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<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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**TITLE OF DOCUMENT:**
Presentation - E. Whatcom Community Council Clean Air Committee on air quality

**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>
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**
Presentation from the East Whatcom Community Council Clean Air Committee on issues associated with poor air quality in the Columbia Valley and discussion of how a variety of agencies and citizens in that area have come together to address those problems.

**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 AGENDA BILL**

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<th>Agenda Date</th>
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**TITLE OF DOCUMENT:** Presentation: Update of Purchase of Development Rights Program by PDR Oversight Committee with County Staff.

**ATTACHMENTS:** Cover Memo, “Memorandum #1 Final”-deliverable from Foster Pepper consultant team (reverse auction), Conservation Futures Fund spreadsheet, Slides

**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:** The Purchase of Development Rights Oversight Committee along with County staff would like to present an update on the status of the PDR program. This will include a brief history and background of the program, an update on current work, a look at the conservation futures fund, and an update on staffing as well as the core-ag strategy (reverse auction).

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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Memorandum

TO: The Honorable Whatcom County Council

THROUGH: J.E. “Sam” Ryan, Director
Mark Personius, Long Range Planning Manager

FROM: Karin Wessman, Planner

DATE: March 10, 2014

SUBJECT: Purchase of Development Rights Program Update

The Purchase of Development Rights Oversight Committee along with County staff would like to present an update on the PDR Program to the Natural Resources Committee of the County Council.

Topics of presentation will include

- A brief history and background of the program
- An update on recent purchases made
- An introduction and update on the core-ag strategy (reverse auction)
- A look at the conservation futures fund
- An update on funding appropriated in 2012
- And a staffing update

The presentation will be given by Paul Schissler (Chair of PDR Oversight Committee), and Karin Wessman (PDR Program Administrator).

Please contact Karin Wessman at extension 51072 if you have any questions regarding this presentation.
Memorandum #1 Final

To: Whatcom County Planning and Development Services
From: Foster Pepper PLLC
Date: January 22, 2014
Subject: Analysis of appraisal methodology available for Whatcom County’s contemplated reverse auction development rights buy-back program

1. OVERVIEW AND SUMMARY

Whatcom County Planning and Development Services (the “County”) is in the process of developing a voluntary program to remove development rights (“DRs”) from farmland located within the County’s core agricultural areas. Unlike a traditional purchase of development rights (“PDR”) program, the County’s envisioned program will be based upon a reverse auction mechanism. The envisioned reverse auction will identify eligible property and authorize the landowner of each eligible property to submit a bid to the County. The landowner’s bid would establish the price for which the landowner would sell a conservation easement to the County, which would remove the DRs from the eligible property.¹

The County is contemplating preparing a mass appraisal that identifies the value of the DRs and a conservation easement associated with each eligible property. From a reverse-auction standpoint, the purpose of the mass appraisal is (1) to educate eligible landowners on the estimated value of their DRs, and (2) to establish a maximum acceptable bid for each eligible landowner in the reverse auction, thereby protecting the taxpayers from the potential of paying an inflated price for DRs and a conservation easement. In its RFP materials, the Consultant Team called the contemplated valuation approach “The Estimator,” but, moving forward, it will simply be called a Mass Appraisal to avoid any confusion.²

This memorandum reviews the proposed methodology that the Consultant Team will use to prepare the Mass Appraisal. This memorandum concludes that the Mass Appraisal is a cost-effective approach for the County to initially value the DRs and conservation easements for

¹ To be clear, the envisioned reverse auction is a voluntary, willing-seller / willing-buyer program. The County is not contemplating using its condemnation authority in the reverse auction.
² During the RFP process for this project, the Consultant Team coined the term “The Estimator” so as to not confuse this proposed mass appraisal for valuing DRs with other commonly used mass appraisals, such as the mass appraisal completed by the Assessor’s Office for tax- and assessment-related purposes.
eligible properties. The Mass Appraisal will remain cost-effective if the total number of eligible properties does not exceed 200, which is discussed in greater detail in section 3.3 of this memorandum.

The Mass Appraisal has the benefit of being based upon the accepted appraisal methodology that is used by assessors and other real estate professionals valuing large portfolios of property. However, unlike these “broad brush” appraisals, this Mass Appraisal will focus on 200 or fewer eligible properties. This focus will allow the Consultant Team’s appraisers to identify key attributes of each eligible property, such as location and soil type, which may impact the value of the DRs and conservation easements, thereby identifying the value of the DRs and conservation easements with more precision and accuracy than the mass appraisal completed by an assessor. In addition, not being constrained by federal “yellow book” appraisal standards, the Consultant Team, at the County’s direction, may modify the inputs to the Mass Appraisal to value property attributes that are of value to the community (as an illustrative example, stormwater infiltration), but not typically considered in a “yellow book” appraisal.

Finally, we note the Consultant Team prepared this memorandum to inform planning and policy decisions. This memorandum is not intended to be a technical or legal review of appraisal or assessment standards, and it should not be used as such.

2. THE MASS APPRAISAL

2.1 Background.

The County has limited resources that it can allocate to this reverse auction program. It is our understanding that the County has approximately $5 million in conservation futures funding that may be allocated to this project, and that the County will review other potential funding sources in 2014. Although the County has yet to establish the eligibility criteria for the reverse auction program, the County initially estimates fewer than 200 eligible properties for the reverse auction program. Considering the financial scope of this project, it appears likely that the County will be unable to remove DRs from all (or even a majority) of the parcels situated within the core agricultural area. Recognizing this fact, the Consultant Team proposed the Mass Appraisal as a cost-effective and flexible tool to value the DRs and conservation easements from the eligible properties, while minimizing the County’s appraisal costs (i.e., not preparing an appraisal for each eligible parcel).

2.2 Valuing DRs and Conservation Easements.
The County will remove DRs from eligible property by recording a conservation easement on the property.\footnote{3 The County may also use a deed restriction to remove DRs from eligible property. We note that Whatcom County has previously used conservation easements, and this memorandum is based upon the presumption that it will continue to use a conservation easement.} Conservation easement valuations take into consideration all of the restrictions and reserved rights outlined in the conservation easement, as well as any pre-existing restrictions such as zoning and existing real estate encumbrances (such as a covenant between two private parties). Generally, appraisers use three primary approaches to determine the value of real property: (1) the sales comparison approach, (2) the cost approach, and (3) the income approach. Strictly applied, these approaches present challenges for valuing DRs and conservation easements. Generally, the market does not provide an adequate amount of comparative sales of parcels protected with conservation easements. The cost approach is used to value improved property, which is inapplicable for this project that is primarily concerned with removing DRs from unimproved property. The income approach is used to value commercial real estate or businesses, which is also inapplicable here.

As a result, most conservation easements are valued through the “before and after” process. In this process, the appraiser first determines the before-easement property value, which is an opinion of fair market value of a property unencumbered by the proposed easement. Then the appraiser determines an after-easement property value, which is an opinion of fair market value of the same property, but now encumbered by the conservation easement. Finally, the appraiser subtracts the “after” value from the “before” value to arrive at the estimated value of the conservation easement. The Mass Appraisal is based upon this accepted appraisal approach.

2.3 Methodology.

The Mass Appraisal will identify the approximate value of the DRs associated with each eligible property. In addition to valuing the DRs, the Mass Appraisal may need to account for any additional restrictions that are included in the form of conservation easement that the County will use to remove DRs and protect farm land from future development. The Mass Appraisal will be prepared by two qualified appraisers: Bob Suttle, MAI, and Anthony Gibbons, MAI, CRE (collectively, the “Appraisers”).

2.3.1 Approach.

To develop the Mass Appraisal, the Appraisers will begin by reviewing the materials prepared by the County, which will include:

- A list of eligible properties that identifies the following for each property: (1) the eligible property’s tax parcel number, (2) the number of development rights associated with each
eligible property, and (3) an approximation of the percentage of the property that is not buildable based upon regulations (e.g., critical areas, etc.).

- Maps identifying the relevant location of each eligible property.
- Determination of whether utilities are available to service the eligible properties.
- Recent appraisals and other appraisal-related data obtained by the County for agricultural or open space conservation purposes.\(^4\)

Second, the Appraisers will complete an individualized appraisal for a selected number of eligible properties that are, collectively, generally representative of the entire population of eligible properties.

Third, relying upon these individualized appraisals, the Appraisers will compare the individually appraised properties to each identified eligible property. The Appraisers will determine which appraised properties are most similar to the property under review, and adjust for the unique attributes of the eligible property under review.

Finally, for quality control purposes, the Appraisers will “ground truth” the identified values of a selected number of properties and adjust values (if any) accordingly. The result of this work will ultimately be a spreadsheet that identifies the values of the DRs and conservation easements associated with each eligible property.

2.3.2 A flexible approach.

The Mass Appraisal provides the County with a flexible approach to value DRs and conservation easements. The appraisal is based upon accepted mass appraisal methodologies, and it incorporates the accepted “before and after” valuation commonly used to value conservation easements. The “before and after” valuation will account for variables typically reviewed in an appraisal, such as: size, location, and land use restrictions (e.g., critical areas).

In addition, the suggested approach is flexible insofar as the County may modify inputs into the appraisal. This flexibility allows the County to quantify and include the value of other inputs that are not typically reviewed in an appraisal, such as ecological services provided by farmland. We note that the Appraisers will not include these additional inputs in the Mass Appraisal unless directed to do so by the County. We simply note that this is one option that is available to the County.

\(^4\) At the December 19, 2013 kick-off meeting, the Consultant Team and the County will further discuss the form of this requested information.
2.3.3 Real Estate-Related Covenants and Encumbrances

In preparing the Mass Appraisal, the Appraisers’ analysis will not review or make any value adjustment related to executed real estate covenants (recorded or otherwise) for the eligible property. The review of real estate records is time-consuming and would dramatically increase the cost of this exercise. The Consultant Team believes that this review should be completed after the eligible landowner submits a bid to sell DRs from his or her property. An additional analysis of these transactional items will be addressed in greater detail in forthcoming memoranda.

3. ALTERNATIVES TO THE MASS APPRAISAL

The Consultant Team, in conversations with representatives from the PDR Oversight Committee and County Staff, have identified the following alternatives to the Mass Appraisal for this project: (1) rely upon Assessor data, (2) complete individual appraisals, (3) develop an appraisal “formula,” and (4) complete no appraisal at all. We further review these alternatives for the County’s review.

3.1 Assessor Data.

Solely relying upon Assessor data would likely result in an incorrect and likely depressed valuation of eligible DRs, thereby discouraging landowners from participating in the reverse auction. As background, Whatcom County Assessor’s Office assesses property based upon an annual reevaluation program. The “annual” evaluation means that the Assessor completes a mass appraisal for only one-sixth (1/6) of the County’s total parcels, then the remaining five-sixths (5/6) of the County’s parcels are statistically adjusted for based upon the Assessor’s findings. In addition, state law provides fairly strict rules regarding the data the Assessor may use in the annual adjustments. For example, assessed values used for 2014 taxes usually come out in the fall of 2013. This means the data that the Assessor is relying upon are already nine months old when they are reported. Thus, for the 2014 assessments, the data that would be available to the Consultant Team would be nearly one year out of date, in terms of effective valuation date, and this is presuming that this is a parcel that was reevaluated that year, not just statistically adjusted.

Another issue is that the Assessor’s Office must conform to the requirement that it not assess property above 100 percent of its present value. This requirement tends to create a strong inertia for the Assessor’s Office to undervalue large real estate trends, resulting in assessed data further lagged than is already created by following the timing protocols above.

An individual appraisal study focused on a smaller population of properties, such as the proposed Mass Appraisal, is therefore likely to result in values that are more accurate than the...
assessments. That having been said, the Consultant Team will review the Assessor’s data and assessments to inform estimated DR values to compare information and to note any discrepancies.

3.2 Individual Appraisals.

Completing an individual appraisal for each eligible property would provide the County with the most accurate estimation of DRs in the County’s core agricultural areas. However, individual appraisals are costly and time-intensive. The County would likely best spend its limited conservation resources on purchasing DRs, rather than completing up to 200 appraisals. In addition, appraisals completed under federal “yellow book” standards must follow somewhat strict guidelines that prohibit the appraiser from valuing certain attributes of the property. For example, the appraisal approach, if it relied upon “yellow book” standards, may constrain any future County effort to value ecosystem services, which, if valued, would further incent participation in the reverse auction.

3.3 Develop An Appraisal “Formula.”

When preparing our RFP materials, the Consultant Team debated the merits of developing an appraisal formula instead of relying upon the mass appraisal methodology. The envisioned appraisal formula would have included a variety of inputs relevant to each eligible property, and then the formula would calculate a range of values for the subject DRs. In simpler terms, we debated creating a “Zillow.com for DRs” in the County’s core agricultural areas.

The Appraisers advised against this formulaic approach because of the scale of the program. With 200 of fewer eligible properties, the mass appraisal approach allows a qualified appraiser to review each eligible property and to value the property with up-to-date data. In contrast, a formula does not afford individual attention to each property. Individualized attention is critical in valuing DRs in Whatcom County, because of the limited number of comparative sales data. In addition, it is more costly to develop an appraisal formula, because the Appraisers are now being asked to develop a mechanism to appraise a hypothetical population of properties, rather than analyzing one specific property at a time. In short, when compared to developing an appraisal formula, the Mass Appraisal will result in a more accurate appraisal and cost less money to develop.

3.4 No Valuation.

The County may also decide to not value the DRs associated with the eligible properties. However, readily available information is an essential element in creating a successful reverse auction, and valuing DRs and conservation easements provides eligible landowners and the

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5 The Consultant Team would have recommended a formula approach if the number of eligible properties exceeded 200.
County with important information. It also protects the taxpayers by setting a ceiling for acceptable bids.

In contrast, the failure to value DRs would likely lead to confusion and hinder the goals of the reverse auction. Because of the lack of comparative sales, eligible landowners (and the County) would not know the estimated value for DRs and conservation easements associated with each eligible parcel. This lack of information may discourage eligible landowners from participating in the auction, or it may lead to the submittal of bids that greatly exceed fair market value. Put another way, valuing the DRs from eligible properties provides the County with a reasoned analysis and basis for accepting only bids at or below an established value. ⁶

4. CONCLUSION

Unlike the other valuation alternatives, the Mass Appraisal provides the County with a cost-effective and flexible tool to value DRs and conservation easements. The Mass Appraisal will ensure that each eligible property will be individually reviewed by an appraiser, and the Appraisers will determine the value of the DRs and conservation easements associated with each eligible property based upon current valuations.

⁶ During the Consultant Team's interview with the County, Dr. Garret Milam discussed the importance of available information to the reverse auction design.
## CONSERVATION FUTURES FUND as of 12/31/13 as of 2/20/14

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**Notes:**

2009 Other Income category contains $169,428 interest income adjustment required by State Auditor, reviewed by State Attorney General (AG)

2010 Prior Period Adjustment category contains ($169,428) prior period adjustment after AG opinion ruled in favor of Whatcom County

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<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
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<tr>
<td>Parks M&amp;O Expenditures</td>
<td>116,330</td>
<td>64,474</td>
<td>89,735</td>
<td>113,845</td>
<td>145,000</td>
<td>150,133</td>
<td>153,450</td>
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<td>PDS PDR-related Wages</td>
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<tr>
<td>Lily Point Acquisition</td>
<td>1,496,731</td>
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<tr>
<td>Lake Whatcom Reconveyance*</td>
<td></td>
<td></td>
<td></td>
<td>331,000</td>
<td></td>
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<td>City of Everson floodplain prop. acquis.</td>
<td></td>
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<td>228,000</td>
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<tr>
<td>PDRs (Jensen, Funk, Eldridge, Holz)</td>
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<td>165,600</td>
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<td>800,153</td>
<td>98,778</td>
<td>602,803</td>
<td>831,600</td>
<td>340,133</td>
<td>343,450</td>
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* Lake Whatcom Reconveyance payback to GF and remainder of contract is not budgeted in CFF yet.
**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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<tbody>
<tr>
<td>Originator:</td>
<td>Crawford</td>
<td>3/18/2014</td>
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<td>3/25/2014</td>
<td>Finance Committee</td>
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<td>Division Head:</td>
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<tr>
<td>Dept. Head:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Prosecutor:</td>
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<td>Purchasing/Budget:</td>
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<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**

Informational briefing from Whatcom County businesses

**ATTACHMENTS:**

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

Presentations are being hosted quarterly this year by the Finance & Administrative Services Committee to gain greater awareness and understanding of a variety of Whatcom County businesses and their impact on our local economy. Presentations from each business representative will be 10-15 minutes in length and have been scheduled and facilitated with the assistance of the Port of Bellingham Economic Development Division.

3/25/14 features: Gary Graham, Shuttle Systems, Drew Zogby, Alpha Technologies, and Ian Rae, Chuckanut Builders

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

**NO.** 2014-114

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to:
|-------------|---------|------|---------------------------------|-------------|----------------
| Originator: | MD      | 2/28/14 | 03/11/14 | Intro |
| Division Head: | | | | 03/25/14 | Finance Committee; Council |
| Dept. Head: | | | | |
| Prosecutor: | | | | |
| Purchasing/Budget: | | | | |
| Executive: | | | | |

**TITLE OF DOCUMENT:** 2014 Supplemental Budget Request #8

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

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

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

Supplemental #8 requests funding from the General Fund:

1. To appropriate $5,600 in the Sheriff's Office to fund traffic safety equipment from grant proceeds.
2. To appropriate $1,975 in the Sheriff's Office to fund handheld radars from grant proceeds.
3. To appropriate $40,000 in Council to fund additional outside legal counsel.

**Conservation Futures Fund:**
4. To appropriate $331,000 to fund Lake Whatcom County Reconveyance project.

**Public Utilities Improvement Fund:**
5. To appropriate $6,000,000 in Non-Departmental to fund Lynden Water Treatment Plant project.
6. To appropriate $2,500,000 in Non-Departmental to fund City of Bellingham Regional Stormwater Facility project.

**Administrative Services Fund:**
7. To appropriate $175,000 in Information Technology to provide additional funding for computer replacement.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
3/11/2014: Introduced

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

13
ORDINANCE NO.
AMENDMENT NO. 8 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>Sheriff</td>
<td>7,575</td>
<td>(7,575)</td>
<td>-</td>
</tr>
<tr>
<td>Council</td>
<td>40,000</td>
<td>-</td>
<td>40,000</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>47,575</td>
<td>(7,575)</td>
<td>40,000</td>
</tr>
<tr>
<td>Conservation Futures Fund</td>
<td>331,000</td>
<td>-</td>
<td>331,000</td>
</tr>
<tr>
<td>Public Utilities Improvement Fund</td>
<td>8,500,000</td>
<td>-</td>
<td>8,500,000</td>
</tr>
<tr>
<td>Administrative Services Fund</td>
<td>175,000</td>
<td>-</td>
<td>175,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>9,053,575</td>
<td>(7,575)</td>
<td>9,046,000</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of ___________________, 2014.

ATTEST: WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

Jack Louws, County Executive

Date: ________________________
### WHATCOM COUNTY

**Summary of the 2014 Supplemental Budget Ordinance No. 8**

<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 fund traffic safety equipment from grant proceeds.</td>
<td>5,600</td>
<td>(5,600)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund handheld radars from grant proceeds.</td>
<td>1,975</td>
<td>(1,975)</td>
<td>-</td>
</tr>
<tr>
<td>Council</td>
<td>To fund additional outside legal counsel.</td>
<td>40,000</td>
<td>-</td>
<td>40,000</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td>47,575</td>
<td>(7,575)</td>
<td>40,000</td>
</tr>
<tr>
<td>Conservation Futures Fund</td>
<td>To fund Lake Whatcom Reconveyance project.</td>
<td>331,000</td>
<td>-</td>
<td>331,000</td>
</tr>
<tr>
<td><strong>Public Utilities Improvement Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund Lynden Water Treatment Plant project.</td>
<td>6,000,000</td>
<td>-</td>
<td>6,000,000</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund City of Bellingham Regional Stormwater Facility project.</td>
<td>2,500,000</td>
<td>-</td>
<td>2,500,000</td>
</tr>
<tr>
<td><strong>Total Public Utilities Improvement Fund</strong></td>
<td></td>
<td>8,500,000</td>
<td>-</td>
<td>8,500,000</td>
</tr>
<tr>
<td>Administrative Services Fund - Information Technology</td>
<td>To fund additional appropriation for computer replacement.</td>
<td>175,000</td>
<td>-</td>
<td>175,000</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td>9,053,575</td>
<td>(7,575)</td>
<td>9,046,000</td>
</tr>
</tbody>
</table>
TO:    Jack Louws, County Executive  
FROM:  Sheriff Bill Elfo  
DATE:  February 19, 2014  
SUBJECT: Supplemental Budget ID# 1800  
WASPC Traffic Safety Equipment Grant 2014

The attached Supplemental Budget requests budget authority to purchase 4 radars and 4 rear antennas with grant funds from Washington Association of Sheriffs & Police Chiefs.

Background and Purpose  
The Washington Association of Sheriffs & Police Chiefs (WASPC) approved a Traffic Safety Equipment Grant of $5,600.00 to purchase traffic safety equipment: (4) radars $1,000.00 each and (4) rear antennas $400.00 each, W.C. Contract #201402008.

Total estimated cost for this equipment is $6,805.00

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

Funding Amount and Source  
WASPC will provide federal Traffic Safety Equipment Grant funds of $5,600.00 originating from U.S. Department of Transportation, State and Community Highway Safety Program, CFDA# 20.600. Additional funds of $1,205.00 required for this purchase will come from existing Sheriff’s Office budget.

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

Status: Pending

Sheriff Operations

Supp'I/D # 1800 Fund 1 Cost Center 1003512001 Originator: Dawn Pierce

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

Name of Request: WASPC Equipment Grant 2014

Department Head Signature (Required on Hard Copy Submission) Date

Costs: Object | Object Description | Amount Requested
--- | --- | ---
4333.2062 | Traffic Safety | ($5,600)
6510 | Tools & Equip | $5,600

Request Total $0

1a. Description of request:
The Washington Association of Sheriffs & Police Chiefs (WASPC) approved a Traffic Safety Equipment Grant in the amount of $5,600.00 to purchase traffic safety equipment: $4,000.00 for radars and $1,600.00 for rear antennas.

1b. Primary customers:
The Sheriff's Office and citizens of Whatcom County

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

3a. Options / Advantages:
Grant funds were awarded to purchase radars and antennas, equipment that would otherwise have to be purchased with local monies.

3b. Cost savings:
Cost savings of $5,600.00

4a. Outcomes:
Equipment received as a result of this grant will be used as part of the traffic safety program and will be distributed as part of the agency's commitment to traffic safety and active traffic enforcement. Purchase of this equipment will allow patrol units to increase their ability to enforce traffic violations.

4b. Measures:
Reports describing the use of the equipment and related enforcement activities will be submitted to WASPC by October 15, 2014.

5a. Other Departments/Agencies:
n/a

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

6. Funding Source:
Federal funds of $5,600.00 will be provided by Washington Association of Sheriffs & Police Chiefs Traffic Safety Equipment Grant. Funds originate from the U.S. Department of Transportation, State and Community Highway Safety Program, CFDA# 20.600.

Tuesday, February 18, 2014
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: February 21, 2014
SUBJECT: Supplemental Budget ID# 1803
          WTSC School Zone Safety Funds 2014

The attached Supplemental Budget requests budget authority to use Washington Traffic Safety Commission (WTSC) School Zone Safety Funds to purchase cordless handheld radars for deputies in the Sheriff's Office Traffic Unit.

Background and Purpose
School Zone Safety Account Funds are awarded by WTSC to fund projects in local communities to improve school zone safety. The Sheriff's Office will use these funds to purchase three (3) cordless handheld radars for motorcycle school zone enforcement.

Funding Amount and Source
State grant funds of $1,975.00 will be provided by Washington Traffic Safety Commission School Zone Safety Account.

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

Thank you.
Supplemental Budget Request

Sheriff Operations

Status: Pending

Fund 1 Cost Center 1003512001 Originator: Dawn Pierce

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

Name of Request: WTSC School Zone Safety Funds 2014

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>
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<tbody>
<tr>
<td>4334.0350</td>
<td>Traffic Safety</td>
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<td>($1,975)</td>
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<tr>
<td>6510</td>
<td>Tools &amp; Equip</td>
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<td>$1,975</td>
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</table>

Request Total $0

1a. Description of request:


1b. Primary customers:

Sheriff's Office deputies.

2. Problem to be solved:

The Sheriff's Office needs budget authority to use WTSC School Zone Funds to purchase radars approved by WTSC for motorcycle school zone safety enforcement.

3a. Options / Advantages:

School Zone Safety Funds are awarded by WTSC to fund projects in local communities to improve school zone safety, projects that would otherwise have to be funded with local monies or eliminated.

3b. Cost savings:

Cost savings of $1,975.00

4a. Outcomes:

Purchase of cordless handheld radars will allow Traffic Unit deputies to effectively work the school zones in our community on motorcycles.

4b. Measures:

Continue work to improve pedestrian safety in school zones by enforcing speed restrictions and decreasing the number of traffic violations.

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:

1a. **Description of request:**

Senior Deputy Prosecutor Karen Frakes has requested the continued assistance of outside legal counsel in representing Whatcom County in Growth Management Hearings Board Case No. 11-2-0010c, Case No. 12-2-0013, and associated appeals. These cases involve challenges to Whatcom County Ordinance No. 2012-032 which amended the Whatcom County Zoning Code, the Official Zoning Map, and the Whatcom County Comprehensive Plan and maps, to implement changes pertaining to rural lands. These services will be performed in concert with members of the Whatcom County Prosecutor's Office staff, as directed by the Prosecutor, or his designee.

1b. **Primary customers:**

Whatcom County

2. **Problem to be solved:**

There are insufficient funds in the Council's budget to pay for the services through the end of the process.

3a. **Options / Advantages:**

There are no other options available to cover the costs associated with this request.

3b. **Cost savings:**

4a. **Outcomes:**

The Whatcom County Prosecutor's Office is representing the County Council before the Board and will use this assistance to address the multiple issues raised by the challengers.

4b. **Measures:**

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

Whatcom County Prosecutor's Office.

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

6. **Funding Source:**
MEMORANDUM

TO: Whatcom County Council
FROM: Mike McFarlane, Director
RE: DNR Reconveyance
DATE: February 28, 2014

This supplemental request re-appropriates the additional $40,000 approved in 2013 for the additional work needed to complete the reconveyance. The supplemental will also refund the General Fund for the original $291,000 expended for the reconveyance work.

Background and Purpose:
The County entered into an agreement with the State of Washington Department of Natural Resources in late 2009. At that time DNR estimated that transaction costs would not exceed $291,000. Since 2009, the configuration of Trust Lands to be transferred has been finalized and land and timber appraisals have been completed. The contract was amended in July 2013 to allow an additional $40,000 for land surveying, monumentation of road crossing between state and county lands, and closing costs. This work will be completed and invoiced in 2014.

Acquisition of park lands is an authorized use of CFF revenues. Park lands acquired with CFF monies are also eligible to have maintenance costs (up to 15% of the prior year levy amount) funded with CFF revenues. Reimbursing the General Fund provides one-time funding for other high priority County projects which cannot utilize CF funding.

Funding Amount and Source:
Conservation Futures Fund
## Supplemental Budget Request

**Status:** Pending

### Executive

Suppl ID # 1906  
**Fund** 175  **Cost Center** 17530  **Originator:** Tawni Helms/Mike McFarlan

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

### Name of Request: DNR Reconveyance

![Signature]

Department Head Signature (Required on Hard Copy Submission)  **Date:** 2.28.14

### Costs:

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</thead>
<tbody>
<tr>
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<td>7210</td>
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<td>8351.4540</td>
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<tr>
<td><strong>Request Total</strong></td>
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<td></td>
<td><strong>$0</strong></td>
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</tbody>
</table>

### 1a. Description of Request:

This supplemental has two parts:

1) Requests reappropriation of $40,000 to fund Amendment #1 to the contract between Whatcom County and the Washington State Department of Natural Resources (DNR) (Contract # 200911002). The $40,000 was appropriated by Council in July 2013 (Suppl #2013-8, Ord #2013-044) but work was delayed and will be billed in 2014. The amendment allowed for increased costs for land surveying, monumentation and closing expenses for the Lake Whatcom Reconveyance.

2) Requests appropriation to repay the General Fund $291,000 for costs incurred under the original contract with DNR signed in late 2009.

### 1b. Primary Customers:

The area to be transferred to County ownership will be used by the public for recreation, habitat preservation and water quality. The land survey and monumentation will inform staff and easement users of property ownership.

