### WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td></td>
<td>1/6/2014</td>
<td></td>
<td>1/14/2014</td>
<td>COTW</td>
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<tr>
<td>Division Head:</td>
<td></td>
<td></td>
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<td>1/28/2014</td>
<td>Committees</td>
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<tr>
<td>Dept. Head:</td>
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<tr>
<td>Prosecutor:</td>
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<tr>
<td>Purchasing/Budget:</td>
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<tr>
<td>Executive:</td>
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</table>

**TITLE OF DOCUMENT:**

2014 Reorganization of Whatcom County Approved Council

**ATTACHMENTS:**

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

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

2014 Reorganization of Whatcom County Approved Council

**COMMITTEE ACTION:**

1/14/2014: Council appointed Chair, Vice-Chair, Executive Pro-Tempore and selected committee assignments

**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.
## County Council Committee Assignments

<table>
<thead>
<tr>
<th>Standing Committees:</th>
<th>1st Dist:</th>
<th>2nd Dist:</th>
<th>3rd Dist:</th>
<th>At Large:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance &amp; Administrative Services</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chair of Finance Committee will act as Council Representative to What-Comm</strong></td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
</tr>
<tr>
<td>Planning &amp; Development</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
</tr>
<tr>
<td>Public Works, Health and Safety</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
</tr>
<tr>
<td>Natural Resources</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
</tr>
<tr>
<td><strong>Select 2 Natural Resource Committee members as Representatives to Lake Whatcom Policy Group:</strong></td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
</tr>
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## Other Committee Assignments

<table>
<thead>
<tr>
<th>Other Committee Assignments</th>
<th>1st Dist:</th>
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<tbody>
<tr>
<td>Bellingham International Airport Advisory</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
</tr>
<tr>
<td>Council of Governments (COG) (2)</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
</tr>
<tr>
<td>Birch Bay Shellfish Protection District Advisory Committee</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
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<td>At Large:</td>
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<tr>
<td>Developmental Disabilities Board</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
</tr>
<tr>
<td>Drayton Harbor Shellfish Protection District</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
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<tr>
<td>Flood Control Zone Committee (Ex Officio)</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
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<tr>
<td>Intergovernmental Tribal Relations Committee (2)</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
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<tr>
<td>Integrated Behavioral Health Advisory Board (replaces Mental Health &amp; Substance Abuse Advisory Committees)</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
</tr>
<tr>
<td>LEOFF Board</td>
<td>1st Dist:</td>
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<td>3rd Dist:</td>
<td>At Large:</td>
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<tr>
<td>Local Emergency Planning Committee (LEPC)</td>
<td>1st Dist:</td>
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<td>3rd Dist:</td>
<td>At Large:</td>
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<tr>
<td>Marine Resources Committee</td>
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<td>3rd Dist:</td>
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<tr>
<td>EMS Oversight Board</td>
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<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
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## Alternate Representative

<table>
<thead>
<tr>
<th>Alternate Representative</th>
<th>1st Dist:</th>
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<tr>
<td>North Sound Mental Health Administration</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
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<td>At Large:</td>
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<tr>
<td>Northwest Clean Air Agency</td>
<td>1st Dist:</td>
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<tr>
<td>Northwest Regional Council (NWRC)</td>
<td>1st Dist:</td>
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<tr>
<td>Opportunity Council</td>
<td>1st Dist:</td>
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<td>3rd Dist:</td>
<td>At Large:</td>
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<tr>
<td>Portage Bay Shellfish Protection District</td>
<td>1st Dist:</td>
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<td>At Large:</td>
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<tr>
<td>Public Defence Advisory</td>
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<td>2nd Dist:</td>
<td>3rd Dist:</td>
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<tr>
<td>Public Health Advisory Board</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
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<tr>
<td>Solid Waste Advisory</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
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<tr>
<td>WSAC Legislative Steering Committee</td>
<td>1st Dist:</td>
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<td>3rd Dist:</td>
<td>At Large:</td>
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<tr>
<td>Whatcom Transit Authority</td>
<td>1st Dist:</td>
<td>2nd Dist:</td>
<td>3rd Dist:</td>
<td>At Large:</td>
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</table>
### CLEARANCES

<table>
<thead>
<tr>
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<th>Date</th>
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<tbody>
<tr>
<td>Mike McFar</td>
<td></td>
<td>1/21/2014</td>
<td></td>
<td></td>
<td>Natural Resources</td>
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</tbody>
</table>

**Division Head:**

**Dept. Head:**

**Prosecutor:**

**Purchasing/Budget:**

**Executive:**

### TITLE OF DOCUMENT:

Presentation Lummi Island Heritage Trust property acquisition for conservation

### 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.)

Presentation by the Lummi Island Heritage Trust and Whatcom County Parks regarding a potential acquisition of property on Lummi Island for conservation and recreation uses

### 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).
Presentation Summary
January 28, 2014
Whatcom County Council – Natural Resources Committee

Rebecca Rettmer
Executive Director, Lummi Island Heritage Trust

Mike McFarlane
Director, Whatcom County Parks & Recreation

Lummi Island Heritage Trust is a non-profit land conservation organization that works to create a legacy of abundant open space, native habitat, and natural resources on Lummi Island by inspiring people to protect and care for the island’s farms, forests, wetlands and shorelines forever.

In its 15 year history, the Heritage Trust has conserved 853 acres of land on Lummi Island by fee acquisition, donation, or conservation easements. The Trust owns and manages three preserves as natural areas with public access, and provides stewardship and monitoring for sixteen private conservation easements.

Currently, the Trust is working toward the purchase and protection of a 105 acre shoreline property of local, county-wide and regional significance. This property contains over 3,000 feet of saltwater shoreline, including pocket beaches and critical nearshore habitat. The upland area includes about 80 acres of forestland and wildlife habitat, and a soon to be abandoned quarry. Following reclamation and restoration of the site, the property will be ideal for a low impact saltwater access recreation area. The area is visible from Hale Passage, Chuckanut Drive, and Bellingham. The property is now in receivership.

Lummi Island Heritage Trust envisions a project with three phases – acquisition, restoration and development for public access – and will discuss opportunities for partnering with Whatcom County during the January 28, 2014 Natural Resources Committee work session.
WHITCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

Originator: twh 1/17/14
Division Head:
Dept. Head:
Prosecutor:
Purchasing/Budget:
Executive:

AGENDA DATE:
1/28/14

ASSIGNED TO:
Finance

TITLE OF DOCUMENT: WWU – Small Business Development Centers 2013 year-end report

ATTACHMENTS:
Power point slides
2013 year end SBDC Report

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.)

Presentation of the 2013 results related to the Economic Development Interlocal between the Port of Bellingham, City of Bellingham and Whatcom County for the provision of economic development services to assist local business with business retention, expansion and new business start-ups.

COMMITTEE ACTION:

COUNCIL ACTION:

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

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SBDC Collaborative Partnership
of 1000 in US
U.S. Small Business Administration
Washington State University
Western Washington University
Whatcom County
Port of Bellingham
City of Bellingham

SBDC Purpose
To foster success in business by empowering owners and managers with knowledge, insight & solutions.

No Cost, Confidential, Professional Business Advising
Research, Resources, and Training

"Shaping the economic future of our region...one business at a time."

SBDC State Network
23 SBDC centers in Washington State - 34 advisors
SBDC Ethics

Strict Confidentiality
No Competition with Fee Business Services: Consultant, Accountant, Attorney
No Referrals Made with Outside interest
Client Verification of Impacts
ASBDC Accreditation
SBA Audit & Site Visit
Chrisman Survey

Business Assistance Available

- Financial Review and Planning
- Operational Analysis
- Market Analysis & Strategy
- Competitor & Market Research
- Feasibility Analysis
- Technology Assessment
- Human Resources
- Business Plan Development
- International Trade Planning
- Loan Proposal Development

What is a Small Business?

- A for-profit business with less than 500 employees
- Construction companies with less than $27.5 million in sales

In Whatcom County...

Based on the number of firms: 98.4% of all businesses in the County are considered small businesses

Whatcom County's Diverse Economy

<table>
<thead>
<tr>
<th>Industry</th>
<th>Total Jobs</th>
<th>% of Total</th>
<th>Total Wages</th>
<th>% of Total</th>
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<tbody>
<tr>
<td>Manufacturing</td>
<td>7,176</td>
<td>2%</td>
<td>110,980,000</td>
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<tr>
<td>Wholesale</td>
<td>1,949</td>
<td>2%</td>
<td>38,871,969</td>
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<tr>
<td>Food &amp; Beverage</td>
<td>498</td>
<td>1%</td>
<td>24,623,190</td>
<td>1%</td>
</tr>
<tr>
<td>Support &amp; Storage</td>
<td>413</td>
<td>1%</td>
<td>22,852,821</td>
<td>1%</td>
</tr>
<tr>
<td>Health Care &amp; Social Assistance</td>
<td>1,252</td>
<td>3%</td>
<td>15,151,564</td>
<td>2%</td>
</tr>
<tr>
<td>Professional &amp; Technical Services</td>
<td>1,090</td>
<td>2%</td>
<td>24,619,705</td>
<td>3%</td>
</tr>
<tr>
<td>Administrative &amp; Trade Services</td>
<td>3,016</td>
<td>6%</td>
<td>64,045,760</td>
<td>10%</td>
</tr>
<tr>
<td>Manufacturing &amp; Trade Services</td>
<td>2,322</td>
<td>3%</td>
<td>26,175,404</td>
<td>4%</td>
</tr>
<tr>
<td>Information</td>
<td>1,899</td>
<td>2%</td>
<td>16,995,958</td>
<td>3%</td>
</tr>
<tr>
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<td>1,252</td>
<td>3%</td>
<td>15,151,564</td>
<td>2%</td>
</tr>
<tr>
<td>Total</td>
<td>76,779</td>
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<td>1,056,319,909</td>
<td>100%</td>
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</table>

*Data source: County of Whatcom, 2014, Economic Census, 2012 & Countywide

1/16/2014
Types of Business Clients Served

Expansion 48%
Retention 31%
Startup 34%

Average Years in Business - 7

Business inquiries about locating in Whatcom County 5%

Expansion

Main Industries: Manufacturing, Professional/Technical Transportation & Warehousing, Retail, Other Services

Top Issues: Marketing & Sales, Financial Analysis & Cost Control (Cash Flow Projections/Analysis & Business Valuation), Sources of Capital (Loan Package Development)

Client Example:
Retail, 9 Employees, $20M in Annual Sales, Exporting
“The information & help your organization has given us is highly valuable! Eric, Wade and crew are fabulous and we are so fortunate to have them in our community of Bellingham. I recommend them and the work they do often for many companies. I met with our advisor a couple of months ago, he is so important to our team. I am thankful one again for their services to our company”

Retention

Main Industries: Retail, Food Service, Other Services, Manufacturing Professional/Technical, Construction

Top Issues: Financial Analysis & Cost Control (Cash Flow Projections/Analysis & Business Valuation), Start-up/Acquisition Marketing & Sales (Advertising and Promotion & Market Penetration)

Client Example:
Construction, 6 employees, $1.5 MM Annual Revenue

“I am very optimistic heading into 2013! I have implemented much of your advice into my business planning and would have to say that your advice is one of the reasons why we made it through a very difficult time.”

Startup

Main Industries: Other Services, Accommodation & Food, Arts & Entertainment, Retail, Healthcare, Manufacturing

Top Issues: Business Start-up (Business Planning & Legal Assistance), Sources of Capital (Loan Package Development) Marketing & Sales (Promotion & Pricing Strategy)

Client Example:
Manufacturing, Capital Formation of S80K

“Thank you so much for your help and guidance with our business plan! Your advice and expertise made a huge difference”
Key Findings

Top Needs for Services Clients:

- Business Startup & Acquisition 32%
- Marketing & Sales 30%
- Financial Analysis & Cost Control 15%
- Sources of Capital 13%
- Personnel/Human Resources 9%

- Top areas of interest from inquiries Startup, Resources

How Success is Measured

Client Capital Formation
Saved or Created Jobs
Client Sales

Hours of service provided

2013 SBDC Summary

- Total distinct businesses/entrepreneurs served: 973 Clients, Inquiries, Trainings
- Total distinct business clients served: 441
  - Retention of Existing Business Work = 137 clients
  - Expansion of Existing Business Work = 158 clients
  - Start Up Business Work = 146 clients
- Total Hours Provided = 2442
- Clients reported average sales increase of 48%

Questions?

- Jennifer Shelton
  - Director, MBA, CBA, CGBP
  - Western Washington University
  - University Relations
  - Small Business Development Center
  - 360-778-1761
  - SBDC@wwu.edu
WWU SBDC work with Whatcom County Businesses 2013

WWU SBDC FINAL REPORT SCOPE OF WORK 2013

2013 OVERALL SBDC WORK WITH BUSINESSES
Total Distinct Businesses Served 973 (441 + 532 distinct businesses & trainees) Goal 750
Total Distinct Business Clients Served 441 Goal 250
Total Direct Counseling Hours 2442 Goal 2250
Total Support Hours 900 Goal est. 1000

The average years in business of clients working with the SBDC was 8.2 years.

Retention of Existing Business Work
Direct Counseling to: Total 137 Businesses Goal: 100
Dedicated counseling Hours of: Total 556 Hours Goal 1000
Support Hours (Student & SBDCnet research) Approx. 450 Hours Goal 500
Total Hours Total 1006 Goal 1500

*Retention work was down from previous years, which is a positive trend. We ended up with more expansion & startup clients

Main industries that sought retention assistance by city:
- Bellingham: Retail Trade, Pro, Scientific, & Tech Services, Other Services
- Blaine: Accommodation & Food, Retail Trade, Pro, Scientific, & Tech Services, Other Services
- Mt. Baker Foothills: Accommodation & Food, Retail Trade, Real Estate & Rental & Leasing
- Everson: Healthcare & Social Assistance, Transportation & Warehousing
- Ferndale: Other Services, Retail Trade, Manufacturing, Construction
- Lynden: Construction, Retail Trade, Other Services
- Pt. Roberts: Accommodation & Food, Administrative & Support, Manufacturing
- Sumas: Manufacturing & Pro, Science & Tech Services

Top Issues worked on by Retention Clients:
Financial Analysis & Cost Control, Marketing & Sales, Business Start-up & Acquisition
- Bellingham: Marketing & Sales, Financial Analysis & Cost Control, Business Start-up & Acquisition
- Blaine: Marketing & Sales, Business Start-up & Acquisition
- Mt. Baker Foothills: Sources of Capital, Business Start-up & Acquisition, Accounting & Records
- Ferndale: Financial Analysis & Cost Control, Business Start-up & Acquisition, Personnel/Human Resources
- Lynden: Financial Analysis & Cost Control, Marketing & Sales, Personnel/Human Resources
- Pt. Roberts: International Trade, Sources of Capital, Financial Analysis & Cost Control
- Sumas: Marketing & Sales, Business Start-up & Acquisition, Sources of Capital

Expansion of Existing Business Work
Direct Counseling to: Total 158 Businesses Goal: 100
Dedicated counseling Hours of: Total 1291 Hours Goal 1000
Support Hours Approx. 450 Hours Goal 500
Total Hours Total 1741 Goal 1500
Main industries that sought expansion assistance by city:
- Bellingham: Manufacturing, Other Services, Retail Trade, Pro, Scientific, & Tech Services
- Blaine: Manufacturing, Transportation & Warehousing, Pro, Scientific & Tech Services
- Everson: Manufacturing, Pro, Scientific, & Tech Services, Ag.
- Mt. Baker Foothills: Wholesale Trade, Manufacturing, Ag.
- Ferndale: Other Services, Administrative & Support, Pro, Scientific, & Tech Services
- Lynden: Healthcare & Social Assistance, Retail Trade, Real Estate & Rental & Leasing
- Sumas: Transportation & Warehousing

Top Issues worked on by Expansion Clients:
Marketing & Sales, Financial Analysis & Cost Control, Sources of Capital, Business Start-up
- Bellingham: Marketing & Sales, Financial Analysis & Cost Control, Personnel/Human Resources
- Blaine: Marketing & Sales, Sources of Capital, Business Liquidation
- Everson: Business Start-up & Acquisition, Marketing & Sales, Personnel/Human Resources
- Ferndale: Marketing & Sales, Sources of Capital, Financial Analysis & Cost Control
- Mt. Baker Foothills: Sources of Capital, Marketing & Sales, Financial Analysis & Cost Control
- Lynden: Financial Analysis & Cost Control, Marketing & Sales, Business Start-up & Acquisition
- Sumas: Marketing & Sales

Startup Business Work
Our deliverable goal was to serve 50 startup entrepreneurs for 250 direct counseling hours. In total we served 146 start-up clients.
We spent a total of 595 hours of counseling for startup clients.

2013 brought an unexpected rise in start up activity. Many more entrepreneurs than expected sought assistance from the SBDC. In 2013 we assisted 18 businesses to start successfully. Others went through feasibility to determine a different course of action.
We continue to work with the rest of our start up clients to build a plan for a solid bankable business or have referred to other resources

Main Industries that sought startup assistance by city:
- Bellingham: Other Services, Wholesale Trade, Arts, Entertainment & Recreation
- Blaine: Arts, Entertainment & Recreation, Healthcare & Social Assistance, Other Services
- Everson: Manufacturing
- Ferndale: Pro, Science & Tech Services, Accommodation & Food, Construction, Manufacturing, Other Services
- Mt. Baker Foothills: Accommodation & Food, Pro, Scientific, & Tech Services, Retail Trade
- Lynden: Retail Trade, Other Services, Healthcare & Social Assistance, Manufacturing

Top Issues worked on by Startup Clients:
Business Start-up & Acquisition, Sources of Capital, Marketing & Sales
- Bellingham: Business Startup & Acquisition, Sources of Capital, Marketing & Sales
- Blaine: Business Startup & Acquisition, Marketing & Sales
- Everson: Sources of Capital
- Mt. Baker Foothills: Business Startup & Acquisition
- Ferndale: Business Startup & Acquisition, Sources of Capital, Financial Analysis & Cost Control
- Lynden: Business Startup & Acquisition, Financial Analysis & Cost Control, Marketing & Sales, Technology

Export: YTD 27 clients actively sought assistance with export. SBDC provided 1,000 hours of assistance.
Countries Whatcom County clients have reported exporting to are: China, Hong Kong, Japan, Singapore, France, Germany, Ireland, Italy, Netherlands, Spain, Sweden, United Kingdom, Canada, Mexico, Australia, New Zealand, Brazil, Peru.
SBDC attended Doing Business in the USA seminar which resulted in 10 Canadian businesses contacting WWU SBDC for assistance in relocation to the US. We facilitated one student team project for export planning for expansion. Since our client base grew this year with so many startups, the % of international trade clients is lower overall. Currently 8% have actively reported some work with SBDC in International Trade.
OVERALL TRAININGS for Retention, Expansion and Startup Business Owners or Entrepreneurs

- 54.5 total training hours for SBDC 18 Different Trainings 600 attendees Total


Through a partnership with Whatcom Community College (WCC) and the Innovation Resource Center (IRC), WWU SBDC continued Launch and Build Your Business Training. We had eight SEAP students in 2013. 50% of them have already made or received investment in their business start-up. Industries are; pet food manufacturing; cow feed nutritional supplement manufacturing, product development and consulting, custom bike manufacturing. The other industries are psychotherapy, retail store, invention, interior design services. We also awarded five scholarships to businesses from Blaine to participate in the Launch & Build Your Business to prepare a plan to start or grow their business in Blaine.

Total Small Cities Satellite Office Days
Sterling Savings Bank in Mt Roberts, Mt Baker Foothills Chamber of Commerce, Sumas City Hall, Ferndale Chamber of Commerce, and People's Bank in Everson provided office space for SBDC client meetings. Lynden and Blaine were served on a regular monthly basis but clients were met at their businesses.

Total Impacts
Job Retention/Creation
SBDC clients represent 2,969 jobs. Clients reported a total of 94 jobs created and 42 jobs retained. Total employees of retention clients in 2013 are 1538. 100% of those clients are still in business. 1538 jobs retained.

Annual Sales Increase
Total annual sales represented by 50% of SBDC clients are $125 MM. Average sales increase reported was 44%.

Capital Formation
We assisted clients with financing for retention or expansion or startup which resulted in $4,263,425 capital formation. The highest capital formation amounts were in the Retail, Manufacturing Accommodation & Food industries.

Business Starts
SBDC assisted 18 businesses to start in 2013. The start-ups were in the following industries: Manufacturing, Wholesale, Retail, Information, Healthcare, Arts & Entertainment, Accommodation & Food, Pro, Scientific & Tech Services and Other Services. Business Starts were in the following cities: Bellingham: 15 businesses in Manufacturing, Wholesale, Retail, Information, Healthcare, Arts & Entertainment, Accommodation & Food, Other Services Blaine: 1 business in Arts & Entertainment, Ferndale: 1 business in Po, Scientific & Tech Services, Lynden: 1 business in Retail

2013 Media Highlights
Events
Startup Weekend Bellingham Helps Economy Growing Entrepreneurs - Bellingham Herald
Events Seek to Help Business Access Government Contracts - Bellingham Business Journal
Whatcom County Home to a Week of Business Start-Up Events - Bellingham Herald
SBDC business events will cover securities raising capital - Bellingham Business Journal
Blaine event will cover small-business growth, development - Bellingham Business Journal
Small business center to host workshop on Bellingham permit - Bellingham Herald
Upcoming classes will give entrepreneurs tools for business - Bellingham Business Journal
Free seminar focuses on Bellingham's permit process - Bellingham Business Journal
Constant Contact SBDC to host 'Engagement Marketing' seminar - Bellingham Business Journal

SBDC Client Success Stories
Vinostrology Wine Lounge offers glasses at the press of a button - Bellingham Business Journal
O'Laundry in Sunnyland Square to open June 20th - Bellingham Business Journal
Sumas Inventor Brings Us Icy Lights - Lynden Tribune
Sumas Inventor of Icy Light - Bellingham Herald
Articles
Small Business Developers Can Locate Useful Tools, Resources Guest Column BBJ
Entrepreneur, small-business owner or self-employed? - Bellingham Business Journal
Global Entrepreneurship Week Starts in Bellingham - Bellingham Business Journal
Scholarships up for grabs for small business owners in Blaine The Northern Light
Retail start-ups remain a trend in Whatcom County Bellingham Herald
Blaine Businesses offered Scholarships through SBDC Bellingham Business Journal

Highlights of Whatcom County Businesses working with WWU SBDC

Bellingham: Retail, Expansion, 9 Employees, $2MM annual sales, Exporting
"The information and help your organization has given (X) is highly valued! Wade, Eric and crew are fabulous and we are so fortunate to have them in our community of Bellingham. I recommend them and the work they do often for many companies. I met with [my advisor] a couple of months ago, he is so important to our team. I am thankful once again for their services to [our] company."

Bellingham: Manufacturing, Expansion, 11 employees, $1.5MM annual sales
Working with owners on exporting plan to Canada, employee compensation and managing rapid growth
"Thank you for your excellent support."

Bellingham: Educational Services, Retention, 10 Employees, $200K annual sales
"[My advisor] at the SBDC helped my business partner and I dissolve our partnership with grace and ease! He is an amazing mediator and business man. He helped us look at all the options and make a good decision and compromise on an agreement that felt fair to both of us. I look forward to continuing to work with him moving forward with my business."

Bellingham: Professional Services with Retail, Start-up/Acquisition, 2 jobs created,
Helped clients strengthen their business plan with accurate financial projections and related assumptions. Held a joint meeting with client and lender to review projections and assumptions. Resulted in total capital formation of $732K through a local commercial bank: $570K SBA 7a loan, $112K owner investment, $50K line of credit.

"How wonderful a person you are, I really appreciate your time."

Blaine: Other Services, Start-up
"I met with [my advisor] and found him to be very helpful and knowledgeable. I left the meeting with a clear perspective on how to move forward and with specific tasks to help me map a path to reach my short term and long term goals."

Everson/Nooksack: Agriculture, Retention, 6 employees, $100K annual sales
Existing family/farm product business needed assistance with operations and sales strategy. Covered goal setting, delegation of tasks and responsibilities, developed an efficient process for routine staff meetings, reviewed social media activities and effectiveness, and identified additional outlets for product during slow season.

"Thanks so much for these resources and all the help you have given to us. Your business knowledge and professional advice are greatly appreciated and we are working on incorporating them into our venture."

Ferndale: Administrative and Support, Expansion, 300 Employees, $10 MM annual sales
"[My advisor] did a fantastic job on the mailing lists for our use. He was very responsive when I asked for more information, and delightful. Thank you for that support."

Ferndale: Manufacturing, Expansion, 9 employees $1MM annual sales, exporting
Existing manufacturing company, owners had difficulty securing financing due to Canadian citizenship. Clients needed capital to fund 3 new full time positions. Helped clients prepare financial projections and loan application. Represented clients at loan committee meeting through revolving loan fund held at the Port of Bellingham. Resulted in total capital formation of $75K through the Port's revolving loan fund: $75K loan. 3 jobs created, 1 retained.

"Thanks again for your outstanding service."
**Ferndale: Manufacturing, Start-up**

Client had significant industry experience and adequate capital but needed guidance in approaching a lender. Client came to the SBDC after an initial turndown by a local bank. Helped client develop a cohesive business plan and package their loan request. Extensive help directed to identifying underlying financial assumptions tying them to projections. Resulted in total capital formation of $880K through a local commercial bank: $765K SBA 504 loan and $115K owner investment.

"Thank you so much for your help and guidance with our business plan! Your advice and expertise made a huge difference."

**Bellingham: Retention, Apparel Manufacturing & Wholesale, Cash Flow and Strategy**

"Thank you thank you thank you!!!! I really appreciate the SBDC and your willingness to spend time with us. So helpful."

**Bellingham: Start-up, Professional Service, Business Planning**

"Thank you for taking the time to help me with my new business. I have settled on my business name and applied for my business license. I've honed in on my core services with your help and checking out my competition as you suggested. I'm excited to continue building my business."

**Bellingham, Startup, Information Services, Business Planning**

"The Western Washington University Small Business Center was of critical importance to our new business. Without the help of SBDC, we would not have been able to launch our business, nor would we have been able to make it to our 6 month anniversary. The importance of the business planning tools and advice they offered us simply cannot be overstated. Without their help we would not have been able to set realistic goals for our first year of operation, have the tools we needed to run our business, or track how our business was operating and attaining the goals we needed to meet to succeed. I would encourage anyone seeking business help for either an established business or one trying to get launched, to take advantage of the resources and staff of the WWU Small Business Development Center." 2 jobs created

**Bellingham: Retention, Services, Personnel, HR**

New owner of an existing salon/spa business. Worked with client to develop strategies to improve staff engagement and commitment to a productive work environment. Conducted role playing and recommended management resources to improve client skills. Resulted in improved staff engagement reflected by the highest monthly retail sales total in business' history.

"You have been a wonderful friend and business mentor. I feel so blessed to have found your service at the most crucial time of (business name), right after the buyout. I can't believe how much I have gained with your sound advice and knowledge."

**Lynden, Retention, Manufacturing, Financial Management, Cost Control**

"We have benefited so much from the work with the SBDC. Happily our gross profit margin has increased from about .37 when we started with you and now we are .47 on average. We have great employees. Many systems are more solid."

$1 MM sales, 7 jobs retained

**Bellingham: Expansion, Loan package development**

Restaurant expansion - Existing business experiencing growth, currently at capacity, formulated plans to fund the acquisition of more space. Approved loan application.

"Thank you so much for your help. It was great to get advice from someone who was so knowledgeable but didn't make me feel like the neophyte that I am. We will be closing on the property and re-fi on July 1st and your help was invaluable in securing that financing by helping me to show our projections in the best light. The SBDC is a wonderful program for us Mom & Pop shops. Keep up the awesome work!"
**Bellingham: Expansion, HR/personnel management**

Retail – Existing business with growing e-commerce segment. Worked with the SBDC to survey existing employees, develop ideas for team building, improve communication, and create incentive compensation programs.

"I am very grateful for all the services we have received! We found ourselves in a position a year ago or so of needing to make some hard choices. Our second business was simply overwhelming us with employee issues, leaving little left to manage our more successful long term business. A lot of time over the past year has been spent working with the Western advisors on employee issues, but we are looking forward to moving into marketing and some other aspects of our struggling business. My sincere thanks to [the advisors] for the assistance!"

**Lynden: Expansion, systems & franchising**

Mobile Storage facility – Existing business poised for growth, discussed goals (potential to offer franchises), worked to develop documented systems and processes, provided sample employee handbook and sample franchise documents for reference. Successfully obtained bank financing to fund growth.

"Thanks for your help. I think the biggest thing I was facing was fear of competition and a general feeling of being overwhelmed at all of the things I needed to do to move our business from good to great. [Our advisor] encouraged me to focus on aligning our business around our core values and to leverage the skills and abilities of our team to serve with excellence. Thanks again."

**Maple Falls: Startup, professional business**

"I am really at the very beginning of building my new business. The "Launch & Build Your Business" class has been incredibly helpful and inspirational. The class really inspired me to just go ahead and work toward launching my service based consulting business this year. The class speakers were excellent and really had great information to share with us, especially regarding the use of technology in businesses.

Overall, I found the class to be incredibly helpful and inspiring! I will be recommending it to others who are in the early stages of business start-ups, and to those businesses who may need a refresher to get their businesses vibrant again. And thanks [SBDC advisor]!"

**Bellingham: Retention, Financial Management**

"Things are going great! We have successfully turned the titanic. We are now looking [to hire] for: A project manager, graphic design artist and a new bookkeeper. We are paid off $10k in debt. We have doubled our business since January. And we are on track to our projected goals. Thank you so much!"

**Examples of WWU SBDC Graduate Student Research & Technical Assistance for Whatcom County Businesses**

- Performed industry research and created a plan to increase value for a firm in the snack food industry.
- Made recommendations for future marketing and product diversification.
- Researched commercial market lease rates and provided guidance for an attorney firm looking to expand.
- Constructed a marketing plan for a local bookstore on how to attract more international customers.
- Completed an industry analysis for marketing consulting services for a local marketing firm.
- Completed an analysis of the industry and future business strategy to accommodate a volatile industry.
- Performed market saturation for piano tuners in Bellingham for start up profitability planning.
- Broke down the steps to ensure business is earning revenue per square foot in a new fitness club.
- Offered advice on the steps and criteria that should go into hiring a fitness manager for an athletic club.
- Researched marketing ideas for a local firm in the chiropractic industry.
- Performed a financial evaluation of a local bakery, used cash flow to value the firm for a buyer.
- Looked into a new research database and highlighted the differences for everyone in the office.
- Provided an attorney office with their next five steps for an expansion effort.
- Researched job agencies and compiled lists of contact for a business recruitment & expansion effort.
- Comprised a list of companies in Whatcom County that gross $5 million in revenue for a start up effort.
- Researched and found templates for possible profit sharing agreements for a client.
WWU SBDC Additional Business and Community Activity

Presentations
- Workshop on business planning at the NW Sustainable Ag Conference in Lynden
- Two classes for WSU extension Agriculture Entrepreneurship and Business Planning
- SBDC annual report at Small Cities Partnership Meeting
- SBIR/STTR business opportunities for Economic Development Practitioners
- SBDC at Ferndale Chamber Lunch
- Key Bank to businesses on preparing for financing
- City Club on SBDC and Economic Development
- Market research to WWU Entrepreneurial Studies class
- Marketing seminar to new distillery owners
- Leadership to WWU Leadership undergraduate class
- Two workshops and had a booth at the Northwest Business Expo in Ferndale
- WSBDC Fall State Staff Conference
- Business Education Series at Whatcom Educations Credit Union
- Whatcom Community College on Retail Management
- Web Design Seminar to Whatcom Community College

Trade Shows
- Participated in the Cross Border Expo in Ferndale
- Participated in the NW Business Expo
- Participated in the Chamber of Commerce Expo

Boards and Committee involvement
- WCC Business Advisory Board
- Economic Development Team for the Lummi Nation
- Blaine School District Career and Technical Education Advisory Committee

Other
- Completed a successful SBA site visit.
- Developed a web page of SBDC resources for Downtown Bellingham Partnership business members
- Lead and coordinated efforts for Global Entrepreneurship Week in Whatcom County
- Facilitate classes business advising for Washington State Self Employment Assistance Program in Whatcom County
- Maintain state network professional development requirements attending workshops, webinars, seminars, conferences
- Participate in weekly networking events for the business community
- Lead a staff retreat bringing in a speaker on business coaching to enhance our advisor skills
- Attend Doing Business in the USA seminars to support attraction efforts to Whatcom County

2012/2013 Comparison

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2013</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Businesses served</td>
<td>918</td>
<td>973</td>
<td>Up 6%</td>
</tr>
<tr>
<td>Business clients advised</td>
<td>307</td>
<td>441</td>
<td>Up 44%</td>
</tr>
<tr>
<td>Hours of advising provided</td>
<td>2881</td>
<td>2442</td>
<td></td>
</tr>
</tbody>
</table>

![Graph showing comparison between 2012 and 2013 for Businesses Served, Business Clients, and Hours of Advising]
### Types of Business Clients Served

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2013</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expansion</td>
<td>41%</td>
<td>48%</td>
<td>Up 7%</td>
</tr>
<tr>
<td>Retention</td>
<td>34%</td>
<td>31%</td>
<td>Down 3%</td>
</tr>
<tr>
<td>Start up</td>
<td>25%</td>
<td>34%</td>
<td>Up 9%</td>
</tr>
</tbody>
</table>

#### Trends:
- More businesses are seeking assistance with expansion.
- Less are seeking help with retention.
- More people are seeking help for starting a business.

### Top areas businesses requested SBDC assistance

<table>
<thead>
<tr>
<th>Area</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Startup &amp; Acquisition</td>
<td>23%</td>
<td>32%</td>
</tr>
<tr>
<td>Marketing &amp; Sales</td>
<td>29%</td>
<td>30%</td>
</tr>
<tr>
<td>Financial Analysis &amp; Cost Control</td>
<td>28%</td>
<td>15%</td>
</tr>
<tr>
<td>Sources of Capital</td>
<td>14%</td>
<td>13%</td>
</tr>
<tr>
<td>Human Resources</td>
<td>6%</td>
<td>9%</td>
</tr>
</tbody>
</table>

### Retention Trends
The number of construction businesses seeking retention help went down while the number of food service businesses seeking retention went up.

More businesses where engaged with the SBDC in a buy sell transaction in 2013 than previous year which puts jobs at risk. SBDC works with both buyer and seller on valuation, negotiation & financing.

### Expansion Trends
More retail trade and professional/technical service businesses came to the SBDC for assistance with expansion than in 2012.

### Startup Trends
Services, arts, retail and manufacturing were the hottest areas for startups. Healthcare was a new industry that showed up in startup activity.

More people requested assistance with startup logistics vs business planning than in 2012.

<table>
<thead>
<tr>
<th>Trainings</th>
<th>2012</th>
<th>2013</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Trainings</td>
<td>10</td>
<td>18</td>
<td>Up 80%</td>
</tr>
<tr>
<td>Number of Attendees</td>
<td>172</td>
<td>600</td>
<td>Up 248%</td>
</tr>
</tbody>
</table>

### Business Impacts for Whatcom County

<table>
<thead>
<tr>
<th>Area</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Creation &amp; Retention Reported</td>
<td>145</td>
<td>136</td>
</tr>
<tr>
<td>Total number of Jobs saved of Retention Clients</td>
<td>1447</td>
<td>1538</td>
</tr>
<tr>
<td>Capital Formation</td>
<td>$3,941,890</td>
<td>$4,263,425</td>
</tr>
<tr>
<td>Annual Sales Increase</td>
<td>48%</td>
<td>44%</td>
</tr>
<tr>
<td>Business Starts</td>
<td>9</td>
<td>18</td>
</tr>
</tbody>
</table>

### Impact Trends
2012 Highest Capital Formation Amounts were in Retail, Construction, and Manufacturing
2013 Highest Capital Formation Amounts were in Retail, Manufacturing & Food Service
2012 Clients started businesses in the Wholesale Trade, Manufacturing, Agriculture, Food Service, Recreation and Professional Services industries
2013 Clients started businesses in the Manufacturing, Wholesale, Retail, Information, Healthcare, Arts, Food Service, Professional and Other Services industries
### TITLE OF DOCUMENT: Gateway Pacific Terminal Project Update

**ATTACHMENTS:**

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

Gateway Pacific Terminal project update presented by Tyler Schroeder, Planning Manager, Whatcom County PDS

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>ND</td>
<td>12/14</td>
<td>01/14/14 RECEIVED</td>
<td>01/28/14</td>
<td>Finance Committee; Council</td>
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<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Dept. Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td>KMF</td>
<td>12/14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td>ND</td>
<td>12/14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:** 2014 Supplemental Budget Request #4

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

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes ( X ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes ( X ) NO</th>
<th>Requested Date:</th>
</tr>
</thead>
</table>

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

Supplemental #4 requests funding from the General Fund:
1. To re-appropriate $14,582 in Sheriff to fund ammunition on backorder since 2012.
2. To appropriate $76,912 in Health to fund Prevention Partnership for Success Program from grant proceeds.

From the Road Fund:
3. To appropriate $635,000 in Road – Engineering Design and Construction to fund contracts for various annual road program projects.

From the Jail Fund:
4. To appropriate $42,600 to fund 2014 health insurance cost increase for correction deputies.

From the Ferry Fund:
5. To appropriate $6,600 to fund 2014 health insurance cost increase for ferry workers.

In addition, Supplemental #4 requests to add 1 FTE Prevention Coordinator in Health funded by grant proceeds and close .52 FTE Master Composter/Recycler Coordinator in Extension. The Extension position is now part of the contracted services with Washington State University.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
1/14/2014: Introduced

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>
ORDINANCE NO.
AMENDMENT NO. 4 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 
without; 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>
<thead>
<tr>
<th></th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheriff</td>
<td>14,852</td>
<td>-</td>
<td>14,852</td>
</tr>
<tr>
<td>Health</td>
<td>76,912</td>
<td>(83,065)</td>
<td>(6,153)</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>91,764</td>
<td>(83,065)</td>
<td>8,699</td>
</tr>
<tr>
<td>Road Fund</td>
<td>635,000</td>
<td>-</td>
<td>635,000</td>
</tr>
<tr>
<td>Jail Fund</td>
<td>42,600</td>
<td>-</td>
<td>42,600</td>
</tr>
<tr>
<td>Ferry Fund</td>
<td>6,600</td>
<td>-</td>
<td>6,600</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>775,964</td>
<td>(83,065)</td>
<td>692,899</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:

- Add 1 FTE Prevention Coordinator in Health
- Close .52 FTE Master Composter/Recycler Coordinator in Extension.

ADOPTED this ___ day of ____________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

Chair of the Council

APPROVED AS TO FORM:

( ) Approved       ( ) Denied

Jack Louws, County Executive

Date: ____________________

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

I:\BUDGET\SUPP LS\2014_Suppl\Supplemental #4-2014.doc
### Summary of the 2014 Supplemental Budget Ordinance No. 4

<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>Sheriff</td>
<td>To reappropriate funding for ammunition on backorder since 2012</td>
<td>14,852</td>
<td>-</td>
<td>14,852</td>
</tr>
<tr>
<td>Health</td>
<td>To fund Prevention Partnerships for Success program from grant proceeds.</td>
<td>76,912</td>
<td>(83,065)</td>
<td>(6,153)</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td>91,764</td>
<td>(83,065)</td>
<td>8,699</td>
</tr>
<tr>
<td><strong>Road Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road - Engineering Design &amp; Construction</td>
<td>To fund Pt Roberts transportation improvements.</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
</tr>
<tr>
<td>Road - Engineering Design &amp; Construction</td>
<td>To fund ferry dock improvements.</td>
<td>300,000</td>
<td>-</td>
<td>300,000</td>
</tr>
<tr>
<td>Road - Engineering Design &amp; Construction</td>
<td>To fund unanticipated site improvements.</td>
<td>70,000</td>
<td>-</td>
<td>70,000</td>
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<tr>
<td>Road - Engineering Design &amp; Construction</td>
<td>To fund roadway frost depth detectors.</td>
<td>45,000</td>
<td>-</td>
<td>45,000</td>
</tr>
<tr>
<td>Road - Engineering Design &amp; Construction</td>
<td>To fund stormwater quality improvements.</td>
<td>35,000</td>
<td>-</td>
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<td>Road - Engineering Design &amp; Construction</td>
<td>To fund non-motorized transportation improvements.</td>
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<tr>
<td>Road - Engineering Design &amp; Construction</td>
<td>To fund railroad crossing improvements.</td>
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<td><strong>Total Road Fund</strong></td>
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<tr>
<td><strong>Jail Fund</strong></td>
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<td><strong>Ferry Fund</strong></td>
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<td>Total Supplemental</td>
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<td>775,964</td>
<td>(83,065)</td>
<td>692,899</td>
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</tbody>
</table>
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: December 13, 2013
SUBJECT: Supplemental Budget ID #1744
2014 Appropriation for Ammunition Ordered Prior Year

The attached supplemental budget requests budget authority in 2014 for ammunition ordered prior year, but not yet received.

Background and Purpose
The commercial supply of ammunition continues to be insufficient to meet current demand, so ammunition can be back-ordered for extended periods of time.

The Sheriff’s Office ordered ammunition on purchase orders #77239 and 77240 issued in 2012. Goods were not received in 2012, and continuing appropriations were approved to carry budget authority into 2013. POs #78067 OC and 78068 OC were subsequently issued.

The vendor recently indicated that the ammunition will not be shipped until 2014. However, in accordance with WCC 3.02.050, the continuing appropriations to pay for the order will lapse on 12/31/13. The Sheriff’s Office now requires budget authority in 2014 to pay for the ammunition after it is received.

Funding Amount and Source
$14,852.00 is available in the current Sheriff’s Office budget in the form of unspent appropriation from prior year (2012).

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

Thank you.
Supplemental Budget Request

Status: Pending

Sheriff          Operations

Fund   Cost Center   Originator: Dawn Pierce
1      2940

Expenditure Type: One-Time   Year 2014   Add'l FTE   Add'l Space   Priority 1

Name of Request: 2014 Appropriation for Ammunition

Department Head Signature (Required on Hard Copy Submission)   Date

12/13/13

Object       Object Description               Amount Requested
2910.1000    Fund Balance                  ($14,852)
6320.003     Office & Op Supplies          $14,852

Request Total: $14,852

1a. Description of request:
Purchase of ammunition.

1b. Primary customers:
Sheriff's Office

2. Problem to be solved:
The Sheriff's Office requires 2014 appropriation authority for ammunition ordered prior year.
Ammunition can be back-ordered for extended periods of time because demand exceeds supply.
The Sheriff's Office ordered ammunition on purchase orders issued in 2012. The goods were not
received in 2012, and continuing appropriations were approved to carry budget authority into 2013. The
orders have still not been received. The Sheriff's Office expects to receive the ammo in 2014, but the
continuing appropriation will lapse on 12/31/13. Budget authority is required in 2014 to pay for the ammo
after it is received.

3a. Options / Advantages:
No other options are available.

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:
n/a

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

6. Funding Source:
$14,852.00 of unspent appropriation from prior year.
Memorandum

TO: Jack Louws, County Executive
FROM: Regina Delahunt, Director
DATE: December 20, 2013
RE: 2014 Supplemental Budget Request

This is a supplemental request for the first year of a five year grant funded program to increase substance abuse prevention services in Whatcom County. The grant requires that we hire a new staff position to do this work. During the first year, the position will be working with schools in the Bellingham and Ferndale School District to implement expanded prevention services. Expanded services will be based on strategic planning that has already taken place in the community.

The contract to fund this new program will also be forwarded to you. We intend to have the contract go to Council on the same date as this supplemental budget.

If this meets with your approval, and Council authorizes the contract and supplemental budget, we will work with Human Resources to hire a new employee for this position.
Supplemental Budget Request

### Health

**Supp ID #:** 1742  **Fund:** 1  **Cost Center:** 677200  **Originator:** Christy Fowler

**Expenditure Type:** One-Time  **Year:** 2014  **Add'l FTE:** ✓  **Add'l Space:** ✓  **Priority:** 1

**Name of Request:** Prevention Partnerships for Success

---

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>
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<td>Federal Grants - Indirect</td>
<td>($83,065)</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>6230</td>
<td>Social Security</td>
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<td>6245</td>
<td>Medical Insurance</td>
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<td>6255</td>
<td>Other H&amp;W Benefits</td>
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<tr>
<td>6259</td>
<td>Worker's Comp-Interfund</td>
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<tr>
<td>6510</td>
<td>Tools &amp; Equip</td>
<td>$1,100</td>
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<tr>
<td>6610</td>
<td>Contractual Services</td>
<td>$18,053</td>
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</table>

**Request Total**  
($6,153)

---

1a. **Description of request:**

This is a supplemental request for the first year of a five year grant funded program to increase substance abuse prevention services in Whatcom County. The grant requires that we hire a new staff position to do this work. During the first year, the position will be working with schools in the Bellingham and Ferndale School District to implement expanded prevention services. Expanded services will be based on strategic planning that has already taken place in the community.

1b. **Primary customers:**

The primary customers include middle school youth, high school youth, parents, and the larger community in the geographical areas of Ferndale and Bellingham. Data analysis showed these two sites demonstrated heightened need for targeted substance abuse prevention services, but they were selected because they also showed local capacity to achieve positive outcomes.

2. **Problem to be solved:**

The county will implement prevention programs designed to prevent or delay the misuse and abuse of alcohol and other drugs among youth. To accomplish this, youth and family prevention services will work to reduce key risk factors identified for substance use, many of which have also been shown to positively impact delinquency, depression, violence, teenage pregnancy, and other risk behaviors.

3a. **Options / Advantages:**

These additional funds, made available to Whatcom County by DSHS, increases local capacity to implement strategic plans that have already been developed for each targeted site. The new funds will allow for additional staff time, a critical component to building and coordinating programs and services, evaluating program outcomes, and for supporting local prevention coalitions.

3b. **Cost savings:**

Whatcom County is required by contract to implement a minimum of 60% Best Practice (evidence-based) services. Best practice programs represent a range of cost savings. The family program identified for implementation in the local plan has been researched and determined to save $11 for every dollar spent.
Supplemental Budget Request

<table>
<thead>
<tr>
<th>Health</th>
<th>Human Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund #1742</td>
<td>Cost Center 677200</td>
</tr>
</tbody>
</table>

and as much as $5,805 per participant (Sources: Substance Abuse & Mental Health Services Association (SAMHSA) and Washington State Institute for Public Policy (WSIPP)).

4a. Outcomes:
Targeted outcomes include reducing substance use, poor mental health, and delinquency, while also improving academic performance, social functioning, and family functioning. Outcomes were identified through a strategic planning process that analyzed multiple local data sources. The assessment process was driven locally with support from DSHS.

4b. Measures:
Specific measures under this initiative include the following three consumption measures:
#1 Underage drinking (8th/10th grade 30-day use)
#2 Underage problem and heavy drinking
#3 Marijuana Use (8th/10th grade 30-day use)

Other behaviors that will be measured:
#1 School performance (academic)
#2 Youth delinquency (perception of risk)
#3 Mental health (depression)

5a. Other Departments/Agencies:
The Health Department will work community and school partners in each of the designated locations. The Whatcom Prevention Coalition, coordinated by the Whatcom Family & Community Network, will serve as the umbrella for partnering agencies to convene, coordinate, and implement services.

5b. Name the person in charge of implementation and what they are responsible for:
Anne Deacon, Human Services Manager, will oversee staff implementing services. Joe Fuller, Program Specialist, will be responsible for the full implementation of prevention initiatives at one of the two designated sites. This includes working with the Whatcom Prevention Coalition, procuring youth and family prevention services, reporting outcomes to the state office, and conducting ongoing needs assessment. Additional staff, yet to be determined, will be responsible for services delivered at the second site.

6. Funding Source:
"Partnership for Success" or "PFS" is the federal grant funding officially titled the Strategic Prevention Framework- Partnerships for Success (SPF-PFS) CFDA No. 93.243 awarded to DSHS by the Substance Abuse and Mental Health Services Administration (SAMHSA).
MEMORANDUM

TO: Jack Louws, County Executive

FROM: Shonda Shipman, Accounting/Budget Supervisor

THROUGH: Joe Rutan, Assistant Director

DATE: December 31, 2013

RE: Supplemental Budget Requests

The attached supplemental budget requests, #1750, #1763, and #1766 through #1770, seek authority to expend funds on Right of Way Acquisition and construction on projects approved under the Annual Construction Program for 2014. The wages and benefits have been previously budgeted for 2014.

Please contact me at x50573 with any questions.

cc: F. Abart
    J. Lee
**Supplemental Budget Request**

<table>
<thead>
<tr>
<th>Public Works</th>
<th>Engineering Design/Const</th>
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<tbody>
<tr>
<td>Fund 108</td>
<td>Cost Center 910002</td>
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<tr>
<td>Supp'l ID # 1750</td>
<td>Originator: Shonda Shipman</td>
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**Expenditure Type:** One-Time  
**Year:** 2014  
**Priority:** 1  
**Add'l FTE**  
**Add'l Space**  
**Name of Request:** Pt Roberts Transportation Improvements

<table>
<thead>
<tr>
<th>Department Head Signature (Required on Hard Copy Submission)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12/31/19</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
<th><strong>Object</strong></th>
<th><strong>Object Description</strong></th>
<th><strong>Amount Requested</strong></th>
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<td>($)100,000</td>
<td></td>
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<tr>
<td>6000.595300</td>
<td>Expenditures</td>
<td>$100,000</td>
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<tr>
<td><strong>Request Total</strong></td>
<td></td>
<td><strong>$0</strong></td>
<td></td>
</tr>
</tbody>
</table>

**1a. Description of request:**

Project location to be determined in 2014. This supplemental is requesting authority for the construction expenditures. The wages have been previously budgeted for 2014.

**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:**

Road fund balance.

*Monday, December 30, 2013*

Rpt: Rpt Suppl Regular
Point Roberts Transportation Improvements  
CRP # 910002

Construction Funding Year(s): 2014 / 2015

Project Narrative:
Point Roberts is located in T40N and T41N, R3W. The proposed improvements would be specific to area needs and the development of a project to be funded by the Pt. Roberts Transportation Benefit District. This project is listed #9 on the 2014-2019 Six-Year Transportation Improvement Program.

Project Status:
The Point Roberts Transportation Benefit District Advisory Committee has requested improvements to the shoulder of Gulf Road to provide non-motorized access between Lighthouse Park and Tyee Drive. Project scope and engineering in 2014, with construction in 2014 and 2015.

Total Estimated Project Cost: $300,000
Expenditures to Date: $0

Funding Sources:
Federal $0
State $0
Local $150,000 (STIP 2014)

Environmental Permitting To Be Determined
Right-of-Way Acquisition (Estimate) To Be Determined
County Forces (Estimate) $40,000 (Max 2014)
<table>
<thead>
<tr>
<th>ITEM NUMBER</th>
<th>ITEM REMARKS</th>
<th>ROAD/PROJECT NAME AND LOCATION</th>
<th>PROJECT LENGTH (Miles)</th>
<th>FUNCTIONAL CLASS</th>
<th>WORK CODE(S)</th>
<th>ENVIRONMENTAL ASSESSMENT</th>
<th>COUNTY FUNDS AMOUNT (Dollars)</th>
<th>OTHER FUNDS AMOUNT (Dollars)</th>
<th>SOURCES OF FUNDS</th>
<th>ESTIMATED EXPENDITURES DOLLARS</th>
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<tr>
<td>01</td>
<td>1</td>
<td>CP-9/1017 Birch Bay Lynden Road</td>
<td>0.30</td>
<td>ABG</td>
<td>E</td>
<td></td>
<td>2,605,000</td>
<td></td>
<td>STP(R)</td>
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<tr>
<td>02</td>
<td>2</td>
<td>CP-9/1018 Rural Road Safety Program</td>
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<td>ABG</td>
<td>E</td>
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<td>450,000</td>
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<tr>
<td>03</td>
<td>3</td>
<td>CP-9/1019 Birch Bay Drive &amp; Pedestrian Facility</td>
<td>1.58</td>
<td>AH</td>
<td>S</td>
<td></td>
<td>600,000</td>
<td></td>
<td>STP</td>
<td>1,000,000</td>
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<tr>
<td>04</td>
<td>4</td>
<td>CP-9/1020 Lake Whatcom Boulevard</td>
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<td>ABG</td>
<td>E</td>
<td></td>
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<td></td>
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<tr>
<td>05</td>
<td>5</td>
<td>CP-9/1021 Slater Road &amp; Northwest Drive</td>
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<td>ABG</td>
<td>I</td>
<td></td>
<td>50,000</td>
<td></td>
<td></td>
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<tr>
<td>06</td>
<td>6</td>
<td>CP-9/1022 Lummis View Drive Bank Stabilization</td>
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<td>07</td>
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<td>CP-9/1023 Gooseberry Point Pedestrian Improvements</td>
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<td>4,000,000</td>
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<td>08</td>
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<td>CP-9/1024 Point Roberts Transportation Improvements</td>
<td>0.25</td>
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<td>09</td>
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<td>CP-9/1025 Slater Road Intersections</td>
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<td>10</td>
<td>10</td>
<td>CP-9/1026 East Smith Road &amp; Hannegan Road</td>
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<td>11</td>
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<td>CP-9/1027 Slater Road Connector, Northwest Drive to SR 539</td>
<td>2.00</td>
<td>ABG</td>
<td>I</td>
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<td>12</td>
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<td>CP-9/1028 Larrabee Road Flood Prevention</td>
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<td>13</td>
<td>CP-9/1029 Potel Road/South Fork Nooksack River Bridge, No. 146 - Replacement</td>
<td>0.30</td>
<td>ABDI</td>
<td>I</td>
<td></td>
<td>900,000</td>
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<td>BR</td>
<td>3,650,000</td>
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<tr>
<td>14</td>
<td>14</td>
<td>CP-9/1030 Mosquito Lake Road/Canyon Creek, Bridge No. 334 - Rehabilitation &amp; sedimentation control</td>
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<td>IKL</td>
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<td>CP-9/1031 Slater Road/Nooksack River, Bridge No. 212 Painting</td>
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<td>16</td>
<td>16</td>
<td>CP-9/1032 Hannegan Road/Nooksack River, Bridge No. 212 Replacement</td>
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<td>17</td>
<td>CP-9/1033 South Pass Road/Chinook Creek, Bridge No. 212 Replacement</td>
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<td>I</td>
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<td>18</td>
<td>CP-9/1034 Unicorn Road/Nooksack River, Bridge No. 212 Replacement</td>
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</table>
Supplemental Budget Request

Status: Pending

Public Works

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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<tbody>
<tr>
<td>1763</td>
<td>108</td>
<td>914004</td>
<td>Shonda Shipman</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time

Year 2 2014

Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Ferry Dock Improvements

Department Head Signature (Required on Hard Copy Submission)

Date 12/31/13

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>2910.1000</td>
<td>Fund Balance</td>
<td>($300,000)</td>
</tr>
<tr>
<td>6000.595300</td>
<td>Expenditures</td>
<td>$300,000</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:

Upgrades and improvements as needed. This supplemental is requesting authority for the construction expenditures. The wages have been previously budgeted in 2014.

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:

Road fund balance

Monday, December 30, 2013
Ferry Dock Improvements
CRP #914004

Construction Funding Year(s): 2014 - 2019

Project Narrative:
This project includes improvements to the ferry docks. This project is listed #39 on the 2014-2019 Six Year Transportation Improvement Program.

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

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: $1,500,000</th>
<th>Funding Sources:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date: N/A</td>
<td>Federal $</td>
</tr>
<tr>
<td></td>
<td>State $</td>
</tr>
<tr>
<td></td>
<td>Local $1,500,000 (STIP 2014-2019)</td>
</tr>
</tbody>
</table>

Environmental Permitting | HPA, SEPA, CORPS 404, COUNTY SHORELINES |
Right-of-Way Acquisition (Estimate) | None Required |
County Forces (Estimate) | $50,000 |

[Map showing ferry dock locations]
<table>
<thead>
<tr>
<th>ITEM NUMBER</th>
<th>ROAD LOG NO.</th>
<th>ROAD/PROJECT NAME AND LOCATION</th>
<th>PROJECT LENGTH (Miles)</th>
<th>FUNCTIONAL CLASS</th>
<th>WORK CODE(S)</th>
<th>ENVIRONMENTAL AFFECTED</th>
<th>SOURCES OF FUNDS</th>
<th>AMOUNT</th>
<th>COUNTY FUNDS</th>
<th>OTHER FUNGE</th>
<th>PROGRAM SOURCE</th>
<th>PRELIM. &amp; CONST. ENGR'G</th>
<th>TOTAL OF ALL SOURCES</th>
<th>CONSTRUCTION</th>
<th>COUNTY FORCES</th>
<th>GRAND TOTAL ALL SOURCES</th>
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<tbody>
<tr>
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<td>30410</td>
<td>CRP #910081 Portal Way/Sacramento Creek, Bridge No. 530</td>
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<td>19</td>
<td>44170</td>
<td>CRP #913006 North Lake Samish Road, Bridge No. 107</td>
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<td>55110</td>
<td>CRP #913007 Hannah Road/Bridge No. 236</td>
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<td>CRP #910012 Refurbish / Upgrade of the Whatcom Chief</td>
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<td>CRP #914005 Various Bridges Rehabilitation/Replacement Various locations</td>
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Supplemental Budget Request

Public Works

Expenditure Type: One-Time Year 2 2014
Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: Unanticipated Site Improvements

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:

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<tr>
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<th>Object Description</th>
<th>Amount Requested</th>
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<td>6000.595390</td>
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Request Total: $0

1a. Description of request:
As prioritized, this supplemental is requesting authority for the construction expenditures. The wages have been previously budgeted in 2014.

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:
Road fund balance

Monday, December 30, 2013
Unanticipated Site Improvements
CRP # 914007

Construction Funding Year(s): 2014

Project Narrative:
This Annual Construction Program item addresses the unanticipated project(s) that may arise during a given year that require immediate action due to safety concerns, environmental factors, traffic volumes, accident history, funding or grant availability and other issues not related to an existing program project. This project is listed #45 on the 2014-2019 Six Year Transportation Improvement Program.

Project Status:
Design and construction will be completed in 2014.

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<thead>
<tr>
<th>Total Estimated Project Cost: $1,800,000</th>
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<tr>
<td>Expenditures to Date:</td>
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<table>
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<th>Funding Sources:</th>
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<td>Federal</td>
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<td>State</td>
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<tr>
<td>Local</td>
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<table>
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<th>Local Funding Sources</th>
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<table>
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<tr>
<th>Environmental Permitting</th>
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<table>
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<tr>
<th>Right-of-Way Acquisition (Estimate)</th>
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<tr>
<td>To Be Determined</td>
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</table>

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<tr>
<th>County Forces (Estimate)</th>
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<td>$200,000 (Max 2014)</td>
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</table>

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
<table>
<thead>
<tr>
<th>ITEM NUMBER</th>
<th>ROAD LOG NO.</th>
<th>ROAD/PROJECT NAME AND LOCATION</th>
<th>PROJECT LENGTH (Miles)</th>
<th>FUNCTIONAL CLASS</th>
<th>WORK CATEGORY(S)</th>
<th>ENVIRONMENTAL ASSESSMENT</th>
<th>COUNTY FUNDS</th>
<th>PROGRAM SOURCE</th>
<th>OTHER FUNDS</th>
<th>PRELIM &amp; CONST. ENGINEERING</th>
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<th>CONSTRUCTION</th>
<th>COUNTY FORCES</th>
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<td>CRP #914007 Unanticipated Site Improvements</td>
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<td>CRP #914009 Non-motorized Transportation Improvements Various Locations</td>
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PAGE/PAGE TOTALS, CONSTRUCTION

7,558,000 3,397,000 0 3,922,000 570,000 2,305,000 775,000 16,102,000
Supplemental Budget Request

Status: Pending

Public Works

Expenditure Type: One-Time  Year: 2014  Add'l FTE  Add'l Space  Priority: 1

Name of Request: Roadway Frost Depth Detectors

Department Head Signature (Required on Hard Copy Submission)

<table>
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<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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1a. Description of request:
Various locations. This supplemental is requesting authority for the construction expenditures. The wages have been previously budgeted in 2014.

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:
Road fund balance

Monday, December 30, 2013
Roadway Frost Depth Detectors
CRP # 913014

Construction Funding Year(s): 2014 - 2015

Project Narrative:
This item provides funding to address replacement of the County's aging network of roadway frost depth detectors. These detectors are critical for implementing appropriate roadway restrictions to prevent structural damage following periods of deep frost. It is listed #46 on the 2014-2019 Six Year Transportation Improvement Program.

Project Status:
Design and construction to occur in 2014 - 2015.

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<td>Local $100,000 (STIP 2014-2015)</td>
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<tr>
<th>Environmental Permitting</th>
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Due to the nature of this item, no map exists. Location of the new roadway frost depth detectors will be determined in 2014.
<table>
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<th>ROAD/PROJECT NAME AND LOCATION</th>
<th>ROAD LENGTH (Miles)</th>
<th>RATING ASSESSMENT</th>
<th>SOURCES OF FUNDS</th>
<th>COUNTY FUNDS</th>
<th>AMOUNT</th>
<th>PROGRAM SOURCE</th>
<th>PRE-ENG CONSTRUCT. COST (12/05)</th>
<th>RIGHT OF WAY (12/05)</th>
<th>CONSTRUCTION</th>
<th>COUNTY FORCES (12/05)</th>
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**PAGE / PROGRAM TOTALS, CONSTRUCTION**

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Supplemental Budget Request

Public Works

Expenditure Type: One-Time Year 2014

Name of Request: Stormwater Quality Improvements

Department Head Signature (Required on Hard Copy Submission)

Costs:

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Request Total: $0

1a. Description of request:

Various locations. This supplemental is requesting authority for the construction expenditures. The wages have been previously budgeted in 2014.

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:

Road fund balance

Monday, December 30, 2013

Rpt: Rpt Supp/ Regular
**Stormwater Quality Improvements**
CRP # 914008

**Construction Funding Year(s):** 2016

**Project Narrative:**
This project varies in location. Identification and prioritization to be addressed and reviewed through County Council. This project is listed #47 on the 2014-2019 Six Year Transportation Improvement Program.

**Project Status:**
Design and construction will be completed in 2015.

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<td>Right-of-Way Acquisition (Estimate)</td>
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<td>County Forces (Estimate)</td>
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Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
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<th>Other Funds</th>
<th>Prelim &amp; Const. Eng'g M&amp;F</th>
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Total: 7,555,000 10,597,000 3,324,000 570,000 2,305,000 275,000 18,152,000
Supplemental Budget Request

Public Works

Expenditure Type: One-Time
Year: 2014
Add'1 FTE [ ] Add'1 Space [ ]
Priority: 1

Name of Request: Non-motorized Transportation improvements

X

Department Head Signature (Required on Hard Copy Submission)

Date

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<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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1a. Description of request:
Various locations. This supplemental is requesting authority for the construction expenditures. The wages have been previously budgeted in 2014.

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:
Road fund balance

Monday, December 30, 2013

Rpt: Rpt Suppl Regular
Non-motorized Transportation Improvements  
CRP # 914009

**Construction Funding Year(s):** 2014

**Project Narrative:**
This program item addresses the need to identify and prioritize non-motorized projects for future consideration. Projects would include pedestrian and bike facilities (eg: sidewalks, trails, shoulder widening) in various locations around the county. This project is listed #48 on the 2014-2019 Six Year Transportation Improvement Program.

**Project Status:**
Design and construction will be completed in 2014.

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<th>Total Estimated Project Cost:</th>
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Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
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**PAGE/PROGRAM TOTALS, CONSTRUCTION**

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**Supplemental Budget Request**

**Public Works**

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**Expenditure Type:** One-Time  
**Year:** 2014  
**Priority:** 1

**Name of Request:** Railroad Crossing improvements

**Department Head Signature:**

**Date:**

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<th>Costs:</th>
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1a. **Description of request:**

Upgrades and improvements as needed. This supplemental is requesting authority for the construction expenditures. The wages have been previously budgeted in 2014.

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:**

Road fund balance

*Monday, December 30, 2013*
## Railroad Crossing Improvements
**CRP # 914010**

### Construction Funding Year(s):
- **2014**

### Project Narrative:
Locations to be determined. Identification and prioritization to be addressed. This project is listed #50 on the 2014-2019 Six Year Transportation Improvement Program.

### Project Status:
Design and construction will be completed in 2014.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost:</th>
<th>$300,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures to Date:</td>
<td>- 0 -</td>
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</table>

### Funding Sources:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Federal</td>
<td>$0</td>
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<tr>
<td>State</td>
<td>$0</td>
</tr>
<tr>
<td>Local</td>
<td>$300,000 (STIP 2014 - 2019)</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>To Be Determined</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition</td>
<td>To Be Determined</td>
</tr>
<tr>
<td>(Estimate)</td>
<td></td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>$5,000 (Max 2014)</td>
</tr>
</tbody>
</table>

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.
<table>
<thead>
<tr>
<th>ITEM NUMBER</th>
<th>ROAD PROGRAM NO.</th>
<th>ROAD/PROJECT NAME AND LOCATION</th>
<th>PROJECT LENGTH</th>
<th>FUNCTIONAL CLASS</th>
<th>ENVIRONMENTAL ASSESSMENT</th>
<th>SOURCES OF FUNDS</th>
<th>OTHER FUNDS</th>
<th>ESTIMATED EXPENDITURES - DOLLARS</th>
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<tr>
<td></td>
<td></td>
<td></td>
<td>(Miles)</td>
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<td>PRELIM &amp; CONST.</td>
<td>ENGRG</td>
<td>AMOUNT</td>
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<tr>
<td>18</td>
<td>29</td>
<td>CRP #910001 Porte Way/Dakota Creek, Bridge No. 500</td>
<td>0.20</td>
<td>07</td>
<td>ABDI</td>
<td>I</td>
<td>2,784,000</td>
<td>BR</td>
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<tr>
<td>19</td>
<td>33</td>
<td>CRP #910006 North Lake Samish Road, Bridge No. 107</td>
<td>0.12</td>
<td>08</td>
<td>DHI</td>
<td>I</td>
<td>50,000</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>34</td>
<td>CRP #913007 Hancegan Road/ Bridge No. 238</td>
<td>0.10</td>
<td>07</td>
<td>ABDI</td>
<td>I</td>
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<td></td>
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<tr>
<td>21</td>
<td>38</td>
<td>CRP #910112 Refurbish / Upgrade of the Whatcom Chief</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>22</td>
<td>39</td>
<td>CRP #914004 Ferry Dock Improvements</td>
<td></td>
<td></td>
<td>L</td>
<td>I</td>
<td>400,000</td>
<td></td>
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<tr>
<td>23</td>
<td>41</td>
<td>CRP #91405 Various Bridges Rehabilitation/Replacement Various locations</td>
<td></td>
<td></td>
<td>ABDI</td>
<td>I</td>
<td>200,000</td>
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<tr>
<td>24</td>
<td>44</td>
<td>CRP #914006 Right of Way Acquisition Various locations</td>
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<td></td>
<td>E</td>
<td></td>
<td>20,000</td>
<td></td>
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<tr>
<td>25</td>
<td>45</td>
<td>CRP #914007 Unanticipated Site Improvements As prioritized</td>
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<td>E</td>
<td></td>
<td>300,000</td>
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<tr>
<td>26</td>
<td>45</td>
<td>CRP #913014 Roadway Fret Depth Detectors Various locations</td>
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<td>G</td>
<td>E</td>
<td>50,000</td>
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<td>27</td>
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<td>CRP #914008 Stormwater Quality Improvements Various locations</td>
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<tr>
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<td>CRP #914009 Non-motorised Transportation Improvements Various locations</td>
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<td>I</td>
<td>100,000</td>
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<tr>
<td>29</td>
<td>50</td>
<td>CRP #914010 Railroad Crossing Improvements</td>
<td></td>
<td></td>
<td>FGH</td>
<td>E</td>
<td>50,000</td>
<td></td>
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<tr>
<td>30</td>
<td>51</td>
<td>CRP #914011 Neighborhood Traffic Calming Various locations</td>
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<td></td>
<td>50,000</td>
<td></td>
</tr>
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</table>
# Supplemental Budget Request

**Status:** Pending

### Administrative Services

- **Fund:** 118
- **Cost Center:**
- **Originator:** M Caldwell

### Finance

- **Expenditure Type:** Ongoing
- **Year:** 2014
- **Add'l FTE:** ☐
- **Add'l Space:** ☐
- **Priority:** 1

**Name of Request:** 2014 Health Ins Increase - Corrections

### Department Head Signature (Required on Hard Copy Submission)

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
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<td></td>
<td>2910.1000</td>
<td>Fund Balance</td>
<td>($42,600)</td>
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<tr>
<td></td>
<td>6245</td>
<td>Medical Insurance</td>
<td>$42,600</td>
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<tr>
<td></td>
<td><strong>Request Total</strong></td>
<td></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

1a. **Description of request:**

Increase departmental budgets to allow for a $600 per year health insurance premium increase per regular employee. See attached listing of cost centers affected.

1b. **Primary customers:**

Corrections deputies

2. **Problem to be solved:**

The Executive recognizes that health insurance premiums are continuing to rise and in order to prevent hardship for the employees has proposed that the County will cover up to a $50 per month increase in insurance premiums.

3a. **Options / Advantages:**

N/A This option has been adopted by Council in the Corrections Deputies Bargaining Agreement

3b. **Cost savings:**

none

4a. **Outcomes:**

Outcome will be delivered when Council adopts this supplemental and amounts are recorded in 2014 budget.

4b. **Measures:**

n/a

5a. **Other Departments/Agencies:**

Jail budget will be increased

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

n/a

6. **Funding Source:**

Jail Fund balance

---

**Wednesday, December 18, 2013**
# 2014 Health Insurance Adjustments by Cost Ctr

**Jail Fund**

<table>
<thead>
<tr>
<th>C.C. #</th>
<th>Amount</th>
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<td>118000 Total</td>
<td>29,400</td>
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<tr>
<td>118100 Total</td>
<td>9,600</td>
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<tr>
<td>118120 Total</td>
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<tr>
<td>118140 Total</td>
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<tr>
<td>118145 Total</td>
<td>600</td>
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<tr>
<td>118180 Total</td>
<td>600</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>42,600</strong></td>
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</table>
Supplemental Budget Request

Administrative Services

Finance

Status: Pending

Suppl ID #: 1773  Fund: 444  Cost Center: 444200  Originator: M Caldwell

Expenditure Type: Ongoing  Year: 2014  Add'l FTE  Add'l Space  Priority 1

Name of Request: 2014 Health Ins Increase - Ferry

X

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>2880.1000</td>
<td>Retained Earnings</td>
<td>($6,600)</td>
<td></td>
</tr>
<tr>
<td>6245</td>
<td>Medical Insurance</td>
<td>$6,600</td>
<td></td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

1a. Description of request:
Increase departmental budgets to allow for a $600 per year health insurance premium increase per regular employee.

1b. Primary customers:
Ferry workers

2. Problem to be solved:
The Executive recognizes that health insurance premiums are continuing to rise and in order to prevent hardship for the employees has proposed that the County will cover up to a $50 per month increase in insurance premiums.

3a. Options / Advantages:
N/A This option has been adopted by Council in the MMP and IBU bargaining agreement.

3b. Cost savings:
none

4a. Outcomes:
Outcome will be delivered when Council adopts this suppiemntal and amounts are recorded in 2014 budget.

4b. Measures:
n/a

5a. Other Departments/Agencies:
Ferry budget will be increased

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

6. Funding Source:
Ferry Fund Balance (ultimately ferry user fees and Road Fund)

Wednesday, December 18, 2013
### Economic Development Interlocal Agreement

Economic Development Interlocal Agreement between the City of Bellingham, Port of Bellingham and Whatcom County for the purposes of creating efficiencies in coordination of economic development activities.

#### ATTACHMENTS:
1. Memo
2. Interlocal Agreement

#### SEPA review required?

- ( ) Yes
- (x ) NO

#### SEPA review completed?

- ( ) Yes
- (x ) NO

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

Request authorization for the Executive to enter into an interlocal agreement with the City of Bellingham and the Port of Bellingham for the purposes of ensuring consistency in the delivery of economic development services that provide beneficial outcomes to the parties.

### COMMITTEE ACTION:
12/10/2013: Failed 1-2, Helmer in favor. Councilmembers want more information from Jennifer Shelton, SBDC, before the meeting tonight before approving this item. Also, Councilmembers would like a presentation (from the Port and Small Business Development Center) on economic development efforts in Whatcom County.

### COUNCIL ACTION:
12/10/2013: Withdrawn from the agenda and held in Committee

---

**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)
MEMO:

TO: Whatcom County Council
DATE: November 27, 2013
FROM: Tawni Helms, Administrative Coordinator
RE: Economic Development Service Provider Interlocal

Background and Purpose:
On December 7, 2010 Whatcom County Council authorized an interlocal agreement between Whatcom County, the Port of Bellingham and the City of Bellingham. The interlocal agreement established a working partnership between the local governments to encourage collaboration and transparency and expires December 31, 2013. This interlocal agreement extends the collaboration for another three years. This coordinated approach has helped to ensure efficiencies in the provision of economic development activities from the economic development service providers. The economic development services agreed to by the Parties include but are not limited to:

Business retention
Business expansion
Assistance to start-ups
Research and data to support the above

As outlined in this agreement, the Port of Bellingham is the designated administrator for the contract. Administrative duties include the selection of the Service Providers, management of contracts, receipts and dispersal of funds and communication to Port, County and City representatives. The service provider selected for 2014 is the Small Business Development Center. They will continue to provide the deliverables listed above.

Funding Amount and Source:
The 2014 budget has allocated $135,000 through the EDI Fund.
WHATCOM COUNTY CONTRACT INFORMATION SHEET

Originating Department: Executive Office

Contract or Grant Administrator: Tawni Helms

Contractor's / Agency Name: Port of Bellingham

Is this a New Contract? Yes ☑ No ☐ If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No ☑

If Amendment or Renewal, Original Contract #: Does contract require Council Approval? Yes ☐ No ☑

If this is a grant agreement? Yes ☐ No ☑ If yes, grantor agency contract number(s) CFDA #

Is this contract grant funded? Yes ☐ No ☑ If yes, associated Whatcom County grant contract number(s)

Is this contract the result of a RFP or Bid process? Yes ☐ No ☑ If yes, RFP and Bid number(s) Cost Center:

Is this agreement excluded from E-Verify? No ☐ Yes ☑ If no, include Attachment D Contractor Declaration form.

If yes, indicate exclusion(s) below:
☐ Professional services agreement for certified/licensed professional ☐ Contract work is for less than 120 days
☐ 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 Govt's) ☐ Public Works - Local Agency/Federally Funded FHWA

Contract Amount: (sum of original contract amount and any prior amendments)
$405,000 - (estimated total over 3 years)
This Amendment Amount:
$
Total Amended Amount:
$

Contracts that require Council Approval (incl. agenda bill & memo)
- Professional Services Agreement above $20,000.
- Bid is more than $40,000.
- Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)

RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.

Summary of Scope: Interlocal agreement with the City of Bellingham and the Port of Bellingham for the purposes of ensuring consistency in the delivery of economic development services that provide beneficial outcomes to the parties.

Term of Contract: Expiration Date: 12-31-16

Contract Routing Steps & Signoff

1. Prepared by: Date: 12/1/13
2. Attorney reviewed: 12/2/13
3. AS Finance reviewed: 12/4/13 (see AB)
4. IT reviewed, if IT related:
5. Corrections made:
6. Attorney signoff:
7. Contractor signed:
8. Submitted to Exec Office:
9. Council Approved (if required):
10. Executive signed:
11. Contractor original returned to Dept.:
12. County original to Council:

Indicate date transmitted

Last Edited 7/24/13

54
INTERLOCAL COOPERATION AGREEMENT
BETWEEN
WHATCOM COUNTY, THE CITY OF BELLINGHAM, AND THE PORT
OF BELLINGHAM, REGARDING A COORDINATED APPROACH TO
FUNDING AND CONTRACTING WITH ECONOMIC DEVELOPMENT
SERVICE PROVIDERS

This Interlocal Cooperation Agreement (the "Agreement") is made and entered into this day by
and between Whatcom County, (the "County"), the City of Bellingham, (the "City"), and the
Port of Bellingham (the "Port"); The County, City, and Port may be individually referred to as a
"Party" and collectively referred to as the "Parties".

WHEREAS, the Parties have separately undertaken economic development activities in
Whatcom County, including contracting with various service providers to deliver business start-
up, retention, recruitment, expansion and related services; and

WHEREAS, in 2011 the Parties successfully joined their funding resources on a multi-year
basis to increase efficiency in coordination and focus on the outcomes expected by the Parties;
and

WHEREAS, the Parties collaboratively pooled their funding and jointly solicited responses
from responsible economic development service providers to provide core economic
development services to grow and sustain the Whatcom County economy; and,

WHEREAS, the funding commitments are apportioned with the knowledge the County will
utilize the County Public Utilities Improvement Fund as allowable through RCW 82.14.370 to
support 50% of the funding contribution; and

WHEREAS, the Parties wish to continue their collaboration to ensure consistency in the
delivery of economic development services that provide beneficial outcomes to the parties; and

WHEREAS, in 2012, the Port was designated by the County as Associate Development
Organization with the state of Washington, assuming a lead coordination responsibility for
economic development in Whatcom County;

WHEREAS, pursuant to RCW 53.08.245, the Port has broad authority to engage in economic
development activity; and

Economic Development Interlocal
Page No. 1
WHEREAS, pursuant to RCW Chapter 39.34 the Parties desire to enter into this Agreement to outline the commitment of funding and the process for selecting and administering economic development service provider contracts (the “Service Providers”).

NOW, THEREFORE, it is agreed by and between the Parties as follows:

1. **ADMINISTRATION.** The Parties designate the Port as the administrator pursuant to this Agreement. Administrative duties include selection of Service Providers, management of contracts, receipts and dispersal of funds, and communication to Port, County and City representatives. The Port will utilize its staff at no cost and follow the Port policies with regard to contracting for services or consultants.

2. **SERVICES.** The parties agree that for the purposes of this agreement economic development services include but are not limited to (i) business retention, (ii) business expansion, (iii) assistance to start-ups, and (iv) research and data to support the above.

3. **FINANCIAL COMMITMENTS.** The County, the City and the Port will include an economic development services line item in their respective 2014, 2015 and 2016 budgets. For 2014, and contingent upon budget approval from each Party, an amount up to the following contribution levels will be made:

   |          |        |  
   |----------|--------|---|
   | County   | $132,500 | 50% |
   | Port     | $66,250  | 25% |
   | City     | $66,250  | 25% |
   | **Total**| **$265,000** | **100%** |

The Parties will contribute a proportionate share equal to the percentages noted above for each Service Provider contract executed in 2014.

3.1. Contingent upon annual budget approval, the Parties agree to commit to a three-year coordinated approach to economic development funding. It is understood future 2015 and 2016 year funding may vary. The Advisory Committee (as set forth below) will meet in the summer of each year to discuss the following year’s budget. The relative percentages will be determined for each of the years 2015 and 2016 based upon the funding by each Party each year.

4. **APPOINTMENT OF ALLOCATIONS COMMITTEE.** The County, the City and the Port will each appoint one (1) representative to serve as member of the allocations committee (the “Committee”). The Committee will forward its decisions on allocation of the available resources to the Board of Commissioners of the Port, including selection of Service Providers, scope of services and funding levels. Unless demonstrated that the Committee's allocations violate Port policies or local, state or federal law, the Board of Commissioners shall authorize the appropriations under this Agreement only. The Port will receive communication on work progress and final reporting from all Service Providers. Each representative appointed to the
Committee shall also be the contact person for that Party. Each party may change the representative by providing written notice to the other Parties.

5. **STAFF.** The Parties may (but are not obligated) to utilize their staff (at no cost) to provide an initial screening, ranking and recommendation of proposals received from prospective Service Providers.

6. **INVOICES.** All Service Provider invoices must be consistent with the contract and approved by the Parties. Once approved, the Port will pay the invoice and forward the same to the County and the City for reimbursement. The County, the City and the Port shall provide the aggregate reimbursement for all payments quarterly within 30 days upon receipt of invoice by Port.

7. **EFFECTIVE DATE AND TERM.** The Agreement shall be effective immediately upon its execution by all Parties. This Agreement shall continue in full force and effect until the Service Provider contracts executed hereunder have been completed. Then, in the event that funds remain in the account for this Agreement and all debts have been paid, the funds will be returned to the Parties in proportion to their contribution.

8. **WITHDRAWAL OF PARTIES.** Any Party may withdraw from this Agreement by providing thirty (30) days written notice to the other parties. However, any Party withdrawing shall remain responsible for its prorated share of any payments due Service Providers for contracts executed prior to the receipt of the notice by the Port.

9. **NEW PARTIES.** The Parties may allow additional public agencies (as the term is defined in RCW 39.34.020) to become parties to this Agreement subject to such terms and conditions as they unanimously agree.

10. **SURVIVABILITY:** All covenants, promises and performance which are not fully performed as of the date of termination shall survive termination as binding obligations.

11. **NOTICES:** All notices, demands, requests, consents and approvals which may, or are required to be given by any party to any other party hereunder, shall be in writing and shall be deemed to have been duly given if delivered personally, sent by facsimile, sent by a nationally recognized overnight delivery service, or if deposited in the United States mail and sent by registered or certified mail, return receipt requested, postage prepaid to:

   The County: Tawni Helms  
   Whatcom County Executive Office  
   311 Grand Ave  
   Bellingham, WA 98225

---

Economic Development Interlocal  
Page No. 3
or to such other address as the foregoing parties hereto may from time-to-time designate in
writing and deliver in a like manner. All notices shall be deemed complete upon actual receipt or
refusal of the intended recipient to accept delivery. Facsimile transmission of any signed
original document, and retransmission of any signed facsimile transmission shall be the same as
delivery of an original document.

12. AMENDMENT: No modification, termination or amendment of this Agreement may
be made except by written agreement signed by all parties, except as provided herein.

13. WAIVER: No failure by any of the foregoing parties to insist upon the strict
performance of any covenant, duty, agreement, or condition of this Agreement or to exercise any
right or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach or
any other covenant, agreement, term or condition

14. NEUTRAL AUTHORSHIP: Each of the provisions of this Agreement has been
reviewed and negotiated, and represents the combined work product of all parties hereto. No
presumption or other rules of construction which would interpret the provisions of this
Agreement in favor of or against the party preparing the same shall be applicable in connection
with the construction or interpretation of any of the provisions of this Agreement.

15. PUBLIC RECORDS ACT. All records received by any Party, pursuant to this
Agreement shall be a public record and therefore subject to the Public Records Act.

17. ENTIRE AGREEMENT: The entire agreement between the parties hereto is contained
in this Agreement, and this Agreement supersedes all of their previous understandings and
agreements, written and oral, with respect to this transaction. This Agreement may be amended
only by written instrument executed by the parties subsequent to the date hereof.
IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

EXECUTED THIS ___ day of ____________, 2013.

CITY OF BELLINGHAM

________________________
Kelli Linville
Mayor

Attest:

________________________
Finance Director

Approved as to form:

________________________
Office of the City Attorney
EXECUTED this ___ day of __________, 2013.

WHATCOM COUNTY

______________________________
Jack Louws
County Executive

Approved as to form:

______________________________
Daniel L. Gibson
Sr. Civil Deputy Prosecuting Attorney

Economic Development Interlocal
Page No. 6
EXECUTED THIS ____ day of ____________, 2013.

PORT OF BELLINGHAM

__________________________
Rob Fix
Executive Director
**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></td>
<td></td>
<td>gdh</td>
<td>11/13/13</td>
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**TITLE OF DOCUMENT:** Recommended changes to EDI-funded program Guidelines.

**ATTACHMENTS:**

1. Housing Affordable for the Work Force Program-Guidelines for Requesting the Use of Whatcom County Economic Development Investment (EDI) Funds For Public Facility Costs Related to Construction of Affordable Homes
2. Interlocal Cooperation Agreement Between Whatcom County and the City of Ferndale
3. October 15, 2013 Memo from Council Chair Kathy Kershner
4. October 8, 2013 Memo from Small City Caucus

**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.)

County Council consider policy change that would allow rental construction as an allowable use of Economic Development Investment funds in the current EDI-funded program, "Housing Affordable for the Workforce."

**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: Regina A. Delahunt, Director

RE: Information requested by the County Council regarding the EDI-funded program and implementation guidelines for rental construction eligibility

DATE: November 13, 2013

Background and Purpose
On October 22, 2013 Whatcom County Council Chair Kathy Kershner asked for County Council to support the Economic Development Investment Board recommendation to change the allowable uses in the current EDI-funded program, “Housing Affordable for the Work Force,” to make rental construction projects eligible. The recommendation was held in committee while the County Council invited clarification on several issues.

An ad hoc committee of the Whatcom County Housing Advisory Committee, chaired by Mayor Gary Jensen, met on November 6 for a work session to address the issues raised by Council. The work group recommended Guidelines that provide clarification regarding income targeting and compliance monitoring. The work group also discussed the existing interlocal agreement for City of Ferndale implementation and agreed that the agreement did not need to be amended if rental construction becomes eligible. The work group supported implementation that does not require Council approval of each project and intergovernmental transfer of EDI funds.

Encl.
1. Guidelines for Requesting the Use of Whatcom County Economic Development Investment (EDI) Funds For Public Facility Costs Related to Construction of Affordable Rental Homes
2. Interlocal Cooperation Agreement Between Whatcom County and the City of Ferndale
3. October 15, 2013 Memo from Council Chair Kathy Kershner
4. October 8, 2013 Memo from Small City Caucus
5. DISCUSSION AND POSSIBLE ACTION ON AN ECONOMIC DEVELOPMENT INVESTMENT PROGRAM – EDI BOARD RECOMMENDATION TO MODIFY GUIDELINES TO ADD SINGLE AND MULTI-FAMILY HOME CONSTRUCTION AS AN ALLOWABLE USE (AB2013-332) (12:14:26 PM)

Weimer moved to recommend approval to the full Council. He asked and there was discussion about the income rates on which this is based and whether it really helps affordable housing.

Paul Schissler submitted information (on file) and answered questions.

Mann asked and there was discussion of modifying the interlocal agreement.

Jack Louws, County Executive, answered questions.

Mann stated he is against allowing rental in this program. There is no nexus with economic development. However, it may benefit the County. Get whatever leverage they can to get construction projects.

Brenner stated and there was discussion of whether specific projects come before the Council for approval. She won’t approve it if the Council doesn’t have approval of specific projects.

Crawford stated and there was discussion of EDI fund uses encouraging home ownership, this request for more affordable housing, and whether this provides economic development.

Brenner asked and there was discussion of changing the interlocal agreement to allow Council review of specific projects.

Kershner asked and there was discussion of the permanence of the program.

Weimer asked and there was discussion of extending the program another 20 years.

Kremen stated affordable housing availability will only get worse in the future, and the homeless population is more severe than they think. Include an option to extend the program for someone for 20 years.

Knutzen asked and there was discussion of landlord requirements for maintaining rental units and utilities.

Weimer moved to amend his motion and moved to recommend approval to the full Council with the understanding that, when the interlocal agreement comes forward, there be an option for another 20 years of affordability.

Mann stated he will vote for this item. There isn’t a clear connection, but there is an opportunity to leverage money. Just because they need a service, it doesn’t mean the EDI fund is the right funding source, but this will not increase the budget and bring in much more money.

The motion offered carried by the following vote:

**Ayes:** Mann and Weimer (2)

**Nays:** Crawford (1)
Louws stated the administration will bring forward a recommendation that has the 20-year renewal language, but consider that requirement carefully. If the money doesn’t come back to the fund, there will be no new construction. The amount of money the County is investing is small compared to other funds that go along with it. Consider it may be counterproductive to keep the money with the project through an extension.

Mann stated he would like to see options about that and options for the Council to have input about the types of projects that are developed. The Council is interested in having more policy discussion about implementation.
5. DISCUSSION AND POSSIBLE ACTION ON AN ECONOMIC DEVELOPMENT INVESTMENT PROGRAM – EDI BOARD RECOMMENDATION TO MODIFY GUIDELINES TO ADD SINGLE AND MULTI-FAMILY HOME CONSTRUCTION AS AN ALLOWABLE USE (AB2013-332)

Mann reported for the Finance and Administrative Services Committee and moved to approve the policy change with a thorough review of the terms of the agreement.

Brenner stated she is concerned about issues brought up in a letter from John Harmon and David Stalheim about the median income. The associated costs still come out of the pockets of the taxpayers. This may be too broad for affordable housing. She would like to hold this item. The Council doesn't have any input on where housing goes or if it's appropriate. The people who need affordable housing should benefit. She moved to refer to the Public Works, Health, and Safety Committee.

Kremen stated he is in favor of referring to committee, but refer it to the Finance and Administrative Services Committee. It's more appropriate and more staff attend the Finance Committee.

Brenner amended the motion and moved to refer to the Finance and Administrative Services Committee.

The motion to refer to committee carried by the following vote:

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

**Nays:** None (0)
Housing Affordable for the Workforce Program

Guidelines for Requesting the Use of Whatcom County Economic Development Investment (EDI) Funds For Public Facility Costs Related to Construction of Affordable Homes

The City of Ferndale, as the administrative agent for these EDI funds, will accept requests for use of EDI funds for public facility costs related to construction of affordable homes. Guidelines implemented in 2011 addressed how EDI funds only applied to new single family owner-occupied homes (stand-alone, zero lot line, townhomes, etc.) that will be offered for sale (no rental units). With County council approval of a program policy change to add single- and multi-family rental home construction as an allowable use for these EDI funds, the following second set of guidelines will be used to determine a rental [project's eligibility for EDI funds.

Generally, the public facility costs eligible for EDI include impact fees and utility connection fees. This includes the following:

- Water/Sewer/Storm Drainage utility connection fees
- Traffic impact fees
- Park Impact fees
- School Impact Fees
- Fire Impact Fees

Not eligible for EDI funding are the home’s side sewer line, water service line, or water meter – only payments to the local government for utility connection and impact fees are eligible.

Builders who would like to request use of EDI funds for this purpose will need to provide adequate information for the City of Ferndale and Whatcom County to determine the eligibility of the proposed project. The City of Ferndale will process the application and generally administer the Program but the final approval for the EDI funds rests with Whatcom County.

- If the affordable home is in a not-for-profit organization’s affordable housing program and there is State and/or Federal investment in the property that restricts its use to affordable housing, the EDI loan shall be due and payable when the property ceases to be used for affordable housing or at the end of 60-20 years, whichever occurs first. These loans will be secured with a deed of trust or restrictive covenants and/or a deed of trust which ensure the units’ affordability until repayment of the loan.

- If the home is other than described above, the loan shall be due and payable when the property is sold or transferred. These loans will be secured and enforced by a declaration of restrictive covenants and/or a deed of trust which ensure the units’ affordability until repayment of the loan.

If a project is determined to be eligible, the declaration of restrictive covenants and/or a deed of trust will be prepared and recorded with the County Auditor when the EDI funds are invested by the County. Whatcom County will be the lien holder and any eventual repayment of EDI funds will be made to the County. This lien shall be subordinated to any first mortgage. If the property is refinanced or resold in the future but remains in the affordable housing program, the EDI investment shall not be required to be repaid but shall remain a debt against the property until 60-20 years from the date of the investment of EDI funds.

EDI Application – May 2011 Final
If approved, EDI funds shall be paid directly to the permitting agency and the EDI funds shall be considered a deferred loan (investment) carrying a simple 1% annual interest rate. The deferred loan may include terms that allow an Option to Renew for an additional 20 years if the homes remain affordable.

Interest shall accrue and be tracked by the County but shall not be required to be repaid unless and until the home(s) come off the affordable housing inventory and/or is sold at market rate or at the end of 50-20 years, whichever comes first. Repayment of the loan and deferred interest shall be fully payable to the County at time of closing on a sale that results in the homes leaving an affordability program.

For purposes of this EDI Program, qualifying “affordable” housing shall be defined for renter and owner occupancy program purposes as follows:

(i) Rental housing units to be developed shall be affordable to and occupied by households with an income of sixty percent or less of the county median family income, adjusted for family size, unless the project is a mixed income project where at least two-thirds of the EDI-assisted rental housing units in the project shall be affordable to and occupied by households with an income of sixty percent or less of the county median family income, adjusted for family size, and the remaining EDI-assisted rental housing units in the project shall be affordable to and occupied by households with an income of eighty percent or less of the county median family income, adjusted for family size, and any rental housing units in the mixed income project that are affordable to and occupied by households with an income above the 80 percent of the county median family income, adjusted for family size, shall not be eligible for this EDI program;

(ii) Owner occupancy housing units shall be affordable to and occupied by households with an income of eighty percent or less of the county median income, adjusted for family size.

as housing that is affordable for individuals at or below 80 percent of the area median income as defined in Whatcom County Code section 20.97.221.

To qualify the home(s) shall not have been owner occupied and may be currently under construction. In most cases, the preference is to award these funds for homes in the permitting stage. EDI fund shall only be available for unpaid connection and/or impact fees at the time of application.

For more information about this funding program, contact Greg Young, City Administrator for the City of Ferndale at (360) 685-2351 or cityadmin@CityofFerndale.org. Completed applications should be mailed to

Mark Peterson, Finance Director
City of Ferndale
PO Box 936
Ferndale WA 98248

Proposal Format

A. Applications must be typewritten in black font on standard 8 ½ x 11 inch white paper with one-inch margins and stapled once in the upper left corner. Applications submitted on recycled paper and printed double-sided are encouraged. Applications submitted with binders or covers will be rejected. Page numbers are required.

B. Applications at this stage will not have a page limit.

EDI Application – May 2011 Final
C. Applicants must submit one (1) original and three (3) copies of the application in a sealed envelope, plainly marked on the outside with the applicant's name and address and the words "Application for Use of EDI Funds for Public Facility Costs Related to Affordable Housing Construction."

D. The original must have original signatures.

E. All responses must contain the information requested. Please respond to each section in the same order in which it is asked. Any deviation from these specifications must be clearly addressed in writing.

Proposal Contents

A. Provide a cover letter, limited to one page, on agency letterhead, briefly describing the project and how much EDI funding is being requested for which specific fees. A written statement by the permitting agency detailing the connection and/or impact fees payable shall be required.

B. Provide a signed Application Cover Sheet, using the format at the end of these guidelines. An authorized signatory of the applicant's organization must sign the cover sheet.

C. Provide a Project Proposal, including the following.
   1. Applicant’s corporate history, mission, and organizational structure.
   2. A description of the construction project, including location, number and type of homes to be built, and the characteristics of the individuals or families that will benefit. A detailed map showing the location of the proposed affordable housing is required.
   3. A project capital budget summary, including all sources and uses of funding and the cost per home.
   4. A discussion of each funding source in the capital project, including the timing and certainty or uncertainty that those funds are or will be secured.
   5. A description of how the home's affordability will be created and monitored.
   6. A discussion of the proposed timeline, including dates for applying for and securing other funding, as well as for design, permitting, construction and completion of the project.
   7. A discussion of the likelihood that the project will be completed as proposed, including contingencies that may occur, and other factors that will improve the County's confidence that the project will be completed.
   8. A discussion of site control, including how long the property has been owned, past investments in the property, current debt if any, etc.
   9. A description of how long the homes will remain affordable to low income households and how funds will be repaid to the County if the home is removed from its affordability program.
   10. If any nonresidential improvements, facilities or other amenities are included in the project, please describe.
   11. Any other information that helps to describe the project.

D. Provide as attachments, other pertinent information, including:
   1. Excerpts of pages or sections from other applications for funding for this project, such as pertinent sections from the WA Housing Trust Fund application and/or the Low Income Housing Tax Credit Application, if applicable.
   2. Agency board of directors names and affiliations
   3. Project team, including staff, consultants and contractors
   4. A capital project budget, based on best available estimates
   5. Any other information that helps to describe the project
Housing Affordable for the Work Force Program

Objectives

The objectives of the Housing Affordable for the Work Force Program are to finance public facilities through payment of City impact fees and eligible utility charges that will:

1. Improve and maintain public infrastructure
2. Increase construction sector jobs.
3. Stimulate the Whatcom County economy.
4. Stimulate affordable private home ownership

Policies

1. Whatcom County will fund the program with EDI loans up to $1.2 million and will reimburse program administrative costs up to $25,000.

2. EDI Loans are limited to city impact fees and eligible utility charges related to new affordable homes that are constructed as owner-occupied housing.

3. Affordable is defined Whatcom County Code 20.97.221 Low-income housing. “Low-income housing” means housing for which the monthly expenditure by a qualified low-income household purchaser or tenant, including mortgage or rent payment, insurance, taxes, and utilities (water and sewer), does not exceed 38 percent of gross monthly household income at the time of purchase or lease, and where the amount of mortgage or rent does not exceed 30 percent of gross monthly household income, with documented assurance that the housing provided is restricted under a government or nonprofit housing program or agency, and that this will continue over time. A “low-income household” means a single person, family, or unrelated persons living together whose income, at their initial occupancy of the premises, is less than 80 percent of the median family income, adjusted for household size, for Whatcom County, as defined by the U.S. Department of Housing and Urban Development at the time of application. A monthly expenditure higher than the standard above may be allowed for homes or projects that have received state, federal, and/or other affordable housing program funding. (Ord. 2009-006 Exh. 1, 2009).

4. EDI Loans shall bear 1% simple interest payable when loans become due.

5. EDI loans shall be due:

EDI Application – May 2011 Final
a) If the affordable home is in a not for profit organization’s affordable housing program and there is State or Federal investment in the property that restricts its use to affordable housing, the EDI loan shall be due when the property ceases to be used for affordable housing or at the end of 50-20 years, whichever comes first. These loans will be secured with a deed of trust that is recorded and runs with the land. The deferred loan may include terms that allow an Option to Renew for an additional 20 years if the homes remain affordable.

b) If the home is other than as described in a) above the loan shall be due when the property is sold or transferred at the end of 20 years, whichever comes first. These loans and affordability requirements will be secured and enforced with a declaration of restrictive covenants and/or a deed of trust.

6. Payment of impact fees and eligible utility charges:

   i. The county will pay the city directly assessing the impact fees and/or eligible utility charges.

   ii. Payments by the county will be based on an itemized list of impact fees and related charges provide by the city and signed by city official.

   iii. The program administrator will approve the program loan prior to county payment.

   iv. The program administrator will approve the Restrictive Covenant or Deed of Trust prior to county payment.

   v. The restrictive covenant or deed of trust will be recorded prior to payment of impact fees and eligible utility charges.

   vi. The program administrator will issue and record the notice of satisfaction when the loan is paid.

7. City of Ferndale will be the program administrator for the Housing Affordable for the Work Force Program.
Housing Affordable for the Work Force Program

Application Cover Sheet Requesting the Use of Whatcom County Economic Development Investment (EDI) Funds for Public Facilities Costs Related to Construction of Affordable Homes

Applicant Information

Name and Title of Authorized Representative: ________________________________

Name of Organization: ______________________________________________________

Address: ___________________________________________ City: _______________

State: ______ Zip Code: ________ Phone: __________ Fax: _____________________

E-mail: __________________________________________________________________

Project Information

Location of Proposed Affordable Housing ______________________________________

__________________________________________________________________________

Legal Requirements

Please check the appropriate box below and provide the information requested:

✓ Incorporated as a private non-profit corporation in the State of Washington and has been granted 501(c)(3) tax exempt status by the U.S. Internal Revenue Service.

IRS Employer Identification Number (EIN): ________________________________

✓ A public corporation, commission, or authority established pursuant to applicable Washington State law

IRS Employer Identification Number (EIN): ________________________________

✓ Incorporated as a private for-profit corporation

IRS Employer Identification Number (EIN): ________________________________

Other Information

Please indicate the total amount of funding requested: $ __________

I certify that the above-named applicant will comply with all Whatcom County requirements if EDI funding is used by my agency. All information contained in this application is true and accurate to the best of my knowledge.

_________________________________________  __________________________
Authorized Signature and Title                                                      Date

EDI Application – May 2011 Final
Interlocal Cooperation Agreement
Between Whatcom County and The City of Ferndale
For The Purpose Of Administering The Use of Economic Development Investment (EDI) Funds up to $1.2 Million Dollars for Public Facility Costs Related to Construction of Affordable Homes

This agreement is entered into between Whatcom County and the City of Ferndale for the purpose of creating an Interlocal Cooperation Agreement. This Agreement addresses the administration of the $1.2 million Housing Affordable Loan Program. This program will use Economic Development Investment Funds to pay for public facility costs related to the construction of affordable homes in Whatcom County.

WHEREAS, housing affordability has become a significant problem for a large portion of the population in Whatcom County, and;

WHEREAS, data for the Whatcom area, including the US Census, show a very large need for more homes that local workers, families and individuals can afford, especially for those who have local jobs that pay less than the median income, and;

WHEREAS, economic development investments in housing affordable for the work force will create jobs in the construction sector and help to create a more sustainable, resilient economic infrastructure for local employers, and;

WHEREAS, this EDI project is available to all areas of the county and to any builder willing to build affordable housing units, and;

WHEREAS, EDI funds will be used in a simple, efficient way to increase the number of construction projects and construction jobs, producing housing for the local work force, and;

WHEREAS, EDI payments for city infrastructure will qualify as local matching funds to match other sources of funding used to acquire and build housing for low income persons, and;

WHEREAS, the EDI funds will be invested as a deferred investment loan secured by a restrictive covenant or deed of trust recorded at the County Auditors office and running with the land, and;

NOW THEREFORE, in consideration of the mutual housing benefits for low income persons in Whatcom County, the above partners agree as follows:

The purpose of this Agreement shall be to provide for the administration and use of Economic Development Investment funds for the purposes of paying a City in Whatcom County for public impact fees and utility connection fees that are directly related to the construction of housing affordable for individuals and families earning at or below 80 percent of the area median income as defined in Whatcom County Code 20.97.221.
1. The City of Ferndale as Program Administrator will:

A. Accept requests for use of EDI funds as defined in RCW 82.14.370 for public facility costs related to construction of affordable homes. Generally, the public facility costs eligible for EDI include city required impact fees and utility connection fees. The City of Ferndale is responsible for administering the project and qualifying loan recipients for low income eligibility. The City of Ferndale is not responsible for repayment of the EDI Loan.

B. Ensure Builders who request the use of EDI funds for this purpose have secured funding sufficient to meet the affordable housing requirements according to Whatcom County Code 20.97.221. This information will be documented on the project application used by the City of Ferndale to determine the eligibility of the proposed project.

C. Prepare a deed restriction in the form of a Restrictive Covenant or Deed of Trust in an amount equal to the required impact fees, eligible utility connection fees and recording costs for approved applications.

D. Prepare for each of the parties to this agreement at least annually a written summary of the funds expended under the terms of this agreement.

2. Whatcom County as Lender will:

A. Record the approved loan in county financial system.

B. Reimburse the City of Ferndale for the life of the project up to $25,000. for the costs of administering this project. The housing eligibility administration fee is $500.00.

C. Record the restrictive covenant or deed of trust prior to payment of impact fees.

D. Process payments of impact fees and eligible utility connection fees approved Program Administrator. Whatcom County will pay assessing city directly.

E. Calculate and collect loan and interest when due.

F. For the purposes of RCW.39.34.030 (4)(a), the Whatcom County Deputy Administrator is designated as the administrator responsible for overseeing and administering the joint or cooperative undertaking contemplated by this agreement.

