling units plus any bonuses obtained through the PUD process.

C. ASSUMPTIONS AND VARIABLES RELATING GENERALLY TO POPULATION FORECASTS

All population forecasts are based on assumptions which affect the numerical results, and different population forecasting agencies do not make the same assumptions. The following items are intended to present an overview of assumptions as they relate to Whatcom County populations:

1. In-migration will continue to contribute substantially to population increases at the Washington State and Whatcom County levels.
2. The trend of decreasing family size and population per household will continue.
3. Labor market potential and location will affect population distribution, gross natural increase and in-migration levels.
4. The purpose of the population forecast affects assumption utilization, which in turn affects the results.

Agencies which prepare population forecasts often make revisions due to changes in the variables affecting their assumptions. The following variables are intended as an overview for potential Whatcom County population forecast revisions, and may not affect all the agencies whose forecasts are contained herein:

1. Changes in Whatcom County birth, death and in-migration rates.
2. Changes in the level of industrial development and the related labor market potential of Whatcom County.
3. Changes in the Canadian economy and the related level of Canadian spending in Whatcom County.
4. Changes in the demand for the products of local resources such as agriculture, forestry, fishing and mining by local, state, national, and international markets.
TOTAL WHATCOM COUNTY
INCORPORATED AND UNINCORPORATED

figure a

UNINCORPORATED WHATCOM COUNTY

figure b
BLAINE, WASHINGTON

![Figure C](image)

Footnotes for text and graphs:
5. In-migration is equal to total population less natural increase, in which natural increase is equal to total births less total deaths.
6. The Whatcom County Council of Government's population forecast exhibits a high correlation with the Canadian Impact Study and is thus presumed to accommodate Canadian spending.

### TABLE A - POPULATION CHANGES

<table>
<thead>
<tr>
<th>Year</th>
<th>Blaine</th>
<th>Unincorporated Whatcom County</th>
<th>Whatcom County</th>
<th>% Change Over Decade</th>
</tr>
</thead>
<tbody>
<tr>
<td>actual</td>
<td>1940</td>
<td>--</td>
<td>--</td>
<td>60,355</td>
</tr>
<tr>
<td></td>
<td>1950</td>
<td>--</td>
<td>--</td>
<td>66,733</td>
</tr>
<tr>
<td></td>
<td>1960</td>
<td>--</td>
<td>--</td>
<td>70,317</td>
</tr>
<tr>
<td></td>
<td>1970</td>
<td>1,955</td>
<td>34,404</td>
<td>81,903</td>
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<td>1980</td>
<td>2,363</td>
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<td>1986</td>
<td>2,380</td>
<td>56,402</td>
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<td>projected</td>
<td>1990</td>
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<tr>
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<td>2000</td>
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</table>

IV. SUBAREA DESCRIPTION

A. INTRODUCTION

In June, 1987, the Whatcom County Planning Department published the background document for the Birch Bay-Blaine Subarea. A portion of the document contains descriptions of existing conditions related to land use, the physical environment, transportation, and community facilities and utilities. In addition, the document identified specific issues for the subarea. The issues identified by the planning department staff, Planning Commission and citizens have been evaluated and addressed through the development of specific comprehensive plan policy statements. For additional detail concerning findings and issues, the Birch Bay-Blaine Subarea Background Document can be consulted.

Subarea boundaries were delineated by Planning Commission in 1979 prior to beginning the comprehensive plan update process. Delineation of the boundaries was based on the intent to analyze agricultural resources and related soils of Whatcom County, to conserve forest resources, to enhance the recreational potential for attracting additional development, and to manage growth in unincorporated communities and areas adjacent to incorporated communities.

B. FINDINGS

The Birch Bay-Blaine Subarea is located in the northwestern corner of Whatcom County. It contains approximately 27,000 acres, or 43 square miles. The subarea is bounded on the north by the Canadian border and on the west by the Puget Sound. It extends east to the Delta Line Road, and to the south to Bay Road including the residential areas of Point Whitehorn. The city of Blaine is the only incorporated community in the subarea. Unincorporated communities include Birch Bay and Custer.

1. ENVIRONMENTAL FEATURES

Existing environmental conditions relate to topography, geology, geologically related resources, soils, water resources, flora and fauna.

Topography: Elevation in the Birch Bay-Blaine Subarea reaches heights of 400 to 500 feet north of the Blaine-Lynden road, adjacent to the Canadian border. To the southeast the land gradually rises to an elevation of 360 feet. The topography in the rest of the subarea generally remains within 200 feet of sea level. Slope gradients in the subarea are mostly between zero and five percent. A few areas of steeper slope gradients exist along the coast and near the Canadian border.

Geology: There are seven separate geologic units identified in the Birch Bay-Blaine Subarea. These include: Alluvial Deposits, Peat Deposits, Terrace Deposits, Sumas Outwash, Sumas Clay and Silt Bellingham Drift, and Sand and Gravel Overlying Bellingham Drift (Qbg). The majority of the lowlands are underlain by Sumas Outwash, Sumas clay and Silt Bellingham Drift, and Sand and Gravel overlying Bellingham Drift. Gravel currently is mined in the subarea, and there may be oil and/or gas deposits.
Soils: The 55 soils in the subarea are generally fair to excellent. However, in much of the subarea either very poor permeability or too much permeability prevent its use for intensive farming purposes. Roughly half of the subarea has severe limitations for development.

Groundwater Resources: Groundwater supply appears to be generally low or of uncertain quality in the subarea. The Boundary Highlands aquifer, located east of the city of Blaine, provides the only known source of large quantities of groundwater. Studies indicate a maximum flow of four or eight million gallons per day. Most of the groundwater in the rest of the subarea is found relatively close to the earth's surface and is susceptible to contamination.

Surface Water Resources: The Birch Bay-Blaine subarea is dominated by its marine environment with most of the residents living within a few miles of the coastal shoreline. Upland surface water generally appears in the form of numerous small streamways contributing to four major coastal creek drainage basins. Several small lakes and ponds along with numerous freshwater wetland areas are also present in the subarea. Over two-thirds of the Birch Bay-Blaine subarea's 15 miles of marine shoreline lie within 2 shallow, protected bays—Drayton Harbor and Birch Bay. Two of the four coastal creek basins, California and Dakota creeks, drain into Drayton Harbor, while Terrell Creek drains into central Birch Bay.

2. COMMUNITY FACILITIES AND UTILITIES

Community services in the subarea include education, public safety, fire protection, energy, solid waste, flood control and drainage, water and wastewater systems, plus transportation systems and parks and recreation facilities.

Education: Education is provided by Ferndale School District No. 502, Blaine School District No. 503. All school districts have sufficient capacity within their systems to accommodate additional students.

Law enforcement: Law Enforcement in the subarea is provided by the Whatcom County Sheriff's Department. An average of 440 calls per year are presently received on a per capita personnel basis.

Fire Protection: Fire protection is provided by four Whatcom County fire protection districts including District No. 1, District No. 3, District No. 4 and District No. 14.

Energy: Puget Sound and Light Company and Cascade Natural Gas Company provide energy to the Birch Bay-Blaine Subarea. Both have the capacity to serve additional customers.

Solid Waste: Solid waste disposal is accomplished by residents or private haulers taking refuse to sanitary land fills or to the incineration plant located on Slater Road. Sanitary land fills serving subarea residents are located at Cedarville Road, Y Road and Birch Bay. Nooksack Valley Disposal, Inc. and Sanitary Service Company are certified to collect both residential and commercial waste.
Sewage Disposal: Sewage disposal is provided by the City of Blaine, Water District No. 8, and individual private septic tank systems. The 1980 U.S. Census indicates that there are about 2800 dwelling units in the subarea and in Blaine. About 1800 of these rely on individual septic tank systems. In addition, a mobile home and RV count in 1986 indicated another 1700 of these units beyond what the census counted, and presumably these are served by Water District 8. The City of Blaine provides sewer service within the city limits and in some areas outside its current boundaries; however, portions of the city are still using septic tanks. The sewer system currently serves 2,000 households and multiple businesses with secondary sewage treatment. The sewage treatment plant is located across Drayton Harbor on Semiahmoo Spit. Water District No. 8 provides sewer service to the area surrounding Birch Bay. The District maintains sewer lines along all urbanized portions of the Bay’s shoreline. Sewage is carried along these lines to a secondary treatment facility south of Birch Bay State Park, with the sewage outfall located off of Point Whitehorn. This system currently serves 3,362 households and commercial ventures, and can double the number served.

Water: The City of Blaine currently operates the largest water system in the Blaine-Birch Bay Subarea. It serves the entire city population and also provides water to Water District No. 8 and to water associations. The water comes from wells located northeast of the city. Water District 8 is in the process of merging with Water District B, with Water District 8’s well sources having various quality problems. In addition to the two large public water purveyors, Water District B and Blaine, the state operates water systems at the Custer rest area serving Interstate 5 traffic and at Birch Bay State Park where water is purchased from Water District B. Depending upon whether the total capacity of Blaine’s wells is four million or eight million gallons per day, public water service could be expanded by 50% to 300%. Non-public water sources include eight water associations. The 1980 U.S. Census indicates that approximately 700 houses (out of a total of about 4,000 houses including Blaine) are served by individual wells or surface water withdrawal in the subarea.

Transportation: Regional, State, and international highway access to the subarea is provided by Interstate 5, a major freeway connecting Vancouver, B.C., to the north and Seattle to the south. Four major collector routes connect with Interstate 5 to the west, and provide primary access to the Birch Bay and Semiahmoo Spit. These are Blaine Road, Birch Bay-Lynden Road, Grandview Road, and Bay Road. To the east of I-5 three major collector routes provide access to the predominantly rural landscape of the inland subarea. These are H Street Road, Sweet Road, and Birch Bay-Lynden Road. All weather industrial road access is provided by Portal Way and Blaine Road, plus the portions of Bruce Road and Custer School Road adjacent to Portal Way.

Due to the recreational nature of the Birch Bay area, traffic volumes vary widely with the seasons. Average summer traffic volumes can be as high as 60 percent above the annual average during the summer and 35 percent below the annual average during the winter. Most of the roads in the Subarea currently have adequate capacity to accommodate existing traffic volumes at acceptable service levels, even on the peak weekend day of the year. Notable exceptions are Birch Bay Drive between Harbor View and Jackson Roads, and Blaine Road
north from Drayton Harbor Road. Provisions for pedestrians and bicycles are lacking along Birch Bay Drive and many of the other roads in the area.

Parks and Recreation: Recreational sites and facilities in the subarea are provided by the State, County, City of Blaine, and various private organizations and commercial ventures. Most of the sites are located on or close to marine shorelines. Birch Bay State Park, the international boundary park, and several Whatcom County parks comprise most of the park acreage.

3. SETTLEMENT AND DEVELOPMENT

Economic activity: The subarea's economy traditionally has been based on the resource based industries and tourism. Because of the proximity of Canada and major border ports of entry, and the fishing economy, international decisions hold more significance in the Birch Bay-Blaine subarea than in any other part of Whatcom County, with the exception of Point Roberts. Fisheries, agriculture, forestry, and mining no longer provide as large a portion of households' income as does manufacturing jobs. Only about 14% of the manufacturing jobs held by subarea residents are provided for within the subarea, the rest are presumably located at Cherry Point or other manufacturing centers outside of the subarea.

Population and characteristics: The 1980 census counted a population of 5500 in the area approximately the same as the subarea. A total of 2816 dwelling units were counted; however, the 1987 count of mobile home or RV spaces occupied in the subarea was 1709 while the 1980 census count was only 418. Based upon this, the figure that is used for this document are a total of 4500 dwelling units. The 1970 and 1977 zoning allow about 46,000 dwelling units in the subarea, or an increase of over 1000%. The proposed zoning would allow about a 900% increase plus any bonuses obtained through the PUD process.

From 1970 through 1986 unincorporated areas of Whatcom County were growing much faster than the incorporated cities. According to the state census, Blaine has grown only 1% during the last 6 years, while unincorporated areas throughout Whatcom County have grown 16%. However, declining value of the Canadian dollar compared to American dollars in past years may tend to counteract this trend in the Birch Bay Area. If the Birch Bay-Blaine Subarea follows the same pattern as the rest of the county, the unincorporated area should grow about 30% to 50% over the next 20 years. In addition, about one fourth of all dwelling units are for seasonal use, and the actual occupancy rate will depend partially on the Canadian/American monetary exchange rate.

4. LAND USE

Acreage and percentage of land in each use: Of the approximately 27000 acres of land in the subarea, agriculture is the most prevalent land use, comprising approximately 12,000 acres or 44% of all land. Agriculture for the most part is limited to pasture, small dairy farms, and subsistence farming. Forest land is second with approximately 9,540 acres or 35% of the total area in forest. Most of the forest areas are of a mixed
deciduous/coniferous composition in various stages of development with limited commercial value.

Residential use is the third most prevalent land use in the subarea, comprising approximately 2,700 acres and representing approximately 10% of all land uses. Single family residences make up approximately 2,340 acres or 8.6% of uses. Many single family residences are dispersed throughout the subarea, reflecting it’s rural flavor. However, the most intense residential development has taken place along the shores of Birch Bay; notably the Birch Bay residential development on the north shore of the bay, and the numerous multifamily condominiums and apartments that mix with commercial development on the west side of the bay. In addition to single family residences, condominiums, and apartments, there are 346 acres of recreation vehicle (RV) parks and mobile home parks primarily concentrated around Birch Bay.

Commercial uses, although the sixth most prevalent land use, have a larger impact on surrounding land uses. Approximately 340 acres or 1.3% of all subarea land uses are commercial. Of those, 210 acres are in commercial uses directly related to recreational activities in and around Birch Bay. Industrial uses are limited in the subarea. Gravel and sand is extracted from several commercial pits in the area, making up most of the 392 acres found in the industrial land use category.

Parks and recreation and public and quasi-public lands comprise approximately 390 acres. Parks and recreation refers to all public parks and public lands that are being used or have the potential to be used for recreational activities. Public and quasi-public land uses comprise approximately 55 acres or .2% of the subarea and are the ninth most frequently occurring land use. The majority of public and quasi-public uses relate to public recreational facilities such as bingo halls, and clubs. The remainder are schools, and churches and similar uses. Communications, utilities and transportation use 129 acres or .5% of the total area in subarea. These are generally represented by water associations, fire stations and road rights-of-way.

Vacant land comprises approximately 1,750 acres of vacant land and represent 6.4% of all land uses. This acreage is situated throughout the subarea.

Lands in current use property tax status: This land will probably remain undeveloped since property tax penalties are assessed if it is withdrawn from agriculture, forestry, or open space current use tax categories. It comprises 9,197 acres in the subarea (included in the above totals for land use), or about 33% of all land in the subarea. All except 330 acres of it is in agricultural or forestry use. Tax reductions range up to 90% and represent a considerable savings to the landowner.

The built environment: The Birch Bay and Custer areas are population centers that were begun many years ago and are, in some respects, showing their age. They represent a considerable investment of economic resources, and the Birch Bay area also has abundant natural resources. Inland areas are of a rural character. Areas adjacent to Blaine are currently rural, but may be expected to become suburban in character when Blaine grows.
5. EXISTING LAND USE REGULATIONS

1970 and 1977 Zoning Districts and current land uses: Thirteen comprehensive plan designations have been applied to the subarea. These include: Suburban, Potential Suburban, Residential Medium Density, Rural, Rural Farm, Resort Medium Density, Resort High Density, General Commercial, Neighborhood Business, Public Use, Parks, Recreational Beach Area, and Agriculture. The zoning districts that implement the above designations include: Residential Medium Density (7 families/acre), Suburban (4 families/acre), Rural One Acre, Rural Farm, Resort—Medium Density, Resort—High Density, Neighborhood Commercial, Tourist Business, Agriculture, General Protection, and Recreation and Open Space.

Of the 495 acres in the Agricultural Zone, 450 acres are actually used for agricultural purposes. The remaining land has 30 acres in single family and 15 acres vacant.

The Rural Farm Zoning District implements the Rural Farm Comprehensive Designations District. The plan designation has been adopted incrementally between 1971 and 1978, through a series of twelve comprehensive plan map changes requested by citizens. There are 305 acres located in the Rural Farm District, with only 15 acres in residential use. Land uses provide a rural flavor to those who visit Birch Bay State Park immediately to the north. Any development in this district should consider the impact it may have on the numerous bogs, marshlands and Terrell Creek which provide habitats for a variety of wildlife.

The Rural One Acre zone of 400 acres has 65 acres in single family residences and 14 acres in RV and mobile home parks. In the southern part of the district where the comprehensive plan designation is Suburban, residential development has taken place. About 72% of the acreage has not developed.

The Suburban (4 dwelling units per acre) zone has about 2200 acres in forest and 950 acres in agriculture out of a total of 4015 acres, so the total area has far exceeded demand for suburban dwelling units.

There are approximately 790 acres in Residential Medium Density (7 units per acre). Mobile home and RV parks comprise 165 acres, plus 160 acres in single family residences and 5 acres in multi-family residences, leaving about 60% of the acreage undeveloped, noncommercial forests using the most land in this district with 240 acres.

There are approximately 65 acres in Resort District—Medium Density which is split into three areas: one (35 acres) at the corner of the Birch Bay—Lynden Road and Harbor View Road; one to the south (15 acres) abutting the beach on Birch Bay Drive; and the last (15 acres) is to the north abutting the beach on Birch Bay Drive. The land uses include 10 acres of commercial recreation, 10 acres of single family residences, 10 acres of multifamily residences, 5 acres of commercial property, and 30 acres (46%) in forestry or vacant.
There are 225 acres of land in the two Resort District-High Density areas located on the shores of Birch Bay. RV and mobile home parks use 50 acres. There are 35 acres in single family residences, 45 acres in commercial recreation, and 9 acres in other commercial use. Vacant and agricultural lands comprise 86 acres, or 38% of the area.

There are 22 acres zoned Neighborhood Commercial in the subarea in three locations. The first is located on the Harbor View Road between Anderson Road and Lincoln Road and contains a convenience store, 7 acres of RV park, and a restaurant. The second location is situated on the shoreline of Birch Bay directly in front of Birch Bay Park. A commercial building is located here that once served as a restaurant and boat launch; however, it is now vacant and in very poor repair. The third NC location is on the northern part of the bay where Birch Bay Drive turns into Birch Point Road. This 3 acre strip is roughly half farm land and half vacant with no commercial uses present.

There are 130 acres in the Tourist Business district located at the intersection of I-5 and the Birch Bay-Lynden Road. The district to date is entirely undeveloped with 55 acres occupied by forest, 50 acres vacant, and 25 acres in agriculture.

The General Protection District includes over 20,405 acres, by far the largest zoning district. Agriculture, primarily inland, uses the most acreage within this district with 10,219 acres. Forests, concentrated on Birch Point and along the Canadian Border, amount to 6,506 acres. Single family residences comprise approximately 1400 acres with 1390 acres in vacant land. Industrial sites, most of which are gravel pits, amount to 392 acres. The remaining land-uses in GP include: communications, utilities and transportation with 110 acres; 80 acres in commercial property; 40 acres each in RVs and mobile homes; 47 acres in public and quasi-public lands; 20 acres in aquaculture; 15 acres in multi-family; 11 acres in parks and recreation; and 155 acres in commercial recreation property.

Shoreline Management Program Designations: The Whatcom County Shoreline Management Program was adopted in 1976 and applies to areas generally within 200 feet of the ordinary high water mark of streams, rivers greater than 20 cubic feet per second mean annual flow, lakes larger than 20 acres in size, and Puget Sound. Shorelines in the subarea which are within the jurisdiction of the Washington State Shoreline Management Act include much of the lower stretches of California, Dakota and Terrell Creeks, along with the entire marine coastline. Beaver Lake, a small lake in the northeast corner of the subarea, is also included. Some conflicts between the regulations for Urban, Urban Resort, Rural, Conservancy, Natural, and Aquatic shoreline areas and existing zoning regulations and/or land uses were found. A fuller discussion of these issues and recommendations regarding their resolution can be found in: The Shorelines of the Birch Bay-Blaine Subarea — An Examination of Their Physical and Regulatory Environment, Mitchell A. Press, April 1987, Whatcom County Planning Department.
V. LAND USE DESIGNATIONS

A. INTRODUCTION

The land use designations as illustrated on the Comprehensive Land Use Plan Map, together with the policies, represent the most appropriate uses of land in the subarea for the planning period. These land use designations have been developed as a means of addressing or resolving particular land use needs. One new designation and associated zone district, Gateway Industrial, has been developed to address the land use needs and issues of the subarea. To be consistent in the application of the designations, as well as to avoid confusion about how the land use boundaries were established, the following rationale and locational criteria for each land use designation are set forth.

B. URBAN RESERVE

1. Rationale

It is a well established trend in the western United States for urban areas to respond to growth pressures by outward expansion of their boundaries. As long as this trend continues, there will be a continuing demand for land, the most fundamental of all urban resources. Although outward expansion is an accepted city planning practice, problems have typically arisen when potential urban lands have been committed to long-term "nonurban" uses. Primarily caused by the lack of coordinated public policy among governmental jurisdictions, this situation has resulted in uncoordinated and costly service systems, inefficient transportation networks and unmanageable land use patterns.

As a means of alleviating the problems associated with outward expansion, the Comprehensive Plan establishes the URBAN RESERVE land use designation. The rationale underlying the designation is to reserve certain land areas for future urban purposes and to encourage interim uses that are complementary to and compatible with future urban uses, densities, and services. When urban services are eventually provided to these areas, land use densities shall increase and result in an orderly, economic and expeditious transition from rural to urban land use patterns.

The application of the URBAN RESERVE designation is intended to accomplish the following objectives:

a. To reduce urbanization and encroachment pressures on lands that are most suitable for other uses.

b. To stabilize land speculation and the artificial inflation of land values in the "urban fringe" by designating an adequate amount of land for urban growth and uses during the planning period.

c. To provide land owners with a reasonable expectation of future municipal and county land use policies.
d. To reduce inequitable taxing structures on nonurban land located near urbanizing areas.

e. To conserve energy resources by reducing unnecessary travel between living, shopping and work places.

f. To encourage the conservation of natural resources and environmentally sensitive areas, both within and outside of the area designated as URBAN RESERVE.

The URBAN RESERVE designation is applied to those areas adjacent to municipal boundaries that are appropriate for urban land use patterns whenever a full range of urban services (sewer, water, storm drainage, transportation improvements, and police and fire protection) can be efficiently provided. It may also be applied to those satellite areas where urban densities and services have been previously planned and the available level of water and sewer service and existing land use character warrant it.

2. Locational Criteria

The criteria to be utilized for the application of the URBAN RESERVE designation include the following:

a. Land areas adjacent to the City of Blaine, or satellite areas, that are of sufficient size to adequately accommodate the projected demands for residential, commercial, transportation and public uses for a ten- to fifteen-year period.

b. Land areas where a range of urban services such as sewer, water, storm drainage, transportation improvements, fire and sheriff protection, and parks and recreation presently exist or can be economically and efficiently provided in the near future.

c. Areas that contain an adequate supply of vacant urbanizable land to avoid the artificial inflation of land values.

d. The boundaries of the URBAN RESERVE designation should:

1) be well defined, logical, provide a physical "sense of community", and be capable of being expanded to accommodate additional urban growth as the need arises; and

2) acknowledge the existing character of land use densities and the existing or potential level of utility servicing.

3. Zoning Density Criteria

The URBAN RESERVE comprehensive plan designation shall be implemented with two Urban Reserve zone district densities: three dwelling units per acre and four dwelling units per acre. These densities are based upon existing provision of an urban level of services including public sewer, public water, storm drainage, transportation, fire and police
protection. Until such time that public sewer and water are provided, and stormwater drainage facilities are provided where specified by the comprehensive plan policies, the density shall be one dwelling unit per five acres. The density shall automatically become either three or four dwelling units per acre according to the zone district when these services are provided. The following criteria define the application of each of these densities.

a. The density of three dwelling units per acre shall be applied where:

1) adjacent city land uses and neighborhood densities are less than or equal to three dwelling units per acre;

2) the existing and planned transportation system or sewer and water service levels prohibits increased density;

3) areas within a watershed used in providing water for domestic purposes.

b. The density of four dwelling units per acre shall be applied where:

1) adjacent city land use densities are greater than or equal to four dwelling units per acre;

2) the existing and planned transportation system and sewer and water service level allow for increased density.

C. URBAN RESERVE MEDIUM DENSITY

1. Rationale

Within areas that are planned for urban residential types of uses, Whatcom County recognizes the need to provide areas where affordable housing types can be situated including condominiums, apartments, townhouses and mobile home parks. To address the need for compatibility between uses within and outside of medium density residential areas, the URBAN RESERVE MEDIUM DENSITY plan designation is provided with a maximum density of six dwelling units per acre.

2. Locational Criteria

The following Locational Criteria provide direction for application of the plan designation.

a. The density of six dwelling units per acre should be applied to areas that are adjacent to low density Urban Reserve areas or are in transition between low density Urban Reserve areas and higher intensity uses such as commercial or light industrial.

b. Land areas should be feasible to supply with public sewer, water, storm drainage, transportation improvements, fire and sheriff protection, and parks and recreation facilities during the planning period.
c. The areas may be situated adjacent to similarly designated areas within existing municipalities.

D. RESIDENTIAL RURAL

1. Rationale

Not all citizens prefer to live in concentrated urban areas, instead some prefer a setting of lower density. Lower density usually implies that urban utility services (public provision of both sewer and water) are not planned, sheriff and fire protection are provided to a lesser degree than in urban areas, roadways have not been scheduled for capital improvements to county standards, and the residential landscape is visually different than in urban areas. Residents of such areas usually rely on urban areas for amenities such as shopping, employment and entertainment. Because of the nonurban nature of RESIDENTIAL RURAL areas, transportation facilities are limited to a secondary arterial or lower classification, and road improvements are limited to maintenance only. Thus, the purpose of the RESIDENTIAL RURAL designation is to provide land areas in close proximity to urban areas where nonurban living patterns may develop with minimal public services.

2. Locational Criteria

The criteria to be used for the application of the RESIDENTIAL RURAL designation include the following:

a. Land currently served or planned to be served with a partial range of urban level services, i.e. publicly provided sewer or water, fire and sheriff protection, and storm drainage where appropriate;

b. Land areas where low density residential development currently exists and where such densities are planned to continue in the future; and

c. Lands containing soils that are generally not suitable for agriculture, forestry or mineral extraction.

d. The boundaries of Residential Rural areas should be well defined by physical or man-made features.

E. RURAL

1. Rationale

The present land use pattern in portions of the subarea is characterized by part to full-time farming or forestry and low density residential activity. This type of landscape can be considered as "rural", i.e. an area containing a combination of pasture land, forest and dispersed very low density residential settlement patterns.

Dispersed settlement patterns are a function of physical conditions such as soils, water or topography that impose constraints to higher densities of development. They also can be a function of the absence of past and future
public commitments for the provision of sewer, water and roadway improvements. Very low density residential areas offer alternative residential living styles allowing for preferences for increased privacy, aesthetic advantages of particular sites, or small scale agriculture and forestry, compared to that of the urban or moderately dense residential setting. These areas may contain nonrenewable natural resources, such as soils which contribute to agricultural or forestry productivity, sand and gravel deposits suitable for extraction, or natural scenic resources that form the visual identity of an area. Existing parcel sizes are large and would be able to accommodate land uses such as agricultural, forestry or low to moderate density residential areas in future planning periods.

The RURAL designation is important in the Subarea Plan because it provides flexibility concerning very low density residential, forestry and agricultural land uses while retaining a range of private and public land use options for the future. One of these options is the potential for future industrial development in the areas abutting the Cherry Point Spur Railroad Line and Burlington Northern Main Line when appropriate public services, i.e. all weather roads and sewer and water utilities, are available and additional industrial land is needed. In order to facilitate the potential for future industrial development, large parcel Rural zoning is appropriate while still allowing immediate rural uses such as mineral resource extraction and agriculture.

2. Locational Criteria

In order to define those locales where the RURAL designation would be most appropriate, the following criteria are applied.

a. Those areas that possess a very low residential density and are compatible with existing land use plans.

b. Those areas where a buffer is needed between higher density population and land use practices associated with commercial agriculture and forestry.

c. Those areas where features of the physical environment, such as lack of adequate ground water, slow permeability rates, seasonal ponding or steep topography require very low densities in order to mitigate the impacts of these physical constraints. Also, those areas where there exists the possibility of utilization of a natural resource, i.e., soils, sand/gravel, coal or timber.

d. Those areas where there are no planned capital improvements to community facilities, utilities or transportation systems.

e. Those areas where for potential forms of economic development to be feasible large parcel sizes and lack of residential development are desirable.
3. Zoning Density Criteria

The RURAL comprehensive plan designation shall be implemented with three Rural zone district densities: one dwelling unit per two acres; one dwelling unit per five acres; and one dwelling unit per ten acres. The following criteria define the application of each of these densities.

a. The density of one dwelling unit per two acres shall be applied where:

1) existing density is less than or equal to one dwelling unit per five acres and average parcel size is greater than or equal to two acres;

2) physical limitations such as lack of adequate groundwater, slow permeability rates, seasonal ponding or steep slopes prohibit increased densities;

3) existing public services do not justify greater densities and there are no planned capital improvements to existing public services; and

4) maximum buildout at the prescribed density level will be compatible with the surrounding land use character.

b. The density of one dwelling unit per five acres shall be applied where:

1) existing density is less than or equal to one dwelling unit per ten acres and average parcel size is greater than or equal to five acres;

2) 2, 3 and 4 of Section a above are applicable.

c. The density of one dwelling unit per ten acres shall be applied where:

1) existing density is less than or equal to one dwelling unit per twenty acres and average parcel size is greater than or equal to ten acres;

2) the possibility of the utilization of natural resources, i.e., sand/gravel, coal, timber requires low densities to facilitate their extraction;

3) agriculture and silviculture are, or possibly could be, viable economic enterprises;

4) 3 and 4 of Section a above are applicable; and

5) where significant investments have been made to infrastructure that would support the potential for industrial development in the future.

F. AGRICULTURE

1. Rationale

The AGRICULTURE land use designation identifies areas suitable for the practice of commercial agriculture. Commercial agriculture is a significant industry in Whatcom County and has the potential to become increasingly significant as indicated by trends related to local farm
incomes. Related industries add additional dollars to the local and regional economy as a direct result of agricultural production.

As significant as agriculture is in the local economy, agricultural lands are often considered for other purposes, namely urban or rural uses. Urban and rural encroachment can raise assessed valuation, resulting in higher property taxes for the agricultural operator. In addition, encroachment of residences not associated with agriculture can create conflicts with customary agricultural operations. Premature conversion to urban or rural uses occasionally forces the operator to cease agricultural uses. This situation is especially pronounced in the fringe areas of communities where residential growth pressures are most evident. The rapid rate of farmland conversion is being recognized by federal, state and local governments. Increasingly, communities are taking steps to inventory existing farmland and agriculturally productive soils, to determine alternative locations for residential uses, and to devise techniques for preserving farmland with the assistance and cooperation of the agricultural operator.

The comprehensive plan established the AGRICULTURE designation to promote agriculture by identifying and retaining land suitable for commercial agricultural pursuits.

2. Locational Criteria

Areas that are suitable for application of the AGRICULTURE designation conform to the following criteria.

a. The majority of area contains Prime Farmland Soils as determined by the Soil Conservation Service.

b. The area may contain 100-year floodplains as delineated by the Soil Conservation Service and the U.S. Army Corps of Engineers.

c. Existing land uses are primarily full-time agriculture intermixed with part-time agriculture and woodlots; and minimal commitment to non farm uses has been made.

d. The area is composed of agricultural operations that have historically been and continue to be economically viable.

e. Parcel sizes are generally greater than forty acres.

f. Urban utility services including public sewer and water are not planned.

g. Special purpose districts that are oriented to enhancing agricultural operations exist, including drainage improvement and flood control.

h. Areas have a pattern of landowner capital investment in agricultural operation improvements including irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, livestock upgrading, agricultural worker housing, etc.

i. Areas contain a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act. RCW 84.34.
G. PUBLIC

1. Rationale

This designation recognizes those parcels and facilities currently under or planned for public ownership. The intent of this designation is to assure continuation and potential expansion of public services at levels consistent with population requirements, while providing sufficient acreage to be compatible with surrounding land uses.

2. Locational Criteria

To identify areas which are suitable for the PUBLIC designation, the following criteria are employed:

a. Parcels are currently owned or are being considered for ownership by public agencies such as the Federal Government, State of Washington, Whatcom County, cities, special purpose districts such as school, fire and water district and independent jurisdictions such as the Port of Bellingham; and

b. The function of parcel ownership is to provide public services such as recreation, education, utilities, communications, transportation (not including roadways), solid waste disposal and health care.

H. NEIGHBORHOOD COMMERCIAL

1. Rationale

The delivery of goods and services to people is an integral part of our economic system. The type of commercial activity is dependent on the composition of the market to be served and represents several different land use patterns. These land use patterns are designated as neighborhood, general, tourist or resort commercial. To meet the market needs of the Chuckanut-Lake Samish Subarea, two commercial designations are used: NEIGHBORHOOD COMMERCIAL and TOURIST COMMERCIAL.

Locational Criteria

Areas suitable for the NEIGHBORHOOD COMMERCIAL designation shall conform to the following criteria.

a. Parcels are served by collector streets or minor or secondary arterials.

b. Parcels have the same level of sewer and water service as that provided to the surrounding neighborhood.

c. The designation is in a location central to the neighborhood area the commercial activity would serve.

d. The designation is applied to a minimum area of five acres configured in a consolidated arrangement.
e. The designation is applied to property located where ownership patterns and land parcelization would be conducive to future development.

f. The designation should be located where a public need for a neighborhood shopping area exists.

I. GENERAL COMMERCIAL

1. Rationale

The rationale pertaining to the GENERAL COMMERCIAL plan designation is to provide a broad range of goods and services to people living within Whatcom County, as well as other regions. The designation intends to maximize safe and efficient on and off-site transportation systems, delineate areas that are conducive to overall site planning, acknowledge existing patterns of GENERAL COMMERCIAL land use forms, and promote compatibility with surrounding noncommercial uses.

2. Locational Criteria

Areas that are suitable for application of the GENERAL COMMERCIAL plan designation conform to the following criteria.

a. Parcels are served by principal or minor arterials, or major collectors.

b. Parcels are provided with urban services including public sewer and water, stormwater drainage, sheriff and fire protection.

c. The designation contains a minimum of ten (10) acres configured in a concentrated and consolidated arrangement.

d. The designation is located on property where ownership patterns and land parcelization are conducive to feasible land packaging for future development.

e. The designation is located where a public need for general commercial shopping exists.

J. RESORT COMMERCIAL

1. Rationale

It is a well established trend in the western United States for areas of scenic and recreational resources to experience development pressures for both residential and commercial uses. There will be a continuing demand for land in these areas. Although this can be of overall economic benefit, problems have typically arisen when differing uses are adjacent, and when seasonal use overloads existing public services.

As a means of alleviating the problems associated with mixed uses and future need for intense land uses, the Comprehensive Plan establishes the RESORT COMMERCIAL land use designation. The rationale underlying the
designation is to provide land areas for future urban density and mixed residential, high density residential and commercial uses. Design standards provide a framework within which varying uses can harmoniously coexist and which promote the continuing use and enjoyment of the scenic and recreational resources.

The application of the RESORT COMMERCIAL designation is intended to accomplish the following objectives:

a. To promote the economic potential of resort areas; and

b. To stabilize land speculation and the artificial inflation of land values in the fringe area around existing scenic and recreational resources by designating an adequate amount of land for projected growth of residential and commercial uses during the planning period.

The RESORT COMMERCIAL designation is applied to those areas adjacent to resort areas that are appropriate for urban density land use patterns wherever a full range of urban services (sewer, water, storm drainage, transportation improvements, and police and fire protection) can be efficiently provided. Further the provision for multiple types of residential uses and appropriate commercial uses is intended to recognize the market needs and opportunities for resort areas while design standards safeguard the existing character of the area and the natural amenities that provide the economic basis for development.

2. Locational Criteria

The criteria to be utilized for the application of the RESORT COMMERCIAL designation include the following:

a. Land areas adjacent to scenic or recreational resources that comprise a logical resort area and are of sufficient size to adequately accommodate the projected demands for residential, commercial, transportation and public uses for ten to twenty years;

b. Land areas where a range of urban services such as sewer, water, storm drainage, transportation improvements, fire and sheriff protection, and parks and recreation presently exist or can be economically and efficiently provided in the near future;

c. Areas that contain an adequate supply of vacant urbanizable land to avoid the artificial inflation of land values;

d. The boundaries of the RESORT COMMERCIAL designation should be well defined, logical, provide a physical "sense of community", and be capable of being expanded to accommodate additional growth as the need arises; as well as acknowledge the character of land use existing development and the existing or potential level of utility servicing; and

e. For commercial uses, parcels should be served by arterial or collector roadways.
J. GATEWAY INDUSTRIAL

1. Rationale

Currently the county's economy is significantly influenced by its location adjacent to Canada and the large population in Vancouver, B.C., and this role is anticipated to continue in the future. To augment the positive impact of the Canadian market, it is desirable to provide a reasonable supply of land for a variety of light industrial uses that would be attractive to the business traveler using the major international traffic corridors.

Since appropriate land areas for this type of display industrial use are necessarily limited by the location of major transportation corridors and further limited by the need for all weather road access and public services, it is extremely important that they be preserved for those uses that are most likely to interest the business traveler and that will concurrently present a positive image of the county's business opportunities. Uses in this zone are thus limited and are those appropriate for a light industrial park setting. Light industrial parks frequently are large land areas that are master planned for aesthetic and functional compatibility, but can be composed of small tracts of land in different ownerships, whereby industrial uses occur independently but under overall design standards. Because of the limited opportunity to present a positive business image of Whatcom County to the business traveler and because of the relatively small parcel sizes in the area, standards for site, landscaping, building, and signage design have been made integral parts of the comprehensive plan and zoning text rather than being adopted as part of a master plan by the individual developer. In order to foster the economic vitality of the area, commercial uses are also allowed where the transportation system makes them appropriate; however, the design standards and buffering requirements are intended to discourage commercial uses except where they are clearly more appropriate than industrial uses.

The underlying rationale of the GATEWAY INDUSTRIAL designation is to supply a reasonable amount of land for displaying industrial capabilities during the current planning period and to allow for phased expansion in area so that each phase presents a healthy economic image. Urban services must be available and will extend to each phase in an efficient and rational growth pattern.

2. Locational Criteria

Criteria relate to transportation, urban services and proximity to major international transportation routes. All weather truck routes, rail, and freeway access should be available to Gateway Industrial areas, and they should be located immediately adjacent to and visible from major international business traffic routes. Public sewer, water and storm drainage should either be presently available or should be feasibly provided during the planning period. Finally, potential labor supply pools should be situated within a forty-five minute commute.
VI. POLICIES

A. INTRODUCTION

The policies, together with the comprehensive land use plan map, designate the locations of the various land uses that are the most economic and suitable for this planning period. The policies also indicate how Whatcom County can assure orderly and economic implementation of the land use designations through actions taken regarding community services and community resources. The policies specify the course of action that Whatcom County shall follow in meeting the Whatcom County Goal Statements listed in Section II.

The Birch Bay-Blaine Subarea is a relatively small subarea that is primarily suitable for residential, recreational, and agricultural uses as indicated by past land use development patterns. Whatcom County has developed sixteen land use designations to allow for the necessary flexibility and specificity in applying land use standards, and seven of the land use designations are applied within this subarea. In addition, a new designation was developed to address the unique characteristics of the subarea. GATEWAY INDUSTRIAL is designed to take advantage of the opportunities associated with proximity to major international traffic corridors.

Residential land use designations were determined according to existing ownership and density patterns, suitability for residential uses, and availability of services as described in the URBAN RESERVE, RESIDENTIAL RURAL and RURAL Locational Criteria. In addition, the changes in residential land use designations from the previous comprehensive plan reflect the Regional Design Goals and Land Use Goals in Section II and consider the following planning principles.

1. The economic impacts of proposed changes. The subarea has one major population cluster along the shore of Birch Bay that is based upon an environmental amenity that is important to the continued economic attractiveness of the neighborhood. The inland areas have scattered population and rely on resource extraction and rural atmosphere for their economic worth. In addition, densities were kept as high as possible to protect investments made on the basis of prior land use designations.

2. The coordination of growth patterns with adjoining municipalities. Projected population growth of the City of Blaine and land use designations within its borders were considered when examining land use designations for adjoining areas.

3. Allowance for an ample amount of population growth. The unincorporated Whatcom County population growth projection in Section III indicates an approximate increase of 30% to 50% during the planning period of 15 years. With the aesthetic and recreational amenities available in this subarea, a somewhat greater than average increase might occur if Cherry Point industrial area developed further or if Canadian/American exchange rates or property values became more favorable. This plan allows a sufficient number of residential dwelling units to accommodate about 900% growth in dwelling units due to the consistent application of the Locational Criteria and the
consideration of the preceding two objectives. However, the availability of public water for urban densities may restrict the total number of units built.

Before full development of the residential zones occurs, improvements should be made to water, wastewater and transportation systems. The residential land use designations including URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY, RESIDENTIAL RURAL, and RURAL were applied by balancing the high densities of the prior Comprehensive Plan and the potential carrying capacity of water sources, wastewater service options and feasible transportation system service levels. In this subarea RURAL areas primarily reflect: multiple use capability, predominance of parcels under current use tax status, lack of public water and sewer, and lack of need for additional residential area. The RURAL zone of one dwelling unit per ten acres is based upon existing parcel size and dwelling unit density (about one dwelling unit per twenty acres), the possibility of other forms of development in the future, and the protection of water quality in the subarea. The RURAL zone of one dwelling unit per five acres is based upon existing parcel size and to offer the opportunity rural home site subdivision.

The commercial zones were applied in recognition of existing commercial centers and those areas that were planned for commercial activity in the previous 1977 plan. RESORT COMMERCIAL mixes high density residential uses with commercial uses and is applied consistent with the 1977 plan. Significant improvements need to occur in the transportation system before this zone could fully develop. A new zone, GATEWAY INDUSTRIAL, is applied between the Interstate highway and an all weather road and railroad line in order to facilitate a positive business image for Whatcom County to international travelers. AGRICULTURE was applied in the area where prime farmland soils and existing pattern of large parcels would allow productive agricultural operations.

B. LAND USE DESIGNATION POLICIES

The intent of the policies for each land use designation is contained in a brief introductory discussion in each section. The following sections provide policies for each land use designation. The format for these policies is:

.01 Purpose, Uses, and Densities
.02 Land Use Designation Boundaries
.03 Zoning District Boundaries
.04 Community Facilities and Resources
.05 Other

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1. URBAN RESERVE

The primary purpose of the URBAN RESERVE policy is to promote an orderly transition from rural land uses and densities to urban uses and densities, while moving toward the attainment of the Regional Design Goal with respect to future urban development. The policy intends to encourage the responsible growth of urban areas by ensuring that an adequate range of urban services (sewer, storm water drainage, schools, parks, water, fire and sheriff protection) are available to support urban level densities. When such services are available, development should occur in neighborhood units which have appropriate levels of densities, uses, and circulation networks. To facilitate future urban growth, the URBAN RESERVE policy is intended to discourage the establishment of interim uses and subdivision patterns which may foreclose significant future alternatives pertaining to urban densities and the efficient provision of services. Prior to the provision of public services, the policy intends to maintain a low density character and to allow reasonable uses of property by permitting compatible residential, recreational, commercial, forestry and agricultural land uses.

1.01 It is the policy of Whatcom County to promote an orderly transition from rural land uses and densities to urban uses and densities by designating certain portions of the Birch Bay-Blaine Subarea as URBAN RESERVE.

1.01.1 The predominant land use pattern within the URBAN RESERVE areas shall be residential and related forms, including neighborhood commercial, neighborhood parks and other public uses. The URBAN RESERVE policy discourages the establishment of interim uses and subdivision patterns that can foreclose significant alternatives pertaining to future urban densities and the efficient provision of services. Therefore, this policy maintains the low density character of the area while permitting compatible residential, recreational, commercial and forestry land uses until an urban level of water, and sewer and stormwater facilities are available.

1.01.2 To implement this policy the two residential zone districts densities of three or four dwelling units per acre shall not go into effect until such time that a full range of urban services is provided as specified in Section 1.04 below. In areas where such services do not yet exist, the applicable density shall be one dwelling unit per five acres of land.

1.02 The areas designated as URBAN RESERVE shall be indicated as such on the Comprehensive Land Use Plan Map, with legal descriptions in the Appendix.

1.03 Whatcom County shall implement the URBAN RESERVE land use designation by application of the URBAN RESIDENTIAL Zone District, which has two densities after urban services have been provided. The density in this subarea is four dwelling units per acre and is applied based upon the URBAN RESERVE Locational Criteria.

1.04 It is the policy of Whatcom County to encourage efficient land use patterns and the cooperation among municipalities, special districts, associations,
and other governmental agencies in provision of a full range of urban services in the URBAN RESERVE areas.

1.04.1 In the URBAN RESERVE areas, public sewer and water shall be provided by the City of Blaine, or Water Districts 5 or 8. Until such time that public sewer and water is provided, these areas shall have a density of one dwelling unit per five acres.

1.04.2 In URBAN RESERVE areas stormwater drainage facilities shall be subject to the regional stormwater management plan when adopted. On-site stormwater collection and retention shall be required during development and in accordance with the regional stormwater management plan when adopted by the county.

1.04.3 Where urbanization occurs on the periphery of large lot land use forms, urban residential subdivisions and other urban uses shall be designed to buffer less intensively utilized parcels with adequate landscaping, screening or fencing to prevent encroachment by vehicles, pedestrians, animals and nuisances.

1.04.4 Where practical, subdivisions and other urban uses adjoining other zone districts shall be designed so that vehicular and pedestrian networks are channelled to the internal area of the site and intersections with county roads are as few as possible.

1.04.5 Cluster subdivision and Planned Unit Development shall be allowed in URBAN RESERVE areas and encouraged for large parcels. These alternative methods of land subdivision are described more fully in Section VI.B.11.

1.05 It is the policy of Whatcom County to cooperate with municipalities within the county to effectively manage growth. If the City of Blaine amends its residential density zone designations in the areas north, south, and west of the city/county boundary, Whatcom County shall reexamine the land use designations in the Blaine area for possible expansion of the URBAN RESERVE areas.

1.05.1 To further a joint exchange of information Whatcom County shall send copies of applications for major land use, transportation and service entity activities proposed within the subarea to the City of Blaine within fifteen (15) days of application receipt by the county.

1.05.2 The City of Blaine is requested to send copies of future proposals concerning the expansion of the City's Water Service Zone boundaries, Sewer Service Zone boundaries, and comprehensive plan and zone amendments to the Whatcom County Planning Department so that the County may respond appropriately.
2. URBAN RESERVE MEDIUM DENSITY

The URBAN RESERVE MEDIUM DENSITY designation intends to provide for a transition between intensive and less intensive uses, affordable housing types, and other compatible nonresidential uses. The designation intends to promote an orderly and cost effective transition from rural to urban uses. To facilitate future urban growth, the URBAN RESERVE MEDIUM DENSITY policy is intended to discourage the establishment of interim uses and subdivision patterns which may foreclose significant future alternatives pertaining to urban densities and the efficient provision of services. Prior to the provision of public services, the policy intends to maintain a low density character and to allow reasonable uses of property by permitting compatible residential, recreational, commercial, forestry and agricultural land uses.