### 2. Problem to be Solved:

The Lake Whatcom Reconveyance has been a Council initiative to provide additional protection to the Lake Whatcom Watershed and enhanced recreational opportunities to Whatcom residents by transferring approximately 8,800 acres of State Trust Lands to County ownership pursuant to RCW 79.22.300. The County entered into an agreement with the State of Washington Department of Natural Resources in late 2009. At that time DNR estimated that transaction costs would not exceed $291,000. Since 2009, the configuration of Trust Lands to be transferred has been finalized and land and timber appraisals have been completed. The contract was amended in July 2013 to allow an additional $40,000 for land surveying, monumentation of road crossings between state and county lands, and closing costs. Items in the Scope of Work for Amendment #1 will be completed and invoiced in 2014. Reappropriation of funding for Amendment #1 and reimbursing the General Fund for the original contract costs are amongst the final steps in completing the reconveyance project.

### 3a. Options / Advantages:

The other option available was to have the General Fund pay for the whole project. Having the Conservation Futures Fund (CFF) pay for the project has the following advantages:

- Conservation Futures Funds are a restricted revenue source. Acquisition of park lands is an authorized use of CFF revenues.
- Park lands acquired with CFF monies are also eligible to have maintenance costs (up to 15% of the prior
### Executive

<table>
<thead>
<tr>
<th>Supp'l ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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</thead>
<tbody>
<tr>
<td>1806</td>
<td>175</td>
<td>17530</td>
<td>Tawni Helms/Mike McFarlan</td>
</tr>
</tbody>
</table>

- Reimbursing the General Fund provides one-time funding for other high priority County projects which can not utilize CFF funding.

#### 3b. Cost savings:

N/A

#### 4a. Outcomes:

Transfer by deed of approximately 8,800 acres of State Trust Lands to Whatcom County per the reconveyance proposal.

#### 4b. Measures:

Closing of the real estate transaction and recording of the deed which transfers ownership.

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

This land transfer is being facilitated by the State of Washington Department of Natural Resources.

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

- Michael McFarlane, Director of Whatcom County Parks and Recreation - Contract and Project Management,
- Julie Sandberg, Asset Division Manager, DNR - Contract and Project Management

#### 6. Funding Source:

Conservation Futures Fund
MEMORANDUM

To: Whatcom County Council Members
From: Suzanne Mildner, Grants Coordinator
Subject: Supplemental Budget Requests for EDI Program funding
Date: February 14, 2014

Attached are two Supplemental budget requests for spending authority on two EDI loan and grant agreements for which budget authority is required.

The County Council previously approved the Interlocal Agreements and allocated funding for the following two projects:

1) City of Lynden – Lynden Water Treatment Plant project; and
2) City of Bellingham – North End Regional Stormwater Facility project.

The Interlocal Agreements for both of these projects have been signed. Construction is underway now for the Lynden project, and construction is expected to begin this summer for Bellingham’s stormwater project. Budget authority is required in order to allow the County to follow through on the terms of our agreements. The funding source for these agreements is the Public Utilities Improvement Fund.

If you have any questions on this matter, please feel free to contact me at ext. 50118.

/Attachment
Supplemental Budget Request

Status: Pending

Executive

<table>
<thead>
<tr>
<th>Supp'I ID #</th>
<th>1797</th>
<th>Fund</th>
<th>332</th>
<th>Cost Center</th>
<th>332227</th>
<th>Originator: Suzanne Midner</th>
</tr>
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</table>

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

Name of Request: Lynden Water Treatment Plant Project

X

Department Head Signature (Required on Hard Copy Submission) 2/24/14

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
<tr>
<td>2910.1000</td>
<td>Fund Balance</td>
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</tr>
<tr>
<td>7220</td>
<td>Intergov Subsidies</td>
<td></td>
<td>$6,000,000</td>
</tr>
</tbody>
</table>

Request Total: $0

1a. Description of request:

This request is for EDI Program funding for the City of Lynden's Water Treatment Plant project.

1b. Primary customers:

City of Lynden and associated water customers

2. Problem to be solved:

In December of 2011, County Council authorized EDI funding and in January of 2013, an Interlocal Loan and Grant Agreement was approved. This agreement provides for a $4-million loan and a $2-million grant. The project began in 2013 and construction is underway at this time. This funding will be utilized in support of construction costs for the new water treatment plant, which will replace an aged and outdated 1924 plant with a modern conventional treatment plant that will comply with existing and new regulatory requirements.

3a. Options / Advantages:

This EDI Program funding will provide a portion of the overall budget for this project. Other funding sources include Washington State's Drinking Water State Revolving Fund and the Public Works Trust Fund.

3b. Cost savings:

N/A

4a. Outcomes:

A new 8 MGD surface water treatment facility will be constructed, with project completion anticipated to be August of 2015.

4b. Measures:

City of Lynden will provide a final report and project budget following completion of the project.

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:

Public Utilities Improvement Fund

Thursday, February 13, 2014
Supplemental Budget Request

Status: Pending

Executive

 supplementation ID # 1799  Fund  332  Cost Center  332228  Originator:  Suzanne Mildner
Expenditure Type: One-Time  Year 2  2014  Add'1 FTE  Add'1 Space  Priority  1

Name of Request: COB Regional Stormwater Facility

X

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>
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</table>

1a. Description of request:
This request is for EDI Program funding for the City of Bellingham's project entitled North End Regional Stormwater Facility.

1b. Primary customers:
City of Bellingham, Whatcom County

2. Problem to be solved:
In October 2013 County Council authorized EDI funding and on February 11th the Council approved the EDI Interlocal Loan and Grant Agreement with the City of Bellingham. The agreement provides for a $1,675,000 loan and a $825,000 grant in support of construction costs for the North End Regional Stormwater Facility in the Bakerview/I-5 interchange area.

3a. Options/Advantages:
The City of Bellingham will also provide Stormwater funds for this project, and there will be private development contributions to project loan costs as well. The City views this project as an economic development approach to create efficiencies and decrease risk to businesses looking to expand or locate their business in Whatcom County.

3b. Cost savings:
N/A

4a. Outcomes:
This project will result in construction of a treatment and detention facility which will support development of approximately 80 acres in one of Bellingham's growing employment centers. Project completion is estimated to take place by the end of 2014.

4b. Measures:
The City of Bellingham will provide a final report and project budget following completion of the project.

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:
Public Utilities Improvement Fund

Thursday, February 13, 2014

Rpt: Rpt Suppl Regular
To: Jack Louws, County Executive
From: Perry Rice, IT Manager
CC: Denise Toth Banyan, Associate IT Manager
Date: 02/28/2014
Re: Supplemental Budget Request – TR&R Appropriation for Computer Replacement

• Background and Purpose

Division of Information Technology (IT) has been working with departments to complete a countywide upgrade to the Microsoft Windows 7 operating system. In most cases this requires the replacement of computers which are at the end of their useful life. These upgrades are critical for ongoing operations and also due to the fact that Microsoft will no longer be providing security updates to the Microsoft Windows XP operating system after April 2014. In 2013 IT was able to upgrade computers in the following departments: Auditor, Finance, Human Resources, IT, Sheriff and Health. Departments that need to be upgraded in 2014 include Assessor, Council, District Court, Probation, Executive, Facilities, Juvenile, Prosecutor, Public Defender, Parks, Planning, Public Works, Superior Court, Treasurer and WSU Extension. There currently is $400,000 of budget authority in the Technology Replacement & Revolving (TR&R) cost center. An additional appropriation of $175,000 is requested as shown in the table below to upgrade or replace computers in 2014.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>2014 TR&amp;R Budget Authority</td>
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<tr>
<td>2014 Expenditures (Approximate)</td>
<td>$75,000</td>
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<tr>
<td>TR&amp;R Remaining Budget Authority</td>
<td>$325,000</td>
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<tr>
<td>Additional Funding to Replace Remaining Computers</td>
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<tr>
<td>Additional Funding for Replacement of Other Items</td>
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<tr>
<td>Funding Required</td>
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<tr>
<td>TR&amp;R Remaining Budget Authority</td>
<td>$325,000</td>
</tr>
<tr>
<td>Additional Appropriation Requested</td>
<td>$175,000</td>
</tr>
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</table>

• Funding Amount and Source

This is a 2014 Supplemental Budget Request to augment the current TR&R budget of $400,000 with an appropriation of $175,000 from Administrative Services Fund balance. Please contact Denise Toth Banyan at extension 50639 if you have any questions or concerns regarding this project.
Supplemental Budget Request

Administrative Services

Status: Pending

Supp'l ID: 1005
Fund: 507
Cost Center: 507700
Originator: Perry Rice

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

Name of Request: Appropriation to TR&R for Computer Replacement

Date: 02.28.14

Department Head Signature (Required on Hard Copy Submission)

<table>
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<tr>
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<td>2880.1000</td>
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<td>6510</td>
<td>Tools &amp; Equip</td>
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<td>Request Total</td>
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1a. Description of request:
Request $175,000 additional appropriation in Administrative Services Technology Replacement & Revolving (TR&R) cost center to replace remaining Microsoft Windows XP computers that will no longer be supported by Microsoft.

1b. Primary customers:
Whatcom County departments that are scheduled to be upgraded to Windows 7: Assessor, Council, District Court Probation, Executive, Facilities, Juvenile, Prosecutor, Public Defender, Parks, Planning, Public Works, Superior Court, Treasurer and WSU Extension.

2. Problem to be solved:
Division of Information Technology (IT) has been working with departments to complete a countywide upgrade to the Microsoft Windows 7 operating system. In most cases this requires the replacement of computers which are at the end of their useful life. These upgrades are critical for ongoing operations and also due to the fact that Microsoft will no longer be providing security updates to the Microsoft Windows XP operating system after April 2014. In 2013 IT was able to upgrade computers in the following departments: Auditor, Finance, Human Resources, Sheriff and Health. Departments that need to be upgraded in 2014 include Assessor, Council, District Court Probation, Executive, Facilities, Juvenile, Prosecutor, Public Defender, Parks, Planning, Public Works, Superior Court, Treasurer and WSU Extension.

3a. Options / Advantages:
IT is using two options to upgrade computers to the Microsoft Windows 7 operating system:

1. In Place Upgrade: Upgrade existing computers to Windows 7 without replacing the computer.
2. Full Replacement: Replace existing computers with new computers with Windows.

3b. Cost savings:
N/A

4a. Outcomes:
All department computers to be running the Windows 7 operating system by June 30, 2014.

4b. Measures:
Microsoft System Center Configuration Manager tool to be run on the network to verify that all department computers have been upgraded to Windows 7.

5a. Other Departments/Agencies:
Assessor, Council, District Court Probation, Executive, Facilities, Juvenile, Prosecutor, Public Defender, Parks, Planning, Public Works, Superior Court, Treasurer and WSU Extension.

Friday, February 28, 2014
Supplemental Budget Request

<table>
<thead>
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<th>Administrative Services</th>
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<td>Supp'l ID # 1805</td>
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<td>Fund 507</td>
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<tr>
<td>Cost Center 507700</td>
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</tr>
<tr>
<td>Originator: Perry Rice</td>
<td></td>
</tr>
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</table>

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

   IT will be receiving assistance from IT Contacts in the above departments during this implementation.

6. Funding Source:

   Administrative Services Fund

Friday, February 28, 2014
### WHATCOM COUNTY COUNCIL AGENDA BILL

**Bill No.:** 2014-115

**Clearances**

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<thead>
<tr>
<th>Originator</th>
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<td>Division Head</td>
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<td>Dept. Head:</td>
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<td>Purchasing/Budget:</td>
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<td>Executive:</td>
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**Date Received in Council Office:**

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<tr>
<td>03/11/14</td>
<td>Intro</td>
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<tr>
<td>03/25/14</td>
<td>Finance Comm.: Board of Supervisors (WCFCZDBS)</td>
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**Title of Document:** Flood Control Zone District 2014 Supplemental Budget Request #2

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

**SEPA Review Required:** ( ) Yes ( ) No

**SEPA Review Completed:** ( ) Yes ( ) No

**Should Clerk Schedule a Hearing:** ( ) Yes ( ) No

**Summary Statement or Legal Notice Language:**

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

1. To appropriate $42,700 to fund Deming Levee Improvement Project design.

**Committee Action:**

**Board of Supervisors Action:**

3/11/2014: Introduced

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
RESOLUTION NO. __________
(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

AMENDMENT NO. 2 OF THE 2014 BUDGET

WHEREAS, the 2014 budget for the Whatcom County Flood Control Zone District and Subzones was adopted November 26, 2013; and,
WHEREAS, changing circumstances require modifications to the approved 2014 budget; and,
WHEREAS, the modifications to the budget have been assembled here for deliberation by the Board of Supervisors,
NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Flood Control Zone District Board of Supervisors that the 2014 budget as approved in Resolution 2013-049 is hereby amended by adding the following additional amounts to the budgets included therein:

<table>
<thead>
<tr>
<th></th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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</thead>
<tbody>
<tr>
<td>Flood Control Zone District</td>
<td>42,700</td>
<td>-</td>
<td>42,700</td>
</tr>
</tbody>
</table>

ADOPTED this ____ day of _____________________, 2014

WHATCOM COUNTY FCZD
BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk
Carl Weimer, Chair of the Board of Supervisors

APPROVED AS TO FORM:

_______________________________
Civil Deputy Prosecutor
<table>
<thead>
<tr>
<th>Flood Control Zone District and Subzones Supplemental #2</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Fund Balance</th>
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<tr>
<td>Flood Control Zone District</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To fund Deming Levee Improvement Project design.</td>
<td>42,700</td>
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<td>42,700</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>42,700</td>
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Memorandum

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

Through: Frank M. Abart, Director

From: Paula J. Cooper, P.E., River and Flood Manager

Re: 2014 Supplemental Budget Request – Deming Levee Improvement Design

Date: January 23, 2014

Requested Action
Enclosed for your review and consideration is a supplemental budget request for 2014 (see attached Supplemental Budget Request #1793).

Background and Purpose
This supplemental budget request authorizes $42,700 in additional expenditures for design services for the Deming Levee Improvement Project. The project involves an upstream extension of the Deming levee; construction of the levee will impact existing wetlands. In order to characterize the impacts and design appropriate mitigation, access to property owned by the Nooksack Tribe is needed. Development of an access agreement was initiated in November of 2012 but we were unable to get approval from their Tribal Council until October of 2013. This delay resulted in significantly more coordination with the design consultant over the course of the year as the field work was planned and further delayed. In addition, the billing rates in the agreement were from 2011 and while the consultant honored these rates through 2012 and 2013, they are requesting that they increase their rates to 2013 rates for the remainder of the work during 2014. Of the $42,700 supplement request, $12,500 is a result of the additional time spent for coordination and $30,200 is due to the increase in rates.

Funding Amount and Source
Funding is from the Flood Control Zone District fund balance.

Please contact Paula Cooper at extension 50625, if you have any questions or concerns regarding this request.
Supplemental Budget Request

Public Works

Flood Control Zone District

Supp'l ID #: 1793  Fund: 169  Cost Center: 708004  Originator: Paula Cooper

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

Name of Request: Deming Levee Improvement Design

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
<th>Amount Requested</th>
</tr>
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<td>Request Total</td>
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<td>$0</td>
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1a. Description of request:

This request provides additional funding for project design to cover the consultant’s increase in costs associated with a year long delay in the project implementation. The consultant needed access to Nooksack tribal property to evaluate wetland impacts associated with construction of the improved levee to protect the Deming area. Due to circumstances at the Tribe we were unable to obtain approval of an access agreement for approximately one year, which delayed the consultant’s work and required increased coordination. In addition, the consultant had been charging 2011 rates, and with the extra delay has requested that they update their rates for 2014. The cost increase due to additional coordination from the project delay was $12,500; the increase resulting from updating to 2014 rates is $30,200.

1b. Primary customers:

The citizens of Whatcom County.

2. Problem to be solved:

The upstream end of the Deming levee ties into a berm that does not provide adequate protection to the town of Deming, putting significant public and private infrastructure at risk.

3a. Options / Advantages:

This project is recommended in the adopted Lower Nooksack River Comprehensive Flood Hazard Management Plan. The no action alternative would leave public and private infrastructure at risk from flooding.

3b. Cost savings:

N/A

4a. Outcomes:

The design work is planned for 2014 with construction in 2015.

4b. Measures:

Project construction in 2015.

5a. Other Departments/Agencies:

Diking District #2, the Mt Baker School District, and the Nooksack tribe will all benefit from implementation of this project.

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

N/A

6. Funding Source:

FCZD fund balance

Monday, January 27, 2014  Rpt: Rpt Suppl Regular 34
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

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.”
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
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 Single Family Owner-Occupied Homes and Rental Housing

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 single family owner-occupied affordable homes and rental housing. The maximum EDI loan amount for multi-family rental home construction is $150,000.

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 the loan term whichever occurs first.
  a. Loan term for single family owner-occupied homes: 50 years
  b. Loan term for affordable rental housing: 20 years

These loans will be secured with a deed of trust and promissory note. A Loan Transfer application recorded against the deed of trust and promissory note will be required at the time of sale/transfer. This will allow the County to adequately track the original loan against the deed of trust.

- If the home is other than described above, the loan shall be due and payable when the property is sold or transferred or, if rental housing, when the home is no longer rented at an affordable price, whichever comes first. These loans will be secured through the deed of trust.
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.

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 the applicable loan term, whichever comes first. Repayment of the loan and deferred interest shall be fully payable to the County at time of closing.

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

(i) Affordability is determined via the specified housing agencies’ chosen state and federal rent maximum (updated annually), such as the WA State Housing Finance Commission. 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.

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.

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. The County will review the effectiveness of the program periodically and prior to exhausting the $1.2 million for eligible project loans."

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

(i) Affordability is determined via the housing agencies' chosen state and federal rent maximum (updated annually), such as the WA State Housing Finance Commission. 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 sized, 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.

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

5. EDI loans shall be due:

i. 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 the loan terms, whichever comes first.
   a) Loan term for single family owner-occupied homes: 50 years
   b) Loan term for affordable rental housing: 20 years
These loans will be secured with a deed of trust and promissory note. A Loan Transfer application recorded against the deed of trust and promissory note will be required at the time of sale/transfer. This will allow the County to adequately track the original loan against the deed of trust.

ii. If the home is other than as described in a) above, the loan shall be due when the property is sold or transferred or, if rental housing, when the home is no longer rented at an affordable price, whichever comes first. These loans and affordability requirements will be secured through the 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, and the County Council will review and approve loan amounts in excess of $25,000.

   iv. The program administrator will approve the 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.
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: $__________

If rental project, identify State or Federal maximum used to determine affordable rental rates:

______________________________________________________________

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
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
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]

Bob Bremley
On Behalf of the Whatcom County Small City Caucus

Cc: County Executive
Nays: None (0)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM AND THE PORT OF BELLINGHAM FOR THE PURPOSE OF ENSURING CONSISTENCY IN DELIVERY OF ECONOMIC DEVELOPMENT SERVICES, IN THE AMOUNT OF $405,000 (AB2013-426) (12:38:32 PM)

Buchanan moved to recommend approval to the full Council.

Jack Louws, County Executive, gave a staff report.

Browne stated he would like a presentation on this for future renewals.

Brenner referenced Council packet page 55 and there was discussion of making a statement about the parties delivering economic development services efficiently.

The motion carried by the following vote:

Ayes: Crawford, Browne and Buchanan (3)

Nays: None (0)

3. 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) (12:42:10 PM)

Buchanan moved to recommend approval to the full Council of the substitute version.

Browne asked and there was discussion of whether this is a loan program or grant program.
Jack Louws, County Executive, answered questions. He asked the Council to consider that a big multi-family project may clean out the fund. Put a maximum limit on this project to ensure the remaining $775,000 is available to single family residences.

Brenner stated and there was discussion of the income level of 80 percent of median income being too high and taking something out of affordable housing and not having to pay back the loan for 20 years. Amend policy 5.b on Council packet page 71 so it includes language from policy 5.a, “ceases to be used for affordable housing.”

Crawford stated he is against the motion. He stated and there was discussion that more government subsidized rental housing isn’t needed in the community. The original intent was investment in public infrastructure. It’s become another one of many options for government subsidized housing. Other investments would be better at attracting new business and new jobs.

Buchanan asked and there was discussion of a suggested loan cap.

Brenner stated she suggests language to amend policy 5.b on Council packet page 71 so it includes language from policy 5.a, “ceases to be used for affordable housing.”

Mann stated he’s voted against this in the past, but he has changed his mind. He found a nexus between economic development and this program. Using this ED! fund would make additional funding available from outside the county that would be spent on construction jobs.

Browne asked and there was discussion of the structure of the ED! fund program. Using the funds opens an opportunity for leveraging outside funds, but the question is whether this is the most efficient use of funds. He would suggest a cap per project and a trial period. He moved to hold in committee to work with the administration.

The motion carried by the following vote:

Ayes: Crawford, Browne and Buchanan (3)
Nays: None (0)
## TITLE OF DOCUMENT: Amendment no. 4 to the agreement between Whatcom County and the Camp Horizon Foundation for the Operation of Bay Horizon Park

### ATTACHMENTS: Amendment

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

Approve amendment no. 4 to the lease agreement with the Camp Horizon Foundation modifying the insurance requirements and adding the hostel building to the lease for the operation of a disabled youth and adult camp at Bay Horizon Park.

### COMMITTEE ACTION:

### COUNCIL ACTION:

**Related County Contract #:**
# 9707020

**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).*
TO: Jack Louws, County Executive
FROM: Michael McFarlane, Director
DATE: March 5, 2014
RE: Amendment No. 4, Camp Horizon Foundation Lease

Attached please find two copies of a lease amendment #4 between Whatcom County and the Camp Horizon Foundation for your signature. The Camp Horizon Foundation leases and maintains the majority of the buildings at Bay Horizon Park for the operation of a camp for disabled youth and adults.

This amendment to the lease modifies by updating the insurance requirements and adds the former hostel building at Bay Horizon Park to the list of buildings leased to the Foundation.

There are no monetary considerations with this amendment as the Foundation is responsible for all operating and maintenance costs. All other terms and conditions of the lease remain the same.

Please contact Michael McFarlane at 32072 if you have any questions or require additional information.

Thank you
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

**Originating Department:** Parks & Recreation

**Contract or Grant Administrator:** Michael McFarlane

**Contractor's / Agency Name:** Camp Horizon Foundation

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

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

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

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

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

**Is this the result of a RFP or Bid process?** Yes □ No □

**Cost Center:**

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

**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 work is all performed outside U.S.
- Interlocal Agreement (between Gov'ts)
- Public Works - Local Agency/Federally Funded FHWA

**Contract Amount:**

- $N/A

**Total Amended Amount:**

- $N/A

**Summary of Scope:** This amendment adds the former hostel building to the current list of buildings at Bay Horizon Park leased to the Camp Horizon Foundation to use for the operation of a camp serving disabled youth and adults.

**Term of Contract:** Concurrent with lease

**Expiration Date:** 12/31/22

### Contract Routing Steps & Signoff

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**Last Edited:** 7/24/13

52
AMENDMENT No. 4 TO THE AGREEMENT BETWEEN WHATCOM COUNTY AND THE CAMP HORIZON FOUNDATION FOR THE OPERATION OF BAY HORIZON PARK

This amendment modifies Section 1- Description of Obligations of the original agreement between Whatcom County and Camp Horizon Foundation dated December 14th, 1987 (contract no. 9707020).

The purpose of this amendment is as follows:

SECTION 1

A. add the former hostel building to the list of buildings and facilities granted to the Camp Horizon Foundation for use and operational control.

B. replaces by updating sections 11 and 12 of the initial agreement dated 12/14/87 pertaining to Indemnification and Hold Harmless (11) and Proof of Insurance (12) with the following language.

11. Indemnification: To the fullest extent permitted by law, Camp Horizon Foundation agrees to indemnify, defend and hold the County and its departments, elected and appointed officials, employees, agents and volunteers, harmless from and against any and all claims, damages, losses and expenses, including but not limited to court costs, attorney's fees and alternative dispute resolution costs, for any personal injury, for any bodily injury, sickness, disease or death and for any damage to or destruction of any property (including the loss of use resulting therefrom) which 1) are caused in whole or in part by any act or omission, negligent or otherwise, of Camp Horizon Foundation, its employees, agents or volunteers or Camp Horizon Foundation's subcontractors and their employees, agents or volunteers; or 2) are directly or indirectly arising out of, resulting from, or in connection with performance of this Agreement; or 3) are based upon the Camp Horizon Foundation's or its subcontractors' use of, presence upon or proximity to the property of the County. This indemnification obligation of Camp Horizon Foundation shall not apply in the limited circumstance where the claim, damage, loss or expense is caused by the sole negligence of the County. This indemnification obligation of Camp Horizon Foundation shall not be limited in any way by the Washington State Industrial Insurance Act, RCW Title 51, or by application of any other workmen's compensation act, disability benefit act or other employee benefit act, and the Camp Horizon Foundation hereby expressly waives any immunity afforded by such acts. The foregoing indemnification obligations of the Camp Horizon Foundation are a material inducement to County to enter into this Agreement, are reflected in the Camp Horizon Foundation's compensation, and have been mutually negotiated by the parties.

12. Insurance: Camp Horizon Foundation shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums:

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

A Certificate of Insurance and necessary endorsements must be provided reflecting the following: Identify the County as an additional insured. This contractor's insurance shall be considered as primary and shall waive all rights of subrogation. The County insurance shall be noncontributory.
Camp Horizon Foundation shall, for each required insurance policy, provide a Certificate of Insurance, with endorsements attached, evidencing all required coverages, limits, deductibles, self-insured retentions and endorsements and which is conditioned upon the County receiving thirty (30) days prior written notice of reduction in coverages, cancellation or non-renewal. Each Certificate of Insurance and all insurance notices shall be provided to the: Whatcom County Parks & Recreation Department.

Must provide Worker’s Compensation insurance as required by law.

All other terms, conditions, covenants and amendments to the agreement, unless specifically altered modified or changed herein remain in full force and effect.

The effective date of this amendment shall be the date of the final signature to this amendment.

Dated this ___ day of __________________ 2014.

WHATCOM COUNTY

__________________________
Jack Louws, County Executive

STATE OF WASHINGTON )

) ss.
COUNTY OF WHATCOM )

On this _____ day of ______________, 2014, before me personally appeared Jack Louws to me known as the County Executive of WHATCOM COUNTY and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Given under my hand and official seal this _____ day of ______________, 2014

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

My Commission expires __________

WHATCOM COUNTY PARKS & RECREATION DEPARTMENT

________________
Michael McFarlane, Director
Dated this 25th day of February 2014.

CAMP HORIZON FOUNDATION

BY Janice Polew, President

BY

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss.

On this 25th day of February, 2014, before me personally appeared
Janice Polew, and who executed the above instrument and who acknowledged to me the act of
signing and sealing thereof.

Given under my hand and official seal this 25th day of February, 2014

Angelica C. Montoya
NOTARY PUBLIC in and for the State of Washington
residing at 1600 E. Holly

My Commission expires 10-13-2014
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Contract for Services with Herrera Environmental Consultants, Inc. for Canyon Creek Restoration Project.

**ATTACHMENTS:**
1. Cover Memorandum
2. Contract

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

**Should Clerk schedule a hearing?** ( ) Yes ( x ) NO
**Requested Date:**

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

Contract for Services with Herrera Environmental Consultants, Inc. to update the 2013 construction plans, special provisions and construction cost estimate for the remaining 2014 construction work (Schedule B) at Lower Canyon Creek salmon habitat restoration/flood hazard management project. This scope of work also includes consultant support during the bidding and construction phases of the Schedule B work.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

DATE: March 12, 2014

TO: Whatcom County Flood Control Zone District Board of Supervisors

FROM: Paula J. Cooper, P.E., River & Flood Manager

THROUGH: Frank M. Abart, Public Works Director

RE: Professional Services Agreement with Herrera Environmental Consultants, Inc. for Canyon Creek Restoration Project.

Enclosed are two (2) originals of a Contract for Services agreement between Whatcom County Flood Control Zone District and Herrera Environmental Consultants, Inc. for your review and signature.

- Background and Purpose
  The proposed scope of work in the agreement with Herrera Environmental Consultants, Inc. includes updating the 2013 construction plans, special provisions and construction cost estimate and providing technical support during bidding and construction for the remaining 2014 construction (Schedule B) at Lower Canyon Creek. Schedule B construction consists of installing nine additional engineered log jams on the alluvial fan to enhance salmon habitat; this work was not included in the 2013 project due to costs but grant funding has been secured to fund the additional log jams.