G. Reserve the right to review, monitor, or audit the use of these funds as deemed necessary. Such activities may occur with or without notice. The county reserves the right to recover any ineligible costs identified. All recipients of funding under this agreement shall remain accountable for all funds. Funds will be disbursed in a manner that is consistent with county practices.
MEMORANDUM

DATE: October 15, 2013
TO: Whatcom County Council Members
FROM: Kathy Kershner, Whatcom County Council President
RE: Economic Development Investment Board - Funding Recommendation Update

I ask for your support for the recommendation to improve an EDI-funded project by making rental construction eligible for assistance. Here is an update:

The EDI Board re-reviewed this idea and renewed their prior recommendation: change the allowable uses in the current EDI-funded program, “Housing Affordable for the Work Force”, to make rental housing construction projects eligible. The EDI Board’s September 2012 meeting notes include the statements of support made there by EDI Board Members Zoro, Bromley, Linville and Jones.

The EDI Board is recommending that the EDI-funded program be modified to add single and multi-family rental home construction as an allowable use, with deferred loan repayment no later than 20 years, or sooner than 20 years if the property leaves its affordable housing program status.

The Small City Caucus has stated its continued support for the proposal made by the City of Ferndale on behalf of this county-wide program. The Small City Caucus voted unanimously again in February to ask Mayor Bromley to convey to the County the Caucus’s continuing support for revising the project guidelines. Mayor Bromley’s letter is attached. We can also continue to rely on the City of Ferndale, with the City staff ready to implement the proposed change in the program.

No additional funds are being sought for this program change. This EDI-funded project received $1,200,000 in EDI funding approval for the first time in 2011, and limiting the allowable uses to homeownership construction. Since then, approximately $240,000 has been invested in homeownership construction, with an additional $200,000 about to be used. The remaining amount, approximately $750,000, would be made available to both rental and ownership projects that apply to the program.

If you have any questions or concerns regarding this matter, please let our staff and the County Executive’s Office know of your questions or concerns.

Thank you.

KK: mb

Attachments: EDI Board September 24, 2012 meeting notes and recommendation Small City Caucus Chairperson letter of support

C: Jack Louws, Whatcom County Executive
Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, WA 98225

Re: Use of EDI to support affordable rental construction

Dear County Council Members:

The Small City Caucus supports the use of EDI funding for public facility costs related to affordable rental construction and supports the change in the program previously approved by the County Council.

At the February 19, 2013, Small City Partnership meeting, we discussed the proposed change in the program: adding rental to the previously approved eligible use for homeownership construction.

After our discussion, a motion in support of the change was made by Mayor Korthuis and unanimously approved, asking me to send this letter of support for the change, to allow rental construction projects to be eligible.

Previously, the Small City Caucus had supported the original proposal put forward by the City of Ferndale in 2010 and approved by the Council in 2011, resulting in $1,225,000 being approved for public facility costs related to affordable housing construction. The original proposal had addressed the need for both rental homes and homeownership, and I would like to encourage you to support both.

As you know, there's a huge need for affordable rental housing for people who live and work in Whatcom County, and the Small City Caucus asks the County Council to move forward with the EDI Board's recommendation and approve this change in the program.

Thank you for your consideration.

Sincerely,

[Signature]

Mayor Bob Bromley
On Behalf of the Whatcom County Small City Caucus

Cc: County Executive
WHATCOM COUNTY COUNCIL AGENDA BILL

**TITLE OF DOCUMENT:** Approval to Purchase Waterborne Traffic Line Paint

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

**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 is requesting approval to purchase Waterborne Traffic Line Paint for 2014 using the Washington State Contract. The vendor is Alpine Products. Paint is purchased on an as needed basis and the total expenditure for traffic line paint could be up to $500,000.00. This is a regularly budgeted expenditure.

**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: 5 December 2013

TO: Jack Louws, County Executive
FROM: Brad Bennett, AS Finance Manager
SUBJECT: Approval to Purchase Waterborne Traffic Line Paint

- **Background & Purpose**

Public Works is requesting approval to use the Washington State Contract for the 2014 purchase of waterborne traffic line paint. The vendor is Alpine Products Inc.

Traffic paint is purchased on an as needed basis. Due to nationwide shortages, Public Works is requesting Whatcom County approve multiple suppliers of traffic paint. Purchases will be made based on price and product availability. Total expenditures for traffic paint could reach $500,000.

- **Funding**

This is a regularly budgeted item and funds exist in the current budget. I concur with this recommendation.

[Signature]

AS Finance Manager

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
       Jeff Gollen, PW Maintenance & Operations Superintendent

RE: Washington State Contract 07609 (Waterborne Traffic Line Paint)

DATE: November 27, 2013

- Requested Action
  I am requesting Executive and Council approval to purchase the following material as needed from the Washington State Bid Procurement List during the period of 2014 through November 30, 2015 (current state contract term is for the period of 01/27/2010 through 11/30/2015).

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>STATE CONTRACT #</th>
<th>EXPIRATION DATE</th>
<th>APPROXIMATE ANNUAL EXPENDITURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterborne Traffic Marking Paint</td>
<td>07609</td>
<td>November 30, 2015</td>
<td>$ 500,000</td>
</tr>
</tbody>
</table>

This state contract has been awarded to Ennis Paint, Inc.; subcontractor for political subdivisions is Alpine Products, Inc., located in Auburn, Washington.

Due to potential supplier issues we had in 2010 and 2011, we are requesting multiple vendor sources for waterborne traffic line paint. Combined, purchased from Alpine Products, Inc. (Washington State Bid Procurement List), Sherwin Williams, Inc. (Lewis County bid through Interlocal Agreement), and Ennis Paint, Inc. (Pierce County bid through Interlocal Agreement) are anticipated to be approximately $500,000.

- Background and Purpose
  The Maintenance & Operations Division of the Public Works Department uses these materials regularly as part of the road maintenance program. This agreement is for the purpose of providing waterborne traffic marking line paint throughout the year to be used on county road maintenance and road projects as needed.

- Funding Amount and Source
  These are regularly budgeted expenditures for material, which is used on an annual basis as needed and has been budgeted during the 2013-2014 Budget process. Combined vendor expenditures for 2013 year-to-date are $295,391.28.

- Recommended Action
  Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the January 28, 2014 Whatcom County Council Meeting. Please contact Jeff Gollen at extension 50660 or Eric L. Schlehuber at extension 50607, if you have any questions or concerns.

Encl.
TITLE OF DOCUMENT: Approval to Purchase Waterborne Traffic Line Paint

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 is requesting approval to purchase Waterborne Traffic Line Paint for 2014 using an interlocal agreement with Pierce County. The vendor is Ennis Paint. Paint is purchased on an as needed basis and the total expenditure for traffic line paint could be up to $500,000.00. This is a regularly budgeted expenditure.

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.
DATE: 5 December 2013

TO: Jack Louws, County Executive

FROM: Brad Bennett, AS Finance Manager

SUBJECT: Approval to Purchase Waterborne Traffic Line Paint

• Background & Purpose

Public Works is requesting approval to use Pierce County’s bid in order to have an additional vendor for the purchase their 2014 annual supply of waterborne traffic line paint. Whatcom County has an Interlocal agreement with Pierce County that allows us to use their bids. Pierce County’s bid is good until April 2014. The vendor is Ennis Paint Inc.

Traffic paint is purchased on an as needed basis. Due to nationwide shortages, Public Works is requesting Whatcom County approve multiple suppliers of traffic paint. Purchases will be made based on price and product availability. Total expenditures for traffic paint could reach $500,000.

• Funding

This is a regularly budgeted item and funds exist in the current budget. I concur with this recommendation.

AS Finance Manager

Approved as recommended:

______________________________
County Executive

Date of Council Action _____________
MEMORANDUM

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

THROUGH:  Frank M. Abart, PW Director

FROM:  Eric L. Schlehuber, PW Equipment Services Manager
         Jeff Gollen, PW Maintenance & Operations Superintendent

RE:  Interlocal Agreement with Pierce County – Contract 200209010 Waterborne Traffic Line Paint

DATE:  November 27, 2013

- Requested Action
I am requesting Executive and Council approval to purchase the following material as needed during the period of 2014 through April 15, 2014 from Ennis Paint, Inc. in the amount of $500,000, through an existing Interlocal Agreement between Whatcom County and Pierce County. This purchase is permitted pursuant to the Washington State Interlocal Cooperative Act, RCW Chapter 39.34.

Due to potential supplier issues we had in 2010 and 2011, we are requesting multiple vendor sources for waterborne traffic line paint. Combined, purchases from Alpine Products, Inc. (Washington State Bid), Sherwin Williams, Inc. (Lewis County Bid), and Ennis Paint, Inc. (Pierce County Bid) are anticipated to be approximately $500,000.

- Background and Purpose
The Maintenance & Operations Division of the Public Works Department uses these materials regularly as part of the road maintenance program. This agreement is for the purpose of providing waterborne traffic marking line paint throughout the year to be used on county road maintenance and road projects as needed.

- Funding Amount and Source
These are regularly budgeted expenditures for material, which is used on an annual basis as needed and has been budgeted during the 2013-2014 Budget process. Combined vendor expenditures for 2013 year-to-date are $295,391.28.

- Recommended Action
Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the January 28, 2014 Whatcom County Council Meeting. Please contact Jeff Gollen at extension 50660 or Eric L. Schlehuber at extension 50607, if you have any questions or concerns.

Encl.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Originator</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
</tr>
</thead>
<tbody>
<tr>
<td>LS</td>
<td></td>
<td>11/22/13</td>
<td></td>
<td>1/28/2014</td>
<td>Finance/Council</td>
</tr>
</tbody>
</table>

Division Head:  
Dept. Head:  
Prosecutor:  
Purchasing/Budget:  
Executive:  

TITLE OF DOCUMENT: Contract between Whatcom County and Sustainable Connections

ATTACHMENTS: Contract, Memo, Information Sheet

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

As allowed in RCW 67.28, Whatcom County will provide funding to Sustainable Connections for advertising and promotion of the Savor Whatcom Food and Farms Program.

The contract amount is $25,000. The contractor is a sole source provider.

The term of the contract is January 1, 2014 through December 31, 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.
MEMORANDUM

TO: County Council Members

FROM: Jack Louws, County Executive

RE: Sustainable Connections Savor Whatcom Food and Farms Program

DATE: January 10, 2014

Enclosed are two (2) originals of a contract for the Savor Whatcom Food & Farms program between Whatcom County and Sustainable Connections for your review and signature.

Background and Purpose
As allowed in RCW 67.28 Whatcom County will provide funding to Sustainable Connections for advertising and promotion of the Savor Whatcom Food & Farms program in an effort to promote agritourism in Whatcom County.

Funding Amount and Source
Funding for this contract comes from Convention Center funds and was approved by the Lodging Tax Advisory Committee at their October 25, 2013 meeting.

Enclosures
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Administrator:</td>
<td>Linda Salas</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Sustainable Connections</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Is this a grant agreement?</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, grantor agency contract number(s)</td>
<td>CFDA #</td>
</tr>
</tbody>
</table>

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

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

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

- x 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>$25,000</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 promote tourism in Whatcom County, thereby generating additional revenues to our community.

| Term of Contract: 12 months | Expiration Date: 12/31/14 |

Contract Routing Steps & Signoff: [sign or initial]  [indicate date transmitted]
1. Prepared by LS  Date 11/22/13  [electronic]
2. Attorney reviewed  Date 12/3/13  [electronic]
3. AS Finance reviewed  Date 12/3/13  [electronic]
4. IT reviewed if IT related  [not applicable]
5. Corrections made  [not applicable]
6. Attorney signoff  Date 12/10/13  [electronic]
7. Contractor signed  Date 12/10/13  [not applicable]
8. Submitted to Exec Office  Date 12/10/13  [summary via electronic; hardcopies]
9. Council approved (if necessary)  [not applicable]
10. Executive signed  [not applicable]
11. Contractor Original Returned to dept.  [not applicable]
12. County Original to Council  [not applicable]
CONTRACT FOR SERVICES AGREEMENT
SUSTAINABLE CONNECTIONS

Sustainable Connections, 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), pp. 9
- Exhibit B (Compensation), pp. 10
- Exhibit C (Sample Survey), pp. 11

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, 2014.

The general purpose or objective of this Agreement is to support Sustainable Connections in their effort to promote tourism and overnight stays in Whatcom County, as more fully and definitely described in Exhibit A hereto. The language of Exhibit A controls in case of any conflict between it and that provided here.

By entering this agreement the parties do not create any rights or expectations on behalf of any third parties and creates no causes of action for anyone who may be inadvertently omitted from the map.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed $25,000. 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 9th day of January, 2014.

CONTRACTOR:

SUSTAINABLE CONNECTIONS

Derek M. Long
Program & Development Director

STATE OF WASHINGTON

COUNTY OF WHATCOM

On this 9th day of January, 2014, before me personally appeared Derek Long, to me known to be the Program and Development Director of Sustainable Connections and who executed the above instrument and who acknowledged to me the act of signing above the same.

LINDA M. SALAS
NOTARY PUBLIC in and for the State of Washington, residing at Burlington
My commission expires 3/24/17
WHATCOM COUNTY:

Approved as to form:

Prosecuting Attorney  12/17/13

Approved:
Accepted for Whatcom County:

By: 
Jack Louws, Whatcom County Executive

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 __________________________.

CONTRACTOR INFORMATION:

SUSTAINABLE CONNECTIONS

ADDRESS:
1701 Ellis Street #221
Bellingham, WA 98225

Contact Name: Derek M. Long
Contact Phone: 360-647-7093
Fax: 360-594-4373
Contact Email: derek@sconnect.org
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: Not Applicable

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 entailing 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.

31.2 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 general liability and property damage insurance with the following minimums:
Property Damage per occurrence - $500,000.00 (this amount may vary with circumstances)
General Liability & Property Damage for bodily injury- $1,000,000.00 (this amount may vary with circumstances)

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.

a. Professional Liability - $1,000,000 per occurrence: Not Applicable

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

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 subcontracts for standard commercial supplies or raw materials, or to sole proprietorships with no employees.

35.2 Non-Discrimination in Client Services:
The Contractor shall not discriminate on the grounds of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status; or deny an individual or business any service or benefits under this Agreement; or subject an individual or business to segregation or separate treatment in any manner related to his/her/its receipt any service or services or other benefits provided under this Agreement; or deny an individual or business an opportunity to participate in any program provided by this Agreement.

36.1 Waiver of Noncompetition:
Contractor irrevocably waives any existing rights which it may have, by contract or otherwise, to require another person or corporation to refrain from submitting a proposal to or performing work or providing supplies to the County, and contractor further promises that it will not in the future, directly or indirectly, induce or solicit any person or corporation to refrain from submitting a bid or proposal to or from performing work or providing supplies to the County.

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:

Insert here (name, job title, work address)

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, 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.
Sustainable Connections is a non-profit educational organization in Whatcom County. The general purpose or objective of this Agreement is to support Sustainable Connections in their efforts to promote tourism and overnight stays in Whatcom County. Contractor will promote agritourism in Whatcom County through a marketing campaign for the Savor Whatcom Food & Farms program. Bellingham/Whatcom County is well positioned to capitalize on its reputation of being an enjoyable place to visit, and leverage Bellingham Whatcom County tourism’s new “Be in Bellingham Whatcom County” campaign along with Sustainable connections’ successful Eat Local First campaign to fully brand itself as a food and farm experiences based destination. Savor Whatcom Food & Farms strategies target and encourage tourists from Seattle and Vancouver, B.C. metro areas to discover culinary and agritourism experiences in Whatcom County, generating positive economic activity through the purchase of meals, gifts and overnight accommodation.

Highlighting those opportunities with the greatest potential to sustain and increase regional agritourism, Savor Whatcom Food & Farms will maximize and leverage local tourism opportunities and resources to increase regional tourism while expanding culinary and agritourism opportunities.

Contractor will provide the following marketing tools for effective promotion of the following activities for the purpose of attracting visitors to Whatcom County:

- Culinary & Agritourism Road Map (fold up map placed in B.C. Ferries, SeaTac Airport, Seattle Pier 52, etc.)
- Whatcom Food & Farm Finder (copies distributed to businesses and visitor centers outside of Whatcom County)
- Whatcom Wine & Spirits Fest (increase regional promotion outside of Whatcom County)
- Eat Local Month & Farm Tour (radio, print and online advertisements to Seattle and Vancouver, B.C. metro)

Promotional materials regarding proposed activity must mention that it is made possible in part by a Tourism Promotion Grant from Whatcom County. The scale of this credit should be commensurate with the County’s level of financial support. It should include the name and logo of the County. It is not expected that this credit be displayed in all materials, but at a minimum it should be placed in such documents as programs and annual reports.

Within 30 days after signature execution of this Agreement, Recipient shall submit a concise plan for the collection of the required survey data (the “Survey Plan”) to the Whatcom County Executive Office. The Survey Plan shall outline statistically defensible methods of survey protocol that will provide data about the event attendees. The survey questions outlined in the Survey Plan shall be substantially similar to those illustrated in Exhibit C, which is attached hereto and incorporated herein. Pursuant to RCW 67.28.1816, recipients of lodging tax funds must provide the following information:

The estimated number of tourists, persons traveling over fifty miles to the destination, persons remaining at the destination overnight, and lodging stays generated per festival, special event or tourism-related facility owned or sponsored by a nonprofit organization or local jurisdiction.

Within 30 days after the end of the contract term, recipients of promotional grants shall submit a Final Project Report detailing:

- How the evaluation criteria were met by this event.
- What elements worked well and which did not.
- Modifications, if any, planned for future activities.
- Survey results that were collected according to the Survey Plan.
- The number of out-of-County visitors that stayed in Whatcom County lodging establishments.

Failure to complete and deliver the Final Project Report and the Survey Plan in a timely manner may render the recipient ineligible for future funding.
EXHIBIT "B"
(COMPENSATION)

The Contract Number, set forth above, shall be included on all billings.

Allowable expenses include:

- Printing costs for the promotional materials designed to attract overnight visitors to Whatcom County (Culinary & Agritourism Road Map, Whatcom Food & Farm Finder, Farm Tour posters, Wine & Spirits Fest Banner and Farm Tour sign.)
- Consultant fees associated with the design and layout of materials created for the purposes of attracting visitors to Whatcom County.
- Advertising expenses for media outlets outside of Whatcom County for the purposes of bringing visitors to Whatcom County.

Expenses will be billed at actual costs. Receipts are required for reimbursement. Additionally, documentation of the marketing campaign conducted outside of Whatcom County will be provided.

**Maximum consideration for this contract shall be $25,000** Invoices shall be sent to the Whatcom County Executive’s Office. Sustainable Connections will provide Whatcom County with an invoice detailing expenses as allowed in Exhibit A (including receipts). Payment will be made as reimbursement only.
EXHIBIT “C”  
(SAMPLe SURVEY)

Sample Survey Questions for Attractions, Festivals and Events

1. What is your zip code?

2. How did you hear about this event? (i.e. newspaper advertisement, radio, internet, magazine advertisement, word of mouth)

3. How many nights away from home, if any, are you spending in Whatcom County?

4. Will you stay overnight? If so, where?
   
   ___ Hotel or motel
   ___ Campground
   ___ Friend/Relative
   ___ Not staying overnight

5. How much money have you spent in Whatcom County as a visitor including any food, gas lodging, tickets, etc.?  
   
   ___ $0-$25
   ___ $25-$50
   ___ $50-$100
   ___ $100-$200
   ___ $200 or over

Sample Survey Plan:

Your survey plan should answer the following questions regarding your survey methodology:

1. How do you intend to distribute your survey to your event participants?
2. What incentives or methods will you use to ensure you obtain sufficient data on your event participants?
3. Who will be responsible for collecting your data?
4. Any other details regarding your survey methods or alternative methods you may use to obtain relevant data regarding your event participants.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>11/21/13</td>
<td>1/28/14</td>
<td>Finance/Council</td>
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<td>A&amp;D</td>
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<tr>
<td>Executive:</td>
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</tr>
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</table>

**TITLE OF DOCUMENT:** State of Washington Department of Social and Health Services (DSHS) Partnerships for Success Agreement

**ATTACHMENTS:**
1. Memo
2. Info Sheet
3. 2 copies of Grant Agreement

**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 purpose of this grant is to enhance funding for substance abuse prevention programs and services. Forty one percent of Whatcom County 12th graders report that they are problem or heavy drinkers. Twenty six percent indicate they use marijuana. Fifteen percent of area tenth graders report they’ve been drunk or high at school. These facts have led to a decision by community leaders to make youth substance abuse a priority in planning health initiatives in Whatcom County. This grant contains the first year of funding for what is expected to be a five year project to fund planning, coordination and delivery of strategies to prevent underage drinking and drug use in high need communities within Whatcom County.

**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.
Enclosed are two (2) originals of a grant agreement between the State of Washington Department of Social and Health Services (DSHS) and Whatcom County for your review and signature.

- **Background and Purpose**
  The purpose of this grant is to enhance funding for substance abuse prevention programs and services. Forty one percent of Whatcom County 12th graders report that they are problem or heavy drinkers. Twenty six percent indicate they use marijuana. Fifteen percent of area tenth graders report they've been drunk or high at school. These facts have led to a decision by community leaders to make youth substance abuse a priority in planning health initiatives in Whatcom County. This grant contains the first year of funding for what is expected to be a five year project to fund planning, coordination and delivery of strategies to prevent underage drinking and drug use in high need communities within Whatcom County.

- **Funding Amount and Source**
  This grant is funded with federal dollars from the Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of $ 83,065 for the period from 11/1/13 to 9/30/14. Council approval is required because performance of the scope of work requires that the County hire an additional resource to coordinate the project. This position is included in the supplemental budget request also on the agenda for January 28, 2014.

- **Differences from Previous Contract**
  This is a new grant.

Please contact Joe Fuller at extension 30684, if you have any questions regarding this agreement.

Encl.
### WHATCOM COUNTY CONTRACT
#### INFORMATION SHEET

**Originating Department:** Health

**Contract or Grant Administrator:** Jackie Mitchell

**Contractor's / Agency Name:** Washington State Department of Social & Health Services

**Is this a New Contract?** Yes □ No □

**If not, is this an Amendment or Renewal to an Existing Contract?** Yes □ No □

**If Amendment or Renewal, Original Contract #**

**Does contract require Council Approval?** Yes □ No □

**Is this a grant agreement?** Yes □ No □

**If yes, grantor agency contract number(s) 1363-90067 CFDA# 93.243**

**Is this contract grant funded?** Yes □ No □

**If yes, associated Whatcom County grant contract number(s)**

**Is this contract the result of a RFP or Bid process?** Contract

**Yes □ No □**

**If yes, RFP and Bid number(s)**

**Cost Center: 677200**

**Is this agreement excluded from E-Verify? No □ Yes □**

**If no, include Attachment D Contractor Declaration form.**

**If yes, indicate exclusion(s) below:**

- Professional services agreement for certified/licensed professional □
- Contract work is for less than 120 days □
- 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'ts) □
- Public Works - Local Agency/Federally Funded FHWA □

**Contract Amount: (sum of original contract amount and any prior amendments)**

$ 83,065.00

**This Amendment Amount:**

$

**Total Amended Amount:**

$

**Summary of Scope:**

The purpose of this grant is to enhance funding for substance abuse prevention programs and services. Forty one percent of Whatcom County 12th graders report that they are problem or heavy drinkers. Twenty six percent indicate they use marijuana. Fifteen percent of area tenth graders report they've been drunk or high at school. These facts have led to a decision by community leaders to make youth substance abuse a priority in planning health initiatives in Whatcom County. This grant contains the first year of funding for what is expected to be a five year project to fund planning, coordination and delivery of strategies to prevent underage drinking and drug use in high need communities within Whatcom County.

**Term of Contract:** 11 months

**Expiration Date:** 9/30/2014

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<td>pj</td>
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<td>2. Attorney reviewed:</td>
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<td>Date: 1/7/14</td>
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<td>7. Contractor signed:</td>
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<tr>
<td>8. Submitted to Exec Office:</td>
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<td>9. Council Approved (if required):</td>
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<td>Date:</td>
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<tr>
<td>10. Executive signed:</td>
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<tr>
<td>11. Contractor original returned to Dept.:</td>
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<td>Date:</td>
</tr>
<tr>
<td>12. County original to Council:</td>
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## COUNTY

### PROGRAM AGREEMENT

Partnerships for Success

This Program Agreement is by and between the State of Washington Department of Social and Health Services (DSHS) and the County identified below, and is issued in conjunction with a County and DSHS Agreement On General Terms and Conditions, which is incorporated by reference.

<table>
<thead>
<tr>
<th>DSHS ADMINISTRATION</th>
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<th>DSHS INDEX NUMBER</th>
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<thead>
<tr>
<th>DSHS CONTACT NAME AND TITLE</th>
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<tbody>
<tr>
<td>Steve Smothers Prevention Services Lead</td>
<td>4500 10th Avenue SE Lacey, WA 98503</td>
</tr>
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<table>
<thead>
<tr>
<th>DSHS CONTACT TELEPHONE</th>
<th>DSHS CONTACT FAX</th>
<th>DSHS CONTACT E-MAIL</th>
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<tbody>
<tr>
<td>(360) 725-3767</td>
<td>(360) 438-8057</td>
<td><a href="mailto:smothers@dschs.wa.gov">smothers@dschs.wa.gov</a></td>
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<table>
<thead>
<tr>
<th>COUNTY NAME</th>
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<tbody>
<tr>
<td>Whatcom County</td>
<td>509 Girard Street Bellingham, WA 98225-</td>
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<tr>
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<tr>
<td></td>
<td>Jackie Mitchell</td>
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<tbody>
<tr>
<td>(360) 676-6724</td>
<td>(360) 676-6771</td>
<td><a href="mailto:jmitchel@co.whatcom.wa.us">jmitchel@co.whatcom.wa.us</a></td>
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IS THE COUNTY A SUBRECIPIENT FOR PURPOSES OF THIS PROGRAM AGREEMENT? Yes

<table>
<thead>
<tr>
<th>PROGRAM AGREEMENT START DATE</th>
<th>PROGRAM AGREEMENT END DATE</th>
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<tr>
<td>11/01/2013</td>
<td>09/30/2014</td>
<td>$83,065.00</td>
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</table>

EXHIBITS. When the box below is marked with an X, the following Exhibits are attached and are incorporated into this County Program Agreement by reference:

- [x] Exhibits (specify): Exhibit A - Data Security Requirements
- [ ] No Exhibits.

The terms and conditions of this Contract are an integration and representation of the final, entire and exclusive understanding between the parties superseding and merging all previous agreements, writings, and communications, oral or otherwise, regarding the subject matter of this Contract. The parties signing below represent that they have read and understand this Contract, and have the authority to execute this Contract. This Contract shall be binding on DSHS only upon signature by DSHS.

<table>
<thead>
<tr>
<th>COUNTY SIGNATURE(S)</th>
<th>PRINTED NAME(S) AND TITLE(S)</th>
<th>DATE(S) SIGNED</th>
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</thead>
<tbody>
<tr>
<td>[Signature]</td>
<td>Regina A. Delahunt, Director</td>
<td>11/23/13</td>
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<th>DSHS SIGNATURE</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>DBHR Contracts</td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT APPROVAL

Anne Deacon, Human Services Manager

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, Civil Deputy Attorney

Date

1-7-14
1. Definitions.

a. "Awards" means the total funding of all individual awards DSHS allocates to the County, and the total of all awards in this Contract's Maximum Amount, which is itemized, per service, in Exhibit B.

b. "BARS" means the Washington State Auditor's Office Budgeting, Accounting, and Reporting System which includes the DSHS HRSA-DASA Supplementary Instructions and Fiscal Policy Standards for Reimbursable Costs as used by DBHR.

c. "Behavioral Health Administrator or BHA" means the DSHS contact identified on page one of this Contract.

d. "BHISA" means Behavioral Health and Service Integration Administration.

e. "Boilerplate Language" means the standard Contract language, including General and Special terms, which will be common to all subcontracts issued by the County for provision of the services required by this Contract.

f. "Chemical Dependency" means an alcohol or drug addiction, or dependence on alcohol and one or more other psychoactive chemicals.

g. "Community Prevention and Wellness Initiative" or "CPWI" means the DSHS substance abuse prevention delivery system that focuses prevention services in high-need communities in Washington State as selected by County and approved by DSHS.

h. "Contract Coordinator" means the person designated by the legislative authority of a County to carry out administrative and oversight responsibilities of the County prevention programs.

i. "Contract Manager" means the DSHS contact identified on page one of this Contract.

j. "Data" means information that is disclosed or exchanged as described by this Contract.

k. "DBHR" means the Division of Behavioral Health and Recovery or its successor.

l. "Ensure" as to this Contract means to make sure that something will happen or will be available within the resources identified in Consideration.

m. "Media materials and publications" means:

   News Release: A brief written announcement your agency provides to reporters highlighting key events, research, results, new funding and programs, and other news.

   Paid Media: Any advertising space/time that is purchased for prevention/coalition messages (printed publications/newspapers, online, outdoor, on-screen, TV and radio).

   Earned Media: Published news stories (print, broadcast or online) resulting from the Counties' contacts with reporters.

   Donated Media: Also known as public service announcements. Any free advertising space or time from broadcast, print, outdoor, online, and other advertising vendors. Social Media: Also referred to as new media: messages posted online on Facebook, Twitter, YouTube and similar sites.

n. "Performance-based Prevention System" or "PBPS" means the management information system maintained by DSHS that collects planning, demographic, and prevention service data.
o. "Partnership for Success" or "PFS" means the federal grant funding officially titled the Strategic Prevention Framework-Partnerships for Success (SPF-PFS) CFDA No. 93.243 awarded to DSHS by the Substance Abuse and Mental Health Services Administration (SAMHSA).

p. "Prevention Activity Data" means information input to PBPS to record all active prevention services including outcome measures. This information will be used to verify services identified in A-19 invoices prior to payment and must be entered into PBPS by the close of business of the fifteenth (15th) of each month for prevention activities provided during the previous month.

q. "Prevention System Manager" (PSM) means the designee assigned by the BHA to manage day to day responsibilities associated with this Contract.

2. **Purpose.**

The purpose of this Contract is to provide enhanced funding from the Partnership for Success (PFS) grant award for substance abuse prevention programs and services to high-need communities currently receiving funding from DSHS to implement the CPWI.

3. **Statement of Work.**

For the period November 1, 2013 through September 30, 2014, the County shall provide the services and staff, and otherwise do all things necessary for or incidental to the performance of work, as set forth below:

a. **CPWI Enhancement**

The County shall use PFS funds to coordinate and implement prevention programs designed to prevent or delay the misuse and abuse of alcohol, prescription drugs and marijuana. Prevention programs and services include enhanced implementation of the CPWI.

1. Provide CPWI services in accordance with the Key Objectives found in the Community Coalition Guide located on the Athena Forum website which outlines the minimal standards to participate in the CPWI and ideal benchmarks that are possible with additional funding.

http://www.stage.theathenaforum.org/sites/default/files/Community%20Coalition%20Guide%20FINAL%202008%202015%202013.pdf

2. Submit an annual PFS budget with projected expenditures including salary and benefits for DSHS funded prevention staff, program costs, training and travel to the Prevention System Manager (PSM), within 30 days of when this Contract is executed. A template will be provided. The PSM must approve the budget before services are implemented.

3. Submit and update of CPWI Coalition’s approved Strategic Plan that shall include an updated logic model and an enhanced action plan for proposed services with PFS grant funds to the PSM, within 30 days of when this Contract is executed. Action Plan and Logic Model templates are available in the Community Coalition Guide. The updated plan shall demonstrate an updated summary of needs assessment information, if necessary, to update the logic model and action plan. The PSM must approve the updated plan before services are implemented.

4. Enter approved programs into the PBPS prior to implementation based on the priorities, goals and objectives described in the approved updated Strategic Plan. Cohort 3 approved programs include the CPWI Coalition and may include other programs as negotiated with BHA or designee.
(5) Ensure sixty percent (unless negotiated with BHA or designee) of programs supported by DSHS funds will be replications or adaptations of “Evidence-based Practice” substance abuse prevention programs as identified in the PBPS.

(6) Ensure all of the programs supported by DSHS will meet the Center for Substance Abuse Prevention’s (CSAP) Principles of Effective Substance Abuse Prevention, found on the Athena Forum Website.

b. Prevention Training

(1) The County shall participate in all required training events identified by DSHS and listed in the DBHR Community Coalition Guide.

(2) Non-Required Training in CPWI

(a) In the absence of a strategic plan and for trainings not identified in the approved strategic plan, all additional (non-required) training paid for by DSHS shall be approved by BHA or designee prior to training and meet the approved goals and objectives in PBPS.

(b) The County shall ensure any requests for training are requested in writing and sent directly to the PSM, a minimum of ten working days before the date of the proposed training. Trainings shall relate to one of the following four categories.

i. Coalition building and community organization.

ii. Capacity building regarding prevention theory and practice.

iii. Capacity building for evidence based practice and environmental strategy implementation, related to the goals and objectives of the coalition’s approved strategic plan.

iv. Capacity building in high need communities that meets overall goals and objectives of CPWI in order to expand CPWI efforts may be approved by BHA or designee upon request.

(3) The County shall ensure training paid for by DSHS that requires travel follows state travel reimbursement guidelines accessible at http://www.ofm.wa.gov/policy/10.90.htm.

(4) The County shall bill for training events on an A-19 per BARS code 22.7 and record training events in the DSHS Performance Based Prevention System (PBPS) in accordance with the monthly reporting requirements described in Section 2. d., Prevention Report Schedule / Due Dates.

c. Background Checks. (RCW 43.43, WAC 388-877 & 388-877B)

(1) The County shall ensure a criminal background check is conducted for all staff members, case managers, outreach staff members, etc. or volunteers who have unsupervised access to children, adolescents, vulnerable adults, and persons who have developmental disabilities.

(2) When providing services to youth, the County shall ensure that requirements of WAC 388-06-0170 are met.
d. Media Materials

Media materials and publications developed with DSHS funds shall be submitted to the PSM for approval prior to publication (DSHS will respond within 5 working days). DSHS must be cited as the funding source in news releases, publications, and advertising messages created with or about DSHS funding. The funding source shall be cited as: Washington State Department of Social and Health Services. The DSHS/BHSIA logo may also be used in place of the above citation.

Exceptions: The County does not need to submit the following items to PSM:

(1) Newsletters and fact sheets.

(2) News coverage resulting from interviews with reporters. This includes online news coverage.

(3) Newspaper editorials or letters to the editor.

(4) Posts on Facebook, YouTube, Tumblr, Twitter and other social media sites.

(5) When a statewide media message is developed by DBHR is localized.

(6) When the current SAMHSA-sponsored media campaign is localized. (As of August 2013, this is the “Talk Hear You” campaign. http://www.samhsa.gov/underagedrinking).

(7) The County is still encouraged to submit copies of these items to PSM.

e. Reporting Requirements.

(1) PFS Grant Reporting Requirements

The County shall report on all required PFS grant requirements as identified in the DSHS Performance Base Prevention System (PBPS). Specific reporting elements shall be identified by DSHS at a later date. DSHS reserves the right to add reporting requirements based on requirements of PFS grant.

(2) Prevention Activity Data Reports

The County shall:

(a) Ensure that monthly prevention activities are reported in the DSHS PBPS in accordance with the requirements and timelines set forth below.

(b) Ensure demographic information is provided for each participant in single events, mentoring, environmental and recurring programs.

(c) Provide Community Coalition Coordination Reports on its efforts in the PBPS for each month of the calendar year.

(d) Complete Prevention Reports according to the Schedule / Due Dates, below:
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<thead>
<tr>
<th>REPORTING PERIOD</th>
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<td>As requested</td>
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<tr>
<td>Monthly</td>
<td>Prevention activity data input for all active services including community coordination coalition efforts, services, participant information, pre-tests, post-tests, and assessments.</td>
<td>15&lt;sup&gt;th&lt;/sup&gt; of each month for activities from the previous month</td>
<td>PBPS</td>
</tr>
<tr>
<td></td>
<td>Community Based Coordination (if applicable)</td>
<td>15&lt;sup&gt;th&lt;/sup&gt; of each month for activities from the previous month</td>
<td>PBPS</td>
</tr>
<tr>
<td></td>
<td>Training Report</td>
<td>15&lt;sup&gt;th&lt;/sup&gt; of each month for activities from the previous month</td>
<td>PBPS</td>
</tr>
</tbody>
</table>

(3) Outcome Measures

The County shall report on all required pre/post-tests in PBPS Program Selection Instruments identified in the PBPS.

Special situations and exceptions regarding pre/post tests and Program Selection Instruments identified in the PBPS include, but are not limited to, the following:

(a) The County may negotiate with the Prevention System Manager to reduce multiple administrations of surveys to individual participants.

(b) Participants in recurring program groups in which the majority of participants are younger than 10 years old on the date of that group’s first service.

(c) Recurring programs that spend less than $1,000 of DSHS prevention funds each biennium.

(d) Programs that only provide single service events.

(e) Environmental/Media services.

(4) Performance Work Statement / Evaluation

(a) The County shall ensure program results show positive outcomes for at least half of the participants in each program group.

i. Positive outcomes means that at least half of the participants in a group report change between pre and post-tests consistent with the positive outcome goal.
ii. Positive outcomes will be determined using the pre-test and post-test data reported in the Performance Based Prevention System (PBPS).

iii. Survey results will be compared against the stated outcome for the program.

iv. Evaluation of PBPS data will occur on the 15th of the month following the final date of service for each group.

(b) DSHS shall use the following protocol for evaluation:

i. Matched pre-test and post-test pairs will be used in the analysis.

ii. To allow for normal attendance drop-off, a 20% leeway will be given for missing post-tests:

iii. If there are missing post-tests for entered pre-tests in excess of 20% of pre-tests, missing post-test will be counted as a negative outcome.

Example: there are 10 pre-tests and 7 post-tests. The denominator would be 8 and the maximum numerator would be 7.

(c) Different groups receiving the same program will be clustered by school district.

i. In cases where multiple providers are serving the same school district, groups will be clustered by school district and provider.

ii. The results of one provider in a given school district will not impact another provider in the same district.

(d) In cases where the survey instrument selected for a given program includes more than one scale, the scale that is most closely aligned with the outcome linked to the program in PBPS will be used.

(e) Results for groups with services that span two contracting periods will be analyzed in the contracting period that the post-test was administered.

If fewer than half of the participants in a group, within a given school district, report positive change in the intended outcome:

i. The County shall submit a Performance Improvement Plan (PIP) for the non-compliant program to the DSHS CONTACT or designee within 45 days of notice by DSHS.

ii. Reimbursement for the CSAP Category row on the A19 for that program will be held until the PIP is approved by the DSHS CONTACT or their designee.

iii. If a second group within that same school district has fewer than half of the participants report positive change in the intended outcome, then the following steps will be taken:

(A) In cases where there is no active non-compliant program, the Contractor shall discontinue implementation of that program within the specified geography.

(B) In cases where the same programs as the non-compliant program are active and continuing in the same school district, those groups will be allowed to complete the expected number of sessions. No new groups will be started.
(C) Following the conclusion of all groups completing the program, results will be reviewed for those groups.

(D) If the results do not show positive change for each group, the County shall take the following action:

1. In cases where the program is being delivered by a single provider in the specified geography, the County shall discontinue implementation of that program in the specified geography.

2. In cases where the program is being delivered by multiple providers in the specified geography, the County shall discontinue implementation of that program by the underperforming provider in the specified geography.

(f) A non-compliant program that resulted in the need for a Performance Improvement Plan during July 1-2013 to December 31, 2013 will carry that record forward into the January 2014- June 30, 2015 contract period.

(5) Monitoring

(a) Implement and monitor prevention programs and reporting to assure compliance with these guidelines.

(b) Develop and submit a protocol for monitoring subcontractors.

(c) Conduct an on-site visit of prevention subcontractors.

4. **Subcontracts.**

a. **Subcontract Language.**

The County shall include in its boilerplate language all requirements and conditions in this Contract that the County is required to meet when providing services to patients, clients, or persons seeking assistance, which include but are not limited to:

(1) Identification of funding sources

(2) How eligibility will be determined

(3) That subcontracts shall be fee-for-service, cost related, or price related as defined in BARS

(4) That termination of a subcontract shall not be grounds for a fair hearing for the service applicant or a grievance for the recipient if similar services are immediately available in the County

(5) What actions the County will take in the event of a termination of a subcontractor to ensure all prevention data on services provided have been entered into the PBPS

(6) How service applications and recipients will be informed of their right to a grievance in the case of:

(a) Denial or termination of service

(b) Failure to act upon a request for services with reasonable promptness
(7) Audit requirements - OMB Circular A-133 audit requirements if applicable to the subcontractor
(8) Authorizing facility inspection
(9) Background Checks
(10) Conflict of interest
(11) Debarment and suspension certification
(12) Indemnification
(13) Nondiscrimination in employment
(14) Nondiscrimination in prevention activities
(15) Performance Based Contracts
(16) Providing data
(17) Records and reports
(18) Requirements outlined in the Data Sharing provision in the Contract
(19) Services provided in accordance with law and rule and regulation
(20) PBPS data input and reconciliation
(21) Treatment of assets
(22) Unallowable use of federal funds

b. Subcontract Inspection

DSHS reserves the right to inspect any subcontract document.

c. Subcontractor Monitoring.

(1) On-Site Monitoring:

The County shall

(a) Conduct a subcontractor review which shall include at least one on-site visit, during the Contract period, to each subcontractor site providing services to monitor compliance with subcontract performance criteria for the purpose of documenting that the subcontractors are fulfilling the requirements of the subcontract.

(b) Include written documentation of each on-site visit in the annual report on the “Subcontractor On-site Form.” A copy of the full report shall be kept on file by the County.

(2) PBPS Monitoring

The County shall ensure that subcontractors have entered services funded under this Contract in the PBPS.
(3) Additional Monitoring Activities

The County shall maintain records of additional monitoring activities in the County's subcontractor file and make them available to DSHS upon request including any audit and any independent documentation.

(4) Subcontractor monitoring, using a DSHS approved subcontract monitoring protocol, including annual on-site reviews of programs that directly serve children and/or families.

(5) The County shall obtain prior approval before entering into any subcontracting arrangement. In addition, the County shall submit to the DSHS Program Manager identified on Page 1 of the Contract at least one of the following for review and approval purposes:

(a) Copy of the proposed subcontract to ensure it meets all DSHS requirements; or

(b) Copy of the County's standard Contract template to ensure it meets all requirements and approve only subcontracts entered into using that template; or

(c) Certify in writing that the subcontractor meets all requirements under the Contract and that the subcontract contains all required language under the Contract, including any data security, confidentiality and/or Business Associate language, as appropriate.

d. Subcontractor Termination Requirements.

When terminating a subcontract, the County shall withhold the final payment of any subcontract until all required PBPS reporting is complete. This applies for all subcontractor closures.

5. Consideration.

Total consideration payable to the County for satisfactory performance of the work under this Contract is up to a maximum of $83,065, including any and all expenses, and shall be based on the following:

a. The source of funds is the Partners for Success Grant. The Catalog of Federal Domestic Assistance number is 93.243.

b. Reimbursable Costs

The County shall ensure all expenditures for services and activities under this Contract are submitted on the A-19 invoice appropriate for PBPS entry.

c. The County shall use no more than eight (8) percent of the total PFS funds for administrative costs.

(1) Administrative costs shall be billed separately from direct prevention services as indicated on the A-19 invoice.

(2) Administrative costs are defined in the DSHS HRSA-DASA Supplementary Instructions and Fiscal Policy Standards for Reimbursable Costs as used by DBHR.

d. Funding Allocation

The County shall manage the Contract to ensure that services are provided in a manner that allocates the available resources over the life of the Contract.
e. Period of Performance Service Costs

The County shall ensure that service costs incurred are within the period of performance of this Contract.

f. DSHS reserves the right to reduce the PFS funds awarded in the Contract if the County expenditures are below 60% of expected levels during the fiscal quarter. Expenditures will be reviewed quarterly.

Appropriate rate is defined as the percentage of expenditures being roughly equal to the percentage of time in the Contract that has passed.


a. Invoice System

The County shall submit invoices using State Form A-19 Invoice Voucher, or such other form as designated by DSHS. Consideration for services rendered shall be payable upon receipt of properly completed invoices which shall be submitted to the DSHS Contact Person stated on page one (1) of this Contract, by the County, not more often than monthly. The invoices shall describe and document to DSHS’ satisfaction a description of the work performed, activities accomplished, the progress of the project, and fees. The rates shall be in accordance with those set forth in the Consideration Section of this Contract.

b. Timely Payment

Payment shall be considered timely if made by DSHS within thirty (30) days after receipt and acceptance by the DSHS Contact Person of the properly completed invoices. Payment shall be sent to the address designated by the County on page one (1) of this Contract. DSHS may, at its sole discretion, withhold payment claimed by the County for services rendered if County fails to satisfactorily comply with any term or condition of this Contract.

c. DSHS Obligation for Payment

DSHS shall not be obligated to reimburse the County for any services or activities, performed prior to having a fully executed copy of this Contract.

d. Duplication

The County assures that work performed and invoiced does not duplicate work to be charged to the State of Washington under any other Contract or agreement with the County.

e. Claims for Payment

The County shall:

(1) Submit invoices for costs due and payable under this agreement that were incurred prior to the expiration date within 90 days of the date services were provided.

(2) The County shall submit final billing for services provided during each fiscal year within 90 days after the end of that fiscal year.
f. Non-Compliance

(1) Failure to Maintain Reporting Requirements

In the event the County or a subcontractor fails to maintain its reporting obligations under this Contract, DSHS reserves the right to withhold reimbursements to the County until the obligations are met.

g. Recovery of Costs Claimed in Error:

If the County claims and DSHS reimburses for expenditures under this Contract which DSHS later finds were (1) claimed in error or (2) not allowable costs under the terms of the Contract, DSHS shall recover those costs and the County shall fully cooperate with the recovery.
Exhibit A – Data Security Requirements

1. **Definitions.** The words and phrases listed below, as used in this Exhibit, shall each have the following definitions:

   a. “Authorized User(s)” means an individual or individuals with an authorized business requirement to access DSHS Confidential Information.

   b. “Hardened Password” means a string of at least eight characters containing at least one alphabetic character, at least one number and at least one special character such as an asterisk, ampersand or exclamation point.

   c. “Unique User ID” means a string of characters that identifies a specific user and which, in conjunction with a password, passphrase or other mechanism, authenticates a user to an information system.

2. **Data Transport.** When transporting DSHS Confidential Information electronically, including via email, the Data will be protected by:

   a. Transporting the Data within the (State Governmental Network) SGN or Contractor's internal network, or;

   b. Encrypting any Data that will be in transit outside the SGN or Contractor's internal network. This includes transit over the public Internet.

3. **Protection of Data.** The Contractor agrees to store Data on one or more of the following media and protect the Data as described:

   a. **Hard disk drives.** Data stored on local workstation hard disks. Access to the Data will be restricted to Authorized User(s) by requiring logon to the local workstation using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards.

   b. **Network server disks.** Data stored on hard disks mounted on network servers and made available through shared folders. Access to the Data will be restricted to Authorized Users through the use of access control lists which will grant access only after the Authorized User has authenticated to the network using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards. Data on disks mounted to such servers must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.

   For DSHS Confidential Information stored on these disks, deleting unneeded Data is sufficient as long as the disks remain in a Secured Area and otherwise meet the requirements listed in the above paragraph. Destruction of the Data as outlined in Section 5. Data Disposition may be deferred until the disks are retired, replaced, or otherwise taken out of the Secured Area.

   c. **Optical discs (CDs or DVDs) in local workstation optical disc drives.** Data provided by DSHS on optical discs which will be used in local workstation optical disc drives and which will not be transported out of a Secured Area. When not in use for the contracted purpose, such discs must be locked in a drawer, cabinet or other container to which only Authorized Users have the key, combination or mechanism required to access the contents of the container. Workstations which access DSHS Data on optical discs must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.
d. **Optical discs (CDs or DVDs) in drives or jukeboxes attached to servers.** Data provided by DSHS on optical discs which will be attached to network servers and which will not be transported out of a Secured Area. Access to Data on these discs will be restricted to Authorized Users through the use of access control lists which will grant access only after the Authorized User has authenticated to the network using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards. Data on discs attached to such servers must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.

e. **Paper documents.** Any paper records must be protected by storing the records in a Secured Area which is only accessible to authorized personnel. When not in use, such records must be stored in a locked container, such as a file cabinet, locking drawer, or safe, to which only authorized persons have access.

f. **Remote Access.** Access to and use of the Data over the State Governmental Network (SGN) or Secure Access Washington (SAW) will be controlled by DSHS staff who will issue authentication credentials (e.g. a Unique User ID and Hardened Password) to Authorized Users on Contractor staff. Contractor will notify DSHS staff immediately whenever an Authorized User in possession of such credentials is terminated or otherwise leaves the employ of the Contractor, and whenever an Authorized User’s duties change such that the Authorized User no longer requires access to perform work for this Contract.

g. **Data storage on portable devices or media.**

(1) Except where otherwise specified herein, DSHS Data shall not be stored by the Contractor on portable devices or media unless specifically authorized within the terms and conditions of the Contract. If so authorized, the Data shall be given the following protections:

(a) Encrypt the Data with a key length of at least 128 bits

(b) Control access to devices with a Unique User ID and Hardened Password or stronger authentication method such as a physical token or biometrics.

(c) Manually lock devices whenever they are left unattended and set devices to lock automatically after a period of inactivity, if this feature is available. Maximum period of inactivity is 20 minutes.

Physically Secure the portable device(s) and/or media by

(d) Keeping them in locked storage when not in use

(e) Using check-in/check-out procedures when they are shared, and

(f) Taking frequent inventories

(2) When being transported outside of a Secured Area, portable devices and media with DSHS Confidential Information must be under the physical control of Contractor staff with authorization to access the Data.

(3) Portable devices include, but are not limited to; smart phones, tablets, flash memory devices (e.g. USB flash drives, personal media players), portable hard disks, and laptop/netbook/computer if those computers may be transported outside of a Secured Area.
(4) Portable media includes, but is not limited to; optical media (e.g. CDs, DVDs), magnetic media (e.g. floppy disks, tape), or flash media (e.g. CompactFlash, SD, MMC).

h. Data stored for backup purposes.

(1) DSHS data may be stored on portable media as part of a Contractor’s existing, documented backup process for business continuity or disaster recovery purposes. Such storage is authorized until such time as that media would be reused during the course of normal backup operations. If backup media is retired while DSHS Confidential Information still exists upon it, such media will be destroyed at that time in accordance with the disposition requirements in Section 5. Data Disposition.

(2) DSHS Data may be stored on non-portable media (e.g. Storage Area Network drives, virtual media, etc.) as part of a Contractor’s existing, documented backup process for business continuity or disaster recovery purposes. If so, such media will be protected as otherwise described in this exhibit. If this media is retired while DSHS Confidential Information still exists upon it, the data will be destroyed at that time in accordance with the disposition requirements in Section 5. Data Disposition.

4. Data Segregation.

a. DSHS Data must be segregated or otherwise distinguishable from non-DSHS data. This is to ensure that when no longer needed by the Contractor, all DSHS Data can be identified for return or destruction. It also aids in determining whether DSHS Data has or may have been compromised in the event of a security breach. As such, one or more of the following methods will be used for data segregation.

b. DSHS Data will be kept on media (e.g. hard disk, optical disc, tape, etc.) which will contain no non-DSHS data. And/or,

c. DSHS Data will be stored in a logical container on electronic media, such as a partition or folder dedicated to DSHS Data. And/or,

d. DSHS Data will be stored in a database which will contain no non-DSHS data. And/or,

e. DSHS Data will be stored within a database and will be distinguishable from non-DSHS data by the value of a specific field or fields within database records.

f. When stored as physical paper documents, DSHS Data will be physically segregated from non-DSHS data in a drawer, folder, or other container.

g. When it is not feasible or practical to segregate DSHS Data from non-DSHS data, then both the DSHS Data and the non-DSHS data with which it is commingled must be protected as described in this exhibit.

5. Data Disposition. When the contracted work has been completed or when no longer needed, except as noted in Section 3. Protection of Data b. Network Server Disks above, Data shall be returned to DSHS or destroyed. Media on which Data may be stored and associated acceptable methods of destruction are as follows:

<table>
<thead>
<tr>
<th>Data stored on:</th>
<th>Will be destroyed by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Server or workstation hard disks, or</td>
<td>Using a “wipe” utility which will overwrite the Data at least three (3) times using either random or single</td>
</tr>
</tbody>
</table>
| Removable media (e.g. floppies, USB flash drives, portable hard disks) excluding optical discs | character data, or
| Degaussing sufficiently to ensure that the Data cannot be reconstructed, or
| Physically destroying the disk
| Paper documents with sensitive or Confidential Information | Recycling through a contracted firm provided the contract with the recycler assures that the confidentiality of Data will be protected.
| Paper documents containing Confidential Information requiring special handling (e.g. protected health information) | On-site shredding, pulping, or incineration
| Optical discs (e.g. CDs or DVDs) | Incineration, shredding, or completely defacing the readable surface with a coarse abrasive
| Magnetic tape | Degaussing, incinerating or crosscut shredding

6. **Notification of Compromise or Potential Compromise.** The compromise or potential compromise of DSHS shared Data must be reported to the DSHS Contact designated in the Contract within one (1) business day of discovery. If no DSHS Contact is designated in the Contract, then the notification must be reported to the DSHS Privacy Officer at dshsprivacyofficer@dshs.wa.gov. Contractor must also take actions to mitigate the risk of loss and comply with any notification or other requirements imposed by law or DSHS.

7. **Data shared with Subcontractors.** If DSHS Data provided under this Contract is to be shared with a subcontractor, the Contract with the subcontractor must include all of the data security provisions within this Contract and within any amendments, attachments, or exhibits within this Contract. If the Contractor cannot protect the Data as articulated within this Contract, then the contract with the sub-Contractor must be submitted to the DSHS Contact specified for this contract for review and approval.
**TITLE OF DOCUMENT:**
Whatcom County Central Shop Building HVAC Upgrades

**ATTACHMENTS:**
Contract

<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.)

This contract between Whatcom County and Bogard Engineers PS is for the Whatcom County Central Shop Building HVAC Upgrades. The Central Shop is located at 901 W. Smith Road, Bellingham WA.
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>AS - Facilities Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Michael Russell</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Bogard Engineers, PS</td>
</tr>
<tr>
<td>Is this a New Contract?</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>If not, is this an Amendment or Renewal to an Existing Contract?</td>
<td>Yes ☐ No ☑</td>
</tr>
<tr>
<td>If Amendment or Renewal, Original Contract #</td>
<td></td>
</tr>
<tr>
<td>Does contract require Council Approval?</td>
<td>Yes ☐ No ☑</td>
</tr>
<tr>
<td>Is this a grant agreement?</td>
<td>Yes ☐ No ☑</td>
</tr>
<tr>
<td>If yes, grantor agency contract number(s)</td>
<td>CFDA #</td>
</tr>
<tr>
<td>Is this contract grant funded?</td>
<td>Yes ☐ No ☑</td>
</tr>
<tr>
<td>If yes, associated Whatcom County grant contract number(s)</td>
<td></td>
</tr>
<tr>
<td>Is this contract the result of a RFP or Bid process?</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>Contract</td>
<td></td>
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<tr>
<td>If yes, RFP and Bid number(s)</td>
<td>13-43</td>
</tr>
<tr>
<td>Cost Center:</td>
<td>501600.6630</td>
</tr>
<tr>
<td>Is this agreement excluded from E-Verify?</td>
<td>Yes ☐ No ☑</td>
</tr>
<tr>
<td>If no, include Attachment D Contractor Declaration form.</td>
<td></td>
</tr>
</tbody>
</table>

#### If yes, indicate exclusion(s) below:
- ☑ Professional services agreement for certified/licensed professional
- ☐ Contract work is for less than 120 days
- ☐ 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'ts)
- ☐ Public Works - Local Agency/Federally Funded FHWA

#### Contract Amount:
- Sum of original contract amount and any prior amendments:
  - $30,665.00
- This Amendment Amount:
  - $
- Total Amended Amount:
  - $30,665.00

#### Contracts that require Council Approval (incl. agenda bill & memo):
- Professional Services Agreement above $20,000.
- Bid is more than $40,000.
- Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)

#### RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.

### Summary of Scope: This contract between Whatcom County and Bogard Engineers PS is for the Whatcom County Central Shop Building HVAC Upgrades. The Central Shop is located at 901 W Smith Road, Bellingham, WA.

### Term of Contract:

<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:</td>
<td></td>
<td>Date: 11/20/13</td>
</tr>
<tr>
<td>2. Attorney reviewed:</td>
<td></td>
<td>Date: 11/27/13</td>
</tr>
<tr>
<td>3. AS Finance reviewed:</td>
<td></td>
<td>Date: 12/18/13</td>
</tr>
<tr>
<td>4. IT reviewed, if IT related:</td>
<td></td>
<td>Date:</td>
</tr>
<tr>
<td>5. Corrections made:</td>
<td></td>
<td>Date:</td>
</tr>
<tr>
<td>6. Attorney signoff:</td>
<td></td>
<td>Date: 11/27/13</td>
</tr>
<tr>
<td>7. Contractor signed:</td>
<td></td>
<td>Date:</td>
</tr>
<tr>
<td>8. Submitted to Exec Office:</td>
<td></td>
<td>Date: 12/19/13</td>
</tr>
<tr>
<td>9. Council Approved (if required):</td>
<td></td>
<td>Date:</td>
</tr>
<tr>
<td>10. Executive signed:</td>
<td></td>
<td>Date: 12/23/13</td>
</tr>
<tr>
<td>11. Contractor original returned to Dept.:</td>
<td></td>
<td>Date:</td>
</tr>
<tr>
<td>12. County original to Council:</td>
<td></td>
<td>Date:</td>
</tr>
</tbody>
</table>
MEMO TO:  Elizabeth Gallery, Civil Deputy Prosecutor  
           Brad Bennett, Finance Manager

FROM:    Michael Russell, Facilities Manager

DATE:    October 26, 2013

RE:      Central Shop HVAC Upgrades

Attached are two (2) originals of the contract for the Central Shop Exhaust System Upgrades – between Whatcom County and Bogard Engineer, PS for your review and signature.

This agreement is for the Central Shop Exhaust System Upgrade. It will provide upgrades to the existing vehicle exhaust system to improve system performance, reduce fan noise, and upgrade the makeup air system to reduce building pressure gradients during exhaust fan operation.

Funding amount needed for this contract is $30,665.00.

The funds were approved with a budget transfer provided by Public Works. Account #501600.6630 Professional Services.

Please contact Michael Russell at extension 50575, if you have any questions or concerns regarding the terms of this agreement.

Once signed, please contact our office at x50566 and we will be happy to come and pick them up.

Thank you
Administrative Services Department
Consultant Services Agreement
Whatcom County Central Shop Exhaust Upgrade

THIS AGREEMENT is made this 1st day of December, 2013, by and between WHATCOM COUNTY, a municipal corporation, hereinafter referred to as the "County", and Bogard Engineers, PS, hereinafter referred to as the "Consultant" for the purpose of upgrades to the Central Shop Exhaust System located at 901 W. Smith Road.

1. Scope of Work: The consultant will provide services as described in Exhibit “A” Scope of Work.

2. Consideration: As consideration for the services provided pursuant to Exhibit “A” Scope of work, the County agrees to compensate the contractor a sum not to exceed thirty thousand six hundred sixty-five dollars and zero cents ($30,665.00). Consultant will invoice the county on a monthly basis. Invoice will itemize hours worked by task and consulting service provided. Invoice will be based on rates attached in Exhibit “B”. Mileage at IRS standard rate, expenditures such as printing, postage and telephone charges shall be reimbursed at actual cost times a factor of 10%. Requests for reimbursement of expenses must be accompanied by copies of paid invoices itemizing costs incurred. Costs of alcoholic beverages are not eligible for reimbursement. Payments are contingent upon the county’s determination that the consultant has made satisfactory progress toward achievement of tasks identified in Exhibit “A”. The county will issue payment within 30 days of receipt of a valid invoice. Any work performed prior to the effective date of this contract or continuing after the completion date of the same unless otherwise agreed upon in writing, will be at the consultant’s expense.

All payments under this Agreement are considered reimbursement for services rendered. Each request for payment is to be submitted by invoice showing what services were rendered, and shall be supported by detailed documentation of those services actually performed, so as to comply with municipal auditing requirements. The County agrees to make payment for services provided promptly in accordance with the County’s customary procedures.

3. Time Schedule: The service as outlined shall be completed no later than February 28, 2014.

4. Extension: The duration of this Agreement may be extended and the scope of services may be expanded by mutual agreement by both parties; provided, however, that any extension of time or expansion of scope of the Agreement shall be by mutual written consent of the parties.

5. Modifications: No change or additions to this Agreement shall be valid or binding upon either party unless such change or additions be in writing and executed by both parties.
6. Licensing in Compliance with Laws & Regulations: The Consultant 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 Consultant agrees to comply with all applicable provisions of federal, state, and local law, including laws pertaining to public works projects. The Consultant is in compliance with RCW 18.27, the State Licensing Law, with a Certificate of Registration to be in effect throughout the work. The Consultant agrees to pay wages in accordance with RCW 39.12.040, the Prevailing Wage Act. The Consultant agrees to comply with all applicable standards of the Americans with Disabilities Act of 1990.

7. Property Rights: When the Consultant creates any copyrightable materials or invents any patentable property, the Consultant 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 material or property and to authorize other governments to use the same for state or local government purposes. Consultant further agrees to make research, notes, and other work products produced in the performance of this Agreement available to the County upon request.

8. Communications: Communications between the Consultant and the County shall be addressed to the regular places of business. In the case of the Consultant, the address shall be:

Bogard Engineers, PS
22121 17th Avenue SE STE 111
Bothell WA 98021
Phone: (425) 415-6100
Fax: (425) 415-6117

In the case of the County, communications shall be sent to:

Garrett Maupin, AS-Facilities Construction Coordinator
316 Lottie Street
Bellingham, WA 98225
Phone: (360) 676-6746
Fax: (360) 676-6789

9. Administration of Contract: The County hereby appoints and the Consultant hereby accepts the Whatcom County Executive, and his or her designee, as the County's representative for the purpose of administering the provisions of this Agreement, including the County's right to receive and act on all reports and documents related to this Agreement.

10. Relationship of the Parties: The parties intend that an independent Consultant/County relationship will be created by this Agreement. The County is interested only in the results to be achieved; the implementation of services will lie solely with the Consultant. Neither the Consultant nor any agent, employee, or representative of the Consultant shall be deemed to be an agent, employee, or representative of the County for any purpose.

11. Indemnification and Hold Harmless: The Consultant shall protect, defend, save harmless, and indemnify the County from and against all claims, suits, and actions arising from negligent acts or omissions of the Consultant, authorized sub consultants or assigns, and their agents or employees in the performance of the work for the County as prescribed herein, but between the consultant and the County the consultant shall be responsible for his proportionate share of said claim.
12. **Social Security and Other Taxes:** Consultant assumes full responsibility for the payment of all payroll taxes, use, sales, income, other form of taxes, fee, licenses, excises, or payments required by any City, County, Federal or State legislation which are now or may, during the term of this Agreement, be enacted as to the Consultant and all persons employed by the Consultant as to all duties, activities, and requirements by the Consultant in performance of the work pursuant to this Agreement and shall assume exclusive liability therefore, and meet all requirements there under pursuant to any rules and regulations that are now and may be promulgated in connection therewith.

13. **Wages, Overtime and Safety:** The Consultant agrees to comply with 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.

14. **Proof of Insurance:** The Contractor shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums:

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

15. **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 of this Agreement. Termination under this section shall be effective upon receipt of written notice as specified herein.

16. **Suspension/Termination:** If the Consultant fails to comply fully with the terms and conditions of this Agreement, the County may pursue such remedies as are legally available, including but not limited to, the suspension or termination of this Agreement in the manner specified herein.

   16.1. Suspension or termination for cause, if the Consultant is unable to substantiate full compliance with the provisions of this Agreement, the County may suspend or terminate the Agreement pending corrective acts or investigation, which suspension or termination shall be effective upon seven (7) days written notification to the Consultant or its authorized representative.

   16.2. For any other reason this Agreement may be terminated in whole or in part by either party hereto upon thirty (30) days advance written notice to the other party.

   16.3. In the event of termination under this clause, the County shall be liable only for payments in accordance with the terms of this Agreement for services rendered prior to the effective date of termination.
17. **Non-Discrimination in Employment:** The Consultant shall not discriminate against any employee or applicant for employment on the grounds of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, Vietnam-era or disabled veteran status, or disability, except where such constitutes a bona fide occupational qualification. The Consultant shall take affirmative action to assure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, Vietnam-era or disabled veteran status, or disability, 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.

18. **Assignment and/or Subcontracting:** The performance of all activities contemplated by this Agreement shall be accomplished personally by the Consultant. The Consultant shall not assign or subcontract performance to others unless specifically authorized in writing by the County in advance. All terms and conditions of this Agreement shall apply to any approved subcontract or assignment related to this Agreement.

19. **Safeguarding Client Information:** The Consultant agrees that confidential information obtained from the County shall not be disclosed except upon the written consent of the County.

20. **Non-Waiver of Breach:** 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.

21. **Time for Performance:** Any work performed prior to the effective date of this Agreement or continuing after the completion date of the same, unless otherwise agreed upon in writing herein, will be in violation of this Agreement and municipal auditing requirements and will be at the Consultant's expense.

22. **Venue Stipulation:** This Agreement has been and shall be construed as having been made and delivered within the State of Washington. It is mutually understood and agreed by each party hereto that this Agreement shall be governed by the laws of the State of Washington, both as to interpretation and performance. Any action in lawsuit and equity or judicial proceedings for the enforcement of this Agreement, or any provision thereof, shall be instituted and maintained in the courts of competent jurisdiction located in Whatcom County, Washington.

23. **Severability:** It is understood and agreed by the parties hereto that if any part of this Agreement is determined to be illegal, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed as if the Agreement did not contain the particular illegal part.

24. **Extent of Agreement:** This Agreement, with attachments, contains all of the terms and conditions agreed upon by the parties hereto. The parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement.
FOR THE CONSULTANT:

Bogard Engineers, PS

By ___________________________ Date Signed: 12/30/2013

Lee W. Bogard, P.E., Principal

STATE OF WASHINGTON     
)                             
) ss.                      
COUNTY OF Whatcom            

On this 30th day of December, 2013, before me personally appeared Lee W Bogard, P.E. to me known to be the Principal of Bogard Engineers, PS, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Suzanne M. Mildren

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

Bellevue

My Commission Expires: 12-31-14

FOR WHATCOM COUNTY

By ___________________________ Date Signed: 12/23/13

Jack Louws, County Executive

STATE OF WASHINGTON     
)                             
) ss.                      
COUNTY OF Whatcom            

On this 23rd day of Dec., 2013, before me personally appeared Jack Louws to me known to be the County Executive of Whatcom County, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Arden J. Landrum

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

Bellingham

My Commission Expires: 05-25-2015

APPROVED AS         

Elizabeth Gallery, Civil Deputy Prosecutor

Agreement – Bogard Engineers PS
Whatcom County Central Shop Exhaust Upgrade
Exhibit A – Scope of Work
Central Shop Exhaust System Upgrade
Bogard Engineers, PS

Background
The Whatcom County Central Shop is located at 901 West Smith Road, Bellingham, WA 98225. The goal of this project is to provide engineering to bring the Central Shop exhaust system up to an effective and workable condition that meets L&I ventilation standards and will be user friendly for the crew.

Scope of Work
Description –
Provide upgrades to the existing vehicle exhaust system to improve system performance, reduce fan noise and upgrade the makeup air system to reduce building pressure gradients during exhaust fan operation.

Basic Services

1. Mechanical
   a. Perform calculations of the exhaust duct system to verify duct systems are adequately sized for the intended exhaust air quality.
   b. Replace vehicle exhaust inlet hoses with retractable hose reels.
   c. Incorporate fan speed control for the central exhaust fan to limit fan speed during part load conditions.
   d. Design a means to attenuate the sound generated from the central exhaust fan.
   e. Design improvements to the central exhaust fan discharge to improve efficiency.
   f. Provide construction cost estimate and timeline of construction based on repair and replacement recommendations.
   g. Assist the County during the plan review and permitting process. Provide contract administration and construction management services during bidding and all construction phases of this project. Construction phase services will include but not be limited to periodic meetings, RFi responses, submittal reviews, pay requests, change order review and approval, project scheduling reconciliations, site observation visits and commissioning.

2. Electrical
   a. Provide design support and construction documents as required for a new makeup air handling unit.

3. Structural
   a. Calculate and detail structural upgrades required to support the new makeup air handling unit.
BOGARD ENGINEERS – ESTIMATE FEE

HOURLY RATES:

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SUBCONSULTANTS:

1. Electrical Engineer $3,300.00
2. Structural Engineer $2,585.00
3. 

**SUBTOTAL** $5,885.00

GRAND TOTAL – ESTIMATED FEE $30,665.00
### Exhibit “B”
### DESIGN SERVICES PROPOSAL

#### BOGARD ENGINEERS – TASK/HOUR BREAKDOWN

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### BOGARD ENGINEERS – TASK/HOUR BREAKDOWN

#### BOGARD ENGINEERS

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<td>3.1 Finalize mechanical plans and details</td>
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EXHIBIT "C"

PROPOSAL

BOGARD ENGINEERS, PS
MECHANICAL ENGINEERING CONSULTANTS

October 7, 2013

Whatcom Co Facilities Mgmt.
316 Lottie Street
Bellingham, WA 98225

Attn: Garrett H. Maupin

Re: Whatcom County Central Shops Building HVAC Upgrades

Dear Mr. Maupin:

We are pleased to offer our services as Mechanical engineering consultants for the referenced project.

PROJECT DESCRIPTION

Provide upgrades to the existing vehicle exhaust system to improve system performance, reduce fan noise and upgrade the makeup air system to reduce building pressure gradients during exhaust fan operation.

Basic Services

1. Mechanical
   a. Perform calculations of the exhaust duct system to verify duct systems are adequately sized for the intended exhaust air quantity.
   b. Replace vehicle exhaust inlet hoses with retractable hose reels.
   c. Incorporate fan speed control for the central exhaust fan to limit fan speed during part load conditions.
   d. Design a means to attenuate the sound generated from the central exhaust fan.
   e. Design improvements to the central exhaust fan discharge to improve efficiency.
   f. Provide construction cost estimate and timeline of construction based on repair and replacement recommendations.
   g. Assist the county during the plan review and permitting process. Provide contract administration and construction management services during bidding and all construction phases of this project. Construction phase services will include but not be limited to periodic meetings, RFI responses, submittal reviews, pay requests, change order review and approval, project scheduling reconciliations, site observation visits and commissioning.

2. Electrical
   a. Provide design support and construction documents as required for a new makeup air handling unit.

3. Structural
   a. Calculate and detail structural upgrades required to support the new makeup air handling unit.
Excluded from the scope of work: VE and Constructability Reviews, LEED Participation and third-party commissioning.

We will provide the Basic Services described above for a lump sum fee of $30,665 with the following breakdown:

Phase 1-Construction Documents
- Mechanical $18,115
- Electrical $3,300
- Structural $2,585
- Subtotal: $24,000

Phase 2-Construction Administration Services
- Mechanical/Structural/Electrical $6,665

Total Fee: $30,665

Reimbursables
Miscellaneous direct reimbursables will be billed at 110% of actual cost.
Mileage to be billed at State-approved rates for round trips of 100 miles or more.

Our standard insurance coverage is listed below. Any requests for additional insurance will require an increase to our fee for this project:

Errors & Omissions Professional Liability:
- $1,000,000 Each Claim
- $2,000,000 Aggregate

General Liability:
- $1,000,000 Each Occurrence
- $2,000,000 Aggregate
- $1,000,000 Additional – Umbrella Coverage

The remodeling and/or rehabilitation of an existing building requires that certain assumptions be made regarding existing conditions, and because these assumptions may not be verifiable without expending additional sums of money, or destroying otherwise adequate or serviceable portions of the building, the Client agrees that, except for negligence on the part of Bogard Engineers, PS, the Client will hold harmless, indemnify, and defend Bogard Engineers, PS from and against any and all claims arising out of unforeseen existing conditions related to professional services provided under this Agreement. Furthermore, we make no warranty or guarantee either expressed or implied as to the performance or condition of the existing systems to be reused as part of this work.

Thank you for the opportunity to submit our proposal.
October 7, 2013
Page 3

If you have any questions please call.

Sincerely,

Lee W. Bogard, PE

ACCEPTED BY: ___________________________ Whidbey County

Title: _____________________________

Date: _____________________________
**BOGARD ENGINEERS - FEE ESTIMATE**

### HOURLY RATES:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Hours</th>
<th>Rate</th>
<th>Cost</th>
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<tbody>
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<td>Designer</td>
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**SUBTOTAL**

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### REIMBURSABLES:

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**SUBTOTAL**

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### SUBCONSULTANTS:

1. Electrical Engineer  $3,300.00
2. Structural Engineer  $2,385.00
3. 

**SUBTOTAL**

|       |       |       | $5,685.00 |

**GRAND TOTAL - ESTIMATED FEE**

|       |       |       | $30,665.00 |
### BOGARD ENGINEERS - TASK/HOUR BREAKDOWN

#### MAJOR TASK DESCRIPTION

<table>
<thead>
<tr>
<th>Principal</th>
<th>Senior Proj. Mgr.</th>
<th>Project Manager</th>
<th>Project Engineer</th>
<th>Designer</th>
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#### 1.0 Schematic Design

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<td>Review of existing Drawings, calculations</td>
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<td>Schematic layout</td>
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<td>Preliminary equipment selections</td>
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<td>Review meeting</td>
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#### 2.0 Design Development

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<td>Finalize exhaust system</td>
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<tr>
<td>Select heat recovery unit</td>
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<td>Develop location of heat recovery unit</td>
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<tr>
<td>Mechanical plans sections</td>
<td>6</td>
<td></td>
<td></td>
<td>16</td>
<td>8</td>
<td>22</td>
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<tr>
<td>Details and schedules</td>
<td>8</td>
<td></td>
<td></td>
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<tr>
<td>Review with owner</td>
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#### 3.0 Contract Documents

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<td>Finalize mechanical plans and details</td>
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<td>16</td>
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<tr>
<td>Develop specifications</td>
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<td>Coordinate with an electrical engineer</td>
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<td>Coordinate with a structural engineer</td>
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<td>Cost estimate</td>
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#### 3.9

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**Note:** The table above represents the task-hour breakdown for the project. Each task is categorized under major sections, and the hours are allocated for each role. The totals for each section and overall are also provided.
### BOGARD ENGINEERS - TASK/HOUR BREAKDOWN

<table>
<thead>
<tr>
<th>MAJOR TASK DESCRIPTION</th>
<th>Principal</th>
<th>Senior Proj. Mgr</th>
<th>Project Manager</th>
<th>Project Engineer</th>
<th>Designer</th>
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<tr>
<td><strong>4.0 Bidding Services</strong></td>
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<tr>
<td>4.1 Attend pre-bid conference</td>
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<tr>
<td>4.2 Respond to contractors questions</td>
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<tr>
<td>4.3 Prepare addendum items</td>
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<th>Project Engineer</th>
<th>Designer</th>
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<td><strong>5.0 Construction Administration Services</strong></td>
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<td>5.1 Attend construction meetings (4)</td>
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<td>5.2 Review the mechanical submittals</td>
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<td>5.3 Respond to contractors RFI's</td>
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<td>5.4 Perform punch list of mechanical items</td>
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<td>5.5 Review operations and maintenance manuals material</td>
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<td>5.6 Include as-built changes</td>
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<td>5.7 Commissioning</td>
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TOTAL: 148 0 0 0 60
AUTHORIZATION FOR SERVICES

To: Lee Bogard
Bogard Engineers, PS
22121 17th Avenue SE, Suite 111
Bothell, WA 98021

Date: September 16, 2013

Project No.: 2130608.20

Task No.: Whatcom County Central Shop
Mechanical Upgrades

Subject: Structural Engineering Services

Sent via: ☑ Email

SERVICES PROVIDED:
☑ Civil Engineering
☑ Structural Engineering
☑ Land Use Planning
☑ Landscape Architecture
☑ Land Surveying
☑ Prime/Project Development

DESCRIPTION OF WORK:
The following services have been requested:

1. Verify existing building for new mechanical unit (includes time for one site visit).
2. Design hanger and connections for new unit.
3. Provide calculations and details showing new unit attachment.

BILLING SUMMARY:
☑ Time and Expense (approximate total): $2,350

☑ Fixed Fee Amount:

AGREEMENT:
1. Client authorizes the above-specified services and agrees to pay for these services in the amount stated above within 30 days of receiving each invoice. If payment is not received by AHBL within sixty (60) calendar days of the date of the invoice, the Client shall pay an additional charge of one-and-one-half percent of the PAST DUE amount per month. The Client shall make an initial payment of ten and no hundredths dollars ($10.00) upon execution of this Agreement. This payment shall be applied against the final invoice.

2. Client agrees to limit the liability of AHBL to Client arising from professional acts, errors, or omissions of AHBL and for liability arising out of or relating to this Agreement, such that the total aggregate liability of AHBL, including attorneys’ fees awarded pursuant to this Agreement, shall not exceed Fifty Thousand U.S. Dollars ($50,000) or the total compensation paid by Client to AHBL for the services rendered under this Agreement, whichever is greater.

3. If the services include surveying of utilities, the Client understands and agrees that the existence and location of any underground utilities are derived from a combination of utility locator service markings and as-built and/or utility design drawings provided by others. AHBL does not represent or guarantee that all underground utilities that may exist within the site have been shown or have been shown accurately.

4. If the services include preparation of construction documents and/or performance of periodic observations of construction, the Client agrees that AHBL shall have no responsibility for construction means, methods, techniques, sequences or procedures for construction jobsite safety, and the Client agrees that AHBL shall not be liable for the failure of any contractor to construct in accordance with the construction documents.

5. AHBL’s services are intended solely for the benefit of the Client and are not intended to create any rights or benefits for any other person or entity. Use by any other person or entity or on any other project shall be at the user’s sole risk and without liability on the part of AHBL or the professional whose stamp and signature appear on the documents.
6. Unless stated otherwise, AHBL's receipt of a signed copy of this Authorization for Services shall constitute its notice to proceed with performance. If AHBL has not received a signed copy of this Authorization for Services within fifteen days of the date stated at the top of the form, the proposal to perform the services shall be deemed withdrawn.

| Client Purchase Order No: | ____________________________ |
| Client Name: | ____________________________ | Date: ____________ |
| Signature: | ____________________________ | Date: ____________ |
| Printed Name/Title: | ____________________________ |

AHBL Project Mgr. Signature: ____________________________ | Date: 09/16/2013 |
AHBL Proj. Mgr. Printed Name: Larry A. Higgins, PE

<p>| | | | |</p>
<table>
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<tr>
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<tbody>
<tr>
<td>2215 North 30th Street, Suite 300</td>
<td>1200-14th Avenue, Suite 1420</td>
<td>927 West First Avenue, Suite 301</td>
<td>9025 Sandhill Parkway, Suite A</td>
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<tr>
<td>Tacoma, WA 98403-3238</td>
<td>Seattle, WA 98101-3117</td>
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C: Accounting

LAH/Isk

Enclosure

Q:\2013\21\99608\Proposals_Contracts\Final\20130916 Auth.2130608.20.docx
### Structural Engineering Service Matrix

#### Whatcom County Central Shop
#### Mechanical Upgrades

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<th>Project Engineer 3</th>
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### Structural Engineering Fees

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**Total:** $2,352.50
Bogard Engineers, PS
22121 17th Ave. SE, Suite 111
Bothell, WA 98201

Attention: Lee Bogard

Subject: Design Services Agreement – Whatcom County – Central Shops Vehicle Exhaust System Upgrade

PROPOSAL

We propose to furnish the following engineering services described in the attached "Scope of Work" for the Whatcom County – Central Shops Vehicle Exhaust System Upgrade on Smith Rd, Bellingham, WA. You and/or the Owner are expected to furnish us with full information as to the requirements; including any special or extraordinary considerations or special services needed, and also to make available pertinent data, drawings, CAD files, etc.

COMPENSATION

You will pay us for our services, on a lump sum basis, a total fee of $3,000.00; except, changes and/or additions that alter the electrical design (whether completed or in progress), and extra work associated with "bid alternates" will be charged on a time and materials basis in accordance with the attached "Reimbursement Schedule" dated January 1, 2012.

TERMS & CONDITIONS

All work will be invoiced monthly. Payment is due on receipt of invoice. Terms are net 30 days, with a service charge of 1% per month assessed on all past due amounts.

If payment is not received within 60 days after date of invoice, K Engineers, Inc. reserves the right, after giving 7 days written notice, to suspend work on the project until payment is received. In the event of delay or suspension of work by reason of this paragraph, K Engineers, Inc. shall be entitled to reimbursement of all costs related to the delay or suspension of work.

The above financial arrangements are on the basis of prompt payment of our invoices and the orderly and continuous progress of the project through construction. If the project is postponed, delayed or accelerated for any reason, K Engineers, Inc. shall be reimbursed for all additional costs associated therewith.
All documents, including drawings and specifications, are the property of K Engineers, Inc. whether the work for which they are prepared be executed or not, and are not to be used on other work, including repetitive construction, except by specific, written agreement. Copies of the documents may be retained by the client with other documents pertaining to the project. Documents shall not be altered in any manner without the permission of K Engineers, Inc.

This proposal, along with the attachments, represents the entire understanding between you and us in respect of the Project and may only be modified in writing signed by both of us. If it satisfactorily sets forth your understanding of the arrangement between us, we would appreciate your signing a copy of this letter in the space provided below and returning it to us. This proposal will be open for acceptance until October 31, 2013.

Sincerely,

Steve TeVeDe, P.E.

Accepted this ________________ day of ___________________ 2013.

Bogard Engineers, PS, by _______________________________
SCOPE OF WORK

PROJECT: Whatcom County – Central Shops Vehicle Exhaust

FOR: Bogard Engineers, PS

WORK INCLUDED:

The Engineer shall provide all electrical engineering, design and drafting for the project generally described as follows:

Provide new HVAC unit to introduce makeup air for the vehicle exhaust fan and to reduce fan noise during operation.

Provide new variable speed drive for Plymovent exhaust fan and modify Siemens control system to incorporate.

All construction work will be performed after work hours and completed without interruption to the occupants within the building.

The electrical work is generally described as follows:

Power distribution system modifications

Grounding.

Branch circuit conduit & wiring systems.

Wiring devices and special purpose receptacles.

Disconnecting means, switches, motor starters, line voltage control devices, receptacles, etc. for mechanical and other equipment.
WORK INCLUDED (continued):

The Engineer shall provide the necessary calculations, drawings (with a professional engineer's stamp), details and specifications to describe the completed electrical and ancillary equipment, materials, systems, etc. in sufficient detail to obtain competitive bids for the equipment, materials and installation. To that end, the engineer will, in general and in cooperation with the other design team members, do the following:

Coordinate with design team members, Owners representatives and utilities.

Attend design meetings when agenda has items for discussion relating to the electrical systems.

Schematic Design: preliminary equipment/space requirements.

Design Development: preliminary plans (outlets, lighting, etc.).

Construction Documents: specifications, drawings & details, plan coordination check.

Bidding Phase: addenda, coordination with bidders

Construction Phase: submittal review, coordination with contractors, on-site observation, record drawings.

WORK NOT INCLUDED (except, may be added as extra services):

Cost estimates (other than ballpark per square foot type).

Lighting, interior and exterior/site.

Building fire detection and alarm system.

Security and surveillance system(s).

Telecommunications (telephone, computer/data, television) patch panel, wiring, outlet boxes, raceways and equipment.

Access controls.
WORK NOT INCLUDED (continued):

Mechanical low voltage control devices, wiring, etc.

Siemens controls.

Alternative (photovoltaic, wind, etc.) power generation systems.

LEED related services.

Construction coordination meetings.

Owner initiated changes in scope, change orders and their review.

Payment of plan review fees.

If requested, work listed as not included may be added to the Scope of Work, but will be charged on a time and materials basis in accordance with the attached "Reimbursement Schedule" dated January 1, 2012.

ENGINEER____________________

Steve TeVeLde, P.E.
REIMBURSEMENT SCHEDULE

January 1, 2012

1. Hourly Rates

Client shall pay Engineer for services rendered on an hourly basis as follows:

<table>
<thead>
<tr>
<th></th>
<th>Rate</th>
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<tr>
<td>Principal of Firm</td>
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</table>

2. Outside Consultants

Client shall pay Engineer for services and reimbursable expenses of outside consultants hired by Engineer for specialized tasks the amount billed to Engineer times a factor of 1.1.

3. Reproduction Costs

Up to 3 copies of all reports, drawings, specifications, etc. will be provided by the Engineer with each transmittal. Client shall pay Engineer the actual reproduction costs times a factor of 1.1 in excess of the above.

4. Miscellaneous Expenses

Client shall pay Engineer the actual costs incurred directly or indirectly in connection with the project for: transportation and subsistence incidental thereto (see notes below); obtaining bids or proposals from contractors; toll telephone calls; computer time including an appropriate charge for previously established programs; and any other project-related items.

Note: For travel related to services, the client shall pay Engineer the rate of $0.50 per mile for automobile travel when the destination is more than 50 miles from the Engineer’s office.
## WHATCOM COUNTY COUNCIL AGENDA BILL

### CLEARANCES

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>Executive:</td>
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</table>

### TITLE OF DOCUMENT:

Local Agency Standard Consultant Agreement between Whatcom County and PND Engineers, LLC.

### ATTACHMENTS:

1. Cover Memo
2. Agenda Bill
3. Contract Information Sheet
4. Local Agency Standard Consultant Agreement

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

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

### Should Clerk schedule a hearing? ( ) Yes ( X ) NO

### Requested Date: 

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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

Local Agency Standard Consultant Agreement agreement between Whatcom County and PND Engineers, LLC for design ferry docking structures at Lummi Island and Gooseberry Point ferry terminals.

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

Through: Frank M. Abart, Director

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

Date: January 10, 2014

Subject: Local Agency Standard Consultant Agreement with PND Engineers, Inc.
   Ferry Dolphin & Breakwater Replacement, CRP 914004

Enclosed please find two (2) originals of the above-referenced contract between PND Engineers, Inc.
and Whatcom County.

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to enter
into a contract with the selected engineering consultant, PND Engineers, Inc., for the design of the
Ferry Dolphin & Breakwater Replacement project, CRP 914004.

Background and Purpose
This contract provides for designing breasting/mooring dolphins to replace the remaining timber
structures at the Gooseberry Point and Lummi Island ferry terminal as well as the south
breakwater structure at the Lummi Island ferry terminal.

The existing timber dolphins and breakwater are showing signs of significant deterioration,
including broken piles, rotten timbers, and corroded cables. The replacement structures will be a
modern steel pile design to accommodate safe docking of the Whatcom Chief.

PND Engineers was shortlisted, along with nine other firms, off of the annual Engineering &
Architectural Services Request for Qualifications (RFQ #13-01). Shortlisted firms were
requested to submit a project-specific proposal; four firms responded. After review by the
selection committee, PND Engineers was selected as the most qualified consultant for the work.

Funding Amount and Source
The not-to-exceed amount for this contract is $167,200. This work is included in the 2014 Annual
Road Construction Program under Item No. 22: Ferry Dock Improvements.

Please contact James Lee at extension 50617 if you have any questions or concerns regarding the
terms of this agreement.
### WHATCOM COUNTY CONTRACT
#### INFORMATION SHEET

**Originating Department:** Public Works

**Contract or Grant Administrator:** James E. Lee, P.E., Engineering Manager

**Contractor’s / Agency Name:** PND Engineers, LLC

If this a New Contract? Yes ☑ No ☐

If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No ☑

If Amendment or Renewal, Original Contract #

Does contract require Council Approval? Yes ☑ No ☐

If this a grant agreement? Yes ☑ No ☐

If yes, grantor agency contract number(s) CFDA #

Is this contract grant funded? Yes ☑ No ☐

If yes, associated Whatcom County grant contract number(s)

Is this contract the result of a RFP or Bid process? Contract

Yes ☑ No ☐

If yes, RFP and Bid number(s) RFQ #13-01 Cost Center: 914004

Is this agreement excluded from E-Verify? No ☐ Yes ☑

If no, include Attachment D Contractor Declaration form.

**If yes, indicate exclusion(s) below:**

- Professional services agreement for certified/licensed professional
- Contract work is for less than 120 days
- 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)
- Public Works - Local Agency/Federally Funded FHWA

**Contract Amount:** Sum of original contract amount and any prior amendments

$167,200

This Amendment Amount:

$

Total Amended Amount:

$

**Summary of Scope:** Local Agency Standard Consultant Agreement to design ferry docking structures at Lummi Island and Gooseberry Point ferry terminals

**Term of Contract:** Not to Exceed

Expiration Date: 12-31-2014

**Contract Routing Steps & Signoff**  | **Sign or Initial** | **Indicate date transmitted**
---|---|---
1. Prepared by: | CES | Date: 1-9-14
2. Attorney reviewed: | Daniel L. Gibson | Date: 01/13/14
3. AS Finance reviewed: | | 1/16/14
4. IT reviewed, if IT related: |
5. Corrections made: |
6. Attorney signoff: | Daniel L. Gibson | Date: 01/13/14 1/16/14
7. Contractor signed: | |
8. Submitted to Exec Office: |
9. Council Approved (if required): |
10. Executive signed: |
11. Contractor original returned to Dept.: |
12. County original to Council:
Local Agency Standard Consultant Agreement

Consultant/Address/Telephone
PND Engineers
1736 Fourth Avenue S., Suite A
Seattle, WA 98134
206-624-1387

Project Title And Work Description
Ferry Dolphin & Breakwater Replacement

Professional Engineering services for the design of multiple breasting/mooring dolphins and a breakwater structure at the Lummi Island and Gooseberry Point Ferry Terminals.

DBE Participation
☑ Yes ☐ No

Federal ID Number or Social Security Number
92-0072819

Do you require a 1099 for IRS?
☑ Yes ☐ No
Completion Date
12-31-2015

Total Amount Authorized $ 152,000
Management Reserve Fund $ 15,200
Maximum Amount Payable $ 167,200

Index of Exhibits (Check all that apply):
☑ Exhibit A-1 Scope of Work
☑ Exhibit A-2 Task Order Agreement
☑ Exhibit B-1 DBE Utilization Certification
☑ Exhibit C Electronic Exchange of Data
☑ Exhibit D-1 Payment - Lump Sum
☑ Exhibit D-2 Payment - Cost Plus
☑ Exhibit D-3 Payment - Hourly Rate
☑ Exhibit D-4 Payment - Provisional
☑ Exhibit E-1 Fee - Lump/Fixed/Unit
☑ Exhibit E-2 Fee - Specific Rates
☑ Exhibit F Overhead Cost
☑ Exhibit G Subcontracted Work
☑ Exhibit G-1 Subconsultant Fee
☑ Exhibit G-2 Fee-Sub Specific Rates
☑ Exhibit G-3 Sub Overhead Cost
☑ Exhibit H Title VI Assurances
☑ Exhibit I Payment Upon Termination of Agreement
☑ Exhibit J Alleged Consultant Design Error Procedures
☑ Exhibit K Consultant Claim Procedures
☑ Exhibit L Liability Insurance Increase
☑ Exhibit M-1a Consultant Certification
☑ Exhibit M-1b Agency Official Certification
☑ Exhibit M-2 Certification - Primary
☑ Exhibit M-3 Lobbying Certification
☑ Exhibit M-4 Pricing Data Certification
☑ App. 31.910 Supplemental Signature Page
☑ Exhibit N: Certificate of Insurance

THIS AGREEMENT, made and entered into this ___________ day of ____________, ___________, between the Local Agency of Whatcom County ____________, Washington, hereinafter called the “AGENCY”, and the above organization hereinafter called the “CONSULTANT”.

DOT Form 146-088 EF
Revised 09/2013
Page 1 of 8
WITNESSETH THAT:

WHEREAS, the AGENCY desires to accomplish the above referenced project, and

WHEREAS, the AGENCY does not have sufficient staff to meet the required commitment and therefore deems it advisable and desirable to engage the assistance of a CONSULTANT to provide the necessary services for the PROJECT; and

WHEREAS, the CONSULTANT represents that he/she is in compliance with the Washington State Statutes relating to professional registration, if applicable, and has signified a willingness to furnish Consulting services to the AGENCY,

NOW THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated and made a part hereof, the parties hereto agree as follows:

I General Description of Work
The work under this AGREEMENT shall consist of the above described work and services as herein defined and necessary to accomplish the completed work for this PROJECT. The CONSULTANT shall furnish all services, labor, and related equipment necessary to conduct and complete the work as designated elsewhere in this AGREEMENT.

II Scope of Work
The Scope of Work and projected level of effort required for this PROJECT is detailed in Exhibit “A” attached hereto and by this reference made a part of this AGREEMENT.

III General Requirements
All aspects of coordination of the work of this AGREEMENT with outside agencies, groups, or individuals shall receive advance approval by the AGENCY. Necessary contacts and meetings with agencies, groups, and/or individuals shall be coordinated through the AGENCY. The CONSULTANT shall attend coordination, progress and presentation meetings with the AGENCY and/or such Federal, State, Community, City or County officials, groups or individuals as may be requested by the AGENCY. The AGENCY will provide the CONSULTANT sufficient notice prior to meetings requiring CONSULTANT participation. The minimum required hours or days notice shall be agreed to between the AGENCY and the CONSULTANT and shown in Exhibit “A.”

The CONSULTANT shall prepare a monthly progress report, in a form approved by the AGENCY, which will outline in written and graphical form the various phases and the order of performance of the work in sufficient detail so that the progress of the work can easily be evaluated.

The CONSULTANT, and each SUBCONSULTANT, shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The CONSULTANT, and each SUBCONSULTANT, shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the CONSULTANT to carry out these requirements is a material breach of this AGREEMENT that may result in the termination of this AGREEMENT.

Participation for Disadvantaged Business Enterprises (DBE), if required, per 49 CFR Part 26, or participation of Minority Business Enterprises (MBE), and Women Business Enterprises (WBE), shall be shown on the heading of this AGREEMENT. If D/M/WBE firms are utilized, the amounts authorized to each firm and their certification number will be shown on Exhibit “B” attached hereto and by this reference made a part of this AGREEMENT. If the Prime CONSULTANT is a DBE firm they must comply with the Commercial Useful Function (CUF) regulation outlined in the AGENCY’S “DBE Program Participation Plan”. The mandatory DBE participation goals of the AGREEMENT are those established by the WSDOT’S Highway and Local Programs Project Development Engineer in consultation with the AGENCY.

All Reports, PS&E materials, and other data furnished to the CONSULTANT by the AGENCY shall be returned. All electronic files, prepared by the CONSULTANT, must meet the requirements as outlined in Exhibit “C.”

All designs, drawings, specifications, documents, and other work products, including all electronic files, prepared by the CONSULTANT prior to completion or termination of this AGREEMENT are instruments of service for this PROJECT, and are the property of the AGENCY. Reuse by the AGENCY or by others, acting through or on behalf of the AGENCY of any such instruments of service, not occurring as a part of this PROJECT, shall be without liability or legal exposure to the CONSULTANT.
IV Time for Beginning and Completion
The CONSULTANT shall not begin any work under the terms of this AGREEMENT until authorized in writing by the AGENCY.

All work under this AGREEMENT shall be completed by the date shown in the heading of this AGREEMENT under completion date.

The established completion time shall not be extended because of any delays attributable to the CONSULTANT, but may be extended by the AGENCY in the event of a delay attributable to the AGENCY, or because of unavoidable delays caused by an act of GOD or governmental actions or other conditions beyond the control of the CONSULTANT. A prior supplemental agreement issued by the AGENCY is required to extend the established completion time.

V Payment Provisions
The CONSULTANT shall be paid by the AGENCY for completed work and services rendered under this AGREEMENT as provided in Exhibit “D” attached hereto, and by reference made part of this AGREEMENT. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. The CONSULTANT shall conform to all applicable portions of 48 CFR Part 31.

A post audit may be performed on this AGREEMENT. The need for a post audit will be determined by the State Auditor, WSDOT External Audit Office and/or at the request of the AGENCY’S PROJECT Manager.

VI Sub-Contracting
The AGENCY permits sub-contracts for those items of work as shown in Exhibit “G” attached hereto and by this reference made part of this AGREEMENT.

Compensation for this sub-consultant work shall be based on the cost factors shown on Exhibit “G.”

The work of the sub-consultant shall not exceed its maximum amount payable unless a prior written approval has been issued by the AGENCY.

All reimbursable direct labor, overhead, direct non-salary costs and fixed fee costs for the sub-consultant shall be substantiated in the same manner as outlined in Section V. All sub-contracts shall contain all applicable provisions of this AGREEMENT.

With respect to sub-consultant payment, the CONSULTANT shall comply with all applicable sections of the Prompt Payment laws as set forth in RCW 39.04.250 and RCW 39.76.011.

The CONSULTANT shall not sub-contract for the performance of any work under this AGREEMENT without prior written permission of the AGENCY. No permission for sub-contracting shall create, between the AGENCY and sub-contractor, any contract or any other relationship. A DBE certified sub-consultant is required to perform a minimum amount of their sub-contracted agreement that is established by the WSDOT Highways and Local Programs Project Development Engineer in consultation with the AGENCY.

VII Employment
The CONSULTANT warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT, to solicit or secure this contract, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warrant, the AGENCY shall have the right to annul this AGREEMENT without liability or, in its discretion, to deduct from the AGREEMENT price or consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

Any and all employees of the CONSULTANT or other persons while engaged in the performance of any work or services required of the CONSULTANT under this AGREEMENT, shall be considered employees of the CONSULTANT only and not of the AGENCY, and any and all claims that may arise under any Workmen’s Compensation Act on behalf of said employees or other persons while so engaged, and any and all claims made by a
third party as a consequence of any act or omission on the part of the CONSULTANT'S employees or other persons while so engaged on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the CONSULTANT.

The CONSULTANT shall not engage, on a full- or part-time basis, or other basis, during the period of the contract, any professional or technical personnel who are, or have been, at any time during the period of the contract, in the employ of the United States Department of Transportation, or the STATE, or the AGENCY, except regularly retired employees, without written consent of the public employer of such person.

**VIII Nondiscrimination**

During the performance of this contract, the CONSULTANT, for itself, its assignees, and successors in interest agrees to comply with the following laws and regulations:

*Title VI of the Civil Rights Act of 1964*  
(42 USC Chapter 21 Subchapter V Section 2000d through 2000d-4a)

*Federal-aid Highway Act of 1973*  
(23 USC Chapter 3 Section 324)

*Rehabilitation Act of 1973*  
(29 USC Chapter 16 Subchapter V Section 794)

*Age Discrimination Act of 1975*  
(42 USC Chapter 76 Section 6101 et seq.)

*Civil Rights Restoration Act of 1987*  
(Public Law 100-259)

*American with Disabilities Act of 1990*  
(42 USC Chapter 126 Section 12101 et seq.)

49 CFR Part 21

23 CFR Part 200

RCW 49.60.180

In relation to Title VI of the Civil Rights Act of 1964, the CONSULTANT is bound by the provisions of Exhibit “H” attached hereto and by this reference made part of this AGREEMENT, and shall include the attached Exhibit “H” in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

**IX Termination of Agreement**

The right is reserved by the AGENCY to terminate this AGREEMENT at any time upon ten (10) days written notice to the CONSULTANT.

In the event this AGREEMENT is terminated by the AGENCY other than for default on the part of the CONSULTANT, a final payment shall be made to the CONSULTANT as shown in Exhibit “I” for the type of AGREEMENT used.

No payment shall be made for any work completed after ten (10) days following receipt by the CONSULTANT of the Notice to Terminate. If the accumulated payment made to the CONSULTANT prior to Notice of Termination exceeds the total amount that would be due when computed as set forth herein above, then no final payment shall be due and the CONSULTANT shall immediately reimburse the AGENCY for any excess paid.

If the services of the CONSULTANT are terminated by the AGENCY for default on the part of the CONSULTANT, the above formula for payment shall not apply.
In such an event, the amount to be paid shall be determined by the AGENCY with consideration given to the actual costs incurred by the CONSULTANT in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or a type which is usable to the AGENCY at the time of termination, the cost to the AGENCY of employing another firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the AGENCY of the work performed at the time of termination.

Under no circumstances shall payment made under this subsection exceed the amount, which would have been made using the formula set forth above.

If it is determined for any reason that the CONSULTANT was not in default or that the CONSULTANT’S failure to perform is without the CONSULTANT’S or its employee’s default or negligence, the termination shall be deemed to be a termination for the convenience of the AGENCY. In such an event, the CONSULTANT would be reimbursed for actual costs in accordance with the termination for other than default clauses listed previously.

In the event of the death of any member, partner or officer of the CONSULTANT or any of its supervisory personnel assigned to the PROJECT, or dissolution of the partnership, termination of the corporation, or disaffiliation of the principally involved employee, the surviving members of the CONSULTANT hereby agree to complete the work under the terms of this AGREEMENT, if requested to do so by the AGENCY. This subsection shall not be a bar to renegotiation of the AGREEMENT between the surviving members of the CONSULTANT and the AGENCY, if the AGENCY so chooses.

In the event of the death of any of the parties listed in the previous paragraph, should the surviving members of the CONSULTANT, with the AGENCY’S concurrence, desire to terminate this AGREEMENT, payment shall be made as set forth in the second paragraph of this section.

Payment for any part of the work by the AGENCY shall not constitute a waiver by the AGENCY of any remedies of any type it may have against the CONSULTANT for any breach of this AGREEMENT by the CONSULTANT, or for failure of the CONSULTANT to perform work required of it by the AGENCY. Forbearance of any rights under the AGREEMENT will not constitute waiver of entitlement to exercise those rights with respect to any future act or omission by the CONSULTANT.

X Changes of Work
The CONSULTANT shall make such changes and revisions in the complete work of this AGREEMENT as necessary to correct errors appearing therein, when required to do so by the AGENCY, without additional compensation thereof. Should the AGENCY find it desirable for its own purposes to have previously satisfactorily completed work or parts thereof changed or revised, the CONSULTANT shall make such revisions as directed by the AGENCY. This work shall be considered as Extra Work and will be paid for as herein provided under Section XIV.

XI Disputes
Any dispute concerning questions of fact in connection with the work not disposed of by AGREEMENT between the CONSULTANT and the AGENCY shall be referred for determination to the Director of Public Works or AGENCY Engineer, whose decision in the matter shall be final and binding on the parties of this AGREEMENT; provided, however, that if an action is brought challenging the Director of Public Works or AGENCY Engineer’s decision, that decision shall be subject to de novo judicial review. If the parties to this AGREEMENT mutually agree, disputes concerning alleged design errors will be conducted under the procedures found in Exhibit “J”, and disputes concerning claims will be conducted under the procedures found in Exhibit “K”.

XII Venue, Applicable Law, and Personal Jurisdiction
In the event that either party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the parties hereto agree that any such action shall be instituted in the Superior court of the State of Washington, situated in the county in which the AGENCY is located. The parties hereto agree that all questions shall be resolved by application of Washington law and that the parties to such action shall have the right of appeal from such decisions of the Superior court in accordance with the laws of the State of Washington. The CONSULTANT hereby consents to the personal jurisdiction of the Superior court of the State of Washington, situated in the county in which the AGENCY is located.
XIII Legal Relations

The CONSULTANT shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done under this AGREEMENT. This contract shall be interpreted and construed in accordance with the laws of the State of Washington.

