TITLE OF DOCUMENT
Portage Bay Shellfish Recovery Plan

ATTACHMENTS:

SEPA review required? ( ) Yes ( x )
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.)

The Portage Bay Shellfish Protection District Advisory Committee will provide a presentation about the current status of water quality in the Nooksack Watershed/Portage Bay and the updated Shellfish Recovery Plan. The plan includes recommendations to the County Council for tasks to monitor, improve, and protect water quality.

COMMITTEE ACTION:
Presentation and discussion.

COUNCIL ACTION:

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

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

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

THROUGH: Frank M. Abart, Public Works Director

FROM: Gary Stoyka, Public Works Natural Resources Manager
       Erika Douglas, Senior Planner - Marine Resources

RE: Presentation of Updated Portage Bay Shellfish Recovery Plan

DATE: May 7, 2014

Background and Purpose
The Portage Bay Shellfish Protection District was formed by the Whatcom County Council in 1998 after the Washington State Department of Health (DOH) downgraded portions of Portage Bay to "Prohibited" and "Restricted" due to deteriorating water quality (60 acres in 1997 and 90 additional acres in 1999). The Lummi Nation estimated an economic loss of about $850,000 per year associated with the shellfish closure. An Initial Closure Response Strategy was developed in 1998 which outlined actions needed to improve water quality and reopen the shellfish beds. Implementation of these actions resulted in improved water quality observed both in the freshwater and marine waters. Portions of the shellfish growing area were re-opened in 2003 and the remaining closed areas were reopened in 2006.

Increasing bacteria levels in the Nooksack and Portage Bay have resulted in the threat of another shellfish downgrade. This prompted the Portage Bay Shellfish Protection District Advisory Committee to begin actively meeting again in 2013 and initiate efforts to review and update the shellfish recovery plan. This presentation will provide the Whatcom County Council with an overview of the updated shellfish recovery plan and the advisory committee's highest priority recommendations.

Please contact Erika and extension 50692 or Gary at 50618 if you have any questions regarding this agenda item.
Portage Bay Shellfish Protection District Shellfish Recovery Plan
Advisory Committee Recommendations to the Whatcom County Council
2014 Update

A Community Effort for Clean Water

Executive Summary
The Portage Bay Shellfish Protection District was formed by the Whatcom County Council in 1998 after the Washington State Department of Health (DOH) downgraded portions of Portage Bay to “Prohibited” and “Restricted” due to deteriorating water quality (60 acres in 1997 and 90 additional acres in 1999). The Lummi Nation estimated an economic loss of about $850,000 per year associated with the shellfish closure (LIBC 2010). The Portage Bay Initial Closure Response Strategy was developed in 1998 by a team of federal, tribal, state, and local representatives outlining potential pollution sources and actions to identify and address these sources. As a result of implementing the shellfish closure response strategy, the Total Maximum Daily Load (TMDL) Detailed Implementation Plan (Hood 2002), federal compliance enforcement inspections, and the Dairy Nutrient Management Act, many actions were taken to address agricultural sources, sewage sources, and implement monitoring, compliance enforcement, and community outreach projects. These actions resulted in improved water quality observed both in the freshwater and marine waters. Portions of the shellfish growing area were re-opened in 2003 and the remaining closed areas were reopened in 2006.

In 2004, fecal coliform levels in the mainstem of the Nooksack River began increasing again. Between 2009 and 2012, the geometric mean of the mainstem site located at Marine Drive (M1) more than doubled and then plateaued. Similar patterns of increasing bacteria levels were observed throughout the Nooksack drainage. While the levels in the mainstem Nooksack River are still meeting water quality standards, this substantial increase creates concern for the potential impact on the shellfish growing area status. Due to elevated bacteria levels, 5 of 12 marine monitoring stations in Portage Bay were described as “Threatened” and 2 of 12 were described as sites “Of Concern” in DOH’s 2012 Annual Growing Area Review (Schultz 2013). The 2013 Annual Growing Area Review identified 4 of 12 stations as “Threatened” and 4 of 12 stations “Of Concern”.

The increasing bacteria levels and threat of another shellfish downgrade prompted the Portage Bay Shellfish Protection District Advisory Committee to begin actively meeting again in 2013 and initiate efforts to review and update the shellfish recovery plan. The Portage Bay Initial Closure Response Strategy (1998) focused on reducing fecal coliform bacteria from agriculture, on-site septic system, sewage treatment plant, and stormwater runoff sources. This update provides a summary of accomplishments that led to the original shellfish growing area upgrade and the advisory committee’s current recommendations for ongoing and new projects to prevent another shellfish downgrade. There are six objectives including 1) control agricultural sources, 2) control stormwater sources, 3) control wastewater treatment plant and on-site sewage system sources, 4) monitor water quality, 5) engage the community, and 6) provide funding for the district program. Each of these objectives has specific recommendations to help the district meet these objectives.
However, the Portage Bay Shellfish Protection District has given highest priority to one overarching recommendation outlined below.

**Implement an effective pollution identification and correction (PIC) program.**
- Conduct water quality monitoring and use data to identify priority areas for PIC program.
- Develop and implement a comprehensive community outreach program that connects with and engages a diverse set of groups and interests. The common message is that everyone needs clean water.
- In priority areas, begin work with community outreach meetings specific to that area. Conduct additional water quality monitoring to identify hot spots within the drainage. Through a tiered-approach, work with landowners to identify problems and address these problems with technical and financial assistance if desired by the landowners. The initial stages of the program will be voluntary in nature to assist landowners with identifying and addressing pollutant sources. This will include an on-the-ground staff/contractor to work directly with landowners. For egregious problems in situations where landowners will not participate in the voluntary program, compliance and enforcement actions will be taken.
- Set milestones for contacts with the community, water quality improvements, and when the program can move into another priority area.
- Report to community members the results of the program.
Background
Portage Bay is located in western Bellingham Bay, between the Lummi Peninsula and Portage Island. The Portage Bay shellfish growing area lies about three and a half miles to the southwest of the mouth of the Nooksack River, the dominant freshwater discharge to this area. The bay supports commercial, ceremonial, and subsistence shellfish harvest for members of the Lummi Nation.

Bacterial Pollution
Fecal coliform bacteria are found in the fecal matter of human and other warm-blooded animals and is used as an indicator of water pollution. While most fecal coliform strains do not cause human illness, detection of fecal coliform in a creek or bay indicates that human and/or animal wastes and the associated harmful pathogens are polluting the water. Examples of pathogen-related illnesses are giardia, salmonella, viral gastroenteritis, hepatitis, and cholera. People are exposed to these pathogens through direct water contact, such as swimming, wading, or eating shellfish from waters with high bacteria levels. The key potential sources of bacteria that have been identified in Whatcom County coastal drainages are (1) animal waste from agricultural operations, domestic pets, waterfowl, and urban wildlife, and (2) human sewage from failing on-site sewage systems (OSS), leaking sewers, or cross-connections (WCPW 2012).

Watershed Characteristics
The Nooksack River watershed is approximately 826 square miles, straddles the borders with Canada and Skagit County, and discharges into Bellingham Bay (Figure 1). The watershed includes a diverse landscape ranging from the Cascade Mountain Range, the foothills, and into the lowlands. The lower basin, beginning at river mile 36.6, has been the focus of fecal coliform bacteria reduction efforts. Land uses in the upper basin are predominately timber management and recreational uses on federal, state, and private lands. In the upper basin there is some
agriculture, commercial and residential use along the valley floors. In contrast, in the lower basin there is a mix of agriculture, rural residential, and urban land uses. Whatcom County is a top dairy and berry producer in Washington State, with the majority of agricultural production occurring in the Nooksack basin. The wastewater treatment plants for the cities of Everson, Lynden, and Ferndale discharge into the Nooksack River. (Joy 2000)

Shellfish Growing Area
In 1996, the Lummi Nation voluntarily closed a 60-acre portion of the commercial shellfish growing area in Portage Bay at the request of the Washington State Department of Health due to water quality that did not meet the National Shellfish Sanitation Program (NNSP) standards (Lummi Nation 2002). The Portage Bay Shellfish Protection District was formed by the Whatcom County Council in 1998 after the Washington State Department of Health (DOH) downgraded Portage Bay to “Prohibited” and “Restricted” due to deteriorating water quality (60 acres in 1997 and 90 additional acres in 1999). The Lummi Nation estimated an economic loss of about $850,000 per year associated with the shellfish closure (LIBC 2010). The Portage Bay Initial Closure Response Strategy was developed in 1998 by a team of federal, tribal, state, and local representatives outlining potential pollution sources and actions to identify and address these sources.

In this same time period, the Washington State Department of Ecology conducted a Total Maximum Daily Load (TMDL) study for fecal coliform in the Lower Nooksack River (Joy 2000). Samples were collected and analyzed for fecal coliform from a primary monitoring network of six mainstem, eleven tributary, and four point source locations. Some of the primary findings from this study were that bacteria levels doubled on the mainstem of the Nooksack River between Lynden and Ferndale. Tributaries discharging to this portion of the mainstem had consistently high bacteria levels. Target fecal coliform geometric means were established to help guide bacteria reduction efforts in the watershed. Through the shellfish closure response strategy, federal compliance enforcement inspections, the Dairy Nutrient Management Act, and TMDL Detailed Implementation Plan (Hood 2002) many actions were taken to address agricultural sources, sewage sources, and implement monitoring, compliance enforcement, and community outreach projects. These actions resulted in improved water quality observed both in the freshwater and marine waters. Portions of the shellfish growing area were re-opened in 2003 and the remaining closed areas were reopened in 2006.

In 2004, fecal coliform levels in the mainstem of the Nooksack River began increasing again. Between 2009 and 2012, the geometric mean of the mainstem site located at Marine Drive (M1) more than doubled from 16 to 40 FC/100mL (Figure 2). The geometric mean at M1 generally plateaued in 2012 and held at 32 FC/100ml in December 2013. Similar patterns of increasing bacteria levels were observed throughout the Nooksack drainage as illustrated in Figure 3, representing bacteria levels observed over time in Fishtrap Creek.
Figure 2. Fecal coliform 30 sample geometric mean at Marine Drive between 2002 and 2014. The red line indicates the TMDL goal and yellow dashed line indicates the period in which the rapid increase of bacteria was observed.

Figure 3. Fecal coliform 30 sample geometric mean between 1999 and 2012. Red line indicates DOE geometric mean threshold for fecal coliform standard.
As of April 2014, all of the monitored creeks discharging into the Nooksack River were exceeding water quality standards for fecal coliform bacteria (Figures 4, 5, and 6). At the majority of stations, fecal coliform levels measured in the last twelve months have been higher than those levels seen in the last three years (Figures 5 and 6).

Figure 4. Portage Bay Shellfish Protection District (Nooksack watershed) monitoring stations. Purple dots indicate mainstem stations and blue dots indicate creeks discharging to the Nooksack River.

Figure 5. Fecal coliform geometric means for Nooksack watershed monitoring stations. The black diamond indicates the geometric mean for samples collected in the last twelve months. The blue bar indicates geometric means for samples collected over the last three years. The yellow line illustrates the water quality standard.
Figure 6. Percent of samples exceeding 200 FC/100mL for Nooksack watershed monitoring stations. The black diamond indicates percent exceeding 200 FC/100mL for samples collected in the last twelve months. The blue bar indicates percent exceeding 200 FC/100mL for samples collected over the last three years. The yellow line illustrates the water quality standard.

While the levels in the mainstem Nooksack River are still meeting water quality standards, this substantial increase creates concern for the potential impact on the shellfish growing area status. Due to elevated bacteria levels, 5 of 12 marine monitoring stations in Portage Bay were described as “Threatened” and 2 of 12 were described as sites “Of Concern” in DOH’s 2012 Annual Growing Area Review (Schultz 2013). The 2013 Annual Growing Area Review identified 4 of 12 stations as “Threatened” and 4 of 12 stations as “Of Concern” as illustrated in Figure 7 (Schultz 2014). Figure 8 provides an illustration of marine water quality in Portage Bay over time.

![Figure 7. Portage Bay marine water quality status in December 2013.](image)

### National Shellfish Sanitation Standards for Marine Waters:

- Geometric mean <14 fecal coliform/100mL, and
- Estimated 90th percentile <43 fecal coliform/100mL

### DOH 90th Percentile Water Quality Categories:

- Well Within Std <20 MPN/100mL
- Of Concern 20-30 MPN/100mL
- Threatened 30-43 MPN/100mL
- Prohibited >43 MPN/100mL
The increasing bacteria levels and threat of another shellfish downgrade prompted the Portage Bay Shellfish Protection District Advisory Committee to begin actively meeting again in 2013 and initiate efforts to review and update the shellfish recovery plan. The Portage Bay Initial Closure Response Strategy (1998) focused on reducing fecal coliform bacteria from agriculture, on-site septic system, sewage treatment plant, and stormwater runoff sources. This update will provide a summary of accomplishments that led to the original shellfish growing area upgrade and the advisory committee’s current recommendations for ongoing and new projects to prevent another shellfish downgrade.

**Overall Program Recommendations**

Dedicate sufficient resources to implement an effective Pollution Identification and Correction (PIC) Program. The program should be adequately staffed to coordinate the implementation of the shellfish recovery plan, support water quality monitoring, identification of priority drainages, community outreach and education, inspections to identify potential pollutant sources, technical and financial assistance, and a regulatory backstop. The program should identify priority areas, focus efforts in priority areas, and show measurable outcomes.
The current pollution identification and correction efforts in the Portage Bay Shellfish Protection District are being implemented through the Whatcom Clean Water Program, guided through the Washington Shellfish Initiative, which is a partnership of federal, tribal, state, and local agencies. It is currently funded through 2015 and the state agencies are leading the pollution identification efforts. The Advisory Committee recommends transitioning this program into a locally-driven, locally-supported, and sustainable program funded through a combination of federal, state, and local resources.

**Objective 1: Control Agricultural Sources**

Agricultural wastes originating in the Nooksack River watershed were identified in the Sanitary Surveys of Portage Bay (DOH 1997, Lennartson 2003) and Portage Bay Initial Response Strategy (1998) as the primary potential contributor of fecal coliform pollution in the Nooksack watershed. Agricultural sources include dairies, commercial non-dairy farms, and non-commercial farms.

In the late 1990’s, there were approximately 200 dairy farms in the watershed. By 2003, all dairies had completed Nutrient Management Plans as required by SB6161. Additionally, the Washington State Department of Ecology implemented a dairy inspection program. The dairy inspection program was transferred to the Washington State Department of Agriculture in 2003. Each dairy is inspected approximately every two years. The 2003 Portage Bay Sanitary Survey noted that improvement of water quality seen at that time was due in part to a combination of a reduced number of dairies and implementation of Nutrient Management Plans (Lennartson 2003).

In addition to the dairy operations, there are a large number of commercial and non-commercial farm operations throughout the Nooksack River drainage. Whatcom Conservation District has consistently provided technical and financial assistance to landowners to develop farm plans and implement Best Management Practices (BMPs). The level of assistance available to landowners has varied depending on funding resources for the Conservation District.

Currently, the Whatcom Clean Water Program (through the Washington Shellfish Initiative) is a federal, tribal, state, and local partnership to improve water quality in freshwater sources impacting Portage Bay and Drayton Harbor. The program includes water quality monitoring, non-dairy farm inspections, technical and financial assistance for landowners and a compliance/enforcement backstop. The initial area of focus has been the Bertrand subwatershed.

**Recommendation 1.1:** Provide letters of support for financial assistance programs for dairies to implement upgraded best management practices and updated nutrient management plans to protect water quality. Most of these funds are allocated through the state and the USDA Natural Resources Conservation Service (NRCS).

**Recommendation 1.2:** Provide letters of support for technical assistance programs for dairies to complete risk management assessments and adaptively manage farm operations as conditions change to protect water quality.
Recommendation 1.3: Provide letters of support for programs that provide financial assistance for aquaculture as well as upland farming.

Recommendation 1.4: Continue concentrating investigation and enforcement follow-up in priority drainages identified through water quality monitoring programs using quality assurance project plans (QAPPs) and standard protocols. Due to the large number of non-commercial animal rearing operations throughout Whatcom County, an inspection program should be implemented for non-dairy commercial agricultural operations and hobby farms as well as dairy farms. Corrective actions should be taken when problems are found.

Recommendation 1.5: Dedicate adequate staff resources to support, uphold, and enforce the Critical Areas Ordinance (CAO). Provide farmers the flexibility to operate in CAO buffers through the Conservation Planning on Agricultural Lands (CPAL) Program. Provide farmers with the ability to voluntarily comply within a set timeframe prior to invoking enforcement actions. A tiered approach is recommended for this program which would include 1) community education, 2) involvement in fixing the problem (through technical and financial assistance), and 3) an enforcement backstop for landowners that do not voluntarily take action to protect critical areas and demonstrate egregious violations.

Recommendation 1.6: Provide technical assistance to non-dairy farmers to complete risk assessments of their farm operations and recommend solutions to protect water quality. Provide financial assistance to non-dairy farmers to implement the recommended solutions.

Recommendation 1.7: Support a collaborative team of local, state, tribal, and federal agencies to avoid duplication of roles and interactions with landowners. The team will meet periodically, share data, and share information regarding inspections.

Recommendation 1.8: Conduct a comprehensive review of the utility and adequacy of the Whatcom County manure management ordinance. Update the ordinance accordingly.

Objective 2: Control Stormwater Sources
Stormwater sources originating in the Nooksack River watershed were identified in the Sanitary Surveys of Portage Bay (DOH 1997, 2003) as minor potential contributors of fecal coliform pollution in the Nooksack watershed. There are stormwater outfalls in the vicinity of the shellfish beds located to the west of Lummi Shore Road. These discharges have had inconsistent fecal coliform levels and volumes, thus representing a minor source. The cities of Lynden and Ferndale and portions of unincorporated Whatcom County have National Pollution Discharge Elimination System (NPDES) Phase II permits for stormwater. These permits have requirements for stormwater program elements including 1) public education and outreach, 2) public involvement, 3) illicit discharge detection and elimination, 4) construction site stormwater control, 5) pollution prevention, good housekeeping, and operation and maintenance, 6) post construction stormwater management for new development and redevelopment, 7) compliance with TMDL requirements, and 8) monitoring.

Recommendation 2.1: Partner with Lynden, Ferndale, and other special districts (e.g. WIDs) to develop a program to assist with the maintenance of neighborhood stormwater ponds/facilities.
**Recommendation 2.2:** Provide support to Lynden, Ferndale, and other special districts for stormwater retrofits that provide water quality improvement and protection.

**Recommendation 2.3:** Identify potential areas for riparian restoration along tributaries to the Nooksack River and share these with Lynden, Ferndale, and other special districts for potential project partnerships.

**Objective 3: Control Wastewater Treatment Plant and On-Site Sewage System Sources**
Sewage sources originating in the Nooksack River watershed were identified in the Sanitary Survey of Portage Bay (DOH 1997, 2003) as low to medium potential contributor of fecal coliform pollution in the Nooksack watershed. Potential sewage sources include wastewater treatment plants (WWTP) at Everson-Nooksack, Lynden, and Ferndale, as well as on-site sewage systems (OSS) throughout the watershed. The NPDES permits for the WWTPs have been updated since the initial closure response strategy and effluent thresholds were drastically decreased to meet the TMDL requirements. There have been several upgrades to the WWTP facilities and operations and they each routinely meet the NPDES permit requirements. There are future upgrades planned for the Everson-Nooksack and Ferndale plants.

**Recommendation 3.1:** Provide support for the upgrade of the City of Everson wastewater treatment plant.

**Recommendation 3.2:** Request annual reports on the status of Everson, Lynden, and Ferndale wastewater treatment plants. Requested information would include how well operations met permit requirements, permit exceedances for bacteria levels, failures of the system (pump stations, etc.), maintenance/repairs completed, and any projected upgrades to the plant or collection system. Provide letters of support for needed repairs or upgrades of systems identified through these reports (e.g. grants, loans, etc.).