- Funding Amount and Source
  This is new contract. Herrera Environmental Consultants was selected as a sole source provider as they performed the original design and are the engineers of record for this project. The contract amount is $59,027 and is eligible for reimbursement through a new grant program through the Department of Ecology. The grant agreement will be coming forward for approval within the next month.

Please contact Paula Cooper, River and Flood Manager at extension 50625 if you have any questions or concerns regarding the terms of this agreement.

Encl.
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

**Originating Department:** Public Works – River and Flood

**Contract or Grant Administrator:** Paula J. Cooper P.E., River and Flood Manager

**Contractor's / Agency Name:** Herrera Environmental Consultant, Inc.

**Is this a New Contract?** Yes

**If not, is this an Amendment or Renewal to an Existing Contract?** Yes

**Yes** No

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

**Does contract require Council Approval?** Yes X 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) **

**Pending**

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

**Yes** No X

**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**

---

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

- [X] Professional services agreement for certified/licensed professional
- [ ] Contract work is for less than 120 days
- [ ] Contract less than $100,000.
- [X] 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

$ **59,027**

**This Amendment Amount:**

$ **0**

**Total Amended Amount:**

$ **59,027**

**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 with Herrera Environmental Consultants, Inc. to update the 2013 construction plans, special provisions and construction cost estimate for the remaining 2014 construction work (Schedule B) at Lower Canyon Creek salmon habitat restoration/flood hazard management project. This scope of work includes our consultant to support during the bidding and construction phases of the Schedule B work.

### Term of Contract:

**Expiration Date:** 12/31/2014

### Contract Routing Steps & Signoff:

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<td>6.</td>
<td>Attorney signoff:</td>
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<td>7.</td>
<td>Contractor signed:</td>
<td>3/12/14</td>
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<td>8.</td>
<td>Submitted to Exec Office</td>
<td>3/13/14 [summary via electronic; hardcopies]</td>
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<td>9.</td>
<td>Council approved (if necessary)</td>
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<td>Executive signed:</td>
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<td>11.</td>
<td>Contractor Original Returned to dept:</td>
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<td>12.</td>
<td>County Original to Council</td>
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</table>
Herrera Environmental Consultants, Inc., hereinafter called Contractor, and Whatcom County Flood Control Zone District, 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 to 13.
Exhibit B (Compensation), pp. 14 to 17.
Exhibit C (Project Schedule) pp. 18.
Exhibit D (Certificate of Insurance). pp. 19.

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 26 day of March, 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: update the 2013 construction plans, special provisions and cost estimate for the remaining 2014 habitat restoration work, 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 $59,027. 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 26 day of March, 2014.

CONTRACTOR:

Herrera Environmental Consultants, Inc.

Theresa M. Wood, Vice President

STATE OF WASHINGTON

COUNTY OF Whatcom ss.

On this 26 day of March, 2014, before me personally appeared Theresa M. Wood, to me known to be the Vice President of Herrera Environmental Consultants, 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 Everett, WA. My commission expires 05/28/14.
WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT

Recommended for Approval:

Frank M. Abart, Public Works Director Date

Approved as to form:

Daniel Gibson, Chief Deputy Prosecuting Attorney Date

Approved:
Acceptance for Whatcom County Flood Control Zone District

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

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss

On this _____ day of __________, 2014, 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:

Herrera Environmental Consultants, Inc.

Theresa M. Wood, Vice President

Address:
2200 Sixth Avenue, Suite 1100
Seattle, Washington 98121-1820

Mailing Address:
2200 Sixth Avenue, Suite 1100
Seattle, Washington 98121-1820

Contact Name: Brian Scott
Contact Phone: 206-787-9218
Contact FAX: 206-441-9108
Contact Email: bscott@herrerainc.com
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: Not Applicable

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) to cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount so paid or incurred from amounts due or to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Contractor by reason of good faith withholding by the County under this clause.

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

Series 30-39: Provisions Related to Administration of Agreement

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

The Contractor acknowledges that the entire compensation for this Agreement is specified in Exhibit "B" and the Contractor is not entitled to any benefits including, but not limited to: vacation pay, holiday pay, sick leave pay, medical, dental, or other insurance benefits, or any other rights or privileges afforded to employees of the County. The Contractor represents that he/she/it maintains a separate place of business, serves clients other than the County, will report all income and expense accrued under this contract to the Internal Revenue Service, and has a tax account with the State of Washington Department of Revenue for payment of all sales and use and Business and Occupation taxes collected by the State of Washington.

Contractor will defend, indemnify and hold harmless the County, its officers, agents or employees from any loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees or costs incurred by reason of claims or demands because of breach of the provisions of this paragraph.

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

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

31.1 Ownership of Items Produced: All writings, programs, data, public records or other materials prepared by the Contractor and/or its consultants or subcontractors, in connection with performance of this Agreement, shall be the sole and absolute property of the County.
31.2 Patent/Copyright Infringement:
Contractor will defend and indemnify the County from any claimed action, cause or demand brought against the 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 the County in any action. Such defense and payments are conditioned upon the following:
A. The Contractor shall be notified promptly in writing by the County of any notice of such claim.
B. Contractor shall have the right, hereunder, at its option and expense, to obtain for the 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 the County.

32.1 Confidentiality: Not Applicable

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 for bodily injury per occurrence - $1,000,000.00

A Certificate of insurance is attached hereto as Exhibit "D". This insurance shall identify Whatcom County and the Whatcom County Flood Control Zone District as additionally insured. The policy providing the required insurance must be adequately endorsed to accomplish the purposes of this requirement, including language to the effect that the Contractor’s insurance is primary and non-contributory as to the commercial general liability coverage, and waives any right to subrogation against the County, its officers, employees, agents, and its insurer. The County’s insurance shall not serve as a source of contribution for claims or suits hereunder.

a. Professional Liability - $1,000,000 per occurrence:

If the professional liability insurance is a claims made policy, and if the contractor discontinues 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.

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:

Paula J. Cooper, P.E., River and Flood Manager
Whatcom County Public Works
322 N. Commercial St., Suite 120
Bellingham, WA 98225

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 39.04.350 (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
employment 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://epls.arnet.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 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.
Lower Canyon Creek Restoration Phase 2B Design

In January 2013 Herrera completed the design for the Schedule A and Schedule B portions of Whatcom County Flood Control Zone District’s (County) Lower Canyon Creek Restoration Phase 2B Design. Construction of Schedule A was completed in November 2013. The County is preparing for construction of the Schedule B portion of the project in 2014. This scope of work describes the tasks to be performed by Herrera to support the County with updating the 2013 construction plans, special provisions and construction cost estimate for the remaining 2014 construction. This scope of work also describes the work to be performed by Herrera to support the County during the bidding and construction phases of the Schedule B project work.

This scope of work includes a discussion of the activities, assumptions, and deliverables associated with this task order amendment for the following tasks:

- Task 1 – Project Management and Quality Control
- Task 2 – Plans, Specifications and Estimate Update
- Task 3 – Construction Support Services
- Task 4 – Management Reserve for Potential Additional Services

Brian Scott will be Herrera’s project manager for this additional work. Gary Goodall will be the County’s project manager for this work.

Task 1 – Project Management and Quality Control

This task includes the labor and expenses associated with scheduling, coordination, and quality control services for the tasks described below. For activities covered by this scope of work, Herrera shall work closely with the County throughout the process to meet the goals and objectives of the work assignment. Herrera will coordinate its activities with County staff to ensure that Herrera’s activities do not duplicate or conflict with other County activities, approaches, policies, or procedures. Herrera’s project manager will maintain frequent communication with the County including phone calls and emails. Herrera will include quality assurance review of work direction, strategies, and all written deliverables by senior staff. Herrera will maintain hard copy and electronic project files.

Deliverables

- Monthly invoices with progress reports will be prepared over the term of this work assignment.

Total Task 1 - Amount Not to Exceed

- $4,997
Task 2 – Plans, Specifications and Estimate Update

This task includes the labor and expenses necessary for Herrera to update the 2013 Schedule A design plans, special provisions and construction cost estimate for Schedule B design elements. Herrera will update the plans used for 2013 construction (Schedule A design elements) to reflect the Schedule B design elements the County desires to have constructed in 2014. Herrera will prepare a draft final and a final version of the plan set, special provisions, and construction cost estimate. Two Herrera engineers will complete a one-day site visit with the County to confirm locations of the proposed engineered logjams (ELJs), work area isolation and flow diversion measures, temporary bridges, and access to the project site from public roadways, and to develop a site restoration plan and collect GPS data of other pertinent site information needed to update the plan set.

Herrera will also develop annotated as-built site plans for Schedules A and B construction (one site plan for each schedule using sheet #5 described below) and construction summary memorandums (one memorandum to accompany each as-built site plan). Each as-built site plan will note final floodplain elevations, ELJ and setback revetment/fevee locations, and any changes from the respective construction plan set. Each site plan will be signed and stamped by the engineer of record. Each construction summary memorandum will consist of a one to two page summary of the construction and verify that each construction phase was constructed and completed in accordance with the construction plans and specifications using acceptable construction practices. The site plans and photos of major construction elements will also be included as attachments to each memorandum.

The budget for this task is based on Herrera updating and developing the following sheets from the 2013 Schedule A plan set for the 2014 Schedule B plan set:

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<tr>
<td>1</td>
<td>Vicinity Map and Sheet Index</td>
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<td>2</td>
<td>Project Location Map</td>
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<td>3</td>
<td>General Construction Notes and ELJ Control Point Table</td>
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<td>4</td>
<td>Existing Conditions</td>
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<td>Site Plan</td>
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<td>TESC Plan</td>
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<td>Water Management and Work Area isolation Plan and Details</td>
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<td>TESC Details</td>
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<td>13</td>
<td>Water Crossings and Access Details</td>
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<tr>
<td>14</td>
<td>Site Restoration Plan</td>
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</table>

Herrera will update the special provisions developed for the 2013 construction project. The special provisions will remain in APWA format and will be considered supplements to the 2014 Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction.
Herrera will update the construction cost estimate developed for Schedule B the 2013 project. As requested by the County, Herrera will include the costs for wood material in the costs for the ELJs. The cost estimate will be in bid tab format and will serve as a partial bid item list for the County to include in the Contractor's bid package.

The County will review the draft final submittal materials and provide Herrera with consolidated comments on each item them. Up to three Herrera staff will participate in a conference call with the County to review and discuss the County's comments. Herrera will incorporate County comments in creating the final design plans, special provisions, and cost estimate for construction. No other meetings will occur as part of this task. The County will be responsible for developing the Contractor's bid package using the final versions of the submittals.

Assumptions

- Herrera will complete the work in this task on or before April 25, 2014. (assuming council approval on March 25, 2014)
- All CAD work will be completed using AutoCAD 2014 software.
- Herrera will update the basemap used for the 2013 plan set to reflect current site and as-built conditions; however, Herrera will not update the topography of the basemap. The former levee (ERB Line) will be noted as "previously removed by others". Approximate extents of the top and toe of the setback revetment and levee (NRB Line) will be shown.
- The County will provide Herrera with GPS coordinates of the top and toe of the new setback revetment and levee (NRB Line) and of the Schedules A and B ELJ structures constructed in 2013 and 2014, and with as-built spot elevations of the floodplain collected during the County's post-Schedule A and B construction site topographic surveys. This information will be used to update the basemap and to develop the Schedules A and B as-built site plans.
- The ELJ designs to be included in the plan set will not be redesigned other than substituting imported riprap for native material. No additional ELJs or other habitat features will be designed.
- No hydraulic modeling or other engineering analysis will be completed as part of this task. All modeling and engineering analysis necessary for the design was previously completed by Herrera under this contract.
- Permits for construction in 2014 have already been obtained; therefore, this task does not include developing any permit drawings or providing other permitting-related technical support.
- The special provisions previously developed by Herrera under this contract for the 2013 construction project will be updated for the 2014 construction contract. No additional special provisions will be developed.

Deliverables

- Draft final and final plan sets in color 11"x17" electronic .pdf (Adobe) file format.
- Draft final and final special provisions in electronic .docx (Word) file format.
- Draft and final construction cost estimate in electronic .xlsx (Excel) file format.
- Schedule A as-built site plan and construction summary memorandum in electronic .pdf file format.
- Schedule B as-built site plan and construction summary memorandum in electronic .pdf file format.
- All AutoCAD files of final plan sheets and as-built site plans including reference files in .dwg file format.

Total Task 2- Amount Not to Exceed

- $27,528
Task 3 – Construction Support Services

This task includes the work necessary for Herrera to assist the County with the Contractor bidding phase for Schedule B, to complete site inspections and provide in-office technical support during construction in 2014, and to assist with other technical aspects of construction management as may be requested by the County. No sub consultants are needed for this task. Support services during the bidding phase may include reviewing and providing comments on the County's bid package, answering contractor questions on the design plans and special provisions, and review of contractor bids.

During construction Herrera will attend a pre-construction site visit as requested by the County to confirm locations of the Schedule B engineered logjam (ELJ) structures and other design features, and to discuss construction issues with the Contractor, the County and any permitting agencies present. Herrera will perform site inspections as requested by the County at key times, such as assembly of the first Schedule B ELJ structures to assure conformance with the design plans and the intent of the plans, verifying and/or locating ELJs, verifying clearing and excavation extents and final grades, and to inspect native and imported construction materials. For all inspections performed, Herrera will provide notes using a form agreed upon in advance with the County, and will take digital photos for recordkeeping purposes. Herrera may also assist the County in responding to construction contractor requests for information, design change requests and/or change order claims, with review of payment requests, and other tasks as may arise.

Assumptions

- The work to be performed by Herrera in this task will be commensurate with the budget allocated to this task. The budget for this task assumes 16 hours to support the County during the Contractor bidding phase, 12 hours to attend a pre-construction site visit meeting, and 24 hours to provide in-office technical support during construction. The budget for this task assumes a Herrera design team representative will perform 7 site inspection visits, each requiring 10 hours of labor time per visit including travel time and submittal of construction summary notes afterward.
- Construction support services performed by Herrera under this contract will be completed in 2014.

Deliverables

- Written responses to contractor requests for information, design change requests, and/or change order claims in a format to be agreed upon in advance with the County.
- Daily site inspection notes in a format to be agreed upon in advance with the County.

Total Task 3 - Amount Not to Exceed

- $21,498
Task 4 – Management Reserve for Potential Additional Services

This task provides additional budget for the work that the County may deem necessary for Herrera to perform additional design or construction support services as requested by the County on an as-needed basis under a Management Reserve fund. This work will not be performed without prior written request from the County, and will be paid at the same rates as for other tasks in the consultant contract.

Total Task 4-- Amount Not to Exceed

- $5,004

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<th>Task Description</th>
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<td>2 – PS&amp;E Update</td>
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<td>3 – Construction Support Services</td>
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EXHIBIT "B"
(COMPENSATION)

As consideration for the services to be provided pursuant to Exhibit A, Scope of Work, the County agrees to compensate the Contractor according to the project budget and rate schedule provided below with the provision for a three percent escalation, which is allowed on the hourly rates for Task 3 – Construction Support Services to reflect 2014 rates. Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed as described here:

- Mileage will be reimbursed at the IRS rate
- Lodging and meals shall be capped at $175.00/day. Receipts will be required for all expenses to be reimbursed
- Reimbursement for air travel will be at coach rates
- Materials purchased and equipment rented specifically for the project shall be reimbursed at cost plus 5%
- Other expenditures such as outside printing, postage, and in-house reproduction shall be reimbursed at actual cost
- In-house computer usage and domestic and long distance telephone charges shall be at no cost

Contractor will invoice monthly. Invoices will include hours worked by employee by day together with tasks accomplished. 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.

Compensation shall not exceed the contract amount. 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 Contractor’s expense.

HERRERA ENVIRONMENTAL CONSULTANTS, INC.
2013 BILLING RATES
Effective March 30, 2013

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### Lower Canyon Creek Phase 2 Schedule B Restoration Project Budget

**Number of Tasks:** 4

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<th>Project Management and Quality Control</th>
<th>PS&amp;E Update</th>
<th>Construction Support Services</th>
<th>Management Reserve for Potential Additional Services</th>
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#### COST SUMMARY

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**TOTAL COST:** $59,027

#### COST ITEMIZATION

**Labor (2013 rates)**

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**SUBTOTAL LABOR (Burdened Labor):**

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**TRAVEL AND PER DIEM COSTS**

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**SUBTOTAL TRAVEL AND PER DIEM:**

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**EXHIBIT "B"**

(COMPENSATION)
Lower Canyon Creek Schedule B of Phase 2 Restoration Project
Project Proposed Timeline

Notice to Proceed
March 26, 2014

Task 1 Project Management and Quality Control
Overall Task Completion
October 31, 2014

Task 2 PS&E Update

- Site Visit
  Week of April 1, 2014
- Draft Plans, Specifications and Cost Estimate
  April 4, 2014
- Receive comments from Whatcom County
  Week of April 7, 2014
- Draft PS&E review meeting/conference call
  Week of April 14, 2014
- Final Plans, Specifications and Cost Estimate
  April 25, 2014
- Schedule A Construction Summary Memo
  May 9, 2014
- Schedule A As-Built Site Plan
  May 9, 2014
- Schedule B Construction Summary Memo
  October 17, 2014
- Schedule B As-Built Site Plan
  October 17, 2014
- Overall Task Completion
  October 31, 2014

Task 3 Construction Support Services

- Advertise for Bid (Whatcom County)
  May, 2014
- Award Contract (Whatcom County)
  June, 2014
- Pre-construction site visit
  Late June 2014
- Site inspections
  July 15 – September, 2014
- Overall Task Completion
  September 30, 2014

Task 4 Management Reserve for Potential Additional Services

- Overall Task Completion
  October 31, 2014
EXHIBIT "D"
(Certificate of Insurance)

See Attached
**Client:** Herrera Environmental Consultants Inc  
**Address:** 2200 6th Avenue #1100  
**City:** Seattle  
**State:** WA  
**Zip Code:** 98121

**PRODUCER:** Propel Insurance  
**Address:** 1201 Pacific Ave, Suite 1000  
**City:** Tacoma  
**State:** WA  
**Zip Code:** 98402

**INSURED:** Herrera Environmental Consultants Inc  
**Address:** 2200 6th Avenue #1100  
**City:** Seattle  
**State:** WA  
**Zip Code:** 98121

**INSCRIBED IN:"**

**GENERAL LIABILITY**

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**RE: Herrera's project no. 10-04669-002 Lower Canyon Creek Restoration Phase 2B Design.**

Whatcom County and the Whatcom County Flood Control Zone District are additional insured per the attached endorsement(s).
### TITLE OF DOCUMENT:
Contingency planning - potential interruptions of ferry service for Lummi Island

### ATTACHMENTS:

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

Should Clerk schedule a hearing?  ( ) Yes  ( X ) No

Requested Date:

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

Lummi Island Ferry Advisory Committee (LIFAC) has suggested the County design a contingency plan to deal with potential interruptions in ferry services. The committee will discuss options.

### COMMITTEE ACTION:

### COUNCIL ACTION:

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<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
The following brief is an idea from the Lummi Island Ferry Advisory Committee (LIFAC):

**Issue:** Contingency planning for interruption in ferry service to Lummi Island.

**Discussion:** Breakdowns and storm damage can occur randomly and interrupt ferry service. We think a “play book” for dealing with an unanticipated interruption of service, for whatever reason might be helpful. LIFAC is willing to put some effort toward this end.

Let us be clear, we in no way are finding fault with PWD. Indeed the mechanical problem two weeks ago exemplifies the rapidity at which PWD reacted in spite of having to get someone up that evening from Seattle. We greatly appreciated the rapidity with which the Chief was returned to service.

However, before proceeding in developing contingency plans we need some feedback from you.

1. Is this a real need and would the country welcome such help?

2. Would PWD welcome such assistance?
   a. If yes, with whom should we communicate with, work with?

3. Can we communicate directly with the PWD without the formality of going through the Executive’s office?

4. Lastly, what contingency plans exist? (We know of the “walk on ferry” standby arrangement, and obviously the arrangement for the kind of problem experienced two weeks ago.)

As an aside, we want to be clear this is in no way implying Chief is ready for the wrecking yard. Some might make that case, but there is simply no evidence to that effect at this time. Still, the Chief is 50 years old and “stuff” happens. Furthermore both docks are exposed to weather and however unlikely there are 100 year storms that could also shut down service.

Subject to approval of PWD, we see starting off talking to PWD. Then we see our subcommittee plumbing the experience of the crew and PWD staff to ferret out as many eventualities as possible. We will also of course seek advice from islanders, particularly longtime residents. The second Phase (possibly overlapping the first) would be to identify sources of assistance, requirements to access assistance, and contact information for each eventuality identified. Lastly we would assemble directory identifying potential problems by boat, mainland dock, and the Island dock which clearly identifies sources of help and contact information. A “play book” if you will.

We look forward to hearing from you. Thanks and regards,

Chuck Antholt, LIFAC member,
sub-committee co-chair
### Title of Document:

On-site sewage system replacement with city limits

### Summary Statement or Legal Notice Language:

Discussion of conflicts between Whatcom County Code and the Bellingham Municipal Code regarding failed septic system replacement.

### Committee 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).
Septic system replacement requirements when sewer is available: Which code applies within the city limits?

Recently a septic system on 22nd Street failed, according to COB code they should have extended the sewer, according to county code the septic system could be replaced. The COB planning and public works allowed the county code to prevail.

There is a problem with the difference between WCC 24.05.070 and the BMC 15.12.070. WCC measures 200 feet from the residence and the BMC measures 200 feet from the lot. In this case the lot line is 186 feet and the residence is 236 feet from the sewer according to my on the ground measurements.

Please see if you can bring these two codes into alignment to prevent confusion and conflict in the future.

As I said before, if the City wants infill the code needs to provide for it and in this case a building lot will be used for an unnecessary septic system.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

**NO.** 2014-060A

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**TITLE OF DOCUMENT:** Interim Ordinance Packing house applications in Ag Zones

**ATTACHMENTS:**
1) Staff memo to council
2) Planning Commission Findings

**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.)

This ordinance would require all packinghouse applications in the Agriculture Zoning District to be processed as conditional uses.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
1/28/2014 Introduced

**Related County Contract #:**
**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.
Memorandum

TO: Whatcom County Planning Commission
FROM: Joshua Fleischmann, Planner
THROUGH: Mark Personius, Long Range Planning Manager
DATE: March 6, 2014
SUBJECT: Packinghouses Zoning Text Amendment, RE: PLN2014-00018

In accordance with RCW 36.70.795, on February 11, 2014 Whatcom County Council held a public hearing and adopted an interim ordinance that requires all packinghouse applications in the Agriculture Zoning District to be processed as conditional uses. The interim ordinance is necessary to prevent future applications for packinghouses that are not more than 7,000 square feet from vesting under current law, which allows packinghouses as permitted accessory uses, while the proposed permanent ordinance is being considered.

A public hearing before the Planning Commission was held on February 27, 2014. The Planning Commission Findings of Fact and Reasons for Action are attached.
WHATCOM COUNTY
PLANNING COMMISSION

Packinghouses Zoning Code Amendments

FINDINGS OF FACT AND REASONS FOR ACTION

1. The conditional use process will create an expensive burden.

2. The conditional use process will create an opportunity for competitors to target competition in the market.

3. The conditional use process gives an advantage to larger, wealthier producers and a destabilizer to the small business man.

4. Packinghouse is an ancillary use as required by the regulation 36.70A.177 Agricultural lands – Innovative zoning techniques – Accessory uses.

5. Accessory will accomplish all of the goals and the council can add to those by requiring more notification if that’s their desire.

6. There are sufficient safeguards in the current regulations to safeguard human health and the environment.

7. The viability of an agricultural resource economy is dependent upon the presence of certain agriculture related industries and activities. These include processors (for example, fruit and vegetable packers and milk processors in Whatcom County), farm implement sales and repair, fertilizer and pesticide suppliers, trucking firms, certified meat inspectors and processors, a pool of farm labor, etc. These activities, in turn depend on a stable (or expanding) agricultural products economy which is in turn dependent on maintaining a stable agricultural resource land base. If agricultural production is reduced below a certain level in a given geographical area, then it becomes no longer economical for the agriculture related activities to remain in that area. Loss of these support industries results in further reduction and conversion of the agricultural land base and an accelerating downward spiral for the local agricultural economy.

8. Making this an accessory use and making it easier to establish and construct small scale packinghouse facilities fits with the trend of value added processing facilities for agricultural products in Whatcom County and so it is compliant with the GMA in that manner and it furthers the
comp plan goals.

1. USDA has rural development grants available for enhancing and increasing local food facilities in rural areas to strengthen our nation’s ability to feed itself so if the federal government can recognize the benefits of something like this Whatcom County should be able to too.

CONCLUSIONS

- The subject amendment does not serve the public interest by not supporting the local agricultural industry.

RECOMMENDATION

Based upon the above findings and conclusion, the Whatcom County Planning Commission does not recommend approval of:

Exhibit A, Whatcom County Zoning Code amendment.

WHATCOM COUNTY PLANNING COMMISSION

David Onkels, Chair

Becky Boxx, Secretary

March 6, 2014

Date

Commissioners present at the February 27, 2014 meeting when the vote was taken: Gary Honcoop, David Onkels, Ben Elenbaas, Mary Beth Teigrob, David Hunter, Gerald Vekved, Walter Haugen, Natalie McClendon, Ken Bell.

Vote: Ayes: 6, Nays: 3, Abstain: 0, Absent: 0. Motion carried to not recommend approval the above amendment.
Chapter 20.40 AGRICULTURE (AG) DISTRICT
20.40.100 Accessory Uses

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

1. The total allowable building area is no larger than 7,000 square feet.
2. 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.
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 173-220), 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
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.
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   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.
CALL TO ORDER

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

ROLL CALL

(10:32:06 AM)

Present: Barbara Brenner, Ken Mann, Sam Crawford, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

Absent: None.

1. PUBLIC SESSION

No one spoke.

2. PUBLIC HEALTH ADVISORY BOARD UPDATE

Regina Delahunt, Health Department Director, welcomed two new Board of Health members Barry Buchanan and Rud Browne.

Doug Benjamin, Public Health Advisory Board Chair, described his background and the relationship between the Board of Health and Public Health Advisory Board. The Public Health Advisory Board looks at a broad range of issues, including the Group B septic system regulations, public health issues in the Comprehensive Plan process and public health policies. Today they will hear about issues surrounding substance abuse.

Weimer asked the pros and cons of having a separate Board of Health and why Whatcom County chose this process. Delahunt stated it’s generally related to Home Rule Charter counties, in which the council generally acts as the Board of Health.

Kremen stated health districts skew the funding percentage that goes to criminal justice. Whatcom County actually funds the Health Department. In other counties, a higher percentage of their budget is attributed to other mandated services. In Whatcom County, this system works better. There is only one administration, which is more efficient and accountable. Whatcom County’s Health Department is a model for the entire state. Delahunt stated one reason for a separate advisory board is that members with expertise can look more in-depth at issues and advise the Board. The Board will be confident that issues were discussed by people with expertise.

Brenner stated she likes the Council being the Health Board so they better understand health problems in the community. All elected officials need to have a better
understanding of public health problems. Health issues are scarier than criminal justice issues, because they are often a cause. Being the Board of Health makes elected officials understand health issues better. The advisory committee is extremely helpful.

Weimer stated that this is a budget year, and asked that the advisory committee make budget recommendations on things that need more attention.

3. CHEMICAL DEPENDENCY TREATMENT AND ITS FUTURE

(10:44:07 AM)

Ann Deacon, Health Department, introduced this program, which is complicated, confusing, and broken as it is. Changes are underway. Major changes are coming related to the Affordable Healthcare Act and Governor Inslee’s initiatives. Many chemical dependency dollars come from the federal government, through the State, to the County. There are also local funds for more specific, targeted needs. Chemical dependency staff also work in the jail. She introduced Jackie Mitchell.

Jackie Mitchell, Health Department, stated the broken infrastructure is mostly related to low rates of reimbursement that the providers receive. With healthcare reform and other issues, they’re experiencing a higher than normal volume and need for treatment. She read from the presentation in the Board packet.

Deacon continued the presentation on what’s next. Today they ask the Board to contact local legislators about their complex needs and make sure chemical dependency is adequately funded. A major transformation of healthcare reform is to integrate mental health treatment, chemical dependency treatment, and general medical care. Like the regional support network that gets a per member per month rate for all Medicaid eligible in the region, an idea is to set up the same system for chemical dependency to replace the fee-for-service. The County would be part of a regional entity. A concern is that programs and services must have some level of county oversight and a method for holding the regional entity accountable if they’re providing ineffective services. The Association of County Human Services is pushing for some level of county governance over those dollars.