The CONSULTANT shall indemnify and hold the AGENCY and the STATE and its officers and employees harmless from and shall process and defend at its own expense all claims, demands, or suits at law or equity arising in whole or in part from the CONSULTANT'S negligence or breach of any of its obligations under this AGREEMENT; provided that nothing herein shall require a CONSULTANT to indemnify the AGENCY or the STATE against and hold harmless the AGENCY or the STATE from claims, demands or suits based solely upon the conduct of the AGENCY or the STATE, their agents, officers and employees; and provided further that if the claims or suits are caused by or result from the concurrent negligence of (a) the CONSULTANT'S agents or employees, and (b) the AGENCY or the STATE, their agents, officers and employees, this indemnity provision with respect to (1) claims or suits based upon such negligence (2) the costs to the AGENCY or the STATE of defending such claims and suits shall be valid and enforceable only to the extent of the CONSULTANT'S negligence or the negligence of the CONSULTANT'S agents or employees.

The CONSULTANT'S relation to the AGENCY shall be at all times as an independent contractor.

The CONSULTANT shall comply with all applicable sections of the applicable Ethics laws, including RCW 42.23, which is the Code of Ethics for regulating contract interest by municipal officers. The CONSULTANT specifically assumes potential liability for actions brought by the CONSULTANT'S own employees against the AGENCY and, solely for the purpose of this indemnification and defense, the CONSULTANT specifically waives any immunity under the state industrial insurance law, Title 51 RCW.

Unless otherwise specified in the AGREEMENT, the AGENCY shall be responsible for administration of construction contracts, if any, on the PROJECT. Subject to the processing of a new sole source, or an acceptable supplemental agreement, the CONSULTANT shall provide On-Call assistance to the AGENCY during contract administration. By providing such assistance, the CONSULTANT shall assume no responsibility for: proper construction techniques, job site safety, or any construction contractor's failure to perform its work in accordance with the contract documents.

The CONSULTANT shall obtain and keep in force during the terms of the AGREEMENT, or as otherwise required, the following insurance with companies or through sources approved by the State Insurance Commissioner pursuant to Title 48 RCW.

Insurance Coverage

A. Worker's compensation and employer's liability insurance as required by the STATE.
B. Commercial general liability written under ISO Form CG 00 01 12 04 or its equivalent with minimum limits of one million dollars ($1,000,000) per occurrences and two million dollars ($2,000,000) in the aggregate for each policy period.
C. Vehicle liability insurance for any automobile used in an amount not less than a one million dollar ($1,000,000) combined single limit.

Excepting the Worker's Compensation Insurance and any Professional Liability Insurance secured by the CONSULTANT, the AGENCY will be named on all policies as an additional insured. The CONSULTANT shall furnish the AGENCY with verification of insurance and endorsements required by the AGREEMENT. The AGENCY reserves the right to require complete, certified copies of all required insurance policies at any time.

All insurance shall be obtained from an insurance company authorized to do business in the State of Washington. The CONSULTANT shall submit a verification of insurance as outlined above within fourteen (14) days of the execution of this AGREEMENT to the AGENCY.

No cancellation of the foregoing policies shall be effective without thirty (30) days prior notice to the AGENCY.

The CONSULTANT'S professional liability to the AGENCY shall be limited to the amount payable under this AGREEMENT or one million ($1,000,000) dollars, whichever is the greater, unless modified by Exhibit "L". In no case shall the CONSULTANT'S professional liability to third parties be limited in any way.
The AGENCY will pay no progress payments under Section V until the CONSULTANT has fully complied with this section. This remedy is not exclusive; and the AGENCY and the STATE may take such other action as is available to it under other provisions of this AGREEMENT, or otherwise in law.

XIV Extra Work
A. The AGENCY may at any time, by written order, make changes within the general scope of the AGREEMENT in the services to be performed.

B. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of any part of the work under this AGREEMENT, whether or not changed by the order, or otherwise affects any other terms and conditions of the AGREEMENT, the AGENCY shall make an equitable adjustment in the (1) maximum amount payable; (2) delivery or completion schedule, or both; and (3) other affected terms and shall modify the AGREEMENT accordingly.

C. The CONSULTANT must submit any “request for equitable adjustment”, hereafter referred to as “CLAIM”, under this clause within thirty (30) days from the date of receipt of the written order. However, if the AGENCY decides that the facts justify it, the AGENCY may receive and act upon a CLAIM submitted before final payment of the AGREEMENT.

D. Failure to agree to any adjustment shall be a dispute under the Disputes clause. However, nothing in this clause shall excuse the CONSULTANT from proceeding with the AGREEMENT as changed.

E. Notwithstanding the terms and conditions of paragraphs (A) and (B) above, the maximum amount payable for this AGREEMENT, shall not be increased or considered to be increased except by specific written supplement to this AGREEMENT.

XV Endorsement of Plans
If applicable, the CONSULTANT shall place their endorsement on all plans, estimates, or any other engineering data furnished by them.

XVI Federal and State Review
The Federal Highway Administration and the Washington State Department of Transportation shall have the right to participate in the review or examination of the work in progress.

XVII Certification of the Consultant and the Agency
Attached hereto as Exhibit “M-1(a and b)” are the Certifications of the CONSULTANT and the AGENCY, Exhibit “M-2” Certification Regarding Debarment, Suspension and Other Responsibility Matters - Primary Covered Transactions, Exhibit “M-3” Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying and Exhibit “M-4” Certificate of Current Cost or Pricing Data. Exhibit “M-3” is required only in AGREEMENTS over $100,000 and Exhibit “M-4” is required only in AGREEMENTS over $500,000.

XVIII Complete Agreement
This document and referenced attachments contain all covenants, stipulations, and provisions agreed upon by the parties. No agent, or representative of either party has authority to make, and the parties shall not be bound by or be liable for, any statement, representation, promise or agreement not set forth herein. No changes, amendments, or modifications of the terms hereof shall be valid unless reduced to writing and signed by the parties as an amendment to this AGREEMENT.

XIX Execution and Acceptance
This AGREEMENT may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The CONSULTANT does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the proposal, and the supporting material submitted by the CONSULTANT, and does hereby accept the AGREEMENT and agrees to all of the terms and conditions thereof.
In witness whereof, the parties hereto have executed this AGREEMENT as of the day and year shown in the
“Execution Date” box on page one (1) of this AGREEMENT.

By Mike Hartley, P.E., Sr. Vice President
Consultant PND Engineers, Inc

By SEE ATTACHED SIGNATURE SHEET
Agency Whatcom County

STATE OF WASHINGTON
COUNTY OF King

On this 14th day of January, 2014, before me personally appeared
Mike Hartley to me known to be the Sr. Vice President of PND Engineers, Inc.
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 Seattle.
My Commission expires 03/01/2016
Executed by Whatcom County this ____ day of ____________, 20__.

By: __________________________________________

Jack Louws
Whatcom County Executive

STATE OF WASHINGTON )
 ) ss.
COUNTY OF WHATCOM )

On this ____ day of _____________, 20__, before me personally appeared Jack Louws, to me personally known to be the Executive of Whatcom County 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: _____________________________
My commission expires: ___________________

Approved as to form: [Signature] Date: 01/16/14
Daniel L. Gibson
Chief Civil Deputy Prosecutor
APPENDIX A-1
SCOPE OF WORK

General:
The Whatcom County Department of Public Works has identified the need to replace the aging and
deteriorating dolphins at the Gooseberry and Lummi Island Terminals and replace the deteriorating south
breakwater at the Lummi Island Terminal. This project consists of two components for phased replacement:

Phase 1 – Replacement of the Gooseberry Dolphins in the summer of 2014 and
Phase 2 – Replacement of the Lummi Island Dolphins and Breakwater in the summer of 2015

The project is further divided into the following tasks:

Task 1 – Design of Phase 1
Task 2 – Design of Phase 2
Task 3 – Corrosion Assessment
Task 4a – Bid and Construction Support for Phase 1
Task 4b – Bid and Construction Support for Phase 2 (not included in this scope of work)
Task 5 – Management

Gooseberry Dolphins:
PND proposes to design a two-stage fender system that will provide softer berthing for general conditions,
but will also be better able to withstand impact from the vessel. The two-stage system will likely be similar in
design to the Lummi Island Dolphin constructed in 2005, consisting of:

1. Steel pipe fender piles (assume 12-3/4-inch diameter) with HDPE pipe rub sleeves
2. Steel fender cap with steel sleeve inserts bolted to the fender piles
3. Steel pipe vertical backing piles (assume 30-inch diameter) with welded steel reaction cap
4. All steel will be galvanized
5. Assume all piles will be installed with vibratory hammer to final design embedment
6. New dolphins will be constructed adjacent to the existing dolphins prior to demolition and will
   accommodate continuous ferry operations

Lummi Island Dolphins:
PND proposes to design a two-stage fender system that will provide softer berthing for general conditions,
but will also be better able to withstand impact from the vessel. The two-stage system will likely be similar in
design to the Lummi Island Dolphin constructed in 2005, consisting of:

1. Steel pipe fender piles (assume 12-3/4-inch diameter) with HDPE pipe rub sleeves
2. Steel fender cap with steel sleeve inserts bolted to the fender piles
3. Steel pipe vertical backing piles (assume 24- to 30-inch diameter) with welded steel reaction cap
4. All steel will be galvanized
5. Assume fender piles will be installed with vibratory hammer to final design embedment
6. Backing piles will be installed with vibratory hammer unless refusal prior to final design embedment,
in which case socketing may be required
7. New dolphins will be constructed adjacent to the existing dolphins prior to demolition and will
   accommodate continuous ferry operations
Breakwater:
PND proposes to design a partially penetrating wave barrier system that will provide protection for the ferry vessel, from wind and wave activity during ferry operations, foul weather moorage and overnight moorage. The new wave barrier will consist of:

1. Steel pipe with partial length sheet pile barrier sections welded to the sides of the pipe
2. Piles will be installed while threading adjacent sheet pile interlocks with the neighboring pile
3. Where water depth is sufficient, sheet pile barrier sections will not reach to the seabed, but will allow water circulation and sea life migration under the wall. Wave energy is absorbed by the sheet pile at the upper portion of the wall.
4. Piles will be installed with vibratory hammer as much as possible with socketing as needed.
   Evaluation of existing geotechnical data and past construction documents will help determine the best foundation method.
5. New wave barrier will be constructed adjacent to the existing breakwater wall prior to demolition.
6. Metocean study will consider effect of barrier wall alignment, length, possibility of replacement of both breakwaters and other critical items to ensure best protected environment inside the slip

Work Items:

Task 1 - Phase 1 Design and Corrosion Assessment

- Review all data and information provided by the County
- Site visit to confirm assumptions and predesign meeting
- Develop project specific design criteria
- Develop preliminary project plans and cost estimates at 60%, for review
- Develop 95% project plans, general notes and cost estimates for review
- Develop bid ready plans, general notes and cost estimates (general notes will reference WSDOT specifications as necessary)
- Assist in preparation of WSDOT specifications
- Corrosion assessment

Tasks 2&3 - Phase 2 Design and Corrosion Assessment

- Review all data and information provided by the County
- Perform metocean study
- Evaluate geotechnical data
- Site visit to confirm assumptions and attend predesign meeting
- Develop project specific design criteria
- Develop concept level project plans and cost estimates at 30%, for review
- Develop preliminary project plans and cost estimates at 60%, for review
- Develop 95% project plans, general notes and cost estimates for review
- Develop bid ready plans, general notes and cost estimates (general notes will reference WSDOT specifications as necessary)
- Assist in preparation of WSDOT specifications
• Conduct corrosion control assessment, including on-site investigation and review of underwater survey data, corrosion studies and design drawings

Task 4a – Bid and Construction Support for Phase 1
• Respond to bidder questions
• Attend preconstruction conference, on-site or at County offices
• Review submittals, RFT’s, shop drawings
• Perform limited construction observation at the site and report (assumes up to 4 trips)
• Respond to field questions during construction as required (assume 8 hours maximum)

Task 4b – Bid and Construction Support for Phase 2
• This work is excluded at this time, however it is anticipated to be similar to Task 4a. Scope and fees to be negotiated at a later date.

Task 5 – Management
• Project oversight, administration, project management client communications and subconsultant management

Assumptions:
The County has provided the following information to PND:
• The design vessel is the Whidbey Chief, which is the ferry that currently uses the facility. Known specifications:
  o Displacement at Full Load: 192 Long Tons
  o Length: 100-ft
  o Breadth: 44-ft
• 2013 Gooseberry Wingwall Replacement Plans
• 2011 Underwater Inspection Reports (Lummi and Gooseberry)
• 2010 Lummi South Wingwall Repair Plans
• 2009 Lummi North Wingwall Repair Plans
• 2008 Stray Current Study
• 2008 Field Reports from 2008 Lummi Dolphin Construction
• 2008 Lummi Dolphin Replacement Plans
• 2006 Art Anderson Concept Design Report
• 2006 HWA Geotechnical Report
• 2005 Lummi Dolphin Plans
• 1986 Gooseberry Terminal Plans
• 1976 Lummi Terminal Plans

It is assumed that the County will additionally provide:
• Pile installation records from all dolphin, wingwall, terminal pile driving
• Any additional pertinent information that may be available
• DNR Lease area maps for Lummi and Gooseberry Terminals
• Eelgrass Maps for Lummi and Gooseberry Terminals

Exclusions:
The following items are specifically excluded from PND’s scope of work:
• Permitting, geotechnical investigations and surveys
• Preparation of bidding and contract documents. The County will prepare contract documents for bidding, PND will provide all technical specifications and will reference WSDOT specs as necessary in the form of General Notes on the drawings.
• Contract administration duties will be provided by the County. The County will be the point of contact with the Contractor with all correspondence routed through the County.
• Bid support for Phase 2 (subject to future negotiations)
• Construction support for Phase 2 (subject to negotiations)
• All permit applications, fees and postings will be completed by the County

Deliverables to the County:
Task 1 – Phase 1 Design
• Project specific design criteria - technical memorandum
• Plans review at 60% complete – PDF format
• Plans and general notes review at 95% complete – PDF format
• Construction cost estimates at 60%, 95% and bid ready
• Final set of bid ready plans - one 22x34 original stamped set and electronic 11x17 PDF
• Computer Aided Drafting files in their native format at 60% and bid ready
• Numerical models in their native format
• Design calculations in their native format

Task 2 – Phase 2 Design
• Project specific design criteria - technical memorandum
• Plans review at 30% complete – PDF format
• Plans and general notes review at 60% complete – PDF format
• Plans and general notes review at 95% complete – PDF format
• Construction cost estimates at 30%, 60%, 95% and bid ready
• Final set of bid ready plans - one 22x34 original stamped set and electronic 11x17 PDF
• Computer Aided Drafting files in their native format at 60% and bid ready
• Numerical models in their native format
• Design calculations in their native format
Task 3 – Corrosion Control Assessment
- Findings report related to on-site investigation work

Task 4a - Bid and Construction Support for Phase 1
- Provide responses to submittals and RFI’s
- Field construction observation reports for each site visit

Task 5 – Management
- Provide project status update with each invoice

Schedule:

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<tr>
<th>Task</th>
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<th>End</th>
<th>Duration</th>
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<td>Design Phase 1</td>
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<td>Phase 1 Bid Support</td>
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<td>Design Phase 2</td>
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<td>Phase 2 Construction Support</td>
<td>Feb to Sept 2015</td>
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The presented schedule is subject to change depending upon review comments, permit requirements, etc., but the end goal is to replace the Gooseberry Dolphins in the summer of 2014 and the Lummi Island Dolphins and Breakwater in the summer of 2015.
Exhibit C
Electronic Exchange of Engineering and Other Data

In this Exhibit the agency, as applicable, is to provide a description of the format and standards the consultant is to use in preparing electronic files for transmission to the agency. The format and standards to be provided may include, but are not limited to, the following:

I. Surveying, Roadway Design & Plans Preparation Section
   A. Survey Data

B. Roadway Design Files

C. Computer Aided Drafting Files
   .2013 AutoCAD

D. Specify the Agency’s Right to Review Product with the Consultant

E. Specify the Electronic Deliverables to Be Provided to the Agency
   PDF, Word, Excel, AutoCAD

F. Specify What Agency Furnished Services and Information Is to Be Provided

II. Any Other Electronic Files to Be Provided
III. Methods to Electronically Exchange Data

email, secure ftp website, and/or mailed CDs or thumb drives

A. Agency Software Suite

B. Electronic Messaging System

C. File Transfers Format
Exhibit D-3
Payment (Negotiated Hourly Rate)

The CONSULTANT shall be paid by the AGENCY for completed work and services rendered under this AGREEMENT as provided hereinafter. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. The CONSULTANT shall conform to all applicable portions of 48 CFR Part 31.

1. Hourly Rates: The CONSULTANT shall be paid by the AGENCY for work done, based upon the negotiated hourly rates shown in Exhibit “E” and “F” attached hereto and by this reference made part of this AGREEMENT. The rates listed shall be applicable for the first twelve (12) month period and shall be subject to negotiation for the following twelve (12) month period upon request of the CONSULTANT or the AGENCY. If negotiations are not conducted for the second or subsequent twelve (12) month periods within ninety (90) days after completion of the previous period, the rates listed in this AGREEMENT, or subsequent written authorization(s) from the AGENCY shall be utilized. The rates are inclusive of direct salaries, payroll additives, overhead, and fee. The CONSULTANT shall maintain support data to verify the hours billed on the AGREEMENT.

2. Direct Non-Salary Costs: Direct Non-Salary Costs will be reimbursed at the Actual Cost to the CONSULTANT. These charges may include, but are not limited to, the following items: travel, printing, long distance telephone, supplies, computer charges and sub-consultant costs.

   a. Air or train travel will be reimbursed only to economy class levels unless otherwise approved by the AGENCY. The CONSULTANT shall comply with the rules and regulations regarding travel costs (excluding air, train, and rental car costs) in accordance with the AGENCY’S Travel Rules and Procedures. However, air, train, and rental car costs shall be reimbursed in accordance with 48 CFR Part 31.205-46 “Travel Costs.”

   b. The billing for Direct Non-Salary Costs shall include an itemized listing of the charges directly identifiable with the PROJECT.

   c. The CONSULTANT shall maintain the original supporting documents in their office. Copies of the original supporting documents shall be supplied to the AGENCY upon request.

   d. All above charges must be necessary for the services provided under this AGREEMENT.

3. Management Reserve Fund: The AGENCY may desire to establish a Management Reserve Fund to provide the Agreement Administrator with the flexibility to authorize additional funds to the AGREEMENT for allowable unforeseen costs, or reimbursing the CONSULTANT for additional work beyond that already defined in this AGREEMENT. Such authorization(s) shall be in writing and shall not exceed the lesser of $100,000 or 10% of the Total Amount Authorized as shown in the heading of this AGREEMENT. The amount included for the Management Reserve Fund is shown in the heading of this AGREEMENT. This fund may not be replenished. Any changes requiring additional costs in excess of the Management Reserve Fund shall be made in accordance with Section XIV, “Extra Work.”
4. Maximum Total Amount Payable: The Maximum Total Amount Payable by the AGENCY to the CONSULTANT under this AGREEMENT shall not exceed the amount shown in the heading of this AGREEMENT. The Maximum Total Amount Payable is comprised of the Total Amount Authorized, and the Management Reserve Fund. The Maximum Total Amount Payable does not include payment for Extra Work as stipulated in Section XIV, "Extra Work." No minimum amount payable is guaranteed under this AGREEMENT.

5. Monthly Progress Payments: Progress payments may be claimed on a monthly basis for all costs authorized in 1 and 2 above. The monthly billing shall be supported by detailed statements for hours expended at the rates established in Exhibit "E", including names and classifications of all employees, and billings for all direct non-salary expenses. To provide a means of verifying the billed salary costs for the CONSULTANT'S employees, the AGENCY may conduct employee interviews. These interviews may consist of recording the names, titles, salary rates, and present duties of those employees performing work on the PROJECT at the time of the interview.

6. Final Payment: Final Payment of any balance due the CONSULTANT of the gross amount earned will be made promptly upon its verification by the AGENCY after the completion of the work under this AGREEMENT, contingent upon receipt of all PS&E, plans, maps, notes, reports, electronic data and other related documents which are required to be furnished under this AGREEMENT. Acceptance of such Final Payment by the CONSULTANT shall constitute a release of all claims for payment, which the CONSULTANT may have against the AGENCY unless such claims are specifically reserved in writing and transmitted to the AGENCY by the CONSULTANT prior to its acceptance. Said Final Payment shall not, however, be a bar to any claims that the AGENCY may have against the CONSULTANT or to any remedies the AGENCY may pursue with respect to such claims.

The payment of any billing will not constitute agreement as to the appropriateness of any item and at the time of final audit, all required adjustments will be made and reflected in a final payment. In the event that such final audit reveals an overpayment to the CONSULTANT, the CONSULTANT will refund such overpayment to the AGENCY within thirty (30) days of notice of the overpayment. Such refund shall not constitute a waiver by the CONSULTANT for any claims relating to the validity of a finding by the AGENCY of overpayment. The CONSULTANT has twenty (20) days after receipt of the final POST AUDIT to begin the appeal process to the AGENCY for audit findings.

7. Inspection of Cost Records: The CONSULTANT and their sub-consultants shall keep available for inspection by representatives of the AGENCY, STATE and the United States, for a period of three (3) years after receipt of final payment, the cost records and accounts pertaining to this AGREEMENT and all items related to or bearing upon these records with the following exception: if any litigation, claim or audit arising out of, in connection with, or related to this contract is initiated before the expiration of the three (3) year period, the cost records and accounts shall be retained until such litigation, claim, or audit involving the records is completed.
## Exhibit E-1
### Consultant Fee Determination
(Cost Per Unit of Work)
Summary of all Tasks

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### Exhibit E-1

**Consultant Fee Determination**

**(Cost Per Unit of Work)**

### Task 1

**LABOR:**

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<th>Senior Engr 2</th>
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### EXPENSES:

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<th>Unit</th>
<th>Cost per Unit</th>
<th>Markup</th>
<th>Expenses Cost</th>
</tr>
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<tbody>
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<td>200 miles</td>
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<td>$0.00</td>
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<td>$100.00</td>
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### SUBCONSULTANTS:

- **Northwest Corrosion Engineering**
  - Subcontract Amount: $4,421.24
  - Markup: 1.0
  - Subcontract Cost: $4,421.24
  - TOTAL SUBCONSULTANTS: $4,421.24

**Notes:**

1
## Exhibit E-1

### Consultant Fee Determination

**Cost Per Unit of Work**

**Tasks 2 & 3**

### Labor:

<table>
<thead>
<tr>
<th>Subtask Item</th>
<th>Task (Scope of Services)</th>
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<th>Proj Mgr</th>
<th>Senior</th>
<th>Staff</th>
<th>CAD</th>
<th>Design 5</th>
<th>Tech 4</th>
<th>Total Hours</th>
<th>Labor Cost</th>
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**Labor Subtotal** | 64 | 356 | 88 | 60 | 152 | 0 | 720 | **$90,800.00** |

**TOTAL LABOR** | **$90,800.00** |

### Expenses:

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<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Cost per Unit</th>
<th>Markup</th>
<th>Expenses Cost</th>
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<tbody>
<tr>
<td>Mileage (1 round trip)</td>
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<td>$0.560</td>
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<td>1.0</td>
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**TOTAL EXPENSES** | **$310.00** |

### Subconsultants:

<table>
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<th>Subconsultant</th>
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<th>Markup</th>
<th>Subcontract Cost</th>
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<tbody>
<tr>
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<td>5,660.24</td>
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**TOTAL SUBCONSULTANTS** | **5,660.24** |

**Total - Labor** | **$90,800.00** |
| **Total - Expenses** | **$310.00** |
| **Total - Subconsultants** | **$5,660.24** |

**TOTAL -** | **$96,770.24** |

**Notes:**

1 Assumes existing geotechnical information adequate for design
# Exhibit E-1

## Consultant Fee Determination

### (Cost Per Unit of Work)

#### Task 4a

### Labor:

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<tr>
<th>Subtask Item</th>
<th>Principal</th>
<th>Proj Mgr</th>
<th>Senior</th>
<th>Senior</th>
<th>Staff</th>
<th>CAD</th>
<th>Design 5</th>
<th>Tech 4</th>
<th>Total Hours</th>
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<td>Engr 4</td>
<td>Engr 2</td>
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<td>Tech 4</td>
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<td></td>
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<td>Attend preconstruction conference (on site)</td>
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**TOTAL LABOR**

|             | $9,720.00 |

### Expenses:

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<th>Quantity</th>
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<th>Expenses (Cost)</th>
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</tr>
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<td>1 All</td>
<td></td>
<td>$100.00</td>
<td>1.0</td>
<td>$100.00</td>
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**TOTAL EXPENSES**

|             | $650.00 |

### Subconsultants:

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</thead>
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<td>Northwest Corrosion Engineering</td>
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<td>1.0</td>
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</tbody>
</table>

**TOTAL SUBCONSULTANTS**

|             | $-      |

### Notes:

1. Bid and Construction Support for Phase 2 work is not included in this scope of work. This work will be negotiated at a later time.
2. Assumes four construction observations at site by PND. Assumes County will provide full time construction observation.
3. No fabrication observation is included in this scope of work. Assumes County will provide appropriate fabrication observation.
## Exhibit E-2
Consultant Fee Determination
(Cost Per Unit of Work)
Task 5

### LABOR:

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<th>No.</th>
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<th>Principal Engr 5</th>
<th>Proj Mgr Engr 4</th>
<th>Senior Engr 2</th>
<th>Staff Engr 3</th>
<th>CAD Design 5</th>
<th>Tech 4</th>
<th>Total Hours</th>
<th>Labor Cost</th>
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### EXPENSES:

<table>
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<th>Unit</th>
<th>Cost per Unit</th>
<th>Markup</th>
<th>Expenses</th>
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<td>$100.00</td>
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<td>$100.00</td>
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### SUBCONSULTANTS:

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<tbody>
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Total - Labor $8,790.00
Total - Expenses $200.00
Total - Subconsultants $-
TOTAL $8,990.00

Notes:
1
**EXHIBIT E-2**

Consultant Fee Determination  
(Specific Rates of Pay)

*Back up for fee schedule - payment will not be based on the below rate ranges*

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Prepared 10-23-12
### Exhibit E-2
Consultant Fee Determination - Summary Sheet
(Specific Rates of Pay)

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<tr>
<td>Professional Meetings &amp; Conferences</td>
<td>44,700</td>
<td></td>
<td></td>
<td>44,700</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research &amp; Development</td>
<td>19,838</td>
<td></td>
<td></td>
<td>19,838</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notes Payable (Interest Expense)</td>
<td>1,402</td>
<td>(1,402)</td>
<td></td>
<td>(1,402)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Interest (Capital &amp; Mortgage)</td>
<td>147,953</td>
<td>(147,953)</td>
<td></td>
<td>(147,953)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SBA Loan Fees</td>
<td>11,480</td>
<td>(11,480)</td>
<td></td>
<td>(11,480)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penalties</td>
<td>384</td>
<td></td>
<td></td>
<td>384</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation/Amortization</td>
<td>501,733</td>
<td>(5,306)</td>
<td>(5)</td>
<td>496,427</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gain on Sale of Assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities Cost of Capital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income Rental Income</td>
<td>(157,851)</td>
<td></td>
<td></td>
<td>(157,851)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total General Overhead</td>
<td>13,887,215</td>
<td>(4,143,800)</td>
<td>(4,143,800)</td>
<td>(105,690)</td>
<td>12,008,350</td>
<td></td>
</tr>
<tr>
<td>Total Indirect Cost</td>
<td>$ 16,340,054</td>
<td>(4,143,800)</td>
<td>(4,143,800)</td>
<td>$ 12,008,350</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actual Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>102%</td>
<td></td>
</tr>
</tbody>
</table>

*To allow Facilities Cost of Capital

F&A Costs:
(1) 31 205-1 Public Relations & Advertising Cost
(2) 31 205-41 Taxes.
(3) 31 205-4 Direct costs
(4) 31 205-11(1) Employee morale, health welfare, food service & dormitory costs & rentals.
(5) 31 205-606(2) Compensation - Personal Use of Company Vehicles.
(6) 31 205-8 Contributions or donation
(7) 31 205-20 Interest and Other Financial Costs.
(8) 31 205-14 Entertainment Costs
(9) 31 205-11(7) Public Relations & Advertising - Advertising & Donations to Civic and Community Organizations.
## Exhibit G and Exhibit G-1
Sub-Consultant Scope and Fee Determination

<table>
<thead>
<tr>
<th>TASK 1 - DESIGN OF NEW DOLPHINS AT GOOSEBERRY POINT TERMINAL</th>
<th>JAH HRS</th>
<th>VCH HRS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Review of previous reports and technical information related to replacement of the dolphins.</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2. Provide assistance to PND concerning expected corrosion rates of material options.</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>3. Provide input for phased inspection of terminal structures. Include initial design information for possible future addition of cathodic protection equipment. Submit drawings and specifications for electrical continuity of steel structures.</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>5. Provide review of project documents prior to final issuance.</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL HOURS</strong></td>
<td>26</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TASK 2 - DESIGN OF NEW DOLPHINS AND BREAKWATER AT LUMMI ISLAND TERMINAL</th>
<th>JAH HRS</th>
<th>VCH HRS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Work associated with Task 2 may be added at a later date.</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL HOURS</strong></td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TASK 3 - CORROSION CONTROL ASSESSMENT AND DESIGN</th>
<th>JAH HRS</th>
<th>VCH HRS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Review underwater survey data, corrosion studies, and design drawings.</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2. Conduct a site assessment to evaluate existing conditions at both the Gooseberry Point and Lummi Island terminals. Perform electrical continuity and current requirement testing on available structures to better understand protective current distribution at these locations.</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>3. Submit a report of findings related to the on-site investigation work. Include conclusions and recommendations for appropriate corrosion control equipment needed to meet design life requirements.</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td><strong>TOTAL HOURS</strong></td>
<td>26</td>
<td>14</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TASK 4 - BIDDING AND CONSTRUCTION SUPPORT</th>
<th>JAH HRS</th>
<th>VCH HRS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Address RFTs and prepare project addenda as required during bidding phase.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Review contractor bid packages and provide comment to owner with regards to corrosion control.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Submittal review and address contractor questions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Perform on-site inspection of corrosion control equipment installation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Perform coating inspection services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Field verify proper operation of all cathodic protection equipment. Perform final system adjustment and submit commissioning report to Whidbey Conwy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL HOURS</strong></td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FEES</th>
<th>Total Hours</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAH: Principal Engineer - $160.50/hr</td>
<td>52</td>
<td>$8,346.00</td>
</tr>
<tr>
<td>VCH: Cathodic Protection Technician - $87.50/hr</td>
<td>14</td>
<td>$1,255.00</td>
</tr>
<tr>
<td>Administration - $20.06/hr</td>
<td>8</td>
<td>$496.48</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ESTIMATED PROJECT COST</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fees $</td>
<td>9,997.48</td>
</tr>
<tr>
<td>Expenses (mileage 150 @ $0.66/mile)</td>
<td>$84.00</td>
</tr>
<tr>
<td><strong>ESTIMATED PROJECT COST</strong></td>
<td>$10,081.48</td>
</tr>
</tbody>
</table>
Exhibit G-2 and G-3
Sub-Consultant Fee Schedule and Breakdown of Overhead Costs

January 8, 2014

Mr. John Olson, P.E.
PND Engineers
1736 Fourth Avenue S, Suite A
Seattle, WA 98134

Subject: Statement of Hourly Rates
Whatcom County: Ferry Dolphin and Breakwater Replacement, CRP 914004

Dear Mr. Olson:

Northwest Corrosion Engineering is a small (5 employees or less) engineering firm and a breakdown of overhead costs is not required. Below are the highest anticipated hourly billing rates for the Ferry Dolphin and Breakwater Replacement contract (CRP 914004). These rates are fully burdened and are the lowest rates charged to our clients.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Hourly Billing Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Engineer</td>
<td>$160.50</td>
</tr>
<tr>
<td>Cathodic Protection Technician</td>
<td>$82.50</td>
</tr>
<tr>
<td>Administration</td>
<td>$62.06</td>
</tr>
</tbody>
</table>

All direct reimbursable non-salary costs will be invoiced without markup. Mileage will be billed at the current IRS standard mileage reimbursement rate.

Sincerely,

[Signature]

Jeremy Hailey, P.E.
Northwest Corrosion Engineering
Principal
Exhibit H
Title VI Assurances

During the performance of this AGREEMENT, the CONSULTANT, for itself, its assignees, and successors in interest agrees as follows:

1. Compliance with Regulations: The CONSULTANT shall comply with the Regulations relative to non-discrimination in federally assisted programs of the AGENCY, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the “REGULATIONS”), which are herein incorporated by reference and made a part of this AGREEMENT.

2. Non-discrimination: The CONSULTANT, with regard to the work performed during the AGREEMENT, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-consultants, including procurement of materials and leases of equipment. The CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the REGULATIONS, including employment practices when the AGREEMENT covers a program set forth in Appendix B of the REGULATIONS.

3. Solicitations for Sub-consultants, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiations made by the CONSULTANT for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-consultant or supplier shall be notified by the CONSULTANT of the CONSULTANT’S obligations under this AGREEMENT and the REGULATIONS relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports: The CONSULTANT shall provide all information and reports required by the REGULATIONS or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by AGENCY, STATE or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with such REGULATIONS, orders and instructions. Where any information required of a CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information, the CONSULTANT shall so certify to the AGENCY, STATE or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance: In the event of the CONSULTANT’S non-compliance with the non-discrimination provisions of this AGREEMENT, the AGENCY shall impose such AGREEMENT sanctions as it, the STATE or the FHWA may determine to be appropriate, including, but not limited to:

- Withholding of payments to the CONSULTANT under the AGREEMENT until the CONSULTANT complies, and/or;
- Cancellation, termination, or suspension of the AGREEMENT, in whole or in part.
6. Incorporation of Provisions: The CONSULTANT shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the REGULATIONS, or directives issued pursuant thereto. The CONSULTANT shall take such action with respect to any sub-consultant or procurement as the AGENCY, STATE or FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a CONSULTANT becomes involved in, or is threatened with, litigation with a sub-consultant or supplier as a result of such direction, the CONSULTANT may request the AGENCY and the STATE enter into such litigation to protect the interests of the AGENCY and the STATE and, in addition, the CONSULTANT may request the United States enter into such litigation to protect the interests of the United States.
Exhibit I
Payment Upon Termination of Agreement
By the Agency Other Than for
Fault of the Consultant

(Refer to Agreement, Section IX)

Lump Sum Contracts
A final payment shall be made to the CONSULTANT which when added to any payments previously made shall total the same percentage of the Lump Sum Amount as the work completed at the time of termination is to the total work required for the PROJECT. In addition, the CONSULTANT shall be paid for any authorized extra work completed.

Cost Plus Fixed Fee Contracts
A final payment shall be made to the CONSULTANT which when added to any payments previously made, shall total the actual costs plus the same percentage of the fixed fee as the work completed at the time of termination is to the total work required for the Project. In addition, the CONSULTANT shall be paid for any authorized extra work completed.

Specific Rates of Pay Contracts
A final payment shall be made to the CONSULTANT for actual hours charged at the time of termination of this AGREEMENT plus any direct nonsalary costs incurred at the time of termination of this AGREEMENT.

Cost Per Unit of Work Contracts
A final payment shall be made to the CONSULTANT for actual units of work completed at the time of termination of this AGREEMENT.
Exhibit J
Alleged Consultant Design Error Procedures

The purpose of this exhibit is to establish a procedure to determine if a consultant’s alleged design error is of a nature that exceeds the accepted standard of care. In addition, it will establish a uniform method for the resolution and/or cost recovery procedures in those instances where the agency believes it has suffered some material damage due to the alleged error by the consultant.

Step 1 – Potential Consultant Design Error(s) is Identified by Agency’s Project Manager

At the first indication of potential consultant design error(s), the first step in the process is for the Agency’s project manager to notify the Director of Public Works or Agency Engineer regarding the potential design error(s). For federally funded projects, the Region Highways and Local Programs Engineer should be informed and involved in these procedures. (Note: The Director of Public Works or Agency Engineer may appoint an agency staff person other than the project manager, who has not been as directly involved in the project, to be responsible for the remaining steps in these procedures.)

Step 2 - Project Manager Documents the Alleged Consultant Design Error(s)

After discussion of the alleged design error(s) and the magnitude of the alleged error(s), and with the Director of Public Works or Agency Engineer’s concurrence, the project manager obtains more detailed documentation than is normally required on the project. Examples include: all decisions and descriptions of work; photographs, records of labor, materials and equipment.

Step 3 – Contact the Consultant Regarding the Alleged Design Error(s)

If it is determined that there is a need to proceed further, the next step in the process is for the project manager to contact the consultant regarding the alleged design error(s) and the magnitude of the alleged error(s). The project manager and other appropriate agency staff should represent the agency and the consultant should be represented by their project manager and any personnel (including sub-consultants) deemed appropriate for the alleged design error(s) issue.

Step 4 – Attempt to Resolve Alleged Design Error with Consultant

After the meeting(s) with the consultant have been completed regarding the consultant’s alleged design error(s), there are three possible scenarios:

- It is determined via mutual agreement that there is not a consultant design error(s). If this is the case, then the process will not proceed beyond this point.

- It is determined via mutual agreement that a consultant design error(s) occurred. If this is the case, then the Director of Public Works or Agency Engineer, or their representatives, negotiate a settlement with the consultant. The settlement would be paid to the agency or the amount would be reduced from the consultant’s agreement with the agency for the services on the project in which the design error took place. The agency is to provide H&LP, through the Region
Local Programs Engineer, a summary of the settlement for review and to make adjustments, if any, as to how the settlement affects federal reimbursements. No further action is required.

- There is not a mutual agreement regarding the alleged consultant design error(s). The consultant may request that the alleged design error(s) issue be forwarded to the Director of Public Works or Agency Engineer for review. If the Director of Public Works or Agency Engineer, after review with their legal counsel, is not able to reach mutual agreement with the consultant, proceed to Step 5.

Step 5 – Forward Documents to Highways and Local Programs

For federally funded projects all available information, including costs, should be forwarded through the Region Highways and Local Programs Engineer to H&LP for their review and consultation with the FHWA. H&LP will meet with representatives of the agency and the consultant to review the alleged design error(s), and attempt to find a resolution to the issue. If necessary, H&LP will request assistance from the Attorney General’s Office for legal interpretation. H&LP will also identify how the alleged error(s) affects eligibility of project costs for federal reimbursement.

- If mutual agreement is reached, the agency and consultant adjust the scope of work and costs to reflect the agreed upon resolution. H&LP, in consultation with FHWA, will identify the amount of federal participation in the agreed upon resolution of the issue.

- If mutual agreement is not reached, the agency and consultant may seek settlement by arbitration or by litigation.
Exhibit K
Consultant Claim Procedures

The purpose of this exhibit is to describe a procedure regarding claim(s) on a consultant agreement. The following procedures should only be utilized on consultant claims greater than $1,000. If the consultant’s claim(s) are a total of $1,000 or less, it would not be cost effective to proceed through the outlined steps. It is suggested that the Director of Public Works or Agency Engineer negotiate a fair and reasonable price for the consultant’s claim(s) that total $1,000 or less.

This exhibit will outline the procedures to be followed by the consultant and the agency to consider a potential claim by the consultant.

Step 1 – Consultant Files a Claim with the Agency Project Manager

If the consultant determines that they were requested to perform additional services that were outside of the agreement’s scope of work, they may be entitled to a claim. The first step that must be completed is the request for consideration of the claim to the Agency’s project manager.

The consultant’s claim must outline the following:

- Summation of hours by classification for each firm that is included in the claim;
- Any correspondence that directed the consultant to perform the additional work;
- Timeframe of the additional work that was outside of the project scope;
- Summary of direct labor dollars, overhead costs, profit and reimbursable costs associated with the additional work; and
- Explanation as to why the consultant believes the additional work was outside of the agreement scope of work.

Step 2 – Review by Agency Personnel Regarding the Consultant’s Claim for Additional Compensation

After the consultant has completed step 1, the next step in the process is to forward the request to the Agency’s project manager. The project manager will review the consultant’s claim and will meet with the Director of Public Works or Agency Engineer to determine if the Agency agrees with the claim. If the FHWA is participating in the project’s funding, forward a copy of the consultant’s claim and the Agency’s recommendation for federal participation in the claim to the WSDOT Highways and Local Programs through the Region Local Programs Engineer. If the claim is not eligible for federal participation, payment will need to be from agency funds.

If the Agency project manager, Director of Public Works or Agency Engineer, WSDOT Highways and Local Programs (if applicable), and FHWA (if applicable) agree with the consultant’s claim, send a request memo, including backup documentation to the consultant to either supplement the agreement, or create a new agreement for the claim. After the request has been approved, the Agency shall write the supplement and/or new agreement and pay the consultant the amount of the claim. Inform the consultant that the final payment for the agreement is subject to audit. No further action in needed regarding the claim procedures.
If the Agency does not agree with the consultant’s claim, proceed to step 3 of the procedures.

Step 3 – Preparation of Support Documentation Regarding Consultant’s Claim(s)

If the Agency does not agree with the consultant’s claim, the project manager shall prepare a summary for the Director of Public Works or Agency Engineer that included the following:

- Copy of information supplied by the consultant regarding the claim;
- Agency’s summation of hours by classification for each firm that should be included in the claim;
- Any correspondence that directed the consultant to perform the additional work;
- Agency’s summary of direct labor dollars, overhead costs, profit and reimbursable costs associated with the additional work;
- Explanation regarding those areas in which the Agency does/does not agree with the consultant’s claim(s);
- Explanation to describe what has been instituted to preclude future consultant claim(s); and
- Recommendations to resolve the claim.

Step 4 – Director of Public Works or Agency Engineer Reviews Consultant Claim and Agency Documentation

The Director of Public Works or Agency Engineer shall review and administratively approve or disapprove the claim, or portions thereof, which may include getting Agency Council or Commission approval (as appropriate to agency dispute resolution procedures). If the project involves federal participation, obtain concurrence from WSDOT Highways and Local Programs and FHWA regarding final settlement of the claim. If the claim is not eligible for federal participation, payment will need to be from agency funds.

Step 5 – Informing Consultant of Decision Regarding the Claim

The Director of Public Works or Agency Engineer shall notify (in writing) the consultant of their final decision regarding the consultant’s claim(s). Include the final dollar amount of the accepted claim(s) and rationale utilized for the decision.

Step 6 – Preparation of Supplement or New Agreement for the Consultant’s Claim(s)

The agency shall write the supplement and/or new agreement and pay the consultant the amount of the claim. Inform the consultant that the final payment for the agreement is subject to audit.
Exhibit M-1(a)
Certification Of Consultant

Project No. __________
Local Agency

I hereby certify that I am ________________ and duly authorized
representative of the firm of ________________ whose address is
1736 4th Ave South Suite A Seattle, WA 98134 __________ and that neither I nor the above
firm I here represent has:

(a) Employed or retained for a commission, percentage, brokerage, contingent fee, or other
consideration, any firm or person (other than a bona fide employee working solely for me or the
above CONSULTANT) to solicit or secure the AGREEMENT;

(b) Agreed, as an express or implied condition for obtaining this contract, to employ or retain the
services of any firm or person in connection with carrying out this AGREEMENT; or

(c) Paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee
working solely for me or the above CONSULTANT) any fee, contribution, donation, or
consideration of any kind for, or in connection with, procuring or carrying out this AGREEMENT;
except as hereby expressly stated (if any);

I acknowledge that this certificate is to be available to the Washington State Department of
Transportation and the Federal Highway Administration, U.S. Department of Transportation in
connection with this AGREEMENT involving participation of Federal-aid highway funds, and is
subject to applicable State and Federal laws, both criminal and civil.

[Signature]

1/14/2014  
Date
Exhibit M-1(b)
Certification Of Agency Official

I hereby certify that I am the AGENCY Official of the Local Agency of Whatcom County, Washington, and that the consulting firm or its representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this AGREEMENT to:

(a) Employ or retain, or agree to employ to retain, any firm or person; or

(b) Pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind; except as hereby expressly stated (if any):

I acknowledge that this certificate is to be available to the Washington State Department of Transportation and the Federal Highway Administration, U.S. Department of Transportation, in connection with this AGREEMENT involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

__________________________________  ____________________________________
Date                               Signature
Exhibit M-2
Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

I. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;

B. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission or fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statues or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

C. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (I) (B). of this certification; and

D. Have not within a three (3) year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.

II. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Consultant (Firm): PND Engineers, Inc.

[Signature] (Date) (Signature) President or Authorized Official of Consultant

DOT Form 140-089 EF Exhibit M-2
Revised 6/05
# Exhibit N: Certificate of Liability Insurance

**Date:** 1/6/2014

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 confer rights to the certificate holder in lieu of such endorsement(s).

## Producer
Alaska USA Insurance Brokers  
P.O. Box 1965530  
Anchorage AK 99519

**Contact:** Brenda Nolan, CIC, CISR  
**Phone:** (907) 561-1250  
**Fax:** (907) 561-4315  
**Email:** b.nolan@alaskausainurance.com

## Insured
PND Engineers, Inc.  
1736 Fourth Avenue S  
Suite A  
Seattle WA 98134

**Insurer A:** American Fire & Casualty  
**Insurer B:** Ohio Casualty Insurance Company  
**Insurer C:** Liberty Northwest

## Coverages

<table>
<thead>
<tr>
<th>Certificate Number: 13-14 Seattle Master</th>
</tr>
</thead>
</table>

## Revision Number:

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this policy 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.

<table>
<thead>
<tr>
<th>Type of Insurance</th>
<th>Policy Number</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Liability</td>
<td>SKA1454207948</td>
<td>Excess Over Gen Liability</td>
</tr>
<tr>
<td>Automotive Liability</td>
<td>BAA1454207948</td>
<td>Excess Over Gen Liability</td>
</tr>
<tr>
<td>Workmen's Compensation and Employers' Liability</td>
<td>NC41NC014837013</td>
<td>Excess Over Gen Liability</td>
</tr>
<tr>
<td>Employers Liability - WA Including USLH</td>
<td>NC41NC18384013</td>
<td>Excess Over Gen Liability</td>
</tr>
</tbody>
</table>

**Description of Operations / Locations / Vehicles:** (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

PND project name and reference number: 13S-100 Whatcom Co Ferry Dolphin & Breakwater Replacement

The Certificate Holder is an Additional Insured on the General Liability & Auto policies, but only if required by written contract or written agreement, per General Liability Extension Endorsement Additional Insured Provision (01/10) of Commercial Auto Form CA0001 and Commercial Auto Form CA0001. It is agreed that such insurance as afforded the Certificate Holder on the General Liability & Automobile policies shall be primary and non-contributory with any other insurance in force for which may be purchased by the Certificate Holder.

**Certificate Holder:**

Whatcom County Public Works Dept.  
Chris Schoenfelder  
322 N. Commercial St.  
Suite 301  
Bellingham, WA 98225

**Cancellation:**

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:**

B Nolan, CIC, CISR/BR  
Brenda Nolan
WASHINGTON STATE DEPARTMENT OF ECOLOGY INTERAGENCY AGREEMENT FOR 2014 WASHINGTON CONSERVATION CORPS

ATTACHMENTS:
Two (2) copies of an Interagency Agreement with the Washington Department of Ecology with Attachments (2)

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 Interagency Agreement with Washington State Department of Ecology provides a Washington Conservation Corps crew for the period of January 1, 2014 through September 24, 2014. The crew will implement new watershed restoration projects, maintain existing restoration projects, and assist with water quality monitoring and improvements. The crew is co-sponsored by Whatcom County and Nooksack Salmon Enhancement Association (NSEA). NSEA has entered into a separate agreement for $55,210. Total cost to Whatcom County is not to exceed $60,000 and is included in the 2014 Public Works Natural Resources budget.

COMMITTEE ACTION:

COUNCIL ACTION:

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

FROM: Gary Stoyka, Public Works Natural Resources Manager

THROUGH: Frank M. Abart, Public Works Director


DATE: January 14, 2014

Enclosed are two (2) originals of and Interagency Agreement between Washington State Department of Ecology and Whatcom County for your review and signature.

- Requested Action
Public Works respectfully requests that the County Executive, following approval by the County Council, enter into an Interagency Agreement for $60,000 with the Washington Department of Ecology for County sponsorship of a Washington Conservation Corps Crew.

- Background and Purpose
This Washington State Department of Ecology interagency agreement provides Whatcom County, in partnership with the Nooksack Salmon Enhancement Association (NSEA), a Washington Conservation Corps (WCC) crew for the period of January 1, 2014 through September 24, 2014. This agreement builds on 13 years of similar collaborative work. The crew will continue to work on behalf of Whatcom County implementing new watershed restoration projects, maintaining existing restoration projects, and assisting with water quality monitoring and improvements.

- Funding Amount and Source
The Ecology agreement with Whatcom County is for $60,000. The project is included in the 2014 Public Works Natural Resource budget. NSEA is providing $55,210 toward the $115,210 annual crew cost under a separate sponsor agreement with Ecology that began October 1, 2013.

- Differences from Previous Contract
This is a new interagency agreement. County costs are the same as previous agreement.

Please contact Gary at extension 50618 or John at extension 50695, if you have any questions or concerns regarding the terms of this agreement.

Encl.
WHATCOM COUNTY CONTRACT
INFORMATION SHEET

Originating Department: Public Works

Contact Person: John N. Thompson, L.E.G., Senior Planner

Contractor's Name: Washington State Department of Ecology

Is this a New Contract? Yes ☑ No _

If not, is this an Amendment to an Existing Contract?
Yes _ No ☑

If an Amendment, previous number(s): ____________________________

Is this a renewal?
Yes _ No ☑

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

This Interagency Agreement with Washington State Department of Ecology provides a Washington Conservation Corps crew for the period of January 1, 2014, through September 24, 2014. The crew will implement new watershed restoration projects, maintain existing restoration projects, and assist with water quality monitoring and improvements. Total cost to Whatcom County is $60,000 and is included in the 2014 Public Works Natural Resources budget.

Nature of Contract Amt: (Check one) Fixed Amount ☑ Not to Exceed _ X_ Open Ended __

Term of Contract: Expiration Date: September 24, 2014

Renewal Option Yes _ No X Last Renewal Expires:

Special Dates or clauses that require calendaring:

Contract Routing Steps & Signoff: [sign or initial] [indicate date transmitted]
1. Prepared by: John N. Thompson Date 1/6/2014 [electronic]
2. Attorney reviewed: Daniel L. Gibson Date 01/13/14 [electronic]
3. AS-Finance reviewed: bbennett ☑ Date 01/16/14 [electronic]
4. Corrections made: Date 01/13/14 [electronic] hard copy printed
5. Attorney signoff: Daniel L. Gibson Date 01/13/14 [electronic]
6. Contractor signed:
7. Submitted to Exec Office Date
8. Reviewed by DCA Date
9. Council approved (if necessary) Date
10. Executive signed:
11. Contractor Original returned to dept: Date
12. County Original to Council Date

this form may need to expand to more than one page

Interagency Agreement
2014 Washington Conservation Corps
INTERAGENCY AGREEMENT NO. WCC-13-37-005

BETWEEN

The State of Washington
Department of Ecology

AND

Whatcom County

THIS AGREEMENT is made and entered into by and between the Department of Ecology, hereinafter referred to as "Ecology", and ____________________________ Whatcom County ____________________________________ hereinafter referred to as the "Sponsor."

IT IS THE PURPOSE OF THIS AGREEMENT to provide Washington Conservation Corps (WCC) members to complete natural resource projects in Whatcom County, pursuant to Chapter 43.220 of the Revised Code of Washington.

THEREFORE, IT IS MUTUALLY AGREED THAT:

STATEMENT OF WORK

Both parties agree to do all things necessary for or incidental to the performance of the work set forth in Attachment "A" attached hereto and incorporated herein.

PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this Agreement shall commence on 01/01/2014 and be completed on 9/24/2014, unless terminated sooner as provided herein.

PAYMENT

The parties have determined that the cost of accomplishing the work herein will not exceed $60,000.00. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree to a higher amount. Compensation for service(s) shall be based on the following established rates:

<table>
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<tr>
<th>Provided by Ecology</th>
<th>Reimbursed to Ecology by Sponsor</th>
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<tbody>
<tr>
<td>Line 1: 20 Cost-Share Crew Weeks</td>
<td>$60,000</td>
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<td>Line 2:</td>
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<td>Line 4:</td>
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<td>Total SPONSOR COST</td>
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<tr>
<td>Above cost Not to be Exceeded</td>
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</table>

The costs reimbursed to Ecology by Sponsor are a cost-share rate. Ecology will provide the remainder of the funding for the projected total cost of $4,750 per 40-hour workweek for WCC crew labor (cost-share does not apply to food/subsistence).

The obligation of the Sponsor to provide reimbursements beyond the end of fiscal year 2014 is contingent upon appropriation of funds by the Sponsor’s governing body for the specific purpose of funding the project, which is the subject of this Agreement. Upon the failure of such appropriation, the Sponsor may terminate this Agreement.
BILLING PROCEDURE

Ecology shall submit invoices ($10,000/month for 6 months) with a state invoice voucher (A19-1A) to the Sponsor’s designated contact person listed under the "Contract Management" section. Payment to Ecology for approved and completed work will be made by warrant or account transfer by Sponsor within 30 days of receipt of the invoice. Upon expiration of the Agreement, any claim for payment not already made shall be submitted within 30 days after the expiration date or the end of the state fiscal year, whichever is earlier.

RECORDS MAINTENANCE

The parties to this Agreement shall each maintain books, records, documents and other evidence which sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the service(s) described herein. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.

Records and other documents, in any medium, furnished by one party to this agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

This Agreement and all public records associated with this Agreement shall be available from the Sponsor for inspection and copying by the public where required by the Public Records Act, Chapter 42.56 RCW (the "Act"). To the extent that public records then in the custody of Ecology are needed for the Sponsor to respond to a request under the Act, as determined by the Sponsor, Ecology agrees to make them promptly available to the Sponsor. If Ecology considers any portion of any record provided to the Sponsor under this Agreement, whether in electronic or hard copy form, to be protected from disclosure under law, Ecology shall clearly identify any specific information that it claims to be confidential or proprietary. If the Sponsor receives a request under the Act to inspect or copy the information so identified by Ecology and the Sponsor determines that release of the information is required by the Act or otherwise appropriate, the Sponsor’s sole obligations shall be to notify Ecology (a) of the request and (b) of the date that such information will be released to the requester unless Ecology obtains a court order to enjoin that disclosure pursuant to RCW 42.56.540. If Ecology fails to timely obtain a court order enjoining disclosure, the Sponsor will release the requested information on the date specified.

The Sponsor has, and by this section assumes, no obligation on behalf of Ecology to claim any exemption from disclosure under the Act. The Sponsor shall not be liable to Ecology for releasing records not clearly identified by Ecology as confidential or proprietary. The Sponsor shall not be liable to Ecology for any records that the Sponsor releases in compliance with this section or in compliance with an order of a court of competent jurisdiction.

RIGHTS IN DATA

Unless otherwise provided, data, which originates from this Agreement shall be "works for hire" as defined by the U.S. Copyright Act of 1976 and shall be owned by Ecology. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights.

INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.
AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

TERMINATION

Either party may terminate this Agreement upon 30 days prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within 15 working days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

DISPUTES

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, agreement terms and applicable statutes and rules and make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

GOVERNANCE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

a. Applicable state and federal statutes and rules;
b. Statement of work; and
c. Any other provisions of the agreement, including materials incorporated by reference.

ASSIGNMENT

The work to be provided under this Agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this agreement, and to this end the provisions of this Agreement are declared to be severable.
ALL WRITINGS CONTAINED HERIN

This Agreement contains 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.

CONTRACT MANAGEMENT

The program manager for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement.

The Contract/Program Manager for Ecology is:  The Contract/Program Manager for Sponsor is:

Bridget Mason                              John N. Thompson
PO Box 47600                               Whatcom County Public Works-Natural Resources
Olympia, WA 98504                           322 N Commercial St., Suite 110
360-407-6516                                Bellingham, WA 98225-4052
bridget.mason@ecy.wa.gov                   (360) 676-6876 ext. 50695
                                             jnthomps@co.whatcom.wa.us

IN WITNESS WHEREOF, the parties have executed this Agreement.

State of Washington                          SPONSOR
Department of Ecology                        Whatcom County

Signature                                      Signature
Date                                           Date

Gordon White, SEA Program Manager            Printed Name, Title
Printed Name, Title

See Attached County Signature Page
By: ______________________________

Jack Louws, Whatcom County Executive  

Date

STATE OF WASHINGTON  

) ss

COUNTY OF WHATCOM  

On this ______ day of __________, ______, 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 ____________________

Approved As To Form Only:

________________________

Daniel L. Gibson  

Date

Chief Civil Deputy Prosecutor
STATEMENT OF WORK
ATTACHMENT A

Work summary:

Restoration Activities: Under direction of Sponsor organization, crew(s) will perform restoration, in-stream, and habitat maintenance projects. Specific tasks include, but are not limited to: invasive control, native species installation, and fence work.

Ecology shall:

1. Provide WCC members for the number of weeks specified in this agreement. In the event of a disaster response deployment, the WCC Program will make every effort to fulfill sponsor program needs, including sending additional members, whenever possible.

2. For crew(s), Ecology agrees to provide a crew of 5 members, a crew supervisor, vehicle, and basic hand tools. Cost-share rates are not based on actual attendance; however, invoices will be reduced for member or supervisor vacancies lasting 20 days or more. WCC crew availability is set forth in Attachment “A” attached hereto and incorporated herein.

Sponsor shall:

1. Obtain applicable permits as set by local, state, tribal or federal laws and regulations.

2. Provide site orientation for WCC members, specific on-the-job task training, and any materials beyond basic hand tools to complete tasks assigned under this Agreement. Vehicle is not to be used for heavy hauling. The primary use of the crew vehicle is for transportation of crew, tools, and safety equipment.

3. Help to promote the AmeriCorps and WCC brand name, logo, slogans and phrases. The WCC will provide camera-ready logo upon request. AmeriCorps is a registered service mark of the Corporation for National and Community Service.

Special Terms and Conditions:

1. The assignment of corpsmembers shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corpsmember with available funds. In circumstances where substantial efficiencies or a public purpose may result, participating agencies may use corpsmembers to carry out essential agency work or contractual functions without displacing current employees.

2. All state holidays will be non-working days for WCC members. In addition, there is a shutdown week (4 days) scheduled in December and up to 3 planning days set aside that are non-working days for members. These days are to be used by staff for planning purposes.

3. The WCC standard 40-hour workweek is Monday through Thursday from 7:00am to 5:30pm. An alternate work schedule may be arranged with prior approval from the WCC.
Prohibited Activities:

While serving time under the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or CNCS, staff and members may not engage in the following activities (see 45 CFR § 2520.65):

A. Attempting to influence legislation;
B. Organizing or engaging in protests, petitions, boycotts, or strikes;
C. Assisting, promoting, or deterring union organizing;
D. Impairing existing contracts for services or collective bargaining agreements;
E. Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
F. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
G. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
H. Providing a direct benefit to—
   I. A business organized for profit;
   II. A labor union;
   III. A partisan political organization;
   IV. A nonprofit organization that fails to comply with the restrictions contained in
   V. section 501(c)(3) of the Internal Revenue Code of 1986 related to engaging in political activities or substantial amount of lobbying except that nothing in these provisions shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
   VI. An organization engaged in the religious activities described in paragraph 3.g. above, unless CNCS assistance is not used to support those religious activities;
I. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive;
J. Providing abortion services or referrals for receipt of such services; and
K. Such other activities as CNCS may prohibit.

AmeriCorps members may not engage in the above activities directly or indirectly by recruiting, training, or managing others for the primary purpose of engaging in one of the activities listed above. Individuals may exercise their rights as private citizens and may participate in the activities listed above on their initiative, on non-AmeriCorps time, and using non-CNCS funds. Individuals should not wear the AmeriCorps logo while doing so.
WCC CALENDAR
ATTACHMENT B

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The specified end date shown (09/18/2014) may be extended to 09/21/2014 if the mutually agreed upon work schedule extends through Sunday.
PROPOSED PROJECT TYPES AND GEOGRAPHIC FOCUS

ATTACHMENT C

Water Quality & Habitat Monitoring and Improvement Projects

- Birch Bay Watershed
- Drayton Harbor Watershed
- Portage Bay Shellfish District
- Lake Whatcom
- South Fork

New Restoration Projects

- Canyon Creek (N Fork Nooksack River)
- Birch Bay
- Drayton Harbor
- Mainstem tributaries
- South Fork and tributaries
- Middle Fork

Maintain Existing Projects

- Birch Bay
- Drayton Harbor
- Mainstem tributaries
- South Fork & tributaries
- North Fork tributaries (e.g. High Creek)
- Lake Whatcom
- Friday Creek
# WHATCOM COUNTY COUNCIL AGENDA BILL

**CLEARANCES**

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<tr>
<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<td>Gary Stovka</td>
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<td>01/14/14</td>
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**Division Head:**

- **Dept. Head:** Frank Abart
- **Prosecutor:** Dan Gibson
- **Purchasing/Budget:** Brad Bennett
- **Executive:** Jack Louws

---

**TITLE OF DOCUMENT:**

Online aquatic invasive species awareness course and website development.

**ATTACHMENTS:**

- Memorandum
- Contract

**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.)

Development of an online aquatic invasive species awareness course and website and reporting system and three years of web-hosting and support.

---

**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.
TO: The Honorable Jack Louws, County Executive, and The Honorable Members of the Whatcom County Council

THROUGH: Frank M. Abart, Director

FROM: Gary S. Stoyka, Natural Resources Manager

RE: On-line Aquatic Invasive Species Awareness Course and Website Development

DATE: January 14, 2014

Requested Action
Enclosed are two (2) originals of the contract between Whatcom County and Monarch Media, Inc. for your review and signature.

Background and Purpose
The work in this contract will develop an on-line aquatic invasive species (AIS) awareness course and website for the joint AIS program being implemented by the County, City of Bellingham and Lake Whatcom Water & Sewer District. The course will be designed to take approximately 30 minutes to complete and will include AIS educational material and an exam. The Public Works Department will be proposing changes to the County’s AIS ordinance (WCC 2.27A) in the late winter of 2014 which will enable people who successfully complete the AIS awareness course to receive a discount on the cost of an annual AIS inspection permit. The contractor will also develop an informational website to host the course and information about the joint AIS program. The contractor will also provide three years of web-site hosting and support.

Funding Amount and Source
The estimated budget for this contract is $29,710.00. The 2014 Natural Resources budget, approved by the Flood Control Zone District Board of Supervisors on November 26, 2013, includes money for this contract. There are sufficient funds in the Flood Control Zone District Fund (Fund 169) to fund this contract.

Please contact Gary Stoyka at extension 50618, if you have any questions or concerns regarding the terms of this agreement,

Encl.
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Gary Stoyka</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Monarch Media, Inc.</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 ___

**Does contract require Council Approval?** Yes ___ No [X]___

**If this a grant agreement?** Yes ___ No [X]___

If yes, grantor agency contract number(s) ______________ CFDA # ______________

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

If yes, associated Whatcom County grant contract number(s) _______________________

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

If yes, RFP and Bid number(s) 13-104 ______________ Cost Center: __169120__

**Is this agreement excluded from E-Verify?** No ___ Yes [X] If no, include Attachment D Contractor Declaration form.

### If yes, indicate exclusion(s) below:

- [ ] Professional services agreement for certified/licensed professional
- [ ] Contract work for less than 120 days
- [ ] 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'ts)
- [ ] Public Works - Local Agency/Federally Funded FHWA

**Contract Amount:** (sum of original contract amount and any prior amendments) $29,710.00

**This Amendment Amount:** 

**Total Amended Amount:** 

**Contracts that require Council Approval (incl. agenda bill & memo)**
- Professional Services Agreement above $20,000.
- Bid is more than $40,000.
- Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)

**RENEWALS:** Council approval is not required when exercising an option to renew that is provided in the original contract.

**Summary of Scope:** Monarch Media will develop an on-line aquatic invasive species (AIS) awareness course and website for the joint AIS program being implemented by the County, City of Bellingham and Lake Whatcom Water & Sewer District.

**Term of Contract:** 3 years  
**Expiry Date:** March 31, 2017

### Contract Routing Steps & Signoff:

1. Prepared by: Gary Stoyka  
   Date: 1/9/14 [electronic]
2. Attorney reviewed: Daniel L. Gibson  
   Date: 01/13/14 [electronic]
3. AS Finance reviewed:  
   Date: 01/13/14 [electronic]
4. IT reviewed if IT related: PLR  
   Date: 01/13/14 [electronic]
5. Corrections made:  
   Date: 01/13/14 [electronic] hard copy printed
6. Attorney signoff: Daniel L. Gibson  
   Date: 01/13/14 9/16/14
7. Contractor signed:  
   Date: 1/13/14
8. Submitted to Exec Office:  
   Date: 1/16/14 [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: 

---

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CONTRACT FOR SERVICES

Monarch Media, Inc., 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), pp. 11.
- Exhibit C (Certificate of Insurance).

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 29th day of January, 2014, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of March, 2017.

The general purpose or objective of this Agreement is to develop an online aquatic invasive species (AIS) awareness course and exam and an AIS informational website to use in the implementation of the joint County-City of Bellingham AIS inspection program.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed $29,710.00. 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 13th day of January, 2014.

CONTRACTOR:

MONARCH MEDIA, INC.

(Chris Bush, Chief Executive Officer)

STATE OF CALIFORNIA

COUNTY OF Santa Cruz

On this 13th day of January, 2014, before me personally appeared Christopher Bush, to me known to be the (title) of (Company) 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 California, residing at. My commission expires...

Notary Public
See Attached
JURAT FORM

STATE OF CALIFORNIA
COUNTY OF Santa Cruz

Subscribed and sworn to (or affirmed) before me on this 3rd day of January, 2014 by Christopher Bush.

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Notary Public Signature)

JAMES HASSELT
COMM. # 2001875
NOTARY PUBLIC - CALIFORNIA
SANTA CRUZ COUNTY
COMM. EXPIRES DEC. 23, 2016

OPTIONAL INFORMATION

THIS OPTIONAL INFORMATION SECTION IS NOT REQUIRED BY LAW BUT MAY BE BENEFICIAL TO PERSONS RELYING ON THIS NOTARIZED DOCUMENT.

TITLE OR TYPE OF DOCUMENT Contract for Services

DATE OF DOCUMENT 1/3/2014

When executing a jurat, a notary shall administer an oath of affirmation to the affiant and shall determine, from satisfactory evidence, that the affiant is the person executing the document. The affiant shall sign the document in the presence of the notary.
WHATCOM COUNTY:  
Recommended for Approval:  

[Signature]  
Department Director  
Date  

Approved as to form:  

[Signature]  
Prosecuting Attorney  
Date  

Approved:  
Accepted for Whatcom County:  

By:  
Jack Louws, Whatcom County Executive  

) ss  

STATE OF WASHINGTON  
COUNTY OF WHATCOM  

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

NOTARY PUBLIC in and for the State of Washington, residing at  
_________________________________, My commission expires  
_________________________________.  

CONTRACTOR INFORMATION:  

Monarch Media, Inc.  
(Type in Name of Contractor/Firm)  

Chris Bush, Chief Executive Officer  
(Type in Name & Title of Signatory Authorized by Firm Bylaws, if applicable)  

Address:  
408 Mission St., Suite J  
Santa Cruz, CA 95060  

Mailing Address:  
_________________________________  
_________________________________  
_________________________________  

Contact Name: Chris Bush  

Contact Phone: (831) 457-4414  

Contact FAX: 831-457-4414  

Contact Email: chris@monarchmedia.com  

Contract for Services  
Monarch Media Inc.  

Page 2  

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 Whatcom 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 Whatcom 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: Not Applicable

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, Whatcom County may, by depositing written notice to the Contractor in the U.S. mail, first class postage prepaid, terminate the contract, and at Whatcom 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 Whatcom 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 Whatcom County in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by Whatcom 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, Whatcom 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 Whatcom County deems that the continuation of the programs covered by this Agreement is no longer in the best interest of Whatcom County, Whatcom 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:
Whatcom County may terminate the Agreement in whole or in part whenever Whatcom County determines, in its sole discretion, that such termination is in the interests of Whatcom 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 shall be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this Agreement by Whatcom County at any time during the term, whether for default or convenience, shall not constitute breach of contract by Whatcom 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 Whatcom 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.

Contract for Services
Monarch Media, Inc.
Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for Whatcom County or his designee (hereinafter referred to as the "Administrative Officer") Whatcom County will not reimburse the Contractor for any costs or expenses incurred by the Contractor in the performance of this contract. Where required, Whatcom County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the Whatcom County's customary procedures, pursuant to the fee schedule set forth in Exhibit "B."

21.1 Taxes:
The Contractor understands and acknowledges that Whatcom County will not withhold Federal or State income taxes. Where required by State or Federal law, the Contractor authorizes Whatcom 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 Whatcom County against any demand to pay taxes arising from the Contractor's failure to pay taxes on compensation earned pursuant to this Agreement.

Whatcom 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 Whatcom County does not hold title. Whatcom County is exempt from Federal Excise Tax.

22.1 Withholding Payment:
In the event Whatcom 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 Whatcom County may withhold from amounts otherwise due and payable to Contractor the amount determined by Whatcom 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 Whatcom 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. Whatcom 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 Whatcom 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 Whatcom County. The Contractor represents that he/she/it maintains a separate place of business, serves clients other than Whatcom 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 Whatcom 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 Whatcom County representative.

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 Whatcom 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 Whatcom County.

31.2 Patent/Copyright Infringement:
Contractor will defend and indemnify Whatcom County from any claimed action, cause or demand brought against Whatcom County, to the extent such action is based on the claim that information supplied by the Contractor infringes any patent or copyright. The Contractor will pay those costs and damages attributable to any such claims that are finally awarded against Whatcom County in any action. Such defense and payments are conditioned upon the following:
A. The Contractor shall be notified promptly in writing by Whatcom County of any notice of such claim.
B. Contractor shall have the right, hereunder, at its option and expense, to obtain for Whatcom County the right to continue using the information, in the event such claim of infringement, is made, provided no reduction in performance or loss results to Whatcom County.

32.1 Confidentiality:
The Contractor, its employees, subcontractors, and their employees shall maintain the confidentiality of all information provided by the Whatcom County or acquired by the Contractor in performance of this Agreement, except upon the prior written consent of Whatcom County or an order entered by a court after having acquired jurisdiction over Whatcom County. Contractor shall immediately give to Whatcom County notice of any judicial proceeding seeking disclosure of such information. Contractor shall indemnify and hold harmless Whatcom 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 general liability and property damage insurance with the following minimums:
Property Damage per occurrence - $500,000.00
General Liability & Property Damage for bodily injury- $1,000,000.00

A Certificate of insurance, that also identifies Whatcom County as an additional insured, is attached hereto as Exhibit "C". This insurance shall be considered as primary and noncontributory and shall waive all rights of subrogation. County insurance shall not be a source of contribution.

a. Professional Liability - Not Applicable
34.2 **Industrial Insurance Waiver:**
With respect to the performance of this agreement and as to claims against Whatcom County, its officers, agents and employees, the Contractor expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligations to indemnify, defend and hold harmless provided in this agreement extend to any claim brought by or on behalf of any employee of the Contractor. This waiver is mutually negotiated by the parties to this agreement.

34.3 **Defense & Indemnity Agreement:**
The Contractor agrees to defend, indemnify and save harmless Whatcom 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 Whatcom 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, Whatcom 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 Whatcom 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 Whatcom 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 Whatcom 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:**
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, 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.

35.2 **Non-Discrimination in Client Services:**
The Contractor shall not discriminate on the grounds of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status; or deny an individual or business any service or benefits under this Agreement; or subject an individual or business to segregation or separate treatment in any manner related to his/her/its receipt any service or services or other benefits provided under this Agreement; or deny an individual or business an opportunity to participate in any program provided by this Agreement.

36.1 **Waiver of Noncompetition:**
Contractor irrevocably waives any existing rights which it may have, by contract or otherwise, to require another person or corporation to refrain from submitting a proposal to or performing work or providing supplies to Whatcom County, and contractor further promises that it will not in the future, directly or indirectly, induce or solicit any person or corporation to refrain from submitting a bid or proposal to or from performing work or providing supplies to Whatcom County.
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 Whatcom County's interest, then Contractor shall immediately notify Whatcom County of the same. The notification of Whatcom County shall be made with sufficient specificity to enable Whatcom County to make an informed judgment as to whether or not Whatcom County's interest may be compromised in any manner by the existence of the conflict, actual or potential. Thereafter, Whatcom County may require the Contractor to take reasonable steps to remove the conflict of interest. Whatcom 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.

Whatcom County hereby appoints, and the Contractor hereby accepts, the Whatcom County Executive, and his or her designee, as Whatcom County’s representative, hereinafter referred to as the Administrative Officer, for the purposes of administering the provisions of this Agreement, including Whatcom County’s right to receive and act on all reports and documents, and any auditing performed by Whatcom County related to this Agreement. The Administrative Officer for purposes of this agreement is:

Gary Stoyka, 322 N. Commercial Street, Suite 110, Bellingham, WA 98225.

37.2 Notice:
Except as set forth elsewhere in this Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to Whatcom 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:
Any written commitment received from the Contractor concerning this Agreement shall be binding upon the Contractor, unless otherwise specifically provided herein with reference to this paragraph. Failure of the Contractor to fulfill such a commitment shall render the Contractor liable for damages to Whatcom County. A commitment includes, but is not limited to, any representation made prior to execution of this Agreement, whether or not incorporated elsewhere herein by reference, as to performance of services or equipment, prices or options for future acquisition to remain in effect for a fixed period, or warranties.

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 Whatcom 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 Whatcom County, arising under and by virtue of the Contract Documents, shall be brought to the attention of Whatcom 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 Whatcom County, or (2) the happening of any event or occurrence, unless the Contractor has given Whatcom 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 Whatcom 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 Whatcom County, the Contractor has given Whatcom 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, 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.
Contractor will design and develop a user-friendly and aesthetically-pleasing Aquatic Invasive Species (AIS) awareness website and online course and examination. All resources will be developed using content provided by Whatcom County and will be designed to best educate boaters about the risks associated with AIS and best practices for preventing their introduction into surface water bodies. Contractor will design and produce the course and examination to present the content in an engaging manner that enhances the learning experience for better recall and more effective results. Contractor will set up an installation of the WordPress CMS and configure its functionalities and capabilities to meet project requirements including the incorporation of the graphic design into HTML page templates. Contractor shall use effective eLearning authoring software and other tools to develop all course screens and assets, including multimedia, assessments, and interactive exercises. Contractor shall provide course and website output in mobile device-friendly HTML5. Contractor shall carefully conduct quality assessments of all courses produced including proofreading all text and testing of all links and multimedia elements to ensure they are working correctly. Contractor shall also run checks to ensure the course meets the required level of Americans with Disabilities Act (ADA) Section 508 compliance.

Contractor shall identify a single point of contact for County to be Contractor’s project manager (PM). The PM will direct, plan, organize, control and manage the program to ensure that all contractual obligations are fulfilled in an efficient and timely manner. Contractor shall utilize the Basecamp online project management system. Contractor’s PM and any necessary staff members shall be available for a project team meeting at a minimum of once per week to discuss the project. Meetings will be used to discuss the project schedule, County approval status, task delegation, quality control, production scheduling and to resolve any outstanding issues. These meetings shall be held via conference call or a web meeting service. The cost of hosting conference calls and Web meetings are included in the services provided by Contractor.

Specific tasks and required deliverables for this contract are specified below.

**Task 1: Graphic Design and Template Production.**
Contractor will create graphic design for the AIS course template and website using the WordPress software. Contractor will participate in a kickoff teleconference with County within one week of contract execution to analyze the audience and learning context and refine learning objectives and topic areas and to define use cases and details of technical delivery. Contractor will summarize project findings from this teleconference in a written document that will be provided to the County for review and approval prior to proceeding with implementation. Contractor will use the written summary to form the basis of a detailed project outline.

**Task 2: Develop Online Course, Examination, and Informational Website.**
Contractor shall also develop wireframe templates for the website design which shall be approved by the County prior to construction of the website. The website shall be designed to be the primary website for the Whatcom County AIS program and will include County-provided information about the inspection program, fees, City and County ordinances, as well as the online AIS awareness course. The website shall be developed utilizing the WordPress software with all content provided by the County. The final website and course shall be produced in HTML5 and shall be compatible with mobile devices. The website will be designed in a manner that allows County staff the ability to make minor changes to the site using Internet Explorer Version 8. The course shall be designed to track the identity of participants and the date and time of exam completion and the final score. The course shall utilize a test bank of questions from which a subset of questions will be drawn to produce the final exam. Specific questions will vary for each course participant and each course attempt.

**Task 3: Voice-over Narration.**
Contractor shall provide 20 minutes of voice-over narration for the course.

**Task 4: Develop Reporting System.**
Contractor shall develop and implement a database and reports that track course participant’s name, address, time and date of exam, and score. The report will be exportable from the platform as a CSV file.

**Task 5: Provide Web Hosting Services.**
Contractor shall host the web site and course for three years after course and web-site launch. The hosting plan will be adequate to support up to 3,000 total users and up to 25 concurrent users.

**Task 6: Provide Course and Web-site Support Services.**
Contractor shall provide up to 60 hours of support for the online course and web site for a period of three years after course and web-site launch to make updates to the course, website, reporting, and/or design.

Contract for Services
Monarch Media, Inc.
<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Due Date (weeks after contract execution)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kickoff Teleconference Summary</td>
<td>1</td>
</tr>
<tr>
<td>Detailed Outline</td>
<td>2</td>
</tr>
<tr>
<td>Wireframe Templates</td>
<td>3</td>
</tr>
<tr>
<td>Storyboards</td>
<td>5</td>
</tr>
<tr>
<td>ADA § 508 Compliance Checklist</td>
<td>8</td>
</tr>
<tr>
<td>Final AIS Website</td>
<td>8</td>
</tr>
<tr>
<td>Final AIS Awareness Course</td>
<td>8</td>
</tr>
<tr>
<td>Tracking and Reporting System</td>
<td>8</td>
</tr>
<tr>
<td>Website and Course Go Live</td>
<td>8 (and no later than March 31, 2014)</td>
</tr>
</tbody>
</table>
As consideration for the services provided pursuant to Exhibit “A”, Scope of Work, Whatcom County agrees to compensate Contractor at the lump sum rates at the time of completion of each of the tasks indicated below.

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 1: Graphic Design and Template Production</td>
<td>$ 5,600.00</td>
</tr>
<tr>
<td>Task 2: Develop Online Course, Examination, and Informational Website</td>
<td>$13,050.00</td>
</tr>
<tr>
<td>Task 3: Voice-Over Narration</td>
<td>$ 600.00</td>
</tr>
<tr>
<td>Task 4: Develop Reporting System</td>
<td>$ 4,100.00</td>
</tr>
<tr>
<td>Task 5: Three years of web hosting</td>
<td>$ 3,060.00</td>
</tr>
<tr>
<td>Task 6: Three years of support for online course</td>
<td>$ 3,300.00</td>
</tr>
</tbody>
</table>

Contractor shall invoice Whatcom County at completion and acceptance of Tasks 1 through 4. Tasks 5 and 6 shall be billed annually. Invoices shall include a description of the tasks accomplished. Compensation shall not exceed TWENTY-NINE THOUSAND SEVEN HUNDRED TEN DOLLARS ($29,710.00). Any work performed prior to the effective date of this contract or continuing after the completion date of the same shall be at the Contractor's expense, unless otherwise agreed upon in writing.
**TITLE OF DOCUMENT:**

Contract for Services Agreement between Whatcom County and Shearer Design, LLC.

**ATTACHMENTS:**
1. Cover Memo
2. Agenda Bill
3. Contract Information Sheet
4. Contract for Services Agreement

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

Contract for Services agreement between Whatcom County and Shearer Design, LLC for on-call support for the Whatcom County Bridge Program.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

JAN 16 2014

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

Through: Frank M. Abart, Director

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

Date: January 14, 2014

Subject: Contract for Services for On-Call Support for the Whatcom County Bridge Program

Enclosed please find two (2) originals of the above-referenced contract between Shearer Design, LLC and Whatcom County.

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to enter into a contract with the selected engineering consultant, Shearer Design, LLC, for on-call support for the Whatcom County Bridge Program.

Background and Purpose
Public Works is responsible for inspection, maintenance and repair of approximately 162 County-owned bridges and the Lummi Island Ferry system. This contract will allow Public Works to utilize Shearer Design, LLC for specific tasks related to structural analysis and design for bridge and ferry issues that may arise throughout the year. Individual task orders will be issued for these specific tasks.

Shearer Design, LLC was shortlisted along with two other firms off of the annual Professional, Architectural, Engineering and Other Services (RFQ #13-01) roster. Shortlisted firms were requested to submit a more detailed request for qualifications and all three firms responded. After review by the selection panel Shearer Design, LLC was selected as the most qualified consultant for the work.

Funding Amount and Source
The not-to-exceed amount for this contract is $75,000. Adequate budget authority exists for this expenditure within the Road Fund.

Please contact James Lee at extension 50617 if you have any questions or concerns regarding the terms of this agreement.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>James E. Lee, P.E., Engineering Manager</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Shearer Design, LLC</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 ☑

*If Amendment or Renewal, Original Contract #*

Does contract require Council Approval? Yes ☑ No ☐

**Is this a grant agreement?**

Yes ☐ No ☑

If yes, grantor agency contract number(s) CFDA #

**Is this contract grant funded?**

Yes ☐ No ☑

If yes, associated Whatcom County grant contract number(s)

**Is this contract the result of a RFP or Bid process?**

Contract

Yes ☑ No ☐

If yes, RFP and Bid number(s) RFQ #13-01 Cost Center: 10855

**Is this agreement excluded from E-Verify?** No ☑ Yes ☐

If no, include Attachment D Contractor Declaration form.

**If yes, indicate exclusion(s) below:**

☑ Professional services agreement for certified/licensed professional

☐ Contract work is for less than 120 days

☐ 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 Govt's)

☐ Public Works - Local Agency/Federally Funded FHWA

**Contract Amount:** (sum of original contract amount and any prior amendments)

$75,000

**This Amendment Amount:**

$n/a$

**Total Amended Amount:** $75,000

Contracts that require Council Approval (incl. agenda bill & memo)

- Professional Services Agreement above $20,000.
- Bid is more than $40,000.
- Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)

RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.

**Summary of Scope:**

Contract for Services for on-call support for the Whatcom County Bridge Program.

**Term of Contract:** Not to Exceed

| Date: | 12-31-2014 |

<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:</td>
<td>JEL</td>
<td>1-7-14</td>
</tr>
<tr>
<td>2. Attorney reviewed:</td>
<td>RB</td>
<td>1-9-14</td>
</tr>
<tr>
<td>3. AS Finance reviewed:</td>
<td>☑</td>
<td>9/10/14</td>
</tr>
<tr>
<td>4. IT reviewed, if IT related:</td>
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<tr>
<td>5. Corrections made:</td>
<td>JEL</td>
<td>1-9-14</td>
</tr>
<tr>
<td>6. Attorney signoff:</td>
<td>RB</td>
<td>1-9-14</td>
</tr>
<tr>
<td>7. Contractor signed:</td>
<td>☑</td>
<td>1-14-14</td>
</tr>
<tr>
<td>8. Submitted to Exec Office:</td>
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<td>1-14-14</td>
</tr>
<tr>
<td>9. Council Approved (if required):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Executive signed:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Contractor original returned to Dept.:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. County original to Council:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Last Edited 7/24/13**
CONTRACT FOR SERVICES AGREEMENT
ON-CALL SUPPORT FOR THE WHATCOM COUNTY BRIDGE PROGRAM

Shearer Design, LLC, 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 (Scoops of Work), pp. 9
Exhibit B (Compensation), pp. 10.
Exhibit C (Certificate of Insurance).
Exhibit D (Title VI Assurances).

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 3rd day of February, 2014, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2014.

The general purpose or objective of this Agreement is to: provide On-Call support for the Whatcom County Bridge Program, 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 $ 75,000. 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 day of , 2014.

CONTRACTOR:

Shearer Design, LLC

David Shearer, P.E.
Principal

STATE OF WASHINGTON
)
COUNTY OF King
)

On this 13 day of January, 2014, before me personally appeared David Shearer to me known to be the Principal (title) of Shearer Design, LLC (Company) 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 Seattle, My commission expires 7-14-14.

Signature of Notary Public

JOE M BAUNE

State of Washington
MY COMMISSION EXPIRES July 14, 2014

Contract for Services Agreement
On-Call Support for the Whatcom County Bridge Program
WHATCOM COUNTY:
Recommended for Approval:

Approved as to form:

Approved:
Accepted for Whatcom County:

By: __________________________
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON
COUNTY OF WHATCOM

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

NOTARY PUBLIC in and for the State of Washington, residing at ___________________________. My commission expires ___________________________.

CONTRACTOR INFORMATION:

David Shearer, Principal
Shearer Design, LLC
3613 Pinney Ave., N.W.
Seattle, WA 98103

206-781-7830
david@shearerdesign.net
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: Not Applicable

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 within, 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: Not Applicable
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.

31.2 **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:** Not Applicable

a. **Professional Liability - $1,000,000 per occurrence:**
If the professional liability insurance is a claims made policy, and should the contractor discontinue coverage either during the term of this contract or within three years of completion, the contractor agrees to purchase tail coverage for a minimum of three years from the completion date of this contract or any amendment to this contract.

Professional Liability - $1,000,000 per occurrence (this amount may vary with circumstances)

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

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.

35.2 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:

James E. Lee, P.E.
Engineering Manager
Whatcom County Public Works
322 N. Commercial St., Suite 301
Bellingham, WA 98225
360-715-7450
jlee@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:
Contractor certifies that it has fully met the responsibility criteria required of public works contractors under RCW 35.04.350 (1), which include: (a) having a certificate of registration in compliance with RCW 18.27; (b) having a current state unified business identifier number; (c) if applicable, having industrial insurance coverage for its employees working in Washington as required in Title 51 RCW, an employer security department number as required in Title 50 RCW, and a state excise tax registration number as required in Title 82 RCW; and (d) not being disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

38.2 Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:
The Contractor further certifies, by executing this contract, that neither it nor its principles is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or Agency.

The Contractor also agrees that it shall not knowingly enter into any lower tier covered transactions (a transaction between the Contractor and any other person) with a person who is proposed for debarment, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, and the Contractor agrees to include this clause titled "Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction" without modification, in all lower tier covered transactions and in all solicitations for lower tier transactions.

The "General Service Administration List of Parties Excluded from Federal Procurement or Non-procurement Programs" is available to research this information at http://epis amet.gov/.

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 of 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, 30.1, 31.1, 31.2, 31.3, 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)

ON-CALL SUPPORT FOR THE WHATCOM COUNTY BRIDGE PROGRAM

The Contractor shall provide structural analysis and design services related to the Whatcom County Bridge Program on an on-call basis. The County shall issue task orders for specific assignments under this agreement. The task orders shall define the scope of the task, the nature of products and deliverables, and the allowable expenses to be billed for that task in accordance with Exhibit B. Only those expenses specifically approved by the County in a task order shall be compensable under this agreement.

The County makes no express or implied guarantee as to the minimum amount of expenditures that shall be requested and approved under this agreement.
EXHIBIT "B"
(COMПENSATION)

ON-CALL SUPPORT FOR THE WHATCOM COUNTY BRIDGE PROGRAM

As consideration for services provided pursuant to Exhibit A, Scope of Work, the County agrees to compensate the Contractor according to the hourly rates (inclusive of overhead and fee) provided below in the compensation summary. These rates may be adjusted with the County’s approval annually. Any work performed prior to the effective date of this contract or continuing after the completion date of same, unless approved in writing, will be at the Consultant’s expense.

The not-to-exceed amount for this contract is $75,000.

<table>
<thead>
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<th>Discipline for Job Title</th>
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</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$132.00</td>
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<tr>
<td>Sr. Engineer</td>
<td>$108.00</td>
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<tr>
<td>Project Engineer</td>
<td>$96.00</td>
</tr>
<tr>
<td>Staff Engineer &amp; CAD</td>
<td>$79.20</td>
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</table>

Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed as described here:

- Mileage will be reimbursed at IRS rate
- Lodging and per diem reimbursement will be at a rate no to exceed the GSA rate for location where services are provided
- Reimbursement for air travel will be at coach rates
- Subconsultants, materials purchased and equipment rented specifically for the project shall be reimbursed at cost plus 1.6%
- Other expenditures such as outside printing and postage shall be reimbursed at actual cost
Exhibit D
Title VI Assurances

During the performance of this AGREEMENT, the CONSULTANT, for itself, its assignees, and successors in interest agrees as follows:

1. Compliance with Regulations: The CONSULTANT shall comply with the Regulations relative to non-discrimination in federally assisted programs of the AGENCY, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the “REGULATIONS”), which are herein incorporated by reference and made a part of this AGREEMENT.

2. Non-discrimination: The CONSULTANT, with regard to the work performed during the AGREEMENT, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-consultants, including procurement of materials and leases of equipment. The CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the REGULATIONS, including employment practices when the AGREEMENT covers a program set forth in Appendix B of the REGULATIONS.

3. Solicitations for Sub-consultants, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiations made by the CONSULTANT for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-consultant or supplier shall be notified by the CONSULTANT of the CONSULTANT’S obligations under this AGREEMENT and the REGULATIONS relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports: The CONSULTANT shall provide all information and reports required by the REGULATIONS or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by AGENCY, STATE or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with such REGULATIONS, orders and instructions. Where any information required of a CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information, the CONSULTANT shall so certify to the AGENCY, STATE or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance: In the event of the CONSULTANT’S non-compliance with the non-discrimination provisions of this AGREEMENT, the AGENCY shall impose such AGREEMENT sanctions as it, the STATE or the FHWA may determine to be appropriate, including, but not limited to:
   - Withholding of payments to the CONSULTANT under the AGREEMENT until the CONSULTANT complies and/or;
   - Cancellation, termination, or suspension of the AGREEMENT, in whole or in part.

DOT Form 149-089 EF Exhibit H
Revised 6/05
I Incorporation of Provisions: The CONSULTANT shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the REGULATIONS, or directives issued pursuant thereto. The CONSULTANT shall take such action with respect to any sub-consultant or procurement as the AGENCY, STATE or FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a CONSULTANT becomes involved in, or is threatened with, litigation with a sub-consultant or supplier as a result of such direction, the CONSULTANT may request the AGENCY and the STATE enter into such litigation to protect the interests of the AGENCY and the STATE and, in addition, the CONSULTANT may request the United States enter into such litigation to protect the interests of the United States.
**TITLE OF DOCUMENT:** Amendment to renew service agreement with Northwest Regional Council for support of the Meals on Wheels program.

**ATTACHMENTS:** Memo
Contract Amendment

**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.)

Request authorization to renew contract for second year, funding authorized in the 2013-2014 budget. Funding increased on 11/26/13 through budget ordinance 2013-069.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

TO: Jack Louws, County Executive
FROM: Tawni Helms, Administrative Coordinator
RE: Northwest Regional Council
DATE: December 3, 2013

Enclosed are two (2) originals of an amendment to renew a service agreement between Whatcom County and the Northwest Regional Council for your review and signature.

▪ Background and Purpose

Meals on Wheels provides one nutritious meal per day, tailored to meet Daily Recommended Intakes of the average senior (age 51-70 +). Each client is assessed for eligibility, vulnerability, food security and nutritional risk by our registered dietitian. If needed the participant may be referred to appropriate services to assure the senior can remain independent. In addition, the senior has contact with either a volunteer delivery driver or a staff member at least weekly. Some participants are recovering from an illness or returning home after a stay in a nursing facility or hospital and need meals for a short time while recovering. The Meals on Wheels program allows the majority of participants to remain in their homes an average of 5 years before needing to move to a skilled nursing facility.

▪ Funding Amount and Source
Council approved funding for this contract in the 2013/2014 budget process. Supplemental Budget Ordinance 2013-069 approved additional funding in the amount of $30,000 for the Meals on Wheels program due to substantial federal budget cuts.

▪ Differences from Previous Contract
Council approved an increase in funding in the amount of $30,000 for a total consideration of $40,000 in 2014. The term of this contract renewal is January 1, 2014 through December 31, 2014.

Please contact Tawni Helms at extension 50124, if you have any questions or concerns regarding the terms of this agreement.

Encl.
## WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Executive Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Tawni Helms/Linda Salas</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Northwest Regional Council</td>
</tr>
</tbody>
</table>

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

**If Amendment or Renewal, Original Contract #** 201301012

**Does contract require Council Approval?**
- Yes [x] No [ ]

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

If yes, grantor agency contract number(s) CFDA #

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

If yes, associated Whatcom County grant contract number(s)

**Is this contract the result of a RFP or Bid process?**
- Contract

If yes, RFP and Bid number(s) Cost Center: 4240

**Is this agreement excluded from E-Verify?**
- No [x] Yes [ ]

If no, include Attachment D Contractor Declaration form.

### If yes, indicate exclusion(s) below:
- Professional services agreement for certified/licensed professional
- Contract work is for less than 120 days
- Contract work is all performed outside U.S.
- Interlocal Agreement (between Gov’t)
- Public Works - Local Agency/Federally Funded FHWA

### Contract Amount: (sum of original contract amount and any prior amendments)
- $18,000

### This Amendment Amount:
- $40,000

### Total Amended Amount:
- $50,000

**Contracts that require Council Approval (incl. agenda bill & memo):**
- Professional Services Agreement above $20,000.
- Bid is more than $40,000.
- Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)

**RENEWALS:** Council approval is not required when exercising an option to renew that is provided in the original contract.

**Summary of Scope:** To provide funding for the support of the Northwest Regional Council/Council on Aging - Meals on Wheels program. Funding increased due to significant federal budget cuts.

**Term of Contract:** One year

**Expiration Date:** 12/31/14

### Contract Routing Steps & Signoff

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<tr>
<th>Step</th>
<th>Sign or Initial</th>
<th>Date</th>
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<tbody>
<tr>
<td>1. Prepared by:</td>
<td>TWH</td>
<td>12/3/13</td>
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<tr>
<td>2. Attorney reviewed:</td>
<td>Daniel L. Gibson</td>
<td>12/5/13</td>
</tr>
<tr>
<td>3. AS Finance reviewed:</td>
<td>B. Brown</td>
<td>12/10/13</td>
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<tr>
<td>4. IT reviewed, if IT related:</td>
<td>Date:</td>
<td></td>
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<tr>
<td>5. Corrections made:</td>
<td>Date:</td>
<td></td>
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<tr>
<td>6. Attorney signoff:</td>
<td>Daniel L. Gibson</td>
<td>12/5/13</td>
</tr>
<tr>
<td>7. Contractor signed:</td>
<td>Date:</td>
<td>1/15/14</td>
</tr>
<tr>
<td>8. Submitted to Exec Office:</td>
<td>Date:</td>
<td>1/16/14</td>
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<tr>
<td>9. Council Approved (if required):</td>
<td>Date:</td>
<td></td>
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<tr>
<td>10. Executive signed:</td>
<td>Date:</td>
<td></td>
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<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>
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Last Edited 7/24/13

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Amendment No. 1
Whatcom County Contract No. 201301012
CONTRACT BETWEEN WHATCOM COUNTY AND
Northwest Regional Council

THIS AMENDMENT is to the Contract between Whatcom County and Northwest Regional Council, dated December 4, 2012 and designated “Whatcom County Contract No. 201301012”. In consideration of the mutual benefits to be derived, the parties agree to the following:

This Amendment extends the term of this Agreement through December 31, 2014, and increases the maximum consideration by $40,000, to a total consideration of $50,000 in 2013-2014. This amendment also incorporates updated insurance requirements as follows:

“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”.

Unless specifically amended by this agreement, all other terms and conditions of the original contract shall remain in full force and effect.

This Amendment takes effect: January 1, 2014, regardless of the date of signature.

IN WITNESS WHEREOF, Whatcom County and Northwest Regional Council have executed this Amendment on the date and year below written.

DATED this 15th day of January, 2014.

CONTRACTOR:

Northwest Regional Council

[Signature]

Executive Director

STATE OF WASHINGTON  )
COUNTY OF WHATCOM  ) ss.

On this 15th day of January, 2014, before me personally appeared Dan Murphy to me known to be the Executive Director of the Northwest Regional Council and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Jenifer Campion

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

NOTARY PUBLIC
08-13-2015
STATE OF WASHINGTON

231
WHATCOM COUNTY:

Approved as to form:

[Signature] 12/06/13
Prosecuting Attorney  Date

Approved:
Accepted for Whatcom County:

By: ____________________________
   Jack Louws, Whatcom County Executive

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 ________________.

CONTRACTOR INFORMATION:

Northwest Regional Council
Dan Murphy, Executive Director
600 Lakeway Drive, Suite 100
Bellingham, WA 98225

Contact Phone: 676-6749
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
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<th>CLEARANCES</th>
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<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<tr>
<td>Executive:</td>
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</table>

**TITLE OF DOCUMENT:**
Dis. proposed amendments Whatcom County's septic system rules

**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 proposed amendments to Whatcom County's septic system rules related to approved septic design and expiration issues

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

CLEARANCES

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<thead>
<tr>
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<th>Date</th>
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<tr>
<td>Barbara Br</td>
<td>1/21/2014</td>
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</tr>
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DEPARTMENT:

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<th>Dept. Head:</th>
<th>Prosecutor:</th>
<th>Purchasing/Budget:</th>
<th>Executive:</th>
</tr>
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TITLE OF DOCUMENT:

Dis. proposed amendments Whatcom County's septic system rules

ATTACHMENTS:

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

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Discussion of proposed amendments to Whatcom County's septic system rules related to approved septic design and expiration issues

COMMITTEE ACTION:

COUNCIL ACTION:

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

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**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<td>Frank Abar</td>
<td>1/21/2014</td>
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<td>1/28/2014</td>
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<td>Exec:</td>
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**TITLE OF DOCUMENT:**
Update from Mike McKenzie, Lummi Island Ferry Advisory Committee

**ATTACHMENTS:**

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<tr>
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<th>( ) Yes</th>
<th>( ) NO</th>
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<tr>
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Update from Mike McKenzie, Lummi Island Ferry Advisory Committee

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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SELECTED DOCUMENT:


ATTACHMENTS:

1. Cover letter
2. Whatcom County Planning Commission Preliminary Population and Employment Recommendations
3. Whatcom County Planning Commission minutes

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.)

Under the Growth Management Act, Whatcom County and the seven cities within the County must update their comprehensive plans and review their urban growth areas by June 30, 2016. The County and cities are coordinating these reviews. County Planning and Development Services would like to provide an update to the Council on the population and employment projections.

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.
January 14, 2014

To: The Honorable Jack Louws, Whatcom County Executive
   The Honorable Whatcom County Council

From: Matt Aamot, Senior Planner

Through: Mark Personius, Long Range Planning Division Manager


As you know, Whatcom County has initiated a multi-year project to update the Whatcom County Comprehensive Plan and conduct the urban growth area (UGA) review by June 30, 2016, as required by the Growth Management Act. The Comprehensive Plan update and UGA review is being conducted in close coordination with the seven cities in Whatcom County.

The County and cities hired a consultant, BERK, to complete a report entitled “Whatcom County Population and Employment Projections and Urban Growth Area Allocations – Phase I Technical Report” in 2013. This report relates to:

- County-wide population projections and allocations to UGAs and other areas; and
- County-wide employment projections and allocations to UGAs and other areas.

The BERK report provides preliminary technical growth allocations based on state forecasts, historical data and other factors. After reviewing the consultant report, the cities and County proposed preliminary policy-based growth allocations. These preliminary policy-based allocations took into consideration factors such as city goals, county goals, public input, infrastructure capacity and land availability.

The Whatcom County Planning Commission held a town hall meeting on September 26, 2013 and held public hearings on November 14, 2013, December 12, 2013 and January 9, 2014. The Planning Commission recommended preliminary population and employment growth allocations for the 2013-2036 planning period at the January 9 meeting.

The Planning Commission concurred with the preliminary growth allocations proposed by the cities and County for the 10 UGAs in the County. Additionally, the Commission recommended a non-UGA population growth allocation that equates to 15% of the county-wide growth projection.
The tables below show the Planning Commission’s recommended growth allocations, the growth share for each area under the Planning Commission’s recommendation, the BERK technical report’s medium allocation, the growth share for each area under the BERK medium allocation, and the difference between the Planning Commission’s recommended allocations and the BERK medium allocations.

**Table 1. Population Growth Recommendations**

<table>
<thead>
<tr>
<th>UGA or Area</th>
<th>Planning Commission</th>
<th>Growth Share</th>
<th>BERK Medium</th>
<th>Growth Share</th>
<th>Difference from Med.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>35,918</td>
<td>48.03%</td>
<td>28,398</td>
<td>41.69%</td>
<td>7,520</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>5,500</td>
<td>7.35%</td>
<td>6,414</td>
<td>9.42%</td>
<td>-914</td>
</tr>
<tr>
<td>Blaine</td>
<td>4,414</td>
<td>5.90%</td>
<td>2,698</td>
<td>3.96%</td>
<td>1,716</td>
</tr>
<tr>
<td>Cherry Point</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
<td>0.00%</td>
<td>0</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>1,345</td>
<td>1.80%</td>
<td>1,345</td>
<td>1.97%</td>
<td>0</td>
</tr>
<tr>
<td>Evers 23</td>
<td>1,242</td>
<td>1.66%</td>
<td>898</td>
<td>1.32%</td>
<td>344</td>
</tr>
<tr>
<td>Ferndale</td>
<td>6,833</td>
<td>9.14%</td>
<td>5,402</td>
<td>7.93%</td>
<td>1,431</td>
</tr>
<tr>
<td>Lynden</td>
<td>6,403</td>
<td>8.56%</td>
<td>5,063</td>
<td>7.43%</td>
<td>1,340</td>
</tr>
<tr>
<td>Nooksack</td>
<td>1,035</td>
<td>1.38%</td>
<td>930</td>
<td>1.37%</td>
<td>105</td>
</tr>
<tr>
<td>Sumas</td>
<td>874</td>
<td>1.17%</td>
<td>644</td>
<td>0.95%</td>
<td>230</td>
</tr>
<tr>
<td>Non-UGA Area</td>
<td>11,217</td>
<td>15.00%</td>
<td>16,319</td>
<td>23.96%</td>
<td>-5,102</td>
</tr>
<tr>
<td>All UGAs</td>
<td>63,564</td>
<td>85.00%</td>
<td>51,792</td>
<td>76.04%</td>
<td>11,772</td>
</tr>
<tr>
<td>Non-UGA Area</td>
<td>11,217</td>
<td>15.00%</td>
<td>16,319</td>
<td>23.96%</td>
<td>-5,102</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>74,781</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>68,111</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>6,670</strong></td>
</tr>
</tbody>
</table>

**Table 2. Employment Growth Recommendations**

<table>
<thead>
<tr>
<th>UGA or Area</th>
<th>Planning Commission</th>
<th>Growth Share</th>
<th>BERK Medium</th>
<th>Growth Share</th>
<th>Difference from Med.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>22,641</td>
<td>62.84%</td>
<td>17,551</td>
<td>63.78%</td>
<td>5,090</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>545</td>
<td>1.51%</td>
<td>208</td>
<td>0.76%</td>
<td>337</td>
</tr>
<tr>
<td>Blaine</td>
<td>2,097</td>
<td>5.82%</td>
<td>1,032</td>
<td>3.75%</td>
<td>1,065</td>
</tr>
<tr>
<td>Cherry Point</td>
<td>890</td>
<td>2.47%</td>
<td>689</td>
<td>2.50%</td>
<td>201</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>359</td>
<td>1.00%</td>
<td>22</td>
<td>0.08%</td>
<td>337</td>
</tr>
<tr>
<td>Evers 23</td>
<td>602</td>
<td>1.67%</td>
<td>247</td>
<td>0.90%</td>
<td>355</td>
</tr>
<tr>
<td>Ferndale</td>
<td>2,802</td>
<td>7.78%</td>
<td>1,818</td>
<td>6.61%</td>
<td>984</td>
</tr>
<tr>
<td>Lynden</td>
<td>2,157</td>
<td>5.99%</td>
<td>1,672</td>
<td>6.08%</td>
<td>485</td>
</tr>
<tr>
<td>Nooksack</td>
<td>290</td>
<td>0.80%</td>
<td>89</td>
<td>0.32%</td>
<td>201</td>
</tr>
<tr>
<td>Sumas</td>
<td>445</td>
<td>1.24%</td>
<td>221</td>
<td>0.80%</td>
<td>224</td>
</tr>
<tr>
<td>Outside UGAs</td>
<td>3,201</td>
<td>8.88%</td>
<td>3,969</td>
<td>14.42%</td>
<td>-768</td>
</tr>
<tr>
<td>All UGAs</td>
<td>32,828</td>
<td>91.12%</td>
<td>23,549</td>
<td>85.58%</td>
<td>9,279</td>
</tr>
<tr>
<td>Non-UGA Area</td>
<td><strong>3,201</strong></td>
<td><strong>8.88%</strong></td>
<td><strong>3,969</strong></td>
<td><strong>14.42%</strong></td>
<td><strong>-768</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>36,029</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>27,518</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>8,511</strong></td>
</tr>
</tbody>
</table>
It is anticipated that the County Council and city councils will consider a multi-jurisdictional resolution relating to preliminary population and employment growth allocations in the first quarter of 2014. This would provide a common starting point for conducting environmental review, developing draft land use planning proposals, transportation modelling and developing draft capital facility plans. Final growth allocations would be adopted in the 2016 Comprehensive Plan update.