**Recommendation 3.3:** Review how sewage is treated in Deming, potential problems, and develop recommendations as needed.

**Recommendation 3.4:** Expand the Marine Recovery Area (MRA) or Sensitive Area for the On-Site Sewage System Operation and Maintenance Local Management Plan to include priority drainages (based upon water quality) of the Portage Bay Shellfish Protection District. Require an evaluation of all OSS in these priority areas within three years once the area has been included in the MRA.

**Recommendation 3.5:** Continue to support the low-interest loan program for OSS repairs and replacements.

**Objective 4: Monitor Water Quality**
Since 1998, the Northwest Indian College has been collecting fecal coliform samples at sites in the Nooksack River watershed. A portion of this sampling was completed to support the Nooksack River TMDL Detailed Implementation Plan (Hood 2002). In the Nooksack River
watershed, the number of sites and frequency of sampling has varied over the years due to funding limitations. Forty-nine sites were identified throughout the watershed for monitoring to support the implementation of the Nooksack TMDL. In 2007 following the upgrade of the shellfish growing areas, the sites were reduced to approximately fifteen long-term ambient sites to monitor water quality patterns in the major tributaries to the Nooksack (Figure 5).

In 2012, Whatcom County began supplementing this monitoring program with a second sampling event per month at about fifteen priority sites. Currently, the Nooksack River routine monitoring program includes twice monthly sampling at fifteen fixed-network sites in the Nooksack River watershed. Additionally, in 2013, DOE began implementing short-term ambient monitoring and bracket sampling in the Bertrand subwatershed to assist pollution identification and correction efforts in this area. The short-term ambient monitoring project involves bi-weekly sampling of 10 fixed network sites. The bracketing monitoring further segments areas where consistently high bacteria counts have been observed.

The Lummi Natural Resources Department has conducted an ambient water quality monitoring program of Reservation waters since 1993 and that now includes sampling at approximately 50 surface water sites. As part of the program, the Nooksack River mainstem where it flows into the Reservation near Marine Drive is sampled approximately four times per month.

**Recommendation 4.1:** Continue implementing a water quality monitoring program with long-term ambient, short-term ambient, and bracketing elements. Routine monitoring should occur throughout the basin to characterize the mainstem of the Nooksack and the major tributaries to the Nooksack. Long-term ambient results will be reviewed once per year to identify new focus areas. Focus areas will have short-term ambient stations and bracketing monitoring to help identify sources of bacteria. Consider adding a long-term ambient station to characterize bacteria levels in Silver Creek.

**Recommendation 4.2:** Monitoring data should be used to implement a response strategy to identify and address pollution sources. The previous Portage Bay Response Strategy will be reviewed to determine successes and challenges and to update the response strategy. Progress of the Whatcom Clean Water Program will be considered.

**Recommendation 4.3:** Tributary reaches between sample stations should be ground surveyed to identify animal access and drainage from non-dairy commercial farms and hobby farms in addition to commercial dairy farms.

**Recommendation 4.4:** When a monitoring station has met the water quality standard for one year, sampling frequency should be reduced to one time per month (rather than twice per month) to focus resources elsewhere and to communicate progress in this drainage.

**Recommendation 4.5:** Partner with Ferndale and Lynden on urban stormwater sampling and source control.
Objective 5: Engage the Community
Community outreach programs are invaluable in developing the community’s understanding of water quality status, impacts to shellfish beds and recreational uses of water, and engaging community members in identifying and implementing programs and projects to improve and protect water quality.

An example of a successful watershed restoration project driven by community involvement was the Tenmile Watershed Restoration Project. Fecal coliform bacteria levels in this subwatershed dropped below the TMDL targets and remained at these levels for several years. In the past two years, bacteria levels have been increasing once again. In the fall of 2013, ReSources reinvigorated a community effort to improve water quality in this subwatershed. There were approximately 50 community members at the first meeting and 30 community members are remaining engaged in the effort.

Recommendation 5.1: As a pollution identification and correction program moves into a new priority drainage, host a kick-off meeting to describe water quality issues and how the program will move forward in the specific drainage area. For each priority drainage, a standard process for community outreach should be implemented with a minimum of three community meetings (pre-project, mid-term, and project-end), postcard notifications, and a question and answer session. Periodically re-evaluate how to approach each focus area.

Recommendation 5.2: Create an educational position at the Whatcom Conservation District to develop and implement a rural education program including topics such as small farms, manure management, pasture rotation, and OSS operation and maintenance. The program should be evaluated on a regular basis for effectiveness using surveys and other tools.

Recommendation 5.3: Create a community-driven, neighbor to neighbor process to communicate water quality problems and find community solutions.

Recommendation 5.4: Work with community members and landowners to develop positive reinforcement by celebrating good BMPs and successes. Build community awareness of the issues, solutions, and continued progress. Examples include signs recognizing implemented BMPs (e.g. pasture rotation, cover crop signs) and regular progress reports to the County Council and newspapers.

Recommendation 5.5: Use public access television, radio, the internet, and newspapers as tools in community outreach to inform a broader community about water quality issues, patterns, impacts, and solutions to improve water quality.

Recommendation 5.6: Provide training opportunities for individuals working in the shellfish protection district to learn about farm plans, the content and requirements, and how best management practices are adapted to meet changing land, animals, and environmental conditions.
Recommendation 5.7: Place signs at high public use locations at creeks that have consistently high bacteria levels (e.g. Lynden Park along Fishtrap Creek) alerting the public of the potential public health threat with water contact recreational activities.

Recommendation 5.8: Install signs at main creek crossings indicating current water quality status.

Recommendation 5.9: Work with Lynden, Ferndale, and other special district to develop and comprehensive stormwater outreach program that with assist with meeting NPDES Phase II stormwater requirements for urban areas in the Nooksack drainage. The messages should connect stormwater, water quality, marine waters, and shellfish harvest. Include presentations to City Councils in this program.

Recommendation 5.10: Continue support for dairy and livestock education programs such as websites, presentations, and the dairy speaker series.

Objective 6: Funding
Recommendation 6.1: Update the Shellfish Protection District ordinance in 2014 to continue the Portage Bay Shellfish Protection District through at least 2016.

Recommendation 6.2: Provide adequate funding to implement the Portage Bay Shellfish Recovery Plan.

References


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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.)

Discussion of Flood Control Zone District Advisory Committee recommendation on Syre property erosion

**COMMITTEE ACTION:**

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# WHATCOM COUNTY COUNCIL AGENDA BILL

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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
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<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

**TITLE OF DOCUMENT:**
Annual update from the Commission Against Domestic Violence

**ATTACHMENTS:**

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

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

Annual update from the Commission Against Domestic Violence

**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).
April 2014

The Commission consists of 14 government and 14 community members. Government officials are designated by government position. Community members are selected by the Mayor and the County Executive from among members of the community who have an interest in, or are impacted by, domestic violence.

(14) Designated Government Representatives

<table>
<thead>
<tr>
<th>Term Exp.</th>
<th>Name</th>
<th>Community Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 31, 2015</td>
<td>Mayor Gary Jensen</td>
<td>Designated Representative-Whatcom County Cities</td>
</tr>
<tr>
<td>January 31, 2016</td>
<td>Michael Knapp</td>
<td>Selected Police Chief-Whatcom County Cities</td>
</tr>
<tr>
<td>January 31, 2016</td>
<td>Linda Quinn</td>
<td>Selected Superintendent-Whatcom Co. School Districts</td>
</tr>
<tr>
<td>January 31, 2017</td>
<td>Laurie Alexander</td>
<td>Designated Representative of DSHS/DCFS</td>
</tr>
<tr>
<td>January 31, 2018</td>
<td>Mike Riber</td>
<td>Designated Representative of DSHS/CSO</td>
</tr>
<tr>
<td>N/A</td>
<td>Bruce Van Glubt</td>
<td>Whatcom County Probation Administrator</td>
</tr>
<tr>
<td>N/A</td>
<td>Dave Reynolds</td>
<td>Whatcom County Superior Court Administrator</td>
</tr>
<tr>
<td>N/A</td>
<td>Regina Delahunt</td>
<td>Whatcom County Health Department Director</td>
</tr>
<tr>
<td>N/A</td>
<td>William Elfo</td>
<td>Whatcom County Sheriff</td>
</tr>
<tr>
<td>N/A</td>
<td>Clifford Cook</td>
<td>Bellingham Police Chief</td>
</tr>
<tr>
<td>N/A</td>
<td>Dave McEachran</td>
<td>Whatcom County Prosecutor</td>
</tr>
<tr>
<td>N/A</td>
<td>Jon Komorowski</td>
<td>Whatcom County Public Defender</td>
</tr>
<tr>
<td>N/A</td>
<td>Darlene Peterson</td>
<td>Bellingham Municipal Court Administrator</td>
</tr>
<tr>
<td>N/A</td>
<td>Peter Ruffatto</td>
<td>Bellingham City Attorney</td>
</tr>
</tbody>
</table>

(7) County Community Appointments

<table>
<thead>
<tr>
<th>Term Exp.</th>
<th>Name</th>
<th>Community Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 31, 2015</td>
<td>Manuel Reta</td>
<td>Community at Large</td>
</tr>
<tr>
<td>January 31, 2015</td>
<td>Nikki Finkbonner</td>
<td>Human Service Provider</td>
</tr>
<tr>
<td>January 31, 2016</td>
<td>Jolie Rhinehart</td>
<td>Major Employer</td>
</tr>
<tr>
<td>January 31, 2016</td>
<td>Karen Burke</td>
<td>Domestic Violence Victim Service Provider</td>
</tr>
<tr>
<td>January 31, 2017</td>
<td>Mary Dumas</td>
<td>Community at Large</td>
</tr>
<tr>
<td>January 31, 2018</td>
<td>VACANT</td>
<td>Health Care Provider</td>
</tr>
<tr>
<td>January 31, 2018</td>
<td>Kathy McNaughton</td>
<td>Human Service Provider</td>
</tr>
</tbody>
</table>

(7) City Community Appointments

<table>
<thead>
<tr>
<th>Term Exp.</th>
<th>Name</th>
<th>Community Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 31, 2015</td>
<td>Darla Woolman</td>
<td>Health Care Provider</td>
</tr>
<tr>
<td>January 31, 2015</td>
<td>Michael Sledge</td>
<td>Major Employer</td>
</tr>
<tr>
<td>January 31, 2016</td>
<td>Terra Nevitt</td>
<td>Community at Large</td>
</tr>
<tr>
<td>January 31, 2017</td>
<td>Sheri Emerson</td>
<td>Human Service Provider</td>
</tr>
<tr>
<td>January 31, 2017</td>
<td>Cheri Kilty</td>
<td>Domestic Violence Victim Service Provider</td>
</tr>
<tr>
<td>January 31, 2018</td>
<td>Greg Winter</td>
<td>Human Service Provider</td>
</tr>
<tr>
<td>January 31, 2018</td>
<td>Rick Qualls</td>
<td>Community at Large</td>
</tr>
</tbody>
</table>
The Bellingham Whatcom County Commission Against Domestic Violence (DV Commission) and the Washington State Coalition Against Domestic Violence (WSCADV) led a Domestic Violence Fatality Review Panel to review three intimate partner homicide cases that occurred in Whatcom County between 2009 and 2013. The 50-member Panel included stakeholders from various sectors of the community, including law enforcement, prosecution, and the courts; social service providers and social workers; domestic violence and sexual assault advocates; faith community leaders; business leaders; and community members at large. For each of the cases, the Panel reviewed information related to the victim and the abuser that spanned their entire lives, up to the point of the homicides. The following information highlights the findings of the Panel.

**DOMESTIC VIOLENCE HOMICIDE IS PREVENTABLE IN WHATCOM COUNTY**

**ABUSERS WERE CONSISTENTLY NOT HELD ACCOUNTABLE**

- The criminal justice system did not respond effectively to domestic violence.
- Domestic violence was not routinely addressed in family court.
- Family, friends, and others in abusers’ social circles did not intervene to stop the domestic violence.
- To avoid accountability, abusers manipulated their victims and children, along with schools, child protection, and the legal system.

In each of the homicide cases reviewed, our community had an opportunity to hold the abuser accountable but failed to do so.

**THE ABUSE COULD NOT BE STOPPED BY VICTIMS ALONE**

- Victims tried multiple times, and in multiple ways, to get help. They called 911, talked to friends and family, and/or left the relationship, but they still weren’t safe.
- The reviewed cases made it clear that domestic violence impacts all of us, not just the people in the relationships. Children were killed or left without parents, families and friends were left without loved ones, and entire communities mourned.
The fatality review team learned that domestic violence victims need the support of the whole community to be safe.

**MANY PEOPLE KNEW ABOUT THE ABUSE, BUT DID OR SAID NOTHING TO STOP IT**

- In all of the cases reviewed, victims turned to friends, families, neighbors, coworkers, and/or pastors for help. In most cases, people wanted to be helpful, but didn’t know how.
- People who work with kids often had opportunities to help. In all three of the cases reviewed, either schools or social workers knew there was a problem, but didn’t identify the abuse or take action to stop it.

In every reviewed case, someone – family, friends, neighbors, schools, social workers, police, case managers, and pastors – had either a strong intuition or definite knowledge that something was very wrong, and didn’t take effective steps to stop the abuse.

**EVERYONE IN WHATCOM COUNTY HAS A ROLE TO PLAY IN PREVENTING DOMESTIC VIOLENCE HOMICIDES.**

**READ THE WHATCOM COUNTY DOMESTIC VIOLENCE FATALITY REVIEW REPORT. IDENTIFY THE RECOMMENDATIONS THAT APPLY TO YOU. IMPLEMENT THOSE RECOMMENDATIONS IN YOUR LIFE AND SPHERES OF INFLUENCE.**

There are recommendations for:

- family, friends, and neighbors
- faith based communities
- neighborhood associations
- civil and criminal justice agencies and personnel
- mental health, health care, and social service providers
- employers and co-workers
- housing, property management, and real estate professionals
- schools
- child protection
TITLE OF DOCUMENT: 2014 Supplemental Budget Request #10

ATTACHMENTS: Ordinance, Memoranda & Budget Modification Requests

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

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

Supplemental #10 requests funding from the General Fund:

1. To appropriate $133,615 in the General Fund to fund Master Collective Bargaining Unit health benefits increase.
2. To decrease appropriation by ($1,743) in the Health Department to redistribute health increase to other funds.
3. To appropriate $493,771 in Sheriff’s Office to fund various grant-funded projects.
4. To appropriate $9,500 in Sheriff’s Office to fund Boating Safety Program patrols.

From the Road Fund:
5. To appropriate $50,664 in Road to fund Master Collective Bargaining Unit health benefits increase.
6. To appropriate $850,000 in Road to fund Gooseberry Point Dolphin Replacement Project.

From the Election Reserve Fund:
7. To appropriate $3,150 to fund Master Collective Bargaining Unit health benefits increase.

From the Veteran’s Relief Fund:
8. To appropriate $630 to fund Master Collective Bargaining Unit health benefits increase.

From the Jail Fund:
9. To appropriate $6,300 to fund Master Collective Bargaining Unit health benefits increase.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number: 23
Continued:

From the Homeless Housing Fund:
10. To appropriate $793 to fund Master Collective Bargaining Unit health benefits increase.

From the Stormwater Fund:
11. To appropriate $2,100 to fund Master Collective Bargaining Unit health benefits increase.

From the Mental Health/Chemical Dependency Fund:
12. To appropriate $2,945 to fund Master Collective Bargaining Unit health benefits increase.

From the Emergency Management Fund:
13. To appropriate $525 to fund Master Collective Bargaining Unit health benefits increase.

From the Solid Waste Fund:
14. To appropriate $525 to fund Master Collective Bargaining Unit health benefits increase.

From the Victim Witness Fund:
15. To appropriate $525 to fund Master Collective Bargaining Unit health benefits increase.

From Real Estate Excise Tax Fund I:
16. To provide additional funding of $23,314 for Central Plaza building HVAC system.
17. To re-appropriate $10,000 for Central Plaza building envelope project.
18. To provide additional funding of $217,857 for Courthouse building envelope survey.

From the Public Utilities Improvement Fund:
19. To appropriate $80,607 for transfer to REET I for Courthouse exterior project.

From the Ferry Fund:
20. To appropriate $525 to fund Master Collective Bargaining Unit health benefits increase.

From the Equipment Rental & Revolving Fund:
21. To appropriate $7,088 to fund Master Collective Bargaining Unit health benefits increase.

From the Administrative Services Fund:
22. To appropriate $18,900 to fund Master Collective Bargaining Unit health benefits increase.
ORDINANCE NO.
AMENDMENT NO. 10 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></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>Assessor</td>
<td>12,600</td>
<td>-</td>
<td>12,600</td>
</tr>
<tr>
<td>Auditor</td>
<td>4,725</td>
<td>-</td>
<td>4,725</td>
</tr>
<tr>
<td>County Clerk</td>
<td>10,500</td>
<td>-</td>
<td>10,500</td>
</tr>
<tr>
<td>District Court</td>
<td>7,351</td>
<td>-</td>
<td>7,351</td>
</tr>
<tr>
<td>District Court Probation</td>
<td>6,826</td>
<td>-</td>
<td>6,826</td>
</tr>
<tr>
<td>Extension</td>
<td>1,050</td>
<td>-</td>
<td>1,050</td>
</tr>
<tr>
<td>Health</td>
<td>11,907</td>
<td>-</td>
<td>11,907</td>
</tr>
<tr>
<td>Hearing Examiner</td>
<td>525</td>
<td>-</td>
<td>525</td>
</tr>
<tr>
<td>Juvenile</td>
<td>16,800</td>
<td>-</td>
<td>16,800</td>
</tr>
<tr>
<td>Parks</td>
<td>9,975</td>
<td>-</td>
<td>9,975</td>
</tr>
<tr>
<td>Planning &amp; Development</td>
<td>18,900</td>
<td>-</td>
<td>18,900</td>
</tr>
<tr>
<td>Prosecuting Attorney</td>
<td>10,500</td>
<td>-</td>
<td>10,500</td>
</tr>
<tr>
<td>Public Defender</td>
<td>5,250</td>
<td>-</td>
<td>5,250</td>
</tr>
<tr>
<td>Sheriff</td>
<td>512,196</td>
<td>(493,771)</td>
<td>18,425</td>
</tr>
<tr>
<td>Superior Court</td>
<td>1,050</td>
<td>-</td>
<td>1,050</td>
</tr>
<tr>
<td>Treasurer</td>
<td>4,988</td>
<td>-</td>
<td>4,988</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td><strong>635,143</strong></td>
<td>(493,771)</td>
<td><strong>141,372</strong></td>
</tr>
<tr>
<td>Road Fund</td>
<td>900,664</td>
<td>-</td>
<td>900,664</td>
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<tr>
<td>Election Reserve Fund</td>
<td>3,150</td>
<td>-</td>
<td>3,150</td>
</tr>
<tr>
<td>Veteran's Relief Fund</td>
<td>630</td>
<td>-</td>
<td>630</td>
</tr>
<tr>
<td>Jail Fund</td>
<td>6,300</td>
<td>-</td>
<td>6,300</td>
</tr>
<tr>
<td>Homeless Housing Fund</td>
<td>793</td>
<td>-</td>
<td>793</td>
</tr>
<tr>
<td>Stormwater Fund</td>
<td>2,100</td>
<td>-</td>
<td>2,100</td>
</tr>
<tr>
<td>Mental Health/Chemical Dependency Fund</td>
<td>2,945</td>
<td>-</td>
<td>2,945</td>
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<tr>
<td>Emergency Management Fund</td>
<td>525</td>
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<tr>
<td>Solid Waste Fund</td>
<td>525</td>
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<tr>
<td>Victim Witness Fund</td>
<td>525</td>
<td>-</td>
<td>525</td>
</tr>
</tbody>
</table>
Continued from Previous Page:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Budgeted</th>
<th>Allocated</th>
<th>Transferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Estate Excise Tax Fund I (REET I)</td>
<td>251,171</td>
<td>(80,607)</td>
<td>170,564</td>
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<tr>
<td>Public Utilities Improvement Fund</td>
<td>80,607</td>
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<td>80,607</td>
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<tr>
<td>Ferry Fund</td>
<td>525</td>
<td>-</td>
<td>525</td>
</tr>
<tr>
<td>Equipment Rental &amp; Revolving Fund</td>
<td>7,088</td>
<td>-</td>
<td>7,088</td>
</tr>
<tr>
<td>Administrative Services Fund</td>
<td>18,900</td>
<td>-</td>
<td>18,900</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td>1,911,591</td>
<td>(574,378)</td>
<td>1,337,213</td>
</tr>
</tbody>
</table>