Health insurance plans must take a more active role in delivering Medicaid services. That results in for-profit agencies doing work that government has typically done. The Association has a concern with that. When working with people who have serious and persistent mental illness and serious addiction, the people need supportive social services also. If the health insurance companies take on the healthcare services for these complex patients, there are questions about whether the companies know how to do that, whether they know who the critical partners are, and whether they have accountability for treatment delivery outcomes.

The current system, although broken, should not become any more compromised. Don’t harm the current system, which is all they have. Don’t rush into health plans without good planning and coordination with communities. She referenced the two actions requested shown on the discussion form in the board packet. Talk to legislators about making sure chemical dependency is adequately funded and maintaining the County’s role in the governance and oversight of behavioral health services.
Delahunt stated that in the future weeks and months, there will be more discussion with the different agencies about the integration of substance abuse and mental health. There is risk to the counties if the system isn’t properly funded. They can’t take on both without additional funding for substance abuse. The legislative bills moving forward have very short timeframes. The ultimate goal is to integrate all services. This region works well together, but things will be very different. Medicaid procurement will be done on the regional basis.

Brenner stated this was extremely depressing. They should all be sending angry letters to the federal and state governments. People won’t get what they really need from the federal level. She’s very upset with all of this. Having a decent mental health system, which should include substance abuse, will save money and lives. Hiring trainees right out of school may do a better job than long-time employees who may be burned out. They can be very beneficial. She recommends that people working in the public sector should receive free training. She referenced the statistic about healthcare savings exceeding costs by a ratio of 12 to 1 and whether they can reduce costs. Mitchell stated they need to fund the system better so they can reduce costs in other areas. They can deliver more effective and efficient services with best practices. They will get better at providing services in conjunction with primary care physicians to streamline services. Many folks in the healthcare industry don’t know how to handle people with substance abuse issues.

Brenner asked which agencies have closed or downsized. Mitchell stated Advanced Choices was a small agency that closed and Whatcom Counseling downsized.

Weimer asked if that was due to Medicaid rates. Mitchell stated it largely was. The smaller agency also saw all the healthcare reform changes and decided to close. Agencies with a larger infrastructure tend to manage better.

Mann asked how they define the need of adults who need alcohol or illicit drug treatment and if the comparisons are equal. Mitchell stated the data comes from the national household survey study. They call people and ask specific questions about use and treatment.

Mann referenced the Medicaid reimbursement rates and asked what people are doing to change the problem of low reimbursement rates. It’s such a prevalent issue. Deacon stated everyone should play a role, but it’s a national challenge. She doesn’t know what it would take to make changes.

Mann asked who sets the Medicaid rates. Deacon stated the Center for Medicare Services (CMS), which is under the Health and Human Services umbrella, sets the rates.

Mann asked if some states are happy with the rates. Mitchell stated they are. At a recent State of Reform conference, she spoke with Amerigroup Insurance representatives. They told her that their providers make it work with Medicaid rates because they can set the rates higher. They don’t have the ability to do that here with the State partner.

Kremen stated Medicaid rates for Washington State are historically low. The State of Florida gets paid much more than Washington State. Other states have more political clout or an older constituency. They have better reimbursement rates. Whatcom County has a very low reimbursement rate. The cost of living is 113% of the average. Wages are 80 to
85 percent of the average. That creates a huge disparity problem for the community. The current federal administration was derelict in addressing healthcare reform in a system-wide, holistic way. They must expand the number of people who are served. The cost of healthcare is too high. The administration did not address health cost containment, pharmaceuticals, insurance companies, or tort reform. Both political parties must address the issue of inmates losing their health insurance. It’s a way for the federal government to shift costs to local governments. He doesn’t know how these issues will be addressed. The mental health sales tax gave the State the false impression that it would adequately address mental health issues. It generates one-tenth of what is needed to adequately address mental health issues in the community. The State believes funding mental health is no longer their problem. It used to be exclusively a State-funded issue. Most of the State’s focus now is on adequately funding education. That’s where limited State dollars will go. He’s not optimistic they will make any meaningful progress toward getting adequate funding for these services.

Browne referenced the initial training costs and asked how retention rates would change if salaries were brought up to average. Mitchell stated people stay longer when they’re paid well.

Browne asked for an analysis of salary versus tenure in other jurisdictions. Deacon stated that analysis hasn’t been done in this State, because no one can provide a larger salary. The system is too underfunded. They can look into the statistics for the Lummi Tribe.

Browne asked if there is anything they should do to encourage smaller agencies to consolidate to lower administrative costs and be efficient. Mitchell stated the small agency that closed was the only small agency.

Browne asked how to improve how they provide immediate help and access upon first contact. Mitchell stated the State and Brandeis University are doing a study to look at how to incentivize agencies for engaging people sooner than the 14-day period.

Browne stated people who’ve gotten to a crisis point need to get into the system before reaching another crisis point. He would like to know what they can do to accelerate that initial contact rate. Deacon stated they try to allow the agencies to bill for more services that aren’t Medicaid allowable, and then pay for the service with local taxes. It will infuse more dollars into the agencies to pay them for the work they’re really doing, so they can get a bigger workforce to engage in first contact.

Mitchell stated they are also considering ways to fund someone to do assessments so treatment agencies can focus on treatment.

Browne asked how the County engages with Alcoholics Anonymous (AA) and Narcotics Anonymous (NA). Mitchell stated the treatment agencies refer people to them as part of the support component. Some agencies may have folks from AA come into the treatment center. All of the agencies are very supportive of AA.

Browne asked why the State legislature is encouraging that this work be transferred into the private sector. Deacon stated Governor Inslee may be hoping to add competition to the field, that insurance companies come in with deep pockets and bring forward
efficiencies, and that the State or other local governments are bulky in terms of administering healthcare. Those are advantages. However, the concern is that patients who need this work, which are typically funded with Medicaid, are very complex. Rarely do they have just one issue.

Delahunt stated the primary driver of the State is to save money. Two other secondary drivers are improved quality of care and improved patient experience. If they can work with the health plans, negotiate rates, get bulk deals, that would be the primary driver. Public health is concerned that even though they might save money, the complex cases wouldn’t get complete care and there would be no community accountability. Some of the bills in the legislature set up accountable collaboratives of health, which are supposed to hold payers accountable for the types of services being delivered in the community. However, the legislation doesn’t include incentives in the accountable collaboratives of health.

Weimer asked if anyone in the State is looking at reducing the training costs. Mitchell stated King County has a program to support funding for folks who are going through the education.

Weimer asked if that program has helped to retain staff. Mitchell stated it seems to be helpful.

Deacon stated Whatcom County is offering to pay for some continuing education credits.

_Crawford moved_ that the Council draft a letter on both of these issues. The Health Department could help draft the letter.

Kremen stated the Association of Counties can help County staff write the letter. He will support the action items. The County must make a statement and request. In the past, he’s asked Senators Murray and Cantwell to close the Medicaid reimbursement rates, but got nowhere. They have to continue and hope for the best.

Browne stated he’s not automatically in favor of privatization of healthcare.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)

**Nays:** None (0)

_(11:53:20 AM)_

Brenner stated don’t set up another layer of regional infrastructure.

Greg Stern, County Health Officer, gave an update on the flu season. They’re past the peak time. The County puts out weekly updates. The flu season is predominantly the H1N1 strain. Other strains may increase and extend the season. There were several hospital admissions. Statewide, more people in the young to middle adult age range were hospitalized than older folks.
Crawford stated he got the flu around Christmas, and his coworkers got the flu after that, which created the discussion of flu shots. Many people have negative opinions of flu shots. He asked about public education regarding flu shots. The public education efforts must improve. He didn’t get the flu shot this year, and he regrets it. Stern stated negative information is out there. Certain people believe the science is conspiracy theory that discounts expertise. They’re left with a lot of mutual reinforcement of beliefs rather than evidence. He used to think giving people information was sufficient, but it’s not. They must build trust and develop critical thinking. It’s a very complex situation. There is a coalition of public health and clinical groups with a project called the Immunity Community. It works with parent advocates to develop peer discussions and build trust.

Crawford asked if there could be a mobile flu immunization clinic that employers sponsor for their employees. It would save the business costs from sick and absent employees. Stern stated there are immunization providers that do workplace immunizations.

Crawford stated it may be good to educate the employers about the benefits. Through the employer’s encouragement or the ease of availability, people may take advantage of an onsite clinic.

Delahunt stated Whatcom County did that for its employees.

Stern stated Peace Health St. Joseph Medical Center offered free vaccines to its workforce for decades. Its immunization rate was approximately 65 to 70 percent. It wasn’t until there was mandatory vaccines that the rate rose to 90 or 95 percent. Some people opted to wear masks. Even folks with the information still have concerns. There is misinformation about influenza. The shot doesn’t work against everything that makes people sick. It works against influenza A and B.

Brenner asked if the older people are becoming informed about getting the flu shot, and the younger people aren’t. Stern stated it’s more complicated. It has to do some with immune memory from an H1N1 pandemic that started in 1918 and circulated until 1957. People born before 1957 were exposed to that influenza. Influenza A is the type that can cause worldwide pandemics. When there is a genetic shift, people are susceptible to the new virus. H1N1 was the circulating influenza A that circulated from 1918 to 1957. He described the history of the strains of influenza A that circulated.

Crawford stated he would like a presentation at a future Board meeting on tracking sexually transmitted diseases (STDs). Stern stated that is an ongoing issue.

**ADJOURN**

The meeting adjourned at 12:05 p.m.

The Council approved these minutes on ________________, 2014.

**ATTEND:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

Dana Brown-Davis, Council Clerk  Carl Weimer, Council Chair

Jill Nixon, Minutes Transcription

Board of Health, 2/4/2014, Page 7
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 10:30 a.m. in the Civic Center Garden Level Conference Room, 322 Commercial Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Sam Crawford, Rud Browne, Barry Buchanan, Pete Kremen and Carl Weimer

Absent: Ken Mann

SURFACE WATER WORK SESSION (AB2014-024)

1. BBWARM FUNDING REQUEST FOR BIRCH POINT FLOODING STUDY

Kraig Olason, Public Works Department, submitted information (on file). Staff met with the Flood Advisory Committee about asking to help develop a pre-engineering design report for a flooding area on Birch Point.

Paula Cooper, Public Works Department, stated the advisory committee recommended approval of funding the study cost of 30 percent, up to a maximum of $18,000 in flood district funds.

Keats Garmen, Birch Bay Watershed and Aquatic Resource Management (BBWARM), described the area and history of the problem. BBWARM is helping the State Department of Natural Resources (DNR) find a solution, but has focused recently on public right-of-way and areas of greater population density. These areas are private property. The BBWARM is reluctant to get into private property issues, but the problem has been on their list since 2005. With the DNR request, there may be a possibility for partnership. The flood advisory committee is recommending funding of a study for a solution. BBWARM will also consider funding the study. They hope to move forward with the study and find alternatives this year to come up with an engineering report and recommendations, develop an estimate of cost, and attempt to engage multiple parties to solve the drainage system problem. He asked if the Council wants to discuss policies to avoid this kind of problem in the future.

Weimer stated he supports moving forward. He asked why DNR isn't paying for the study if it caused the problem. Garmen stated his question is why DNR permitted a huge cutting area without looking at their lease land below and the related impacts.

Weimer asked whether the County code includes a mechanism to require an engineering study like this before converting property, not after. There is a similar problem at Birch Point. Olason stated staff talked about this with DNR on several occasions. He wants to get the preliminary design study going and keep it as simple as possible. The...
more people involved in the study, the longer it takes to get a final package out the door. The idea is that a proposed funding plan would be a component of this predesign report. That’s when they would work with private property owners to get some kind of commitment on their contributions. Owners include Trillium and DNR. There is a willingness to contribute, but they don’t know by how much.

Garmen stated the Trillium property sold to a Canadian company, which continues logging.

Weimer asked about spending the money to install a bigger culvert versus doing the study. Olason stated the last time that was done, they didn’t do a study and the slide just shown is evidence of what happened. Sizing it correctly is critical. They don’t have a good idea on exactly how everything works, and they need to know how to build it in a critical area.

Garmen stated it’s been eroded with the existing pipe. The ground is unstable.

Scott Hulse, BBWARM Advisory Committee member, stated they’re looking at characterizing this problem and a longer term solution to understand what’s going on in the entire area and how extensive the problem will become when the area is developed.

Garmen stated a community member suggested a temporary fix to channel the water south instead of north. There are few pipes on the entire stretch of Semiahmoo Drive. It may overwhelm the pipe at that end.

Brenner stated everyone has learned from the existing problem. Don’t delay a fix until the Council develops a policy. Put in a temporary fix with a bigger culvert. Olason stated they are concerned about blowing the pipe off the hill if they enlarge the County culvert.

Brenner stated the culvert looks too small. Olason stated the pipes were overwhelmed at the outlet point going down to the beach during past events. The water went around the pipe, down to the beach, saturated the ground, and slipped out from under the pipe. In that case, the culvert handled more water than the outlet pipe could take. They need a full system there, otherwise someone will have a problem.

Garmen stated two detention ponds feed this problem. With more development and build out, there will be a lot more water. There must be a more effective system. They may need additional outlets.

Olason stated Mr. Hulse is alluding to a bigger issue. This study is for this project and this outlet pipe, with the idea they will repair it soon.

Kremen asked if Trillium violated any DNR permits or followed best management practices. Olason stated the conversion initially went further than the County permit allowed. Eventually they came under a County permit, which required the sediment ponds. They’ve had some problems with how the ponds function.

Kremen stated the DNR is culpable. DNR is not rectifying the problem. Olason stated he’s dealt with DNR forest practice staff regarding clearing and DNR real estate staff
who manage the lots along the drive. He’s dealing with the DNR staff person managing the 
real estate. The DNR recognizes that they’re going to contribute to a solution. The DNR 
government is complicated. DNR is a party to the solution, but the County doesn’t want 
everyone involved in the preliminary design study because it’s a small effort and it will take 
longer to get going.

Browne asked if the study is for this problem or for future development. Olason 
noted they will consider what the future buildout contribution will be. On that discreet site, 
they’ll look at future development, but this predesign study isn’t about broader policy 
conditions.

Crawford referenced the original mission of BBWARM and stated the project is not in 
Birch Bay, involves a DNR-permitted project and how it impacts DNR property, includes 
property leased by people who have built very expensive homes and have resources to deal 
with issues. He’s skeptical about this request. He asked the mission and purpose of the 
BBWARM in terms of what they’re supposed to be fixing, and what this project has to do 
with that mission and purpose. Olason stated Birch Point and Point Whitehorn are in the 
district because critical areas have impacts from drainage issues. They also look at life 
safety issues and environmental impacts. When a high bank of that size falls off, it creates 
severe impact to the water quality of an adjacent beach. This event went far out into the 
bay and took weeks to wash away. It’s a big dump of nutrients in the bay.

Crawford stated it’s going into the ocean. It’s not a contained water body like Lake 
Whatcom. Terrell Creek has high bacteria levels again. He asked the priority to deal with 
lease holders who have million dollar homes on DNR land that are being impacted by the 
activities of DNR. He doesn’t diminish the problem, but county taxpayers may not 
understand why the County would fund this when there are other concerns elsewhere. In 
hindsight, they maybe should not have included these problems. Garmen stated BBWARM 
has been trying to ignore private property issues and focus on areas with greater 
population density. They focus on the watershed itself, but this hasn’t gone away. 
Someone should deal with it. Maybe that should be DNR. They asked for help from 
BBWARM. BBWARM wants to help by doing this study. BBWARM will not pay for this fix.

Crawford stated it seems the County’s interest is the road. He agrees with the 
BBWARM advisory board.

Kremen stated he agrees with Councilmember Crawford. He’s not opposed to a 
small study, but he is concerned about who will pay for the solution. The DNR and the 
developers should pay for the solution. They will benefit from the solution. Property is an 
investment. There are no guarantees. If they want to develop the property, they must pay 
the infrastructure needed to safely develop that area with minimal or no impacts to existing 
residents.

Brenner stated the County should do it, because it can move quicker than DNR, but 
the County should bill the DNR for the study. The problem came from the property and the 
DNR is liable.

Browne stated they must work on an ordinance that allows the County to do cost 
recovery.
Weimer stated they must still have the broader policy discussion and whether the County can look at impact fees as properties like this are developed. He supports moving forward with the study.

**The Council concurred.**

Brenner stated this is damage they must pay for, not an impact fee.

Weimer stated this is a quicker way to address the problem.

## 2. SYRE FARM BANK STABILIZATION ALTERNATIVES ANALYSIS

Paula Cooper, Public Works Department, described a 2007 repair and maintenance application from a property owner. The application went through the repair and maintenance program prioritization, but it didn’t rank high enough. The property owner considered his own repair, but the State Department of Fish and Wildlife (Fisheries) wanted a different fix. That fix didn’t work. The problem has gotten bigger. They’ve lost about seven acres out there, more than two of which were farmland. The property owners asked for another project of the advisory committee, which asked staff to look at alternatives. Staff retained Herrera, which did a preliminary alternative analysis.

Gus Kays, Herrera Environmental Consultants, submitted and read from a presentation (*on file*). He described the location and its history and showed historical aerial photos of the area. The outside bend of a meander has a higher velocity flow, and the inside bend has a lower velocity flow. Over time, this particular meander moves downstream and also laterally. When the riprap bank unravels, the river gets behind the riprap that remains and destroys it from the back side. That was the beginning of the problem. The downward meander trend has slowed in the last month, and now it’s mostly moving laterally. A pile of debris in the middle of the river isn’t helping. If the bank corner holds, the meander will move past it and engage the riprap again. The river will continue to get pinched until it jumps across and the meander moves downstream quickly. He expects the bank to continue to erode if they do nothing.

Browne asked the most realistic worse case scenario. Kays stated the worse case scenario is different from what he realistically expects. The worst case scenario is one or two five hundred year floods. There would be other issues throughout the county at that point. However, he expects the meander to continue to migrate downstream.

Browne asked the likely maximum loss of land on the farm. Kays stated it depends on if the corner holds.

Browne asked if they could lose one-quarter of land. Kays stated they could. He continued the presentation and described the alternatives.

Cooper stated the alternatives went through the comprehensive water resource integration program (CWRIP) database and received scores. The engineered log jams had a broader public benefit, but less certainty of arresting erosion.

Brenner asked if the worst erosion started when they stopped dredging. She doesn’t understand why Fisheries doesn’t care that there is so much erosion the water is brown.
She asked how a revetment can degrade habitat more than it is degrading now, why they don’t dredge the islands, and the difference in erosion if there was major flooding for the next several years.

Kremen stated councilmembers were emphatic about coming up with a solution as soon as possible when they toured the site last July. This year has had low precipitation. The damage or erosion exceeds what he expects it to be. A main objective of the County is to protect farmland and protect habitat. Nothing has been done in the past six months. They knew what the solutions were six months ago. They saw this coming in 2007, and the projected costs were less than $20,000. He’s frustrated they haven’t done anything. Determine which solution makes the most sense in terms of cost-benefit, and then do it.

Cooper stated the report came back in August and it was presented to the advisory committee, which didn’t recommend it. The log revetment is the best option that she and Mr. Kays recommend.

Browne asked the County’s actual obligation to do this. If ranked at 155 on the CWRIP database, there are 154 other projects ranked higher. The proposal is to spend $100,000 per acre to stop this erosion. They have lost seven acres total, but only two were farmland. The worst case is to lose 20 acres of farmland, which totals $100,000 per acre for fully productive berry land that costs $20,000 per acre. There are other projects with a better return on investment. The entire farm is assessed at $182,000, and a taxable value of $40,000. He’d rather spend the money acquiring the acreage that will be lost. It would be much cheaper.

Kremen stated that’s assuming the worst case scenario doesn’t occur, and Highway 9 is wiped out.

Browne stated he would like to know the County’s legal obligation if they plan to spend $100,000 per acre to protect 20 acres of farmland.

Weimer stated he agrees with Councilmember Browne. This project didn’t rank highly. He and former Councilmember Nelson developed the CWRIP to put all the projects in a priority and not get excited about a particular project that may not have much actual benefit. He asked if this will go back to the advisory committee now the report is done.

Cooper stated staff couldn’t develop the project during the fish window, which was already open by last July, unless there was some sort of emergency. The county couldn’t get permitting. The advisory committee knew the County couldn’t do anything in 2013 and wanted to see how the site would fare through the winter.

Weimer asked if the riprap on the north end would open and the meander would move north. He asked if there is an alternative to move it away from the farmland and make the river move straighter or away from the farmland. Cooper stated riprap removal is possible. They could maybe set back the riprap.

Kays stated there are lots of in-between fixes. They are finding a solution that they know for sure will work. The list of alternatives isn’t exhaustive. They chose options that they knew would stop erosion. They can do a more in-depth alternative analysis.
Weimer asked if a riprap setback would cost the same as the other alternatives. Kays stated it won’t alleviate the problem in the long term. Over the long term, there will be more meanders that come down the river.

Brenner stated do experimental dredging to cut off some of the corner that is forcing the river into the property. Cooper stated they aren’t doing experimental dredging. They developed a pilot gravel removal project, but it isn’t dredging. Gravel bar scalping is different from dredging.

Brenner stated use this site as another pilot project for gravel bar scalping. Cooper stated there is an extensive state environmental policy act (SEPA) process. They didn’t get a permit to do a pilot project. They didn’t do the pilot project, but the project is developed. The permitting process will likely require an environmental impact statement.

Brenner stated include this location in the project. Cooper stated they could. By the time they get a permit, the meander will have moved all the way through the area.

Kremen stated strategically remove gravel debris. Sediment removal would be better for habitat than letting the erosion continue.

Browne stated they all agree they would rather not have the erosion issues, but there are 154 other projects on the ranking that have a higher priority. The County has a limited amount of money.

John Mayberry asked if the erosion would eventually get to the road. Kays stated there’s a chance it will get to the road in the next 100 years.

Mayberry stated doing nothing is not an option. They will keep losing ground and any project will cost more. The County is responsible to take some kind of action.

Weimer asked if they need a decision to do something this year. Cooper stated it will be hard to do something this year. The permitting process will take awhile. There will be endangered species consultation, and the project will be designed as a fish project.

Brenner stated she understood that once it’s permitted, the process will be in place for future projects, making it less costly and time consuming. Cooper stated the project to remove gravel is a one-time project to learn if they want to avoid an environmental impact statement (EIS). If they want to remove gravel multiple times and at different sites, they have to go through the EIS process.

Brenner stated the cost won’t be $2 million to do an EIS on each site. She supports selective scalping or dredging. Begin to move toward that, and it will be cost-effective once they get started.

Crawford asked if there are other sites on the Nooksack River that are threatening active farmland. He asked what makes this different from any other areas that are experiencing erosion and how important this site is relative to other similar projects that are threatening farmland. Cooper stated it’s consistent with other projects for threatened farmland. The highway is now at a low risk, so it’s really about farmland preservation. Other
sites have that issue. The project taking most of her time is keeping the levees in the system. If they want to move forward with this, they’ll have to juggle projects.

Crawford asked if a levee can be built here. Cooper stated a levee won’t arrest erosion without riprap. Kays stated this is a high terrace that doesn’t get much flooding.

Crawford asked the elevation. Cooper stated it’s around 140 feet.

Crawford stated the Nooksack River has many miles to go before getting to Bellingham Bay and a zero elevation. Cooper stated the U.S. Geological Survey has identified the Nooksack River as a major source of sediment when compared to the entire Puget Sound. She will come forward now to request funding for a three-year study regarding the entire sediment situation.

Crawford asked if they can deal with sediment at the mouth of the river and whether that would have a positive impact at this site. Cooper stated it wouldn’t have any affect on this site.

Crawford asked why they are looking at this project today and not seeing it as part of a presentation on similar situations all along the river. Cooper stated the Council added it to the budget.

Weimer stated the Council added it in December and told staff to deal with the issue. The Council didn’t discuss where it fit within the priorities.

Weimer stated put this before the flood advisory committee to ask about whether it works in terms of other flood issues. Many other issues on the CWRIP have nothing to do with flood issues. Cooper stated staff can also look at it on the work plan.

Weimer stated look also at what projects would drop because of this.

Kremen asked if the advisory committee ranking was guided by staff. Cooper stated they are two different ranking processes. The CWRIP ranking is separate from the flood repair and maintenance ranking. If the Council wants the staff to do this, they’ll drop whatever other work they have and do it.

Brenner asked for minutes of the advisory committee meeting.

Weimer stated have the flood advisory committee take another look at this project. He wants to know what on the work plan is a higher priority that may fall off the work plan.

The Committee concurred.

ADJOURN

The meeting adjourned at 12:10 p.m.

The Council approved these minutes on ________________, 2014.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY COUNCIL  
Regular County Council  

February 25, 2014  

CALL TO ORDER  

Council Vice-Chair Ken Mann called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.  

ROLL CALL  

(7:01:55 PM)  

Present: Barbara Brenner, Ken Mann, Sam Crawford, Rud Browne and Barry Buchanan.  

Absent: Carl Weimer and Pete Kremen.  

FLAG SALUTE  

ANNOUNCEMENTS  

PUBLIC HEARINGS  

1. ORDINANCE AMENDING WHATCOM COUNTY 2014 UNIFIED FEE SCHEDULE TO AUTHORIZE THE FERRY FUND TO ABSORB CREDIT/DEBIT CARD CONVENIENCE FEES ON SINGLE-RIDE FERRY FARES AND INCORPORATE CREDIT/DEBIT CARD CONVENIENCE FEES ON MULTI-RIDE FERRY PASSES (AB2014-091) (7:02:49 PM)  

Mann opened the public hearing and, hearing no one, closed the public hearing. He stated the hearing will be held open until March 11 since the ferry is out of service tonight.  

2. RESOLUTION AND PUBLIC HEARING RELATING TO A COMMUNITY BLOCK GRANT APPLICATION (AB2014-092) (7:05:05 PM)  

(Clerk’s Note: The CDBG required handouts were included in the Council’s packet and available to the public at the public hearing.)  

Mann opened the public hearing, and the following people spoke:  

Paul Schissler stated he encourages the Council to approve the resolution. This will help form a consortium with Skagit and Island counties for funding for low income housing. These counties are too small to qualify for federal funding through the home investment
partnership program. Skagit County recognized this potential funding source and invited Island and Whatcom counties to join. Community Development Block Grant (CDBG) grant funding provides a lot of options. CDBG funding was used last year for the Bellingham Food Bank. This funding was also used to help fund the East Whatcom Regional Resource Center and other past programs in Whatcom County. Support the resolution to allow the County to submit this grant application.

Greg Winter, Opportunity Council Homeless Service Center Director, stated the CDBG application will provide new resources for affordable housing in the community. If successful, the regional consortium would be eligible for the Department of Housing and Urban Development (HUD) home investment partnership program. This funding could be used to provide rent assistance to very low income homeless families. They can now only help about one-third of the homeless families who apply for help each month. The local strategic homeless housing plan includes a strategy to increase the supply of affordable housing units. Rent assistance funding allows local organizations to use these new funds for tenant-based rental assistance, which will convert private sector housing countywide into affordable housing units. The affordable housing market has extremely low vacancy rates, and they continue to find private landlords who want to help. Most units are private rentals.

Alex Ramel stated this funding is important to leverage future competitive grants that can be used for direct services to support housing for low income members of the community. It builds on an existing successful 10-year plan to end homelessness. It allows coordination with neighboring counties and regional strategies. Funds will be used most effectively and efficiently as possible. Agencies must piece together limited and restricted funds to provide services, but this can be difficult. The low-income weatherization program is an example. These pass-through funds can also benefit by putting contractors to work and saving energy.

Patrick Alesse stated this is a good program. It makes sense for the three counties to work together. The people who need this help will appreciate it. The program will build a better community. He supports the resolution.

Mann announced that the required handouts are available to the public.

Browne asked how the money is distributed if it is to be divided between three counties. Schissler stated the members of the consortium would plan together how to use the funds, submit a budget to HUD for next year’s funding. It’s possible it will be prorated by formula based on population, but the jurisdictions have the option of dividing it up otherwise.

**Browne moved** to approve the resolution.

**Brenner** stated all the comments focus on low income and homeless housing, which she supports. However, the resolution also addresses moderate income housing. She will vote for the resolution, but amend the language to say that the highest priority is given to homeless and low income housing. She has a problem with doing this for moderate income housing. They won’t have enough funding for just the homeless and low income housing. She moved to add language “low to moderate with very high priority on homeless and low income housing.”
Mann asked if that amendment would disqualify them from the grant funds.