We look forward to discussing this matter with you on January 28.
WHATCOM COUNTY
PLANNING COMMISSION

Preliminary Population and Employment Allocations

FINDINGS OF FACT AND REASONS FOR ACTION

1. The Growth Management Act (GMA) requires Whatcom County and the cities to review and, if needed, update their respective comprehensive plans by June 30, 2016.

2. The GMA requires county and city comprehensive plans to be coordinated and consistent.

3. The GMA states that urban growth areas (UGAs) must be revised to accommodate the urban growth projected to occur in the succeeding 20-year planning period by June 30, 2016 (RCW 36.70A.130).

4. The GMA, county-wide planning policies and inter-local agreements indicate that review of UGAs should be coordinated between the County and the cities.

5. Population and employment allocations are a critical component in the comprehensive plan update and UGA review process.

6. While final decisions on population and employment allocations will not be made until the comprehensive plan is adopted in 2016, it is important for the County and cities to agree upon preliminary allocations in order to coordinate transportation modeling, capital facility planning, environmental review, and UGA recommendations.

7. A town hall meeting relating to county-wide population and employment projections and allocations to UGAs and other areas was held on September 26, 2013.


9. The Whatcom County Planning Commission’s recommended county-wide population projection is within the range provided by the Washington State Office of Financial Management and, therefore, is in accordance with the GMA.
10. Whatcom County Comprehensive Plan Policy 2S-1 is to “. . . Coordinate with cities to determine the population and employment growth projected to occur within the urban growth areas . . .” The Whatcom County Planning Commission heard presentations by the cities and the County, reviewed the written preliminary population and employment growth proposals presented by the cities and the County, and concurs with these growth proposals.

11. A non-UGA population allocation of 11,217 (15% of the countywide projection) is consistent with the current Comprehensive Plan’s non-UGA growth share.

12. A non-UGA employment allocation of 3,201 is consistent with BERK study’s “low” allocation for the non-UGA area.

RECOMMENDATION

Based upon the above findings, the Whatcom County Planning Commission recommends the preliminary population and employment growth allocations for 2013-2036 shown on Exhibit A.

WHATCOM COUNTY PLANNING COMMISSION

Michelle Luke, Chair

Sam Ryan, Secretary

1-14-14

Date

Commissioners present at the January 9, 2014 meeting when the vote was taken: Ken Bell, Rod Erickson, Gary Honcoop, Michelle Luke, David Onkels, Jeff Rainey, Mary Beth Teigrob and Gerald Vekved.

Vote: Ayes: 8, Nays: 0, Abstain: 0, Absent: 1. Motion carried.
## Exhibit A

<table>
<thead>
<tr>
<th>UGA</th>
<th>Population Growth Allocation</th>
<th>Employment Growth Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>35,918</td>
<td>22,641</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>5,500</td>
<td>545</td>
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<td>4,414</td>
<td>2,097</td>
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<tr>
<td>Cherry Point</td>
<td>0</td>
<td>890</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>1,345</td>
<td>359</td>
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<tr>
<td>Everson</td>
<td>1,242</td>
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<td>290</td>
</tr>
<tr>
<td>Sumas</td>
<td>874</td>
<td>445</td>
</tr>
<tr>
<td>Non-UGA</td>
<td>11,217</td>
<td>3,201</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>74,781</strong></td>
<td><strong>36,029</strong></td>
</tr>
</tbody>
</table>
RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
September 26, 2013

Regular Meeting

Jack Hovenier, Whatcom County: He owns a large amount of land in the Columbia Valley and has been involved in the planning of the area. He is encouraged to see the amount of effort that the county staff and districts have put forth in order to get the plans done. He thanked the districts for their work. He supports the plans.

Charlie Burleigh, Whatcom County: Superintendent of the Mount Baker School District. Thanked staff for their support and work on the plan. In the district the big issue is maintenance. A levy has been approved for this work. The enrollment now seems to be steady.

Commissioner Bell asked Mr. Burleigh if he knew some of the reasons for the past decrease in enrollment.

Mr. Burleigh stated his thought was it could be the price of gas which changed the demographics of the area.

Commissioner Bell asked if Mr. Burleigh saw a future increase in enrollment.

Mr. Burleigh stated if the employment issues are addressed there may be a change. He also stated that in the early 2000’s there was a large influx of Slavic families, some of which have now moved from the area.

The hearing was closed to the public.

Work Session

Commissioner Onkels moved to recommend approval of Exhibits A – F and the findings. Commissioner Teigrob seconded. Roll Call Vote: Ayes – Bell, Elenbaas, Honcoop, Luke, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Rainey. The motion carried 7-0-0-2.

Town Hall meeting regarding population and employment projections associated with the periodic update of the Whatcom County Comprehensive Plan and the urban growth area review, which are both required by the Growth Management Act under RCW 36.70A.130.

The update must be completed by June 2016.

Matt Aamot gave a power point presentation.

Historical Growth: A chart was presented showing the total population of the county over the last 33 years. In 1980 the population was approximately 107,000 and is now approximately 206,000. The average annual growth has been about 3,000 people. Growth fluctuates yearly due to the economy, etc. From 1980 to 2012 the natural population increase has been 647 to 1,061 per year. Net migration has varied within a much larger range. The low was 12 people in 1986 to the high in 2007 of 4,342. Almost three quarters of the county growth has been due to in-migration. After 2015 the state is projecting that net migration will rebound more closely to historic levels. As the baby boomers age the natural increase will decline. The state is projecting it will go negative between 2035 and 2040.
Berk Consulting Report regarding population: The county and cities entered into a cost sharing agreement for consultant services to assist with the 2016 Comprehensive Plan update and UGA review. For Phase I Berk provided a technical growth allocation report based on State forecasts, historic growth shares and other factors. In Phase II, after reviewing the report, the county and cities will make preliminary policy based growth allocations. These will take into consideration city goals, county goals, public input, land availability, infrastructure capacity, etc. The Phase I Technical Report looks first at county-wide population projections for 2036. In 2012 the State Office of Financial Management (OFM) came out with long range projections and by law the OFM medium is the most likely projection. The OFM medium projection for 2036 is almost 274,000 people. This represents an average growth of just under 3,000 people per year which compares with the 33 year average of just over 3,000. The next step was to allocate the projections to the UGAs and cities. In the Phase I technical report this was accomplished by determining the share of growth that happened in each UGA over the period from 2000-2010 and then assigning that same share of growth to the planning period. These projections can be modified in the policy phase of the upcoming discussion. A slide was shown showing the medium projection compared to the projection currently in the Comprehensive Plan. In some instances there is considerable difference. That will be part of the discussion during the policy phase.

Greg Brown, Whatcom County: Stated there is a lot of looking at past projections versus the new set of projections but no one is looking at what has actually happened. Isn’t that the best way to do this?

Matt stated that is done in the Berk report.

Commissioner Elenbaas asked historically how accurate have the projections been?

Matt stated the OFM projections have been lower than the census count for 2010. He emphasized the numbers in the report do not have to be used by the county.

Berk Consulting Report regarding employment: A graph was shown with employment rates over the last two decades. In 2012 the county employment was 47.9% while the state was 47.3%. These rates were calculated by dividing the total employment by the total population. The state is projecting that the statewide employment rate will decline to approximately 44.5%, by 2036, because of the retirement of the baby boomers and the aging population. The Berk report suggests using a rate of 46% for the county. The current Comprehensive Plan utilizes an employment rate of 49%. To arrive at the medium employment projection Berk took the medium population projection and multiplied it by the 46% employment rate, then took out about 1,000 employees for agricultural, mining and forestry that would not be allocated to the UGAs. The next step was to allocate the projections to the UGAs. A slide was shown showing the medium projection compared to the projection currently in the Comprehensive Plan. In some instances there is considerable difference. That will be part of the discussion during the policy phase. Matt highlighted the fact that there has not been a lot of employment opportunities in the Columbia Valley UGA. Recently the area was given a commercial land use designation and light industrial area designation. This will create employment opportunity for the future.
The cities have been asked to assemble their recommendations by November, however this may go into December. The Planning Commission will hold a public hearing then be asked to make preliminary recommendations. The county and city councils will then be asked to approve a multi-jurisdictional resolution with preliminary allocations.

The session was opened for public comment.

Brent VanLant/Carol McDonald, Whatcom County: Mr. VanLant owns a real estate business in the Columbia Valley UGA and serves as the president of the Mt. Baker/Foothills Chamber of Commerce. Ms. McDonald stated the employment projections are way too low. Since the development of the Foothills Subarea plan, in 2007, 10 FTE jobs have added in the commercial category alone. Letters of agreement have already been issued from Whatcom County Fire District #14 and Water District #13 for the construction of a number of family residences within the UGA that will result in construction jobs. Plans are in the early stages for the development of a wood products industry. A committee has been meeting regarding the construction of a medical clinic next to the East Whatcom Regional Resource Center. These projects could easily produce 40 or more jobs within the next five years. Within a decade construction of the proposed commercial zone should also be underway creating additional construction and retail jobs. The Chamber believes the Berk Phase I report figures are overly conservative. The Chamber recommends maintaining the projected employment allocation of 359 jobs for the Columbia Valley over the next planning period through 2036.

Jack Hovenier, Whatcom County: One of the reasons there has been very little job growth is because until recently there was no zoning to allow it and it was not until March 2013 that the fire district adopted a capital facilities plan that allowed for development to even occur. The prospect of job opportunities could significantly change the demographics of the area. The employment projections make no sense. He questioned staff regarding the projections who told him this is technical data that will have associated policies to reflect goals the community has. He asked the commissioner to consider making adjustments. Maintaining the current allocation of 359 makes sense. He thanked the commission and the county for their attention to the Columbia Valley.

Commissioner Bell asked Mr. Hovenier what types of jobs are expected.

Mr. Hovenier stated there is talk of a medical clinic and a wood facility. There are a lot of cottage industries in the area. People in the area would like to have a good grocery store and the economics would support it.

Kate Blystone, Whatcom County: Representing Futurewise. She suggested that in addition to the town hall meeting there be workshops and open houses in order to allow people to talk to each other. Futurewise feels the medium population projection seems reasonable. Even if it is not accurate the process will be done again in eight years anyway. She is concerned with the allocation of 24% of growth going to rural areas and natural resource lands. They believe that number is too high. The current allocation is 15% which is more reasonable. She urged the county to pay attention to the Columbia Valley and Birch Bay because the county is their representatives.
Commissioner Elenbaas asked how the projected numbers are changed.

Matt stated it’s based on commissioner comments, public comments, city recommendations, county goals, land supply, infrastructure, etc.

Commissioner Elenbaas said the Growth Management Act (GMA) states there must be economic encouragement that is consistent with adopted comprehensive plans so it is important that the employment forecast be right for the Columbia Valley.

Clayton Petree, Whatcom County: Stated a lot of the talk has been about the past and there are things that can be learned from that. In the 2009 update process there was a lot of “the sky is falling” and he doesn’t want to see that happen this time. The plan in 2009 was to not plan. That may be what happened in the Columbia Valley regarding the industrial area. How do you slow down in the employment numbers so people don’t have to drive to Bellingham to work? He would like that to be discussed a lot in this process. He distributed a chart of growth rates in the areas of the county. He stated his approval of the discussion of the most likely growth number being used. The capital facility districts need an accurate number of the growth.

Laura Brskke, Whatcom County: Suggested that more is not better. Unlimited growth as a goal is a myth. There is a steady state of economy which is mirrored in the natural growth. Whatever can be done to create a steady state of growth should be done. Ideas are to value clean water, clean air, support the Lummi Tribe in all of their efforts to maintain their historical rights and maintain salmon. Salmon fishing is a viable industry. We need to maintain the Cherry Point herring stock then the salmon will come back and the chain of the ecosystem will come back which is really important. We should be cataloging our agricultural land and making sure we are encouraging farming on good quality soils. If Whatcom County was totally non-GMO our produce would have a great value. Farming is a good job. All of the waste from cattle could be turned into methane energy. We should definitely choose the medium or low population growth rather than planning for more and more. With more growth comes more taxpayer supported jobs. Planning for less is better.

Roger Almskaar, Whatcom County: Representing the Whatcom County chapter of the Citizens Alliance for Property Rights. He wants clean water, fish, etc. too but there needs to be balance. The growth rate of 24% may not be the right figure. We need to look at what has actually happened for the 15 years or so. He is in favor of protecting farmland but in rural areas most of the soil is not suitable for full time farming. There are a lot of mistakes in the soil survey. People that move out to rural areas don’t always want all of the services that people who live in the city want. He gets tired of hearing about the burden that people who live on acreage are causing the rest of the county. It’s a myth. Another myth is the idea that there are approximately 13,000 buildable lots in the rural area. People want plans and regulations that are clear, concise, reasonable and accomplish something. What we have now fails in these areas.

Commissioner Bell asked how do we plan when there is such a significant difference in growth from year to year? Also how do you plan when the land use regulations are always
changing, as in Sudden Valley? What is the harm in overestimating the population
growth?

Matt stated that planning for the ups and downs of growth is a matter of looking at longer
term averages and trends. The county plans for a 20 year land supply so adjustments can
be made during the eight year cycles. Regarding under-planning versus over-planning,
capital facility planning is done based on the projected growth so there needs to be a
realistic projection.

Mark said that regarding the changing regulations the county looks over a 20 year period,
with updates every 8 years, for that reason, among others. In Sudden Valley a lot of the
developable lots have already been built on, have steep slopes, etc. so they are more
expensive to develop. This was happening even before the changes in the regulations. He
also stated they are aware they need to get the numbers right for Birch Bay and the
Columbia Valley because they may potentially grow faster than other areas.

Commissioner Onkels stated the other thing that happened in Sudden Valley was that as
the housing bubble heated up lot prices and home prices rose rapidly so a lot of
developers were stuck with unsellable houses when the bubble burst. Regarding
population growth if you look at the figures, out to 2036, we are projecting a slower
growth and it's a mistake to think that we are projecting a flat rate of growth.

Matt responded by stating that there are several things to keep in mind. There is the
changing demographic where the natural increase will be declining. Also there are
mathematical dynamics to take into consideration.

Linda Twitchell, Whatcom County: Regarding the job situation; retail, farm work and
tourism are minimum wage jobs. She lives on five acres north of Bellingham which once
had two large cattle operations in the area. No one is farming there anymore. Often the
soil in the rural area is not appropriate for farming. It's important to retain the ability for
rural lifestyles and a variety of housing choices. Some people think everyone should be
living in high rises in cities but statistics show most people want some type of yard. If
anything is going to be over projected it should be jobs because we need to create
changes to bring in more jobs. Planning for more may help get more. As an employee of
the Building Industry Association she stated that 20% of most economies are somehow
involved with the building community. GMA is not a no growth option. It states we are to
provide a variety of housing types to accommodate growth.

Commissioner Honcoop stated that what the county is planning for will lead to a
depressed and difficult state of affairs shortly. Recently the Bellingham Herald published a
report stating the amount of people in the county on some type of government assistance
was over 50% in the Columbia Valley area which was one of the highest in the county. To
support this government assistance there needs to be a viable economy, which under the
GMA is a requirement. There needs to be better employment opportunities. We need to
focus on the types of jobs not the number of jobs.
Regular Meeting

Mark responded by saying that in terms of the numbers and land capacity in this process we are looking at determining if there is space for jobs. At this point we are not looking at the type of jobs.

Chet Dow, Whatcom County: He heard of a service in the county whose business is to advise people how to reduce their property taxes. He wondered how there could be enough demand for that in the county. The only way to reduce the taxes would be if the property value declined so the Assessor could justify the tax rates. This is awful. We have to start encouraging a broader range of economic opportunities. There needs to be some balance in the planning process. The GMA puts too much emphasis on environmental rules while the poverty level in Bellingham is 22%.

Commissioner Elenbaas feels the county is planning for stagnant economic development. It’s important to the Columbia Valley to have employment opportunities.

Greg Brown, Whatcom County: Stated projections based upon projections are not actuals.

Commissioner Bell spoke of the trends and the only thing that did not go down after the recession was the number of government jobs. Construction, for example, had huge swings over the years. As we plan we know where the demand will be. It will be those areas where we create the opportunity for those swings to happen. The zoning in those areas will need to be flexible enough to accommodate the big swings when they happen.

The meeting was adjourned at 8:45 p.m.

Minutes prepared by B. Boxx.

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

Michelle Luke, Chair

J.E. "Sam" Ryan, Secretary
Regular Meeting

Call To Order: The meeting was called to order, by Whatcom County Planning Commission Chair, Michelle Luke, in the Whatcom County Council Chambers at 6:30 p.m.

Roll Call
Present: Michelle Luke, Ben Elenbaas, Jerry Vekved, Rod Erickson, Gary Honcoop, David Onkels, Jeff Rainey, Mary Beth Teigrob, Ken Bell
Absent:

Staff Present: Mark Personius, Matt Aamot, Gary Davis, Nancy Adams

Department Update

Mark updated the Commission on the following:
Staff had an executive session with the County Council, the Prosecuting Attorney’s Office and the county legal representative regarding the GMA appeal. The outcome of that was that the Council passed a motion to request the Planning Commission hold a public hearing on the proposed water resource amendments related to the appeal. The commission will then make a recommendation to the council. The hearing will be held on December 12th.

Open Session for Public Comment

Kate Blystone, Whatcom County: Adjunct professor at Western Washington University. She brought a group of her students to the meeting to witness a public hearing and see how a planning commission works.

Greg Brown, Whatcom County: Stated he appreciated the commission, especially Ken, Michelle and Ben for a true and honest campaign for County Council. They won in the hearts of their districts and it is sad that the elections have become non-local and we have lost control of our cities and county.

Commissioner Comments

There were no commissioner comments.

Approval of Minutes

September 26, 2013: Commissioner Onkels moved to approve the minutes as written. Commissioner Bell seconded. The motion carried.

October 24, 2013: Commissioner Onkels moved to approve the minutes as written. Commissioner Elenbaas seconded. The motion carried.

Public Hearing

Population and employment projections associated with the periodic update of the Whatcom County Comprehensive Plan and the urban growth area (UGA) review, which are
both required by the Growth Management Act under RCW 36.70A.130. The update must
be completed by June 2016.

Mark presented an overview of the proposal. These are the preliminary population and
employment recommendations. The commission will hear proposals regarding the
unincorporated UGAs, Nooksack, Sumas and Everson. Once recommendations are made
to the council there will be a multi-jurisdictional resolution adopting the target numbers.
That will kick off the detailed planning process and EIS. In 2015 the cities will take the
proposals and work on how to accommodate the numbers. Under the GMA this planning
process will take place every eight years.

The preliminary numbers, from the Berk report, are just a starting point. The commission
can recommend whatever numbers they choose after looking at the land capacity, past
growth, etc. One thing to keep in mind is that the supply has to match the demand.

Gary Davis presented an overview of the land capacity analysis. Subtracted from total
acres were developed properties, publicly owned parcels, future public and quasi-public
land needed, pending projects, master planned parcels, critical areas, infrastructure and
the market factor. The next part of the equation is how many dwelling units will this land
accommodate in the next 20 years, based on assumed densities. Subtracted out are the
existing dwelling units that are on partially or underutilized parcels. Next is to translate
how many people those dwelling units can accommodate, multiplying dwelling unit
capacity, occupancy rates and persons per household figures for each UGA.

Commissioner Bell asked if there is a formula for figuring the market factor. Gary stated
that for parcels that are vacant the market factor is set at 15%. For partially or
underutilized parcels the market factor is 25%.

Commissioner Teigrob asked what the commercial square footage per employee is based
on. Gary stated that it is tricky to come up with a number. The county is leaving a lot of
discretion to the cities to decide what the numbers should be. Gary stated some figures
also comes from Employment Security and a study from the City of Bellingham.

Matt Aamot presented information on the unincorporated UGAs.

Columbia Valley: The area was originally developed with several large subdivisions which
catered to a seasonal population. Because real estate prices were affordable the area
became attractive to full time residents. The estimated 2013 population for the UGA is
3,204.

Whatcom County designated the Columbia Valley as a UGA in 1999. The UGA was reduced
in size from approximately 1,489 acres to 1,156 acres in the 2009 UGA review. Properties
from the Kendall area were removed.

The area had relatively high growth from 1990 to 2000. The average growth was 193
persons per year. There was more moderate growth from 2000 to 2010 with 68 persons
per year. The Berk Report medium growth allocation is based on the growth received
between 2000-2010. The county agrees with the projected medium growth allocation.
Based on the land capacity analysis the area can accommodate approximately 1,377 more people which is 32 more than proposed so the land capacity exceeds the proposed growth allocation by about 2.4%.

In the 2009 UGA review and the 2011 Foothills Subarea Plan a planned town center, with General Commercial zoning was established in a central location in the UGA. Also, a planned Light Impact Industrial area was designated north of Limestone Road. That area has not yet been rezoned. Because the area has not had much job growth in the past the technical report medium allocation shows a low future projection of 22 jobs. However, the current comprehensive plan provided opportunity for additional jobs in the area and allocated 359 jobs. In order to preserve land supply, opportunities for business to locate and potential employment opportunities the county recommends maintaining the current allocation of 359 jobs.

The land supply analysis indicates that the commercial zoning can accommodate 367 employees which is 8 more than proposed. The land capacity for jobs exceeds the proposed allocation by 2.3% so the land supply would be sufficient for the proposed allocation.

Commissioner Bell asked how parcels were selected for industrial use. Matt stated critical areas, previous policies and how the current property owners wish to use the land were all considered.

Birch Bay: The area was designated a UGA in 1997. In 2004 the Birch Bay Community Plan was adopted and at that time the areas of Birch Point and south of Point Whitehorn were removed from the UGA. Additionally, in the 2009 UGA review lands in the eastern part of the UGA were removed because the UGA was oversized. The area is now approximately 5.6 square miles, 3,606 acres and has an estimated 2013 population of 7,737 people.

The area currently in the UGA experienced relatively high growth from 1990 to 2000. The growth was approximately 202 people per year. From 2000 to 2010 it grew by approximately 323 people per year. This was a higher annual average growth rate than any other UGA. From 2000 to 2010 the UGA captured 9.4% of the countywide growth.

The proposal utilizes the land supply to guide the growth allocation. This would encourage development within the existing UGA and UGA reserve without expanding into adjacent rural designations. The proposed allocation, which is below the Berk Report medium, is 5,500. If this was achieved it would constitute a 71% increase in population over the planning period. This allocation would be higher than the allocation currently in the comprehensive plan of 3,825. From 1990 to 2013 the UGA has grown by approximately 243 people per year. The proposal equates to approximately 239 per year over the next 23 years. This is consistent with the longer term trends.

The land supply in the existing UGA can accommodate approximately 298 fewer people than the proposed allocation. This may imply that the UGA may go out into the reserve because the land capacity falls short of accommodating the proposed growth allocation by about 5.4%.
The UGA has several commercial zones. In 2010 the UGA had less than 1% of the countywide jobs. The Berk report medium growth allocation of 208 jobs is substantially lower than the 489 allocated in the current comprehensive plan. In order to preserve the commercial land supply, opportunities for businesses and employment staff recommends an allocation of 545 jobs, which is close to the capacity of the UGA. The land supply indicates the UGA could accommodate about 554 jobs. The capacity exceeds the allocation by 1.6%.

Commissioner Bell asked if there has been a trend towards slower growth in the Birch Bay area. Matt stated it has slowed over the last five years.

Commissioner Horcoop stated there is a difference between the technical report and the preliminary county proposal of about 18%. Why is there such a difference? Matt stated part of the allocation process is not just looking at past trends but looking at the UGA, which has a lot of vacant land which can be developed before expanding into the rural areas.

Rollin Harper presented the allocation information for Everson.

The UGA population grew from 1,600 in 1990 to 2,600 by 2010. The area grew faster in the 1990s than it did in the 2000s. Everson is proposing growth of 1,242 people which is 54 people per year. That is a middle number between the rapid growth in the 1990s and the more moderate growth in the 2000s. The average growth from 1990 to 2010 was about 51 people, which was 1.4% of the growth in the county. There has been a trend of growth going less into the non-UGA areas and more growth going into the UGAs. They predict that trend will continue. The proposed growth is higher than the technical report medium. There is sufficient capacity to accommodate the proposed growth with a small surplus.

Everson is proposing 602 jobs which is the same number as is in the current comprehensive plan. It is higher than the Berk Report medium. The land capacity analysis shows there is a surplus of capacity for this proposal. The city hopes to maintain its UGA boundaries as they are currently.

Rollin Harper presented the allocation information for Nooksack.

From 1990 the population increased from 600 to over 1,300 for an average annual growth rate of 3.9%. It saw its most rapid growth from 2000 to 2010 which may be due to the affordable housing in the area. Nooksack is proposing a population growth of 1,035. That is between the Berk Report medium and high forecasts. This equates to 45 people per year. Nooksack has outpaced its growth forecasts since the last comprehensive plan update. There is a deficit of land due to land being put into reserve previously because of critical areas issues. Nooksack hopes to work with the county to find an alternative area to put people.

Nooksack is proposing 290 jobs, which is the same number in the 2009 comprehensive plan. There is a shortage of commercial land. They are hoping to trade some reserve area for UGA to accommodate light industrial development.
Rollin Harper presented the allocation information for Sumas.

The Sumas population is 1,449. There are no houses in the UGA. There are 80 acres in reserve which were removed from the UGA in 2009. The population has increased from 800 in 1990 to 1,300 by 2010. Since 2010 Sumas has continued to see strong population growth. The Sumas projection is for 874 over the planning period which is 38 people per year. This is higher than the Berk Report high projection. In the past 3 years there has been a growth rate of 43 people per year. The UGA has sufficient capacity for the projected growth with a small surplus.

Sumas proposes 445 jobs, which is slightly higher than what is in the current comprehensive plan. It is consistent with what they have seen in past growth.

Commissioner Onkels asked what percentage of growth consists of Canadian citizens. Rollin did not have those statistics.

Commissioner Teigrob asked if Nooksack has a particular area in mind in which to expand. Rollin stated an area north of Tom Road, which could be traded for a portion of the areas east of the Sumas River which is in reserve.

Commissioner Rainey asked if the area west of the river, in Everson, is out of the floodplain. He stated this is good agricultural land and would like to see it preserved. Rollin stated it is out of the floodplain and was added to the reserve area in 2009. He anticipates most the growth being south of the river.

Commissioner Rainey asked where Nooksack gets their water and who is the sewer provider. Rollin stated the water was from the City of Sumas and sewer is provided by Everson. Commissioner Rainey asked if the Everson sewer system can handle the growth. Rollin stated updates are taking place to the system which will be able to handle the growth.

Commissioner Teigrob asked if the area near Tom Road in Nooksack is in the agricultural area. Rollin stated it is zoned agricultural.

Commissioner Honcoop asked why the entire area around the Sumas River was removed, because of asbestos issues, rather than only a portion. Rollin stated some of the area was impacted by Swift Creek which has similar issues. Some of the area could be brought back in to the UGA.

Commissioner Honcoop stated that in Everson there is only one parcel available for industry which seems rather dismal. He asked if there is any other land being proposed for commercial development. Rollin stated there is only one industrial property but there are other areas that are zoned commercial.

Commissioner Bell asked if Everson and Nooksack are working together for the sewer upgrade. Rollin stated they are. Commissioner Bell then stated there was substantial growth in the area during the recession. What was the reason for that? Rollin said there has been a study supply of subdivisions in Nooksack.
The hearing was opened to the public.

Ellen Baker, Whatcom County: She knows firsthand that when the 2010 census was conducted that her area, in Glacier and Maple Falls, there was no real census conducted. None of the residents in the area received census forms. They picked up forms and distributed them to residents, collected them and took them to the census office where they were thrown out. The census office told her they felt the density in the area was too insignificant. When she worked on the 2031 process she did a lot of research on the figures used in the Foothills Subarea Plan and made challenges to those figures. Berk and Associates did not and could not substantiate the growth figures. She urged the Planning Department to find out if the current numbers are real or extrapolations. She reminded the commission that when the subarea plan was adopted there was a minority report that stated population and traffic issues. There is a great supply of water in the area so it shouldn’t become an issue.

Jerry DeBruin, Whatcom County: The District Chief for Fire District #14. The district includes Sumas, Kendall and Welcome. He encouraged local employment in those areas which will make it easier for district volunteers to respond to emergencies.

Richard Banel, Whatcom County: Spoke of employment figures in the Columbia Valley. He was on the Comprehensive Plan committee for review of the plan in 2009. He supports the county’s proposal for the Columbia Valley regarding employment capacity. The figure is consistent with the figures that were agreed upon during the review process.

Commissioner Honcoop asked if Mr. Banel supported the population projections. Mr. Banel stated he believed the population is much higher than what is being shown.

Bret VanLant, Whatcom County: President of the Foothills Chamber of Commerce. In past testimony they encouraged the county to use the employment projections from the Foothills Subarea Plan and the comprehensive plan. The chamber is pleased that the county is recommending these figures.

Phil Cloward, Whatcom County: Served as vice chair of the Foothills Subarea Plan Committee. He supports the county’s employee projections for the area.

Norma Otto, Whatcom County: Also served on the Foothills Subarea Plan Committee. She supports the employment figures. She said there were census takers in the Columbia Valley so she doesn’t know what the issue was in Glacier or Maple Falls.

Linda Twitchell, Whatcom County: Representing the Building Industry Association of Whatcom County. They are concerned that the Berk figures are not comparable to the OFM figures. They support the cities higher population and employment figures. She encourages Bellingham to adopt high numbers for population growth and encourage people to build there.

Roger Almskaar, Whatcom County: President of the Whatcom Chapter of the Citizens Alliance for Property Rights. They are looking for rules that are clear, fair and accomplish something which the current set of rules do not do in many cases. There are extremists
who are radical environmentalists that want to use the government to take citizen's rights away. He would like to see the Berk report or the staff provide separate population numbers for the rural and resource lands. He thinks it is disappointing that the Berk report does not address this. Some of the local anti-growth lobbyists say there are about 15,000 buildable lots in the rural areas of the county. He feels there is not anything close to that number of lots because of septic rules, critical area requirements, etc. The people who state all of those are out there have never shown a map of where they are. The City of Bellingham is not serious about its legal duty to accommodate growth. Their share of growth has been declining, quite noticeably, the last 10 years due to sprawl because of their minimum lot size. The city should stop lecturing the county and clean up its own act. Builders cannot build affordable homes in Bellingham because of the excessive buffers, high impact fees, etc. He supports the moderate OFM projected growth rate of 1.3%. He supports the numbers for the small cities presented by Rollin Harper.

Kathy Berg, Whatcom County: Thanked Mark Personius, Matt Aamot and Gary Davis for their excellent job in educating citizens on the process. She is pleased with their efforts on behalf of Birch Bay.

Perry Eskridge, Whatcom County: Representing the Whatcom County Association of Realtors. He echoed Linda Twitchell's comments regarding the Berk report. Justification for adjustments to the high and low numbers for the population projections need to be seen. Bellingham talks about the projections like they are stating OFM numbers but in reality they are talking about the Berk report. The Berk report high is barely the OFM medium. People have stated they do not want to see the Bellingham UGA boundaries expanded which will lead to problems. Bellingham is not currently meeting its housing obligations. Their plan is to have everyone live in a condo or apartment which is what is needed. If people want a house they need to go to other areas.

Commissioner Onkels stated that the City of Bellingham recently voted to recommend the high number for population. Mr. Eskridge stated that was the high Berk number not the high OFM number.

The hearing was closed to the public.

The written record will be left open through December 12, 2013. Continuation of the public hearing will take place that evening after which there will be a recommendation from the commission on all of the UGAs.

Commissioner Bell asked Rollin Harper how likely large population growth in Everson, Nooksack and Sumas will be. Rollin stated the small cities would welcome the growth but does not know if it will happen.

Commissioner Bell stated there seemed to be conflict with the Berk report numbers versus the OFM numbers. Will the OFM numbers be given to the Commission? Why were the Berk numbers choses over OFM numbers?

Matt Aamot stated when staff talked to the County Council, about a year ago, they had preference for the OFM medium projection. It was discussed to have a narrow band.
around that to study. So Berk was asked to come up with that. They took the OFM medium natural increase and applied that to the high and low forecasts which is pretty steady. They then varied the migration component.

Mark Personius reminded the commission the OFM medium is a county wide number. There are no specific numbers for UGAs.

Commissioner Honcoop asked how the employment projections were addressed. Mark stated the resource lands; agriculture, mining and forestry; are not calculated as part of the UGA allocations. They will go to the non-UGA allocations.

The meeting was adjourned at 8:30 p.m.

Minutes prepared by B. Boxx.

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

Michelle Luke, Chair

J.E. “Sam” Ryan, Secretary
Commissioner Bell stated this is not the first time in regards to adding items to the comprehensive plan in this fashion. This makes the two documents more consistent and clear.

Commissioner Honcoop stated he was in favor of the motion because it brings consistency to the codes.

Commissioner Teigrob also favored the motion in regards to consistency and Washington State law.

Commissioner Onkels referred to a letter from the Birch Bay Water and Sewer District which states the GMA requires that the rural element of the county’s comprehensive plan include measures to protect surface and groundwater resources. Commissioner Onkels stated the action the commission is proposing to adopt is a bit of a place holder pending resolution of the county’s appeal. The letter further states that it is vitally important to recognize the GMA includes multiple requirements to plan for both protection and provision of water. While RCW 36.70A addresses land use planning the GMA contains no language modifying other statutes or enactments that govern surface and groundwater resources. Therefore the GMA must be harmonized with other state statutes including those concerning water resources and water resource planning. These statutes, related to water resources, provide the county with the tools necessary for GMA compliance. Federal and state enactments which directly affect water resources planning in Whatcom County include various RCWs. Commissioner Onkels then stated the GMA is not the only applicable statute governing ground and surface water quality and quantity. This is an extremely complex subject that doesn’t lend itself to resolution with one GMA petition and hearing. The letter then states: The county is no longer complying with the watershed planning act. Watershed planning is not to be directed by a joint board which has no role in watershed planning under the RCW 90.82. The joint board has absorbed planning unit functions. The joint board is not a separate legal entity, but none the less has its own budget. Commissioner Onkels stated the county is proceeding in the proper direction.

Roll Call Vote to approve the staff’s recommendation of approval, the associated findings, and reasons for actions and proposed conclusions; in order to have the comprehensive plan more closely correspond with the code: Ayes – Bell, Elenbaas, Erickson, Honcoop, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – 0. The motion carried.

Public Hearing

Population and employment projections associated with the periodic update of the Whatcom County Comprehensive Plan and the urban growth area review, which are both required by the Growth Management Act under RCW 36.70A.130.

Bellingham Presentation
Greg Aucutt gave an overview of Bellingham’s proposal.

- Bellingham contains about 17,000 acres.
- The UGA is about 5,000 acres.
• The population in 1990 was approximately 60,000 and 91,000 in 2010.
• The growth has been study since 1990.
• Overall the growth has been about 1,500 per year over the past 20 years.
• Bellingham’s population proposal is to use the Berk Report high allocation of 35,900
  for the following reasons:
  o They believe growth should occur in the cities.
  o The medium projection is lower than the actual growth over the last 23
    years. They don’t assume growth will be lower than in the past.
• Regarding employment projections: they recommend the Berk Report high
  allocation. The difference between the medium and high is about 5,000 jobs.

Based on these figures the city needs more room to accommodate this growth.

Commissioner Onkels asked where the additional population will be located.

Mr. Aucutt stated they will work through that as they update their plan. There may be
adjustments to the land capacity analysis. They have been very conservative in estimating
how much additional growth they can accommodate. There are areas of the city where
capacity can be increased such as with urban villages.

Commissioner Onkels asked if there has been any interest in urban villages?

Mr. Aucutt stated there has been interest in Barkley Village, the jetted streets and
Fairhaven.

Commissioner Onkels stated he has heard the city plans on a far higher density in the
King Mountain area than the area can accommodate. Did Mr. Aucutt have any comments
on that?

Mr. Aucutt stated he had not heard that comment.

Commissioner Onkels stated Bellingham’s report seems to fault the county for allowing
too much growth in rural areas as an explanation for why the cities population has lagged.

Mr. Aucutt stated that was not the intent of the report. They support the county’s
comprehensive plan goals of reducing the growth in the rural areas.

Commissioner Onkels asked if Mr. Aucutt had any ideas of why the cities share of the
population growth has lagged in recent years.

Mr. Aucutt stated the primary reason is that much of the land that is still available is
difficult or expensive to develop or zoned for multifamily. The mix of housing types is
something they need to look at. They haven’t done as well as they should have in the
area of single family housing.

Commissioner Onkels stated he doesn’t see Bellingham as being in a competitive mind set
to compete with the smaller cities for population. They seem to have an entitlement
mentality.
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Commissioner Honcoop stated Bellingham’s single family housing trend is going down while in the smaller cities it is going up. This is a very poor trend. In his line of work he has people looking for homes. Most of them want a single family home which is hard to find in Bellingham so they go elsewhere. What is Bellingham doing about this?

Mr. Aucutt stated Bellingham recognizes this concern. They have annexed about 1,300 acres over the last few years, most of which is for single family development. There is also land in their UGA which is zoned residential that they would like to annex. They will be addressing this as they update their comprehensive plan.

Commissioner Honcoop asked how the city determines its land capacity analysis.

Mr. Aucutt stated they use the same methodology the county uses.

Commissioner Teigrob asked if the area around the airport is planned for residential as well as commercial. It does not seem to be a good place for residential development.

Mr. Aucutt stated the residential zoning is at the very southern end which is mostly built out. The rest is zoned for industry.

Commissioner Bell stated he feels most people prefer to live in the city to be close to amenities, etc. The housing types are the constraint to that.

Blaine Presentation

Alex Wenger gave an overview of Blaine’s proposal.

- Blaine is beginning to see a “spillover” of residents from Canada.
- They anticipate a large number of manufacturing, shipping and receiving jobs to be created in Blaine.
- Blaine’s population has almost has almost doubled from 1990 to 2013, going from 2,489 to 4,785. Over this time period it grew at about 2.9% per year. Up until the recession it grew at a rate of 5.83% then flattened out.
- They already have the necessary infrastructure to serve growth. Sewer and water are sufficient for the anticipated growth. There sewer system is now overbuilt because some of their UGA was removed in 2009. They have extra reclaimed water they sell.
- Blaine’s population proposal is to use the Berk Report high forecast. This matches their historic growth rate of 2.9%. They do have capacity for much higher density.
- They would like to direct growth to the Semiahmoo area and east of the city.
- Regarding employment, they propose to use the Berk Report high forecast. They have capacity for more.

Commissioner Rainey asked if the extra water is used for farming.

Mr. Wenger stated the local golf course uses the majority of the reclaimed water. It is not yet used for agriculture.
Commissioner Bell stated he doesn’t see Blaine attracting people from Bellingham but rather from Canada. Is this what Blaine is anticipating?

Mr. Wenger agreed. They see a lot of Canadians wanting to locate there. They also foresee a lot of industrial and manufacturing coming from Canada.

Ferndale Presentation

Jori Burnett gave an overview of Ferndale’s proposal.

They do not propose expansion of their UGA.

Ferndale has 474 acres of land available for residential development.

They have 135 acres of land available for industrial development.

They have 315 acres of commercial area, most along I-5.

The population has grown from 5,398 in 1990 to a current population of approximately 12,290. This is an annual growth rate of 5.5%. This has been a consistent growth rate.

Ferndale’s population proposal is to use the Berk Report high growth rate of 6,833. This aligns with the growth rate of the last 23 years. Their UGA capacity is short by approximately 396 people. They do not want to expand the UGA.

Ferndale’s employment growth projection is the Berk Report high of 2,802. This allows for the growth of 463 more employees. Ferndale sees employment growth happening in the Cherry Point area which Ferndale sees as direct benefits from. They are the alternative growth location for Bellingham businesses. Predicted growth will take place along the I-5 corridor.

Commissioner Honcoop stated Ferndale saw strong housing growth from 2011-2013. Was this based on available lots? Does the city see itself having enough lots in the future?

Mr. Burnett stated they are hearing from developers more residential lots are needed. He foresees more lots coming on the market next year. The city does not want to focus just on single family housing. They want to see some infill with multi-family housing. In 2013 they have permitted more multi-family housing than any year in their history.

Commissioner Honcoop asked if they have a target density per square mile or density.

Mr. Burnett stated they do, which is 5 units per net acre. They want to improve on this, especially in the downtown core.

Commissioner Luke asked what type of multi-family housing they are hoping to develop.

Mr. Burnett stated it would be both condominiums and apartments. The market should decide.

Commissioner Erickson asked if Ferndale’s water and sewer capacity is sufficient for the projected growth.

Mr. Burnett stated they need to upgrade the plants. They currently have sufficient capacity for the projected growth.
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Commissioner Bell asked if the employment numbers have factored in the jobs that will be created with the new jail.
Mr. Burnett did not know the answer to that.
Commissioner Bell asked if Ferndale is planning for any overflow growth from the airport, specifically along Slater Road.
Mr. Burnett stated they are. They are doing capital facility planning, including transportation, which addresses the airport issues. Ferndale has the highest impact fees in the county which will supply some of the funding that will be needed.
Commissioner Honcoop asked if Ferndale has a traffic plan for the north end of the area.
Mr. Burnett stated the city has long planned for is an overcrossing at Thornton Road. This will relieve some of the congestion on Main Street.
Commissioner Honcoop asked what Ferndale plans as far as annexation of the Grandview area.
Mr. Burnett stated there is no incentive for property owners in that area to annex into the city. Currently water and sewer do not go to that area. They do not anticipate any annexation of the area for another decade. There is still available industrial land in the city they would like to use first.

Lynden Presentation
Amy Harksell gave an overview of Lynden’s proposal.

- Lynden has grown at an annual rate of 2.7% to 4.0% in recent decades.
- The water moratorium affected growth rates in the early 2000’s.
- Lynden’s population projection uses the Berk Report high projection of 6,403 people. This is a growth rate of about 1.8% but they don’t foresee the historical growth they have had.
- They are planning for infill in their UGA reserve area.
- A large area of the UGA may become a park which will make the land unavailable for development.
- Regarding employment projections they are proposing to use the Berk Report high forecast.
- They are seeing a lot of renewal in their downtown area which will create some jobs.
- Lynden is not asking for an extension of their UGA, however they plan on bringing some of their reserve area into their UGA. They may swap some of the residential zoning for commercial zoning in the future.
- They are currently working on a water treatment plan to serve future population and employment.

Commissioner Bell asked if Lynden has any plans for its UGA.
Ms. Harksell stated they plan to keep the UGA as it is.
Commissioner Bell stated that all of the cities area asking for the Berk Report high forecast. Was the report inaccurate in its medium growth projections? Was this discussed between the cities and county?

Ms. Harksell stated the Berk Report medium is the same as the OFM medium, but the OFM took a very conservative approach to their projections. The range was further reduced by the recommendation of the County Council in trying to shrink that scale. As such, they started out with an artificially low number. Population and employment trends will slow in the future, but not to the extent forecast in the OFM numbers.

Commissioner Onkels read a statement from Lynden’s proposal regarding the aging population. It suggests they may see faster growth.

Ms. Harksell agreed stating younger people are moving into the area.

Commissioner Onkels asked what is happening with the school population in Lynden in relation to the demand for single family residences.

Ms. Harksell stated the school is in the process of looking at its population. They are seeing a slight decrease in the amount of children per household.

Commissioner Bell asked what types of housing styles the city is planning.

Ms. Harksell stated their comprehensive plan calls for 75% single family and 25% multi-family housing. The city has been successful in single family homes on smaller lots. With the changing demographics, in regards to age, they may be looking at more multi-family housing. They periodically ask their community what types of housing do they want to see.

Commissioner Honcoop asked if Lynden has a ratio of jobs per population. Have they seen any trends?

Ms. Harksell did not have answers to the questions.

Commissioner Honcoop asked what the sales tax intake was compared to the population.

Ms. Harksell stated they capture about 60%. They are looking to increase retail potential.

Commissioner Bell stated Lynden has promoted retail development, has there been any promotion of industrial or manufacturing development?

Ms. Harksell stated there is land for it and they are supporting projects that are in the works. Transportation costs are an issue because they are not near I-5.

Cherry Point Presentation

Matt Aamot gave an overview of the Cherry Point proposal.

- The area is approximately 7,035 acres.
Currently there are approximately 6,565 acres of Heavy Impact Industrial and 470 acres of Light Impact Industrial land. The zoning does not allow for residential uses so there is not a population allocation. In order to preserve the land supply, opportunities for industry to locate in the area and potential employment opportunities the proposal utilizes the Berk Report high employment projection. The existing UGA can accommodate about 61 more jobs than allocated over the planning period. That capacity for jobs would exceed the proposed allocation by about 6.8%, therefore the industrial land supply would be sufficient to accommodate the job growth over the planning period.

**Non-UGA Presentation**

Gary Davis gave an overview of the Non-UGA proposal. The area includes: the LAMIRDS, Rural Neighborhoods, Rural and Resource lands. The current comprehensive plans allocation of county-wide population growth is: UGA’s 85% and non-UGAs 15%. Historically trends show: from 1990-2000 the ratio was 71% to 29%; 2000-2010 was 76% to 24% and 2008-2012 is at 80% to 20%. Over the last 5 years OFM has estimated that about 20% of the county’s growth has happened in the non-UGA areas. The proportion of growth in the non-UGA area has been going down. Regarding employment the Berk Report shows about 86% of the jobs in the UGA and 14% of the jobs in the non-UGA areas during the timeframe of 1990-2000. Because the cities are proposing using the high numbers this leaves a smaller percentage going to the non-UGA areas. The options to deal with this are to make countywide growth projection larger or not allocate the amount of growth requested in UGAs. The county is proposing three alternatives to make the overall amount larger and keep the UGA proposals as they are. Alternative 1 is to propose county total population growth of 74,000 with 13.5% of the population in the non-UGA. Alternative 2 is to propose county total population growth of 75,250 with 15% of the population in the non-UGA. Alternative 3 is to propose county total population growth of 78,000 with 18% of the population in the non-UGA. Regarding employment the county is again proposing three alternatives: Alternative 1 is to propose a county total employment growth projection of 35,505 with 7% going to the non-UGA. Alternative 2 is to propose a county total employment growth projection of 36,219 with 9% going to the non-UGA. Alternative 3 is to propose a county total employment growth projection of 36,987 with 11% going to the non-UGA.

Commissioner Rainey asked if agricultural employees counted in the proposals. Gary stated they are. Commissioner Bell asked, with the past shrinking of the UGAs has that skewed the data?
Gary stated the in the Berk Report the geography was held constant using the current UGA boundaries so that type of problem could be avoided.

The hearing was opened to the public.

John Lesow, Whatcom County: Submitted into the record a report by Dr. John McLaughlin regarding the population and employment growth forecasts. Mr. Lesow suggested the commission consider this report. Dr. McLaughlin points out that in the Berk and OFM projections migration accounts for 75% of our population growth. In 20 years it will account for nearly 100%. Therefore we shouldn’t base important land use decisions on trends that are characterized by wide swings in migration. In the time period from 2004-2007 the Whatcom County real estate market was appreciating rapidly, fueled in part by migration whose home prices were significantly higher than ours. That rally was short lived. In the technical memo it states: the average annual growth rate between 2008 and 2013 was .8% which is an all-time low. He thinks the days of people, in other states, selling their expensive homes and moving here are over. Therefore, the past population trends will not continue. Blaine has invested substantially in infrastructure based on plans to serve a growing population. The city can no longer support this. By contrast, in 2003, Skagit County adopted a population target of 149,000 people by the year 2025. This was the result of recommendations by a technical panel of county and city planners. The adopted number was half way between the low and medium OFM projections. Most cities in Skagit County, unlike Whatcom County, chose the medium or low projections. Now, nearly 10 years later Skagit County is nearly spot on with these reasonable and accurate population numbers.

Chet Dow, Whatcom County: Short of imposing a completed planned and controlled population he doesn’t know how this figure can be arrived at as precisely as we hear. When the legislature adopted RCW 36.70A they intended to recognize the importance of rural lands and rural character. They also intended in defining its rural element a county should develop a local vision of rural character that will help preserve rural based economies and traditional rural lifestyles. The state defines rural character as patterns of land use and development established by a county in the rural element of its comprehensive plan that foster traditional rural lifestyles and to live and work in rural areas. He wanted to highlight the legislature’s intent to protect traditional rural lifestyles. Small acreage, in a rural setting, has been a part of the traditional rural lifestyle in Whatcom County for nearly a century and should remain a major criterion for defining rural character. R5A zoning does not necessarily define urban sprawl.

Perry Eskridge, Whatcom County: Representing the Whatcom County Association of Realtors. The planners do a lot of hard work and they are sincere in their actions. However, they may not be backed by individuals that have the political will to follow through on their recommendations. Bellingham has said it will take the higher growth if the county stops the growth in the rural areas. You can’t ignore the market. Bellingham is relying very heavily on its urban villages. These include housing types (condominiums) that are now difficult to build, finance and sell. He submitted into the record the recent community preference survey. The survey shows that the overwhelming demand is for single family detached homes. People want smaller lots and shorter commute time. They will go where they have to in order to find this. Bellingham does not have the land for
these homes. He doesn’t know if there is the political will to put the land there. They are
taking away land for single family housing to use for stormwater, parks, etc. This is going
in the wrong direction. In 2006 Whatcom County adopted a higher growth rate in a failed
effort to reduce the growth rate in the rural areas.

Commissioner Luke asked if Mr. Eskridge knew anyone in the lending industry that would
give testimony regarding financing of condominiums.

Mr. Eskridge stated he will try to find someone.

Commissioner Bell asked the rationale behind lending institutions not lending to buyers of
condominium units.

Mr. Eskridge stated there has been a history of litigation against the developers of the
condominiums for shoddy workmanship. The perception is that if the fixes aren’t done this
will lower the value of the asset. There is also the lack of participation in homeowner
associations which results in less money to keep the condominium well kept.

Linda Twitchell, Whatcom County: Representing the Building Industry Association of
Whatcom County. She believes the small cities are making excellent cases given what she
knows of those cities. Building for single family homes has been in areas other than
Bellingham. Siting statistics, most people prefer a 20 minute or under commute which can
get you from almost all of the smaller cities to your job in Bellingham. There has been the
push for Bellingham to take 50% of the growth if they are to be serious about being the
urban center. She agrees with the attempts made by their planning department but the
council members feel differently. She agreed with Mr. Eskridge’s comments regarding
Bellingham removing land for development. Statistics show 67% of Americans favor single
family homes. The goal in Bellingham is just about the opposite with a goal of multi-family
for almost that same percentage. The market determines where people will go. Living in
the rural area of the county on 5 acres is part of our rural character, is appropriate, is not
sprawl and not a threat to the cities. Bellingham needs to take action to be the urban
center and welcome growth.

Clayton Petree, Whatcom County: Page 5 of the Berk Report states: “Ever since the
1970’s Whatcom County population has grown at a faster rate than the state.” The OFM
believes the state population growth is rebounding. The commission should ensure that
the county plan adequately now for what is occurring with the state population. The OFM
mid projection has always been lower than the actual growth in the county. You should
question why the county has always selected a number lower than what actually happens.
A data driven recommendation would calculate out how much lower the projections have
been and adjust based on Whatcom County’s experience. This would likely correlate well
with the population and employment requests by the cities. The Berk Report ignores some
things. For example, the GMA wasn’t started here until 1995. It is not a great report. He
does not see any reason to support the reduced labor participation suggested in the
report. At least go with what was used before. If the county wants to minimize sprawl and
capture growth in the cities we have to plan to achieve that goal. Bellingham has not done
this well at various times. The commission should recommend that Whatcom County
create a demand analysis or simply use existing recent data, such as the November 2013
Regular Meeting

Communities Preference Report. The report states that people migrating here desire condominiums or apartments are 14%; townhomes or duplexes is about 20% and detached housing is 79%. It also states that about 16% of people will choose to live in a rural area which is consistent with the number presented by the county. Part of the problem with Bellingham's capture rates is that they are planning for the opposite of the demand.

Kate Blystone, Whatcom County: Program Director for Re-Sources for Sustainable Communities. It is difficult to look at a map and recognize what is there and also think about what is on the ground. At Cherry Point the difference between map and reality are large. There are a few important industrial facilities there and some great jobs which they want to see preserved. However, most of the site is open. The reason for this is the industries require a buffer space, etc. It's largely vacant and full of important archeological sites and an aquatic reserve. When you look at adding 800 more jobs take into consideration the constraints on the site and is it an appropriate use of the site? Ask if the UGA should be as big as it. Will 800 jobs really happen there? Regarding the non-UGA areas the cities are choosing the high population projections which normally would be disturbing to her but the cities are trying to grow within their current UGAs which is very encouraging. The county now needs to do their part, which is to choose a population projection that is appropriate. We don't want to encourage growth where it's not supported by appropriate infrastructure. This is not to say they want to stop all growth in the rural areas. She recommended to the commission a book titled "The End of the Suburbs, Where the American Dream is Moving". The book is based on research which shows trends.

Commissioner Bell asked if Ms. Blystone had concerns about the supply and demand in Bellingham.

Ms. Blystone stated she is concerned. She thinks Bellingham will look at more single family development on smaller lots. This is the trend for the younger generation.

Rollin Harper, Whatcom County: City Planner for Everson, Nooksack and Sumas. He looked at the proposals for the non-UGA areas and there is clearly a trend shifting growth from the rural to urban areas. Looking at the last 20 years the numbers he came up with were in between the county's alternative number 2 and 3. He then looked at the Berk Report and the Berk low number is right in the area of his calculations. He suggested the county go with the Berk Report low for the non-UGA areas.

Cal Leenstra, Whatcom County: He has 100 undeveloped acres located next to Wade King School on Yew Street Road. The expected growth has not occurred in that area, except for the South Hills development. His property borders South Hills; another development, Wildflower; borders the Bellingham city limits; and the school. His property is surrounded by park land. The property has water and sewer to it and has easy access to Yew Street Road and I-5. It meets all the requirements and desires people have been speaking about. When Bellingham made their presentation they forgot that this is an area where growth could occur.

Commissioner Bell asked if this property was once in the UGA.
Mr. Leenstra stated it was in the UGA and taken out a few years ago for no good reason.

Bob Carmichael, Whatcom County: Some of the things people think about when they
choose to move to an area is the climate, schools, family, recreation opportunities, etc.
Not many people decide to go look at comprehensive plans or zoning documents. He
thinks people will be coming to Whatcom County for years to come, based on the
advantages we have in the county, so we need to plan properly. There will be a demand
for single family housing. He believes Bellingham is too big and too important to give up
on. All of the recommendations from the cities were reasonable. In order to move forward
Bellingham needs to have the high end of the growth range. Back in 2006 they projected
50% of the growth would go to Bellingham. A Berk Housing Report states: Whatcom
County median home prices are about the same as Snohomish County and only trail King
County; since 2010 the only two counties with affordability index values below 80 are
King and Whatcom County; it is more challenging to become a first time home buyer in
Whatcom County than in Seattle during the last two years. This is countywide so imagine
how difficult it is to buy a home in Bellingham. Something has to change. He thinks the
Bellingham planners have the right approach and eventually the politicians will agree. His
client, Caitac, has development in Cordata where homes are selling. They are affordable
homes on smaller lots.

Commissioner Onkels asked if Caitac will be paying for the extension of the Aldrich Road
connector.

Mr. Carmichael stated they may if they get some help by the area coming into the UGA.
Also Cordata Parkway has been extended part way and they hope to extend it to the
Bellingham City limits.

Greg Brown, Whatcom County: The presentations done by the small cities and the work
they want to do is encouraging. He didn’t hear Bellingham planning for anything. It’s the
same thing we have heard before and nothing changes. There are a lot of empty buildings
in Bellingham. They did a presentation with no future. His choice would be that
Bellingham would not get anything until they put a moratorium on parks and did some
something with the marina. Help the small cities grow.

Commissioner Teigrob moved to keep the oral and written record open through the next
meeting on January 9, 2014. Commissioner Rainey seconded. The motion carried.

The meeting was adjourned at 9:50 p.m.

Minutes prepared by B. Boxx.

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

______________________________  ___________________________
Michelle Luke, Chair                J.E. "Sam" Ryan, Secretary
Public Hearing

Population and employment projections associated with the periodic update of the Whatcom County Comprehensive Plan and the urban growth area review, which are both required by the Growth Management Act under RCW 36.70A.130. The update must be completed by June 2016.

Mark Personius reminded the commission the numbers they recommend this evening are preliminary. This will give the county and city planning staffs a starting point for their planning of the growth, employment, UGA boundaries, capital facilities, etc. The Environmental Impact Statement (EIS) that the county will be working on will get into more detail.

Matt Aamot stated the commission had received preliminary draft findings which he added to. If the commission recommended changing numbers the findings would need to be changed.

The City of Blaine contacted PDS indicating there was an error in their initial population and employment projections. Matt gave the commission the new figures.

Staff has developed a spreadsheet with all of the proposals submitted by the cities and county. This spreadsheet can show the commission the impact of different numbers it might choose.

Gary Davis showed the commission the changes to the population and employment numbers based on the corrections made by the City of Blaine.

The hearing was opened to the public.

Perry Eskridge, Whatcom County: Government Affairs Director for the Whatcom County Association of Realtors: At the previous Planning Commission meeting some members asked him to find someone from the lending industry to give testimony regarding financing of condominiums (condos). He distributed a packet of information regarding condos. The lenders he spoke with stated they do not do lending on condos. It is not worth it to them to do it. He did find out that People’s Bank does condo financing. He spoke with one of their representatives regarding a portfolio loan program. The representative stated this is an in-house loan, done locally, not insured and they use private financing. This type of loan is much more expensive, several percentage points higher than a normal loan. They don’t even look at financing them unless they are $300,000 or up. They also look at if the condo unit could be approved by FHA who has a long list of guidelines.

Jon Soine, Whatcom County: Managing Director of Windermere Real Estate and Former Vice-President of Government Affairs for Washington Realtors. He stated that condo rules are in the process of changing so new rules will take effect soon. For years Washington realtors have lobbied for choices. There are different housing needs at different times in people’s lives. Recently he listed a condo which is a top floor, 2 bedroom, 2 bath unit, marble countertops and deluxe appliances. The current owner bought it 8 years ago for
$198,657. It is now professionally decorated and furnished for an additional $20,000. He now has it on the market for $178,000 and will be lucky to get within $25,000 of that. One of the problems is banks won't finance it. One will consider a buyer if they have at least a 720 credit score and a minimum of 25% down. The interest rate will be in excess of 5 1/2 %. One of the problems is the condo is 60% renter occupied so it will not qualify for any government programs. The condo fees have been raised to $480 a month. A buyer can buy a single family home for a lower monthly payment. Condos are not affordable housing. They are expensive to finance and in almost all cases require special financing.

Commissioner Bell asked if the financing issue will be resolved in the future.

Mr. Soine stated that may be possible but he has seen these same regulations for years.

Yoshe Revelle, Whatcom County: Regarding financing, the college he went to would not build anything unless it could pay cash for it. There is wisdom in that. For those that are spiritual Leviticus equates taking of interest with stealing. He thinks it leads to trouble when we talk of financing things. What we are saying is we want to go faster than is really wise. There is a oneness to all of this which we can get caught in the details of. There was an article in the newspaper that morning regarding the dying of life in Bellingham Bay. We are connected to that. If we are not planning wisely and living simply we kill our environment and us. It is only through simple living that we and our children are going to have good and healthy lives. When he looks at a problem he asks how he can make a difference. In all of his studies he has seen living a vegan lifestyle is not only healthy for him but for the environment and the people around him. He encouraged everyone to make changes in their lives.

Nina Denson, Whatcom County: A Re-Max agent. She has two clients looking at a condo project. The first one could not get financing and the second one was a father buying it for his daughter. He was paying cash but when he looked at the situation he backed away because he didn't consider it a good investment. She has a client who has a condo on Barkley Boulevard who went to three lenders who all turned him down because it was a 4 unit condo complex and 3 of them were rented out so no lender would touch it. He ended up at People's Bank with a portfolio loan which cost him another $10,000. If the condo project is not FHA approved at the beginning they can't go back and get it, so that takes away all of the first time homebuyers. There is more than just the lending. There is also the management of the homeowner association. The banks look at the assets, the maintenance schedule, reserves, assessments and percentage of owner occupied units. Her clients almost always want a single family residence. They may start out in a condo but sell it for a home later.

J. Cline, Whatcom County: Stated that capital is for us to pay our bills, save money, to retire comfortably, own homes and to possibly allow our children to have an education. The capital at Cherry Point has been related to the proposed coal terminal and recently Goldman-Sachs sold their shares which leaves the question of where are things going at Cherry Point. During the county's presentation at the last meeting the history went back only 25 years. The numbers have been adjusted to show zero population in a place of zero people and a place of zero value. The Lummi people have had a rich tradition there and a
right to the land which is guaranteed by federal law. Some people have different opinions to that as far as treaty rights, such as the Citizen’s Equal Rights Association, who have a lack of respect for the people that are living there and would like to own homes and retire comfortably. Reading from a website he stated: “The leaders of the Lummi Nation gathered with the community at Cherry Point to speak of the importance of working together to honor the ancestors and protect the cultural and natural heritage of Cherry Point. Many Lummi families trace their ancestry to ancient relatives of the area. It is our promise and duty to our ancestors, our elders and future generations to protect and preserve Cherry Point. The hereditary chief of the Lummi Nation stated Cherry Point is home of the ancient ones. Our ancestors are still there.” This should be taken into consideration before digging into Cherry Point and facing litigation once again. “Cherry Point was the first site in Washington State to be listed on the Washington Heritage Register and is eligible for the National Register of Historic Places. It is an important shellfish, herring and salmon fishery area. It was also the entry way from inland routes to the islands.” He would like reconsideration of the history of Cherry Point. Talk to the Lummi people and respect them as equals when deciding what to do when developing the land.

Terese VanAssche, Whatcom County: She would like to see more attention paid to development in the flood zones. Her concern is that elevating structures just puts more people in harm’s way. We need to remember past flood history. It is not being looked at enough when planning for multifamily development. These are also sensitive zones so buffers need to be respected. Slaughterhouses have been approved which is a recipe for conflict. People move out to those areas and don’t like the smell, etc.

Clayton Petree, Whatcom County: There were comments and questions brought up regarding Generation Y (Gen Y) at the last meeting which he addressed. There are 80 million Gen Y’s which is about 30% of today’s population. There are only about 75 million Baby Boomers. Both Gen Y and Gen X are the biggest renter groups to ever hit the market. They will continue to rent for years. There are serious shortages in the local rental market today. Gen Y is part of the reason. They value community and location over product type; they value urban lifestyle over ownership; many of them can’t afford a single family dwelling yet but they do plan to purchase a home in the future. The largest group of Gen Y is now starting to look at purchasing a home. They are looking for walkability and proximity to work and fun. Current market figures show 74% of people want a single family home and 26% prefer attached housing. It is important to look at the market preferences and match the housing supplies to them. Gen Y will pay more in housing to be located near work and play. 1/2 will trade lot size. 2/3 say living in a walkable community is important to them. There are a lot of things Bellingham can offer and they can change some of their zoning to help attract Gen Y. Bellingham has several urban villages planned and market research shows about 30% are interested in attached housing. About 13% are interested in apartments, 11% are interested in condos, and 10% are interested in town homes. Bellingham is not utilizing its URMX zoning.

Commissioner Honcoop asked if Mr. Petree sees a shift in what Gen Y will want as they get older.
Mr. Petree stated their preference will change. As they work longer their situation will change and allow them to buy.

Commissioner Honcoop asked if Mr. Petree sees a future generation wanting what we are planning for now.

Mr. Petree stated we need to keep track of what they want at each update. A demand analysis needs to be done each time the plan is changed.

Commissioner Rainey asked if Bellingham can accommodate the amount and type of growth expected.

Mr. Petree stated Bellingham will have to work through the process before it can be said it can or can’t. This needs to be a county wide effort.

Simi Jain, Whatcom County: Speaking on behalf of Larrabee Springs and Caitac USA. They support the high range population projection for Bellingham. Accommodating this growth will take some planning but it is possible. In the Caitac development the sales of homes are a good reflection of where people are buying and where new growth is being constructed and sold. In the past year 35 units were sold in Caitac’s reserve area. She showed the Commission a map showing where the sales are happening and where and what type of future development will take place. She stated this area does allow Bellingham to expand which has been debated.

Jeannie Peters, Whatcom County: Asked if the commission considered the recent news about conditions in Bellingham Bay. She would like to know that people in Whatcom County and the state know what is being dumped in the ocean. She was recently in Japan and stated there was 4 tons of radioactive waste dumped in the ocean. This has been going on for the last 2 years. Population and employment projections will not matter if food is not sustainable. We need to encourage Japan to take care of its radioactive waste.

Aubrey Stargill, Whatcom County: Reminded the commission that when considering future allocations that it may not come to fruition for a variety of reasons, mostly political. Many of the people living in the areas that are supposed to get the infill protest it.

The hearing was closed.

Work Session

Commissioner Bell asked Greg Aucutt, City of Bellingham Planning Department, his opinion on the testimony.

Mr. Aucutt stated they realize the challenges. They did a lot of work to come up with those recommendations and understand the concerns people have. They recognize there is a market for multi-family housing. There are currently very low vacancy rates. If the commission believes that the number for Bellingham should be lower than what was recommended they can provide an option. The Bellingham City Council felt strongly that the OFM medium was the most likely to occur. If we believe that is true then the total
countywide growth would be 68,000. Take that number, subtract out the allocations the
small cities have asked for, subtract out what is appropriate for the rural areas, then give
the rest of the allocation to Bellingham.

Commissioner Onkels stated it would be presumptuous of the commission to suggest
changes to Bellingham’s numbers since Bellingham knows best what it is likely to
accommodate. Perhaps the commission should recommend Alternative 2 (County Total
population of 74,781; Non-UGA Total 11,217 (15%)). This would leave Bellingham to sort
through the process. He hopes the political climate in Bellingham would support that
effort.

Commissioner Honcoop stated that he fears Bellingham won’t do what it needs to do
which will impact the smaller cities.

Commissioner Bell stated this may be arbitrary. It should be an official proposal from the
city.

Mr. Aucutt stated it was an official proposal the mayor and council would support,
provided that the allocation that is set for the rural areas is something less than what has
been happening. They share the goal of reducing that growth.

Commissioner Bell asked if expansion of the UGA was a possibility.

Mr. Aucutt stated it was one of the options they will be looking at.

**Commissioner Onkels moved to recommend the population growth and**
**employment growth allocations from the cities and UGAs for 2013-2036 as**
**requested and as shown on Exhibit A, and to recommend the non-UGA**
**Alternative 2 proposal from Whatcom County PDS for population allocation of**
**11,217 or 15% and the non-UGA employment allocation Alternative 2 proposal**
**of 3,201 or 8.8% together with the staff’s findings and conclusions.**

Commissioner Onkels stated that additional findings could be: 1. Alternative 2 would
allocate 15% of countywide growth to the Non-UGA area, consistent with the current
comprehensive plan proportion and increase the countywide projection to 74,781 (10.5% above
the OFM medium of 68,111). 2. Alternative 2 for employment growth is equal to
the Berk low projection.

**Commissioner Teigrob seconded the motion.**

Commissioner Onkels supported his motion by stating the small cities made persuasive
presentations, especially the City of Ferndale.

Commissioner Rainey shared the concerns of building in the flood zone. There is going to
be a substantial increase in the cost of flood insurance. He has seen what flooding can do.
He thinks the economy will help suppress growth in the county. He supports the proposal
of 15% growth in the rural areas.
Commissioner Bell asked Jori Burnett (City of Ferndale Planning) if they calculated the proposed jail and proposed development along Slater Road in their projections.

Mr. Burnett stated he did not think they did because there had not been a formal proposal when the calculations were done.

Commissioner Bell felt that Ferndale will receive a large amount of growth. Is Ferndale comfortable with their proposal?

Mr. Burnett stated they have the ability and land to densify. They don’t expect a lot of it to take place in the floodplain. The biggest impact will be on their water and sewer capacity which they are already examining. They are welcome to more development than what they propose.

Commissioner Teigrob spoke in favor of the motion. She was impressed with the presentations from the cities. The proposal is a good middle ground.

Commissioner Rainey stated it is not cheap to mitigate building in the flood areas.

Mr. Burnett agreed.

Commissioner Bell asked with the political climate Ferndale has, will they welcome more than their share of the growth?

Mr. Burnett stated they will accept more growth if it is positively done.

Commissioner Onkels read from a handout, from the City of Ferndale, stating how they can save fees by working with the city ahead of the permitting.

Staff entered the proposed numbers into the spreadsheet in order for the commission to see what effect they would have.

Commissioner Vekved stated if this is passed it should be noted that the Bellingham number exceeded their present supply by 33%. This is well in excess of everyone else. Bellingham has the responsibility of managing that and their recent track record has not been good. All of the small cities have single and multi-family that was in line with some of the numbers of what is desired. Bellingham was backwards. If Bellingham expects to satisfy their obligation then they must do something to increase their land supply. They are the only ones whose projections don’t line up with their recent action.

Commissioner Honcoop asked staff what the potential is for reaching the proposed 15% growth in the rural areas.

Gary Davis stated that with the rural element changes some density potential was removed. That alone will account for some reduction. What happens in the non-UGA areas may be dictated, by a great extent, by what happens in the UGAs.

Commissioner Honcoop asked what the impact would be if the county total was raised.
Gary stated for the cities that have requested a fairly high allocation over the next few years they would be doing the work to find out how to make it happen.

Commissioner Onkels stated that something that suggests the 15% goal is reachable is that the county has downzoned 16,000 acres.

Gary clarified that the county did not downzone 16,000 acres. That was the amount of acreage looked at but only a portion of that was downzoned and a portion stayed in LAMIRDs.

Commissioner Bell stated that in the big picture there was 911 in 2001 which depressed housing and development. In 2008 there was the recession which depressed housing and brought the numbers down. At some point there won’t be those types of occurrences and there will be increased growth. The projections all assume there will be a downward trend but there were major incidents that created that trend. We need to be aware of that. The other thing is the City of Bellingham has made it very expensive to build a house. They have made it more difficult to permit housing in desirable areas. This concerned him. If they miss their goal by even 10% that 10% will have to go elsewhere. None of the other cities can pay for the infrastructure like Bellingham can.

The commission reviewed the alternative numbers proposed by the City of Bellingham.

Commissioner Teigrob stated she was not comfortable with changing the numbers at this point.

Commissioner Bell agreed with Commissioner Teigrob.

Commissioner Onkels felt the commission should not change the numbers for Bellingham at this point. They should work through the numbers they presented.

Commissioner Vekved commented on a letter from the City of Ferndale regarding freeway access and how it would relate to increasing business. Ferndale got the information from the Bellingham Planning Department. The information did not seem well thought out. The commission should be skeptical of Bellingham’s claims.

Commissioner Luke asked if during the next phase of this process any city finds that it is unable to plan for the preliminary number then what is the next step?

Mark stated the commission recommendation will go to a joint meeting of the elected officials. It will then go to the non-binding resolution votes by the county and city councils. Once the numbers have been agreed on staff will then start the EIS process, which will take a year or so. That is when the numbers will be examined to see if they are feasible. There may be changes in numbers, UGAs, etc. After that process it will come back to the commission and council for final action.

Commissioner Honcoop supported the motion. It will provide an opportunity for Bellingham to show what they can do.
Commissioner Onkels asked if when going through this process will the county be more focused on the 15% number than it would be on non-UGA population increase.

Mark stated the county will be looking at its rural growth policy which is based on a discreet number which is monitored.

Roll Call Vote on motion to: Commissioner Onkels moved to recommend the population growth and employment growth allocations from the cities and UGAs for 2013-2036 as requested and as shown on Exhibit A, and to recommend the non-UGA Alternative 2 proposal from Whatcom County PDS for population allocation of 11,217 or 15% and the non-UGA employment allocation Alternative 2 proposal of 3,201 or 8.8% together with the staff’s findings and conclusions.

Ayes – Bell, Erickson, Honcoop, Luke, Onkels, Rainey, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Elenbaas. The motion carried.

The meeting was adjourned at 8:40 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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<td>Executive: Jack Louws</td>
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JAN 21 2014
WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:
Ordinance to adopt the 2012 editions of the International Codes, and the 2012 Uniform Plumbing Code, consistent with State law and including WA State and Whatcom County Amendments to the Codes.

ATTACHMENTS:
Cover sheet, Ordinance and signature page

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.)

An ordinance to update and revise WCC Chapter 15 and adopt the 2012 editions of the International Codes published by the International Code Council, the Uniform Plumbing Code, consistent with Washington State law, also including the Washington State and Whatcom County Amendments to the 2012 International Codes. In accordance with Washington State law, the adopted codes are to be effective July 1, 2013.

This ordinance adopts the 2012 editions of the IBC, IRC, IFC, IMC, IFGC, UPC, referenced standards, all Washington State Amendments to the adopted codes and all Whatcom County Amendments to the adopted codes for administration, appendices and enforcement, as set forth in WCC Chapter 15.

COMMITTEE ACTION:
7/23/2013: Staff report presented, but not discussed. Referred to Planning Committee at a later date.
12/10/2013: Held in Committee

COUNCIL ACTION:

Related County Contract #: | Related File Numbers: | Ordinance or Resolution Number:
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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.
ORDINANCE NO. _________
An Ordinance adopting the Current State Building Code and Repealing the Existing Title 15 of the Whatcom County Code

Whereas, the Whatcom County Council held a public hearing on ______, 2013 to review staff findings and recommendations, and to consider any public testimony and written correspondence regarding Whatcom County Code Title 15, Buildings and Construction; and

Whereas, chapter 19.27 RCW requires Whatcom County to administer and enforce the State Building Code in the unincorporated areas within its boundaries; and

Whereas, the purpose of these codes is to promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the provision of building codes in Whatcom County; and

Whereas, RCW 19.27.040 allows local jurisdictions to adopt appropriate amendments to the State Building Code; and

Whereas, modifications and/or amendments to the State Building Code as it applies to Whatcom County are desirable for various reasons; and

Whereas, the State Building Code Council requires adoption of the 2012 edition of these International Codes; the 2012 edition of the Uniform Plumbing Code; the 2012 edition of the State of Washington Energy Codes; and the 2012 editions of the State of Washington Amendments and other referenced codes, with further Whatcom County amendments, by July 1, 2013;
NOW, THEREFORE, BE IT HEREBY ORDAINED that:

Section 1. Title 15 of the Whatcom County Code is repealed in its entirety:

Section 2. A new Title 15 is hereby adopted as shown in Exhibit A to this Ordinance.

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:

Dana Brown-Davis, Council Clerk

Chairperson

APPROVED as to form:

( ) Approved   ( ) Denied

Civil Deputy Prosecutor

Jack Louws, Executive

Date: _________________
Date: January 10, 2014

To: Whatcom County Council, Planning & Development Committee

Through: J.E. “Sam” Ryan, Director

From: Wain Harrison, Manager Building Services/Deputy Fire Marshal

Subject: Ordinance to revise and update WCC Title 15

This ordinance proposal revises Whatcom County Code (WCC) Chapter 15 to adopt, at a County level, the 2012 editions of the codes adopted by the Washington State Building Code Council (SBCC) pursuant to Chapters 19.27 and 70.92 RCW. The codes are revised and updated on a 3-year cycle. Once they are published the SBCC reviews them and submits amendment recommendations to the State Legislature to adopt.

Local jurisdictions are allowed and encouraged to amend and modify the administrative chapters of the various code editions. They also have the option to adopt and amend appendix chapters of the code. This ordinance proposal for the revision of WCC Chapter 15 includes the amendments and modifications recommended by Planning & Development Services. The most significant changes throughout the draft chapter have been highlighted in color for Councilmember identification.

To date, staff has met with the P&D Committee twice. The first meeting, 7/23/2013, involved a brief introduction to some of the proposed changes. The second meeting, 12/10/2013, included a more detailed review and discussion of the proposed changes. That review and discussion resulted in a majority of the proposed changes receiving acceptance by the committee with recommendation for approval by Council. Those changes are indicated in gray highlight and included for reference by any new P&D Committee members.

Several significant items remain for additional consideration. They are all within Section 15.04.040 of the proposed ordinance. The sections are itemized in this cover letter. I have intentionally listed them out of sequence for discussion purposes. The issues within the sections to be considered are highlighted in yellow in the body of the proposed ordinance and within the additional exhibits included for comparison and reference.
Section 15.04.040, A, Item #12, Subsection (d) (3):

This section delineates minimum fire flow rate and duration for buildings other than one- and two-family dwellings and Group U buildings. A discrepancy was pointed out by Gary Honcoop, a Planning Commissioner and member of the BIAWC review committee. Staff agrees with Mr. Honcoop and thanks him for his attention to detail. The section was unclear in its intention. It sets a minimum flow rate of 1500 gpm for certain occupancies with relatively intensive occupant loads not recognizing that the fire flow table proposed by staff allows lower flow rates for these occupancies below certain square foot limits. Language has been added to rectify this and to recognize that the lower flow rates indicated on the table for smaller buildings apply. See Exhibit A.

Section 15.04.040, A, Item #12, Subsection (d) (2):

This section delineates minimum fire flow rate and duration for agricultural processing buildings (Group U). It sets a minimum flow rate of 500 gpm @ 20 psi of a duration of 1 hour. Exception criteria are included to establish when fire flow is not required. Exception #3 states that the building is provided with an NFPA 13 automatic sprinkler system plus an additional 500 gpm @ 20 psi for 1 hour. The additional 500 gpm is intended and designed to provide an available hose stream supply for emergency responders when they arrive at the scene.

Mr. Honcoop, with the support of Council Member Mann, proposes the additional 500 gpm be reduced to 250 gpm, a 50% reduction. The Fire Marshal’s office strongly recommends against this reduction. It is too drastic and potentially puts emergency responders at risk. See Exhibit A.

Mr. Honcoop assumes that a typical fire hose would pull less than 100 gpm per hose, although he does not specify what hose size nor does he specify how many hoses would be needed. We provide the following example, in very simplified terms, for some perspective:

- A typical residential structure fire would require 2 to 3 - 1.75 inch hoses, each drawing approximately 150 gpm.
- A 10,000 sf, Type VB construction, Ag processing building or storage warehouse would generate a firefighter attack of a minimum of 3 - 2.5 inch hoses, each drawing a minimum of 250 gpm for a total draw of 750 gpm. 500 gpm per 1 hour is 30,000 gallons divided by 750 gpm is approximately 40 minutes of storage capacity. A 50% reduction proposed by Mr. Honcoop drops that to an approximate 20 minute storage capacity.

20 minutes of capacity is not enough time to mount a significant defense and adequately protect the responders. It is significantly deficient if there is a suspicion of tenable life within the building. In that case, 40 minutes of supply would barely be sufficient. Also, as the building size increases, or the hazard or combustibility of the building contents increases the number of hoses needed increases. We strongly recommend the minimum additional available storage remain at 500 gpm and wish to go on record that further reductions potentially puts emergency responders at risk.
Section 15.04.040, A, Item #12, Subsection (d), Table B105.1:

Table B105.1 in the International Fire Code (IFC), Appendix B, is the basic table to determine fire flow rates for a given building or project. The table is broken down by the different types of construction identified in the International Building Code (IBC) and by square foot area of the building. Based on construction type and area the building is assigned a basic number of gallons per minute and a duration of time for that volume of fire water to be available. Staff has proposed a modest adjustment to the table which reduces the basic amount of gpm and duration. We have also proposed a number of adjustment tables and credits to further reduce the amount of fire flow required. This model is similar to and supported by models in Pierce, Kitsap, and Yakima Counties.

Former Council Member Knutzen proposed to take the table adjusted by staff and reduce the basic fire flow amount further by lowering the required duration of time for fire water to be available. See Exhibit B. This proposal was approved by the P&D Committee by a vote of 2-1. We are asking that this proposal be reconsidered by the new committee. We strongly recommend that the committee accept the table proposed by staff. We think such substantial reductions potentially put building occupants and emergency responders at risk and we are unaware of any other jurisdiction in the State that has sanctioned such substantial reductions.
EXHIBIT A

Chapter 15.04
BUILDING CODES

Sections:
15.04.010 Adoption of referenced codes.
15.04.015 Department of Building Safety.
15.04.020 Amendments to the International Building Code.
15.04.030 Amendments to the International Residential Code.
15.04.040 Amendments to the International Fire Code.
15.04.050 Permit expirations and violations of the above referenced codes.

15.04.010 Adoption of referenced codes.

Whatcom County hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27 and 70.92 or successor, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties.

A. The 2012 International Building Code, including the 2012 International Existing Building Code; Appendix B, except as amended per Ordinance #2007-024, Board of Appeals; and including Appendices C, E and J, as published by the International Code Council, hereinafter referred to as the IBC, as modified by Chapter 51-50 WAC or successor, and as amended in WCC 15.04.015, 15.04.020 and 15.04.050 is hereby adopted by reference.

B. The 2012 International Residential Code, including Appendix E, G, and K, as published by the International Code Council, hereinafter referred to as the IRC, and as modified by Chapter 51-51 WAC or successor and as amended in WCC 15.04.030 and in 15.04.050, is hereby adopted by reference with the following additions, deletions and exceptions: Provided that Chapters 11 and 25-42 of this code are not adopted.

C. The 2012 International Fire Code, including Appendices A, B, C, and D and latest supplements, as published by the International Code Council, hereinafter referred to as the IFC, as modified by Chapter 51-54A WAC or successor, and as amended in WCC 15.04.040 and 15.04.050.

D. The 2012 International Mechanical Code, including Appendix A, as published by the International Code Council, hereinafter referred to as the IMC, as modified by Chapter 51-52 WAC and as amended by WCC 15.04.050 or successor.
E. The 2012 International Fuel Gas Code, as published by the International Code Council, hereinafter referred to as the IFGC, as modified by Chapter 51-52 WAC and as amended by WCC 15.04.050 or successor.


G. Except as provided in RCW 19.27.170, the 2012 Uniform Plumbing Code, Uniform Plumbing Code Standards (IAPMO/ANSI UPC 1-2012), and including Appendix A, B, C and I, as published by the International Association of Plumbing and Mechanical Officials, hereinafter referred to as the UPC, as modified by WAC 51-56 and as amended by WCC 15.04.050 or successor.


I. The 2012 Washington State Energy Code, per WAC Chapter 51-11C, Commercial Provision, 51-11R, Residential Provisions, and Appendix Chapters or successor, hereinafter referred to as the WSEC.


K. Design data for Whatcom County shall be per Section 15.04.030, Subsection D, item #1

15.04.015 Department of Building Safety

Section 103 is amended as follows:

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the Building Official. The Department of Building Safety is hereby referred to as the Building Services Division of the Whatcom County Planning and Development Services Department (WCPDS).

103.2 Appointment. The Department Director is the Building Official. The Director may appoint an alternate designee at his/her discretion.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plans examiners and
other employees. Such employees shall have powers as delegated by the Building Official.

15.04.020 Amendments to the International Building Code.

A. The IBC is amended as follows:

1. Section 104.1 is amended with the following additional language:

The Building Official defers to WCC Title 17, Flood Damage Prevention, and per associated requirements of the Endangered Species Act (ESA), to be administered by Public Works, River and Flood Division, for all matters related to flood review of building permits.

2. Section 105.1, Required, is amended to include the following:

a. Commercial project proposals require pre-screening for a waiver (from pre-application meeting) or a pre-application meeting prior to permit application submittal. Pre-screening may be waived at the discretion of the Building Official for minor projects such as simple signs, single unit small equipment foundations, and projects of similar minor scale and impact. Information and document submittals for the purposes of waiver or pre-application are not intended to meet the standard for a complete permit application and do not constitute project vesting. However, information, requirements and conditions received by the applicant(s) and/or their agents or consultants for a given project proposal, as part of the waiver or pre-application process, will be considered vested, regardless of change of adopted codes or regulations, if a complete permit application is received within 30 consecutive days from the date of waiver or pre-application meeting. Such information, requirements and conditions are not intended or represented as a complete or comprehensive list of project requirements. Significant changes in the scope of a project proposal may require additional screening for another waiver or pre-application meeting.

b. Whatcom County (the County) may require that a covenant or agreement be recorded against the deed(s) applicable to the location and/or operation of a given project to inform future property owners of the current restrictions or approved land uses. The County may draft the covenant or agreement upon whatever terms the County in its discretion deems proper.

c. A coordinated master site plan (MSP), demonstrating consistency in the layout of the project proposal with all applicable regulatory requirements, is required to be submitted by the applicant and/or
project design professional in substantial charge prior to permit issuance. In general, a coordinated MSP will be required for projects exceeding a construction value of $200,000.00, but may be required for any project the Building Official deems necessary. County staff will review the site plan(s) in the application file for regulatory conflicts and discrepancies prior to plan check. County staff will notify the applicant and/or design professional of identified conflicts or discrepancies to be reconciled. The master site plan may be one page which incorporates all applicable regulatory review overlays when practical. It may also include multiple overlay pages for readability purposes provided they have been verified by County staff for regulatory consistency. Once the coordinated MSP has been reviewed and approved, application review processing will continue.

d. A state licensed contractor may obtain a permit, as required by the mechanical and plumbing codes, through mail-in applications for work not exceeding $10,000 valuation and not requiring plans and specifications and not in conflict with state or local zoning and environmental policies and with the prior approval of the building official.

e. The applicant shall fill out in full the forms furnished for that purpose, and attach thereto the full amount of moneys that are required for fees as required in the respective codes. The application shall contain all information necessary to the lawful enforcement of the provisions of the respective codes. The applicant shall file all forms with fees.

f. No person, firm, partnership, corporation or other entity shall perform work as provided herein until such time as they receive verification of approval of their application by the county building official and have been given written notice of a valid permit.

g. Any violation of this chapter shall be cause for the building official to revoke the mail-in applications privilege of the violator. Upon written notice of revocation, all provisions of the mechanical and plumbing codes superseded by this chapter shall resume in full force and effect as to the person or industrial plant whose application has been revoked.

3. Section 105.2, Work exempt from permit, is amended to read as follows:

a. One-story detached, non-occupied accessory structures without basements, used as tool and storage sheds, playhouses and similar uses, provided that 1.) The floor area does not exceed 120 square feet. [11 sq. m] 2.) Accessory structures maintain a minimum separation of 10 [ten] feet [3048 mm] between exterior walls, and a minimum separation of 8 [eight] feet [2438 mm] between eaves of
adjacent buildings on the same property and 3.) Provided that
accessory structures meet all applicable setback requirements.

b. Fences not over 7 feet (2134 mm) high.

c. Oil derricks.

d. Retaining walls that are not over 4 feet (1219 mm) in height
measured from the bottom of the footing to the top of the wall, unless
supporting surcharge or impounding Class I, II, or IIIA liquids.

e. Water tanks supported directly on grade if the capacity does not
exceed 5,000 gallons (18,925 L). And the ratio of height to diameter or
width does not exceed 2 to 1.

f. Sidewalks, walking surfaces, and driveways not more than 30 inches
(762 mm) above grade and not over any basement or story below and
are not part of an accessible route.

g. Painting, papering, tiling, carpeting, cabinets, counter tops and
similar finish work.

h. Temporary motion picture, television and theater stage sets and
scenery.

i. Prefabricated swimming pools installed entirely above-ground,
accessory to a Group R-3.

j. Shade cloth or soft cover structures constructed for nursery or
agricultural purposes and not including service systems.

k. Swings and other playground equipment.

l. Window awnings in Group R-3 and U occupancies. supported by an
exterior wall which do not project more than 54 inches (1372 mm) from
the exterior wall and do not require additional support.

m. Nonfixed and movable fixtures, cases, racks, counters and
partitions not over 5 feet 9 inches (1753 mm) in height.

n. Bridges, box culverts and similar passageway structures built over
depressions or obstacles, herein after referred to as bridges, are
structures and therefore not exempt per IBC Section 105.2, except
as interpreted and quantified in Building Services Division Code
Interpretation #2002-05. Bridges shall be designed and constructed
per the current adopted Whatcom County Development Standards
(WCDS), Chapter 5, Road Standards, Section 513, Bridges and
Associated Retaining Walls; and per applicable portions of IFC Section
503. Bridges constructed as a requirement or condition of subdivision
or short subdivision approval, per Whatcom County Land Division
Regulations. Title 21, and which receive final approval from the Public Works Technical Administrator, shall be deemed by the Building Official to have met the permit requirements per IBC Section 105. The Technical Administrator is designated as the County Engineer, per WCDS, Chapter 5, Road Standards, Section 502.

4. Section 105.3, Application for Permit, is amended to include the following:

To obtain the permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use and occupancy for which the proposed work is intended.

4. Be accompanied by construction documents and other information as required in Section 107.

5. State the valuation of the proposed work.

6. Be signed by the applicant, or the applicant's authorized agent.

7. Include signature by the applicant or the applicant's authorized agent of a statement for guarantee of fee payment. The statement must be signed in the presence of County staff or staff will provide a statement which includes verification of signature by a licensed notary public.

8. Provide verification of approval to connect to a public sewer system or a septic system installation permit issued by the Whatcom County Environmental Health Department for any permit application that requires sewage disposal. The approval to connect or issued septic system permit shall be specific to the project application.

9. Provide additional data and information in the designated sequence, as required by the Building Official.

5. Section 105.5, Expiration, is amended to include the following:
Land Disturbance permits issued for grading activity shall expire if work authorized is not commenced within 180 days of issuance unless a phased plan has been approved by the Technical Administrator. The Technical Administrator is authorized to grant one extension of 180 days if the request is submitted prior to expiration of the permit. The extension shall be requested in writing and justifiable cause(s) demonstrated. If the project is located within a water resource special management area and subject to seasonal clearing activity limitations the extension shall begin at the commencement of the construction season, pursuant to WCC 20.80.735.

Grading permits also expire and become invalid when the total approved volume has been placed into or excavated from the approved area.

6. Section 107.2 is amended to include the following:

Construction documents may be submitted in Standard English or Metric measurement. However, the Building Official may require, at his/her discretion, that the construction documents be converted by the applicant from/to either system of measurement, or require documents to include both systems of measurement prior to document submittal.

7. Section 109, Refunds, is amended to include the following policy:

The refund policy applies to the current editions and amends the respective Sections of the IBC, Section 109; IRC, Section R108.5; IFC, Section 113.5; IMC, Section 106.5.3; IFGC, Section 106.6.3; and UPC, Section 103.4.5, as adopted per WCC 15.04.010.

The Building Official may authorize refunding any fee hereunder which was erroneously paid or collected at 100%.

The Building Official may authorize refunding of not more than 80% of the fee paid for a building permit when no work has been done under a building permit issued in accordance with the current editions listed in this policy.

The Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a building permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

The Building Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

8. Section 113, Board of Appeals, is amended as follows:
Appeals related to grading activity, per Appendix J and as amended per Section 15.04.020, Subsection B, which include, are associated with in any way, or promulgated within any regulated critical areas, per WCC Chapter 16, are according to the provisions of WCC Sections 16.16.280 and 16.16.285 and shall be the decision of the Whatcom County Hearings Examiner.

B. Appendix J, Grading is amended as follows:

1. IBC Section 104.1 is amended per WCC 15.04.020, Subsection B, including an additional paragraph to read as follows:

   The Director of the Planning and Development Services Department or the Director’s designee also referred to herein as the Technical Administrator, is hereby authorized and directed to enforce the provisions of IBC Appendix J, Grading, including as amended in WCC Chapter 15, Section 15.04.020. The Technical Administrator shall have the authority to render interpretations of the amended Appendix and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of amended Appendix J. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in amended Appendix J.

2. The following definitions are added to Section J102.1:

   a. EARTH MATERIAL: Any rock, natural soil or any combination thereof.

   b. CRITICAL AREAS: The following areas as regulated under WCC 16.16 shall be regarded as critical areas along with associated buffers identified under WCC 16.16:

      i. Geologically hazardous areas.

      ii. Frequently flooded areas.

      iii. Critical aquifer recharge areas.

      iv. Wetlands.

      v. Fish and wildlife habitat conservation areas.

   c. ORDINARY HIGH WATER MARK: The mark on all lakes, rivers, streams and tidal water that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years, as
to mark upon the soil a character distinct from that of the abutting upland in respect to vegetation.

3. The following shall be added to Section J103.1:

Upon receipt of a fill and grade permit application on properties within 500 feet of a site known to contain archaeological resources that are outside of the Shoreline Management Program Jurisdiction (WCC Title 23) and/or the Point Roberts Special District (WCC 20.72), the County shall notify the applicant that the projects location is within an archaeologically sensitive area and Federal, State and Tribal Laws and Regulations pertaining to cultural resources may apply.

Grading permit expiration is per IBC Section 105.5 as amended.

4. The numbered exemption list of Section J103.2, Exemptions, is amended as follows:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties or critical areas and further provided that the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program (WCC Title 23) and fill does not exceed 250 cubic yards and is associated with a residence authorized by a valid building permit.

2. Excavation for construction of a structure permitted under this code provided that said construction has been duly reviewed for compliance with the Whatcom County Shoreline Management Program (WCC Title 23) and the Whatcom County Critical Areas Ordinance (WCC 16.16).

3. Cemetery graves

4. Refuse disposal sites controlled by and appropriately permitted in accordance with other regulations.

5. Excavations for wells or trenches for utilities provided the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program (WCC Title 23) and there are no adverse impacts to critical areas.

6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program (WCC Title 23) and such operations do not affect the lateral support of, or
significantly increase stresses in soil on adjoining properties, or adversely impact critical areas.

7. Exploratory excavations performed under the direction of a registered design professional provided that said excavations have been duly reviewed for compliance with the Whatcom County Shoreline Management Program (WCC Title 23) or critical areas ordinance.

8. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope) or less than 3 feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course or otherwise impact critical areas provided the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program.

9. Exemptions listed per WCC 20.80.733.

5. The following site plan requirements are added to J104.2:

a. In addition to the provisions of Section 107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code.

b. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

c. The plans shall show erosion control types and locations, natural features (slopes, streams, wetlands, ponds, etc.), forested or treed areas, ditches, culverts, wet areas, flow directions, critical area boundaries, the Ordinary High Water Mark (OHWM) of any water body regulated by the Whatcom County Shoreline Management Program and any other information deemed necessary by the Building Official.

6. J104.3, Geotechnical report, is amended as follows:

When required by the Technical Administrator, a geotechnical report prepared by a registered design professional shall be provided. The report shall contain at least the following:

1. The nature and distribution of existing soils;

2. Conclusions and recommendations for grading procedures;
3. Soils design criteria for any structures or embankments required to accomplish the proposed grading;

4. Where necessary, slope stability studies, and recommendations and conclusions regarding site geology; and

5. Unless approved by the Technical Administrator, a building permit shall not be issued on approved fills without an engineered soils report and proof of supervised, monitored placement by the registered design professional.

6. Additional information may be required at the discretion of the Technical Administrator.

7. The Technical Administrator may require a geotechnical report be prepared by a registered design professional to determine the quantity of unpermitted fill brought to a site without a valid permit, as required by this chapter.

   **Exception**: A geotechnical report is not required where the Technical Administrator determines that the nature of the work applied for is such that a report is not necessary.

7. Add the following as Section J104.5, Surface mining report:

   Grading permit plans associated with surface mining shall be consistent with a surface mining reclamation plan as required and approved by the Washington Department of Natural Resources.

   (Ord. 2004-064 § 2).

15.04.030 Amendments to the International Residential Code.

A. Section R105.1, Required, is amended as follows:

   Whatcom County (the County) may require that a covenant or agreement be recorded against the deed(s) applicable to the location and/or operation of a given project to inform future property owners of the current restrictions or approved land uses. The County may draft the covenant or agreement upon whatever terms the County in its discretion deems proper.

B. Section R105.2, Work exempt from permit, is amended to read as follows:
1. One-story detached, non-occupied, accessory structures without basements, used as tool and storage sheds, playhouses and similar uses, provided that 1.) The floor area does not exceed 200 sq. ft. [18.58 sq. m] and 2.) Provided that accessory structures meet all applicable setback requirements.

2. Fences not over 7 feet (2134 mm) high.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L). And the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks, walking surfaces, and driveways not more than 30 inches above grade and not over any basement or story below.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Above ground pre-fabricated pools.

8. Swings and other playground equipment.

9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

10. Uncovered decks not exceeding 200 square feet (18.58 sq. m) in area, that are no more than 30 inches (762 mm) above grade at any point, and do not serve the exit door required by Section R311.4.

C. R105.3, Application for permit, is amended to include the following:

To obtain the permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.

5. State the valuation of the proposed work.

6. Be signed by the applicant or the applicant's authorized agent.

7. Include signature by the applicant or the applicant's authorized agent of a statement for guarantee of fee payment. The statement must be signed in the presence of County staff or staff will provide a statement which includes verification of signature by a licensed notary public.

8. Provide verification of approval to connect to a public sewer system or a septic system installation permit issued by the Whatcom County Environmental Health Department for any permit application that requires sewage disposal. The approval to connect or issued system permit shall be specific to the project application.

9. Provide additional data and information in the designated sequence, as required by the Building Official.

D. Table R301.2 (1) Design Data for Whatcom County is amended as follows:

1. GROUND SNOW LOAD TABLE, JANUARY 1997.

<table>
<thead>
<tr>
<th>Whatcom County</th>
<th>Approx. Average Elevation</th>
<th>Revised Ground Snow Load</th>
<th>Revised Roof Snow Load</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acme</td>
<td>310</td>
<td>22</td>
<td>25</td>
</tr>
<tr>
<td>Bellingham</td>
<td>100</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Blaine</td>
<td>45</td>
<td>16</td>
<td>25</td>
</tr>
<tr>
<td>Deming</td>
<td>210</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>Diablo</td>
<td>910</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Ferndale</td>
<td>60</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Glacier</td>
<td>900</td>
<td>74</td>
<td>74</td>
</tr>
<tr>
<td>Lawrence</td>
<td>145</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>Lynden</td>
<td>103</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>Maple Falls</td>
<td>643</td>
<td>77</td>
<td>77</td>
</tr>
<tr>
<td>Mt. Baker Ski Area</td>
<td>4200</td>
<td>588</td>
<td>588</td>
</tr>
<tr>
<td>Location</td>
<td>Load</td>
<td>Snow Load</td>
<td>Wind Speed</td>
</tr>
<tr>
<td>--------------</td>
<td>------</td>
<td>-----------</td>
<td>------------</td>
</tr>
<tr>
<td>Newhalem</td>
<td>510</td>
<td>129</td>
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</tr>
<tr>
<td>Nooksack</td>
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<td>24</td>
<td>25</td>
</tr>
<tr>
<td>Sumas</td>
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<td>24</td>
<td>25</td>
</tr>
<tr>
<td>Wickersham</td>
<td>310</td>
<td>28</td>
<td>25</td>
</tr>
<tr>
<td>Kendall</td>
<td>460</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Paradise</td>
<td>460</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Pt. Roberts</td>
<td>120</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

Footnotes:

1. Any proposal can challenge the above design load with engineer or architect stamped and signed calculations and criteria.

Buildings where the roof snow load exceeds 30 psf may require architect or engineer review.

Recommendations are valid for the recognized central area of each regional designation. Building Services reserves the right to adjust the roof snow load based on building location and/or criteria per the 2012 IBC and/or the most current edition of the Snow Load Analysis for Washington.

2. Wind Speed (mph): IRC - 85 mph [Figure R301.2(4)B]; IBC Risk Category I - 100 mph [Figure 1609C]; IBC Risk Category II - 110 mph [Figure 1609A]; IBC Risk Category III and IV - 115 mph [Figure 1609B]

3. Seismic Design: Zone D, Design Category D (See IBC Section 1613 and/or ASCE 7)

4. Subject to Damage from Weathering: Moderate

5. Frost Line Depth: 18" (west of longitude 122° 54' 30", approximately at milepost 35 of State Route 542, Mt. Baker Highway)

6. Termite: None

7. Decay: Moderate

8. Winter Design Temp: 19 °F

9. Ice Shield Underlayment Req.: No

10. Air Freezing Index: 260

11. Mean Annual Temperature: 48°F
E. Appendix E, Manufactured Homes, is entirely replaced with the following:

This chapter is enacted as an exercise of the police power of the county for the benefit of the public at large. It is not intended to create a special relationship with any individual, or individuals, nor to identify and protect any particular class of persons.

The purpose of this chapter is to provide minimum standards to safeguard life or limb, health or property, and public welfare, by regulating and controlling the installation of manufactured homes on building sites within the county.

It is not the intent of this chapter to impose liability upon the county for failure to perform any discretionary act. Rather, it is the intent of this chapter to place the obligation of complying with its requirements upon the installer. Nothing contained in this chapter shall be construed to relieve from or to lessen the responsibility or liability of any person for injury or damage to persons or property caused by or resulting from any defect of any nature in any manufactured home installation work performed by said person or in any manufactured home installation equipment owned, controlled, operated or used by him; nor shall Whatcom County, or any officer, agent, or employee thereof, incur or be held as assuming any liability by reason or in consequence of any permission, certificate of inspection, inspection or approval authorized herein, or issued or given as herein provided, or by reasons or consequence of any things done or acts performed pursuant to the provisions of this chapter.

1) SCOPE

This chapter sets forth rules and regulations to regulate and control the installation of manufactured homes on building sites, establishes an administrative procedure for the issuance of permits, and provides for the inspection of manufactured home installations.

2) DEFINITIONS

a. ADMINISTRATIVE AUTHORITY is the Department of Planning & Development Services, the Building Services Division, and the Whatcom County Building Official.

b. BUILDING OFFICIAL is the Director of the Planning & Development Services Department or his/her designee. See Section 15.04.015.

c. BUILDING SITE is any site proposed for the location of a manufactured home including sites within mobile home parks.
d. HUD is the Federal Department of Housing and Urban Development.

e. INSTALLER shall either be the owner or a State licensed mobile home installer.

f. MANUFACTURED HOME means a structure designed and built to comply with the Washington State Department of Labor and Industry’s rules and regulations for Manufactured Homes and Commercial Coaches. It is also defined and cross-referenced per the current adopted edition of the IRC, SECTION R202, DEFINITIONS, MANUFACTURED HOME.

g. MOBILE HOME is a transportable, factory-built dwelling unit constructed prior to June 15, 1976 (prior to enactment of National Manufactured Housing Construction & Safety Standards [NMHCSS] Act of 1974).

h. PERMANENT FOUNDATION means concrete blocks on a concrete footing or slab, or other approved engineered foundation systems.