**ADOPTED** this ____ day of _______________________, 2014.

**ATTEST:**

Dana Brown-Davis, Council Clerk

Carl Weimer, Chair of the Council

**APPROVED AS TO FORM:**

( ) Approved   ( ) Denied

Jack Louws, County Executive

Date: ______________________

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

I:\BUDGET\SUPPLS\2014_Suppl\Supplemental #10-2014.doc
## WHATCOM COUNTY

### Summary of the 2014 Supplemental Budget Ordinance No. 10

<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>Assessor</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>12,600</td>
<td>-</td>
<td>12,600</td>
</tr>
<tr>
<td>Auditor</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>4,725</td>
<td>-</td>
<td>4,725</td>
</tr>
<tr>
<td>County Clerk</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>10,500</td>
<td>-</td>
<td>10,500</td>
</tr>
<tr>
<td>District Court</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>7,351</td>
<td>-</td>
<td>7,351</td>
</tr>
<tr>
<td>District Court Probation</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>6,826</td>
<td>-</td>
<td>6,826</td>
</tr>
<tr>
<td>Extension</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>1,050</td>
<td>-</td>
<td>1,050</td>
</tr>
<tr>
<td>Health</td>
<td>To fund Health Dept Benefit Adjustment.</td>
<td>(1,743)</td>
<td>-</td>
<td>(1,743)</td>
</tr>
<tr>
<td>Hearing Examiner</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>525</td>
<td>-</td>
<td>525</td>
</tr>
<tr>
<td>Juvenile</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>16,800</td>
<td>-</td>
<td>16,800</td>
</tr>
<tr>
<td>Parks</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>9,975</td>
<td>-</td>
<td>9,975</td>
</tr>
<tr>
<td>Planning &amp; Development</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>18,900</td>
<td>-</td>
<td>18,900</td>
</tr>
<tr>
<td>Prosecuting Attorney</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>10,500</td>
<td>-</td>
<td>10,500</td>
</tr>
<tr>
<td>Public Defender</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>5,250</td>
<td>-</td>
<td>5,250</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>8,925</td>
<td>-</td>
<td>8,925</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund Crisis Negotiation Team Training.</td>
<td>5,000</td>
<td>(5,000)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund FFY 2013 Operation Stonegarden program.</td>
<td>447,391</td>
<td>(447,391)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund 2014 Recreational Boating Safety Grant Program.</td>
<td>19,180</td>
<td>(19,180)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund Baker Lake Recreation Area Patrols.</td>
<td>22,200</td>
<td>(22,200)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund Boating Safety Program Patrols.</td>
<td>9,500</td>
<td>-</td>
<td>9,500</td>
</tr>
<tr>
<td>Superior Court</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>1,050</td>
<td>-</td>
<td>1,050</td>
</tr>
<tr>
<td>Treasurer</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>4,988</td>
<td>-</td>
<td>4,988</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td>636,143</td>
<td>(493,771)</td>
<td>141,372</td>
</tr>
<tr>
<td><strong>Road Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road - all divisions</td>
<td>To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>50,664</td>
<td>-</td>
<td>50,664</td>
</tr>
<tr>
<td>Road - Construction</td>
<td>To fund Gooseberry Point Dolphin Replacement Project.</td>
<td>850,000</td>
<td>-</td>
<td>850,000</td>
</tr>
<tr>
<td><strong>Total Road Fund</strong></td>
<td></td>
<td>900,664</td>
<td>-</td>
<td>900,664</td>
</tr>
<tr>
<td><strong>Election Reserve Fund</strong></td>
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Supplemental Budget Request

Administrative Services

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

Name of Request: 2014 GF Health Benefits Increase - Master

X

Department Head Signature (Required on Hard Copy Submission)  Date

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Request Total  $0

1a. Description of request:
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster’s Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
none

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
Affects all departments

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

6. Funding Source:
Fund Balance

Friday, April 11, 2014
## 2014 HEALTH INSURANCE ADJUSTMENTS BY COST CTR MASTER

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### 2014 HEALTH INSURANCE ADJUSTMENTS BY COST CTR

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**Grand Total** | **133,615**
Supplemental Budget Request

Administrative Services

Finances

Expenditure Type: One-Time

Year 2 2014

Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Health Dept Health Benefit Incr Adjust. - Master

X

Department Head Signature (Required on Hard Copy Submission)

Date

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<th>Object</th>
<th>Amount Requested</th>
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1a. Description of request:
Adopt budget authority to provide offsetting entries to charge out health insurance increases through hourly billing rates in the Health Department. See attached cost center listing and related Suppl ID 1841.

1b. Primary customers:
Employees in Master unit.

2. Problem to be solved:
The Health Department uses hourly billing rates for most employees as an accounting mechanism to charge out employee wages and benefits to grant and restricted funding sources. This budget authorization is needed simply to accommodate this accounting mechanism. The entries have the effect of reducing budget authority in the "labor cost pool" cost center and increasing it in the restricted funding cost centers connected with the projects the employees will actually be working on.

3a. Options / Advantages:
none

3b. Cost savings:
none

4a. Outcomes:
n/a

4b. Measures:
n/a

5a. Other Departments/Agencies:
n/a

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

6. Funding Source:
n/a Direct Billing Rate (6190) accounts and Direct Billing Offset (6195) accounts offset each other. $1,743 of the health benefit increases will be funded by a combination of Vets Relief Fund ($105), the Homeless Housing Fund ($793), and the MH/CD Fund ($845). Related supplementals have been prepared (Suppl IDs 1668,1671, & 1852)
# HEALTH DEPARTMENT DIRECT BILLING OFFSETS MASTER

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Supplement #1852
Supplement #1853
Supplement #1678

33
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: April 21, 2014
SUBJECT: Supplemental Budget ID# 1831
Crisis Negotiation Team Training 2014

The attached Supplemental Budget requests budget authority for Sheriff’s Office Crisis Negotiation Team Training in 2014.

Background and Purpose
Members of the Sheriff’s Office Crisis Negotiation Team (CNT) require continued training to keep their skills current. The Sheriff’s Office requests budget authority for 8 CNT members to attend Western States Hostage Negotiators’ Association (WSHNA) training in Bellevue, WA.

Funding Amount and Source
Funding of $5,000 will be provided by the Whatcom County Health Department Behavioral Health Fund as this training relates directly to crisis intervention and responding to mental health issues.

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

Thank you.
**Supplemental Budget Request**

**Sheriff**

**Suppl ID # 1831**

**Fund** 1  
**Cost Center** 2940  
**Originator:** Dawn Pierce

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

**Name of Request:** Crisis Negotiation Team Training 2014

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

**Date:** 4/21/14

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**1a. Description of request:**

The Sheriff's Office Crisis Negotiation Teams (CNT) will receive training at the Western States Hostage Negotiators’ Association (WSHNA) Annual Conference May 27-30, 2014. Featured presenters at the training this year will discuss and debrief actual events involving hostage barricade and kidnapping, suicide intervention, and prison escape attempt/hostage taking.

**1b. Primary customers:**

Sheriff's Office Crisis Negotiation Teams (CNT), citizens of Whatcom County, and individuals in crisis.

**2. Problem to be solved:**

Continued training for CNT allows team members to receive updates on emerging trends to keep current on their skills and develop a higher degree of proficiency in the performance of their duties.

**3a. Options / Advantages:**

Training funds are available from the Whatcom County Health Department Behavioral Health Fund.

**3b. Cost savings:**

Cost savings to the Sheriff's Office of $5,000.

**4a. Outcomes:**

Members of the Sheriff's Office CNT will receive training at the WSHNA Annual Conference.

**4b. Measures:**

Positive outcomes for crisis negotiation incidents.

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

The Whatcom County Health Department administers the Behavioral Health Fund.

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

**6. Funding Source:**

Operating Transfer In of $5,000 from the Whatcom County Health Department Behavioral Health Fund.

**Monday, April 21, 2014**
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: April 21, 2014
SUBJECT: Supplemental Budget ID# 1854
2014 Operation Stonegarden FY2013


Background and Purpose
The U.S. Department of Homeland Security (DHS) Homeland Security Grant Program (HSGP) awarded FY2013 Operation Stonegarden funds of $447,391 to Whatcom County to enhance law enforcement’s preparedness and operational readiness along the international borders of the United States. Of this amount, the Sheriff’s Office allocation is $147,800 and the allocation for other area law enforcement agencies (sub-recipients) is $299,591. The Sheriff’s Office anticipates using its share of these funds in calendar year 2014 as follows: Overtime Wages & Benefits ($140,000) and Mileage ($7,800).

Formal grant agreement will be received from the State of Washington Military Department Emergency Management Division pending final approval from the Federal Emergency Management Agency.

Funding Amount and Source

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

Thank you.
Supplemental Budget Request

Sheriff Operations

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

Name of Request: 2014 Operation Stonegarden FFY2013

Department Head Signature (Required on Hard Copy Submission)  Date

4/21/14

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Request Total  $0

1a. Description of request:

The U.S. Department of Homeland Security (DHS) Homeland Security Grant Program (HSGP) awarded FFY2013 Operation Stonegarden (OPSG) funds in the amount of $447,391 to Whatcom County to enhance the cooperation among federal, state, and local law enforcement agencies in a joint mission to secure the international borders of Whatcom County.

In coordination with U.S. Border Patrol, the Whatcom County Sheriff's Office and other law enforcement agencies will utilize OPSG funding to purchase approved equipment and provide enhanced patrols to increase law enforcement presence in maritime and land based border areas targeting illicit activity in Whatcom County, specifically the cross border smuggling of aliens, weapons, currency, and narcotics.

1b. Primary customers:

Area law enforcement agencies and citizens of Whatcom County.

2. Problem to be solved:

Whatcom County shares over 131 miles of border with Canada (89 miles of land border and 42 miles of maritime border). These borders are open, easily accessible, and vulnerable to incursion by undocumented aliens, contraband smugglers, and potential terrorists.

Whatcom County's land border with Canada is adjacent to the Vancouver metropolitan area which lies immediately north of the international boundary. Intelligence indicates there are multiple terrorist organizations and/or sympathizers located in Canada, many in the Vancouver area. Due to its temerate climate and close proximity to Vancouver, B.C., seaports, international airports, and the I-5 corridor, Whatcom County has been a favored operational area for alien, drug, and weapons smugglers. The vulnerability in border security set against the volume of criminal activity in the region puts Whatcom County borders at risk.

Operation Stonegarden projects will strengthen partnerships among federal, state, and local agencies and improve border security through increased cooperation, enhanced patrols, and additional equipment.

Monday, April 21, 2014
Supplemental Budget Request

Status: Pending

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<tr>
<td>Supp1ID # 1854</td>
<td>Fund 1 Cost Center 1003514003 Originator: Dawn Pierce</td>
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</table>

3a. Options / Advantages:

OPSG funds are awarded specifically for projects that will enhance law enforcement's preparedness and operational readiness along international borders of the United States, projects that would otherwise have to be funded with local monies or eliminated.

3b. Cost savings:

Total Award $447,391:
Whatcom County Sheriff's Office $147,800; other law enforcement agencies (sub-recipients) $299,591

4a. Outcomes:

Enhanced patrols will be completed and equipment purchased per contract specifications and timelines. Daily Activity Reports will be completed and sent to Border Patrol.

4b. Measures:

The Whatcom County Sheriff's Office and U.S. Border Patrol will monitor projects and expenditures against contract deliverables.

5a. Other Departments/Agencies:

Agencies participating in FY2013 Operation Stonegarden in Whatcom County are: U.S. Border Patrol, the Whatcom County Sheriff's Office, and the Bellingham, Blaine, Everson, Ferndale, Lynden, and Sumas Police Departments.

Although receiving no OPSG funding, U.S. Border Patrol will provide coordination among participating agencies. Participating agencies receiving OPSG funding will provide enhanced law enforcement presence to reduce criminal activity in border areas.

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

The following individuals will coordinate projects within their jurisdictions: Undersheriff Jeff Parks, Whatcom County Sheriff's Office; Special Operations Supervisor Russell McCarty, U.S. Border Patrol - Blaine Sector; Lt. Robert VanderYacht, Bellingham PD; Chief Mike Haslip, Blaine PD; Chief Dan MacPhee, Everson PD; Chief Mike Knapp, Ferndale PD; Chief Jack Foster, Lynden PD; and Chief Chris Haugen, Sumas PD.

6. Funding Source:

Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: April 17, 2014
SUBJECT: Supplemental Budget ID# 1832
2014 Recreational Boating Safety Grant

The attached Supplemental Budget requests budget authority for the 2014 Recreational Boating Safety Grant.

Background and Purpose
The Sheriff’s Office received a Recreational Boating Safety Grant on March 25, 2014 for the period April 1 through September 30, 2014 from Washington State Parks and Recreation Commission, Whatcom County Contract #201403010. This is an annual grant awarded to the Sheriff’s Office to conduct on the water patrols during the peak boating period.

Funding Amount and Source
$19,180 will be provided by Washington State Parks and Recreation Commission, Recreational Boating Safety Federal Financial Assistance Grant, CFDA No. 97.012.

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

Thank you.
Supplemental Budget Request

**Status:** Pending

**Sheriff**

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

**Name of Request:** 2014 Recreational Boating Safety Grant

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

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**Costs:**

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**Request Total:** $0

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1a. **Description of request:**

The Sheriff’s Office will conduct on the water patrols to increase education and enforcement activities encouraging greater compliance with boating safety laws in an effort to reduce boating-related loss of life, personal injury, and property damage.

1b. **Primary customers:**

Whatcom County citizens and visitors.

2. **Problem to be solved:**

The Sheriff’s Office is currently the only law enforcement agency in Whatcom County that operates a state approved boating safety program under WAC 352-65. The Sheriff’s Office provides recreational boating safety patrols and enforcement of both county code and state law.

3a. **Options / Advantages:**

Awarding agency has requested increase in patrol hours, vessel inspections, and enforcement of regulations to encourage greater compliance by boat operators making waterways safer for all users.

3b. **Cost savings:**

Cost savings of $19,180.

4a. **Outcomes:**

Marine patrols will be conducted during the peak boating period from May to September 2014.

4b. **Measures:**

Written vessel inspections using approved State Parks inspection forms will be completed and submitted.

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:**


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**Thursday, April 17, 2014**
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: April 17, 2014
SUBJECT: Supplemental Budget ID# 1835
USFS Baker Lake Recreation Area OT Patrols 2014

The attached Supplemental Budget requests budget authority to provide overtime patrols in the Baker Lake Recreational Area with funds provided by the USDA Forest Service in accordance with contract between Whatcom County and the U.S. Forest Service Mt. Baker-Snoqualmie National Forest.

Background and Purpose
The Forest Service provides funds for extra patrols in the Baker Lake Recreational Area to ensure protection of Government property and the general safety of the public on Forest Service lands during peak periods of public use. The allocation for 2014 also includes funds to purchase Wilson cell phone booster for the Forest Service Deputy.

Services will be provided and supplies purchased in accordance with Cooperative Law Enforcement Agreement between USDA Forest Service and Whatcom County Sheriff’s Office, Whatcom County Contract No. 201104043-3 executed in April 2014.

Funding Amount and Source
USDA Forest Service will provide funding of $22,200 in 2014

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

Sheriff Operations

Suppl ID # 1935 Fund 1 Cost Center 2993 Originator: Dawn Pierce

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

Name of Request: USFS Baker Lake Recreation Area OT Patrols 2014

X

Department Head Signature (Required on Hard Copy Submission) Date

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1a. Description of request:
Provide extra patrols and equipment for the Forest Patrol Deputy in the Baker Lake Recreation Area. These patrols shall be scheduled and performed as requested by the USDA Forest Service in accordance with existing contract (Whatcom County Contract No. 201104043-3 executed April 2014) to ensure protection of government property and general safety of the public on Forest Service lands during peak periods of public use.

1b. Primary customers:
Whatcom County citizens and visitors.

2. Problem to be solved:
Provides additional staffing hours and patrols in a remote recreation area not normally patrolled unless provided by Cooperative Agreement.

3a. Options / Advantages:
N/A

3b. Cost savings:
Whatcom County will benefit from increased law enforcement presence in remote areas of the county with no support required from the General Fund.

4a. Outcomes:
Overtime patrols will be performed in accordance with existing contract with USDA Forest Service.

4b. Measures:
Daily Activity Reports will be completed and submitted.

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
USDA Forest Service will provide funding of $22,200.00 in 2014.

Thursday, April 17, 2014
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: April 18, 2014
SUBJECT: Supplemental Budget ID# 1836
2014 Boating Safety Program Patrols

The attached Supplemental Budget requests budget authority for 2014 Boating Safety Program Patrols.

Background and Purpose
The Sheriff’s Office is currently the only law enforcement agency in Whatcom County that operates a state approved boating safety program under WAC 352-65. State approved boating safety programs require that certified deputies patrol the waterways during peak recreational boating periods. The Sheriff’s Office provides recreational boating safety patrols and enforcement of both county code and state law, and VRF Reserve Accounts funds are needed for water patrols in 2014.

Funding Amount and Source
$9,500 from the Vessel Registration Fee (VRF) Reserve Account.

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

Thank you.
Supplemental Budget Request

Sheriff Operations

Status: Pending

Suppl ID # 1836 Fund 1 Cost Center 2960 Originator: Dawn Pierce

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

Name of Request: 2014 Boating Safety Program Patrols

X

Department Head Signature (Required on Hard Copy Submission) Date

4/18/14

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1a. Description of request:
The Sheriff's Office is currently the only law enforcement agency in Whatcom County that operates a state approved boating safety program under WAC 352-65. The Sheriff's Office provides recreational boating safety patrols and enforcement of both county code and state law.

Vessel Registration Fees (VRF) are collected by WA State and allocated to counties by the State Treasurer for approved boating safety/education and law enforcement programs. In accordance with state law, these funds are deposited into an account dedicated solely for supporting the jurisdiction's boating safety programs.

1b. Primary customers:
Whatcom County citizens and visitors.

2. Problem to be solved:
State approved boating safety programs require that certified officers patrol the waterways during peak recreational boating periods. The Sheriff’s Office schedules water patrols during the boating season from Memorial Day weekend through Labor Day weekend on an off-duty overtime basis so as not to adversely impact the regular on-duty patrol schedule, and VRF Reserve Account funds are needed for water patrols in 2014.

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:
Water patrols will be conducted as required by state approved Boating Safety Program.

4b. Measures:
The Sheriff's Office will provide recreational boating safety patrols and enforcement of both county code and state law.

5a. Other Departments/Agencies:
N/A

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

Friday, April 18, 2014
Supplemental Budget Request

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6. **Funding Source:**

$9,500 from the Vessel Registration Fee (VRF) Reserve Account.
Supplemental Budget Request

Administrative Services

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Name of Request: 2014 Road Health Benefits Increase - Master

X

Department Head Signature (Required on Hard Copy Submission)

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1a. Description of request:
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster's Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
none

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
Increases budget for all Road Fund divisions

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

6. Funding Source:
Fund Balance

Friday, April 11, 2014
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MEMORANDUM

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

Through: Frank M. Abart, Director

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

Date: April 21, 2014

Subject: 2014 Supplemental Budget Request
Gooseberry Point Dolphin Replacement Project – CRP #914004

Requested Action
Enclosed for your review and consideration is a supplemental budget request for 2014 (see attached Supplemental Budget Request #1855).