Schissler stated “low to moderate income” is a HUD term. He doesn’t see a problem with the amendment. The ten year plan to end homelessness prioritizes and other local efforts prioritize the neediest, and that’s where the funding goes.

Crawford stated it seems millions of dollars area available, and they are asking for $24,000. He asked who decided how much they’re asking for. Schissler stated the State of Washington Department of Commerce sets the scheme. They receive an annual grant from HUD, and they divide it up into several pots of money. The CDBG Planning Only Grant Program allows grants in the maximum of $24,000.

Crawford asked if Executive Louws has been asked to process other grants.

Jack Louws, County Executive, stated another grant application will come through for approximately $500,000 related to the energy improvement programs.

Crawford stated the language says it’s not eligible to counties with a population over 200,000, which Whatcom County is. Schissler stated counties over 200,000 that don’t opt in to becoming an entitlement community are also eligible. Whatcom County, which is over 200,000 and has not opted to become an entitlement community, is still eligible. They checked the details of the requirements to make sure Whatcom County is eligible.

Browne stated this is just for planning purposes, so there may not be much value in amending the resolution.

Mann stated he doesn’t support the amendment because this is prescriptive paperwork. The terms are defined. He has confidence that the local agencies will administer these funds where they’re needed most. He doesn’t like amending resolutions that go to another government agency as part of an application.

Brener stated she’s concerned that moderate income applications received before any low income applications would receive funding first.

Crawford stated it’s $24,000 for a planning grant. This is for planning. It’s not for distributing to low or moderate income households.

Brener stated $24,000 isn’t enough for planning for homeless and low income housing.

Crawford asked if Whatcom County will get the full $24,000. Louws stated the County will receive $24,000 and work with the other two counties to develop a plan and submit an application for another approximately $200,000 per year. This $24,000 may result in a return of $200,000. The $200,000 would be to augment the County’s help to low and moderate income housing needs. The Health Department is sponsoring this, and would work with Skagit County and Island County. The funds would be spent on existing programs like the weatherization program, home improvements, and rental assistance.

Schissler stated a number of housing-related activities are eligible for the funds. So far, the three discussions have talked about tenant-based rental assistance as one of the
highest needs for homeless families. It can be deployed quickly without creating a long-
term facility monitoring requirement.

Brenner asked if a program and spending package will come to the Council before
being approved and implemented. Schissler stated the planning process will include public
participation.

Louws stated that if this is successful, the County would enter into interlocal
agreements with the other two jurisdictions. Skagit County would be the lead agency for
this particular program. The State will get its money. The tri-county group would submit
an application. If successful, the money would go to Skagit County, and Skagit County
would disburse the money back to Whatcom County or the service agencies in Whatcom
County.

Brenner asked if the contracts will come to the Council. Louws stated he brings
forward contracts per the purchasing requirements.

The motion to amend failed by the following vote:
Ayes: Brenner (1)
Nays: Mann, Crawford, Browne and Buchanan (4)
Absent: Weimer and Kremen (2)

The motion to approve the resolution carried by the following vote:
Ayes: Brenner, Mann, Crawford, Browne and Buchanan (5)
Nays: None (0)
Absent: Weimer and Kremen (2)

3. ORDINANCE AMENDING WHATCOM COUNTY CODE 2.27A, AQUATIC
INVASIVE SPECIES (AB2014-075) (7:29:45 PM)

Mann opened the public hearing, and the following people spoke:

Tony DeVore stated he lives on Lake Samish and has five small rowboats. This
ordinance would require each boat to be driven to Lake Whatcom for an inspection. Each
boat has been on only Lake Samish. He is not part of the problem and does not bring
invasive species into the lake. Many others have boats that are resident on the lake.
People should be able to have a sticker for resident boats. Those caught outside the lake
could be fined or punished. Residents shouldn’t pay for something they don’t have anything
to do with and don’t cause.

Holly Miller stated she lives on Lake Whatcom. All the invasive species efforts are
focused on zebra mussels. However, Venus clams in the lake are already a problem. She
suggested that the County use the State’s online course for a boat driver license. The State
course doesn’t mention invasive species, but it should. Consider small kayaks and rowboats
that only stay on Lake Whatcom.

Wendy Harris stated no one intends to pollute the lake. She is against the ordinance
because it doesn’t do enough. It’s not enough that they all have good intentions. There is
a connection between invasive species and how much shoreline modification and
development occurs. Building docks and using boats weaken the ecological function of the
lakes and make them more susceptible to invasive species. Even if people use their boats only in one lake, they could bring aquatic invasive species from one location in the same lake to another location in that lake. They are ignoring any management plan for Asian clams, which are already a problem that is getting worse. The only way to protect the lake is to not use it for recreation. Protecting the drinking water must be their highest priority.

Hearing no one else, Mann closed the public hearing.

Gary Stoyka, Public Works Department, gave a staff report. There is no mechanism to verify that a boat stays on the lake. If people take the free online aquatic invasive species awareness course, they will get a $10 discount per boat they own. The fee for non-motorized boats is only $10. Outreach and education is very important. There are new fee categories for events. The program’s inspection staff will go to certain events to do mass inspections, so people don’t have to come all the way to the inspection station during business hours.

Brenner asked if the State does not provide an aquatic invasive species course of any kind. Stoyka stated it does not, that he’s aware of. There is a bill going through the legislature that will enhance aquatic invasive species efforts.

Brenner stated a person would have to take the class once per year, but someone wouldn’t have a fee for their rowboat if they take the course. She doesn’t agree about closing off the lake to recreation. This is only part of what they’re going to do in Lake Whatcom regarding clams. They will address that separately. Stoyka stated this is just to prevent more invasive species from coming into the lake.

Mann asked if there are plans for an inspection station at Lake Samish this year. Stoyka stated there are. The County contracts with the City to operate the program. The City was willing last year to come to people’s homes if the people couldn’t get their boats in for inspection. The City has been very accommodating about making an appointment and coming to someone’s home. The plan is to have the station at Bloedel-Donovan operate continuously throughout the boating season. The hours for the South Bay of Lake Whatcom and the Lake Samish boat launches haven’t been established yet. The plan is to have a much larger presence than last year.

Crawford asked if someone has to take the course annually. Stoyka stated that’s the way the program is set up. It’s an annual course. They can incorporate new information into the course each year.

Crawford asked if there is a definition of or length requirement on rowboats. Stoyka stated there is not. There is a list of exemptions on the ordinance. If the boat requires licensing under the State licensing program, it fits into the bigger category. The length has to be less that approximately 16 feet.

Crawford stated someone could theoretically take the removable outboard off a small boat, get a non-motorized license, and then put the motor back on.

Mann stated the sticker then wouldn’t match the boat. Stoyka stated they’re using two different sticker colors.
Crawford asked if the course is to allow someone to self-inspect. Stoyka stated the course is to teach someone how to self-inspect their boats and provides a fee discount, but an inspection the first time is still required.

Crawford stated the person who testified with five rowboats could take the test, get the fees waived, and could set up an appointment for inspections at home. Stoyka stated that’s correct. The ordinance says that if the boat doesn’t leave the lake, there’s no reason to be reinspected.

Brenner stated post signs about when an inspection would take place at a more remote location, instead of making appointments. That would be more efficient. Stoyka stated they’re talking about better signage, particularly at Lake Samish. Councilmember Mann made suggestions for changing the language, which are in the substitute version of the resolution. The City of Bellingham adopted a similar ordinance. The City and County are trying to coordinate the language in their ordinances.

Browne stated annual recertification isn’t a bad idea, although it may be inconvenient. He’s taken the State course for a boater’s license, and there is no mention of aquatic invasive species. The Council may need to bring it to the State’s attention. The program can’t tell if a person takes a boat out of the water and takes it elsewhere. The County has no control either way. If the County is concerned about invasive species that may be in one Whatcom County lake and not another, then don’t force people to take their boats out of one water body and into another water body, which could potentially contaminate the original lake. Stoyka stated this inspection program will be expanded to all Whatcom county lakes next year for that reason. They will do a risk assessment of all the lakes to determine the best approach possible.

Browne stated set up an inspection schedule for all the lakes and make sure it’s well-advertised. He moved to approve the substitute version of the ordinance.

Buchanan asked the difference between the City of Bellingham’s ordinance and the County’s ordinance. Stoyka stated the language isn’t identical, but there is no substantive difference.

Browne asked if a citizen will be confused by two different ordinances. Stoyka stated they tried to make them as similar as possible, so they shouldn’t any different. There are two ordinances because there are two jurisdictions.

Brenner stated the City was asking the County for more money for staffing. Stoyka stated the budget must assume that the full amount of hours would be worked, and the positions must show there are funds available.

Brenner stated they should budget based on the program staffing the first year, which was enough. If they need more, they should come back to the County and ask for it. Stoyka stated the City presented a budget of what they think they will actually spend. They are expanding the program to include non-motorized boats and to have a bigger presence on Lake Samish and South Lake Whatcom. The program is expanded. The financial part of the program comes to the Council in two weeks. There will be an interlocal agreement with the City that sets the contract amount. There will also be an ordinance for the new fee categories. If any additional budget is needed, there will be a budget amendment.
The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne and Buchanan (5)

**Nays:** None (0)

**Absent:** Weimer and Kremen (2)

### OPEN SESSION

(7:57:33 PM)

The following people spoke:

- Harry Skinner submitted a handout *(on file)* and spoke about park acquisition procedures at Birch Bay.
- Greg Brown spoke about the resolution initiating Comprehensive Plan and zoning text amendments (AB2014-098), the level of service for parks, and the resolution amending the 2014 flood district budget (AB2014-089).
- Yoshi Ravelle spoke about climate change.
- Annette Holcomb, League of Women Voters, spoke about a resolution regarding a water action plan (AB2014-067).
- Kate Blystone, RESources, spoke about a resolution regarding a water action plan (AB2014-067).
- Brooks Anderson spoke about spoke about a resolution regarding a water action plan (AB2014-067) and a League of Women Voters forum on March 15.
- Wendy Harris spoke about wildlife management policies.
- Humphrey Blackburn, Blue Future President, spoke a resolution regarding a water action plan (AB2014-067).
- James Leader spoke about oil trains going to the refineries.
- Kris Halterman spoke about the ordinance amending the Whatcom County Zoning Code on an interim basis to allow agricultural packinghouses in the Agriculture Zoning District as conditional uses (AB2014-060) and the water action plan (AB2014-067) and funding the Planning Unit.
- Lorraine Newman spoke about the ordiance amending the Whatcom County Zoning Code on an interim basis to allow agricultural packinghouses in the Agriculture Zoning District as conditional uses (AB2014-060).

### CONSENT AGENDA

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

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne and Buchanan (5)

**Nays:** None (0)

**Absent:** Weimer and Kremen (2)

**1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID 14-08 TO LOW BIDDER, GRANITE CONSTRUCTION, FOR CRUSHED AGGREGATE TO BE STOCKPILED BY MAINTENANCE AND OPERATIONS FOR CHIP SEALING, IN**
THE AMOUNT OF $1,054,956.24 (AMOUNT TO BE SPREAD OVER A THREE-YEAR PERIOD) (AB2014-094)

2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM HUMANE SOCIETY (AS THE NEW LESSEE) FOR THE NW WILDLIFE RESCUE AND REHABILITATION FACILITY LOCATED AT 3671 MT. BAKER HIGHWAY UNDER THE SAME TERMS AND CONDITIONS AS THE CURRENT LEASE (AB2014-095)

OTHER ITEMS

1. ORDINANCE AMENDING THE 2014 WHATCOM COUNTY BUDGET, SIXTH REQUEST, IN THE AMOUNT OF $260,519 (AB2014-088) (8:30:22 PM)

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

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Browne and Buchanan (5)
Nays: None (0)
Absent: Weimer and Kremen (2)

2. RESOLUTION AMENDING THE 2014 WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BUDGET, FIRST REQUEST, IN THE AMOUNT OF $498,700 (AB2014-089) (8:30:56 PM)

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

Crawford reported for the Finance and Administrative Services Committee and moved to approve the resolution. He has concerns about the Deming Levee. The additional project cost is due to a project delay from November 2012 to October 2013. This levee is adjacent to the Nooksack Casino, the Tribal headquarters, and the Nooksack septic drain field system. The primary beneficiary of this is the Nooksack Tribe. He read from the staff report. He asked if the Tribe has been consulted on the fact that the delay is causing this cost increase, and if there is any room to negotiate an increased cost with the contractor.

Jack Louws, County Executive, stated he will talk to Public Works Department staff.

Brenner stated she questions the property acquisition in Marietta. The Council discussed their concerns about the fourth property. The question isn’t answered in the staff report. She thought there would be more staff people at Council meetings. Louws stated the purpose of meetings during the day is to make staff available to answer these questions. It’s difficult in the evening to have everyone here to answer all things. They discussed this in Finance Committee today. Ms. Cooper was at the Finance Meeting and available for questions.
Brenner stated she would like to know what Ms. Cooper said. They talked about having staff at meetings so the public gets to hear this information, too.

Crawford stated Councilmember Brenner’s question didn’t come up in committee. They discussed the sediment management item and whether there would be value in the gravel market or elsewhere for the sediment that was removed.

Brenner stated she specifically asked the question about the gas station, and it’s not answered in here. She wants to know why the County would pay for property with that kind of liability and what is the County’s liability. The information in the staff report doesn’t address it.

Browne stated that property is not part of this acquisition. There are five properties. A flood easement is not acquisition of property.

Brenner asked if the County has any liability with a flood easement.

Browne stated the County doesn’t have title to the property, so they don’t assume the liability.

Louws stated the Council gave the administration the authority to pursue this. If they can determine that the easement did not put the County under any liability, the administration would bring it forward. This item gives the administration the funding ability to do it. The actual acquisition would be in the future and would be based on legal review and a reasonable cost negotiation. They will take everything into consideration that was discussed in executive session and do the best they can. If they can bring forward a justified proposal, the Council will vote on it to agree with the administration’s assessment.

Crawford referenced the Deming Levee project and asked if the Council can remove this project and hold it.

Dana Brown-Davis, Clerk of the Council, stated the Council can amend this resolution to remove the project, but the administration would have to bring that project to the Council through a new ordinance.

Crawford moved to amend to remove the additional funding for the Deming Levee until they find out if there can be further collaboration on costs with the contractor, the Tribe, or both.

Brenner stated she’s apprehensive about the amendment because this is the flood season. This area is critical. It doesn’t seem to be a lot of money for the work that needs to be done. She doesn’t want to hold up this item.

Mann stated this is a multi-year project. He doesn’t want to pay an extra $42,000 because a different jurisdiction didn’t have their paperwork in order for a year. He will support the amendment.

Buchanan stated he would also support the amendment. He asked when the Council would receive clarification of this item. Louws stated they can discuss it at the Finance Committee meeting on March 11. He will bring the question to Ms. Cooper.
Brenner asked if the Flood Control Zone District Advisory Committee made a recommendation on this item. Louws stated it’s an ongoing project. The advisory committee did not make a recommendation. It’s an existing contract for a project that’s been in the works for a long time.

Brenner stated she won’t support the amendment until she finds out whether this project is urgent.

The motion to amend carried by the following vote:

**Ayes:** Mann, Crawford, Browne and Buchanan (4)

**Nays:** Brenner (1)

**Absent:** Weimer and Kremen (2)

Brenner referenced the Syre farm erosion into the river and stated the minutes from the advisory committee on this item indicated a sense of urgency.

Mann stated that item is not on the agenda.

Crawford stated this item was introduced before the Council discussed this at the surface water work session a week ago.

The motion to approve as amended carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne and Buchanan (5)

**Nays:** None (0)

**Absent:** Weimer and Kremen (2)


(Council acting as the Whatcom County Health Board.)

*Crawford moved* to adopt the ordinance.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne and Buchanan (5)

**Nays:** None (0)

**Absent:** Weimer and Kremen (2)


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

*Brenner moved* to approve the resolution.
Mann stated this is a big step forward. He credits the administration and legal counsel for working through this difficult issue with several difficult agencies.

Brenner stated those agencies are the Environmental Protection Agency (EPA) and Department of Natural Resources.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Browne and Buchanan (5)

Nays: None (0)

Absent: Weimer and Kremen (2)

5. RESOLUTION OF THE COUNTY COUNCIL APPROVING THE SWIFT CREEK SEDIMENT MANAGEMENT PROJECT JOINT AGENCY AGREEMENT (AB2014-096A) (8:50:26 PM)

Brenner moved to approve the resolution.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Browne and Buchanan (5)

Nays: None (0)

Absent: Weimer and Kremen (2)

6. RESOLUTION INITIATING WHATCOM COUNTY COMPREHENSIVE PLAN AND ZONING AMENDMENTS AND REVIEW OF THE LONG RANGE PLANNING WORK PROGRAM (AB2014-098) (8:51:18 PM)

Mann reported for the Planning and Development Committee and reported that the committee recommends that docket items 12 through 15 be removed.

Browne moved to approve the resolution with the substitute for page 1 of Exhibit A and with the removal of docket items 12 through 15 as recommended by the Planning and Development Committee.

Brenner moved to amend the motion to not remove the Birch Bay Promenade item from the list of docketed item.

Browne stated there was discussion that other things should happen in the Comprehensive Planning process before these items are considered.

Brenner stated the proponent of that project gave a presentation to the Public Works Committee. The proponent didn’t talk to the Birch Bay Watershed and Aquatic Resources Management Advisory Committee, but did discuss it with Roland Middleton, who said everything was okay. This person did a lot of work. She got the impression that he was encouraged to submit the proposal, which wasn’t cheap. The Council should at least look at it.

Mann stated his concern is that this project is huge and would be very expensive for the County to research it as a docketed item and to implement it. He has no indication of whether any other property owners in that area support the project or would help pay for it. He can’t justify spending County resources on it now without knowing if there is grass roots
support and whether the County could or should spend money on it. It should go through a
process within the Birch Bay community, and have it rise to the top of the community’s list
of projects. The County has the berm project in Birch Bay now. There are many requests
for acquisition of park land. This would be another enormous expense. It should come
from a community organization, not just one individual, regardless of how nice a project it
is.

Brenner stated the proponent said he had written support from the majority of the
property owners.

The motion to amend the motion failed by the following vote:
Ayes: Brenner (1)
Nays: Mann, Crawford, Browne and Buchanan (4)
Absent: Weimer and Kremen (2)

Crawford asked about how quickly docket item PLN2014-0017 regarding marijuana
regulations would be processed. He doesn’t want the moratorium to continue any longer
than necessary. Many people have invested money already.

Mark Personius, Planning and Development Services Department, stated interim
regulations are coming on March 11.

Brenner stated an interim ordinance is coming forward, and the Council will be able
to fine-tune it even more. Personius stated that’s correct.

The motion carried by the following vote:
Ayes: Mann, Crawford, Browne and Buchanan (4)
Nays: Brenner (1)
Absent: Weimer and Kremen (2)

COMMITTEE REPORTS

1. REPORT FROM THE FEBRUARY 11, 2014, NATURAL RESOURCES COMMITTEE
MEETING RELATING TO THE COMMITTEE’S DISCUSSION OF TWO JOINT
RESOLUTIONS TO BE BROUGHT FORWARD AT THE MARCH 26, 2014, LAKE
WHATCOM JOINT COUNCILS AND COMMISSION MEETING (AB2014-068)
(8:59:15 PM)

Buchanan reported for the Natural Resources Committee and stated two resolutions
will come forward at the joint meeting next month. He’s looking for an informal consensus
that these resolutions should go forward to the joint meeting. They aren’t approving the
actual resolutions, just moving them forward to the joint meeting.

Crawford stated he supports the resolution regarding Sudden Valley. He has no
serious concerns about the other resolution other than whether the time table is realistic. It
is a tremendous amount of work. He asked that staff keep the Council informed of the
progress being made and engaged in the process. The monthly subcommittee will be
monitoring this also. This is a big issue. A lot of money could be involved. This is just the
planning phase. Ecology gives the County ten or 20 years to carry it out. The public will be
very engaged in terms of the controversy over what it will cost to implement the plan. Overall, he agrees with the second resolution, which brings them a step further to complying with requirements from the Department of Ecology.

The Council concurred to move the resolutions forward to the joint meeting.

INTRODUCTION ITEMS

(9:05:26 PM)

1. RESOLUTION RELATING TO MULTI-JURISDICTIONAL POPULATION AND EMPLOYMENT GROWTH ALLOCATIONS (AB2014-056B)

Mann submitted a substitute version (on file) and described the changes.

Brenner suggested they amend the substitute resolution, “directed requested staff.” The Council can’t direct administrative staff. It’s not a proper word to use.

Browne suggested the acronym “TDR” for transfer of development rights should be spelled out.

Mann accepted the suggested changes to the substitute resolution.

Crawford stated the Council resolved to use the medium range allocation from the Office of Financial Management (OFM). He asked if this Exhibit A reflects that medium range OFM projection.

Mann stated the resolution is to avoid politicization of the projections. These numbers are a little higher than the OFM medium projection. They’re very close. All jurisdictions except two made it clear they don’t need an urban growth area (UGA) expansion. Bellingham may want a UGA expansion because the city has a very large allocation. If Bellingham wants to expand its UGA, it should participate in the TDR program.

Mark Personius, Planning and Development Services Department, stated last year the Council approved the OFM medium, which was 68,111 countywide net growth. The Planning Commission recommendation is 74,781. Most of that difference goes to Bellingham.

Crawford asked if OFM does an employment growth allocation. Personius stated it does not.

Crawford asked if the County must accept a very low allocation as a condition of Bellingham accepting a high allocation. The non-UGA area never seems to meet a low allocation. He thought it was a demand of a downzone. They would literally remove zoning to comply with a Comprehensive Plan policy, based on a population projection. If they didn’t downzone, then someone would take the County to the Hearings Board and say the County isn’t complying with the Comprehensive Plan. That’s his concern. Personius stated that’s an unknown possibility if someone wants to do that. The resolution and allocation are structured to maintain consistency with the downward trend in rural growth they’ve
experienced for the past two decades. The rural growth has reduced from 29 percent to 20 percent. This projection is 15 percent, which is the same allocation as the current Comprehensive Plan.

Mann asked if the Planning Commission voted to increase Bellingham’s allocation and lower the rural allocation. Personius stated they had all the allocation requests from the cities. When they all added up, the rural amount that was left was 4,000 or less, which was half of the current allocation. Planning Commission chose to keep the current percentage allocation, which made the overall number countywide rise from 68,000 to 74,000.

_Buchanan moved_ to accept the introduction items, including:

- the substitute ordinance for Introduction Item three and
- the substitute resolution for Introduction Item one as changed by suggestions from Councilmembers Brenner and Browne.

Crawford stated he would be interested in more discussion about the cities’ requests for UGA expansions and TDR from rural lands when the annexation occurs. They have not been able to achieve that at all in Whatcom County. It has had extremely mixed results across the country, with very few success stories. There are many stories of how required transfers didn’t work and land prices were driven up, so they ended up changing the regulations because the requirement didn’t work. He is concerned about saying that it’s the County’s intent to implement this.

Mann stated he agrees with Councilmember Crawford. He shares the concerns. His original amendments to the resolution were more direct. He was talked out of it because they hadn’t run this past the Cities. They don’t know exactly what the TDR program will look like. There are mixed results. The current TDR program doesn’t work. If they are serious about TDRs, which he is, he wants to make it clear that the County will approve their requests for larger allocations, but the County wants them to engage in a PDR or TDR process.

Crawford stated he’ll consider alternative wording over the next couple of weeks.

Brenner suggested amending the introduction item, “…agreement to transfer or retire purchase development rights.” That looks like the County is going to agree to downzone.

_Mann accepted_ Councilmember Brenner’s suggestion for changing the language.

Browne suggested changing the language in the last Whereas statement, “(...)in from rural or resource lands...”

_Mann accepted_ Councilmember Browne’s suggested for changing the language.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne and Buchanan (5)

**Nays:** None (0)

**Absent:** Weimer and Kremen (2)
2. ORDINANCE AMENDING THE 2014 WHATCOM COUNTY BUDGET, SEVENTH REQUEST, IN THE AMOUNT OF $95,000 (AB2014-099)

3. ORDINANCE ADOPTING THE CURRENT STATE BUILDING CODE AND REPEALING EXISTING TITLE 15 OF THE WHATCOM COUNTY CODE (AB2013-271)

OTHER BUSINESS

(9:22:26 PM)

Crawford asked about Councilmember Weimer’s proposal for a water action plan. He’s starting to sense that what is being proposed will be a very costly program. People are testifying to Council about funding the plan. He asked if the administration can analyze the cost and make some fiscal notes.

Gary Stoyka, Public Works Department, stated that right now he’s consolidating councilmember comments on the resolution. He’s trying to get everyone’s input on the resolution that will come to the Council Natural Resources in two weeks. The first thing that has to happen is knowing what the resolution will look like after he changes it to address all the comments. There was discussion of looking at different funding options. Once the County decides what it wants to do, Councilmember Weimer suggests they look at level of service and funding options. Each level of service specifies how quickly they will address the different issues and has an associated funding level. Then they’d have to identify a funding source. Councilmember Weimer indicated he wanted to relook at that level of service analysis done in 2008 for the coordinated water resource inventory program (CWRIP), update the level of service analysis, and see how it fits with the water action plan resolution.

Crawford stated he would like to hear from staff in a couple of weeks about what adopting this plan does that the County isn’t currently doing. The CWRIP already prioritizes. He also wants to know the associated costs. He wonders if it’s not an effort by a lot of folks who are generally on one side of the discussion. Not much has been said about it in the press and it’s not on the Council’s agenda, but they’re getting a lot of email about it. He senses that there are folks from one water use perspective who are bringing this forward. The water resources program has been robust and aggressive. The CWRIP was a big step forward. They have an objective set of measurements. The Syre property is an example of how the CWRIP puts a project in priority order. It is a successful way to look at proposals. He wants to know what Councilmember Weimer’s proposal does and what is the next step.

Jack Louws, County Executive, stated cost will be determined by speed of implementation. The original resolution had tight timelines for major accomplishments. To do that, the County will have to increase costs and find funding soon. He proposes that it be introduced on March 11, and then staff will work on a cost analysis. The Council can vote on it on March 25. He won’t be able to do a cost analysis by March 11.

Browne stated he supports Councilmember Weimer’s proposal, partly because the process is to define the different components of the water issue and consolidate them into one document. He suggests including a component regarding fire flow access for the
agricultural community. It’s a non-consumptive issue, but there must be access. Also, he hasn’t seen how aggressive County ordinances have been on water conservation. This document brings all those components together into a whole as they go forward with a water plan.

Brenner stated some of the programs may not be working, and should be eliminated and replaced something that does work. Also figure out the structure. It’s not a question of doing more. The County must be efficient. This will requires some code scrubbing to end up with a tighter package of projects that are important to get done.

Mann stated he is concerned about how the water plan impacts the Planning Unit’s role, for better or worse.

Brenner stated she talked to Councilmember Weimer about it, and he said the proposal doesn’t intend to substitute for the Planning Unit’s work.

Also, comprehensive Plan amendment PLN2013-00008 regarding mineral resource lands policies indicate that she and Councilmember Weimer are the sponsors. Her issues weren’t about that. They were about making sure the County has more information up front before starting the process for the gravel companies and others. She couldn’t support the south fork MRL because she didn’t have enough information. She’s not sure turning it into a conditional use permit, which is more expensive, is more appropriate than just changing language that allows the Council to have more information up front.

Regarding the Planning Unit, the Department of Ecology should not have a deciding vote. They are supposed to only provide technical assistance. This is a local water resource inventory area (WRIA). What’s happening to Planning Unit members, who are trying to work on issues, is disrespectful. They’re doing their best. The system is difficult, but it provides a broad perspective in the end. The facilitator offered to work pro bono at the next meeting. Make sure the funding is available.

Browne stated he has proposed amendments to Introduction Item 3 and asked if he can introduce his amendments before the Council votes on it. The amendments have to do with whether documents are submitted with metric or English standard measurements.

Brenner stated this is a big issue already.

Browne stated he can understand there may be confusion if some documents were submitted in English standard and others in metric measurements. Documents should be submitted in one standard or the other. He doesn’t understand why they would ask someone to submit them in both English and metric systems.

Crawford stated builders in Point Roberts are familiar with the metric measurement system. Architects in Vancouver draw up plans with the metric measurement. The Planning Department requires feet and inches on a plan, not metric measurements. They do not work in metric. There are a lot of ramifications. The language says that if an applicant submits plans in the metric measurements, the building official has authority to ask the plans be resubmitted in inches and feet or both. The Planning Department will not accept metric-only plans.
Browne stated he doesn't have an issue with that. However, the language says that any plans could be required to be submitted in both measurements. He wants to eliminate unnecessary demand.