2.01 It is the policy of Whatcom County to promote an orderly and predictable transition from rural to urban uses and densities, and provide for affordable housing types and compatible mixed use development forms, by designating portions of the Birch Bay-Blaine Subarea as URBAN RESERVE MEDIUM DENSITY.

2.01.1 When urban utility services are available, including publicly provided sewer and water, and stormwater management facilities, predominant land uses shall include single-family detached dwellings, apartments, condominiums, rooming houses, mobile home parks, retirement and convalescent centers, professional offices, neighborhood parks and other public uses.

2.01.2 Until urban utility services are available, acceptable uses shall include single-family detached dwellings, neighborhood parks and other public uses.

2.02 The areas designated as URBAN RESERVE MEDIUM DENSITY shall be indicated as such on the Comprehensive Land Use Plan Map, with legal descriptions in the Appendix.

2.02.1 Until a full range of urban utility services is available, including publicly provided sewer and water, and stormwater management facilities, the maximum density shall be one dwelling unit per five acres.

2.02.2 When urban utility services become available, the maximum density shall automatically be increased to six dwelling units per acre.

2.03 Within designated URBAN RESERVE MEDIUM DENSITY areas, Whatcom County encourages efficient land use patterns and cooperation between the county and special districts in the provision of a full range of services.

2.03.1 Prior to the provision of urban utility services, appropriate service levels to achieve a density of one dwelling unit per five acres include domestic water from water associations or individual on-site wells, on-site wastewater disposal, on-site stormwater management facilities as may be necessary, county and private
roads, sheriff protection and fire protection from Fire District No. 13.

2.03.2 To achieve the density of six dwelling units per acre, appropriate services shall include water and sewer from Water District B, or other water or sewer district, sheriff or police protection, Fire District No. 13 protection services. Stormwater facilities shall be consistent with the provisions of the Whatcom County stormwater management plan when adopted; provided that interim on-site collection and retention may be required.

2.04 The following policies are established to guide the use of designated URBAN RESERVE MEDIUM DENSITY areas in the transition from rural to urban patterns.

2.04.1 Several methods of creating residential lots and mixed use developments are established including conventional subdivision, cluster subdivision and planned unit development. Additional policies are contained in Section VI.B.11. Regulations concerning densities, parcel sizes and uses are contained in the URBAN RESIDENTIAL MEDIUM DENSITY zone text and the PLANNED UNIT DEVELOPMENT section of the Title 20 Zoning Ordinance.

2.04.2 Where practical, subdivisions and other urban uses adjoining other zone districts shall be designed so that vehicular and pedestrian networks are channelled to the internal area of the site and intersections with county roads are as few as possible.

2.05 In accordance with the 1977 Birch Bay Comprehensive Plan, specific site design criteria to encourage economic vitality for the entire Birch Bay area through establishing a positive visual identity and an adequate circulation system are as follows:

2.05.1 The subdivision design and site plan shall encourage the use of pedestrian and/or bicycle ways through providing bicycle trails, pedestrian pathways and street crossings for use by the general public that link and extend pathways connecting to public recreational or view areas. Trail or sidewalk environment shall be enhanced by use of appropriate materials, landscaping, lighting, graphics, street furniture, and design.

2.05.2 The subdivision plan, signage and landscape plan shall enhance the attractiveness and efficiency of the resort environment, within the development and in relation to other existing or proposed developments, by: making scenic views available where possible; making pedestrian and bicycle paths to the beach visible to the maximum extent possible from upland parcels and from existing roads, and when the alignment of future roads is identified, from those planned right-of-way; and by screening storage areas, garbage areas, parking areas and similar features in a manner that maximizes the attractiveness of the development from the public right-of-way.

2.05.3 Landscaping along Birch Bay Road, Blaine Road, Birch Bay– Lynden Road, Alderson Road, Bay Road, and Jackson Road within the
district shall present a unified resort image through street trees and street setback planting areas consisting of: ground cover giving immediate coverage of at least fifty percent with an eighty-five percent coverage within two years; shrubs at least twenty-one inches in height above finished grade; and trees of appropriate species as specified in the 1977 Birch Bay Comprehensive Plan planted in clumps to average one per twenty (20) feet of road frontage, with evergreen trees a minimum height of six feet above finished grade and deciduous trees at least one and one-half inches in diameter measured four feet above ground level.

2.05.5 The site, building, signage and landscape design for any commercial uses shall incorporate elements that create a common community identity with the traditional small cottage resort character of the area, and shall use as one of these elements the "beach cobble motif" as specified in the 1977 Birch Bay Comprehensive Plan.
3. RESIDENTIAL RURAL

The intent of the RESIDENTIAL RURAL land use designation is to maintain the existing non-urban character of a residential area. Densities should range from one dwelling unit per acre to three dwelling units per acre, depending upon the range of public services, existing lot sizes, prior density and location. In recognition of the existing population center known as Custer, the density of two dwelling units per acre shall be used without the provision of public water or sewer if the requirements of the Bellingham-Whatcom County Health Department are met. As a means of efficiently utilizing land, maintaining the present low density residential character and retaining options regarding increased densities and services in the future, it is the intent of the RESIDENTIAL RURAL designation to provide for the option of "clustering" in the design of new subdivision proposals.

3.01 It is the policy of Whatcom County to maintain the character of existing low density residential areas by designating certain portions of the Birch Bay-Blaine Subarea as RESIDENTIAL RURAL.

3.01.1 Within the areas designated as RESIDENTIAL RURAL typical uses shall include single-family attached and detached dwellings, public parks and recreation facilities, home occupations, and neighborhood grocery stores.

3.01.2 To implement this policy residential density of two dwelling units per acre shall be provided.

3.02 The areas designated as RESIDENTIAL RURAL shall be indicated as such on the Comprehensive Land Use Plan Map, with legal descriptions in the Appendix.

3.03 Whatcom County shall implement the RESIDENTIAL RURAL land use designation by application of the RESIDENTIAL RURAL Zone District. The residential density is in the Birch Bay-Blaine Subarea is two dwelling units per acre.

3.04 It is the policy of Whatcom County to encourage efficient land use patterns and the cooperation among municipalities, special districts, associations, and other governmental agencies in provision of a partial range of urban services in RURAL RESIDENTIAL areas.

3.04.1 Either public water or public sewer shall be provided when available, in the RURAL RESIDENTIAL area known as Custer water association water service shall be acceptable. Stormwater detention shall be required during development and in accordance with the stormwater management plan when adopted.

3.04.2 When a subdivision is situated adjacent to less intensive land use designations, the subdivision shall be buffered at the site periphery to prevent the encroachment of vehicles, pedestrians, animals and nuisances onto other less intensively utilized areas.

3.04.3 Subdivisions shall be designed so as to minimize intersections along existing county roads and to discourage lineal residential patterns adjacent to county roads.

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4. **RURAL**

The RURAL policy is intended to acknowledge physical and cultural factors which currently are and during the planning period will continue to be limitations to higher densities. Cultural factors pertain to the absence of public services and circulation networks, the acreage held under current use tax status, and the availability for residential development of more than sufficient land area within other land designations. Physical factors include acknowledging the economic potential of multiple resource based uses such as farming, woodlots, and mining. The policy is intended to retain future access options with respect to nonrenewable natural resources (sand, gravel, coal and minerals, and soils which contribute to agricultural and forest productivity) and also to preserve options for other zone districts when economic development potential exists. It is also intended to retain the "rural" character of an area as an option to urban and suburban patterns elsewhere in the subarea. RURAL policy also provides the option of "clustering" in the design of new rural subdivisions in order to retain productive land uses and future options for development.

4.01 It is the policy of Whatcom County to provide for very low density residential areas where multiple uses are suitable, or where community facility or resource constraints preclude higher densities, by designating certain portions of the Birch Bay-Blaine Subarea as RURAL.

4.01.1 Within the areas designated as RURAL typical uses shall include low density residential, occasional pasture, agriculture, woodlots and home occupations.

4.01.2 To implement this policy residential densities of one dwelling unit per five acres, and one dwelling unit per ten acres shall be provided.

4.02 The areas designated as RURAL shall be indicated as such on the Comprehensive Land Use Plan Map, with legal descriptions in the Appendix.

4.03 Whatcom County shall implement the RURAL land use designation by application of the RURAL Zone District. The residential density is one dwelling unit per ten acres, or one dwelling unit per five acres, and is applied according to the Locational Criteria.

4.04 It is the policy of Whatcom County to encourage effective land use patterns and adequate provision of services for RURAL densities.

4.04.1 RURAL areas shall be served by private water, water associations, and septic drainfields. Where water is obtained from off-site sources, written agreement must be made with all affected property owners and presented as part of subdivision or building permit review.

4.04.2 Several methods of creating residential lots and mixed use developments are established including conventional subdivision, cluster subdivision and planned unit development. Additional policies are contained in Section VI.B.11. Regulations concerning
4.04.3 Subdivisions shall be designed so as to minimize intersections along existing county roads and to discourage lineal residential patterns adjacent to county roads.

4.05 It is the policy of Whatcom County to recognize the potential for industrial development in RURAL areas that have existing infrastructure that would provide some of the necessary services. These RURAL areas may be amended to LIGHT IMPACT INDUSTRIAL or GATEWAY INDUSTRIAL in order to allow for site-specific development proposals by the private sector or a public agency when the following criteria are met:

4.05.1 The request shall conform to the goals of the subarea plan;

4.05.2 The request shall be compatible in design and operation with existing and planned uses of the adjacent area, including mitigation measures where necessary;

4.05.3 The amendment request shall be a logical geographic area that has all weather road access to Interstate 5, has rail access, has sewer and water service provided by Water District 8 or by other public purveyor, and has made adequate provision of all other necessary services without resulting in unmitigated negative impacts on publicly provided services;

4.05.4 The amendment request shall provide for protection of California Creek and Terrell Creek and shall demonstrate adequate provisions to prevent any accidental pollution that might result from potential on-site industrial uses; and

4.05.5 The amendment request shall demonstrate that changed circumstances have created a land use need for additional light impact industrial uses along the Cherry Point Spur Rail Line or for additional gateway industrial uses along the Burlington Northern Main Line.
5. AGRICULTURE

The intent of the AGRICULTURE designation is to maintain and encourage the conservation of agricultural lands in Whatcom County. The designation promotes the continuation of viable economic livelihoods for the agricultural operator, agricultural producer and related agricultural services. The designation also provides clear direction for nonagricultural uses to locate in other urban or rural designations; thereby minimizing potential conflicts between agricultural operators and uses that are not directly involved in agriculture. Additional intents of the designation include maintenance of open space, conservation of natural resources and systems, minimizing energy and expense through encouraging agricultural operations at fertile locations, sustaining existing county agricultural products, encouraging the development of additional agricultural products; and encouraging the stewardship approach to land management.

5.01 In recognition of the policy of Whatcom County to provide for the continuation of agriculture as an important part of the local economy, and to recognize the nonrenewable resource of soils well suited for agriculture, the southeastern corner of the Birch Bay-Blaine Subarea is designated AGRICULTURE.

5.01.1 Predominant uses include the cultivation and management of field, shrub, vine, greenhouse, orchard and forest crops; dairying; livestock raising; animal husbandry; beekeeping; and uses that are accessory to agricultural operations including operator and farmhand residences, small-scale product marketing and home occupations.

5.01.2 Other uses shall be subject to public review to assure maintenance of the agricultural resource and compatibility with agricultural operations. Such uses include various public uses, animal hospitals, agricultural worker housing, processing of agricultural products, limited sand and gravel extraction, and commercial activities that directly provide agricultural goods and services to the agricultural operator.

5.02 The areas designated as AGRICULTURE shall be indicated as such on the Comprehensive Land Use Plan Map, with legal descriptions in the Appendix.

5.02.2 The boundaries of designated AGRICULTURE areas acknowledge existing agricultural land uses, land in agricultural current use tax assessment, areas with Prime Farmland soils, and areas with parcel sizes or land ownership patterns of generally greater than twenty acres.

5.02.3 Several minimum parcel sizes are provided as follow.

(1) Variable minimum parcel size shall be permitted, consistent with the generally acceptable size for an economically viable operation for the particular form of intended agricultural pursuit, subsequent to affirmative review by representatives from the Bureau of Buildings and Code Administration, the
Planning Department, the Cooperative Extension Agency and the Soil Conservation Service.

(2) Parcels of less than five acres in size will be permitted for the residential use of retiring farm operators, public and quasi-public uses that are necessary in agricultural areas, and for purposes of securing bank loans for farm residences.

(3) Forty acres shall be the minimum size for parcels used solely for residential purposes, except as described above, with the intent of minimizing the introduction of people into agricultural areas who are not associated with agriculture. In addition, one dwelling will be permitted on each legally created parcel of record existing at the time of adoption of this document of greater than one acre in size.

5.03 Appropriate utilities and facilities in designated AGRICULTURE areas include on-site wells or water associations for the provision of potable and irrigation water, individual on-site wastewater disposal systems, volunteer fire protection and law enforcement provided by the county Sheriff’s Department and the Washington State Patrol.

5.03.1 The continued efforts of drainage improvement districts are encouraged to enable improved use of agricultural lands.

5.03.2 The continued efforts of flood control and diking districts are encouraged to enhance use of floodplains for agriculture, as well as increase protection of existing agricultural investments in land improvements and buildings.

5.04 The following policies are intended to promote the continued economic viability of agriculture in Whatcom County and conserve associated resources.

5.04.1 Consolidation of adjoining parcels in the same ownership by filing a new deed is encouraged to promote easily workable farm units.

5.04.2 Residential subdivisions and other uses not related to agriculture are discouraged from locating in designated AGRICULTURE areas.

5.04.3 Farm operators are encouraged to use the farm management assistance available from the Whatcom County Conservation District and U.S. Soil Conservation Service to foster the long-term productivity of the agricultural land base.

5.04.4 The agricultural community is supported in its efforts to diversify the types of agricultural operations in the county and to continue to incorporate techniques that will enhance agricultural productivity and efficiency.

5.04.5 To enhance economic returns to the operator, direct marketing of products to the consumer is supported. In addition, to minimize "overhead" in the conduct of farm businesses, the formation of
cooperatives is supported for warehousing, processing, and providing agricultural supplies and equipment.

5.04.6 To increase direct economic benefits to Whatcom County originating with agriculture, continued local processing of agricultural products is encouraged, as well as the development of additional processing facilities.

5.04.7 In recognition of the prevailing type of agricultural operation, Whatcom County encourages the continuation of the small farm as the basic unit of farm production. In addition, Whatcom County encourages the continued efforts of citizen groups engaged in promoting agricultural education, operations and marketing.

5.05 The following policies are established to address other aspects of agricultural concerns.

5.05.1 Agriculture in its various forms is the preferred use of areas designated AGRICULTURE. Although it is anticipated that adjustments to designated AGRICULTURE areas will not be necessary during the planning period, proposed conversions shall be processed consistent with the Amendment Criteria Section of this document. In addition, Whatcom County should develop a system for addressing potential conversions that uses the principles established in the "Land Evaluation System Analysis (LESA)," formulated by the Soil Conservation Service.

5.05.2 Agricultural operators are encouraged to fence streams and ditches to prevent the direct introduction of livestock and livestock wastes to conserve surface water quality and reduce stream bank erosion and soil loss. In addition, to minimize any potential short and long-term impacts to groundwater supplies, agricultural operators are encouraged to use only those chemicals in conservative amounts that are necessary for crop production, applied according to state and federal guidelines, and to use chemicals having low potency and residuals of short duration.

5.05.3 Whatcom County supports the acquisition of conservation easements by public land trusts, consistent with the intentions of affected property owners in AGRICULTURAL areas to:

1. Preserve agricultural operations;
2. Conserve Prime Farmland soils;
3. Conserve wildlife habitats; or
4. Conserve scenic resources.

5.05.4 Conservation of agricultural operations and Prime Farmland soils is encouraged through using the current use tax assessment opportunities of the Open Space Taxation Act (RCW 84.34).

5.05.5 Implementation of "special district" and water association plans, and other capital improvements, shall be approved or supported only when it is found that designated AGRICULTURE areas will benefit.
6. PUBLIC

With reference to parcels that are owned or planned for ownership by public agencies, the intent of the following policies is to implement the County Goal Statements relating to public facilities and services and to assure the continued public provision of a variety of services in a manner that is commensurate with population levels and requirements. The policies also are intended to optimize public investments and promote compatibility between public functions and surrounding land uses.

6.01 It is the policy of Whatcom County to ensure the continued public provision of a variety of parks and recreational facilities, educational facilities, and other utilities and services in a manner that is commensurate with population levels and requirements by designating certain portions of the Birch Bay-Blaine Subarea as PUBLIC. Typical uses in PUBLIC planned areas include facilities and services related to the provision of recreation, education, utilities, communications, solid waste disposal, health care and water diversion works.

6.02 The areas designated as PUBLIC shall be indicated as such on the Comprehensive Land Use Plan Map, with legal descriptions in the Appendix.

6.03 Whatcom County shall implement the PUBLIC land use designation by application of the zone district consistent with the adjacent zone that is most suitable.

6.04 It is the policy of Whatcom County to encourage effective land use patterns and cooperation among governmental jurisdictions in providing appropriate levels of service to the various public areas.

6.04.1 Services shall include public water and sewer where available and appropriate to the use, and stormwater drainage shall be required according to the regional stormwater management plan when adopted.

6.04.2 Whenever practical, multi-purpose use of public lands, facilities, and services is encouraged.

6.04.3 Visual and functional impacts of PUBLIC land uses should be minimized through utilization of aesthetic site design which is compatible with the character of the surrounding area.

6.04.4 Public agencies are encouraged to acquire those parcels which benefit the continued operation of their function. Whenever practical, joint agreements between agencies shall be encouraged to expedite efficient public expenditure.

6.04.5 It is the policy of Whatcom County to augment recreational opportunities by seeking means to secure public access to beaches and tidelands through public acquisition or dedication; encouraging cooperation among property owners, the Department of Natural Resources, and the Whatcom County Parks Department.
6.05 Pursuant to the Inter-Local Cooperation Act (RCW 39.34), it is the policy of Whatcom County to prepare and adopt long range plans that address future land, facility and service requirements, coordinate public and private activities, and minimize potential future conflict between various public agencies and the private sector regarding plan implementation.

6.05.1 Whatcom County shall cooperate and coordinate with the Whatcom County Parks Department in the integration of existing park plans into a Parks and Recreation Element contained within the Comprehensive Plans.

6.05.2 The County Parks Department shall be encouraged to participate in neighborhood park planning within the areas designated as URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY, RESORT COMMERCIAL and RESIDENTIAL RURAL on the Comprehensive Land Use Plan Map.
7. NEIGHBORHOOD COMMERCIAL

The convenient availability of goods and services to residential neighborhoods is an integral part of our economic system. The Birch Bay neighborhoods also receive a number of visitors desiring convenience goods and services. It is the intent of this policy to provide for these needs. The Planned Unit Development (PUD) provision is an option that may be used in the development of designated commercial areas. Additional policies on PUDs are located in Section VI.B.11 of this document; and regulations are located in the Title 20 Zoning Ordinance.

7.01 It is the policy of Whatcom County to provide for commercial activities convenient to and appropriate for residential neighborhoods by designating certain portions of the Birch Bay-Blaine Subarea NEIGHBORHOOD COMMERCIAL. Typical commercial activities include convenience retail stores, automobile service stations, professional offices, and eating and drinking establishments and shall be regulated as to size and design in accordance with the applicable zone district.

7.02 The areas designated as NEIGHBORHOOD COMMERCIAL shall be indicated as such on the Comprehensive Land Use Plan Map, with legal descriptions in the Appendix.

7.03 Whatcom County shall implement the NEIGHBORHOOD COMMERCIAL land use designation by application of the NEIGHBORHOOD COMMERCIAL zone district based upon the Locational Criteria.

7.04 It is the policy of Whatcom County to encourage effective land use patterns and adequate provision of services for GENERAL COMMERCIAL areas.

7.04.1 It is the policy of Whatcom County that NEIGHBORHOOD COMMERCIAL areas shall be provided with the same level of public services as the surrounding residential area. Stormwater facilities for all designated NEIGHBORHOOD COMMERCIAL areas shall be consistent with the county stormwater management plan when adopted; provided that in the interim, on-site collection and retention systems may be required.

7.04.2 Maximum use of designated NEIGHBORHOOD COMMERCIAL areas shall be commensurate with available fire flow, public health considerations and zone district requirements.

7.04.3 Development should occur in a concentrated and compact form, and should avoid lineal development patterns.

7.04.4 Ingress and egress points to state and county roads shall be minimized by consolidating on-site circulation networks and by developing shared access points to county roads.

7.04.5 On-site circulation shall be designed to accommodate private vehicles, delivery vehicles, emergency vehicles, bicycles and pedestrians; and potential vehicular/bicycle/pedestrian conflicts shall be avoided by making provision for bicycle and pedestrian ways between commercial uses.
7.04.6 A screened and/or landscaped buffer shall be established along the periphery of the NEIGHBORHOOD COMMERCIAL district to minimize noise, glare and other intrusions into adjoining residential and rural areas.

7.05 For the two NEIGHBORHOOD COMMERCIAL districts north and west of Birch Bay, in accordance with the 1977 Birch Bay Comprehensive Plan, specific site design criteria to encourage economic vitality for the entire Birch Bay area through establishing a positive visual identity and an adequate circulation system are as follows:

7.05.1 The site plan shall encourage the use of pedestrian and/or bicycle ways through providing bicycle trails, pedestrian pathways and street crossings for use by the general public that link and extend pathways connecting to public recreational or view areas. Trail or sidewalk environment shall be enhanced by use of appropriate materials, landscaping, lighting, graphics, street furniture, and design.

7.05.2 Landscaping along Harbor View Road and Birch Point Road shall present a unified resort image through street trees and street setback planting areas consisting of: ground cover giving immediate coverage of at least fifty percent with an eighty-five percent coverage within two years; shrubs at least twenty-one inches in height above finished grade; and trees of appropriate species as specified in the 1977 Birch Bay Comprehensive Plan planted in clumps to average one per twenty (20) feet of road frontage, with evergreen trees a minimum height of six feet above finished grade and deciduous trees at least one and one-half inches in diameter measured four feet above ground level.

7.05.3 The site, building, signage and landscape design shall incorporate elements that create a common community identity with the traditional small cottage resort character of the area, and shall use as one of these elements the "beach cobble motif" as specified in the 1977 Birch Bay Comprehensive Plan. Signage shall be consistent with any signage motif plan adopted by the businesses along Birch Bay Drive.

7.05.4 Roof-mounted mechanical equipment shall not be used when feasible alternative placement exists, and each development shall screen roof-mounted mechanical equipment so as not to be visible by surrounding uses or from public road rights-of-way. Storage areas, garbage areas, and parking areas shall be screened from public roads and from uses of a substantially different character.
8. GENERAL COMMERCIAL

The GENERAL COMMERCIAL designation is intended to provide a broad range of retail goods and services that will benefit a large trade area. The designation also intends to facilitate safe and efficient circulation systems, provide methods to attain compatibility with surrounding noncommercial uses, and promote site design that will efficiently use available commercial land. The Planned Unit Development (PUD) provision is an option that may be used in the development of designated commercial areas. Additional policies on PUDs are located in Section VI.B.11 of this document; and regulations are located in the Title 20 Zoning Ordinance.

8.01 It is the policy of Whatcom County to acknowledge existing patterns of commercial uses and to provide for additional future development by designating certain areas as concentrated centers for commercial activities. In designated areas, a broad range of goods and services should be available including sales and servicing of vehicles, mobile homes and boats; eating and drinking establishments; professional offices; service and retail establishments; commercial indoor and outdoor recreation; commercial wholesaling; and public uses that are necessary for the function of the designation.

8.02 The areas designated as GENERAL COMMERCIAL shall be indicated as such on the Comprehensive Land use plan Map, with legal descriptions in the Appendix.

8.03 Whatcom County shall implement the GENERAL COMMERCIAL land use designation by application of the GENERAL COMMERCIAL zone district.

8.04 It is the policy of Whatcom County to encourage effective land use patterns and adequate provision of services for GENERAL COMMERCIAL areas.

8.04.1 The GENERAL COMMERCIAL area at the corner of Birch Bay Lynden Road and Blaine Road shall be served with public sewer and water from Water District 8, sheriff protection and volunteer fire protection. On an interim basis limited use of each parcel shall be allowed commensurate with the existing level of services including on-site wastewater disposal systems, water associations, sheriff and volunteer fire protection.

8.04.2 Stormwater facilities for all designated GENERAL COMMERCIAL areas shall be consistent with the county stormwater management plan when adopted; provided that in the interim, on-site collection and retention systems may be required.

8.04.3 Maximum use of designated GENERAL COMMERCIAL areas shall be commensurate with available fire flow, public health considerations and zone district requirements.

8.04.4 Ingress and egress points to state and county roads shall be minimized by consolidating on-site circulation networks and by developing shared access points to county roads.
8.04.5 On-site circulation shall be designed to accommodate private vehicles, delivery vehicles, bicycles and pedestrians; and potential vehicular/bicycle/pedestrian conflicts shall be avoided by making provision for bicycle and pedestrian ways between commercial uses. These shall be designed to eventually link to central Birch Bay.

8.04.6 A screened and/or landscaped buffer shall be established along the periphery of the GENERAL COMMERCIAL district to minimize noise, glare and other intrusions into adjoining residential and rural areas.

8.05 The General Commercial area along Birch Bay Lynden Road as one of the major entrances to Birch Bay shall present the community resort identity as described in the 1977 Birch Bay Comprehensive Plan.

8.05.1 The overall site plan including landscaping, parking, lighting, signage, access, on-site circulation, building location and scale and utility placement shall create a common community identity with the traditional small cottage resort character of the area, and shall use as one element the "beach cobble motif" as specified in the 1977 Birch Bay Comprehensive Plan. Signage shall be consistent with any signage motif plan adopted by the businesses along Birch Bay Drive.

8.05.2 Roof-mounted mechanical equipment shall not be used when feasible alternative placement exists, and each development shall screen roof-mounted mechanical equipment so as not to be visible by surrounding uses or from public road rights-of-way. Storage areas, garbage areas, and parking areas shall be screened from public roads and from uses of a substantially different character.

8.05.3 Landscaping along roads shall present a unified Birch Bay resort image through street trees and street setback planting areas consisting of: ground cover giving immediate coverage of at least fifty percent with an eighty-five percent coverage within two years; shrubs at least twenty-one inches in height above finished grade; and trees of appropriate species as specified in the 1977 Birch Bay Comprehensive Plan planted in clumps to average one per twenty (20) feet of road frontage, with evergreen trees a minimum height of six feet above finished grade and deciduous trees at least one and one-half inches in diameter measured four feet above ground level.

8.05.4 The site plan shall encourage the use of pedestrian and/or bicycle ways through providing bicycle trails, pedestrian pathways and street crossings for use by the general public that link and extend pathways connecting to public recreational or view areas. Trail or sidewalk environment shall be enhanced by use of appropriate materials, landscaping, lighting, graphics, street furniture, and design.
3. **RESORT COMMERCIAL**

The primary purpose of the RESORT COMMERCIAL policy is to promote a blend of compatible tourist, resort, recreational, seasonal residential, and year round residential uses in areas that are attractive to such uses. In addition, the policy intends to encourage this mixture in areas where an adequate range of urban services (sewer, storm water drainage, schools, parks, water, fire and sheriff protection) is available to support urban level densities. When such services are available, development should occur in neighborhood units which have appropriate levels of densities, uses, and circulation networks.

9.01 It is the policy of Whatcom County to promote an orderly pattern of recreational development that mixes residential and commercial uses at a variety of densities by designating certain portions of the Birch Bay-Blaine Subarea as RESORT COMMERCIAL.

9.02 The areas designated as RESORT COMMERCIAL shall be indicated as such on the Comprehensive Land Use Plan Map and described in the Appendix.

9.03 Whatcom County shall implement the RESORT COMMERCIAL land use designation by application of the RESORT COMMERCIAL zone district.

9.04 It is the policy of Whatcom County to encourage efficient land use patterns that will promote the economic viability of resort areas and to cooperate with municipalities, special districts, and other governmental agencies in provision of a full range of urban services in RESORT COMMERCIAL areas.

9.04.1 Public sewer and water shall be provided by Water District B. No development shall occur without both public water and sewer service.

9.04.2 Stormwater drainage facilities shall be in compliance with the regional stormwater management plan when adopted. On-site stormwater collection and retention shall be required during development pursuant to the Whatcom County Development Standards.

9.04.3 Urban residential subdivisions and other urban uses on the periphery of large lot land use forms shall be designed to buffer less intensively utilized parcels with adequate landscaping and screening to prevent visual and physical encroachment by vehicles, pedestrians, animals and nuisances.

9.04.4 Ingress and egress points to state and county roads shall be minimized by consolidating on-site circulation networks. On-site circulation shall be designed to accommodate private vehicles, delivery vehicles, emergency vehicles, bicycles and pedestrians; and potential vehicular/pedestrian conflicts shall be minimized.

9.04.5 Development shall be encouraged in a concentrated and compact form, and lineal development patterns shall be discouraged. Site design in responding to environmental opportunities and constraints, shall arrange building placement that will maximize
open space, minimize utility extensions, maximize energy efficiency, and where possible shall protect scenic views.

9.04.6 Planned Unit Development (PUD) shall be allowed in RESORT COMMERICAL areas. A description of land subdivision options is contained in Section VI.B.10 of this plan, and the specific requirements for a PUD are in Title 20, Chapter 65. For the purposes of density bonuses in Chapter 20.85, "significant public access on shorelines" shall consist of tidelands with a width of at least forty (40) feet, or a minimum of five (5) feet in width for each acre for which the density increase is obtained, whichever is greater. Width shall be measured parallel to the ordinary high water mark, and depth shall extend from the right-of-way or development line shoreward setback to the extreme low water mark. This tideland area shall have access to a public right-of-way, if the access is an easement over private property, it shall be at least ten (10) feet wide. Equivalent alternatives may be considered.

9.05 In accordance with the 1977 Birch Bay Comprehensive Plan, specific site design criteria to encourage economic vitality through a positive visual resort identity and an adequate resort circulation system are as follows:

9.05.1 The site plan shall encourage the use of pedestrian and/or bicycle ways through providing bicycle trails, pedestrian pathways and street crossings for use by the general public that link and extend pathways connecting to public recreational or view areas. Trail or sidewalk environment shall be enhanced by use of appropriate materials, landscaping, lighting, graphics, street furniture, and design.

9.05.2 The site plan, building design, signage and landscape plan shall enhance the attractiveness and efficiency of the resort environment, within the development and in relation to other existing or proposed developments, by: making scenic views available where possible; making pedestrian and bicycle paths to the beach visible from upland parcels and from existing roads, and when the alignment of future roads is identified, from those planned rights-of-way to the maximum extent possible; and by locating portals, service loading areas, automobile access points, street furniture, exterior public activity locations, parking areas and similar features in a manner that maximizes the attractiveness of the development from the public right-of-way.

9.05.3 Roof-mounted mechanical equipment shall not be used when feasible alternative placement exists, and each development shall screen roof-mounted mechanical equipment so as not to be visible from surrounding uses or from public road rights-of-way. Storage areas, garbage areas, and parking areas shall be screened from public roads and from uses of a substantially different character. Where the area to be screened is located adjacent to a public right-of-way where beach or tidelands can be seen, screening fences or vegetation shall not be over four (4) feet in height.
except for trees that have the lower branches removed to allow
views.

9.05.4 Landscaping along roads within the district shall present a
unified resort image through street trees and street setback
planting areas consisting of: ground cover giving immediate
coverage of at least fifty percent with an eighty-five percent
coverage within two years; shrubs at least twenty-one inches in
height above finished grade; and trees of appropriate species as
specified in the 1977 Birch Bay Comprehensive Plan planted in
clumps to average one per twenty (20) feet of road frontage, with
evergreen trees a minimum height of six feet above finished grade
and deciduous trees at least one and one-half inches in diameter
measured four feet above ground level.

9.05.5 The overall site plan including landscaping, parking, lighting,
signage, access, on-site circulation, building location and scale
and utility placement shall create a common community identity
with the traditional small cottage resort character of the area,
and shall use as one element the "beach cobble motif" as
specified in the 1977 Birch Bay Comprehensive Plan. Signage shall
be consistent with any signage motif plan adopted by the Birch Bay
Chamber of Commerce.

9.05.6 A Scenic Road Overlay Zone for roads in the immediate vicinity of
water resources under the jurisdiction of the Shoreline Management
Program (SMP) shall be developed based upon the 1977 Birch Bay
Comprehensive Plan, the SMP review published as part of the Birch
Bay - Blaine Subarea planning effort, and the update underway of
the SMP and its public access provisions. This overlay zone shall
consider building design, site planning, signage, landscaping,
setbacks, transfer of development rights, public access, road
improvements, and other appropriate elements.
10. GATEWAY INDUSTRIAL

The GATEWAY INDUSTRIAL designation is intended to provide concentrated areas, located in proximity to major transportation corridors or international border crossings, that will present a favorable image of Whatcom County to the international business traveler. In addition, in areas immediately adjacent to full freeway interchanges uses that serve the traveling public are provided. The designation intends to facilitate safe and efficient circulation systems, provide methods to attain compatibility among mixed uses, and promote site design that is visually compatible with rural areas.

10.01 To use limited areas having industrial access and international traveler visibility in a manner that promotes the long range economic viability of Whatcom County. Uses should be directly related to the international access opportunities, or in certain areas serve the traveling public.

10.02 The areas designated as GATEWAY INDUSTRIAL shall be indicated as such on the Comprehensive Land Use Plan Map, with legal descriptions in the Appendix.

10.03 The GATEWAY INDUSTRIAL designation is implemented with the Gateway Industrial zone district. The boundaries of the district are established in accordance with the locational criteria.

10.04 It is the policy of Whatcom County that these GATEWAY INDUSTRIAL areas shall have public sewer and public water services, on-site stormwater collection and retention facilities as needed, sheriff protection and sufficient fire protection before development occurs. Limited development may be permitted in accordance with the zone text without the full range of public services.

10.05 It is the policy of Whatcom County to enhance and maintain its natural and economic resources through GATEWAY INDUSTRIAL land use patterns that avoid linear strip development, while providing for safe and efficient vehicular movement, by requiring that individual sites are designed in a clustered or concentrated form of development instead of lining the road frontage. In addition, site design standards are contained within the zone text to aid in the compatibility of mixed uses and the visual appropriateness to the surrounding rural area.

10.06 It is the policy of Whatcom County to prohibit the conversion of adjoining RURAL lands to GATEWAY INDUSTRIAL until the existing district is fully developed. At that time, extension northward between Interstate 5 and Portal Way should be evaluated by the Planning Department based upon the criteria found in Section VI.4.05.
11. LAND DEVELOPMENT OPTIONS, GUIDELINES AND REQUIREMENTS

The intent of this section is to provide options for land development that are environmentally efficient and that minimize public and private utility and transportation expenditures. This section provides general information and requirements that affect the majority of land use designations within the Birch Bay–Blaine Subarea. Guidelines and requirements that are unique are provided in the applicable zoning ordinance text.

11.01 Areas that are designated RESORT COMMERCIAL, URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY, RESIDENTIAL RURAL, RURAL, and AGRICULTURE have the option of creating new residential parcels using the conventional subdivision method. Parcel sizes in conventional subdivisions are uniform and are specifically established in each implementing zone text.

11.02 Areas that are designated RESORT COMMERCIAL, URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY, RESIDENTIAL RURAL, and RURAL have the option of creating new residential parcels using the cluster subdivision method. The purpose is to provide economic flexibility to the individual property owner, promote economic lot design, conserve nonrenewable and renewable natural resources, minimize disturbance to environmentally fragile areas, promote compatibility with surrounding nonresidential land uses, and provide options beyond the planning period for land use decisions. Cluster subdivision is defined as an alternative method of creating building parcels that are spatially efficient and economical, and that will retain options for future uses and densities by treating land as a commodity and resource. The following policies establish subdivision guidelines and implementation considerations.

11.02.1 Minimum parcel size shall be established consistent with the provisions of specific implementing zones or Health Department requirements, whichever is greater.

11.02.2 Subdivision design shall be discouraged from forming lineal residential patterns adjacent to roads by minimizing ingress and egress points, and by consolidating access for several parcels.

11.02.3 When possible, it is preferred that residential structures be sited at the perimeter of fields, at the perimeter of woodlots, in woodlots or be partially concealed by topographic features.

11.02.4 When possible, structures on open landscapes should be sited and designed to minimize view disruptions from adjacent properties and public roadways.

11.02.5 When a cluster subdivision is situated adjacent to a less intensive use including large parcel residential, agriculture or forestry, the subdivision shall be buffered at the site periphery to prevent the encroachment of vehicles, pedes-
trians, animals and nuisances onto less intensively used parcels.

11.02.6 Vehicular and pedestrian networks should be oriented to the interior of clustered subdivisions.

11.02.7 To maintain area character and settlement patterns, and to achieve visual compatibility and land carrying capacity similar with the surrounding area, the Subdivision Administrator and Hearing Examiner may request that the potential number of building sites for a particular parcel be clustered into two or more residential concentrations.

11.03 Areas that are designated URBAN RESERVE, URBAN RESERVE MEDIUM DENSITY, RESIDENTIAL RURAL, RURAL, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, RESORT COMMERCIAL and GATEWAY INDUSTRIAL have the option of using the Planned Unit Development provision of the Title 20 Zoning Ordinance. Planned Unit Development is defined as an official control that allows greater flexibility in density, bulk regulations, building types and land use mixture than is generally permitted in the specific implementing zone text. The option is intended to encourage creative site planning, permanent open space, variety in living, working and recreational settings, conservation of environmentally fragile areas, and mixed use developments.

11.04 When located adjacent to existing agricultural or forestry operations, either within the same land use designation or outside thereof, conventional and cluster residential subdivisions shall be required to have a "hold harmless" agreement attached to the face of the plat; the intent of which is to facilitate the unhampered continuation of legal and customary operations associated with agriculture and forestry.
C. COMMUNITY FACILITIES AND RESOURCES POLICIES

The implementation of land use designations is closely interwoven with the provision of community facilities such as utilities, roads, recreational areas, and emergency services. Land use designations also are affected by and affect the environmental and economic resources of an area. Policies were developed to address or resolve particular issues dealing with these interrelationships. The basic aims of these policies are the maintenance of attractiveness for residential population growth, the economic use of natural resources including the improvement of surface water quality necessary for fisheries, the preservation of important resources, and the encouragement of economic development.

In the Birch Bay-Blaine Subarea the environmental resources are extensive and, in some cases, irreplaceable. Environmental resources include a varied marine shore with shallow warm bay, wildlife habitat and fish spawning grounds, groundwater and creeks, and soils and geology that contribute economic resources. Economic resources primarily consist of recreation based on the natural attributes of the area, Canadian retail trade, fisheries and aquaculture, agriculture, woodlots, and mining.

The community facilities that are necessary in this subarea to maintain and enhance its resources are basically in place. Upgrading is needed particularly transportation facilities, and there are issues associated with recreational use and provision of water and sewer service. These are addressed in the following sections on community services, transportation, and recreation. The format of the policy is:

.01 Purpose
.02 Coordination
.03 Standards
.04 Implementation
Community Utilities and Services

1.01 Purpose It is the purpose of Whatcom County to ensure a beneficial balance between the demand for and supply of community utilities and services and that jurisdictional responsibility and service levels are consistent and predictable for the planned land uses. Community facilities and services typically include sewer and water systems, transportation networks, school and park systems, stormwater drainage systems, and fire and police protective services.

1.02 Coordination It is the policy of Whatcom County to encourage cooperation among municipalities, special districts, water associations, and other appropriate groups in the planning and provision of public services.

1.02.1 Whatcom County shall cooperate and coordinate with the City of Blaine, Whatcom County Water Districts No. 6 and 8, Whatcom County Fire Protection Districts No. 13, and No. 7, Blaine and Ferndale School Districts, and the State of Washington in planning subarea service systems, particularly for areas designated as URBAN RESERVE.

1.02.2 Whatcom County shall recognize Puget Power and Light and Cascade Natural Gas as the primary energy purveyors in the subarea; however, the use of alternative energy systems such as active and passive solar heating and water heating, small scale hydroelectric power, and wind power plants for residential, commercial, quasi-public and public land uses shall be encouraged through the favorable consideration of necessary site design variances whenever appropriate.

1.02.3 Whatcom County shall ensure that the necessary staff and equipment are available in the Whatcom County Sheriff's Department to provide adequate protective services for the Birch Bay-Blaine Subarea population.

1.03 Standards It is the policy of Whatcom County to use availability and level of service standards for community facilities and utilities to maintain and enhance its natural and economic resources, land use patterns, and the safety and well-being of citizens.

1.03.1 Whatcom County shall encourage the placement and extension of sewer and water lines in areas contiguous to existing development so as to discourage the occurrence of "leapfrog" development.

1.03.2 Whatcom County shall discourage development in areas that are inaccessible to ambulances, sheriff's vehicles and fire fighting equipment until private roads are developed that meet emergency vehicle access requirements. Development in areas inaccessible to fire district equipment shall be discouraged unless adequate on-site water and fire suppression systems are available for fire fighting.
1.04 Implementation It is the policy of Whatcom County to use the following criteria for the implementation of adequate economically feasible services in designated land use areas.

1.04.1 RESORT COMMERCIAL: Land areas designated RESORT COMMERCIAL are intended for urban type densities and shall be provided with a full range of urban services including publicly provided sewer and water, fire and sheriff protection, transportation and stormwater drainage systems. On-site stormwater detention is required during development and in accordance with the regional stormwater management plan when adopted. Upon completion of the stormwater management plan facilities and land areas used for retention may be converted to permitted uses and densities. Whatcom County recognizes specific service purveyors for the delivery of urban services in the Birch Bay RESORT COMMERCIAL areas as follows:

Sewer and Water: Water District B.

Law Enforcement: Whatcom County Sheriff's Department

Fire Protection: Whatcom County Fire Protection District No. 13 and 7

Transportation: Whatcom County and Washington Dept. of Transportation

Recreation: Whatcom County Parks Department, Blaine-Birch Bay Park and Recreation District, Washington Parks Dept.

Stormwater Management: Whatcom County

1.04.2 URBAN RESERVE and URBAN RESERVE MEDIUM DENSITY: Land areas designated URBAN RESERVE are intended for urban type densities and shall be provided with a full range of urban services including publicly provided sewer and water, fire and sheriff protection, transportation and stormwater drainage systems. On-site stormwater detention is required during development and in accordance with the regional stormwater management plan when adopted. Upon completion of the stormwater management plan facilities, land area currently used for retention may be converted to permitted uses and densities. Whatcom County recognizes specific service purveyors for the delivery of urban services in the Blaine, Drayton Harbor, and Birch Bay URBAN RESERVE areas as follows:

Sewer and Water: City of Blaine and Water District 6 and 8.

Law Enforcement: Whatcom County Sheriff's Department

Fire Protection: Whatcom County Fire Protection District No. 13 and 7
Transportation: Whatcom County

Recreation: Whatcom County Parks Department, Blaine-Birch Bay Park and Recreation District, Washington Parks Dept.

Stormwater Management: The City of Blaine and Whatcom County

1.04.3 RESIDENTIAL RURAL: Land areas designated RESIDENTIAL RURAL shall have a partial range of urban services including either publicly provided sewer and/or water. On-site stormwater detention is required consistent with 1.04.1 above. In recognition of the existing density services shall include: on-site domestic waste water disposal systems and water associations; volunteer fire protection from a Whatcom County Fire Protection District and the Department of Natural Resources; law enforcement from the Whatcom County Sheriff’s Department; transportation provided by local access roads maintained by Whatcom County and private roads; and recreation provided by the Whatcom County Parks Department and Blaine-Birch Bay Park and Recreation District in cooperation with the State of Washington.

1.04.4 RURAL: Services shall include: on-site domestic waste water disposal systems and individual well or water associations; volunteer fire protection from a Whatcom County Fire Protection District and the Department of Natural Resources; law enforcement from the Whatcom County Sheriff’s Department; transportation provided by local access roads maintained by Whatcom County and private roads; and recreation provided by the Whatcom County Parks Department and Blaine-Birch Bay Park and Recreation District in cooperation with the State of Washington.

1.04.5 QUASI-PUBLIC AND PUBLIC: Services shall include public sewer and water where available from Districts No. 6 and 8, the City of Blaine, or on-site wells and wastewater systems; storm drainage consistent with the regional stormwater management plan when adopted; volunteer fire protection from a Whatcom County Fire Protection District; law enforcement from the Whatcom County Sheriff’s Department; and transportation provided by collector or arterial roads.

1.04.6 NEIGHBORHOOD COMMERCIAL: Services shall include public sewer and water where available from Water District 8, or on-site wells and wastewater systems where the neighborhood is not served by District 8; storm drainage consistent with the regional stormwater management plan when adopted; volunteer fire protection from a Whatcom County Fire Protection District; law enforcement from the Whatcom County Sheriff’s Department; and transportation provided by collector roads.

1.04.7 GENERAL COMMERCIAL: Services shall include public sewer and water where available from Water District 8, or on-site wells and wastewater systems where the neighborhood is not served by
District B; storm drainage consistent with the regional stormwater management plan when adopted; volunteer fire protection from a Whatcom County Fire Protection District; law enforcement from the Whatcom County Sheriff's Department; and transportation provided by collector roads.

1.04.8 GATEWAY INDUSTRIAL: Services shall include public sewer and water from Water District B, or on-site wells and wastewater systems for certain uses as defined in the GATEWAY INDUSTRIAL zone text; storm drainage consistent with the regional stormwater management plan when adopted; volunteer fire protection from a Whatcom County Fire Protection District; law enforcement from the Whatcom County Sheriff's Department; and transportation provided by all-weather arterial and collector roads.

1.04.9 All sewer and water service shall be provided in accordance with Whatcom County Health Department standards.

1.04.10 All stormwater drainage facilities shall be provided in accordance with the regional stormwater management plan when adopted and the Whatcom County Development Standards.

1.04.11 All transportation service shall be provided in accordance with the policies in the following transportation section, as well as all applicable state and federal standards and the Whatcom County Development Standards.

1.04.12 All recreational services shall be provided in accordance with the standards of the Whatcom County Parks Department, Washington State Parks Department, and in cooperation with the policies of the Parks and Recreation System.
2. Transportation System

2.01 Purpose It is the policy of Whatcom County to ensure that land use patterns and transportation planning mutually support the safe and efficient movement of people and goods; are consistent in encouraging a predictable pattern of urban and rural development; and together conserve and enhance existing public investments and resources.

2.01.1 Whatcom County shall use the development approval process of subdivision, zoning, and building permits to establish community circulation patterns including vehicular, pedestrian, and bicycle ways, and to secure rights-of-way and construction of all classifications of roads, pedestrian trails, and bicycle paths.

2.01.2 Whatcom County shall use the development approval process to ensure that all residential development includes safe vehicular access for citizens and emergency vehicles.

2.01.3 Whatcom County recognizes the significant investments made in the existing transportation system, and shall reflect the following resources in any land use classification or zoning amendments:

a. All weather road access sufficient for industrial traffic provided by Interstate 5, Portal Way, and portions of Blaine Road;

b. The traffic loop of Grandview, Jackson, and Blaine Roads that the state has acknowledged as the circular route to Birch Bay State Park;

c. The Burlington Northern Main Line and the Cherry Point Spur Line that provide industrial rail access to the subarea; and

d. Interstate 5 as a major international corridor providing opportunities to display Whatcom County’s advantages for business, agriculture, and residence.