Background and Purpose
This supplemental budget request authorizes $850,000 for replacement of the four (4) existing timber dolphins at the Gooseberry Point terminal this summer/fall. Construction of this project was originally scheduled for the summer of 2015 with the design and permitting work to be completed in 2014. Design and permitting have been completed ahead of schedule, allowing for this project to be constructed in 2014.

Funding Amount and Source
Funding is from the Road Fund balance.

Please contact James Lee at extension 50617 if you have any questions or concerns regarding this request.
Supplemental Budget Request

Status: Pending

Public Works

<table>
<thead>
<tr>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>108</td>
<td>914004</td>
<td>James Lee</td>
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</table>

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

Name of Request: Gooseberry Pt. Dolphin Replacement

Department Head Signature (Required on Hard Copy Submission)  Date

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<th>Object Description</th>
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1a. Description of request:
This project proposes to replace four (4) deteriorated timber dolphins at the Gooseberry Point Ferry Terminal with steel pile-supported dolphins. The dolphins serve to safely absorb the berthing energy of the vehicle ferry, the Whatcom Chief. The existing dolphins are over twenty-five (25) years old and have extensive damage attributed to marine borers, wind and wave action, and ferry impact.

This project is shown in the 2014 Annual Construction Program as line item 22, CRP #914004 Ferry Dock Improvements. Construction of this project was originally schedule for the summer of 2015 with the design and permitting work to be completed in 2014. Design and permitting have been completed ahead of schedule, allowing for this project to be constructed during this summer/fall. This request is to provide additional funding for construction.

1b. Primary customers:
The general public and Lummi Island community.

2. Problem to be solved:
This project will proactively replace the Gooseberry Point timber dolphins with stronger, safer structures to mitigate the potential for a major service disruption.

3a. Options / Advantages:
The other option is to replace the Gooseberry Point timber dolphins during the summer/fall of 2015. This would result in the existing timber dolphins remaining in service for another year with the increased potential for damage and/or failure of these structures that may result in a major service disruption.

3b. Cost savings:
N/A.

4a. Outcomes:
The project will be constructed this summer/fall - one year earlier than originally planned.

4b. Measures:
The project will be constructed and the Whatcom Chief will continue to have a reliable berthing system at the Gooseberry Point terminal.

5a. Other Departments/Agencies:
N/A.

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

Thursday, April 17, 2014
Supplemental Budget Request

<table>
<thead>
<tr>
<th>Public Works</th>
<th>Engineering Bridge &amp; Hydraulic</th>
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<tr>
<td><strong>Supp ID #</strong> 1855</td>
<td><strong>Fund</strong> 108</td>
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N/A.

6. **Funding Source:**
   The Road Fund balance.
Supplemental Budget Request

Administrative Services

Suppl ID # 1843

Finance

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<tr>
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<td>Marianne Caldwell</td>
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</table>

Expenditure Type: One-Time

Year 2 2014 Add'l FTE Add'l Space Priority 1

Name of Request: 2014 Election Res Health Benefits Incr - Master

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:

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<tr>
<th>Object</th>
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<td>$0</td>
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</tbody>
</table>

1a. Description of request:

Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster’s Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:

Employees

2. Problem to be solved:

This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:

NA

3b. Cost savings:

none

4a. Outcomes:

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

4b. Measures:

n/a

5a. Other Departments/Agencies:

Increases budget for Elections Reserve Fund

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

n/a

6. Funding Source:

Fund Balance

Friday, April 11, 2014
**Supplemental Budget Request**

**Administrative Services**

<table>
<thead>
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<tr>
<td>114</td>
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<td>Marianne Caldwell</td>
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</table>

**Expenditure Type:** Ongoing  
**Year:** 2014  
**Add'l FTE** ☐  
**Add'l Space** ☐  
**Priority:** 1  
**Name of Request:** 2014 Health Insurance Increase - Veterans Relief

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

---

**Costs:**

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<td><strong>Request Total</strong></td>
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</table>

**1a. Description of request:**
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster's Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

**1b. Primary customers:**
Employees

**2. Problem to be solved:**
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

**3a. Options / Advantages:**
NA

**3b. Cost savings:**
none

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

**4b. Measures:**
n/a

**5a. Other Departments/Agencies:**
Health Department - Veterans Relief budget will be increased

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

**6. Funding Source:**
Fund Balance
Supplemental Budget Request

Administrative Services

Suppl. ID # 1844  Fund 118  Cost Center  Originator: Marianne Caldwell

Finance

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

Name of Request: 2014 Jail Health Benefits Increase - Master

X

Department Head Signature (Required on Hard Copy Submission)  Date

Costs:

<table>
<thead>
<tr>
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<th>Object Description</th>
<th>Amount Requested</th>
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<tr>
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</table>

1a. Description of request:
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster’s Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
none

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
Increases budget for support staff in Jail Fund

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

6. Funding Source:
Fund Balance

Friday, April 11, 2014

Rpt: Rpt Suppl Regular

53
# 2014 HEALTH INSURANCE ADJUSTMENTS BY COST CTR MASTER

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<thead>
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<td>Jail</td>
<td>Jail - Division Street</td>
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<td>Jail</td>
<td>Jail Admin</td>
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<td>Jail USFS Crew</td>
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Supplemental Budget Request

Administrative Services

Finance

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Expenditure Type: One-Time  Year 2 2014

Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: 2014 Homeless Hsg Fund Health Benefit Incr -Master

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
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<th>Object</th>
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1a. Description of request:
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster's Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
none

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
Health Department - Homeless Housing budget will be increased

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

6. Funding Source:
Fund Balance

Friday, April 11, 2014

Rpt: Rpt Suppl Regular 55
Supplemental Budget Request

**Administrative Services**

**Finance**

Suppl' ID # 1845  Fund 123  Cost Center 123101  Originator: Marianne Caldwell

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

**Name of Request:** 2014 Stormwater Fund Health Benefits Incr - Master

---

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

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**Costs:**

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1a. **Description of request:**

Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster's Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. **Primary customers:**

Employees

2. **Problem to be solved:**

This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. **Options / Advantages:**

NA

3b. **Cost savings:**

none

4a. **Outcomes:**

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

4b. **Measures:**

n/a

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

Increases budget for Stormwater Fund positions

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

n/a

6. **Funding Source:**

Fund Balance
Supplemental Budget Request

Status: Pending

Administrative Services

Supp ID # 1671
Fund 124
Cost Center See Below

Finance

Originator: Marianne Caldwell
Expenditure Type: Ongoing
Year 2 2014
Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: 2014 Health insurance Increase - MH/CD Fund

X

Department Head Signature (Required on Hard Copy Submission) Date

Costs:

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1a. Description of request:
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster's Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
none

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
This supplemental will effect Health Dept and Superior Court - Drug Court & Family Treatment Court budgets.

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

6. Funding Source:
Fund Balance
Supplemental Budget Request

Administrative Services

Status: Pending

Suppl ID # 1846
Fund 167 Cost Center 16774 Originator: Marianne Caldwell

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

Name of Request: 2014 Emergency Mgmt Health Benefits Incr - Master

X

Department Head Signature (Required on Hard Copy Submission) Date

Costs:

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<th>Object Description</th>
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1a. Description of request:
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster’s Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
none

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
Increases budget for Emergency Management support staff

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

6. Funding Source:
Fund Balance

Friday, April 11, 2014
Supplemental Budget Request

Administrative Services

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<th>Suppl ID #</th>
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<td>140100</td>
<td>Marianne Caldwell</td>
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Expenditure Type: Ongoing  
Year: 2014  
Add'l FTE:  
Add'l Space:  
Priority: 1

Name of Request: 2014 Health Insurance Increase - Solid Waste Fund

Department Head Signature (Required on Hard Copy Submission)

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<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
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</table>

1a. Description of request:
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster’s Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
one

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
Public Works - Solid Waste Division's budget will be increased

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

6. Funding Source:
Fund Balance

Friday, April 11, 2014
Supplemental Budget Request

Administrative Services

<table>
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<th>Supp1 ID #</th>
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<th>Add'l FTE</th>
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Status: Pending

Name of Request: 2014 Health Insurance Increase - Victim Witness

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:

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<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

1a. Description of request:
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster’s Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
none

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
Prosecuting Attorney's Office - Victim Witness budget be increased

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

6. Funding Source:
Fund Balance

Friday, April 11, 2014

Rpt: Rpt Suppl Regular
MEMO TO: Jack Louws, County Executive
FROM: Michael Russell, Facilities Manager
DATE: April 17, 2014
RE: Supplemental Budget Request

Background and Purpose

AS-Facilities Management is requesting a supplemental budget of $23,314 to complete the HVAC replacement project at the Central Plaza Building. The project was originally budgeted in 2012 and new codes requirements for fresh air and the three year delay have increased the base cost of the project.

Funding and Source

The Funding request is for $23,314 from the REET Fund.
The account is #3260513004 – Central Plaza Building HVAC Replacement

If you have any questions, please contact me at extension 50575.

Thank you,

Enclosures (1)
Supplemental Budget Request

Administrative Services

<table>
<thead>
<tr>
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<th>Fund</th>
<th>Cost Center</th>
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<tbody>
<tr>
<td>1839</td>
<td>326</td>
<td></td>
<td>Michael Russell</td>
</tr>
</tbody>
</table>

Facilities Management

<table>
<thead>
<tr>
<th>Expenditure Type</th>
<th>Year</th>
<th>Add'l FTE</th>
<th>Add'l Space</th>
<th>Priority</th>
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<tbody>
<tr>
<td>One-Time</td>
<td>2013</td>
<td></td>
<td></td>
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Name of Request: Additional Funding Central Plaza HVAC System

X

Department Head Signature (Required on Hard Copy Submission)

Date: 4-15-2014

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
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<tbody>
<tr>
<td>2910.1000</td>
<td>Fund Balance</td>
<td>($23,314)</td>
</tr>
<tr>
<td>7060</td>
<td>Repairs &amp; Maintenance</td>
<td>$23,314</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:

This request is for additional funding to complete the HVAC replacement project for the Central Plaza Building
*Existing 2014 funding from REET $65,000
*Engineering Cost $12,220
*Fund Balance $52,780
*Additional Fund needed for contract $16,396.68
*Contingency $6,917.67
*Funds needed to complete project $23,314.35

The total amount of additional funding being requested is $23,314.35

1b. Primary customers:

Public Defender Staff and Clients

2. Problem to be solved:

This project was budgeted in 2012 before the implementation of the new energy codes. The new codes require more stringent systems to be installed using less energy and requiring more fresh air to the building. Basically using the ambient air as a pre-conditioned air system while supplying fresh air and saving energy in the long run. These changes and three year escalation have increased the base cost of the 4 roof-top units for this project.

3a. Options / Advantages:

There are no options at this time. The advantages are a better operational HVAC system with energy conservation in mind.

3b. Cost savings:

The cost saving will be achieved by having more efficient HVAC units and reducing energy cost.

4a. Outcomes:

The HVAC systems are in dire need of replacement. The new systems will give this building an additional 20 plus years of use.

4b. Measures:

When completed the Central Plaza Building will supply clean, fresh and energy efficient conditioned air to the staff and its clientele for this building.

5a. Other Departments/Agencies:

This project will be managed by Whatcom County Facilities Management

Tuesday, April 15, 2014

Rpt: Rpt Suppl Regular
5b. Name the person in charge of implementation and what they are responsible for:
   Michael Russell

6. Funding Source:
   REET Funding
MEMO TO: Jack Louws, County Executive
FROM: Michael Russell, Facilities Manager
DATE: April 17, 2014
RE: Supplemental Budget Request

Background and Purpose

AS-Facilities Management is requesting a supplemental budget of $10,000 to re-appropriate funds not utilized in 2013. This $10,000 is for the Engineering portion of the project, we currently has $40,000 budgeted for the repairs. This project and the Courthouse project were combined to address both issues at the same time. The Courthouse became more complicated and the Central Plaza didn’t get completed by the end of the year. We would like to utilize these funds to continue the Central Plaza building.

Funding and Source

The Funding request is for $10,000 from the REET Fund.
The account is #3260513002 – Central Plaza Building Envelope

If you have any questions, please contact me at extension 50575.

Thank you,

Enclosures (1)
Supplemental Budget Request

Status: Pending

Administrative Services
Supp ID # 1838
Fund 326
Cost Center

Facilities Management
Originator: Michael Russell
Expenditure Type: One-Time
Year 1 2013
Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Re-Appropriate Funds for Central Plaza Bldg Env

X

Department Head Signature (Required on Hard Copy Submission) Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
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<tr>
<td>7060</td>
<td>Repairs &amp; Maintenance</td>
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<td></td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
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</table>

1a. Description of request:
This request is to re-appropriate the $10,000 funding that lapsed in the 2013 budget. The $10,000 was for the Engineering portion of this project, and we have $40,000 already funded in the 2014 budget for the repairs.

1b. Primary customers:
Central Plaza Building

2. Problem to be solved:
Facilities was developing the Courthouse envelope project and was working on a combined approach to both projects. Because of the complicated nature of the Courthouse project the Central Plaza project did not get put together in time. This is why we are asking for the funding to be re-appropriated.

3a. Options / Advantages:
This building is in need of patching and painting, this work will prolong the life cycle of the building

3b. Cost savings:
Doing this work will save the building from further deterioration. The longer this work is prolonged the more expensive the work becomes.

4a. Outcomes:
This work will prolong the life of the building

4b. Measures:
When the work is completed, it will bring a fresh look to the building and help to protect it from the elements.

5a. Other Departments/Agencies:
This work will be managed by Whatcom County Facilities Maintenance

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

6. Funding Source:
REET
Supplemental Budget Request

Status: Pending

Administrative Services
Supp 1 ID # 1851  Fund 326  Cost Center

Facilities Management
Originator: Michael Russell

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

Name of Request: Courthouse Building Envelope Survey

X

Department Head Signature (Required on Hard Copy Submission)  Date

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
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<tbody>
<tr>
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<td>6630</td>
<td>Professional Services</td>
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<tr>
<td>8301.332</td>
<td>Operating Transfer In</td>
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<tr>
<td><strong>Request Total</strong></td>
<td></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

1a. Description of request:
This request is for additional funding to properly initiate and complete a Courthouse Building Envelope Survey.
Existing Budget: $300,000
Cost for Building Envelope: $507,857
Additional Funds needed for Contract: $207,857
Contingency: $10,000

Total amount of additional funding being requested: $217,857

1b. Primary customers:
Everyone that utilizes the Courthouse, both staff and public

2. Problem to be solved:
This investigation will give the County the true nature of the stability of the Courthouse building envelope. There are two parts to this investigation process. The first part will be to gather as much information as possible. When the investigative survey is 60% complete a draft report will be produced with recommendations of the best manner to proceed with additional survey work as described in the scope of work.

3a. Options / Advantages:
There are no options at this time. We know that there are issues with the Courthouse building envelope. This investigation process will give us established details for the approach and solid direction for the detail of work needed to be done to ensure that our Courthouse continues to serve the community for decades to come.

3b. Cost savings:
The cost savings can be measured in the two phases of this investigation project. The longer that this process is postponed the more potential that damage occurs to the envelope of the courthouse. With decreased delays the damages increase, costing the County more funds to correct these known issues.

4a. Outcomes:
This work will ensure that our Courthouse continues to serve us for years to come.

4b. Measures:
When this study is completed and the corrections are documented. The County will be able to advance to the next stage of repair and correcting the issues with the Courthouse building envelope.

5a. Other Departments/Agencies:

Wednesday, April 23, 2014

Rpt: Rpt Suppl Regular
Supplemental Budget Request

<table>
<thead>
<tr>
<th>Administrative Services</th>
<th>Facilities Management</th>
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<tbody>
<tr>
<td><strong>Supp ID #</strong> 1851</td>
<td><strong>Fund</strong> 326</td>
</tr>
<tr>
<td><strong>Cost Center</strong></td>
<td><strong>Originator:</strong> Michael Russell</td>
</tr>
</tbody>
</table>

This project will be managed by Whatcom County Facilities Management

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

Michael Russell

6. **Funding Source:**

- REET I - 63%
- Public Utilities Improvement Fund - 37%
- Based on square footage utilization of Courthouse
Supplemental Budget Request

Non-Departmental

Suppl ID # 1859  Fund 332  Cost Center 332100  Originator: M Caldwell

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

Name of Request: Trf to REET I for CH Exterior Project

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
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<td>Request Total</td>
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</tr>
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</table>

1a. Description of request:
Transfer to support Courthouse Building Envelope Survey (See Suppl ID #1851).

1b. Primary customers:

2. Problem to be solved:
Public Utilities Improvement Fund will contribute funding in proportion to the amount of square footage in the Courthouse occupied by non-criminal justice activities (37%). EDI funding cannot be used for criminal justice purposes.

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
EDI Fund Balance
Supplemental Budget Request

Status: Pending

Administrative Services

Supp# ID #: 1848
Fund: 444
Cost Center: 444100
Originator: Marianne Caldwell

Finance

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

Name of Request: 2014 Ferry Fund Health Benefit Increase - Master

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
<th>Object Description</th>
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<td>6245</td>
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<td>Request Total</td>
<td></td>
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</table>

1a. Description of request:
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster's Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
none

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
Increases budget for Ferry Admin

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

6. Funding Source:
Fund Balance

Friday, April 11, 2014
Supplemental Budget Request

Administrative Services

Fund 501
Cost Center SEE BELOW

Finance

Originator: Marianne Caldwell

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

Name of Request: 2014 ER&R Fund Health Benefit Incr - Master

X

Department Head Signature (Required on Hard Copy Submission)  Date

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
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<td>6245</td>
<td>Medical Insurance</td>
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Request Total $0

1a. Description of request:
Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster's Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
none

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
Increases budget for ER&R

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

6. Funding Source:
Fund Balance

Friday, April 11, 2014

Rpt: Rpt Suppl Regular
1a. **Description of request:**

Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster's Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. **Primary customers:**

Employees

2. **Problem to be solved:**

This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. **Options / Advantages:**

NA

3b. **Cost savings:**

none

4a. **Outcomes:**

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

4b. **Measures:**

n/a

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

Increases budget for all Admin Services divisions

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

n/a

6. **Funding Source:**

Fund Balance
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<th>Fund</th>
<th>Dept/Div</th>
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### CLEARANCES

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<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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</thead>
</table>

**TITLE OF DOCUMENT:**

Ordinance amending WCC 3.08, purchasing system, bid specification

### ATTACHMENTS:

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

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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

This ordinance will amend Whatcom County Code 3.08, Purchasing System, to modify the requirements for bid specifications, deposits, and awards.

### COMMITTEE 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).
ORDINANCE# __________

AMENDING WHATCOM COUNTY CODE SECTION 3.08, PURCHASING SYSTEM, TO MODIFY THE REQUIREMENTS FOR BID SPECIFICATIONS, DEPOSITS, AND AWARDS

WHEREAS, Whatcom County Code 3.08 exists, in part, to define the check and balance roles of the legislative and executive branches of Whatcom County government in the contract awarding process; and

WHEREAS, Whatcom County Code Section 3.08.090 sets forth the requirement for bid specifications, deposits, and awards; and

WHEREAS, many contracts entered into by the county range from hundreds of thousands to millions of dollars; and

WHEREAS, Whatcom County Code Section 3.08.090 (N) currently allows these large contracts to be administratively amended to a cumulative amount not to exceed $10,000 or 10 percent of the original contract, whichever is greater; and

WHEREAS, the County Council wishes to increase its direct ability to be a check and balance in the important function of amending contracts by modifying the requirements for contract amendments.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 3.08.090 (N) is hereby amended as outlined Exhibit A to this ordinance.