Crawford stated no planning inspector would ask an applicant to submit metric-only plans, but the language could be interpreted that way.

Brenner stated the language was to allow staff to accept metric plans if they want.

Crawford stated any change is substantial and would require another hearing. He suggests against changing it tonight. This has been delayed for years. If they delay for two more weeks because it’s important to clarify language, they can vote on it at that time.

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

(9:46:49 PM)

Buchanan reported that he attended the Ecosystem Coordination Board meeting of the Puget Sound Partnership in Olympia last week. It was very interesting.

ADJOURN

The meeting adjourned at 9:47 p.m.

The Council approved these minutes on ______________, 2014.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk     Ken Mann, Council Vice-Chair

______________________________
Jill Nixon, Minutes Transcription
Quarterly Report to the County Council from the Behavioral Health Revenue Advisory Committee (BHRAC)

BHRAC will present its required quarterly report to the County Council. This report will feature mental health the Jail Behavioral Health Program which is a team-based approach to providing behavioral health services to inmates in the jail and upon release from jail.
Memorandum

TO: Jack Louws, Executive
FROM: Bill Elfo, BHRAC Chair
       Chris Phillips, Vice-Chair
DATE: March 14, 2014
RE: Quarterly report for Q4 2013 to County Council

On March 25, 2014, the Behavioral Health Revenue Advisory Committee (BHRAC) will present its 2013 fourth quarter report of the Behavioral Health Fund, to the County Council as required by County Code 3.37. A brief report is attached with details of the services provided and the number of jail inmates who have benefited from those services.

The Behavioral Health Funds (BHF) provided $374,321 for Jail Behavioral Health Program services. In past years, three different agencies provided behavioral health services for the jail. In order to streamline and provide services more efficiently, the Health Department offered services under a single contract. The contract requires a team-based approach to include cross-training, ongoing communication between corrections staff and team members, and a lead staff person to coordinate the program services.

The public-private partnership between the County and Whatcom Counseling and Psychiatric Clinic has improved the rate at which people receive services and the quality of those services. The Jail Behavioral Health Program (JBHP) provides crisis stabilization services, short-term counseling and follow up, coordination with psychiatric treatment, and re-entry services.

Whatcom Counseling, corrections staff, and the Health Department worked together for a six month period to set up outcome measures for this program. The short term outcome measures developed are consistent with state and national standards. Our goal of providing effective behavioral health services in and immediately after jail will help offset criminal justice costs for our community.
Jail Behavioral Health Program

Report Period: February—December

Whatcom County Jail Information

The Whatcom County Jail is designed to hold 148 inmates, but the average daily census was 258 people in 2013. The jail conducts over 7600 bookings per year, while simultaneously ensuring the safety of all offenders.

Inmates with behavioral health issues are provided with specialized medical care and individual housing when needed. Space is limited, and confidential treatment space is unavailable. Despite those limitations, the volume of behavioral health services which takes place in the jail is impressive.

<table>
<thead>
<tr>
<th>Jail Data</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of jail bookings*</td>
<td>7601</td>
</tr>
<tr>
<td>Total referrals for behavioral health services*</td>
<td>3867</td>
</tr>
</tbody>
</table>

*includes duplicated numbers

Jail Behavioral Health Program (JBHP)

The goals of the program are to stabilize behavioral health symptoms for distressed jail inmates and to ensure connection to community services.

A major change in 2013 was the decision to provide JBHP services through a single agency, Whatcom Counseling and Psychiatric Clinic. The first part of the year, the agency started the new program with a unified team of cross-trained professionals.

Due to the high number of inmates with acute symptoms (psychosis, mania, and thoughts of suicide), the JBHP team focused services on inmates with serious mental illness.

The jail behavioral health professionals provide the following services:

- Screening and triage.
- Crisis stabilization and symptom management.
- Assessment.
- Treatment planning.
- Access to psychiatric services.
- Brief counseling and follow up.
- Assertive case management.
- Motivation to ensure treatment connection.
- Warm hand-offs to community treatment.
- Support while waiting for community treatment.
- Coordination of civil commitment evaluations.
- Coordination of competency evaluation.
- Assistance with healthcare enrollment.

<table>
<thead>
<tr>
<th>Jail Behavioral Health Program (JBHP) Data—2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>Total individuals served in the program</td>
</tr>
<tr>
<td>Jail bookings where there is a match to mental health data</td>
</tr>
<tr>
<td>People placed on psychotropic medications</td>
</tr>
<tr>
<td>People assisted with Medicaid/Insurance enrollment</td>
</tr>
</tbody>
</table>

*Treatment Works*

These services are funded by the Division of Behavioral Health & Recovery, North Sound Mental Health Administration, and Behavioral Health Fund dollars administered by the Whatcom County Health Department.
Whatcom County Jail is one of two jails in Washington State which is certified by the NCCHC. As a result, the standards for behavioral health care in our jail are higher than in most jails. The JBHP team of clinicians works hard to exceed the NCCHC standards. Jail Health and JBHP staff have significantly improved their teamwork over the last 3 years.

The agency tracks data which shows response within 24 hours of request for mental health services. This 24 hour response time is a "best practice" standard.

"Non-emergent referrals" are requests for services from corrections staff and inmates where there is no emergency. JBHP team's quick response to these referrals ensures that inmates remain stable and in control of their symptoms while in the jail.

Non-emergent referrals* 3867
Number of responses to non-emergent referrals within 24 hours.* 3317
Percentage of responses for total referrals within 24 hours. 86%

*Duplicated

Future Development — Many inmates have substance use disorders. The County and the agency are working to increase re-entry services for this group of people.
### CLEARANCES

<table>
<thead>
<tr>
<th>Originator: Nick Smith</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division Head: Tyler Schroeder</td>
</tr>
<tr>
<td>Dept. Head: Sam Ryan</td>
</tr>
<tr>
<td>Prosecutor: Karen Frakes</td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
</tr>
<tr>
<td>Executive: Jack Louws</td>
</tr>
</tbody>
</table>

### TITLE OF DOCUMENT:

Interim Ordinance allowing marijuana production, processing and retailing as authorized by Washington State Initiative 502 and medical marijuana facilities as authorized under Chapter 69.51A RCW.

### ATTACHMENTS:

1. Cover Letter and Memo from Sheriff Elfo
2. Interim Ordinance
3. February 19, 2014 Seattle Times article

### 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.)

Interim Ordinance allowing marijuana production, processing and retailing as authorized by Washington State Initiative 502 and medical marijuana facilities as authorized under Chapter 69.51A RCW.

### COMMITTEE ACTION:

3/11/2014: Discussed and recommended for introduction with one amendment.

### COUNCIL ACTION:

3/11/2014: Substitute Amended & Introduced

### Related County Contract #:

### Related File Numbers:

### Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
To: Jack Louws, The Honorable Whatcom County Executive  
The Honorable Whatcom County Council  

Through: Tyler Schroeder, Planning Division Manager  

From: Nick Smith, Planner  

Date: February 28, 2014  

RE: Proposed Interim Ordinance – Recreational and Medical Marijuana Zoning Regulations

Requested Action:  
Attached is a proposed interim ordinance for amending the Whatcom County Zoning Code to include development regulations for marijuana related uses.

Background and Purpose:  
On February 11th, 2014, the Whatcom County Council imposed an emergency moratorium (Ord.2014-011) on the acceptance of new applications for marijuana producers, processors and retailers as authorized by Initiative 502 and medical marijuana facilities as authorized under Chapter 69.51a RCW. The emergency moratorium is set to expire 60 days from the date the ordinance was signed, unless the ordinance is extended or an interim ordinance, as proposed is adopted. If this interim ordinance is adopted it will be in effect for 6 months, unless extended. The intent of the 6 month timeframe is to allow sufficient time for the ordinance to be reviewed by the Planning Commission later this year.

Information & Discussion:  
Staff has proposed an interim ordinance similar to the September 28th, 2013 marijuana zoning interpretation policy: PL1-73-003Z. The proposed changes include setbacks between residences and community centers (see below), residential densities in the immediate vicinity of the marijuana facilities and zones that may allow these facilities. The following are the proposed uses and allowed zone districts:

Proposed Zone Districts for Marijuana Production and Collective Gardens:
- Rural Residential – Permitted Use - (subject to setbacks).
- Rural Residential Island – Permitted Use - (subject to setbacks).
- Rural – Permitted Use - (subject to setbacks).
- Agriculture – Permitted Use - (subject to setbacks).
- Rural Forestry – Permitted Use - (subject to setbacks).
- Rural Industrial Manufacturing – Permitted Use.
• **Light Impact Industrial** – Permitted Use.
• **Heavy Impact Industrial** – Permitted Use.

**Proposed Zone Districts for Marijuana Processing:**
• **Rural** – Administrative Approval Use (subject to setbacks).
• **Agriculture** – Accessory Use (subject to setbacks).
• **Rural Industrial Manufacturing** – Permitted Use.
• **Light Impact Industrial** – Permitted Use.
• **Heavy Impact Industrial** – Permitted Use.

**Proposed Zone Districts for Retail Marijuana:**
• **Rural General Commercial** – Permitted Use (subject to setbacks).
• **Neighborhood Commercial Center** – Permitted Use (subject to setbacks).
• **Small Town Commercial** – Permitted Use (subject to setbacks).
• **General Commercial** – Permitted Use (subject to setbacks).
• **Resort Commercial** – Permitted Use (subject to setbacks).

**Prohibited Zones:**
• All other zones where the use is not stated and areas within the Lake Whatcom Watershed Overlay District (WCC 20.51) and Water Resource Protection Overlay District (WCC 20.71).

**Proposed Setbacks from Existing Residences:**
On February 20\(^{th}\), 2014, Planning and Development Services staff met with other Whatcom County Departments (Sheriff, Health and Prosecuting Attorney) to discuss the potential community impacts associated with recreational and medical marijuana businesses. As discussed, marijuana operations have the potential of having large amounts of available cash on hand. This amount of cash on hand increases the potential risk of robberies and other crimes of violence.

To reduce the risks these businesses may pose, the Sheriff recommended a 1,000 foot setback between a marijuana facility and a property line containing a residence. The intent of the 1,000 foot setback to residences is to be consistent with the Washington State Liquor Control Board (WSLCB) recreational marijuana regulations, which state a 1,000 foot setback to certain described public facilities.

In response, PDS staff reviewed approximately 58 potential locations where a WSLCB marijuana application has been applied for in Whatcom County. Of the 58 sites, PDS staff found the following:

<table>
<thead>
<tr>
<th>Estimated distance to nearest residence</th>
<th>Estimated number of proposed sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>≥ 1,000 feet</td>
<td>3</td>
</tr>
<tr>
<td>800 feet - 1,000 feet</td>
<td>4</td>
</tr>
<tr>
<td>500 feet - 800 feet</td>
<td>12</td>
</tr>
<tr>
<td><strong>300 feet - 500 feet</strong></td>
<td><strong>34</strong></td>
</tr>
<tr>
<td>100 feet - 300 feet</td>
<td>49</td>
</tr>
</tbody>
</table>

Staff estimates that approximately 34 non-industrial zoned locations could meet the proposed separation/setback restriction.

Staff also reviewed all 58 applicable sites to estimate how many residences would be located within 1,000 feet of a marijuana operation. Staff found the following:
<table>
<thead>
<tr>
<th>Estimated number of residences within a 1,000 feet</th>
<th>Number of applications (cumulative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Residences</td>
<td>3</td>
</tr>
<tr>
<td>3 Residences</td>
<td>12</td>
</tr>
<tr>
<td>5 Residences</td>
<td>26</td>
</tr>
<tr>
<td><strong>8 Residences</strong></td>
<td><strong>34</strong></td>
</tr>
<tr>
<td>10 Residences</td>
<td>44</td>
</tr>
</tbody>
</table>

In review, if the interim ordinance includes a 1,000 setback there will only be 3 potential marijuana facilities in Whatcom County. To this point, a 1,000 foot setback would substantially reduce the number of proposed legal marijuana operations in Whatcom County. However, a set distance between existing residences and a proposed facility is recommended. Staff believes there should also be measures to not allow these operations in dense residential areas. As such, staff has proposed the following setback restriction for marijuana facilities in non-industrial zones:

- The minimum separation between a marijuana facility and existing residences not located on the same property as the facility shall be **300 feet**; provided further that no more than eight (8) existing residences shall be located within **1,000 feet** of a proposed facility.

Staff estimates approximately 34 non-industrial zoned locations could meet the proposed separation restriction. It is important to point out that some locations meet the setback restriction and others meet the residential density restrictions. In total, with the interim ordinance language there is an estimated number of 21 locations having applied for a WSLCB license that may meet the proposed interim ordinance. In addition, there are approximately 6 marijuana facilities having applied for a WSLCB license located in an industrial zone.

**Proposed Setbacks from Community Centers:**

Staff also discussed the potential risks marijuana operations may pose to children and young adults. Staff reviewed WAC 314-55-050(10) and determined the Washington State regulations do not contain adequate protections from certain types of community centers, as defined by Whatcom County Code, (i.e. churches).

Whatcom County Code 20.97.070 defines a Community center “as land and/or building(s) owned by a public agency or private nonprofit entity used for social, civic, educational or recreational purposes, which serves mainly the community where located; including but not limited to community halls and centers, grange halls, senior citizen centers, teen centers, youth clubs, field houses and churches.”

Whatcom County has many religious institutions providing school and/or daycare services, as well as social or spiritual events where youths tend to congregate. To reduce the risk of exposure marijuana operations may pose to children and young adults who attend these organizations, staff is also recommending the following setback restriction:

- A marijuana facility shall not be located within 1,000 feet of a community center. The distance shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center (church) is located.
Definitions:
Staff has also proposed definitions to further clarify the marijuana proposed uses. The proposed definitions are consistent with the definitions provided for in 69.50 RCW (recreational marijuana) and 69.51a RCW (medical marijuana).

Odor Control Measures:
Staff has also proposed odor control measures for those marijuana facilities within industrial parks. During a recent site inspection for a collective garden tenant improvement permit, staff noted a strong odor outside the walls of a business within an industrial park. As such, staff is recommending the following performance standard:

- **Marijuana Odor** - Within an industrial park no odor or smoke shall be emitted that is detectable, at or beyond the walls of the building where said use is located, 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 and enjoyment of other users within the industrial park.

Staff looks forward to discussing this matter with you in the future.

Thank you.
Due to a scheduling conflict, I will not be able to attend the March 11th Council meeting regarding zoning issues for marijuana-related businesses. I encourage Council to adopt an ordinance requiring reasonable setbacks of marijuana-related businesses from residential uses.

I previously copied Council on my correspondence to the Liquor Control Board (LCB) dated January 18th and February 7th in which I expressed public safety concerns regarding an application pending before the LCB to permit a Tier-2 marijuana producer and processor to operate within close proximity to residences on Swanson Road near Clearbrook.

I provided the LCB with a chronology of violent crimes that have occurred at locations where "legal" medical marijuana is produced, processed and sold. I also expressed concerns regarding the safety issues presented for nearby neighbors and the lack of adequate Sheriff's Office resources to promptly respond to crimes occurring at a marijuana business in a remote and rural area of the County.

I requested the LCB to consider the provisions of Washington Administrative Code Section 314-550 (16) and deny the license for the Swanson Road location as "the issuance of the license will not be in the best interest of the welfare, health or safety of the people of the state." I also requested the LCB to consider the proximity of permitted marijuana processing and production operations to neighboring residences and require setbacks to ensure safety and neighborhood tranquility to the Swanson Road location as well as other locations affecting nearby residential neighbors.

Following Councils enactment of an emergency moratorium on the acceptance of new County applications for marijuana producers, processors and retailers, Executive Louws asked me to meet with Planning and Development Services on the issue of setbacks and public safety issues. Mr. Smith's memorandum of February 28th outlines the discussion and outcome of the meeting.

In enacting state codes regarding marijuana producers, processors and retailers, the LCB imposed 1,000 foot setbacks from a variety of locations that included schools, playgrounds,
recreation centers, parks, transit centers, libraries and game arcades. The LCB indicated that the logic for these setbacks was to protect children. It would appear to me that the same logic of requiring significant setbacks should also apply to private homes.

Subsequent to my meeting with PDS, it conducted analysis as to the number of existing/pending applications to the County for marijuana-related businesses. This is addressed in Mr. Smith’s memorandum as is the logic for recommending setbacks to 300 feet (and 1,000 feet in the case of eight or more residences). I asked PDS staff if there were adequate other locations in the County that otherwise met proposed county and existing state requirements. However, PDS indicated the LCB is no longer accepting applications and it is unclear that the applicants could at this point, ask for a change.

While I will be involved in litigation related activities on the 11th, I remain available to discuss this issue prior to or after your meeting.

Thank you!
INTERIM ORDINANCE ALLOWING MARIJUANA PRODUCTION, PROCESSING AND RETAILING AS AUTHORIZED BY WASHINGTON STATE INITIATIVE 502 AND MEDICAL MARIJUANA FACILITIES AS AUTHORIZED UNDER CHAPTER 69.51A RCW

WHEREAS, on November 6, 2012, Initiative 502 was passed by the voters of the State of Washington, thereby amending Chapter 69.50 RCW and providing the regulatory framework for marijuana producers, processors, and retailers to become licensed by the Washington State Liquor Control Board ("WSLCB"); and

WHEREAS, on November 16, 2013, the WSLCB adopted final marijuana licensing rules as codified in Chapter 314-55 WAC; and

WHEREAS, during the period between November 18, 2013 and December 20, 2013, the WSLCB accepted marijuana license applications for marijuana production, processing and retail facilities; and

WHEREAS, Whatcom County began receiving notifications of proposed marijuana facilities from the WSLCB in mid-December, 2013; and

WHEREAS, the WSLCB anticipates issuing marijuana producer, processor, and retail licenses to qualified applicants starting in late February or March, 2014; and

WHEREAS, in 2011, the Washington State Legislature passed ESSSB 5073, codified in Chapter 69.51A RCW, which provides that qualifying patients or their designated care providers may create and participate in collective gardens to produce, process, transport, and deliver marijuana for medical use; and

WHEREAS, marijuana facilities, whether under Chapter 69.51A RCW or Initiative 502, are currently not specifically addressed in Whatcom County Code; and

WHEREAS, on September 28, 2013, Whatcom County Planning and Development Services adopted Zoning Interpretation Policy: PL1-73-003Z which determined that marijuana proposed uses, as allowed by Initiative 502, would be regulated in the same way as proposed uses related to any other commodity that is grown, processed, or sold in Whatcom County; and
WHEREAS, on January 16, 2014, the Washington State Attorney General issued an opinion stating that Initiative 502 does not preempt counties from banning or placing additional regulatory requirements on marijuana related businesses within their jurisdictions; and

WHEREAS, on February 11, 2014, the Whatcom County Council adopted Ordinance 2014-011, an emergency ordinance imposing a moratorium on the acceptance of all building and/or land use applications that pertain to marijuana producers, processors, retailers, and collective gardens; and

WHEREAS, Whatcom County intends to consider the adoption of permanent regulatory requirements specifically for marijuana related businesses; and

WHEREAS, while the permanent ordinance is being processed, the County Council is adopting this interim ordinance regulating marijuana related businesses and, in support of this interim ordinance, the Council makes the following findings as required by RCW 36.70.795:

1. Marijuana related operations are vulnerable to robbery and crimes of violence, as evidenced by the actual robberies and violence that have occurred at state legal marijuana medical sites within Whatcom County and elsewhere. The current requirements for locating a proposed marijuana facility do not specifically address the potential risks that these operations pose for surrounding residences, including those residences within isolated communities with limited police protection; and

2. The adoption of this interim ordinance would provide protection to communities and residential uses surrounding marijuana related businesses, as well as provide WSLCB applicants the opportunity to apply for building and/or land use permits; and

3. The emergency moratorium adopted in Ordinance No. 2014-011 is only effective for sixty (60) days. It is necessary to have this interim ordinance in place in order to prevent future applications for marijuana producers, processors, retailers and collective gardens from vesting under current law and thus subverting the purpose of additional regulations to protect the public after the emergency ordinance expires.

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, County Clerk

APPROVED AS TO FORM:

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Council Chair

( ) Approved ( ) Denied

Jack Louws, County Executive
Date: ________________
EXHIBIT A

Chapter 20.32 Rural Residential (RR) District

20.32.050 Permitted uses.

.058 Marijuana production; provided such facility shall be subject to the setback and separation requirements of WCC 20.80.200 and 20.80.251.

.059 Marijuana collective garden; provided such facility shall be subject to the setback and separation requirements of WCC 20.80.200 and 20.80.251.

20.32.130 Administrative approval uses.

.136 The processing of marijuana provided the following criteria are met:

1. The facility is accessory to the on-site production of marijuana.
2. The facility meets the setback and separation requirements of WCC 20.80.200 and 20.80.251.
3. The facility employs no more than 10 permanent employees.
4. The facility does not exceed 10,000 square feet in proposed and existing buildings (as defined by WCC 20.97.035) devoted to marijuana processing.

Chapter 20.34 Rural Residential - Island (RRI) District

20.34.050 Permitted uses.

.060 Marijuana production; provided such facility shall be subject to the setback and separation requirements of WCC 20.80.200 and 20.80.251.

.061 Marijuana collective garden; provided such facility shall be subject to the setback and separation requirements of WCC 20.80.200 and 20.80.251.

20.34.130 Administrative approval uses.
The processing of marijuana provided the following criteria are met:

1. The facility is accessory to the on-site production of marijuana.
2. The facility meets the setback and separation requirements of WCC 20.80.200 and 20.80.251.
3. The facility employs no more than 10 permanent employees.
4. The facility does not exceed 10,000 square feet in proposed and existing buildings (as defined by WCC 20.97.035) devoted to marijuana processing.

Chapter 20.36 Rural (R) District

20.36.050 Permitted uses.

062 Marijuana production; provided such facility shall be subject to the setback and separation requirements of WCC 20.80.200 and 20.80.252.

063 Marijuana collective garden; provided such facility shall be subject to the setback and separation requirements of WCC 20.80.200 and 20.80.252.

20.36.130 Administrative approval uses.

The processing of marijuana provided the following criteria are met:

1. The facility is accessory to the on-site production of marijuana.
2. The facility meets the setback and separation requirements of WCC 20.80.200 and 20.80.252.
3. The facility employs no more than 10 permanent employees.
4. The facility does not exceed 10,000 square feet in proposed and existing buildings (as defined by WCC 20.97.035) devoted to marijuana processing.

Chapter 20.40 Agriculture (AG) District
20.40.050 Permitted uses.

.059 Marijuana production; provided such facility shall be subject to the setback and separation requirements of WCC 20.80.200 and 20.80.255.

.060 Marijuana collective garden; provided such facility shall be subject to the setback and separation requirements of WCC 20.80.200 and 20.80.255.

20.40.100 Accessory uses.

115 The processing of marijuana, provided the following criteria are met:

(1) The facility is accessory to the on-site production of marijuana.
(2) The facility meets the setback and separation requirements of WCC 20.80.200 and 20.80.255.
(3) The facility employs no more than 20 permanent employees.

Chapter 20.42 Rural Forestry (RF) District

20.42.050 Permitted uses.

.070 Marijuana production; provided such facility shall be subject to the setback and separation requirements of WCC 20.80.200 and 20.80.256.

.071 Marijuana collective garden; provided such facility shall be subject to the setback and separation requirements of WCC 20.80.200 and 20.80.256.

20.42.100 Accessory uses.

106 The processing of marijuana provided the following criteria are met:

(1) The facility is accessory to the on-site production of marijuana.
(2) The facility meets the setback and separation requirements of WCC 20.80.200 and 20.80.256.

(3) The facility employs no more than 20 permanent employees.

Chapter 20.51 Lake Whatcom Watershed Overlay District

20.51.200 Prohibited uses.

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

.102 Marijuana production.

Chapter 20.59 Rural General Commercial (RGC) District

20.59.050 Permitted uses.

.051 Retail and office type uses.

(4) Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, pet stores and marijuana; provided a marijuana retail facility shall be subject to the setback and separation requirements of WCC 20.80.200 and WCC 20.80.253(5).

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.050 Permitted uses.

.051 Retail and office type uses.
Chapter 20.61 Small Town Commercial (STC) District

20.61.050 Permitted uses.

.051 Retail and office type uses.

(4) Retail establishments with less than 2,500 square feet of retail floor area per establishment, including but not limited to liquor, drug, sundries, variety, clothing, florist, optical, sporting goods, appliance, craft, music, pet stores and marijuana; provided a marijuana retail facility shall be subject to the setback and separation requirements of WCC 20.80.200 and WCC 20.80.253(6).

Chapter 20.62 General Commercial (GC) District

20.62.050 Permitted uses.

.059 Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, pet stores and marijuana; provided a marijuana retail facility shall be subject to the setback and separation requirements of WCC 20.80.200 and WCC 20.80.253(2).
20.62.050 Permitted uses.

.059 Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, pet stores and marijuana; provided a marijuana retail facility shall be subject to the setback and separation requirements of WCC 20.80.200 and WCC 20.80.253(4).

Chapter 20.66 Light Impact Industrial (LII) District

20.66.050 Permitted uses.

.087 Marijuana production, processing or collective garden.

20.66.700 Performance standards.

.709 Marijuana Odor

Within an industrial park no odor or smoke shall be emitted that is detectable at or beyond the walls of the building where said use is located, 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 and enjoyment of other users within the park.

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.050 Permitted uses.

.066 Marijuana production, processing or collective garden.
Chapter 20.69 Rural Industrial Manufacturing (RIM) District

20.69.050 Permitted uses.

.053 Agriculture type uses.

Uses related to agriculture including, but not limited to:

(10) Marijuana production or collective gardens.

(11) Processing of marijuana; provided that at least 50 percent of the marijuana processed is produced in Whatcom County.

20.69.700 Performance standards.

.708 Marijuana Odor

Within an industrial park no odor or smoke shall be emitted that is detectable, at or beyond the walls of the building where said use is located, 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 and enjoyment of other users within the industrial park.

Chapter 20.71 Water Resource Protection Overlay District

20.71.200 Prohibited uses.

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

.222 Marijuana production.
Chapter 20.80 Supplementary Requirements

20.80.250 Special setback and separation provisions by district.

20.80.251 Residential districts.

(2) Residential Rural District.

(a) Setbacks shall be increased to 100 feet for those parcels situated adjacent to Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.32.651 shall be subject to the standard setback in WCC 20.80.210.

(b) Separation requirements for marijuana production, processing, or collective garden facility.
   i) The facility shall not be located within 1,000 feet of no more than eight (8) existing residences that are not located on the same parcel as the facility.
   ii) The facility shall not be located within 300 feet of any existing residences not located on the same parcel as the facility, except where the owners of all existing residences within 300 feet provide a notarized written agreement waiving the 300 foot setback.
   iii) A facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

(4) Residential Rural-Island districts.

(a) Residential Rural-Island District. Setbacks shall be increased to 100 feet for those parcels situated adjacent to Forestry Zone Districts, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.34.651 shall be subject to the standard setback in WCC 20.80.210.

(b) Separation requirements for marijuana production, processing, or collective garden facility.
   i) The facility shall not be located within 1,000 feet of no more than eight (8) existing residences that are not located on the same parcel as the facility.
   ii) The facility shall not be located within 300 feet of any existing residences not located on the same parcel as the facility, except where the owners of all existing residences within 300 feet provide a notarized written agreement waiving the 300 foot setback.
   iii) A facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways.
between the proposed facility and the nearest property line of a parcel on which a community center is located.

20.80.252 Rural District.

(1) Rural District Setbacks.

(a) Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Commercial Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.36.651 shall be subject to the standard setback in WCC 20.80.210.

(b) Separation requirements for marijuana production, processing, or collective garden facility.
   i) The facility shall not be located within 1,000 feet of no more than eight (8) existing residences that are not located on the same parcel as the facility.
   ii) The facility shall not be located within 300 feet of any existing residences not located on the same parcel as the facility, except where the owners of all existing residences within 300 feet provide a notarized written agreement waiving the 300 foot setback.
   iii) A facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

20.80.253 Commercial districts.

(1) Neighborhood Commercial District.

(a) Setbacks for those parcels situated adjacent to Urban Residential, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.60.550 (Buffer area).