2.02 Coordination It is the policy of Whatcom County to cooperate with federal, state, and municipal agencies in providing for a coordinated transportation system.

2.02.1 Whatcom County shall work with the City of Blaine and with developers to ensure that the transportation system in the county that links the two sections of Blaine is safe and adequate.

2.02.2 Whatcom County shall promote and encourage the provision of public transit as demand increases in the Birch Bay-Blaine Subarea, where warranted by potential ridership for transit, by incorporation when changes in the circulation system are made through the Transportation Improvement Program. The public transit authority shall be sent copies of all major subdivisions and all PUD proposals for their information and review regarding provision of public transportation.
2.03 Standards It is the policy of Whatcom County to maintain and enhance its natural and economic resources, land use patterns, and the safety and well-being of its citizens through the application of the following standards to its transportation system.

2.03.1 Whatcom County shall approve new road construction projects or improvements to existing roads consistent with the regional stormwater management plan when adopted. Should the private or public sector begin such projects before a plan is effective, the county shall implement appropriate measures to assure total containment of excess stormwater runoff for each development proposal. Upon completion of the stormwater management plan, land area currently used for retention may be converted to permitted uses and densities consistent with the applicable zone district.

2.03.2 Whatcom County shall make every effort to preserve mature trees and unique wildlife habitats and other elements of the natural environment during the design and construction of road improvement projects. Where disruption of the natural environment is unavoidable, special techniques such as rounded slopes, erosion control, reseeding and revegetation shall be employed to return roadsides to their natural state.

2.03.3 Bikeways and/or pedestrian walkways shall be included as an integral part of the transportation system. Bikeways and/or pedestrian ways shall be provided in all new developments of over seven units in the RESORT COMMERCIAL and URBAN RESERVE designations to link residential areas, shopping areas, recreational areas, and educational facilities. Whenever practical, bikeways proposed in new developments shall connect with the planned bikeways in the Whatcom County Trails Plan or in the Parks and Recreation plan in this document.

2.03.4 Whatcom County shall encourage the use of noise buffers and visual screens between future residential areas and high volume transportation routes such as Birch Bay-Lynden and Blaine Roads.

2.03.5 Whatcom County shall encourage development design that minimizes the amount of impervious surfaces including streets, driveways, sidewalks, etc., whenever possible. In addition, Whatcom County encourages the use of "natural" engineering design methods such as the use of open, shallow, grassed street swales instead of curbs and gutters.

2.04 Implementation It is the policy of Whatcom County to implement a safe and economic transportation system as indicated on the transportation plan map and below, and, when necessary, amending the Roadway Classification Map.

2.04.1 Whatcom County shall conduct a transportation study to determine the need for and the approximate location of new collector and access roads and the appropriate configuration for bicycle and pedestrian paths in the Birch Bay-Blaine Subarea. After completion of the study, Whatcom County shall program the
construction of these routes in Whatcom County's Six Year Transportation Improvement Program. The following projects shall be included in the study:

a. an upland route paralleling and/or connecting Birch Bay Drive and Blaine Road;

b. extension of Lincoln Road and appropriate linkages to the City of Blaine;

c. interstate freeway interchanges and connecting routes to them;

d. based upon current conditions, improvements necessary for existing intersections, roads, and bicycle/pedestrian ways; and

e. projections based upon zoning densities allowed of the staging of new road and path construction.

2.04.2 Through the land development approval process, Whatcom County shall improve the operational efficiency of the intersections along Birch Bay Drive, Harbor View, Blaine Road, and Drayton Harbor. The intent of this policy is to reduce the number of automobile accidents occurring at intersections by improving access and reducing uncontrolled turning movements. Appropriate design criteria shall be applied consistent with the functional classification of the above mentioned roads and other applicable design criteria as provided in the Whatcom County Development Standards.

2.04.3 Through the development approval process, Whatcom County shall identify the short and long range traffic impacts to subarea roads by computing the estimated number of vehicle trips generated by a project and comparing those computations against the planned level of service for each road segment (according to the Whatcom County Engineering Department design standards and specifications) impacted by the project including intersections. If it is determined that a proposed development will cause traffic impacts that will result in a level of service below that planned for all affected road classifications, Whatcom County shall require the developer to mitigate this by making the necessary improvements to maintain the pre-planned level of service or making an equivalent cash contribution to the Whatcom County Road Fund.

2.04.4 Whatcom County shall work with private land owners, citizen groups, developers, and other agencies to implement the Birch Bay Promenade as presented in the 1977 Birch Bay Comprehensive Plan, including improvements at the intersection with Harbor View Road.

2.04.5 Whatcom County shall allow private provision of all weather road access to meet one of the requirements for industrial rezoning.
3. Parks and Recreation

3.01 Purpose It is the policy of Whatcom County to ensure that land use patterns and parks and recreation planning mutually support each other; are consistent with the adequate provision of recreational opportunities for residents and with the encouragement of tourism; and together conserve and enhance existing public investments and resources.

3.01.1 Whatcom County shall use the development approval process of subdivision, zoning, and open space applications to establish community recreational paths, and whenever in conformance to this plan to obtain easements for public use or ownership of land for parks and recreational opportunities.

3.01.2 Whatcom County shall use the development approval process to ensure that all development makes provision for recreational opportunities for residents.

3.02 Cooperation It is the policy of Whatcom County to cooperate with federal, state, and municipal agencies in providing for a coordinated parks and recreation system.

3.02.1 Whatcom County shall coordinate and cooperate with the City of Blaine in the planning of new park and recreation facilities in the Birch Bay - Blaine Subarea, specifically in the provision of bicycle touring routes and shoreline access.

3.02.2 Whatcom County shall promote and encourage the provision of public parks as demand increases in the Birch Bay-Blaine Subarea, where warranted by potential population levels, by incorporation into the Whatcom County Parks improvement program. The County Parks Department shall be sent copies of all major subdivisions and all FUD proposals for their information and review regarding provision of public recreation opportunities.

3.03 Standards It is the policy of Whatcom County to maintain and enhance its natural and economic resources and the safety and well-being of its citizens through the application of the following standards to its parks and recreation system.

3.03.1 Whatcom County shall approve new park construction projects or improvements to existing parks consistent with the subarea park plans.

3.03.2 Bikeways and pedestrian walkways shall be included as integral parts of the park and recreation system, and shall be implemented through public and private road construction or improvement programs. Bikeways and pedestrian ways shall be provided in new developments to link residential areas, shopping areas, recreational areas and educational facilities. Whenever practical, bikeways proposed in new developments shall connect with the planned bikeways adopted herein.
screens between future residential areas and high use recreational areas, and shall ensure adequate access to high use areas that avoids impacts on residential areas.

3.03.4 Whatcom County shall encourage the use of surfacing options such as porous asphalt pavement, precast interlocking blocks and rolled brick or cinder chips that reduce total surface runoff, slow concentration and capture particulates in all park and recreation areas.

3.04 Implementation It is the policy of Whatcom County to implement an adequate and economically beneficial parks and recreation system as designated on the Birch Bay-Blaine Subarea Parks and Recreation Plan Map and by amending it as necessary.

3.04.1 Whatcom County shall identify the need for and the approximate location of new principal sites and connecting recreational paths in the Birch Bay-Blaine Subarea and shall program the construction of these sites and routes in Whatcom County's Parks Capital Improvement Program and Transportation Improvement Program. The following projects have been identified:

a. Birch Bay Promenade pedestrian and bicycle paths, and two beach activity nodes identified in the 1977 plan: the intersection of Harbor View Road and Birch Bay Drive, and the intersection of Alderson Road and Birch Bay Drive.

b. Birch Bay tidelands access.

c. Dakota and California Creek inland parks.

d. Adequate bicycle path width and signage for the Whatcom County Trails System shown on the Plan Map.

3.04.2 Through the land development approval process, Whatcom County shall improve public access to shorelines and tidelands using such mechanisms as transfer of development rights, density bonuses, and open space property tax status.

3.04.3 Through the development approval process, Whatcom County shall identify the short and long range recreational impacts to subarea parks by computing the estimated number of dwelling units generated by a project and comparing those computations against the park and recreational facility use standards and design standards. Whatcom County shall request the developer to mitigate impacts of additional population.
4. **Environmental Resources**

4.01 **Purpose** It is the policy of Whatcom County to manage its natural resources by recognizing and conserving irreplaceable resources, providing suitable protection for environmentally fragile areas, enhancing environmental quality, and planning and zoning in accord with environmental hazards.

4.02 **Coordination** It is the policy of Whatcom County to encourage cooperation among federal and state agencies, municipalities, environmental groups, and private landowners to enhance its environmental resources.

4.02.1 Whatcom County shall continue to use the public benefit rating system for evaluation of applications for tax relief on open space land use pursuant to ROW 04.34 whereby granting of open space tax status shall be dependent upon determination that the public benefit of retaining a parcel in open space outweighs the loss or deferral of revenue to the County.

4.02.2 Whatcom County shall encourage property owners to use the current use tax assessment provisions of ROW 04.34 to retain the following areas in open space: steep or unstable slopes, stream corridors, wetlands, shoreline areas and unique or important wildlife habitats.

4.02.3 Whatcom County shall work with property owners, citizen groups, the City of Blaine, the State of Washington, and other agencies in protecting the marine shoreforms of the subarea.

4.03 **Standards** It is the policy of Whatcom County to enhance and maintain its environmental resources according to the following standards:

4.03.1 Whatcom County shall promote the use of 100-year floodplains associated with stream corridors as open space. Residential development shall be encouraged to be sited at sufficient distance from all streams to minimize potential loss or damage to property that may occur as the result of debris dam failure or increased duration and volume of stream flow. Whatcom County shall encourage minimal use of stream corridors, drainage swales, and alluvial areas for building sites.

4.03.2 Whatcom County shall promote groundwater of a quality suitable for domestic consumption by encouraging low density and intensity uses in locations with soils of poor quality for septic systems.

4.03.3 Whatcom County shall recognize wetlands such as swamps, bogs, marshes and ponds as natural catchment basins for stormwater run-off. Run-off during development shall be controlled as specified in the Whatcom County Development Standards.

4.03.4 Whatcom County shall encourage utilization of steep slopes (greater than 15%) or unstable slopes for open space, very low density development or forestry. If used for development pur-
poses, structures shall comply with the provisions of the Uniform Building Code and subdivision of land shall be subject to site safety confirmation by a qualified geotechnical engineer or a qualified geologist. Where slopes are in excess of 10%, cluster development shall be encouraged to minimize slope disturbance.

4.03.5 Whatcom County shall encourage very low residential densities in areas of known mineral resource occurrence with the intent of retaining future access and utilization options. Surface extraction shall be dependent upon compatibility with surrounding land uses and shall be accompanied by a reclamation plan which is consistent with state regulations contained in RCW 78.44. Subsurface mining operations shall conform with applicable federal regulations.

4.03.6 Whatcom County shall foster through the development approval process and public works continued fish and wildlife habitat integrity in the Birch Bay-Blaine Subarea. Applicable habitats include the eagle nests and roosting sites, heron rookeries, herring spawning grounds, salmon spawning streams, cutthroat trout spawning streams and lakes; deer migration routes; and the Pacific waterfowl flyway.

4.03.7 Whatcom County shall encourage air pollution abatement with the intent of maintaining and/or enhancing air quality, consistent with the Federal Clean Air Act, and accomplished through the coordination of local land use proposal review with the Northwest Air Pollution Authority and other environmental agencies.

4.03.8 Whatcom County shall implement the necessary rules, regulations and ordinances which are required by state law to minimize noise impacts.

4.03.9 Whatcom County shall review all shoreline development proposals for adherence to the requirements of the Whatcom County Shoreline Management Program.

4.04 Implementation It is the policy of Whatcom County to implement the enhancement of its environmental resources through the following actions.

4.04.1 Whatcom County shall seek funding for additional monitoring and enforcement of septic system performance in the subarea.

4.04.2 Whatcom County shall assist and encourage the monitoring of water quality in the Dakota and California Creek drainage basins and associated streams, and in Drayton Harbor and Birch Bay, and shall address any decrease in water quality by additional controls on chemical herbicides used on county roads, farm practices, and development density.

4.04.3 Whatcom County shall maintain and enhance the public usefulness of the Birch Bay-Blaine Subarea shoreline in accordance with the Shoreline Management Program by:
a. improving Birch Bay Drive to the promenade design standard;

b. encouraging alternative setback regulations where shared driveways, clustered buildings and other variations from required setbacks will provide less obstructed scenic vistas for the public; and

c. using the development review process to preserve recreational access to the Birch Bay shoreline through requiring any land development to indicate how it will avoid significant adverse impacts on or displacement of recreational uses that have no comparable alternate sites locally.
5. Economic Development

5.01 Purpose It is the policy of Whatcom County to promote economic development in the Birch Bay-Blaine Subarea by:

5.01.1 Recognizing and protecting the natural resources remaining in the area—fish, timber, sand and gravel, and scenic beauty;

5.01.2 Providing for new economic development relating to the natural resources: aquaculture, fisheries, and agriculture;

5.01.3 Encouraging increased opportunities for industrial uses in the area through the creation of the Gateway Industrial zone; and

5.01.4 Recognizing tourism as the most significant potential generator of jobs, profits, and taxes in the subarea.

5.02 Coordination It is the policy of Whatcom County to encourage cooperation among state agencies, municipalities, economic development groups, and private landowners to enhance its economic potential.

5.02.1 Whatcom County shall promote cooperation with the City of Blaine and Water District #6 to coordinate land use and capital programming decisions in order to preserve natural economic resources and maximize economic development potential;

5.02.2 Whatcom County shall encourage private forest and woodlot property owners to conserve the county forest resource base by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33, and RCW 84.34.

5.02.3 Whatcom County shall encourage private agricultural operators of conserve the county prime farmland and soils resource by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33, and RCW 84.34, and by working with agricultural organizations to implement best management practices.

5.03 Standards It is the policy of Whatcom County to use the following standards to enhance and maintain its economic potential.

5.03.1 Existing uses that are not allowed in a zone district specified when the Birch Bay-Blaine Subarea Comprehensive Plan is adopted shall be recognized for their economic investment and allowed to continue and expand as legal nonconforming uses.

5.03.2 Present land use codes and future comprehensive plan and zoning amendments should be examined for their enhancement of the economy of the subarea and region and be implemented so as to:

a. foster and promote the general welfare in the long run as well as the immediate future;

b. create and maintain a balanced and diversified economy sustained by a healthy environment;
c. strengthen and stabilize the tax base; and

d. fulfill the social, economic, and other requirements of present and future generations of Whatcom County citizens.

5.03.3 In reviewing development proposals, the regulations shall be administered and enforced with particular concern for:

a. the water quality in the area, especially in Drayton Harbor, and California, Dakota and Terrell Creeks where aquaculture and salmon spawning provide significant economic potential;

b. the visual appearance of the subarea, maintaining the rural character where appropriate and enhancing the urbanized area with proper site screening, internal landscaping, view corridors and public access where appropriate, and area wide sign control; and

c. the expeditious approval of uses that will provide jobs and enhance the tax base.

5.03.4 Land use designations, regulations, and incentives shall be provided that will encourage visitors to the area. These include the preservation of the area's scenic beauty and historic character, as well as improved access to beaches and recreation facilities.

5.04 Implementation It is the policy of Whatcom County to recognize the economic potential of capital improvement decisions and other non-land use programs, and to coordinate these efforts in a concerted approach to cost effective development of the area.

5.04.1 An Action Plan shall be developed for the subarea which combines all the implementing measures other than land use designation and zoning for the area, and prioritizes the actions required for accomplishing the goals identified in this plan, particularly those categories relating to economic development which tend to cut across all issues.

5.04.2 Direct economic activities shall be incorporated in the annual Overall Economic Development Program

5.04.3 Actions identified for enhancement of the subarea shall be incorporated in the appropriate capital improvement programs.
VII. COMPREHENSIVE PLAN AMENDMENTS

The Birch Bay-Blaine Subarea Plan is a policy document that is used to guide the land use decisions affecting both the private and public sectors of the subarea. For the plan to function as an effective decision making document, it must be flexible enough to weather changes in public attitudes, developmental technologies, economic forces and legislative policy. The plan envisions two general types of plan amendments. The first type is a review conducted every seven years. This review should re-examine the entire plan, including a re-evaluation of goals, updates of land related elements, and the reaffirmation of land use policies and proposals. This review is the responsibility of the Whatcom County Planning Commission, the Planning Department staff and the people of the subarea.

The second type of amendment is that proposed and initiated by the private sector. The land uses illustrated on the Land Use Plan Map are the result of the application of the plan's goals and policies. However, it is reasonable to assume that the private sector may introduce land use proposals that conflict with the plan map or policies of the plan itself. In such instances, the private sector may propose an amendment to the plan. Private petitions for amendment of the Comprehensive Plan addressed to either the Planning Commission or the County Council shall be processed in accordance with statutory procedure for adoption or amendment of comprehensive plans. In applying for a particular amendment to the plan or plan map, the private sector shall conform to the following criteria:

1. The amendment request shall conform with the goals of the subarea plan;
2. The amendment request shall be compatible with the existing and planned surrounding land uses;
3. The amendment request shall not result in unmitigated detrimental impacts to existing transportation systems;
4. The amendment request shall not place uncompensated burdens upon existing or planned service capabilities; and
5. The amendment request shall demonstrate a land usage need which is currently or within the context of this comprehensive plan not met.
BIRCH BAY - BLAINE SUBAREA
COMPREHENSIVE LAND USE PLAN

LEGEND
- Urban Reserve
- Low 4 DU/Ac.
- Medium 6 DU/Ac.
- Residential Rural 2DU/Ac.
- Rural 1 DU/10Ac.
- Commercial
- General
- Neighborhood
- Resort
- Gateway Industrial
- Agriculture
- Public Parks and Recreation
IX. APPENDIX: LEGAL DESCRIPTIONS OF BOUNDARIES
BIRCH BAY-BLAINE SUBAREA

References to specific plats in the following legal descriptions are as of November 15, 1987

URBAN RESERVE (UR 4 du/acre)

AREA 1:

A tract of land beginning at the SE corner of SEC 2, TWP39N, R1W, W.M.; thence West along the center line of Grandview Rd. to the center line of Koehn Rd.; thence South along the center line of Koehn Rd. to the center line of the Brown Rd. right-of-way; thence East along the center line of the Brown Rd. right-of-way to the NE corner of the W1/2 of the W1/2 of Government Lot 4, SEC 11, TWP39N, R1W, W.M.; thence Southerly along the East line of the W1/2 of the W1/2 of said lot to the mean high water mark of Georgia Strait; thence Northerly along the mean high water mark of Georgia Strait to the Northwesterly corner of Lot 2, Division 1, Birchmont Long Plat; thence Southeasterly along Northeasterly line of Lot 2 to a point on the E/W center line of SEC 2; thence easterly to the E1/4 corner of said section; thence due South to the point of beginning.

Situate in Whatcom County Washington

AREA 2:

A tract of land beginning at the center line of Birch Bay Dr. on the Eastern line of SEC 23, TWP40N, R1W, W.M.; thence South to the mean high water mark of Birch Bay; thence Westerly and Northerly along the mean high water mark of Birch Bay and Georgia Strait to the the United States/Canadian border; thence East along the the United States/Canadian border to the Eastern line of the W1/2 of the E1/2 of SEC 32, TWP41N, R1E, W.M.; thence due South to the NE corner of the SE1/4 of the SW1/4 of the SE1/4 of said section; thence due East 330'; thence due South to the SE corner of the NW1/4 of the SE1/4 of SEC B, TWP40N, R1E, W.M.; thence West to the SW corner of said 1/4 corner; thence South to the S1/4 corner of SEC B; thence West to the NE corner of SEC 18, TWP40N, R1E, W.M.; thence South to the intersection of Lincoln and Blaine Rds.; thence East to the NE corner of the NW1/4 of the NW1/4 of SEC 20, TWP40N, R1E, W.M.; thence South to the NE corner of the SW1/4 of the NW1/4 of SEC 29, TWP40N, R1E, W.M.; thence East to the NE corner of the SW1/4 of the NE1/4 of said section; thence South to the SE corner of the NW1/4 of the NE1/4 of SEC 32; thence West to the intersection of the center lines of Alderson and Blaine Rds.; thence North to the NW corner of the SW1/4 of the NW1/4 of SEC 32; thence due East to a point 520' East of the center line of Blaine Rd.; thence North along said line 600', more or less, to the South line of the NW1/4 of the NW1/4 of the NW1/4, SEC 29; thence East to SW corner of the NE1/4 of the NW1/4 of said section; thence North to the NE corner of the SW1/4 of the SW1/4 of SEC 20; thence due West to the center line of Blaine Rd.; thence North to the SE corner of the NE1/4 of the SE1/4 of SEC 19, TWP40N, R1E, W.M.; thence due West to the SE corner of the NW1/4 of the SW1/4 of SEC 19; thence North 150'; thence due West to the center line of Harborview Rd.; thence
due South 150’ to the SE corner of the NE1/4 of the SE1/4 of SEC 24, TWP40N, R1E, W.M.; thence due West to the SW corner of said 1/4 1/4, SEC 24; thence North to the NW corner of said 1/4 1/4; thence Westerly along the center line of Anderson Rd. to the center line of Shintaffer Rd.; thence South along the center line of Shintaffer Rd. to a point 170’, more or less, North of the center line of Birch Bay Dr.; thence Westerly along the Northern line of Lots 8-12, Kingsland Long Plat; thence Westerly to the NE corner of Lot 20, Birch Bay West End Estates Long Plat; thence Northwesterly along Northern property lines of said Plat to the NE corner of Government Lot 4, SEC 23, TWP40N, R1E, W.M.; thence due West 60’; thence due South to the center line of Birch Point Dr.; thence East along the center line of Birch Point Dr. to the point of beginning. Exclusive of the City of Blaine and the two areas designated Neighborhood Commercial.

Situate in Whatcom County Washington

URBAN RESERVE (UR 6 du/acre)

AREA I:

A tract of land beginning at the NE corner of SEC 1, TWF39N, R1W, W.M.; thence South to the E1/4 corner of said section; thence West along the E/W center line of said section to the Northeasternly corner of Lot 2, Division 1, Birchmont Long Plat; thence Northerly along said Lot line to the mean high water mark of Birch Bay; thence in a Northeasternly direction along the mean high water mark of Birch Bay to the NW corner of the SW1/4 of SEC 31, TWF40N, R1E, W.M.; thence East along the Northern line of said 1/4 to the center line of Terrell Creek; thence Northerly along the center line of Terrell Creek to the Westerly extension of the center line of Wilson Dr.; thence Easterly along said center line and its Easterly extension to the Westerly line of the SE1/4 of the NW1/4 of SEC 31; thence North to the NW corner of said 1/4 1/4 section and the center line of Alderson Rd.; thence East along the center line of Alderson Rd. to the NE corner of said 1/4 1/4; thence North to the NW corner of the NE1/4 of said section; thence West to the SW corner of the SE1/4 of the SW1/4 of SEC 30, TWF40N, R1E, W.M.; thence North to a point 40’ South of the Southerly margin of First Ln.; thence due West on a line parallel with First Ln. to the mean high water mark of Birch Bay; thence Northerly along the mean high water mark of Birch Bay to intersect with the extended center line of Evergreen Ln.; thence due East along said center line to a point 200’ West of the Western line of the E1/2 of the SW1/4 of SEC 30; thence due North 90’; thence due East 200’; thence due North to the NW corner of the SE1/4 of the SW1/4 of SEC 30; thence due East to the NE corner of said 1/4 corner; thence due North to the NW corner of the SW1/4 of the NW1/4 of the SE1/4 of SEC 30; thence due East 100’ to the Easterly property line of Sea Links Golf Course Tract; thence Northerly and Northwesterly along the East property line of said tract to the NW corner of the SW1/4 of the NE 1/4 of SEC 30; thence North to the NW corner of the NE1/4 of said section and the center line of Birch Bay-Lynden Rd.; thence West along the center line of Birch Bay-Lynden Rd. to the SW corner of the SE1/4 of the SW1/4 of SEC 19, TWF40N, R1E, W.M.; thence North to the NW corner of said 1/4 1/4; thence East to the NE corner of the SW1/4 of the SE1/4 of SEC 19; thence South to the NE corner of the S1/2 of the SW1/4 of the SE1/4 of said section; thence due West 110’, more or less; thence due South to the center line of Birch Bay-Lynden Rd.; thence East along the center line of Birch Bay-Lynden Rd. to the Northerly extension of the East line of Holiday Park Long Plat, Division 1; thence South along the East line of the Holiday Park Long Plat, Division 1, and its Southerly extension, to the Northern line of the S1/2 of the N1/2 of SEC 30; thence East to the NE corner of the SE1/4 of the NE1/4 of said section and to the center line of Blaine Rd.;
thence South along the center line of Blaine Rd. to the E1/4 corner of SEC 31; thence West to the NE corner of the NW1/4 of the SE1/4 of said section; thence South to the SE corner of said 1/4 1/4; thence due West to the SW corner of said 1/4 1/4; thence due South to the center line of Bay Rd.; thence West along said center line to the point of beginning.

Situate in Whatcom County Washington

AREA 2:

A tract of land beginning at the NE corner of the SE1/4 of the SE1/4 of SEC 24, TWP40N, R1W, W.M.; thence due East to the center line of Harborview Rd.; thence South along said center line to the point of intersection with the Northwesterly property line, extended, of Lot 1, Block 1, Morgan's Cottonwood Long Plat; thence in a Southwesterly direction along the NW property line of Lot 1 of said Plat to its NW corner; thence Southwesterly to the SE corner of Lot 4, Block 2, of said Plat; thence Southwesterly along the South property line to the SW corner of said lot; thence in a Northwesterly direction along the Southwesterly property lines of Lots 4-15, Block 2, of said Plat, and crossing Cottonwood Dr. to the SE corner of Lot 1, Block 3, of said Plat; thence continuing in a Northwesterly direction along property lines to the NE corner of Lot 6, Block 1, of said Plat; thence in a Southwesterly direction along the Northwesterly lot lines of Lot 6, Block 1, and Lot 2, Block 2, as extended to the Easterly line of Government Lot 3; thence South along said line to the mean high water mark of Birch Bay; thence Northerly along the mean high water mark of Birch Bay to the Easterly line of Government Lot 2, SEC 23, TWP40N, R1W, W.M.; thence Northerly to the center line of Birch Point Rd.; thence Westerly along said center line 60'; thence North to the Northern line of Government Lot 2; thence East to the E1/4 corner of SEC 23; thence in a Southeasterly direction, on a line 200', more or less, North of and parallel to the center line of Birch Bay Dr., to the center line of Deer Trail Rd.; thence Southerly to a point 150', more or less, North of the center line of Birch Bay Dr.; thence Easterly along a line parallel to and 150', more or less, Northerly of Birch Bay Dr. to the NE corner of Lot 20, Birch Bay West End Estates Long Plat; thence Easterly to the Northwesterly corner of Lot 12, Kingsland Long Plat; thence continuing Southeasterly to the NE corner of Lot 9 of said Plat; thence South to the NW corner of Lot 7, Kingsland Long Plat, Division 1; thence in a Southeasterly line to the NE corner of Lot 8 of said Long Plat; thence Easterly to a point on the center line of Shintafer Rd., 190', more or less, North of intersection of the center lines of Birch Bay Dr. and Shintafer Rds.; thence North on said center line to intersect with center line of Anderson Rd.; thence Easterly along center line of Anderson Rd. to the NE corner of the NW1/4 of the SE1/4 of SEC 24; thence due South to the point of beginning.

Situate in Whatcom County Washington

RESIDENTIAL RURAL (Res Rural 2 du/acre)

AREA 1:

A tract of land beginning at the NE corner of SEC 35, TWP40N, R1E, W.M.; thence South along said section line to a point 220', more or less, North of the E1/4 corner of said section; thence due West to a point 207.8' West of East section line and parallel to E/W center line of said section; thence due North to a point 2050' South and 207.8' West of the East line of said section; thence Westerly to the East line of ????? and center line of Bruce Rd. projected North; thence South along said line to a point 540' South of the NE corner of the NW1/4 of the
SE1/4 of said section; thence due West to the Western line of the E1/2 of the NW1/4 of the SE1/4 of SEC 35; thence North along said line to the Southern boundary of the Pettit Short Plat; thence West along Southern boundary of said Plat to the Western line of the SE1/4 of SEC 35; thence North along said line to the NW corner of the SW1/4 of the NE1/4 of said section; thence West to a point 330' West of said corner; thence due North to the Northern boundary of said section and center line of Arnie Rd.; thence due East along said center line to the point of beginning. Exclusive of the area of Neighborhood Commercial.

Situate in Whatcom County Washington

RURAL (Rural 5 acres)

AREA 1:

A tract of land beginning at the SE corner of SEC 1, TWP39N, R1W, W.M.; thence West along the center line of Grandview Rd. to the SW corner of said section; thence North along said section line to the North line of the S1/2 of said section; thence East along said line to the center line of Jackson Rd.; thence South along said center line to the point of beginning.

Situate in Whatcom County Washington

AREA 2:

A tract of land beginning at the intersection of the center lines Loomis Trail Rd. and Portal Way, SEC 16, TWP40N, R1E, W.M.; thence West along the center line of Loomis Trail Rd. to the SE corner of the SW1/4 of the SE1/4 of SEC 17, TWP40N, R1E, W.M.; thence due South to the center line of California Creek; thence Northwesterly along the center line of California Creek to the center line of Blaine Rd.; thence North along the Western line of SEC 17 to the NW corner of SEC 17; thence due East to the Western line of the E1/2 of SEC 8, TWP40N, R1E, W.M.; thence North along this line to the center line of Portal Way; thence Southeasterly along said center line to the point of beginning.

Situate in Whatcom County Washington

AREA 3:

A tract of land beginning at the E1/4 corner of SEC 12, TWP40N, R1E, W.M.; thence South along the center line of Delta Line Rd. to the E1/4 corner of SEC 25, TWP40N, R1E, W.M.; thence west along the center line of Creasy Rd to the center line of Custer School Rd.; thence Southerly along said center line to the center line of I-5; thence Northwesterly along said center line to the Northern line of the S1/2 of the NW1/4 of the NW1/4 of SEC 26, TWP40N, R1E, W.M.; thence East to the SW corner of the NW1/4 of the NE1/4 of the NW1/4 of said section; thence North to the NW corner of the SE1/4 of the SW1/4 of SEC 23, TWP 40N, R1E, W.M.; thence due West to the center line of I-5; thence Northwesterly along the center line of I-5 to the Southern line of the N1/2 of the SE1/4 of SEC 8, TWP40N, R1E, W.M.; thence due East to the NW corner of the SE1/4 of the SE1/4 of said section; thence due North to the center line of Dakota Creek; thence Easterly along the center line of Dakota Creek to the line between SEC 8 and SEC 9, TWP40N, R1E, W.M.; thence Northerly to the W1/4 corner of SEC 9 and the center line intersection of Harvey and Hoier Rds.; thence Easterly and Northeasterly along the center line of Hoier Rd. to the center line of Statvolt Rd.; thence Southeasterly and Easterly along the center line of Haynie Rd. to the point of beginning.

Situate in Whatcom County Washington

TX-4
RURAL  (Rural 10 acres)

AREA 1:

A tract of land beginning at the E1/4 corner of SEC 12, TWP40N, R1E, W.M.; thence Westerly along the center line of Haynie Rd. to the center line of Statvolt Rd., thence continuing Westerly along the center line of Hoier Rd. to the center line of Harvey Rd.; thence due South to the center line of Dakota Creek; thence Westerly along the center line of Dakota Creek to the Western line of the E1/2 of the E1/2 of SEC 8, TWP40 North, R1E, W.M.; thence North along this line to the SE corner of the SW1/4 of the NW1/4 of the SE1/4 of the SE1/4 of SEC 32, TWP41N, R1E, W.M.; thence due West to the SW corner of the NW1/4 of the SE1/4 of the SE1/4 of said section; thence due North along this line to the United States/Canadian Border; thence due East to the NE corner of SEC 36, TWP41N, R1E, W.M.; thence due South to the center line of H Street Rd.; thence East along said center line to the NE corner of SEC 1, TWP40N, R1E, W.M.; thence due South to the point of beginning.

Situate in Whatcom County Washington

AREA 2:

A tract of land beginning at the NE corner of the SW1/4 of the SE 1/4 of SEC 8, TWP40N, R1E, W.M.; thence East along the 1/4 1/4 section line to its intersection with the center line of I-5; thenceSoutheasterly along said center line to the Easterly line of the W1/2 of the W1/2 of SEC 16, TWP40N, R1E, W.M.; thence South along said line to the center line of Portal Way; thence Northwesterly along said center line to the West line of the SE1/4 of SEC 8; thence North along said line to the point of beginning.

Situate in Whatcom County Washington

AREA 3:

A tract of land beginning at the S1/4 corner of SEC 31, TWP40N, R1E, W.M.; thence North to the NW corner of the SW1/4 of the SE1/4 of said section; thence East to the NE corner of said 1/4 1/4 section; thence North to the NW corner of the NE1/4 of the SE1/4 of said section; thence East to the E1/4 corner of said section; thence North along section line to the NW corner of the SW1/4 of the NW1/4 of SEC 32, TWP40N, R1E, W.M.; thence East to the SW corner of the NE1/4 of the NW1/4 of said section; thence North to the SW corner of the NE1/4 of SEC 29, TWP40N, R1E, W.M.; thence West to the NW corner of the SE1/4 of the NW1/4 of said section; thence North to the SE corner of the SW1/4 of SEC 17, TWP40N, R1E, W.M.; thence West to the intersection of the center lines of Blaine and Lincoln Rds.; thence North along the center line of Blaine Rd. to the center line of California Creek; thenceSoutheasterly along the center line of California Creek to the Western line of the E1/2 of the E1/2 of SEC 20, TWP40N, R1E, W.M.; thence North along said line to the center line of Loomis Trail Rd.; thence East along said center line to the center line of Portal Way; thenceSoutheasterly along said center line to a point 1500' Southeasterly of the North line of SEC 27, TWP40N, R1E, W.M., as measured along the center line of Portal Way; thence Northeasterly on a line perpendicular to the center line of Portal Way to the intersection with the center line of I-5; thenceSoutheasterly along said line to its intersection with the center line of Custer School Rd.; thence Southerly along said center line to the SE corner of SEC 20, TWP40N, R1E, W.M.; thence West along the Southerly line of said section to the East line of the W1/2 of the E1/2 of the NE1/4 of the NW1/4 of SEC 35, TWP40N, R1E, W.M.; thence South to the SE corner of the W1/2 of the E1/2 of the NW1/4 of said

IX-5
section; thence East to the NE corner of the SE1/4 of the NW1/4 of said section; thence South along the Eastern line of the W1/2 of said section to the SW corner of Pettit Short Plat; thence due East to the East line of the W1/2 of the NW1/4 of the SE1/4 of said section; thence South along said line 330', more or less; thence due East to the West line of the E1/2 of the E1/2 of SEC 35 and the center line of Bruce Rd.; thence due North to the SW corner of the City of Custer Long Plat; thence East along the Southern boundary of said Plat to a point 290' West of the East line of SEC 35; thence South 360'; thence East to section line between SEC 35 and 36; thence North along the Eastern boundary of SEC 35 to the NW corner of SEC 36, TWP40N, R1E, W.M. and the center line of Custer School Rd.; thence Northerly along said center line to the center line of I-5; thence Southeasterly along said center line to the Southern line of SEC 36; thence due West along said line and the center line of Bay Rd. to the point of beginning.

Situate in Whatcom County Washington

AGRICULTURE

AREA 1:

A tract of land beginning at the SE corner of SEC 36, TWP40N, R1E, W.M.; thence due West to the center line of I-5; thence Northwesterly along said center line to the center line of Custer School Rd.; thence Northerly along the center line of Custer School Rd. to the center line of Greasey Rd.; thence due East to the E1/4 corner of SEC 25, TWP40N, R1E, W.M.; thence due South along the Eastern line of SEC 25 and 36 to the point of beginning.

Situate in Whatcom County Washington

NEIGHBORHOOD COMMERCIAL

AREA 1:

A tract of land beginning at the intersection of the center line of Portal Way with the Eastern line of SEC 35, TWP40N, R1E, W.M.; thence Northwesterly along said center line to a point of intersection with the center line of Warwick Ave.; thence East along said center line to intersect with the East line of SEC 35; thence South along said line to the point of beginning.

Situate in Whatcom County Washington

AREA 2:

A tract of land beginning at the line of intersect of the center line of Harborview Rd. and the South property line extended West of Harborview Estates Long Plat, SEC 19 TWP40N, R1E, W.M.; thence due East along the Southern line of said Plat to the East line of the W1/2 of the NW1/4 of the NW1/4 of said section; thence due South 490', more or less; thence due West to the center line of Harborview Rd.; thence North along said center line to the point of beginning.

Situate in Whatcom County Washington

AREA 3:

A tract of land beginning at the E1/4 corner of SEC 23, TWP40N, R1W, W.M.; thence North 07° 07' 37" West, 60'; thence due South 105', more or less, to the center line of Birch Point Rd.; thence due West along the center line of Birch Point Rd. (Co.Rd. 432) to intersection with center line of a 40' Rd. conveyed to
Whatcom Co. by Deed, recorded March 10, 1910, in Volume 110 of Deeds, page 506, under Auditor's File Number 138579 (Co. Rd. 482); thence Northeasterly and Easterly along the center line of said road, extended to a point 700', more or less, West of, and 70', more or less, North of the E1/4 corner of SEC 23; thence due North 40', more or less; thence South 87° 07' 37" East, parallel to the E/W center line of said section, 508'; thence North 17° 14' 27" East, 208'; thence North 71° 14' 27" East, 120'; thence South 71° 45' 33" East, 30'; thence South 02° 34' 27" West, along East line of SEC 23, 350' to the point of beginning.

Situate in Whatcom County Washington

GENERAL COMMERCIAL

AREA 1:

A tract of land beginning at the NW corner of the SE1/4 of the SE1/4 of SEC 19, TWP40N, R1E, W.M.; thence due East to the center line of Blaine Rd.; thence due South along the center line of Blaine Rd. to the SW corner of the NW1/4 of the SW1/4 of the SW1/4 of SEC 20, TWP40N, R1E, W.M.; thence East to the SE corner of said 1/4 1/4 1/4; thence South to the SE corner of the NW1/4 of the NW1/4 of SEC 29, TWP40N, R1E, W.M.; thence due West 110', more or less; thence due South to the South line of the NW1/4 of the NW1/4 of SEC 29; thence due West to the Easterly property line of Holiday Park Long Plat; thence North along said property line to the center line of Birch Bay-Lynden Rd.; thence West along said center line to a point 1208.00' East of the S1/4 corner of SEC 19; thence North 660', more or less; thence East to the NW Corner of the S1/2 of the SE1/4 of the SE1/4 of said section; thence due North to the point of beginning.

Situate in Whatcom County Washington

RESORT COMMERCIAL

AREA 1:

A tract of land beginning at the NW corner of the SE1/4 of the NW1/4 of SEC 31, TWP40N, R1E, W.M.; thence due South 520', more or less; thence due West to the center line of Terrell Creek; thence Southerly along said center line to the center line of Broadway Rd.; thence due West along said center line extended to the mean high water mark of Birch Bay; thence Northerly along the mean high water mark to a point 40' South of the Southern line of First Ln., extended; thence East, on a line parallel to the Southern line of First Ln. and 40' South, to the East line of the W1/2 of the SE1/4 of SEC 30; thence South to the NW corner of the NE1/4 of the NW1/4 of said section; thence East to the NE corner of said 1/4 1/4; thence South to the SE corner of said 1/4 1/4 and the center line of Alderson Rd.; thence West along said center line to the point of beginning.

Situate in Whatcom County Washington

AREA 2:

A tract of land beginning at the NE corner of the NW1/4 of SEC 30, TWP40N, R1E, W.M.; thence South to the SE corner of the NE1/4 of the NW1/4, said section; thence in a Southeasterly and Southerly direction along the Eastern property line of Sea Links Golf Course Tract to the SE corner of Sea Links Golf Course Tract; thence due West 100', more or less, to the NE corner of the S1/2 of the NE1/4 of the SW1/4 of SEC 30; thence South to SE corner of the NE1/4 of the SW1/4 of said section; thence due West to the SW corner of said 1/4 1/4; thence due South
210', more or less; thence due West 200', more or less; thence due South 90' to the center line of Evergreen Ln.; thence due West to the mean high water mark of Birch Bay; thence Northwesterly along the mean high water mark to the West line of Government Lot 4; thence North along this line to a point of intersect with the Northwesterly property lines extended SW of Lot 6, Block 1, and Lot 2, Block 2, Cottonwood Beach Long Plat, SEC 24, TWP40N, R1W, W.M.; thence Northwesterly along said line to the Northwesterly corner of Lot 6, Block 1, Cottonwood Beach Long Plat; thence Southeasterly along the property line between Cottonwood Beach Long Plat and Morgan's Cottonwood Beach Plat to the Southeasterly corner of Lot 4, Block 2, of Morgan's Cottonwood Beach Long Plat, SEC 24; thence Northeasterly along property line of Lot 4, Block 2, to the Morgan Dr. right-of-way; thence Northeasterly across Morgan Dr. right-of-way to a point of intersect with the Northwesterly property corner, Lot 1, Block 1, Morgan's Cottonwood Beach Long Plat; thence Northeasterly along the Northwesterly property line of said lot as extended to the center line of Harborview Rd.; thence North along center line of Harborview Rd. to a point of intersect with a line extending West, the said line being the Northerly line of the Northerly 705.38' of the Northerly 1905.27' of Government Lots 3 and 4, SEC 19, TWP40N, R1E, W.M.; thence Easterly along said line to the East line of Government Lot 3; thence due South to the SE corner of the SW1/4 of the SW1/4 of SEC 19 and the center line of Birch Bay-Lynden Rd.; thence East along said center line to the point of beginning.

Situate in Whatcom County Washington

GATEWAY INDUSTRIAL

AREA 1:

A tract of land beginning at the NE corner of the SW1/4 of the SW1/4 of SEC 23, TWP40N, R1E, W.M.; thence due South to the SE corner of the N1/2 of the NW1/4 of the NW1/4 of SEC 2G, TWP40N, R1E, W.M.; thence due West to the center line of I-5; thence Northwesterly along said center line to a point which intersects with a line drawn perpendicular to the center line of the Portal Way right-of-way, and projected from a point 1500' SE along said center line from the North line of SEC 27, TWP40N, R1E, W.M.; thence Southwesterly along the above referred perpendicular line to the center line of the Portal Way right-of-way; thence Northwesterly along said center line to intersect with the West line of the E1/2 of the SW1/4 of SEC 16, TWP40N, R1E, W.M.; thence North along said line and continuing North along the West line of the E1/2 of the NW1/4 of said section to intersect with the center line of I-5; thence Southeasterly along said center line to intersect with the North line of the S1/2 of the SE1/4 of SEC 22, TWP40N, R1E, W.M.; thence East along said line to the point of beginning.

Situate in Whatcom County Washington

IX-9
WHATCOM COUNTY
PLANNING COMMISSION

Repeal the 1987 Birch Bay-Blaine Subarea Plan and
Amend Provisions in the Whatcom County Comprehensive Plan
relating to Subarea Plans

FINDINGS OF FACT AND REASONS FOR ACTION

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to
      subarea plans.

2. A determination of non-significance (DNS) was issued under the State
   Environmental Policy Act (SEPA) on April 5, 2013.

3. Notice of the Planning Commission hearing was posted on the County website
   on April 9, 2013.

4. Notice of the Planning Commission hearing and that the proposal had been
   posted on the County website was sent to the City of Blaine and citizen, media
   and other groups on the County’s e-mail list on April 10, 2013.

5. Notice of the subject amendments was submitted to the Washington State
   Department of Commerce on April 18, 2013.

6. Notice of the Planning Commission hearing for the subject amendments was
   published in the Bellingham Herald on April 26, 2013.

7. The Planning Commission held a public hearing on the subject amendments
   on May 9, 2013.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive
   plan amendments the County must find all of the following:
   a. The amendment conforms to the requirements of the Growth
      Management Act, is internally consistent with the county-wide planning
      policies and is consistent with any interlocal planning agreements.
b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.

d. The amendment does not include or facilitate spot zoning.

e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

Growth Management Act

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").

10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

11. The Birch Bay-Blaine Subarea Plan was adopted in 1987, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address urban growth areas (UGAs), contains different land use designations, is inconsistent with the Comprehensive Plan’s rural element, and has a different planning period.
County-Wide Planning Policies

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. Blaine is the only city within the Birch Bay-Blaine Subarea.

14. An interlocal agreement between the City of Blaine and Whatcom County concerning Planning, Annexation and Development within the Blaine UGA was signed in May 2012. This interlocal agreement does not require the County to retain the subarea plan.

Further Studies/Changed Conditions

15. The Birch Bay-Blaine Subarea Plan was adopted in 1987.

16. The GMA, adopted in 1990, included a requirement to designate UGAs. The 1987 Birch Bay-Blaine Subarea Plan does not address UGAs.

17. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1987 Birch Bay-Blaine Subarea Plan does not address LAMIRDs.

18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1987 Birch Bay-Blaine Subarea Plan is not consistent with the County Comprehensive Plan.


20. The Birch Bay Community Plan was adopted in 2004.

21. The City of Blaine Comprehensive Plan was adopted in 2006 and subsequently amended.

22. Changed conditions including enactment of the GMA, adoption of newer plans and the passage of time warrant repealing the 1987 Birch Bay-Blaine Subarea Plan.

Public Interest

23. Repealing the 1987 Birch Bay-Blaine Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.
24. Repeal of the Plan eliminates redundancy and ambiguity.

**Spot Zoning**

25. The subject proposal does not involve rezoning property.

**CONCLUSION**

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

**RECOMMENDATION**

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

1. Approval of Exhibit A, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use).

2. Repealing Exhibit B, the Birch Bay-Blaine Subarea Plan (1987).

**WHATCOM COUNTY PLANNING COMMISSION**

Michelle Luke, Chair

Sam Ryan, Secretary

Date: May 31, 2013

Commissioners present at the May 9, 2013 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Michelle Luke, David Onkels, Jeff Rainey, Mary Beth Teigrob, and Gerald Vekved.

**Vote:** Ayes: 7, Nays: 0, Abstain: 0, Absent: 2. Motion carried to adopt the above amendments.
NOTE:

Exhibits A and B are attached to the proposed Ordinance that will be considered by the County Council in order to avoid redundancy.
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, David Onkels, Jeff Rainey, Mary Beth Teigrob, Ken Bell
Absent: Gary Honcoop, Rod Erickson

Staff Present: Mark Personius, Matt Aamot, Becky Boxx

Department Update
Mark Personius gave the following updates:
- A Short Course on Local Planning will be presented by the City of Bellingham on May 21st.
- There will be a Water Supply Symposium May 30th & 31st sponsored by the WRIA I board.
- The Compliance order schedule: The Planning Commission/Staff proposals were submitted to the Council for introduction on May 7th. There will be a public hearing May 21st, followed by Council meetings on June 4th and 18th.
- The Commission’s next meeting will be a public hearing on capital improvement projects.
- PDS has been conducting interviews for a new Planner. A decision should be made next week.