ADOPTED this _______ day of ______, 2014

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

__________________________________________
Dana Brown Davis, Council Clerk

__________________________________________
Carl Weimer, Chairperson

APPROVED as to form:

( ) Approved  ( ) Denied

__________________________________________
Civil Deputy Prosecutor

__________________________________________
Pete Kremen, Executive

Date: __________________________
EXHIBIT A
(WCC 3.08.090 amendment)

3.08.090 Bid specifications, deposits and awards.

N. Contracts entered into by the county may be administratively amended to a cumulative amount not to exceed $10,000 or 10 percent of the original contract, whichever is greater; larger amounts require council approval.
**WHATCOM COUNTY COUNCIL AGENDA BILL NO. 2014-179**

<table>
<thead>
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<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
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<th>Agenda Date</th>
<th>Assigned to:</th>
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<td>Mr.</td>
<td>4/22/14</td>
<td>05/06/14</td>
<td>Intro</td>
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<td>Division Head:</td>
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<td></td>
<td>05/20/14</td>
<td>Finance Comm.; Board of Supervisors</td>
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<td>Dept. Head:</td>
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<td>G.</td>
<td>4/24/14</td>
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<td></td>
<td>4/29/14</td>
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**TITLE OF DOCUMENT:** Flood Control Zone District 2014 Supplemental Budget Request #4

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

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

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

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

Supplemental #4 requests funding from the Flood Control Zone District Fund:

1. To appropriate $4,200 to fund Master Collective Bargaining Unit health benefits increase.

   From the Birch Bay Watershed & Aquatic Resources Management Fund:

2. To appropriate $525 to fund Master Collective Bargaining Unit health benefits increase.

**COMMITTEE ACTION:**

**BOARD OF SUPERVISORS ACTION:**

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

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

AMENDMENT NO. 4 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>4,200</td>
<td></td>
<td>4,200</td>
</tr>
<tr>
<td>Birch Bay Watershed &amp; Aquatic</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resources Management District</td>
<td>525</td>
<td></td>
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<tr>
<td>Total Supplemental</td>
<td>4,725</td>
<td></td>
<td>4,725</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:

[Signature]

Civil Deputy Prosecutor
<table>
<thead>
<tr>
<th>Flood Control Zone District and Subzones Supplemental #4</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Fund Balance</th>
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<td>4,200</td>
<td>-</td>
<td>4,200</td>
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<tr>
<td>Birch Bay Watershed &amp; Aquatic Resources Management District To fund Master Collective Bargaining Unit health benefits increase.</td>
<td>525</td>
<td>-</td>
<td>525</td>
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<tr>
<td><strong>Total Supplemental</strong></td>
<td><strong>4,725</strong></td>
<td>-</td>
<td><strong>4,725</strong></td>
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</tbody>
</table>
Supplemental Budget Request

**Administrative Services**

- **Supp'l ID #**: 1847
- **Fund**: 169
- **Cost Center**: [See Below]
- **Originator**: Marianne Caldwell

**Finance**

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

**Name of Request**: 2014 Flood Fund Health Benefit Incr - Master

---

**Department Head Signature**

(Required on Hard Copy Submission)

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**Costs**

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
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<td>2910.1000</td>
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<tr>
<td>6290</td>
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<td><strong>Request Total</strong></td>
<td></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

---

1a. **Description of request:**

Increase departmental budgets to allow for Master Bargaining Unit settlement of a $600 per year health insurance premium increase per regular employee. In addition, Teamster’s Trust has discontinued their long-term disability plan for a decrease of $75 per year which results in a net increase of $525 per employee for 2014.

1b. **Primary customers:**

Employees

2. **Problem to be solved:**

This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. **Options / Advantages:**

NA

3b. **Cost savings:**

none

4a. **Outcomes:**

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

4b. **Measures:**

n/a

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

Increases budget for River & Flood and Natural Resources

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

n/a

6. **Funding Source:**

Fund Balance

---

Friday, April 11, 2014

---

Rpt: Rpt Suppl Regular
Supplemental Budget Request

Status: Pending

Administrative Services
Fund 2E+0 Cost Center 169250 Originator: Marianne Caldwell

Finance

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

Name of Request: 2014 Health Insurance Increase - BBWARM

X

Department Head Signature (Required on Hard Copy Submission) Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tr>
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<tr>
<td>Request Total</td>
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</tr>
</tbody>
</table>

1a. Description of request:
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1b. Primary customers:
Employees

2. Problem to be solved:
This supplemental addresses amounts required by the Master settlement for health and welfare benefits. Departmental budgets have previously been increased in consideration of health benefit increases for all other bargaining units.

3a. Options / Advantages:
NA

3b. Cost savings:
none

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

4b. Measures:
n/a

5a. Other Departments/Agencies:
BBWARM 2014 budget will be increased

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

6. Funding Source:
Fund Balance
## Birch Point Stormwater Management Study

### ATTACHMENTS:
1. Memo
2. Contract Information Sheet
3. Contract and related exhibits

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

This contract will provide for the development of a Stormwater Management Study to evaluate potential drainage solutions to address the stormwater quantity and velocity in the Birch Point area that has caused flooding and contributed to landslides. It will also identify shared funding plan options for the landowners in order to implement the final design solution which will include a funding proposal and a combination of conveyance infrastructure and flow control facilities that will eliminate the periodic flooding that has caused hazardous roadway conditions on Semiahmoo Drive and contributed to significant erosion to the bluff along Semiahmoo Bay.

### 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.
TO: The Honorable Jack Louws, County Executive and Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Frank M. Abart, Public Works Director

FROM: Kirk N. Christensen, P.E., Stormwater Manager

RE: Contract with 2020 Engineering, Inc., for Birch Point Stormwater Management Study

DATE: May 5, 2014

Enclosed are two (2) originals of a contract for the Birch Point Stormwater Management Study between Whatcom County and 2020 Engineering, Inc., for your review and signature.

**Background and Purpose**

Major storm events in 2005, 2010, and 2012 have resulted in water overtopping Semiahmoo Drive. These events contribute in varying measure, and depending upon the event, to landslides on the high bluff and damage to homes and/or structures on leased Washington State Dept. of Natural Resources (DNR) property. Land ownership in this area is a mixture of privately-owned land, DNR-owned land leased to local residents, and County-owned property. DNR contacted the Birch Bay Watershed and Aquatic Resources Management (BBWARM) District requesting its assistance in developing a solution to this flooding problem. The design effort seeks to develop a multi-party proposal for addressing this drainage problem.

The Birch Point Stormwater Management Study has been identified as a priority for the BBWARM District, Whatcom County Public Works (M & O and River & Flood), and the residents of the area. This study will provide:

- Opportunity for public input on design concerns and options;
- Engineering evaluation of the stormwater runoff from multiple properties currently contributing to a single marine outfall west of Semiahmoo Drive on Birch Point;
- A pre-design analysis to evaluate potential drainage solutions which address stormwater quantity and velocity in this area that have caused flooding and landslides;
- 30% construction plans and cost estimate; and
- A shared funding plan option for the landowners in order to implement the final design solution.

2020 Engineering was chosen through a competitive selection process (RFQ 13-01).

**Funding Amount and Source**

A separate interdepartmental agreement is moving forward concurrent with this contract to fund this project. The funding sources and breakdown are as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>BBWARM</td>
<td>$22,000</td>
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<tr>
<td>Whatcom County Flood Control Zone District</td>
<td>18,000</td>
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<tr>
<td>Fund</td>
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<tr>
<td>Whatcom County Road Fund</td>
<td>20,000</td>
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<td>Project total</td>
<td>$60,000</td>
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</table>

Please contact Kraig Olason at extension 50782 if you have any questions regarding this agreement.

Enclosures
## WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works-Stormwater</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Kraig Olason, Senior Planner</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>2020 Engineering, Inc.</td>
</tr>
</tbody>
</table>

### New Contract Information
- **Is this a New Contract?** Yes ___ No ___
- **Is this a grant agreement?** Yes ___ No ___
- **Is this contract grant funded?** Yes ___ No ___
- **Is this contract the result of a RFP or Bid process?** Yes ___ No ___

### Exclusions
- **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.
  - Contract for Commercial off the shelf items (COTS)
  - Public Works - Local Agency/Federally Funded FHWA
  - Work related subcontract less than $25,000.
  - Interlocal Agreement (between Govt's)

### Contract Summary
- **Contract Amount:** $60,000
  - This Amendment Amount: $
  - Total Amended Amount: $

### Summary of Scope:
- This contract will provide for the development of a Stormwater Management Study to evaluate potential drainage solutions to address the stormwater quantity and velocity in the Birch Point area that has contributed to flooding and landslides. It will also identify shared funding plan options for the landowners in order to implement the final design solution which will include a funding proposal and a combination of conveyance infrastructure and flow control facilities that will eliminate the periodic flooding that has caused hazardous roadway conditions on Semiahmoo Drive and contributed to significant erosion to the bluff along Semiahmoo Bay.

### Term of Contract:
- **Expiration Date:** March 31, 2015

### Contract Routing Steps & Signoff:
- **Prepared by:** Remy McConnell
- **Attorney reviewed:** Daniel L. Gibson
- **AS Finance reviewed:** bbennett
- **IT reviewed if IT related:**
- **Corrections made:**
- **Contractor signed:**
- **Submitted to Exec Office:**
- **Council approved (if necessary):**
- **Executive signed:**
- **Contractor Original Returned to dept:**
- **County Original to Council:**

### Contract Approval Notes:
- **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.
CONTRACT FOR SERVICES
BIRCH POINT STORMWATER MANAGEMENT STUDY

2020 Engineering, 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. ___ to ___

Exhibit A (Scope of Work), pp. ___ to ___

Exhibit B (Compensation), pp. ___ to ___

Exhibit C (Certificate of Insurance).

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

The term of this Agreement shall commence on the ___ day of ___ , 20___ , and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the ___ day of ___ , 20___ .

The general purpose or objective of this Agreement is to: provide for pre-design analysis to evaluate potential drainage solutions to address the stormwater quantity and velocity in the Birch Point area that has contributed to flooding and landslides, 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 SIXTY THOUSAND AND NO/100 DOLLARS ($60,000.00). The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

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

IN WITNESS WHEREOF, the parties have executed this Agreement this ___ day of ____________, 20___ .

CONTRACTOR:

2020 Engineering, Inc.

[Signature]

Mark Buehrer, Director

STATE OF WASHINGTON

) ss.

COUNTY OF WHATCOM

On this ___ day of ____, 20___ before me personally appeared Mark Buehrer, to me known to be the Director of 202 Engineering, Inc., and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

[Signature]

Debra A. Siers

Commission Expires 11-1-14

Notary Public in and for the State of Washington, residing at Bellingham.
WHATCOM COUNTY:
Recommended for Approval:

Frank M. Abart
Public Works Director

Date

Approved as to form:

Daniel L. Gibson
Chief Civil Deputy Prosecutor

Date

Approved:
Accepted for Whatcom County Flood Control Zone District:

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

STATE OF WASHINGTON  
) SS
COUNTY OF WHATCOM  

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

NOTARY PUBLIC in and for the State of Washington, residing at _______________, My commission expires ____________.

CONTRACTOR INFORMATION:

2020 Engineering, Inc.
Mark Buehrer, P.E., Director

Address:
Wellspring Building
814 Dupont Street
Bellingham, WA  98225

Contact Name: Mark Buehrer
Contact Phone: (360) 671-2020, ext. 103
Contact Email: mark@2020engineering.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 10-18: Provisions Related to Term and Termination

10.1 Term:
Services provided by Contractor prior to or after the term of this contract shall be performed at the expense of Contractor and are not compensable under this contract unless both parties hereto agree to such provision in writing. The term of this Agreement may be extended by mutual agreement of the parties; provided, however, that the Agreement is in writing and signed by both parties.

10.2 Extension: Not Applicable

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

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

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

Series 20-29: Provisions Related to Consideration and Payments

20.1 Accounting and Payment for Contractor Services:
Payment to the Contractor for services rendered under this Agreement shall be as set forth in Exhibit "B." Where Exhibit "B" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhibit "B," by documentation of units of work actually performed and amounts earned, including, where appropriate, the actual number of days worked each month, total number of hours for the month, and the total dollar payment requested, so as to comply with municipal auditing requirements.
Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the County's customary procedures, pursuant to the fee schedule set forth in Exhibit "B."

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

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

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

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

Series 30-38: 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 expenses 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:
The Contractor, its employees, subcontractors, and their employees shall maintain the confidentiality of all information provided by the County or acquired by the Contractor in performance of this Agreement, except upon the prior written consent of the County or an order entered by a court after having acquired jurisdiction over the County. Contractor shall immediately give to the County notice of any judicial proceeding seeking disclosure of such information. Contractor shall indemnify and hold harmless the County, its officials, agents or employees from all loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees and costs resulting from Contractor's breach of this provision.

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

34.1 Proof of Insurance:
The Contractor shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums:
Commercial General Liability: Property Damage - $500,000.00 per occurrence; bodily injury- $1,000,000.00 per occurrence
Auto Insurance: limits consistent with Contractor's policy limits for this type of insurance

A Certificate of insurance, that also identifies the County as an additional insured for the above-stated insurance, is attached hereto as Exhibit "C". This insurance shall be considered as primary and noncontributory and shall waive all rights of subrogation. The County insurance shall not serve as a source of contribution.

Professional Liability - $1,000,000 per occurrence
34.2 **Industrial Insurance Waiver:**
With respect to the performance of this agreement and as to claims against the County, its officers, agents and employees, the Contractor expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligations to indemnify, defend and hold harmless provided in this agreement extend to any claim brought by or on behalf of any employee of the Contractor. This waiver is mutually negotiated by the parties to this agreement.

34.3 **Defense & Indemnity Agreement:**
The Contractor agrees to defend, indemnify and save harmless the County, its appointed and elective officers and employees, from and against all loss or expense, including, but not limited to, judgments, settlements, attorneys’ fees and costs by reason of any and all claims and demands upon the County, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property, including loss of use thereof, whether such injury to persons or damage to property is due to the negligence of the Contractor, its subcontractors, its successor or assigns, or its agents, servants, or employees, the County, its appointed or elected officers, employees or their agents, except only such injury or damage as shall have been occasioned by the sole negligence of the County or its appointed or elected officials or employees. In case of damages caused by the concurrent negligence of Contractor, its subcontractors, its successors or assigns, or its agents, servants, or employees, and the County, its appointed or elected officers, employees or their agents, then this indemnification provision is enforceable only to the extent of the negligence of the Contractor, its agents, or its employees.

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

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

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

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

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

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

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

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

The County hereby appoints, and the Contractor hereby accepts, the Whatcom County Executive, and his or her designee, as the County's representative, hereinafter referred to as the Administrative Officer, for the purposes of administering the provisions of this Agreement, including the County's right to receive and act on all reports and documents, and any auditing performed by the County related to this Agreement. The Administrative Officer for purposes of this agreement is:

Frank M. Abart, Director, Whatcom County Public Works, 322 N. Commercial Street, Suite 301, 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: Not Applicable

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

38.3 E-Verify: Not Applicable

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

40.1 Modifications:
Either party may request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties.

40.2 Contractor Commitments, Warranties and Representations:
Any written commitment received from the Contractor concerning this Agreement shall be binding upon the Contractor, unless otherwise specifically provided herein with reference to this paragraph. Failure of the Contractor to fulfill such a commitment shall render the Contractor liable for damages to the County. A commitment includes, but is not limited to, any representation made prior to execution of this Agreement, whether or not incorporated elsewhere herein by reference, as to performance of services or equipment, prices or options for future acquisition to remain in effect for a fixed period, or warranties.

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

41.2 Waiver:
Waiver of any breach or condition of this contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this contract shall be held to be waived, modified or deleted except by an instrument, in writing, signed by the parties hereto. The failure of 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:
Other than claims for injunctive relief brought by a party hereto (which may be brought either in court or pursuant to this arbitration provision), and consistent with the provisions hereinafter, any claim, dispute or controversy between the parties under, arising out of, or related to this Agreement or otherwise, including issues of specific performance, shall be determined by arbitration in Bellingham, Washington, under the applicable American Arbitration Association (AAA) rules in effect on the date hereof, as modified by this Agreement. There shall be one arbitrator selected by the parties within ten (10) days of the arbitration demand, or if not, by the AAA or any other group having similar credentials. Any issue about whether a claim is covered by this Agreement shall be determined by the arbitrator. The arbitrator shall apply substantive law and may award injunctive relief, equitable relief (including specific performance), or any other remedy available from a judge, including expenses, costs and attorney fees to the prevailing party and pre-award interest, but shall not have the power to award punitive damages. The decision of the arbitrator shall be final and binding and an order confirming the award or judgment upon the award may be entered in any court having jurisdiction. The parties agree that the decision of the arbitrator shall be the sole and exclusive remedy between them regarding any dispute presented or pled before the arbitrator. At the request of either party made not later than forty-five (45) days after the arbitration demand, the parties agree to submit the dispute to nonbinding mediation, which shall not delay the arbitration hearing date; provided, that either party may decline to mediate and proceed with arbitration.

Unless otherwise specified herein, this Agreement shall be governed by the laws of Whatcom County and the State of Washington.

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.
EXHIBIT "A"
(SCOPE OF WORK)

2020 ENGINEERING, Inc.

BIRCH POINT STORMWATER MANAGEMENT STUDY

The Birch Point Stormwater Management Study will provide engineering evaluation of the stormwater runoff from multiple properties currently contributing to a single marine outfall west of Semiahmoo Drive on Birch Point. Land ownership in this area is a mixture of privately owned land, land owned by the Washington State Department of Natural Resources (DNR) and leased to local residents, and County owned property. The purpose of this pre-design analysis is to evaluate potential drainage solutions to address the stormwater quantity and velocity in this area that have contributed to flooding and landslides, and identify shared funding plan options for the landowners in order to implement the final design solution.

The study has been identified as a priority for the Birch Bay Watershed and Aquatic Resources Management (BBWARM) District, Whatcom County Roads, Whatcom County Public Works, and the residents of the area. Deforestation of a large tract of land east of Semiahmoo Drive has increased both runoff volume and velocity. Major storm events in 2005, 2010, and 2012 have resulted in water overtopping Semiahmoo Drive, contributing in varying measure, depending on the event, to landslides on the high bluff and damaging homes and/or structures on leased DNR property, and DNR has contacted BBWARM to participate in developing a solution to this flooding problem.

Goal: To develop a Stormwater Site Plan that may include a combination of conveyance infrastructure and flow control facilities that will eliminate the periodic flooding that has caused hazardous roadway conditions on Semiahmoo Drive and contributed to significant erosion of the bluff along Semiahmoo Bay.

TASK 1: COMPILEx EXISTING DATA
1.0 Whatcom County, BBWARM, and the large private property owner have had a variety of studies, surveys, and analyses conducted in the recent past related to the topography, geology, and hydrology of the study area. 2020 ENGINEERING (2020) will compile and review these completed documents, evaluate needs for additional information, and work with project partners to carry out additional site explorations as necessary. 2020 will conduct at least a one-day site visit to collect additional qualitative information for the drainage study area. If needed, 2020 may visit the site again to gather information needed to complete this study. County staff may join 2020 during site visits.

Task 1 Deliverables:
1. Site visit(s).
2. Summary memo of collected data items.

TASK 2: GATHER SURVEY AND GEOTECHNICAL INFORMATION
1.0 An allowance of $3,500 is included in the budget for survey mapping services. See Task 4 (Step 1) for description of the survey maps that will be prepared by a registered land surveyor. These maps will be based on the County’s GIS and LiDAR data, and aerial information.

An allowance of $3,500 is included in the budget for geotechnical services. See Task 4 (Step 1) for description of the scope of geotechnical information prepared by a professional geotechnical engineer or engineering geologist which will be obtained from known soil and groundwater investigations and reports.

**Task 2 Deliverables:**
1. Survey maps (used to prepare the Stormwater Site Plan and 30% Design Plans).
2. Geotechnical report that will be used to develop the Stormwater Site Plan.

**TASK 3: COMMUNITY OUTREACH — MEETING #1**
1.0 Prepare for and attend a kick-off public meeting with County and Stakeholders to discuss options and hear each party’s desired objectives, and to voice all comments and concerns. The public meeting will be organized and led by Whatcom County staff.

**Task 3 Deliverables:**
1. Presentation materials for Meeting #1 including survey maps and geotechnical information prepared in Task 2, and graphics related to the current outfall and the potential DNR outfall.
2. A summary memo that captures the comments and input from the meetings, summarizing short-term and long-term goals for the stormwater improvements planning, design and construction phases within the impacted Birch Point study area.