(b) Separation requirements for marijuana retail facility.
   i) The facility shall not be located within 1,000 feet of no more than eight (8) existing residences that are not located on the same parcel as the facility.
   ii) The facility shall not be located within 300 feet of any existing residences not located on the same parcel as the facility, except where the owners of all existing residences within 300 feet provide a notarized written agreement waiving the 300 foot setback.
   iii) A facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

(2) General Commercial District.
(a) Setbacks for those parcels situated adjacent to Urban Residential, Rural Cluster Development and Rural Zone Districts shall be administered pursuant to WCC 20.62.550 (Buffer area).

(b) Separation requirements for marijuana retail facility.
   i) The facility shall not be located within 1,000 feet of no more than eight (8) existing residences that are not located on the same parcel as the facility.
   ii) The facility shall not be located within 300 feet of any existing residences not located on the same parcel as the facility, except where the owners of all existing residences within 300 feet provide a notarized written agreement waiving the 300 foot setback.
   iii) A facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

(4) Resort Commercial District.

(e) Separation requirements for marijuana retail facility.
   i) The facility shall not be located within 1,000 feet of no more than eight (8) existing residences that are not located on the same parcel as the facility.
   ii) The facility shall not be located within 300 feet of any existing residences not located on the same parcel as the facility, except where the owners of all existing residences within 300 feet provide a notarized written agreement waiving the 300 foot setback.
   iii) A facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

(5) Rural General Commercial District.

(a) Separation requirements for marijuana retail facility.
   i) The facility shall not be located within 1,000 feet of no more than eight (8) existing residences that are not located on the same parcel as the facility.
   ii) The facility shall not be located within 300 feet of any existing residences not located on the same parcel as the facility, except where the owners of all existing residences within 300 feet provide a notarized written agreement waiving the 300 foot setback.
   iii) A facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

(6) Small Town Commercial District.
(a) Separation requirements for marijuana retail facility.
   i) The facility shall not be located within 1,000 feet of no more than eight (8) existing residences that are not located on the same parcel as the facility.
   ii) The facility shall not be located within 300 feet of any existing residences not located on the same parcel as the facility, except where the owners of all existing residences within 300 feet provide a notarized written agreement waiving the 300 foot setback.
   iii) A facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

**20.80.255 Agriculture District.**

(6) Separation requirements for marijuana production, processing, or collective garden facility.
   (a) The facility shall not be located within 1,000 feet of no more than eight (8) existing residences that are not located on the same parcel as the facility.
   (b) The facility shall not be located within 300 feet of any existing residences not located on the same parcel as the facility, except where the owners of all existing residences within 300 feet provide a notarized written agreement waiving the 300 foot setback.
   (c) A facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

**20.80.256 Forestry districts.**

(5) Separation requirements for marijuana production, processing, or collective garden facility.
   (a) The facility shall not be located within 1,000 feet of no more than eight (8) existing residences that are not located on the same parcel as the facility.
   (b) The facility shall not be located within 300 feet of any existing residences not located on the same parcel as the facility, except where the owners of all existing residences within 300 feet provide a notarized written agreement waiving the 300 foot setback.
   (c) A facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
between the proposed facility and the nearest property line of a parcel on which a community center is located.

20.80.690 Marijuana State License Required.

Prior to commencing operations, a marijuana producer, processor, or retailer shall obtain approval as a state-licensed marijuana producer, processor, or retailer under Chapter 69.50 RCW, as amended, and Chapter 314-55 WAC, as amended.

20.80.695 Application for County Development Permits - Timing.

Applicants for marijuana production, processing, or retailing may apply for county development permits at any time. Applicants who wish to apply for county permits, or commence construction of facilities for producing, processing, or retailing of marijuana under chapter 69.50 RCW, prior to obtaining approval as a state-licensed marijuana producer, processor or retailer do so at their own risk. Final occupancy of the building will not be granted until a state liquor control board license has been approved.

20.97 Definitions.

20.97.225 Marijuana, marihuana or cannabis.

"Marijuana," "marihuana" or "cannabis" means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

20.97.226 Marijuana collective garden or medical cannabis garden.

"Marijuana collective garden" or "medical cannabis garden" means any building, area or garden where qualifying patients share responsibility for the purpose of producing, processing, transporting, and delivering cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring and ventilation of a garden of cannabis plants as authorized under 69.51A RCW.

20.97.227 Marijuana processing.
"Marijuana processing" means a facility licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers. A marijuana processing facility shall include any building that is associated with the processing of marijuana.

20.97.228 Marijuana production.

"Marijuana production" means a facility licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors. A marijuana production facility shall include any building or fence that is required by the state liquor control board for the production of marijuana.

20.97.229 Marijuana retail.

"Marijuana retail" means a facility licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet. A marijuana retail facility shall include any building that is associated with the sale of marijuana.

20.97.230 Marina.

20.97.231 May.
Title of Document:

Introduction and discussion of proposed modifications to the Unified Fee Schedule to accommodate changes to the Aquatic Invasive Species (AIS) Ordinance WCC 2.27A.

Attachments:

Draft ordinance changes.

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

Should Clerk schedule a hearing? ( X ) 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.)

Public Works staff will introduce for discussion proposed changes to the Unified Fee Schedule needed to accommodate changes to the aquatic invasive species ordinance (WCC 2.27A).

Committee Action: Council Action:

3/11/2014: Introduced

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, and  
The Honorable Jack Louws, Whatcom County Executive  

Through: Frank M. Abart, Director  

From: Gary S. Stoyka, Natural Resources Manager  

Date: February 26, 2014  

Re: Proposed Changes to the Whatcom County Unified Fee Schedule  
(Ordinance 2012-043)  

At the March 11, 2014 Finance Committee meeting, Public Works staff will introduce for discussion proposed changes to the Unified Fee Schedule needed to accommodate changes to the aquatic invasive species ordinance (WCC 2.27A) adopted by the Council on February 25, 2014.

Requested Action
Public Works is requesting discussion by County Council on the proposed ordinance changes. Public Works staff is working with City of Bellingham staff to pursue proposed changes to their respective ordinances on a parallel track that will allow coordinated implementation of the Aquatic Invasive Species Program in time for the 2014 boating season. Public Works staff anticipates bringing the ordinance to the Council for adoption at the March 25th meeting.

Please contact Gary Stoyka at extension 50618 if you have any questions regarding this information.
ORDINANCE NO. ____________

AMENDING THE WHATCOM COUNTY UNIFIED FEE SCHEDULE

WHEREAS, the Whatcom County Council adopted Ordinance No. ____________ on ________ , 2014, thereby establishing mandatory Aquatic Invasive Species inspections prior to launch at certain Whatcom County water bodies for new classes of watercraft; and

WHEREAS, the current Whatcom County Unified Fee Schedule was adopted by the Whatcom County Council as Ordinance No. 2012-043 on November 20, 2012; and

WHEREAS, fees for Aquatic Invasive Species inspections for these new classes of watercraft are not included in the current Unified Fee Schedule;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the current Whatcom County Unified Fee Schedule, Ordinance No. 2012-043, is hereby amended as set forth in Exhibit A, attached hereto.

ADOPTED this ______ day of ____________ 2014.

ATTEST

Dana Brown Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibbons, Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: ______________
### Exhibit A

**Unified Fee Schedule**
**Whatcom County Ordinance 2012-043**

**ADDITIONS:**
- Aquatic Invasive Species Inspection Class A Watercraft Annual Sticker: $50.00
- Aquatic Invasive Species Inspection Class A Watercraft Multi-Day Pass: $20.00
- AIS Awareness - Aquatic Invasive Species Inspection Class A Watercraft Annual Sticker: $40.00
- Aquatic Invasive Species Inspection Class B Watercraft Annual Sticker: $10.00
- AIS Awareness - Aquatic Invasive Species Inspection Class B Watercraft Annual Sticker: **no charge**
- AIS Watercraft Decontamination Fee: $25.00

**DELETIONS:**
- Aquatic Invasive Species Inspection Motorized Watercraft Annual Sticker: $50.00
- Aquatic Invasive Species Inspection Motorized Watercraft Multi-Day Pass: $20.00
TITLE OF DOCUMENT: Resolution and Public Hearing regarding Community Development Block Grant funding applications.

ATTACHMENTS: Memo from County Executive; CDBG Public Hearing handout; Resolution and Certification of Compliance.

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

The Opportunity Council (OC) is on the state Community Development Block Grant (CDBG) list of 2014 Public Services Grant recipients, which is a State formula grant in the amount of $122,118 for distribution to the tri-county area of Whatcom, Skagit and Island Counties. Also, the OC is eligible to apply for a General Purposes Grant for an amount of $500,000. In order to apply for the funding, the OC is required to submit applications through their local jurisdiction, Whatcom County. The public services grant funding is intended to fund new or expanded direct services for persons with low- and moderate-income in Island, San Juan and Whatcom Counties. And the General Purposes Grant funding is intended to support the OC’s Housing Rehabilitation Program. In both cases, the OC will act as Subrecipient of the funding, and Whatcom County will be the lead agency in the grant application process.

Public Hearing Notice language:

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Whatcom County Council in the Council Chambers, Whatcom County Courthouse, 311 Grand Avenue, Bellingham, on Tuesday, March 25, 2014 at 7:00 p.m. The purpose of the public hearing is to review community development and housing needs, inform citizens of the availability of funds and eligible uses of the state Community Development Block Grant (CDBG), and receive comments on proposed activities, particularly from low income persons and persons residing in Whatcom County. Up to $122,118 will be available to Whatcom, Skagit and Island Counties, through the Opportunity Council, to fund public services that principally benefit low- and moderate-income persons. Additionally, up to $1-million may be available to the County on a statewide competitive basis to fund public facility, community facility, economic development and affordable housing projects. A Resolution will be reviewed, which would authorize the County Executive to submit two applications to the State of Washington for this funding. The draft grant applications, including an overview of the proposed public services, will be available for review at the Whatcom County Executive’s office, Suite 108, 311 Grand Avenue, Bellingham, after April 7, 2014. Comments may also be submitted in writing to the Whatcom County Council until the public hearing has been closed. The Council Chambers is handicapped accessible. People with special needs or disabilities who will be attending this meeting are asked to please contact our office (676-6690 or 800-676-6757 from Pt. Roberts), at least 96 hours in advance, so that we may make any needed accommodations.

COMMITTEE ACTION: COUNCIL ACTION:

3/11/2014: Substitute Introduced

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

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

TO: Dana Brown-Davis, Clerk, Whatcom County Council
FROM: Suzanne Mildner, Grant Coordinator
RE: Public Hearing on March 25, 2014 for 2 CDBG Grant Applications
DATE: March 10, 2014

Dana,

As mentioned in our phone conversation last week, we have changed the authorizing Resolution to include 2 grant applications instead of just one. This reflects the fact that the Opportunity Council intends to apply for two separate grants from the State Department of Commerce this Spring.

Accordingly, I have amended the Resolution, Agenda Bill, and the accompanying Memorandum, and request that you replace the original documents in the 3/11/14 packet with these updated ones. The other attachments (tri-county budget breakdown and public hearing handouts) can remain unchanged.

I have also made multiple copies of the public hearing handouts for you to have available at the hearing on the 25th.

Let me know if you have any questions.

Thanks.

/Enclosures
MEMORANDUM

To: Whatcom County Council Members
From: Jack Louws, County Executive
Subject: CDBG Grant Application for 2014 Public Services Grant
Date: March 7, 2014

We have been contacted by the Opportunity Council regarding acting as the lead agency to apply for two Community Development Block Grants (CDBG) through the Washington State Department of Commerce: the first is a 2014 Public Services Grant. This formula grant will support new or expanded direct services for persons with low and moderate incomes in the Whatcom, Skagit and Island County area. The second is a General Purposes Grant to support the Housing Rehabilitation Program, also for the tri-county area.

Through separate subrecipient agreements with the County, the Opportunity Council will administer these grants and oversee the distribution of services. The public services grant amount allocated to the tri-county area is $122,118; attached is a breakdown of the 3-county distribution allocation. For the Housing Rehabilitation grant, the amount being requested for those services is $500,000.00.

I am supporting both of these applications and recommending to the Council that they be submitted to the State Department of Commerce. As part of the application process, we are required to conduct a public hearing in order to receive public input on the use of CDBG funds and to inform the public on the nature of these funding opportunities. As lead agency for these pass-through grants, the County Council is required to sign a Resolution in support of the applications. Please note the attached Resolution.

Thank you for your consideration of this matter. If you have any questions, please don’t hesitate to contact me.

/Enclosures
APPLICATION FOR 2 COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG)

WHEREAS, Whatcom County is preparing to submit 2 applications to the State Department of Commerce for funding assistance; and

WHEREAS, it is necessary that certain conditions be met as part of the application requirements; and

WHEREAS, County Executive Jack Louws is authorized to submit both applications to the State of Washington on behalf of Whatcom County; and

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council authorizes submission of the following applications to the state Department of Commerce: 1) one request for up to $122,118 and any amended amounts to fund public service activities in coordination with the Opportunity Council; and 2) one request for up to $500,000 and any amended amounts to fund housing rehabilitation activities in coordination with the Opportunity Council, and certifies that if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws; and

Has provided opportunities for citizen participation comparable to the state's requirements (those described in Section 104(a)(2)(3) of the Housing and Community Development Act of 1974, as amended); has complied with all public hearing requirements and provided citizens, especially low and moderate-income persons, with reasonable advance notice of, and the opportunity to present their views during the assessment of community development and housing needs, during the review of available funding and eligible activities, and on the proposed activities; and

Has provided technical assistance to citizens and groups representative of low and moderate income persons that request assistance in developing proposals; and

Will provide opportunities for citizens to review and comment on proposed changes in the funded projects and program performance; and

Will not use assessments against properties owned and occupied by low and moderate income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low and moderate income owner-occupants; and
Will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and

Has adopted or will adopt a policy(s) to reduce greenhouse gas emissions in accordance with RCW 70.235.070 and certifies that these projects will adhere to this policy(s); and

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and will affirmatively further fair housing, (Title VIII of the Civil Rights Act of 1968); and

Has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community development Act of 1974, as amended; and

Certifies to meeting the National Environmental Policy Act (NEPA) through a determination the CDBG-funded public services will not have a physical impact or result in any physical changes and are exempt under 24 CFR 58.34(a), and are not applicable to the other requirements under 24 CFR 58.6; and are categorically exempt under the State Environmental Policy Act (SEPA) per WAC 197-11-305 (2); and

Whatcom County designates Jack Louws, County Executive, as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with these applications and Whatcom County's participation in the Washington State CDBG Program.

APPROVED this _____ day of ____________, 2014.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor
The Washington State CDBG Program offers six grant funds:

**General Purpose Grants** $9,000,000
For public infrastructure, community facilities, affordable housing, or economic development

**Economic Opportunity Grants** $9,000,000
For state and local priority economic development and energy efficiency projects that promote vibrant rural communities

**Planning-Only Grants** $400,000
For planning activities that improve community services, public safety or further strategic planning

**Housing Enhancement Grants** $200,000
For off-site infrastructure or the community facility component of a state housing trust fund project

**Imminent Threat Grants** $100,000
For unanticipated emergencies posing a serious immediate threat to public health and safety

**Public Services Grants** $1,500,000
For county and community action agencies to fund new or expanded services to lower income persons

**Contact Information:**
Name: Kaaren Roe
Phone: (360) 725-3018
Fax: (360) 586-8440
Email: kaaren.roe@commerce.wa.gov
Web: www.commerce.wa.gov/cdbg

**Fast Facts**
- Commerce receives an estimated $11 million annual CDBG allocation from the U.S. Department of Housing and Urban Development (HUD)
- Maximum grants are generally $1 million for construction; $500,000 for housing rehabilitation; and $35,000 for planning
- Since 1982 the CDBG program has distributed $445 million to rural cities, towns and counties
HUD National Objectives
CDBG project activities must meet one of three HUD National Objectives:

- Principally benefits low-and moderate-income persons
- Aids in the prevention or elimination of slums or blight
- Addresses imminent threat to public health or safety

CDBG Eligibility Guidelines
Eligible applicants are Washington State cities/towns with less than 50,000 in population and not participating in a CDBG entitlement urban county consortium; and counties with less than 200,000 in population. Eligible cities/towns and counties are listed on the CDBG website.

Special purpose districts, public housing authorities, community action agencies, economic development councils, other non-profit organizations, and Indian tribes are not eligible to apply directly to the state CDBG Program for funding, but may be a partner in projects and subrecipient of funding with an eligible city/town or county applicant.

Applicants may submit one request per fund each program year. Exception: An eligible city/town or county may apply for a second General Purpose Grant if one application is for a local microenterprise assistance program.

Application materials and due dates are on the CDBG website.
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Federal Citizen Participation Requirements
for Local Government Applicants to the State CDBG Program

Federal Regulations 24 CFR 570.486 (a)

(a) Citizen participation requirements of a unit of general local government. Each unit of general local government shall meet the following requirements as required by the state at Sec. 91.115(e) of this title.

(1) Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;

(2) Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the unit of local government’s proposed and actual use of CDBG funds;

(3) Furnish citizens information, including but not limited to:
   (i) The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
   (ii) The range of activities that may be undertaken with the CDBG funds;
   (iii) The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
   (iv) The proposed CDBG activities likely to result in displacement and the unit of general local government’s anti-displacement and relocation plans required under Sec. 570.488;

(4) Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with the procedures developed by the state. Such assistance need not include providing funds to such groups;

(5) Provide for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining citizens’ views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. The public hearings to cover community development and housing needs must be held before submission of an application to the state. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;

(6) Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the unit of general local government’s application to the state. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state.

(7) Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.
**TITLE OF DOCUMENT:** Ordinance to increase EMS Transport fees

**ATTACHMENTS:** Ordinance  
Exhibit A

**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.)

Executive Louws respectfully requests Council approval of the proposed fee increases for ALS Transport fees.

**COUNCIL ACTION:**
3/11/2014: Introduced

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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. __________

Ordinance Establishing charges/fees for providing Advanced Life Support (ALS) Ambulance Transport Services in Whatcom County

WHEREAS, in June 2012, the Whatcom County Council and the Bellingham City Council passed a Joint Resolution of the City of Bellingham and Whatcom County Adopting the Jointly Recommended Business Model for County Wide emergency Medical Services (EMS); and

WHEREAS, the June 2012 Joint Resolution called for establishment of an EMS Oversight Board ("EOB") and a Technical Advisory Board ("TAB"); and

WHEREAS, RCW 52.12.131 conveys the authority for any fire protection district which provides emergency medical services, to establish and collect reasonable charges/fees for these services in order to reimburse the district for its costs of providing emergency medical services; and

WHEREAS, Whatcom County contracts with the City of Bellingham and Fire Protection District No. 7 for the provision of ALS transport and emergency medical services; and

WHEREAS, the Fire Protection District No. 7 had not adjusted their fees since 2008 and the City of Bellingham has not adjusted their rates since 2007; and

WHEREAS, the Technical Advisory Board made a recommendation to the EMS Oversight Board for consideration and approval of ALS Ambulance Transport Services fees as outlined in Exhibit A which also includes increased rates for Basic Life Support (BLS) Transport Fees; and
WHEREAS, the EOB approved for recommendation to County Council the
ALS fees outlined in Exhibit A and approved the BLS rates to be encouraged for
adoption by all Whatcom County Fire Protection Districts for consistency throughout
the system; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
the Advanced Life Support (ALS) Ambulance Transport Services Fees to be charged
by agencies under contract with Whatcom County are increased as shown in Exhibit
A in the column recommended by EOB; and

BE IT FURTHER ORDAINED these changes will be deemed operative within
ten (10) calendar days from the signing of this Ordinance.

ADOPTED this ____ day of _________, 2014.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibson

Chief Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved    ( ) Denied

Date Signed: ____________________
Exhibit A

EMS MEDIC TRANSPORT FEES
Proposed Increases

<table>
<thead>
<tr>
<th>Service</th>
<th>District 7 Current Fee (1/1/14)</th>
<th>Bellingham Fire Current Fee</th>
<th>Recommended By EOB</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLS Emergency</td>
<td>$550.</td>
<td>$450.</td>
<td>$590.</td>
</tr>
<tr>
<td>ALS 1</td>
<td>$750.</td>
<td>$675.</td>
<td>$750.</td>
</tr>
<tr>
<td>ALS 2</td>
<td>$950.</td>
<td>$675.</td>
<td>$950.</td>
</tr>
<tr>
<td>Specialty Care Transport</td>
<td>$950.</td>
<td>$675.</td>
<td>$950.</td>
</tr>
<tr>
<td>Mileage</td>
<td>$15./mile</td>
<td>$12./mile</td>
<td>$15./mile</td>
</tr>
</tbody>
</table>

Service Description

**Basic Life Support (BLS) Emergency:** Majority of BLS calls are billed as Emergency BLS. Ambulance response in the quickest time possible.

**Basic Life Support (BLS) Non-Emergency:** This fee is used infrequently. Calls are made for planned or scheduled responses.

**Advanced Life Support (ALS) 1:** Can be emergent or non-emergent. Must be an ALS vehicle and personnel at least of the EMT-Intermediate level and; must have the administration of ALS drug (ie; IV, IM, MAD) or ALS intervention. Can also be 12-lead if medically necessary. (2012, IV start, or attempt, no longer qualify)

**Advanced Life Support (ALS) 2:** Emergent only. Must be an ALS vehicle and personnel at least of the EMT-Intermediate level and; must have the administration of at least three medications by intravenous push/bolus or by continuous infusion excluding crystalloid, hypotonic, isotonic, and hypertonic solutions (Dextrose, Normal Saline, Ringer’s Lactate); or the provision of at least one of the following ALS procedures;

1. Manual defibrillation/cardioversion
2. Endotracheal intubation
3. Central venous line
4. Cardiac pacing
5. Chest decompression (LUCAS device)
6. Surgical airway
7. Intraosseous line
**SCT:** (Specialty Care Transport) Emergent only. Means interfacility transportation of a critically injured or ill beneficiary by a ground ambulance vehicle, at a level of service beyond the scope of the EMT-Paramedic. SCT is necessary when a beneficiary's condition requires ongoing care that must be furnished by one or more health professionals in an appropriate specialty area, for example, nursing, emergency medicine, respiratory care, cardiovascular care, or a paramedic with additional training (ie; ACLS certification).

**Mileage:** Mileage to and from the scene of the call.

References/Sources:
CFR 414.605
Implemented: 03/19/2009 / Revised:
CLEARANCES Initial Date Date Received in Council Office
Originator: Gary Davis G AO 2/26/14
Division Head: Mark Personius D 2/28/14
Dept. Head: Sam Ryan S 3/2/14
Prosecutor: Karen Frakes K 2/28/14
Purchasing/Budget: 
Executive: Jack Louws J 3.3.14

TITLE OF DOCUMENT:
Rural Element Lot Clustering

ATTACHMENTS:
1. Proposed Ordinance, including draft amendments and Findings of Fact and Reasons for Action
2. Staff Report Addendum
3. Findings of the Planning Commission

SEPA review required? ( X ) Yes ( ) NO
SEPA review completed? ( X ) Yes ( ) NO
Should Clerk schedule a hearing? ( ) Yes ( X ) NO
Requested Date
The Council must hold a hearing if they want to take action that differs from the Planning Commission's recommendation [WCC 2.160.100(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 Code regarding lot clustering standards in the Rural (R) district.

COMMITTEE ACTION:
3/11/2014: Discussed

COUNCIL ACTION:
3/11/2014: Introduced

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
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, the GMA requires consistency between Whatcom County’s Comprehensive Plan and its development regulations; 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 amendments in the interest of the public health, safety, and welfare, based on the following findings and conclusions:

FINDINGS OF FACT

1) On June 18, 2013 the County Council adopted Ordinance 2013-028 in response to the Growth Management Hearings Board’s January 4, 2013 Compliance Order. This ordinance included an amendment to WCC 20.36.310(6) exempting parcels larger than 20 acres from standards requiring a maximum 16 lots in a cluster and minimum 500 foot spacing between clusters.

2) The Growth Management Hearings Board’s November 21, 2013 Compliance order found Ordinance 2013-028 in compliance with GMA regarding the lot clustering issue, though it was silent on the amendment to WCC 20.36.310(6).

3) Petitioner Futurewise requested a reconsideration in December 2013 and the Board issued a revised order on January 23, 2014, finding the added exemption in WCC 20.36.310(6) to be noncompliant with RCW 36.70A.030(15) and 36.70A.070(5)(c).

5) The proposed amendment to the Zoning Code restores WCC 20.36.310(6) to its original wording prior to the adoption of Ordinance #2013-028.

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

7) The proposed amendments were posted on the County website on February, 2014.

8) 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 February 11, 2014.

9) Notice of the subject amendment was submitted to the Washington State Department of Commerce on February 5, 2014.

10) Notice of the Planning Commission hearings for the subject amendment was published in the Bellingham Herald on February 14, 2014.

11) Notice of the Planning Commission hearing for the subject amendment was posted on the County’s website on February 11, 2014.

12) The Whatcom County Planning Commission held a public hearing on February 27, 2014. Since publication of the first draft amendments on February 11, 2014, 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.

CONCLUSION

The proposed amendments are consistent with the goals and requirements of the Washington Growth Management Act (GMA), are in the public interest, and are consistent with the Comprehensive Plan.
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.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Carl Weimer, Council Chair

APPROVED as to form:

Karen T. Frakes
Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, Executive

Date:
WCC TITLE 20 ZONING.

20.36 Rural (R) District

20.36.310 Design standards.

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

(6) In order to preserve rural character, no more than 16 residential lots shall be permitted in one cluster and there shall be at least 500 feet of separation between any new clusters, except when the cluster subdivision is located on a parcel or contiguous parcels in the same ownership, greater than 20 acres.
ADDENDUM TO MARCH 11, 2013 STAFF REPORT

The staff report dated March 11, 2013 presented PDS analysis of the eight compliance issues from the January 4, 2013 Growth Management Hearings Board Order. Issue 2 concerned lot clustering standards in WCC chapters 20.32, 20.35, and 20.36. The County had referenced the clustering standards in Comprehensive Policy 2DD-2 as a measure to protect rural character. The Board found the standards did not protect rural character because they did not adequately protect reserve areas and did not provide clear, enforceable standards.

PDS staff drafted revisions to the clustering provisions to address the problems cited by the Board. During Planning Commission deliberations, the Planning Commission added a phrase to the then-existing Rural (R) zone clustering standards in WCC 20.36.310(6) that exempts parcels larger than 20 acres from those standards -- a maximum 16 lots in a cluster and minimum 500 foot spacing between clusters. This provision was not in the draft amendments proposed by staff, but was suggested in an April 8, 2013 written comment by Zender-Thurston, representing Caitac USA, owner of a large property immediately north of the Bellingham Urban Growth Area. On June 18, 2013 the County Council adopted Ordinance 2013-028, which enacted provisions that addressed the Board’s concerns, and also included the Planning Commission’s added wording in WCC 20.36.310(6).

The Growth Management Hearings Board’s November 21, 2013 Compliance order found Ordinance 2013-028 in compliance with GMA regarding the two main problems they had cited, but was silent on the addition to WCC 20.36.310(6). Petitioner Futurewise requested a reconsideration in December 2013 and the Board issued a revised order on January 23, 2014, finding the added exemption in WCC 20.36.310(6) to be noncompliant with RCW 36.70A.030(15) and 36.70A.070(5)(c), as it violates rural patterns of land use and development and does not assure visual compatibility with the surrounding rural area or reduce conversion of undeveloped land. The Board set a compliance date of March 24, 2014.

PDS has drafted a revision to WCC 20.36.301(6) per the Board’s January 23 order (attached). The revision restores that code section to its original form prior to Ordinance 2013-028. Staff has also prepared a set of draft findings and conclusions, below.

Attachment:
Proposed Zoning Code amendment, January 31, 2014 draft

1 Case No. 11-2-0010c Compliance Order, January 4, 2013.
WHATCOM COUNTY
PLANNING COMMISSION

Rural Element – Lot Clustering

FINDINGS OF FACT AND REASONS FOR ACTION

1) On June 18, 2013 the County Council adopted Ordinance 2013-028 in response to the Growth Management Hearings Board’s January 4, 2013 Compliance Order. This ordinance included an amendment to WCC 20.36.310(6) exempting parcels larger than 20 acres from standards requiring a maximum 16 lots in a cluster and minimum 500 foot spacing between clusters.

2) The Growth Management Hearings Board’s November 21, 2013 Compliance order found Ordinance 2013-028 in compliance with GMA regarding the lot clustering issue, though it was silent on the amendment to WCC 20.36.310(6).

3) Petitioner Futurewise requested a reconsideration in December 2013 and the Board issued a revised order on January 23, 2014, finding the added exemption in WCC 20.36.310(6) to be noncompliant with RCW 36.70A.030(15) and 36.70A.070(5)(c).