3) GENERAL INSTALLATION REQUIREMENTS

a. Manufactured homes installed on building sites shall be installed in accordance with the provisions of this chapter and all applicable local, state, and federal codes, ordinances, and statutes.

b. Manufactured homes shall be installed in compliance with the manufacturer's installation recommendations or according to NCSBCS/ANSI A225.1-1994; permanent foundation requirements. The manufacturer or dealer shall send two copies of its approved installation recommendations to the purchaser of the manufactured home. Two copies shall be submitted with the building permit application.

c. No person, firm, partnership, corporation, or other entity may install a manufactured home unless he/she owns the manufactured home, or is a licensed manufactured home installer.

d. All manufactured home installations shall comply with the requirements of the IRC Section R403.1.7.3, Foundation Elevation, and with the following: On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of 12 inches plus 2 percent. The Building Official may approve alternate elevations, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site. The following provisions shall be made to prevent standing water under and around a building or structure prior to the
The finished grade and elevation under the building shall be above the ground drainage flow of the land around the building to prevent surface or sub-surface water from draining to the space under the building, provided that other approved alternates such as drain tile, exterior grading to a point lower than the interior drainage of the building or an approved sump pump may be used, and provided further that the alternate method to be used shall be shown on the building plans. An approved sump pump system shall in no case be connected to the sanitary sewer system. In all instances where a drainage or sump pump system is installed under the structure there shall be provided, in the foundation wall, an access crawl hole which shall be no more than 20 feet from the main drain cleanout. To facilitate the drainage of water, the building site shall have at least a 2% gradient towards approved drainage facilities from building pads. However, this may be waived by the building official provided that the permittee can demonstrate that due to the nature of the site this would be impractical and that an approved alternate will be used. If water appears under the building within a period of 12 months after the final inspection of the building or structure, the builder shall be responsible for providing the drainage of the same, and provided further that the builder has not complied with the requirements of Section 1804.7 herein, concerning drainage. Thereafter, the owner of the building shall be responsible for providing drainage of the same, except where owner and builder agree otherwise.

e. In those areas that are recognized as floodplains by the Washington State Department of Ecology or the Department of Homeland Security, or hazardous because of the probability of earthquakes, ground slides, avalanches, or high winds, the building official may set requirements that are necessary to lessen the hazards. Manufactured homes installed on sites that are sloping or have poor drainage shall be installed in accordance with installation recommendations, provided by a professional engineer or architect licensed in the state of Washington.

f. Manufactured homes in a floodplain must be installed per the applicable provisions of Whatcom County Code, Title 17, Flood Damage Prevention, and per associated requirements of the Endangered Species Act (ESA).

g. Used mobile homes older than 1976, require a fire/life safety inspection by the State Dept. of Labor & Industries prior to building permit submittal.

4) PERMITS REQUIRED

No person, firm, or corporation shall install or cause to be installed any manufactured home on a building site without having first obtained a
building permit and a manufactured home dealer shall not deliver a manufactured home to a building site until that dealer has verified that the installer has obtained the necessary building permits.

5) APPLICATION REQUIREMENTS

In addition to the building permit application and issuance regulations, the following shall apply to manufactured home installations: separate application shall be required for each manufactured home installation. The application shall be made upon forms provided by the administrative authority and shall be accompanied by the permit fee established herein.

a. A separate application shall be required for each manufactured home installation. The application shall be made upon forms provided by the administrative authority and shall be accompanied by the permit fee established herein.

b. Each application shall be accompanied by a plot plan drawn to scale with detail sufficient to show that the installation will meet siting requirements of all applicable state and local regulations.

c. Applications for manufactured homes to be installed on building sites or sites within a mobile home park shall be accompanied by two sets of foundation plans for a permanent foundation.

6) INSPECTION

Approved installation specifications shall be available at the site at the time of inspection of the installation. In the event that no approved installation specifications are available or the approved specifications as provided above do not cover all the installation requirements of this chapter, then the total installation of the portions thereof not covered by the approved specifications shall comply with the appropriate provisions of this code.

a. On building sites other than those in mobile home parks, the installer of the manufactured/mobile home shall request a footing inspection after the placement of the footing forms and rebar and prior to pouring or placing the footings, a tie-down inspection and a final inspection after all aspects of the installation have been completed. For mobile home park installations, the installer shall request a final inspection after all aspects of the installation have been completed. All requests for inspection shall be made one working day before such inspection is desired.

b. The manufactured/mobile home may be occupied once the installation has passed final inspection for compliance with the
requirements of this chapter and any conditions placed upon the issued permit.

c. If the installation does not comply with the installation requirements of this chapter and the conditions of the installation permit, the local enforcement agency shall provide the installer with a list of corrections that the installer must make. The list of corrections shall state a date by which the corrections must be completed. If the items that require correction do not endanger the health or safety of the occupants, or substantially affect the habitability of the manufactured/mobile home, the local enforcement agency may permit the owner of the home to occupy it.

7) BUILDING SITE PREPARATION

A manufactured home may not be installed on a building site unless the ground at the site has adequate compaction and load-bearing ability to meet the support requirements of (3)(d) or, if the building site is in a mobile home park, the park owner must insure that the ground on which the mobile home is to be installed has been improved as necessary to provide a proper base for the mobile home and that the area beneath the mobile home has adequate drainage.

8) FOUNDATION SYSTEM FOOTINGS

a. Footings shall be constructed of solid concrete per the manufacturer's installation specifications or an approved alternate method.

b. Four-inch slab with thickened footings, extending 18 inches below existing grade, 16 inches diameter concrete posts, spaced according to the applicable requirements of NCSBCS/ANSI A225.1-1994, with a four-inch concrete slab and Z hook for positive connection between post and slab, if in a flood plain.

c. Footings shall be:

i. Evenly bedded and level;

ii. Placed on firm, undisturbed or compacted soil that is free of organic material;

iii. Centered in a line under the main frame longitudinal members on both sides of the manufactured home;

iv. Spaced not more than eight feet apart and no more than two feet from the ends of the main frame. The building official may require a closer spacing, depending on the load bearing capacity of the soil or the specifications in the manufactured home installation manual.
d. A manufactured home with more than one section must have center line blocking at end walls and at other points of connection of the sections of the manufactured home that have ridge beam bearing support. Blocking is also required at both ends of a door opening that is six feet or more wide in an exterior wall.

e. If a manufactured home requires footings on its exterior perimeter, as specified by the installation recommendations or required by the building official, the footings shall be installed below the frost line.

f. Footings shall be constructed so that 75 percent of the area under the manufactured home has at least 18 inches clearance between the bottom of the main chassis members and the ground level. The area beneath the furnace cross-overs and fireplaces must always have at least 18 inches clearance. At no point under the manufactured home may clearance be less than 12 inches.

9) FOUNDATION SYSTEM PIERS

a. An installer must build and position piers and load-bearing supports or devices to distribute the required load evenly. An installer must use manufactured piers or load-bearing supports or devices that are listed or approved for the intended use.

b. A pier may be made of a single stack of 8-inch by 16-inch blocks if the blocks are not stacked more than three blocks high. A pier made of a single stack of blocks shall be installed at a right angle to the main frame longitudinal members and shall be capped with no more than 2-inch by 8-inch by 16-inch wood blocks or one 4-inch by 8-inch by 16-inch concrete block.

c. A pier may be made of a double stack of 8-inch by 8-inch by 10-inch blocks if the blocks are not stacked more than five blocks high. Each row of blocks in such a pier shall be stacked at right angles to the abutting rows of blocks. The pier shall be capped by with 2-inch by 8-inch by 16-inch concrete blocks. The pier shall be installed so that the joint between the cap block is at right angle to the main frame longitudinal members.

d. A pier may be made with more than five courses of blocks and not to exceed 9 (72 inches) courses of block if the stacked blocks are filled with 2,000 psi concrete or mortar, and no more than 20% of the piers exceed five courses (40"'). All other systems shall be designed by a licensed Washington state engineer or architect.

e. All blocks shall be set with cores placed vertically.

10) FOUNDATION SYSTEM PLATES AND SHIMS
An installer may fill a gap between the top of a pier and the main frame with a wood plate that is not more than two inches thick and two opposing wedge-shaped shims that are not more than two inches thick. Wood plates and shims must be of hemlock/fir, Douglas fir, or spruce/pine/fir. A shim shall be at least four inches wide and six inches long. The installer shall fit the shim properly and drive it tight between the wood plate or pier and the main frame to ensure that the manufactured home is level and properly supported at all load-bearing points. A block that abuts a wedge-shaped shim shall be solid.

11) FOUNDATION

A manufactured home shall have an approved skirting around its entire perimeter. The wood of the skirting shall be at least six inches from the ground unless it is pressure-treated wood. Metal fasteners shall be hot dipped galvanized, stainless steel, or other corrosive-resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, shall be coated with asphaltic emulsion. A manufactured home that is installed shall have ventilation openings with a net area of one square foot per 150 square feet of crawl space; except manufactured homes installed in the flood plain shall have ventilation openings with a net area of 1 square inch per 1 per square foot of crawl space installed within 1 foot of finished grade. The openings shall be designed to provide cross ventilation on at least two approximately opposite sides of the manufactured home. The installer shall locate openings as close to the corner of the manufactured home as practical and shall cover the opening with a corrosive-resistant wire mesh. Dryer vents and hot water tank pressure release valves shall exhaust on the exterior of the perimeter skirting. The skirting for each section of the manufactured home shall have an opening of at least 18 inches by 24 inches with a cover of metal or pressure-treated wood to allow access to the crawl space. In all cases the foundation shall be installed before a final sign off can be made.

12) ANCHORING SYSTEM

The building official shall require a single section or multiple section manufactured home to have an anchoring system. Such an anchoring system shall be installed per the manufactured installation specifications or according to the design of a professional Washington State licensed engineer or architect. Components of the anchoring system shall have a resistance to weather deterioration that is at least equal to that of a zinc coating that is not less than 0.3 inches per square foot of coated surface. Cut edges of zinc-coated strapping do not need to be coated.

a. An installer shall install, preload, and adjust a ground anchor in accordance with the anchor manufacturer’s instructions. The installer
must supply a copy of the instructions to the building official. Ground anchors shall be marked with the manufacturer’s identification and model number in a location that is visible to the inspector after the anchor is installed. The manufacturer of a ground anchor must provide instructions with each anchor that specifies the kinds of soils for which the anchor is suitable. Analysis from a WA State licensed engineer may be required.

b. If concrete slabs or continuous footings are used to transfer the anchoring loads to the ground, the following requirements apply:

i. Engineered tie-down systems shall be per approved details from the Washington State Department of Labor and Industries.

ii. A concrete slab may be used in place of a ground anchor if it provides holding strength equal to the required ground anchors.

iii. Analysis from a WA state licensed engineer may be required.

c. Ties shall be of approved strapping, or other approved materials. Ties shall be fastened to the ground anchors and drawn tight with turnbuckles, yoke fasteners, or other approved tension devices. Tension devices shall end in clevis, forged, or welded eyes. Tension devices shall be designed to prevent self-disconnection if the ties become slack. Ties shall connect the ground anchors to the main frame longitudinal members. Ties must not connect to steel outrigger beams that fasten to the main frame unless the manufacturer’s installation instructions specifically approve the connection. Diagonal ties must lie at least 45 degrees from the vertical.

d. The installer shall space the ties as evenly as practical and shall locate a tie within eight feet of each end of the manufactured home. The installer shall install vertical ties at each detached corner of a clerestory roof and added-on sections of expandable manufactured homes. The installer shall install the following number of ties for each I-beam or other main frame longitudinal member: according to the manufacturer’s specifications or per NCSBCS/ANSI A225.1-1994, as indicated in the following chart:

<table>
<thead>
<tr>
<th>Length of home in feet (excluding hitch)</th>
<th>Number of vertical ties per detached corner of add-ons</th>
<th>Number of diagonal ties</th>
</tr>
</thead>
<tbody>
<tr>
<td>32 – 54</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>55 – 73</td>
<td>1</td>
<td>6</td>
</tr>
</tbody>
</table>

13) ASSEMBLY
The water pipe connection to the manufactured home shall have a main shutoff valve in compliance with the 2012 Uniform Plumbing Code, Section 606.. Exterior water lines and ducting under the manufactured home shall be insulated. In all other respects, utility connections to the manufactured home, including water, sewer, electricity, and gas shall comply with the applicable county codes. Accessory structures attached to or located next to a home, such as awnings, carports, garages, porches, or steps shall be constructed in conformance with applicable county codes and structurally independent of the manufactured home unless pre-approved by manufacturer. (Ord. 2004-064 § 2)

15.04.040 Amendments to the International Fire Code.

A. The International Fire Code is amended as follows:

1. Section 102.2. Administrative, operational and maintenance provision, is amended to read as follows:

   To provide a reasonable degree of safety to persons occupying existing buildings, there shall be a fire code inspection, at times to be determined by the Whatcom County Fire Marshal, for all Group A, B, E, F, H, I, M, R, S and U occupancies. Only R-3 Occupancies containing the following shall be subject to fire code inspections: Adult family homes, family daycare homes, adult and child care facilities, as defined in the Washington State amendments.

2. Section 103.1 is amended to read as follows:

   103.1 General. The Department of Fire Prevention, herein after referred to as the Fire Marshal's Office, is established within the jurisdiction under the direction of the Fire Code Official, herein after referred to as the Fire Marshal. The function of the department shall be the implementation, administration and enforcement of the provisions of this code. Recognizing the authority and responsibility vested in the Fire Marshal by the International Fire Code, the Fire Marshal is authorized to promulgate such rules, policies and/or procedures as he/she deems necessary for the efficient operation of fire prevention and investigations.

3. Section 103.2 is amended to read as follows:

   103.2 Appointment. The Fire Marshal is the Department Director except that a Fire Marshal and/or Deputy Fire Marshal may be appointed by the Department Director. The Fire Marshal/Deputy Fire Marshal shall be not less than a supervisor within the Building Services Division of the Whatcom County Planning & Development Services Department, as designated by the Director. The Fire Marshal for Whatcom County is authorized to enforce the provisions
of this ordinance and adopted referenced codes and amendments. The Fire Marshal shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the authority having jurisdiction.

4. Section 104.1 is amended with the following additional paragraph:

The provisions of RCW 18.160.070 and the Levels of Licensing required by the State Fire Marshal's Office will be enforced by the Whatcom County Fire Marshal's Office as specified, including but not limited to work performed by contractors and/or documentation verifying compliance with current licensing requirements. Issuance of permits may be withheld due to lack of compliance with these provisions.

It is the interpretation and determination of the Whatcom County Fire Marshal that the "installation of underground work of any kind for any kind of structure" applies to the installation of fire protection systems connected to or integral to a fire protection sprinkler system. A Level U license from the State Fire Marshal's office shall be required. The Fire Marshal, at his/her discretion, may require a Level U license for any underground work determined at any stage of installation to be substantially and/or consistently substandard.

5. Section 104.10, Fire investigation, is amended to read as follows:

The Whatcom County Sheriff's Office shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous conditions. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

6. Section 104.10.1 is amended to read as follows:

a) The Whatcom County Fire Marshal shall have the authority to render necessary assistance in the investigation of fires. The Whatcom County Fire Marshal and designated, assigned staff members shall have the powers of a limited authority of a Washington peace officer as defined in Chapter 10.93 RCW. They shall be commissioned by the Whatcom County Sheriff as specially commissioned Washington peace officers, as defined in Chapter 10.93 RCW, upon satisfaction of the training and other requirements prescribed or approved by the Washington Criminal Justice Training Commission, for the purpose of administering this code.

7. Section 105.7.1 is amended with the addition of the following language:
Commercial cooking arrays require permanently affixed signage that states: "Alteration of commercial cooking arrays is prohibited without prior review and approval from the Whatcom County Fire Marshal." Location of signage to be determined by the Fire Marshal.

8. Section 105.7.8 Flammable and combustible liquids, is amended as follows:

   1. (unchanged)
   2. (unchanged)
   3. To install, alter, remove, abandon, or otherwise dispose of a flammable or combustible liquid. Abandoned underground fuel tanks are required to be removed according to all applicable codes and safety standards except under special circumstances, such as steep or extreme topography, significant physical obstructions, or similar circumstances, as approved per the discretion and judgment of the Fire Marshal.

9. Section 108.1, Board of appeals, is amended to read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the Fire Marshal relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. Whatcom County Ordinance No. 2007-024 shall be the Fire Code appeals board. The Appeals Board shall be the same board for all codes appeals, except as amended in WCC Chapter 15.04.

10. Section 202 is amended to read as follows:

   a. Fire Chief. Whenever the term fire chief is referenced in this code it shall mean Whatcom County Fire Marshal (Fire Code Official) or his/her designee, as identified in IFC Section 103, except as stated in IFC Section 104.11 and/or where the Fire Marshal has delegated a specific responsibility to the Fire Chief of a given fire district by verbal, written, and/or historic agreement.

   b. Fire Code Official. Whenever the term fire code official is referenced in this code it shall mean Whatcom County Fire Marshal or his/her designee, as identified in IFC Section 103.2 and as amended per WCC 15.04.040.

11. Chapter 5 is amended to include adoption of all sections of the chapter not adopted by Washington State Amendments, Chapter 51-54A, as authorized per RCW 19.27.060, #5
12. Appendix B, Fire Flow Requirements for Buildings is amended as follows:

a. Section B103.1, Decreases

1. The Fire Marshal is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical. This may include consideration of alternative materials and methods where the Fire Marshal finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method, or work is at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire-resistance, durability, and safety.

b. Section B104.1, General

1. The fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under horizontal projections of the roof of a building (such as a connecting breezeway), otherwise including only areas that are fully enclosed on all sides and which have a full ceiling height. Full ceiling height means an average (50% or more) ceiling height of 6 (six) feet – 8(eight) inches (203.3 cm), including under-floor areas that are accessed by a side-hinged man door, sliding door, overhead door, or similar standard height access. The calculation area is measured to the outside surface of exterior and/or enclosure walls.

2. In general, commercial and industrial structures will be measured according to the same methodology as residential/Accessory buildings, except that structures will also be judged according to their use and corresponding hazard, according to the applicable codes in the IFC and IBC, and according to the judgment and discretion of the Fire Marshal. As such area may be calculated for roof only (open sided) structures, covered open/partially open portions of buildings, to the outside edge of eaves, and/or for uncovered portions of structures (decks, balconies, loading docks, etc.) on a case-by-case basis where, in the discretion of the Fire Marshal, it is warranted to preserve the health, safety, and welfare of the public, building occupants, and/or emergency responders.

c. Section B105.1, One- and two-family dwellings.
1. The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that is in excess of 4000 square feet (371.6 m²) shall be 500 GPM @ 20 psi for 1 hour. Fire-flow for dwellings with fire-flow calculation areas larger than 8,000 square feet (743.2 m²) shall not be less than that specified in Table B105.1, as amended by Whatcom County, with the ability to apply fire-protection credits as described in Table B105.2.

d. Section B105.2, Buildings other than one- and two-family dwellings.

DEFINITIONS:

- **Agricultural Building.** Livestock shelters or buildings, including shade structures and milking barns; poultry buildings or shelters; barns; storage of equipment and machinery used exclusively in agriculture; horticultural structures, including detached production greenhouses and crop protection shelters; sheds; grain silos; stables. (IBC Appendix C, Group U-Agricultural Buildings)

- **Agricultural processing building and/or facility.** Buildings/facilities where agricultural products are cooled, frozen, or dried and packaged in their otherwise unaltered, primary state for shipping to distribution sales outlets. Ag processing buildings/facilities may include conveyors, refrigeration equipment and rooms, other applicable processing or environmental mechanical equipment, offices, employee facilities, restrooms, product and product packaging storage, loading docks, and similar applicable accessory appurtenances.

Although Ag processing buildings/facilities are determined by Whatcom County to be a Group U occupancy, they represent a more intensive use than agricultural buildings, based on the typical number of personnel (even if seasonal), type of equipment, and typical operations. Appropriate, applicable health, fire, and life/safety codes and regulations will be applied in the review process of these buildings/facilities.
Cooking, modifying, altering, combining, and/or other secondary food processing/manufacturing is not considered Ag processing. The primary use for this type of processing is determined to be a Group F occupancy per applicable provisions of the IBC and other adopted codes and regulations.

1. The minimum fire-flow and flow duration requirements for private garages, detached shops, agricultural storage buildings (Group U occupancy) shall be 500 GPM @ 20 psi for 1 hour.

Exception: Fire-flow is not required if the structure meets one of the following criteria:

1. It does not exceed 2500 square feet (232.3 m²).

2. It is protected by an approved automatic fire sprinkler system.

3. It has 50 foot setbacks to all property lines, and other structures on the same lot. Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.

4. It has 100 foot setbacks to all property lines and other structures on the same lot for buildings which include hay storage, other combustible fibers, the potential for loose combustible fibers, and/or the potential for combustible dust (IFC Sections 2204 and 5204.1; NFPA 61). Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.

2. The minimum fire-flow and flow duration requirements for agricultural processing buildings (Group U) not exceeding 6000 square feet (557.4 m²) shall be 500 GPM @ 20 psi for 1 hour. If the building exceeds 6000 square feet (557.4 m²), Table
B105.1, as amended by Whatcom County, shall apply except that, at the discretion of the Fire Marshal, where adequate and reliable water supply systems do not exist the duration may be reduced by up to 50%, but not to be reduced to below a duration of 1 hour.

Exception: Fire-flow is not required if the structure meets one of the following criteria:

1. It does not exceed 2500 square feet (232.3 m²), excluding areas open on three sides.

2. It has 60 foot setbacks to all property lines, and other structures on the same lot. Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.

3. The building is provided with an NFPA 13 automatic sprinkler system throughout, including water storage to support the sprinkler system per the system design, plus an additional 500 gpm of fire flow at 20 psi for a duration of one hour, to be available at an approved hydrant or hydrants as determined by the Fire Marshal.

3. The minimum fire-flow and flow duration requirements for buildings other than one- and two-family dwellings and Group U buildings specified above, shall be as specified in Table B105.1, as amended by Whatcom County, with the ability to apply fire-protection credits as described in Table B105.3, but not to be reduced to below 500 GPM @ 20 psi for duration of 1 hour for Group F and S occupancies, including accessory occupancies (per IBC 508.2); 1500 GPM @ 20 psi for a duration of 1 hour for occupancies and/or mixed occupancies including Group A, B, E, I, M, and R occupancies except where lower gpm is indicated per Table B105.1. Fire-flow reductions for Group H occupancies may only be considered at the discretion of the Fire Marshal. Increases in fire flow may be required based on the Fire Marshal’s evaluation of operational hazard and/or occupancy group. Fire protection credits shall not allow the
elimination of required systems as required in other parts of the Fire Code.

Exception: Fire flow is not required if the structure meets both of the following criteria:

1. It does not exceed 2500 square feet (232.3 m²)

2. It does not contain a hazardous operation, as determined by the Fire Marshal.
### TABLE B105.1

Fire-flow for Buildings Other than One- and Two- Family Dwellings and Private Garages and Commercial Agricultural Buildings (Group U)

<table>
<thead>
<tr>
<th>Construction Type (a)</th>
<th>IIA &amp; IIIB</th>
<th>IIB &amp; IIIIB</th>
<th>Required Fire Flow (GPM)</th>
<th>Duration (Hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHEN TOTAL FIRE AREA IN SQUARE FEET (b) IS EQUAL TO OR LESS THAN THESE VALUES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5,500</td>
<td>3,700</td>
<td>2,100</td>
<td>1,600</td>
<td>500</td>
</tr>
<tr>
<td>11,100</td>
<td>6,800</td>
<td>3,500</td>
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<td>750</td>
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<tr>
<td>15,900</td>
<td>9,300</td>
<td>4,500</td>
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<tr>
<td>22,700</td>
<td>12,700</td>
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<td>1,250</td>
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<tr>
<td>30,200</td>
<td>17,000</td>
<td>7,900</td>
<td>4,800</td>
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<td>38,700</td>
<td>21,800</td>
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<tr>
<td>48,300</td>
<td>24,200</td>
<td>12,600</td>
<td>7,700</td>
<td>2,000</td>
</tr>
<tr>
<td>59,900</td>
<td>33,200</td>
<td>15,400</td>
<td>9,400</td>
<td>2,250</td>
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<tr>
<td>70,900</td>
<td>39,700</td>
<td>18,400</td>
<td>11,300</td>
<td>2,500</td>
</tr>
<tr>
<td>83,700</td>
<td>47,100</td>
<td>21,800</td>
<td>13,400</td>
<td>2,750</td>
</tr>
<tr>
<td>97,700</td>
<td>54,900</td>
<td>25,900</td>
<td>15,600</td>
<td>3,000</td>
</tr>
<tr>
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<td>145,900</td>
<td>82,100</td>
<td>37,900</td>
<td>23,300</td>
<td>3,750</td>
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<td>26,300</td>
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<tr>
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<td>166,500</td>
<td>77,000</td>
<td>47,400</td>
<td>5,500</td>
</tr>
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<td>GREATER</td>
<td>GREATER</td>
<td>GREATER</td>
<td>GREATER</td>
<td>GREATER</td>
</tr>
<tr>
<td>125,500</td>
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<tr>
<td>145,800</td>
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<td>64,800</td>
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<td>4</td>
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<tr>
<td>156,700</td>
<td>113,200</td>
<td>69,600</td>
<td>6,750</td>
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<tr>
<td>167,900</td>
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<td>7,000</td>
<td>4</td>
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<tr>
<td>179,400</td>
<td>129,600</td>
<td>79,800</td>
<td>7,250</td>
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<tr>
<td>191,400</td>
<td>138,300</td>
<td>85,100</td>
<td>7,500</td>
<td>4</td>
</tr>
<tr>
<td>GREATER</td>
<td>GREATER</td>
<td>GREATER</td>
<td>GREATER</td>
<td>GREATER</td>
</tr>
</tbody>
</table>

(a) Types of construction are based upon the current adopted edition of the IBC.
(b) Each portion of a building shall be considered as a separate fire area when separated by one or more fire walls built in accordance with the IBC.
TABLE B105.2
Fire Protection Credits for One- and Two-Family Dwellings (a)

<table>
<thead>
<tr>
<th>Options to Reduce Fire Flow (b)</th>
<th>% Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>NFPA 13D Sprinkler System (c)</td>
<td>100%</td>
</tr>
<tr>
<td>Monitored Fire Alarm System</td>
<td>25%</td>
</tr>
<tr>
<td>1-Hour Fire Resistive Const. (d)</td>
<td>75%</td>
</tr>
</tbody>
</table>

(a) Fire Protection Credits must equal at least 100% to receive fire flow credit.
(b) Credits used for or with substantial alterations shall be applied to the entire structure.
(c) Consists of an NFPA 13D sprinkler system with sprinkler coverage extended into the garage, attic, small bathrooms, closets, heated/unheated basements and bonus rooms.
(d) Constructed in accordance with the International Residential Code.

TABLE B105.3
Fire Protection Credit for Commercial Rural Fire-Flow

<table>
<thead>
<tr>
<th>Options to Reduce Fire-Flow (a)</th>
<th>% Reduction (b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NFPA Monitored Fire Alarm</td>
<td>25%</td>
</tr>
<tr>
<td>NFPA 13 Automatic Sprinkler System</td>
<td>75%</td>
</tr>
<tr>
<td>40’ Minimum Setbacks (c)</td>
<td>25%</td>
</tr>
</tbody>
</table>

(a) Credits used for or with substantial alterations shall be applied to the entire structure.
(b) Reductions will be simply rounded to the closest fire flow rate and applied for the duration prescribed by that flow rate. In cases of an equal distance between two rates, the rate will be rounded down.
(c) Setbacks apply to all property lines and buildings, on all sides of the structure. Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshall.

13. Appendix C, Fire Hydrant Locations and Distributions, is amended with the following added section:

a. Section C106. Subdivision Alternative

C106.1 Hydrant placement alternative. Subdivisions and plats with no fire flow infrastructure require a minimum lot size of 1 (one) acre and a minimum 20 (twenty) foot setback from property lines to structures, in addition to applicable fire flow requirements per Appendix B as amended.
14. Appendix D, Apparatus access roads, is amended as follows:

a. Section D103, Minimum Specifications is amended with the following additional language:

1. Fire apparatus access roads serving up to 2 (two) residential lots, where building location is less than one hundred fifty feet (150’) from approved access roads require a minimum width of 12 feet (3658 mm) and a minimum vertical clearance of 13 feet-6 inches (4115 mm).

2. Fire apparatus roads over one hundred fifty feet (150’) long serving up to two residential lots:

   a. Minimum width – twelve foot (12’) driving surface with turnouts no farther than every six hundred feet (600’) when required by the Fire Marshal. To create a turnout, the road shall be widened to twenty feet (20’) in the direction of travel for a minimum distance of one hundred feet (100’) to allow vehicles to pull over and allow emergency vehicles to proceed. Turnout shall be located approximately midpoint for driveways over six hundred feet (600’) but less than twelve hundred feet (1200’). See Exhibit B.

   b. Vertical clearance – minimum thirteen foot, six inch (13’-6”) unobstructed vertical clearance for the required width of the road. See Exhibit A.

   c. Surface – Per Whatcom County Development Standards (WCDS), Chapter 5, Road Standards. Minimum standard per Exhibit C, Driveway Section.

   d. Turning radius – minimum thirty-five foot (35’) radii. Residential private roads and driveways per Exhibit C and D.

   e. Turnarounds – minimum twenty feet (20’) wide, sixty feet (60’) deep or WCDS, Chapter 5, Road Standards. See Exhibit D.

   f. Bridges - Bridges, box culverts or similar passageway structures built over depressions or obstacles shall be herein after referred to as bridges. When a bridge is required to be used as part of a driveway access road, it shall be designed and constructed per the current adopted edition of the WCDS, Chapter 5, Road Standards, Section 513, Bridges and Associated Retaining Walls and per applicable portions of IFC Section 503. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Marshal.
g. Grade per Exhibit A and WCDS, Chapter 5, Road Standards. Residential and residential accessory structures accessed by roads or driveways exceeding 12% grade require mitigation such as an automatic sprinkler system, per NFPA 13-D, throughout the applicable building(s); an approved fire flow system, equivalent mitigation approved at the discretion of the Fire Marshal in addition to standard access road requirements.

h. Installation of residential accessory buildings less than 2500 sf, small residential/accessory additions, and similar minor changes or alterations may be exempt or may not trigger road standard improvements on a case by case basis at the discretion of the Fire Marshal.

3. Section D103.5 is amended as follows:

Gates installed across emergency apparatus access roads and driveways require a permit from the Fire Marshal's office.

Item #1 is amended as follows:

The minimum gate width shall be 20 feet (6096 mm) unless an alternate width is approved by the Fire Marshal. Under no circumstances shall the net opening width of any gate be less than 12 feet (3658).

4. Fire apparatus access roads – Access serving more than Two (2) residential units shall meet the following:

a. Standards per Exhibit A and current adopted Whatcom County Development Standards (WCDS), Chapter 5, Road Standards.

b. The Fire Marshal may make modifications in these standards if the road is not build-able because of topography, waterways, nonnegotiable grades, or similar conditions. These modifications are based on:

1. The building being protected by NFPA 13D Automatic Sprinkler System.

2. Additional fire protection features as required by the Fire Marshal.

Exceptions may be made for minor additions or small accessory buildings to existing dwellings when in the opinion of the Fire Marshal the addition or accessory building will not create significantly more dangerous situations.
5. Emergency vehicle access roads or driveways shall not be obstructed in any manner, including the parking of vehicles. Width and clearance requirements of these standards shall be maintained at all times.

6. See Exhibits A, B, C, and D, for additional information, details, and illustrations amending Appendix D.
Exhibit A: Private Roads/Streets, Driveways and Fire Apparatus Access

This section applies to roads/streets that are privately owned, generally within an easement providing direct access to private land(s) for local traffic movement and connect to local public access, collectors or arterial roads/streets. Private roads/streets are maintained with private funds and where the county, municipality or WSDOT performs no maintenance.

Criteria for Authorization: Private roads/streets may be permitted when so provided in appropriate ordinances or at the discretion of the County Engineer when:

1. Covenants have been approved and recorded with the County which provide for maintenance of the private roads/streets and associated parking areas by the owners in the development, including placing of liens for non-payment of fees, and/or road maintenance agreement(s) on the face of the Long Plat, Short Plat, or Binding Site Plan.

2. Provision is made for the roads/streets to be open at all times for emergency and public service vehicle use.

3. The private road is not needed as a public road and will not obstruct public street circulation.

4. Intersection spacing between private roads shall be consistent with the spacing shown in Development Standards Section 505.M.

5. The roads are within a private community with a corporate identity or Homeowners Association, as identified by the State of Washington under RCW 64.38.

6. Fire Apparatus Access Roads (Private Roads/Streets and Driveways)

   a) County fire code requirements for "Fire Apparatus Access Roads" are contained in WCC 15.04.010 and as amended in WCC 15.04.040.

   b) Criteria. The following criteria, per Exhibit A Geometrics, apply to Fire Apparatus Access Roads serving residential and residential accessory use:
### Exhibit A Geometrics:

<table>
<thead>
<tr>
<th>Road Users</th>
<th>Incremental Grade, %</th>
<th>Minimum Surface Treatment</th>
<th>Minimum Vertical Clearance, ft</th>
<th>Unobstructed Minimum Width, ft</th>
<th>Minimum Turning Radii, ft</th>
<th>See also Development Standards Drawings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-2</td>
<td>&lt;12</td>
<td>CSTC&lt;sup&gt;1&lt;/sup&gt;</td>
<td>12 (minimum)</td>
<td>13.5</td>
<td>25</td>
<td>505.E-6</td>
</tr>
<tr>
<td></td>
<td>12 - 14</td>
<td>Paved&lt;sup&gt;2&lt;/sup&gt;</td>
<td></td>
<td></td>
<td>40</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15 - 18</td>
<td>Heated grooved PCC&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-6</td>
<td>&lt;12</td>
<td>CSTC&lt;sup&gt;1&lt;/sup&gt;</td>
<td>18&lt;sup&gt;5&lt;/sup&gt;</td>
<td></td>
<td></td>
<td>505.E-1</td>
</tr>
<tr>
<td></td>
<td>12 - 14</td>
<td>Paved&lt;sup&gt;2&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>15 - 18</td>
<td>Heated grooved PCC&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 or more</td>
<td>&lt;12</td>
<td>Paved&lt;sup&gt;2&lt;/sup&gt;</td>
<td>26&lt;sup&gt;6&lt;/sup&gt;</td>
<td></td>
<td>25&lt;sup&gt;6&lt;/sup&gt;</td>
<td>43&lt;sup&gt;6&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>12 - 14</td>
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<tr>
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<td>15 - 18</td>
<td>Heated grooved PCC&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Crushed surfacing top course
2. Either Portland cement concrete (PCC) or Hot mix asphalt (HMA)
3. Portland cement concrete
4. Hot mix asphalt
5. See Development Standards Section 505 Road Type and Geometrics, Table 1 - Arterial Roads & Table 2 - Residential Roads
6. See also Development Standards Section 505.I.3 - Horizontal Curves
7. Road Users represents the number of dwelling units/single households. Per the Public Works Dept., a single household is the approximate equivalent of 10 average daily trips (ADT).
8. Grades exceeding 18% may require special and/or multiple mitigation measures and will be approved at the discretion of the Fire Marshal.

- **Turnouts** - For driveways and roadways less than 20 feet wide, see Exhibit B (Development Standards Drawing 505.E-5).
- **Turnarounds** - Establish turnarounds for driveways and roadways greater than 150 feet in length per Exhibit D (Development Standards Drawing 505.E-6, 505.L-1, or 505.L-2 as applicable). Subject to other related codes and standards, i.e. Title 20.80.
- **Fire Hydrants** - Where a fire hydrant is located on a Fire Apparatus Access Road, the minimum roadway width shall be 26 ft. for a length of 40 ft. centered on the fire hydrant.
- **Bridges** - At the discretion of the Fire Marshal all bridges shall meet the requirements in Development Standards Section 513 Bridges.
and Associated Retaining Walls. See WCC Section 15.04.040, Section A, Item 11, Subsection b.

- Security Gates and Emergency Accesses - The County Fire Marshal requires a separate permit for any security gate or emergency access restricting device/system.

- Access Approach Surfacing Requirements - All fire apparatus access approaches shall have an approved paved/hard surfaced apron unless otherwise directed pursuant to this section and Development Standards Section 508 Roadside Features. See Exhibit C, Driveway Section.

- Additional or Alternative Measures - The County Fire Marshal may consider or require additional or alternative fire protection measures on a case by case basis.

Criteria for Construction: Private roads/streets shall conform to the applicable sections of these Standards. Also see Development Standards Drawings 505.E-1 and 505.E-2.
PLANT VIEW

NOTES:
1. Widening may be done on either side of the roadway or driveway.
2. Widen area to have the same standard section detail as roadway or driveway.

<table>
<thead>
<tr>
<th>DRIVEWAY/ROADWAY LENGTH</th>
<th>NUMBER OF TURNS OUT</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 600 feet</td>
<td>No turnout</td>
</tr>
<tr>
<td>601 - 1200 feet</td>
<td>One at mid-point</td>
</tr>
<tr>
<td>Over 1200 feet</td>
<td>Every 600 feet</td>
</tr>
</tbody>
</table>

EXHIBIT B
PRIVATE ROAD OR DRIVEWAY
TURNCUT DETAIL
WHATCOM COUNTY FIRE MARSHALL

5/10/2013
Exhibit C

FULL CIRCLE DRIVEWAY TURNAROUND

MINIMUM DRIVEWAY CURVE

NOTE: SCALE
MINIMUM SURFACING
44' RADIUS
(See Drawing 505.1-1 for
additional details)

NOTES:
1. Turnarounds shall be within the County
   right of way and/or private easements.
2. Width of travelway is specified on
   Exhibit A, or the approved plans.
3. Turnaround construction shall be of
   approved subgrade, base, and top course.

EXHIBIT D
PRIVATE ROAD AND NON-MOUNTAINED
COUNTY RIGHTS-OF-WAY TURNAROUND DETAILS

WHITMAN COUNTY FIRE MARSHAL
15.04.050 Permit expirations and violations of the above referenced codes.

A. Expiration.

1. Sections 105.5 of the IBC, R105.5 of the IRC, and 105.3.1 of the IFC are amended as follows:

Every permit issued under the provisions of this code, according to IBC Section 105.5 and IRC Section R105.5, shall expire and become null and void, if the work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The building official is authorized to grant, in writing, one or more extensions of time, for a period not more than 180 days each. The extension shall be requested in writing and justifiable causes demonstrated. In the event of permit expiration, before such work can recommence, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year. These permits are only transferable with the prior approval of the Building Official and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

Every permit issued under the provisions of this code, according to IFC Section 105, shall expire and become null and void, if the work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The fire code official (designated as the fire marshal) is authorized to grant, in writing, one or more extensions of time for a period not more than 180 days each, except that expiration and extension shall not apply to open burning permits. The extension shall be requested in writing and justifiable causes demonstrated. In the event of permit expiration, before such work can recommence, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. An operational permit under the IFC shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. These permits are not
transferable and any change in occupancy, operation, tenancy, or
ownership shall require that a new permit be issued.

B. Construction Without Permit.

1. The following paragraph shall be added to IBC Section 114.1, IRC
Section R113.1, and IFC Section 109.1:

When construction and/or development has occurred on a site
without a valid permit as required by this chapter, any and all permits
or approvals issued by the county may be denied for that site until the
issue has been resolved. In addition, prompt restoration of the site to
its original condition will be required. The issuance or granting of a
permit or approval of plans and specifications shall not be deemed or
construed to be a permit for, or an approval of, any violation of any of
the provisions of this code. No permit presuming to give authority to
violate or cancel the provisions of this code shall be valid, except
insofar as the work or use for which it authorizes is lawful. The
issuance or granting of a permit or approval of plans shall not prevent
the Director of Planning & Development Services, the Building
Official, the Fire Code Official, or any administrator who has been
granted authority by the Director from thereafter requiring the
correction of errors in said plans and specifications or from
preventing construction operations being carried on thereunder when
in violation of this code or of any other ordinance or from revoking
any certificate of approval when issued in error.

2. The following paragraph shall be added to IBC Section 114.1, IRC
Section R113.1, and IFC Section 109.1:

When construction, development, modification, or any changes to a
structure have taken place without a valid permit as required by this
chapter, the County may, at its discretion and as it deems necessary
for compliance, may require the structure to be restored to its original
construction/condition. This may include, but is not limited to,
complete or partial demolition of the structure or remodel; removal of
framed walls or other structural components; electrical systems
and/or components; cabinets, doors, countertops, fixtures, drywall;
plumbing and/or plumbing fixtures; applicable appliances. Time lines
required to restore the structure to its original condition shall be at the
discretion of the County.

C. Stop Work Orders.

1. Sections 115 of the IBC, R114 of the IRC, and 111 of the IFC are
amended as follows:
In the event any person, firm, partnership, corporation or other entity violates any provision of this ordinance or any code adopted by this ordinance, the County may issue a notice of violation, to be delivered to the owner, operator, or their agent, or to be conspicuously posted at the site. In a non-emergency situation, such notice may include notice of the intent to issue a stop work order no less than 10 calendar days following the receipt of the notice, and provide for an administrative pre-deprivation hearing within 10 calendar days of notice/order. In an emergency situation where there is a significant threat to public safety or the environment, the County may issue a stop work order. The stop work order shall include, in writing, the right to request an administrative post-deprivation hearing within 72 hours following receipt of the stop work order. Failure to comply with the stop work order shall be a gross misdemeanor punishable upon conviction by a minimum fine of $500.00 up to a maximum fine of $1000.00 or one year in jail, or both. Under no circumstance may the court defer or suspend any portion of the minimum $500.00 fine for any conviction under this section. Each day or part thereof of noncompliance with said order to stop work shall constitute a separate offense.

D. Violation Deemed Misdemeanor.

1. Sections 114 of the IBC, R113 of the IRC, and 109 of the IFC are amended as follows:

Any violation of the provisions of the International Building, Fire, Residential or other related codes as herein adopted is a misdemeanor. Any person, firm or corporation violating any of the provisions of this code or failing to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents, directives or conditions of the Building Official or the Fire Code Official or the Director of Planning and Development Services or of a permit or certification used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $1000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

a. EXCEPTION: The International Fire Code Section 307 Open Burning and Recreational Fires shall constitute Class 1 civil infractions pursuant to RCW 7.80.120. The maximum penalty and the default amount for such violations shall be consistent with Chapter 7.80 RCW. All violations shall be heard and determined in accordance with the system established in Chapter 7.80 RCW. After having been found to have committed two successive infractions for
violations of the same provision of this title on the same property, any person, firm, or corporation who continues to violate this title in the same manner on the same property shall be guilty of a misdemeanor, punishable by a fine of not more than $1000.00 or by imprisonment not exceeding 90 days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E. Notice of Violations.

1. Section 109.3 of the IFC is amended as follows:

When the Fire Code Official, referred to as the Fire Marshal, finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe. When immediate compliance is not possible, a time shall be specified for re-inspection. In special situations citations could be issued to individuals violating this code.

F. Civil Penalty.

1. Any person, firm, partnership, corporation or other entity violating any of the provisions of this chapter, or of the codes adopted by reference by this chapter, shall be deemed guilty of a civil offense and each day during which such violation is continued or committed shall constitute a separate offense, and shall be fined not more than $1,000 for each offense. The penalty provided in the above section shall be imposed by a notice in writing and delivered by personal service to the owner, the owner's agent, the operator and/or violator, and/or sent by certified mail, and/or be conspicuously posted at the site. The notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity in ordering the act(s) constituting the violation(s) to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time. The notice may simultaneously accompany a notice of penalty.

2. Within 30 days after the notice is received, the person incurring the penalty may apply in writing to the building official for remission or mitigation of such penalty. Upon receipt of the application, said department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper. The final decision of the building official, fire code official or the director of planning and development services on mitigation or revision shall be reviewed by the county council, if the person being penalized files a written appeal therewith of said decision, within 10 days of its issuance. The
decision of the county council regarding the penalty imposed shall be final.

In addition to the civil penalties described above, the prosecuting attorney may in his discretion bring such injunctive, declaratory or other actions as deemed necessary to ensure that violations of this chapter are prevented or cease, and to otherwise enforce the provisions of this chapter. (Ord. 2004-064 § 2)
EXHIBIT A

Mann/Honcoop Alternative Proposals

Supplement I

Amendments per Whatcom County Code Chapter 15
15.04.040, A, Item #12, Subsection (d)(2) and (3)

2. The minimum fire-flow and flow duration requirements for agricultural processing buildings (Group U) not exceeding 6000 square feet (557.4 m²) shall be 500 GPM @ 20 psi for 1 hour. If the building exceeds 6000 square feet (557.4 m²), Table B105.1, as amended by Whatcom County, shall apply except that, at the discretion of the Fire Marshal, where adequate and reliable water supply systems do not exist the duration may be reduced by up to 50%, but not to be reduced to below a duration of 1 hour.

Exception: Fire-flow is not required if the structure meets one of the following criteria:

1. It does not exceed 2500 square feet (232.3 m²), excluding areas open on three sides.

2. It has 60 foot setbacks to all property lines, and other structures on the same lot. Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.

3. The building is provided with an NFPA 13 automatic sprinkler system throughout, including water storage to support the sprinkler system per the system design, plus an additional 509 250 gpm of fire flow at 20 psi for a duration of one hour, to be available at an approved hydrant or hydrants as determined by the Fire Marshal.

3. The minimum fire-flow and flow duration requirements for buildings other than one- and two-family dwellings and Group U buildings specified above, shall be as specified in Table B105.1, as amended by Whatcom County, with the ability to apply fire-protection credits as described in Table B105.3, but not to be reduced to below 500 GPM @ 20 psi for duration of 1 hour for
Group F and S occupancies, including accessory occupancies (per IBC 508.2); 1500 GPM @ 20 psi for a duration of 1 hour for occupancies and/or mixed occupancies including Group A, B, E, I, M, and R occupancies except where lower gpm is indicated per Table B105.1. Fire-flow reductions for Group H occupancies may only be considered at the discretion of the Fire Marshal. Increases in fire flow may be required based on the Fire Marshal’s evaluation of operational hazard and/or occupancy group. Fire protection credits shall not allow the elimination of required systems as required in other parts of the Fire Code.

Exception: Fire flow is not required if the structure meets both of the following criteria:

1. It does not exceed 2500 square feet (232.3 m²)

2. It does not contain a hazardous operation, as determined by the Fire Marshal.
**EXHIBIT B**

Knutzen Proposal

d. Tables B105.1, B105.2, B105.3

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**TABLE B105.1**

Fire-flow for Buildings Other than One- and Two-Family Dwellings and Private Garages and Commercial Agricultural Buildings (Group U)

<table>
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<th>Construction Type (a)</th>
<th>Required Fire Flow (GPM)</th>
<th>Duration (Hours)</th>
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(a) Types of construction are based upon the current adopted edition of the IBC.
(b) Each portion of a building shall be considered as a separate fire area when separated by one or more fire walls built in accordance with the IBC.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Appointment to Water District #13 Board of Commissioners

**ATTACHMENTS:**

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<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
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<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) NO</td>
<td>Requested Date:</td>
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</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.)

Council to fill a vacant Water District #13 Board of Supervisor position

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
November 18, 2013

Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, Washington 98225

Dear Council Members;

This letter is to inform you of a current commissioner vacancy in our water district. We have had a vacancy as of January 2013, when one of our prior commissioners moved out of the area. We have informed and solicited the members of the community of this vacancy and had received no response until recently. On October 29, 2013, we received a letter of interest for the vacant commissioner position from a prior board member who had been on the Board of Commissioners for several years. We intended to appoint this person to the board at our regular meeting on November 26, 2013. We recently received a phone call from you on November 13, 2013, informing the district that it is up to the Whatcom County Council members to appoint someone to our board to fill the vacant spot.

Please accept this as a formal letter of our vacant commissioner position. The County Auditor is well aware of our situation. We are currently in a position to appoint a person to our board, who is in fact, the only person to show interest in our district. We would like to appoint this person, which would make us a complete board of five commissioners.

Please let us know how to proceed with this process. The board is recommending to proceed with the appointment of Jackque Fowler as soon as possible.

Enclosed is the letter of interest for your review and approval.

Sincerely,

[Signature]

Robert Vandenhaak
Board President

Enc: 1
WATER AND SEWER DISTRICT 13 COMMISSIONER VACANCY.
Appointee serves to 2015 general election. Must be county resident & qualified voter of the district. District generally encompasses the Kendall and Columbia Valley area, north of Hwy 542, including Peaceful Valley, not including Paradise Lakes.

Applicant(s): Amy Magee, Penny Morgan, Jackque Fowler, Nannette Dominguez,
Name: Amy L. Magee
Street Address: 2871 Green Valley Dr.
City: Maple Falls, WA.
Zip Code: 98266

Date: 12-10-13

Day Telephone: 360-599-3282
Evening Telephone: 360-599-3282
Cell Phone: 360-815-6043
E-mail address: Bowsermoon2002@comcast.net

1. Name of Diking or Drainage District Board/Commission: Water District #13

2. Which position number are you applying for (choose one)? ( ) 1 ( ) 2 ( ) 3

3. Do you own property in this District? ( ) yes ( ) no

4. Are you a registered voter in the State of Washington? ( ) yes ( ) no

5. Have you ever been a member of this Board/Commission? ( ) yes ( ) no

6. 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 ( ) no

7. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   I work for the U.S. Postal Service, have for 17 years.

   I own and run a small construction company. I have 2 rental homes and my son lives here also. I have lived in Peaceful Valley for over 20 years. My father, William Isenhart, developed Paradise on Peaceful Valley and I have a vested interest in keeping our development a thriving community.

8. Please describe why you're interested in serving on this board or commission: I feel it is time to get more involved as our community is growing. To help keep this water district running smoothly and efficiently.

References (please include daytime telephone number): Sarah Morgan-Dow, 360-599-9648

Signature of applicant: Amy L. Magee

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.
APPLICATION FOR APPOINTMENT TO SPECIAL DISTRICT BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Return application to: Whatcom County Council Office, 311 Grand Ave., Suite 105, Bellingham, WA 98225

Name: Penny Morgan  
Street Address: 2391 Blackbird Valley Lane  
City: Maple Falls  
Date:  
Zip Code: 98266
Mailing Address (if different from street address): PO Box 1073 Maple Falls WA 98266
Day Telephone: 360-312-7623  
Evening Telephone: 360-99-2222  
Cell Phone:  
E-mail address: penny.morgan@gmail.com

1. Name of Special District Board/Commission: Water District 13
2. Which position number are you applying for (choose one)?  ( ) 1 ( ) 2 ( ) 3
3. Do you own property in this District?  ( ) yes ( ) no
4. Are you a registered voter in the State of Washington?  ( ) yes ( ) no
5. Have you ever been a member of this Board/Commission?  ( ) yes ( ) no
6. 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 ( ) no
7. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education. Currently I work Retail in East Whatcom County. I also volunteer with Peaceful Valley Country Club, the same district as Water #13. Over the last 3 years, I have served on PVCC's Board of Directors and worked as office manager. I have a Bachelor's degree in Social Work and owned and operated a small business for 6 years. I have experience with public speaking, retail management, and raised a green for the Maple Falls Community Garden.
8. Please describe why you're interested in serving on this board or commission: I'm very excited to keep a close eye on water district events as we develop a more balanced, reducing unnecessary spending, and to have input into the decisions affecting the community.

References (please include daytime telephone number): 
GAYLE SUGIYAMA (360)-352-0772
BETHANY MURPHY (360)-589-1324

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.
November 20th 2013

Letter of Interest for Whatcom County Water District 13 Commissioner Position #3

I would like to submit my name as a candidate for the vacant position (Commissioner Seat #3) on the Whatcom County Water District 13 Board of Commissioners. My goal as a commissioner would be is to keep a close eye on water district events as they develop with a mind toward reducing unnecessary spending.


- I have worked with Peaceful Valley Country Club since June 2010; serving as Treasurer, President, and volunteer for the association. During my term as board member the corporation cut spending considerably and increased its road reserve fund from 10,000 to $85,000. The three years I have worked with Peaceful Valley have led me to be very knowledgeable about the legal history of our district, the people served here, and future developments for our community

- I worked with the Maple Falls Community Garden as an organizer and wrote a grant for the organization in 2011 and am currently helping with the Community Garden at the resource center.

- Owned and operated a small online retail business from 2006-2012.

Thank you for your consideration,

Penny Morgan
APPLICATION FOR APPOINTMENT TO SPECIAL DISTRICT BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Return application to: Whatcom County Council Office, 311 Grand Ave., Suite 105, Bellingham, WA 98225

Name: Jacqueline Fowler  Date: 10/31/13 11/21/13

Street Address: 2491 Blackbird Valley Ln
City: Maple Falls, WA  Zip Code: 98266

Mailing Address (if different from street address): P.O. Box 452 Maple Falls 98266

Day Telephone: 360-599-2527 Evening Telephone: ________________________ Cell Phone: _______

E-mail address: ________________________________

1. Name of Diking or Drainage District Board/Commission: Whatcom County Water Dist. #13

2. Which position number are you applying for (choose one)?
   ( ) 1 ( ) 2 ( ) 3

3. Do you own property in this District? ( ) yes ( ) no

4. Are you a registered voter in the State of Washington? ( ) yes ( ) no

5. Have you ever been a member of this Board/Commission? ( ) yes ( ) no
   If yes, dates: 1988 - 2007

6. 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 ( ) no
   If yes, please explain:

7. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community
   activities, and education.

   I was a manager at Sam's for 15 years at a local store in this community. I have served
   over 19 years on this water board and have been retired for 9 years.

   Please see attached letter of interest that was given to board on 11/31/13

8. Please describe why you're interested in serving on this board or commission:
   I understand the water/sewer business and continue to have a deep
   interest in providing quality water to the community.

References (please include daytime telephone number): Lisa Cable 599-9390

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.
Jackie Queller requested to be considered for the vacant position of the previous Board member, Mr. Thompson.

I have previously served on this Board for over nineteen years and feel I have a good understanding of the District needs.

It would be an honor to again work with the Board on future goals to serve the residents of Peaceful Valley, Water District #13.

Thank you for your consideration.

Sincerely,
Jackie Queller

755 W. Roosevelt
Peaceful Valley
360 599 2527
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Nannette Dominguez
Street Address: 442 Sprague Valley Dr.
City: Maple Falls
Mailing Address (if different from street address): PO Box 1743
Day Telephone: 360-778-1003
E-mail address: nettdom303@comcast.net

Date: 11/27/13
Zip Code: 98266

1. Name of board or committee—please see reverse: Whatcom County Water District No. 13
2. You must specify which position you are applying for. Please refer to vacancy list.
   Commissioner Position No. 3
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? (x) 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? (x) yes ( ) no
   If yes, please explain:
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   I retired after a 25 year career with Pacific Gas and Electric Company in California. The bulk of my career was in their General Construction Department during which I enjoyed exciting and varied positions including and not limited to: Field Clerk in support of their Line Construction foremen and crews; Environmental Specialist working in conjunction with the Environmental Coordinator doing environmental safety training; Technical Foreman in their Substation Dept. responsible for the area foreman’s budget, supervising a field warehouse with an inventory worth approximately six million dollars, meeting with contractors, walking the scope of a job, receiving and awarding bids.
   I also served one term as Treasurer and one and a half terms as Vice President of Local Union 1245, IBEW. I resigned half way through my second term as vice president to accept a position outside the bargaining unit within PG&E.
10. Please describe why you’re interested in serving on this board or commission: When I retired I needed a rest, that’s done, it’s time to get involved again.

References (please include daytime telephone number):

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.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Annual Appointments to Council-Appointed Boards and Commissions

**ATTACHMENTS:**
Applications

**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.)
Annual appointments to County Council-appointed citizen Board, Commission, and Committee vacancies.

**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).
WHATCOM COUNTY COUNCIL

BOARDS AND COMMISSIONS VACANCIES

Through January 31, 2014

BOARD OF EQUALIZATION: 1 Vacancy, three-year term
- 1 Vacancy representing District 1
The Board ensures that all properties are valued at 100% of market value. The Board may equalize property values by either lowering or raising land/building assessments. The Board generally meets on Wednesdays and Thursdays, with occasional Tuesday meetings as the caseload requires. Members receive $75 per diem for attending hearings.

Applicant(s): Wes Van De Mark (currently an alternate member)

COMMUNITY NETWORK: 2 Vacancies, three-year terms
Board members shall be citizens who live within the network boundary and have no fiduciary interest. The Community Network is a nonprofit organization. Twenty three members represent the diversity of civic and resident leadership in our community. The 23-member Board meets quarterly to hold strategic dialogue on critical issues facing the community’s children, youth, and families and to shape the agenda for Network action. First priority in appointment shall be given to members of community mobilization advisory boards, city or county children’s services commissions, human services advisory boards, or other such organizations. Meets quarterly.

Applicant(s): None

HORTICULTURE PEST AND DISEASE BOARD: 4 Vacancies, two-year terms
Current members eligible to reapply. One member shall have at least a practical knowledge of horticultural pests and diseases. The Board assists Whatcom County to effectively control and prevent the spread of horticultural pests and diseases. The other members shall be residents of the county, own land in the county, and be engaged in the primary and commercial production of horticultural product(s), one of whom shall be engaged in the production of certified organic produce, if available. Committee has been inactive, but may reactivate in 2014.

Applicant(s): None

NOXIOUS WEED CONTROL BOARD: 2 Vacancies. Various terms
- District 3. Partial term ending 1/31/2015
- District 4. Four-year term
Must reside in the represented district and have ten signatures from registered voters in that district. Four of the five members must be engaged in agricultural production.

District No. 3 - North Boundary is Henry, Alder Grove, and Hemmi Rds.; South Boundary follows Slater and Bakerview Rds.; East and West Boundaries are the same as for Whatcom County.

District No. 4 - North Boundary follows Slater and Bakerview Rds.; South Boundary follows Galbraith Rd. east to west through Hale Passage excluding Lummi Island; East and West Boundaries are the same as for Whatcom County.
Four board members shall be involved in the primary production of agriculture products. However, this does not require that agriculture be a primary source of income for these members. One (1) member shall only reside within a District area of Whatcom County. WSU Cooperative Extension shall appoint an ex-officio to provide technical assistance to the Board. The Board promotes education concerning management of listed
noxious weeds such as tansy ragwort, knapweed, purple loosestrife, krotweed and their impacts on natural resources. Members receive mileage reimbursement for meetings, and generally meet every other month. Please call the Weed Board Coordinator at 715-7470 for more information. All applications should be sent to the Whatcom County Noxious Weed Board, 322 N. Commercial St., Suite 110, Bellingham WA 98225.

Applicant(s): None

OPEN SPACE ADVISORY COMMITTEE: 5 Vacancies. Four-year terms
Current members eligible to reapply. The committee represents the active farming community in the county to serve in an advisory capacity to the County Assessor in implementing assessment guidelines as established by the Department of Revenue for the assessment of open space, farms and agricultural lands, and timber lands. Meets annually at the end of August.

Applicant(s): Theresa Sygitowicz (incumbent)

PLANNING COMMISSION: 3 Vacancies. Four-year terms
- 2 vacancies representing District 3, one current member eligible to reapply
- 1 vacancy representing District 1, current member eligible to reapply
The Planning Commission shall assist the Planning & Development Services Department in carrying out its duties, which includes helping to prepare and execute the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments. The Commission shall conduct hearings as required under RCW 36.70, and shall make findings and conclusions that shall be transmitted to the Planning and Development Services Department and County Council. The Planning Commission meets on the second and fourth Thursday of every month in the evenings.

District 1 Applicants (CHOOSE ONE): Jeff Rainey (incumbent), David Hunter, Delaine Clizbe, Nicole Oliver

District 3 Applicants (CHOOSE TWO): Rod Erickson (incumbent), Bert Webber, Walter Haugen, Terese Vanassche, Kevin Van Beek

SOLID WASTE ADVISORY COMMITTEE: 3 Vacancies. Three-year terms
- 2 vacancies representing a Public Interest Group
- 1 vacancy representing a Business/Industry
Current members eligible to reapply. No two representatives can be from the same company or public interest group. The committee provides ongoing public input and advice to Whatcom County on solid waste management issues. Generally meets quarterly on Thursday evenings, but meeting schedule and frequency subject to change upon committee approval.

Business/Industry Applicant(s): Amber Jones (incumbent)

Public Interest Group Applicant(s) (CHOOSE TWO): Marjorie Ann Leone (incumbent)

SURFACE MINING ADVISORY COMMITTEE: 3 Vacancies, Two-year terms
- 1 vacancy representing a surface mining material user
- 1 ecologist
- 1 representative of potable domestic groundwater supply
Committee advises the Whatcom County Planning and Development Services Department and the Whatcom County Council on implementing a surface mining regulatory program consistent with the Comprehensive Plan. Committee has been inactive, but may reactivate to consider the mineral resource lands section of the Comprehensive Plan in 2013. Meeting frequency to be determined.

Ecologist Applicant(s): Judy Dudley
Material User Applicant(s): None
Potable Domestic Groundwater Supply Applicant(s): None
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Wes Van De Mark
Street Address: 2111 30th Street
City: Bellingham
Zip Code: 98225

Date: 12/2/13

Day Telephone: 360-961-3551 Evening Telephone: 360-961-3551
Cell Phone: 360-961-3551
E-mail address: wes.3551@comcast.net

1. Name of board or committee please see reverse: Board of Equalization

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.) ☒ yes ( ) no

4. Which Council district do you live in? ☒ One ( ) Two ( ) Three

5. Are you a US citizen? ☒ yes ( ) no

6. Are you registered to vote in Whatcom County? ☒ yes ( ) no

7. Have you ever been a member of this Board/Commission? ☒ Alternate ( ) yes ( ) no
If yes, dates: Current thru 1/1/16

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 ☒ no
If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I have been an active Realtor for the past 20 years, prior to that I was a grocer in Whatcom County for 20 years. I am a former chair person for the Ferndale City Planning Commission and was president of the Ferndale Chamber of Commerce for 2 years. I am currently a Board of Equalization Alternate.

10. Please describe why you’re interested in serving on this board or commission: I was out of community involvement for several years and am now enjoying being more involved.

References (please include daytime telephone number): Dave Simpson 360-647-5342
Mike Parker 360-789-0857, Bud Julian 360-770-0855

Signature of applicant: [Signature]

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Theresa Sygitowicz
Street Address: 3031 whipping Rd
City: Deming WA
Mailing Address (if different from street address): same
Day Telephone: 360-595-5085 Evening Telephone: same
E-mail address: thers@qsl.com
Date: 12/10/13
Zip Code: 98247

1. Name of board or committee—please see reverse: Open Space
   Ag Producer

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.) Yes ( ) no
   One ( ) Two ( ) Three

4. Which Council district do you live in? Yes ( ) no
   Yes ( ) no

5. Are you a US citizen? Yes ( ) no

6. Are you registered to vote in Whatcom County? Yes ( ) no

7. Have you ever been a member of this Board/Commission? Yes ( ) no
   If yes, dates: 2010 - 2014

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 ( ) no
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   I am a Rancher who has 140 acres in open space. I am currently on the USDA Farm Service Agency Board of Directors. This position was elected from the Whatcom County agricultural community. I also am on various other county boards. I also run a few cows for the 5th generation Whatcom County farmers. I have board knowledge of family farm lands.

10. Please describe why you’re interested in serving on this board or commission: As a agricultural producer, I feel this my knowledge is needed.

References (please include daytime telephone number): Ed Strachula - 595-2506
   Don William - 671-0700
   Steve Smith
   Larry Dohson
   354-3128

Signature of applicant: (signature)

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Jeff A Rainey _______________________________ Date: 12-20-13
Street Address: 2304 Valley Hiway ________________________
City: Deming __________________ Zip Code: 98244
Mailing Address (if different from street address): ____________________________
Day Telephone: 360-912-22 Evening Telephone: Sam ___________________ Cell Phone: 360-912-22
E-mail address: Coldstreamfarms@yahoo.com

1. Name of board or committee—please see reverse: Whatcom Planning Commission

2. You must specify which position you are applying for. Please refer to vacancy list: District 1

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.) ☒ yes ( ) no

4. Which Council district do you live in? ☒ One ( ) Two ( ) Three

5. Are you a US citizen? ☒ yes ( ) no

6. Are you registered to vote in Whatcom County? ☒ yes ( ) no

7. Have you ever been a member of this Board/Commission? ☒ yes ( ) no
   If yes, dates: 2010—Present

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 ☒ no
   If yes, please explain: ________________________________

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education. see attached

   ________________________________
   ________________________________
   ________________________________
   ________________________________

10. Please describe why you're interested in serving on this board or commission: see attached

   ________________________________
   References (please include daytime telephone number): see attached
   ________________________________

Signature of applicant: ________________________________

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9. Please describe your occupation (or former occupation, if retired), qualifications, professional and/or community activities, and education.

   I am the owner of Coldstream Farms, a dairy production business. Currently I serve on the Whatcom County Planning Commission and on the Board of Directors for the Northwest Dairy Association; Dairgold Incorporated. Previously, I spent time on the Acme Van Zandt Flood Subzone Committee and with Whatcom County Farms Services Administration.

10. Please describe why you’re interested in serving on this board or commission:

   My family is deeply rooted in the Agricultural Business in Whatcom County. I want to help represent this important industry and land use issues.

11. References (please include daytime telephone number)

   Doug Dostal – Peoples Bank                  360-354-7278
   Sherman Polinder                           360-815-5078
   Gary Honcoop – Honcoop Construction        360-815-5396
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: **David B. Hunter**

Street Address: **819 Mason St.**

City: **Bellingham**

Mailing Address (if different from street address): **Same**

Zip Code: **98225**

Day Telephone: **360-671-5366**

Evening Telephone: _____________

Cell Phone: **360-296-8353**

E-mail address: **dbhunterlaw@hotmail.com**

Date: **11/14/13**

1. Name of board or committee—please see reverse: **Whatcom County Planning Commission**

2. You must specify which position you are applying for. **Commissioner District 1**

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you are applying? [ ] yes [ ] no


5. Are you a US citizen? [ ] yes [ ] no

6. Are you registered to vote in Whatcom County? [ ] yes [ ] no

7. Have you ever been a member of this Board/Commission? [ ] yes [ ] no

If yes, dates: **2002 - 2009**

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 [ ] no

If yes, please explain: ________________________________

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   I am an attorney. I have a contract with the County to represent indigent parents in dependency matters. I was a planning commissioner for eight years. I was a member of the Bellingham Board of Adjustment for four years. I have a BA degree and a JD degree. I was a member of the Board of Resources in Whatcom County.

10. Please describe why you're interested in serving on this board or commission: **I have a continuing interest in safe and stable planning and use of land and natural environment**

References (please include daytime telephone number): **Whatcom County Superior Court Commissioner Fred Heydrich 676-6874 City Council person Terry Bouquetman 671-3829 Professor Vernon Johnson, 360-4974**

Signature of applicant: **David B. Hunter**

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Delaine Clise
Street Address: 1846 Governor Rd
City: Bellingham, WA 98229
Mailing Address (if different from street address): 
Day Telephone: Evening Telephone: Cell Phone (360) 961-5364
E-mail address: delaine.918@gmail.com

1. Name of board or committee-please see reverse:
   
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.)
   
4. Which Council district do you live in?
   
5. Are you a US citizen?

6. Are you registered to vote in Whatcom County?

7. Have you ever been a member of this Board/Commission?

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?

If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Semi-retired, 30 years in Commercial Fishing and now have rental housing. BS degree in Nutrition.

See attached resume.

10. Please describe why you’re interested in serving on this board or commission:

   I care how this County is developed and I would like to have a voice.

References (please include daytime telephone number):

   Missy Bellis - 303-5041
   Tammy Bennett - 733-8830

Signature of applicant: Delaine Clise

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Nicole Oliver
Date: 12-30-13

Street Address: 2320 Walnut Street
City: Bellingham, WA
Zip Code: 98225

Mailing Address (if different from street address):

Day Telephone: 778-8078
Evening Telephone:
Cell Phone: 223-0230
E-mail address: nicolio38@gmail.com

1. Name of board or committee-please see reverse:
   Planning Commission

2. You must specify which position you are applying for. Please refer to vacancy list:

   District 1

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.)

4. Which Council district do you live in? One ( ) Two ( ) Three ( )

5. Are you a US citizen? Yes ( ) No ( )

6. Are you registered to vote in Whatcom County? 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 ( ) No ( )
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Current I.T. Project and Training Manager for City of Bellingham. Worked as Communications Coordinator for City Planning Dept. for almost 8 years, and Legislative Coordinator for City Council prior to that. Have a Master’s in Political Science and Environmental Studies, and keen interest and expertise in land use planning and development regulations. Also I’m a great communicator and collaborator.

10. Please describe why you’re interested in serving on this board or commission:
    Planning work, desire to work on planning issues and help build smart, accurate and defensible documents and recommendations.

References (please include daytime telephone number):
   Greg Arnott, Senior Planner 778-8344

Signature of applicant:

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Rod Erickson                                      Date: 12-30-13
Street Address: 6843 Church Rd                                         
City: Ferndale                                               Zip Code: 98248
Mailing Address (if different from street address):
Day Telephone: (360) 384-3363  Evening Telephone: (360) 384-3363  Cell Phone: N/A
E-mail address: TheQuiltingGrammy@com

1. Name of board or committee - please see reverse: Planning Commission

2. You must specify which position you are applying for. Please refer to vacancy list: District 3

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 (x) 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? (x) yes ( ) no

   If yes, dates: 1980 - 2013

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:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   Retired Dairy Farmer. Have been working with planning since it came into focus in the beginning. Served on the original 50 person committee in the county, the planning committee for GMA, and two split terms on the planning commission. Over the years have served on various fairs. Reporting Ag.

10. Please describe why you’re interested in serving on this board or commission: I want to represent Ag. to promote orderly planning for the future.

References (please include daytime telephone number):

   Harry Bierlink (Farm Friends) 354-1337
   Ken Stremler (Farmers Equipment) 354-3741

Signature of applicant: Rod Erickson

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Bent Webber Date: Dec 16, 2013
Street Address: 3935 Cliffside Dr
City: Bellingham (actually in the County) Zip Code: 98225
Mailing Address (if different from street address):
Day Telephone: 733-9678 Evening Telephone: Cell Phone:
E-mail address: bentand sue @ earthlink.net

1. Name of board or committee-please see reverse: Planning Commission

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 (X) 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? ( ) 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. Please see attachment 1

10. Please describe why you’re interested in serving on this board or commission: Please see attachment 2

References (please include daytime telephone number): Please see attachment 3

Signature of applicant: Bent Webber

THIS IS A FORMER DOCUMENT available to the County Council, County Executive, and the public
Attachment One.
Occupation, Qualifications, Community Activities.

I joined the founding faculty of Huxley College of the Environment, WWU, in 1970. Until my retirement in the mid 1990's I specialized in marine and estuarine ecology, particularly as it relates to oil pollution. In that time I brought over one million dollars in State and Federal research grant funds to WWU. Most of this money was spent in Whatcom County.

When I left WWU, my wife and I operated a small cruise ship business with the MV Snow Goose. For many years we taught 6th grade students about the ecology of Bellingham Bay (over 10,000 kids participated). In the summers we conducted natural history tours of the marine waters of South East Alaska—whales, bears and glaciers. The business provided employment for many Whatcom County residents.

I have always been interested in salmon, and have experienced both commercial and recreational fishing. I joined the Nooksack Salmon Enhancement Association when it was formed in 1990 and served on the Board of Directors until 2005.

Since retirement, I have remained active in community issues.

I am particularly interested in the issues we have in Whatcom County related to water. The issues are complex, multifaceted and threaten to bring a high degree of anguish to many people in our County as we solve these problems. I want my great grandchildren to live in a County where understanding, discussion and compromise provide the sense that all residents belong to the same community.

I serve on a committee advising a donor supported Fund with the Whatcom Community Foundation that has the focus of increasing the production and consumption of local food—particularly in schools.

I live close to the airport, and have an interest in the environmental impacts of airport operations. I currently serve as a representative of the environment constituency on the BIAAC (Bellingham International Airport Advisory Committee).
Attachment 2
Why I am Interested in serving on the Planning Commission

Worldwide, conflict over water supplies is widespread at the local, national and international levels. Whatcom County has a number of local conflicts about water.

The Nooksack River Watershed serves the water needs of around 205,000 people including most cities and the unincorporated areas of Whatcom County. As well, the river provides water to industries including the agriculture sector. Because of low flows in July through September the Nooksack River does not meet the minimum flow standards, and the State Department of Ecology, since the mid 1980's has not issued new permits to use surface water from the River. Ground water supplies are allowed for residential use and are limited to 5,000 gallons per day. Continued granting of exempt wells is under challenge.

The major use of water in the Nooksack watershed is the Agriculture sector that mostly uses ground water from wells. The connectivity of ground water to surface water is not adequately understood. It is widely recognized that the majority of water used by the Agriculture section is unpermitted.

Even though the Nooksack River does not currently meet low flow standards during the summer there are permitted amounts that are not being used. The City of Bellingham has a permit to use up to 50 million gallons per day and Public Utility District 1 promises 5 million gallons per day to the proposed Coal Port.

The Lummi Nation and the Nooksack Tribe have unrealized claims to Nooksack River water in amounts required to support harvestable numbers of salmon. Requests to quantify these claims are currently under review by the Federal Government. It is not clear what the Federal Government response will be. It is widely understood that the tribal claim will be considered the senior water right and since the Nooksack River does meet summer minimum flows it is likely that some of the existing water rights will be extinguished and that the unpermitted use of water will be curtailed.

The work of the Whatcom County Planning Commission is integral to developing solutions to these conflicts. I would like to part of this process.

Bert Webber  January 2014
Attachment 3
References

1. Nick Zaferatos, former chair, Bellingham Planning Commission 734-1983

2. Skip Richards, cdi consulting. Email: info@skip-richards.com

3. Henry Bierlink, Farm Friends, 354-1337. Please note that if Henry has to choose between Rod Erickson and myself he would choose Mr. Erickson.

4. Chuck Foster, C.P. Foster and Associates, Bellingham City Club. 671-5707
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Walter Haugen
Street Address: 5840 Barr Road
City: Ferndale, WA
Mailing Address (if different from street address): Same
Day Telephone: 360-312-0335 Evening Telephone: Same Cell Phone: Same
E-mail address: wvhaugen@hotmail.com

1. Name of board or committee- please see reverse:
   Planning Commission

2. You must specify which position you are applying for.
   Please refer to vacancy list.
   District 3

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.)
   ( ) Yes ( ) No

4. Which Council district do you live in?
   ( ) One ( ) Two ( ) Three

5. Are you a US citizen?
   ( ) Yes ( ) No

6. Are you registered to vote in Whatcom County?
   ( ) 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 ( ) No

   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   Farmer - semi-retired
   Educator - M.A., Biological Anthropology, Portland State

10. Please describe why you're interested in serving on this board or commission: All decisions seem to be made under the assumption that good times are just around the corner. There is no Councilman Ken Mann suggested I apply.

   References (please include daytime telephone number): Ken Mann, Suggested I apply

   Signature of applicant: Walter Haugen

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: TERÈSE E. VANASSCHE  Date: 12/16/2013

Street Address: 5551 SECOND AVENUE  Zip Code: 98248

City: FERNDALE WA  Mailing Address (if different from street address): P.O. BOX 1356, FERNDALE, WA 98248

Day Telephone: 253-339-2157  Evening Telephone: 253-339-2157

Cell Phone: 253-339-2157  Email address: terasolutions@verizon.net, com

1. Name of board or committee— please see reverse: WHATCOM COUNTY PLANNING COMMISSION

   SEAT FOR DISTRICT #3

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.) Yes ( ) No (X)

4. Which Council district do you live in? One ( ) Two ( ) Three (X)

5. Are you a US citizen? Yes (X) No ( )

6. Are you registered to vote in Whatcom County? Yes (X) No ( )

7. Have you ever been a member of this Board/Commission? Yes ( ) No (X)

   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 ( ) No (X)

   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   RETIRED TRANSPORTATION ENGINEER / DOCUMENTATION ENGINEER FOR USD OT, 22+ YEARS, UNIVERSITY OF NORTH DAKOTA 1985.


   SIERRA CLUB BOARD MEMBER, MT. BAKER AREA.


   SASSAFA SPTA TREASURER = 1996-97 (FEDERAL WAY).

10. Please describe why you're interested in serving on this board or commission:

   TO CONTRIBUTE MY KNOWLEDGE & SKILLS TO PLANNING FOR THE FUTURE OR

   References (please include daytime telephone number): STAN PARKER = 360-738-0770

   LLOYD ZIMMERMAN = FERNDALE CITY COUNCIL MEMBER = 360-384-3132

Signature of applicant: JERSEY E. VONESOD  12/16/2013

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Kevin J. VanBeek
Street Address: 8896 Sunrise Rd
City: Custer
Date: 1-15-14
Zip Code: 98240

Mailing Address (if different from street address):

Day Telephone: (360) 303-9854 Evening Telephone: Cell Phone:
E-mail address: genesisconstructioninc@gmail.com

1. Name of board or committee—please see reverse: Planning Commission
   Planning Commission Dist. 3

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 (x) 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? (x) 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? (x) yes ( ) no
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   My family have been residents to Whatcom County for nearly 100 years.
   I am raising my four children here, and I have worked in both residential and commercial, my whole adult life. I also grew up working on a dairy. I am also a graduate of Whatcom Community College.

10. Please describe why you’re interested in serving on this board or commission: I hope to serve on the planning commission so my children and others have a viable future here.
   References (please include daytime telephone number): Steve Cowden 597-4205
   Kevin DeYoung 734-4280 John Haystack 815-4185

Signature of applicant: [Signature]

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Amber Jones
Street Address: 2524 New Haven Pl
City: Bellingham
Mailing Address (if different from street address): Same as above
Day Telephone: 360-343-7428, Evening Telephone: Cell Phone:
E-mail address: ambereslince.com

Date: 12-3-13

1. Name of board or committee—please see reverse: Solid Waste Advisory Committee
Solid Waste Business/Industry Rep

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.)

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three

5. Are you a US citizen? ( ) Yes ( ) No

6. Are you registered to vote in Whatcom County? ( ) Yes ( ) No

7. Have you ever been a member of this Board/Commission? ( ) Yes ( ) No

If yes, dates: Temporarily 1-81-14

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 ( ) No

If yes, please explain: I am the CFO of Sanitary Service Company, Inc.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I am the CFO of Sanitary Service Company, Inc.

10. Please describe why you’re interested in serving on this board or commission: I would be honored to use my knowledge of the solid waste industry to serve my community in this position.

References (please include daytime telephone number): Paul Razo 360-734-3492

Signature of applicant: 

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Marjorie Ann Leone  Date: 12/9/13

Street Address: 2913 Broad St.
City: Bellingham  Zip Code: 98225

Mailing Address (if different from street address): same

Day Telephone: 360 815 4337  Evening Telephone: 360 671 6620  Cell Phone: 360 920 0874
E-mail address: marji@re-store.org

1. Name of board or committee—please see reverse: Solid Waste Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list. Public Interest Group Representative for RE Sources

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.) ☑ yes ( ) no

4. Which Council district do you live in? ☑ One ( ) Two ( ) Three

5. Are you a US citizen? ☑ yes ( ) no

6. Are you registered to vote in Whatcom County? ☑ yes ( ) no

7. Have you ever been a member of this Board/Commission? ☑ yes ( ) no
   If yes, dates: 1/27/2011 - DEC 2013

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 ( ) no
   If yes, please explain: RE Sources has a contract with WCC for Educational Services.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   As Bellingham Field Manager at the RE Store (a project of RE Sources), I coordinate and administer all RE Store activities which take place outside the store: pickups, salvage work, and green demolition. I am a former board member of Appliance Depot. In 1978 I helped start a recycling program at the University of Washington dormitories.

10. Please describe why you're interested in serving on this board or commission: A longstanding interest in waste diversion.

References (please include daytime telephone number): Kurt Gisclair 360-815-4337

Signature of applicant: [Signature]

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Judy Dudley
Street Address: 2752 Broadway
City: Bellingham, WA
Zip Code: 98225
Day Telephone: 360-303-1311 Evening Telephone: 360-734-3516 Cell Phone: 
E-mail address: judydudley@8.com

Date: Jan. 10, 2014

1. Name of board or committee—please see reverse: Surface Mining Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list. Ecologist

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.)

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? (X) yes ( ) no

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

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

10. Please describe why you’re interested in serving on this board or commission: Public service.

References (please include daytime telephone number):

Ann Shortelle 360-590-1272
John Key 360-739-2866

Signature of applicant: Judy Dudley

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### WHATCOM COUNTY COUNCIL AGENDA BILL

**CLEARANCES**

<table>
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<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>9/14/2014</td>
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**TITLE OF DOCUMENT:**
Annual Board of Supervisor Appt. to FCZD Committees

**ATTACHMENTS:**

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

Council, Acting as the Whatcom County Flood Control Zone District Board of Supervisors, annual appointments to the Whatcom County Flood Control Zone District Advisory Committee, Acme/VanZandt Flood Control Subzone Advisory Committee, Lynden/Everson Flood Control Subzone Advisory Committee, and Sumas/Everson/Nooksack Flood Control Subzone Advisory Committee

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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).
FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS-APPOINTED BOARDS AND COMMISSION VACANCIES

FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE - 7 Vacancies. Various terms
- 3 Vacancies representing geographical areas. Four-year terms
- 2 vacancies representing Special Districts. One-year terms
- 2 vacancies representing Impacted Cities. One-year terms
- Any person interested in serving on the advisory committee may be appointed as an alternate for a term of six years. Alternate members shall be notified of each meeting and are encouraged to attend.

All current members eligible to reapply. Committee assists and makes recommendations to the Board of Supervisors in performing flood damage repairs, maintenance and improvements, and minimizing future flood damage through prevention and management on the Nooksack River, its watershed, and the other watersheds within Whatcom County. Meets the second Thursday of the month or as needed.

**Impacted Cities Applicant(s) (CHOOSE TWO):** Robert Bromley (incumbent)
**Special District Applicant(s) (CHOOSE TWO):** Harry Williams (incumbent), Ron Bronsema (Incumbent)
**Geographic Areas Applicant(s) (CHOOSE THREE):** Alan Soicher (incumbent), Ian Smith (incumbent), Rodney Vande Hoef (incumbent), Richard Maricle, Theresa Sygitowicz

ACME/VAN ZANDT FLOOD CONTROL SUBZONE ADVISORY COMMITTEE - 3 Vacancies, four-year terms
2 current members eligible to reapply. Applicants must live within the subzone boundary. The Committee is an integral part of the program reviewing the Comprehensive Plan for flood control, discusses and recommends budget appropriation, and is a liaison with the public at meetings. The Committee has special meetings throughout the year as needed.

**Applicant(s) (CHOOSE THREE):** Ian Smith (incumbent), Theresa Sygitowicz (incumbent)

LYNDEN/EVERSON FLOOD CONTROL SUBZONE ADVISORY COMMITTEE - 3 Vacancies, four-year terms
Current members eligible to reapply. Applicants must live within the subzone boundary. The Committee is an integral part of the program reviewing the Comprehensive Plan for flood control, discusses and recommends budget appropriation, and is a liaison with the public at meetings. The Committee has special meetings throughout the year as needed.

**Applicant(s) (CHOOSE THREE):** Nathan Kleindel (incumbent), John Courtney (incumbent)

SUMAS/EVERSON/NOOKSACK FLOOD CONTROL SUBZONE ADVISORY COMMITTEE - 3 Vacancies, four-year terms
3 Vacancies, 1 current member eligible to reapply. Applicants must live within the subzone boundary. The Committee is an integral part of the program reviewing the Comprehensive Plan for flood control, discusses and recommends budget appropriation, and is a liaison with the public at meetings. The Committee has special meetings throughout the year, as needed.

**Applicant(s) (CHOOSE THREE):** None
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Robert Bromley                                   Date: 12/10/13
Street Address: 433 Cherry St
City: Sumas
Zip Code: 98295
Mailing Address (if different from street address): P.O. Box 9
Day Telephone: (360) 988-4721  Evening Telephone: (360) 988-8233  Cell Phone: (360) 961-2303
E-mail address: mayor@bromley.com

1. Name of board or committee—please see reverse: Flood Control Zone District Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list. Impacted Cities

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you are applying? (If applicable, please refer to vacancy list.) ☑ yes  ( ) no

4. Which Council district do you live in? ( ) One  ☑ Two  ( ) Three

5. Are you a US citizen? ☑ yes  ( ) no

6. Are you registered to vote in Whatcom County? ☑ yes  ( ) no

7. Have you ever been a member of this Board/Commission? ☑ yes  ( ) no
   If yes, dates: 2013/present member

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  ( ) no
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   Owner Bromley’s Market IGA and served as Mayor City of Sumas, member of Sumas Chamber of Commerce, and Sumas Lions Club. Attended Western Washington University, 4 yrs.

   As a citizen of Sumas I live in an area of flood plain and have been through several flooding events, including personal residence. As Mayor I am engaged in flood protection within our City.

10. Please describe why you’re interested in serving on this board or commission: To contribute in the efforts to control or reduce flooding problems around Whatcom Co.

References (please include daytime telephone number):

   Chris Haugen 961-7224
   Rod Fadden 201-8328  Jim Akerman 965-3272

Signature of applicant: Robert Bromley

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: HARRY E. WILLIAMS Date: 12/10/13
Street Address: 4437 DEMING RD
City: EVESON WA Zip Code: 98247
Mailing Address (if different from street address): 
Day Telephone: 360 592 5903 Evening Telephone: Same Cell Phone: 360 577 620
E-mail address: 

1. Name of board or committee-please see reverse: FLOOD CONTROL ZONE DIST. (Advisory)

2. You must specify which position you are applying for. Please refer to vacancy list. SPECIAL DISTRICT

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.) ( ) Yes ( ) No

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three

5. Are you a US citizen? ( ) Yes ( ) No

6. Are you registered to vote in Whatcom County? ( ) Yes ( ) No

7. Have you ever been a member of this Board/Commission? ( ) Yes ( ) No

     If yes, dates: 2011 - 2012 - 2013

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 ( ) No

     If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

     BLUEBERRY GROWER / BEEF CATTLE RANCHER
     RETIRED MARINE CORPS MASTER SERGEANT (ENGINEER CHEF)
     32 YRS SERVICE,
     COMPRESSOR DIVING DIVER 1ST. 18 YRS
     MEMBER FCZD BOARD / MT. AIRA hin ביחד (5041)

10. Please describe why you’re interested in serving on this board or commission: TO HELP KEEP OUR DYES, LEVELS & PLENTHEM ALONG THE COAST IN 2013

     References (please include daytime telephone number): ARTHUR ANDERSON 360 592 5760
     GENE AARSTAD 360 592 5438

     Signature of applicant: HARRY E. WILLIAMS

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Ron Bronsema  Date: 12-16-13
Street Address: 3135 North Wood Rd.
City: Everson  Zip Code: 98247
Mailing Address (if different from street address): 
Day Telephone: 360-2972  Evening Telephone:  
Cell Phone: 961-7792  E-mail address: rbdairy@clearwire.net

1. Name of board or committee—please see reverse: Flood Control Zone District A.C. Special Districts Representative

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.)  yes  no

4. Which Council district do you live in?  One  Two  Three

5. Are you a US citizen?  yes  no

6. Are you registered to vote in Whatcom County?  yes  no

7. Have you ever been a member of this Board/Commission?  yes  no
   If yes, dates: 1992-2010, 2012-2013

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  no
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Dairy Farmer, family has farmed in Nooksack R. Flood Plain since 1911. Past Flood control A.C. Chair Past Lynden/Everson sub-Zone chair.
   Member S.W. I.F. oversight committee. 

10. Please describe why you're interested in serving on this board or commission: Implement lower Lower Nooksack R. C.F.H.m.p.

References (please include daytime telephone number): 
   Frank Abbot, 676-6707
   Paula Cooper, 676-6707

Signature of applicant: 

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: ALAN SCULCHER Date: DECEMBER 30, 2013
Street Address: 5384 STRAND ROAD
City: DEMING Zip Code: 98244
Mailing Address (if different from street address):
Day Telephone: (360) 303-4739 Evening Telephone: Same Cell Phone: Same
E-mail address: alan@nas.com

1. Name of board or committee—please see reverse: Flood Control Zone District Advisory Comm.
Geographic Area Representative

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? (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? (X) yes ( ) no

If yes, dates: 2004-PRESENT

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.

I am currently an environmental manager with the Whatcom, State Dept. of Transportation, and previously implemented river restoration projects in the Nooksack watershed. I have a bachelor's degree in geological engineering and a master's in geology and am a licensed hydrogeologist. My wife and I run a small blueberry farm near Van Zandt.

10. Please describe why you're interested in serving on this board or commission: To help advise County decision makers on flood-related projects, and help achieve a positive outcome in the review process.

References (please include daytime telephone number):

Tan Smith (360) 303-4739; Trena Cole (360) 592-2632

Signature of applicant: ALAN SCULCHER

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Evan A. Smith

Street Address: 506 Homestead Rd

City: Deming

Mailing Address (if different from street address):

Day Telephone: 360-314-8917 Evening Telephone: ___________ Cell Phone: ___________

E-mail address:

1. Name of board or committee-please see reverse:
   Flood Control Zone District Advisory Committee
   applying for new term.
   Geo. Area

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.)
   ☑ yes ( ) no

4. Which Council district do you live in?
   ( ) One ( ) Two ( ) Three

5. Are you a US citizen?
   ☑ yes ( ) no

6. Are you registered to vote in Whatcom County?
   ☑ yes ( ) no

7. Have you ever been a member of this Board/Commission?
   Yes ( ) no
   If yes, dates: 10/1/13 - 11/14

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 ☑ no

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Environmental Restoration Contractor. Riparian Restoration Consultant.
   20 yrs. Experience restoring salmon habitats and working with farmers to implement best management practices. Member of Acme/Vandervort FCSZAC and current chair. Member of Flood Control District Advisory Committee and current vice chair. Local Business Owner and volunteer soccer coach, basketball coach, and env. science educator.

10. Please describe why you’re interested in serving on this board or commission:
    Dedicated to finding solutions for flood control efforts that combine habitat restoration and flood protection.

References (please include daytime telephone number):
   Alan Soichov (DOT) 360-4739
   Frank Corey (NRCS) 354-2035
   Holly Oneil (LT) 303-3217

Signature of applicant:

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Rodney Vande Hoef
Street Address: 2021 Stickney Is. Rd
City: Everson, Wa.
Mailing Address (if different from street address):
Day Telephone: 360-966-5120 Evening Telephone: 
Cell Phone: 360-815-6147
E-mail address: rjvhoef@yahoo.com

Date: 12-12-13
Zip Code: 98247

1. Name of board or committee—please see reverse: Flood Control Zone District Advisory Comm.

2. You must specify which position you are applying for.
   Please refer to vacancy list.
   Geographic Areas.

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.) 
   ☑ yes ( ) no

4. Which Council district do you live in? (One ☑ Two ( ) Three ☑)

5. Are you a US citizen? ☑ yes ( ) no

6. Are you registered to vote in Whatcom County? ☑ yes ( ) no

7. Have you ever been a member of this Board/Commission? ☑ yes ( ) no
   If yes, dates: 2009 - 2013

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 ( ) no
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Dairy Farmer

10. Please describe why you’re interested in serving on this board or commission:
    Nooksack River is along side of my farm and Kemm Creek water shed.

References (please include daytime telephone number):

Signature of applicant: Rodney Vande Hoef

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.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Richard Maricle                                      Date: Dec 11, 2013
Street Address: 3900 E. Smith Rd
City: Bellingham, WA 98226
Mailing Address (if different from street address):
Day Telephone: 360-592-5293  Evening Telephone: 592-5293  Cell Phone: 360-201-4729
E-mail address: rick.maricle@frontier.com

1. Name of board or committee-please see reverse: Flood Control Zone District Advisory
2. You must specify which position you are applying for. Please refer to vacancy list.
   Geographical Areas
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.)
4. Which Council district do you live in? ( ) One ( ) Two ( ) Three
5. Are you a US citizen? ( ) Yes ( ) No
6. Are you registered to vote in Whatcom County? ( ) Yes ( ) No
7. Have you ever been a member of this Board/Commission? ( ) Yes ( ) No
   If yes, dates: 2009 – 2013
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 ( ) No
   If yes, please explain:
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Phillips 66 Company, Process Engineer
   B.S. Chemical Engineering, WSU
   Volunteers for Industrial Credit Union Supervisory Committee, former President of Mt Baker Youth Basketball Association, former member of Mt Baker School Board
10. Please describe why you’re interested in serving on this board or commission: To continue to serve representing areas that are in neither a skiing district or subzone.

References (please include daytime telephone number): Bill Knutzen 410-2000

Signature of applicant: Rick Maricle, by Janet Maricle, wife, P.O.A

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

Please print legibly and complete all items.

Name: Theresa S. Sackette
Street Address: 3031 Hibbert Rd
City: Deming, WA
Zip Code: 98244
Mailing Address (If different from street address): Same
Day Telephone: 360-595-6235 Evening Telephone: Same
E-mail address: thesg@qsl.com

Date: 12/16/13

1. Name of board or committee—please see reverse:
   Flood Control Dike District
   District One, Geo. Area

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 are applying?
   (If applicable, please refer to vacancy list.)
   Yes ( ) No ( )

4. Which Council district do you live in?
   One ( ) Two ( ) Three ( )

5. Are you a US citizen?
   Yes ( ) No ( )

6. Are you registered to vote in Whatcom County?
   Yes ( ) No ( )

7. Have you ever been a member of this Board/Commission?
   Yes ( ) No ( )
   If yes, dates: 2012 - 2013

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 ( ) No ( )
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   I am a long-time resident of Whatcom County. I manage our family homestead farm. I am currently employed as a Federal Service Agency, USDA-FSA. I am a college graduate with a B.S. degree in Animal Science.

10. Why are you interested in serving on this board or commission?
    The main reason is the need for people with an interest in community activities. Having a diverse background is a plus.
    References (Please include daytime telephone number):
    Robert Stasch 595-1188
    Larry DeHaan 354-318
    Mark Merriman 595-3313
    Keith Williams 670-679

Signature of applicant:  

**Note:** As a PUBLIC OFFICER, you are a candidate for PUBLIC office. If elected, upon information and belief, information will be used to determine if you are qualified as a public official. Any omissions or inaccuracies may result in disqualification of appointment and removal from the appointive position.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Ian A. Smith

Street Address: 5606 Homestender Rd.

City: Deming

Mailing Address (if different from street address):

Day Telephone: 360-319-8917

Evening Telephone:

Cell Phone:

E-mail address: livingsystemrd@gmail.com

Date: 12-28-13

Zip Code: 98244

1. Name of board or committee—please see reverse:

   Acme / Van Zandt FCS ZAC

   Applying for new term.

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.

   yes ( ) no

4. Which Council district do you live in?

   ( ) One ( ) Two ( ) Three

5. Are you a US citizen?

   ( ) yes ( ) no

6. Are you registered to vote in Whatcom County?

   ( ) yes ( ) no

7. Have you ever been a member of this Board/Commission?

   ( ) yes ( ) no

   If yes, dates: 11/1/09 - 11/30/14

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?

   If yes, please explain: 

   ( ) yes ( ) no

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   Environmental Restoration Contractor, Riparian Restoration Consultant

   20 yrs. experience in restoring salmon habitats, worked exclusively with farmers implementing BMP’s. Best management practices.

   Member of Acme / Van Zandt FCS ZAC and current chair. Member of Flood Control Advisory Committee and Vice Chair. Local Business owner and volunteer soccer coach, basketball coach, environmental educator.

10. Please describe why you’re interested in serving on this board or commission:

    I have a passion

    for implementing projects which balance flood control with habitat protection.

References (please include daytime telephone number):

   Alan Spicher (DOT) 360-973-37

   Frank Loyd (NRCS) 360-2038

   Holly McNeil (ELT) 360-3217

Signature of applicant: Ian A. Smith

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY AND COMPLETE ALL ITEMS

Name: Theresa Sagatowicz
Street Address: 3031 Upper Rd
City: Deming, WA
Mailing Address (if different from street address): Same
Day Telephone: 360-505-5035, Evening Telephone: 505-5035
E-mail address: thesygcool1.com

Date: 12/16/13
Zip Code: 98247

1. Name of board or committee—please see reverse:
   Anne/Whatcom Sub Zone

2. You must specify which position you are applying for.
   Please refer to vacancy list.

   ADVISORY COMMITTEE

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.)
   Yes ( ) No ( )

4. Which Council district do you live in?
   One ( ) Two ( ) Three ( )

5. Are you a U.S. citizen?
   Yes ( ) No ( )

6. Are you registered to vote in Whatcom County?
   Yes ( ) No ( )

7. Have you ever been a member of this Board/Commission?
   Yes ( ) No ( )
   If yes, dates: 2010-2011

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 ( ) No ( )
   If yes, please explain: I do not have any financial interest.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   I am a life long resident of the
   Fort Valley. I manage a homestead farm in the valley. I have
   extensive knowledge of the Fort River. My family
   has been involved in river management ever since the 1900s.
   I believe in community outreach, as shown in my past
   service on the Advisory Committee.

10. Please describe why you’re interested in serving on this board or commission:
    I believe that
    community outreach, the relationship that I have with
    the Whatcom Tribe, is a great base for successful projects.

References (please include daytime telephone number):
   John MacKay 545-2373, Sara Calibreth 545-5605, RD Sherwood
   595-2360

Signature of applicant: Theresa Sagatowicz

This statement is true to the best of my knowledge. As a candidate for a public board or commission, the above information will be submitted to the County Council, County Executive, and the public. All board and commission members are expected to be fully informed and responsible of the integrity, fairness, and good government. Failure to truthfully submit such information may result in suspension or removal from the appointive position.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Nathan Kleindel
Street Address: 8751 Weidkamp Rd
City: Lynden
Mailing Address (if different from street address): 8751 Weidkamp Rd
Day Telephone: (360) 815-1974
Evening Telephone: (360) 354-2244
Zip Code: 98264
Cell Phone: (360) 815-1974
E-mail address: Nate@bedlingtonfarms.com

Date: 12/30/13

1. Name of board or committee - Please see reverse:

Lynden/Evergreen Flood Control Sub-2013 Advisory Committee
committee member

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?

(X) yes ( ) no

If yes, dates: 1/1/2010 - 12/31/2013

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:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Warehouse manager - Dick Bedlington Farms
member and past-president - MT Baker Rotary
member of Northwest Washington Fair Association and current Fair Board member

10. Please describe why you’re interested in serving on this board or commission: family farm operation

Forms a lot of ground along Nooksack River, after 1 term on this committee would like to continue with work that is being done

References (please include daytime telephone number):

Jack Foster 354-2828 / Virgil Stremel 988-0723 / Mark Tjedder 734-4280

Signature of applicant: [Signature]

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: JOHN F. COURTNEE Date: 11/30/2013
Street Address: 1104 ABBOTT ROAD
City: LINDEN Zip Code: 98264
Mailing Address (if different from street address): ________________________________
Day Telephone: __________________ Evening Telephone: __________________ Cell Phone: (360) 255-1220
E-mail address: JOHN_F_COURTNEE@HOTMAIL.COM

1. Name of board or committee-please see reverse: [LINDEN/EVERGREEN FLOOD CONTROL SUB-ZONE COMMITTEE MEMBER]

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.) ( ) yes ( ) no

4. Which Council district do you live in? One ( ) Two ( ) Three ( )

5. Are you a US citizen? ( ) yes ( ) no

6. Are you registered to vote in Whatcom County? ( ) yes ( ) no

7. Have you ever been a member of this Board/Commission? ( ) yes ( ) no

If yes, dates: 12/08/2009 to CURRENT

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 ( ) no

If yes, please explain: ________________________________

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

POLICE OFFICER AND FARMER, CIVIC LEADER OF LINDEN 4TH GENERATION WHATCOM COUNTY FARMER AND LONGTIME FLOOD ZONE RESIDENT. FOUNDER AND LIFE MEMBER OF LINDEN YOUTH SOCCER, EIGHT YEAR BOARD MEMBER OF WHATCOM COUNTY AMATEUR HOCKEY ASSOCIATION, BOARD MEMBER OF BLAINE POLICE OFFICERS ASSOCIATION, BA IN BUSINESS ADMINISTRATION.

10. Please describe why you’re interested in serving on this board or commission: Ibelieve flood management is vital to the future of Whatcom County residents & agriculture.

References (please include daytime telephone number): CHRISTOPHER IREIN (360) 820-2660
DAVID RICHARDS (360) 961-0459
JIMMY HILLER (360) 927-5948

Signature of applicant: ____________________________ Date: 11/30/2013

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WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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<td>Jack Louws</td>
<td>XJ</td>
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JAN 07 2014

WHATCOM COUNTY COUNCIL

TITILE OF DOCUMENT:

Rural Element Water Resources

ATTACHMENTS:

1. Memorandum to County Council
2. Proposed Ordinance, including draft amendments and Findings of Fact and Reasons for Action
3. Staff Report and December 3, 2013 Staff Report Addendum
4. Findings of the Planning Commission
5. Memoranda from Public Works and Health on water resources protection in Whatcom County

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

Should Clerk schedule a hearing?  (X) Yes  ( ) NO
Requested Date

The Council must hold a hearing if they want to take action that differs from the Planning Commission’s recommendation [WCC 2.160.106(2)].

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 to resolve an issue appealed to the Growth Management Hearings Board, adopting by reference existing County code provisions regarding water resources.

COMMITTEE ACTION:

COUNCIL ACTION:

1/14/2014: Introduced

Related County Contract #: PLN2012-000012

Related File Numbers: PLN2012-00012

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.
M E M O R A N D U M

TO: Whatcom County Council

THROUGH: Mark Personius, AICP, Long Range Planning Manager

FROM: Gary Davis, AICP, Senior Planner

DATE: January 6, 2014

SUBJECT: Rural Element Water Resources

PDS is forwarding to the County Council the Planning Commission’s recommendations and findings on Comprehensive Plan amendments related to water resources in rural areas. The amendments are scheduled for introduction on January 14, and for Planning and Development Committee and, if needed, a public hearing on January 28.

In 2011 and 2012 Whatcom County adopted changes to its Comprehensive Plan, Zoning Code, and zoning maps in response to the Growth Management Hearings Board’s orders that found the County out of compliance with GMA’s rural element requirements (Case No. 11-2-0010c). Two of the petitioners in that case filed a separate appeal (Case No. 12-2-0013) of the County’s 2012 ordinance (No. 2012-032), focusing on whether that ordinance complies with RCW 36.70A.070(5)(c)(iv), which requires measures protecting surface and ground water resources. In its June 7, 2013 decision, the hearings board concluded the County’s rural element, as amended by Ordinance 2012-032, does not contain such measures. The County has appealed that decision, and that appeal is ongoing. In the meantime, the County has been working to respond to that decision by proposing Comprehensive Plan amendments that adopt by reference existing code provisions. This would make the measures part of the Plan’s rural element which must contain measures to protect water resources, per RCW 36.70A.070(5)(c)(iv). No changes to existing regulations are being proposed.

The agenda bill packet for this item contains the draft ordinance as well as the original September 30, 2013 staff report and the December 3, 2013 addendum to that staff report, which discusses the most recent proposed Comprehensive Plan amendments.