**TASK 4: STORMWATER SITE PLAN**
1.0 Stormwater Site Plan
A Stormwater Site Plan (aka, Stormwater Management Report) will be prepared as a comprehensive report that describes existing site conditions, explains development plans, examines potential off-site effects (shoreline discharge), identifies applicable Minimum Requirements, and will propose Best Management Practices (BMPs) for stormwater controls for the long-term stormwater management of the Birch Point study area. The focus of the Stormwater Site Plan is to address the periodic flooding that has caused hazardous roadway conditions on Semiahmoo Drive and contributed to significant erosion of the bluff along Semiahmoo Bay.

**Minimum Requirements** cover a range of issues, such as preparation of Stormwater Site Plans, pollution prevention during the construction phase of a project, control of potential pollutant sources, treatment of runoff, control of stormwater flow volumes, protection of wetlands, and long-term operation and maintenance. For this study the focus will be related to the control of stormwater flow volumes and how they impact the existing conveyance systems and discharge conditions into Semiahmoo Bay.

**Best Management Practices (BMPs)** are schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or structural features that prevent or reduce pollutants or other adverse impacts to waters of Washington State. BMPs are divided into those for short-term control of stormwater from construction sites, and those addressing long-term management of stormwater at
developed sites. Long-term BMPs are further subdivided into those covering management of the volume and timing of stormwater flows, prevention of pollution from potential sources, and treatment of runoff to remove sediment and other pollutants. For this study the focus will be related to long-term BMPs that impact stormwater conveyance and flow control (management of the volume and timing of stormwater flows) and the discharge into Semiahmoo Bay.

2.0 Preparation of the Stormwater Site Plan
The Stormwater Site Plan is the comprehensive report containing all of the technical information and analysis necessary for regulatory agencies to evaluate a proposed new development or redevelopment project for compliance with stormwater requirements. Washington State law requires that engineering work be performed by or under the direction of a professional engineer licensed to practice in Washington State. Plans involving construction of treatment facilities or flow control facilities (i.e., detention ponds), structural source control BMPs, or drainage conveyance systems involve engineering principles and must be prepared by or under the direction of a licensed engineer with experience in stormwater management. The professional engineers at 2020 will prepare the Stormwater Site Plan.

The Steps involved in developing the Stormwater Site Plan are listed below.
1. Site Analysis: Collect and Analyze Information on Existing Conditions
2. Prepare Preliminary Stormwater Management Layout
3. Prepare a Permanent Stormwater Control Plan
4. Complete the Stormwater Site Plan

2.1 Step 1: Site Analysis: Collect and Analyze Information on Existing Conditions
The initial inventory and analysis process will provide baseline information necessary to design strategies and improvements to the stormwater conveyance and discharge outlet systems. This may include areas that are appropriate to evaporate, transpire and/or detain stormwater to replicate and/or restore the pre-development natural hydrologic conditions within the overall drainage area. The Site Analysis will include the following items.

2.1.1. Survey maps prepared by a registered land surveyor showing:
- Existing public right-of-way and private properties, including utility infrastructure on and adjacent to the site if publicly available,
- Minor hydrologic features, including closed depression areas and drainage swales.
- Major hydrologic features such as streams, wetlands (including wetland buffer boundaries), and the shoreline of Semiahmoo Bay.
- Flood hazard areas that are on or adjacent to the drainage study area.
- Geologic Hazard areas and associated buffer requirements as defined by the County codes or standards.
- Aquifer and wellhead protection areas on or adjacent to the site, if present.
- Topographic features that may act as natural stormwater storage, infiltration or conveyance.
  Contours for the survey are as follows:
  - Up to 10 percent slopes, two-foot contours.
  - Over 10 percent to less than 20 percent slopes, five-foot contours.
  - Twenty percent or greater slopes, 10-foot contours.
  - Elevations shall be at 25-foot intervals.
Note: See additional details of the survey scope under Task 2.

2.1.2. A geotechnical (soils) report prepared by a professional geotechnical engineer or engineering geologist will identify:

- Underlying soils and groundwater conditions within the drainage study area utilizing known soil surveys and reports. The soil characterization, related to stormwater management criteria, for each soil unit (soil strata with the same texture, color, density, compaction, consolidation and permeability) should include, if possible:
  - Grain size distribution
  - Textural class
  - Percent clay content
  - Cation exchange capacity
  - Color/mottling
  - Variations and nature of stratification
- Site historical data regarding groundwater levels

Note: See additional details of the geotechnical report scope under Task 2.

2.2 Step 2: Prepare Preliminary Stormwater Management Layout
Based upon the analysis of existing site conditions, areas will be evaluated for on-site stormwater management BMPs and potential location of detention facilities and conveyance system upgrades. The following points will be considered when laying out the stormwater management options for the drainage study area:

- Fit to the terrain to minimize land disturbance; Confine construction activities to the least area necessary, and away from critical areas.
- Preserve and/or restore areas with natural vegetation (especially forested areas) as much as possible.
- Promote the clustering of future buildings and development.
- Minimize impervious areas.
- Maintain and utilize the natural drainage patterns.
- Develop options for protecting the shoreline and bluff at the outlet discharge location

The stormwater management options developed in this step will be used for determining threshold discharge areas and for calculating conveyance and flow control facility sizes which will be used for the construction drawings and maps required for the Stormwater Site Plan.

2.3 Step 3: Prepare a Permanent Stormwater Control Plan
This step involves the selection of the on-site stormwater conveyance infrastructure and flow control facilities that will serve the drainage study area in its current developed condition to handle a minimum of a 100-year storm event (with additional safety factors to be evaluated).

A preliminary design of the on-site stormwater management BMPs and conveyance/flow control options is necessary to determine how they will fit within and serve the drainage study area. After further analysis of the options and selection of the preferred BMPs and facilities, the information will be presented within a Permanent Stormwater Control Plan. The Permanent Stormwater Control Plan will contain the following sections:

2.3.1 Permanent Stormwater Control Plan – Existing Site Hydrology
A list of assumptions and site parameters that will be used in analyzing the pre-developed site hydrology will be summarized. This includes the acreage, soil types, and land covers used to determine the pre-developed flow characteristics, along with basin maps, graphics, and exhibits for each subbasin affected by the current drainage area conditions should be included. The pre-developed condition to be matched shall be a forested land cover.

A topographic map will be used to determine basin boundaries accurately, and showing:
- Delineation and acreage of areas contributing runoff to the site;
- Conveyance infrastructure and flow control facility locations;
- Outfall;
- Overflow route; and
- All natural streams and drainage features.

The direction of flow, acreage of areas contributing drainage, and the limits of development will be indicated. Each basin within or flowing through the site will be named and model input parameters referenced.

2.3.2 Permanent Stormwater Control Plan – Developed Site Hydrology
A scale drawing will be provided of the properties and public right-of-ways that display the location of on-site stormwater management BMPs and the areas served by them.

Design details and figures will be provided for each on-site stormwater management BMP.

A written summary will be provided of the proposed conveyance infrastructure and flow control options and how they comply with the applicable stormwater management requirements.

2.3.2.1 Permanent Stormwater Control Plan – Low Impact Development Features.
A description of the proposed stormwater management BMPs including:

1. A project narrative showing how the proposed stormwater management improvements will fulfill the requirement for on-site LID management of stormwater to the extent feasible.

2. Areas where native vegetation is recommended to be retained and/or restored.

2.3.2.2 Permanent Stormwater Control Plan – Flow Control System
Drawings will be provided of the flow control facility(s) and its appurtenances. These drawings will be accompanied by basic measurements necessary to calculate the storage volumes available from zero to the maximum head, all orifice/restrictor sizes and head relationships, control structure/restrictor placement, and placement on the site.

Ecology’s Western Washington Hydrology Model (WWHM) will be used to model stormwater runoff from the drainage study area. Ecology has developed a continuous simulation hydrologic model (WWHM) based on the HSPF for use in western Washington. Continuous rainfall records/data files have been obtained and appropriate adjustment factors were developed as input to HSPF. These rainfall files and model algorithms are used in the HSPF in western Washington. (The Hydrological Simulation Program-Fortran (HSPF) is an EPA watershed hydrology and pollutant transport model which simulates hydrology and water quality processes at user-specified spatial and temporal scales.)

A continuous simulation model (i.e., WWHM) has considerable advantages over the single event-based methods such as the SCSUH, SBUH, or the Rational Method. Single event models cannot take into
account storm events that may occur just before or just after the single event (the design storm) that is under consideration. In addition, the runoff files generated by WWHM models are the result of a considerable effort to introduce local parameters and actual rainfall data into the model. The report will include the computer printouts, calculations, equations, references, storage/volume tables, graphs as necessary to show results and methodology used to determine the storage facility volumes. The input and output files of the Western Washington Hydrology Model (WWHM) runoff model will be provided to document the stormwater modeling results.

2.3.2.3 Permanent Stormwater Control Plan – Conveyance System Analysis and Design
A summary analysis will be provided of the existing conveyance systems, and the analysis and design of the proposed stormwater conveyance system for the drainage study area. This will include an analysis of on-site hydrologic connectivity of surficial conveyance channels and/or pipes, and points of concentration. Pipes, culverts, catch basins, channels, swales, and other stormwater conveyance appurtenances will be labeled and shown on drawings.

2.4 Step 4: Complete the Stormwater Site Plan
The Stormwater Site Plan will include the following documentation.

2.4.1 Project Overview
The project overview will provide a general description of the project, pre-developed and developed conditions of the site, site area and size of the improvements, and the pre- and post-developed stormwater runoff conditions. The overview should summarize difficult site parameters, the natural drainage system, and drainage to and from adjacent properties, including bypass flows.

A vicinity map should clearly locate the property, identify all roads bordering the site, show the route of stormwater off-site to the local natural receiving water, and show significant geographic features and sensitive/critical areas (streams, wetlands, lakes, steep slopes, etc.).

A site map will display:

- Acreage and outlines of all drainage basins;
- Existing stormwater drainage to and from the drainage areas;
- Routes of existing and future flows at all discharge points; and
- The length of travel from the farthest upstream end of a proposed storm drainage system to any proposed flow control facility or discharge point.

2.4.2 Existing Conditions Summary
This is the summary described in Step 1 above (Site Analysis: Collect and Analyze Information on Existing Conditions). This summary will also describe the natural receiving waters and shoreline bluff conditions that the stormwater runoff directly or eventually (after flowing through the downstream conveyance system) discharges to.

2.4.3 Permanent Stormwater Control Plan
This is the plan described in Step 3 above (Prepare a Permanent Stormwater Control Plan).

2.4.4 Special Reports and Studies
This will include copies or any special reports and studies used or referenced to prepare the Stormwater Site Plan (e.g., a geotechnical report and other reports or designs reviewed during the course of this study). These documents will be attached in the appendix section of the Stormwater Site Plan.
2.4.5 Other Permits
This will include a list of other necessary permits and approvals as required by regulatory agencies, if those permits or approvals include conditions that affect the proposed drainage plan, or contain more restrictive drainage-related requirements.

Task 4 Deliverables:
1. Draft copy of the Stormwater Site Plan for County staff review containing the information listed above including narrative, calculations, stormwater modeling results, drawings and maps.
2. Final document of the Stormwater Site Plan document that addresses the County staff draft copy review and public comments from the community outreach meetings.

TASK 5: COMMUNITY OUTREACH – MEETING #2
1.0 Prepare for and attend a second meeting with County and Stakeholders to present options being developed under Task 4 above (Stormwater Site Plan). This will include producing a list of stormwater management options based on information being developed and analyzed in Task 4. The options for conveyance infrastructure, flow control facilities and outfall locations will be evaluated and presented in a prioritization matrix. The matrix will be used to share information with County and Stakeholders during Meeting #2. The matrix will also be used to guide the work in Task 6: Preliminary Project Design (30%). Permit requirement will also be identified. The public meeting will be organized and led by Whatcom County staff.

Task 5 Deliverables:
1. A prioritization matrix of the preferred stormwater management options.
2. A summary memo that captures the comments and input from the meetings, summarizing the preferred option(s) for the stormwater design and construction phases within the impacted Birch Point drainage study area. The results from Meeting #2 will be used to complete Task 6: Preliminary Project Design (30%).

TASK 6: PRELIMINARY ENGINEER’S REPORT
1.0 2020 will prepare a Preliminary Engineer’s Report including 30% Construction Plans and Estimate Costs.

1.1 Prepare 30% Construction Plans representing the primary project components as determined in Tasks 4 and Task 5.

The 30% Construction Plan sheets will include:
1. Title Sheet / Drawing Index / Legend / Notes
2. Existing Conditions (Base Map)
3. Stormwater Improvements - Plan and Profile (Flow Control Facility)
4. Discharge Outfall Location – Plan and Profile
5. Details

Notes: 1. The total number of sheets required will be determined during the development of this task.
2. Specifications will only be shown on drawing sheets
1.2 Prepare Preliminary Engineer’s Estimate of the 30% Construction Plans

**Task 6 Deliverables:**
1. 30% Construction Plans
2. Preliminary Engineer’s Estimate
3. A summary document that shows the distribution of costs between the public right-of-ways and the private land owners.

**TASK 7: FUNDING AND PAYMENT PLAN**
1.0 Develop funding options with County staff. Calculate “fair” cost sharing between County and Stakeholders. Identify and evaluate the options for payments which may include forming a Local Improvement District (LID) or other methods for obtaining payments from Stakeholders for their assessed share of the total costs of the stormwater improvements. Present options for funding and payments to County and Shareholders.

**Task 7 Deliverables:**
1. A summary document of the funding and payment options
2. A handout document suitable to present at a the public Meeting #2

**ITEMS FURNISHED BY WHATCOM COUNTY**
Whatcom County will furnish 2020 copies of documents available to the County that will facilitate the compiling and reviewing of existing data, the preparation of the Stormwater Site Plan, the preparation of the 30% Construction Plans and Preliminary Engineer’s Cost Estimate, and the funding and payment plan. This includes the following:
- County and private studies, reports and drainage related designs (built or proposed).
- Past and recent correspondences from property owners.
- GIS and LiDAR data, and aerial files (past and most current) for the project vicinity including parcel boundaries, topography, utilities, buildings, etc., that are in the vicinity of the Birch Point area, provided in AutoCAD 2011 format (if possible).
- Field surveys as available.
- Example plans and specifications of County drainage projects (past and recent).
- Bid tabulations of previous projects as available (i.e., County project on Semiahmoo Drive).
- County standard contract documents (contract, bid bond format, performance bond, etc.) for the bid documents as required (to assist in preparing the Preliminary Engineer’s Report).
- County’s typical title and border drawings (including title sheet, plan sheet, plan/profile sheet, detail sheet), provided in AutoCAD 2011 format (if possible).

**ASSUMPTIONS:**
2020 will perform the services provided in the scope of work based in the following assumptions.
- County will obtain right of entry for fieldwork.
- County will provide printing and distribution of documents for the public meetings and other submittals.
• Standard drainage details according to WSDOT Standard Plans, 2012
• Ecology’s Western Washington Hydrology Model (WWHM) will be used to model stormwater runoff.
• Design submittals will be prepared using AutoCAD 2011.
• Participate in up to two meetings with County staff during the development of Task 4 (Stormwater Site Plan) and up to two with County staff during the development of Task 6 (Preliminary Engineer’s Report).
• Prepare DRAFT documents for County comments for one review round each of Task 4 (Stormwater Site Plan) and Task 6 (Preliminary Engineer’s Report).

BIRCH POINT STORMWATER MANAGEMENT STUDY
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<td>Pamphlet Brand Attend a Kick-off Public Setting</td>
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<td>8</td>
<td>2</td>
<td>16</td>
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<td>Produce Summary of Public Setting</td>
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<td>Task 6</td>
<td>Preliminary Engineer's Report</td>
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<td>Task 6 Subtotal</td>
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<td>164</td>
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<td>Task 7</td>
<td>Funding and Payment Plan</td>
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<td>4</td>
<td>6</td>
<td>12</td>
<td>$1380</td>
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<td>Develop Funding Options with County</td>
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<td>6</td>
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<td>Calculate &quot;Cost to Share&quot; between Stakeholders</td>
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<td>362</td>
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<td>$60000</td>
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</table>
EXHIBIT "B"  
(COMPENSATION)

In no event shall total compensation paid to the Consultant by the County under the contract exceed $60,000. Payment of compensation is contingent on County acceptance of Consultant work products. Compensation for professional services defined in Exhibit A, Scope of Work, shall be paid on the basis of time and expenses. Consultant time will be paid at the hourly rates provided below. Expenses incurred in the course of performing work shall be reimbursed; mileage at the current IRS rate, lodging and per diem shall not exceed the GSA rate for the location where services are provide, other expenditures such as printing, postage, and telephone charges shall be reimbursed at actual cost plus 15%. Expenses reimbursement requests must be accompanied by copies of paid invoices. Any work performed prior to the effective date or continuing after the completion date of the contract, unless otherwise agreed upon in writing, will be at the contractor’s expense.

Monthly progress reports shall be provided which detail activities worked on, deliverables completed and percent of tasks completed each month.

The following rates include salaries, taxes, insurance, administration, general overhead and profit:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Engineer</td>
<td>$150</td>
</tr>
<tr>
<td>Project Manager / Project Engineer</td>
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</tr>
<tr>
<td>Senior Civil CAD Designer</td>
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<tr>
<td>Civil CAD Designer</td>
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<td>Project Administrator</td>
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<td>Geotechnical Engineer</td>
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<td>Engineering Geologist</td>
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<td>Geotechnical Technician</td>
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<td>Geologist</td>
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<td>Senior Project Engineer</td>
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<td>Engineer II</td>
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<tr>
<td>GIS Analyst</td>
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<tr>
<td>Senior CAD Design Tech</td>
<td>$80</td>
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</table>

Fee Estimate

<table>
<thead>
<tr>
<th>Scope of Work Description</th>
<th>Cost Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIRCH POINT STORMWATER MANAGEMENT STUDY</td>
<td></td>
</tr>
<tr>
<td>TASK 1: COMPILE EXISTING DATA</td>
<td>$4,600</td>
</tr>
<tr>
<td>TASK 2: GATHER SURVEY AND GEOTECHNICAL INFORMATION</td>
<td>$8,940</td>
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<tr>
<td>TASK 3: COMMUNITY OUTREACH – MEETING #1</td>
<td>$2,300</td>
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<tr>
<td>TASK 4: STORMWATER SITE PLAN</td>
<td>$20,160</td>
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<tr>
<td>TASK 5: COMMUNITY OUTREACH – MEETING #2</td>
<td>$2,300</td>
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<tr>
<td>TASK 6: PRELIMINARY ENGINEER’S REPORT</td>
<td>$17,560</td>
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<td>TASK 7: FUNDING AND PAYMENT PLAN</td>
<td>$4,140</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$60,000</strong></td>
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EXHIBIT "C"
(INSURANCE)

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Michael J Hall & Company
Hall & Company
19660 10th Ave NE
Poulsbo WA 98370

INSURED
2062 Engineering Inc
814 Dupont Street
Bellingham WA 98225

INSURER A: UNDERWRITERS AT LLOYDS LONDON
INSURER B: Travelers Property Casualty Company

COVERAGES

CertiFICATE NUMBER: 2118192127

REVISON NUMBER:

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

<table>
<thead>
<tr>
<th>LINE</th>
<th>TYPE OF INSURANCE</th>
<th>DESCRIPTION</th>
<th>INSURER</th>
<th>POLICY NUMBER</th>
<th>PERIOD IN EFFECT</th>
<th>LIMITS</th>
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<tbody>
<tr>
<td>B</td>
<td>GENERAL LIABILITY</td>
<td>X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR</td>
<td>6002748L107</td>
<td>01/01/2013</td>
<td>01/01/2014</td>
<td>EACH OCCURRENCE $1,000,000 DAMAGE TO RENTED PREMISES (EX EXCL) $500,000 MED-EXP (one person) $5,000 PERSONAL &amp; ADV INJURY $1,000,000 GENERAL AGGREGATE $2,000,000 PRODUCTS COMPOUND AGG $2,000,000</td>
</tr>
<tr>
<td>B</td>
<td>AUTOMOBILE LIABILITY</td>
<td>ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS NONOWNED AUTOS</td>
<td>6002748L107</td>
<td>01/01/2013</td>
<td>01/01/2014</td>
<td>EACH OCCURRENCE $1,000,000 COMBINED SINGLE LIMIT (ADDITIONAL) $1,000,000 BODY INJURY (Per person) $5 PROPERTY DAMAGE (Per person) $5</td>
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<tr>
<td>B</td>
<td>WORKMEN'S COMPENSATION AND EMPLOYER'S LIABILITY</td>
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<td>01/01/2013</td>
<td>01/01/2014</td>
<td>EACH OCCURRENCE $1,000,000 EZ EACH CLAIM $1,000,000 E.L. DISEASE - EA EMPLOYEE $1,000,000 E.L. DISEASE - POLICY LIMIT $1,000,000</td>
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<tr>
<td>A</td>
<td>PROFESSIONAL LIABILITY</td>
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 104 Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER
Whatcom County Public Works - Stormwater
2011 Young Street #201
Bellingham WA 98225

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BLANKET ADDITIONAL INSURED
(ARCHITECTS, ENGINEERS AND SURVEYORS)

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. The following is added to WHO IS AN INSURED (Section II):

Any person or organization that you agree in a "contract or agreement requiring insurance" to include as an additional insured on this Coverage Part, but only with respect to liability for "bodily injury", "property damage" or "personal injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

a. In the performance of your ongoing operations;
b. In connection with premises owned by or rented to you; or
c. In connection with "your work" and included within the "products-completed operations hazard".