5) The proposed amendment to the Zoning Code restores WCC 20.36.310(6) to its original wording prior to the adoption of Ordinance #2013-028.

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7) The proposed amendments were posted on the County website on February, 2014.

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12) The Whatcom County Planning Commission held a public hearing on February 27, 2014. Since publication of the first draft amendments on February 11, 2014, 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.

CONCLUSION

1) The proposed amendments are consistent with the goals and requirements of the Washington Growth Management Act (GMA), are in the public interest, and are consistent with the Comprehensive Plan.

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

David Onkels, Chair

Becky Boxx, Secretary

Date

Commissioners present at the February 27, 2014 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Walter Haugen, Gary Honcoop, David Hunter, Natalie McClendon, David Onkels, Mary Beth Telgrob, and Gerald Vekved.

Vote: Ayes: 8, Nays: 0, Abstain: 1, Absent: 0. Motion carried to adopt the above amendment.
### TITLE OF DOCUMENT: Appointment to the Public Health Advisory Board

**ATTACHMENTS:** Application for Appointment

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

County Executive Jack Louws requests confirmation of his appointment of Barbara Juarez to the Whatcom County Public Health Advisory Board.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Barbara Juarez
Street Address: 3052 Smokehouse Rd
City: Bellingham Zip Code: 98226
Mailing Address (if different from street address): 
Day Telephone: 360-647-9480 Evening Telephone: Cell Phone: 360-393-7879
E-mail address: barbara@indianhealthboard.org

1. Name of board or committee—please see reverse: Public Health 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.)
   - 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.

I am the Executive Director for the Northwest Washington Indian Health Board. I have a Bachelor’s degree in Health Services from University of Washington and over 33 years experience working in Health, my prior position was Director of the Lummi Tribal Health Center. I am a member of the Lummi Nation. I currently am a member of the leadership board for Whatcom Alliance for Health Advancement.

10. Please describe why you’re interested in serving on this board or commission: I am very interested in being involved in assuring Tribal members are represented and included in addressing health issues in our county.

References (please include daytime telephone number): Dale Haveman M.D. 360-384-0464

Signature of applicant: Barbara Juarez

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.
TITLE OF DOCUMENT: Appointments to the Whatcom County Veteran’s Advisory Board

ATTACHMENTS: Applications for Appointment; 3/13/14 Memorandum re nominations

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 appointments of Doug Bestle and Robert Wilson to the Whatcom County Veteran’s Advisory Board.

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: Elizabeth Harmon-Craig, Veterans Specialist
DATE: March 13, 2014
RE: Nomination for Initial Appointment to the Veterans’ Advisory Board

Two positions on our Veterans Advisory Board (VAB) are currently vacant due to member resignations. Vietnam veterans filled both of these positions. This office would like to recommend Doug Bestle and Robert Wilson for appointment to the VAB to fulfill these vacant positions.

Mr. Bestle comes to us highly recommended from the community and was unanimously approved by the Veterans Advisory Board for consideration. He served honorably in Viet Nam from 1969-1971 and maintains an active role in the Whatcom County community. He is a retired businessman. He is very involved with the Kiwanis Club and is the former President of the local Vietnam Veterans of America chapter.

Mr. Robert Wilson is a retiree of both the United States Navy and the Washington State Patrol. Mt Wilson served over 20 years in the Navy and worked here in Whatcom County as a Washington State Patrol officer for 15 years. Mr. Wilson is very active in the Ferndale area where he serves as a youth baseball coach and mentor. In addition, Mr. Wilson volunteers as a mentor to Lummi Nation youth.

Both Mr. Bestle and Mr. Wilson bring a breadth of experience and diverse background to our Veterans Advisory Board. Their input will be essential in planning future programs for Whatcom County veterans.

Thank you for considering these recommendations for appointment.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Doug Bestle Date: 23 Dec 2013
Street Address: 3105 Crestline Drive
City: Bellingham Zip Code: 98226
Mailing Address (if different from street address): same
Day Telephone: 360-392-1561 Evening Telephone: 360-734-2272 Cell Phone: 360-739-4702
E-mail address: dbestle@clearwire.net

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.) (X) yes ( ) no

4. Which Council district do you live in? ( ) One (X) 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: Myself - City & County & Port – CH2MHILL Engineering – consultant – mostly out of our Bellevue office Wife works at Whatcom County Jail for Whatcom Counseling & Psychiatric Clinic as a re-entry counselor

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:

   to provide veteran perspective to veteran’s assistance programs in Whatcom County

References (please include daytime telephone number): Craig Lang – 392-1721 Jim Pace – C: 201-3877

Dave Boyer – 392-1710

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.
Douglas P. Bestle  
3105 Crestline Drive  
Bellingham, Washington 98226-4206  
E-mail: dbestle@clearwire.net  
H: 360-734-2272  Cell: 360-739-4702

CAREER PROFILE

PROJECT ENGINEER/ MANAGER / COORDINATOR

Senior-level experience in running profitable and efficient multi-million dollar engineering and administrative projects for Petroleum/Petrochemical Engineering Firms. Responsible for leadership, training and motivation for teams specialized in various aspects of Computer Database development and Computer Aided Drafting (CAD) assignments. Additionally, experienced in Instrumentation, Control Systems, Piping and Process Design. Consistently successful at bringing in projects on or before schedule and under budget.

Excellent Team builder and organizational leader, with strong communication skills and the ability to generate synergy among all levels of personnel. Pragmatic, focused and goal oriented with a cooperative and can-do management style. Unblemished reputation for professionalism and personal integrity. A very hard worker, willing to make the personal commitment and sacrifices necessary to accomplish each project at hand.

PROFESSIONAL EXPERIENCE

Project Engineer/Project Manager/Coordinator  
CH2M HILL  
21 Bellwether Way, Unit 111, Bellingham WA 98225 360-676-1500  
(aka VSCO USA Inc. Christenson Engineering Corp Davy-McKee Hallanger Engineers)

Key Project Coordinator/Engineer Manager experienced in a variety of refinery and oil field engineering support projects. Responsible for proposal development, strategic planning and management for middle to small scale engineering projects – primarily of the administrative type. Experience as Client Service Manager. Skilled at recruiting, mentoring, training and supervising small and large project teams.

Adept at handling budgets, staffing plans, project schedules/timelines, production and progress reporting. Provide leadership and goal setting for Team development and operation. Lead weekly staffing and progress meetings, client liaison meetings and telephone and video conferences. Travel to site/facility locations for client interface and project development. Interface extensively with project clients, vendors and in-house clients to accomplish project goals. Worked assignments in Cost Control Dept.

Project Highlights

- **Harris Group, Inc.** - (2013) Project Manager for two Boeing Everett projects – Steam Boiler Upgrade & Fuel Stall Surge Analysis - Total Engineering Budget - $1MM
- **General Electric Power & Water Tech, WA** - (current) Project Manager for numerous Stress Analysis support projects – approx 6 per year
- **Statoil Leismer, Calgary CA** - (2012) Served as Project Engineer developing our Field Project Engineering team (11 total) from job descriptions, interviews and selection to on-boarding orientation and deployment.
- **Shell Puget Sound Refinery, Anacortes, WA** - Project Engineer ISBL - Benzene Reduction Unit. Project came in on schedule and under budget. Project TIC was $95MM (Engineering Budget $22MM)
- **BP Cherry Point, Blaine, WA** - South Dock Crane Project (2006-7) - Replacement of the Marine Crane located on the product loading dock. Project TIC - $1.7MM
- **BP Cherry Point, Blaine, WA** - Hydrocracker Unit 2300V MCC Switchgear Improvement Project (2006) - Installed Switchgear building for new motor control center (MCC) switchgear to replace outdated and unreliable Elliott style outdoor switch rack. Project TIC - $2.5 MM
- **Shell Puget Sound Refinery, Anacortes, WA** - Spent Caustic Loading Facility (2006) - Project involved putting in a new caustic truck loading facility with loading structure, loading arms and automated control system for offloading spent caustic from their facility into tanker trucks. Project TIC - $955K
- **Shell Puget Sound Refinery, Anacortes, WA** - Condensate Recovery Project (2005-6) - Project involved streamlining their condensate recovery system to capture lost condensate. Project TIC - $1.4 MM
- **Shell Puget Sound Refinery, Anacortes, WA** - Ultra Low Sulfur Diesel (ULSD)-OSBL Project (2005) - Project involved connecting new ULSD Unit up to refinery infrastructure utilities. Project TIC - $1.3 MM

December, 1982 to present  
July 1978 to May, 1982

- Founding Publisher/Editor of the company newsletter – *The Beacon-Flash*
- Recipient of first Community Service Award
- Named Quality Improvement Person of the Quarter
- Over 20 years Perfect Attendance
- Founding member of the Quality Improvement Program committee
- Founder of annual Food Bank Drive at Christmas

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Douglas P. Bestle

PROFESSIONAL EXPERIENCE continued

Senior Instrumentation Designer
Schuchart & Associates, Inc.
9725 Third Ave N E., Seattle, WA 98115

July, 1977 to July, 1978

Instrumentation Designer
The Litwin Corporation
1110 N. Market St. PO Box 282 Wichita, KS 67708

~ Directly responsible for Instrumentation design for a 92 MW Hydroelectric Power Plant – to include P&ID’s, instrument loop diagrams, instrument index, installation standards and detail drawings. Additionally responsible for electrical design and drafting for conduit routing, cable tray and switchyard layout and design.

~ Client/Project – So. Columbia Basin Irrigation Dist. – Summer Falls Power Plant

~ Instrumentation Designer
The Litwin Corporation
1110 N. Market St. PO Box 282 Wichita, KS 67708

~ Instrumentation Designer/Draftsman
Worldwide Construction Services, Inc.
1919 Southwest Blvd., PO Box 8176 Wichita, KS 67708

~ Instrumentation/Piping Draftsman - 02
Stearns-Roger, Inc. Petroleum & Petrochemical Division
PO Box 5888 Denver, CO 80217

~ Developed an inexpensive method for manufacturing full color, changeable control panel semi-graphic displays – used with several clients

~ Trained and worked 1 year as Piping Drafter to broaden my experience in Design & Drafting

~ Assisted model making dept. as instrument consultant on several projects

~ Helped develop an Instrumentation estimating book for field device installations

~ Developed estimating skills and performed as estimator for several projects. Performed necessary research, drawings and assembly of an Instrument Installation Estimating Manual. Initially was hired as a Project Clerk, but due to extreme shortages of draftsmen was allowed to try-out for a drafting position, and was immediately accepted and transferred.

~ Due to heavy workload, was called upon to assist Instrument Engineers with specification writing, purchasing and vendor data coordination.

~ Trained and served as Instrument Drafter and Designer for a variety of projects. Developed loop diagrams, instrument location plans, installation details, instrument index and control panel drawings. Developed estimating skills and performed as estimator for several projects. Performed necessary research, drawings and assembly of an Instrument Installation Estimating Manual. Initially was hired as a Project Clerk, but due to extreme shortages of draftsmen was allowed to try-out for a drafting position, and was immediately accepted and transferred.

~ Clients/Projects - Texas Instruments, Inc. – Silicon Reactor Project
Mobil Oil Corp. – Lube/Wax Hydro finishing Project
Continental Oil Company (CONOCO) – Sulfur Recovery Unit
Shelly Oil Company – Sulfur Recovery Unit
Pasco, Inc. – Case 56B Refinery Modernization Project
Sinclair Oil Corporation – Control Panel Expansion Project

~ One of two finalists considered for company’s first CAD Supervisor position – HP-1000 Model 65 w/Holguin CEADS-CADD software.

~ Submitted two suggestions to save money and improve communications under the company Quality Improvement program, which were adopted.

~ Due to heavy workload, was called upon to assist Instrument Engineers with specification writing, purchasing and vendor data coordination.

~ Developed an inexpensive method for manufacturing full color, changeable control panel semi-graphic displays – used with several clients

~ Trained and worked 1 year as Piping Drafter to broaden my experience in Design & Drafting

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~ Assisted model making dept. as instrument consultant on several projects

~ Helped develop an Instrumentation estimating book for field device installations
Kiwanis International – “Serving the Children of the World”
Member Kiwanis Club of Bellingham - 1987-present
Board of Directors – 1988-1990
2nd V.P. - 1991, 1st V.P. - 1992
Distinguished Club President – 1993
Club Chairman for Community Services, Young Children Priority One
Membership, Bulletin and Youth Committees
Distinguished Div 18 Lt. Governor – 1995
PNW District Chairman – Membership “Project 39” – 1996
PNW District Chairman – Youth Service – 1997
PNW District Chairman – Young Children Priority One – 1998, 2000
1999-00 Governor's Project Program Director
International & District Life Member since 1995
Attended Nine International Conventions - * Member of Kiwanis Club of Bellingham-Meridian – 2002-2004
(Seattle 88 -Indianapolis 92 - New Orleans 94 - Las Vegas 95 - Salt Lake City 96 - Montreal 98 - Denver 99 - Honolulu 05 - Vancouver BC 13)

Strong commitment and involvement with this Community Service volunteer organization. Four years serving as Pacific Northwest District Chairman (Youth, Membership, Young Children-Priority One) – overseeing training and education of the Lt. Governors and Clubs that span Alaska, British Columbia, Washington, Oregon and small portions of Northern California and Idaho. Develop and provide materials, videos and presentations to members at Clubs, regional Zone Conferences, Board of Trustee Conferences and District Conventions. Liaison between Kiwanis partners (such as March of Dimes, Academy of Physicians, National SAFE KIDS, etc) and the Pacific Northwest District.

Project Highlights
- Organize and spearhead the most consistently successful Team in Bellingham for the Salvation Army Walk-N-Knock – Kiwanis and Sehome/BHS Key Clubs – over 2,000 pounds collected each year (since 1988)
- Organized the historic Kiwanis Rome Grange Political Forum for 8 years
- Founding and Key committee member of the annual Parents Anonymous fundraiser, which has now become the Brigid Collins Charity Auction. Consistently responsible for decorating Team. This auction has progressed higher each year with over $2 million raised in its 20 years as an Annual event (now professed to be largest in Whatcom County).
- Co-chair for the Bellis Fair/Kiwanis Safety and Parenting Fair held for 3 years, bringing together agencies and information on parenting resources and assistance.
- As Program Director of the Governor’s Project developed District’s first Service Bulletin for Save-A-Child Emergency Information Sticker Project

Puget Power & Light Company Consumer Panel
Task Leader, Shelter Industry Relationship Task Force - 1989
Group Moderator, Whatcom County Consumer panel - 1990

Served as Task Force Leader responsible for gathering data, facilitating group consensus recommendations and preparing a final report to Puget Power under their award winning Customer Involvement Program. The group generated six recommendations after convening for about eight months. Following year served as the overall Group moderator, responsible for directing consensus efforts of the Task Leaders and for preparing the final report to Puget Power.

American Cancer Society
Annual 24-Hour Relay
1990 Whatcom County Event Committee Member
(Co-chair - Team recruitment - 48 teams)
Participant fundraiser at Whatcom County 24 Hour Relay – 4 years

Also volunteer work for YMCA fundraising, Whatcom United Way, Arthritis Foundation, Whatcom County Children’s Museum, ACLU (Sec/VP), Totem Council Girl Scouts, Whatcom Hispanic Organization, Food Bank
Douglas P. Bestle

COMMUNITY SERVICE continued

Brigid Collins House
Member of the Board of Directors - 2000-2005, Board Secretary - 2001
Board Vice-President - 2002, Board President - 2003
Annual Auction Fundraising Volunteer
- Imagineer in charge of Event Decorations
- Auction items procurement
- Event Table Captain
Assisted with new facility move-in and provided task work for final facility painting, cleaning, furniture repair, etc.

POLITICAL ACTION

- Active in politics since 1980
- Chair of the 42nd Legislative District - 1 term
- Delegate to numerous County and State Conventions
- Served on State Platform Committee - 1 year
- Campaign Volunteer for numerous candidates
- Whatcom County Campaign Coordinator for One (1) U.S. Senator and One (1) U.S. Congressman - elected
- Campaign Manager for Whatcom County Auditor - elected
- Whatcom County Campaign Coordinator for One (1) U.S. Senator - unsuccessful

MILITARY/VETERAN SERVICE

Enlisted, United States Army - 1969
Basic Training - Ft. Lewis, Washington - 1969
Advanced Training - Ft. Lee, Virginia - 1969
Job description: Company Clerk
Rank: Specialist Fifth Class (E5) - Enlisted
Discharged from active duty - 1972
Served: 1969 - U.S. Quartermaster School, Fort Lee, Virginia
1970 - Vinh Long Army Airfield, 114th AHC, Mekong Delta - Vietnam
1971 - US Army Transportation Command, Oberursel, Germany

Post Active Service
Clerk for the Assistant Chief of Staff, Communications & Services, European V Corps Headquarters, Frankfurt Germany (IG Farben Building) - 1972

Veteran Service
Vietnam Veterans of America.
Chapter 165 - Whatcom County
- Chapter President, 1991-92
- Bulletin "Vet Gazette" Editor/Producer 1990-91
- Community Service Co-Chair - 1992

Accomplishments consisted of awarding the Memorial Plaque for all Whatcom County KIA/MIA from the Vietnam War at the County Courthouse, presiding over adoption ceremony for MIA Keith Allan Brandt at County Courthouse, numerous successful fundraising events and working several community service projects, to include helping move the Childcare Center to new facility and fielding a team for ACS 24 Hour Relay and assisted with food preparation.

EDUCATION/PERSONAL

High School: Thomas Jefferson High School - Denver, Colorado 1967 Diploma
College: Northeastern Junior College - Sterling, Colorado 1968 Business/Art
Arapahoe Junior College - Littleton, Colorado 1969 Business/Art
Whatcom Community College - Bellingham, WA 1992 Associate - Arts & Sciences
Transfer degree Business/Computer Science

Additional Skills: Strong Computer/Internet skills, Strong Typing skills, Graphic Art Design and Pen and Ink Drawing

Health: Excellent Height: 5' - 9" Weight: 180 lbs
Physical Restrictions: None

Personal References provided upon request
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: ROBERT F. WILSON Date: 01-15-14
Street Address: 3347 DOUGLAS ROAD
City: FERNDALE Zip Code: 98248
Mailing Address (if different from street address):
Day Telephone: 360-739-4316 Evening Telephone: 360-380-9913 Cell Phone:
E-mail address: blackhole967@comcast.net

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.) ☒ 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.

I am a retired U.S. Navy Chief Petty Officer with 30 plus years of military service including a tour of duty at NAS Whidbey Island. I am also about to be a retired Washington State Patrol Trooper having worked in Whatcom County the last 15 years as a Trooper.

10. Please describe why you're interested in serving on this board or commission: BEING A DISABLED VETERAN I WANT TO HELP OUR MILITARY AS MUCH AS POSSIBLE.

References (please include daytime telephone number): Frank Coedero 360-305-0913
Jim Petrie 360-201-2506 Gary Laughter 360-961-7784

Signature of applicant: Robert F. Wilson

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.
## TITLE OF DOCUMENT: Appointment to the Whatcom County Ethics Commission

### ATTACHMENTS: Application for Appointment

### 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 appointment of Tom Goetzl to the Whatcom County Ethics Commission.

### 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.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Tom Goetzl
Street Address: 160 Highland Dr
City: Bellingham WA
Date of Birth: Jan 11 2014
City: Bellingham WA
Zip Code: 98225
Mailing Address (if different from street address): N/A
Day Telephone: 738-3559
Evening Telephone: same
Cell Phone: N/A
E-mail address: Tom_goetzl@yahoo.com

1. Name of board or committee—please see reverse: Ethics 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.) 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:

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 professor of law. AB and JD from Univ of California, Berkeley. Post-retirement, taught business law and ethics in College of Business and Economics at WWU.

10. Please describe why you’re interested in serving on this board or commission: Deeply concerned with ethical issues.

References (please include daytime telephone number):

Charles Maxwell 360-820-4847
Dan Warner 360-650-3390

Signature of applicant: [Signature]

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.
**TITLE OF DOCUMENT:** Appointment to the Bicycle/Pedestrian Advisory Committee

**ATTACHMENTS:** Application for appointment.

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

County Executive Jack Louws requests the confirmation of his appointment of Annie Honrath to the Bicycle/Pedestrian Advisory Committee.
Name: Annie Honnath

Street Address: 3203 Pinewood Ave

City: Bellingham

Mailing Address (if different from street address):

Day Telephone: (415) 708-3589 Evening Telephone: same Cell Phone: same

E-mail address: annie.honnath@gmail.com

1. Name of board or committee: please see reverse: Bike/Ped 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.)

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?

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:

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.
Title of Document: Appointment of an alternate to serve as a representative to the Washington State Association of Counties’ Board of Directors

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.)

County Executive’s office requests that County Council appoint an alternate to serve as a representative to the Washington State Association of Counties Board of Directors.

Committee Action:  

Council Action:

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
Memo to: Whatcom County Council Members
From: Jack Louws, County Executive
Subject: Appointment of Alternate to WSAC Board
Date: March 17, 2014

In accordance with the attached letter from WSAC President, Helen Price Johnson; and Executive Director, Eric Johnson, I request that County Council appoint an alternate to serve on the WSAC Board of Directors along with me as representative.

My office will confirm our selections with WSAC once you have made your selection.

Thank you,

JL
March 11, 2014

Whatcom County Executive Jack Louws
Whatcom County Councilmember Carl Weimer, Chair
Whatcom County Courthouse
311 Grand Avenue
Bellingham, Washington 98225

Executive Louws and Chair Weimer:

The Washington State Association of Counties’ Board of Directors is charged with the “general supervision over the affairs of the Association...” WSAC bylaws provide for the following representation on the WSAC Board of Directors:

“(e) One representative and an alternate, who is an Active Member, from each county of 180,000 population or greater;”

Whatcom County’s estimated 2013 population is 205,800 and is eligible for a representative on the WSAC Board of Directors.

Attached is a “WSAC Board Member and Alternate Board Member Appointment for Counties over 180,000 in Population” form. Please complete at you earliest convenience and return to WSAC.

The WSAC Board of Directors generally meets four times each year (January, May, September, and November). The next three regularly scheduled meetings of the WSAC Board of Directors are as follows:

- Wednesday, May 7, 2014, 4:00 p.m. – 8:00 p.m., Chelan County, Campbell’s, Chelan
- Friday, September 19, 2014, 10:30 a.m. – 2:30 p.m., Kittitas County, Ellensburg
- Tuesday, November 18, 2014, noon – 3:00 p.m., Spokane County, The Davenport, Spokane


Additionally, WSAC Policy states that WSAC Board of Directors may:

“request reimbursement for travel, lodging and meal expenses to attend board meetings except for those scheduled in conjunction with WSAC Conferences. The member will be reimbursed for actual expenses up to a maximum of $250 for each meeting.”

If you have any questions regarding membership on the WSAC Board of Directors, please do not hesitate contacting WSAC Executive Director Eric Johnson at 360-489-3013 or ejohnson@wacounties.org.

Sincerely,

Helen Price Johnson, President
Island County Commissioner

Eric Johnson
Executive Director
**WHATCOM COUNTY COUNCIL AGENDA BILL**

**CLEARANCES**  
<table>
<thead>
<tr>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
</table>

**TITLE OF DOCUMENT:**  
Ordinance Regarding installation of stop signs on Brown Road at the intersection of Olson Road.

**ATTACHMENTS:**  
1. Memo to County Executive and Council  
2. Ordinance  
3. Olson Road and Brown Road Intersection Traffic Study  
4. Vicinity Map for intersection of proposed stop sign locations

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

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

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

**Requested Date:** 4/8/2014

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

To comply with RCW 46.61.200 and 47.36.110, it is found possible to modify traffic control signs on Brown Road at the intersection of Olson Road.

**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).
MEMO TO: The Honorable Jack Louws, County Executive, and Honorable Members of the Whatcom County Council

Through: Frank Abart, Public Works Director

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

DATE: 3/6/2014

RE: Ordinance to Install Stop Signs on Brown Road at Olson Road

Requested Action:
This ordinance will allow for placement of stop signs on Brown Road at the intersection of Olson Road.

Background and Purpose:
Citizens have requested the placement of these stop signs based upon their experiences with accidents and “near miss” accidents at this intersection.

The Public Works Department has performed a stop sign warrant analysis per the guidance of the Manual of Uniform Traffic Control Devices (MUTCD). It has been determined that the reported data used to perform this analysis does not justify recommendation of stop signs on Brown Road at this time.

Citizens have provided anecdotal evidence to the County Executive of “near miss” accidents that are not reported and therefore not included in the stop sign warrant analysis performed by Public Works. The County Executive has requested this ordinance be considered and approved by the County Council to address these unreported incidents.

Information:
The intersection of Brown and Olson Roads is currently controlled by stop signs located on Olson Road. Placement of stop signs on Brown Road will make this intersection 4-way stop controlled.
WHEREAS, stop sign installation has been requested by a citizen; and

WHEREAS, in compliance with RCW 46.61.200 and 47.36.110, to install traffic control signs on certain County Roads; and

WHEREAS, it is found possible to install stop signs, to help control traffic, at the following location: Brown Road and Olson Road.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following be added to the Whatcom County Code Section 10.16 as follows:

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Direction</th>
<th>Cross Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brown Road</td>
<td>Eastbound</td>
<td>Olson Road</td>
</tr>
<tr>
<td>Brown Road</td>
<td>Westbound</td>
<td>Olson Road</td>
</tr>
</tbody>
</table>

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

ADOPTED this ____ day of __________________, 2014.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Carl Weimer, Council Chair

( ) Approved  ( ) Denied

Chief Civil Deputy Prosecutor

Jack Louws, Executive

Date: ____________________
Olson Road and Brown Road Intersection Traffic Study

A request from a citizen at a council meeting requested that the intersection of Olson Road and Brown Road should be an all way stop is the purpose of this study. A primary principle of traffic engineering is providing safe and quick as possible travel between destinations.

The traffic study consisted of 4 traffic counts located on all four approaches to the intersection, measuring intersection sight distance, review of collisions, review of signs and measurement of road and shoulder. Olson Road has a Federal Classification as a rural minor collector and Brown Road is classified as a local access road. Olson Road and Brown Road have 10 foot driving lanes with two foot gravel shoulders and both have a speed limit of 35 mph.

Speeds and Volumes
Traffic speed counts were taken on all four legs of the intersection starting December 17th through December 19th 2013. The count consists of volume, speed and percent trucks.

Counts:
- Olson Rd. 820 ADT (North of intersection)
  745 ADT (South of intersection)
- Brown Rd. 556 ADT (West of intersection)
  494 ADT (East of intersection)

Sight distance was measured for the north and south bound directions of Olson Road. The sight distance was taken 10 feet back from the traveled way and at 3.5 feet in height for both vehicles. Minimum sight distance for a 35 mph road is 390 feet. In all direction the sight distance was measured to be greater than double the requirement.

Sight Distance
Sight distance was measured for the north and south bound directions of Olson Road. The sight distance was taken 10 feet back from the traveled way and at 3.5 feet in height for both vehicles. Minimum sight distance for a 35 mph road is 390 feet. In all direction the sight distance was measured to be greater than double the requirement.

Collisions
A review of collisions that we have received from the Washington State Patrol showed there have been six collisions in the last six years (2008-present) in the study area. There was one collision in 2009, two collisions in 2010, two collisions in 2011 and one in 2013. All were side impact, all in daylight hours and four being minor injury collisions.
Signs

Olson Road has stop signs in both directions with stop ahead signs for advance warning.

MUTCD Multi-Way Stop Applications Guidance

The Manual on Uniform Traffic Control Devices (MUTCD) is the standard for the installation of signs on roads in the United States. Guidelines within the manual help determine the proper locations to install traffic control devices. Multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist. The following conditions were reviewed to determine if they meet any of the criteria for an all way stop:

1. Traffic signal justified  No
2. Five or more correctable collisions No
3. Minimum volumes met No
4. Where no single criterion is satisfied No
5. Other criteria No

Conclusion

Olson Road is a rural minor collector road and is functioning in that manner with low traffic volume of around 800 ADT. The area is mostly rural with some driveway accesses and the road is narrow with little or no shoulders. The sight distance is good in all directions. All of the collisions that we have received were caused by drivers not yielding right of way at the stop condition. No criteria from the MUTCD have been met to justify an all way stop at this location, therefore no change in the stop condition is recommended by the County Engineer.

The 85th percentile speeds on Olson Road are a little higher than would be expected for a 35 mph road. Enforcement of the speed limit should bring the speeds to a more acceptable level.
Vicinity Map: Proposed Stop Signs
Brown Rd. and Olson Rd.