Also included in the packet are memoranda from the Whatcom County Public Works and Health outlining other current County practices protecting water resources. These memoranda are intended to give the Council additional background information on what is currently being done to protect water resources in Whatcom County. If you have questions, please contact me at extension 50246.
ORDINANCE NO. ______

ORDINANCE AMENDING 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, GMA allows Comprehensive Plan revisions outside the annual concurrent review in order to resolve an appeal of a Comprehensive Plan filed with the Growth Management Hearings Board or with the court; 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 December 20, 2013.

3) The proposed amendments were posted on the County website on September 30, 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 September 30, 2013.

5) Notice of the subject amendment was submitted to the Washington State Department of Commerce on September 30, 2013.
6) Notice of the Planning Commission hearings for the subject amendment was published in the Bellingham Herald on November 29, 2013.

7) Notice of the Planning Commission hearing for the subject amendment was posted on the County’s website on November 27, 2013.

8) The Planning Commission held a public hearing on the subject amendment on December 12, 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 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.

12) 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 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.

Growth Management Hearings Board Decisions: Futurewise vs. Whatcom County

13) 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.

14) In its June 7, 2013 Compliance Order in Futurewise et al v. Whatcom County (#12-2-0013) the Growth Management Hearings Board found the Whatcom County Comprehensive Plan’s Rural Element did not contain measures to protect water quality.

**Whatcom County Policy and Requirements**

15) 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.

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.

16) Whatcom County’s County-wide Planning Policy N.2 states, “The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations
required by the Growth Management Act, such as natural resource lands and
critical areas, water resource protection shall generally have priority.”

Public Participation

17) 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.”

18) The Whatcom County Planning Commission held a public hearing on
December 12, 2013. Since publication of the first draft amendments on
September 30, 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.

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, as described in Conclusion 2 of Ordinances 2013-028
and 2012-032, which are adopted herein by reference. The provisions of this
ordinance further harmonize the GMA planning goals by adopting measures to
protect water quality, consistent with GMA Goal 10 Environment by adding to
Comprehensive Plan Policy 2DD-2.C additional measures to protect water
resources.

3) The rural element of the Comprehensive Plan, as amended, meets the
requirements of the Growth Management Act, RCW 36.70A by adding to WCC
Title 20 Zoning, and Comprehensive Plan Policy 2DD-2.C additional measures to
protect water resources, as required in RCW 36.70A.070(5)(c)(iv).

4) The amendments to the rural element of the Comprehensive Plan address the
noncompliance finding of the June 7, 2013 GMHB Compliance Order in
Futurewise et al v. Whatcom County (#12-2-003) by adding to Comprehensive
Plan Policy 2DD-2.C additional measures to protect water resources, as required
in RCW 36.70A.070(5)(c)(iv).
5) 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 N.2 states, “The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations required by the Growth Management Act, such as natural resource lands and critical areas, water resource protection shall generally have priority.” The proposed changes to Comprehensive Plan Policy 2DD-2.C are consistent with this policy.

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. The Whatcom County Prosecuting Attorney’s office has advised the County Council on the Attorney General’s Advisory Memorandum on Avoiding Unconstitutional Takings of Private Property, per RCW 36.70A.370.

iii) Whatcom County Comprehensive Plan

The proposed Comprehensive Plan amendments are consistent with Comprehensive Plan Goal 11E, which states, “Protect and enhance water quality and promote sustainable and efficient use of water resources,” and Goal 11F, which states, “Protect and enhance Whatcom County’s surface water and groundwater quality for current and future generations.”
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 June 7, 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 would not increase growth rural Whatcom County beyond what is planned 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.

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.

No rezonings are proposed.

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. 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

APPROVED as to form:

__________________________
Civil Deputy Prosecutor

__________________________
Council Chair

( ) Approved ( ) Denied

__________________________
Jack Louws, Executive

Date:
EXHIBIT A
Comprehensive Plan Amendments
Chapter Two

LAND USE

RURAL LANDS – INTRODUCTION

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

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:

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 and WCC 20.51 Lake Whatcom Watershed 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 through .636, WCC 20.51, 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

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 right requirements per WCC 24.11.050, adopted herein by reference.

8. Require evidence of an adequate water supply prior to issuance of any building permit, per WCC 24.11.060, adopted herein by reference.

7-9. Determine adequacy of water supply for building permit applications proposing to use a well, spring, or surface water, per WCC 24.11.090, .100, .110, .120, .130, .160, and .170, adopted herein by reference.

8-10. 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.

11. 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.

9.12. Maintain standards 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 per WCC 20.80.735 Water Resource Special Management Areas, adopted herein by reference.

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

   ......

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 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;

WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
STAFF REPORT

I. BACKGROUND INFORMATION

File # PLN2012-00012

File Name: Rural Element Update

Applicant: Whatcom County

Summary of Request:

Amendments to the Whatcom County Comprehensive Plan, and Zoning Code in response to the Growth Management Hearings Board’s June 7, 2013 Compliance Order (Case No. 12-2-0013).

Location:

Rural Whatcom County

Staff Recommendation:

Staff recommends the Planning Commission forward to the County Council a recommendation of approval of the attached draft Comprehensive Plan and Zoning Code amendments, as described below.

GMA Compliance

In 2011 and 2012 Whatcom County adopted changes to its Comprehensive Plan, Zoning Code, and zoning maps in response to the Growth Management Hearings Board’s orders that found the County out of compliance with GMA’s rural element requirements (Case No. 11-2-0010c). Two of the petitioners in that case filed a separate appeal (Case No. 12-2-0013) of the County’s 2012 ordinance (No. 2012-032), focusing on whether that ordinance complies with RCW 36.70A.070(5)(c)(iv), which requires measures protecting surface and ground water resources. In its June 7, 2013 decision, the hearings board concluded the County’s rural element, as amended by Ordinance 2012-032, does not contain such measures. (A second issue of that petition contending that there was inconsistency between the Comprehensive Plan’s transportation and rural elements was dismissed.)

In the decision (pp. 12-14), the Board identified the following applicable statutes (emphasis added by the Board):
RCW 36.70A.020 Planning Goals.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

RCW 36.70A.030 Definitions.

(15) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat; ...

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36. 70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

RCW 36.70A.070 Comprehensive plans- Mandatory elements.

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound ...

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by ...
(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources ...

RCW 36.70A.130 Comprehensive plans- Review procedures and schedules-
Amendments.

(1)(d) Any amendment of or revision to a comprehensive land use plan shall
conform to this chapter. Any amendment of or revision to development
regulations shall be consistent with and implement the comprehensive plan.

The Board’s decision (p. 43) makes suggestions on how the County might achieve
compliance (bullet formatting by PDS staff):

The record shows that the County has many options for adopting measures to
reverse water resource degradation in its Rural Area through land use controls. As is
discussed by state agency reports and the County’s own Comprehensive Plan, the
County may limit growth in areas where water availability is limited or water quality
is jeopardized by stormwater runoff. It may

- reduce densities or intensities of uses,
- limit impervious surfaces to maximize stream recharge,
- impose low impact development standards throughout the Rural Area,
- require water conservation and reuse, or
- develop mitigation options.
- The County may consider measures based on the strategies proposed in
  o the Puget Sound Action Agenda,
  o the WRIA 1 process,
  o WDFW’s Land Use Planning Guide,
  o Ecology’s TMDL or instream-flow assessments, or
  o other ongoing efforts.
- It may direct growth to urban rather than rural areas.

The Board set a compliance deadline of December 4, 2013 for Whatcom County to
resolve the identified areas of noncompliance. The Board has scheduled a

II. PROPOSED AMENDMENTS

The County has filed an appeal of the Board’s June 7 decision, asking the courts to
rule on several substantive and procedural issues raised by the decision. However,
Planning and Development Services staff recommends some amendments to
address some of the specific topics cited by the Board’s decision. These amendments
would not be counter to any points of the County’s appeal.

The 2013/2013 Action Agenda for Puget Sound, WRIA I Process, and WDFW’s Land
Use Planning for Salmon, Steelhead, and Trout – studies cited by the Hearings
Board – all stress the importance of limiting impervious surfaces as a means of
protecting in-stream water quality. Proponents of such limits often support a
maximum across-the-board impervious surface limit of ten percent, citing studies of impervious surface percentage and stream health in Puget Sound region watersheds. According to one study:

Results of the Puget Sound Lowlands study have shown that physical, chemical, and biological characteristics of streams change with increasing urbanization in a continuous rather than threshold fashion. Although the patterns of change differed among the attributes studied and were more strongly evident for some than for others, physical and biological measure generally changed most rapidly during the initial phase of the urbanization process as %TIA above the 5-10% range. As urbanization progressed, the rate of degradation of habitat and biologic integrity usually became more constant.¹

The same study observed that another factor, the existence of wide riparian buffers, may also be a major factor in stream health:

Eight reaches had sub-basin %TIA values in the 25-35% range and yet each had a much higher biological Integrity than other streams at this level of development. All eight had a large upstream fraction of intact riparian wetlands and all but one had a large upstream fraction of wide riparian buffer... These observations indicate that maintenance of a wide, natural riparian corridor may mitigate some of the effects of watershed urbanization.²

In 2012, PDS staff proposed a “sliding scale” impervious surface limit in the Rural and Residential Rural zones as part of the rural element amendments. The County Council did not adopt that limit but did adopt a similar sliding scale maximum for structural lot coverage.³ In contrast with a straight-line 10 percent maximum for each parcel (regardless of size) the sliding scale had a maximum impervious surface limit of 25 percent, with a ceiling of 35,000 square feet and a floor of 7,000 square feet. (See Figure 1.) On a twenty-acre parcel, an across-the-board ten percent maximum would allow up to two full acres to be impervious, while the proposed sliding scale standard would limit impervious surfaces to 35,000 square feet. Compared with the straight-line 10 percent limit, this sliding scale limit would generally allow larger impervious surfaces for parcels smaller than 8 acres, but smaller impervious surfaces for parcels larger than 8 acres.

² Id., “Biological Integrity” section
³ Ordinance 2012-023, Exhibit B. WCC 20.32.45 and 20.36.450: “No structure or combination of structures shall occupy or cover more than 5,000 square feet or 20 percent, whichever is greater, of the total area, not to exceed 25,000 square feet. Buildings used for livestock or agricultural products shall be exempt from this lot coverage requirement.”
The current proposal is generally the same as the one considered in 2013, with some changes to the exceptions and applicability. In the proposed Zoning Code amendments, the sliding scale standard would apply throughout the Rural (R) and Residential Rural (RR) zones, except in the watersheds for Lake Samish and Lake Padden, where 10% and 20% impervious surface limits have already been established under WCC 20.71, and in the Lake Whatcom watershed, where the recently-adopted stormwater regulations of WCC 20.51 are in effect. Using GIS, PDS staff calculated maximum potential impervious surface within portions of each watershed zoned R or RR if the proposed sliding scale impervious surface limit is enacted. (See Figure 2 and attached chart and watershed map.) Even in the unlikely scenario that every R and RR zoned parcel was to contain the maximum allowed impervious surface, that impervious surface would range from 4.3 to 15.7 percent within each watershed (excluding Lakes Padden, Samish and Whatcom); or about 10.2 percent overall.
As cited above, at least one study observes that in watersheds where wide riparian buffers exist, biological integrity remains high despite higher rates of impervious surface coverage. Whatcom County's Critical Areas Ordinance (WCC 16.16.740(B)) requires buffers of 150 feet from shoreline streams\(^5\), 100 feet from fish-bearing streams, and 50 feet from non-fish-bearing streams. Thus, even in watersheds where the maximum potential impervious surface is higher, buffers are in place that are also effective in maintaining in-stream water quality and biological integrity.

The 2012 proposed impervious surface limits exempted driveways serving other properties and “buildings used for livestock, horse arenas, or agricultural products”

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4 PDS Staff 2013 estimate using GIS, applying proposed sliding scale maximum to Rural and Residential Rural parcels in each watershed. Lake Padden, Lake Whatcom, and Lake Samish (Samish River) are omitted, as they would not be affected.

5 “Shoreline streams” are streams with flows greater than 20 cubic feet per second, or lakes larger than 20 acres and subject to the Shoreline Management Program, WCC Title 23. Examples of shoreline streams include the Nooksack River (all forks), Bertrand Creek, California Creek, Dakota Creek, Tenmile Creek, Fishtrap Creek, Johnson Creek, Anderson Creek, Sumas River, Samish River, Lake Whatcom, Judson Lake, Squalicum Lake, and Lake Samish. WCC 16.16.740, WCC 23.110.190.8. See map at [http://www.whatcomcounty.us/pds/naturalresources/shorelines/regulations/codeandmaps/pdf/Section4_Exhibit3-B_Map_environment_designations_44x34_080804.pdf](http://www.whatcomcounty.us/pds/naturalresources/shorelines/regulations/codeandmaps/pdf/Section4_Exhibit3-B_Map_environment_designations_44x34_080804.pdf)
from being included in a lot’s impervious surface total. The current proposal also exempts those two items, and adds an exemption for driveways in “pipe-stem” portions of lots. The intent of these proposed exemptions is to avoid discouraging agricultural uses, and to avoid unfairly penalizing lots which must obtain access through long pipe-stem driveways or must provide access to adjacent lots.

Futurewise has recommended limits on vegetative cover, with a maximum clearing percentage of 35 percent. Similar limits already exist in the Lake Samish and Lake Padden watersheds (WCC 20.80.735), which are in mostly hilly, wooded areas where little agriculture is possible. Staff believes applying such limits throughout Whatcom County’s rural areas could be problematic, as they could serve to discourage agriculture and forestry, which are permitted in rural areas. In addition, the State Supreme Court found King County to be in violation of state law in enacting such a provision, saying blanket limits to clearing amount to improper taxation (Citizens Alliance v. Sims). For these reasons, staff does not recommend such limits on clearing for Rural areas beyond those that already exist.

**Comprehensive Plan Amendments.** In addition to the proposed code amendments on impervious surfaces, staff also proposes additions to Comprehensive Plan Policy 2DD-2(C). This is the policy that lists and adopts by reference the County’s “measures to protect critical areas and surface and groundwater resources.” Staff proposes new policy 2DD-2.C.13 to incorporate the proposed impervious surface limits into the Rural Element of the Comprehensive Plan, and new policies 2DD-2.C.8, .9 and .12 to incorporate existing water supply requirements for issuance of building permits in WCC Title 24, and existing clearing restrictions in WCC 20.80.735. Additional changes to 2DD-2.C.4 and D.3 are proposed to correct errors from the previous adoption.

**Whatcom County Criteria for approval of Comprehensive Plan amendments**

Pursuant to WCC 2.160.080, the County must find that the following criteria, shown in bold below, are satisfied in order to approve the proposed comprehensive plan amendment. Additionally, pursuant to the Growth Management Act and WCC 20.90.050(4), zoning amendments must be consistent with the Whatcom County Comprehensive Plan.

1) **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.**

**Growth Management Act**

The amendments are consistent with the Growth Management Act as described in Conclusions 3 and 4, below.

**County-Wide Planning Policies**
County-wide Planning Policy N.2 states, "The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations required by the Growth Management Act, such as natural resource lands and critical areas, water resource protection shall generally have priority." The proposed changes to Comprehensive Plan Policy 2DD-2.C are consistent with this policy.

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 ______, 2013 the Whatcom County Prosecuting Attorney’s office advised the County Council on the Attorney General’s Advisory Memorandum on Avoiding Unconstitutional Takings of Private Property, per RCW 36.70A.370.

**Whatcom County Comprehensive Plan**

The proposed Comprehensive Plan amendments are consistent with Comprehensive Plan Goal 11E, which states, “Protect and enhance water quality and promote sustainable and efficient use of water resources,” and Goal 11F, which states, “Protect and enhance Whatcom County’s surface water and groundwater quality for current and future generations.”

**Interlocal Agreements**

No interlocal agreements are affected.

2) **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 June 7, 2013 Final Decision and Order (Case No. 12-2-0013).

3) **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:

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 do not affect existing zoning intensities and densities in rural Whatcom County.

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.

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

No amendments are proposed that increase adverse impacts on designated resource lands.

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

No rezonings are proposed under these amendments.

5) 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.

III. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION


2) An addendum to the May 1, 2009 determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on _____, 2013.
3) The proposed amendments were posted on the County website on September 30, 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 September 30, 2013.

5) Notice of the subject amendment was submitted to the Washington State Department of Commerce on September 30, 2013.

6) Notice of the Planning Commission hearings for the subject amendment was published in the Bellingham Herald on September 29, 2013.

7) Notice of the Planning Commission hearing for the subject amendment was posted on the County’s website on September 30, 2013.

8) The Planning Commission held a public hearing on the subject amendment on October 10, 2013.

9) PDS estimates that the proposed impervious surface limits in 20.32.500 and 20.36.500 would allow for a maximum impervious coverage of between 5.7% and 15.7% -- about 10.2% overall — in the rural portions of the county’s watersheds.

10) Studies recommend limitation of impervious surfaces as an effective means of maintaining water quality and biological integrity. At least one study observes that in watersheds where wide riparian buffers exist, biological integrity remains high despite higher rates of impervious surface coverage.

11) Whatcom County Code 16.16.740(B) requires buffers of 150 feet from shoreline streams, 100 feet from fish-bearing streams, and 50 feet from non-fish-bearing streams.

12) The proposed addition of Comprehensive Plan Policy 2DD-2.C.13 incorporates the proposed impervious surface limitations into the plan’s Rural Element. The County’s Critical Area Ordinance, which requires stream buffers, is already incorporated into the Rural Element in Policy 2DD-2.C.1.

**GMA Requirements**

13) 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.
14) 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).

15) 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.

16) 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 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.

**Growth Management Hearings Board Decisions: Futurewise vs. Whatcom County**

17) 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.

18) In its June 7, 2013 Compliance Order in *Futurewise et al v. Whatcom County* (#12-2-0013) the Growth Management Hearings Board found the Whatcom County Comprehensive Plan's Rural Element did not contain measures to protect water quality.

**Whatcom County Policy and Requirements**

19) 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.

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.

20) Whatcom County’s County-wide Planning Policy N.2 states, “The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations required by the Growth Management Act, such as natural resource lands and critical areas, water resource protection shall generally have priority.”

Public Participation

21) 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.”

22) The Whatcom County Planning Commission held a public hearing on October 10, 2013. Since publication of the first draft amendments on September 30, 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.

IV. PROPOSED 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, as described in Conclusion 2 of Ordinances 2013-028 and 2012-032, which are adopted herein by reference. The provisions of this ordinance further harmonize the GMA planning goals by adopting measures to protect water quality, consistent with GMA Goal 10 Environment by adding to Comprehensive Plan Policy 2DD-2.C additional measures to protect water resources.

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 by adding to WCC Title 20 Zoning, and Comprehensive Plan Policy 2DD-2.C additional measures to protect water resources, as required in RCW 36.70A.070(5)(c)(iv).

4) The amendments to the rural element of the Comprehensive Plan and the county development regulation resolve the noncompliance finding of the June 7, 2013 GMHB Compliance Order in Futurewise et al v. Whatcom County (#12-2-003) by adding to WCC Title 20 Zoning, and Comprehensive Plan Policy 2DD-2.C additional measures to protect water resources, as required in RCW 36.70A.070(5)(c)(iv).

5) 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 N.2 states, "The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations required by the Growth Management Act, such as natural resource lands and critical areas, water resource protection shall generally have priority." The proposed changes to Comprehensive Plan Policy 2DD-2.C are consistent with this policy.

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. The Whatcom County Prosecuting Attorney’s office has advised the County Council on the Attorney General’s Advisory Memorandum on Avoiding Unconstitutional Takings of Private Property, per RCW 36.70A.370.

iii) Whatcom County Comprehensive Plan

The proposed Comprehensive Plan amendments are consistent with Comprehensive Plan Goal 11E, which states, “Protect and enhance water quality and promote sustainable and efficient use of water resources,” and Goal 11F, which states, “Protect and enhance Whatcom County’s surface water and groundwater quality for current and future generations.”

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 June 7, 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 would not increase growth rural Whatcom County beyond what is planned 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.

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.

No rezonings are proposed.

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.
V. RECOMMENDATION

Staff recommends the Planning Commission forward to the County Council a recommendation of approval of the attached draft Comprehensive Plan and Zoning Code amendments.

Attachments:

   Exhibit A. Draft Comprehensive Plan Amendments

   Exhibit B. Draft Whatcom County Code Amendments

   Table of Estimated Maximum Impervious Surface Coverage with Map


**STAFF REPORT ADDENDUM**

On November 12, 2013 the County Council directed the Planning Commission to hold a public hearing and forward a recommendation regarding proposed water resources amendments to the Whatcom County Comprehensive Plan. The Planning Commission is scheduled to hold a public hearing on December 12, 2013 at 6:00 p.m. in the County Council Chambers, with an executive session scheduled for 5:30 p.m.

The proposed Comprehensive Plan amendments are attached. The purpose of the amendments is to add references to existing County code provisions related to water resources. The Growth Management Act requires measures to protect water resources to be included in a County comprehensive plan’s rural element.

No new regulations or changes to existing regulations are being proposed.

Staff has revised the proposed Comprehensive Plan amendments to more closely correspond to the wording that already exists in the code provisions that are being referenced. Below is a comparison of the proposed amendments and the text of the code provisions being referenced. Corresponding wording is indicated in italics.

<table>
<thead>
<tr>
<th>Proposed CP Amendments (2DD-2.C)</th>
<th>Existing Code Wording</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 right requirements per WCC 24.11.050, adopted herein by reference.</td>
<td>24.11.050 General Requirements . . . . . . E. Purveyors of public water systems and private water system applicants must comply with Washington State Department of Ecology water right requirements. . . . .</td>
</tr>
<tr>
<td>8. Require evidence of an adequate water supply prior to issuance of any building permit, per WCC 24.11.060, adopted herein by reference.</td>
<td>24.11.060 Water availability required. Prior to issuance of a building permit the applicant must provide evidence of an adequate water supply to Whatcom County planning and development services (PDS) except when...</td>
</tr>
<tr>
<td>9. Determine adequacy of water supply for building permit applications proposing to use a well, spring, or surface water, per WCC 24.11.090, .100, .110, .120, .130, .160, and .170, adopted herein by reference.</td>
<td>24.11.090 Determining adequacy of water supply for building permit applications proposing to use a well to serve one single-family dwelling or one single-family living unit. . . . . . . . . B. The director will review the completed form and required documents submitted by the applicant for approval. The director will approve the form if: . . . . . . . . 3. The well site proposed by the applicant does not fall within the . . . . . . . .</td>
</tr>
</tbody>
</table>
12. Maintain standards 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 per WCC 20.80.735 Water Resource Special Management Areas, adopted herein by reference.

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. ...
7) Notice of the Planning Commission hearing for the subject amendment was posted on the County's website on November 27, 2013.

8) The Planning Commission held a public hearing on the subject amendment on December 12, 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 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.

12) 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 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.

**Growth Management Hearings Board Decisions: Futurewise vs. Whatcom County**

13) 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.

14) In its June 7, 2013 Compliance Order in Futurewise et al v. Whatcom County (#12-2-0013) the Growth Management Hearings Board found the Whatcom County Comprehensive Plan’s Rural Element did not contain measures to protect water quality.

Whatcom County Policy and Requirements

15) 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.

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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.

16) Whatcom County’s County-wide Planning Policy N.2 states, “The Cities and the County in cooperation with other municipal corporations and tribal
governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations required by the Growth Management Act, such as natural resource lands and critical areas, water resource protection shall generally have priority.”

Public Participation

17)  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.”

18)  The Whatcom County Planning Commission held a public hearing on December 12, 2013. Since publication of the first draft amendments on September 30, 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.

IV.  PROPOSED 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, as described in Conclusion 2 of Ordinances 2013-028 and 2012-032, which are adopted herein by reference. The provisions of this ordinance further harmonize the GMA planning goals by adopting measures to protect water quality, consistent with GMA Goal 10 Environment by adding to Comprehensive Plan Policy 2DD-2.C additional measures to protect water resources.

3)  The rural element of the Comprehensive Plan, as amended, meets the requirements of the Growth Management Act, RCW 36.70A by adding to WCC Title 20 Zoning, and Comprehensive Plan Policy 2DD-2.C additional measures to protect water resources, as required in RCW 36.70A.070(5)(c)(iv).

4)  The amendments to the rural element of the Comprehensive Plan address the noncompliance finding of the June 7, 2013 GMHB Compliance Order in
Futurewise et al v. Whatcom County (#12-2-003) by adding to Comprehensive Plan Policy 2DD-2.C additional measures to protect water resources, as required in RCW 36.70A.070(5)(c)(iv).

5) 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 N.2 states, “The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations required by the Growth Management Act, such as natural resource lands and critical areas, water resource protection shall generally have priority.” The proposed changes to Comprehensive Plan Policy 2DD-2.C are consistent with this policy.

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. The Whatcom County Prosecuting Attorney’s office has advised the County Council on the Attorney General’s Advisory Memorandum on Avoiding Unconstitutional Takings of Private Property, per RCW 36.70A.370.

iii) Whatcom County Comprehensive Plan

The proposed Comprehensive Plan amendments are consistent with Comprehensive Plan Goal 11E, which states, “Protect and enhance water quality and promote sustainable and efficient use of water resources,” and Goal 11F, which states, “Protect and enhance Whatcom County’s surface water and groundwater quality for current and future generations.”
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 June 7, 2013 Compliance Order.

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No rezonings are proposed.

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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.
WHATCOM COUNTY
PLANNING COMMISSION

Rural Element – Water Resources

FINDINGS OF FACT AND REASONS FOR ACTION


2) An addendum to the May 1, 2009 determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on December 20, 2013.

3) The proposed amendments were posted on the County website on September 30, 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 September 30, 2013.

5) Notice of the subject amendment was submitted to the Washington State Department of Commerce on September 30, 2013.

6) Notice of the Planning Commission hearings for the subject amendment was published in the Bellingham Herald on November 29, 2013.

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No urban growth area amendments are proposed.

RECOMMENDATION

Based upon the above findings and conclusion, the Whatcom County Planning Commission recommends approval of the proposed amendments as shown on Exhibit A.
WHATCOM COUNTY PLANNING COMMISSION

Michelle Luke, Chair

Sam Ryan, Secretary

December 17, 2013

Date

Commissioners present at the December 12, 2013 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Rod Erickson, John Lesow, Michelle Luke, David Onkels, Jeff Rainey, Mary Beth Teigrob, and Gerald Vekved, Gary Honcoop

Vote: Ayes: 9, Nays: 0, Abstain: 0, Absent: 0. Motion carried to adopt the above amendment.
MEMORANDUM

TO: Mark Personius, Long Range Planning Manager
FROM: Kyle Dodd, Environmental Health Supervisor
RE: Water Availability Review Process Supporting Documentation
DATE: January 3, 2014

As stated in WCC 24.11.090(B)(3), and in other applicable sections, applications for water availability will only be approved in areas where the proposed well site does not fall within the boundaries of an area where DOE (Ecology) has determined by rule that water for development does not exist. The Growth Management Hearings Board, in its Final Decision and Order dated June 7, 2013, concluded that "Where the proposed groundwater withdrawal is located within a basin closed to new surface water appropriations, or where Ecology has set instream flows that are not consistently met, there is a presumption that no additional water is legally available."

As the local government agency tasked with approving water availability, the Whatcom County Health Department (WCHD) has been proactive in communicating with the Department of Ecology in an effort to ensure that we are making water availability decisions consistent with Ecology’s interpretation of applicable water right rules and court interpretations. Since 2007, WCHD has routinely requested comments from Ecology related to water availability determinations and the legal use of exempt wells for development. Specifically, WCHD has requested Ecology feedback on proposed subdivisions that appeared to be one project in the context of the Campbell and Gwinn decision. In addition, Planning and Development Services has been requiring SEPA review for applicants of adjacent short plats. SEPA checklists are routed to Ecology for comments. Ecology has been helpful in providing water resource comments back, allowing WCHD to make water availability determinations based in part on Ecology guidance. The attached six exhibits (exhibits A-F) document water resource comments from Ecology in reference to the use of exempt wells for proposed projects in basins that are subject to the instream flows in WAC 173-501-030 and the surface water source limitations in WAC 173-501-040. The table below summarizes the projects referenced in the exhibits, the surface water drainage where they are located, and the status of that surface water source under WAC 173-501-040. There are no comments from Ecology in the attached exhibits indicating that water pursuant to the proposed permit-exempt withdrawal is not legally available due to the operation of Ecology’s basin rule, or that WCHD should be requiring any additional information prior to approval of these sources.
<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Project</th>
<th>Surface water drainage</th>
<th>Status under WAC 173-501-040</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Woodfern Cluster Long Plat</td>
<td>Anderson Creek</td>
<td>Partial year closure</td>
</tr>
<tr>
<td>B</td>
<td>Portal Way &amp; Shen Industrial Plats</td>
<td>California Creek</td>
<td>Closed</td>
</tr>
<tr>
<td>C</td>
<td>Meridian Meadows Plat</td>
<td>Tenmile Creek</td>
<td>Closed</td>
</tr>
<tr>
<td>D</td>
<td>Seventh Heaven, West Hemmi Rd, and 3rd Generation LLC's</td>
<td>Tenmile Creek</td>
<td>Closed</td>
</tr>
<tr>
<td>E</td>
<td>Jack &amp; Trudy Lamoureaux</td>
<td>Tenmile Creek</td>
<td>Closed</td>
</tr>
<tr>
<td>F</td>
<td>Bertrand Creek Estates</td>
<td>Bertrand Creek</td>
<td>Closed</td>
</tr>
</tbody>
</table>

Attachments:
Ex. C, Ecology letter dated July 15, 2010 RE: Jeffery Grove (Meridian Meadows Plat)
Ex. E, Ecology letter dated December 14, 2001 RE: Jack and Trudy Lamoureaux
Ex. F, Ecology letter dated March 8, 2011 RE: Bertrand Creek Estates
November 21, 2007

Kyle Dodd  
Whatcom Co. Department of Health  
509 Girard St.  
Bellingham, WA 98225

RE: Project Number  Woodfern Cluster Long Plat LSS2006-00003

Dear Mr. Dodd:

Thank you for the opportunity to provide comments on the above referenced Long Plat.

Based on my review of the above referenced project and the information provided regarding the applicant’s/owner’s previous (2002) application materials for the original plat application for Sandy Ridge, we offer the following comments regarding water resources:

We consider the Woodfern Cluster Long Plat & the Sandy Ridge Long Plat to be a single project. As such, when calculating groundwater withdrawals, the proposed additional four homes (Woodfern Cluster) would be included with the existing six home (Sandy Ridge) project. RCW 90.44.050 allows for a total limit of 5,000 gallons per day for in-home use and no more than ½ acre of lawn or non-commercial garden per project. If the Sandy Ridge Long Plat has already utilized all water available under the groundwater exempted withdrawals (RCW 90.44.050), no additional groundwater exempted withdrawals would be allowed.

Any ground water development proposal that will withdraw water in excess of 5,000 gallons per day for single or group domestic supply, or for industrial purpose, or for the irrigation of more than ½ acre of lawn or non commercial garden (within the total project area) will require a permit from the Department of Ecology.

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with several exceptions. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption
establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development if in combination, the withdrawal will exceed the exemption criteria.

Use of water under the groundwater exemption has been interpreted in two Attorney General Opinions (AGO 1997 and AGO 2005) and by the Supreme Court in the Campbell & Gwinn decision. The 1997 AGO states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal and would not be exempt from the permitting requirement contained in RCW 90.44.050, if the total amount withdrawn for domestic purposes exceeds 5,000 gallons per day or if a total of more than 0.5 acre of lawn and garden are irrigated.

Thank you for considering these comments from the Department of Ecology. If you have questions please call me at (360) 715-5222.

Sincerely,

Kasey Ignac
Water Master

cc: BFO File
February 19, 2009

Kyle Dodd
Whatcom Co. Department of Health
509 Girard St.
Bellingham, WA 98225

RE: Projects Portal Way Industrial Park Short Plat and Shen Industrial Park Short Plat
Numbers Short Plats 2008-00022 and 2008-00023

Dear Mr. Dodd:

Thank you for the opportunity to comment on the above referenced Short Plats, as they pertain to water resources. Based on Ecology’s review of the proposed projects, we consider the Portal Way Industrial Park Short Plat and the Shen Industrial Park Short Plat to be a single project. As such, all eight of the proposed parcels should be considered collectively when calculating groundwater withdrawals.

RCW 90.44.050 (the Groundwater Exemption) allows for unlimited water for livestock (no acreage or gallon per day limit), up to ½ acre of non-commercial lawn or garden a maximum, up to 5,000 gallons per day for single or group domestic supply, and up to 5,000 gallons per day for industrial purposes. Use of water under the Groundwater Exemption (RCW 90.44.050) has been interpreted in two Attorney General Opinions (AGO 1997 and AGO 2005) and by the Supreme Court in the Campbell & Gwinn decision. The 1997 AGO states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal and would not be exempt from the permitting requirement contained in RCW 90.44.050, if the total amount withdrawn exceeds the Exemption limits. Therefore, if the proposed short plats will collectively withdraw in excess of the amounts allowed under the Exemption, an approved water right from the Department of Ecology will be required.
Thank you for considering these comments from the Department of Ecology. If you have questions, please contact me at (360) 715-5222 or at kign461@ecy.wa.gov.

Sincerely,

[Signature]

Kasey Ignac
Water Master

cc: WR SEPA file
July 15, 2010

Tyler Schroeder
Whatcom County Planning & Development Services
5280 Northwest Dr.
Bellingham, WA 98226

RE: LA File# SEPA 2008-00087
    DOE file# 201003621
    Applicant Jeffery Grove

Dear Mr. Schroeder:

Thank you for the opportunity to provide comments on the above referenced Determination of Nonsignificance. Based on review of the State Environmental Policy Act (SEPA) Checklist associated with this project we offer the following comments regarding water resources:

If water is from permitted source such as city water, water association, or an irrigation or reclamation district, then the water purveyor is responsible for ensuring that the proposed use(s) are within the limitations of its water rights. If the proposal's actions are different than the existing water right (source, purpose, the place of use, or period of use), then it is subject to approval from the Department of Ecology pursuant to Sections 90.03.380 RCW and 90.44.100 RCW.

RCW 90.44.050 (the Groundwater Exemption) allows for unlimited water for livestock (no acreage or gallon per day limit), the irrigation of up to ½ acre of non-commercial lawn or garden, up to 5,000 gallons per day for single or group domestic supply, and up to 5,000 gallons per day for industrial purposes. Use of water under the Groundwater Exemption has been interpreted in two Attorney General Opinions (AGO 1997 and AGO 2005) and by the Supreme Court in the Campbell & Gwinn decision. The 1997 AGO states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal and would not be exempt from the permitting requirement contained in RCW 90.44.050, if the total amount withdrawn exceeds the Exemption limits.

Therefore, if the project intends to withdraw groundwater under the Groundwater Exemption, the entire project will be limited to withdrawing no more than 5,000 gallons of groundwater per day for domestic supply and to irrigating no more than ½ acre of non-
commercial lawn or garden within the total project area. If the project will withdraw groundwater amounts in excess of the amounts allowed under the Exemption, or if it will divert any amount of surface water, an approved water right from the Department of Ecology will be required.

Thank you for considering these comments from the Department of Ecology. If you have questions you can contact me at (360) 715-5222 or at kasey.ignac@ecy.wa.gov.

Sincerely,

Kasey Ignac
Water Master

Sent via email

ccc: Kyle Dodd, Whatcom County Department of Health
     BFO WR SEPA File
September 23, 2010

Marvin Van Mersbergen, Arlene DeYoung, Sherwin Van Mersbergen, Darrel Timmer, Kenneth Stremler, & Lewis Stremler
c/o Sherwin Van Mersbergen
Seventh Heaven LLC, West Hemini Rd LLC, 3rd Generation LLC
2110 Greenview Ln
Lynden WA 98264

Dear Marvin Van Mersbergen, Arlene DeYoung, Sherwin Van Mersbergen, Darrel Timmer, Kenneth Stremler, and Lewis Stremler:

The Department of Ecology’s Bellingham Field Office recently received 7 Notices of Intent (NOIs) notifying Ecology of your intention to drill 7 wells at an unnumbered property at West Laurel Rd, Whatcom County Assessor’s parcel no. 390223 459440. According to information submitted on the NOIs and according to other information provided to Whatcom County Planning and Development Services, you intend for these wells to serve multiple to-be-developed residences at or adjacent to Whatcom County Assessor’s parcel nos. 390223 459440, 390223 527440, 390224 017463, and 390224 048463. A search of Ecology’s water right records found no water rights appurtenant to these properties.

Without a water right, you are limited to using water under the State’s Groundwater Exemption, as defined in Washington’s Water Code at RCW 90.44.050. There are four types of groundwater uses that are exempt from the state water right permitting requirements:

- Providing water for livestock (no gallon per day limit);
- Watering a non-commercial lawn or garden ¾ acre in size or less (no gallon per day limit);
- Providing water for a single home or groups of homes (limited to 5,000 gallons per day); and
- Providing water for industrial purposes, including commercial irrigation (limited to 5,000 gallons per day).

If you intend to serve all of the planned future residences with groundwater withdrawn under the state’s Groundwater Exemption (RCW 90.44.050), any groundwater development proposal...
that will withdraw water in excess of 5,000 gallons per day for single or group domestic supply, or for industrial purposes, or for the irrigation of more than 1/4 acre of lawn or non-commercial garden (within the total project area) will require a permit from the Department of Ecology.

Use of water under the Groundwater Exemption has been interpreted in two Attorney General Opinions (AGO 1997 and AGO 2005) and by the Supreme Court in the Campbell & Gwinn decision. The 1997 AGO states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal and would not be exempt from the permitting requirement contained in RCW 90.44.050, if the total amount withdrawn exceeds the Exemption limits.

Without a water right, the total groundwater withdrawals for the entire project area is limited to that allowed under RCW 90.44.050, despite the number wells intended to provide water to the project. As such, all of the planned future residences cannot collectively withdraw more than 5,000 gallons of groundwater for group domestic use and the entire site cannot irrigate more than a total maximum area of 1/4 acre of lawn or non-commercial garden.

To legally use any amount of surface water or groundwater beyond that allowed under the Groundwater Exemption, a state water right is required. If you are irrigating without a legal water right or in excess of an existing right, you are violating Washington Water Code RCW 90.03.400 and/or 90.44.050 and will be notified to curtail this diversion of water. According to provisions of RCW 90.03.600, failure to comply with that request could result in the issuance of an Administrative Order, with possible fines of up to $5,000 per day of illegal use.

I am requesting that you please contact me at 360-715-5222 within ten (10) days of receipt of this letter to discuss your intended water use. Your assistance in resolving this matter is greatly appreciated.

Sincerely,

Kasey Ignac
Water Master

Sent via Certified Mail: 7009 3410 0001 8281 8718

ecc: Noel Philip, NWRO WR, Ecology
Kyle Dodd, Whatcom County Dept. of Health
December 14, 2011

Craig Ostrom
Whatcom County Planning & Development Services
5280 Northwest Dr.
Bellingham, WA 98226

RE: L.A File# SEPA 2011-00082
     DOE file# 201105906
     Proponent Jack & Trudy Lamoreaux (by Jaime White)

Dear Mr. Ostrom:

Thank you for the opportunity to provide comments on the above referenced State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS). Based on review of the SEPA checklist associated with this project we offer the following comments regarding water resources:

In the SEPA checklist, at Section B.3.b, the applicant also states that groundwater will be withdrawn from existing on-site wells.

If the applicant intends to serve the proposed developments (two 3-lot short plats) with groundwater withdrawn water under the state’s Groundwater Permit Exemption (RCW 90.44.050), any groundwater development proposal that will withdraw water in excess of 5,000 gallons per day for single or group domestic supply, or for industrial purposes, or for the irrigation of more than ½ acre of lawn or non-commercial garden within the total project area will require a permit from the Department of Ecology.

Use of water under the Groundwater Permit Exemption has been interpreted in two Attorney General Opinions (AGO 1997 and AGO 2005) and by the Supreme Court in the Campbell & Gwinn decision. The 1997 AGO states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal and would not be
exempt from the permitting requirement contained in RCW 90.44.050, if
the total amount withdrawn exceeds the Permit Exemption limits.

Without a water right, the total groundwater withdrawals are limited to
that allowed under RCW 90.44.050, despite the number of wells, short
plats, or parcels. As such, all homes developed under both proposed short
plats cannot collectively withdraw more than 5,000 gallons of
groundwater for domestic supply, and no more than ½ acre of lawn or
non-commercial garden may be irrigated within the total 32.03 acres
project area.

Thank you for considering these comments from the Department of Ecology. If you have
questions you can contact me at (360) 715-5222 or at kasey.ignac@ecy.wa.gov.

Sincerely,

Kasey Ignac
Water Master

Sent via email
March 8, 2011

Kyle Dodd
Environmental Health Supervisor
Whatcom County Health Department
509 Girard Street
Bellingham WA 98225-4005

Dear Mr. Dodd:

Thank you for the opportunity to provide additional information and clarification regarding water resources for the above-referenced project. The intent of this letter is to provide you with a written summary of the issues we have previously verbally discussed regarding the proposed Long Plat.

- As outlined in your 11/23/2010 letter to Nicole Terpstra (see enclosure), we have been informed that the Delta Water Association will supply water to one lot (one domestic connection) and the remaining nine lots will be withdrawing groundwater for domestic purposes under the Groundwater Exemption (RCW 90.44.050) from two wells. Under RCW 90.44.050, up to 5,000 gallons of groundwater may be withdrawn per day for single or group domestic supply.

- One Groundwater Exemption is allowed for any one ‘project,’ regardless of size. Based on the information provided to Ecology, including, but not limited to, development timelines, applicants, and property owners, it does not appear that Sunny Acres and Bertrand Creek Estates would be considered the same ‘project.’

- Multiple wells may be used to withdraw Groundwater Exemption water, so long as the total withdrawal for the proposed project (Bertrand Creek Estates Plat) does not exceed the limits of 90.44.050.
• It appears that water right G1-22119C is appurtenant to the intended project site (see enclosure). G1-22119C is a groundwater right providing for the withdrawal of groundwater from a well at a maximum instantaneous rate \( Q_i \) of 72.0 gallons per minute (gpm) and an annual maximum limit \( Q_a \) of 16.6 acre-feet per year (afy) for irrigation purposes during the irrigation season. Use of water under G1-22119C must be consistent with the terms of the water right. Irrigation of lawn and garden is **not** considered inconsistent with a specified purpose of “irrigation.”

Thank you for all of your efforts to coordinate on these water resources issues. If you have questions or need any additional information, please feel free to contact me at (360) 715-5222 or at kasey.ignac@ecy.wa.gov.

Sincerely,

Kasey Ignac
Water Master

*Enclosure:  Copy of water right G1-22119C
Copy of 11/23/2010 letter from Kyle Dodd to Nicole Terpstra*

*Hand Delivered 03/09/2011*

*ecc: Kyle Dodd
WR SEPA File (2011)*

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1The Groundwater Permit Exemption, RCW 90.44.050, allows the users of small quantities of groundwater to construct wells and develop their water supplies without first obtaining a water right permit from Ecology. The only exception to the permit requirement is for withdrawals of groundwater for:

• Providing water for livestock (no gallon per day limit).
• Watering a non-commercial lawn or garden one-half acre in size or less (no gallon per day limit, however limited to reasonable use).
• Providing water for a single home or groups of homes (limited to 5,000 gallons per day).
• Providing water for industrial purposes, including irrigation (limited to 5,000 gallons per day but no acre limit).
MEMORANDUM

TO: Mark Personius, PDS Division Manager

FROM: Gary Stoyka, Natural Resources Manager  
       Kirk Christensen, Stormwater Manager

DATE: January 6, 2014

RE: Public Works Water Quality Programs

In ongoing proceedings before the Growth Management Hearings Board, several petitioners have challenged the sufficiency of the County's rural measures to protect ground and surface water resources, including protection of water quality. The County has appealed the most recent Board order on this issue and that appeal is ongoing. This memorandum provides more context and background related to the County's ongoing water quality protection efforts.

Public Works provides technical and administrative support to several Whatcom County water quality programs including the Lake Whatcom Management Program, National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program, Birch Bay Watershed and Aquatic Resources Management District (BBWARM) and the Shellfish Protection District Programs. Each of these programs includes monitoring, community outreach, and water quality improvement elements. Additionally, there are three primary Total Maximum Daily Load (TMDL) studies and plans the County participates in: Lake Whatcom, Lower Nooksack River, and Drayton Harbor.

The Lake Whatcom Management Program is a joint program with the City of Bellingham and Lake Whatcom Water and Sewer District. It was established by a joint resolution in 1992 and interlocal agreement in 1998. The management program operates under a five year work plan. The Lake Whatcom TMDL study has incorporated the five year work plan into the draft implementation plan. More information about the Lake Whatcom TMDL can be found at http://www.ecy.wa.gov/programs/wq/tmdl/lkwhatcom/lkwhatcomtmdl.html. Through the Lake Whatcom Management Plan development, development and stormwater regulations have been adopted for the watershed to help improve and protect water quality. Public Works also conducts water quality education and outreach activities and has a stormwater capital improvement program for the Lake Whatcom watershed.

The Washington State Department of Ecology issued Whatcom County the Western Washington Phase II Municipal Stormwater Permit beginning in 2007. This permit regulates discharges from Small Municipal Separate Storm Sewers, and is part of the National Pollutant Discharge and Elimination System (NPDES) and State Waste Discharge General Permit. Whatcom County is required to implement various stormwater management strategies to comply with this State permit. As part of the Permit, Whatcom County is required to develop a
Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants from the stormwater sewer system into waters of the State. The SWMP document outlines activities, accomplishments, and future projects to comply with the requirements of the Permit. It is intended to be a planning and implementation document for the public, elected officials, and the departments of Whatcom County.

The Birch Bay Watershed and Aquatic Resources Management (BBWARM) District was created in 2007 in response to community concerns about water quality, flooding, and loss of aquatic habitat in the Birch Bay Watershed. BBWARM’s stormwater program works to protect water quality and reduce stormwater impacts. BBWARM has a Citizen Advisory Committee with five members appointed by the Whatcom County Flood Control Zone District Board of Supervisors (County Council) for four-year terms. The Advisory Committee represents the Birch Bay community to ensure its interests are represented in BBWARM activities. The BBWARM stormwater program includes capital improvement projects, maintenance and operations, education and outreach, and water quality monitoring. BBWARM is described in Whatcom County Code Chapter 100.07.

The Revised Code of Washington (RCW) Chapter 90.72 requires that the county legislative authority create a shellfish protection district within 180 days after the Washington State Department of Health (DOH) closes or downgrades a shellfish growing area due to a degradation of water quality. There are three Shellfish Protection Districts that have been established in Whatcom County including Drayton Harbor (1995), Portage Bay (1998), and Birch Bay (2009). Each of these districts has a citizen’s advisory committee and a shellfish recovery plan that outlines potential pollutant sources and strategies to identify and address water quality issues. The Shellfish Protection Districts are described in Whatcom County Code Chapter 16.20. The shellfish recovery plans have also been incorporated into the Lower Nooksack and Drayton Harbor TMDL studies and plans. More information about these TMDLs can be found at [http://www.ecy.wa.gov/programs/wq/tmdl/NooksackTMDL.html](http://www.ecy.wa.gov/programs/wq/tmdl/NooksackTMDL.html) and [www.ecy.wa.gov/biblio/0803105.html](http://www.ecy.wa.gov/biblio/0803105.html). Implementation of the recovery plans includes a pollution identification and correction (PIC) program with water quality monitoring, ranking of priority drainages, community outreach, technical and financial assistance for landowners, and a regulatory backstop. The County is participating in the Whatcom Clean Waters Program, a partnership of federal, state, tribal, and local organizations through the Washington State Shellfish Initiative ([http://www.ecy.wa.gov/water/whatcomcleanwater.html](http://www.ecy.wa.gov/water/whatcomcleanwater.html)). Public Works conducts water quality monitoring, community outreach and engagement, and coordinates with other departments and agencies to share data and coordinate monitoring efforts, provide technical and financial assistance, and implement water quality improvement projects.
WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2014-057

CLEARANCES

Initial: SM

Date: 1/6/14

Date Received in Council Office:

RECEIVED

Jan. 21, 2014

WHATCOM COUNTY COUNCIL

Attached Date: Jan. 28, 2014

Assigned to:

Full Council

TITLE OF DOCUMENT: Appointments to Executive’s Boards and Commissions for the year 2014.

ATTACHMENTS: Listing of nominations for appointments and reappointments; Membership applications.

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.)

County Executive Jack Louws requests confirmation of his new appointments and reappointments to the boards and committees noted on the attached list. These appointments take effect on February 1, 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.
The following vacancies on boards and committees are filled with appointments by the Executive and confirmed by County Council.

**AGRICULTURAL ADVISORY COMMITTEE**
Nominated for reappointment are Ed Blok and Leroy Plagerman.

**BELLINGHAM-WHATCOM COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE**
Nominated for reappointment are Kathy McNaughton and Cheri Stutesman.

**BICYCLE/PEDESTRIAN ADVISORY COMMITTEE**
Nominated for appointment are Andrew Reding and Robert Keller.

**COUNTY APPEALS BOARD**
Nominated for reappointment is Bill Hewett.

**DEVELOPMENT STANDARDS TECHNICAL ADVISORY COMMITTEE**
Nominated for reappointment is Carl Reichhardt and nominated for appointment is Patrick Fuller.

**DEVELOPMENTAL DISABILITIES ADVISORY BOARD**
Nominated for reappointment is Laurie Shea.

**HOUSING AUTHORITY OF WHATCOM COUNTY**
Nominated for reappointment is Gary Williams.

**MARINE RESOURCE COMMITTEE**
Nominated for reappointment are Laurie Caskey-Schreiber and Jeremy Brown; and nominated for appointment are Rachel Benbrook and Jim Hansen.

**PARKS AND RECREATION COMMISSION**
Nominated for reappointment to the District 1 position is Theresa Sygitowicz.

**POINT ROBERTS COMMUNITY ADVISORY COMMITTEE**
Nominated for appointment to the At-Large position is Holger Michelsen.

**PURCHASE OF DEVELOPMENT RIGHTS (PDR) OVERSIGHT COMMITTEE**
Nominated for reappointment are John Gillies (non-farmer from incorporated city), Mark Harting (Farm Supplier), and John Steensma (Farmer).

**VETERAN’S ADVISORY BOARD**
Nominated for reappointment is Gary Lysne; and nominated for appointment is Malcolm Kenyon.

**WHATCOM COUNTY LIBRARY SYSTEM BOARD OF TRUSTEES**
Nominated for reappointment is Debra Lambert.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Ed Blak
Street Address: 7227 Higman Place
City: Lynden
Zip Code: 98264
Mailing Address (if different from street address): 
Day Telephone: 360-855-3149 Evening Telephone: 
Cell Phone: 
E-mail address: cjohn@qol.com

1. Name of board or committee—please see reverse: Agriculture Advisory Comm.
   Farm Board

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? (X) yes ( ) no
   If yes, dates: This previous term, currently serving.

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.
   Dairy farmer, involved w/ Dairy Federation, Ag Coalition District, 2 yrs College, Church board, Current AAC Chair.

10. Please describe why you’re interested in serving on this board or commission: This committee has direct effect on our daily business & land use.

References (please include daytime telephone number): Henry Bierlink
   Sherm Belander 815-5028, Greg Ebe 815-5525

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.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Leroy Playgeman
Street Address: 239 Board Rd
City: Lynden
Mailing Address (if different from street address): 
Day Telephone: 360-766-2345
E-mail address: lplaygeman@msn.com

1. Name of board or committee—please see reverse:
   Agriculture Advisory Committee
   Farmer

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.)
   Yes ( )
   No ( )

4. Which Council district do you live in?
   ( ) One ( ) Two ( ) Three

5. Are you a US citizen?
   Yes ( )
   No ( )

6. Are you registered to vote in Whatcom County?
   Yes ( )
   No ( )

7. Have you ever been a member of this Board/Commission?
   Yes ( )
   No ( )

   If yes, dates: Jan 3 years

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 ( )
   No ( )

   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education:

   I’m a dairy farmer in Whatcom County. The community of dairy farmers elected me to the Darigold board where I am currently serving. Before farming I earned an Ag-business and Ag-Education degree. I used the education to teach for 4 years at the high school level, after which I became a full time dairy farmer. I also serve as chairman of our church council.

10. Why are you interested in serving on this board or commission?

   To help direct future policies concerning agriculture in Whatcom County

   References (please include daytime telephone number):
   Bernie Mulder 360-882
   Sherman Pollard 360-5079
   Henry Bierlink 360-3541

   Signature of applicant: Leroy Playgeman

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.
Dear Executive Louws:

At this time, the Domestic Violence Commission would like to recommend the reappointment of two current members:

Kathy McNaughton, Clinical Director for Catholic Community Services, is currently filling the Whatcom County Human Service Provider position. Kathy is filling a partial term that ends January 31, 2014. Kathy has been an excellent and involved member of the DV Commission. She regularly attends and contributes to both full Commission and committee meetings, and fulfills all of her other commitments. Moreover, she was an active and vocal participant in our Fatality Review Panel, and our keynote speaker at our 2013 Domestic Violence Awareness Month Vigil. The DV Commission recommends that Kathy be reappointed to her first full term ending January 31, 2018. I am including Kathy’s application for your review.

Cherie Stutesman, Director of Operations for Mt. Baker Planned Parenthood, is currently filling the Whatcom County Health Care Provider position. Cherie is filling a partial term that ends January 31, 2014. Cherie has been a wonderful asset to the DV Commission. She attends and participates fully in Commission and committee meetings, and meets all of her other commitments as well. Cherie is especially active in our efforts to include bystanders in our efforts to address domestic violence. The DV Commission recommends that Cherie be reappointed to her first full term ending January 31, 2018. I am including Cherie’s application for your review.

Please contact me if you have any questions or need any further information.

Sincerely,

Susan Marks
Director

cc: Mayor Kelli Linville
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Kathy McNaughton
Street Address: 1521 Van Wyck Rd.
City: Bellingham, WA
Zip Code: 98226

Date: 11-26-13

Mailing Address (if different from street address):

Day Telephone: 360-676-2164 Evening Telephone: 360-676-1695 Cell Phone: 360-739-5494
E-mail address: KathyM@ccswa.org

1. Name of board or committee - please see reverse: Bellingham - Whatcom County Commission Against Domestic Violence

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.)

   ( ) Yes ( ) No

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three

5. Are you a US citizen? ( ) Yes ( ) No

6. Are you a registered voter? ( ) Yes ( ) No

7. Have you ever been a member of this Board/Commission? ( ) Yes ( ) No

   If yes, dates: May 2012 - present.

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 ( ) No

   If yes, please explain: I am the Clinical Director at Catholic Community Services, a provider of children's mental health, chemical dependency treatment, and a broad range of other social services. I have lived and worked in Whatcom County for 29 years. I have a M.Ed. in Counseling and an M.S.W. in Social Work Administration. The Catholic Community Services I served as a member of the Whatcom County Housing Advisory Committee and the Commission Against D.V. I have served on 2 non-profit Boards and volunteered at Habitat for Humanity.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   I am the Clinical Director at Catholic Community Services, a provider of children's mental health, chemical dependency treatment, and a broad range of other social services. I have lived and worked in Whatcom County for 29 years. I have a M.Ed. in Counseling and an M.S.W. in Social Work Administration. The Catholic Community Services I served as a member of the Whatcom County Housing Advisory Committee and the Commission Against D.V. I have served on 2 non-profit Boards and volunteered at Habitat for Humanity.

10. Please describe why you're interested in serving on this board or commission, and if you've been on this committee before for any years. I have found it to be helpful to me in my position at CSS and I believe it has contributed to the committee from my perspective as a social services provider (administrator).

References (please include anytime telephone number):

1) Rod Elin, PhD - 360-318-1472 2) Greg Winter - 360-255-2091

Signature of applicant: Kathy M

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.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Cherie Statesman
Street Address: 855 Parkwood Way
City: Ferndale
Zip Code: 98248
Mailing Address (if different from street address):
Day Telephone: 360-303-4406 Evening Telephone: 360-354-0971 Cell Phone: 360-303-4406
E-mail address: Cherie.Statesman@mwp.org

1. Name of board or committee—please see reverse: Bham-Whatcom County Commission Against D.U
   Co - Healthcare provider

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.) 
   ———— ( ) yes ( ) no

4. Which Council district do you live in? ———— ( ) One ( ) Two ( ) Three

5. Are you a U.S. citizen? 
   ———— ( ) yes ( ) no

6. Are you a registered voter? 
   ———— ( ) yes ( ) no

7. Have you ever been a member of this Board/Commission? 
   ———— ( ) yes ( ) no
   If yes, dates: 2010 - 2013

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 ( ) no
   If yes, please explain: 

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   Director of Operations for Mt. Baker Planned Parenthood—Planned Parenthood is an essential community provider serving Whatcom, Skagit & Snohomish. We meet the healthcare needs of a diverse population & ensure the highest standard of care. We identify health disparities affecting our diverse patient population through community outreach.

10. Please describe why you’re interested in serving on this board or commission: 
    ———— ( ) have a personal & professional interest in participating in this Commission’s initiative to end D.U.

References (please include daytime telephone number): 
   Lise McCauley - 360-609-7701, Katherine Dicken, MD 360-609-7720

Signature of applicant: Cherie Statesman

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: ANDREW REDING
Street Address: 1522 GRANT ST
City: BELLINGHAM WA
Zip Code: 98225
Mailing Address (If different from street address):
Day Telephone: Evening Telephone: Cell Phone: 971-373-5946
E-mail address: aarding@gmail.com

1. Name of board or committee-please see reverse:

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.)
   ( ) Yes ( ) No

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three

5. Are you a US citizen? ( ) Yes ( ) No

6. Are you registered to vote in Whatcom County? ( ) 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 ( ) No
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   PUBLIC POLICY EXPERT - MPA from Woodrow Wilson School
   of Public & Int’l Affairs, Princeton University
   2009-10 Member, Jefferson County (WA) Planning Commission
   2007-10 Member and Chair, Port Townsend (WA) Nominating Transportation Advisory Board

10. Please describe why you’re interested in serving on this board or commission: bicycle about 3000 miles a year

References (please include daytime telephone number):
   ALEX RAMEL 360-305-5079
   JOSHUA BIRD 360-798-6423

Signature of applicant:

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Robert Keller
Street Address: 500 Wilson Ave.
City: Bellingham
Zip Code: 98225
Mailing Address (if different from street address):
Day Telephone: 734-9641 Evening Telephone: same
Cell Phone: none
E-mail address: Keller@wwu.edu

1. Name of board or committee **please see reverse**: Bicycle/Pedestrian

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.)

4. Which Council district do you live in?

5. Are you a U.S. citizen?

6. Are you registered to vote in Whatcom County?

7. Have you ever been a member of this Board/Commission?

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?

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

10. Please describe why you're interested in serving on this board or commission: Alternative mode of travel, lived in Germany, 9x 14+ hospitalized by bike.

References (please include daytime telephone number):

Signature of applicant: Robert Keller

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Bill Hewett
Street Address: 750 Madison Dr
City: Everett WA
Zip Code: 98205
Mailing Address (if different from street address): Sam
Day Telephone: 360-733-6612 Evening Telephone: 360-815-1162 Cell Phone: 815-1162
E-mail address: bhewett@whatcomcs.org

1. Name of board or committee—please see reverse:

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.)

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three

5. Are you a US citizen? ( ) Yes ( ) No

6. Are you registered to vote in Whatcom County? ( ) Yes ( ) No

7. Have you ever been a member of this Board/Commission? ( ) Yes ( ) No

If yes, dates: Currently at end of 1st term

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 ( ) No

If yes, please explain: I am a City of Bellingham employee, we do business with Whatcom County

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Currently act Fire Chief for City of Bellingham. ICC Certified Fire Plans Examiner. AA degree in Fire Protection

10. Please describe why you’re interested in serving on this board or commission:

References (please include daytime telephone number): Warren Harris 676-6907

Signature of applicant: [Signature]

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: CARL REICHARDT

Street Address: 8609 Southwest Dr

City: Blaine

Zip Code: 98230

Mailing Address (if different from street address):

Day Telephone: 360-354-3697  Evening Telephone: Cell Phone:

E-mail address: carlre@secorid.com

1. Name of board or committee-please see reverse:

DEVELOPMENT STANDARDS
TECHNICAL ADVISORY BOARD

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?
   (X) yes  ( ) no
   If yes, dates: 2012 - 2013

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.

   ENGINEER

   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________
   ___________________________________________________________

10. Please describe why you're interested in serving on this board or commission: SECOND TERM

References (please include daytime telephone number):

Signature of applicant: CARL REICHARDT

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Patrick H. Fuller
Street Address: 7465 Sunset Drive
City: Blaine
Mailing Address (if different from street address):
Day Telephone: 206.941.0784
Evening Telephone: same
Cell Phone: same
E-mail address: hugh_fuller@hotmail.com

Date: 12/12/13

1. Name of board or committee-please see reverse: Development Standards TAC
2. You must specify which position you are applying for. Please refer to vacancy list.
Member-Practicing Licensed Civil Engineer
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 (X) 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? ( ) yes (X) no
   If yes, please explain: Employed by the Washington State Department of Transportation

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   I am employed by the Wash. St. Dept. of Transp. I have worked for WSDOT for 23 years. The last nine in Whatcom County and the rest in the Seattle area. I am a practicing licensed civil engineer and I supervise an office of engineers and technicians that prepare roadway designs and contracts and I administer those contracts. In my position I apply engineering standards while taking into consideration, local, state and federal laws and regulations.

10. Please describe why you’re interested in serving on this board or commission: I would like to learn more about Whatcom County development standards and to diversify my expertise.

References (please include daytime telephone number): Chris Damitio 360.738.7402
Jay Drye 360.757.5993 Jeff Peterson 360.788.7416

Signature of applicant: [Signature] 12/13/13

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Laurie Shea
Street Address: 4415 Squalicum Creek Dr.
Cty: Bellingham , WA
Zip Code: 98226
Mailing Address (if different from street address): 
Day Telephone: 360-599-2724 Evening Telephone: 360-647-3327 Cell Phone: 360-820-9998
E-mail address: lauriecane.shea@live.com

1. Name of board or committee—please see reverse: Developmental Disabilities Board

2. You must specify which position you are applying for. Please refer to vacancy list.

Co-Chair

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.)

( ) One ( ) Two ( ) Three

4. Which Council district do you live in?

( ) yes ( ) no

5. Are you a US citizen?

( ) yes ( ) no

6. Are you registered to vote in Whatcom County?

( ) yes ( ) no

7. Have you ever been a member of this Board/Commission?

( ) yes ( ) no

If yes, dates: 2012 - 2013

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 ( ) no

If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I have a B.A. in Psychology from the State University of New York. I have worked with people with developmental disabilities for more than 25 years, 12 of which at the directors level. I am currently the General Manager at Snowwater, a resort community in Glacier Washington.

10. Please describe why you’re interested in serving on this board or commission:

I have been an advocate for people with developmental disabilities and wish to continue.

References (please include daytime telephone number): 

Signature of applicant: 

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December 19, 2013

The Honorable Jack Louws
Whatcom County Courthouse
311 Grand Avenue, Suite 108
Bellingham, WA 98225

Dear County Executive Louws:

Gary Williams’ first term of office as a Bellingham Whatcom County Housing Authorities Commissioner will expire on April 18, 2014. Appointed on November 10, 2009, Mr. Williams is currently serving as Chair of the Board of Commissioners.

We ask that you and Mayor Linville reappoint Mr. Williams to a second five-year term. Thank you for your attention to this matter.

Sincerely,

John E. Harmon
Executive Director/CEO

c: Mayor Keili Linville
Gary A. Williams
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Laurie Caskey-Schreiber ____________________________ Date: 12/10/13
Street Address: 1969 N. Spruce Field C.t. __________________________________________}
City: Bellingham ____________________________ Zip Code: 98229
Mailing Address (if different from street address): ____________________________
Day Telephone: 360 220-7921 Evening Telephone: 360 933-1449 Cell Phone: 360 220-7921
E-mail address: 21auriesca@comcast.net

1. Name of board or committee-please see reverse: Marine Resources Committee
2. You must specify which position you are applying for. Please refer to vacancy list.
   Citizen-at-Large
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
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.

  BA from WWU - Degree in Communications
  Served on the Whatcom County Council 2002-2010
  Employed with the NW Clean Air Agency
  Served on various boards, engaged community member

10. Please describe why you're interested in serving on this board or commission: Passion for restoring the health of Whatcom County's shoreline

References (please include daytime telephone number):
   Carl Weimer 360 223-2636

Signature of applicant: ____________________________

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEAS PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: JEREMY BROWN
Street Address: 3217 GREENWOOD AV
City: BELLEVUE WA
Mailing Address (if different from street address):
Day Telephone: 360 281 2487 Evening Telephone:
Cell Phone:
E-mail address: BARBARA_@_ME.COM

1. Name of board or committee—please see reverse:

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.)

4. Which Council district do you live in?

5. Are you a US citizen?

6. Are you registered to vote in Whatcom County?

7. Have you ever been a member of this Board/Commission?
If yes, dates: 2012 - Present

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?
If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

10. Please explain why you’re interested in serving on this board or commission: After 2 years in the MRC.

References (please include daytime telephone number):

Signature of applicant:

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Rachel Benbrook

Date: 12/5/13

Street Address: 2618 S Paul St

City: Bellingham

Zip Code: 98226

Mailing Address (if different from street address):

Day Telephone: 3603033740

Evening Telephone: 3607330687

Cell Phone: 3607330687

E-mail address: Rachel.Benbrook@hotmail.com

1. Name of board or committee—please see reverse:

   Marine Resources Committee

   (Conservation/Environ. Interest)

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.)

   Yes ( ) No ( )

4. Which Council district do you live in?

   One ( ) Two ( ) Three ( )

5. Are you a US citizen?

   Yes ( ) No ( )

6. Are you registered to vote in Whatcom County?

   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 ( ) No ( )

   If yes, please explain: I am employed with the Nooksack Falls Fish Hatchery, which occasionally partners with the county on projects.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   I have been involved in the Puget Sound Recovery effort in the Nooksack River for over a decade. Some of my past experience includes employment as a restoration ecologist at People for Puget Sound, where I managed citizen participation and restoration projects in the N.S. and served as an assistant to the N.S. Stewardship Council. I have held a bachelor’s degree in Marine Biology and have spent time as a member of the N.S. Stewardship Council from 2008-2012.

10. Please describe why you are interested in serving on this board or commission:

    I admire the work of the MCIs and want to be a part of the Nooksack Story. I would bring a unique perspective to the board, having lived in Bellingham.

References (please include daytime telephone number):

   Keeley O’Connell, 360-320-0247

   Ken Curran, (Whidbey Island)

Signature of applicant: [Signature]

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Jim Hansen
Street Address: 2418 Reesling St.
City: Bellingham, WA
Zip Code: 98225

Date: 12/7/13

Day Telephone: 626-8014
Evening Telephone: Same
Cell Phone: 
E-mail address: jhmk1284@msn.com

1. Name of board or committee—please see reverse: 

2. You must specify which position you are applying for. Please refer to vacancy list. Not Listed 2 are being vacated/check qualifications

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you are applying? (If applicable, please refer to vacancy list.) 

☐ yes ( ) no

4. Which Council district do you live in? 

☐ One ☐ Two ☐ Three

5. Are you a US citizen? 

☐ yes ( ) no

6. Are you registered to vote in Whatcom County? 

☐ 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 ☐ no

If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Retired 15 years Lummi Nation Habitat Restoration Mgr.
6 Years Nooksack Recovery Team President
4 Year Flood Advisory Committee
13 Years Small Business Administrator
Extensive Grants and Contracts expertise

10. Please describe why you’re interested in serving on this board or commission: I’m very interested in promoting environmental preservation and restoration also Fisherman.

References (please include daytime telephone number): Rachel Vasak (NSEA) 715-0283
Rebecca Schloetterback (PUD) 384-4288 John Thompson 626-6826

Signature of applicant: Jim Hansen

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY AND COMPLETE ALL ITEMS

Name: Theresa Syr투나
Street Address: 3931 Copper Pl
City: Deming, WA 98244
Mailing Address (If different from street address): Same
Day Telephone: 360-595-5035 Evening Telephone: 360-595-5035 Cell Phone:
E-mail address: Theresa@com

1. Name of board or committee—Please see reverse: Park & Rec Commission

2. You must specify which position you are applying for, Please refer to vacancy list.
   District One

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you are applying?
   (If applicable, please refer to vacancy list.)
   ( ) yes ( ) no

4. Which Council district do you live in?
   ( ) One ( ) Two ( ) Three

5. Are you a US citizen?
   ( ) yes ( ) no

6. Are you registered to vote in Whatcom County?
   ( ) yes ( ) no

7. Have you ever been a member of this Board/Commission?
   ( ) yes ( ) no
   If yes, dates: 2010 - 2014

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 ( ) no
   If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   I am a career county resident.
   I have been on this board for the past 4 years.
   I have extensive knowledge of the land.
   One of the things that I would like to see is the
   Park & Rec Board be public outreach

10. Please describe why you're interested in serving on this board or commission:

   The main reason is to promote public use

   References (please include daytime telephone number):
   [Redacted]

Signature of applicant:

RECEIVED
JACK LOUWS
COUNTY EXECUTIVE
DEC 18 2013
COUNCILMEMBERS:
Barbara E. Brenner
Sam Crawford
Kathy Kershner
Bill Knutzen
Pete Kremer
Ken Mann
Carl Weimer

454
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Holger Michelsen Date: 2014/01/02
Street Address: 161 Periwinkle Lane
City: Point Roberts Washington Zip Code: 98281
Mailing Address (if different from street address): ________________________________ ________________________________
Day Telephone: 360 945 5474 Evening Telephone: __________________________ Cell Phone: __________________________
E-mail address: tango@dccnet.com

1. Name of board or committee—please see reverse: Point Roberts Community Advisory Committee

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.) ☑️ yes ☐ no

4. Which Council district do you live in? ( ) One ( ) Two (☑️ Three

5. Are you a US citizen? ☑️ yes ☐ no

6. Are you registered to vote in Whatcom County? ☑️ 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 (☑️ no
If yes, please explain: __________________________________________________________

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education. RETIRED - Boiler & Pressure Vessel Inspector

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

10. Please describe why you’re interested in serving on this board or commission: ____________________________________________________________

References (please include daytime telephone number): ________________________________

Signature of applicant: ________________________________

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: John Gillys                      Date: 12-13-13
Street Address: 208 S. Garden Dr
City: Lynden WA                         Zip Code: 98264
Mailing Address (if different from street address):
Day Telephone: 360-420-2334 Evening Telephone: Same
Cell Phone: 360-220-0533
E-mail address: jgillys13@comcast.net

1. Name of board or committee-please see reverse: Purchase of Development Rights
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.) Yes ( ) no
4. Which Council district do you live in? ( ) One ( ) Two ( ) Three
5. Are you a US citizen? Yes ( ) no
6. Are you registered to vote in Whatcom County? Yes ( ) no
7. Have you ever been a member of this Board/Commission? Yes ( ) no
   If yes, dates: JAN 2010 - DEC 2012
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? No ( ) yes ( )
   If yes, please explain:
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Now retired. Formerly I served as the District Conservationist and Resource Conservationist for the Lynden (Whatcom County) Field Office of the USDA Natural Resources Conservation Service.

10. Please describe why you’re interested in serving on this board or commission: Expertise in Land Use and Natural Resources

References (please include daytime telephone number):
   Gwendolyn P. Ditto 354-2980
   Richard Perry 360-441-0259
   Richard Edly 360-354-5383

Signature of applicant: G.

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Mark Harting
Street Address: 3637 Grandview Rd
City: Ferndale
Zip Code: 98248
Mailing Address (if different from street address): PO Box 74 Ferndale, WA 98248
Day Telephone: 360.201.4801 Evening Telephone: 360.201.4801 Cell Phone: 360.201.4801
E-mail address: hartingfame@gmail.com
Date: 12.11.13

1. Name of board or committee-please see reverse: Purchase of Development Rights
   Farm Supplier

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 (X) 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? (X) yes ( ) no
   If yes, dates: 1.31.2010 - 1.31.2014

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.
   I am a dairy consultant serving dairies in Washington and Oregon.
   I work for Cargill and a large percentage of my clients are in Whatcom County.

10. Please describe why you’re interested in serving on this board or commission: I am very interested in helping preserve agriculture in Whatcom Co. as well as making sure tax dollars are used in a reasonable way.

References (please include daytime telephone number):

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.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: John Steensma
Street Address: 9293 Arling Rd
City: Lynden
Zip Code: 98264
Mailing Address (if different from street address):

Day Telephone: 354-1685 Evening Telephone: Cell Phone:
E-mail address: steensma@clearwire.net

1. Name of board or committee—please see reverse: PDR Oversight Committee
   re-applying, same 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 (x) 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? (x) yes ( ) no
   If yes, dates: 2010 - 17

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.
   Dairy Farmer 1980 - present
   Whatcom County Planning Commission 1998 - 2009
   B.S. WSU 1980

10. Please describe why you’re interested in serving on this board or commission: lifelong stewardship ethic and concern for Whatcom farmland and agriculture

References (please include daytime telephone number): Dan Gibson Ken Mann

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.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: CARY C. LYNX Date: 12/9/2013
Street Address: 2727 NORTH SHORE RD
City: BELLINGHAM, WA Zip Code: 98226
Mailing Address (if different from street address):
Day Telephone: 360-756-2717 Evening Telephone: Same Cell Phone: 425-961-6213
E-mail address: garylynx@mtn.com

1. Name of board or committee-please see reverse: VETERAN’S ADVISORY BOARD

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.) One ( ) Two ( ) Three ( )

4. Which Council district do you live in? ( )

5. Are you a US citizen? ( )

6. Are you registered to vote in Whatcom County? ( )

7. Have you ever been a member of this Board/Commission? ( )


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? ( )

If yes, please explain:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

10. Please describe why you’re interested in serving on this board or commission.  I am a Vietnam Veteran and have a Reserve status. Enjoy helping Vietnam Veterans.

References (please include daytime telephone number):

Allie Novotny 230-6286 DHR VA CENTER Bellingham GEN in charge 384-1484

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.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: MALCOLM H. KENYON Date: MAY 20, 2013
Street Address: 17 SUNNYSIDE LANE
City: BELLINGHAM, WA Zip Code: 98229
Mailing Address (if different from street address): SAME
Day Telephone: Evening Telephone: Cell Phone: (360) 319-0415
E-mail address: KenyonMalcolm@yahoo.com

1. Name of board or committee—please see reverse: Veteran's Advisory Board
   one of two vacant positions

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.) (✓ yes ( ) no

4. Which Council district do you live in? (✓ One ( ) Two ( ) Three

5. Are you a US citizen? (✓ yes ( ) no

6. Are you registered to vote in Whatcom County? (✓ 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 (✓ no
   If yes, please explain: ________________________________

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community
   activities, and education.
   Retired engineer/businessman, Former technology
   instructor, Assistant Professor of Technology of
   WWU, Combat veteran of Vietnam 1966-1968,
   Navy, BA/MA History, Latin American History.
   BS, Industrial Education, U of New Mexico. TESOL
   CERTIFIED, have worked with Literacy Councils
   was teaching ESL, Speak Spanish.

10. Please describe why you're interested in serving on this board or commission.
   Empathetic to veterans problems

References (please include daytime telephone number): Michael Novatny, MSW
   Bellingham Vet Center (360) 733-9226

Signature of applicant: Malcolm H. Kenyon

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.
Mr. Jack Louws, Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225

Dear Executive Louws:

In reviewing current terms of service for our trustees on the Whatcom County Rural Library Board, it has come to our attention that Deborah Lambert’s first term as trustee (in Position #4) will end January 31, 2014. Deb has been serving as our Board Chair for several years and her steady presence, clear understanding of the roles of a library trustee, and support for the Whatcom County Library System has been invaluable. The Library Board met at their regular October meeting last week and gave their unanimous endorsement of Deb Lambert’s reappointment.

Because we recently underwent a recruitment process to fill a vacant position, with a limited number of applicants, we feel it is essential to “hang on” to active board members who continue to shine in their ability to advocate for the library system. Deb regularly speaks to the importance of prudent fiscal management, sustainability, and a focus on excellent customer service. Fortunately for us, she has indicated her willingness to continue in this role should you agree to re-appoint her.

Because I am still relatively new to my position, I greatly value Deb’s tenure on the board and the “institutional memory” she provides. I would be more than happy to speak with you if you have any questions about her re-appointment. As always, thank you for your support of the Whatcom County Library System.

Sincerely,

Christine Perkins, Executive Director
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

Name of board or committee—please see reverse: Rural Library Board

Which position on this board are you applying for (if applicable)? Board volunteer

Which Council district do you reside in? ☑ One ( ) Two ( ) Three

Are you a US citizen? ☑ yes ( ) no Are you a registered voter? ☑ yes ( ) no

Name: Deborah J. Lambert Date: 11-17-08

Street Address: 3277 Northshore Road

City: Bellingham WA Zip Code: 98226

Mailing Address (if different from street address):

Day Telephone: 360-733-2408 Evening Telephone: 815-5770

Fax Number: E-mail address: moonsprite53@gmail.com

Occupation (If retired, please indicate former occupation): retired, formerly self-employed

Professional/Community Activities: Commissioner: Lake Whatcom Water & Sewer District

Education: B.S. in Biology & Education, W.S.U.

Qualifications related to position: See attached resume and note

Describe why you are interested in serving on this board or commission: We sold our business in Aug. of 2006, and I would like to participate more actively in community service.

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 ☑ no

If yes, please explain:

References (please include name and daytime telephone number): See attached

Signature of applicant:

As a candidate to a public board or commission, the above information will be available to the County Council, County Executive, and the public.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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<td>Executive: Jack Loucks</td>
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<td>5/2-13</td>
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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:

7/09/2013: Recommended forward for concurrent review

COUNCIL ACTION:

6/04/2013: Introduced
7/09/2013: Council forwarded to concurrent review 7-0

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. ____________

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. 

1
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.

**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
WHATCOM COUNTY, WASHINGTON

__________________________________________
Dana Brown-Davis, Council Clerk

Chairperson

APPROVED as to form:

______________________________
Civil Deputy Prosecutor

( ) Approved ( ) Denied

______________________________
Jack Louws, Executive

Date: ________________
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.
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

473
THE LYNDEN–NOOKSACK 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 G. Hansey, Chairman

Approved this 20th day of JUNE, 1986,
by the Whatcom County Executive.

Shirley Vann Zanten, Executive

Attest: Carol Ehrig
Clerk of the Council

Reviewed this ___ day of ____________, 1986,
by the Boundary Review Board.

Stewart Buttrick, Chairperson
AN ORDINANCE AMENDING THE 1970 WHATCOM COUNTY COMPREHEN-
SIVE 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 recom-
mandations 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 ORDAINED 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

DRAFT 1, PAGE 1, May 15, 1986
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, 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.

PASSED this 19th day of June, 1986.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

[Signature]

Chairman

ATTERT

[Signature]

Clerk of Council

Shirley Van Wagen, Executive

APPROVED AS TO FORM:

[Signature]

Randy Watts,
Civil Deputy Prosecuting Attorney

Published June 4, 1986 and July 2, 1986.

This Ordinance becomes effective June 30, 1986.
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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 Lynden-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 Lynden-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.

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 6 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

TABLE A
TOTAL WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000
(INCORPORATED AND UNINCORPORATED)

<table>
<thead>
<tr>
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</thead>
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<td>U.S. Census</td>
<td>81,983</td>
<td>106,701</td>
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<td></td>
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<tr>
<td>CB&amp;I: EIS</td>
<td>103,941</td>
<td>119,771</td>
<td>132,997</td>
<td>149,217</td>
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<td>WCCOG</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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<tr>
<td>OFM</td>
<td>105,735</td>
<td>119,297</td>
<td>132,352</td>
<td>147,976</td>
<td>156,553</td>
<td></td>
</tr>
<tr>
<td>BPA</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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</tbody>
</table>

Mean               | ---   | ---   | 118,748| 132,609| 147,642| 162,525|

ANNUAL GROWTH RATES

<table>
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<th></th>
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<tbody>
<tr>
<td></td>
<td>2.67%⁵</td>
<td>2.20%⁶</td>
<td>2.06%⁷</td>
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FIGURE 2

UNINCORPORATED WHATCOM COUNTY


(1000's)

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<tbody>
<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

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<tr>
<td>3.54%</td>
<td>2.84%</td>
<td>2.88%</td>
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</table>
LYNDEN, WASHINGTON

![Graph showing population trends and forecasts from 1970 to 2000.](image)

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<td>2,808</td>
<td>4,028</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>CB&amp;I: EIS¹</td>
<td>3,975</td>
<td>4,722</td>
<td>5,335</td>
<td>6,113</td>
<td>6,988</td>
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<tr>
<td>WCCOG²</td>
<td>3,970</td>
<td>4,670</td>
<td>5,490</td>
<td>6,365</td>
<td>7,380</td>
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<tr>
<td>OFM³⁰</td>
<td></td>
<td>4,500</td>
<td></td>
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<tr>
<td>Actual Population</td>
<td>2,808</td>
<td>4,028</td>
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<tr>
<td>Mean Population</td>
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<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

<table>
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<th>Period</th>
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<tbody>
<tr>
<td>1970-1980</td>
<td>3.67%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1980-1990</td>
<td>3.00%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990-2000</td>
<td>2.87%</td>
<td></td>
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</table>
SUMAS, WASHINGTON

TABLE D
POPULATION TRENDS & FORECASTS, 1970 - 2000
SUMAS, WASHINGTON

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<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<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(^1)</td>
<td>674</td>
<td>683</td>
<td>695</td>
<td>696</td>
<td>693</td>
<td></td>
</tr>
<tr>
<td>WCCOG(^2)</td>
<td>745</td>
<td>800</td>
<td>860</td>
<td>935</td>
<td>1,020</td>
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<tr>
<td>OFM(^1,1)</td>
<td></td>
<td>736</td>
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<tr>
<td>Actual Population</td>
<td>722</td>
<td>712</td>
<td>736</td>
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<td>Mean Population</td>
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<td></td>
<td></td>
<td>778</td>
<td>816</td>
<td>857</td>
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ANNUAL GROWTH RATES


\(-0.14\%^5\) \(0.90\%^6\) \(0.97\%^7\)
EVERSON, WASHINGTON

![Population Trends Diagram]

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<tr>
<td>U.S. Census</td>
<td>633</td>
<td>898</td>
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</tr>
<tr>
<td>CB&amp;I: EIS¹</td>
<td>877</td>
<td>1,035</td>
<td>1,166</td>
<td>1,330</td>
<td>1,515</td>
<td></td>
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<tr>
<td>WCCOG²</td>
<td>877</td>
<td>955</td>
<td>1,085</td>
<td>1,210</td>
<td>1,350</td>
<td></td>
</tr>
<tr>
<td>OFM¹⁰</td>
<td>1,100</td>
<td>---</td>
<td>---</td>
<td>---</td>
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</tr>
</tbody>
</table>

| Actual Population | 633  | 898  | ---  | ---  | ---  | ---  |
| Mean Population   | ---  | ---  | 1,030| 1,126| 1,270| 1,433|

ANNUAL GROWTH RATES

<table>
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<tr>
<th>Period</th>
<th>% Growth</th>
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<tbody>
<tr>
<td>1970-1980</td>
<td>3.56%⁵</td>
</tr>
<tr>
<td>1980-1990</td>
<td>2.29%⁶</td>
</tr>
<tr>
<td>1990-2000</td>
<td>2.54%⁷</td>
</tr>
</tbody>
</table>
**POPULATION TRENDS AND FORECASTS: 1970-2000**

**NOOKSACK, WASHINGTON**

![Graph showing population trends and forecasts from 1970 to 2000, with data from various agencies including WCCOG, CB&I, and OFM.](image)

**Table F**

**POPULATION TRENDS & FORECASTS, 1970 - 2000**

**NOOKSACK, WASHINGTON**

<table>
<thead>
<tr>
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</thead>
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<tr>
<td>U.S. Census</td>
<td>322</td>
<td>429</td>
<td></td>
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<td></td>
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<tr>
<td>CB&amp;I: EIS¹</td>
<td>387</td>
<td>437</td>
<td>478</td>
<td>528</td>
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<tr>
<td>WCCOG²</td>
<td>450</td>
<td>536</td>
<td>625</td>
<td>735</td>
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<tr>
<td>OFM¹³</td>
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<td>585</td>
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<tr>
<td>Actual Population</td>
<td>322</td>
<td>429</td>
<td></td>
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<td></td>
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<tr>
<td>Mean Population</td>
<td></td>
<td>517</td>
<td>552</td>
<td>632</td>
<td>724</td>
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**ANNUAL GROWTH RATES**

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<tbody>
<tr>
<td>2.92%⁶</td>
<td>2.55%⁶</td>
<td>2.75%⁷</td>
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</tbody>
</table>

14
Footnotes


2Whatcom County Council of Governments; Population Forecasts; June, 1980.


Annual 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 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 590 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 Mecklem 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 PCE 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 lake 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, Fourth, 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 Trapline 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. 8, No. 2 and No. 1. District No. 14 provides service to the area east of Trapline 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 Meridian 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 uses. 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 subareas 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 LOCAUTIONAL 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 extricable 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 woodland 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 these 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 Lynden 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 designation 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, woodlots, 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 Harksell Road; near Berthussen 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 flood-
plains.

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 continu-
ing 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 1979. 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 educa-
tional 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 cooperated 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 Kok 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 lineal 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 Hemwi 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 Polo 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 siting 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 Truemp roads, and between Trupm 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 Transportation, 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 regulations 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, home 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 Hathbone 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, Aim 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-Goschen, 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–Goschen 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 life styles 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 residuals 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 AGRICULTURE 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, Halverstick 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, woodlot 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 non-residential 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 unhindered 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-Gosahen 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 improvement 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 dikeing 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, McCauley, 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 diking 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 of 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 Ordi-
nance.
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 "H" 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.
LYNDEN-
NOOKSACK
VALLEY
SUBAREA

LEGEND

100 Year Floodplain Area
Localized High Yield Aquifers
Area of Moderate Groundwater Yield
Streams That May Experience Debris Flows
Beaver Ponds

Great Blue Heron Rookery
Game Reserve

Source: Easterbrook, Don J.

ENVIROMENTAL CONSTRAINTS
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.

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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 Lyden, Everson, Nooksack and Sumas UGAs are included in the Lyden-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 Lyden-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 Lyden-Nooksack Valley Subarea Plan does not address LAMIRDs.

18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1986 Lyden-Nooksack Valley Subarea Plan is not consistent with the County Comprehensive Plan.


20. The cities of Lyden, 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 Lyden-Nooksack Valley Subarea Plan.

Public Interest

22. Repealing the 1986 Lyden-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.
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 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, Velked; 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, Velked; 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

CLEARANCES

<table>
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<tr>
<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
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Division Head: Mark Personius
Dept. Head:    Sam Ryan
Prosecutor:    Royce Buckingham
Purchasing/Budget:

Executive:  Jack Louws

5/24/13

TITLE 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?  (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 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:
7/09/2013: Recommended forward for concurrent review

COUNCIL ACTION:
6/04/2013: Introduced
7/09/2013: Council forwarded to concurrent review 7-0

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:

Dana Brown-Davis, Council Clerk

Chairperson

APPROVED as to form:

Civil Deputy Prosecutor

Jack Louws, Executive

Date: _____________________

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
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 update the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Lake Whatcom, Urban Fringe, Lynden-Nooksack Valley, Chuckanut-Lake Samish, Birch Bay Community Plan, 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.

a. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan 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 plan7-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 plan7-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**

15:6. 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  
William P. Roehl  
Daniel M. Warner

Whatcom County Planning Commission

James Freeman  
Robert Funkhouser  
Louise Greer  
Al Hickinbotham  
Peggy Hinton  
Norm Shearer  
David Simpson  
Alvin Van Dalen  
John Vanderlage

Whatcom County Planning Department Staff

Daniel W. Taylor, Director of Land Use and Economic Planning  
Diane E. Harper, Planner III  
Carl F. Batchelor, Planner II  
Terry Galvin, Planner I  
Jennifer Olson, Administrative Secretary  
Elizabeth K. Olsen, Cartographer  
Mitch Press, Consultant  
Colin Vasquez, Intern

Whatcom County Planning Department
401 Grand Avenue
Bellingham, WA 98225
(206) 676-6756
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.

[Signature]
David Simpson, Chairperson

[Signature]
Daniel W. Taylor, Secretary

Certified this 17th day of November, 1987, by Whatcom County Council.

[Signature]
Tom Burton, Chairperson

Approved this 17th day of November, 1987, by the Whatcom County Executive.

[Signature]
Shirley Van Zanten, Executive

Attest:
By: [Signature]
Amanda Fleming
Clerk of the Council
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IX. APPENDIX: LEGAL DESCRIPTIONS OF BOUNDARIES
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.

WHATCOM COUNTY COUNCIL

PROPOSED SUBAREA COMPREHENSIVE PLAN

INVENTORY AND ANALYSIS BY SUBAREA
Land Use
residential
commercial
industrial
Transportation
Comm. Services
Population
Parks-Recreation
Physical Features
Shoreline Mgt.

PRELIMINARY SUBAREA COMPREHENSIVE PLAN

PUBLIC HEARING

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

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 38.99% 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

![Graph showing population trends](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>60,355</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>1950</td>
<td>--</td>
<td>66,733</td>
<td>10.57%</td>
</tr>
<tr>
<td></td>
<td>1960</td>
<td>--</td>
<td>70,317</td>
<td>5.37%</td>
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<tr>
<td></td>
<td>1970</td>
<td>1,955</td>
<td>34,004</td>
<td>81,983</td>
</tr>
<tr>
<td></td>
<td>1980</td>
<td>2,363</td>
<td>48,622</td>
<td>106,701</td>
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<tr>
<td></td>
<td>1986</td>
<td>2,390</td>
<td>56,402</td>
<td>116,700</td>
</tr>
<tr>
<td>projected</td>
<td>1990</td>
<td></td>
<td>124,500</td>
<td>16.66%</td>
</tr>
<tr>
<td></td>
<td>2000</td>
<td></td>
<td>148,200</td>
<td>19.04%</td>
</tr>
</tbody>
</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 1985 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 6 is in the process of merging with Water District 8, with Water District 6's well sources having various quality problems. In addition to the two large public water purveyors, Water District 8 and Blaine, the state operates water systems at the Custer rest areas serving Interstate 5 traffic and at Birch Bay State Park where water is purchased from Water District 8. 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 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 2316 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 its 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 380 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 1,758 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

1976 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 8 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 6,530 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; 90 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

i. 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 90% 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
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 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. 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 6 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 8, 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 rights-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.
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
densities, parcel sizes and uses are contained in the RURAL zone text and the PLANNED UNIT DEVELOPMENT section of the Title 20 Zoning Ordinance.

4.04.3 Subdivisions shall be designed so as to minimize intersections along existing county roads and to discourage linear 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.
G.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.

G.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.

G.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 areas. 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 linear 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 B, 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.
9. 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 8. 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 COMMERCIAL 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 85. 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, 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 B, 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.

1.04.7 GENERAL COMMERCIAL: Services shall include public sewer and water where available from Water District B, 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 PUB 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 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.

4.02.2 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, 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 #8 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 to conserve the county prime farmland 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.
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 Roehn Rd.; thence South along the center line of Roehn 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 Northwestern corner of Lot 2, Division 1, Birchmont Long Plat; thence Southeasterly along Northeastern 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 United States/Canadian border; thence East along 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 NE1/4 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 8, TWP40N, R1E, W.M.; thence West to the SW corner of said 1/4 corner; thence South to the S1/4 corner of SEC 8; 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 due 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 528' East of the center line of Blaine Rd.; thence North along said line 660', 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 the NW1/4 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, R1W, W.M.; thence due West 600'; 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, TWP39N, 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 Northeasterly 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 Northeasterly direction along the mean high water mark of Birch Bay to the NW corner of the SW1/4 of SEC 31, TWP40N, 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, TWP40N, R1E, W.M.; thence North to a point 40' South of the Southerly margin of First Ln.; thence 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 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, TWP40N, 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 Sec 1/4 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 Sec 1/4 of the Sec 1/4 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 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 Shintaffer Rd., 190', more or less, North of intersection of the center lines of Birch Bay Dr. and Shintaffer 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 Sec 1/4 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 2060' 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 El/2 of the NW1/4 of the SE1/4 of SEC 35; thence North along said line to the Southern boundary of the Pettit South 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 NW1/4 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 El/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 El/4 corner of SEC 12, TWP40N, R1E, W.M.; thence South along the center line of Delta Line Rd. to the El/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, TWP40N, 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 Northeastery 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 of beginning.

Situate in Whatcom County Washington

IX-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 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; thence Southeasterly along said center line to the Easterly line of the W1/2 of the W1/2 of SEC 1G, TWP40N, R1E, W.M.; thence South along said line to the center line of Portal Way; thence Northeasterly 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 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 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; thence Southeasterly 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; thence Southeasterly 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; thence Southeasterly 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 26, 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
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 due 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 Creasey 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 long 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. 402) 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 586, under Auditor's File Number 138579 (Co. Rd. 462); 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 SE1/4 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°14'22" 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 SE1/4 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 1200.00' 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 Northeasterly 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 said 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 Southerly 705.98' 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.

Situated 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 NL/2 of the NW1/4 of the NW1/4 of SEC 26, 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 S1/2 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 S1/2 of the SW1/4 of said section to intersect with the center line of I-5; thence Southeastery along said center line to intersect with the North line of the S1/2 of the SS1/4 of SEC 22, TWP40N, R1E, W.M.; thence East along said line to the point of beginning.

Situated in Whatcom County Washington

IX-8
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

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.
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 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.
Regular Meeting

May 9, 2013

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

### NO. 2013-205

<table>
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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<tr>
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<td>5/23/13</td>
<td>7/9/2013</td>
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### TITLE OF DOCUMENT:

Repeal the Chuckanut-Lake Samish 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

1. The Council must hold a hearing if they want to change the Planning Commission's recommendation (WCC 2.160.100(B)).

### 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 Chuckanut-Lake Samish Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans. The Chuckanut-Lake Samish 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:

7/09/2013: Recommended forward for concurrent review

### COUNCIL ACTION:

6/04/2013: Introduced
7/09/2013: Council forwarded to concurrent review 7-0

### 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.

680
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 charged 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: ___________________________ 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-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 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 CHICKANUT-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 Trimm, 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 Elberg
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
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:

1. 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

PROPOSED SUBAREA COMPREHENSIVE PLAN

INVENTORY AND ANALYSIS
BY SUBAREA
Land Use
residential
commercial
industrial
Transportation
Comm. Services
Population
Parks-Recreation
Physical Features
Shoreline Mgt.

PRELIMINARY SUBAREA COMPREHENSIVE PLAN

PUBLIC HEARING

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 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 A).

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 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 I
TOTAL WHATCOM COUNTY

TABLE A
TOTAL WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000
(INCORPORATED AND UNINCORPORATED)

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ANNUAL GROWTH RATES

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*Refer to page 10 for footnotes.
FIGURE 2
UNINCORPORATED WHATCOM COUNTY

TABLE B
UNINCORPORATED WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000

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<td>56,083</td>
<td>64,381</td>
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<td>3.04%⁵</td>
<td>2.84%⁶</td>
<td>2.88%⁷</td>
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*Refer to page 10d for footnotes.
**FIGURE 3**

**BELLINGHAM POPULATION**

**TRENDS AND FORECASTS: 1970 - 2000**

![Graph showing population trends from 1970 to 2000 with different projections](image)

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<th>Year</th>
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<th>WCCOG</th>
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<td>1995</td>
<td>62,888</td>
<td>73,210</td>
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<tr>
<td>2000</td>
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**ANNUAL GROWTH RATES**

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<tr>
<td>1.52%⁵</td>
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<td>1.83%⁷</td>
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*Refer to page 10d for footnotes.*

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**10c**

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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 In-migration 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 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 1,113 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. Sizeable 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, Calmore 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 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.

(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, FORESTRY 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 650% 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 Larrabee 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 above; 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 Faw 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 wherever 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 city 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 providers 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:

**Sewer and Water:** City of Bellingham; Water District No. 12; or private

**Law Enforcement:** Whatcom County Sheriff’s Department

**Fire Protection:** Whatcom County Fire Protection District No. 6, No. 9 or No. 10

**Transportation:** Whatcom County

**Recreation:** Whatcom County Parks Department

**Stormwater Management:** The City of Bellingham and Whatcom County

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 runoff. 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 eagle nests 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

Source: Background Document

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

d. fulfill the social, economic, and other requirements of present and future generations of Whatcom County citizens.

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.
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 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.
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 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.
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
An ordinance adopting amendments to the Point Roberts Character Plan

ATTACHMENTS:

1. Cover Memo
2. Proposed Ordinance and Exhibit “A” (Exhibit “A” is shown in strike-through/underline version & also the clean version)
3. Planning Commission Findings of Fact and Reasons for Action
4. Excerpts from the July 25, 2013 Planning Commission Meeting Draft Minutes
5. Staff Report
6. Whatcom County Code, Chapter 2.98 – Point Roberts Community Advisory Committee

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 amends Section 9-001 – Advisory Committee, Point Roberts Character Plan as adopted in Section 8.1.1 of the 2001 Point Roberts Subarea Plan, adopted by reference in Whatcom County Comprehensive Plan, as shown in “Exhibit A”.

Proposed changes to the Point Roberts Character Plan identified in “Exhibit A” modify language that specifies how the Point Roberts Character Plan Advisory Committee is established. Proposed changes would allow the existing Point Roberts Community Advisory Committee that is established pursuant to WCC 2.98 to serve as the new Character Plan Advisory Committee.

COMMITTEE ACTION:

9/24/2013: Approved for forwarding for concurrent review

COUNCIL ACTION:

9/10/2013: Introduced
9/24/2013: Council forwarded for concurrent review 7-0

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

PLN2013-00013

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: Honorable Members of the Whatcom County Council & Honorable Jack Louws, Whatcom County Executive

FROM: Erin Osborn, Planner

THROUGH: Mark Personius, Long Range Planning Manager

DATE: August 26, 2013

SUBJECT: Amendments to Point Roberts Character Plan

Presented here for your consideration is a packet containing Planning Commission recommendations on proposed amendments to the Point Roberts Character Plan. Also enclosed is a draft ordinance, and Exhibit “A” in “underline/strike out version” and “clean version” which has been prepared for review by the County Council should they vote to adopt Planning Commission recommendations, and for review by the County Executive should he signify his approval by signing the ordinance.

This item is proposed to be introduced at the September 10, 2013 Council Meeting, with future discussion held in Planning & Development Committee (on a date to be determined), and pending an affirmative vote from Council will be forwarded on to Concurrent Review.

Background: The proposed amendments are intended to modify provisions in the Point Roberts Character Plan that specify how a Character Plan Advisory Committee is created. The Point Roberts Character Plan Advisory Committee that once served is no longer active, and at this time there is no advisory committee formed that acts to review commercial and institutional development proposals for conformance with the Character Plan.

The proposed amendments would allow the existing Point Roberts Community Advisory Committee that fulfills a role in providing advice and recommendations to the County Executive and County Council on needs and issues specific to the Point Roberts Community to also serve as the Point Roberts Character Plan Advisory Committee.

Thank you.
ORDINANCE NO. ______________

ADOPTING AMENDMENTS TO THE POINT ROBERTS CHARACTER PLAN

WHEREAS, the Whatcom County Council adopted Ordinance No. 94-024 on April 26, 1994 wherein the Point Roberts Subarea Comprehensive Plan was amended to include the Point Roberts Character Plan; and

WHEREAS, the Whatcom County Council adopted Ordinance No. 99-073 on November 23, 1999 which adopted amendments to the Point Roberts Character Plan text and Title 20 Zoning text relating to Point Roberts; and

WHEREAS, the Character Plan, Section 9-001 provided for an Advisory Committee called the Point Roberts Character Plan Advisory Committee (PRCPAC), which was an advisory body formed solely for the purpose of building permit application review, and this Advisory Committee has been inactive for many years; and

WHEREAS, the Point Roberts Community Advisory Committee, which was established by Whatcom County Council in 2010 through Ordinance No. 2010-008, has the capacity to fill the role that the PRCPAC previously fulfilled;

WHEREAS, The Whatcom County Council initiated the subject amendments for review in 2013; and

WHEREAS, On July 25, 2013, the Whatcom County Planning Commission held a public hearing on the proposal and during a work session recommended approval of proposed amendments as shown on Exhibit A; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The proposal is to amend the Whatcom County Comprehensive Plan as follows:
   a. Amend Section 9-001 – Advisory Committee, Point Roberts Character Plan as adopted in Section 8.1.1 of the 2001 Point Roberts Subarea Plan, as adopted by reference as part of the Whatcom County Comprehensive Plan, as shown in “Exhibit A”.
   b. Proposed changes to the Point Roberts Character Plan identified in “Exhibit A” modify language that specifies how a Character Plan Advisory Committee is established. Proposed changes would allow the existing Point Roberts Community Advisory Committee established pursuant to WCC 2.98 to serve as the new Character Plan Advisory Committee.

2. Section 9-001. of the Point Roberts Character Plan establishes authority for the creation of an Advisory Committee whose sole purpose is to review commercial and institutional development proposals for conformance with elements of the Character Plan, and to make recommendations to the County administrative authority (County Executive, and/or Planning &
Development Services Department) on whether or not such proposals conform to the elements of the Character Plan.

3. In 2010, Whatcom County adopted an ordinance to authorize establishment of a Point Roberts Community Advisory Committee (WC Ord. 2010-008), codified as Whatcom County Code, Chapter 2.98.

This committee was designed to provide advice and recommendations to the Executive and County Council on needs and issues that are specific to the Point Roberts Community. This committee is active and meets regularly in Point Roberts. The committee is distinct from the Point Roberts Character Plan Advisory Committee. It has different authority for its establishment, similar but different membership composition, and based on review of this matter by County legal staff, cannot serve as the Point Roberts Character Plan Advisory Committee, unless the Point Roberts Character Plan is amended.

4. Notice of the subject amendment was submitted to the Washington State Department of Commerce on June 19, 2013.

5. On June 20, 2013, Whatcom County Planning & Development Services Department received confirmation from the Washington State Department of Commerce indicating that Commerce had received the County’s “60 Day Notice of Intent to Adopt Amendment”, and that Material ID # 19258 had been assigned to the materials received.

6. The State Environmental Policy Act (SEPA) requires that project and non-project actions be reviewed for the potential of probable significant adverse impacts to the environment, unless categorically exempt from review under SEPA. The Whatcom County Designated SEPA Official (lead agency) reviewed the proposed amendments to the Point Roberts Character Plan, and on June 25, 2013 made a determination that pursuant to WAC 197-11-800(19) the proposal is exempt from environmental review under SEPA: “Procedural actions. The proposal or adoption of legislation rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use of modification of the environment shall be exempt.”

7. On July 9, 2013, the Whatcom County Council unanimously voted to approve a resolution (Res. 2013-023) to initiate the subject amendment to the list of existing “docket” of comprehensive plan and zoning amendments previously initiated under Res. 2013-007 for consideration in 2013.

8. Notice of the proposed amendments was sent to the Lummi Indian Business Council, Historic Preservation Office on July 10, 2013.

9. Notice of the Planning Commission hearing was posted on the County website on July 11, 2013.

10. 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 July 12, 2013.

11. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on July 12, 2013.

13. On July 25, 2013, the Planning Commission held a work session on the subject amendments. Commissioner Honcoop moved to recommend approval of Exhibit A which contains proposed draft text in strike through underline formats, intended to amend Section 9-001 of the Point Roberts Character Plan, establishing new provisions that pertain to the creation of a Character Plan Advisory Committee. Commissioner Teigrob seconded the motion. Commissioner Vekved move to amend the motion with the following: First and second sentences of Paragraph 1 to read: The Point Roberts Community Advisory Committee, an existing locally-based resident’s advisory committee shall be utilized to work with Whatcom County on the Administration of the Character Plan. It is called the Point Roberts Community Advisory Committee. Commissioner Onkels seconded. The motion carried.

14. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendment, 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. 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**

15. The Growth Management Act (GMA) provides that counties may adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).

16. In 1979, prior to GMA, . Whatcom County adopted a subarea plan for Point Roberts, entitled “Plan for Point Roberts, a Supplement to the Whatcom County Comprehensive Plan”. This Plan was updated and amended in 1990, and updated and amended again in 2001.

17. Another local plan was created in 1994 to help implement the Point Roberts Subarea Plan. This plan established preferred architectural design elements that would be applicable to all
future commercial and institutional development within Point Roberts. The Plan, entitled the “Point Roberts Character Plan (Character Plan) was adopted as part of the 1990 Point Roberts Subarea Plan, under Ord. 94-024.

18. The Character Plan was then revised in 1999 under Ord. 99-073, and in 2001 was incorporated into Chapter 8 of the most recent version of the Point Roberts Subarea Plan, adopted in the Whatcom County Comprehensive Plan under Ord. 2001-073.

County-Wide Planning Policies

19. County-Wide Planning Policy A-2 states: The [c]ounty 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. The method of citizen involvement may vary based on the needs and constituents in various communities and shall include representation of both rural and urban interests on those issues that affect both urban and rural areas.

20. County-Wide Planning Policy A-3 states: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

21. 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.

22. Planning and Development Services Department (PDS) has taken steps to ensure that the County’s Public Participation Plan (2012) is followed with respect to providing information to the public, and other interested parties about the details and scope of the proposed amendments under consideration. In addition, PDS has maintained a complete file on the amendments being considered, which includes background research, preliminary analysis, proposed draft text, and various agency correspondence.

23. Public notice has been published in the Bellingham Herald to inform the public of the scheduled upcoming public hearing to be held by the Planning Commission; and information about the upcoming hearing and a report containing staff analysis and recommendations has been posted to the County website, and notice of the proposed amendments was sent to the Lummi Indian Business Council, Historic Preservation Office.

24. On July 12, 2013, an email describing the proposed amendment was sent to 200 interested citizens who had previously requested to be kept up to date on proposed amendments and other County projects. Staff continues to be available to respond to inquiries from interested parties about the proposal. Any input received from interested parties will be considered and may form the basis of recommendations made to County decision-makers.

25. On July 15, 2013 written correspondence was received from community member, John Lesow that offered comments to support retention of Title 20, Chapter 20.72 - Point Roberts Special
District as regulations that implement the Character Plan.

26. On July 15, 2013, anecdotal comments were received from community member, and local business owner, Pam Sheppard, in support of the proposed amendment. Opinion expressed was that the proposed amendment, if approved, would provide for greater accessibility to the Character Plan Advisory Committee and increase implementation of the Character Plan in Point Roberts.

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29. The Character Plan makes provisions for the establishment of a Character Plan Advisory Committee whose membership is drawn from a representative sample of Point Roberts community members. Key to effective implementation of the Character Plan is the role which this advisory committee plays in reviewing commercial and institutional development proposals for conformance with elements of the Plan in advance of any formal permit application.

30. Character Plan provisions require prior review of development proposals 21 days in advance of formal application for development permits (i.e. commercial building permit applications). Given that commercial development in Point Roberts may be at times infrequent, it follows that the demand for a Character Plan Advisory Committee would be intermittent, and to utilize an existing local community citizen advisory committee might be more efficient.

**Whatcom County Comprehensive Plan**

31. The GMA requires that the comprehensive plan must be an internally consistent document (RCW 36.70A.070).

32. Whatcom County’s Comprehensive Plan, Chapter 2 identifies goals and policies that both recognize and support the diversity of its citizens as they form various regions of the county. These particular goals and policies emphasize the importance of utilizing the subarea planning process to identify and support these community distinctions.

33. Whatcom County Comprehensive Plan Policy 2L-2 is to: Retain and periodically 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). . .

34. The above policy supports periodic updates to all of Whatcom County’s subarea planning documents, and would also support an amendment to provisions that specify how the Point Roberts Character Plan – Character Plan Advisory Committee is established.

35. The proposed amendments are further supported by Whatcom County Comprehensive Policy 2L-2(1)(d) which states that unless in conflict with the County’s Comprehensive Plan, amendments to subarea plans are not required, although local issues of concern or changed
conditions may be addressed when necessary.

36. In part, the Character Plan is implemented pursuant to Whatcom County zoning regulations, Title 20, Chapter 20.72 – Point Roberts Special District, Subsection 20.72.651 – Facility Design.

Interlocal Agreements

37. Staff has researched the matter and did not find any Interlocal agreement to which the Point Roberts community is party that would have a hearing on the relative merit of the subject amendments, or subsequent adoption.

Further Studies/Changed Conditions

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

38. In 1994, the Point Roberts Character Plan (Character Plan) was adopted as part of the 1990 Point Roberts Subarea Plan, under Ord. 94-024. The Character Plan was revised in 1999 under Ord. 99-073, and in 2001 was incorporated into Chapter 8 of the most recent version of the Point Roberts Subarea Plan as adopted in the Whatcom County Comprehensive Plan under Ord. 2001-073.

39. February 2013 correspondence and other communications between the Whatcom County Executive’s Office and Whatcom County Planning & Development Services Department (PDS) established that the Character Plan Advisory Committee authorized by the Point Roberts Character Plan had long been inactive.

40. An inquiry was made as to whether or not the Point Roberts Community Advisory Committee, that began meeting in 2010 to review and make recommendations to County decision-makers on matters of importance that relate to the community of Point Roberts could serve as the new Character Plan Advisory Committee. After review by County legal staff it was determined that the existing Point Roberts Community Advisory Committee could not serve as the Character Plan Advisory Committee without an amendment to Point Roberts Character Plan provisions that pertain to the establishment Character Plan Advisory Committee.

41. In June of 2013, the Whatcom County Executive’s Office forwarded Whatcom County PDS a draft proposal to amend the Point Roberts Character Plan to change the way the Point Roberts Character Plan Advisory Committee is established. Proposed changes included removal of language pertaining to existing committee membership composition and appointment procedures, with new language added that would effectively assign the Point Roberts Community Advisory Committee (as authorized under Ord. 2010-008 and codified in WCC 2.98) to serve as the new Point Roberts Character Plan Advisory Committee (in addition to its existing duties).

42. In part, the Character Plan is implemented pursuant Whatcom County zoning regulations, Title 20, Chapter 20.72 – Point Roberts Special District, Subsection 20.72.651 – Facility Design.

Public Interest

43. Implementation of the Point Roberts Character Plan requires establishment of a Character Plan Advisory Committee that convenes to review commercial development proposals for
conformance with preferred architectural design elements identified as important to the preservation of the rich heritage of the Point Roberts community. Proposals for commercial development are infrequent, and the Character Advisory Committee established at one time for this specific purpose is no longer active.

44. Another advisory committee designed to serve a role in representing the Point Roberts Community on matters of importance in making recommendations to County decision-makers has an existing membership and is authorized by County ordinance and codified in WCC 2.98.

45. Amending the Character Plan to allow this existing citizen’s advisory committee, (one that has a very similar membership structure as that specified in the Character Plan) to serve in a new role as the Character Plan Advisory Committee will promote an efficient and expeditious implementation of the Character Plan provisions, thereby serving the public interest.

46. Several meetings were held in early 2013 when discussion took place during Point Roberts Community Advisory Committee (PRCAC) meetings regarding the status of Point Roberts Character Plan, its implementation, and about the importance of maintaining and implementing this Plan.

47. At the May 14, 2013 Point Roberts Community Advisory Committee meeting, John Lesow, community member, spoke to advise the Committee that ‘the Point Roberts Character Plan still officially exists despite being inoperative because there is no Character Plan Committee to act in an advisory role.’ (May 14, 2013, PRCAC, Minutes).

48. Further discussion was held indicating that “it would be easiest if the PRCAC itself were to take on the responsibility of the CP Committee” (Character Plan Advisory Committee). This discussion resulted in a Committee vote to unanimously approve PRCAC’s interest and intent to take on the advisory duties of a Character Plan Advisory Committee.

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.

49. No adverse impacts to either service providers or to the provision of capital facilities, or transportation facilities have been identified. A citizen’s advisory committee that meets regularly to serve as the Point Roberts Character Plan Advisory Committee will add to the efficient and timely review of commercial and institutional development proposals.

50. Project review in the early stages may serve to facilitate conformance with Point Roberts Character Plan objectives, and may also provide project proponents with invaluable and necessary information to assist in the development of plans that will conform to the provisions of the Character Plan.

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

51. It is not anticipated that the proposed amendments to the Character Plan, will have an adverse impact on Whatcom County's designated Resource Lands. As of the date of this report, there are no Resource Lands designated in the geographic area comprising Point Roberts.

Spot Zoning

52. The subject proposal does not involve rezoning property.
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 applies to the amendment.

53. The subject proposal does not modify Urban Growth Area (UGA) boundaries. The Growth Management Act requires counties to designate UGAs, and the County has not designated Point Roberts for future urban growth.

IV. CONCLUSIONS

1. The proposed amendments conform to applicable requirements of the Growth Management Act, are internally consistent with the Whatcom County Comprehensive Plan and its adopted County-Wide Planning Policies, and adopted Interlocal Agreements with the cities.

2. The proposed amendments satisfy the approval criteria of WCC 2.160.080.

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

Section 1. Amend Section 9-001 – Advisory Committee, Point Roberts Character Plan as adopted in Section 8.1.1 of the 2001 Point Roberts Subarca Plan, and adopted by reference as part of the Whatcom County Comprehensive Plan, as shown in “Exhibit A”.

Section 2. 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
WHATCOM COUNTY, WASHINGTON

__________________________________________
Dana Brown-Davis, Council Clerk

Kathy Kershner, Chairperson

APPROVED as to form:

( ) Approved  ( ) Denied

______________________________
Civil Deputy Prosecutor

Jack Louws, Executive

Date: __________________________
SECTION 9-001. ADVISORY COMMITTEE

The Point Roberts Character Plan Action Group recommended that an existing locally-based residents' advisory committee be formed and utilized to work with Whatcom County on the Administration of the Character Plan. This committee has been formed and is called the Point Roberts Community Character Plan Advisory Committee. Its purpose is to function will include examining commercial and institutional use structure and sign permit applications for compliance with the Point Roberts Character Plan.

Building permit applications are to be promptly examined and a determination made, with or without recommendations, within 21 days prior to the application date.

The Point Roberts Community Character Plan Advisory Committee is a local advisory body to Whatcom County through the office of the Whatcom County Executive and/or the Whatcom County Council Department of Planning and Development Services. Whatcom County will assist in the initial formation of the Advisory Committee. The Point Roberts Community Character Plan Advisory Committee will consist of individuals residing in Point Roberts, appointed as provided in Whatcom County Code, Chapter 2.98.

The specific purpose of the Advisory Committee as it relates to the Character Plan is to examine commercial and institutional use structure and sign permit applications and make recommendations as to their compliance with the Character Plan document to the appropriate administrative authority of Whatcom County. The Advisory Committee is not involved in any other enforcement process.

It is intended that the Committee shall function in regard to the Character Plan exist for as long as the Point Roberts Character Plan remains in effect.

The Point Roberts Character Plan Advisory Committee shall be appointed by the County Executive according to Whatcom County Charter, Article 3.23. The Advisory Committee shall consist of four (4) members from the following representative organizations: Two (2) from the Point Roberts Chamber of Commerce, one (1) from the Point Roberts Taxpayers Association, and one (1) from the Point Roberts Voters Association. One (1) member will be selected from the community at large for a total of five (5) committee members. The only criteria for the representative members is that they be residents of Pt. Roberts according to the determination of residence used by the United States Immigration and Naturalization Service. Ideally, one of the committee members should be a design professional, if possible. An accredited design professional need not be a resident of Pt. Roberts. The initial selection of the one member at large will be made by the four representative members. If no decision can be made, the County Executive will appoint someone from the community as he or she sees fit. All subsequent selections of the one (1) member at large will be made on a democratic basis by all five committee members, including the retiring participants.

Member terms will be three years with an annual appointment rotation. Initially there will be a one year term, two initial two year terms, and two initial three year terms to stagger the expirations of terms and establish a rotation.

It is recommended that at least one community member at large for the first Advisory Committee be selected from the group instrumental in the formation of the Character Plan, the Character Plan Action Group.

A minimum number of 3 attendees shall constitute a quorum when conducting official business.

The Advisory Committee shall function as a democratic body and shall conduct business using Robert's Rules of Order (Modern Edition). A Chairman shall be democratically elected by the members of the Advisory Committee for a one-year term. The Chairman shall act as a liaison with the County on all matters pertaining to Committee business. A Secretary shall be appointed by the members of the Advisory Committee for the function of recording minutes of the meetings and preparing, filing and distributing correspondence. The term of office for the Secretary shall be one year. Regular scheduled meetings of the Character Plan Advisory Committee shall be conducted. Minutes of all meetings (regular or special) shall be distributed to the County Planning and Development Department and to the Point Roberts Library. The Advisory Committee shall also establish and adopt business rules and procedures for the transaction of official Advisory Committee business.

POINT ROBERTS CHARACTER PLAN
All participants shall adhere to a code of conduct. The participants shall ensure that all committee business and any permit reviews are dealt with objectively and at arms length. No participant shall have a conflict of interest, or appear to have a conflict of interest, in relation to any permit application under review. No participant shall receive a benefit, monetary or otherwise, arising from the business of the Advisory Committee. No participant shall have a personal interest in the outcome of any design review process. A determination of conflict can be made through a democratic vote of all participants. In the event of a potential conflict, either through voluntary recognition or committee determination, the participant shall abstain from that decision making process.
SECTION 9-001. ADVISORY COMMITTEE
The Point Roberts Community Advisory Committee, an existing locally-based residents’ advisory committee shall be utilized to work with Whatcom County on the Administration of the Character Plan. Its function will include examining commercial and institutional use structure and sign permit applications for compliance with the Point Roberts Character Plan.

Building permit applications are to be promptly examined and a determination made, with or without recommendations, within 21 days prior to the application date.

The Point Roberts Community Advisory Committee is a local advisory body to Whatcom County through the office of the Whatcom County Executive and of the Whatcom County Council. The Point Roberts Community Advisory Committee will consist of individuals appointed as provided in Whatcom County Code, Chapter 2.98.

The pertinent purpose of the Advisory Committee as it relates to the Character Plan is to examine commercial and institutional use structure and sign permit applications and make recommendations as to their compliance with the Character Plan document to the appropriate administrative authority of Whatcom County. The Advisory Committee is not involved in any other enforcement process.

It is intended that the Committee shall function in regard to the Character Plan for as long as the Point Roberts Character Plan remains in effect.

All participants shall adhere to a code of conduct. The participants shall ensure that all committee business and any permit reviews are dealt with objectively and at arms length. No participant shall have a conflict of interest, or appear to have a conflict of interest, in relation to any permit application under review. No participant shall receive a benefit, monetary or otherwise, arising from the business of the Advisory Committee. No participant shall have a personal interest in the outcome of any design review process. A determination of conflict can be made through a democratic vote of all participants. In the event of a potential conflict, either through voluntary recognition or committee determination, the participant shall abstain from that decision making process.
WHATCOM COUNTY
PLANNING COMMISSION

Amendments to the Point Roberts Character Plan

FINDINGS OF FACT AND REASONS FOR ACTION

1. The proposal is to amend the Whatcom County Comprehensive Plan as follows:
   a. Amend Section 9-001 – Advisory Committee, Point Roberts Character Plan as adopted in Section 8.1.1 of the 2001 Point Roberts Subarea Plan, as adopted by reference as part of the Whatcom County Comprehensive Plan, as shown in "Exhibit A".
   
   b. Proposed changes to the Point Roberts Character Plan identified in "Exhibit A" modify language that specifies how a Character Plan Advisory Committee is established. Proposed changes would allow the existing Point Roberts Community Advisory Committee established pursuant to WCC 2.98 to serve as the new Character Plan Advisory Committee.

2. Section 9-001 of the Point Roberts Character Plan establishes authority for the creation of an Advisory Committee whose sole purpose is to review commercial and institutional development proposals for conformance with elements of the Character Plan, and to make recommendations to the County administrative authority (County Executive, and/or Planning & Development Services Department) on whether or not such proposals conform to the elements of the Character Plan.

3. In 2010, Whatcom County adopted an ordinance to authorize establishment of a Point Roberts Community Advisory Committee (WC Ord. 2010-008), codified as Whatcom County Code, Chapter 2.98.

   This committee was designed to provide advice and recommendations to the Executive and County Council on needs and issues that are specific to the Point Roberts Community. This committee is active and meets regularly in Point Roberts. The committee is distinct from the Point Roberts Character Plan Advisory Committee. It has different authority for its establishment, similar but different membership composition, and based on review of this matter by County legal staff, cannot serve as the Point Roberts Character Plan Advisory Committee, unless the Point Roberts Character Plan is amended.
4. Notice of the subject amendment was submitted to the Washington State Department of Commerce on June 19, 2013.

5. On June 20, 2013, Whatcom County Planning & Development Services Department received confirmation from the Washington State Department of Commerce indicating that Commerce had received the County’s “60 Day Notice of Intent to Adopt Amendment”, and that Material ID # 19258 had been assigned to the materials received.

6. The State Environmental Policy Act (SEPA) requires that project and non-project actions be reviewed for the potential of probable significant adverse impacts to the environment, unless categorically exempt from review under SEPA. The Whatcom County Designated SEPA Official (lead agency) reviewed the proposed amendments to the Point Roberts Character Plan, and on June 25, 2013 made a determination that pursuant to WAC 197-11-800(19) the proposal is exempt from environmental review under SEPA: “Procedural actions. The proposal or adoption of legislation rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use of modification of the environment shall be exempt.”

7. On July 9, 2013, the Whatcom County Council unanimously voted to approve a resolution (Res. 2013-023) to initiate the subject amendment to the list of existing “docket” of comprehensive plan and zoning amendments previously initiated under Res. 2013-007 for consideration in 2013.

8. Notice of the proposed amendments was sent to the Lummi Indian Business Council, Historic Preservation Office on July 10, 2013.

9. Notice of the Planning Commission hearing was posted on the County website on July 11, 2013.

10. 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 July 12, 2013.

11. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on July 12, 2013.


13. On July 25, 2013, the Planning Commission held a work session on the subject amendments. Commissioner Honcoop moved to recommend approval of Exhibit A which contains proposed draft text in strike through underline formats, intended to amend Section 9-001 of the Point Roberts
Character Plan, establishing new provisions that pertain to the creation of a Character Plan Advisory Committee. Commissioner Teigrob seconded the motion. Commissioner Vekved move to amend the motion with the following: First and second sentences of Paragraph 1 to read: The Point Roberts Community Advisory Committee, an existing locally-based resident’s advisory committee shall be utilized to work with Whatcom County on the Administration of the Character Plan. It is called the Point Roberts Community Advisory Committee. Commissioner Onkels seconded. The motion carried.

14. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendment, 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**

15. The Growth Management Act (GMA) provides that counties may adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).
16. In 1979, prior to GMA, Whatcom County adopted a subarea plan for Point Roberts, entitled “Plan for Point Roberts, a Supplement to the Whatcom County Comprehensive Plan”. This Plan was updated and amended in 1990, and updated and amended again in 2001.

17. Another local plan was created in 1994 to help implement the Point Roberts Subarea Plan. This plan established preferred architectural design elements that would be applicable to all future commercial and institutional development within Point Roberts. The Plan, entitled the “Point Roberts Character Plan (Character Plan) was adopted as part of the 1990 Point Roberts Subarea Plan, under Ord. 94-024.

18. The Character Plan was then revised in 1999 under Ord. 99-073, and in 2001 was incorporated into Chapter 8 of the most recent version of the Point Roberts Subarea Plan, adopted in the Whatcom County Comprehensive Plan under Ord. 2001-073.

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19. County-Wide Planning Policy A-2 states: The [c]ounty 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. The method of citizen involvement may vary based on the needs and constituents in various communities and shall include representation of both rural and urban interests on those issues that affect both urban and rural areas.

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34. The above policy supports periodic updates to all of Whatcom County’s subarea planning documents, and would also support an amendment to provisions that specify how the Point Roberts Character Plan – Character Plan Advisory Committee is established.

35. The proposed amendments are further supported by Whatcom County Comprehensive Policy 2L-2(1)(d) which states that unless in conflict with the County’s Comprehensive Plan, amendments to subarea plans are not required, although local issues of concern or changed conditions may be addressed when necessary.

36. In part, the Character Plan is implemented pursuant to Whatcom County zoning regulations, Title 20, Chapter 20.72 – Point Roberts Special District, Subsection 20.72.651 – Facility Design.

**Interlocal Agreements**

37. Staff has researched the matter and did not find any Interlocal agreement
to which the Point Roberts community is party that would have a bearing on the relative merit of the subject amendments, or subsequent adoption.

**Further Studies/Changed Conditions**

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

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43. In part, the Character Plan is implemented pursuant Whatcom County zoning regulations, Title 20, Chapter 20.72 – Point Roberts Special District, Subsection 20.72.651 – Facility Design.
Public Interest

44. Implementation of the Point Roberts Character Plan requires establishment of a Character Plan Advisory Committee that convenes to review commercial development proposals for conformance with preferred architectural design elements identified as important to the preservation of the rich heritage of the Point Roberts community. Proposals for commercial development are infrequent, and the Character Advisory Committee established at one time for this specific purpose is no longer active.

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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.

50. No adverse impacts to either service providers or to the provision of capital facilities, or transportation facilities have been identified. A citizen’s advisory committee that meets regularly to serve as the Point Roberts Character Plan Advisory Committee will add to the efficient and timely review of commercial and institutional development proposals.
Project review in the early stages may serve to facilitate conformance with Point Roberts Character Plan objectives, and may also provide project proponents with invaluable and necessary information to assist in the development of plans that will conform to the provisions of the Character Plan.

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

51. It is not anticipated that the proposed amendments to the Character Plan, will have an adverse impact on Whatcom County’s designated Resource Lands.

As of the date of this report, there are no Resource Lands designated in the geographic area comprising Point Roberts.

**Spot Zoning**

52. The subject proposal does not involve rezoning property.

**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 applies to the amendment.**

53. The subject proposal does not modify Urban Growth Area (UGA) boundaries. The Growth Management Act requires counties to designate UGAs, and the County has not designated Point Roberts for future urban growth.

**IV. CONCLUSIONS**

1. The proposed amendments conform to applicable requirements of the Growth Management Act, are internally consistent with the Whatcom County Comprehensive Plan and its adopted County-Wide Planning Policies, and adopted Interlocal Agreements with the cities.

2. The proposed amendments satisfy the approval criteria of WCC 2.160.080.

**V. RECOMMENDATION**

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

a. Amend Section 9-001 – Advisory Committee, Point Roberts Character Plan as adopted in Section 8.1.1 of the 2001 Point Roberts Subarea Plan, as adopted by reference as part of the Whatcom County Comprehensive Plan, as shown in “Exhibit A”.

9
WHATCOM COUNTY PLANNING COMMISSION

Michelle Luke, Chair

Sam Ryan, Secretary

8-29-13

Date

8-29-13

Date

Commissioners present at the July 25, 2013 meeting when the vote was taken: David Onkels; Ken Bell; Ben Elenbaas; Gary Honcoop; Mary Beth Teigrob; Michelle Luke; Gerald Vekved.

Vote: Ayes – Bell, Elenbaas, Honcoop, Luke, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Rainey. The Motion carried.
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, Gary Honcoop, David Onkels, Mary Beth Teigrob, Ken Bell
Absent: Jeff Rainey, Rod Erickson

Staff Present: Mark Personius, Matt Aamot, Erin Osborn, Becky Boxx

Department Update
Mark updated the Commission on the following:
- Review of items before the County Council.
- Review of the upcoming Planning Commission schedule.

Public Hearing
File #PLN2013-00013: Proposed modifications to the Point Roberts Character Plan that specify how a Character Plan Advisory Committee is created. The Point Roberts Character Plan is part of the Point Roberts Subarea Plan, and adopted by reference in the Whatcom County Comprehensive Plan; any changes to the Point Roberts Character Plan require an amendment to the Whatcom County Comprehensive Plan.

Erin Osborn presented the staff report. The Point Roberts Character Plan is a set of architectural guidelines, for commercial and institutional development, which was adopted in 1994. Currently there is no Point Roberts Character Plan Advisory Committee, which in the past used to make recommendations on the development proposals. There has not been much need for the committee because so little commercial development has happened in the past. The PDS zoning administrator has followed the character plan recommendations regarding the building that has taken place. There is, however, the Point Roberts Community Advisory Committee which has a different role. After discussion it was decided this committee could handle the review but not without a Comprehensive Plan amendment. Additionally, there would be a slight change in the composition of the membership. Staff recommends approval of the proposed amendments.

The hearing was opened to the public.

Rhianon Allen, Whatcom County: This was very well advertised in the community. She is in favor of the proposal.

Arthur Reber, Whatcom County: Is chair of the Point Roberts Community Advisory Committee. The committee is in favor of the proposal. The Point Roberts Character Plan Advisory Committee is to have an architect or landscape design professional on it but the Point Roberts Community Advisory Committee feels they can call a professional if the need arises.
John Lesow, Whatcom County: Supports the proposal. He gave a history of formation of the committee and the plan. People are not building in Point Roberts perhaps because of the border congestion issues. The building that has been done has followed the guidelines which are evident in the community.

The hearing was closed to the public.

Work Session

Commissioner Honcoop asked how often the Character Plan is updated. Mr. Reber stated it is recommended to be updated every six years but no updates have taken place. The committee would like to review the plan for any potential updates if the amendment is approved.

Commissioner Bell asked who appoints the existing committee. Erin stated there is 1 member from the Point Roberts Chamber of Commerce, 1 member from the Point Roberts Taxpayer’s Association and 1 member from the Point Roberts Voter’s Association. The other 2 members are appointed by the Executive, with oversight also being from the Executive.

Commissioner Honcoop asked who the committee advises. Mr. Reber stated the County Council. Erin clarified that as amended the Point Roberts Community Advisory Committee, acting in its new role as Character Plan Advisory Committee, would be making recommendations to the County Executive and PDS.

Commission Honcoop moved to recommend approval of Exhibit A which contains proposed draft text in strike through underline formats, intended to amend Section 9-001 of the Point Roberts Character Plan, establishing new provisions that pertain to the creation of a Character Plan Advisory Committee. Commissioner Teigrob seconded.

Commissioner Vekved move to amend the motion with the following: First and second sentences of Paragraph 1 to read: The Point Roberts Community Advisory Committee, an existing locally-based resident’s advisory committee shall be utilized to work with Whatcom County on the Administration of the Character Plan. It is called the Point Roberts Community Advisory Committee. Commissioner Onkels seconded. The motion carried.

Commissioner Honcoop reworded his motion to state: recommend approval of Exhibit A which contains proposed amended draft text in strike through underline formats, intended to amend Section 9-001 of the Point Roberts Character Plan, establishing new provisions that pertain to the creation of a Character Plan Advisory Committee including findings of facts. Commissioner Teigrob seconded. Roll Call Vote: Ayes – Bell, Elenbaas, Honcoop, Luke, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Rainey. The motion carried.

The meeting was adjourned at 8:00 p.m.

Minutes prepared by B. Boxx.
Regular Meeting

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

Michelle Luke, Chair  J.E. "Sam" Ryan, Secretary
I. BACKGROUND INFORMATION

File # PLN2013-00013

File Name: Amendments to the Point Roberts Character Plan

Applicant: Whatcom County Planning & Development Services

Summary of Proposal: Amend Section 9-001 – Advisory Committee, Point Roberts Character Plan as adopted in Section 8.1.1 of the 2001 Point Roberts Subarea Plan, and adopted by reference as part of the Whatcom County Comprehensive Plan, as shown in “Exhibit A”.

Proposed changes to the Point Roberts Character Plan identified in “Exhibit A” modify language that specifies how a Character Plan Advisory Committee is established. Proposed changes would allow the existing Point Roberts Community Advisory Committee established pursuant to WCC 2.98 to serve as the new Character Plan Advisory Committee.

Staff Recommendation: Approval of the proposed amendments.

II. ANALYSIS OF THE PROPOSED AMENDMENT

Pursuant to WCC 2.160.080, the County must find that the following criteria shown in bold below are satisfied, in order to approve the proposed comprehensive plan amendments.

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.

_Growth Management Act_

The Growth Management Act (GMA) provides that counties may adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).

In 1979, prior to GMA, Whatcom County adopted a subarea plan for Point Roberts, entitled “Plan for Point Roberts, a Supplement to the Whatcom County Comprehensive Plan”. This Plan was updated and amended in 1990, and updated and amended again in 2001.
Another local plan was created in 1994 to help implement the Point Roberts Subarea Plan. This plan established preferred architectural design elements that would be applicable to all future commercial and institutional development within Point Roberts. The Plan, entitled the “Point Roberts Character Plan (Character Plan) was adopted as part of the 1990 Point Roberts Subarea Plan, under Ord. 94-024. The Character Plan was then revised in 1999 under Ord. 99-073, and in 2001 was incorporated into Chapter 8 of the most recent version of the Point Roberts Subarea Plan, adopted in the Whatcom County Comprehensive Plan under Ord. 2001-073.

**County-Wide Planning Policies**

County-Wide Planning Policy A-2 states:

Policy A-2: The [c]ounty 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. The method of citizen involvement may vary based on the needs and constituents in various communities and shall include representation of both rural and urban interests on those issues that affect both urban and rural areas.

County-Wide Planning Policy A-3 states:

Policy A-3: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Policy A-4: 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.

Planning and Development Services Department (PDS) has taken steps to ensure that the County's Public Participation Plan (2012) is followed with respect to providing information to the public, and other interested parties about the details and scope of the proposed amendments under consideration. In addition, PDS has maintained a complete file on the amendments being considered, which includes background research, preliminary analysis, proposed draft text, and various agency correspondence.

Public notice has been published in the Bellingham Herald to inform the public of the scheduled upcoming public hearing to be held by the Planning Commission; and information about the upcoming hearing and a report containing staff analysis and recommendations has been posted to the County website.
Notice of the proposed amendments was sent to the Lummi Indian Business Council, Historic Preservation Office on July 10, 2013.

On July 12, 2013, an email describing the proposed amendment was sent to 200 interested citizens who had previously requested to be kept up to date on proposed amendments and other County projects. Staff continues to be available to respond to inquiries from interested parties about the proposal. Any input received from interested parties will be considered and may form the basis of recommendations made to County decision-makers.

On July 15, 2013 written correspondence was received from community member, John Lesow that offered comments to support retention of Title 20, Chapter 20.72 - Point Roberts Special District as regulations that implement the Character Plan.

On July 15, 2013, anecdotal comments were received from community member and Point Roberts local business owner, Pam Sheppard, in support of the proposed amendment. Opinion was expressed that if approved the proposed amendments would provide for greater accessibility to the Character Plan Advisory Committee and increase implementation of the Character Plan in Point Roberts.

County-Wide Planning Policy A-5 states:

The county and the cities shall establish a system for subarea, community and neighborhood liaison to foster communication between the respective government and its neighborhoods. This system would also provide a point of contact for issues that may affect subareas, the community, or neighborhoods.

The Point Roberts Character Plan was born out of a local grassroots effort to preserve the rich heritage of Point Roberts Community which is based on rural farming, fishing, and related industries. It has since been adopted as part of the County’s subarea plan for Point Roberts, and is adopted by reference as part of the County’s comprehensive plan.

The Character Plan makes provisions for the establishment of a Character Plan Advisory Committee whose membership is drawn from a representative sample of Point Roberts community members. Key to effective implementation of the Character Plan is the role which this advisory committee plays in reviewing commercial and institutional development proposals for conformance with elements of the Plan in advance of any formal permit application.

Character Plan provisions require prior review of development proposals 21 days in advance of formal application for development permits (i.e. commercial building permit applications). Given that commercial development in Point Roberts may be at times infrequent; it follows that the demand for a Character Plan Advisory Committee would be intermittent, and to utilize an existing local community citizen
advisory committee might be more efficient.

*Whatcom County Comprehensive Plan*

The GMA requires that the comprehensive plan must be an internally consistent document (RCW 36.70A.070).

Whatcom County’s Comprehensive Plan, Chapter 2 identifies goals and policies that both recognize and support the diversity of its citizens as they form various regions of the county. These particular goals and policies emphasize the importance of utilizing the subarea planning process to identify and support these community distinctions.

Whatcom County Comprehensive Plan Policy 2L-2 is to:

Retain and periodically 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). . .

The above policy supports periodic updates to all of Whatcom County’s subarea planning documents, and would also support an amendment to provisions that specify how the Point Roberts Character Plan – Character Plan Advisory Committee is established. The proposed amendments are further supported by Whatcom County Comprehensive Policy 2L-2(1)(d) which states that unless in conflict with the County’s Comprehensive Plan, amendments to subarea plans are not required, although local issues of concern or changed conditions may be addressed when necessary.

In part, the Character Plan is implemented pursuant to Whatcom County zoning regulations, Title 20, Chapter 20.72 – Point Roberts Special District, Subsection 20.72.651 – Facility Design.

*Interlocal Agreements*

Staff has researched the matter and did not find any interlocal agreement to which the Point Roberts community is party that would have a bearing on the relative merit of the subject amendments, or subsequent adoption.

**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.**

- In 1994, the Point Roberts Character Plan (Character Plan) was adopted as part of the 1990 Point Roberts Subarea Plan, under Ord. 94-024.
The Character Plan was revised in 1999 under Ord. 99-073, and in 2001 was incorporated into Chapter 8 of the most recent version of the Point Roberts Subarea Plan as adopted in the Whatcom County Comprehensive Plan under Ord. 2001-073.

February 2013 correspondence and other communications between the Whatcom County Executive’s Office and Whatcom County Planning & Development Services Department (PDS) established that the Character Plan Advisory Committee authorized by the Point Roberts Character Plan had long been inactive.

An inquiry was made as to whether or not the Point Roberts Community Advisory Committee, that began meeting in 2010 to review and make recommendations to County decision-makers on matters of importance that relate to the community of Point Roberts could serve as the new Character Plan Advisory Committee. After review by County legal staff it was determined that the existing Point Roberts Community Advisory Committee could not serve as the Character Plan Advisory Committee without an amendment to Point Roberts Character Plan provisions that pertain to the establishment Character Plan Advisory Committee.

In June of 2013, the Whatcom County Executive’s Office forwarded Whatcom County PDS a draft proposal to amend the Point Roberts Character Plan to change the way the Point Roberts Character Plan Advisory Committee is established. Proposed changes included removal of language pertaining to existing committee membership composition and appointment procedures, with new language added that would effectively assign the Point Roberts Community Advisory Committee (as authorized under Ord. 2010-008 and codified in WCC 2.98) to serve as the new Point Roberts Character Plan Advisory Committee (in addition to its existing duties).

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:

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

Implementation of the Point Roberts Character Plan requires establishment of a Character Plan Advisory Committee that convenes to review commercial development proposals for conformance with preferred architectural design elements identified as important to the preservation of the rich heritage of the Point Roberts community. Proposals for commercial development are infrequent, and the Character Advisory Committee established at one time for this specific purpose is no longer active.

Another advisory committee designed to serve a role in representing the Point Roberts Community on matters of importance in making recommendations to County decision-makers has an existing membership
and is authorized by County ordinance and codified in WCC 2.98. Amending the Character Plan to allow this existing citizen’s advisory committee, (one that has a very similar membership structure as that specified in the Character Plan) to serve in a new role as the Character Plan Advisory Committee will promote an efficient and expeditious implementation of the Character Plan provisions, thereby serving the public interest.

Several meetings were held in early 2013 when discussion took place during Point Roberts Community Advisory Committee (PRCAC) meetings regarding the status of Point Roberts Character Plan, its implementation, and about the importance of maintaining and implementing this Plan.

At the May 14, 2013 Point Roberts Community Advisory Committee meeting, John Lesow, community member, spoke to advise the Committee that ‘the Point Roberts Character Plan still officially exists despite being inoperative because there is no Character Plan Committee to act in an advisory role.’ (May 14, 2013, PRCAC, Minutes). Further discussion was held indicating that “it would be easiest if the PRCAC itself were to take on the responsibility of the CP Committee” (Character Plan Advisory Committee). This discussion resulted in a Committee vote to unanimously approve PRCAC’s interest and intent to take on the advisory duties of a Character Plan Advisory Committee.

- 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 adverse impacts to either service providers or to the provision of capital facilities, or transportation facilities have been identified. A citizen’s advisory committee that meets regularly to serve as the Point Roberts Character Plan Advisory Committee will add to the efficient and timely review of commercial and institutional development proposals. Early stage project review may serve to facilitate conformance with Point Roberts Character Plan objectives, and may also provide project proponents with invaluable and necessary information to assist in the development of plans that will conform to the provisions of the Character Plan.

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

It is not anticipated that the proposed amendments to the Character Plan, will have an adverse impact on Whatcom County’s designated Resource Lands.
As of the date of this report, there are no Resource Lands designated in the geographic area comprising Point Roberts.

D. The amendment does not include or facilitate spot zoning.

The subject proposal does not include any zoning changes and would not facilitate 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 applies to the amendment.

The subject proposal does not modify Urban Growth Area (UGA) boundaries. The Growth Management Act requires counties to designate UGAs, however, the County did not designate Point Roberts for future urban growth.

III. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

1. The subject proposal includes:

   a. Amending the Point Roberts Character Plan, Section 9-001 – Advisory Committee, as adopted in Section 8.1.1 of the 2001 Point Roberts Subarea Plan, and adopted by reference as part of the Whatcom County Comprehensive Plan, as shown in “Exhibit A”.

   Proposed changes to the Point Roberts Character Plan identified in “Exhibit A” modify language that specifies how a Character Plan Advisory Committee is established. Proposed changes would allow the existing Point Roberts Community Advisory Committee established pursuant to WCC 2.98 under Whatcom County Ordinance to serve as the new Character Plan Advisory Committee.

2. Section 9-001. of the Point Roberts Character Plan establishes authority for the creation of an Advisory Committee whose sole purpose is to review commercial and institutional development proposals for conformance with elements of the Character Plan, and to make recommendations to the County administrative authority (County Executive, and/or Planning & Development Services Department) on whether or not such proposals conform to the elements of the Character Plan.

3. In 2010, Whatcom County adopted an ordinance to authorize establishment of a Point Roberts Community Advisory Committee (WC Ord. 2010-008), codified as Whatcom County Code, Chapter 2.98.
This committee was designed to provide advice and recommendations to the Executive and County Council on needs and issues that are specific to the Point Roberts Community. This committee is active and meets regularly in Point Roberts. The committee is distinct from the Point Roberts Character Plan Advisory Committee. It has different authority for its establishment, similar but different membership composition, and based on review of this matter by County legal staff, cannot serve as the Point Roberts Character Plan Advisory Committee, unless the Point Roberts Character Plan is amended.

4. Notice of the subject amendment was submitted to the Washington State Department of Commerce on June 19, 2013.

5. On June 20, 2013, Whatcom County Planning & Development Services Department received confirmation from the Washington State Department of Commerce indicating that Commerce had received the County’s “60 Day Notice of Intent to Adopt Amendment”, and that Material ID # 19258 had been assigned to the materials received.

6. The State Environmental Policy Act (SEPA) requires that project and non-project actions be reviewed for the potential of probable significant adverse impacts to the environment, unless categorically exempt from review under SEPA. The Whatcom County Designated SEPA Official (lead agency) reviewed the proposed amendments to the Point Roberts Character Plan, and on June 25, 2013 made a determination that pursuant to WAC 197-11-800(19) the proposal is exempt from environmental review under SEPA: “Procedural actions. The proposal or adoption of legislation rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use of modification of the environment shall be exempt.”

7. On July 9, 2013, the Whatcom County Council unanimously voted to approve a resolution (Res. 2013-023) to initiate the subject amendment to the list of existing “docket” of comprehensive plan and zoning amendments previously initiated under Res. 2013-007 for consideration in 2013.

8. Notice of the proposed amendments was sent to the Lummi Indian Business Council, Historic Preservation Office on July 10, 2013.

9. Notice of the Planning Commission hearing was posted on the County website on July 11, 2013.

10. 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 July 12, 2013.
11. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on July 12, 2013.


13. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendment, 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**

14. The Growth Management Act (GMA) provides that counties may adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).
15. In 1979, prior to GMA, Whatcom County adopted a subarea plan for Point Roberts, entitled “Plan for Point Roberts, a Supplement to the Whatcom County Comprehensive Plan”. This Plan was updated and amended in 1990, and updated and amended again in 2001.

16. Another local plan was created in 1994 to help implement the Point Roberts Subarea Plan. This plan established preferred architectural design elements that would be applicable to all future commercial and institutional development within Point Roberts. The Plan, entitled the “Point Roberts Character Plan (Character Plan) was adopted as part of the 1990 Point Roberts Subarea Plan, under Ord. 94-024.

17. The Character Plan was then revised in 1999 under Ord. 99-073, and in 2001 was incorporated into Chapter 8 of the most recent version of the Point Roberts Subarea Plan, adopted in the Whatcom County Comprehensive Plan under Ord. 2001-073.

**County-Wide Planning Policies**

18. County-Wide Planning Policy A-2 states: The [c]ounty 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. The method of citizen involvement may vary based on the needs and constituents in various communities and shall include representation of both rural and urban interests on those issues that affect both urban and rural areas.

19. County-Wide Planning Policy A-3 states: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

20. 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.

21. Planning and Development Services Department (PDS) has taken steps to ensure that the County’s Public Participation Plan (2012) is followed with respect to providing information to the public, and other interested parties
about the details and scope of the proposed amendments under consideration. In addition, PDS has maintained a complete file on the amendments being considered, which includes background research, preliminary analysis, proposed draft text, and various agency correspondence.

22. Public notice has been published in the Bellingham Herald to inform the public of the scheduled upcoming public hearing to be held by the Planning Commission; and information about the upcoming hearing and a report containing staff analysis and recommendations has been posted to the County website, and notice of the proposed amendments was sent to the Lummi Indian Business Council, Historic Preservation Office.

23. On July 12, 2013, an email describing the proposed amendment was sent to 200 interested citizens who had previously requested to be kept up to date on proposed amendments and other County projects. Staff continues to be available to respond to inquiries from interested parties about the proposal. Any input received from interested parties will be considered and may form the basis of recommendations made to County decision-makers.

24. On July 15, 2013 written correspondence was received from community member, John Lesow that offered comments to support retention of Title 20, Chapter 20.72 - Point Roberts Special District as regulations that implement the Character Plan.

25. On July 15, 2013, anecdotal comments were received from community member, and local business owner, Pam Sheppard, in support the proposed amendment. Opinion expressed was that the proposed amendment, if approved, would provide for greater accessibility to the Character Plan Advisory Committee and increase implementation of the Character Plan in Point Roberts.

26. County-Wide Planning Policy A-5 states: The county and the cities shall establish a system for subarea, community and neighborhood liaison to foster communication between the respective government and its neighborhoods. This system would also provide a point of contact for issues that may affect subareas, the community, or neighborhoods.

27. The Point Roberts Character Plan was born out of a local grassroots effort to preserve the rich heritage of Point Roberts Community which is based on rural farming, fishing, and related industries. It has since been adopted as part of the County’s subarea plan for Point Roberts, and is adopted by reference as part of the County’s comprehensive plan.

28. The Character Plan makes provisions for the establishment of a Character Plan Advisory Committee whose membership is drawn from a representative
sample of Point Roberts community members. Key to effective implementation of the Character Plan is the role which this advisory committee plays in reviewing commercial and institutional development proposals for conformance with elements of the Plan in advance of any formal permit application.

29. Character Plan provisions require prior review of development proposals 21 days in advance of formal application for development permits (i.e. commercial building permit applications). Given that commercial development in Point Roberts may be at times infrequent; it follows that the demand for a Character Plan Advisory Committee would be intermittent, and to utilize an existing local community citizen advisory committee might be more efficient.

**Whatcom County Comprehensive Plan**

30. The GMA requires that the comprehensive plan must be an internally consistent document (RCW 36.70A.070).

31. Whatcom County’s Comprehensive Plan, Chapter 2 identifies goals and policies that both recognize and support the diversity of its citizens as they form various regions of the county. These particular goals and policies emphasize the importance of utilizing the subarea planning process to identify and support these community distinctions.

32. Whatcom County Comprehensive Plan Policy 2L-2 is to: Retain and periodically 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). . .

33. The above policy supports periodic updates to all of Whatcom County’s subarea planning documents, and would also support an amendment to provisions that specify how the Point Roberts Character Plan – Character Plan Advisory Committee is established.

34. The proposed amendments are further supported by Whatcom County Comprehensive Policy 2L-2(1)(d) which states that unless in conflict with the County’s Comprehensive Plan, amendments to subarea plans are not required, although local issues of concern or changed conditions may be addressed when necessary.

35. In part, the Character Plan is implemented pursuant to Whatcom County zoning regulations, Title 20, Chapter 20.72 – Point Roberts Special District, Subsection 20.72.651 – Facility Design.
Interlocal Agreements

36. Staff has researched the matter and did not find any Interlocal agreement to which the Point Roberts community is party that would have a bearing on the relative merit of the subject amendments, or subsequent adoption.

Further Studies/Changed Conditions

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

37. In 1994, the Point Roberts Character Plan (Character Plan) was adopted as part of the 1990 Point Roberts Subarea Plan, under Ord. 94-024.

38. The Character Plan was revised in 1999 under Ord. 99-073, and in 2001 was incorporated into Chapter 8 of the most recent version of the Point Roberts Subarea Plan as adopted in the Whatcom County Comprehensive Plan under Ord. 2001-073.

39. February 2013 correspondence and other communications between the Whatcom County Executive’s Office and Whatcom County Planning & Development Services Department (PDS) established that the Character Plan Advisory Committee authorized by the Point Roberts Character Plan had long been inactive.

40. An inquiry was made as to whether or not the Point Roberts Community Advisory Committee, that began meeting in 2010 to review and make recommendations to County decision-makers on matters of importance that relate to the community of Point Roberts could serve as the new Character Plan Advisory Committee. After review by County legal staff it was determined that the existing Point Roberts Community Advisory Committee could not serve as the Character Plan Advisory Committee without an amendment to Point Roberts Character Plan provisions that pertain to the establishment Character Plan Advisory Committee.

41. In June of 2013, the Whatcom County Executive’s Office forwarded Whatcom County PDS a draft proposal to amend the Point Roberts Character Plan to change the way the Point Roberts Character Plan Advisory Committee is established. Proposed changes included removal of language pertaining to existing committee membership composition and appointment procedures, with new language added that would effectively assign the Point Roberts Community Advisory Committee (as authorized under Ord. 2010-008 and codified in WCC 2.98) to serve as the new Point Roberts Character Plan Advisory Committee (in addition to its existing duties).

42. In part, the Character Plan is implemented pursuant Whatcom County zoning
regulations, Title 20, Chapter 20.72 – Point Roberts Special District, Subsection 20.72.651 – Facility Design.

Public Interest

43. Implementation of the Point Roberts Character Plan requires establishment of a Character Plan Advisory Committee that convenes to review commercial development proposals for conformance with preferred architectural design elements identified as important to the preservation of the rich heritage of the Point Roberts community. Proposals for commercial development are infrequent, and the Character Advisory Committee established at one time for this specific purpose is no longer active.

44. Another advisory committee designed to serve a role in representing the Point Roberts Community on matters of importance in making recommendations to County decision-makers has an existing membership and is authorized by County ordinance and codified in WCC 2.98.

45. Amending the Character Plan to allow this existing citizen’s advisory committee, (one that has a very similar membership structure as that specified in the Character Plan) to serve in a new role as the Character Plan Advisory Committee will promote an efficient and expeditious implementation of the Character Plan provisions, thereby serving the public interest.

46. Several meetings were held in early 2013 when discussion took place during Point Roberts Community Advisory Committee (PRCAC) meetings regarding the status of Point Roberts Character Plan, its implementation, and about the importance of maintaining and implementing this Plan.

47. At the May 14, 2013 Point Roberts Community Advisory Committee meeting, John Lesow, community member, spoke to advise the Committee that ‘the Point Roberts Character Plan still officially exists despite being inoperative because there is no Character Plan Committee to act in an advisory role.’ (May 14, 2013, PRCAC, Minutes).

48. Further discussion was held indicating that “it would be easiest if the PRCAC itself were to take on the responsibility of the CP Committee” (Character Plan Advisory Committee). This discussion resulted in a Committee vote to unanimously approve PRCAC’s interest and intent to take on the advisory duties of a Character Plan Advisory Committee.

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.

49. No adverse impacts to either service providers or to the provision of capital facilities, or transportation facilities have been identified. A citizen’s advisory
committee that meets regularly to serve as the Point Roberts Character Plan Advisory Committee will add to the efficient and timely review of commercial and institutional development proposals.

Project review in the early stages may serve to facilitate conformance with Point Roberts Character Plan objectives, and may also provide project proponents with invaluable and necessary information to assist in the development of plans that will conform to the provisions of the Character Plan.

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

50. It is not anticipated that the proposed amendments to the Character Plan, will have an adverse impact on Whatcom County’s designated Resource Lands.

As of the date of this report, there are no Resource Lands designated in the geographic area comprising Point Roberts.

**Spot Zoning**

51. The subject proposal does not involve rezoning property.

**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 applies to the amendment.**

52. The subject proposal does not modify Urban Growth Area (UGA) boundaries. The Growth Management Act requires counties to designate UGAs, and the County has not designated Point Roberts for future urban growth.

**IV. PROPOSED CONCLUSION**

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

**V. RECOMMENDATION**

Based upon the above findings and conclusions, Whatcom County Planning & Development Services Department recommends approval of:

Attached “Exhibit A”, which contains proposed draft text in strike through underline format, intended to amend Section 9-001 of the Point Roberts Character Plan, establishing new provisions that pertain to the creation of a Character Plan Advisory Committee.
Chapter 2.98
POINT ROBERTS COMMUNITY ADVISORY COMMITTEE

Sections:
2.98.010 Established.
2.98.020 Purpose.
2.98.030 Function.
2.98.040 Membership – Term of office.
2.98.050 Organization – Meetings.
2.98.060 Committee staffing.

2.98.010 Established.
There is hereby established the Point Roberts community advisory committee. (Ord. 2010-008).

2.98.020 Purpose.
The committee is created to provide advice and recommendation to the executive and to the council regarding needs and issues specific to the Point Roberts community. (Ord. 2010-008).

2.98.030 Function.
The committee shall utilize its ties to the community in order to identify community needs and to develop and propose methods to address those needs. (Ord. 2010-008).

2.98.040 Membership – Term of office.
The committee shall consist of the following individuals:

A. One representative from each of the following: the Point Roberts Taxpayers’ Association, the Point Roberts Voters’ Association, and the Point Roberts Chamber of Commerce.

B. Two representatives to be appointed by the executive.

Member terms will be two years; provided, that the terms of members first appointed will be staggered so that two of the committee members shall be appointed for one year. (Ord. 2010-008).

2.98.050 Organization – Meetings.
Meetings of the committee shall be open and accessible to the public and shall comply with the requirements of the Open Public Meetings Act. The committee shall determine its meeting schedule, but shall meet at least quarterly. At every meeting, the committee will schedule an open session to take public comment on issues consistent with the charge of the committee. Written and audio records of meetings, resolutions, findings and recommendations shall be kept and such records shall be public. The committee shall adopt its own rules and procedures for the conduct of business. The committee shall elect a chairperson from among its members who shall preside at its meetings. (Ord. 2010-008).

2.98.060 Committee staffing.
The county may provide staffing based on the committee’s timely notification of staffing needs at its meetings. The committee is authorized to request from the executive’s office information from administrative departments. (Ord. 2010-008).
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>M.A.</td>
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<td>Purchasing/Budget:</td>
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<td>Executive: Jack Louws</td>
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**RECEIVED**

**OCT 15 2013**

**WHATCOM COUNTY COUNCIL**

**TITLE OF DOCUMENT:**
Capital Facility Planning – Special Purpose Districts.

**ATTACHMENTS:**
1. Cover letter
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Draft Planning Commission Minutes

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

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

1 The Council must hold a hearing if they want to change the Planning Commission's recommendation. [WCC 2.160.100(B)].

**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.)

Amending provisions of the Whatcom County Comprehensive Plan and Foothills Subarea Plan relating to special purpose districts and capital facility planning. Amendments include adopting by reference or incorporating information from the Columbia Valley Water District, Water District 13, Mount Baker School District and Fire District 8 plans into the Whatcom County Comprehensive Plan and making related changes.

**NOTE:** Final approval of these amendments would occur as part of concurrent review of comprehensive plan amendments in early 2014.

**COMMITTEE ACTION:**
11/12/2013: Forwarded for concurrent review

**COUNCIL ACTION:**
10/22/2013: Introduced
11/12/2013: Council forwarded for concurrent review 6-0, Kremen absent

**Related County Contract #:**

**Related File Numbers:**
AB2013-088 and PLN2013-00001

**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).
October 7, 2013

To: The Honorable Jack Louws, Whatcom County Executive
   The Honorable Whatcom County Council

From: Matt Aamot, Senior Planner

Through: Mark Personius, Long Range Planning Division Manager

RE: Capital Facility Planning – Special Purpose Districts

The Whatcom County Comprehensive Plan addresses various capital facilities, including those needed to provide water, schools and fire protection. The following special purpose districts have adopted new plans:

- The Columbia Valley Water District, which serves a portion of the Columbia Valley Urban Growth Area (UGA) and surrounding lands.

- Water District 13, which also serves a portion of the Columbia Valley UGA and surrounding lands.

- The Mount Baker School District, which serves lands in the central and eastern portions of the County, including Acme, Deming, Kendall, Columbia Valley UGA, Maple Falls, Glacier and surrounding lands.

- Fire District 8, which serves the western portion of the Bellingham UGA, a portion of the Lummi Reservation, and surrounding lands.

The subject proposal would adopt by reference and/or incorporate information from these plans into the Whatcom County Comprehensive Plan, and make other related changes.

We would like to thank the staff and elected officials from these Districts for their efforts relating to capital facility planning. These efforts will help ensure that capital facility planning supports adopted land use plans.

Planning & Development Services is requesting Council consideration of these amendments on November 12. 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. __________

ADOPTING COMPREHENSIVE PLAN AMENDMENTS RELATING TO
CAPITAL FACILITY PLANNING FOR SPECIAL PURPOSE DISTRICTS

WHEREAS, The Whatcom County Council initiated the subject amendments for review in 2013; and

WHEREAS, the Columbia Valley Water District approved a water plan in 2013, Water District 13 approved a water plan in 2012, the Mount Baker School District approved a capital facilities plan in 2013, and Fire District 8 approved a capital facilities plan in 2013; and

WHEREAS, The Whatcom County Planning Commission held a public hearing relating to incorporating these plans and/or information from these plans into the Whatcom County Comprehensive Plan on September 26, 2013; and

WHEREAS, The Whatcom County Planning Commission recommended approval of the comprehensive plan amendments on September 26, 2013; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject amendments to the Whatcom County Comprehensive Plan are as follows:

   a. Amending Whatcom County Comprehensive Plan Chapter 2 (Land Use) to recognize that the Evergreen Water and Sewer District has changed its name to the Columbia Valley Water District.

   b. Amending Whatcom County Comprehensive Plan Chapter 4 (Capital Facilities) to adopt the Columbia Valley Water District 2013 Water System Plan Update, the Water District 13 Small Water System Plan and Mount Baker School District Capital Facilities Plan by reference and making related changes.

   c. Amending the Foothills Subarea Plan to provide information relating to the Columbia Valley Water District, Water District 13 and the Mount Baker School District.

   d. Amending the Whatcom County 20-Year Capital Facilities Plan to incorporate information from the Columbia Valley Water District 2013 Water System Plan Update, incorporate information from the Water District 13 Small Water System Plan and making related changes.
e. Amending the Whatcom County 20-Year Capital Facilities Plan to incorporate information from the Mount Baker School District Capital Facilities Plan and making related changes.

f. Amending the Whatcom County 20-Year Capital Facilities Plan to incorporate information from the Fire District 8 Capital Facilities Plan and making related changes.

2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on August 9, 2013.

3. A determination of non-significance was issued under the State Environmental Policy Act (SEPA) on August 12, 2013.

4. Notice of the Planning Commission hearing was posted on the County website on August 12, 2013.

5. Notice of the Planning Commission hearing was sent to the City of Bellingham, special purpose districts, and citizen, media and other groups on the County’s e-mail list on September 5, 2013.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on September 13, 2013.

7. The Planning Commission held a public hearing on the subject amendments on September 26, 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) establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plan amendments.

10. GMA Planning Goal 1 is to “Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner” (RCW 36.70A.020(1)).

11. GMA Planning Goal 12 is to “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards” (RCW 36.70A.020(12)).

12. The subject amendments include updating the Whatcom County Comprehensive Plan to incorporate the Columbia Valley Water District 2013 Water System Plan Update and the Water District 13 Small Water System Plan (2012). These districts serve the Columbia Valley UGA and surrounding areas.

13. The subject amendments include updating the Whatcom County Comprehensive Plan to incorporate the Mount Baker School District Capital Facility Plan (2013). The District serves the Columbia Valley UGA, Acme, Deming, Kendall, Maple Falls, Glacier and surrounding areas.

14. The subject amendments include updating the Whatcom County Comprehensive Plan to incorporate information from the Fire District 8 Capital Facilities Plan (2013). The District serves the western portion of the Bellingham UGA, including the Bellingham International Airport, a portion of the Lummi Reservation, and surrounding areas.
15. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:

   a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

   b. A forecast of the future needs for such capital facilities.

   c. The proposed locations and capacities of expanded or new capital facilities.

   d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

   e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

16. The capital facilities plans generally contain inventories, forecasts of future needs, proposed capital facilities, and financing plans.

**County-Wide Planning Policies**

17. County-Wide Planning Policy E-4 states “The County shall assure that there are plans to provide appropriate levels of urban facilities and services within non-city Urban Growth Areas. These plans should be developed by special purpose districts . . .”

18. The Columbia Valley UGA is not associated with a city.

19. The Columbia Valley Water District and Water District 13 are generally planning capital improvements to serve the portions of the Columbia Valley UGA within their respective service areas.

20. The Mount Baker School District Capital Facilities Plan projects that the schools serving the Columbia Valley UGA (Kendall Elementary, the Junior High School and the High School) will have adequate capacity over the planning period.

**Interlocal Agreements**

21. An Interlocal Agreement between Whatcom County and Columbia Valley Water District was signed in 2010.

22. An Interlocal Agreement between the City of Bellingham and Whatcom County concerning Planning, Annexation and Development within the Bellingham UGA was signed in 2012.
23. An Interlocal Agreement between Fire District 8 and the City of Bellingham for the provision of administrative services was signed in 2013.

24. There are no provisions in the Whatcom County Comprehensive Plan amendments that are inconsistent with these interlocal agreements.

**Further Studies/Changed Conditions**

25. The Columbia Valley Water District and Water District 13 have studied facilities needed to serve existing and planned development and formulated new water system plans.

26. The Mount Baker School District has studied facilities needed to serve existing and planned development and formulated a new capital facilities plan.

27. Fire District 8 has studied facilities needed to serve existing and planned development and formulated a new capital facilities plan.

28. Further study and formulation of plans by the Columbia Valley Water District, Water District 13, Mount Baker School District and Fire District 8 constitute changed conditions that warrant amendments to the Whatcom County Comprehensive Plan.

**Public Interest**

29. The comprehensive plan amendments will serve the public interest by adopting new or updated water, school and fire protection capital facility plans to serve planned growth in Whatcom County. These special purpose district plans will serve planned land uses, will enhance provision of public facilities and services, and will not harm resource lands.

**Spot Zoning**

30. The subject proposal does not involve rezoning property.

**CONCLUSIONS**

The subject comprehensive plan amendments are 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 Whatcom County Comprehensive Plan Chapter 4 (Capital Facilities) is hereby amended as shown on Exhibit B.

Section 3. The Foothills Subarea Plan is hereby amended as shown on Exhibit C.

Section 4. The water provisions of the Whatcom County 20-Year Capital Facilities Plan are hereby amended as shown on Exhibit D.

Section 5. The school provisions of the Whatcom County 20-Year Capital Facilities Plan are hereby amended as shown on Exhibit E.

Section 6. The fire protection provisions of the Whatcom County 20-Year Capital Facilities Plan are hereby amended as shown on Exhibit F.

Section 7. 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

Kathy Kershner, Chairperson

APPROVED as to form: ( ) Approved ( ) Denied

Civil Deputy Prosecutor

Jack Louws, Executive

Date: ___________________
Exhibit A

Whatcom County
Comprehensive Plan
Amendments
(Chapter 2)

NOTE: For brevity and ease in viewing the proposed changes, portions of the Comprehensive Plan that are not being modified by this ordinance are not shown below. The text, goals, policies and maps that are not shown below are retained as previously adopted.
Amend the Land Use Chapter of the Whatcom County Comprehensive Plan (Chapter 2) as follows:

Paradise Lakes has public roads and continues to utilize septic systems for sewage disposal. The Columbia Valley Water District (formerly Evergreen Water-Sewer District) provides public water service (formerly provided by the Paradise Lakes Country Club) to residential and camper lots within the Paradise Lakes divisions. Peaceful Valley has private roads and a water and sewer system managed by Water District 13.

30. Establish on-going communications link with Whatcom County Water District 13, Columbia Valley Water District-Evergreen Water and Sewer District 19, and Community Associations to work towards mutually beneficial infrastructure solutions including combined services in the Columbia Valley UGA.
Exhibit B

Whatcom County Comprehensive Plan Amendments (Chapter 4)

NOTE: For brevity and ease in viewing the proposed changes, portions of the Comprehensive Plan that are not being modified by this ordinance are not shown below. The text, goals, policies and maps that are not shown below are retained as previously adopted.
Amend the Capital Facilities Chapter of the Whatcom County Comprehensive Plan (Chapter 4) as follows:

**Goal 4N:** Adopt special district and County capital facility plans for unincorporated UGAs into this plan by reference when consistent with the Whatcom County Comprehensive Plan.

**Policy 4N-1:** The Birch Bay Water and Sewer District Comprehensive Water System Plan, dated March 2009, is adopted by reference into the comprehensive plan.

**Policy 4N-2:** The Birch Bay Water and Sewer District Comprehensive Sewer System Plan, dated May 2009, is adopted by reference into the comprehensive plan.

**Policy 4N-3:** The Birch Bay Comprehensive Stormwater Plan, dated July 2006, is adopted by reference into the comprehensive plan.

**Policy 4N-4:** The North Whatcom Fire and Rescue Capital Facilities Plan, dated August 2009, is adopted by reference into the comprehensive plan.

**Policy 4N-5:** The Public Utility District No. 1 Comprehensive Water System Plan, dated October 2004, is adopted by reference into the comprehensive Plan.

**Policy 4N-6:** The Columbia Valley Water District 2013 Water System Plan Update The Evergreen Water-Sewer District Comprehensive Water System Plan, dated June 2004, is adopted by reference into the comprehensive plan. This water system serves a portion of the Columbia Valley UGA.

**Policy 4N-7:** The Water District No. 13 Small Water System Plan, dated August 2012 February 2005, is adopted by reference into the comprehensive plan. This water system serves a portion of the Columbia Valley UGA.

**Policy 4N-8:** The Water District No. 13 Comprehensive Sewer Plan, dated August 2012, is adopted by reference into the comprehensive plan. This sewer system serves a portion of the Columbia Valley UGA.

**Policy 4N-9:** The public stormwater facilities sections relating to the Columbia Valley UGA in the Water Quantity and Quality Report Foothills Subarea (Aspect Consulting, July 18, 2008, pp. 2-3, 36-39, and 55-56) are adopted by reference into the comprehensive plan.


Policy 4N-12: The Whatcom County Fire District No. 7 Capital Facilities Plan, dated May 2011, is adopted by reference into the Comprehensive Plan (except that the UGA boundaries shown in the Fire District No. 7 Capital Facilities Plan are not adopted by reference).
Exhibit C

Foothills Subarea Plan Amendments

NOTE: For brevity and ease in viewing the proposed changes, portions of the Foothills Subarea Plan that are not being modified by this ordinance are not shown below. The text and maps that are not shown below are retained as previously adopted.
Amend the Foothills Subarea Plan, Chapter 1, Introduction and Population Projections as follows:

As of the beginning of the 2012 school year, the Mount Baker School District had experienced a drop in school enrollment over the last fifteen years.

Amend the Foothills Subarea Plan, Chapter 2, Land Use as follows:

In the Columbia Valley UGA, the subarea plan allows for development of public land uses within the Planned Town Center. These will be land uses that provide governmental or other institutional services to the UGA’s residents. The Mount Baker School District and the East County Regional Resources Center has already looked to developed facilities in the Columbia Valley. In addition, the UGA will eventually need sanitary sewer service for its entirety, possibly requiring the dedication of additional land for wastewater treatment. There is now some land set aside for the existing treatment facility, but an expanded system may require more. That could take the form of either an expanded facility at the existing site or a new facility at a separate location.

Amend the Foothills Subarea Plan, Chapter 5, Utilities as follows:

Water District 13 was established in 1975 to serve the Peaceful Valley development. According to the State Department of Health drinking water database, Water District 13 is approved for 1,338 total connections and served 361,347 existing connections as of September 2013. This leaves capacity for 977,994 additional approved connections. Additionally, Water District 13 installed meters in 2005-07. In other areas around the County, water usage has come down when meters are installed and a rate structure implemented that charges more when additional water is used. These measures lead to repairing leaky pipes and generally result in water conservation. The District’s engineer has estimated that the District may be able to gain approval for about 300 additional water connections, with their existing water rights, because of conservation measures. Water District No. 13 has two tanks with a total storage capacity of 300,000 gallons. The District draws groundwater from two wells to serve its customers. Potable water has not been treated in the past.

The predecessor of the Columbia Valley Water District (formerly known as Evergreen Water-Sewer District No. 19), the Paradise Lakes Country Club water association, operated the water system from its inception in 1971 until 2003, when Evergreen Water-Sewer District took over the system. The Columbia Valley Water District provides water service to the Paradise Lakes Country Club subdivision and the Camper’s Paradise recreational development. The Columbia Valley Water District 2013 Water System Plan Update estimates that the District serves 974 equivalent residential units (ERUs) in 2013 and will serve 1,242 ERUs by 2030 (p. 36), which would be an increase of 268 ERUs. The Water System Plan finds that the District will have adequate water to serve development through the 2030 planning horizon (pp. 45-47 and 53). According to a State Department of Health letter dated February 9, 2007, the District is approved for 1,423 total connections and served 1,367 existing connections. This leaves capacity for
56 additional approved connections. The Columbia Valley Water District has four five tanks with a total storage capacity of 762,008,000 gallons. The District draws groundwater from three wells to serve its customers. Potable water is chlorinated immediately after drawing it from the source. There is no other treatment of the water.

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<td>Columbia Valley Water District (formerly Evergreen-Water-Sewer District):</td>
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<td></td>
<td>56 (already-approved)</td>
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Table 5.1 - Additional Water connections to serve the UGA

Amend the Foothills Subarea Plan, Chapter 10, Community Facilities, School’s, Sheriff, Fire Protection, Emergency Medical Services and Solid Waste Management as follows:

Schools

The Foothills Subarea is served by the Mount Baker School District. The District’s Six-Year Capital Facilities Plan (May 2013-Feb. 2006) states:

“The Mount Baker School District has adequate classroom space to serve the students of the District over the next 20-year planning period (through the year 2036). Specifically, the schools serving the Columbia Valley Urban Growth Area (Kendall Elementary School, the Junior High School and the High School) have surplus capacity to house the students anticipated over the planning period. Therefore, the District is not planning any new or expanded classroom facilities” (p. 12).

If the growth occurs in the Columbia Valley that is currently being negotiated the District may need to build an additional Elementary School.

Based upon the District’s capacity data and enrollment projections, as well as student generation data (number of student per each new construction in the past four years), the District has determined that significant capacity improvements will be necessary to serve students generated if the proposed residential-construction does occur.
Amend the Foothills Subarea Plan, Chapter 13, Kendall Rural Community Master Plan as follows:

School capacity – The Kendall School is a prominent component of the Rural Community. Based on comments received during the planning process, it is already over capacity. As population increases, the school district may need to increase the capacity at the Kendall School or construct additional facilities elsewhere. The Kendall master plan must provide the District with the flexibility it needs to provide adequate school capacity.

Amend the Foothills Subarea Plan, Appendix A, Bibliography as follows:

ECONorthwest: Foothills Subarea Population Forecast, December 1, 2006
ECONorthwest: Foothills Subarea Economic Analysis, June 12, 2007
Foothills Subarea, a component of the Whatcom County Comprehensive Land Use Plan, November 1988
Foothills Subarea Plan Advisory Committee: Records of Decisions & Recommendations, March 2006 – May 2010
Studio Cascade: Vision Week Evaluative Summary, July 2006
Studio Cascade: Foothills Subarea Plan Questionnaire Report, January 2007

Columbia Valley Water District 2013 Water System Plan Update, 2013 Evergreen Water-Sewer District Comprehensive Water System Plan, June 2004 (the District’s name was changed to the Columbia Valley Water District in 2010)

Whatcom County Water District #13 Small Water System Plan, Revised August 2012 Water System Plan for Whatcom County Water District No. 13, February 2005
Exhibit D

Whatcom County 20-Year Capital Facilities Plan Amendments
(Water System Provisions)

NOTE: For brevity and ease in viewing the proposed changes, portions of the Whatcom County 20-Year Capital Facilities Plan that are not being modified by this ordinance are not shown below. The text and maps that are not shown below are retained as previously adopted.
Amend the “Executive Summary” of the Whatcom County 20-Year Capital Facilities Plan (Whatcom County Comprehensive Plan Appendix E) as follows:

Water Systems

A comparison of the water system plans of urban water systems in Whatcom County shows that most of the water systems plan for populations greater than that projected for their service area as part of the Whatcom County 2029 capital facility planning process. This indicates that these water systems generally plan conservatively for drinking water needs, particularly given the time it takes to seek new water supplies to serve growth. Evergreen Water District, Water District 13, City of Everson, City of Nooksack, City of Sumas, Water District 7, and Lake Whatcom Water and Sewer District all plan for populations lower than that found in the Whatcom County 2029 CFP projections, potentially indicating a need to update their analysis with updated population and employment figures as part of their planning for water system needs. Birch Bay Water and Sewer District’s Plan identified a near-term need for additional water sources, and is actively working with its partner, the City of Blaine, to obtain new water sources. In addition, when the Ecology water rights calculation for the City of Lynden of 1,110 gpm is considered, instead of the City’s source capacity estimates, then the City of Lynden experiences water deficits in the planning period. Other urban area water purveyors identify storage and/or distribution projects that will be needed to continue providing service at adequate levels over the planning period. For those service providers with plans, a variety of short and long-term projects are identified to address deficiencies (see Urban Water Systems Capital Project and Funding Section).

Amend the “Water Systems” chapter of the Whatcom County 20-Year Capital Facilities Plan (Whatcom County Comprehensive Plan Appendix E) as follows:

Water Systems

This section identifies current water supply and transmission inventories within the County.

Public water systems are classified into two categories, Group A and Group B systems. Group A water systems serve 15 or more connections or 25 or more people/day for 60 or more days/year. A Group B water system is a public water system that serves less than 15 connections or fewer than 25 people/day for 60 days or more/year. A full description of Groups A and B water systems can be found in WAC 246-290-010.

For purposes of this Capital Facilities Plan, water systems are divided into those that serve urban growth areas (Urban Water Systems) and those that provide 50 or more connections located outside of UGAs (Rural Area Water Systems). A summary of the countywide water planning process encompassed in the Whatcom County Coordinated Water System Plan is presented first
followed by inventories of urban water service providers. Information about rural water service providers is included in Appendix 3.

**Whatcom County Coordinated Water System Plan (CWSP)**

The CWSP was prepared by the Whatcom County Water Utility Coordinating Committee (WUCC) representing individual water utilities located throughout the County.

The CWSP was developed to ensure that County water purveyors meet state and federal laws governing potable water supply in conjunction with the Washington State Department of Health (DOH) and State Department of Ecology (Ecology). The Whatcom County CWSP (February 2000) presents an assessment of municipal and industrial water supply needs in the County and a program to effectively provide water supply and service to customers throughout the area.

The CWSP represents the continued efforts of the County in managing the County’s potable water resources according to all applicable State and County public policy. The current CWSP provides further refinement of process and strategy for existing water utilities to define their role in a program consistent with adopted land use policies and projected growth strategy. The CWSP establishes agreed upon water system service boundaries, and identifies future population growth that waters systems must plan on providing over the long-term. The County is responsible for updating, maintaining, and implementing the CWSP.

The February 2000 Whatcom County CWSP identified 186 Group A water systems and 183 Group B water systems that constitute the public drinking water systems currently found within Whatcom County. This Capital Facilities Plan inventories water facilities owned by public and private entities in Whatcom County, including all Group “A” Community Water Systems with 50 or more connections located within the County as identified by the State Department of Health.

**Urban Water Systems (within UGAs)**

**Overview**

There are 14 systems that provide primary service to the County’s UGAs.

**Inventory of Current Facilities**

This section of the CFP inventories each of the major 14 Group A Water Systems that provides water service to Whatcom County’s UGAs. Table 49 provides an inventory of water systems that identifies the name of each water system, the portion of the County population the system serves, and the existing DOH approved connections. The inventory identifies both existing connections, as identified by DOH records, as well as an equivalent residential unit (ERU) number of connections. This is helpful to note if a water system has commercial or industrial connections that use larger amounts of water than a typical residential unit.
Level of Service Capacity Analysis

Water system surveyors provide a LOS standard, generally expressed in water consumption of gallons per capita (or per connection) per day. When applying this standard to existing and future population, household, and employment estimates, and comparing to the water source capacity noted in the inventory table above, a water system provider can obtain a sense for how planned growth will affect water service into the future.

Each water service provider is required to prepare a water system plan (WSP) and a program of capital improvements that address the system’s anticipated needs within their designated water service area, consistent with local land use plans. When the utility is requested to provide water service, it will identify that portion of the planned capital facilities as well as other installations which are necessary to provide the service necessary. As growth occurs, the full level of water service will eventually be provided throughout the service area of the utility in a planned development plan program which meets governmental requirements and minimizes overall costs to the customers. More detail on planned improvements for urban water service providers is provided under Capital Projects and Funding, below.

Table 50 identifies both water system plan LOS standards, or in the absence of an LOS standard identified in the individual water system plan, a comparable Countywide standard for urban water systems identified in the Whatcom County Coordinated Water System Plan.
## Table 49. Water System Inventory (Serving UGAs)

<table>
<thead>
<tr>
<th>System Name</th>
<th>Connections</th>
<th>Water Rights</th>
<th>Capacity</th>
<th>Service Area</th>
<th>System Owner or Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
<td>Approved</td>
<td>Qa (afy)</td>
<td>Qi (gpm)</td>
<td>Qi (cfs)</td>
</tr>
<tr>
<td>City of Bellingham</td>
<td>26,259</td>
<td>unspecified</td>
<td>Not determined</td>
<td>125</td>
<td>25,000</td>
</tr>
<tr>
<td>Water District 2</td>
<td>552</td>
<td>821</td>
<td>See 4</td>
<td>See 4</td>
<td>See 4</td>
</tr>
<tr>
<td>Water District 7</td>
<td>634</td>
<td>1,145</td>
<td>See 4</td>
<td>See 4</td>
<td>See 4</td>
</tr>
<tr>
<td>Lake Whatcom Water</td>
<td>3,719</td>
<td>unspecified</td>
<td>1,758.3</td>
<td>1,946</td>
<td>4,074</td>
</tr>
<tr>
<td>&amp; Sewer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Blaine</td>
<td>2,421</td>
<td>unspecified</td>
<td>2,560</td>
<td>2,170</td>
<td>3,044</td>
</tr>
<tr>
<td>Birch Bay Water System</td>
<td>4,583</td>
<td>unspecified</td>
<td>See 7</td>
<td>See 7</td>
<td>See 7</td>
</tr>
<tr>
<td>Columbia Valley Water</td>
<td>1,243</td>
<td>1,423</td>
<td>427</td>
<td>500</td>
<td>400</td>
</tr>
<tr>
<td>District Evergreen Water</td>
<td>1,362</td>
<td>unspecified</td>
<td>400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&amp; District</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water District 13</td>
<td>347</td>
<td>1,338</td>
<td>454</td>
<td>450</td>
<td>900</td>
</tr>
<tr>
<td></td>
<td>361</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Everson</td>
<td>789</td>
<td>unspecified</td>
<td>601</td>
<td>800</td>
<td>1,700</td>
</tr>
<tr>
<td>City of Ferndale</td>
<td>4,696</td>
<td>unspecified</td>
<td>2,055</td>
<td>2,870</td>
<td>5,800</td>
</tr>
<tr>
<td>PUD 1</td>
<td>N/A</td>
<td>N/A</td>
<td>49,923.8</td>
<td>83</td>
<td>24,684</td>
</tr>
<tr>
<td>City of Nooksack</td>
<td>448</td>
<td>unspecified</td>
<td>See 12</td>
<td>See 12</td>
<td>See 12</td>
</tr>
<tr>
<td>City of Sumas</td>
<td>498</td>
<td>unspecified</td>
<td>3,744</td>
<td>3,910</td>
<td>5,100</td>
</tr>
<tr>
<td>City of Lynden</td>
<td>4,400</td>
<td>unspecified</td>
<td>1,792</td>
<td>11.7</td>
<td>2,917</td>
</tr>
</tbody>
</table>

Qa = Annual Quantity; Qi = Instantaneous Quantity; afy = acre feet per year; gpm = gallons per minute; cfs = cubic feet per second; N/A = Not Available.
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Water rights are as provided by Department of Ecology comment letter from Doug Allen to David Stalheim. June 22, 2009. Columbia Valley Water District instantaneous quantity (Qi) is from the District’s 2013 Water System Plan Update (p. 45).


Purchases water from City of Bellingham (Department of Ecology, June 22, 2009).

Lake Whatcom Water and Sewer District Water System Comprehensive Plan (August 2009). Note: Source and storage capacity consists of compilation of the component systems found on District’s Water Facilities Inventory forms located in Section 10 of Plan.

Source: Blaine Water System Plan (July 2008), Table 2.7 ERU estimate for the year 2006.

Purchase water from City of Blaine (Department of Ecology, June 22, 2009).


For Water District 13, existing connections are from the Water Facilities Inventory Form on the Washington State Department of Health website: https://fortress.wa.gov/doh/eh/portals/doh2/wsi/intro.aspx, accessed July 12, 2013. ERUs were derived from the Water Facilities Inventory Form and the Whatcom County Water District # 13 Small Water System Plan (2012), pp. 13-14.

Of this amount, 6,264 afy is for irrigation supply only (Department of Ecology, July 22, 2009).

Source is from Whatcom County Coordinated Water System Plan’s System Assessment and Inventory (March 1999).

Population for PUD 1 is only 32 because the majority of the PUD service area consists of commercial and industrial customers.

Purchases water from City of Sumas (Department of Ecology, June 22, 2009)

Of these amounts, 422.2 afy/289 gpm is to be used for streamflow mitigation only (Department of Ecology, June 22, 2009)

Lynden also holds a surface water right for 70 afy/0.57 cfs to serve (only) the EDB and 1, 2 DCP contaminated area west of the City (Department of Ecology, June 22, 2009). Note: per Department of Ecology comment letter of June 22, 2009, City of Lynden asserts that they have 6,623.5 afy for Qi and 14,734 gpm for Qi. DOE believes, supported by state Attorney General review, that Lynden has 1,792 afy and 11.7 cfs (5,251 gpm). DOE is currently entered into a Memorandum of Understanding with Lynden that precludes enforcement on their continued exceeded of their water right, until such time as DOE and Lynden resolve the dispute over their rights, the City acquires more rights, or City work within their existing rights in city planning and development (Department of Ecology, June 22, 2009).

City of Lynden Water System Plan, August 2008, p. 1-4, Table 1-1.

Sources: Unless otherwise noted, Washington Department of Health, Washington Department of Ecology (water rights), and individual water system plans.
Exhibit O - 20-Year CFP Amendments (Water Systems)
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### Table 50. Water Level of Service (LOS) Standards

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>LOS Standard (Average Daily Demand)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Bellingham</td>
<td>196 gallons/day/ERU &lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Water District 2</td>
<td>210 gallons/day/ERU &lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Water District 7</td>
<td>221 gallons/ERU/day</td>
</tr>
<tr>
<td>Lake Whatcom Water and Sewer (formerly Water District 10)</td>
<td>219 gallons/day/ERU &lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td>City of Blaine</td>
<td>300 gallons/household/day</td>
</tr>
<tr>
<td>Birch Bay Water and Sewer District</td>
<td>140 gallons/capita/day &lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Columbia Valley Water District</td>
<td>215 gallons/day/ERU &lt;sup&gt;5&lt;/sup&gt;</td>
</tr>
<tr>
<td>Evergreen Water and Sewer</td>
<td>270 gallons/household/day</td>
</tr>
<tr>
<td>Whatcom County Water District 13</td>
<td>205 gallons/day/ERU &lt;sup&gt;6&lt;/sup&gt;</td>
</tr>
<tr>
<td>City of Everson</td>
<td>300 gallons/ERU/day</td>
</tr>
<tr>
<td>City of Ferndale</td>
<td>140 gallons/capita/day &lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>PUD 1</td>
<td>140 gallons/capita/day &lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>City of Lynden</td>
<td>235 gallons/day/ERU</td>
</tr>
<tr>
<td>City of Nooksack</td>
<td>250 gallons/day/ERU &lt;sup&gt;7&lt;/sup&gt;</td>
</tr>
<tr>
<td>City of Sumas</td>
<td>225 gallons/day/residential connection</td>
</tr>
</tbody>
</table>

<sup>1</sup> City of Bellingham Water System Plan, Tables 2-3 and 2-11 (June 2009).
<sup>2</sup> Whatcom County Water District #2, Draft Water System Plan, August 4, 2009, page 2-3.
<sup>4</sup> Where an LOS standard was not specifically identified in a water system plan, the average daily water consumption figure for urban water systems was taken from the CWS. Table 3-4, page 3-6 (February 2000). Other LOS standards found in Table 50 are provided in gallons/ERU/day or gallons/household/day rather than gallons/capita/day noted in the Whatcom County CWS.
<sup>5</sup> Columbia Valley Water District, 2013 Water System Plan Update, 2013, pp. 36 and 81.
<sup>6</sup> Whatcom County Water District #13 Snam Water System Plan, 2012, p. 18.
<sup>7</sup> Personal communication. Email from Erin Osborn to Matt Amos, July 14, 2009.

Table 51 provides an overview of the planning horizon year and horizon year population for the latest urban water system plans in comparison to Whatcom 2029 population projections. As can be seen by a review of the table, most urban water systems plan conservatively for drinking water needs, particularly given the time it takes to seek new water supplies to serve growth. Evergreen Water District’s WSP projected population of 3,000 is lower than the population of 3,554 projected in this CFP for 2029. The Water District 13 WSP projected population of 1,170 is lower than the population of 1,665 projected in this CFP for 2029. The City of Everson’s WSP projected population of 3,114 is lower than the population of 3,337 projected in this CFP for the 2029 horizon year. Nooksack’s WSP projected population is lower than the 2,947 population projected in this CFP’s horizon year. Sumas’ WSP projected population of 1,625 is lower than the 2,095 anticipated in the city by 2029. Although Lake Whatcom Water District’s 2027 horizon year population is lower than that projected for the district by 2029 in this CFP, the district’s plan...
also includes a build-out population which is more conservative than the district’s 2029 horizon population considered in this CFP.

Table 51 also identifies each urban water system’s horizon year average daily demand (ADD) in millions of gallons per day. The table shows that most of the water systems are proactively planning in a long-range and conservative fashion in order to be prepared to obtain future water resources, as needed. As can be seen from a review of individual water system descriptions in the next section, most districts have identified capital improvement projects in both the near-term and long-term planning in order to be prepared for future population growth in their districts.

Birch Bay Water and Sewer District’s Plan identified a near-term need for additional water sources, and is actively working with its partner, the City of Blaine, to obtain new water sources. In addition, if the DOE water rights calculation for the City of Lynden of 1,110 gpm is considered, instead of the City’s source capacity estimates, then the City is expected to experience a future water deficit.

**Capital Projects and Funding**

**Capital Project Funding**

Water services and capital improvements are funded primarily by the users of the system through water rates and general facilities charges. Water rates can be adjusted to match the funding required for capital and operational needs. Connection fees are usually charged to developers when a development necessitates expansion of the district’s capacity. Improvements and new infrastructure that will benefit the majority of the district are funded through water rates, capital improvement fees, revenue bonds, or state or federal programs. These programs include the Public Works Trust Fund, a revolving loan fund designed to help local entities through low-interest loans; and the Drinking Water State Revolving Fund, which involves low-interest, federally funded loans.

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Horizon year of Capital Plan</th>
<th>Capital Plan Population</th>
<th>Horizon Year ADD (mgd)</th>
<th>2029 Population Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch Bay Water/ Sewer</td>
<td>2035</td>
<td>14,326</td>
<td>2.39</td>
<td>9,616</td>
</tr>
<tr>
<td>City of Bellingham</td>
<td>2028</td>
<td>122,672</td>
<td>18.3</td>
<td>107,648</td>
</tr>
<tr>
<td>City of Blaine</td>
<td>2027</td>
<td>11,587</td>
<td>3.45</td>
<td>8,647</td>
</tr>
<tr>
<td>City of Everson</td>
<td>2022</td>
<td>3,114</td>
<td>0.46 (^1)</td>
<td>3,337</td>
</tr>
<tr>
<td>City of Ferndale</td>
<td>2026</td>
<td>19,334</td>
<td>1.84</td>
<td>17,550</td>
</tr>
<tr>
<td>City of Lynden</td>
<td>2027</td>
<td>20,120</td>
<td>4.0</td>
<td>15,312</td>
</tr>
<tr>
<td>City of Nooksack</td>
<td>2022</td>
<td>1,881</td>
<td>N/A (^2)</td>
<td>2,047</td>
</tr>
</tbody>
</table>
### Exhibit D – 20-Year CFP Amendments (Water Systems)
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<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Horizon year of Capital Plan</th>
<th>Capital Plan Population</th>
<th>Horizon Year ADD (mgd)</th>
<th>2029 Population Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Sumas</td>
<td>2018</td>
<td>1,625</td>
<td>N/A ²</td>
<td>2,095</td>
</tr>
<tr>
<td><strong>Columbia Valley Water District</strong></td>
<td>2030</td>
<td>N/A ³</td>
<td>N/A 0.29 ³</td>
<td>3,584</td>
</tr>
<tr>
<td><strong>Evergreen Water and Sewer District</strong></td>
<td>2023</td>
<td>3,060</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PUD 1</strong></td>
<td>N/A ⁴³</td>
<td>N/A ⁴³</td>
<td>N/A ⁴³</td>
<td>32</td>
</tr>
<tr>
<td><strong>Lake Whatcom Water and Sewer (W.C. Water Dist. 10)</strong></td>
<td>2027</td>
<td>10,855⁵⁴</td>
<td>0.87 ⁵⁵</td>
<td>11,368</td>
</tr>
<tr>
<td><strong>W.C. Water Dist. 2</strong></td>
<td>2029</td>
<td>N/A ⁷⁶</td>
<td>0.25 ⁷⁷</td>
<td>1,646</td>
</tr>
<tr>
<td><strong>W.C. Water Dist. 13</strong></td>
<td>2031</td>
<td>1,170⁹</td>
<td>0.13 ¹⁰</td>
<td>1,665</td>
</tr>
<tr>
<td><strong>W.C. Water District 7</strong></td>
<td>2027</td>
<td>2,100 ¹¹⁹</td>
<td>0.20 ¹⁰⁷</td>
<td>2,719</td>
</tr>
</tbody>
</table>

N/A = Not Available

All figures in this table, unless noted below, are population figures. Employment or residential equivalents are not considered in this table unless specifically noted.

1. Based on system design standard of an ADD of 300 gpd/ERU, and a horizon year estimate of 1,540 ERUs.
2. Latest WSP does not identify a horizon year ADD.
3. The Columbia Valley Water District 2013 Water System Plan Update does not include a specific 20-year population projection. A household projection of 1,149 has been derived from the Water System Plan. This is lower than the 1,249 households projected in this CFP. However, in the 2013 Water System Plan Update, the District’s water service area has been reduced in size and will serve fewer households.
4. Since PUD1 provides retail water service only to areas characterized by and designated for industrial and commercial uses, the district’s 2004 WSP does not provide population projections or a horizon year. PUD 1 also owns and operates the Grandview potable water supply system – retail. (Jill, Stephan, PUD 1, memorandum to Matt Aamot commenting on Whatcom County 10-Year Urban Growth Area review documents, April 20, 2009).
5. Although Lake Whatcom Water and Sewer District’s 2027 horizon year anticipates a population of 10,855, the plan indicates a “build-out” population of 15,192.
6. Lake Whatcom Water and Sewer District, Water System Comprehensive Plan (2009). See Appendix B for forecast to 2027. Also, there is a build-out forecast of 1.2 MGD.
7. Water District 2 August 2009 Draft Water System Plan does not identify population. The plan indicates that the District plans to serve a total of 1,175 ERUs, or 797 service connections (Whatcom County Water District 2 Draft Water System Plan, August 4, 2009, Tables 2-9 and 2-10). Applying the City of Bellingham average household size of 2.5 and occupancy rate of 94.4% to the 797 projected water connections results in a future population of 1,881 in 2029.
8. Based on analysis of ADD/ERU compared to projected number of ERUs in WSP.
9. Whatcom County Water District # 13 Small Water System Plan, 2012, p. 14. Water District 13 does not identify population, it plans to potentially serve a total of 1,338 connections (Water System Plan, p. 14). Applying the Whatcom County Footnotes: U.S. Census Designated Place average household size of 2.802.79 and an occupancy rate of 78.4%/79.8% (U.S. Census, 2010) results in approximately 2,937-2,979 people that could be served by the 1,338 connections in 2024.
11. Water District 7 only identifies connections rather than population. The district plans to serve 388 connections by 2027. Applying the Bellingham average household size of 2.5 and occupancy rate of 94.4% results in 2,100 people served by the 388 connections in 2027. However, Water District 7 is approved to serve up to 1,145 residential service connections (State Department of Health letter from Richard Rodriguez and John Thielmann to James Trobridge dated January 5, 2009). Therefore the District could serve a population of about 2,700.

Any plans involving funding mechanisms not mentioned above are explained below:

- **Birch Bay Water System** – The District will institute Latecomer’s Agreements to help fund any water main that serves property beyond that owned by the developer financing the project.
- **City of Everson** – The City plans to pursue Community Development Block Grants and Community Investment Fund Grants to finance major water system improvements. If these applications are unsuccessful, then the low-interest loans listed above will be used.
- **City of Ferndale** – The City may, under certain conditions, construct new infrastructure for specific areas as Utility Local Improvement Districts.

- **City of Lynden** – In addition to the funding mechanisms listed above, the City expects to receive between $125,000 and $51,000 annually from interest income through the year 2013.

**Birch Bay Water and Sewer**

The Birch Bay Water and Sewer District obtains its water supply from the City of Blaine (well field). The district’s Comprehensive Water Plan (2009) indicates that existing water supply is only sufficient through 2011 (page ES-3). The district’s plan states that additional water supply, including use of surplus storage, and/or conservation will be necessary to meet the demand beyond that time. The district’s 2009 Comprehensive Water Plan includes several new supply and distribution projects expected to address supply deficiencies. Besides its residential and commercial customers, the district provides water supply to BP Cherry Point Refinery through a wholesale agreement with PUD 1 (see below). The district plan’s 2035 population projection of 12,913 is greater than the population projection considered for the district’s water service area by 2029 in this CFP. Birch Bay’s Comprehensive Water Plan indicates that it will extend future service areas to areas within the district boundaries and provides future connection policies. However, it does not provide a map identifying future major service lines. The District is bounded on the east by the Bell Bay Jackson Water Association which served approximately 231 households in 2008, mostly outside of the UGA.

**City of Bellingham**

The City of Bellingham provides retail water service to the city limits and portions of the Bellingham UGA that are not served and identified as a service area by other water purveyors. The city’s water service area overlaps with that of other water districts within the UGA. The WSP does not assume that the city will take over other districts with retail water service areas identified in the Whatcom County CWSP. Instead, the city assumes that it will be the retail water purveyor for areas within its UGA that are not served by other service providers.

The City of Bellingham has adequate water rights and water plant capacity to provide water service to its retail service area under all future growth scenarios listed. The city’s 2009 water comprehensive plan, provides for water storage and distribution systems to all of the current city UGAs and has been adequately sized to serve the projected 2028 population of 122,672. The city anticipates that any additional storage required to accept population greater that the 2028 projection can be addressed in the next planning cycle. Future reservoir projects can be up sized to serve additional population load. The city’s WSP identifies future service lines extending into the city’s UGA.

**City of Blaine**

The City of Blaine’s Comprehensive Water System Plan (CHS Engineers 2008) provides a city population projection of 11,587 by 2027, larger than anticipated for the city water service area by 2029 in this CFP. The city provides water to both the Birch Bay Water and Sewer District and the Bell Bay Jackson Water Association. The 2008 WSP notes that the city has adequate supply
to meet projected demand through the 2027 planning period considered (City of Blaine Comprehensive Water System Plan, CHS Engineers, July 2008). The Comprehensive Water Plan shows a series of capital improvements needed in the planning period to 2027 to maintain capacity and provide adequate distribution. The city’s WSP does not appear to show water service extensions to areas within the city or UGA that are not currently served. However, the city’s future service policies indicate that the city is planning to serve those areas.

City of Everson

The City of Everson’s 2005 WSP addresses anticipated growth through the year 2022, including a city population of 3,114. The Everson water system is also addressed in the Capital Facilities Element of the Everson Comprehensive Plan, which anticipated growth through 2024, including a projected population of 4,202.

Source / Water Rights

The City of Everson holds water rights authorizing a maximum instantaneous pumping rate of 800 gallons per minute and a maximum annual withdrawal of 601 acre feet. Given adequate storage, which Everson has developed, the annual withdrawal maximum is the system limiting factor in terms of source of supply. The Everson WSP uses the figure of 300 gallons per day per equivalent residential unit (ERU) to analyze the system capacity. On this basis, the Everson source is equivalent to 1,788 ERUs. In 2002 the Everson water system served 1,147 ERUs of which 440 went to serve two large water association customers and 707 went to regular City customers. Assuming a total increase of 15 ERUs for the water associations from 2002 to 2029 would leave 626 ERUs of capacity to serve new growth within the City service area for a total of 1,333 ERUs for the City.

For 2008 the City estimates that the Everson water system is serving 1,238 ERUs (440 ERUs for the water associations and 798 ERUs in the City). The CFP population projection equates to an 45% increase in population over the 21-year period from 2008 through 2029. Using the 2008 City ERU estimate of 798 and applying an 45% increase would result in the need for a total of 1,157 ERUs in 2029. This represents an increase of 359 ERUs. This number of ERUs falls within the non-water association capacity of 1,333. It is important to note that the above analysis includes the City’s continuing to supply 455 ERUs to the two water associations. In 2004 the City instituted a series of rate increases that are intended to reduce water consumption by the associations. Under the terms of their supply agreements, the City also has the ability to reduce the total volume of water supplied to the associations. Given the above factors and considering the fact that the Everson water system plan utilized a relatively conservative 300 gallons per day per ERU, the City concludes that it has adequate source capacity to accommodate anticipated growth through the 2029 CFP horizon year.

Storage

In 2006 the City constructed a third water storage reservoir. The system analysis completed in 2007 indicated that total storage is equivalent to 1,900 ERUs. Adding the 455 ERUs noted above for the water associations to the 1,157 ERUs calculated previously as being necessary to supply the City’s future needs in 2029 yields a total of 1,612 ERUs. This total is less than the ERUs
supported by the storage capacity; therefore, the City concludes that it has more than enough storage to accommodate anticipated growth through 2029.

**Improvements and Financing**

In the past few years the city has completed two major capital projects. These include construction of a third water storage reservoir and installation of a manganese treatment facility that allows full use of the city’s deep well (and full instantaneous pumping capacity). The new reservoir was paid for out of capital reserves and the manganese plant is being financed through a low-interest loan from the Drinking Water State Revolving Fund. Payment on this loan will be covered by revenue from existing water rates. The city anticipates that all new extensions to serve new development will be provided by developers. The only exception to this might be the installation of a new trunk line in conjunction with construction of a major east-west connector to serve the city’s industrial zone. If the city were to participate in construction of such a facility, it is anticipated that state CERB funding and County EDI funding would be utilized. The Everson Comprehensive Plan shows the locations of some but not all of the system extensions necessary to serve new development in the Everson UGA.

The city’s WSP indicates that the City will serve areas of the city and its UGA that are not currently served, though the Plan does not map future service lines into these areas at this time.

**City of Ferndale**

The City of Ferndale 2006 WSP indicates that the city has adequate water rights and contracts to meet water system demands to the end of its 2026 planning period (City of Ferndale 2006). As noted in Table 51 above, the city is planning to serve a retail water service population greater than the CFP population projection to 2029. The city has identified water storage capacity improvements that will be needed in the 20-year planning period, as well as near-term distribution improvements needed to meet fire flow requirements (City of Ferndale 2006). The city has some neighboring small water associations which are surrounded by the city water service area on many sides. These include the Central Water Association, Ferndale Mobile Village, Northwest Water Association, and the Mountain View Water Association among others. These water associations each serve between 50 and 200 households in 2008. They all experience additional growth through the 2029 planning horizon because they are located mostly within the Ferndale UGA. There does not appear to be any plan for the City of Ferndale to take over these smaller water services.

**City of Lynden**

The City of Lynden WSP (Gray & Osborne, 2008) indicates that the city has adequate water supply to meet the needs of population growth over the 20 year period. However, the City of Lynden and Ecology have an existing dispute over the city water rights. Where the City of Lynden indicates that it has 5.91 million gallons per day (MGD) in water rights, Ecology believes that the city only has approximately 1.599 (MGD) in water rights (Fabiniak and Rodriguez, pers. Comm.). The city has entered into a memorandum of agreement (MOA) with Ecology to address long-standing water right issues between the city and Ecology. Resolution of water supply issues
for City of Lynden is important for future planning in the city’s water service area. Using water rights amounts that Ecology believes the city possesses, it is expected that the city will experience water supply deficits based on the Whatcom 2029 of this CFP.

The city’s water plan also identifies capital projects needed in the 6-year planning period, as well as some longer term projects. Six-year planning capital projects include construction of a new treatment plant with additional capacity, acquisition of land for a new reservoir, and a variety of distribution improvements to improve fire flow. The city’s WSP includes a map showing future water extensions within the city limits, but not extending into the surrounding unincorporated UGA.

The city borders several water associations, including five associations that receive wholesale water from the city: Berthusen Water Association, the Twin Ditch Water Association, the Meadowbrook Water Association, the EDB Service Area, and the Stickney Island Association. The Berthusen Water Association has a service area overlap with Lynden in its western UGA. The city’s water system plan addresses service policies in its western UGA, and indicates that many of the five water associations mentioned above may be annexed to the city’s water system if they are within the city’s retail water service area.

City of Nooksack

The Nooksack water system is addressed in the Nooksack WSP that was approved by the Washington Department of Health on February 22, 2006. The Nooksack WSP addresses the 20-year period through 2022. This includes a 2022 population of 1,881. The Nooksack water system is also addressed in the 2004 update of the Nooksack Comprehensive Plan. The Nooksack Comprehensive Plan addresses the 20-year period ending in 2024 and includes a 2024 population of 2,039.

Source

The City of Sumas provides the source of supply to the Nooksack water system. The City of Sumas provides up to 199 acre feet of water annually to Nooksack per the terms of a mutual supply agreement between the two cities and the Nooksack Valley Water Association (NVWA). The City of Sumas has indicated a willingness to supply an increased quantity of water to the City of Nooksack if necessary to support growth, and the City of Sumas has more than adequate water rights to be able to provide such an increased supply.

Storage

The City of Nooksack shares storage with the Nooksack Valley Water Association. Combined storage includes three reservoirs totaling 700,000 gallons. The Nooksack WSP indicates that the City has enough storage capacity to serve a population of 1,881. The CFP projects a 2029 population allocation of 2,647 for the City of Nooksack. Although the total storage described above is jointly owned, NVWA utilizes more than 70% of the total storage. Additional analysis will be necessary to determine whether enough additional storage capacity is available or can be made available to accommodate growth under the CFP projections without constructing additional storage capacity. However, if additional storage capacity is needed, the City is
prepared to participate in such a project to ensure that new growth under the CFP can be fully accommodated through 2029.

**Improvements and Financing**

All system expansions necessary to serve new development will be paid for by developers. The City is currently preparing construction plans for a new booster pump that will increase system pressures to well above State minimum standards throughout the entire system. This improvement will be paid for out of capital reserves. Similarly, if construction of a new 500,000 gallon water storage reservoir is necessary, the City will share the costs with NVWA and will pay its share out of capital reserves. The Nooksack WSP shows the locations of some but not all of the system extensions necessary to serve new development in the Nooksack UGA.

**City of Sumas**

The Sumas water system is addressed in the Sumas WSP that was approved by the Washington Department of Health on December 4, 2000. The Sumas WSP covers the 20-year period from 1998 to 2018 including a 2018 population of 1,625. The City is currently in the process of updating its WSP. In addition to municipal customers, the City of Sumas supplies wholesale water to the Sumas Rural Water Association, the Nooksack Valley Water Association and the City of Nooksack.

**Source / Water Rights**

The City of Sumas owns and operates seven wells located in two major well fields (Sumas well field and May Road well field). These wells provide a significant quantity of water on both an instantaneous and annual basis. The City holds numerous water rights that allow a total withdrawal of approximately 3,322 acre feet of water annually. Based on past and ongoing analyses, the Sumas well fields and water rights provide a source of supply well in excess of the future needs of the City’s retail and wholesale customers through the year 2029. For example, the existing Sumas WSP indicates that in 2018, with conservation included, the Sumas water system would still have over 1,000 acre feet of excess capacity.

**Storage**

The City of Sumas owns a 500,000 gallon storage reservoir that provides storage for both the City and the Sumas Rural Water Association (SRWA). The Sumas WSP indicates that the Sumas reservoir provided sufficient capacity to meet the City’s needs through 2018. However, the WSP also indicates that to serve both the City and the SRWA systems an additional 60,000 gallons of storage would be needed by 2005 and an additional 160,000 gallons of storage would be needed by 2019. In 2002 the SRWA constructed an additional 500,000 gallon reservoir that provides storage to both SRWA and the City. The City of Sumas is in the process of updating its water system plan. The preliminary storage analysis indicates that the City’s 500,000 gallon reservoir is sufficient to meet the City’s needs through 2029 and the combined storage of 1,000,000 gallons is sufficient to meet the needs of the combined systems.
**Improvements and Financing**

System extensions required to serve new development will be provided by developers. A system of new water mains will be extended into the City’s UGA as new developments are approved following annexation. The City does not have any plans for major City-funded water system improvements. Ongoing operation and maintenance costs are covered by existing water rates.