Such person or organization does not qualify as an additional insured for "bodily injury", "property damage" or "personal injury" for which that person or organization has assumed liability in a contract or agreement.

The insurance provided to such additional insured is limited as follows:

d. This insurance does not apply on any basis to any person or organization for which coverage as an additional insured specifically is added by another endorsement to this Coverage Part.

e. This insurance does not apply to the rendering of or failure to render any "professional services".

f. The limits of insurance afforded to the additional insured shall be the limits which you agreed in that "contract or agreement requiring insurance" to provide for that additional insured, or the limits shown in the Declarations for this Coverage Part, whichever are less. This endorsement does not increase the limits of insurance stated in the LIMITS OF INSURANCE (Section III) for this Coverage Part.

B. The following is added to Paragraph a. of 4. OTHER INSURANCE in COMMERCIAL GENERAL LIABILITY CONDITIONS (Section IV):

However, if you specifically agree in a "contract or agreement requiring insurance" that the insurance provided to an additional insured under this Coverage Part must apply on a primary basis, or a primary and non-contributory basis, this insurance is primary to other insurance that is available to such additional insured which covers such additional insured as a named insured, and we will not share with the other insurance, provided that:

1) The "bodily injury" or "property damage" for which coverage is sought occurs; and

2) The "personal injury" for which coverage is sought arises out of an offense committed

after you have entered into that "contract or agreement requiring insurance". But this insurance still is excess over valid and collectible other insurance, whether primary, excess, contingent or on any other basis, that is available to the insured when the insured is an additional insured under any other insurance.

C. The following is added to Paragraph 8. TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US in COMMERCIAL GENERAL LIABILITY CONDITIONS (Section IV):

We waive any rights of recovery we may have against any person or organization because of payments we make for "bodily injury", "property damage" or "personal injury" arising out of your work performed by you, or on your behalf, under a "contract or agreement requiring insurance" with that person or organization. We waive these rights only where you have agreed to do so as part of the "contract or agreement requiring insurance" with such person or organization entered into by you before, and in effect when, the "bodily
COMMERCIAL GENERAL LIABILITY

injury" or "property damage" occurs, or the "personal injury" offense is committed.

D. The following definition is added to DEFINITIONS (Section V):

"Contract or agreement requiring insurance" means that part of any contract or agreement under which you are required to include a person or organization as an additional insured on this Coverage Part, provided that the "bodily injury" and "property damage" occurs, and the "personal injury" is caused by an offense committed:

a. After you have entered into that contract or agreement;

b. While that part of the contract or agreement is in effect; and

c. Before the end of the policy period.
**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>
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<td>Originator:</td>
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<td>5/5/14</td>
<td>5/20/14</td>
<td>5/20/14</td>
<td>Finance/Council</td>
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<td>Division Head:</td>
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<td>Dept. Head:</td>
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<td>5/16/14</td>
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<td>Prosecutor:</td>
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<td>5/8/14</td>
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<tr>
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<tr>
<td>Executive:</td>
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<td>5/12/14</td>
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</table>

**TITLE OF DOCUMENT:** Department of Ecology Grant Agreement for Development of Wiser Lake Integrated Aquatic Vegetation Management Plan

**ATTACHMENTS:**
1. Grant agreement
2. Memo

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

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

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

This grant agreement between the Washington State Department of Ecology and Whatcom County will focus on the development of an Integrated Aquatic Vegetation Management Plan for Wiser Lake.

**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).
Enclosed are three (3) originals of the Wiser Lake Integrated Aquatic Vegetation Management Plan Grant between the Whatcom County Noxious Weed Board and the Washington State Department of Ecology for your review and signature.

- **Background and Purpose**
  This objective of this grant is to improve the condition and health of Wiser Lake for both residents and visitors. The project will develop an Integrated Aquatic Vegetation Management Plan (IAVMP) for Wiser Lake and will target fragrant waterlily (*Nymphaea odorata*) and curly-leaf pondweed (*Potamogeton crispus*), both listed Washington State Noxious Weeds.

- **Funding Amount and Source**
  The grant agreement is in the amount of $15,450 with a match of $5,150 which is provided for in the current budget. The total project cost is $20,600.

Please contact Laurel Baldwin at extension 50680 if you have any questions or concerns regarding the terms of this agreement.

Encl.
## WHATCOM COUNTY CONTRACT INFORMATION SHEET

**Contract No.: 201405005**

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works – Noxious Weed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor/Grant Admin.:</td>
<td>Laurel Baldwin</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Washington State Department of Ecology</td>
</tr>
</tbody>
</table>

**Is this a New Contract?** Yes _X_ No ____

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

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

**Does this contract require Council Approval?** Yes _X_ No ____

**Is this a grant agreement?** Yes _X_ No ____

**If yes, grantor agency contract number(s):** G1400594 CFDA #

**Is this contract grant funded?** Yes _X_ No ____

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

**Is this contract the result of a RFP or Bid process?** Yes ___ No _X_ ____

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

**Contract**

**Cost Center:** 108110

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

If no, include Attachment D Contractor Declaration

### If yes, indicate exclusion(s) below:
- Professional services agreement for certified/licensed professional
- Contract work is for less than 120 days
- Contract work is all performed outside U.S.
- Work related subcontract less than $25,000.
- Interlocal Agreement (between Gov't's)
- Public Works - Local Agency/Federally Funded FHWA
- 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)

**Summary of Scope:**

This grant agreement will focus on the development of an Integrated Aquatic Vegetation Management Plan for Wiser Lake.

**Term of Contract:** 6-30-16

**Expiration Date:**

### Contract Routing Steps & Signoff:

1. Prepared by: __ L. Baldwin __________ [sign or initial] [indicate date transmitted]

2. Attorney reviewed: __ Daniel J. Gibson __________ Date: 05/08/14 [electronic]

3. AS Finance reviewed: ______________ Date: 5/9/14 [electronic]

4. IT reviewed if IT related: ______________ Date: ______________ [electronic]

5. Corrections made: ______________ Date: ______________ [electronic] hard copy printed

6. Attorney signoff: ______________ Date: ______________

7. Contractor signed: ______________ Date: ______________

8. Submitted to Exec Office: ______________ Date: ______________ [summary via electronic; hardcopies]

9. Council approved (if necessary): ______________ Date: ______________

10. Executive signed: ______________ Date: ______________

11. Contractor Original Returned to dept: ______________ Date: ______________

12. County Original to Council: ______________ Date: ______________
AQUATIC WEEDS MANAGEMENT FUND
GRANT AGREEMENT
BETWEEN THE
WASHINGTON STATE DEPARTMENT OF ECOLOGY
AND
WHATCOM COUNTY NOXIOUS WEED BOARD

THIS is a binding agreement entered into, by, and between the Washington State Department of Ecology [DEPARTMENT] and Whatcom County Noxious Weed Board [RECIPIENT]. The purpose of this agreement is to provide funds to the RECIPIENT to carry out the activities described herein.

**PART I. GENERAL INFORMATION**

**Project Title:**
Wiser Lake Integrated Aquatic Vegetation Management Plan (IAVMP)

**Grant Number:**
G1400594

**A. RECIPIENT Information**

**RECIPIENT Name and Address**
Whatcom County Noxious Weed Board
322 N Commercial Street, Suite 210
Bellingham, WA 98225

**RECIPIENT Contact**
Gary Stoyka
Telephone Number: (360) 676-6876
Fax Number: (360) 738-2468

**RECIPIENT Billing Contact**
Laurel Baldwin
Telephone Number: (360) 715-7470
Fax Number: (360) 738-2468
E-mail Address: LBaldwin@co.whatcom.wa.us

**RECIPIENT Federal ID Number:**
91-6001383
B. DEPARTMENT Information

DEPARTMENT Address: Water Quality Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

DEPARTMENT Project Manager: Lizbeth Seebacher
Telephone Number: (360) 407-6938
Fax Number: (360) 407-7151
E-mail Address: Lizbeth.Seebacher@ecy.wa.gov
DEPARTMENT Funding Source: Aquatic Weeds Management Fund

DEPARTMENT Share: $15,450
RECIPIENT Share: $5,150
Total PROJECT Cost: $20,600

DEPARTMENT Maximum Percentage: 75 percent

The effective date of this agreement will be the date this agreement is signed by the DEPARTMENT’s Water Quality Program Manager, but no earlier than July 1, 2014. Any work performed prior to the effective date of this agreement will be at the sole expense and risk of the RECIPIENT.

This agreement will expire no later than June 30, 2016.

PART II. POST PROJECT ASSESSMENT

The RECIPIENT agrees to submit a brief survey regarding the key project results or aquatic plant management outcomes and the status of environmental results or goals from the project two years after project completion.

The DEPARTMENT’s Water Quality Program Performance Measures Lead will contact the RECIPIENT before the Post Project Assessment date to request this data.

The DEPARTMENT may also conduct site interviews and inspections, and may otherwise evaluate the Project, as part of this assessment.

Post Project Assessment Date: June 30, 2017

Aquatic plant management project outcomes to be evaluated at the Post Assessment include:

a) DEPARTMENT approved Integrated Aquatic Vegetation Management Plan.
PART III. PROJECT DESCRIPTION

The objective of this project is to improve the condition and health of Wiser Lake for both residents and visitors. The targeted plants for management are fragrant waterlily (Nymphaea odorata) and curly leaf pondweed (Potamogeton crispus). This project will develop an Integrated Aquatic Vegetation Management Plan (IAVMP) for Wiser Lake located near the City of Lynden in Whatcom County, Washington.

PART IV. PROJECT BUDGET

| Project Title: Wiser Lake Integrated Aquatic Vegetation Management Plan (IAVMP) |
|-------------------------------|-------------------|-------------------|-----------------|
| **TASKS** | **TOTAL ELIGIBLE COST (TEC)** | |
| | **FY1** | **FY2** | **Totals** |
| Task 1. Project Management | $1,500 | $1,500 | $3,000 |
| Task 2. Inventory of Wiser Lake | $10,000 | $5,000 | $15,000 |
| Task 3. Develop IAVMP | $1,500 | $1,100 | $2,600 |
| **Total** | **$13,000** | **$7,400** | **$20,600** |

* The DEPARTMENT’s Fiscal Office will track to the Total Eligible Project Cost.

MATCHING REQUIREMENTS

<table>
<thead>
<tr>
<th><strong>DEPARTMENT Share (75 % of TEC)</strong></th>
<th><strong>RECIPENT Share (25 % of TEC)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>$9,750</td>
<td>$3,250</td>
</tr>
<tr>
<td>$5,550</td>
<td>$1,850</td>
</tr>
<tr>
<td><strong>$15,450</strong></td>
<td><strong>$5,150</strong></td>
</tr>
</tbody>
</table>

1. **Payment Request Submittals**: Payment requests will not be submitted more often than monthly, unless allowed by the DEPARTMENT’s Project Manager. The DEPARTMENT’s Project Manager may require the RECIPENT to submit regular payment requests to ensure efficient and timely use of funds.

2. **Payment Schedule**: Payments will be made on a cost reimbursable basis.
PART V. SCOPE OF WORK

Task 1 - Project Administration/Management

A. The RECIPIENT will administer the project. Responsibilities will include, but not be limited to: maintenance of project records; submittal of payment vouchers, fiscal forms, and progress reports; compliance with applicable procurement, contracting, and interlocal agreement requirements; attainment of all required permits, licenses, easements of property rights necessary for the project; and submittal of required performance items.

B. The RECIPIENT will manage the project. Efforts will include conducting, coordinating, and scheduling of project activities, and assuring quality control. The RECIPIENT will make every effort to maintain effective communication with the RECIPIENT’s designees, the DEPARTMENT, all affected local, state, or federal jurisdictions, and any interested individuals or groups. The RECIPIENT will carry out this project in accordance with any completion dates outlined in this Agreement.

C. The RECIPIENT will submit all invoice vouchers, correspondence, and project documents, to the DEPARTMENT Project Manager. Invoice voucher submittals will include a state of Washington Invoice Voucher Form A19-1A, the appropriate B and C forms as described in the current edition of Administrative Requirements for Recipients of Ecology Grants and Loans, and Form D (when applicable). Copies of all applicable forms will be included with an original A19-1A form, and will be submitted to the DEPARTMENT. Blank forms are found in the current edition of Administrative Requirements for Recipients of Ecology Grants and Loans or electronic forms can be obtained from the Project Manager.

Reimbursements from the DEPARTMENT for invoice voucher submittals will be mailed to the RECIPIENT’s designee at the following address:

Laurel Baldwin
Whatcom County Noxious Weed Board
322 N Commercial Street, Suite 110
Bellingham, WA 98225

D. The RECIPIENT will submit to the DEPARTMENT the following documents and in the quantities identified:

- Draft project completion reports – electronic copy
- Final project completion reports – electronic copy and three hard copies

The RECIPIENT will submit one digital copy of any document(s) that require DEPARTMENT approval.

E. Required Performance:

1. Effective administration and management of this grant project.
2. Maintenance of all project records.
3. Submittal of all required performance items, progress reports, financial vouchers, and maintenance of all project records.
Task 2 – Development of an Integrated Aquatic Plant Management Plan

A. The RECIPIENT will develop an IAVMP which incorporates all of the requirements for an IAVMP listed in the DEPARTMENT’s guidelines. With input from Wiser Lake residents, the RECIPIENT will use the “A Citizen’s Guide for Developing Integrated Aquatic Vegetation Management Plan” to develop the IAVMP for Wiser Lake.

B. The RECIPIENT will consider input from the Wiser Lake residents.

C. The RECIPIENT will submit a draft IAVMP to be reviewed by interested parties. The final IAVMP will incorporate the review comments. The RECIPIENT will submit a final IAVMP after review by the DEPARTMENT.

D. Required Performance
   1. Development of a DEPARTMENT approved Wiser Lake IAVMP,
   2. Submittal of a draft IAVMP for DEPARTMENT review.
   3. Submittal of a final IAVMP to the DEPARTMENT.

Task 3 – Education and Outreach

A. The RECIPIENT will post the IAVMP updates on the Wiser Lake website

B. The RECIPIENT will send door to door flyers and newsletter articles to the residents regarding Wiser Lake IAVMP development as well as education on Best Management Practices for their lake. An email list will be established and further communication will primarily be sent via emails.

C. The RECIPIENT will provide signage at the boat launch to remind lake users to Clean, Drain and Dry their boats.

D. Required Performance
   1. Deliver the initial information on the Wiser Lake IAVMP via a flyer and the Wiser Lake website.
   2. Supply ongoing updates of activities and information through email, newsletters and the Wiser Lake website.
   3. Install educational signage at the boat launches regarding Aquatic Invasive Species.
VI. SPECIAL TERMS AND CONDITIONS

A. Use of Force Account. In the event the RECIPIENT elects to use its own forces to accomplish eligible project work, the RECIPIENT acknowledges that it has the legal authority to perform the work and adequate and technically qualified staff to perform the work without compromising other government functions. The RECIPIENT must track and report the force account work submitted to the DEPARTMENT for reimbursement.

B. Indirect Rate. The RECIPIENT may charge an indirect rate of up to 25 percent based on employee’s direct salary and benefit costs incurred while conducting project-related work. The DEPARTMENT’s Financial Manager may require a list of items included in the indirect rate at any time.

C. Match Requirement. Property and services donated by organizations or individuals to accomplish grant requirements may be used as in-kind match. Donated property and services must comply with the DEPARTMENT’s current edition of Administrative Requirements for Recipients of Ecology Grants and Loans and the Aquatic Weeds Management Fund Grant Guidelines (http://www.ecy.wa.gov/biblio/9452.html). Documentation will be maintained by the RECIPIENT for all donated property and services and made available for review by the DEPARTMENT on request.

Interlocal Match. The RECIPIENT certifies by signing this agreement that all negotiated interlocal agreements are consistent with all of the following:

1. Terms of this grant agreement.
2. The edition of Administrative Requirements for Recipients of Ecology Grants and Loans that is effective at the signing of this agreement.
3. Chapter 39.34 RCW Interlocal Cooperation Act.

All negotiated interlocal agreements will be consistent with the terms of this grant Agreement, the DEPARTMENT’s current edition (at the signing of this agreement) of Administrative Requirements for Recipients of Ecology Grants and Loans and Chapter 39.34 RCW Interlocal Cooperation Act. Upon request, the RECIPIENT will submit a copy of the final negotiated interlocal agreement(s) to the DEPARTMENT’s Project Manager.

D. Minority and Women’s Business Participation. The RECIPIENT agrees to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated after the effective date of this agreement.

Contract awards or rejections cannot be made based on MBE or WBE participation. M/WBE participation is encouraged, however, and the RECIPIENT and all prospective bidders or persons submitting qualifications should take the following steps, when possible, in any procurement initiated after the effective date of this agreement:
1. Include qualified minority and women's businesses on solicitation lists.
2. Assure that qualified minority and women's businesses are solicited whenever they are potential sources of services or supplies.
3. Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
4. Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
5. Use the services and assistance of the State Office of Minority and Women's Business Enterprises (OMWBE) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

The RECIPIENT will report to the DEPARTMENT at the time of submitting each invoice, on forms provided by the DEPARTMENT, payments made to qualified firms. Please include the following information:

1. Name and state OMWBE certification number (if available) of any qualified firm receiving funds under the invoice, including any sub-and/or sub-subcontractors.
2. The total dollar amount paid to qualified firms under this invoice.

E. Procurement. The RECIPIENT may elect to use its own forces or may contract for professional services necessary to perform and complete project related work. The RECIPIENT will ensure that this project is completed according to the details of this agreement. By signing this agreement, the RECIPIENT certifies that all applicable requirements have been satisfied in the procurement of any professional services. Upon request, the RECIPIENT will submit a copy of the final negotiated agreement(s) to the DEPARTMENT’s Project Manager.

F. Progress Reports. The RECIPIENT will submit semi-annual Progress Reports to the DEPARTMENT’s Project Manager. Progress Reports for January 1 through June 30 are due July 15. Progress Reports for July 1 through December 31 are due January 15. Payment requests will not be processed if the required Progress Reports have not been submitted by the RECIPIENT.