Open Session for Public Comment
There was no public comment.

Commissioner Comments
There were no Commissioner comments.

Public Hearings
File # PLN2013-00005: Repealing the Birch Bay-Blaine Subarea Plan, which was adopted in 1987. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot gave a power point presentation which highlighted the following: The GMA says counties can adopt subarea plans but they must be consistent with the County Comprehensive Plan.

The Birch Bay-Blaine Subarea Plan was first adopted in 1977. At that time the plan had a land use map which had resort and higher density designations in the core of bay, within what is now the Urban Growth Area (UGA). The predominante designation in the outlying areas was suburban. The plan also included a promenade area along the shoreline. A new subarea plan was adopted in 1987. This plan covered a larger area than the 1977 plan.
and preserved the promenade area. In 2004 the Birch Bay Community Plan was created
and included the UGA boundary and had the promenade and berm included. There are a
number of inconsistencies between the 1987 subarea plan and the Comprehensive Plan,
which includes population projections, the planning horizon and different land use
designations. Staff finds that the subarea plan served its purpose, it is outdated,
inconsistent with GMA and inconsistent with the Comprehensive Plan so they
recommended it be repealed.

The hearing was opened to the public. There was no public testimony. The hearing was
closed to the public.

Commissioner Onkels moved recommend repeal of the plan. Commissioner
Teigrob seconded. After discussion the Commission felt the motion should be
worded differently so they voted down the motion.

Commissioner Bell suggested adding a new finding to state: Repeal of the Plan eliminates
redundancy and ambiguity. The Commission agreed to add the finding.

Commissioner Onkels moved to recommend approval of Exhibit A which amends
the Whatcom County Comprehensive Plan, approval of Exhibit B which repeals
the Plan and the findings as amended. Commissioner Teigrob seconded. Roll Call
Vote: Ayes – Bell, Elenbaas, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0;
Abstain – 0; Absent – Erickson, Honcoo. The motion carried.

File # PLN2013-00006: Repealing the Chuckanut-Lake Samish Subarea Plan, which was
adopted in 1986. The proposal would also amend related provisions in the Whatcom
County Comprehensive Plan.

Matt Aamot gave a power point presentation which highlighted the following: The
Chuckanut-Lake Samish Subarea Plan was adopted in 1986. It includes the Yew Street,
Lake Samish and Chuckanut areas. It summarizes citizen input that was received in the
1980s. The Yew Street residents were in favor of rural residential land use patterns. For
the Lake Samish area residents were concerned about traffic, water quality, and water
source. In the Chuckanut area the residents were concerned with residential development
being compatible with scenic qualities and beach access. Staff findings indicate the plan
served its purpose, it is outdated, inconsistent with GMA and inconsistent with the
Comprehensive Plan so they recommended it be repealed.

The hearing was opened to the public. There was no public testimony. The hearing was
closed to the public.

Commissioner Teigrob moved to recommend approval of Exhibit A which amends
the Whatcom County Comprehensive Plan, approval of Exhibit B which repeals
the Plan and the findings as amended. Commissioner Onkels seconded. Roll Call
Vote: Ayes – Bell, Elenbaas, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0;
Abstain – 0; Absent – Erickson, Honcoo. The motion carried.
Regular Meeting

File # PLN2013-00007: Repealing the Lynden-Nooksack Valley Subarea Plan, which was adopted in 1986. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot gave a power point presentation which highlighted the following: The plan was adopted in 1986. The subarea covers a large area which contains large areas of agriculture. Staff compared the agricultural policies in the subarea plan to the Comprehensive Plan agricultural policies and concluded there may be some things that could be transferred over to the Comprehensive Plan in the 2016 update. The Agricultural Advisory Committee may review these policies over the next few years. There are four small cities in the subarea; Lynden, Everson, Nooksack and Sumas. PDS is working with officials from these cities regarding the 2016 update. Staff findings indicate the plan served its purpose, it is outdated, inconsistent with GMA and inconsistent with the Comprehensive Plan so they recommended it be repealed.

The hearing was opened to the public. There was no public testimony. The hearing was closed to the public.

Commissioner Onkels moved to recommend approval of Exhibit A which amends the Whatcom County Comprehensive Plan, approval of Exhibit B which repeals the Plan and the findings as amended. Commissioner Teigrob seconded. Roll Call Vote: Ayes – Bell, Elenbaas, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Honcoop. The motion carried.

The meeting was adjourned at 7:25 p.m.

Minutes prepared by B. Boxx.

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

Michelle Luke, Chair

J.E. "Sam" Ryan, Secretary
April 17, 2013

To: The Whatcom County Planning Commission

From: Kathy Berg, Birch Bay

RE: Repeal of the Birch Bay-Blaine Subarea Plan (File # PLN2013-00005)

After conversation about the reasons behind the repeal with Mark Personius and Matt Aamot, Doralee and I agree with the proposed action.

It is interesting to note that the following transportation issue on Birch Bay Drive from 1987 is finally being addressed by the proposed Birch Bay Drive and Pedestrian Facility Project.

From page 13 of the 1987 Blaine-Birch Bay Subarea Plan

"Due to the recreational nature of the Birch Bay area, traffic volumes vary widely with the seasons. Average summer traffic volumes can be as high as 60 percent above the annual average during the summer and 35 percent below the annual average during the winter. Most of the roads in the Subarea currently have adequate capacity to accommodate existing traffic volumes at acceptable service levels, even on the peak weekend day of the year. Notable exceptions are Birch Bay Drive between Harbor View and Jackson Roads, and Blaine Road north from Drayton Harbor Road. Provisions for pedestrians and bicycles are lacking along Birch Bay Drive and of the other roads in the area."

WHATCOM COUNTY COUNCIL AGENDA BILL

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.
May 23, 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: Repeal the Chuckanut-Lake Samish Subarea Plan and Related Amendments

The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080. However, the GMA also requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

Most of the comprehensive land use plan designations in the 1986 Chuckanut-Lake Samish Subarea Plan are not the same as the designations utilized in the current Whatcom County Comprehensive Plan. Additionally, the requirement to designate urban growth areas was not enacted until after the Subarea Plan was adopted. The Subarea Plan has an “Urban Reserve” designation, but it does not match the current UGA designation. The GMA’s rural element requirements did not exist when the Subarea Plan was adopted. Finally, the Subarea Plan utilized a 15-year planning period (which ended in 2001). Therefore, we recommend repealing the Subarea Plan and amending provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

Planning & Development Services is requesting Council consideration of these amendments on July 9. However, the proposed Comprehensive Plan amendments are subject to concurrent review. Therefore, the Council would not render a final decision on the proposal until early 2014.

Thank you for your consideration of this matter.
ORDINANCE NO. ____________

REPEALING THE 1986 CHUCKANUT-LAKE SAMISH SUBAREA PLAN
AND AMENDING PROVISIONS IN THE WHATCOM COUNTY
COMPREHENSIVE PLAN RELATING TO SUBAREA PLANS

WHEREAS, The Whatcom County Council initiated the subject amendments for review in
2013; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on May 9,
2013; and

WHEREAS, The Whatcom County Planning Commission recommended the comprehensive
plan amendments on May 9, 2013; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to subarea
      plans.
   b. Repealing the Chuckanut-Lake Samish Subarea Plan (1986).

2. A determination of non-significance (DNS) was issued under the State Environmental
   Policy Act (SEPA) on April 5, 2013.

3. Notice of the Planning Commission hearing was posted on the County website on April
   9, 2013.

4. Notice of the Planning Commission hearing and that the proposal had been posted on the
   County website was sent to the City of Bellingham and citizen, media and other groups on
   the County’s e-mail list on April 10, 2013.

5. Notice of the subject amendments was submitted to the Washington State Department of
   Commerce on April 18, 2013.
6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 26, 2013.

7. The Planning Commission held a public hearing on the subject amendments on May 9, 2013.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:

   a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

   b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

   c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

       i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

       ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

       iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.

   d. The amendment does not include or facilitate spot zoning.

   e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

**Growth Management Act**

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).
10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

11. The Chuckanut-Lake Samish Subarea Plan was adopted in 1986, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address urban growth areas (UGAs), contains different land use designations, is inconsistent with the Comprehensive Plan’s rural element, and has a different planning period.

**County-Wide Planning Policies**

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

**Interlocal Agreements**

13. A portion of the Bellingham UGA is included in the Chuckanut-Lake Samish Subarea.

14. An interlocal agreement between the City of Bellingham and Whatcom County concerning Planning, Annexation and Development within the Bellingham UGA was signed in April 2012. This interlocal agreement does not require the County to retain this subarea plan.

**Further Studies/Changed Conditions**

15. The Chuckanut-Lake Samish Subarea Plan was adopted in 1986.

16. The GMA, adopted in 1990, included a requirement to designate UGAs. The 1986 Chuckanut-Lake Samish Subarea Plan does not address UGAs.

17. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1986 Chuckanut-Lake Samish Subarea Plan does not address LAMIRDs.

18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1986 Chuckanut-Lake Samish Subarea Plan is not consistent with the County Comprehensive Plan.


20. The Urban Fringe Plan was adopted in 1997 and subsequently amended.
21. The City of Bellingham Comprehensive Plan was adopted in 2006 and subsequently amended.

22. Changed conditions including enactment of the GMA, adoption of newer plans and the passage of time warrant repealing the 1986 Chuckanut-Lake Samish Subarea Plan.

**Public Interest**

23. Repealing the 1986 Chuckanut-Lake Samish Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.

**Spot Zoning**

24. The subject proposal does not involve rezoning property.

**CONCLUSIONS**

The subject proposal is consistent with the approval criteria of WCC 2.160.080.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Whatcom County Comprehensive Plan Chapter 2 (Land Use) is hereby amended as shown on Exhibit A.

Section 2. The Chuckanut-Lake Samish Subarea Plan (1986) is hereby repealed as shown on Exhibit B.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ______ day of ________________, 2014.

ATTEST: 

__________________________  __________________________
Dana Brown-Davis, Council Clerk  Chairperson

__________________________  __________________________
Civil Deputy Prosecutor  Jack Louws, Executive

APPROVED as to form: 

( ) Approved  ( ) Denied

__________________________
Date: ______________________
Exhibit A

Amend Chapter 2 of the Whatcom County Comprehensive Plan as follows:

| Policy 2L-2: | Retain and periodically review and update the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Lake Whatcom, Urban Fringe, Lynden-Nooksack Valley, Chuckanut-Lake-Samish–Birch Bay-Blaine, Foothills, Point Roberts, South Fork Valley, and Eliza Island). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county’s first Growth Management comprehensive plan adopted in 1997. |

NOTE: The text of Policy 2L-2 above is also being amended in association with the proposed repeal of the Birch Bay-Blaine Subarea Plan (file # 2013-00005) and the proposed repeal of the Lynden-Nooksack Valley Subarea Plan (file # 2013-00007). The changes to Policy 2L-2 proposed in the subject amendment are intended to be harmonious and compatible with the changes to Policy 2L-2 proposed in these other two amendments. |
Exhibit B

(Repealing the Subarea Plan)
CHUCKANUT
LAKE SAMISH
SUBAREA

a component of the

Whatcom County
Comprehensive Land Use Plan

- Pt. Roberts Subarea
- Lummi Island Subarea
- Cherry Pt. - Ferndale Subarea
- Lake Whatcom Subarea
- Urban Fringe Subarea
- Lynden - Nooksack Valley Subarea
- Birch Bay - Blaine Subarea
- **Chuckanut - Lake Samish Subarea**
- South Fork Valley Subarea
- Foothills Subarea
CHUCKANUT-LAKE SAMISH SUBAREA

COMPREHENSIVE PLAN

May, 1986

Whatcom County Executive

Shirley Van Zanten

Whatcom County Council

Don Hansey, Chairman
Thomas Burton
Jim Hawley
C.J. "Corky" Johnson

R.W. "Bob" Muenscher
William Roehl
Daniel Warner

Whatcom County Planning Commission

Peggy Hinton, Chairman
Emil deWilde
James Freeman
Louise Greer
Al Hickinbotham

David Simpson
Faruk Taysi
Alvin Van Dalen
John Vanderbague

Whatcom County Planning Staff

William G. Trimm, Director
Sandra Palm, Planner III
Diane E. Harper, Planner II
Carl F. Batchelor, Planner I
Elizabeth K. Olsen, Cartographer
Sharon Hayes, Administrative Aide
Carrie Unick, Word Processor

Whatcom County Planning Department
401 Grand Avenue
Bellingham, WA 98225
THE CHUCKANUT-LAKE SAMISH SUBAREA COMPREHENSIVE PLAN
A COMPONENT OF THE WHATCOM COUNTY COMPREHENSIVE PLAN

Adopted this 4th day of February, 1986
by the Whatcom County Planning Commission.

Peggy Hinton, Chairman

William Trim, Secretary

Certified this 1st day of May, 1986
by the Whatcom County Council.

Donald G. Hansey

Approved this 2nd day of May, 1986
by the Whatcom County Executive.

Shirley Van Zanten

Attest:

By: Carol Elnager
    Clerk of the Council

Reviewed this ___ day of _____________, 1986
by the Boundary Review Board.

Stewart Buttrick, Chairperson

Endorsed this ___ day of _____________, 1986
by the City of Bellingham.

Tim Douglas, Mayor
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I. COMPREHENSIVE LAND USE PLANNING

A. STATUTORY AUTHORITY

Statutory authority for county comprehensive land use planning is established in the Washington State Planning Enabling Act, in which it is stated that "each planning agency shall prepare a comprehensive plan for the orderly physical development of the county or any portion thereof..." (RCW 36.70.320). The Chuckanut-Lake Samish Subarea Comprehensive Plan has been developed in response to statutory authority, as well as in recognition of the widely accepted principle that future Whatcom County land use decisions should be made in a coordinated and responsible manner by both the public and private sectors.

B. DEFINITION AND APPLICATION

The Whatcom County Comprehensive Plan is defined as an official public document to be utilized by both the public and private sectors as a policy guideline for making orderly and desirable decisions concerning the future use of land in the County. The plan has been formulated by the Whatcom County Planning Commission and is comprehensive, general and long-range in nature. The plan is comprehensive in that it encompasses major geographic areas of the county and the functional elements that bear on physical development; general, in that it summarizes major policies and proposals and is not, by statute, a detailed regulation; and long-range, in that it not only addresses current issues, but also anticipated problems and possibilities of the future.

The purpose of this document is to foster a responsible process of land use decision-making. The goals, policies and land use plan map contained herein serve to amend the 1970 Whatcom County Comprehensive Plan for the geographic area contained in the Chuckanut-Lake Samish Subarea. The 1970 plan served as a basic plan for the 1970's, but as times change, people's attitudes, technologies and economies also change. Consequently, the primary decision-making document of local government must be revised to address current and anticipated issues of the future.

In consideration of the changes that have occurred since the existing plan was adopted, the Planning Commission resolved in December, 1978 to revise and update the 1970 Comprehensive Plan. The Commission is also aware that changes will continue through the 1980's and has realized that the policies contained herein will be subject to modification and revision over a period of time. As is discussed in the following section, this subarea plan will be revised on a five-year basis.

C. SUBAREA PLANNING CONCEPT

Because of the county's diverse physical and cultural make-up, the Planning Commission elected to revise the plan on an individual geographic area basis. Thus, the Commission divided the western one-third of the county into ten logical geographic areas where the planning process could be

1
applied in a uniform and consistent manner. Denoted as "subareas", these geographic areas were delineated to address various land use related issues that appeared to be unique to particular areas of the county.

The criteria utilized by the Commission to delineate the subarea boundaries include natural and physical features; political subdivisions, such as special purpose districts (sewer, water, fire, school, etc.); existing land use patterns; and the presence of a city or town (where applicable) to act as a nucleus for the area. Thus, subareas are planning units determined through the application of criteria and considered as a practical means of revising the comprehensive plan in a consistent orderly fashion.

D. WHATCOM COUNTY PLANNING PROCESS

The Whatcom County comprehensive planning process is defined as a continual program of evaluating goals, conducting various land-related studies, and then utilizing such goals and studies to fashion a balanced and practical set of land use policies and proposals for the future use of land in the County. Stated differently, the planning process serves as a blueprint for the logical development of the comprehensive plan, as well as the formulation of effective implementation tools.

The process describes, through a logical sequence, the various land use related factors that must be considered to effect the formulation of responsible and meaningful land use policies and proposals. These factors concern the following: the definition of county-wide goals; the inventory and analysis of land use, community facilities and utilities, transportation facilities and environmental resource characteristics; the forecasting of population levels and the county's economic vitality; the analysis of issues, both technical and citizen related; the development of policies to resolve and/or address the relevant issues; and the transformation of policies into the plan map and attendant implementation tools.

The planning process is continual. The implementation of the comprehensive plan through the application and use of various regulatory tools must be continually monitored. The effectiveness of the planning process in Whatcom County relies heavily upon the county's ability to keep the major components of the plan current through periodic review and adoption of any necessary amendments.

E. PLAN FORMAT

The Comprehensive Plan for the Chuckanut-Lake Samish Subarea includes the necessary information for the appropriate formulation of land use decisions by both the public and private sectors of Whatcom County. The components of the plan include the following:

I. Comprehensive Land Use Planning: To assist both the public and private sectors with respect to the development, adoption, and amendment of the comprehensive plan policies and map.
II. Goal Statements: To provide the overall direction for land use planning in Whatcom County.

III. Population Forecasts: To correlate anticipated demand for land uses with the supply of land.

IV. Subarea Description: To generally define subarea characteristics and establish issue topics, as determined by area residents, the Planning Commission and the planning staff.

V. Rationale and Locational Criteria: To establish the necessity of the land use designations and the spatial determinants to be utilized in applying the land use designations.

VI. Policies: To provide the primary decision making tools required to address the land use, community facility and utility, transportation/circulation, and environmental issues of the subarea.

VII. Comprehensive Land Use Plan Map: To reflect the spatial distribution of the policy statements together with the policies is perhaps the most widely utilized component of the comprehensive plan.

VIII. Amendment Criteria: To assist both the public and private sectors with respect to revisions of the comprehensive plan policies and map.

IX. Adoption Certificate and Ordinance: To acknowledge acceptance of the plan by the Whatcom County Planning Commission and Council, City of Bellingham, and the Boundary Review Board.
Whatcom County Planning Process

Goals

Continuous Update

Implementation
Zoning Ordinance
Subdivision Regs.
Shoreline Mgt.
City agreements
Floodplain Regs.

Whatcom County Council

Inventory and Analysis
By Subarea
Land Use
Residential
Commercial
Industrial
Transportation
Comm. Services
Population
Parks-Recreation
Physical Features
Shoreline Mgt.

Determination of Issues

Subarea Citizen Participation:
Phase 1

Formulation of Preliminary
Subarea Policies and Plan
Map by Planning Commission

Preliminary Subarea
Comprehensive Plan

Public Hearing

Subarea Citizen Participation:
Phase 2

Refinement of Preliminary
Subarea Policies and Plan
Map by Planning Commission
II. GOAL STATEMENTS

The following goals provide the general direction for making land use decisions in the subarea and Whatcom County as a whole. They were developed and adopted by the Planning Commission and County Council in July 1979.

A. REGIONAL DESIGN GOALS

1. Future urban development should occur within or immediately adjacent to existing urban areas in order to eliminate sprawl and strip development, assure the provision of an adequate range of urban services, conserve agricultural and forestry lands, optimize investments in public services and conserve energy resources.

2. Future development in rural areas should be low density, complement existing rural character, contribute to the conservation of agricultural and forest land and not result in demands for urban-level services.

B. GROWTH MANAGEMENT GOALS

1. To promote a conscientious program designed to plan, guide and influence the appropriate location, timing, intensity, type and servicing of diverse land use patterns.

2. To determine the required amounts of land anticipated to be utilized within the planning period (15 years) while retaining options for future land use decisions beyond the planning period.

3. To encourage a predictable pattern of urban and rural development which utilizes previously committed land areas and existing facility investments before committing new areas for development.

4. To ensure that a beneficial balance exists between the supply and demand for public services. To encourage the cooperation among municipalities, special districts, and associations in the planning and provision of public services. To discourage the proliferation of unnecessary special purpose districts.

5. To develop a concise, equitable and practical set of land use regulations intended to implement the goals, policies and proposals of the County Comprehensive Plan in a timely and orderly fashion.

C. LAND USE GOALS

1. To conserve the agricultural and forest lands of Whatcom County for the continued production of food, forage and timber crops while promoting the expansion and stability of the county's agricultural and forestry economies.
2. Urban residential development should be planned in areas that can be economically and efficiently served with existing or planned services, optimize energy use, function as integral neighborhood units and can environmentally support intensive land uses.

3. Adequate community and neighborhood commercial facilities should be encouraged in appropriate locations while avoiding incompatible land uses and the proliferation of unnecessary new commercial areas.

4. To encourage a balanced and diversified economy in order to assure desirable local employment opportunities and to strengthen and stabilize the tax base. To accommodate anticipated economic development in an environmentally responsible manner with due consideration for public cost, energy availability, land use compatibility and transportation accessibility.

5. To promote the availability of economical and attractive housing for all income, age and ethnic groups, while also enhancing the integrity and identity of existing communities.

6. To promote a functional, coordinated and multi-mode transportation system which provides for the safe and efficient movement of people and goods, avoids undesirable environmental impacts, and optimizes public investments and the conservation of energy resources.

7. Adequate facilities and services which provide diverse education, recreation, cultural and social opportunities should be encouraged.

D. CULTURAL AND NATURAL RESOURCES

1. To identify and manage environmentally sensitive areas in such a manner as to prevent destruction of the resource base and reduce potential losses to property and human life.

2. To continue the identification of cultural and natural resources and formulate viable methods to preserve and conserve such resources in recognition of their irreplaceable character.

3. To promote a park and recreation system which is integrated with existing and planned land use patterns and is diverse, abundant and assures maximum public access and usage.

E. CITIZEN INVOLVEMENT AND INTERGOVERNMENTAL COORDINATION

1. To assure opportunity for citizens to be involved in the formulation of land use goals, policies and proposals and to provide a structure for citizen participation in the planning program of federal, state, regional and local agencies.
2. To participate in intergovernmental coordination with federal, state, provincial, regional and local agencies, to develop a coordinated approach to problems which transcend local government bodies and to create an environment for the exchange of information and technical assistance.
III. POPULATION FORECASTS

Introduction

The purpose of population forecasting, as it relates to land planning, is to accommodate the long-term spatial requirements of various land uses such as residential, commercial, recreational and public. Population forecasting may also be of assistance in decision making for land use related matters, such as determining the appropriate scale and location of public works facilities and land development activities. Population forecasts are subject to revision which may be accomplished in the five-year comprehensive plan update process.

The population information contained herein is a summary of the forecasts prepared by several agencies. Because of the technical difficulties involved with current and projected population assessment on a subarea basis, the information has been presented by total county, unincorporated county and incorporated community. Furthermore, this information has been used in a qualitative manner or as a general guideline, rather than as a specific numerical forecast. To relate this information to the Chuckanut-Lake Samish Subarea Comprehensive Plan, the following assumptions are established:

1. The majority of population growth will occur in the URBAN RESERVE and RESIDENTIAL-RURAL areas.
2. The remainder of population growth will occur in RURAL areas.
3. The rate of population growth will be at unincorporated Whatcom County rates (Table B).

Tables A, B and C respectively relate to total Whatcom County, unincorporated Whatcom County and City of Bellingham population trends and forecasts. Figures 1, 2 and 3 present this information in a graphical format. The remainder of the information summarizes the various assumptions and variables which may affect the included population forecasts.

Assumptions Relating to Population Forecasts

All population forecasts are based on assumptions which affect the numerical results, and population forecasting agencies do not make the same assumptions. The following items are intended to present an overview of assumptions as they relate to Whatcom County populations:

1. In-migration will continue to contribute substantially to population increases at the Washington State and Whatcom County levels.
2. The trend of decreasing family size and population per household will continue.
3. Labor market potential and location will affect population distribution, gross natural increase and in-migration levels.
4. The purpose of the population forecast affects assumption utilization, which in turn affect the results.

Variables Affecting Population Forecasts

Agencies which prepare population forecasts often make revisions due to changes in the variables affecting their assumptions. The following variables are intended as an overview for potential Whatcom County population forecast revisions and may not affect all the agencies whose forecasts are contained herein:

1. Changes in Whatcom County birth, death and in-migration rates.

2. Changes in the level of industrial development and the related labor market potential of Whatcom County.

3. Changes in the Canadian economy and the related level of Canadian spending in Whatcom County.

4. Changes in the demand for the products of local resources such as agriculture, forestry, fishing and mining by local state, national, and international markets.
TABLE A

TOTAL WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000
(INCORPORATED AND UNINCORPORATED)

<table>
<thead>
<tr>
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<tr>
<td>U.S. Census</td>
<td>81,983</td>
<td>106,701</td>
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<tr>
<td>CBRI: EIS\textsuperscript{1}</td>
<td>103,941</td>
<td>119,772</td>
<td>132,997</td>
<td>149,217</td>
<td>167,287</td>
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<tr>
<td>WCCOG\textsuperscript{2}</td>
<td>104,876</td>
<td>122,300</td>
<td>141,160</td>
<td>160,623</td>
<td>184,910</td>
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<td>OFM\textsuperscript{3}</td>
<td>106,733</td>
<td>119,297</td>
<td>132,352</td>
<td>147,976</td>
<td>156,553</td>
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<td>BPA\textsuperscript{4}</td>
<td>102,350</td>
<td>113,625</td>
<td>123,925</td>
<td>132,750</td>
<td>141,350</td>
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<tr>
<td><strong>Mean</strong></td>
<td>---</td>
<td>---</td>
<td>118,748</td>
<td>132,609</td>
<td>147,642</td>
<td>162,525</td>
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ANNUAL GROWTH RATES

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<tr>
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<tr>
<td><strong>Growth Rate</strong></td>
<td>2.67%\textsuperscript{5}</td>
<td>2.20%\textsuperscript{6}</td>
<td>2.06%\textsuperscript{7}</td>
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</tbody>
</table>

*Refer to page 10 for footnotes.
FIGURE 2
UNINCORPORATED WHATCOM COUNTY

![Graph showing population trends from 1970 to 2000.]

**TABLE B**
UNINCORPORATED WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000

<table>
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<tr>
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<td>U.S. Census</td>
<td>34,004</td>
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<td>56,825</td>
<td>64,456</td>
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<td>CB&amp;I: EIS¹</td>
<td>47,652</td>
<td>55,340</td>
<td>64,305</td>
<td>73,603</td>
<td>86,210</td>
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<tr>
<td>WCCOG²</td>
<td>46,451</td>
<td>56,083</td>
<td>64,381</td>
<td>73,815</td>
<td></td>
<td></td>
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<tr>
<td>Mean</td>
<td>---</td>
<td>---</td>
<td>56,083</td>
<td>64,381</td>
<td>73,815</td>
<td>85,490</td>
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**ANNUAL GROWTH RATES**

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
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<tbody>
<tr>
<td>1970-1980</td>
<td>3.04%</td>
</tr>
<tr>
<td>1980-1990</td>
<td>2.84%</td>
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<tr>
<td>1990-2000</td>
<td>2.88%</td>
</tr>
</tbody>
</table>

*Refer to page 10d for footnotes.*

10b
FIGURE 3

BELLINGHAM POPULATION

(TABLE C

<table>
<thead>
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<td>U.S. Census</td>
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<td>45,794</td>
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<td>CB&amp;I: EIS</td>
<td>44,672</td>
<td>49,336</td>
<td>53,287</td>
<td>57,873</td>
<td>62,888</td>
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</tr>
<tr>
<td>WCCOG</td>
<td>46,000</td>
<td>52,691</td>
<td>58,890</td>
<td>65,660</td>
<td>73,210</td>
<td></td>
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<tr>
<td>Mean</td>
<td>---</td>
<td>---</td>
<td>50,691</td>
<td>56,890</td>
<td>61,660</td>
<td>68,049</td>
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ANNUAL GROWTH RATES

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<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Annual Growth</td>
<td>1.52% 5</td>
<td>2.05% 6</td>
<td>1.83% 7</td>
</tr>
</tbody>
</table>

*Refer to page 10 for footnotes.
Footnotes


2Whatcom County Council of Governments; Population Forecasts; June, 1980.


5Annual growth rates are based upon the official 1970 and 1980 U.S. Census figures.

6Annual growth rates are based upon the official 1980 U.S. Census figure and the 1990 mean calculation figure.

7Annual growth rates are based upon the 1990 and 2000 mean calculation figures.

8In-migration is equal to total population less natural increase, in which natural increase is equal to total births less total deaths.

9The Whatcom County Council of Government's population forecast exhibits a high correlation with the Canadian Impact Study and is thus presumed to accommodate Canadian spending.
IV. SUBAREA DESCRIPTION

A. INTRODUCTION

The Chuckanut-Lake Samish Subarea is generally bounded on the north by the City of Bellingham, on the south by Skagit County, on the east by the crest of Lookout Mountain which forms the boundary between the Lake Samish and Lake Whatcom watersheds, and on the west by the City of Bellingham and Chuckanut coastline.

Subarea boundaries were delineated by the Planning Commission in 1979 prior to beginning the comprehensive plan update process. Delineation of the Chuckanut-Lake Samish Subarea was based on political boundaries and a commonality of natural and cultural elements. It contains approximately 17,900 acres of land and comprises about four percent (4%) of the land area of the western one-third (1/3) of Whatcom County. Approximately 950 dwelling units exist within the subarea, giving it an estimated two percent (2%) of the total population of Whatcom County, or about four and one-half percent (4 1/2%) of the population of unincorporated Whatcom County.

The Subarea was divided for purposes of analysis into three geographic areas that generally reflect the boundaries of neighborhood interest: the Chuckanut Drive corridor, the Yew Street corridor and the Lake Samish watershed. The map on the following page shows the location of the entire subarea and indicates the three analysis areas.

B. FINDINGS

In November 1984, the Whatcom County Planning Department completed the Background Document for the Chuckanut-Lake Samish Subarea. A portion of the study area contains descriptions of existing conditions concerning land use, the physical environment, transportation system, and community facilities and utilities. In addition, the report identified specific issues for the analysis areas: Yew Street, Lake Samish and Chuckanut. The issues identified by the Planning Department staff, Planning Commission and citizens have been evaluated and addressed through the development of specific comprehensive plan policy statements. This statement of findings provides a summary of the background information upon which the issues discussed herein are based. For additional detail, the Chuckanut Lake Samish Subarea Background Document can be consulted.
Land Use Description

Land uses in the subarea are primarily those associated with a forested or rural area. Much of the subarea is inaccessible due to steep slopes and rugged terrain. Forest land is the dominant use comprising 12,643 acres or approximately 71% of all land uses. Of this total, approximately 8,345 acres are in forestry current use tax status which generally indicates a commitment to continued forestry use. Commercial forestry operations are situated on the north, south and west sides of Lake Samish and in scattered locations on Chuckanut and Lookout Mountains. Woodlot operations are also scattered throughout the subarea. Public and quasi-public uses comprise 2,024 acres or 11% of the subarea and consist primarily of Larrabee State Park and smaller county parks.

Urban and rural residential land uses comprise 1,040 acres or 5.8% of the subarea. Residential uses are concentrated along Chuckanut Drive, Yew Street, Old Samish Highway and around Lake Samish. Vacant land consists of 1,131 acres representing 6.3% of all land uses and is scattered throughout the subarea. Water areas, dominated by Lake Samish, consist of 852 acres or 4.8% of the subarea. Remaining land uses constitute less than 1% of all land uses and are comprised of: agriculture; communications, utilities and transportation (generally related to fire stations and rights-of-ways); and industrial and small commercial uses. These uses are scattered throughout the subarea.

Environmental Conditions

The environmental setting can best be described through the following physical categories: topography, geology, geologically related resources, surface water, soils, flora and fauna. The subarea generally is steeply sloped. Sizesable areas of slopes from 1-15% are found in the northern portion of the subarea between the Bellingham city limits and Galbraith Road, and in the area south and west of Lake Samish. The predominant geologic structure of the subarea is the Chuckanut Formation. A large semi-circular deposit of phyllite occurs south of Lake Samish. Undifferentiated Glacial Drift Deposits occur west of Yew Street and along Chuckanut Creek, and two small Alluvial Deposits are situated on the north shore of Lake Samish. Geologic resources include groundwater, coal, gravel, quartz, clay and sandstone. Coal reserves exist east of Lake Samish near Old Samish Highway, Samish Way and Galbraith Lane. Crushed rock is being extracted near the west end of Lake Samish.

Surface water is represented by Chuckanut Bay, Lake Samish and its Friday Creek outlet, the small lakes of Chuckanut Mountain, as well as Chuckanut Creek and the smaller streams situated on Chuckanut and Lookout Mountains. The lakes and streams of the subarea provide drainage, recreational and wildlife habitat opportunities. Groundwater supplies in the subarea are very limited, and long-term water supply should be a consideration in all future development planning. Both groundwater and surface water areas have experienced chemical and bacterial contamination, and measures to alleviate further contamination should be considered.
Most subarea soils are severely limited for urban uses but are highly suitable for forestry purposes. Small areas of soils with rapid permeability are found in residential areas along Lake Samish, Chuckanut Drive and southern Yew Street and may provide inadequate filtration for septic effluent. Flora consists primarily of mixed coniferous-deciduous forest but includes some disturbed lands and aquatic vegetation. The subarea contains various species of fish, birds and mammals. Marine waters along the Chuckanut coastline contain a variety of marine life and are part of the "Pacific Flyway" route for migratory waterfowl. In addition, several subarea streams and lakes serve as habitats for spawning salmon.

Transportation

Subarea transportation consists of a railway and roadways classified as Interstate, state route and county road. The portion of Interstate 5 in this subarea is the primary access link between Whatcom County and the rest of the state and Canada. Chuckanut Drive, a state highway, provides secondary access by linking major communities north and south of the subarea and is classified as a minor arterial serving local traffic. In addition, Chuckanut Drive has been designated a State Scenic and Recreation Highway. Other county roads that carry local north-south traffic to nearby communities are Yew Street, Old Samish Highway and a portion of North Lake Samish Drive. Primary roads which carry east-west local traffic include Samish Way, Old Samish Highway and the portion of North Lake Samish Drive between I-5 and East Lake Samish Drive.

Primary circulation routes in the subarea generally function at a level of service that allows stable traffic flows. These routes include Chuckanut Drive, roads in the north Lake Samish area, and North Lake Samish Drive between East Lake Samish Drive and I-5. Each of these roads currently experiences traffic flow problems at certain heavy road use times due to the configuration of the roads.

The subarea is serviced by a section of the Burlington-Northern Railroad, which parallels the Chuckanut coastline for 4.5 miles. A total of eight freight trains pass through the subarea daily. At present, there is no passenger service on the line, but revival of the Pacific International is being considered to serve the 1986 World Exposition in Vancouver, B.C.

Community Facilities and Utilities

Utilities include the provision of water and wastewater disposal systems. The City of Bellingham currently operates the largest water system in the subarea and is the primary water purveyor in the Yew Street and Chuckanut areas. Other known purveyors in the subarea are the Autumn Lane Mobile Home Park, Calmores Cove Club, Lake Samish Mobile Home Terrace, Lutherwood and Indian Village Campground water associations. Land use activities which are not provided with water from one of the above purveyors are supplied by their own wells or by drawing water from Lake Samish. The City of Bellingham provides sewer service to the area immediately north of Lake Padden and to the unincorporated area at the northern end of Yew Street. The unsuitable soils in the Yew Street area make sewerage facilities essential for
large scale developments. Water District No. 12 provides sewage service in the Lake Samish area. The District maintains sewer lines along all urbanized portions of the lake’s shoreline. The remaining land uses in the subarea are dependent on private septic systems.

Community facilities in the subarea include education, public safety and fire protection. School age children attend schools in the Bellingham School District. Future increases in school age populations are projected to be within the capacities of affected Bellingham schools.

Law enforcement in the subarea is provided by the Whatcom County Sheriff’s Department and Washington State Patrol. Limited additional support is provided by the City of Bellingham Police Department, the State Parks Department and the Whatcom County Parks Department. The Sheriff’s Department has the primary responsibility for law enforcement in the subarea except for traffic enforcement on the state route Chuckanut Drive and on Interstate 5. The Department consists of approximately 22 patrol deputies, 4 detectives and 15 other commissioned officers with arrest powers. Three patrol vehicles are deployed throughout the county 24 hours a day and an average of 440 calls per year are presently received by the Sheriff’s Department. The subarea is considered to be a low crime area by the Sheriff’s Department.

Fire protection is provided by three Whatcom County Fire Protection Districts: No. 6 on Chuckanut; No. 9 south of Lake Samish; and No. 10 on Yew Street. Each district has mutual aid agreements with other fire protection districts and the City of Bellingham. In addition, Districts No. 6 and No. 9 have mutual aid agreements with Skagit County Fire Districts. All three districts have poor fire protection ratings due to the lack of an adequate water distribution system. Future expansion of urban development will require improvement of water distribution systems.

C. CITIZEN PARTICIPATION AND SUBAREA ISSUES

The major issues of the Chuckanut Lake Samish Subarea are associated with water availability and quality, wastewater system adequacy, geologic constraints, and the economic resource represented by the attractiveness of the area for residential development and public uses. The subarea background planning study and proposed land use designations were discussed with citizens at three public meetings in the subarea. In addition, comments were obtained from special districts, City of Bellingham and nonresident land owners. The following is a summary of citizen issues for the three analysis areas: Yew Street, Lake Samish and Chuckanut.

In the Yew Street analysis area, the issue of major concern to residents is the potential extension of public utilities and its cost and impact on development patterns. Although poor soils and water availability make the extension of water and sewer services by the City of Bellingham attractive, the existing rural character of most of the area is its primary amenity. Most area residents strongly favor the current rural residential land use pattern and are quite averse to annexation by the City of Bellingham. The current land use is primarily rural, but there are several existing subdivisions at urban densities.
Of particular concern to residents of the Lake Samish analysis area are the existing level of recreational use, traffic problems due to road configuration, and an acceptable quality and quantity of a long-term water supply. All of these issues contribute to concern about the amount and density of future development. Provision of an alternative source of water is of concern because Lake Samish potentially could be unusable with very little warning due to accidental chemical spills from the Interstate. A related concern of how to provide for an alternative water source without spurring excessive development that would exacerbate other problems is a key issue to current residents. Other issues include the appropriate development or treatment of the major entrance corridor into Whatcom County and Lake Samish water quality which is very vulnerable to deterioration caused by the Interstate and by development.

The Chuckanut Bay analysis area consists of the most accessible areas containing great natural beauty in Whatcom County. The major issue is the way that private development may be combined harmoniously with the extraordinary scenic resource of Chuckanut Mountain and coastal vistas and with the public's desire for physical access to scenic beaches and mountain viewpoints. Other issues involve the upgrading of the current water service by the City of Bellingham, traffic problems created by multiple use and roadway configuration, and the geological constraints on development.
V. LAND USE DESIGNATIONS

A. INTRODUCTION

The land use designations as illustrated on the Comprehensive Land Use Plan Map, together with the policies, represent the most appropriate uses of land in the subarea for the planning period. These land use designations have been developed as a means of addressing or resolving particular land use needs. To be consistent in the application of the designations, as well as to avoid confusion about how the land use boundaries were established, the following rationale and locational criteria for each land use designation are set forth.

B. RATIONALE AND LOCATIONAL CRITERIA

1. Urban Reserve

Rationale

It is a well established trend in the western United States for urban areas to respond to growth pressures by outward expansion of their boundaries. As long as this trend continues, there will be a continuing demand for land, the most fundamental of all urban resources. Although outward expansion is an accepted city planning practice, problems have typically arisen when potential urban lands have been committed to long-term "nonurban" uses. Primarily caused by the lack of coordinated public policy among governmental jurisdictions, this situation has resulted in uncoordinated and costly service systems, inefficient transportation networks and unmanageable land use patterns.

As a means of alleviating the problems associated with outward expansion, the Comprehensive Plan establishes the URBAN RESERVE land use designation. The rationale underlying the designation is to reserve certain land areas for future urban purposes and to encourage interim uses that are complementary to and compatible with future urban uses, densities, and services. When urban services are eventually provided to these areas, land use densities shall increase and result in an orderly, economic and expeditious transition from rural to urban land use patterns.

The application of the URBAN RESERVE designation is intended to accomplish the following objectives:

(a) To reduce urbanization and encroachment pressures on lands that are most suitable for other uses.

(b) To stabilize land speculation and the artificial inflation of land values in the "urban fringe" by designating an adequate amount of land for urban growth and uses during the planning period.

(c) To provide land owners with a reasonable expectation of future municipal and county land use policies.
(d) To reduce inequitable taxing structures on nonurban land located near urbanizing areas.

(e) To conserve energy resources by reducing unnecessary travel between living, shopping and work places.

(f) To encourage the conservation of natural resources and environmentally sensitive areas, both within and outside of the area designated as URBAN RESERVE.

The URBAN RESERVE designation is applied to those areas adjacent to municipal boundaries that are appropriate for urban land use patterns whenever a full range of urban services (sewer, water, storm drainage, transportation improvements, and police and fire protection) can be efficiently provided. It may also be applied to those satellite areas where urban densities and services have been previously planned and the available level of water and sewer service and existing land use character warrant it. The City of Bellingham has formally concurred in the provision of an urban level of services to the areas; however, any proposed land annexation would have to be approved by the landowners, by the Boundary Review Board pursuant to RCW 36.93.170, and in accordance with the city's annexation policies as described in Ordinance No. 9461.

Locational Criteria

The criteria to be utilized for the application of the URBAN RESERVE designation include the following:

(1) Land areas adjacent to the City of Bellingham, or satellite areas, that are of sufficient size to adequately accommodate the projected demands for residential, commercial, transportation and public uses for a ten- to fifteen-year period.

(2) Land areas where a range of urban services such as sewer, water, storm drainage, transportation improvements, fire and sheriff protection, and parks and recreation presently exist or can be economically and efficiently provided in the near future.

(3) Areas that contain an adequate supply of vacant urbanizable land to avoid the artificial inflation of land values.

(4) The boundaries of the URBAN RESERVE designation should:

a. be well defined, logical, provide a physical "sense of community", and be capable of being expanded to accommodate additional urban growth as the need arises; and

b. acknowledge the existing character of land use densities and the existing or potential level of utility servicing.
Zoning Density Criteria

The URBAN RESERVE comprehensive plan designation shall be implemented with two Urban Reserve zone district densities: three dwelling units per acre and four dwelling units per acre. These densities are based upon existing provision of an urban level of services including public sewer, public water, storm drainage, transportation, fire and police protection. Until such time that public sewer and water are provided, and stormwater drainage facilities are provided where specified by the comprehensive plan policies, the density shall be one dwelling unit per five acres. The density shall automatically become either three or four dwelling units per acre according to the zone district when these services are provided. The following criteria define the application of each of these densities.

(1) The density of three dwelling units per acre shall be applied where:

a. adjacent city land uses and neighborhood densities are less than or equal to three dwelling units per acre;

b. the existing and planned transportation system or sewer and water service levels prohibits increased density;

c. areas within a watershed used in providing water for domestic purposes.

(2) The density of four dwelling units per acre shall be applied where:

a. adjacent city land use densities are greater than or equal to four dwelling units per acre;

b. the existing and planned transportation system and sewer and water service level allow for increased density.

2. Residential Rural

Rationale

Not all citizens prefer to live in concentrated urban areas, instead some prefer a setting of lower density. Lower density usually implies that urban utility services (public provision of both sewer and water) are not planned, sheriff and fire protection are provided to a lesser degree than in urban areas, roadways have not been scheduled for capital improvements to county standards, and the residential landscape is visually different than in urban areas. Residents of such areas usually rely on urban areas for amenities such as shopping, employment and entertainment. Because of the nonurban nature of RESIDENTIAL RURAL areas, transportation facilities are limited to a secondary arterial or lower classification, and road improvements are limited to maintenance only. Thus, the purpose of the RESIDENTIAL RURAL designation is to
provide land areas in close proximity to urban areas where nonurban living patterns may develop with minimal public services.

Locational Criteria

The criteria to be used for the application of the RESIDENTIAL RURAL designation include the following:

(1) Land currently served or planned to be served with a partial range of urban level services, i.e. publicly provided sewer or water, fire and sheriff protection, and storm drainage where appropriate;

(2) Land areas where low density residential development currently exists and where such densities are planned to continue in the future; and

(3) Lands containing soils that are generally not suitable for agriculture, forestry or mineral extraction.

(4) The boundaries of Residential Rural areas should be well defined by physical or man-made features.

3. Rural

Rationale

The present land use pattern in portions of the subarea is characterized by part to full-time farming or forestry and low density residential activity. This type of landscape can be considered as "rural", i.e. an area containing a combination of pastureland, forest and dispersed very low density residential settlement patterns.

Dispersed settlement patterns are a function of physical conditions such as soils, water or topography that impose constraints to higher densities of development. They also can be a function of the absence of past and future public commitments for the provision of sewer, water and roadway improvements. Very low density residential areas offer alternative residential living styles allowing for preferences for increased privacy, aesthetic advantages of particular sites, or small scale agriculture and forestry, compared to that of the urban or moderately dense residential setting.

These areas may contain nonrenewable natural resources, such as soils which contribute to agricultural or forestry productivity, sand and gravel deposits suitable for extraction, or natural scenic resources that form the visual identity of an area. Existing parcel sizes are large and would be able to accommodate land uses such as agricultural, forestry or low to moderate density residential areas in future planning periods.

The RURAL designation is important in the Subarea Plan because it provides flexibility concerning very low density residential, forestry and agricultural land uses while retaining a range of private and public land use options for the future.
Locational Criteria

In order to define those locales where the RURAL designation would be most appropriate, the following criteria are applied.

(1) Those areas that possess a very low residential density and are compatible with existing land use plans.

(2) Those areas where a buffer is needed between higher density population and land use practices associated with commercial agriculture and forestry.

(3) Those areas where features of the physical environment, such as lack of adequate ground water, slow permeability rates, seasonal ponding or steep topography require very low densities in order to mitigate the impacts of these physical constraints. Also, those areas where there exists the possibility of utilization of a natural resource, i.e., soils, sand/gravel, coal or timber.

(4) Those areas where there are no planned capital improvements to community facilities, utilities or transportation systems.

Zoning Density Criteria

The RURAL comprehensive plan designation shall be implemented with three Ruran zone district densities: one dwelling unit per two acres; one dwelling unit per five acres; and one dwelling unit per ten acres. The following criteria define the application of each of these densities.

(1) The density of one dwelling unit per two acres shall be applied where:

a. existing density is less than or equal to one dwelling unit per five acres and average parcel size is greater than or equal to two acres;

b. physical limitations such as lack of adequate groundwater, slow permeability rates, seasonal ponding or steep slopes prohibit increased densities;

c. existing public services do not justify greater densities and there are no planned capital improvements to existing public services.

d. maximum buildout at the prescribed density level will be compatible with the surrounding land use character.

(2) The density of one dwelling unit per five acres shall be applied where:

a. existing density is less than or equal to one dwelling unit per ten acres and average parcel size is greater than or equal to five acres;
b. b, c and d of Section 1 above are applicable.

(3) The density of one dwelling unit per ten acres shall be applied where:

a. existing density is less than or equal to one dwelling unit per twenty acres and average parcel size is greater than or equal to ten acres;

b. the possibility of the utilization of natural resources, i.e., sand/gravel, coal, timber requires low densities to facilitate their extraction.

c. agriculture and silviculture are, or possibly could be, viable economic enterprises.

d. b and c of Section 1 above are applicable.