**Columbia Valley Water District and Evergreen Water and Sewer District**

The Columbia Valley Water District’s Comprehensive WSP (2013) indicates that the district has sufficient supply to meet the district’s water needs to its 2030 planning horizon and beyond so long as unaccounted water loss can be reduced. However, the district’s plan only accounts for a future population of 3,000, which is lower than the population projected for the district to 2029 in this CFP. The district’s capital projects include water main and pressure zone improvements to help meet growing demand expected within the district’s boundaries. The district also has plans to address unaccounted water loss, which should enable the district to utilize water more efficiently and apply for additional water service connections needed to meet some of the growth anticipated by 2029. The district’s plan generally does not show a schematic representation of future water service mains and lines in the north service area in maps located in the plan appendices. Pursuant to state regulations, it is anticipated that Evergreen Water and Sewer District will update its water system plan in 2010.

**PUD 1**

PUD 1 provides water service to both the Grandview industrial/commercial service area north of Ferndale, as well the Cherry Point UGA (an industrial area). PUD 1’s Comprehensive Water Plan (Donald E. Wright 2004) does not measure water demand in population as most other WSPs do. The majority of the district’s water service customers are industrial and commercial customers. The PUD’s Comprehensive Water Plan indicates that it has sufficient water supply to meet the district’s needs to the end of the district plan’s 20-year planning period (2024). The plan includes a series of capital improvements including the acquisition of other potable water system treatment plants and water distribution and storage improvements. Although the district’s plan does not include maps showing future water service extensions, portions of the narrative or future water service indicate the district’s future water service plans to serve its entire district.

**Lake Whatcom Water and Sewer District (Water District 10)**

The Lake Whatcom Water and Sewer District Water System Comprehensive Plan (2009) indicates that the district has adequate supply to meet its 20-year planning needs. The district takes water supply and provides service to four separate areas: Sudden Valley, Geneva, North Shore/City, and North Shore/Wells. City of Bellingham water is provided to most of these subareas. The North Shore/City subarea is served partially by City of Bellingham water and partially by well water, while the North Shore/Wells subarea is served exclusively by well water. A review of population projections found in Table 51 indicate that the district is planning for less growth by 2027 than projected in this CFP to 2029. However, the district’s build-out plans are
for a population of 15,192, which is larger than the CFP 2029 horizon year population projections for the district.

The district’s plan identifies a number of capital improvement projects for maintaining system reliability and distribution with expected growth. The district does not specifically identify future water service lines within the district.

Water District 2

Water District 2’s Draft WSP (2009) includes plans to serve approximately 797 connections by 2029. When translating this to population, the district is planning for a population that is slightly larger than that being projected to 2029 for the district in this CFP. The district’s plan identifies capital improvements needed by the district over the 20-year period ending in 2029. These improvements include the systematic replacement of the district’s water distribution system over the 20-year period which in many cases will address fire flow issues. Additional projects necessary to provide fire flow in the Bellingham UGA have also been identified and are likely to be paid for by developers. The plan indicates that the district has enough water supply for its planning period. The district’s plan does not specifically identify future water service lines within the district. Water District 2 and City of Bellingham have an overlap in service areas south of the Bellingham Airport according to the County’s CWSP.

Water District 13

Table 51 indicates that Water District 13’s WSP (2012 Reichardt & Ebe 2005) anticipates a smaller population number of connections similar greater than the district population being considered under the CFP 2029 horizon year. However, the WSP also indicates that the State Department of Health has approved more connections than needed to serve the population growth projected by the District (p. 14). The Water District 13 Water System Plan indicates that it has adequate water supply to serve its service area by the district’s planning horizon year of 2031-2024. The district’s capital improvement plan identifies a variety of projects through 2010 that are needed to ensure adequate water service. The district’s plan does not show future service extensions within its service area. Pursuant to state regulations, it is anticipated that Water District 13 will update its water system plan in 2014.

Water District 7

The Whatcom County Water District 7 WSP (Reichardt & Ebe 2008) indicates that the district has enough water supply to serve its customers in the 20-year period ending in 2028. However, the District does not plan for as large a population as is being projected under the CFP 2029 horizon for population projections (see Table 51).

The district’s plan indicates a need for a new storage facility in one of the pressure zones to improve water pressure, as well as a variety of distribution system improvements in order to maintain adequate water service in the district’s planning period. The district’s plan shows future service extensions in figures found within the water system’s service area.
Capital Projects and Funding

The urban water service providers have identified capital projects as noted in Table 52 below, broken down by service provider, to accommodate the future needs of urban water service in Whatcom County.

Note that specific revenue sources are not identified in Table 52 below. Water district providers obtain their revenue from a variety of sources, including but not limited to connection charges, as noted at the beginning of this section.

Table 52. Urban Area Water Projects

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<th>Project Costs/Revenue (thousands $)</th>
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### Exhibit D – 20-Year CFP Amendments (Water Systems)
#### Planning Commission Recommendation – September 26, 2013

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<th>Project Costs/Revenue (thousands $)</th>
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<p>| City of Bellingham | | | | | | | | |
| King Mountain Reservoir (ST-2) (1.9 MG) | | | | | | | | |
| Cost | | | | | | | 450 | 5,890 |
| Upper Yew Reservoir (1.35 MG) (ST-1) | | | | | | | | |
| Cost | | | | | | | | 5,919 |
| | | | | | | | 5,919 | |</p>
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**City of Blaine**
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<td>Upgrade Pipe in Labounty, Sunset to I-5 (ref #38)</td>
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<td>New Tank, Booster Station &amp; Connecting Pipeline North of Smith (ref # 40 &amp; 41)</td>
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<td>Install water main connecting Woodcreek Road and Double Ditch Road (D-14)</td>
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Exhibit D – 20-Year CFP Amendments (Water Systems)
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<td>Replace Ex. 4&quot; water main on Emerald Lake Way &amp; Swamp Creek Road with 8&quot;</td>
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<td>Replace 6&quot; Main on Hillsdale with 10&quot;</td>
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<td>Connect Wildhaven Crest with Vineyard Road</td>
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### Columbia Valley Water District

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### Columbia Valley Water District

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<td>Santa Fe Pressure - Tests, Analysis and Design</td>
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<td>New Office/Shop Facility</td>
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<td>Replace Well/Source Flow Meters</td>
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<td>Replace Full-Size Pick-up (used)</td>
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<td>Back-up Generator for Office</td>
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### Water District No. 13

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<th>2014</th>
<th>2015</th>
<th>2016-2029</th>
<th>Total</th>
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<td>Emergency Backup Power at Well sites</td>
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<td>Storage Tank Piping Modifications</td>
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<td>28</td>
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<td>Install 8&quot; Loop from Well # 1 to Fall Valley Rd.</td>
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<td>Install 8&quot; Loop-Clear Valley Dr. to Boulder Valley Ln.</td>
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</tbody>
</table>

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1. City of Lynden, City’s Water System Plan rolls up years 2014-2027. Projects found in 2014-2027 timeframe are shown in total column only.
Exhibit D – 20-Year CFP Amendments (Water Systems)
Planning Commission Recommendation – September 26, 2013

2  City of Nooksack’s Water System Plan does not include projects within the timeframe of the Whatcom County CFP. This specific project actually going to bid in 2009. (Personal communication email Erin Osborn email to Matt Aamot, July 14, 2009.)

3  City of Sumas’ Water System Plan does not include projects within the timeframe of the Whatcom County CFP. No projects are currently shown in the City’s 5-year or 20-year planning periods (Personal communication email Erin Osborn to Matt Aamot, July 14, 2009.)

4  PUD #1 Water System Plan does not include a specific year of improvement for capital projects. Projects are prioritized by near term (2004-2010) and long term (2011-2023) projects (October 2004 Comprehensive Water Plan, Public Utility District #1, Donald C. Wright, Consulting Engineer, Chapter 9). For purposes of this CFP, all projects are only listed in the total column.

5  Some projects in the Whatcom County Water District #13 Small Water System Plan (2012) do not have implementation dates.

Amend the “References” section of the Whatcom County 20-Year Capital Facilities Plan (Whatcom County Comprehensive Plan Appendix E) as follows:


Exhibit E

Whatcom County 20-Year Capital Facilities Plan Amendments (School Provisions)

NOTE: For brevity and ease in viewing the proposed changes, portions of the Whatcom County 20-Year Capital Facilities Plan that are not being modified by this ordinance are not shown below. The text and maps that are not shown below are retained as previously adopted.
Amend the “Schools” chapter of the Whatcom County 20-Year Capital Facilities Plan (Whatcom County Comprehensive Plan Appendix E) as follows:

Schools

Overview

This section evaluates the seven public school districts that serve Whatcom County.

Inventory of Current Facilities

Inventories of the school districts’ existing facilities located in Whatcom County are presented in this section. The inventories are summarized below. Each inventory lists the schools in alphabetical order for each level of school (i.e., elementary, middle/junior high) and high/senior high school). The inventory also includes the number of students that each school can accommodate (i.e., its enrollment capacity). Where detailed information is available, enrollment capacity has been broken down into permanent enrollment capacity and portable enrollment capacity (temporary or moveable facilities).

Bellingham School District

The Bellingham School District is the largest school district in the County. The current enrollment capacity of the Bellingham School District can be found in Table 53 below.
### Table 53. Bellingham School District Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Current Enrollment Capacity</th>
<th>Portable Enrollment Capacity</th>
<th>Total Enrollment Capacity</th>
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<tbody>
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<td><strong>Elementary</strong></td>
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<td>Alderwood</td>
<td>338</td>
<td>45</td>
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</tr>
<tr>
<td>Birchwood</td>
<td>203</td>
<td>113</td>
<td>315</td>
</tr>
<tr>
<td>Carl Cozier</td>
<td>360</td>
<td>0</td>
<td>360</td>
</tr>
<tr>
<td>Columbia</td>
<td>225</td>
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<td>225</td>
</tr>
<tr>
<td>Geneva</td>
<td>450</td>
<td>45</td>
<td>495</td>
</tr>
<tr>
<td>Happy Valley</td>
<td>338</td>
<td>90</td>
<td>428</td>
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<tr>
<td>Larabee</td>
<td>158</td>
<td>68</td>
<td>225</td>
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<tr>
<td>Lowell (temporarily closed)</td>
<td>293</td>
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<tr>
<td>Northern Heights</td>
<td>405</td>
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</tr>
<tr>
<td>Parkview</td>
<td>338</td>
<td>23</td>
<td>360</td>
</tr>
<tr>
<td>Roosevelt</td>
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</tr>
<tr>
<td>Silver Beach</td>
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<td>90</td>
<td>360</td>
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<tr>
<td>Fairhaven</td>
<td>650</td>
<td>0</td>
<td>650</td>
</tr>
<tr>
<td>Kulshan</td>
<td>650</td>
<td>25</td>
<td>675</td>
</tr>
<tr>
<td>Shuksan</td>
<td>525</td>
<td>0</td>
<td>525</td>
</tr>
<tr>
<td>Whatcom</td>
<td>450</td>
<td>100</td>
<td>550</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>2,275</strong></td>
<td><strong>125</strong></td>
<td><strong>2,400</strong></td>
</tr>
<tr>
<td><strong>High</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bellingham</td>
<td>1,050</td>
<td>0</td>
<td>1,050</td>
</tr>
<tr>
<td>Sehome</td>
<td>1,000</td>
<td>25</td>
<td>1,025</td>
</tr>
<tr>
<td>Squalicum</td>
<td>1,200</td>
<td>25</td>
<td>1,225</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>3,250</strong></td>
<td><strong>50</strong></td>
<td><strong>3,300</strong></td>
</tr>
<tr>
<td><strong>Total K-12</strong></td>
<td><strong>10,160</strong></td>
<td><strong>648</strong></td>
<td><strong>10,808</strong></td>
</tr>
</tbody>
</table>

Blaine School District

The Blaine School District encompasses the City of Blaine and its UGA, as well as the Birch Bay UGA, and outlying rural areas. The school district inventory of facilities can be found in Table 54 below.

Table 54. Blaine School District Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Permanent Enrollment Capacity</th>
<th>Portable Enrollment Capacity</th>
<th>Total Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blaine (P-2)</td>
<td>440</td>
<td>0</td>
<td>440</td>
</tr>
<tr>
<td><strong>Elementary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blaine (3-5)</td>
<td>580</td>
<td>0</td>
<td>580</td>
</tr>
<tr>
<td>Pt. Roberts (K-2)</td>
<td>60</td>
<td>0</td>
<td>60</td>
</tr>
<tr>
<td><strong>Middle School</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blaine (6-8)</td>
<td>540</td>
<td>0</td>
<td>540</td>
</tr>
<tr>
<td><strong>Senior</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blaine (9-12)</td>
<td>740</td>
<td>0</td>
<td>740</td>
</tr>
<tr>
<td><strong>Total K-12</strong></td>
<td>2,360</td>
<td>0</td>
<td>2,360</td>
</tr>
</tbody>
</table>

Source: City of Blaine Comprehensive Plan, Capital Facilities Element (September 2008).

Ferndale School District

The Ferndale School District encompasses the City of Ferndale, its UGA, and rural areas including the Lummi Reservation and Lummi Island. The Ferndale School District’s current enrollment capacity is listed on Table 55 below.
### Table 55. Ferndale School District Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Permanent Enrollment Capacity</th>
<th>Portable Enrollment Capacity</th>
<th>Current Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elementary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beach</td>
<td>60</td>
<td>0</td>
<td>60</td>
</tr>
<tr>
<td>Central</td>
<td>254</td>
<td>61</td>
<td>315</td>
</tr>
<tr>
<td>Custer</td>
<td>500</td>
<td>0</td>
<td>500</td>
</tr>
<tr>
<td>Eagleridge</td>
<td>300</td>
<td>200</td>
<td>500</td>
</tr>
<tr>
<td>Mountain View</td>
<td>401</td>
<td>99</td>
<td>500</td>
</tr>
<tr>
<td>Cascadia</td>
<td>505</td>
<td>0</td>
<td>505</td>
</tr>
<tr>
<td>Skyline</td>
<td>500</td>
<td>0</td>
<td>500</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>2,520</strong></td>
<td><strong>360</strong></td>
<td><strong>2,880</strong></td>
</tr>
<tr>
<td><strong>Middle</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horizon</td>
<td>650</td>
<td>0</td>
<td>650</td>
</tr>
<tr>
<td>Vista</td>
<td>650</td>
<td>0</td>
<td>650</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>1,300</strong></td>
<td><strong>0</strong></td>
<td><strong>1,300</strong></td>
</tr>
<tr>
<td><strong>High</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ferndale</td>
<td>1,535</td>
<td>0</td>
<td>1,535</td>
</tr>
<tr>
<td>Windward (leased facility)</td>
<td>300</td>
<td>0</td>
<td>300</td>
</tr>
<tr>
<td>Clearview High School (at North Bellingham)</td>
<td>0</td>
<td>60$^1$</td>
<td>60</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>1,835</strong></td>
<td><strong>60</strong></td>
<td><strong>1,895</strong></td>
</tr>
<tr>
<td><strong>Total K-12</strong></td>
<td><strong>5,655</strong></td>
<td><strong>420</strong></td>
<td><strong>6,075</strong></td>
</tr>
</tbody>
</table>

$^1$ Clearview High School also has 1 portable used as an office, and 1 portable used for storage. No student capacity assumed for these 2 portables.

Source: Ferndale Schools Capital Facility Plan and School Impact Fee Ordinance (December 2005); and email correspondence from Shawn Flaherty of Ferndale School District (February 27, 2009 and March 6, 2009).
Lynden School District

The Lynden School District encompasses the City of Lynden and its UGA along with surrounding outlying rural areas. The school district’s current enrollment capacity is listed on Table 56 below.

<table>
<thead>
<tr>
<th>School</th>
<th>Current Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary/Intermediate</td>
<td></td>
</tr>
<tr>
<td>Bernice Vossbeck Elementary (Grades K-5)</td>
<td>369</td>
</tr>
<tr>
<td>Fisher Elementary (Grades K-2)</td>
<td>360</td>
</tr>
<tr>
<td>Isom Intermediate (Grades 3-5)</td>
<td>390</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>1,119</strong></td>
</tr>
<tr>
<td>Middle</td>
<td></td>
</tr>
<tr>
<td>Lynden</td>
<td>550</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>550</strong></td>
</tr>
<tr>
<td>High</td>
<td></td>
</tr>
<tr>
<td>Lynden</td>
<td>550</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>550</strong></td>
</tr>
<tr>
<td><strong>Total K-12</strong></td>
<td><strong>2,219</strong></td>
</tr>
</tbody>
</table>

Note: Lynden School District also provides instruction through the Parent Partnership Program (grades K-12). This program is housed in leased facilities and therefore not included in the District’s inventory of permanent facilities.

1 Capacity figure includes 1 portable classroom at both Fisher and Isom Elementaries.
2 Enrollment capacity includes 4 portable classrooms.
3 Enrollment capacity includes 6 portable classrooms.

Source: Lynden School District No. 504 Six Year Capital Facilities Plan (June 2006)
Meridian School District

The Meridian School District is mostly rural with only a portion of its southernmost boundaries contained within a portion of the Bellingham’s UGA. The school district’s inventory of current enrollment capacity can be found in Table 57 below.

Table 57. Meridian School District Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Permanent Enrollment Capacity</th>
<th>Portable Enrollment Capacity</th>
<th>Total Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elementary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Irene Reither Primary (grades K-3)</td>
<td>380</td>
<td>100</td>
<td>480</td>
</tr>
<tr>
<td>Ten Mile Creek (Grades 4-5)</td>
<td>164</td>
<td>100</td>
<td>264</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>544</strong></td>
<td><strong>200</strong></td>
<td><strong>744</strong></td>
</tr>
<tr>
<td><strong>Middle</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meridian Middle School</td>
<td>494</td>
<td>0</td>
<td>494</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>494</strong></td>
<td><strong>0</strong></td>
<td><strong>494</strong></td>
</tr>
<tr>
<td><strong>High</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meridian High School</td>
<td>460</td>
<td>50</td>
<td>510</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>460</strong></td>
<td><strong>50</strong></td>
<td><strong>510</strong></td>
</tr>
<tr>
<td><strong>Total K-12</strong></td>
<td><strong>1,498</strong></td>
<td><strong>250</strong></td>
<td><strong>1,748</strong></td>
</tr>
</tbody>
</table>

Mount Baker School District

The Mount Baker School District serves the Columbia Valley UGA and rural areas in eastern Whatcom County. The current enrollment capacity and inventory of facilities is shown in Table 58 below.

Table 58. Mount Baker School District Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Permanent Enrollment Capacity</th>
<th>Portable Enrollment Capacity</th>
<th>Total Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elementary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acme</td>
<td>206</td>
<td>66</td>
<td>274 272</td>
</tr>
<tr>
<td>Harmony</td>
<td>300</td>
<td>44</td>
<td>407 344</td>
</tr>
<tr>
<td>Kendall</td>
<td>412</td>
<td>176</td>
<td>574 688</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>918</td>
<td>286</td>
<td>1,255 1,204</td>
</tr>
<tr>
<td><strong>Junior High</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mount Baker</td>
<td>275</td>
<td>0</td>
<td>428 275</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>275</td>
<td>0</td>
<td>428 275</td>
</tr>
<tr>
<td><strong>Senior High</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mount Baker</td>
<td>1,175</td>
<td>0</td>
<td>944 775</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>1,175</td>
<td>0</td>
<td>944 775</td>
</tr>
<tr>
<td><strong>Total K-12</strong></td>
<td>2,368</td>
<td>286</td>
<td>2,627 2,654</td>
</tr>
</tbody>
</table>

Nooksack Valley School District

The Nooksack Valley School District encompasses the cities of Everson, Nooksack, Sumas, and their associated UGAs, as well as surrounding rural areas. The school district’s most recent inventory and enrollment capacity can be found in Table 59 below.

<table>
<thead>
<tr>
<th>School</th>
<th>Current Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sumas</td>
<td>320</td>
</tr>
<tr>
<td>Nooksack</td>
<td>360</td>
</tr>
<tr>
<td>Everson</td>
<td>300</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>980</strong></td>
</tr>
<tr>
<td><strong>Middle</strong></td>
<td></td>
</tr>
<tr>
<td>Nooksack Valley Middle School</td>
<td>762</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>762</strong></td>
</tr>
<tr>
<td><strong>Senior</strong></td>
<td></td>
</tr>
<tr>
<td>Nooksack Valley High</td>
<td>960</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>960</strong></td>
</tr>
<tr>
<td><strong>Total K-12</strong></td>
<td><strong>2,702</strong></td>
</tr>
</tbody>
</table>

*Note: Capacity figures based on ratio of 20 students per room (K-3), 25 students per room (4-6), 30 students per room (7-12), and 12 handicapped students per room (K-12).*

*Source: Cities of Everson, Nooksack, and Sumas Comprehensive Plan Capital Facilities Element*

Level of Service Capacity Analysis

An LOS capacity analysis was applied to each County school district based on a student to household ratio that was developed by comparing 2008 Office of Superintendent of Public Instruction enrollment numbers to 2008 estimates of households by school district. The results, expressed in the number of students a school is able to accommodate based on the enrollment capacity inventories noted above are shown in Table 60 and 61 below. Where numbers are shown as positive, a school district is projected to have a net reserve of school capacity in terms of the number of students it can accommodate in existing classroom space. Where numbers are shown in the negative, a school district is projected to have a deficit of school capacity in terms of the number of students it can accommodate in existing classroom space.

Enrollment projections are affected by demographic trends (i.e., aging population in many areas, or larger college-age populations in others); and changing trends in alternative school methods including but not limited to home schooling, Running Start program, and online schooling. In order to provide a projection extending to the 2029 time frame, Whatcom County has utilized a straight-line method of projecting forward existing student to household ratios which are more
likely to provide larger enrollment projections into the future since they do not take into account the factors mentioned above. For example, the 2015 LOS analysis in Table 60 below is predicated on an assumption of increased enrollment in all school districts shown. However, in comparison, the Office of the Superintendent of Public Instruction (OSPI) six year projections to 2014 indicate that the Bellingham, Ferndale, and Mount Baker school districts should all expect some decrease in enrollment over that time period (OSPI website: http://www.k12.wa.us/SchFacilities/Programs/EnrollmentProjections.aspx; accessed on July 29, 2009).

The 2015 LOS analysis shows that Bellingham, Blaine and Lynden school districts experience net capacity deficits within the 2015 timeframe. Although Bellingham School District shows a net student capacity deficit in 2015, it should be noted that OSPI projects Bellingham’s student enrollment to actually decline between 2009 and 2014, rather than increase (OSPI website, July 2009). The Blaine School District shows a minor projected deficit in 2015 of three students. School Districts can address any deficiencies that they have by providing additional capacity projects, as noted in the next section, by adding temporary classroom spaces (e.g. portable classrooms), or by increasing the number of students accommodated in a classroom (adjusting LOS standards).

Table 60. Whatcom County School District 2015 Level of Service Analysis: Student Capacity

<table>
<thead>
<tr>
<th>School District</th>
<th>Student/ Household Ratio</th>
<th>2015 School Facility LOS (Students)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>0.263</td>
<td>(34)</td>
</tr>
<tr>
<td>Blaine</td>
<td>0.372</td>
<td>(3)</td>
</tr>
<tr>
<td>Ferndale</td>
<td>0.528</td>
<td>181</td>
</tr>
<tr>
<td>Lynden</td>
<td>0.466</td>
<td>(491)</td>
</tr>
<tr>
<td>Meridian</td>
<td>0.565</td>
<td>515</td>
</tr>
<tr>
<td>Mount Baker</td>
<td>0.3220.342</td>
<td>790447</td>
</tr>
<tr>
<td>Nooksack Valley</td>
<td>0.567</td>
<td>888</td>
</tr>
</tbody>
</table>

1 LOS analysis compares the student capacity of school districts to projected enrollment. Where information is available, it includes portable facilities.
2 The LOS analysis for Bellingham School District accounts for the addition of 450 student capacity over existing inventory that are included in the district’s 6-year capital facilities plan (Bellingham School District, 2009).
3 The LOS analysis for Blaine School District accounts for the addition of 180 student capacity resulting from upgrades to the high school building (personal communication, Jim Kenoyer, Blaine School District, August 5, 2009).
4 The LOS analysis for Lynden School District accounts for the addition of 396 student capacity over existing inventory that are included in the district’s 6-year capital facilities plan (Lynden School District).
5 The LOS analysis for the Meridian School District accounts for the additional 324 permanent student capacity over existing inventory that are included in the district’s 6-year capital facilities plan (Meridian School District, 2009), as well as 400 student capacity in the form of portables (personal communication, Timothy Yeomans, Meridian School District, July 20, 2009).

Source: ICF-Jones & Stokes

Table 61 below shows school district LOS capacity in 2029. As can be seen by this analysis, deficits are experienced in the same three school districts by 2029, only the deficits are larger. School districts can address deficiencies through additional capacity projects during the planning.
period, by adding temporary classroom spaces (e.g. portable classrooms), or by increasing the number of students accommodated in a classroom (adjusting I.O.S standards).

**Table 61. Whatcom County School District 2029 Level of Service Analysis: Student Capacity**

<table>
<thead>
<tr>
<th>School District</th>
<th>Student/ Household Ratio</th>
<th>2029 School Facility</th>
<th>LOS (Students)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>0.263</td>
<td></td>
<td>(2,037)</td>
</tr>
<tr>
<td>Blaine</td>
<td>0.372</td>
<td></td>
<td>(282)</td>
</tr>
<tr>
<td>Ferndale</td>
<td>0.528</td>
<td></td>
<td>407</td>
</tr>
<tr>
<td>Lynden</td>
<td>0.466</td>
<td></td>
<td>(853)</td>
</tr>
<tr>
<td>Meridian</td>
<td>0.565</td>
<td></td>
<td>240</td>
</tr>
<tr>
<td>Mount Baker</td>
<td>0.3220-342</td>
<td>596262</td>
<td></td>
</tr>
<tr>
<td>Nooksack Valley</td>
<td>0.567</td>
<td></td>
<td>434</td>
</tr>
</tbody>
</table>

1. LOS analysis compares the student capacity of school districts to projected enrollment. Where information is available, it includes portable facilities.
2. The LOS analysis for Bellingham School District accounts for the additional 450 student capacity over existing inventory that are included in the district’s 6-year capital facilities plan (Bellingham School District, 2009).
3. The LOS analysis for Blaine School District accounts for the addition of 180 student capacity resulting from upgrades to the high school building occurring in the six-year planning period, as well as the addition of 600 more student capacity arising from a new elementary school planned for late in the 2029 planning period (personal communication, Jim Kenoyer, Blaine School District, August 5, 2009).
4. The LOS analysis for Ferndale School District accounts for the additional 1,750 student capacity over existing inventory that are included in the 7-20 year period in the district’s 2005 Capital Facilities Plan (Ferndale School District, 2005). There are no capacity projects identified in the 6-year planning period.
5. The LOS analysis for Lynden School District accounts for the additional 396 student capacity over existing inventory that are included in the district’s 6-year capital facilities plan (Lynden School District).
6. The LOS analysis for the Meridian School District accounts for the additional 324 permanent student capacity over existing inventory that are included in the district’s 6-year capital facilities plan (Meridian School District, 2009), as well as 400 student capacity in the form of portables (personal communication, Timothy Ysomans, Meridian School District, July 20, 2009).

Source: ICF-Jones & Stokes

**Capital Projects and Funding**

Table 62 below outlines the County school district projects planned in the 2010-2015 and the longer term 2016-2029 timeframes. Several of the capital projects below add to individual school district enrollment capacities and are accommodated in the LOS analysis above. However, detail on the capacity increases available, particularly for the latter part of the planning period, is not available from all school districts at this time.

**Capital Project Funding**

School Districts in Washington State fund capital improvements with both State and local dollars. Local capital financing is usually achieved through two primary mechanisms. The first is an excess property tax levy, in which residents of the school district vote to finance a capital bond with an increase in property taxes. In this case, the annual bond cost is spread equally over the life of the bond. Therefore, if property values increase over time the levy rate necessarily declines to generate the same annual revenue.
The second financing tool is a school impact fee, which is designed to recover costs from new development for the facility improvements necessary because of that development. This fee is usually charged to new residential development based on the average students generated per household.

Additional comments on the School Districts’ Comprehensive Plans are discussed below:

- **Meridian School District** - The District relies heavily on issuing bonds and receiving state matches to fund capital projects. As of May 2006, the District total debt is $3.6 million, and it has $28.5 million in additional borrowing capacity.

- **Mt. Baker School District** - The District relies on reserves, a levy, timber revenue and state grants almost entirely on voted bonds to fund capital improvements. As of January 2005, the District has $32.5 million in additional voted debt borrowing capacity, and $2.1 million in non-voted capacity.

- **Lynden School District** - The District is relying heavily on voted bonds and corresponding state matches to fund its capital facilities.

- **Ferndale School District** - The school relies on bonds and state matches to fund capital improvements, but would like to implement school impact fees.

- **Bellingham School District** - Although the District mostly relies on secured local funding, it does sometimes rely on voted bonds to supplement local funding.

**Bellingham School District**

According to the Bellingham School District No. 501 2009-2015 Capital Facilities Plan, new growth over the next six years will create the need to complete one new elementary school. The new elementary school is planned on Aldrich Road. This new elementary school is expected to add 450 students to the district’s permanent capacity. A 2006 Bond measure approved by the district’s voters provided funding for the new elementary school.

An extensive review of existing facilities will be conducted as part of any future bond issue. During that process, the district will reevaluate enrollment projections and identify additional capacity enhancement projects (Bellingham School District CFP, July 2009). In addition, Bellingham School District staff reviewed preliminary population and student generation information developed during the planning process. To accommodate a student population in the range of 13,200 to 13,300, which is approximately the number of students associated with the Bellingham population projection, the district estimated that it would need a total of two new elementary schools in addition to the Aldrich Road elementary noted above; one new middle school, and one new high school. The District further estimated that these capital improvements would cost the district approximately $95 million in 2009 dollars (Personal communication, Ron Cowan to Matt Aamot, May 15, 2009).

The District plans to rely less heavily on portable classrooms than it currently does. Therefore, the additional schools noted in the long-range planning period are expected to accommodate most of additional student capacity, although estimates of the amount of capacity provided by each
facility are not currently available. The District will continue to actively monitor enrollment projections and respond by programming additional projects as needed.

**Blaine School District**

The Blaine School District’s December 2007 Study and Survey indicates that the city has plans to purchase a school site in the Birch Bay area that will allow for future expansion of K-12 education facilities beyond the single 38-acre campus that the district owns in Blaine (Kenoyer pers. comm.). The December 2007 Study and Survey also includes projects related to the modernization and expansion of the existing high school (expected to add 23 general classrooms), conversion of primary school playsheds to classrooms, elementary school additions, and gym conversion and modernization for the Middle School. The District expects that improvements to the high school will provide additional capacity of up to 180 students in the six-year planning period (Kenoyer pers. comm., August 5, 2009). In addition, the District also has longer-term plans for the construction of a new elementary school in the latter part of the District’s 20-year planning horizon that will provide capacity for an additional 600 students (Kenoyer pers. comm., August 5, 2009). The Study and Survey identifies projects and costs in the six year planning period.

**Ferndale School District**

The Ferndale School District does not have any capacity projects identified within the 6-year planning period. However, with portable capacity, the district expects to accommodate its 2015 student population. The Ferndale School District has plans to construct one elementary and one high school during the 7-20 year planning period. These projects are expected add approximately 1,750 classroom capacity spaces and result in the projected enrollment capacity surplus identified in Table 61.

**Lynden School District**

The Lynden School District has plans to construct one middle school during the planning period. This project, which occurs in the six-year planning period, will add space for approximately 300 students to the district’s enrollment capacity. In addition, the district’s Six-Year Capital Facilities Plan (June 2006) identifies an additional capacity of 60 students resulting from the Fisher Elementary modernization project, and an additional 36 students resulting from the Isom Elementary expansion project. Additional capacity for projects outside the six-year planning period are not identified in the district’s adopted Six-Year Capital Facilities Plan. However, the district indicates that construction of a middle school to replace the current middle school, and construction of an additional elementary school that could accommodate up to 400 additional students are projects that the district is considering in the long-term (personal communication, Rick Thompson, Lynden School District. July 30, 2009). The district is not planning to rely on portable classroom capacity except for emergencies or to accommodate unexpected growth. The district did note that current student enrollment projections for the district are lower than shown in this Plan. However, the district will continue to monitor growth trends and respond to changes in projections accordingly.
Meridian School District

The Meridian School District plans to construct additions to two of its schools during the planning period. The district divides its improvements into Phase 1 (completion in 2-7 years), and Phase 2 (completion in 8 to 25 years). Planned additions in Phase 1 include construction of instruction space at Meridian High School, and acquisition of land for a new elementary school. Phase 1 also includes upgrades and modernizations to Meridian High School, Irene Reither Primary School, and Ten Mile Creek. Phase 1 improvements are expected to provide additional capacity for 144 elementary students and 180 additional high school students (Meridian School District No. 505 Capital Facilities Plan 2009-2015, Adopted June 2009, page 7). The District also plans to address additional student capacity needs in the six-year period through acquisition of portables that could accommodate up to 400 additional students (personal communication, Timothy Yeomans, Meridian School District, July 30, 2009). Phase 2 improvements, beyond the six-year planning period include a remodel that includes additional classroom space at Meridian Middle School, as well as construction of a new elementary school. Phase 2 also includes upgrade and modernization projects. However, the district’s 2009-2015 Capital Facilities Plan does not identify the amount of capacity expected to be provided by these longer term projects. The District will continue to actively monitor enrollment projections and respond by programming additional projects as needed.

Mount Baker School District

The Mount Baker School District Capital Facilities Plan (May 2013) indicates that the District has adequate classroom space to serve projected student enrollment through the entire 20-year planning period (p. 12). While the District does not plan to add classroom space, it does plans to invest in facility improvements, maintenance and technology upgrades. The Mount Baker School District Six-Year Capital Facility Plan (February 2006) indicates that due growth potential over the six-year planning period the district may need to construct an additional elementary school. A 2006 Study and Survey prepared for the district indicates that the district also plans to construct an addition to one of its schools during the planning period. The district is not projected to have an enrollment deficit in 2015. However, the capacity projects noted above are expected to achieve the enrollment surplus noted in Table 61. The district may have longer term capacity projects which it has not yet identified during its current planning cycle.

Nooksack Valley School District

The Nooksack Valley School District is currently in the process of updating its 1998 Capital Facilities Plan. The district has no plans for new schools or additional facility capacity at this time. The district has not experienced increases in enrollment capacity in recent years, and the district is currently in process of updating its CFP facilities plan for the first time since 1998. The outcome of the current district planning effort may result in new capital projects which would most likely be improvements to existing facilities in the latter part of the district’s 6-year planning period. The Whatcom County 2029 CFP projections will help inform the district’s future capital facility planning (Silvas pers. comm.).
### Table 62. School District Capital Projects

<table>
<thead>
<tr>
<th>Project Costs/Revenue (thousands $)</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016-2029</th>
<th>Total</th>
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<td></td>
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<td>14,300</td>
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<td>Elementary #9 – Site Acquisition</td>
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<td>2011</td>
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<td>2013</td>
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<td>2015</td>
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<td>Total</td>
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<td>Elementary Classroom additional and related common area improvement at Irene Reither/Ten Mile Creek</td>
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<td>Revenue State match, bonds, mitigation/impact fees</td>
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<td></td>
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<tr>
<td>Revenue State match, bonds, mitigation/impact fees</td>
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Exhibit E – 20-Year CFP Amendments (Schools)
Planning Commission Recommendation – September 26, 2013

<table>
<thead>
<tr>
<th>Project Costs/Revenue (thousands $)</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016-2029</th>
<th>Total</th>
</tr>
</thead>
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<td>Various Portables</td>
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<td>Cost</td>
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<td></td>
</tr>
<tr>
<td>Revenue Bonds, mitigation/impact fees</td>
<td>75</td>
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<td>75</td>
<td></td>
<td>75</td>
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</table>

Mount Baker School District 2

<table>
<thead>
<tr>
<th>Facility improvements, maintenance and technology upgrades</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016-2029</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Expand and modernize Mt. Baker Junior High School – Phase 1</td>
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<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>4,000 to 9,000</td>
<td>7,000 to 12,000</td>
<td></td>
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</tr>
</tbody>
</table>

Expand and modernize Mt. Baker Junior High School – Phase 2

Nooksack Valley School District

| No Projects Currently Identified 3 |      |      |      |      |      |      |            |       |

---

1 The Blaine School District does not have a CFP that identifies project costs and revenues. The district has a State Study and Survey which is described in the narrative above. The State Study and Survey identifies projects and their costs in summary fashion. For that reason, project dollars are only shown in the total column.

2 The Mount Baker School District CFP indicates that the District plans to invest between $7 million and $12 million in capital facility improvements, maintenance and technology projects from 2012-2022. The Mount Baker School District Superintendent indicated on June 18, 2013 that approximately $1,000,000 of this amount would be invested each year from 2013-15. The Mount Baker School District’s CFP does not identify project costs and revenues. The district has a State Study and Survey which is described in the narrative above. Although the State Study and Survey identifies projects it does not identify costs and revenues for all projects. The Mount Baker School District did not engage in a formal process of adopting the Study & Survey document, but it is used by the District as a planning guide. For these reasons, projects are shown in this table without costs.

3 The Nooksack School District does not have a CFP. The district has hired someone to prepare a survey of facilities as of July 2009. The district does not have any projects planned, except maintenance, in the foreseeable future. (Personal communication email from Erin Osborn to Matt Aamot, July 14, 2009.)
Exhibit F

Whatcom County 20-Year Capital Facilities Plan Amendments (Fire Protection Provisions)

NOTE: For brevity and ease in viewing the proposed changes, portions of the Whatcom County 20-Year Capital Facilities Plan that are not being modified by this ordinance are not shown below. The text and maps that are not shown below are retained as previously adopted.
Amend the “Executive Summary” chapter of the Whatcom County 20-Year Capital Facilities Plan (Whatcom County Comprehensive Plan Appendix E) as follows:

Fire Protection

Most fire districts in Whatcom County do not have their own adopted capital facility plans. In some cases, districts have recently been reorganized or consolidated into fire protection authorities. However, the cities of Bellingham and Lynden fire departments both have adopted capital facilities plans, and North Whatcom Fire and Rescue, Fire District 7, Fire District 8 and Fire District 14 have recently-adopted CFPs addressing their facility needs.

Whatcom County adopted a level of service standard in 2011 based upon response times and fire ratings. There will necessarily be a transition period in which the County will work with the fire districts to develop or amend CFPs in accordance with the new county-wide LOS standards. For capital facility planning purposes, fire districts that have not yet developed or amended CFPs in accordance with the County’s adopted LOS standards are evaluated under a square feet per emergency incident method of calculating LOS.

The square feet per emergency incident method is utilized for fire protection LOS analysis in this CFP for fire districts that have not yet developed or updated their plans to address the county-wide LOS standards adopted by the County in 2011. Based upon information provided by the County Fire Marshal’s Office, all five fire districts serving urban areas that were evaluated under the incident per square foot method are expecting to have future deficit in capital facilities by 2029. Most fire districts serving rural areas are also expected to have capital facility deficits by 2029 based on this analysis. The exceptions are Fire District 18 and Fire District 5 both of which show small facility surpluses in 2029.

The County adopted county-wide fire level of service standards based upon response times and fire ratings in 2011. The Fire District 7, Fire District 8 and Fire District 14 CFPs were developed to meet the new LOS standards. The County may incorporate by reference fire district CFPs as they are adopted or amended in accordance with the new county-wide LOS standards. The Capital Facilities Implementation section of this CFP identifies measures that service providers without adopted or amended CFPs can take to address any identified deficiencies.
Amend the “Fire Protection” chapter of the Whatcom County 20-Year Capital Facilities Plan (Whatcom County Comprehensive Plan Appendix E) as follows:

Fire Protection

Overview

The County is served by 15 different fire departments or districts, 13 of which serve unincorporated portions of the County:

- City of Bellingham
- Fire District 7
- Fire District 17
- City of Lynden
- Fire District 8
- Fire District 18
- Fire District 1
- Fire District 11
- Glacier Fire District 19
- Fire District 4
- Fire District 14
- North Whatcom Fire and Rescue (Fire District 21)
- Fire District 5
- Fire District 16
- South Whatcom Fire Authority

The cities of Bellingham and Lynden have their own fire departments. Fire District 7 serves the City of Ferndale and the Cherry Point UGA. North Whatcom Fire and Rescue (Fire District 21) serves the City of Blaine and the Birch Bay UGA. Fire District 14 serves the City of Sumas and the Columbia Valley UGA. Fire District 1 serves the cities of Everson and Nooksack.

Each city and fire protection district is assigned a numeric fire protection rating (a Class 1 rating is considered best) by the Washington Surveying and Ratings Bureau. Insurance companies fund the Bureau to perform on-site inspections of fire districts to determine the rating. The Bureau analyzes five areas: average response time, water supply, communication network, schedule of fire inspections, and existing conditions of fire stations. Fire station evaluations focus on the age of vehicles, amount of personnel training, and whether the facilities are staffed or not. Insurance companies use the fire protection rating to help determine insurance rates on all fire insurance policies. Quality of fire service can have a significant impact on fire insurance rates with the greatest impact experienced by commercial occupancies.

In addition to fire protection services, the agencies listed here provide responses to medical emergencies. In fact, EMS calls account for 75% of the responses by most fire protection agencies.

A countywide 911 dispatch system is jointly operated by the City of Bellingham Fire and Police Departments and administered by a countywide governmental board called “What-Comm Administrative Board” (Boyd pers. comm.).
Inventory of Current Facilities

Table 74 summarizes the capital facilities for each fire district. It also includes each district’s fire rating and service population. Unless otherwise stated, the 2008 population is based on estimates prepared for the CFP update process.

**Table 74. Fire Facilities Inventory**

<table>
<thead>
<tr>
<th>Fire Protection Provider</th>
<th>Number of Stations</th>
<th>Fire Rating ¹</th>
<th>Fire Units ²</th>
<th>EMS Services (Y/N)</th>
<th>Service Area Population (2008)</th>
<th>Serves UGA (Y/N)</th>
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<td>City of Bellingham</td>
<td>8 ³</td>
<td>3</td>
<td>22</td>
<td>Y</td>
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<td>6</td>
<td>Y</td>
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<td>North Whatcom Fire &amp; Rescue (District 21)</td>
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<td>32</td>
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<td>Fire District 1</td>
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<td>8T ⁶</td>
<td>10 ⁷</td>
<td>Y</td>
<td>8,460</td>
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<td>Fire District 4</td>
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<td>6</td>
<td>13</td>
<td>Y</td>
<td>8,600 ⁸</td>
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<td>Fire District 5</td>
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<td>6</td>
<td>Y</td>
<td>1,370</td>
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<td>Fire District 7</td>
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<td>4</td>
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<td>N ¹¹</td>
</tr>
<tr>
<td>South Whatcom Fire Authority</td>
<td>6</td>
<td>N/A ¹²</td>
<td>26</td>
<td>Y</td>
<td>13,000 ¹³</td>
<td>Y</td>
</tr>
</tbody>
</table>

N/A = Not Available; Y/N = Yes or No

1 Fire rating is based upon the Washington Surveying and Ratings Bureau (WSRB). Insurance companies use the Bureau's ratings to help determine insurance rates or all fire insurance policies.

2 Fire units include fire and/or emergency response units such as fire engines, water tenders, and medic units.

3 Two of the 8 stations are medic stations that serve unincorporated areas of the County, one serving northwest and the other north and east of the Bellingham city limits. Station 1 also houses the countywide fire/EMS dispatch center. (Boyd, Bill, Fire Chief, Bellingham Fire Department, personal communication, April 14, 2009 email.)

4 Includes 3 career fire stations and 7 volunteer fire stations. Source: North Whatcom Fire and Rescue Capital Facilities Plan, August 2009, Exhibit 1).

5 Source: North Whatcom Fire and Rescue Capital Facilities Plan, August 2009

6 This indicates a tanker rating, which means that the rating is achieved through additional water for fire flow provided from tanker trucks (Personal email communication from Erin Osborn to Matt Aamot, July 14, 2009).

7 Per email communication from Erin Osborn to Matt Aamot (July 14, 2009), this figure includes 3 fire engines with 1,000 gallon water tanks, 2 tanker trucks with 3,000 gallon capacity (water delivery at 1,000 gallons per minute), 3 aid cars, and 2 rescue boats.

8 Personal communication, Email from Bill McLaughlin to Matt Aamot, on February 25, 2009.

9 Fire rating for Cherry Point is 6 and fire rating for Ferndale is 5 (Personal communication between Gary Russell and Alex Cleanthous, July 1, 2009)

10 The WSRB ratings vary within Fire District 14 from 6 (in Sumas) to 10 (in outlying areas), depending on location and type of structure.

11 Although Glacier Fire District 19 does not specifically serve the Columbia Valley UGA, it is part of a mutual aid agreement that would provide back-up to Fire District 14 which does include the Columbia Valley UGA within its service area.
Level of Service Capacity Analysis

Methods that can be used to determine LOS for fire districts include square feet per emergency incident, response time and fire ratings. Whatcom County adopted a LOS standard tied to response time and fire ratings in 2011. Fire district capital facility plans submitted in 2011 or later will be reviewed against the new county-wide LOS standards. For capital facility planning purposes, a method that ties fire and EMS response incidents to projected population, employment, and/or land use (square feet per incident) is being utilized for fire districts until they develop new capital facility plans that meet the adopted County LOS standard.

Whatcom County will consider adoption of fire district capital facility plans by reference into the Whatcom County Comprehensive Plan, as they are approved by the districts.

Square Feet per Incident

This Capital Facilities Plan will rely on analysis based on a square feet per incident for fire districts that have not yet adopted or revised their capital facility plans to meet the County LOS standard. The methodology in the plan is based upon review of records received from the Whatcom County Fire Marshal’s Office for Fire Districts. These records include 2008 existing square feet of fire district facilities, and calls for fire and aid service for the years 2006-2008 were used to provide average annual calls for service per district. This information and a LOS methodology are outlined in Table 75 below.

A review of the Fire District LOS analysis provided in Table 76a below indicates that all districts serving urban growth areas that were evaluated under the square feet per incident method would have a fire facility deficit by 2029, if new facilities were not added.
Table 75. Level of Service Standard for Fire Districts: Square Feet per Incident

<table>
<thead>
<tr>
<th>Fire District</th>
<th>Total Facility Size (2008) (Square Feet)</th>
<th>Average Annual Calls For Fire and Aid Service (2006-2008)</th>
<th>Square Feet Per Incident</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Districts serving UGA and Rural Areas</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire District 1</td>
<td>17,008</td>
<td>682.3</td>
<td>24.93</td>
</tr>
<tr>
<td>Fire District 4</td>
<td>25,314</td>
<td>531.3</td>
<td>47.64</td>
</tr>
<tr>
<td>Fire District 8</td>
<td>28,460</td>
<td>1,026.3</td>
<td>27.76</td>
</tr>
<tr>
<td>North Whatcom Fire and Rescue</td>
<td>72,422</td>
<td>2,362.3</td>
<td>30.66 ¹</td>
</tr>
<tr>
<td>South Whatcom Fire Authority</td>
<td>35,418</td>
<td>734</td>
<td>48.25</td>
</tr>
<tr>
<td><strong>Districts serving only Rural Areas</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire District 5</td>
<td>8,250</td>
<td>134.0</td>
<td>61.57</td>
</tr>
<tr>
<td>Fire District 11</td>
<td>4,200</td>
<td>60.67</td>
<td>69.23</td>
</tr>
<tr>
<td>Fire District 16</td>
<td>9,100</td>
<td>121.3</td>
<td>75.0</td>
</tr>
<tr>
<td>Fire District 17</td>
<td>6,892</td>
<td>89.7</td>
<td>76.86</td>
</tr>
<tr>
<td>Fire District 18</td>
<td>5,400</td>
<td>118.7</td>
<td>45.51</td>
</tr>
<tr>
<td>Fire District 19</td>
<td>3,600</td>
<td>84.0</td>
<td>42.86</td>
</tr>
</tbody>
</table>

¹ North Whatcom Fire and Rescue prepared a draft Capital Facilities Plan (undated) that was reviewed and evaluated as part of the preparation of the Capital Facilities Plan. This undated version of the District’s draft CFP included a square foot per incident measurement as one of many factors reviewed in evaluating the District’s ability to respond to emergency incidents, whether fire or medical (Square feet per incident for North Whatcom Fire and Rescue was listed as 35.64 in the undated draft). Since that time, North Whatcom Fire and Rescue has prepared and adopted an updated Capital Facilities Plan (dated August 15, 2009) which does not utilize a square footage per incident analysis. The updated methodology relies on response time and fire station geographic coverage to arrive at a number of stations and apparatus needed to maintain recent ratios to existing development. Most fire districts in Whatcom County do not currently have this information. For this reason, and to ensure consistency of analysis, the North Whatcom Fire and Rescue Square Feet per Incident in Table 75 utilizes the information obtained from the Whatcom County Fire Marshal’s Office.


Table 76a indicates that all fire districts serving urban growth areas that were evaluated under the square feet per incident method are projected to experience deficits in 2029. With the exception of Fire District 4, all fire districts serving urban areas also have higher fire facility deficits than their rural counterparts in 2029. All rural fire districts, with the exception of Fire Districts 5, and 18 are expected to have facility deficits in 2029. All fire districts can reduce these anticipated fire facility deficits with capital facility projects that maintain or replace facilities and equipment in the 2009-2029 planning period.

Response Time/Fire Rating

Whatcom County adopted the following level of service standards in 2011:

Urban levels of service for fire protection shall be a response time of 8 minutes 80% of the time when the department covering the urban area has staffed the fire station. When
the fire station is not staffed the response time shall be 10 minutes 80% of the time, or a WSRB Rating of a 6.

Rural levels of service for fire protection shall be a response time of 12 minutes 80% of the time when the department covering the rural area has staffed the fire station. When the fire station is not staffed the response time shall be 14 minutes 80% of the time, or a WSRB Rating of an 8.

Staffed stations shall be a fire station that is staffed 24 hours a day 7 days a week 365 days a year. Staff may be paid, volunteer, or combination of the two.

There will necessarily be a transition period in which the County will work with fire districts to develop capital facility plans that meet the adopted LOS standards. Fire district capital facility plans that have been developed utilizing the County LOS are shown in Table 76b below.

### Table 76a. Fire District Level of Service Analysis-Square Feet Per Incident

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Districts serving UGA and Rural Areas</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Fire District 1</td>
<td>682.3</td>
<td>0.08</td>
<td>17,008</td>
<td>24.93</td>
<td>(4,952)</td>
</tr>
<tr>
<td>Fire District 4</td>
<td>531.3</td>
<td>0.05</td>
<td>25,314</td>
<td>47.64</td>
<td>(2,428)</td>
</tr>
<tr>
<td>Fire District 8</td>
<td>4,026.3</td>
<td>0.47</td>
<td>28,460</td>
<td>27.76</td>
<td>(8,424)</td>
</tr>
<tr>
<td>North Whatcom Fire</td>
<td>2,362.3</td>
<td>0.10</td>
<td>72,422</td>
<td>30.66</td>
<td>(37,498)</td>
</tr>
<tr>
<td>Fire and Rescue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Whatcom Fire</td>
<td>734</td>
<td>0.05</td>
<td>35,418</td>
<td>48.25</td>
<td>(3,308)</td>
</tr>
<tr>
<td>Fire Authority</td>
<td></td>
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<tr>
<td><strong>Districts serving only Rural Areas</strong></td>
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<tr>
<td>Fire District 5</td>
<td>134.0</td>
<td>0.07</td>
<td>8,250</td>
<td>61.57</td>
<td>549</td>
</tr>
<tr>
<td>Fire District 11</td>
<td>60.67</td>
<td>0.04</td>
<td>4,200</td>
<td>69.23</td>
<td>(1,164)</td>
</tr>
<tr>
<td>Fire District 16</td>
<td>121.3</td>
<td>0.12</td>
<td>9,100</td>
<td>75.0</td>
<td>(1,853)</td>
</tr>
<tr>
<td>Fire District 17</td>
<td>89.7</td>
<td>0.06</td>
<td>6,892</td>
<td>76.86</td>
<td>(2,855)</td>
</tr>
<tr>
<td>Fire District 18</td>
<td>118.7</td>
<td>0.05</td>
<td>5,400</td>
<td>45.51</td>
<td>85</td>
</tr>
<tr>
<td>Fire District 19</td>
<td>84.0</td>
<td>0.05</td>
<td>3,600</td>
<td>42.86</td>
<td>(380)</td>
</tr>
</tbody>
</table>

1 Fire districts that have not developed capital facility plans that incorporate the county-wide level of service standard for fire protection, adopted in 2011, are included in Table 76a. The steps used to calculate the results are as follows:


b) Determine square feet per incident: Current square footage of fire stations supplied by Whatcom County Fire Marshal / Average calls for service 2006-2008

c) Calculate 2029 incidents: Future 2029 population of each district (Appendix D x incidents per capita

d) Calculate square footage required: 2029 estimated incidents x Square feet per incident
e) Compare to square footage available: 2008 inventory of fire station square footage supplied by Whatcom County Fire Marshal

f) Calculate Reserve (Deficit): Square footage available – square footage required

2 The district’s own population estimate of 2008 population (28,246) is higher and was developed based on 2000 U.S. Census calculation of district population plus the City of Blaine, which annexed to the district in 2004 (District Plan, p. 3). Population estimates prepared for the CFP analysis indicate a lower population including Blaine of 23,570. If assuming the higher population, the incident per capita would be 0.08. For a conservative analysis the higher 0.10 rate was applied to the future growth numbers. If using the District’s 2008 population as a base and the net increase of each alternative, the results would be 15% lower than the square footage estimates above.

3 North Whatcom Fire and Rescue prepared a draft Capital Facilities Plan (undated) that was reviewed and evaluated as part of the preparation of the Capital Facilities Plan. This undated version of the District’s draft CFP included a square foot per incident measurement as one of many factors reviewed in evaluating the District’s ability to respond to emergency incidents, whether fire or medical (Square feet per incident for North Whatcom Fire and Rescue was listed as 35.64 in the undated draft). Since that time, North Whatcom Fire and Rescue has prepared and adopted an updated Capital Facilities Plan (dated August 15, 2009) which does not utilize a square footage per incident analysis. The updated methodology relies on response time and fire station geographic coverage to arrive at a number of stations and apparatus needed to maintain recent trends to existing development. Most fire districts in Whatcom County do not currently have this information. For this reason, and to ensure consistency of analysis, the North Whatcom Fire and Rescue Square Feet Per Incident in Tables 75 and 76 utilizes the information obtained from the Whatcom County Fire Marshal’s Office.

4 If using these Districts own 2008 population estimates, the incidents per capita would be higher (incidents per capita divided by smaller population). The facility deficits would be approximately 16% higher for Fire District and 6% higher for the South Whatcom Fire Authority.


**Table 76b. Fire District Level of Service Analysis – Response Time/Fire Rating**

<table>
<thead>
<tr>
<th>Fire District</th>
<th>WSR5 Rating Standard</th>
<th>Response Time Standard</th>
<th>Meets Adopted LOS?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Districts serving UGA and Rural Areas</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire District 7</td>
<td>6 for the Cherry Point UGA</td>
<td>8 minutes 80% of the time for the Ferndale UGA</td>
<td>Yes²</td>
</tr>
<tr>
<td>Fire District 8</td>
<td></td>
<td>8 minutes 80% of the time for the Bellingham UGA and 12 minutes 80% of the time for rural areas</td>
<td>Yes³</td>
</tr>
<tr>
<td>Fire District 14</td>
<td>6 for UGAs and 8 for rural areas</td>
<td>10 minutes 80% of the time for the Columbia Valley &amp; Sumas UGAs and 14 minutes 80% of the time for rural areas</td>
<td>Yes⁴³</td>
</tr>
</tbody>
</table>

1 Fire districts that have developed capital facility plans that incorporate the county-wide level of service for fire protection, adopted in May 2011, are included in Table 76b.

2 Table 74 and Whatcom County Fire District No. 7 Capital Facility Plan 2011-2029.

3 LOS will be met with planned improvements set forth in the Fire District # 8 Capital Facilities Plan (2013).

4³ Table 74 and Whatcom County Fires District #14 Capital Facilities Plan (2012)
Capital Projects and Funding

Capital Project Funding

City Fire Departments and Regional Fire Districts usually fund needed capital improvements through a combination of revenue sources. These can include General Fund revenues, excess property tax levies, sales taxes, capital bonds, fire benefit charges, and fire impact fees.

The State of Washington authorizes cities and regional fire districts to levy both “regular” and “special” property taxes to support their operational and capital needs. As part of the regular property tax levy, a fire service provider is authorized to levy a property tax at a total maximum rate of $1.50 per $1,000 of assessed value. However, the total maximum aggregate “regular” property tax levy by all taxing agencies in an area may not exceed $5.60. Occasionally, all local levies will total more than this limit. In this case, “junior” taxing districts, including fire districts, must follow state statute to lower their levy rate so that the total aggregate rate does not exceed the statutory limit. Fire districts may also pass “special” property tax levies for short-term periods without a statutory maximum levy limit.

An Emergency Medical Service property tax may be levied at a total maximum rate of $0.50 per $1,000 of assessed value. This levy must pass by at least 60% of the vote and must be renewed every six years. These funds can be charged by city fire departments, but not by fire districts.

Fire impact fees may be collected on new residential and commercial development to fund facility improvements necessary to serve that development. Additional comments on capital funding strategies of note are discussed below:

- **Bellingham Fire Department** – The Bellingham Fire Department receives capital dollars from the Medic One Fund, which is funded by a 1% sales tax that can be used for operations or capital; from the first 0.25% of Real Estate Excise Taxes, and from general fund revenues.

- **Lynden Fire Department** – The City of Lynden Fire Department receives capital funding from the general fund and from impact fees. Impact fees for the fire department are project driven, and are expected to pay a set portion of the costs of needed expansion due to growth.

Capital Projects

Capital projects for the Bellingham Fire Department, Lynden Fire Department, North Whatcom Fire and Rescue (which serves the Birch Bay and Blaine UGAs), Fire District 7, Fire District 8 and Fire District 14 are provided below. The following fire districts do not have approved capital facility plans:

- Fire District 1 (serving the Everson and Nooksack UGAs).

As these districts approve capital facility plans, they will be incorporated by reference into the Whatcom County Comprehensive Plan.
<table>
<thead>
<tr>
<th>Project Costs/Revenue (thousands $)</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016-2029</th>
<th>Total</th>
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</thead>
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### Exhibit F – 20-Year CFP Amendments (Fire Protection)

#### Planning Commission Recommendation – September 26, 2013

<table>
<thead>
<tr>
<th>Project Costs/Revenue (thousands $)</th>
<th>2010</th>
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<th>2012</th>
<th>2013</th>
<th>2014</th>
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Exhibit F – 20-Year CFP Amendments (Fire Protection)
Planning Commission Recommendation – September 26, 2013
**Fire District 8**

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1 Specific revenue sources in Table 77 are only provided where identified within the service provider’s individual plans.
2 City of Bellingham 2008 Adopted Budget includes Fire Department projects through 2013, while the City of Bellingham Comprehensive Plan Capital Facilities element (Chapter 5) only include fire department projects through 2011. Locations are not provided for projects.
3 City of Lynden Fire Department 2009-2014 Capital Facilities Plan shows projects through 2014. Locations are not provided for projects.
4 North Whatcom Fire and Rescue’s August 15, 2009 Capital Facilities Plan identifies cost but does not identify year of funding. Therefore, all project costs are noted only in the Total column. Locations are not provided for new stations, and locations of projects at existing stations are associated with the station number per August 15, 2009 Capital Facilities Plan (page 25).

Sources:
For Bellingham Fire: City of Bellingham, 2008 Adopted Budget, Capital Facilities Plan (page 408), and Bellingham Comprehensive Plan, Capital Facilities (Chapter 5), page CF-75.
For Lynden Fire: City of Lynden 2008-2014 Fire Department Capital Facilities Plan
For Fire District 7: Whatcom County Fire District No. 7 Capital Facility Plan 2011-2020 (May 2011)
For Fire District 14: Whatcom County Fire District #14 Capital Facilities Plan (2012)
For Fire District 8: Whatcom County Fire District #8 Capital Facilities Plan (2013)
WHATCOM COUNTY
PLANNING COMMISSION

Capital Facility Planning – Special Purpose Districts

FINDINGS OF FACT AND REASONS FOR ACTION

1. The subject amendments to the Whatcom County Comprehensive Plan are as follows:
   a. Amending Whatcom County Comprehensive Plan Chapter 2 (Land Use) to recognize that the Evergreen Water and Sewer District has changed its name to the Columbia Valley Water District.
   b. Amending Whatcom County Comprehensive Plan Chapter 4 (Capital Facilities) to adopt the Columbia Valley Water District 2013 Water System Plan Update, the Water District 13 Small Water System Plan and Mount Baker School District Capital Facilities Plan by reference and making related changes.
   c. Amending the Foothills Subarea Plan to provide information relating to the Columbia Valley Water District, Water District 13 and the Mount Baker School District.
   d. Amending the Whatcom County 20-Year Capital Facilities Plan to incorporate information from the Columbia Valley Water District 2013 Water System Plan Update, incorporate information from the Water District 13 Small Water System Plan and making related changes.
   e. Amending the Whatcom County 20-Year Capital Facilities Plan to incorporate information from the Mount Baker School District Capital Facilities Plan and making related changes.
   f. Amending the Whatcom County 20-Year Capital Facilities Plan to incorporate information from the Fire District 8 Capital Facilities Plan and making related changes.

2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on August 9, 2013.

3. A determination of non-significance was issued under the State Environmental Policy Act (SEPA) on August 12, 2013.

4. Notice of the Planning Commission hearing was posted on the County website on August 12, 2013.
5. Notice of the Planning Commission hearing was sent to the City of Bellingham, special purpose districts, and citizen, media and other groups on the County’s e-mail list on September 5, 2013.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on September 13, 2013.

7. The Planning Commission held a public hearing on the subject amendments on September 26, 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) establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plan amendments.

10. GMA Planning Goal 1 is to “Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner” (RCW 36.70A.020(1)).

11. GMA Planning Goal 12 is to “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards” (RCW 36.70A.020(12)).

12. The subject amendments include updating the Whatcom County Comprehensive Plan to incorporate the Columbia Valley Water District 2013 Water System Plan Update and the Water District 13 Small Water System Plan (2012). These districts serve the Columbia Valley UGA and surrounding areas.

13. The subject amendments include updating the Whatcom County Comprehensive Plan to incorporate the Mount Baker School District Capital Facility Plan (2013). The District serves the Columbia Valley UGA, Acme, Deming, Kendall, Maple Falls, Glacier and surrounding areas.

14. The subject amendments include updating the Whatcom County Comprehensive Plan to incorporate information from the Fire District 8 Capital Facilities Plan (2013). The District serves the western portion of the Bellingham UGA, including the Bellingham International Airport, a portion of the Lummi Reservation, and surrounding areas.

15. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:

   a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

   b. A forecast of the future needs for such capital facilities.

   c. The proposed locations and capacities of expanded or new capital facilities.

   d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

16. The capital facilities plans generally contain inventories, forecasts of future needs, proposed capital facilities, and financing plans.

**County-Wide Planning Policies**

17. County-Wide Planning Policy E-4 states “The County shall assure that there are plans to provide appropriate levels of urban facilities and services within non-city Urban Growth Areas. These plans should be developed by special purpose districts . . .”

18. The Columbia Valley UGA is not associated with a city.

19. The Columbia Valley Water District and Water District 13 are generally planning capital improvements to serve the portions of the Columbia Valley UGA within their respective service areas.

20. The Mount Baker School District Capital Facilities Plan projects that the schools serving the Columbia Valley UGA (Kendall Elementary, the Junior High School and the High School) will have adequate capacity over the planning period.

**Interlocal Agreements**

21. An Interlocal Agreement between Whatcom County and Columbia Valley Water District was signed in 2010.

22. An Interlocal Agreement between the City of Bellingham and Whatcom County concerning Planning, Annexation and Development within the Bellingham UGA was signed in 2012.

23. An Interlocal Agreement between Fire District 8 and the City of Bellingham for the provision of administrative services was signed in 2013.

24. There are no provisions in the Whatcom County Comprehensive Plan amendments that are inconsistent with these interlocal agreements.

**Further Studies/Changed Conditions**

25. The Columbia Valley Water District and Water District 13 have studied facilities needed to serve existing and planned development and formulated new water system plans.
26. The Mount Baker School District has studied facilities needed to serve existing and planned development and formulated a new capital facilities plan.

27. Fire District 8 has studied facilities needed to serve existing and planned development and formulated a new capital facilities plan.

28. Further study and formulation of plans by the Columbia Valley Water District, Water District 13, Mount Baker School District and Fire District 8 constitute changed conditions that warrant amendments to the Whatcom County Comprehensive Plan.

Public Interest

29. The comprehensive plan amendments will serve the public interest by adopting new or updated water, school and fire protection capital facility plans to serve planned growth in Whatcom County. These special purpose district plans will serve planned land uses, will enhance provision of public facilities and services, and will not harm resource lands.

Spot Zoning

30. The subject proposal does not involve rezoning property.

CONCLUSIONS

The subject comprehensive plan amendments are consistent with the approval criteria of WCC 2.160.080.
RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends approval of the following:

1. Exhibit A, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use).

2. Exhibit B, amendments to Whatcom County Comprehensive Plan Chapter 4 (Capital Facilities).

3. Exhibit C, amendments to the Foothills Subarea Plan.

4. Exhibit D, amendments to the water system provisions of the Whatcom County 20-Year Capital Facilities Plan.

5. Exhibit E, amendments to the school provisions of the Whatcom County 20-Year Capital Facilities Plan.


WHATCOM COUNTY PLANNING COMMISSION

Michelle Luke, Chair

Sam Ryan, Secretary

OCT 8, 2013

Commissioners present at the September 26, 2013 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Gary Honcoop, Michelle Luke, David Onkels, Mary Beth Telgrob and Gerald Vekved.

Vote: Ayes: 7, Nays: 0, Abstain: 0, Absent: 2. Motion carried to adopt the above amendments.
NOTE:

Exhibits A-F, which were recommended by the Planning Commission, are attached to the proposed Ordinance to 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 Whatcom County Council Chambers at 6:30 p.m.

Roll Call
Present: Michelle Luke, Ben Elenbaas, Jerry Vekved, Gary Honcoop, David Onkels, Mary Beth Teigrob, Ken Bell
Absent: Jeff Rainey, Rod Erickson

Staff Present: Mark Personius, Matt Aamot, Becky Boxx

Department Update
Mark updated the Commission on the following:
- Review of items before the County Council.
- Upcoming commission schedule.

Open Session for Public Comment
Matt Paskus, Whatcom County: Addressed airport planning. In 2004 the Planning Commission reviewed airport zoning. The 2004 forecast was for passenger traffic to be at 275,000 by 2050. This was surpassed by 2009. There are impacts to this issue. Also, there was a one mile radius put around the runway which people have to disclose to future buyers. There is a report recommending this radius be two miles. Having a larger radius devalues home prices in the area. This needs to be kept in mind when the plan is reviewed in the future.

Commissioner Comments
There were no commissioner comments.

Public Hearing
File #PLN2013-00001: Amendments to the Whatcom County Comprehensive Plan and Foothills Subarea Plan relating to special purpose districts and capital facility planning. Amendments include adopting by reference or incorporating information from the Columbia Valley Water District, Water District 13, Mount Baker School District and Fire District 8 plans into the Whatcom County Comprehensive Plan and making related changes.

Matt Aamot presented the staff report and a power point presentation.

Growth Management Act (GMA) Goal 12 state counties must ensure that “those public facilities and services necessary to support development shall be adequate to serve that development”. The first step in doing this is formulating capital facility plans.

The GMA Capital Facility Element states: There is to be an inventory of existing capital facilities, a forecast of future needs, proposed new or expanded facilities and a financing plan.
There is a goal in the County Comprehensive Plan, 4H, which addresses working with special purpose districts, such as schools, fire districts and water districts to ensure coordination between the land use element and the capital facility element.

The first plan for consideration is the Columbia Valley Water District Plan. This plan was updated in 2013. Maps were shown showing the boundaries of the Columbia Valley UGA and the water district. Most of the UGA is zoned Urban Residential 4 units per acre (UR4). In 2009 an area was zoned General Commercial (GC). There is also land, north of Limestone Road, which is planned for future Light Impact Industrial (LII) uses. The district serves approximately 1,000 homes and over 300 recreational lots. Their future service area includes the planned LII area. The district’s 2004 plan documented very high water loss problems which they have worked hard to reduce by replacing leaking water lines and installing meters. The current average loss is about 16%. They have a target of reducing this to 10% by 2016 and to 5% by 2030.

The next plan for consideration is the Water District 13 Plan. They also serve the Columbia Valley and adjacent areas. Their plan was updated in 2012. Maps were shown showing the Columbia Valley UGA boundary and the water district boundary. They serve about 400 homes. They have quite a bit of undeveloped land in their service area.

Next, is the Mount Baker School District Plan. It was adopted in 2013. The district covers approximately 661 square miles. School enrollment has declined while population has increased. This may be occurring because of aging baby boomers, homeschooling, Running Start, online schooling, etc. In their previous plan they stated a need for an additional elementary school. They now have excess capacity in their existing school. The improvements they are planning are improvements to existing facilities and energy upgrades. They are not planning any additional classroom space at this time.

Next, is the Whatcom County Fire District #8 Plan. They serve the western portion of the Bellingham UGA and Lummi Reservation area, as shown on a map. Their plan was adopted in 2013. The district covers about 23 square miles. The Bellingham Fire District provides administrative services to the district. The districts may consider merging in the future. Their plan indicates two stations need to be replaced or remodeled and an additional station is needed on Kwina Road.

Staff recommends approval of the amendments.

The hearing was opened to the public.

Lou Piotrowski, Whatcom County: He supports the Columbia Valley Water District Plan, the Water District 13 Plan and the Mount Baker School District Plan. He is pleased to see things are moving along so well.

Rebecca Boonstra, Whatcom County: Chair of the East Whatcom Community Council. She agreed with the previous speaker in that she supports the plans and appreciates the work being done in the Columbia Valley.
Regular Meeting

Jack Hovenier, Whatcom County: He owns a large amount of land in the Columbia Valley and has been involved in the planning of the area. He is encouraged to see the amount of effort that the county staff and districts have put forth in order to get the plans done. He thanked the districts for their work. He supports the plans.

Charlie Burleigh, Whatcom County: Superintendent of the Mount Baker School District. Thanked staff for their support and work on the plan. In the district the big issue is maintenance. A levy has been approved for this work. The enrollment now seems to be steady.

Commissioner Bell asked Mr. Burleigh if he knew some of the reasons for the past decrease in enrollment.

Mr. Burleigh stated his thought was it could be the price of gas which changed the demographics of the area.

Commissioner Bell asked if Mr. Burleigh saw a future increase in enrollment.

Mr. Burleigh stated if the employment issues are addressed there may be a change. He also stated that in the early 2000’s there was a large influx of Slavic families, some of which have now moved from the area.

The hearing was closed to the public.

Work Session

Commissioner Onkels moved to recommend approval of Exhibits A – F and the findings. Commissioner Teigrob seconded. Roll Call Vote: Ayes – Bell, Elenbaas, Honcoop, Luke, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent – Erickson, Rainey. The motion carried 7-0-0-2.

Town Hall meeting regarding population and employment projections associated with the periodic update of the Whatcom County Comprehensive Plan and the urban growth area review, which are both required by the Growth Management Act under RCW 36.70A.130. The update must be completed by June 2016.

Matt Aamot gave a power point presentation.

Historical Growth: A chart was presented showing the total population of the county over the last 33 years. In 1980 the population was approximately 107,000 and is now approximately 206,000. The average annual growth has been about 3,000 people. Growth fluctuates yearly due to the economy, etc. From 1980 to 2012 the natural population increase has been 647 to 1,061 per year. Net migration has varied within a much larger range. The low was 12 people in 1986 to the high in 2007 of 4,342. Almost three quarters of the county growth has been due to in-migration. After 2015 the state is projecting that net migration will rebound more closely to historic levels. As the baby boomers age the natural increase will decline. The state is projecting it will go negative between 2035 and 2040.
TITLE OF DOCUMENT: 2014 Supplemental Budget Request #5

ATTACHMENTS: Ordinance, Memoranda & Budget Modification Requests

<table>
<thead>
<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>
<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.)

Supplemental #5 requests funding from the General Fund:
1. To appropriate $4,000 in Council to fund WSAC Legislative Steering Committee representation expenses.

From the Road Fund:
2. To appropriate $1,620,000 to fund transfer to Slater Road Intersections, Imhof and Ferndale Roads Project Budget Fund.

From the Administrative Services Fund:
3. To appropriate $100,000 to fund transfer for phase I of phone system replacement project.

Related County Contract #: | Related File Numbers: | Ordinance or Resolution Number: |
SPONSORED BY: Finance
PROPOSED BY: Executive
INTRODUCTION DATE: 01/28/14

ORDINANCE NO.
AMENDMENT NO. 5 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>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council</td>
<td>4,000</td>
<td>-</td>
<td>4,000</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>4,000</td>
<td>-</td>
<td>4,000</td>
</tr>
<tr>
<td>Road Fund</td>
<td>1,620,000</td>
<td>-</td>
<td>1,620,000</td>
</tr>
<tr>
<td>Administrative Services Fund</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>1,724,000</td>
<td>-</td>
<td>1,724,000</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of ________________, 2014.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

( ) Approved   ( ) Denied

Carl Weimer, Chair of the Council

Jack Louws, County Executive

Date: ____________________

I:\BUDGET\SUPPLS\2014_Suppl\Supplemental #5-2014.doc
## WHATCOM COUNTY

### Summary of the 2014 Supplemental Budget Ordinance No. 5

<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased Expenditure (Decrease)</th>
<th>(Increased) Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council</td>
<td>To fund WSAC Legislative Steering Committee representation expenses.</td>
<td>4,000</td>
<td>-</td>
<td>4,000</td>
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<tr>
<td>Total General Fund</td>
<td></td>
<td><strong>4,000</strong></td>
<td>-</td>
<td><strong>4,000</strong></td>
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<tr>
<td><strong>Road Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To fund transfer to Slater Road Intersections, Imhof and Ferndale Roads Project Budget Fund.</td>
<td>1,620,000</td>
<td>-</td>
<td>1,620,000</td>
<td></td>
</tr>
<tr>
<td><strong>Administrative Services Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To fund transfer for phase I of phone system replacement project.</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td><strong>1,724,000</strong></td>
<td>-</td>
<td><strong>1,724,000</strong></td>
</tr>
</tbody>
</table>
January 16, 2014

MEMORANDUM

TO: Jack Louws, County Executive

FROM: Dana Brown-Davis, Clerk of the Council

SUBJ: Supplemental Budget Request

On Tuesday, January 14, the Whatcom County Council appointed Councilmember Pete Kremen to serve on the Washington State Association of Counties Legislative Steering Committee. Attached find a supplemental budget request to cover expenses associated with Councilmember Kremen’s travel to and from Steering Committee meetings and the annual conference.

Please contact me if you have questions.

Thank you.
Supplemental Budget Request

Council

Supp # 1778  Fund 1  Cost Center 1100  Originator: Dana Brown-Davis

Expenditure Type: One-Time  Year 2014  Add'l FTE  Add'l Space  Priority 1

Name of Request: WSAC Legislative Steering Committee Expenses

Date: 1.16.2014

Department Head Signature (Required on Hard Copy Submission)

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>6790.905</td>
<td>Travel-Other</td>
<td>$4,000</td>
</tr>
</tbody>
</table>

Request Total $4,000

1a. Description of request:
Each year the County Council appoints one of its members to be their representative at the Washington State Association of Counties Legislative Steering Committee. This requires travel to Olympia for each meeting. Due to recent budget cuts, there is no longer enough funding in the Council budget to pay for the travel costs for the appointed member to attend every meeting for the year.

1b. Primary customers:
Whatcom County and its citizens.

2. Problem to be solved:
Council does not have enough money in its budget to pay for the appointed member to attend all the meetings throughout the year.

3a. Options / Advantages:
The only other option would be for the appointee to only attend a couple of meetings for the year.

3b. Cost savings:

4a. Outcomes:
The Legislative Steering Committee is responsible to prepare and recommend a proposed legislative program for consideration of the membership at the annual meeting. The Committee monitors events of each legislative session and is empowered to adopt policy relating to legislation, executive branch policies and operation, and the activities of other organizations and associations. The County Council feels it is important to have a representative on this committee who is able to attend all the meetings.

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
MEMORANDUM

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

THROUGH: Frank M. Abart, Director

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

RE: 2014 Supplemental Budget Request – Slater Road Intersections at Imhoff and Ferndale Roads

DATE: January 10, 2014

- Requested Action
Enclosed for your review and consideration is a supplemental budget request for 2014 (see attached Supplemental Budget Request #1777).

- Background and Purpose
This supplemental budget request authorizes funding of $1,620,000 to be transferred from the Road fund to the new created project based budget for the Slater Road Intersections at Imhoff and Ferndale Roads project. This project was approved as priority number 9 on the Annual Construction Program (Resolution 2013-039).

- Funding Amount and Source
The project will also be funded with STP(R) funding of $1,120,000.

Please contact Joe Rutan at extension 50627, if you have any questions or concerns regarding this request.
Supplemental Budget Request

Public Works

Expenditure Type: One-Time  Year 2  2014  Add'l FTE  Add'l Space  Priority 1

Name of Request: Slater Road Intersections at Imhoff and Ferndale

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>8301</td>
<td>Operating Transfer In</td>
<td>$1,620,000</td>
</tr>
<tr>
<td>8351</td>
<td>Operating Transfer Out</td>
<td>($1,620,000)</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
</tr>
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</table>

1a. Description of request:
Transfer Road fund contribution to new project based budget for Slater Road Intersections at Imhoff and Ferndale Roads. See related Slater Rd. Intersections project budget.

1b. Primary customers:
The citizens of Whatcom County.

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:
N/A.

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:
Road fund balance.

Friday, January 10, 2014
Slater Road Intersections
CRP # 910003

Construction Funding Year(s): 2015

Project Narrative:
This Slater Road project is located between Imhoff Road and Ferndale Road in Sections 31 and 32 of T39N, R2E. The work involves the additions of turn lanes on Slater Road at Imhoff and Ferndale Roads, as well as widening the half mile roadway section to current standards between the intersections. This project is listed #11 on the 2014-2019 Six-Year Transportation Improvement Program.

Project Status:
Design, permitting and R/W to begin in 2014 with construction to be completed in 2015.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: $2,740,000</th>
<th>Expenditures to Date: $0</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Funding Sources:</th>
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<tr>
<td>Federal $1,120,000 (STP)</td>
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<tr>
<td>State $0</td>
</tr>
<tr>
<td>Local $1,620,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental Permitting</th>
<th>ECS, BA, SEPA, CLR/CAO, Corps of Engrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Acquisition (Estimate)</td>
<td>$200,000</td>
</tr>
<tr>
<td>County Forces (Estimate)</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Supplemental Budget Request

Status: Pending

Administrative Services

Supp ID #: 1779  Fund 507  Cost Center 507161  Originator: M Caldwell/Perry Rice

Expenditure Type: One-Time  Year 2 2014  Add'l FTE  Add'l Space  Priority 1

Name of Request: Transfer to Fund Phone System Project

X

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></td>
<td>2880.1000</td>
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<tr>
<td></td>
<td>8351</td>
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</tr>
<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:
Transfer funds to fund Phase I consultant services for the Telecommunications System Replacement project. See related project budget ordinance.

1b. Primary customers:
Whatcom County government!

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:
Transfer will be funded by funds collected in the 2013 admin cost allocation to all departments.

Thursday, January 16, 2014
TITLE OF DOCUMENT: An Ordinance Establishing the Dakota Creek Bridge No. 500 Project Fund and Establishing a Project Based Budget for the Dakota Creek Bridge No. 500 Project.

ATTACHMENTS: Ordinance and Budget Modification Requests

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.)

An Ordinance Establishing the Dakota Creek Bridge No. 500 Project Fund and Establishing a Project Based Budget for the Dakota Creek Bridge No. 500 Project.
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

Date: January 13, 2014

Re: Project Based Budget Request #1 for Dakota Creek Bridge No. 500 CRP #910001

Requested Action:

This Project Based Budget Request #1 of $2,718,268 will fund the creation of Plans, Specifications, Engineer's Estimate (PS&E), environmental permitting, a portion of Right-of-Way acquisition, and construction for the above referenced project.

Background and Purpose:

In November of 2013 the 2014 Annual Construction Program was adopted by Resolution 2013-039. Project Priority #18 on the Annual Program is titled “Portal Way/Dakota Creek Bridge No. 500”.

The necessary budgetary authority is now being sought through the attached ordinance. This ordinance will allow the Executive to enter into contracts on behalf of the County in order to complete the activities listed within the time and financial limits set by ordinance.

Information:

This budget request is intended to fund the complete design of the subject project as well as acquisition of all environmental permits necessary to complete construction, and to purchase Right-of-Way that will be required, and construction of the project.
ORDINANCE NO. __________

ESTABLISHING THE DAKOTA CREEK BRIDGE NO. 500 PROJECT FUND
AND ESTABLISHING A PROJECT BASED BUDGET FOR
THE DAKOTA CREEK BRIDGE NO. 500 PROJECT

WHEREAS, the Dakota Creek Bridge No. 500 needs seismic improvements, and,

WHEREAS, the Dakota Creek Bridge No. 500 Seismic Retrofit was approved as project #18 on the one year road program, and the project will involve a retrofit to mitigate the risk of failure in the event of a seismic event, and,

WHEREAS, the project will be funded with federal BRAC funding,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2014 titled “Dakota Creek Bridge No. 500”. 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 Dakota Creek Bridge No. 500 Project is approved with a project budget of $2,718,268 as described in Exhibit A.

ADOPTED this ____ day of ____________________, 2014.

ATTEST:

______________________________
Dana Brown-Davis, Council Clerk

______________________________
Chief Civil Deputy Prosecutor

______________________________
Carl Weimer, Chair of the Council

______________________________
Jack Louws, County Executive

( ) Approved ( ) Denied

Date: __________________________
### Exhibit A

**Project Title:** Portal Way/Dakota Creek Bridge No. 500  
**CRP #910001**  
**Project Based Budget Request:** No. 1  
**Duration Requested:** 3 yrs (2014, 2015, and 2016)

<table>
<thead>
<tr>
<th>Object Account</th>
<th>Project Budget</th>
<th>Estimated Project Cost 2014-2016</th>
<th>Expenditures to Date</th>
<th>Requested Project Budget</th>
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</thead>
<tbody>
<tr>
<td>595110</td>
<td>Professional Services</td>
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<td>$281,732</td>
<td>$118,268</td>
</tr>
<tr>
<td>595200</td>
<td>Right-of-Way</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>595510</td>
<td>Construction</td>
<td>$2,600,000</td>
<td>-</td>
<td>$2,600,000</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$3,000,000</td>
<td>$281,732</td>
<td>$2,718,268</td>
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</table>

<table>
<thead>
<tr>
<th>Object Account</th>
<th>Project Funding</th>
<th>Estimated Project Revenues</th>
<th>Revenue to Date</th>
<th>Requested Project Budget</th>
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<tbody>
<tr>
<td>4333.2021</td>
<td>Federal Bridge Funds</td>
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<tr>
<td>8301.</td>
<td>Road Fund Transfer</td>
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<td>$215,060</td>
<td>$(15,060)</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$3,000,000</td>
<td>$66,672</td>
<td>$2,718,268</td>
</tr>
</tbody>
</table>
Portal Way / Dakota Creek - Bridge No. 500 Seismic Retrofit
CRP #910001

Construction Funding Year(s): 2014

Project Narrative:
This project is located south of Blaine in Section 8, T40N, R1E. This is a seismic retrofit project to mitigate the risk of failure in the event of a seismic event. This project is listed #29 on the 2014-2019 Six Year Transportation Improvement Program.

Project Status:
Design is complete. BRAC funding acquired. Permitting is ongoing. Construction scheduled for 2014.

Total Estimated Project Cost: $3,000,000
Expenditures to Date: $300,000

Funding Sources:
Federal $2,800,000
State $0
Local $200,000

Environmental Permitting
HPA, SEPA, SEC 404, NEPA, County Shorelines

Right-of-Way Acquisition (Estimate)
None Required

County Forces (Estimate)
None
**TITLE OF DOCUMENT:** An Ordinance Establishing the Slater Road Intersections, Imhoff and Ferndale Roads Project Fund and Establishing a Project Based Budget for the Slater Road Intersections, Imhoff and Ferndale Roads Project.

**ATTACHMENTS:** Ordinance & Budget Modification Requests

<table>
<thead>
<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>
<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.)

An Ordinance Establishing the Slater Road Intersections, Imhoff and Ferndale Roads Project Fund and Establishing a Project Based Budget for the Slater Road Intersections, Imhoff and Ferndale Roads Project.
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

Date: January 13, 2014

Re: Project Based Budget Request #1 for Slater Road Intersections, Imhoff and Ferndale Roads - CRP #910003

Requested Action:

This Project Based Budget Request #1 of $2,740,000 will fund the creation of Plans, Specifications, Engineer's Estimate (PS&E), environmental permitting, a portion of Right-of-Way acquisition, and construction for the above referenced project.

Background and Purpose:

In November of 2013 the 2014 Annual Construction Program was adopted by Resolution 2013-039. Project Priority #9 on the Annual Program is titled "Slater Road Intersections".

The necessary budgetary authority is now being sought through the attached ordinance. This ordinance will allow the Executive to enter into contracts on behalf of the County in order to complete the activities listed within the time and financial limits set by ordinance.

Information:

This budget request is intended to fund the complete design of the subject project as well as acquisition of all environmental permits necessary to complete construction, and to purchase Right-of-Way that will be required and construction of the project.
ORDINANCE NO. _________

ESTABLISHING THE SLATER ROAD INTERSECTIONS, IMHOFF AND FERNDALE ROADS PROJECT FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR THE SLATER ROAD INTERSECTIONS, IMHOFF AND FERNDALE ROADS PROJECT

WHEREAS, the Slater Road Intersections at Imhoff and Ferndale Roads need improvements, and,

WHEREAS, the Slater Road Intersections, Imhoff and Ferndale Roads project was approved as project #9 on the one year road program, and the project will involve the addition of turn lanes on Slater Road at Imhoff and Ferndale Roads, as well as widening the half mile roadway section to current standards between the intersections, and,

WHEREAS, the project will be funded with federal STP(R) funding of $1.120 million and local funding of $1.620 million, and,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2014 titled “Slater Road Intersections, Imhoff and Ferndale Roads”. 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 Slater Road Intersections, Imhoff and Ferndale Roads Project is approved with a project budget of $2,740,000 as described in Exhibit A.

ADOPTED this ___ day of ________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Chief Civil Deputy Prosecutor

Jack Louws, County Executive

Date: __________________________
Slater Road Intersections
CRP # 910003

Construction Funding Year(s): 2015

Project Narrative:
This Slater Road project is located between Imhoff Road and Ferndale Road in Sections 31 and 32 of T39N, R2E. The work involves the additions of turn lanes on Slater Road at Imhoff and Ferndale Roads, as well as widening the half mile roadway section to current standards between the intersections. This project is listed #11 on the 2014-2019 Six-Year Transportation Improvement Program.

Project Status:
Design, permitting and R/W to begin in 2014 with construction to be completed in 2015.

<table>
<thead>
<tr>
<th>Total Estimated Project Cost: $2,740,000</th>
<th>Funding Sources:</th>
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<td>Expenditures to Date: $0</td>
<td>Federal $1,120,000 (STP)</td>
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<td>State $0</td>
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<td>Local $1,620,000</td>
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Environmental Permitting
ECS, BA, SEPA, CLR/CAO, Corps of Engrs

Right-of-Way Acquisition (Estimate) $200,000

County Forces (Estimate) N/A
Six Year Transportation Improvement Program

<table>
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<tr>
<th>Year</th>
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<th>Total Length</th>
<th>Utility Costs</th>
<th>Priority Number</th>
<th>Problem Description</th>
<th>Project Phase</th>
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From 2019 to 2019
Project Title: Slater Road Intersections, Imhoff and Ferndale Roads  
CRP #910003  
Project Based Budget Request: No. 1  
Duration Requested: 3 yrs (2014, 2015 and 2016)

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<th>Project Budget</th>
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<td>595200</td>
<td>Right-of -Way - $ 200,000 $ 200,000</td>
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<td>595300</td>
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<td><strong>Total</strong></td>
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<td>$ - $ 2,740,000 $ - $ 2,740,000</td>
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TITLE OF DOCUMENT: An Ordinance Establishing the Telecommunications System Replacement Project Fund.

ATTACHMENTS: Memoranda & Ordinance

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

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

Requesting Council approval to establish a project fund for the telecommunications system replacement project and adoption of a capital budget appropriation in the amount of $100,000 for Phase 1.

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.
To: Jack Louws, County Executive
From: Perry L. Rice, IT Manager
Date: 01/16/2014
Re: Capital Budget Appropriation Request – Telecommunications System Replacement

- Background and Purpose

Whatcom County’s current Ericsson MD110 telecommunications system has been in place for approximately 20-years. The county has been notified that support for this system will end on or before March 31, 2015. This system is used by all Whatcom County departments and is critical to ongoing government operations and public service.

The purpose of this request is to establish a Telecommunications System Replacement Project Fund with an initial capital budget appropriation of $100,000 for Phase I. Phase I of this project will include assistance from a telecommunications consultant as follows:

- Project Planning
- Technical Review
- Organization-Wide Needs Assessment
- Budget Support
- Specifications for a Request for Proposal (RFP) for a Replacement System

Additional funding will be required in 2014 for Phase II of this project which will be the procurement and implementation of a replacement telecommunications system.

- Funding Amount and Source

Initial funding for the Telecommunications System Replacement Fund in the amount of $100,000 will be transferred from the Administrative Services Fund.

Please contact Deanna Reynolds at extension 51026 if you have any questions or concerns regarding this request.
ORDINANCE NO. _________

ESTABLISHING THE TELECOMMUNICATIONS SYSTEM REPLACEMENT FUND AND RELATED CAPITAL BUDGET APPROPRIATION

WHEREAS, Whatcom County's current telecommunications system was put into service approximately twenty (20) years ago in 1994, and

WHEREAS, all support for Whatcom County's current telecommunications system will end on or before March 31<sup>st</sup> 2015, and

WHEREAS, the first phase of the project will include an organization wide needs assessment and the development of specifications for a request for proposals, and

WHEREAS, funding for the first phase of the project shall be from amounts collected for this purpose in the administrative cost allocation to all departments, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective February 11, 2014 titled "Telecommunications System Replacement Fund". This fund shall be used to account for the costs and revenues of said project, and,

BE IT FURTHER ORDAINED by the Whatcom County Council that a capital budget appropriation of $100,000 is hereby established for the first phase of the telecommunications system replacement.

ADOPTED this ___ day of ____________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Cari Weimer, Chair of the Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Jack Louws, County Executive
Date: __________________________

Approved

Civil Deputy Prosecutor
**WHATCOM COUNTY COUNCIL AGENDA BILL**

**CLEARANCES**

<table>
<thead>
<tr>
<th>Originator:</th>
<th>Carl Weime</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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**Division Head:**

[Signature]

**Dept. Head:**

[Signature]

**Prosecutor:**

[Signature]

**Purchasing/Budget:**

[Signature]

**Executive:**

[Signature]

**TITLE OF DOCUMENT:**

Interim Ordinance Packing house applications in Ag Zones

**ATTACHMENTS:**

<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>
<th>Requested Date:</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.

This ordinance would require all packinghouse applications in the Agriculture Zoning District to be processed as conditional uses.

**COMMITTEE ACTION:**

[Signature]

**COUNCIL ACTION:**

[Signature]

**Related County Contract #:**

2012-300

**Related File Numbers:**

2012-300

**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. 2014-

INTERIM ZONING ORDINANCE ALLOWING AGRICULTURAL PACKINGHOUSES IN THE AGRICULTURE ZONING DISTRICT AS CONDITIONAL USES

WHEREAS, on September 10, 2013, the Whatcom County Council adopted Ordinance No. 2013-051, entitled “Zoning Amendment to Allow Agricultural Packinghouses in the Agriculture Zoning District”; and

WHEREAS, Whatcom County Planning and Development Services staff originally proposed that all applications for packinghouses in the Agriculture Zoning District be processed as conditional uses and a public hearing was held on staff’s proposed amendments before the Planning Commission; and

WHEREAS, the ensuing process before the Planning Commission and the County Council leading up to the adoption of the final ordinance was lengthy, involving numerous work sessions and public hearings, and was fraught with controversy; and

WHEREAS, the Planning Commission recommended to the County Council the adoption of an ordinance allowing applications for packinghouses with no more than 20 employees, regardless of size, to be processed as permitted uses and applications for packinghouses with more than 20 employees, regardless of size, were to be processed as conditional uses; and

WHEREAS, the County Council ultimately adopted an ordinance allowing applications for packinghouses no larger than 7,000 square feet to be processed as permitted accessory uses and applications for packinghouses larger than 7,000 square feet to be processed as conditional uses; and

WHEREAS, the County received many public comments during the adoption process expressing concerns about packinghouses and their potential threat to water quality and water quantity, as well as various other potential impacts they could have on neighboring uses. In addition, concerns were expressed about the potential loss of prime agricultural land and the impact of allowing such uses in critical areas and hazardous areas; and

WHEREAS, on November 13, 2013, Nicole Brown, Wendy Harris, and Tip Johnson filed a Petition for Review with the Growth Management Hearings Board challenging Ordinance No. 2013-051 on several grounds; and

WHEREAS, the County Council has decided that it would be in the public interest to consider the adoption of an ordinance which would require all packinghouse applications to be processed as conditional uses as that process
provides the opportunity for full public participation in the context of a public
hearing before the Hearing Examiner; and

WHEREAS, the adoption of a new ordinance could potentially resolve the
appeal before the Growth Management Hearings Board, thereby saving the public
resources necessary to maintain such litigation; and

WHEREAS, while the permanent ordinance is being processed, the County
Council is adopting this interim ordinance which requires all packinghouse
applications to be processed as conditional uses, and, in support of this interim
ordinance, makes the following findings as required by RCW 36.70.795:

1. Given the potential impacts of packinghouse operations, there is merit in
considering a permanent ordinance allowing packinghouses only as
conditional uses in the Agriculture Zoning District.

2. A significant number of Whatcom County residents have presented concerns
about allowing packinghouses as accessory uses in the Agriculture Zoning
District, without any significant public process or opportunity to comment,
due to the unique impacts of such facilities on water quality and water
quantity, critical areas, hazardous areas, and neighboring uses.

3. This interim ordinance, requiring all packinghouses to be processed as
conditional uses, is necessary to prevent future applications for
packinghouses that are not more than 7,000 square feet from vesting under
current law, which allows such packinghouses as permitted accessory uses,
while the permanent ordinance is being considered.

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
interim zoning amendment; and

WHEREAS, this ordinance shall be effective for not longer than six months
following its effective date, but may be renewed for one or more six month periods
if subsequent public hearings are held and findings of fact are made prior to each
renewal.

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

BE IT FURTHER ORDAINED that this ordinance shall be effective for not
longer than six months following its effective date.

BE IT FINALLY 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 __________, 2014.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Karen N. Frakes
Civil Deputy Prosecutor

John Louws, County Executive

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

(  ) Approved   (  ) Denied

Date Signed: __________________
EXHIBIT A

Chapter 20.40 AGRICULTURE (AG) DISTRICT
20.40.100 Accessory Uses

Packhouses, 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 7,000 square feet.
2. The facility processes at least 75% of agricultural goods produced in Whatcom, Skagit, and/or Island County and that originate from uses permitted in WCC 20.40.051.
3. Holding pens associated with packinghouses shall be limited to that necessary to accommodate animals intended for processing within 24 hours.
4. 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. A notice shall be mailed by Planning and Development Services explaining that an application is being processed for a packinghouse on the subject property as an allowed accessory use and that the notice is being provided as a courtesy only. A copy of WCC 20.40.114 shall be provided with the notice.
5. 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.
6. 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.
7. An approved state waste discharge permit from the Washington State Department of Ecology with adequate storage, where required, that complies with WAC 173-216, WAC 173-226 Industrial Stormwater Permit (general permits), and/or an NPDES Permit (RCW 90.48 and WAC 173-226), if required by the Washington State Department of Ecology.
8. 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.
9. 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:

Page 4
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.

(10) 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) Conditional use approval criteria located in WCC 20.84.220 shall be satisfied.
(2) The total allowable building area is larger than 7,000 square feet and no larger than 20,000 square feet.
(3) The facility processes at least 75 percent agricultural goods produced in Whatcom, Skagit and/or Island County and that originate from uses permitted in WCC 20.40.051.
(4) Holding pens associated with packinghouses shall be limited to that necessary to accommodate animals intended for processing within 24 hours.
(5) 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.
(6) 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
(7) An approved state waste discharge permit from the Washington State Department of Ecology with adequate storage, where required, 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.
(8) 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.
(9) 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.

(10) 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.

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, 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 fresh, 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.
TITLE OF DOCUMENT: A Resolution Granting a Quitclaim Deed to the Washington State Department of Transportation

ATTACHMENTS: 1. Cover Memo
   2. Resolution
   3. Quitclaim Deed
   4. WSDOT Plan Sheet

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

The attached resolution requests that Whatcom County grant a quitclaim deed to WSDOT. Previously Whatcom County closed a portion of Boundary Road where it intersects with SR 539 south of the international border. This quitclaim deed will allow WSDOT to proceed with their project to enhance the border crossing by shifting SR 539 200 ft. east onto this portion of Boundary Road. WSDOT will add a truck lane, a NEXUS lane, install new illumination systems, construct new stormwater treatment facilities and install new ITS systems.

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
Through: Frank M. Abart, Director
From: Andrew Hester, Public Works Real Estate Coordinator
Date: January 13, 2014
Re: Boundary Road Quitclaim Deed

Enclosed is a Quitclaim Deed between Whatcom County and the State of Washington deeding a portion of Boundary Road to the State of Washington.

- **Requested Action**
  I respectfully request that you as County Executive sign and have your signature notarized where indicated. The Public Works Engineering division has reviewed and approved this quitclaim deed and the legal description.

- **Background and Purpose**
  Whatcom County previously had been requested by the Washington State Department of Transportation (WSDOT) to close Boundary Road where it intersects with SR 539 south of the international border. This closure was approved by the Whatcom County Council on July 9, 2013. This quitclaim deed is the final step that will allow WSDOT to proceed with their project to enhance the border crossing by shifting SF 539 200 feet east onto this portion of Boundary Road. WSDOT will add a truck lane, a NEXUS land, install new illumination systems, construct new stormwater treatment facilities and install new ITS systems.

- **Funding Amount and Source**
  No County funds are being expended on this agreement; all costs are the responsibility of the Washington State Department of Transportation.

Please contact me at extension 5057I if you have any questions regarding this action.
Encl.
A RESOLUTION GRANTING A QUITCLAIM DEED TO THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

WHEREAS, Whatcom County is holder of the county road rights of way described in Exhibit A located within the Highway project limits of SR 539, Badger Road Vicinity to Lynden Border Crossing, as shown on the plan attached hereto; and,

WHEREAS, in the improvement of said SR 539 by the State of Washington, Department of Transportation, it is necessary and advisable for the State of Washington to acquire the County’s rights for said Highway; and,

WHEREAS, after due consideration by the Whatcom County Council, it appears to the Council that it will be in the best interests of both the County and the State of Washington that the County convey said rights to the State of Washington by Quitclaim Deed for and in consideration of the benefits derived by the traveling public; and,

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council, in accordance with RCW 47.12.040 (RCW 84.64.320 for tax title lands) and through its County Executive, executes, notarizes and delivers said Quitclaim Deed to the State of Washington, Department of Transportation.

APPROVED this _____ day of ____________, 2014

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, County Clerk Council Chair

APPROVED AS TO FORM:

_____________________
Chief Civil Deputy Prosecutor
EXHIBIT A

Legal Description of Right of Way to be quitclaimed

The north 40 feet of the east 40 feet of the west 265 feet of Government Lot 4 as conveyed to Whatcom County under Whatcom County Auditor's File No. 430254; TOGETHER WITH the county road rights of way described in Whatcom County Auditor's File Nos. 1531107 and 1548353 (in Lot 1 of Noteboom Short Plat; Volume 12 of Short Plats, Page 5), all of which are in Government Lot 4, Section 31, Township 41 North, Range 3 East, W.M., in Whatcom County, Washington, and lie within the project limits of SR 539, Badger Road Vicinity to Lynden Border Crossing.
After recording return document to:

State of Washington
Department of Transportation
Real Estate Services Office
P.O. Box 47338
Olympia, WA 98504-7338

Document Title: Quitclaim Deed
Reference Number of Related Document: 430254, 1531107, 1548353
Grantor: Whatcom County
Grantee: State of Washington, Department of Transportation
Legal Description: Ptn Govt Lot 4 and ptn Lot 1 of Noteboom Short Plat (Book 12 Short Plats, pg 5, under A.F. No. 1508254), all in Section 31, T41N, R3E, WM; Whatcom County
Additional Legal Description is on Page 1 of Document.
Assessor's Tax Parcel Number: None (county roads); about 4103310082800000, 4103310712450000, 4103310082950000, 4103310083060000 and 4103310083120000

QUITCLAIM DEED

State Route 539, Badger Road Vic. to Lynden Border Crossing

KNOW ALL MEN BY THESE PRESENTS, that the Grantor, WHATCOM COUNTY, a political subdivision of the State of Washington, for and in consideration of THE BENEFITS DERIVED BY THE TRAVELING PUBLIC, conveys and quitclaims to the STATE OF WASHINGTON, acting by and through its Department of Transportation, Grantee, all of its interest in the following described real estate, and any after-acquired interest therein, situated in Whatcom County, in the State of Washington, under the imminent threat of the Grantee's exercise of its right of Eminent Domain.

The north 40 feet of the east 40 feet of the west 265 feet of Government Lot 4 as conveyed to Whatcom County under Whatcom County Auditor's File No. 430254; TOGETHER WITH the county road rights of way described in Whatcom County Auditor's File Nos. 1531107 and 1548353 (in Lot 1 of Noteboom Short Plat; Volume 12 of Short Plats, page 5), all of which are in Government Lot 4, Section 31, Township 41 North, Range 3 East, W.M., in Whatcom County, Washington, and lie within the project limits of SR 539, Badger Road Vic. to Lynden Border Crossing.
QUITCLAIM DEED

It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the State of Washington unless and until accepted and approved hereon in writing for the State of Washington, by and through its Department of Transportation, by its authorized agent.

Dated _______________________, 2014

WHATCOM COUNTY

By: _________________________
   JACK LOUWS, County Executive

Accepted and Approved

STATE OF WASHINGTON,
Department of Transportation

By: _________________________
   Hal Wolfe, Northwest Region
   Real Estate Services Manager,
   Authorized Agent

Date: _________________________

xRES 306
Page 2 of 3 pages
QUITCLAIM DEED

STATE OF WASHINGTON )
                     : ss.
County of Whatcom    )

       On this ______ day of __________________, 2014, before me personally
       appeared JACK LOUWS, to me known to be one of the duly elected, qualified and acting
       County Executive of Whatcom County, Washington, that executed the within and
       foregoing instrument and acknowledged said instrument to be the free and voluntary act
       and deed of said County, for the uses and purposes therein mentioned, and each on oath
       stated that he was authorized to execute said instrument by Resolution of the County
       Council of said County, and that the seal affixed is the official seal of said County.

       GIVEN under my hand and official seal the day and year last above written.

       Notary Seal

       Notary (Print Name) ___________________________
       Notary Public in and for the State of Washington,
       residing at ________________________________
       My Appointment expires ______________________

       Please stay within block.