4. Forestry

Rationale

Forestry and related industries historically have been significant factors in the local economy, a role which has expanded to affect state, national and international economies. Not only is forestry economically important, forest management provides a significant renewable resource base to Whatcom County. In addition, forested areas often contain nonrenewable mineral and nonmineral resources, serve as wildlife habitats, and contribute to watershed management. Since population increases may create pressure to irrevocably convert forest land, it is important that Whatcom County provide for the long term productivity of forest and related resources by safeguarding prime forest areas from conversion to nonforest uses. The purpose of the FORESTRY designation is to preserve the viability of Whatcom County’s renewable and nonrenewable resource base.

Locational Criteria

Areas which are suitable for the FORESTRY designation may be identified through analysis of the following factors:

(1) Land use patterns indicate a predominance of large parcel sizes ranging from 20 to 640 acres.

(2) Parcels are usually owned for the purpose of growing and harvesting timber by major timber industries, logging companies, the State of Washington, or private individuals engaged in woodlot operations.

(3) The majority of parcels are classified in forestry current use tax assessment consistent with the provisions of Washington State law.
(4) There is a minimal amount of public roads and other services that generally precede and augment residential development.

(5) Certain physical constraints to residential development may also exist such as slopes in excess of 15%, soils that are not suitable for septic tanks or conventional building foundations, unstable geologic units, or important wildlife habitats.

(6) Nonrenewable natural resources such as minerals, coal, gravel or soils whose use is compatible with forestry management may also be present.

5. Public

Rationale

This designation recognizes those parcels and facilities currently under or planned for public ownership. The intent of this designation is to assure continuation and potential expansion of public services at levels consistent with population requirements, while providing sufficient acreage to be compatible with surrounding land uses.

Locational Criteria

To identify areas which are suitable for the PUBLIC designation, the following criteria are employed:

(1) Parcels are currently owned or are being considered for ownership by public agencies such as the Federal Government, State of Washington, Whatcom County, cities, special purpose districts such as school, fire and water district and independent jurisdictions such as the Port of Bellingham; and

(2) The function of parcel ownership is to provide public services such as recreation, education, utilities, communications, transportation (not including roadways), solid waste disposal and health care.

6. Quasi-Public

Rationale

The QUASI-PUBLIC land use designation distinguishes those areas where public institutional uses exist that are under private control and where the institutional land use is different, both in function and attendant on-site and off-site impacts, from surrounding land uses. The purpose of the QUASI-PUBLIC designation is to assure continuation of institutional functions without being affected by or affecting surrounding land uses.
Locational Criteria

Areas which should be designated as QUASI-PUBLIC shall conform to the following criteria:

1. Parcels are owned by institutions such as churches, universities, colleges, schools or private foundations; and

2. The purpose of parcel ownership is to provide education, religious training, meeting centers, day use recreational activities, summer camps, preservation of a natural or historical resource, or a combination thereof.

7. Neighborhood Commercial

Rationale

The delivery of goods and services to people is an integral part of our economic system. The type of commercial activity is dependent on the composition of the market to be served and represents several different land use patterns. These land use patterns are designated as neighborhood, general, tourist or resort commercial. To meet the market needs of the Chuckanut-Lake Samish Subarea, two commercial designations are used: NEIGHBORHOOD COMMERCIAL and TOURIST COMMERCIAL.

Locational Criteria

Areas suitable for the NEIGHBORHOOD COMMERCIAL designation shall conform to the following criteria.

1. Parcels are served by collector streets or minor or secondary arterials.

2. Parcels have the same level of sewer and water service as that provided to the surrounding neighborhood.

3. The designation is in a location central to the neighborhood area the commercial activity would serve.

4. The designation is applied to a minimum area of five acres configured in a consolidated arrangement.

5. The designation is applied to property located where ownership patterns and land parcelization would be conducive to future development.

6. The designation should be located where a public need for a neighborhood shopping area exists.
8. Tourist Commercial

Rationale

The rationale underlying the TOURIST COMMERCIAL designation is to serve the traveling public with a limited range of goods and services directly related to their transportation needs. TOURIST COMMERCIAL areas are intended to serve vehicular, rail, truck and air transportation systems. TOURIST COMMERCIAL areas should be located near major transportation corridors and be designed to assure safe and convenient access.

Locational Criteria

Areas that are suitable for application of the TOURIST COMMERCIAL plan designation conform to the following criteria.

(1) Parcels are served by principal or minor arterials, or major collectors.

(2) Parcels will be provided with urban services including public sewer and water, stormwater drainage, sheriff and fire protection; except that existing areas that have concentrations of tourist commercial uses may be recognized based on adequate levels of wastewater disposal, water and fire flow.

(3) The designation is located in close proximity to major transportation corridors including air, rail or road terminals, or border crossings.

(4) The designation contains approximately ten acres, is configured to provide safe and convenient access, and will not adversely impact adjacent noncommercial activities.

(5) The designation is located where a public need exists for TOURIST COMMERCIAL types of uses.
VI. POLICIES

A. INTRODUCTION

The policies, together with the comprehensive land use plan map, designate the locations of the various land uses that are the most economic and suitable for this planning period. The policies also indicate how Whatcom County can assure orderly and economic implementation of the land use designations through actions taken regarding community services and community resources. The policies specify the course of action that Whatcom County shall follow in meeting the Whatcom County Goal Statements listed in Section II.

B. LAND USE DESIGNATION POLICIES

The Chuckanut-Lake Samish Subarea is a relatively small subarea that is primarily suitable for forestry, residential, and recreational uses as indicated by past land use development patterns. Whatcom County has developed sixteen land use designations to allow for the necessary flexibility and specificity in applying land use standards, and seven of the land use designations are applied within this subarea.

PUBLIC and QUASI-PUBLIC land use designation boundaries were determined by current ownership and use as described in the respective Locational Criteria. Likewise, FOREST land use designation boundaries were determined by ownership, use and suitability as described in the Locational Criteria. The changes in these boundaries from the previous comprehensive plan designation (1970) are minor.

Residential land use designations were determined according to existing ownership and density patterns, suitability for residential uses, and availability of services as described in the URBAN RESERVE, RESIDENTIAL RURAL and RURAL Locational Criteria. In addition, the changes in residential land use designations from the previous comprehensive plan reflect the Regional Design Goals and Land Use Goals in Section II and consider the following planning principles.

The economic impacts of proposed changes. The subarea has three population clusters: Chuckanut Bay, Lake Samish shore and the Yew Street-Samish Way corridor. Each cluster is based upon an amenity that is important to the continued economic attractiveness of the neighborhood. Changes in residential density were made to protect the extraordinary scenic value of Chuckanut Bay, the water quality of Lake Samish and the rural character of the Yew Street-Samish Way corridor. In addition, densities were kept as high as possible to protect investments made on the basis of prior land use designations.

The coordination of growth patterns with adjoining municipalities. Projected population growth of the City of Bellingham and land use designations within its borders were considered when examining land use designations for adjoining areas. In recognition of the existing and potential level of services in the Yew Street area, 425 acres of land are designated as URBAN RESERVE to accommodate population growth. The remainder of the Yew Street area is designated at the same density level as the adjoining land within the city.
Allowance for an ample amount of population growth. The unincorporated Whatcom County population growth projection in Section III indicates an approximate increase of 50% during this planning period of 15 years. Due to aesthetic and recreational amenities available in this subarea, a somewhat greater than average increase might occur. The plan allows a sufficient number of residential dwelling units to accommodate a 690% increase due to the consistent application of the Locational Criteria and the consideration of the preceding two objectives.

Before full development of the residential zones occurs, improvements must be made to water, wastewater and transportation systems. The residential land use designations including URBAN RESERVE, RESIDENTIAL RURAL, and RURAL were applied by balancing the high densities of the prior Comprehensive Plan and the potential carrying capacity of water sources, wastewater service options and feasible transportation system service levels. In this subarea, RURAL areas primarily reflect environmental constraints rather than multiple use capability. RURAL areas also reflect the need for buffering between denser residential patterns and typical commercial forestry practices. The RURAL zone of one dwelling unit per ten acres is applied where there are extremely steep slopes, geologically unsuitable for development. The other RURAL densities were applied based upon geologic conditions, steepness of slopes, and existing parcel size.

The final land use designations in this subarea are NEIGHBORHOOD COMMERCIAL and TOURIST COMMERCIAL. Small areas allowing for commercial uses are situated at the north Lake Samish exit from I-5 and are intended to accommodate the convenience buying needs of lake area residents and visitors. Because of this subarea’s topography and/or level of services, no large scale commercial, industrial or agricultural land use is projected.

The following sections provide policies for each land use designation. The format for these policies is:

.01 Purpose, Uses, and Densities
.02 Land Use Designation Boundaries
.03 Zoning District Boundaries
.04 Community Facilities and Resources
.05 Other

The intent of the policies for each land use designation is contained in a brief introductory discussion in each section.
1. Urban Reserve

The primary purpose of the URBAN RESERVE policy is to promote an orderly transition from rural land uses and densities to urban uses and densities, while moving toward the attainment of the Regional Design Goal with respect to future urban development. In addition, the policy intends to encourage the responsible growth of urban areas by assuring that an adequate range of urban services (sewer, storm water drainage, schools, parks, water, fire and sheriff protection) are available to support urban level densities. When such services are available, development should occur in neighborhood units which have appropriate levels of densities, uses, and circulation networks.

To facilitate future urban growth, the URBAN RESERVE policy is intended to discourage the establishment of interim uses and subdivision patterns which may foreclose significant future alternatives pertaining to urban densities and the efficient provision of services. Moreover, this policy is intended to maintain, prior to the approval of an accepted site specific plan for the implementation of services, the low density character of the area and to allow reasonable uses of property by permitting compatible residential, recreational, commercial, forestry and agricultural land uses.

1.01 It is the policy of Whatcom County to promote an orderly transition from rural land uses and densities to urban uses and densities by designating certain portions of the Chuckanut-Lake Samish Subarea as URBAN RESERVE.

1.01.1 The predominant land use pattern within the URBAN RESERVE areas shall be residential and related forms, including neighborhood commercial, neighborhood parks and other public uses. The URBAN RESERVE policy discourages the establishment of interim uses and subdivision patterns that can foreclose significant alternatives pertaining to future urban densities and the efficient provision of services. Therefore, this policy maintains the low density character of the area while permitting compatible residential, recreational, commercial and forestry land uses until an urban level of water, and sewer and stormwater facilities are available.

1.01.2 To implement this policy the two residential zone districts densities of three or four dwelling units per acre shall not go into effect until such time that a full range of urban services is provided as specified in Section 1.04 below. In areas where such services do not yet exist, the applicable density shall be one dwelling unit per five acres of land.

1.02 The following areas shall be designated as URBAN RESERVE and indicated as such on the Comprehensive Land Use Plan Map.

1.02.1 The northern Yew Street area bounded by the City of Bellingham on the west and north, Democrat Street on the south and property lines approximately 800 feet east of Yew Street on the east.

1.02.2 The southern Yew Street area bounded by the City of Bellingham on the west and south, including parcels west of the boundary between Section 4 & 5 and 8 & 9, larger than 20 acres north to the Harris Road easement, and parcels east of Yew Street to the eastern edge
of the mobile home park that is near the northwest corner of the intersection of Yew Street and Samish Way.

1.03 Whatcom County shall implement the URBAN RESERVE land use designation by application of the URBAN RESIDENTIAL Zone District, which has two densities after urban services have been provided. The density is either three dwelling units per acre or four dwelling units per acre and is applied based upon the URBAN RESERVE Locational Criteria.

1.03.1 In the northern Yew Street area bounded as indicated in 1.02.1, above, the density shall be four dwelling units per acre.

1.03.2 In the southern Yew Street area bounded as indicated in 1.02.2, above, the density shall be three dwelling units per acre.

1.04 It is the policy of Whatcom County to encourage efficient land use patterns and the cooperation among municipalities, special districts, associations, and other governmental agencies in provision of a full range of urban services in the URBAN RESERVE areas.

1.04.1 In both URBAN RESERVE areas, public sewer and water shall be provided by the City of Bellingham. Until such time that public sewer and water is provided, the area designated for a density of one dwelling unit per five acres shall be supplied by wells and private septic drainfields.

1.04.2 In both URBAN RESERVE areas stormwater drainage facilities shall be subject to the regional stormwater management plan now being developed. On-site stormwater collection and retention shall be required during development and in accordance with the regional stormwater management plan when adopted by the county.

1.04.3 Where urbanization occurs on the periphery of large lot land use forms, urban residential subdivisions and other urban uses shall be designed to buffer less intensively utilized parcels with adequate landscaping, screening or fencing to prevent encroachment by vehicles, pedestrians, animals and nuisances.

1.04.4 Where practical, subdivisions and other urban uses adjoining other zone districts shall be designed so that vehicular and pedestrian networks are channelled to the internal area of the site and intersections with county roads are as few as possible.

1.04.5 Cluster subdivision and Planned Unit Development shall be allowed in URBAN RESERVE areas and encouraged for large parcels. These alternative methods of land subdivision are described more fully in Section C.4.

1.05 It is the policy of Whatcom County to cooperate with municipalities within the county to effectively manage growth. If the City of Bellingham amends its residential density zone designations in the areas north, south, and west of the city/county boundary in the Yew Street area, or when the Byron-Consolidation roadway is scheduled for completion, Whatcom County shall
reexamine the land use designations in the Yew Street area for possible expansion of the URBAN RESERVE areas.

1.05.1 To further a joint exchange of information Whatcom County shall send copies of applications for major land use, transportation and service entity activities proposed within the subarea to the City of Bellingham within fifteen (15) days of application receipt by the county.

1.05.2 The City of Bellingham is requested to send copies of future proposals concerning the expansion of the City's Water Service Zone boundaries, Sewer Service Zone boundaries, and comprehensive plan and zone amendments to the Whatcom County Planning Department so that the County may respond appropriately.
2. Residential Rural

The intent of the RESIDENTIAL RURAL land use designation is to maintain the existing low density character of an area. Densities should range from one dwelling unit per acre to three dwelling units per acre, depending upon the range of county approved services, existing lot sizes, prior density and location. If there is adequate transportation capacities, publicly provided sewer or water, and lot sizes of greater than one acre exist or are planned, the density of residential development shall be one dwelling unit per acre. Where a partial range of services exist or are planned and the average lot size is less than or equal to 18,000 square feet, the density of residential development shall be two dwelling units per acre. Three dwelling units per acre is applied only where the prior density was equal to or greater than three dwelling units per acre and the area is inappropriate for the Urban Reserve designation. As a means of efficiently utilizing land, maintaining the present low density residential character and retaining options regarding increased densities and services in the future, it is the intent of the RESIDENTIAL RURAL designation to provide for the option of "clustering" in the design of new subdivision proposals.

2.01 It is the policy of Whatcom County to maintain the character of existing low density residential areas by designating certain portions of the Chuckanut-Lake Samish Subarea as RESIDENTIAL RURAL.

2.01.1 Within the areas designated as RESIDENTIAL RURAL typical uses shall include single-family attached and detached dwellings, public parks and recreation facilities, home occupations, and neighborhood grocery stores.

2.01.2 To implement this policy residential densities of either one dwelling unit per acre or two dwelling units per acre shall be provided.

2.02 The following areas shall be designated as RESIDENTIAL RURAL and indicated as such on the Comprehensive Land Use Plan Map.

2.02.1 The Chuckanut Shore area which is bounded by Larabee Park on the south, the City of Bellingham on the north, the Interurban Trail or property lines on the east that lie within the water service boundaries 300 feet east of Chuckanut Drive and Chuckanut Bay on the west.

2.02.2 The shoreline area along the east arm of Lake Samish and the south shore of the west arm that is generally within the Water District No. 12 ULID boundary, and the area adjacent to Nulle Road east of the interstate. Any parcels presently within a Rural zone included in the future within a Water District No. 12 ULID shall be considered for change to Residential Rural.

2.02.3 The Yew Street area bounded by the City of Bellingham on the west, Democrat Street on the north, and property lines and Harris Street easement on the south and the area between the boundary between Sections 4 & 5 and 8 & 9 on the west and the property lines generally bordering a 700' elevation on the east.
2.02.4 The Byron Consolidation corridor area forms an east/west strip along the south side of Bellingham city limits, approximately 1,400 feet wide, and runs from approximately 900 feet east of Yew Street to the Lake Whatcom Subarea boundary.

2.02.5 The area southeast of Larrabee State Park and north of Skagit County known as Clayton Beach.

2.03 Whatcom County shall implement the RESIDENTIAL RURAL land use designation by application of the RESIDENTIAL RURAL Zone District. The residential density is either one dwelling unit per acre, two dwelling units per acre, or three dwelling units per acre and is applied based upon the Residential Rural Locational Criteria.

2.03.1 The density of two dwelling units per acre shall apply to the following areas: The Chuckanut Shore area west of Chuckanut Drive and north of Larrabee Park excluding the area known as Governor's Point; the Lake Samish Shore area, within Water District No. 12 sewer service area, along the north, east, south and southeast shores; the area along the Whatcom Connector described in 2.02.4; the central area along Yew Street; and the area southeast of Larrabee Park known as Clayton Beach.

2.03.2 The density of three dwelling units per acre shall apply to the area known as Governor's Point due to the potential for water provided by the City of Bellingham and sewer provided by the City or new Sewer District, the prior zoning density of three dwelling units per acre, and the lack of applicability of an urban reserve designation to an undeveloped area not adjacent to city boundaries.

2.04 It is the policy of Whatcom County to encourage efficient land use patterns and the cooperation among municipalities, special districts, associations, and other governmental agencies in provision of a partial range of urban services in RURAL RESIDENTIAL areas.

2.04.1 Either public water and/or public sewer shall be provided. Stormwater detention shall be required during development and in accordance with the stormwater management plan when adopted and stormwater drainage facilities consistent with the plan after its adoption.

2.04.2 When a subdivision is situated adjacent to less intensive land use designations, the subdivision shall be buffered at the site periphery to prevent the encroachment of vehicles, pedestrians, animals and nuisances onto other less intensively utilized areas.

2.04.3 Subdivisions shall be designed so as to minimize intersections along existing county roads and to discourage lineal residential patterns adjacent to county roads.

2.04.4 In order to preserve the character of the Chuckanut Bay, Lake Samish and Yew Street neighborhoods, subdivisions shall be designed to minimize disruption of views and maintain existing
vegetative cover to the extent economically and physically feasible.

2.04.5 In recognition of the exceptional natural and economic resources present in the Chuckanut shore and mountain terrain, the use of cluster subdivision or planned unit development shall be encouraged for areas allowing large developments, such as Governor's Point and Clayton Beach. It also is allowed for parcels of any size that have specific environmental and cultural features that could be enhanced by its use, such as the Teddy Bear Cove area. Cluster subdivision and Planned Unit Development are alternative ways of subdividing land that make more economic use of land area and provide open space. They are described more fully in Section C.4.
3. Rural

The RURAL policy is intended to acknowledge physical and cultural factors which currently are and during the planning period will continue to be limitations to higher densities. Physical factors relate to soil percolation rates, depth to groundwater level, steep topography and the presence of aquifers. Cultural factors pertain to the absence of public services and circulation networks. Moreover, this policy intends to conserve environmentally fragile areas and retain future access options with respect to nonrenewable natural resources (sand, gravel, coal and minerals, and soils which contribute to agricultural and forest productivity). It is also intended to encourage multiple land use potential and retain the "rural" character of an area. RURAL policy also provides the option of "clustering" in the design of new rural subdivisions in order to retain productive land uses and future options for development.

3.01 It is the policy of Whatcom County to provide for very low density residential areas where multiple uses are suitable, or where community facility or resource constraints preclude higher densities, by designating certain portions of the Chuckanut-Lake Samish Subarea as RURAL.

3.01.1 Within the areas designated as RURAL typical uses shall include low density residential, occasional pasture, agriculture, woodlots and home occupations.

3.01.2 To implement this policy residential densities of one dwelling unit per two acres, one dwelling unit per five acres, and one dwelling unit per ten acres shall be provided.

3.02 The following areas shall be designated as RURAL and indicated as such on the Comprehensive Land Use Plan Map.

3.02.1 The Chuckanut Mountain area bounded by the City of Bellingham on the north, the property lines approximately 300 feet east of Chuckanut Drive or the Interurban Trail on the west, Larrabee State Park on the south, and the Larrabee State Park boundary line and its projection northward on the east.

3.02.2 The Samish Way and Samish Highway Corridor area beginning at North Lake Samish Road and extending north and west along Samish Way and Interstate-5 until Interstate-5 reaches the City of Bellingham and the area extending north to Fillmore Street between properties 700' in elevation and forestry lands east of Yew Street.

3.02.3 The west facing foothills of Lookout Mountain south of Bellingham.

3.02.4 The Lake Samish Watershed area, including tracts surrounding Lake Samish and generally bounded by timber lands and by either Residential Rural zone districts or Lake Samish shoreline and not included within Water District No. 12 ULID service area.

3.03 Whatcom County shall implement the RURAL land use designation by application of the RURAL Zone District. The residential density is one dwelling unit per two acres, one dwelling unit per five acres, or one dwelling unit per ten acres and is applied according to the Locational Criteria.
3.03.1 The density of one dwelling unit per ten acres shall be applied to the Lake Samish Watershed area along the western and northern shores of the west arm of Lake Samish as discussed in the Introduction to this section.

3.03.2 The density of one dwelling unit per five acres shall be applied to the Chuckanut Mountain area north of and west of Larrabee State Park; the eastern Yew Street area; the Samish Highway area; the Samish Way Corridor area; the areas south and west of the RESIDENTIAL RURAL area around the eastern arm of Lake Samish; and the area east of Interstate 5 and north of the Skagit County boundary around "F" line road.

3.03.3 The density of one dwelling unit per two acres shall be applied to an area bounded on the west by the Interurban Trail, on the north by Hiline Road, and on the east and south by Larrabee Park; and the area along the Skagit County border that is near southern Summerland Road.

3.04 It is the policy of Whatcom County to encourage effective land use patterns and adequate provision of services for RURAL densities.

3.04.1 RURAL areas shall be served by private water and septic drainfields. Where water is obtained from off-site sources, written agreement must be made with all affected property owners and presented as part of subdivision or building permit review.

3.04.2 In recognition of the exceptional natural and economic resources present in the Chuckanut shore and mountain terrain, the use of cluster subdivision or planned unit development shall be encouraged for large parcels. Descriptions of these alternative methods for efficient land subdivision are found in Section C.4.

3.04.3 New residential development adjacent to areas designated FORESTRY shall require a covenant or deed restriction agreeing to refrain from any legal action against reasonable and lawful forest practices.

3.04.4 It is the policy of Whatcom County to encourage property owners to conserve forested areas by utilizing the provisions of RCW 84.34.
4. Forestry

The FORESTRY designation intends to move toward attainment of the Whatcom County Goal Statements which address the conservation of forest lands and provide for the continued economic vitality of forest industries. To accomplish such, the FORESTRY designation intends to identify areas which are suitable for the long-term productivity and sustained use of forest resources. To minimize conflict with an encroachment by nonforest uses and to guard against forest land conversion, the policies intend to discourage residential and recreation-residential uses. Moreover, the FORESTRY designation intends to accommodate other compatible and related uses such as nonrenewable resources extraction, wildlife management, watershed management, and dispersed recreation. Finally, the FORESTRY designation intends that uses are conducted in accordance with applicable local, state and federal regulations.

4.01 It is the policy of Whatcom County to conserve forest lands suitable for long term productivity and sustained use of forest resources by designating certain portions of the Chuckanut-Lake Samish Subarea as FORESTRY.

4.01.1 The principal use of FORESTRY areas shall be sustained yield forest management which is conducted in accordance with the Washington State Forest Practice Act (RCW 76.09) and the rules and regulations set forth therein (WAC 222), as administered by the Department of Natural Resources. Forest management includes practices such as timber production, harvesting and reforestation; forest chemical use; logging road construction and maintenance; fire prevention and suppression; the protection of public resources, including water quality, fish and wildlife, and small private timber production such as woodlot operations.

4.01.2 It is the policy of Whatcom County to establish twenty (20) acres as the minimum parcel size for sustained yield forest management, as well as to safeguard forest lands from potential impacts generated by secondary uses and maximum density of one dwelling unit per 20 acres shall be established.

4.02 Chuckanut Mountain and the western slopes of Lookout Mountain shall be designated as FORESTRY and indicated as such on the Comprehensive Land Use Plan Map.

4.03 Whatcom County shall implement the Forestry land use designation by application of the Forestry Zone District in accordance with the Locational Criteria.

4.04 It is the policy of Whatcom County to encourage harmony between forestry and nonforestry land uses by the following policies.

4.04.1 Whatcom County shall discourage community facilities in FORESTRY areas except dispersed and low intensity recreational opportunities, private water and septic drainfields, and private roads. Subdivision for residential purposes shall require a written agreement among all affected property owners concerning any off-site water sources before subdivision or building permits occur.
4.04.2 A maximum density of one dwelling unit per (20) acres shall be established and all residential uses shall be subject to the following conditions. All residential and related structures shall be situated a minimum of one-hundred (100) feet from parcel boundaries. All potential residents shall be clearly informed of the principal use of FORESTRY areas and the intensive forest practices which may reasonably and lawfully occur in the normal course of forest management, and all new subdivision shall be subject to an agreement to not take legal action against legal and reasonable forest practices. Any FOREST parcel where more than one dwelling unit can be provided shall be encouraged to use the cluster subdivision method as described in Section C.4. All buildings shall be setback out of potential flood and debris flow areas.

4.04.3 It is the policy of Whatcom County to require local public review of secondary uses in FORESTRY areas with the intent of determining the following:

a. The use will not cause a permanent and irrevocable commitment of the forest resource to uses not related to forestry.

b. The use will not prohibit or impact the intensive operation of adjoining forest practices.

c. The use will have fire prevention and suppression plans and will not create a fire hazard for adjoining forestry operations.

d. The use is in compliance with all applicable local, state and federal regulations.

e. When proposed to be situated within the Lake Samish Watershed, the use will not significantly impact or degrade surface and subsurface water quality and quantity characteristics.

4.04.4 It is the policy of Whatcom County to encourage cooperation between forest managers and residential users within a watershed in considering and implementing the use of nonchemical controls and other methods whereby impacts on water quality are lessened.

4.04.5 It is the policy of Whatcom County to encourage a strip of vegetated land area to be left along streams of sufficient quality and width to minimize surges in runoff rates and promote stream bank stability.

4.04.6 It is the policy of Whatcom County to encourage a strip of vegetated land area to be left of sufficient width and character to promote the continued positive visual identity provided along the I-5 corridor entrance to the county from the southern county border to the northern end of Lake Padden Park.
4.04.7 Pursuant to the provisions of RCW 79.68, Multiple Use Concept in Management and Administration of State-owned Lands, it is the policy of Whatcom County to encourage continued multiple use management of state owned forest lands.

4.04.8 It is the policy of Whatcom County to encourage private forest and woodlot owners to conserve the county forest resource base by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33 and RCW 84.34.

4.05 It is the policy of Whatcom County to encourage the Washington State Department of Natural Resources to continue county notification of all classes of forest practice applications. In addition, the county shall encourage the DNR to conduct public information programs, when jointly determined to be necessary, concerning forest practices which are proposed to occur within the subarea.
5. Public

With reference to parcels which currently are owned or planned for ownership by public agencies, the intent of the following policies is to implement the County Goal Statements relating to public facilities and services and to assure the continued public provision of a variety of services in a manner that is commensurate with population levels and requirements. The policies also are intended to optimize public investments and promote compatibility between public functions and surrounding land uses.

5.01 It is the policy of Whatcom County to ensure the continued public provision of a variety of parks and recreational facilities, educational facilities, and other utilities and services in a manner that is commensurate with population levels and requirements by designating certain portions of the Chuckanut-Lake Samish Subarea as PUBLIC. Typical uses in PUBLIC planned areas include facilities and services related to the provision of recreation, education, utilities, communications, solid waste disposal, health care and water diversion works.

5.02 The following areas shall be designated as PUBLIC and indicated as such on the Comprehensive Land Use Plan Map.

5.02.1 Larrabee State Park, the Interurban Trail, Lake Samish Park, Cedar and Pine Lake Parks, Plantation Rifle Range, the State Boat Launch on Lake Samish, and the undeveloped East Lake Samish Park site.

5.02.2 All wildlife reserves and fish hatcheries; schools; fire stations; health care facilities; district-owned sewer transmission facilities; municipally-owned water diversion corridors; and public communication transmission stations.

5.03 Whatcom County shall implement the PUBLIC land use designation by application of the following zones in accordance with the Locational Criteria.

5.03.1 The Recreation and Open Space Zone District shall be applied to public recreation areas specified in 6.02.1 above.

5.03.2 All other public functions shall be used by right or condition within other Whatcom County zoning districts.

5.04 It is the policy of Whatcom County to encourage effective land use patterns and cooperation among governmental jurisdictions in providing appropriate levels of service to the various public areas.

5.04.1 Services shall include public water and sewer where available and appropriate to the use, and stormwater drainage shall be required according to the regional stormwater management plan when it is adopted.

5.04.2 Whenever practical, multi-purpose use of public lands, facilities, and services is encouraged.
5.04.3 Visual and functional impacts of PUBLIC land uses should be minimized through utilization of aesthetic site design which is compatible with the character of the surrounding area.

5.04.4 In recognition of the potential conflicts between the extensive recreational use of Lake Samish and surrounding residential land uses, further development of the county East Lake Samish park site should be subject to public review consistent with the provisions of the Recreation and Open Space zone district.

5.04.5 Public agencies are encouraged to acquire those parcels which benefit the continued operation of their function. Whenever practical, joint agreements between agencies shall be encouraged to expedite efficient public expenditure.

5.04.6 It is the policy of Whatcom County to augment recreational opportunities by seeking means to secure public access to Teddy Bear Cove and Clayton Beach through public acquisition or dedication; encouraging cooperation among property owners, the Department of Natural Resources, and the Whatcom County Parks Department to obtain trail easements from Larrabee State Park north to the Bellingham border; and obtaining public access to beaches where ever possible.

5.05 Pursuant to the Inter-Local Cooperation Act (RCW 39.34), it is the policy of Whatcom County to encourage public agencies to prepare and adopt long range plans that address future land, facility and service requirements, coordinate public and private activities, and minimize potential future conflict between various public agencies and the private sector regarding plan implementation.

5.05.1 Whatcom County shall cooperate and coordinate with the Whatcom County Parks Department in the integration of existing park plans into a Recreation and Open Space Element which will augment the County Comprehensive Plan.

5.05.2 The County Parks Department shall be encouraged to participate in neighborhood park planning within the areas designated as URBAN RESERVE and RESIDENTIAL RURAL on the Comprehensive Land Use Plan Map.
6. **Quasi-Public**

QUASI-PUBLIC land uses are defined as institutional uses operated for the public but under private control. The Quasi-Public uses that exist in the subarea include religious, educational, recreational and institutional facilities. These uses warrant a separate land use designation due to their distinctive character and variable impacts with surrounding uses. The following policies serve to identify the type of use, location, and zoning of the quasi-public uses and properties within the Subarea.

6.01 It is the policy of Whatcom County to encourage the continuation of institutional uses operated for the public but under private control by designating certain portions of the Chuckanut–Lake Samish Subarea as QUASI-PUBLIC. Typical uses are religious, educational, recreational, and institutional.

6.02 Whatcom County shall apply the Quasi-Public designation to institutional uses and properties including the Lutherwood Bible Camp on the western end of Lake Samish, Indian Village at the southern end of Lake Samish, and the Chuckanut Island Nature Conservancy holding. These areas shall be designated QUASI-PUBLIC on the Comprehensive Land Use Plan Map.

6.03 Because of the relatively small size of the designated Quasi-Public areas, implementation shall be accomplished by application of the adjacent zoning district that is the most consistent with the character of each respective Quasi-Public area. Such uses shall be allowed to continue as uses within the respective zoning district.
7. **Neighborhood Commercial**

The convenient availability of goods and services to residential neighborhoods is an integral part of our economic system. The Lake Samish neighborhood also receives a number of visitors desiring convenience goods and services. It is the intent of this policy to provide for these needs and to consolidate commercial activity desirable along an interstate highway.

7.01 It is the policy of Whatcom County to provide for commercial activities convenient to and appropriate for residential neighborhoods by designating certain portions of the Chuckanut–Lake Samish Subarea NEIGHBORHOOD COMMERCIAL. Typical commercial activities include convenience retail stores, automobile service stations, professional offices, and eating and drinking establishments and shall be regulated as to size and design in accordance with the applicable zone district.

7.02 The area that is west of I-5 and Samish Way at the north Lake Samish I-5 interchange shall be designated as NEIGHBORHOOD COMMERCIAL and indicated as such on the Comprehensive Land Use Plan Map.

7.03 Whatcom County shall implement the NEIGHBORHOOD COMMERCIAL land use designation by application of the NEIGHBORHOOD COMMERCIAL zone district based upon the Locational Criteria in Section V.B.5.

7.04 It is the policy of Whatcom County that NEIGHBORHOOD COMMERCIAL areas shall be provided with the same level of public services as the surrounding residential or rural area.

7.05 It is the policy of Whatcom County to enhance and maintain its natural and economic resources through NEIGHBORHOOD COMMERCIAL land use patterns that avoid linear strip development, while providing for safe and efficient vehicular movement by requiring site design that promotes a clustered or concentrated form of development.

7.05.1 Ingress and egress points to state and county roads should be minimized by consolidating on-site circulation networks and by developing access points to roads that are classified as collectors or access roads, rather than arterials.

7.05.2 On-site circulation should be designed to accommodate private vehicles, delivery vehicles and pedestrians; and potential vehicular/pedestrian conflicts should be minimized.

7.05.3 Development should occur in a concentrated and compact form, and should avoid linear development patterns. In addition, site development should occur consistent with adopted county standards for roads, stormwater management and land alteration.

7.05.4 Site design should respond to environmental opportunities and constraints, promote building placement that will maximize open space and minimize utility extensions, and should maximize energy efficiency.
7.05.5 The Planned Unit Development provision is an option that may be used in the development of designated commercial areas. Additional policies are located in the Land Development Options, Guidelines and Requirements Section of this document; and regulations are located in the Title 20 Zoning Ordinance.

7.05.6 Except for the area within building envelopes and necessary for parking, no clearing of land within these zone districts shall occur.
8. Tourist Commercial

The TOURIST COMMERCIAL designation is intended to provide concentrated areas, located in proximity to major transportation corridors or international border crossings, for uses that serve the traveling public. The designation intends to facilitate safe and efficient circulation systems, provide methods to attain compatibility with surrounding noncommercial uses, and promote site design that will efficiently use available commercial land.

8.01 To provide limited areas for uses serving private and commercial vehicles that are traveling between Bellingham and Skagit County. Uses should be directly related to the needs of the traveling public.

8.02 One Tourist Commercial district is located in the subarea immediately northwest of the Samish Way interchange with I-5 on both sides of Samish Way.

8.03 The TOURIST COMMERCIAL designation is implemented with the Tourist Commercial zone district. The boundaries of the districts are established in accordance with the locational criteria.

8.04 It is the policy of Whatcom County that these TOURIST COMMERCIAL areas shall have public sewer and public water services, on-site stormwater collection and retention facilities as needed, sheriff protection and sufficient fire protection before Tourist Commercial uses are built.

8.05 It is the policy of Whatcom County to enhance and maintain its natural and economic resources through TOURIST COMMERCIAL land use patterns that follow these development requirements.

8.05.1 Guidelines for establishing access points and on-site circulation are respectively included in NEIGHBORHOOD COMMERCIAL policies 7.05.1 and 7.05.2.

8.05.2 Guidelines for site development and design are established in NEIGHBORHOOD COMMERCIAL policies 7.05.3, 7.05.4 and 7.05.5.

8.05.3 A screened and/or landscaped buffer shall be established at the periphery of the Tourist Commercial district to promote compatibility with adjoining rural and residential rural uses, and site plans should achieve a complementary aesthetic character that will enhance the I-5 corridor entrance into Whatcom County.

8.06 It is the policy of Whatcom County to minimize the potential conversion of adjoining RURAL lands to Tourist Commercial uses.
C. COMMUNITY FACILITIES AND RESOURCES POLICIES

The implementation of land use designations is closely interwoven with the provision of community facilities such as utilities, roads, recreational areas, and emergency services. Land use designations also are affected by and affect the environmental and economic resources of an area. Policies were developed to address or resolve particular issues dealing with these interrelationships.

In the Chuckanut-Lake Samish Subarea the environmental resources are extensive and irreplaceable in forming part of the visual identity of Whatcom County. Environmental resources include wildlife habitat and fish spawning grounds, groundwater and surface water, and terrain that contributes economic resources. Economic resources primarily consist of the attractiveness of the area for residential development due to the environmental amenities, the availability of timber for forest industry use, and the amenity present for the entire county in the recreational and visual use of Chuckanut Bay, Chuckanut Mountain and Lake Samish.

The community facilities that are necessary in this subarea to maintain and enhance its resources are basically in place. Some upgrading is needed in water and sewer service and transportation facilities, and there are issues associated with recreational use. These are discussed in the following sections on community utilities and transportation and in the preceding dealing with PUBLIC land use areas. The basic aims are the maintenance of attractiveness for residential population growth, and the maintenance and enhancement of the Lake Samish watershed. The following sections provide policies for each community facility or resource. The format of the policy is:

.01 Purpose
.02 Coordination
.03 Standards
.04 Implementation
1. Community Utilities and Services

1.01 It is the purpose of Whatcom County to ensure a beneficial balance between the demand for and supply of community utilities and services and that jurisdictional responsibility and service levels are consistent and predictable for the planned land uses. Community facilities and services typically include sewer and water systems, transportation networks, school and park systems, stormwater drainage systems, and fire and police protective services.

1.02 It is the policy of Whatcom County to encourage cooperation among municipalities, special districts, water associations, and other appropriate groups in the planning and provision of public services.

1.02.1 Whatcom County shall cooperate and coordinate with the City of Bellingham, Whatcom County Water District No. 12, Whatcom County Fire Protection Districts No. 6, No. 9 and No. 10, Bellingham School Districts, and the State of Washington in planning subarea service systems, particularly for areas designated as URBAN RESERVE. Whatcom County recognizes and supports the policies contained within City of Bellingham Ordinance 9461 regarding water and sewer service zones.

1.02.2 Whatcom County shall recognize Puget Power and Light as the primary energy purveyor in the subarea; however, the use of alternative energy systems such as active and passive solar heating and water heating, small scale hydroelectric power, and wind power plants for residential, commercial, quasi-public and public land uses shall be encouraged through the favorable consideration of necessary site design variances whenever appropriate.

1.02.3 Whatcom County shall ensure that the necessary staff and equipment are available in the Whatcom County Sheriff's Department to provide adequate protective services for the Chuckanut-Lake Samish Subarea population.

1.02.4 Consistent with the City of Bellingham annexation and urban service area policies, the city is acknowledged as the primary authority responsible for the provision of sewer and water services within the Chuckanut and Yew Street neighborhoods. Upon amendment of the city's Capital Improvement Plan that would enable the extension of sewer and water services or upon provision of sewer or water services by a special purpose district into areas currently planned for RESIDENTIAL RURAL densities, appropriate land use density should be reconsidered given the adjusted level of service.

1.03 It is the policy of Whatcom County to use availability and level of service standards for community facilities and utilities to maintain and enhance its natural and economic resources, land use patterns, and the safety and well-being of citizens.
1.03.1 Whatcom County shall encourage the placement and extension of sewer and water lines in areas contiguous to existing development so as to discourage the occurrence of "leapfrog" development.

1.03.2 Whatcom County shall discourage development in areas that are inaccessible to ambulances, sheriff's vehicles and fire fighting equipment until private roads are developed that meet emergency vehicle access requirements. Development in areas inaccessible to fire district equipment should be discouraged unless adequate on-site water and fire suppression systems are available for fire fighting.

1.03.3 Whatcom County shall encourage the provision of public water service in the Lake Samish watershed by Water District No. 12. At such time that water service is provided, the county and community should again examine the appropriate land use density.

1.03.4 Due to the potential for residential water quality and quantity problems as permitted dwelling unit densities are attained in the Yew Street area, Whatcom County shall encourage extension of city water and sewer services following the provision of such services within the area west of the Yew Street area.

1.04 It is the policy of Whatcom County to use the following criteria for the implementation of adequate economically feasible services in designated land use areas.

1.04.1 URBAN RESERVE: Land areas designated URBAN RESERVE are intended for urban type densities and shall be provided with a full range of urban services including publicly provided sewer and water, fire and sheriff protection, transportation and stormwater drainage systems. On-site stormwater detention is required during development and in accordance with the regional stormwater management plan when adopted. Upon completion of the stormwater management plan facilities, land area currently used for retention may be converted to permitted uses and densities. Whatcom County recognizes specific service purveyors for the delivery of urban services in the Yew Street URBAN RESERVE areas as follows:

- **Sewer and Water:** City of Bellingham
- **Law Enforcement:** Whatcom County Sheriff's Department
- **Fire Protection:** Whatcom County Fire Protection District No. 10
- **Transportation:** Whatcom County
- **Recreation:** Whatcom County Parks Department
- **Stormwater Management:** The City of Bellingham and Whatcom County

1.04.2 RESIDENTIAL RURAL: Land areas designated RESIDENTIAL RURAL shall have a partial range of urban services including either publicly
provided sewer and/or water. On-site stormwater detention is required consistent with 1.04.1 above. Whatcom County recognizes specific service purveyors as follows:

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<thead>
<tr>
<th>Service</th>
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<tr>
<td>Sewer and Water</td>
<td>City of Bellingham; Water District No. 12; or private</td>
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<tr>
<td>Law Enforcement</td>
<td>Whatcom County Sheriff's Department</td>
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<tr>
<td>Fire Protection</td>
<td>Whatcom County Fire Protection District No. 6, No. 9 or No. 10</td>
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<td>Stormwater Management</td>
<td>The City of Bellingham and Whatcom County</td>
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1.04.3 RURAL and FORESTRY: Services shall include: on-site domestic waste water disposal systems and individual well or water associations; volunteer fire protection from a Whatcom County Fire Protection District and the Department of Natural Resources; law enforcement from the Whatcom County Sheriff's Department; transportation provided by local access roads maintained by Whatcom County and private roads; and recreation provided by the Whatcom County Parks Department in cooperation with the State of Washington.

1.04.4 QUASI-PUBLIC AND PUBLIC: Services shall include public sewer and water where available from District No. 12, the City of Bellingham, or on-site wells and wastewater systems; storm drainage consistent with the regional stormwater management plan when adopted; volunteer fire protection from a Whatcom County Fire Protection District; law enforcement from the Whatcom County Sheriff's Department; and transportation provided by collector arterials maintained by Whatcom County.

1.04.5 All sewer and water service shall be provided in accordance with Whatcom County Health Department standards.

1.04.6 All stormwater drainage facilities shall be provided in accordance with the regional stormwater management plan now being developed and the Whatcom County Development Standards.

1.04.7 All transportation service shall be provided in accordance with the standards in the following transportation section, as well as all applicable state and federal standards and the Whatcom County Development Standards.

1.04.8 All recreational services shall be provided in accordance with the standards of the Whatcom County Parks Department, Washington State Parks Department, and in cooperation with the policies of the PUBLIC land use designation section.
2. Transportation System

2.01 It is the policy of Whatcom County to ensure that land use patterns and transportation planning mutually support the safe and efficient movement of people and goods; are consistent in encouraging a predictable pattern of urban and rural development; and together conserve and enhance existing public investments and resources.

2.01.1 Whatcom County shall use the development approval process of subdivision, zoning, and building permits to establish community circulation patterns and to secure rights-of-way and construction of all functional road classifications.

2.01.2 Whatcom County shall use the development approval process to ensure that all residential development includes safe vehicular access for citizens and emergency vehicles.

2.02 It is the policy of Whatcom County to cooperate with federal, state, and municipal agencies in providing for a coordinated transportation system.

2.02.1 Whatcom County shall coordinate and cooperate with the City of Bellingham in the planning of new arterial routes in the Chuckanut-Lake Samish Subarea, specifically the proposed Whatcom Connector route connecting Samish Way and Lake Louise Road and traversing the Chuckanut-Lake Samish Subarea near the Byron and Consolidation Street alignments.

2.02.2 Whatcom County shall promote and encourage the provision of public transit as demand increases in the Chuckanut-Lake Samish Subarea, where warranted by potential ridership for transit, by incorporation when changes in the circulation system are made through the Transportation Improvement Program. The public transit authority shall be sent copies of all major subdivisions and all PUD proposals for their information and review regarding provision of public transportation.

2.03 It is the policy of Whatcom County to maintain and enhance its natural and economic resources, land use patterns, and the safety and well-being of its citizens through the application of the following standards to its transportation system.

2.03.1 Whatcom County shall approve new road construction projects or improvements to existing roads consistent with the regional stormwater management plan now under development. Should the private or public sector begin such projects before the plan is complete, the county shall implement appropriate measures to assure total containment of excess stormwater runoff for each development proposal. Upon completion of the stormwater management plan, land area currently used for retention may be converted to permitted uses and densities consistent with the applicable zone district.

2.03.2 Whatcom County shall make every effort to preserve mature trees and unique wildlife habitats and other elements of the natural
environment during the design and construction of road improvement projects. Where disruption of the natural environment is unavoidable, special techniques such as rounded slopes, erosion control, reseeding and revegetation shall be employed to return roadsides to their natural state.

2.03.3 Bikeways and pedestrian walkways shall be included as an integral part of the transportation system. Bikeways and pedestrian ways shall be provided in new developments where warranted to link residential areas, shopping areas, recreational areas and educational facilities. Whenever practical, bikeways proposed in new developments shall connect with the planned bikeways in the Whatcom County Trails Plan. The County Parks Department, State Parks Department and Washington State Department of Transportation shall be encouraged to publicize and use signage to promote the use of the Interurban Trail by nonmotorized vehicles and pedestrians on Chuckanut Drive.

2.03.4 Whatcom County shall encourage the use of noise buffers and visual screens between future residential areas and high volume transportation routes such as Yew Street and the proposed Byron-Consolidation connector.

2.03.5 Whatcom County intends to minimize the amount of impervious surfaces including streets, driveways, sidewalks, etc., whenever possible, by using "natural" engineering design methods such as the use of open, shallow, grassed street swales instead of curbs and gutters. In addition, Whatcom County shall encourage the use of surfacing options such as porous asphalt pavement, precast interlocking blocks and rolled brick or cinder chips that reduce total surface runoff, slow concentration and capture particulates.

2.03.6 Whatcom County shall encourage the construction of new roads contiguous to existing development. Such phased road construction is intended to discourage the occurrence of "leap frog" development.

2.04 It is the policy of Whatcom County to use the following criteria for the implementation of a safe and economic transportation system as indicated on the road classification plan designated on the Chuckanut-Lake Samish Subarea Roadway Classification Map and amending the Roadway Classification Map as necessary.

2.04.1 Whatcom County shall identify the need for and the approximate location of new principal and minor arterial routes in the Chuckanut-Lake Samish Subarea and shall program the construction of these routes in Whatcom County's Capital Improvement Program. The following projects have been identified:

a. the Whatcom Connector between Samish Way and Lake Louise Road; and

b. Improvement of Yew Street to collector arterial standards.
c. With the provision of city sewer and water services to the area designated Urban Reserve in the southern half of Yew Street, the city and county should consider alternative east/west links joining Yew Street and Samish Way.

d. With 100% buildout of the density planned, the traffic on Chuckanut Drive would exceed its capacity unless the roadway was improved; therefore, at such time that traffic volumes approach LOS E, approval of any further land subdivisions or building permits shall be contingent upon mitigating transportation measures taken by all affected property owners.

2.04.2 Through the land development approval process, Whatcom County shall improve the operational efficiency of the intersections along North Lake Samish Drive south of the Interstate 5 intersection, along Chuckanut Drive, and along Yew Street. The intent of this policy is to reduce the number of automobile accidents occurring at intersections by improving access and reducing uncontrolled turning movements. Appropriate design criteria shall be applied consistent with the functional classification of the above mentioned roads and other applicable design criteria as provided in the Whatcom County Development Standards.

2.04.3 Through the development approval process, Whatcom County shall identify the short and long range traffic impacts to subarea roads by computing the estimated number of vehicle trips generated by a project and comparing those computations against the planned level of service for each road segment (according to the Whatcom County Engineering Department design standards and specifications) impacted by the project including intersections. If it is determined that a proposed development will cause traffic impacts that will result in a level of service below that planned for all affected road classifications, Whatcom County shall request the developer to make the necessary improvements to maintain the pre-planned level of service or to make an equivalent cash contribution to the Whatcom County Road Fund.

2.04.4 Where appropriate, it is county policy to allow developers of small projects of 15 lots or fewer to build a half width road which will be classified below a collector arterial, provided that all affected property owners agree to participate in completing the road.
3. Environmental Resources

3.01 It is the policy of Whatcom County to manage its natural resources productively by recognizing and conserving irreplaceable resources, providing suitable protection for environmentally fragile areas, and enhancing environmental quality.

3.02 It is the policy of Whatcom County to encourage cooperation among federal and state agencies, municipalities, environmental groups, and private landowners to enhance its environmental resources.

3.02.1 Whatcom County shall develop and adopt a public benefit rating system for evaluation of applications for tax relief on open space land use pursuant to RCW 84.34 whereby granting of open space tax status shall be dependent upon determination that the public benefit of retaining a parcel in open space outweighs the loss or deferral of revenue to the County.

3.02.2 Whatcom County shall develop practical criteria for use in administering the building code option that requires engineering certification for foundations and criteria for identifying excessive lot disturbance in areas of steep or unstable slopes and shall prepare a Steep Slope Development Ordinance.

3.02.3 Whatcom County shall encourage property owners to use the current use tax assessment provisions of RCW 84.34 to retain the following areas in open space: steep or unstable slopes, stream corridors, wetlands and wildlife habitats.

3.03 It is the policy of Whatcom County to enhance and maintain its environmental resources according to the following standards:

3.03.1 Whatcom County shall promote the use of 100-year floodplains associated with stream corridors as open space. Residential development shall be encouraged to be sited at sufficient distance from all streams to minimize potential loss or damage to property that may occur as the result of debris dam failure or increased duration and volume of stream flow. Whatcom County shall encourage minimal use of stream corridors, drainage swales, and alluvial areas for building sites.

3.03.2 Whatcom County shall promote groundwater of a quality suitable for domestic consumption by encouraging low density and intensity uses in locations overlaying and directly adjacent to Lake Samish recharge areas.

3.03.3 Whatcom County shall recognize wetlands such as swamps, bogs, marshes and ponds as natural catchment basins for stormwater run-off. Run-off during development shall be controlled as specified in the Whatcom County Development Standards.

3.03.4 Whatcom County shall encourage utilization of steep slopes (greater than 15%) or unstable slopes for open space, very low density development or forestry. If used for development pur-
poses, structures shall comply with the provisions of the Uniform Building Code and subdivision shall be subject to site safety confirmation by a qualified geotechnical engineer or a qualified geologist. Where slopes are in excess of 10%, cluster development shall be encouraged to minimize slope disturbance.

3.03.5 Whatcom County shall encourage very low residential densities in areas of known mineral resource occurrence with the intent of retaining future access and utilization options. Surface extraction shall be dependent upon compatibility with surrounding land uses and shall be accompanied by a reclamation plan which is consistent with state regulations contained in RCW 78.44. Subsurface mining operations shall conform with applicable federal regulations.

3.03.6 Whatcom County shall foster continued fish and wildlife habitat integrity in the Chuckanut-Lake Samish Subarea. Applicable habitats include the eelgrass beds situated on Chuckanut Island and the center of southwestern Governor's Point shore; Chuckanut-Lake Samish Subarea salmon, Kokanee and cutthroat trout spawning streams and lakes; deer migration routes; and the Pacific waterfowl flyway.

3.03.7 Whatcom County shall encourage air pollution abatement with the intent of maintaining and/or enhancing air quality, consistent with the Federal Clean Air Act, and accomplished through the coordination of local land use proposal review with the Northwest Air Pollution Authority and other environmental agencies.

3.03.8 Whatcom County shall implement the necessary rules, regulations and ordinances which are required by state law to minimize noise impacts.

3.03.9 Whatcom County shall review all shoreline development proposals for adherence to the requirements of the Whatcom County Shoreline Management Program.

3.04 It is the policy of Whatcom County to implement the enhancement of its environmental resources through the following actions.

3.04.1 Whatcom County shall encourage the provision of a long-term water domestic supply in the Lake Samish basin that will replace the use of lake water and private wells in close proximity to the lake.

3.04.2 Whatcom County shall assist and encourage the monitoring of Lake Samish water quality and associated streams, and shall address any decrease in water quality by additional controls such as limitations on chemical herbicide controls on county roads.

3.04.3 Whatcom County shall maintain and enhance the public usefulness of the Chuckanut Bay shoreline in accordance with the Shoreline Management Program as follows:
a. Cooperating with and encouraging the Washington Department of Transportation to provide additional scenic vista parking opportunities along Chuckanut Drive;

b. Encouraging alternative setback regulations where shared driveways, clustered buildings and other variations from required setbacks will provide less obstructed scenic vistas for the public; and

c. Using the development review process to preserve recreational access to the Chuckanut Bay shoreline through requiring any land development to indicate how it will avoid significant adverse impacts on or displacement of recreational uses that have no comparable alternate sites locally.
CHUCKANUT LAKE SAMISH SUBAREA

ENVIRONMENTAL CONSTRAINTS

LEGEND
- Class 3 Slopes: marginal stability, subject to sliding along fracture or bedding planes
- Bald Eagle Habitat
- Critical Faunal Area—Pacific Herring—winter and spring
- Critical Faunal Area—Birds
- Medium to High Waterfowl Density
- Wetlands


Whatcom County Planning Department
November 1985
4. Economic Resources

4.01 It is the policy of Whatcom County to manage its economic resources productively by recognizing and conserving prime economic resources, protecting existing investment, and enhancing economic development.

4.02 It is the policy of Whatcom County to encourage cooperation among state agencies, municipalities, economic development groups, and private landowners to enhance its economic resources.

4.02.1 Whatcom County shall cooperate with the City of Bellingham’s policies calling for preservation of the visual basins of Bellingham, Chuckanut Bay, Lake Samish and the Interstate 5 corridor entrance from the south that form a unique natural amenity that draws development to Whatcom County.

4.02.2 Whatcom County shall encourage private forest and woodlot property owners to conserve the county forest resource base by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33, and RCW 84.34.

4.03 It is the policy of Whatcom County to use the following standards to enhance and maintain its economic resources.

4.03.1 Existing uses that are not allowed in the zone district specified when the Chuckanut-Lake Samish Subarea Comprehensive Plan is adopted shall continue as legal nonconforming uses.

4.03.2 Whatcom County shall ensure that all county land use plans and zoning ordinances are examined for their enhancement of the economy of the area and region and are implemented so as to:

a. foster and promote the general welfare in the long run as well as the immediate future;

b. create and maintain a balanced and diversified economy sustained by a healthy environment;

c. strengthen and stabilize the tax base; and

4.04 Whatcom County shall encourage the wise use of the residential and forestry economic resources in the Chuckanut-Lake Samish area by continuing to reserve agricultural, commercial and industrial land use designations for other subareas.
5. **Land Use Development Options**

5.01 It is the policy of Whatcom County to provide alternatives to the standard zoning and subdivision regulations that encourage innovative design. The alternatives presented below are specifically intended to enhance or maintain environmental, historical, visual, or recreational sites valuable to the public in an economically feasible manner. Standards for their application are found in the Official Whatcom County Zoning Ordinance.

5.01.1 A clustering option shall be provided to the applicant for new residential land subdivisions in all URBAN RESERVE, RESIDENTIAL RURAL, RURAL and FORESTRY zones. It is specifically recommended for all development along Chuckanut Bay and around Lake Samish. The cluster method of subdivision is defined as an alternative method of creating building parcels that concentrates spatially efficient and marketable building lots while preserving the intent of the land use district and retaining options for future uses and densities by treating the land as both a commodity and a resource. The density of the use district defines the number of allowable dwelling units per land area. Minimum lot size is intended to be consistent with Whatcom County Health Department regulations. Land area not used for building purposes is designated as reserved for open space and other nonbuilding uses.

5.01 2 The option of Planned Unit Development may be used in any zone district in the Chuckanut-Lake Samish Subarea for any parcel of two acres or greater in size, or for smaller parcels where public benefit is demonstrated. It is specifically encouraged for the areas known as Governor's Point and Teddy Bear Cove. Planned Unit Development is defined as an alternative method of land use permitting greater flexibility in zoning requirements than is generally permitted by any other zoning district. It encourages creative site planning, permanent open space, variety in living and recreational environments, conservation of fragile topography, and mixed use developments.
VII. COMPREHENSIVE PLAN AMENDMENTS

The Chuckanut-Lake Samish Subarea Plan is a policy document that is used to guide the land use decisions affecting both the private and public sectors of the subarea. For the plan to function as an effective decision making document, it must be flexible enough to weather changes in public attitudes, developmental technologies, economic forces and legislative policy. The plan envisions two general types of plan amendments. The first type is a review conducted every five years. This review should re-examine the entire plan, including a re-evaluation of goals, updates of land related elements, and the reaffirmation of land use policies and proposals. This review is the responsibility of the Whatcom County Planning Commission, the Planning Department staff and the people of the subarea.

The second type of amendment is that proposed and initiated by the private sector. The land uses illustrated on the Land Use Plan Map are the result of the application of the plan's goals and policies. However, it is reasonable to assume that the private sector may introduce land use proposals that conflict with the plan map or policies of the plan itself. In such instances, the private sector may propose an amendment to the plan. Private petitions for amendment of the Comprehensive Plan addressed to either the Planning Commission or the County Council shall be processed in accordance with statutory procedure for adoption or amendment of comprehensive plans. In applying for a particular amendment to the plan or plan map, the private sector shall conform to the following criteria:

1. The amendment request shall conform with the goals of the subarea plan;

2. The amendment request shall be compatible with the existing and planned surrounding land uses;

3. The amendment request shall not result in unmitigated detrimental impacts to existing transportation systems;

4. The amendment request shall not place uncompensated burdens upon existing or planned service capabilities; and

5. The amendment request shall demonstrate a land usage need which is currently or within the context of this comprehensive plan not met.
WHATCOM COUNTY
PLANNING COMMISSION

Repeal the 1986 Chuckanut-Lake Samish Subarea Plan and
Amend Provisions in the Whatcom County Comprehensive Plan
relating to Subarea Plans

FINDINGS OF FACT AND REASONS FOR ACTION

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to
      subarea plans.
   b. Repealing the Chuckanut-Lake Samish Subarea Plan (1986).

2. A determination of non-significance (DNS) was issued under the State
   Environmental Policy Act (SEPA) on April 5, 2013.

3. Notice of the Planning Commission hearing was posted on the County website
   on April 9, 2013.

4. Notice of the Planning Commission hearing and that the proposal had been
   posted on the County website was sent to the City of Bellingham and citizen,
   media and other groups on the County’s e-mail list on April 10, 2013.

5. Notice of the subject amendments was submitted to the Washington State
   Department of Commerce on April 18, 2013.

6. Notice of the Planning Commission hearing for the subject amendments was
   published in the Bellingham Herald on April 26, 2013.

7. The Planning Commission held a public hearing on the subject amendments
   on May 9, 2013.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive
   plan amendments the County must find all of the following:

   a. The amendment conforms to the requirements of the Growth
      Management Act, is internally consistent with the county-wide planning
      policies and is consistent with any interlocal planning agreements.

1
b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

   i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

   ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

   iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.

   

d. The amendment does not include or facilitate spot zoning.

e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

Growth Management Act

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").

10. However, the GMA requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

11. The Chuckanut-Lake Samish Subarea Plan was adopted in 1986, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address urban growth areas (UGAs), contains different land use designations, is inconsistent with the Comprehensive Plan's rural element, and has a different planning period.
County-Wide Planning Policies

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. A portion of the Bellingham UGA is included in the Chuckanut-Lake Samish Subarea.

14. An interlocal agreement between the City of Bellingham and Whatcom County concerning Planning, Annexation and Development within the Bellingham UGA was signed in April 2012. This interlocal agreement does not require the County to retain this subarea plan.

Further Studies/Changed Conditions

15. The Chuckanut-Lake Samish Subarea Plan was adopted in 1986.

16. The GMA, adopted in 1990, included a requirement to designate UGAs. The 1986 Chuckanut-Lake Samish Subarea Plan does not address UGAs.

17. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1986 Chuckanut-Lake Samish Subarea Plan does not address LAMIRDs.

18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1986 Chuckanut-Lake Samish Subarea Plan is not consistent with the County Comprehensive Plan.


20. The Urban Fringe Plan was adopted in 1997 and subsequently amended.

21. The City of Bellingham Comprehensive Plan was adopted in 2006 and subsequently amended.

22. Changed conditions including enactment of the GMA, adoption of newer plans and the passage of time warrant repealing the 1986 Chuckanut-Lake Samish Subarea Plan.

Public Interest

23. Repealing the 1986 Chuckanut-Lake Samish Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.
Spot Zoning

24. The subject proposal does not involve rezoning property.

CONCLUSION

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

1. Approval of Exhibit A, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use).

2. Repealing Exhibit B, the Chuckanut-Lake Samish Subarea Plan (1986).

WHATCOM COUNTY PLANNING COMMISSION

Michelle Luke, Chair

Sam Ryan, Secretary

May 21, 2013

Commissioners present at the May 9, 2013 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Michelle Luke, David Onkels, Jeff Rainey, Mary Beth Teigrob, and Gerald Vekeč.

Vote: Ayes: 7, Nays: 0, Abstain: 0, Absent: 2. Motion carried to adopt the above amendments.
NOTE:

Exhibits A and B are attached to the proposed Ordinance that will be considered by the County Council in order to avoid redundancy.
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, David Onkels, Jeff Rainey, Mary Beth Teigroh, Ken Bell
Absent: Gary Honcoop, Rod Erickson

Staff Present: Mark Personius, Matt Aamot, Becky Boxx

Department Update
Mark Personius gave the following updates:
- A Short Course on Local Planning will be presented by the City of Bellingham on May 21st.
- There will be a Water Supply Symposium May 30th & 31st sponsored by the WRIA I board.
- The Compliance order schedule: The Planning Commission/Staff proposals were submitted to the Council for introduction on May 7th. There will be a public hearing May 21st, followed by Council meetings on June 4th and 18th.
- The Commission’s next meeting will be a public hearing on capital improvement projects.
- PDS has been conducting interviews for a new Planner. A decision should be made next week.

Open Session for Public Comment
There was no public comment.

Commissioner Comments
There were no Commissioner comments.

Public Hearings
File # PLN2013-00005: Repealing the Birch Bay-Blaine Subarea Plan, which was adopted in 1987. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot gave a power point presentation which highlighted the following: The GMA says counties can adopt subarea plans but they must be consistent with the County Comprehensive Plan.

The Birch Bay-Blaine Subarea Plan was first adopted in 1977. At that time the plan had a land use map which had resort and higher density designations in the core of bay, within what is now the Urban Growth Area (UGA). The predominate designation in the outlying areas was suburban. The plan also included a promenade area along the shoreline. A new subarea plan was adopted in 1987. This plan covered a larger area than the 1977 plan.
and preserved the promenade area. In 2004 the Birch Bay Community Plan was created and included the UGA boundary and had the promenade and berm included. There are a number of inconsistencies between the 1987 subarea plan and the Comprehensive Plan, which includes population projections, the planning horizon and different land use designations. Staff finds that the subarea plan served its purpose, it is outdated, inconsistent with GMA and inconsistent with the Comprehensive Plan so they recommended it be repealed.

The hearing was opened to the public. There was no public testimony. The hearing was closed to the public.

Commissioner Onkels moved recommend repeal of the plan. Commissioner Teigrob seconded. After discussion the Commission felt the motion should be worded differently so they voted down the motion.

Commissioner Bell suggested adding a new finding to state: Repeal of the Plan eliminates redundancy and ambiguity. The Commission agreed to add the finding.

Commissioner Onkels moved to recommend approval of Exhibit A which amends the Whatcom County Comprehensive Plan, approval of Exhibit B which repeals the Plan and the findings as amended. Commissioner Teigrob seconded. Roll Call Vote: Ayes – Bell, Elenbaas, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Honcoop. The motion carried.

File # PLN2013-00006: Repealing the Chuckanut-Lake Samish Subarea Plan, which was adopted in 1986. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot gave a power point presentation which highlighted the following: The Chuckanut-Lake Samish Subarea Plan was adopted in 1986. It includes the Yew Street, Lake Samish and Chuckanut areas. It summarizes citizen input that was received in the 1980s. The Yew Street residents were in favor of rural residential land use patterns. For the Lake Samish area residents were concerned about traffic, water quality, and water source. In the Chuckanut area the residents were concerned with residential development being compatible with scenic qualities and beach access. Staff findings indicate the plan served its purpose, it is outdated, inconsistent with GMA and inconsistent with the Comprehensive Plan so they recommended it be repealed.

The hearing was opened to the public. There was no public testimony. The hearing was closed to the public.

Commissioner Teigrob moved to recommend approval of Exhibit A which amends the Whatcom County Comprehensive Plan, approval of Exhibit B which repeals the Plan and the findings as amended. Commissioner Onkels seconded. Roll Call Vote: Ayes – Bell, Elenbaas, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Honcoop. The motion carried.
Record of Proceedings of the
Whatcom County Planning Commission
May 9, 2013

Regular Meeting

File # PLN2013-00007: Repealing the Lynden-Nooksack Valley Subarea Plan, which was adopted in 1986. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot gave a power point presentation which highlighted the following: The plan was adopted in 1986. The subarea covers a large area which contains large areas of agriculture. Staff compared the agricultural policies in the subarea plan to the Comprehensive Plan agricultural policies and concluded there may be some things that could be transferred over to the Comprehensive Plan in the 2016 update. The Agricultural Advisory Committee may review these policies over the next few years. There are four small cities in the subarea; Lynden, Everson, Nooksack and Sumas. PDS is working with officials from these cities regarding the 2016 update. Staff findings indicate the plan served its purpose, it is outdated, inconsistent with GMA and inconsistent with the Comprehensive Plan so they recommended it be repealed.

The hearing was opened to the public. There was no public testimony. The hearing was closed to the public.

Commissioner Onkels moved to recommend approval of Exhibit A which amends the Whatcom County Comprehensive Plan, approval of Exhibit B which repeals the Plan and the findings as amended. Commissioner Teigrob seconded. Roll Call Vote: Ayes – Bell, Elenbaas, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Honcoop. The motion carried.

The meeting was adjourned at 7:25 p.m.

Minutes prepared by B. Boxx.

Whatcom County Planning Commission Attest:

Michelle Luke, Chair

J.E. "Sam" Ryan, Secretary
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:** Ordinance revising Whatcom County Code WCC 3.08, Purchasing System

**ATTACHMENTS:** Ordinance & Memo

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 ordinance clarifies the purchasing process and updates the purchasing thresholds to the limits allowed by state law and increases the dollar value of contracts that may be approved administratively.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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<th>Related County Contract #:</th>
<th>Related File Numbers:</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.
Memorandum

To: Jack Louws, County Executive
From: Brad Bennett, Finance Manager
Date: May 2, 2013
Re: Update to WCC 3.08 Purchasing System

The attached ordinance makes several updates to WCC 3.08 Purchasing System. The intent of these updates is to achieve greater administrative efficiency through clarifying purchasing processes, updating purchasing thresholds to the limits allowed in state law and increasing the dollar value of contracts that may be approved administratively.

There were 119 purchasing related agenda items in 2012, 66 bids, 18 sole sources awards, and 35 state contract / interlocal agreement awards. All of these agenda items were approved by the County Council, 112 were approved unanimously. If the administrative authority to award contracts was increased to $100,000 from $15,000 for professional services and $35,000 for bids, 77 of the 119 agenda items or 65% could have been approved administratively.

If the threshold for requiring a bid were increased from $10,000 to $25,000 for a non-public work and $40,000 for a public work the number of bids based on 2012 would have decrease 19% to 53 from 69. The bid process takes between six and eight weeks from advertisement to award. Increasing the bid limit will save staff time. Another consideration is that it is getting increasingly more difficult to get contractors bid on small projects.

We requested county departments to estimate the time savings their department would realize from the proposed changes to the purchasing code. The estimated savings in staff time organization wide was 4,200 hours which equates to approximately $176,000 in staff time. Based on the departmental responses I received, county departments support these changes and are universally enthusiastic about the potential for increased staff productivity.
ORDINANCE NO. ____________

AN ORDINANCE AMENDING WCC 3.08, PURCHASING SYSTEM

WHEREAS, Washington State has updated the laws governing county purchasing activities, and

WHEREAS, Whatcom County has generated cost savings by eliminating functions which formerly were components of the purchasing system, and

WHEREAS, the County wishes to achieve greater administrative efficiencies through clarifying purchasing processes, updating purchasing thresholds to the limits allowed in state law and increasing the dollar value of contracts that may be approved administratively,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 3.08 is amended to read, in its entirety, as set forth in the attached Exhibit A.

Adopted this _____ day of ______________________, 2013.

ATTEST

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Kathy Kershner, Chairperson

APPROVED AS TO FORM

Daniel L. Stimson
Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved    ( ) Denied
Date Signed: ____________
Exhibit A

Sections:
3.08.010 Purpose.
3.08.020 Administration.
3.08.030 Authority and functions.
3.08.040 Price quotations.
3.08.050 Deleted: Vendor lists
3.08.060 Bids and proposals required.
3.08.070 Contractor’s bond required for public works.
3.08.080 Labor and material claims.
3.08.090 Bid specifications, deposits and awards.
3.08.095 Small works roster contract award process.
3.08.100 Council approval required.
3.38.110 Unregistered or unlicensed contractors prohibited.
3.08.120 Joint purchasing.
3.08.130 Amendments to chapter.
3.08.140 Severability.

3.08.010 Purpose.
It shall be the purpose of this chapter to establish a purchasing system to work with all county
departments, agencies, boards and commissions, and other operations of the county to ensure
efficiency in procurement of supplies and equipment of the necessary quality at the lowest
possible cost; to ensure compliance with purchasing statutes, regulations, policies and
procedures; to ensure efficient utilization of county property, new and used; and to minimize
employee time devoted to purchasing functions. (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord.
93-042 Exh. H).

3.08.020 Administration.
The director of the administrative services department shall have full authority and responsibility
for the operation of the purchasing system under the direction of the county executive. (Ord.

3.08.030 Authority and functions.
A. The authority to recommend and implement administrative policies and procedures that
provide a comprehensive basis for purchasing functions shall fall under the purview of the
purchasing system.

B. The following responsibilities shall be coordinated through the purchasing system:

1. Continue to improve services to departments and agencies in the area of purchasing.

2. Develop automated requisition and reporting systems.
3. Improve purchasing productivity and control for all departments.

4. Standardize high volume purchases.

5. Centralize and execute printing orders from departments.

6-5. Develop efficient policies and procedures for acquiring goods and services.

7. Implement inventory controls and minimize costs of goods and services.

8. Submit an annual report on the status of county-owned inventories. The report may include recommendations for improved standardization and high-volume purchasing.

9. Prepare and make available to all departments standardized forms for requisitions, vouchers, inventories and any other form required for county operations.

10. Assign purchase order numbers for the acquisition of wherein the county acquires supplies, materials, equipment, tools, services, rental of personal property, professional services or contract rights in property and contracted public works exceeding $2,500.

11. Annually publish in a newspaper of general circulation within Whatcom County a notice of the existence of vendor lists. Solicit the names of vendors for the lists. Maintain vendor list pursuant to RCW 39.04.190.

12. Secure telephone and/or written quotations from enough vendors to assure establishment of a competitive price.

13. Award contracts for the purchase of materials, equipment or services involving amounts not exceeding $10,000.

14. Whenever practically possible, contact at least three vendors to assure competitive pricing.

15. When the amount of any transaction exceeds $10,000, the division, unless otherwise provided by law, shall be responsible for the review and approval of Review and approve bid specifications and the preparation of prepare invitations to bid pursuant to provisions set forth in this chapter.

16. Bids shall be checked Check bids for accuracy and/or compliance with specifications and invitation to bid.

17. Make bid recommendations on all awards to the county executive.

18. Perform such other duties as may be required to further the purposes of this chapter. (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.040 Price quotations.
Whenever practically possible, price quotations from at least three vendors shall be solicited for contracts and purchases or leases of supplies, materials or equipment the acquisition of materials, supplies, services, tools, equipment or rental of personal property involving amounts greater than $5,000 but not exceeding $40,000 $25,000 in a single transaction. Three price quotations will also be obtained for all contracted work constituting a public work not exceeding $40,000. Quotations for architects and engineers are subject to the requirements of RCW Chapter 39.80. Records of all quotations obtained shall be maintained and shall be open to public inspection. Bids submitted periodically for the roster of rental equipment with operators may be used as the source of quotations for public works projects not exceeding $40,000. (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.050 Vendor lists.

Whatcom County will maintain a vendor list pursuant to RCW 39.04.190

Deleted by Ord. 97-034. (Ord. 93-042 Exh. H).

3.08.060 Bids and proposals required.

Bids or proposals must be submitted in response to specifications and invitations to bid for all contracts and purchases or leases of supplies, materials or equipment involving funds of $10,000 or more except as follows:

Awards of contracts for the acquisition of materials, supplies, services, tools, equipment or rental of personal property and professional services for a non-public work involving amounts exceeding $25,000, or for a public work exceeding $40,000, will be based upon bids or proposals received in response to specifications and invitations to bid, except as follows:

A. Professional consulting services of $10,000 or more shall be made upon a call for bids, proposals, or statements of qualification, except in the case of an emergency declared by the county executive, or when the acquisition of such services is from another public entity, or when the county council, upon recommendation of the county executive, finds that a waiver of the bid requirement will be in the best interest of Whatcom County. "Professional consulting services" includes, but is not limited to, services from lawyers, architects, engineers, labor relations consultants, and computer specialists.

B. In regard to contracts with architectural and engineering services, this section shall supplement the provisions of Chapter 39.80 RCW and not be in lieu thereof.

C. Repairs for less than $20,000 on equipment necessary to complete a project and intergovernmental transfers of property shall not be required to go through competitive bidding. However, should either the repair or the property transfer be for $25,000 or more, it shall require council approval.

D. A. Sole source purchases shall not be required to go through competitive bidding. A purchase may be determined to be sole source by the county executive or designee when the bidding process would be futile because only one bidder could respond to the invitation.
E. B. In the event of an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon an order of the county executive declaring the existence of such emergency and reciting the facts constituting same, the requirements governing competitive bids with reference to any purchase or contract may be waived pursuant to RCW 36.32.270.

F. C. Public works projects involving funds not exceeding the amount allowed in RCW 39.04.155. Small works roster contract procedures - Limited public works process, or any successor statute, may be completed utilizing the small works roster contract award process. (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

D. Acquisition is from another public entity.

E. Contract does not require use of county funds.

Proposals from architects and engineers are subject to the requirements of RCW Chapter 39.80.

3.08.070 Contractor's bond required for public works.

Whatcom County shall comply with the requirements of RCW 39.08.010

A. The county shall require from a successful bidder a contractor's bond in the amount and with the conditions imposed by law.

B. On contracts of $25,000 or less, Whatcom County may, where 50 percent of the contract amount is retained for a period of 30 days after date of final acceptance (providing all necessary releases from the tax commissioner and the Department of Labor and Industries have been received) dispense with the requirement of a contractor's bond, as permitted by state law.

C. When required, the contractor's bond shall be a good and sufficient bond, with two or more sureties, or with a surety company duly and currently licensed to engage in surety bonding business in the state of Washington. Such bond shall conform to RCW 39.08.010.

D. The contractor's bond shall be payable to the county of Whatcom, state of Washington. The conditions of the contractor's bond shall include:

1. The faithful performance of the contract; and

2. The faithful payment of all laborers, mechanics, subcontractors, materialmen, and persons who supply such laborers, mechanics, subcontractors, or materialmen with provisions and supplies for carrying on such work.

E. The contractor's bond is to be approved and filed with the original contract document within 10 days (exclusive of the date of notice) after notice of award. (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).
3.08.080 Labor and material claims.

Labor and material claims shall be filed pursuant to RCW 39.08.030
A. Notice Required to Create Lien Against Retainage. Every person performing labor or furnishing supplies toward the completion of a contract or public improvements or work by the county other than for professional services shall have a lien upon the retainage reserved, provided, such notice of the lien of such claimant has been given in the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any amendments that may be made thereto.

B. Special Notice Required for Suppliers to Bind Retainage. Every laborer, mechanic, subcontractor, materialman and person who supplies such persons with provisions and supplies for carrying on contract work for the county shall have a right of action against the contractor’s bond; provided, that within 45 days from and after the completion of the contract with an acceptance of the work by the affirmative action of the county council, county executive, county engineer, or other officer acting for the county, the lien claimant, or person claiming to be entitled to a lien, present to and file with the county a notice of claim of lien in compliance with the requirements of RCW 39.08.030 and 60.28.011.

C. Special Provision of Claims Not Timely Filed. Whenever the county has entered into a contract for the construction of any public improvement for the benefit of the county, whereby the contractor agreed to furnish all labor, material and supplies necessary for the improvement, and the contractor has proceeded with such improvement and procured from other persons labor, material, or supplies and used the same in the construction of the improvement, but has failed to pay such persons therefor, and such persons have filed claims therefor against the county, and the claims have been audited in the manner provided by law and found to be just claims against the county, and valid obligations of the county except for the fact that they were not filed within the time provided by law, the county council may provide funds sufficient therefor, and cause the payment of such claims in the manner provided by law for the payment of valid claims against the county. (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.090 Bid specifications, deposits and awards.
A. In developing specifications for bids or proposals, all reasonable efforts shall be made to ensure that a variety of vendors shall be capable of fulfilling the stated requirements of the county. Performance considerations shall be included in the specifications. However, nothing in this section shall be construed to limit the county from pursuing sole source procurement where adequate justification has been presented that such procurement is in the best interests of county operations.

B. When the acquisition of materials, supplies, purchased services, tools, equipment, rental of personal property or professional services involves amounts greater than $25,000 in a single transaction for a non-public work award or exceeding $40,000 for Public Work award amount of any contract, purchase or lease exceeds $10,000, the administrative services department shall
be responsible for the review and approval of specifications and the preparation of invitations to bid pursuant to provisions set forth in this chapter.

C. No warrants shall be issued for the purchase or lease of capital outlay equipment (nor a lease period extended or purchase option exercised) unless authorized by the director of the administrative services department or designee.

D. All bid specifications for public works, leases, or purchases prepared under the provisions of this chapter shall be in writing and placed on file for public inspection.

E. An advertisement that written specifications are on file and available for public inspection shall be published in the official county newspaper. Advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and may be published for as many additional publications as shall be considered in the county's interest. Such advertisement shall state:

1. The date after which bids will not be received;

2. The character of the work to be done, or the materials, equipment or service to be purchased; and

3. Where the specifications may be seen.

F. No bid shall be considered for public works unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

G. Should the bidder to whom the contract is awarded fail to enter into the contract or fail to furnish the contractor's bond within 10 days (exclusive of the date of notice) after notice of the award, the amount of the bid deposit shall be forfeited to the county. Thereafter, the award shall be made to the next lowest responsive bidder. The bid deposit of an unsuccessful bidder (if his bid deposit has not been forfeited) shall be returned after the required contractor's bond of the successful bidder has been accepted.

H. Bids received shall be opened and read in public on the date named in the advertisement for bids, or to such an adjourned time as may then be publicly announced on a subsequent date established in a bid addendum.

I. After opening, all bids shall be reviewed and referred to the requisitioning department for recommendation of award. Bids will be forwarded by the director of the administrative services department or designee with a recommendation to the county executive for award.

J. After opening and award, all bids shall be filed for public inspection, and available by telephone inquiry.
K. Any or all bids may be rejected for good cause. If all bids are not rejected, the award shall be to the lowest responsive bidder. In determining which is the lowest responsive bidder, the county may take into consideration the bidder’s responsiveness to the county’s requirements, the quality of the articles to be purchased or leased, availability of parts and service, delivery time, the tax revenue the county would receive from purchasing from a supplier located within its boundaries and prior dealings with the bidder.

L. The county may issue requests for proposals for services, or for technologically complex equipment including but not limited to computers, software, or telephone systems. If all proposals are not rejected, the award shall be to the highest rated proposal, taking into account the selection criteria published in the request for proposals.

M. The county may award to multiple bidders for the same commodity or service when the bid specifications provide for special circumstances in the determination of which vendor is truly the lowest price to the county. Special circumstances may include differences in ability to deliver, delivery time, availability of material, special loading or unloading conditions, total cost including transport or labor if not included with bid item, performance of the delivered material, location of the source, and proximity to the delivery point.

N. The county executive may administratively amend and execute capital improvement project contracts within the approved project budget appropriation.

O. Contracts other than capital-improvement project contracts entered into by the county may be administratively amended to a cumulative amount not to exceed $10,000 or 10 percent of the original contract, whichever is greater; larger amounts require council approval.

P. Amendments to existing contracts which involve externally funded pass-through moneys may be approved by the county executive without council approval in any amount (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.095 Small works roster contract award process.

This section may be utilized in the acquisition of contractual services necessary to complete public works projects as allowed under RCW 36.32.250, and consistent with RCW 39.04.155, in order to use a small works roster contract award process in lieu of formal sealed bidding, the county shall:

A. Publish at least twice each year in the official county newspaper a notice of the existence of the roster and solicit the names of contractors that are qualified for the requested categories of work. Notice shall be published at least once in each week for two consecutive weeks prior to the last date upon which response to the notice will be received, and may be published for as many additional publications as shall be considered in the county’s interest.

B. In every case a certain category of work is to be accomplished under this section, all contractors responding to the above notice and indicating their qualification to perform the category of work proposed shall be contacted and provided an invitation to bid.
C. Include in the invitation to bid the date on which bids will be received, the scope and nature of work to be performed, the materials and equipment to be furnished, and, if not provided otherwise in the invitation to bid, where the detailed plans and specifications may be seen and obtained.

D. Otherwise apply the provisions of WCC 3.08.090(B), (D), (F), (G), (H), (I), (J), (K), and (N).

E. Forgo the advertisement of a contract awarded through use of the small works roster. (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A).

3.08.100 Council approval required.
Contracts for professional services exceeding $45,000, and bids exceeding $35,000 $100,000 and all real property leases must be submitted to the county council for approval, except when:

A. Exercising an option contained in a contract or lease previously approved by the council;

B. Contract is for the design, construction, right-of-way acquisition or other capital costs for capital projects which are within the appropriation approved by the county council in a project-budget capital budget appropriation ordinance; or

C. Contract is for technical support and software maintenance from the developer of proprietary software which is currently being used by Whatcom County.

D. Contract is for manufacturer's technical support and hardware maintenance of electronic systems.

EG. Pursuant to and within the scope of a declaration of emergency made by the county executive under either WCC 3.08.060(A) or (E). The county executive, pursuant to a declaration of emergency, shall submit the contract to the county council for informational purposes at the council's next regular or special meeting. (Ord. 2007-004 Exh. A; Ord. 2000-025; Ord. 97-034 Exh. A; Ord. 96-034; Ord. 93-042 Exh. H).

Contracts and interlocal agreements which do not require the use of county funds may be approved administratively by the County Executive.

3.08.110 Unregistered or unlicensed contractors prohibited.
No contract shall be entered into or executed with any contractor who is not registered or licensed as required by the laws of this state (except only as permitted under RCW 39.06.010 for highway projects for contractors who have been prequalified as required under RCW 47.28.070). (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.120 Joint purchasing.
The county may enter into agreements with the state or with any agency, political subdivision, or unit of local government to purchase goods or services cooperatively. Joint purchasing services are hereby authorized and encouraged with any other municipal corporation in Whatcom County. Assistance to the participating municipal corporation may be given in any way except that a sale or contract shall be between the vendor and the participating municipal corporation and not
Whatcom County. Bids and quotes may be obtained jointly based on volume if it is in the county’s best interest to do so. (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.130 Amendments to chapter.
The county council reserves the exclusive right to alter, amend, rescind, abrogate, delete, supersede or replace the provisions of this chapter, or any part thereof, in any manner not inconsistent with state law. Whether or not the county council takes action, the provisions of this chapter shall be deemed automatically altered, amended, or superseded to conform to any mandatory state administrative ruling or statute, as of the effective date of any such enactment appertaining to the matters covered in this chapter, to the effect that the provisions of this chapter shall at all times conform to, and never conflict with, said state laws and regulations. (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.140 Severability.
If any provision of this chapter is held to be invalid, the remainder of the chapter shall remain in effect. (Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).
# WHATCOM COUNTY COUNCIL AGENDA BILL

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**MAY 28 2013**

**WHATCOM COUNTY COUNCIL**

**TITLE OF DOCUMENT:** Ordinance revising Whatcom County Code WCC 1.10.140, inventory of Personal Property

**ATTACHMENTS:** Ordinance & Memo

**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 ordinance clarifies the inventory process and modifies the frequency of the submission of inventories.

**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: Jack Louws, County Executive
From: Brad Bennett, Finance Manager
Date: May 23, 2013
Re: Ordinance amending WCC 1.10

The attached ordinance amends WCC 1.10.140 Duty to maintain inventory of personal property. The objective of this amendment is to achieve greater administrative efficiency by increasing the interval for the physical inventory of capital assets and small and attractive assets from annually to once every two years. Our intent is to conduct inventories through out the year, each year. The inventories will be scheduled in a manner that each department is inventoried once every two years. This schedule will satisfy the Federal requirements for assets purchased with Federal grants. We have a good system for managing county assets. I do not believe an annual inventory is necessary or a good use of county resources. The Washington State Auditor has recommended that we update our asset policies to establish physical inventory intervals for each asset group.

This ordinance also clarifies the requirements for the physical inventory of parts, materials and supplies held in stores. County stores require an annual physical inventory to support our financial statements.

Please contact me if you have any questions.
ORDINANCE NO. _____________

AN ORDINANCE AMENDING WCC 1.10, PROCEDURES
FOR MANAGEMENT AND DISPOSITION OF COUNTY-OWNED
PERSONAL AND REAL PROPERTY

WHEREAS, Whatcom County Code section 1.10.140 establishes the duty to maintain
inventory of personal property, and

WHEREAS, Whatcom County maintains up to date asset records of its real and personal
property in the financial management system, and

WHEREAS, the Washington State Auditor’s Office has recommend Whatcom County
update its asset policies to establish physical inventory intervals for each asset group, and

WHEREAS, Federal grant requirements dictate that Whatcom County physically
inventory assets purchased with Federal funds at least every two years, and

WHEREAS, the County wishes to achieve greater administrative efficiencies through
clarifying the Whatcom County Code requirements governing personal property processes and
reducing the physical inventory frequency of capital assets and small and attractive assets to a
biennial basis,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
Whatcom County Code 1.10.140 is amended to read, in its entirety, as set forth in the attached
Exhibit A.

Adopted this _______ day of __________________________, 2013.

ATTEST

Dana Brown-Davis,
Clerk of the Council

Kathy Kersinner, Chairperson

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM

Daniel Y. Gibson
Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved     ( ) Denied
Date Signed: _________________
TITLE OF DOCUMENT: An Ordinance Establishing the Superior Court Fourth Judge Courtroom Renovation Project Fund and Establishing a Project Based Budget for the Project.

ATTACHMENTS: Ordinance & Budget Modification Requests

SEPA review required? ( ) Yes (X) No
SEPA review completed? ( ) Yes (X) 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.)

To establish the Superior Court Fourth Judge Courtroom Renovation Project Fund and to appropriate $200,000 to fund the architect and engineering phase of the project.
ORDINANCE NO. ________

ESTABLISHING THE SUPERIOR COURT FOURTH JUDGE COURTROOM RENOVATION PROJECT FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR THE SUPERIOR COURT FOURTH JUDGE COURTROOM RENOVATION PROJECT

WHEREAS, the Washington State Legislature has recently approved the addition of a fourth Superior Court judge for Whatcom County, and

WHEREAS, the Courthouse needs renovations to accommodate space needs for a new courtroom and additional staff, and

WHEREAS, the initial architect and engineering phase of the project will be funded by a transfer from the General Fund;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established titled “Superior Court Fourth Judge Courtroom Renovation”. This fund shall be used to account for the expenditures and revenues for the construction of said project, and,

BE IT FURTHER ORDAINED by the Whatcom County Council that the Superior Court Fourth Judge Courtroom Renovation project is approved with an initial project budget of $200,000 as described in Exhibit A.

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:

Daniel J. Gibson
Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, County Executive
Date: ____________________
Supplemental Budget Request

Exhibit A

Administrative Services

Expenditure Type: One-Time
Year: 1
Priority: 1

Costs:

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Name of Request: Courthouse Courtroom Renovations

Department Head Signature (Required on Hard Copy Submission)

Date: 5/21/2013

1a. Description of request:

Programming, Pre-design, Design, Bid Specifications, and Construction Administration for the New Courtroom. This will include modifications to the South 2nd floor courtroom to convert it into a Superior Courtroom. Then a remodel of the conference room 512 and corridor into a Commissioners Courtroom. Plus a remodel of an empty space on the 5th floor for the Commissioners Chambers.

1b. Primary customers:

The citizens of Whatcom County and all of the Cities we serve.

2. Problem to be solved:

The State of Washington has approved an additional Superior Court Judge for Whatcom County. This additional Superior Court Judge will require the County to do some modifications to the Courthouse to provide the required Courtroom and ancillary space needed for the additional Superior Court Judge.

3a. Options / Advantages:

This additional Superior Court Judge and Courtroom has been a long awaited goal for the County and its citizens. The completion of this work will help to relieve the backlog of cases waiting for a Courtroom and a Superior Court Judge.

3b. Cost savings:

The cost savings will be in the ability for the county and its citizens to expedite being heard by a Superior Court Judge.

4a. Outcomes:

The outcome will be to meet the requirements that an additional Superior Court Judge will need to accomplish his/her duties. The completion of a new Courtroom and ancillary space needed for the additional Superior Court Judge.

4b. Measures:

The completion of this work will help to relieve the backlog of cases waiting for a Courtroom and a Superior Court Judge

5a. Other Departments/Agencies:

County Courts and Facilities

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

Michael Russell

6. Funding Source:

General Fund

Tuesday, May 21, 2013

Rpt: Rpt Suppl Regular
### WHATCOM COUNTY COUNCIL AGENDA BILL

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**TITLE OF DOCUMENT:**
AMENDMENT No. 1 TO ORDINANCE No. 2012-053 ESTABLISHING THE RURAL ROAD SAFETY PROGRAM FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR THE RURAL ROAD SAFETY PROGRAM.

**ATTACHMENTS:**
1. Memo to County Executive and County Council
2. Ordinance Amendment
3. Exhibit “A” Rural Road Safety Program – Project Budget Worksheet

**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.)

Amendment No. 1 to the Rural Road Safety Project Budget requests additional budget authority of $739,389 for a new total Project Based Budget amount of $1,769,389 and total project amount of $1,940,000. All funds are 100% federal with no local match other than $15,000 for acquisition of Right-of-Way. The additional funding will be used for completion of design, permitting and the construction of the “Rural Road Safety Program” projects.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

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

Through: Frank M. Abart, Director

From: Joseph P. Rutan, P.E., County Engineer/Assistant Director
       James P. Karcher, P.E., Engineering Manager

Date: May 17, 2013

Re: Rural Road Safety Program; CRP #911017; Cost Center 343100;
   Amendment No. 1 to Rural Road Safety Program Project Budget

Requested Action:

The Public Works Department respectfully requests that the Whatcom County Council and Whatcom County Executive approve Amendment No. 1 to Ordinance 2012-053 which established the Rural Road Safety Program project fund and budget. The amendment requests additional expenditure authority of $739,389 to fund the completion of construction activities for the above referenced project.

Background and Purpose:

In September of 2012, Resolution 2012-028 adopted the 2013 Annual Construction Program with project priority #2 on the Annual Program titled “Rural Road Safety Program”. Subsequently, in November 2012, the Project Based Budget Ordinance No. 2012-053 was adopted in the amount of $1,030,000 for the “Rural Road Safety Program” as part of the 2013-2014 budget process.

Due to regulatory requirements associated with the federal money, additional budget authority is needed to complete the construction of the three (3) individual projects addressing guardrail & freeze indicators, intersection improvements at Smith/Aldrich, and the installation of rumble strips on major collectors. Whatcom County has received additional Highway Safety Improvement Program (HSIP) grant monies to address the regulatory requirements of these safety improvements. The federal money requires no local match and must be obligated by August 31, 2013. In addition, the request adds $15,000 for right-of-way to be funded from the Road Fund and corrects a disparity between expenditure authority and revenue amounts previously budgeted.
ORDINANCE NO.
AMENDMENT No. 1 TO ORDINANCE No. 2012-053 ESTABLISHING THE RURAL ROAD SAFETY PROGRAM FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR THE RURAL ROAD SAFETY PROGRAM

WHEREAS, the Rural Road Safety Program’s Project Based Budget was initially adopted on November 20, 2012 with an expenditure amount of $1,030,000 and a revenue amount of $1,299,000 in federal grant funds, and

WHEREAS, Ordinance No. 2012-053 inadvertently left out additional Road Fund funding for acquisition of right-of-way, and

WHEREAS, the revenue amounts requested in the project budget should have equaled expenditure amounts requested, and

WHEREAS, regulatory requirements associated with the project’s use of federal funds now require additional design and construction modifications to remain compliant, and

WHEREAS, additional federal funds have been obtained to address mandatory regulatory requirements associated with the project,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council, that Ordinance No. 2012-053, associated with the Project Based Budget of the Rural Road Safety Program (CRP #911017) is hereby amended by adding an additional amount of $739,389 of expenditure authority to the original project budget amount of $1,030,000 for a total project budget amount of $1,769,389. This amount is added to the prior year Road Fund expenditure amount of $170,611 for a new total project amount of $1,940,000 as presented in Exhibit “A”.

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

Chief Civil Deputy Prosecutor

Jack Louws, Executive

Date: ________________________
### RURAL ROAD SAFETY PROGRAM

**Project Worksheet**

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<th>Total Actual &amp; Budget To Date</th>
<th>Proj Bgt Amount Needed (cc343100)</th>
<th>Total Project</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Grant</td>
<td>14,794</td>
<td>116,206</td>
<td>1,290,000</td>
<td>1,430,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To be billed to Federal Grant</td>
<td>2,156</td>
<td>37,455</td>
<td>-</td>
<td>39,611</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Federal Grant Funding (4333.2024)</td>
<td>16,950</td>
<td>153,661</td>
<td>1,299,000</td>
<td>1,469,611</td>
<td>455,389</td>
<td>1,925,000</td>
</tr>
<tr>
<td>Road Fund (8301.108)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15,000</td>
<td>15,000</td>
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<tr>
<td>Total Project Revenues</td>
<td>16,950</td>
<td>153,661</td>
<td>1,299,000</td>
<td>1,469,611</td>
<td>470,389</td>
<td>1,940,000</td>
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<tr>
<td><strong>EXPENDITURES</strong> (6000)</td>
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<tr>
<td>Federal Grant</td>
<td>14,794</td>
<td>116,206</td>
<td>1,030,000</td>
<td>1,161,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To be billed to Federal Grant</td>
<td>2,156</td>
<td>37,455</td>
<td>-</td>
<td>39,611</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Grant-funded Expenditures</td>
<td>16,950</td>
<td>153,661</td>
<td>1,030,000</td>
<td>1,200,611</td>
<td>724,389</td>
<td>1,925,000</td>
</tr>
<tr>
<td>Road Right of Way</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Total Project Expenditures</td>
<td>16,950</td>
<td>153,661</td>
<td>1,030,000</td>
<td>1,200,611</td>
<td>739,389</td>
<td>1,940,000</td>
</tr>
</tbody>
</table>
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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ND</td>
<td>5/22/13</td>
<td></td>
</tr>
</tbody>
</table>

Division Head:

Dept. Head:

Prosecutor:

Purchasing/Budget:

Executive:

RECEIVED

MAY 28 2013
WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT: 2013 Supplemental Budget Request #7

ATTACHMENTS: Ordinance, Memoranda & Budget Modification Requests

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.)

Supplemental #7 requests funding from the General Fund:

1. To transfer appropriation authority of $390 from Council to Hearing Examiner to cover closure day adjustments.
2. To appropriate $40,000 in Council to provide additional funding for contract for outside legal assistance.
3. To appropriate $390 in Hearing Examiner to fund 2013 closure day adjustments from Council transfer.
4. To transfer appropriation authority of $59,282 from District Court Probation to District Court.
5. To appropriate $59,282 in District Court to fund 2013 budget adjustments from Probation transfer.
6. To transfer appropriation authority of $26,108 from Juvenile to Superior Court Administration and County Clerk.
7. To appropriate $25,097 in County Clerk to fund 2013 closure day and Unrep pay increase adjustments from Juvenile transfer.
8. To appropriate $1,011 in Superior Court Administration to fund remainder of Superior Court Unrep pay increase adjustment from Juvenile transfer.
9. To appropriate $200,000 in Non-Departmental to fund architect and engineering services for Superior Court Fourth Judge Courtroom Renovations Project.
10. To appropriate $37,207 in Parks & Recreation to fund additional Plantation Rifle Range expenses from range fee revenues.
11. To appropriate $27,000 in Prosecuting Attorney to partially fund closure day and Unrep pay increase adjustments from increase in grant funding.
12. To appropriate $1,581 in Public Defender to partially fund closure day and Unrep pay increase adjustments from increase in state funding.

Continued on next page

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number: 610
2013 SUPPLEMENTAL No.7 CONTINUED:

13. To appropriate $188,277 in the Sheriff's Office to fund various grant-funded activities.
14. To appropriate $16,283 in Treasurer to fund 2013 closure day and Unrep pay increase adjustments from new fee for service revenues.

From the Jail Fund:
15. To appropriate $57,000 to fund feasibility study for inmate holding/release facility.

For the Mental Heath / Chemical Dependency Fund:
16. To reduce Drug Court appropriation by $21,340 due to decrease in grant funding.

From the Emergency Management Fund:
17. To appropriate $725,000 to fund FFY2012 Operation Stonegarden Program activities from grant proceeds.
18. To appropriate $1,061 to fund closure day adjustment in Emergency Management Division.

From the Conservation Futures Fund:
18. To appropriate $228,000 to partially fund City of Everson floodplain property acquisition.
ORDINANCE NO.

AMENDMENT NO. 7 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><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Council</td>
<td>39,610</td>
<td>-</td>
<td>39,610</td>
</tr>
<tr>
<td>Hearing Examiner</td>
<td>390</td>
<td>-</td>
<td>390</td>
</tr>
<tr>
<td>District Court Probation</td>
<td>(59,282)</td>
<td>-</td>
<td>(59,282)</td>
</tr>
<tr>
<td>District Court</td>
<td>59,282</td>
<td>-</td>
<td>59,282</td>
</tr>
<tr>
<td>Juvenile</td>
<td>(26,108)</td>
<td>-</td>
<td>(26,108)</td>
</tr>
<tr>
<td>County Clerk</td>
<td>25,097</td>
<td>-</td>
<td>25,097</td>
</tr>
<tr>
<td>Superior Court Administration</td>
<td>1,011</td>
<td>-</td>
<td>1,011</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>200,000</td>
<td>-</td>
<td>200,000</td>
</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>37,207</td>
<td>(37,207)</td>
<td>-</td>
</tr>
<tr>
<td>Prosecuting Attorney</td>
<td>27,000</td>
<td>(27,000)</td>
<td>-</td>
</tr>
<tr>
<td>Public Defender</td>
<td>1,581</td>
<td>(1,581)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>188,277</td>
<td>(188,277)</td>
<td>-</td>
</tr>
<tr>
<td>Treasurer</td>
<td>16,283</td>
<td>(16,283)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td>510,348</td>
<td>(270,348)</td>
<td>240,000</td>
</tr>
<tr>
<td>Jail Fund</td>
<td>57,000</td>
<td>-</td>
<td>57,000</td>
</tr>
<tr>
<td>Mental Health/Chemical Dependency Fund</td>
<td>(21,340)</td>
<td>21,340</td>
<td>-</td>
</tr>
<tr>
<td>Emergency Management</td>
<td>725,061</td>
<td>(725,000)</td>
<td>1,061</td>
</tr>
<tr>
<td>Conservation Futures Fund</td>
<td>228,000</td>
<td>-</td>
<td>228,000</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td>1,500,069</td>
<td>(974,008)</td>
<td>526,061</td>
</tr>
</tbody>
</table>

In addition, Exhibit B to the 2013-2014 Budget Ordinance entitled “Authorized Positions” should be amended to provide for the following FTE changes:

- Reduce 1 FTE vacant Probation Officer position in District Court Probation
- Reduce 1 FTE vacant Clerk/Receptionist in Information Technology
- Reduce 1 FTE vacant Probation Officer position in Juvenile

I:\BUDGET\SUPPLS\2013_Suppl\Supplemental #7-2013.doc
• Reduce 1 FTE vacant Legal Secretary position in Juvenile
• Reduce 1 FTE vacant Drug Court Coordinator position in Superior Court Administration
• Reduce 1 FTE vacant Clerk/Receptionist position in Public Defender
• Reduce 1 FTE vacant Road Maintenance Worker position in Public Works-Road
• Add 1 FTE Program Manager position in Public Works – Flood (Natural Resources)

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. Hobson
Civil Deputy Prosecutor

Jack Louws, County Executive

Date: ________________
### Summary of the 2013 Supplemental Budget Ordinance No. 7

<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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Council</td>
<td>To transfer appropriation authority to Hearing Examiner to cover closure day adjustments.</td>
<td>(390)</td>
<td>-</td>
<td>(390)</td>
</tr>
<tr>
<td>County Council</td>
<td>To provide additional funding for contract for outside legal assistance.</td>
<td>40,000</td>
<td>-</td>
<td>40,000</td>
</tr>
<tr>
<td>Hearing Examiner</td>
<td>To fund 2013 closure day adjustments from Council transfer.</td>
<td>390</td>
<td>-</td>
<td>390</td>
</tr>
<tr>
<td>District Court Probation</td>
<td>To transfer appropriation authority to District Court.</td>
<td>(59,282)</td>
<td>-</td>
<td>(59,282)</td>
</tr>
<tr>
<td>District Court</td>
<td>To fund 2013 budget adjustments from Probation transfer.</td>
<td>59,282</td>
<td>-</td>
<td>59,282</td>
</tr>
<tr>
<td>Juvenile</td>
<td>To transfer appropriation authority to Superior Court Administration and County Clerk.</td>
<td>(26,108)</td>
<td>-</td>
<td>(26,108)</td>
</tr>
<tr>
<td>County Clerk</td>
<td>To fund 2013 Assigned Counsel closure day adjustment from Juvenile transfer.</td>
<td>1,684</td>
<td>-</td>
<td>1,684</td>
</tr>
<tr>
<td>County Clerk</td>
<td>To fund 2013 County Clerk closure day and Unrep pay increase budget adjustments from Juvenile transfer.</td>
<td>23,413</td>
<td>-</td>
<td>23,413</td>
</tr>
<tr>
<td>Superior Court Administration</td>
<td>To fund remainder of Superior Court Unrep pay increase adjustment from Juvenile transfer.</td>
<td>1,011</td>
<td>-</td>
<td>1,011</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>To fund transfer to fund architect and engineering services for Superior Court Fourth Judge Courtroom Renovations Project.</td>
<td>200,000</td>
<td>-</td>
<td>200,000</td>
</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>To fund additional Plantation Rifle Range expenses from range fee revenues.</td>
<td>37,207</td>
<td>(37,207)</td>
<td>-</td>
</tr>
<tr>
<td>Prosecuting Attorney</td>
<td>To partially fund closure day and Unrep pay increase adjustments from increase in grant funding.</td>
<td>27,000</td>
<td>(27,000)</td>
<td>-</td>
</tr>
<tr>
<td>Public Defender</td>
<td>To partially fund closure day and Unrep pay increase adjustments from increase in state funding.</td>
<td>1,581</td>
<td>(1,581)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund 2013 Baker Lake Recreation Area patrols.</td>
<td>20,500</td>
<td>(20,500)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund recreational boating safety activities from additional grant proceeds.</td>
<td>7,877</td>
<td>(7,877)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund FFY2012 Operation Stonegarden Program activities in the Sheriff's Office.</td>
<td>159,900</td>
<td>(159,900)</td>
<td>-</td>
</tr>
<tr>
<td>Treasurer</td>
<td>To fund 2013 closure day and Unrep pay increase adjustments from new fee for service revenues.</td>
<td>16,283</td>
<td>(16,283)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td>510,348</td>
<td>(270,348)</td>
<td>240,000</td>
</tr>
<tr>
<td>Jail Fund</td>
<td>To fund feasibility study for inmate holding/release facility.</td>
<td>57,000</td>
<td>-</td>
<td>57,000</td>
</tr>
<tr>
<td>Mental Health/Chemical Dependency Fund - Superior Court Administration</td>
<td>To reduce Drug Court appropriation due to decrease in grant funding.</td>
<td>(21,340)</td>
<td>21,340</td>
<td>-</td>
</tr>
<tr>
<td><strong>Emergency Management Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Management</td>
<td>To fund FFY2012 Operation Stonegarden Program activities from grant proceeds.</td>
<td>725,000</td>
<td>(725,000)</td>
<td>-</td>
</tr>
<tr>
<td>Emergency Management</td>
<td>To fund closure day adjustment.</td>
<td>1,061</td>
<td>-</td>
<td>1,061</td>
</tr>
<tr>
<td><strong>Total Emergency Management Fund</strong></td>
<td></td>
<td>726,061</td>
<td>(725,000)</td>
<td>1,061</td>
</tr>
<tr>
<td>Conservation Futures Fund</td>
<td>To partially fund City of Everson floodplain property acquisition.</td>
<td>228,000</td>
<td>-</td>
<td>228,000</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td>1,500,069</td>
<td>(974,008)</td>
<td>526,061</td>
</tr>
</tbody>
</table>
Supplemental Budget Request

Council

Supp'l ID #: 1523  Fund 1  Cost Center 1100  Originator: Dana Brown-Davis/ M Caldwell

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

Name of Request: 2013 Council transfer to Hearing Examiner

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
<th>Code</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>2910.1000</td>
<td>Fund Balance</td>
<td></td>
<td>$390</td>
</tr>
<tr>
<td>6330</td>
<td>Printing</td>
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<td>($390)</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:
Transfer $390 of 2013 Council budget authority to Hearing Examiner to provide remainder of amount necessary to cover reinstatement of 2013 closure days. (See related Hearing Examiner Supp'l ID 1522)

1b. Primary customers:
Hearing Examiner staff

2. Problem to be solved:
Due to the elimination of closure days, staffing costs will exceed the 2013 Hearing Examiner adopted budget. Executive-recommended and Council-approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. The Hearing Examiner 2013 budget does not have enough excess capacity to entirely fund the staffing cost increase. Council budget does have enough capacity in 2013 which it can transfer to the Hearing Examiners budget.

3a. Options / Advantages:
This is the only option to ensure the Hearing Examiner’s expenses do not exceed its adopted budget by year end.

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
Hearing Examiner’s budget will be increased.

5b. Name the person in charge of implementation and what they are responsible for:
Dana Brown-Davis, Clerk of Council manages both the Hearing Examiner and Council budgets

6. Funding Source:
Council’s printing account budget

Thursday, April 25, 2013

Rpt: Rpt Suppl Regular
May 16, 2013

MEMORANDUM

TO: Jack Louws, County Executive

FROM: Dana Brown-Davis, Clerk of the Council

SUBJ: Supplemental Budget Request

Senior Deputy Prosecutor Karen Frakes has requested the continued assistance of outside legal counsel in representing Whatcom County in Growth Management Hearings Board Case No. 11-2-0010, Case No. 12-2-0013, and associated appeals. Attached is a supplemental budget request in the amount of $40,000 to cover costs associated with this request.

Please contact me if you have questions.

Thank you.
Supplemental Budget Request

Council

SuppId # 1544 Fund 1 Cost Center 1100 Originator: Dana Brown-Davis

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

Name of Request: Contract for outside legal assistance.

X

Department Head Signature (Required on Hard Copy Submission) Date

<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>
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<td>6630.90Z</td>
<td>Professional Services</td>
<td>$40,000</td>
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<td>Request Total</td>
<td>$0</td>
<td></td>
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</table>

1a. Description of request:
Senior Deputy Prosecutor Karen Frakes has requested the continued assistance of outside legal counsel in representing Whatcom County in Growth Management Hearings Board Case No. 11-2-0010c, Case No. 12-2-0013, and associated appeals. These cases involve challenges to Whatcom County Ordinance No. 2012-032 which amended the Whatcom County Zoning Code, the Official Zoning Map, and the Whatcom County Comprehensive Plan and maps, to implement changes pertaining to rural lands. These services will be performed in concert with members of the Whatcom County Prosecutor’s Office staff, as directed by the Prosecutor, or his designee.

1b. Primary customers:

2. Problem to be solved:
There are no funds available in the Council Office budget to cover costs associated with this request.

3a. Options / Advantages:
There are no other options available to cover the costs associated with this request.

3b. Cost savings:

4a. Outcomes:
The Whatcom County Prosecutor’s Office is representing the County Council before the Board and will use this assistance to address the multiple issues raised by the challengers.

4b. Measures:

5a. Other Departments/Agencies:
Whatcom County Prosecutor’s Office

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

6. Funding Source:

Thursday, May 16, 2013
Supplemental Budget Request

Hearing Examiner

Status: Pending

Suppl ID # 1522 Fund 1 Cost Center 1600 Originator: Dana Brown-Davis/M Caldwell

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

Name of Request: 2013 Hearing Examiner Budget Adjustment

X

Department Head Signature (Required on Hard Copy Submission) Date

V. L. 2013

<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>($390)</td>
</tr>
<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td>$390</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:
Decrease Council’s printing budget by $390 (see related Council Suppl ID 1523) and increase Hearing Examiner budget by $390 to cover reinstatement of closure days in 2013.

1b. Primary customers:
Staff

2. Problem to be solved:
Due to the elimination of closure days, staffing costs will exceed the 2013 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. The Hearing Examiner 2013 budget does not have enough excess capacity to entirely fund the staffing cost increase. Council budget does have excess capacity in 2013 which it can transfer to the Hearing Examiners budget.

3a. Options / Advantages:
This is the only option to ensure the Hearing Examiner’s expenses do not exceed its adopted budget by year end.

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
Council’s 2013 budget will be reduced by a corresponding $390.

5b. Name the person in charge of implementation and what they are responsible for:
Dana Brown-Davis, Clerk of Council manages both the Hearing Examiner and Council budgets

6. Funding Source:
Council’s 2013 printing budget

Thursday, April 25, 2013

Rept: Rpt Suppl. Regular 618
Supplemental Budget Request

District Court Probation

Suppl ID # 1519 Fund 1 Cost Center 1310 Originator: Bruce Van Glubit/M Caldwell

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

Name of Request: 2013 District Court Probation Bgt Adjustments

X

Department Head Signature (Required on Hard Copy Submission) Date 5/3/13

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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</thead>
<tbody>
<tr>
<td>2910.1000</td>
<td>Fund Balance</td>
<td>$59,282</td>
<td></td>
</tr>
<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td>($38,744)</td>
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<tr>
<td>6210</td>
<td>Retirement</td>
<td>($3,684)</td>
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</tr>
<tr>
<td>6230</td>
<td>Social Security</td>
<td>($2,964)</td>
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</tr>
<tr>
<td>6245</td>
<td>Medical Insurance</td>
<td>($11,827)</td>
<td></td>
</tr>
<tr>
<td>6255</td>
<td>Other H&amp;W Benefits</td>
<td>($1,335)</td>
<td></td>
</tr>
<tr>
<td>6259</td>
<td>Worker's Comp-Interfund</td>
<td>($728)</td>
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</tr>
</tbody>
</table>

Request Total $0

1a. Description of request:

Close one vacant Probation Officer position for a total savings of $86,912. $27,630 of this amount will be used in the department to cover the elimination of 6 closure days and unrepresented employee wage increases. We request that the remaining $59,282 be added to the District Court budget to cover its closure day elimination and unrepresented wage increase adjustments ($20,045). The excess amount of $39,237 will be used to increase line items where shortfalls occur. (See related District Court Suppl iD 1519)

1b. Primary customers:

N/A

2. Problem to be solved:

Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2013 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority.

3a. Options / Advantages:

It has been determined that the Probation Department can successfully absorb this reduction.

3b. Cost savings:

N/A

4a. Outcomes:

N/A

4b. Measures:

N/A

5a. Other Departments/Agencies:

This proposal will also provide for amounts needed in the District Court budget.

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

Bruce Van Glubit, District Court and District Court Probation Administrator

Thursday, April 25, 2013
Supplemental Budget Request

District Court Probation

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1518</td>
<td>1</td>
<td>1310</td>
<td>Bruce Van Glub/M Caldwell</td>
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</table>

6. **Funding Source:**

Elimination of a position.
Supplemental Budget Request

District Court

Suppl ID # 1519 Fund 1 Cost Center 1300 Originator: Bruce Van Glubb/M Caldwell

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

Name of Request: 2013 District Court Bgt Adjustments

X

Department Head Signature (Required on Hard Copy Submission) Date 5/31/13

<table>
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<tr>
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<th>Object</th>
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1a. Description of request:
Add $59,282 to District Court's budget to cover the $20,045 needed as a result of the elimination of 2013 closure days and unrepresented wage increases. $39,037 of the remaining $39,237 will be used to increase the budget for specific line items where we frequently encounter shortfalls. These line items include: Extra Help, Pro Tems, Judge's Legal Publications, Interpreter Services, and Postage. In addition, the Court has an unexpected amount of approximately $1,200 in Court-ordered judgments that need to be covered due to a District Court case that was appealed by a defendant and they prevailed. Funding will come from the elimination of a vacant Probation Officer position in District Court Probation. (see related District Court Probation Suppl ID 1518)

1b. Primary customers:
N/A

2. Problem to be solved:
Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2013 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority.

In addition, due to multi-year budget constraints, District Court has been unable to ask for Additional Service Requests for areas of its operations that have traditionally needed more funding.

3a. Options / Advantages:
It has been determined that the Probation Department can successfully absorb the reduction and this option will meet both departments' needs.

3b. Cost savings:
N/A

Thursday, May 02, 2013
## Supplemental Budget Request

**Status:** Pending

<table>
<thead>
<tr>
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<tr>
<td>1519</td>
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<td>1300</td>
<td>Bruce Van Glubt/M Caldwell</td>
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</table>

### District Court

4a. **Outcomes:**
- N/A

4b. **Measures:**
- N/A

5a. **Other Departments/Agencies:**
- District Court Probation will decrease one Probation Officer position.

5b. **Name the person in charge of implementation and what they are responsible for:**
- Bruce Van Glubt, District Court and District Court Probation Administrator

6. **Funding Source:**
- District Court Probation budget authority.
Supplemental Budget Request

Status: Pending

Juvenile

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1524</td>
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<td>1900</td>
<td>Dave Reynolds/M Caldwell</td>
</tr>
</tbody>
</table>

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

Name of Request: 2013 Juvenile Trf to Superior Ct/Clerk

Department Head Signature: [Signature]

Date: 5-(-1)-17

Costs:

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<th>Object Description</th>
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<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
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<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td>($1,011)</td>
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Request Total: $0

1a. Description of request:
Transfer $1,011 of budget authority to Superior Court Administration and $25,097 of budget authority to County Clerk to cover 2013 reinstatement of closure day costs for the Master Bargaining Unit and Unrep wage increase in those departments. (see related supplemental IDs 1525, 1527 & 1528 for Superior Court Administration and County Clerk)

1b. Primary customers:
Staff

2. Problem to be solved:
Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2013 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. Juvenile, Superior Court Administration and County Clerk are jointly managed departments. The Director of Superior Court Administration proposes to eliminate 2 vacant positions in Juvenile and use the wage and benefit savings to fund the closure day/Unrep pay increase adjustments in all three departments. This supplemental will decrease the Juvenile budget to enable the addition of the budget authority in County Clerk and Superior Court Administration.

3a. Options / Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
This supplemental request will enable the budget authority in Superior Court Administration and County Clerk to be increased to cover closure days/Unrep wage increases.

5b. Name the person in charge of implementation and what they are responsible for:
Dave Reynolds, Director of Superior Court Administration, manages all three budgets.

6. Funding Source:

Tuesday, April 30, 2013
<table>
<thead>
<tr>
<th>Juvenile</th>
<th>Administration</th>
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<td>Supp ID # 1524</td>
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Eliminated positions
**Supplemental Budget Request**

**County Clerk**

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<td>3140</td>
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<td>One-Time</td>
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**Name of Request:** 2013 County Clerk - Assigned Counsel budget adjust

**Department Head Signature (Required on Hard Copy Submission):**

<table>
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</table>

**Request Total:** $0

1a. **Description of request:**

Increase the wage budget in County Clerk by decreasing the wage budget in Juvenile for no net change to the General Fund. See related Juvenile supplemental ID 1524.

1b. **Primary customers:**

Staff

2. **Problem to be solved:**

Due to the elimination of closure pays, staffing costs will exceed the 2013 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. Juvenile, Superior Court Administration and County Clerk are jointly managed departments. The Director of Superior Court Administration proposes to eliminate 2 vacant positions in Juvenile and use the wage and benefit savings to fund the closure day/unrept pay increase adjustments in all three departments. This supplemental will add $1,684 to the County Clerk - Assigned Counsel (cost center 3140) wage budget to provide the amount needed for 2013 Master employee closure day elimination.

3a. **Options / Advantages:**

3b. **Cost savings:**

N/A

4a. **Outcomes:**

N/A

4b. **Measures:**

N/A

5a. **Other Departments/Agencies:**

This supplemental request relies on a corresponding reduction in the Juvenile Court Administration budget so that there will be a net zero effect to the General Fund. This will be accomplished through Juvenile supplemental ID 1524

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

Dave Reynolds, Director of Superior Court Administration, manages all three budgets.

6. **Funding Source:**

**Tuesday, April 30, 2013**
Supplemental Budget Request

County Clerk

Supp1ID # 1528  Fund 1  Cost Center 3140  Originator: D Reynolds/M Caldwell

eliminated positions in Juvenile budget
Supplemental Budget Request

County Clerk

Supp ID # 1527 Fund 1 Cost Center 3150 Originator: D Reynolds/M Caldwell

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

Name of Request: 2013 County Clerk budget adjustments

X

Department Head Signature (Required on Hard Copy Submission) Date

Costs:  

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<th>Object Description</th>
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<tr>
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**Request Total** $0

1a. Description of request:
Increase the wage budget in County Clerk by decreasing the wage budget in Juvenile for no net change to the General Fund. See related Juvenile supplemental ID 1524.

1b. Primary customers:
Staff

2. Problem to be solved:
Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2013 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. Juvenile, Superior Court Administration and County Clerk are jointly managed departments. The Director of Superior Court Administration proposes to eliminate 2 vacant positions in Juvenile and use the wage and benefit savings to fund the closure day/Unrep pay increase adjustments in all three departments. This supplemental will add $23,413 to the County Clerk (cost center 3150) wage budget to provide the amount needed for 2013 Unrep wage increases and Master employee closure day elimination.

3a. Options / Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
This supplemental request relies on a corresponding reduction in the Juvenile Court Administration budget so that there will be a net zero effect to the General Fund. This will be accomplished through Juvenile supplemental ID 1524

5b. Name the person in charge of implementation and what they are responsible for:
Dave Reynolds, Director of Superior Court Administration, manages all three budgets.

6. Funding Source:

Tuesday, April 30, 2013
# Supplemental Budget Request

**Status:** Pending

**County Clerk**

<table>
<thead>
<tr>
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</table>

- eliminated positions in Juvenile budget
Supplemental Budget Request

Superior Court

Supp't ID #: 1525  Fund: 1  Cost Center: 3100  Originator: Dave Reynolds/M Caldwell

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

Name of Request: 2013 Superior Court Bgt Adjustments

Department Head Signature (Required on Hard Copy Submission)

X

Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
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<tr>
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<td>$1,011</td>
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Request Total: $0

1a. Description of request:
Incorporate the wage budget in Superior Court Administration by decreasing the wage budget in Juvenile for no net change to the General Fund. See related Juvenile supplemental ID 1524.

1b. Primary customers:
Staff

2. Problem to be solved:
Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2013 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. Juvenile, Superior Court Administration and County Clerk are jointly managed departments. The Director of Superior Court Administration proposes to eliminate 2 vacant positions in Juvenile and use the wage and benefit savings to fund the closure day/Unrep pay increase adjustments in all three departments. This supplemental will add $1,011 to the Superior Court Administration wage budget to complete the amount needed for 2013 Unrep wage increases. The additional amount of $14,464 needed to cover the increases will be transferred from budget authority in cost center 3160 (also in Superior Court Administration) due to savings from a temporarily vacant Court Facilitator position.

3a. Options/Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
This supplemental request relies on a corresponding reduction in the Juvenile Court Administration budget so that there will be a net zero effect to the General Fund. This will be accomplished through Juvenile supplemental ID 1524

5b. Name the person in charge of implementation and what they are responsible for:
Dave Reynolds, Director of Superior Court Administration, manages all three budgets.

6. Funding Source:
eliminated positions in Juvenile budget

Tuesday, April 30, 2013
Supplemental Budget Request

Non-Departmental

Supp1 ID # 1549  Fund 1  Cost Center 4530  Originator: M Caldwell

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

Name of Request: Transfer to 4th Judge Courtroom Renovation Project

X

Department Head Signature (Required on Hard Copy Submission)  Date  5/24/13

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<tr>
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Request Total $0

1a. Description of request:
This request provides funding for the architect and engineering services for the Superior Court Fourth Judge Courtroom Renovation Project. See related Project Budget Supplemental ID #1548 Courthouse Courtroom Renovations.

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
   General Fund fund balance

Tuesday, May 21, 2013

Rpt: Rpt Suppl Regular

630
MEMORANDUM

TO:        Jack Louws
           County Executive

FROM:      Michael G. McFarlane
           Director

DATE:      May 20, 2013

SUBJECT:   Supplemental Budget Request for Plantation Range

I am attaching a proposed supplemental budget request for Plantation Range (Cost center 6335).

Plantation Range has experienced significant increases in attendance and public Range revenue, in the first four months of 2013 a 19% increase. This is exclusive of any revenue from law enforcement contracts, and reflects growing regional and national interest in firearms, firearms safety, and use of ranges.

This supplemental proposes judicious expenditure increases in several budget object categories in order to respond to this increasing interest, attendance and demand. The supplemental will increase available public hours at the Pistol/Small Bore Range, schedule additional classes for safety, marksmanship, and especially women and families, fund purchases for resale (amunition, targets, etc.) keyed to this growing demand, and purchase additional firearms for the Range rental program.

Increased expenditures in extra help (6120), purchases for resale (6480), and tools and equipment (6510) object categories and several others will be offset by increased revenue.

Plantation Range’s popularity is only partly a result of broader trends. Without the culture of safety, cleanliness and welcome inculcated by management and the Range Master, the Range might not be experiencing the current increase in demand and revenue. This supplemental will sustain that service and revenue growth.

Please contact me or Parks Operations Manager Erik Axelson (x.32073) if you have any questions.

Attachment
Supplemental Budget Request

Parks & Recreation

Fund / Cost Center 6335

Expediture Type: Ongoing Year 1 2013 Add'l FTE Add'l Space Priority 1

Name of Request: Plantation Range Increased Patronage and Revenue

Department Head Signature (Required on Hard Copy Submission) Date 5-20-13

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<td>7060</td>
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<td>Repairs &amp; Maintenance</td>
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</table>

Request Total $0

1a. Description of request:

Plantation Rifle and Pistol Range is a cost center at Parks & Recreation in which revenues consistently meet or exceed expenditures. This trend is accelerating in 2013, with public revenues (range fees, classes, ammunition purchases, etc., less all law enforcement contracts) for the period January-April 2013 totaling approximately $97,000. Compared to public revenue for the similar period in 2012 ($81,400), the year-to-date public revenue in 2013 is approximately 19% greater. This is a significant change.

Increased public revenue is the result of several trends to which this supplemental budget request seeks to respond. First, we have observed a change in Range users from the more traditional cohort of hunters sighting in long guns at the High Power Range toward more individuals, families, and especially women interested in pistol marksmanship, gun handling, personal protection, and gun safety. Many of these firearms newcomers appreciate the firearms rental program at Plantation Range, which is an opportunity to try out a variety of firearms. New firearms users also appreciate the strong emphasis by Range master and staff on safety. Second, increased patronage also has yielded a significant increased demand for ammunition purchases for use at the Range. Third, changing trends in use at Plantation Range reflect broader regional and national trends in which more individuals are using ranges, and purchasing firearms and ammunition. For example, state shooting data indicate that after a period of reduced demand, shooting sports in Washington are enjoying increased popularity.

This supplemental addresses the increased demand in these areas:

(1) Extra Help hours (6120) are proposed to increase by $15,592, from $18,000 to $33,592. The increased hours will accommodate an expanded schedule of firearms safety and marksmanship classes (particularly for women and families), as well as increasing the hours of operation of the Pistol Range.

(2) Purchases for resale (6480) are proposed to be increased by $16,600, from $28,000 to $44,600. This will accommodate increased demand for targets, ammunition, etc. due to expanded patronage of the Pistol Range primarily, and from expanded classes.

(3) Tools & equipment (6510) would increase by $2,000 in order to purchase four new handguns and to
Supplemental Budget Request

Parks & Recreation

<table>
<thead>
<tr>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6335</td>
<td>Erik Axelson</td>
</tr>
</tbody>
</table>

trade in three others for new models. This is needed due to increased patronage of the Range firearms rental program.

(4) Repairs and maintenance would increase by $1,300 to provide sufficient funds in this account to maintain all 12 indoor Pistol Range firing points and the automated target carrier system.

(4) Smaller increases for Supplies, Printing, and Professional services would total $1,355, reflecting small increases related to expanded programs and public demand.

We estimate that public range fees will continue to increase in 2013, so that the net revenue over expenditures will be positive.

1b. Primary customers:

Whatcom County residents comprise the majority of customers at Plantation Range, however, a significant percentage of Range users are from the Puget Sound region outside the county in Washington and also from British Columbia. As noted above, there is a significant shift toward new users, namely beginning firearms individuals, families, and women.

2. Problem to be solved:

This problem is actually a positive one -- an increase in Range attendance and revenue that needs to be sustained. The major shift in users and customers toward relative firearms newcomers has significantly increased demand for gun safety classes, elementary marksmanship, and use of the Pistol Range. The proposed expenditure increases in extra help, purchases for resale, and small tools (e.g., new firearms) are essential to continue to meet the increased demand from these new users.

Without adjusting expenditures for these object categories particularly. Whatcom County will not be able to accommodate this increased demand and will forego significant additional revenue.

3a. Options / Advantages:

Not increasing Range hours and classes is one alternative to this supplemental budget request. However, such a move would risk causing many of the new Range users to seek other alternatives to Plantation Range, inducing a revenue reduction spiral.

Careful increases in expenditures in 2013 will help to capture and retain these new Range users, and will also yield continued revenue growth.

3b. Cost savings:

The supplemental budget request's expenditure increases will be more than offset by improved revenue.

4a. Outcomes:

The most obvious improved outcome in 2013 would be an increase in public Range fees and usage. We estimate that the supplemental will facilitate an increase in the 16-18% range for public Range revenue.

4b. Measures:

Parks will continue to measure monthly revenue. Public Range revenue for the remaining eight months of 2013 should continue to grow. Another measure will be increased attendance and patronage of additional classes, as well as continued growth in ammunition resales (which typically generate a 30-40% markup over cost).

5a. Other Departments/Agencies:

None

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

6. Funding Source:

Increased Range fees (4437.6030) will fund the supplemental budget expenditures.
Supplemental Budget Request

Prosecuting Attorney

Suppl ID # 1507  Fund 1  Cost Center 2600  Originator: Kathy Walker

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

Name of Request: Grant Increase to Cover Closure Day Reinstatement

Department Head Signature (Required on Hard Copy Submission)  Date 5/7/2013

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<th>Object</th>
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</table>

1a. Description of request:
Increase Prosecuting Attorney budget by the amount of unbudgeted grant revenues.

1b. Primary customers:
Staff

2. Problem to be solved:
The Prosecuting Attorney’s Office has received notification of an additional amount of 2012 Child Support Enforcement revenue which will be received in 2013. Departments have been requested to find budget neutral ways to accommodate the reinstatement of closure days and the unrepresented employee pay increase. The Prosecuting Attorney’s Office is able to cover a substantial amount of the wage and benefit increases in 2013 due to position turnovers and replacement employees being hired at lower wages. However, there is still a significant shortfall. Most of the shortfall can be accommodated by this budget neutral request to increase the wage and benefit budget and offset the increase with the additional grant revenue.

3a. Options / Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
Additional 2012 Child Support Enforcement revenue.
Supplemental Budget Request

Public Defender

Suppl'ID # 1506  Fund 1  Cost Center 2667  Originator: Julie Wiles

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

Name of Request: Budget for increased OPD funding

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
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Request Total: $0

1a. Description of request:
Increase Public Defender wage budget by the amount of unbudgeted Office of Public Defense (OPD) funding.

1b. Primary customers:
Public Defender staff

2. Problem to be solved:
Whatcom County is required to spend OPD funds in the year they are allocated for according to Washington State regulations. Due to funding fluctuations, the County received $1,581 more revenue for 2013 than was budgeted for in the biennial budget. OPD funding is spent in support of the Public Defender’s Office. The Public Defender's Office requests to use the increased funding authority to partially cover some of the unrepresented employee wage increases for two OPD funded attorneys.

3a. Options / Advantages:
N/A

3b. Cost savings:
The Public Defender's Office will not have to cover this amount of wage increases out of its current budget.

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
Washington State OPD entitlement funding.

Wednesday, April 03, 2013
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: May 10, 2013
SUBJECT: Supplemental Budget ID# 1538
Baker Lake Recreation Area Patrolls 2013

The attached Supplemental Budget requests budget authority to provide overtime patrols in the Baker Lake Recreational Area and to purchase personal protective equipment with funds provided by the USDA Forest Service in accordance with contract between Whatcom County and the U.S. Forest Service Mt. Baker-Snoqualmie National Forest.

Background and Purpose
The Forest Service provides funds for extra patrols in the Baker Lake Recreational Area to ensure protection of Government property and the general safety of the public on Forest Service lands during peak periods of public use. The allocation for 2013 also includes funds to purchase rifle plates as part of the personnel protective equipment issued to the Co-op Deputy.

Funding Amount and Source
USDA Forest Service will provide funding of $20,500 in 2013.

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

Sheriff Operations

Supp’t ID # 1538 Fund 1 Cost Center 2993 Originator: Dawn Pierce

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

Name of Request: Baker Lake Recreation Area Patrols 2013

Department Head Signature (Required on Hard Copy Submission) Date

5/10/13

<table>
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<td>Social Security</td>
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<td>6259</td>
<td>Worker’s Comp-Interfund</td>
<td>$349</td>
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<tr>
<td>6510</td>
<td>Tools &amp; Equip</td>
<td>$1,000</td>
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</table>

Request Total $0

1a. Description of request:
Provide extra patrols and equipment for the Forest Patrol Deputy in the Baker Lake Recreation Area. These patrols shall be scheduled and performed as requested by the USDA Forest Service in accordance with existing contract to ensure protection of government property and general safety of the public on Forest Service lands during peak periods of public use.

1b. Primary customers:
Whatcom County citizens and visitors.

2. Problem to be solved:
Provides additional staffing hours and patrols in a remote recreation area not normally patrolled unless provided by Cooperative Agreement.

3a. Options / Advantages:
N/A

3b. Cost savings:
Whatcom County will benefit from increased law enforcement presence in remote areas of the county with no support required from the General Fund.

4a. Outcomes:
Overtime patrols will be performed in accordance with existing contract with USDA Forest Service.

4b. Measures:
Daily Activity Reports will be completed.

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
USDA Forest Service will provide funding of $20,500 in 2013.

Thursday, May 09, 2013

Rpt: Rpt Suppl Reguar 637
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: May 20, 2013
SUBJECT: Supplemental Budget ID# 1546
        Boat Safety Grant 2012-2013 Additional Award

The attached Supplemental Budget requests budget authority in 2013 for additional award of $7,877 from Washington State Parks and Recreation Commission for Recreational Boating Safety (RBS) grant.

Background and Purpose
The Sheriff’s Office received a Federal Financial Assistance Grant of $35,385 from the Washington State Parks and Recreation Commission for Recreational Boating Safety for the period July 1, 2012 through June 30, 2013 and subsequently extended until September 30, 2013. The Sheriff’s Office spent $29,538 in 2012, and a supplemental budget for the remaining $5,847 was approved April 23, 2013 (AB2013-142, Ordinance 2013-021). In May 2013, the Sheriff’s Office received an additional award of $7,877 based on our agency’s performance activities reported to State Parks. The Sheriff’s Office will use the additional funds in 2013 for water patrols and boat maintenance.

Funding Amount and Source

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

Thank you.
Supplemental Budget Request

Status: Pending

Sheriff Administration

Supp# ID # 1546 Fund 1 Cost Center 1003512006 Originator: Dawn Pierce

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

Name of Request: Boat Safety Grant 2012-2013 Additional Award

[Signature] 5/20/2013

Department Head Signature (Required on Hard Copy Submission) Date

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<td>Worker's Comp-Interfund</td>
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<td>7060</td>
<td>Repairs &amp; Maintenance</td>
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<td>$3,500</td>
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Request Total $0

1a. Description of request:

The Sheriff’s Office received a Federal Financial Assistance Grant of $35,385 from the Washington State Parks and Recreation Commission for Recreational Boating Safety. The Sheriff’s Office spent $29,538 in 2012. A supplemental budget for the remaining $5,847 was approved April 23, 2013 (AB2013-142, Ordinance 2013-021). In May 2013, the Sheriff’s Office received an additional award of $7,877. The Sheriff’s Office will use the additional funds in 2013 for water patrols and boat maintenance.

1b. Primary customers:

Whatcom County citizens and visitors.

2. Problem to be solved:

The Sheriff’s Office requires budget authority to spend the additional award prior to expiration of the grant on September 30, 2013.

3a. Options / Advantages:

Additional funds may be used only for allowable recreational boating safety grant expenditures.

3b. Cost savings:

Cost savings of $7,877.

4a. Outcomes:

The Sheriff’s Office will conduct recreational boating safety patrols and provide inspections and visual spot checks of recreational vessels to insure compliance with county codes and state law.

4b. Measures:

Written vessel inspections and visual spot inspections of recreational vessels

5a. Other Departments/Agencies:

n/a

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

n/a

6. Funding Source:

WA State Parks and Recreation Commission, Recreational Boating Safety (RBS) Grant, CFDA 97.012.
Memorandum

TO:     Jack Louws, County Executive
FROM:   Sheriff Bill Elfo
DATE:   May 20, 2013
SUBJECT: Supplemental Budget ID# 1541
        2013 Operation Stonegarden FFY2012


Background and Purpose
The Department of Homeland Security (DHS) awarded Operation Stonegarden Program (OPSG) FFY2012 funds of $725,000 to Whatcom County to enhance law enforcement’s preparedness and operational readiness along the international borders of the United States. Of this amount, the Sheriff’s Office allocation is $159,900. The Sheriff’s Office anticipates using these funds in calendar year 2013: Overtime Wages & Benefits ($72,000), Mileage ($9,900), and Equipment (mobile data terminals $78,000).

Funding Amount and Source
The funding source for this request is an Operating Transfer In from Whatcom County Sheriff’s Office Division of Emergency Management in the amount of $159,900. Funds originate from Department of Homeland Security Operation Stonegarden Program FFY2012, Federal Grant Agreement #E13-232.

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

Status: Pending

Sheriff

Operations

Suppl ID #: 1541  Fund 1  Cost Center 1003513003  Originator: Dawn Pierce

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

Name of Request: 2013 Operation Stonegarden FFY2012

Department Head Signature (Required on Hard Copy Submission)  Date

X

Bill

5-20-2013

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<td>Overtime</td>
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Request Total: $0

1a. Description of request:

The Department of Homeland Security (DHS) awarded Operation Stonegarden Program (OPSG) FFY2012 funds of $725,000 to Whatcom County to enhance law enforcement's preparedness and operational readiness along the international borders of the United States. Of this amount, the Sheriff's Office allocation is $159,900: Overtime Wages & Benefits ($72,000), Mileage ($9,900), and Equipment (Mobile Data Terminals $78,900).

1b. Primary customers:

Law enforcement agencies and citizens of Whatcom County through increased capability of law enforcement to secure the international border.

2. Problem to be solved:

Historically, Whatcom County has been a favored operational area for alien, drug, and weapons smugglers due to its temperate climate and close proximity to Vancouver, BC, Canada, seaports, international airports, and I-5. The Sheriff's Office will use OPSG funds to purchase approved equipment (mobile data terminals) and for operational overtime and related mileage to provide enhanced patrols in the border area.

3a. Options / Advantages:

OPSG funds are awarded specifically for projects that improve border security, projects that would otherwise have to be funded with local monies or eliminated.

3b. Cost savings:

Cost savings of $159,900 to Whatcom County Sheriff's Office.

4a. Outcomes:

Enhanced patrols will increase law enforcement presence in the border area helping to reduce criminal activity and improving border security.

4b. Measures:

Whatcom County Sheriff's Office will purchase equipment and will schedule patrols per contract.

Monday, May 20, 2013
### Supplemental Budget Request

**Sheriff**

Supp ID: 1541  
Fund: 1  
Cost Center: 1003513003  
Originator: Dawn Pierce

---

**Operations**

specifications and timelines and will monitor outcomes using daily activity logs.

5a. **Other Departments/Agencies:**

Whatcom County Sheriff's Office Division of Emergency Management (DEM) administers the federal grant.

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

Undersheriff Jeff Parks will coordinate projects for the Sheriff's Office.

6. **Funding Source:**

The funding source for this request is an Operating Transfer in from DEM. Funds originate from Department of Homeland Security Operation Stonegarden Program FFY2012, Federal Grant Agreement #E13-232, CFDA No. 97.067. See DEM Supplemental Budget ID#1542 for corresponding operating transfer out.
Supplemental Budget Request

Treasurer

Supp1 ID #: 1489     Fund: 1     Cost Center: 3300     Originator: S Oliver

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

Name of Request: Treasurer Closure Day/Unrep Inc Coverage-2013

Department Head Signature (Required on Hard Copy Submission)     Date: 5/9/13

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1a. Description of request:
Charge new fees for service to the Health Department, Public Works, special purpose taxing districts and other County departments that were not contemplated at the time of the budget adoption. This will be new, sustainable revenues. For example, we will be collecting nearly $12,000 annually in billing and collection fees from the Health Department for services relating to the OSS fees billed on the property tax statement. I expect these new fees to offset all of the increased costs; however, in the event that they don't meet the budgetary need, I will provide supplemental revenues to the Current Expense Fund from the Treasurer's O&M fund as allowed by statute. We currently reimburse the Current Expense Fund a fixed amount annually now, and would propose a small increase to this reimbursement if necessary.

1b. Primary customers:
Entities & Departments to whom services are provided.

2. Problem to be solved:
This request is in response to the Executive's request for budgetary solutions to cover reinstatement of represented employee closure days and provide a salary increase for unrepresented employees.

3a. Options / Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
Entities & Departments to whom Treasurer's Office provides services will start paying fees for those services.

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

6. Funding Source:
New fees

Wednesday, May 01, 2013
Supplemental Budget Request

Administrative Services

Suppl # 1547
Fund 118
JAIL FUND

Facilities Management

Cost Center 118198
Originator: Michael Russell

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

Name of Request: Feasibility Study Holding/Release Facility

X

Department Head Signature (Required on Hard Copy Submission) Date 5/21/2013

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</table>

1a. Description of request:

DLR will be performing some space planning and design work for the new courtroom. While they are on site over the next year the County would like to establish a feasibility study to determine the appropriate use for the PSB (Public Safety Building) and or the Basement of the Courthouse (The Old EOC Area) once the jail moves to its new location. The County will need to determine the best and most feasible location for the inmate holding and release facility before the new jail is constructed. This work will be important to not only determine the location and budget, but will be essential for the needs assessment and organizational abilities of inmate movement and how the County will coordinate the movement of inmates from the new jail to the courts as well as for the process of inmate release. This study will greatly assist the County in determining the next steps in this process.

1b. Primary customers:

Whatcom County, The Court System, The citizens of every city within the county as well as the inmates that will be utilizing these facilities.

2. Problem to be solved:

To determine the appropriate use for the PSB once the jail moves to its new location. The County will need to determine the best and most feasible location for the inmate holding and release facility before the new jail is constructed

3a. Options / Advantages:

This will occur before the needs assessment is done in August/September of this year. This study will supply information for the needs assessment as to a pre-determined location for inmate court holding as well as inmate release.

3b. Cost savings:

The cost savings will be in the clear and concise direction this program will take. To do this work with the Main Jail design will encumber and delay the process costing the County additional funds.

4a. Outcomes:

This work will be important to not only determine the location and budget, but will be essential for the needs assessment and organizational abilities of inmate movement and how the County will coordinate the movement of inmates from the new jail to the courts as well as for the process of inmate release.

4b. Measures:

This study will greatly assist the County in determining the next steps in this process.

5a. Other Departments/Agencies:

Sheriff's Office, Courts and Facilities
Supplemental Budget Request

<table>
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<td><strong>Cost Center</strong> 118138</td>
<td><strong>Originator:</strong> Michael Russell</td>
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5b. Name the person in charge of implementation and what they are responsible for:
   Michael Russell

6. **Funding Source:**
   Jail Fund
Supplemental Budget Request

Status: Pending

Superior Court

Supp1ID # 1504  Fund 124  Cost Center 124200  Originator: Dave Reynolds

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

Name of Request: Drug Court Budget Reduction 2013

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
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<tr>
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1a. Description of request:
Reduce Drug Court budget by the amount of reduced revenue.

1b. Primary customers:
N/A

2. Problem to be solved:
Superior Court Administration is eliminating the Drug Court Coordinator’s position in response to budget adjustments needed to fund reinstatement of closure days in 2013 and loss of grant revenue which previously funded that position. Excess eliminated position budget authority of $68,160 over and above the amount of the closure day reinstatement and loss of grant revenue will be redistributed within the Drug Court/Family Treatment Court program cost centers.

3a. Options / Advantages:
N/A

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
N/A

Tuesday, April 30, 2013
To: Jack Louws, County Executive

From: Sheriff Bill Elfo, Director of Emergency Management

Subject: Supplemental Budget Request ID # 1542
Dept of Homeland Security, Operation Stonegarden Program (OPSG)
FFY2012 OPSG Contract # E13-232

Date: May 16, 2013

The attached Supplemental Budget Request seeks authority to expend $725,000 to be reimbursed from the Dept of Homeland Security FFY12 Operation Stonegarden Program grant.

- Background and Purpose
Whatcom County Sheriff’s Office Division of Emergency Management has been awarded $725,000 from the Dept of Homeland Security (DHS) Operation Stonegarden Program (OPSG) for Federal Fiscal Year 2012. This grant flows from DHS through the Washington State Military Department – Emergency Management Division to Whatcom County. This is the fifth year that WCSO-DEM has received an Operation Stonegarden award.

DHS provides OPSG funds to enhance law enforcement preparedness and operational readiness along international borders of the United States. In coordination with US Customs and Border Protection/Border Patrol (CBP/BP), local law enforcement agencies will provide an enhanced presence in the border area. Each agency will perform duties normal to its mission while providing additional law enforcement “eyes and ears” in support of the Homeland Security mission. Participating agencies will not enforce immigration laws on behalf of CBP/BP.

Grant funding through OPSG will be used for operational overtime and related mileage to field enhanced patrols in the border area and for the purchase of equipment preapproved during the application process. Equipment includes patrol vehicles, mobile data terminals, radio equipment, and field investigative equipment. The participating agencies are the Blaine, Everson, Ferndale, Lynden, and Sumas Police Departments, the WA Dept of Fish & Wildlife, as well as the Whatcom County Sheriff’s Office.

The performance period for this grant runs from September 1, 2011 through July 31, 2014.

- Funding Amount and Source
$725,000 from the Dept of Homeland Security FFY2012 Operation Stonegarden Program,
Contract # E13-232, CFDA 97.067 SHSP.

Please contact Undersheriff Jeff Parks or Frances Burkhart if you have questions regarding this contract.
Supplemental Budget Request

Sheriff

Emergency Management

Supp't ID # 1542

Fund 167

Cost Center 16769

Originator: Frances Burkhart

Expenditure Type: One-Time

Year 1 2013

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Operation Stonegarden FFY2012

X

Department Head Signature (Required on Hard Copy Submission) 5/16/13

Date

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<tr>
<td>8351</td>
<td>Operating Transfer Out</td>
<td>$159,900</td>
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Request Total $0

1a. Description of request:
The US Dept of Homeland Security FFY2012 Operation Stonegarden Program (OPSG) awarded $725,000 to Whatcom County to enhance the cooperation and coordination among local, Tribal, State, and Federal law enforcement agencies in a joint mission to secure the international borders of the United States. In coordination with US Customs and border Protection/Border Patrol (CBP/BP), local law enforcement agencies will purchase approved equipment and field enhanced patrols to increase visible presence and response capability along the border and around critical infrastructure, helping deny entry and egress routes and transportation hubs to criminal organizations seeking to smuggle narcotics, humans, and terrorists and/or their weapons, and to reduce criminal activity in the border area.

1b. Primary customers:
Law enforcement agencies within Whatcom County

2. Problem to be solved:
Historically, Whatcom County has been a favored operational area for alien, drug, and weapons smugglers due to its temperate climate and close proximity to Vancouver, BC, Canada, seaports, international airports, and I-5. The only known clandestine smuggling tunnel along the US/Canadian border was discovered in Whatcom County. British Columbia is home to over fifty known organizations or individuals associated with terrorism. Partnerships between federal, state, and local agencies have always been a critical element of CBP/BP operations in Whatcom County. Operation Stonegarden projects will strengthen these partnerships and improve border security through increased cooperation, enhanced patrols, and additional support equipment.

3a. Options / Advantages:
OPSG funds are awarded specifically for projects that will enhance law enforcement's preparedness and operational readiness, projects that would otherwise have to be funded with local monies or eliminated.

3b. Cost savings:
Whatcom County Sheriff's Office: $159,900. Other Whatcom County agencies: $565,100.

4a. Outcomes:
Enhanced patrols will be completed and equipment purchased per contract specifications and timelines.

4b. Measures:
Both Whatcom County and CBP-BP will monitor projects and expenditures against contract deliverables.

5a. Other Departments/Agencies:
The cities of Blaine, Everson, Ferndale, Lynden, and Sumas and WA Dept of Fish & Wildlife will increase

Wednesday, May 15, 2013

Rpt: Rpt Suppl Regular

648
patrols and/or purchase equipment, helping to reduce criminal activity in their jurisdictions. Although receiving no OPSG funding, CBP/BP will see enhanced coordination and cooperation with local law enforcement agencies in a joint effort to secure the international border of Whatcom County.

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

Undersheriff Jeff Parks will coordinate projects for the Sheriff's Office. Each Police Chief will coordinate projects for his specific jurisdiction. Marine Sergeant Russ Mullins will coordinate projects for WA Dept of Fish & Wildlife. Joe Jovanovich, CBP/BP, will coordinate projects/patrols between CBP/BP and participating local law enforcement agencies.

6. **Funding Source:**

Supplemental Budget Request

Sheriff

Emergency Management

Fund 167  Cost Center 16773  Originator: Sheriffs Office

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

Name of Request: Reinstall EMPG closure day budget - 2013

Department Head Signature (Required on Hard Copy Submission)  Date

5/17/13

Costs: 

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tr>
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<td>Fund Balance</td>
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<td>6110</td>
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<td>Retirement</td>
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<td>6230</td>
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<td>Request Total</td>
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<td>$0</td>
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</table>

1a. Description of request:
Reinstall closure day budget for Clerk IV position covered by grant funding in Emergency Management Division.

1b. Primary customers:

2. Problem to be solved:
All budgets were reduced during the biennial budget process for the effect of 6 closure days. The closure days will not take place and this staff member is fully funded by federal grant funding. The full amount of grant funding is already in the budget, the expenditure budget needs to be reinstated.

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Federal EMPG grant.

Wednesday, May 01, 2013

Rpt: Rpt Suppl Regular
Supplemental Budget Request

Non-Departmental

Supp ID #: 1550  Fund 175  Cost Center 17500  Originator: Jack Louws

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

Name of Request: City of Everson Park Acquisition

X

Department Head Signature (Required on Hard Copy Submission)

Date 5/23/13

Costs:

<table>
<thead>
<tr>
<th>Object</th>
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<tbody>
<tr>
<td>2910.1000</td>
<td>Fund Balance</td>
<td>($228,000)</td>
</tr>
<tr>
<td>7220</td>
<td>Intergov Subsidies</td>
<td>$228,000</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:
The City of Everson is pursuing acquisition of the property along Main Street that was formerly the golf course; the property is located in the overflow corridor of the Nooksack River and is subject to flooding that can be deep and fast-flowing. The property has an approved preliminary plat for a 48-lot residential subdivision; however, the City intends to acquire the property, rezone it for open space use, and develop it for recreational use. An Interlocal agreement will define the terms for future use, grading and construction of improvements to ensure they are consistent with the flood risk and protecting the land for recreational use.

1b. Primary customers:
The property acquisition will eliminate the potential for 48 new homes in a hazardous part of the Nooksack River floodplain, benefiting the City of Everson and general public; both City and County residents will benefit from the future recreational site.

2. Problem to be solved:
The former golf course is zoned residential and the previous owner was able to get approval for a 48-lot subdivision, but was unable to develop it. The property went through foreclosure, and the City has entered into a purchase agreement with the bank and is trying to secure adequate funding to complete the acquisition. Once acquired the property will be downzoned to recreational open space, thereby eliminating the possibility that residences will be constructed in the floodplain and the property no longer available for recreational use.

3a. Options / Advantages:
The other option is to not provide a cost-share towards the purchase of the property, which may lead to the City being unable to complete the purchase. Future buyers other than the City would be more likely to move forward with developing the parcel, which ultimately would put more people, and private and public infrastructure in a hazardous area of the floodplain and make the property unavailable for recreational purposes.

3b. Cost savings:
It is not possible to determine the cost of future flood damages that will be avoided by removing the development potential.

4a. Outcomes:
The property will be purchased within the next few months, once the interlocal agreement is executed, ensuring Everson has adequate funds.

4b. Measures:
The property will be acquired by Everson and rezoned to open space recreation, precluding future residential development.

Tuesday, May 21, 2013

Rpt: Rpt Supp Regular
Supplemental Budget Request

Non-Departmental

Supp1ID # 1550  Fund 175  Cost Center 17500  Originator: Jack Louws

5a. Other Departments/Agencies:
The City of Everson is directly impacted, both by a reduction in the need for development review of the approved preliminary plat, and an increase in the need for development of park facilities.

Flood Control Zone District funding is also being requested for use in funding the property acquisition.

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

6. Funding Source:
The funding sources for the property acquisition are as follows:

City of Everson funds - $18,000
Conservation Futures funds - $228,000
FCZD funds - $114,000

The Conservation Futures funds are from the fund balance

Tuesday, May 21, 2013
TITLE OF DOCUMENT: Flood Control Zone District 2013 Supplemental Budget Request #3

ATTACHMENTS: Resolution, Memoranda and Budget Modification Requests

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.)

Supplemental #3 requests funding from the Flood Control Zone District Fund:

1. To appropriate $114,000 to fund City of Everson floodplain property acquisition.
2. To appropriate $67,242 to fund Natural Resources Property Manager position.
3. To appropriate $30,440 to fund Pollution Identification and Control Program from grant proceeds.

COMMITTEE ACTION:

BOARD OF SUPERVISORS 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.
RESOLUTION NO. ________
(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

AMENDMENT NO. 3 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>211,682</td>
<td>(37,164)</td>
<td>174,518</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 Kerschner, Chair of the Board of Supervisors

APPROVED AS TO FORM:

Daniel G. Nelson
Civil Deputy Prosecutor
<table>
<thead>
<tr>
<th>Flood Control Zone District and Subzones Supplemental #3</th>
<th>Expenditures</th>
<th>Revenues</th>
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</thead>
<tbody>
<tr>
<td>Flood Control Zone District</td>
<td>114,000</td>
<td>-</td>
<td>114,000</td>
</tr>
<tr>
<td>Flood Control Zone District - Natural Resources</td>
<td>67,242</td>
<td>(6,724)</td>
<td>60,518</td>
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<tr>
<td>Flood Control Zone District - Natural Resources</td>
<td>30,440</td>
<td>(30,440)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td><strong>211,682</strong></td>
<td><strong>(37,164)</strong></td>
<td><strong>174,518</strong></td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: The Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Frank M. Abart, Public Works Director

FROM: Paula J. Cooper, River and Flood Manager
       Chris Brueske, Assistant Director

RE: FCZD 2013 Supplemental Budget Request – City of Everson Floodplain Property Acquisition

DATE: May 15, 2013

The attached Supplemental Budget Request (ID# 1536) is proposed to provide funding to the City of Everson towards acquisition of floodplain property along Main Street. At their April 11, 2013 meeting, the FCZD Advisory Committee unanimously supported a recommendation to approve the supplemental budget request.

The proposed supplement to the 2013 FCZD budget will:

- Increase budgeted expenditures by $114,000
- Impact the 2013 FCZD budget by a net increase of $114,000

Please contact Paula Cooper at extension 50625, if you have any questions or concerns regarding the terms of this supplemental budget request.

Encl
Supplemental Budget Request

Public Works

Flood Control Zone District

Supp ID # 1536

Fund 169

Cost Center 169114

Originator: Paula Cooper

Expenditure Type: One-Time

Year 1 2013

Add'l FTE □

Add'l Space □

Priority 1

Name of Request: Everson Property Acquisition

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>($114,000)</td>
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<tr>
<td>7220</td>
<td>Intergov Subsidies</td>
<td>$114,000</td>
</tr>
</tbody>
</table>

Request Total $0

1a. Description of request:

The City of Everson is pursuing acquisition of the property along Main Street that was formerly the golf course; the property is located in the overflow corridor of the Nooksack River and is subject to flooding that can be deep and fast-flowing. The property has an approved preliminary plat for a 48-lot residential subdivision; however, the City intends to acquire the property, rezone it for open space use, and develop it for recreational use. An Interlocal agreement will define the terms for future use, grading and construction of improvements to ensure they are consistent with the flood risk.

1b. Primary customers:

The property acquisition will eliminate the potential for 48 new homes in a hazardous part of the Nooksack River floodplain, benefiting the City of Everson and general public; both City and County residents will benefit from the future recreational site.

2. Problem to be solved:

The former golf course is zoned residential and the previous owner was able to get approval for a 48-lot subdivision, but was unable to develop it. The property went through foreclosure, and the City has entered into a purchase agreement with the bank and is trying to secure adequate funding to complete the acquisition. Once acquired the property will be downzoned to recreational open space, thereby eliminating the possibility that residences will be constructed in the floodplain.

3a. Options / Advantages:

From the FCZD perspective, the other option is to not provide a cost-share towards the purchase of the property, which may lead to the City being unable to complete the purchase. Future buyers other than the City would be more likely to move forward with developing the parcel, which ultimately would put more people, and private and public infrastructure in a hazardous area of the floodplain.

3b. Cost savings:

It is not possible to determine the cost of future flood damages that will be avoided by removing the development potential.

4a. Outcomes:

The property will be purchased within the next few months, once the interlocal agreement is executed, ensuring Everson has adequate funds.

4b. Measures:

The property will be acquired by Everson and rezoned to open space recreation, precluding future residential development

5a. Other Departments/Agencies:

The City of Everson is directly impacted, both by a reduction in the need for development review of the
Supplemental Budget Request

<table>
<thead>
<tr>
<th>Public Works</th>
<th>Flood Control Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supp ID #</strong></td>
<td><strong>Fund 169</strong></td>
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<tr>
<td><strong>Cost Center</strong></td>
<td><strong>169114</strong></td>
</tr>
<tr>
<td><strong>Originator:</strong></td>
<td><strong>Paula Cooper</strong></td>
</tr>
</tbody>
</table>

approved preliminary plat, and an increase in the need for development of park facilities.

Conservation Futures funding is also being considered for use in funding the property acquisition.

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

The Mayor of Everson

6. **Funding Source:**

The funding sources for the property acquisition are as follows:

- City of Everson funds - $18,000
- Conservation Futures funds - $228,000
- FCZD funds - $114,000

The FCZD funds are from the fund balance
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: May 17, 2013

Re: Supplemental Budget Request – Natural Resource Program Manager

Enclosed for your review and consideration is Supplemental Budget Request ID No. 1526 related to the addition of a Program Manager FTE in the Public Works Department.

Background and Purpose
The attached supplemental budget provides for the addition of a Program Manager in the Public Works Department to coordinate Water Resource Inventory Area (WRIA) 1 activities, including Planning Unit coordination, Watershed Management Plan implementation, water supply planning, salmon recovery and shellfish protection, and other natural resource functions. Water supply planning and natural resource management are crucial to the economic and environmental well-being of the community. This additional staff capacity will enhance Whatcom County’s ability to advance WRIA 1 activities and water supply planning.

Funding Amount and Source
The supplemental budget request is for $67,242 to provide for salary and benefits for the remainder of 2013. Approximately 90% of this funding is from the Flood Fund balance. The remaining 10% is split between the Road Fund and the Solid Waste Fund to reflect other duties of this position related to noxious weed management and solid waste.

The use of Flood Fund revenues for watershed management projects is specifically authorized in RCW 39.34.190.

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

Public Works

Natural Resources

<table>
<thead>
<tr>
<th>Supp'ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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<tbody>
<tr>
<td>1526</td>
<td>169</td>
<td>1691649</td>
<td>Chris Brueske</td>
</tr>
</tbody>
</table>

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

Name of Request: Program Manager - Natural Resources

Department Head Signature (Required on Hard Copy Submission) Date: 5/17/2013

Costs:

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<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<td>4349.4201</td>
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<td>4349.4209</td>
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<tr>
<td>6290</td>
<td>Applied Benefits</td>
<td>$27,217</td>
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</table>

Request Total: $0

1a. Description of request:

This supplemental budget request provides for the addition of a new working manager to coordinate Water Resource Inventory Area (WRIA) 1 activities including Planning Unit coordination, Watershed Management Plan implementation, water supply planning, salmon recovery and shellfish protection, and other natural resource functions.

1b. Primary customers:

The primary customers of the service are the citizens of Whatcom County. Water supply planning and natural resource management are crucial to the economic and environmental well-being of the community. Industry, agriculture, economic and community growth, and salmon restoration are inexorably linked by the need for a reliable, predictable, and clean water supply.

2. Problem to be solved:

This additional staff capacity will enhance Whatcom County’s ability to advance WRIA 1 activities and water supply planning. It will also streamline management of various natural resource functions including shellfish protection and salmon recovery.

3a. Options / Advantages:

As an alternative to the creation of this position, this role could conceivably be contracted out to a private entity. This would require a long-term commitment by a private entity to ensure that institutional history is maintained. The cost of contracting this role out would be approximately double the cost of creating the position.

3b. Cost savings:

Cost savings will be realized through enhanced efficiency and capacity to address long term water supply issues. The economic vitality of the County is dependent on effective management of water supply for industry, agriculture, growth, and environmental protection.

4a. Outcomes:

The outcome of this supplemental budget request would be an increased ability by the County to advance WRIA 1 activities, Watershed Management Plan implementation, and water supply planning. It would assist in building certainty around the availability of water for various competing uses. It would also increase the efficiency of the various natural resource initiatives that Public Works manages.

4b. Measures:
### Supplemental Budget Request

<table>
<thead>
<tr>
<th>Public Works</th>
<th>Natural Resources</th>
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</thead>
<tbody>
<tr>
<td>Supp/ID #</td>
<td>Fund 169</td>
</tr>
<tr>
<td></td>
<td>Cost Center 169119</td>
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<tr>
<td></td>
<td>Originator: Chris Brueske</td>
</tr>
</tbody>
</table>

N/A.

5a. Other Departments/Agencies:

This position will work closely with Whatcom County Planning and Development Services and the Whatcom County Health Department. It will also require close coordination with a wide range of agencies and stakeholders involved in the management of water supply, including the Washington State Department of Ecology, the Washington State Department of Health, the City of Bellingham, Public Utility District No. 1, the Lummi Nation, the Nooksack Tribe, the Conservation District, Farm Friends, and others.

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

Chris Brueske, Assistant Public Works Director, will be responsible for managing the new position.

6. Funding Source:

Flood fund balance, Solid Waste and Noxious Weed interfund transfers.
MEMORANDUM

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

THROUGH: Frank M. Abart, Public Works Director

FROM: Chris C. Brueske, P.E., Assistant Director

DATE: May 17, 2013

RE: Supplemental Budget Request

The Public Works Natural Resources Division is requesting supplemental budget authority for FY 2013. On March 26, 2013, the County Council approved a grant agreement between the Washington State Department of Health and Whatcom County to support a Pollution Identification and Control Program between February 2013 and April 2015. The attached supplemental budget formalizes the authority to expend these grant funds as follows during 2013:

- $30,440 to be added to the Natural Resources Cost Center, 169119.

- A temporary, part-time field staff position will be hired to assist with the water quality monitoring program for both routine and focus area monitoring. The monitoring program helps characterize water quality patterns at over 90 routine sites and will provide additional monitoring in focus areas to guide water quality improvement projects. The grant agreement fully funds this position with $13,440 in 2013.

- A community outreach and engagement strategy will be developed and implemented in focus areas with consistently elevated bacteria levels. The grant agreement provides an additional $7,000 in 2013 to support this task.

- The outreach strategy will include technical and financial assistance for agricultural best management practices for small farms through the Whatcom Conservation District. The grant agreement provides an additional $10,000 in 2013 to support these efforts.

Please contact Erika Douglas at extension 50692 if you have any questions or concerns regarding the expenditure of these grant funds.
Supplemental Budget Request

Public Works  Natural Resources

<table>
<thead>
<tr>
<th>Supp ID #</th>
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<th>Cost Center</th>
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<tr>
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<td>169</td>
<td>169119</td>
<td>Erika Douglas</td>
</tr>
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Expenditure Type: One-Time  Year: 2013  Add'1 FTE  Add'1 Space  Priority: 1

Name of Request: New DOH grant

Department Head Signature (Required on Hard Copy Submission)  Date: 5/26/2013

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<tr>
<td></td>
<td>($30,440)</td>
<td>$6,000</td>
<td>$5,440</td>
</tr>
</tbody>
</table>

Request Total: $0

1a. Description of request:

This supplemental budget request is to spend funds received through new grant funding to support enhanced water quality monitoring, community outreach, technical/financial assistance programs for landowners in watersheds with elevated bacteria levels in creeks and marine waters, and coordination with other local, state, tribal, and federal organizations working to improve water quality in Whatcom County. This includes a part-time field staff to assist with the water quality monitoring program.

1b. Primary customers:

The primary customers are the landowners in priority areas identified for water quality improvements in Whatcom County coastal drainages, community members and visitors that recreate in Whatcom County waterbodies, and shellfish harvesters (commercial, tribal, recreational).

2. Problem to be solved:

This grant funding will allow Whatcom County to evaluate elevated bacteria levels that have been observed in Drayton Harbor, Nooksack River, and Birch Bay watershed, resulting in closures or potential closures of shellfish growing areas. Priority areas for water quality improvements have been identified to assist with improving marine water quality and reopening or preventing the closure of shellfish growing areas as well as supporting other water-related recreational activities.

3a. Options / Advantages:

Grant funding provides greater opportunity to work with landowners to build knowledge about water quality patterns, identify community solutions in areas with the greatest problems, and provide assistance programs to help landowners implement water quality improvement projects. Without the grant funding, programs would focus on routine monitoring and limited outreach and assistance that is currently in the Public Works Natural Resources budget.

3b. Cost savings:

N/A.

4a. Outcomes:

This grant funding will result in a comprehensive local water quality database, enhanced monitoring in focus drainages, improved community outreach and engagement (neighborhood meetings and workshops, educational materials, technical and financial assistance programs), and implementation of

Monday, May 20, 2013
best management practices to improve water quality.

4b. Measures:
Measurements of the program's progress will include the number of participating landowners, the number of best management practices implemented or enhanced, and fecal coliform levels observed through the water quality monitoring program.

5a. Other Departments/Agencies:
This program will work with the Whatcom County Health Department, Planning and Development Services, Whatcom Conservation District, and the state departments of Health, Ecology, and Agriculture.

5b. Name the person in charge of implementation and what they are responsible for:
Chris Brueske, Assistant Public Works Director, will be responsible for project oversight. Erika Douglas, Whatcom County Natural Resources Senior Planner, will be responsible for project management, water quality monitoring, community outreach, and coordination with other departments and agencies to provide technical and financial assistance programs to landowners.

6. Funding Source:
Interagency agreement between the State of Washington Department of Health and Whatcom County (N19934, Whatcom County contract #201303006).
TITLE OF DOCUMENT: 2014 Supplemental Budget Request #1

ATTACHMENTS: Ordinance, Memoranda & Budget Modification Requests

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.)

Supplemental #1 requests funding from the General Fund:
1. To transfer appropriation authority of $60,731 from District Court Probation to District Court.
2. To appropriate $60,731 in District Court to fund 2014 budget adjustments from Probation transfer.
3. To transfer appropriation authority of $51,686 from Juvenile to Superior Court Administration and County Clerk.
4. To appropriate $1,765 County Clerk to fund 2014 Assigned Counsel closure day adjustment from Juvenile transfer.
5. To appropriate $24,767 in County Clerk to fund 2014 County Clerk closure day and Unrep pay increase adjustments from Juvenile transfer.
6. To appropriate $22,423 in Superior Court Administration to fund 2014 Superior Court Unrep pay increase adjustments from Juvenile transfer.
7. To appropriate $2,731 in Superior Court to fund 2014 Courthouse Facilitator closure day budget adjustments from Juvenile transfer.
8. To appropriate $17,719 in Treasurer to fund 2014 closure day and Unrep pay increase adjustments from new fee for service revenues.
From the Mental Health / Chemical Dependency Fund:
9. To reduce Drug Court appropriation by $21,340 due to decrease in grant funding.
From the Emergency Management Fund:
10. To appropriate $1,125 to fund closure day adjustment in Emergency Management Division.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:  Related File Numbers:  Ordinance or Resolution Number:
ORDINANCE NO.
AMENDMENT NO. 1 OF THE 2014 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 2014 budget included therein:

<table>
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<th></th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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</thead>
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<tr>
<td>Treasurer</td>
<td>17,719</td>
<td>(17,719)</td>
<td>-</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>17,719</td>
<td>(17,719)</td>
<td>-</td>
</tr>
<tr>
<td>Mental Health/Chemical Dependency Fund</td>
<td>(21,340)</td>
<td>21,340</td>
<td>-</td>
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<tr>
<td>Emergency Management Fund</td>
<td>1,125</td>
<td>-</td>
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<tr>
<td>Total Supplemental</td>
<td>2,496</td>
<td>3,621</td>
<td>1,125</td>
</tr>
</tbody>
</table>

ADOPTED this ____ day of ______________________, 2013.

ATTEST:

Dana Brown-Davis, Council Clerk

Kathy Kershner, Chair of the Council

APPROVED AS TO FORM:

Daniel L. Nord

Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, County Executive

Date: ____________________

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
## Summary of the 2014 Supplemental Budget Ordinance No. 1

<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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>District Court Probation</td>
<td>To transfer appropriation authority to District Court.</td>
<td>(60,731)</td>
<td>-</td>
<td>(60,731)</td>
</tr>
<tr>
<td>District Court</td>
<td>To fund 2014 budget adjustments from Probation transfer.</td>
<td>60,731</td>
<td>-</td>
<td>60,731</td>
</tr>
<tr>
<td>Juvenile</td>
<td>To transfer appropriation authority to Superior Court Administration and County Clerk.</td>
<td>(51,686)</td>
<td>-</td>
<td>(51,686)</td>
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<tr>
<td>County Clerk</td>
<td>To fund 2014 Assigned Counsel closure day adjustments from Juvenile transfer.</td>
<td>1,765</td>
<td>-</td>
<td>1,765</td>
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<tr>
<td>County Clerk</td>
<td>To fund 2014 County Clerk closure day and Unrep pay increase budget adjustments from Juvenile transfer.</td>
<td>24,767</td>
<td>-</td>
<td>24,767</td>
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<tr>
<td>Superior Court Administration</td>
<td>To fund Superior Court Unrep pay increase adjustments from Juvenile transfer.</td>
<td>22,423</td>
<td>-</td>
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<td>Superior Court Administration</td>
<td>To fund Superior Court - Courthouse Facilitator closure day budget adjustments from Juvenile transfer.</td>
<td>2,731</td>
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<td>Treasurer</td>
<td>To fund 2014 closure day and Unrep pay increase adjustments from new fee for service revenues.</td>
<td>17,719</td>
<td>(17,719)</td>
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<tr>
<td><strong>Total General Fund</strong></td>
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<td>17,719</td>
<td>(17,719)</td>
<td>-</td>
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<tr>
<td>Mental Health/Chemical Dependency Fund - Superior Court Administration</td>
<td>To reduce Drug Court appropriation due to decrease in grant funding.</td>
<td>(21,340)</td>
<td>21,340</td>
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<td><strong>Emergency Management Fund</strong></td>
<td>To fund closure day adjustment.</td>
<td>1,125</td>
<td>-</td>
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<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td>(2,496)</td>
<td>3,621</td>
<td>1,125</td>
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</table>
Supplemental Budget Request

District Court Probation

<table>
<thead>
<tr>
<th>Supp ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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</thead>
<tbody>
<tr>
<td>1520</td>
<td>1</td>
<td>1310</td>
<td>Bruce Van Glubt</td>
</tr>
</tbody>
</table>

Expenditure Type: Ongoing  Year 2  2014  Add'l FTE ☐  Add'l Space ☐  Priority 1

Name of Request: 2014 District Court Probation Bgt Adjustments

X

Department Head Signature (Required on Hard Copy Submission)  5/3/13

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
<tr>
<td>2910.1000</td>
<td>Fund Balance</td>
<td>$60,731</td>
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<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
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<td>Retirement</td>
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<td>Social Security</td>
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<td>6245</td>
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<td>6255</td>
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<tr>
<td>6259</td>
<td>Worker's Comp-Interfund</td>
<td>($728)</td>
</tr>
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</table>

Request Total: $0

1a. Description of request:
Close one vacant Probation Officer position for a total savings of $90,662. $29,931 of this amount will be used in the department to cover the elimination of 6 closure days and unrepresented employee wage increases. We request that the remaining $60,731 be added to the District Court budget to cover its closure day elimination and unrepresented wage increase adjustments ($22,421). The excess amount of $38,310 will be used to increase line items where shortfalls occur. (see related District Court suppl ID 1521)

1b. Primary customers:

2. Problem to be solved:
Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2014 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority.

3a. Options / Advantages:
It has been determined that the Probation Department can successfully absorb this reduction.

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
This proposal will also provide for amounts needed in the District Court budget.

5b. Name the person in charge of implementation and what they are responsible for:
Bruce Van Glubt, District Court and District Court Probation Administrator
Supplemental Budget Request

Status: Pending

District Court Probation

Supp# ID # 1520  Fund 1  Cost Center 1310  Originator: Bruce Van Glubt

6. Funding Source:
   Elimination of a position.
Supplemental Budget Request

District Court

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
<th>Expenditure Type</th>
<th>Year</th>
<th>Add'l FTE</th>
<th>Add'l Space</th>
<th>Priority</th>
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<tr>
<td>1521</td>
<td>1</td>
<td>1300</td>
<td>Bruce Van Glub/M Caldwell</td>
<td>Ongoing</td>
<td>2014</td>
<td></td>
<td></td>
<td>1</td>
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</table>

**Name of Request:** 2014 District Court Bgt Adjustments

Department Head Signature (Required on Hard Copy Submission)

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
<th>Object Description</th>
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<td>6719</td>
<td>Postage-Interfund</td>
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<td>$5,000</td>
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</table>

**Request Total** $0

1a. **Description of request:**

Add $60,731 to District Court's budget to cover the $22,421 needed as a result of the elimination of 2014 closure days and unrepresented wage increases. The remaining $38,310 will be used to increase the budget for specific line items where we frequently encounter shortfalls. These line items include: Extra Help/Pro Tems, Judge's Legal Publications, Interpreter Services and Postage. Funding will come from the elimination of a vacant Probation Officer position in District Court Probation. (see related District Court Probation suppl ID 1520)

1b. **Primary customers:**

N/A

2. **Problem to be solved:**

Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2014 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority.

In addition, due to multi-year budget constraints, District Court has been unable to ask for Additional Service Requests for areas of its operations that have traditionally needed more funding.

3a. **Options / Advantages:**

It has been determined that the Probation Department can successfully absorb the reduction and this option will meet both departments' needs.

3b. **Cost savings:**

N/A

4a. **Outcomes:**

N/A

4b. **Measures:**

Wednesday, May 01, 2013
### Supplemental Budget Request

**District Court**

- **Supp'ID #**: 1521  
- **Fund**: 1  
- **Cost Center**: 1300  
- **Originator**: Bruce Van Glubit/M Caldwell  

N/A

**5a. Other Departments/Agencies:**
- District Court Probation will decrease one Probation Officer position.

**5b. Name the person in charge of implementation and what they are responsible for:**
- Bruce Van Glubit, District Court and District Court Probation Administrator

**6. Funding Source:**
- District Court Probation budget authority.

---

*Wednesday, May 01, 2013*
Supplemental Budget Request

Juvenile Administration

Supp'1 ID # 1529 Fund 1 Cost Center 1900 Originator: D Reynolds/M Caldwell

Expenditure Type: Ongoing Year 2 2014 Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: 2014 Juvenile Trf to Superior Ct/Clerk

Department Head Signature (Required on Hard Copy Submission) Date

X 5/6/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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</thead>
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<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td></td>
<td>($24,767)</td>
</tr>
<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td></td>
<td>($1,765)</td>
</tr>
<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td></td>
<td>($22,423)</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$0</td>
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</tbody>
</table>

1a. Description of request:
Transfer $22,423 of budget authority to Superior Court Administration (cost center 3100), $2,731 to Superior Court Administration - Courthouse Facilitators (cost center 3160), $1,765 to County Clerk - Assigned Counsel (cost center 3140), and $24,767 to County Clerk (cost center 3150) to cover 2014 reinstatement of closure day costs for the Master Bargaining Unit and Unrep wage increase in those departments. (see related supplemental IDs 1530, 1531, 1532, & 1533 for Superior Court Administration and County Clerk)

1b. Primary customers:
Staff

2. Problem to be solved:
Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2014 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. Juvenile, Superior Court Administration and County Clerk are jointly managed departments. The Director of Superior Court Administration proposes to eliminate 2 vacant positions in Juvenile and use the wage and benefit savings to fund the closure day/Unrep pay increase adjustments in all three departments. This supplemental will decrease the Juvenile budget to enable the addition of the budget authority in County Clerk and Superior Court Administration.

3a. Options / Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
This supplemental request will enable the budget authority in Superior Court Administration and County Clerk to be increased to cover closure days/Unrep wage increases.

Wednesday, May 01, 2013
5b. Name the person in charge of implementation and what they are responsible for:
   Dave Reynolds, Director of Superior Court Administration, manages all three budgets.

6. Funding Source:
   Eliminated positions
1a. Description of request:
Increase the wage budget in County Clerk - Assigned Counsel by decreasing the wage budget in Juvenile for no net change to the General Fund. See related Juvenile supplemental ID 1529.

1b. Primary customers:
Staff

2. Problem to be solved:
Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2014 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. Juvenile, Superior Court Administration and County Clerk are jointly managed departments. The Director of Superior Court Administration proposes to eliminate 2 vacant positions in Juvenile and use the wage and benefit savings to fund the closure day/Unrep pay increase adjustments in all three departments. This supplemental will add $1,765 to the County Clerk - Assigned Counsel wage budget to provide the amount needed for 2014 elimination of closure days.

3a. Options / Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
This supplemental request relies on a corresponding reduction in the Juvenile Court Administration budget so that there will be a net zero effect to the General Fund. This will be accomplished through Juvenile supplemental ID 1529.

5b. Name the person in charge of implementation and what they are responsible for:
Dave Reynolds, Director of Superior Court Administration, manages all three budgets.

6. Funding Source:

Tuesday, April 30, 2013
Supplemental Budget Request

County Clerk

Supp'l ID # 1532  Fund 1  Cost Center 3140  Originator: D Reynolds/M Caldwell

eliminated positions in Juvenile budget
Supplemental Budget Request

County Clerk

Fund 1 Cost Center 3150 Originator: D Reynolds/M Caldwell

Expenditure Type: Ongoing Year 2 2014 Add’l FTE □ Add’l Space □ Priority 1

Name of Request: 2014 County Clerk budget adjustments

X

Department Head Signature (Required on Hard Copy Submission) Date 5-6-17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>2910.1000</td>
<td>Fund Balance</td>
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</tr>
<tr>
<td></td>
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<td>Social Security</td>
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</table>

1a. Description of request:
Increase the wage budget in County Clerk by decreasing the wage budget in Juvenile for no net change to the General Fund. See related Juvenile supplemental ID 1529.

1b. Primary customers:
Staff

2. Problem to be solved:
Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2014 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. Juvenile, Superior Court Administration and County Clerk are jointly managed departments. The Director of Superior Court Administration proposes to eliminate 2 vacant positions in Juvenile and use the wage and benefit savings to fund the closure day/Unrep pay increase adjustments in all three departments. This supplemental will add $24,767 to the County Clerk wage budget to provide the amount needed for 2014 elimination of closure days and Unrep pay increases.

3a. Options / Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
This supplemental request relies on a corresponding reduction in the Juvenile Court Administration budget so that there will be a net zero effect to the General Fund. This will be accomplished through Juvenile supplemental ID 1529.

5b. Name the person in charge of implementation and what they are responsible for:
Dave Reynolds, Director of Superior Court Administration, manages all three budgets.

6. Funding Source:

Tuesday, April 30, 2013
Supplemental Budget Request

<table>
<thead>
<tr>
<th>Supp Inv #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1533</td>
<td>1</td>
<td>3150</td>
<td>D Reynolds/M Caldwell</td>
</tr>
</tbody>
</table>

eliminated positions in Juvenile budget
Supplemental Budget Request

Status: Pending

Superior Court

Supp# ID # 1530  Fund 1  Cost Center 3100  Originator: D Reynolds/M Caldwell

Expenditure Type: Ongoing  Year: 2014  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: 2014 Superior Court Bgt Adjustments

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
<th>Object Description</th>
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1a. Description of request:
Increase the wage budget in Superior Court Administration by decreasing the wage budget in Juvenile for no net change to the General Fund. See related Juvenile supplemental ID 1529.

1b. Primary customers:
Staff

2. Problem to be solved:
Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2014 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. Juvenile, Superior Court Administration and County Clerk are jointly managed departments. The Director of Superior Court Administration proposes to eliminate 2 vacant positions in Juvenile and use the wage and benefit savings to fund the closure day/Unrep pay increase adjustments in all three departments. This supplemental will add $22,423 to the Superior Court Administration wage budget to provide the amount needed for 2014 Unrep wage increases.

3a. Options / Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
This supplemental request relies on a corresponding reduction in the Juvenile Court Administration budget so that there will be a net zero effect to the General Fund. This will be accomplished through Juvenile supplemental ID 1529.

5b. Name the person in charge of implementation and what they are responsible for:
Dave Reynolds, Director of Superior Court Administration, manages all three budgets.

6. Funding Source:

Tuesday, April 30, 2013
<table>
<thead>
<tr>
<th>Supp ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
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<tbody>
<tr>
<td>1530</td>
<td>1</td>
<td>3100</td>
<td>D Reynolds/M Caldwell</td>
</tr>
</tbody>
</table>

eliminated positions in Juvenile budget
Supplemental Budget Request

Superior Court

Fund 1  Cost Center 3160  Originator: D Reynolds/M Caldwell

Expenditure Type: Ongoing  Year 2 2014  Add'l Space  ☐  Priority 1

Name of Request: 2014 Superior Court - CH Facilitator Bgt Adj

[Signature]  5-6-13
Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>2910.1000</td>
<td>Fund Balance</td>
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</tr>
<tr>
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<td>Regular Salaries &amp; Wages</td>
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</table>

1a. Description of request:
Increase the wage budget in Superior Court Administration - Courthouse Facilitators by decreasing the wage budget in Juvenile for no net change to the General Fund. See related Juvenile supplemental ID 1529.

1b. Primary customers:
Staff

2. Problem to be solved:
Due to the elimination of closure days and increases in unrepresented employee wages, staffing costs will exceed the 2014 adopted budget. Executive recommended and Council approved budget guidelines state that staffing costs which exceed budget are required to be funded within departmental budget authority. Juvenile, Superior Court Administration and County Clerk are jointly managed departments. The Director of Superior Court Administration proposes to eliminate 2 vacant positions in Juvenile and use the wage and benefit savings to fund the closure day/Unrep pay increase adjustments in all three departments. This supplemental will add $2,731 to the Superior Court Administration - Courthouse Facilitators wage budget to provide the amount needed for 2014 elimination of closure days.

3a. Options / Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
This supplemental request relies on a corresponding reduction in the Juvenile Court Administration budget so that there will be a net zero effect to the General Fund. This will be accomplished through Juvenile supplemental ID 1529.

5b. Name the person in charge of implementation and what they are responsible for:
Dave Reynolds, Director of Superior Court Administration, manages all three budgets.

6. Funding Source:

Tuesday, April 30, 2013
**Supplemental Budget Request**

**Status:** Pending

**Superior Court**

<table>
<thead>
<tr>
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<td>3160</td>
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</tbody>
</table>

eliminated positions in Juvenile budget
Supplemental Budget Request

Treasurer

Suppl ID #: 1490    Fund: 1    Cost Center: 3300    Originator: S Oliver

Expenditure Type: One-Time    Year: 2014    Add'l FTE:    Add'l Space:    Priority: 1

Name of Request: Treasurer Closure Day/Unrep Inc Coverage-2014

X

Date: 5/9/13

Department Head Signature (Required on Hard Copy Submission)

<table>
<thead>
<tr>
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<th>Amount Requested</th>
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<td>Social Security</td>
<td></td>
<td>$1,157</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:
Charge new fees for service to the Health Department, Public Works, special purpose taxing districts and other County departments that were not contemplated at the time of the budget adoption. This will be new, sustainable revenues. For example, we will be collecting nearly $12,000 annually in billing and collection fees from the Health Department for services relating to the OSS fees billed on the property tax statement. I expect these new fees to offset all of the increased costs; however, in the event that they don’t meet the budgetary need, I will provide supplemental revenues to the Current Expense Fund from the Treasurer’s O&M fund as allowed by statute. We currently reimburse the Current Expense Fund a fixed amount annually now, and would propose a small increase to this reimbursement if necessary.

1b. Primary customers:
Entities & Departments to whom services are provided.

2. Problem to be solved:
This request is in response to the Executive’s request for budgetary solutions to cover reinstatement of represented employee closure days and provide a salary increase for unrepresented employees.

3a. Options / Advantages:

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
Entities & Departments to whom Treasurer’s Office provides services will start paying fees for those services.

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

6. Funding Source:
New fees

Wednesday, May 01, 2013
Supplemental Budget Request

Status: Pending

Superior Court

Supp'l ID # 1565  Fund 124  Cost Center 124200  Originator: Dave Reynolds

Expenditure Type: One-Time  Year 2  2014  Add'l FTE ☐  Add'l Space ☐  Priority 1

Name of Request: Drug Court Budget Reduction 2014

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4333.1601</td>
<td>JAG/BYRNE Grant</td>
<td>$21,340</td>
</tr>
<tr>
<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td>($21,340)</td>
</tr>
</tbody>
</table>

Request Total $0

1a. Description of request:
Reduce Drug Court budget by the amount of reduced revenue.

1b. Primary customers:
N/A

2. Problem to be solved:
Superior Court Administration is eliminating the Drug Court Coordinator’s position in response to budget adjustments needed to fund reinstatement of closure days in 2014 and loss of grant revenue which previously funded that position. Excess eliminated position budget authority of $71,790 over and above the amount of the closure day reinstatement and loss of grant revenue will be redistributed within the Drug Court/Family Treatment Court program cost centers.

3a. Options / Advantages:
N/A

3b. Cost savings:
N/A

4a. Outcomes:
N/A

4b. Measures:
N/A

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
N/A

Tuesday, April 30, 2013

Rpt: Rpt #20, Regular
Supplemental Budget Request

Sheriff Emergency Management

Supp1 ID #: 1432 Fund: 167 Cost Center: 16773
Originator: Sheriff Office

Expenditure Type: One-Time Year: 2014 Add’l FTE Add’l Space Priority: 1

Name of Request: Reinstall EMPG closure day budget - 2014

X
Department Head Signature (Required on Hard Copy Submission) Date: 5/17/13

Costs: Object | Object Description | Amount Requested
--- | --- | ---
2910.1000 | Fund Balance | ($1,125)
6110 | Regular Salaries & Wages | $963
6210 | Retirement | $88
6230 | Social Security | $74

Request Total: $0

1a. Description of request:
Reinstall closure day budget for Clerk IV position covered by grant funding in Emergency Management Division.

1b. Primary customers:

2. Problem to be solved:
All budgets were reduced during the biennial budget process for the effect of 6 closure days. The closure days will not take place and this staff member is fully funded by federal grant funding. The full amount of grant funding is already in the budget, the expenditure budget needs to be reinstated.

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Federal EMPG grant.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
---|---|---|---|---|---|
Originator: | | | | 6/4/13 | Introduction |
Division Head: | | | | 6/18/13 | Finance/Council |
Dept. Head: | | 5/22/13 | | | |
Prosecutor: | | | | | |
Purchasing/Budget: | | 5/14/13 | | | |
Executive: | | | | 5/24/13 | |

TITLE OF DOCUMENT:
Ordinance Rescinding Ordinance 87-86 and Closing the Drug Task Force Revolving Bank Account

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.)

Ordinance 87-86 established the Drug Task Force Fund (150) as a special fund for the purpose of tracking indirect grant funds received from the Bureau of Justice Assistance. The Ordinance also established a revolving bank account in the amount of $10,000. Fund 150 has been dissolved and the revolving bank account is duplicative and unnecessary. The Sheriff’s Office wants to rescind Ordinance 87-86, close the revolving bank account and deposit any residual funds into the Whatcom County Drug Fund (165).

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. ______
An Ordinance Rescinding Ordinance 87-86
And Closing the Drug Task Force Revolving Bank Account

WHEREAS, Ordinance 87-86 established the Drug Task Force Fund as a special revenue fund for
the purpose of tracking indirect grant funds received from the Bureau of Justice Assistance; and

WHEREAS, Ordinance 87-86 established the Drug Task Force Revolving Account in the amount
of $10,000 to act as a drug “buy” fund with the County Sheriff as the custodian; and

WHEREAS, Fund 150 established by Ordinance 87-86 was dissolved on January 30, 2013, by
ordinance; and

WHEREAS, changing operational requirements make the Drug Task Force Revolving Account
duplicative and unnecessary; and

WHEREAS, any cash balance in the Drug Task Force Revolving Account may be transferred to
fund 165, the Whatcom County Drug Fund;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Ordinance
87-86 be and is hereby rescinded; and

BE IT FURTHER ORDAINED that the Whatcom County Sheriff’s Office bank account
referenced herein shall be closed and that any residual funds be deposited in the Whatcom County Drug
Funds (165).

ADOPTED this ___ day of __________, 20__.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

Liz Gallery, Senior Deputy Prosecutor
Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: ______________________
To: Jack Louws, County Executive
From: Bill Elfo, Sheriff
Date: May 24, 2013

RE: Proposed Ordinance Change submission for upcoming Council Agenda

Attached is a proposed ordinance and agenda bill for rescinding a 1987 ordinance that established a petty cash fund, managed by the Sheriff’s Office, used to supply investigative money to the Drug Task Force.

The WA State Auditor previously recommended that we eliminate this revolving fund due to operational changes, and a duplicative process between petty cash funds. We have also found that by eliminating this fund we will reduce associated accounting and paperwork, and streamline the process while maintaining the degree of accountability and oversight necessary. Investigative funds can be dispersed and accounted for directly to the task force from fund 165 which eliminates the need for the extra revolving account and supporting fund established by Ordinance 87-86. We have worked closely with the State Auditor’s Office to make sure that the new procedure will meet the appropriate requirements.

If you have any questions please feel free to contact Undersheriff Parks at ext. 50418.