G. Time for Performance. In the event that the RECIPIENT fails to commence work on the PROJECT within four months after the effective date of this agreement, the DEPARTMENT reserves the right to terminate this agreement.
VII. ALL WRITINGS CONTAINED HEREIN

This Agreement, the appended General Terms and Conditions, the DEPARTMENT’s current edition of Administrative Requirements for Recipients of Ecology Grants and Loans, and the Aquatic Weeds Management Fund Grant Guidelines contain the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless signed by authorized representatives of the RECIPIENT and the DEPARTMENT and made a part of this Agreement, EXCEPT, that in response to a request from the RECIPIENT; the DEPARTMENT may change the grant expiration date. The DEPARTMENT or RECIPIENT may change their respective staff contacts without the concurrence of either party.

IN WITNESS WHEREOF, the parties sign this Grant:

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

WHATCOM COUNTY NOXIOUS
WEED BOARD

HEATHER R. BARTLETT DATE
WATER QUALITY PROGRAM MANAGER

GARY STOYKA DATE
NATURAL RESOURCES MANAGER

APPROVED AS TO FORM ONLY
ASSISTANT ATTORNEY GENERAL
Whatcom County Contract No.

Whatcom County Contract No. 201405005

WHATCOM COUNTY:
Recommended for Approval:

Department Director Date

Approved as to form:

Chief Civil Deputy Prosecuting Attorney Date

Approved:
Accepted for Whatcom County:

By:
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss

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

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

________________________. My commission expires ________________

CONTRACTOR INFORMATION:

(Type in Name of Contractor/Firm)

(Type in Name & Title of Signatory Authorized by Firm Bylaws, if applicable)

Address:
____________________________________________________

Mailing Address:
____________________________________________________

Contact Name: ______________________

Contact Phone: ______________________

Contact FAX: ______________________

Contact Email: ______________________

Contract for Services Agreement
[Insert more specific appellation]
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>CLEARANCES</th>
<th>Initial</th>
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<th>Agenda Date</th>
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<td>5/20/14</td>
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<td>05/08/14</td>
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<td>Brad Bennett</td>
<td></td>
<td>5/13/14</td>
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**TITLE OF DOCUMENT:**
Contract to perform facilitation support services for the WRIA 1 Planning Unit.

**ATTACHMENTS:**
- Memorandum
- Contract

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

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Contractor will perform facilitation support services for the WRIA 1 Planning Unit.

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

THROUGH: Frank M. Abart, Director

FROM: Gary S. Stoyka, Natural Resources Manager

RE: WRIA 1 Planning Unit Facilitation Services Contract Amendment No. 2 (WC Contract No. 201309022)

DATE: April 29, 2014

Requested Action
Enclosed are two (2) originals of Amendment No. 2 to the contract for WRIA 1 Planning Unit Facilitation Support Services between Eldred & Associates, LLC and Whatcom County for your review and signature.

Background and Purpose
Whatcom County, acting as lead agency for the WRIA 1 Joint Board, is facilitating the reconvening of the WRIA 1 Planning Unit. Statements of Qualifications were sought for facilitation services (RFQ 13-65), and Eldred & Associates was chosen for the work as the sole respondent.

The original scope of work included facilitation support for four Planning Unit meetings in 2013 to develop a 2014 work plan and budget. The contractor was able to facilitate a fifth meeting in January 2014 with the available funding provided by the WRIA 1 Joint Board. The Planning Unit was not able to complete the work plan and budget during that time. The Planning Unit requested $20,000.00 from the Flood Control Zone District Board of Supervisors for facilitation of six additional Planning Unit meetings to allow the Planning Unit to complete the development of a work plan and budget.

Funding Amount and Source
Total project cost is estimated to be $42,000.00. The WRIA 1 Joint Board authorized $14,000.00 from the Joint Board Fund (Fund 670) to support the work in the original contract. On November 13, 2013, the Joint Board authorized an additional $8,000.00 to fulfill the original estimated contract budget. On April 22, 2014, the Flood Control Zone District Board of Supervisors authorized $20,000.00 (Fund 169) for facilitation of six additional Planning Unit meetings and associated preparatory work.

Please contact Gary Stoyka at extension 50618, if you have any questions or concerns regarding the terms of this agreement.

Encl.
WHATCOM COUNTY CONTRACT
INFORMATION SHEET

<table>
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<th>Originating Department:</th>
<th>Public Works</th>
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<td>Contract or Grant Administrator:</td>
<td>Gary Stoyka</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Eldred &amp; Associates LLC</td>
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**Is this a New Contract?**
- Yes [ ] No [x] If not, is this an Amendment or Renewal to an Existing Contract? [ ] Yes [x] No [ ]

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

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

**Is this contract the result of a RFP or Bid process?**
- Yes [x] No [ ] If yes, RFP and Bid number(s) RFP #13-65 Cost Center: 169121

**Is this agreement excluded from E-Verify?**
- No [ ] Yes [x] If no, include Attachment D Contractor Declaration form.

**If yes, indicate exclusion(s) below:**
- Professional services agreement for certified/licensed professional [ ]
- Contract work 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)
- $22,000.00

**This Amendment Amount:**
- $20,000.00

**Total Amended Amount:**
- $42,000.00

**Summary of Scope:**
Contractor will perform facilitation support services for the WRJA 1 Planning Unit.

**Term of Contract:** 16 months

**Expiration Date:** 12/31/14

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

1. Prepared by GSS Date 04/23/14 [electronic]
2. Attorney reviewed: Daniel L. Gibson Date 04/23/14 [electronic]
3. AS Finance reviewed: Brad Bennett Date 04/23/14 [electronic]
4. IT reviewed if IT related Date [electronic]
5. Corrections made Date [electronic] hard copy printed
6. Attorney signoff: Daniel L. Gibson Date: 04/23/14 [signature]
7. Contractor signed: Date 4-25-14
8. Submitted to Exec Office [ ] Date 5-9-14 [summary via electronic; hardcopies]
9. Council approved (if necessary) Date
10. Executive signed: Date
11. Contractor Original Returned to dept Date
12. County Original to Date

---

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AMENDMENT NO. 2 TO AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN WHATCOM COUNTY AND ELDRED & ASSOCIATES, LLC FOR WRIA 1 FACILITATION SUPPORT SERVICES

WHEREAS, AN AGREEMENT (Whatcom County Contract No. 201309022) was entered into between Whatcom County, acting as contracting agent for the WRIA 1 Joint Board, and Eldred & Associates, LLC on September 23rd, 2013 for the purpose of providing facilitation support services to the Water Resources Inventory Area (WRIA) 1 Planning Unit; and,

WHEREAS, the original contract, No. 201309022, provided insufficient budget to complete the entire scope of work and allows for augmentation of the budget when additional funding is approved; and,

WHEREAS, on November 13, 2013, the WRIA 1 Joint Board appropriated $8,000.00 to supplement Contract No. 201309022; and,

WHEREAS, on April 22, 2014, the Flood Control Zone District Board of Supervisors appropriated an additional $20,000.00 to supplement Contract No. 201309022; and,

WHEREAS, the parties are desirous of fulfilling the full scope of work in Contract No. 201309022.

NOW BE IT THEREFORE AGREED, that Exhibit "B" of Contract No. 201309022, as amended by Contract Amendment No. 201309022-1, shall be amended to provide an additional $20,000.00 in compensation and that the affected contract clauses shall read as follows:

COMPENSATION SCHEDULE:
As consideration for the services provided by the Contractor the County agrees to compensate the Contractor for services rendered at a sum not to exceed a running total of Forty-two Thousand dollars ($42,000.00) through December 31st, 2014. This figure includes all costs incidental to and necessary for carrying out the scope of work as presented in Exhibit "A." The sum shall be paid for expenses accrued as invoiced monthly by the Contractor.
IN WITNESS WHEREOF, the parties have signed this Amendment No. 1 to the agreement for WRIA 1 Planning Unit facilitation services, this 25th day of April, 2014.

CONTRACTOR: Eldred & Associates, LLC

By: Jennifer Aylor
Title: CEO/President

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss.

On this 25th day of April, 2014, before me personally appeared Jennifer Aylor, to me known to be the person individually or jointly described in and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Cherrish Upson
NOTARY PUBLIC in and for the State of Washington, residing at Sedro-Woolley, WA
My commission expires: 6/10/2016

WHATCOM COUNTY

Jack Louws
County Executive

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss.

On this _____ day of ___________ , 2014, before me personally appeared Jack Louws, to me known to be the person individually or jointly described in 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 ______________
My commission expires: ____________________________

APPROVED AS TO FORM:

Daniel L. Gibson, Chief Civil Deputy
Prosecuting Attorney

DEPARTMENTAL APPROVAL:

Frank M. Abart, Director, Public Works
Construction Contract Award for 2014 Hot Mix Asphalt Prelevel at Various Locations, Bid #14-28

ATTACHMENTS:
1. Request Memo
2. Approval for Construction Contract Award (Endorsed by County Executive)
3. Project Location Summary with Quantities
4. Bid Tabulation
5. Low Bid Proposal

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

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

Construction Contract Award for 2014 Hot Mix Asphalt Prelevel at Various Locations, Bid #14-28, to Whatcom Builders, Inc., as low bidder in the amount of $1,083,838.00.

COMMITTEE ACTION:  

COUNCIL ACTION:  

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

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

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

Through: Frank M. Abart, Director

From: Jeff Gollen, PW Maintenance & Operations Superintendent; Joseph P. Rutan, P.E., County Engineer/Assistant Director

Date: May 6, 2014

Re: Bid #14-28, 2014 Hot Mix Asphalt Prelevel at Various Locations; Construction Contract Award (Whatcom Builders, Inc.)

- Requested Action
  Approval requested to award the bid and subsequent standard construction contract for the 2014 Hot Mix Asphalt Prelevel at various locations to the lowest responsive bidder, Whatcom Builders, Inc. in Bellingham, Washington, in the amount of $1,083,838.00.

Attached for your review and signature is the standard construction contract award package consisting of:
  - Agenda Bill
  - Memo
  - Approval for Contract Award (endorsed by the County Executive)
  - Project Location Summary with Quantities
  - Bid Tabulation (of all bids)
  - Low Bid Proposal

- Background and Purpose
  Bids were duly advertised and submitted for the annual hot mix asphalt prelevel at various locations. As part of the annual maintenance and repair on various county roads and on county road projects, the Public Works Maintenance and Operations Division contracts out the prelevel project. Three bid responses were received Tuesday, April 29, 2014. See attached bid tabulation listing in further detail the three bid proposals received along with the Engineer’s estimate along with the Project Location Summary with Quantities sheet listing in further detail the specific locations around the County proposed for the prelevel project. Factoring in costs for mobilization, signing and traffic control,
pavement repair, seeded lawn installation, and hot mix asphalt prelevel 3/8" Whatcom Builders, Inc., is the overall lowest responsive bidder for the 2014 Hot Mix Asphalt Prelevel Project.

- **Funding Amount and Source**
  Adequate funds exist within the 2014 Budget Road Fund Expenditure. These are regularly budgeted expenditures for prelevel, which is used on an annual basis as needed and has been budgeted during the 2013-2014 Budget process.

- **Recommended Action**
  Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the May 20, 2014, Whatcom County Council Meeting. Please contact Jeff Gollen at extension 50660 if you have any questions or concerns.

Enclosures

In accordance with WCC 3.08.030, I concur with this recommendation.

[Signature]
Sara Winger, Purchasing Coordinator

05/08/2014
Date
2014 Hot Mix Asphalt Prelevel at Various Locations

Bid #14-28

APPROVAL FOR CONTRACT AWARD

Approval is hereby granted to award the construction contract as follows:

PROJECT: 2014 Hot Mix Asphalt Prelevel at Various Locations

To: Whatcom Builders, Inc.

In the amount of their bid proposal of $1,083,838.00 including all taxes.

WHATCOM COUNTY
Approved:

_________________________________________  ____________
Jack Louws, Whatcom County Executive  Date:

Approved as to form:

Daniel L. Gibson  05/08/14
Chief Civil Deputy Prosecutor  Date:
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**Subtotal Proposed Roads**  
124,412  
11.781  
12,136

* Mosquito Lk. Rd. to be finished last from the above list.

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<th>Mile Post</th>
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**Subtotal Alternate Roads**  
27,917  
2.9334  
2,651

**Total Proposed and Alternate Roads**  
152,329  
14.715  
14,787
# BID TABULATION

## 2014 Hot Mix Asphalt Prelevel at Various Locations
**Bid #14-28**

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<th>ITEM NO.</th>
<th>QUANTITY</th>
<th>ITEM</th>
<th>ENGINEER ESTIMATE</th>
<th>WHATCOM BUILDERS</th>
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<td>Per Ton $ 79.00</td>
<td>Per Ton $ 62.00</td>
<td>Per Ton $ 71.00</td>
<td>Per Ton $ 79.00</td>
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**TOTAL BID**

$ 1,290,037.00  $ 1,083,838.00  $ 1,163,785.00  $ 1,298,765.00

I hereby certify that the amounts shown herein are a correct and accurate representation of the amounts from the Engineering estimate and represents the bid proposals opened at 2:30 p.m., April 29, 2014, for the 2014 Hot Mix Asphalt Prelevel at Various Locations, Bid #14-28.

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

On this 29th day of May, 2014, before me personally appeared Joseph P. Rutan, to me personally known to be the person described in and who executed the above instrument and who acknowledged to me the act of signing thereof.

BID PROPOSAL

2014 HOT MIX ASPHALT PRELEVEL
AT VARIOUS LOCATIONS
BID 14-28

Date: April 29, 2014

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

Gentlepersons:

This certifies that the Undersigned has examined the location of the project site and the conditions of work; and has carefully read and thoroughly understands the contract documents entitled: "2014 Hot Mix Asphalt Prelevel at Various Locations", Whatcom County, Washington, including the "Bid Procedures and Conditions", "Specifications and Conditions", "Contract Forms" and "Plans" governing the work embraced in this project, and the method by which payment will be made for said work.

The Undersigned hereby proposes to undertake and complete the work embraced in this project in accordance with said contract documents, and agrees to accept as payment for said work, the schedule of lump sum and unit prices as set forth in the "Bid" below.

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

Company Name: Whatcom Builders Inc
Submitted By: Rich L. Owens General Manager

(Name & Title)
## 2014 HOT MIX ASPHALT PRELEVEL AT VARIOUS LOCATIONS
### BID 14-28

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<th>ITEM &amp; WRITTEN UNIT PRICE</th>
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<td><strong>Sixty-Six</strong></td>
<td>$ 66.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Dollars</strong></td>
<td><strong>100/100 cents</strong> (Written Unit Price Per Ton)</td>
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</tr>
<tr>
<td>6.</td>
<td>2,651 TONS</td>
<td>HOT MIX ASPHALT CLASS 3/8&quot; (Alternate Roads at Various Locations)</td>
<td>PER TON</td>
<td>$164,362.00</td>
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<td><strong>Sixty-Two</strong></td>
<td>$ 62.00</td>
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<td><strong>Dollars</strong></td>
<td><strong>100/100 cents</strong> (Written Unit Price Per Ton)</td>
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<tr>
<td></td>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td>$1,483,888.00</td>
</tr>
</tbody>
</table>

**TOTAL BID – ITEMS 1 THROUGH 6**

**One Million Eighty-Three Thousand, Eight Hundred Thirty-Eight DOLLARS**

**10-A**
NON-COLLUSION DECLARATION

2014 HOT MIX ASPHALT PRELEVEL
AT VARIOUS LOCATIONS
BID 14-28

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

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

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

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

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

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

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

Firm Name: Whatcom Builders Inc
Address: 703 E Laurel Rd
          Bellingham, WA 98226
Telephone Number: 360 398-1487 Fax Number: 360 398-8361
Contact Name: Rich Owens
Contact Phone: 360 507-3932
Contact Email: rich.owens@whatcombuilders.com
Contractor's WA Registration Number: WHATCI*341J5
Contractor's WA UBI Number: 601 350 918
Contractor's WA Employment Security Department Number: 736615009
Contractor's WA Excise Tax Registration Number: 601 350 918

The Firm submitting this proposal is a:  
☐ Sole Proprietorship  
☐ Partnership  
☑ Corporation

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

Mike Lee  
Hank Waggoner  
Rich Owens  

President  
Secretary/Treasurer  
General Manager

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

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

CASHIER’S CHECK □ ___________________________ DOLLARS
CERTIFIED CHECK □ ($__________) PAYABLE TO WHATCOM COUNTY
PROPOSAL BOND ☑ ($54,914.90) IN THE AMOUNT OF 5% OF THE BID
Receipt is hereby acknowledged by addendum(s) No.(s) __, __ & ___.

SIGNATURE OF AUTHORIZED OFFICIAL(S)

(Proposal Must Be Signed) ____________________________

(Seal)
FIRM NAME: Whatcom Builders Inc.

STATE OF WASHINGTON
COUNTY OF WHATCOM

On this 29th day of April, 2014, before me personally appeared Rich Orness, to me known to be the person described in and who executed the above instrument and who acknowledged to me the act of signing sealing thereof.

Heather Rozet, Amber
NOTARY PUBLIC in and for the State of Washington, residing at Lynden.
My commission expires: 10/25/17.

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

KNOW ALL MEN BY THESE PRESENTS, that we Whatcom Builders, Inc.
of, Bellingham, WA, as Principal, and Travelers Casualty and Surety Company of America
a corporation organized and doing business under and by virtue of the laws of the State of
Connecticut and duly licensed to conduct a general surety business in the State of Washington as Surety, are held and firmly bound unto Whatcom County, a Municipal Corporation and Charter County in the State of Washington, in the full and penal sum of five percent (5%) of the total amount of the bid proposal of said Principal for the work herinafter described, for which payment, well and truly to be made, we firmly bind ourselves, our heirs, executors, administrators and assigns, and successors and assigns jointly and severally by these presents.

The condition of this bond is such that, whereas, the Principal herein is herewith submitting his or its bid proposal for 2014 Hot Mix Asphalt Prelevel at Various Locations, said bid proposal, by reference thereto, being hereby made a part hereof.

NOW, THEREFORE, if the said bid proposal submitted by the said Principal be accepted, and the contract be awarded to said Principal, and it said Principal shall duly make and enter into and execute said contract and shall furnish the performance bond as required by the bidding and contract documents within a period of ten (10) days from and after said award, exclusive of the day of such award, then its obligation to pay the above-mentioned penal sum as liquidated damages shall be null and void, otherwise it shall remain and be in full force and effect.

SIGNED AND SEALED, this 29th day of April 2014.

PRINCIPAL

Whatcom Builders, Inc.
Company Name

Rich L. Owens (Seal)
Signature

Rich L. Owens
Print

ATTORNEY-IN-FACT, SURETY

Travelers Casualty and Surety Company of America
Company Name

Susan B. Larson, Attorney-in-Fact
Print

The Attorney-in-Fact (Resident Agent) who executes this bond on behalf of the surety company must attach a copy of his Power-of Attorney as evidence of his authority.
POWER OF ATTORNEY

Attorney-In Fact No. 227618

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Deanna M. French, Jill A. Boyle, Stuart A. O'Farrell, Susan B. Larson, Scott Fisher, Elizabeth R. Hahn, Jana M. Roy, Scott McGilvray, Mindee Rankin, Ellen Bell, Jim Hamlin, Ron Lange, John Claeya, and Roger Kaltenbach

of the City of Bellevue, State of Washington, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 4th day of February, 2014.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By:

Robert L. Raney, Senior Vice President

On this the 4th day of February, 2014, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Wristh Whereof, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2016.

Marie C. Tetesault, Notary Public
This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as is or her certificate of authority may prescribe to sign with the Company’s name and seal with the Company’s seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company’s seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile by any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 29th day of April, 2014.

[Signature]
Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-in-Fact number, the above-named individuals and the details of the bond to which the power is attached.
TO BE SUBMITTED WITH THE BID PROPOSAL

Project Name: **2014 Hot Mix Asphalt Prelevel at Various Locations**

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

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

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

<table>
<thead>
<tr>
<th>Subcontractor Name</th>
<th>Work to be Performed</th>
</tr>
</thead>
<tbody>
<tr>
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<table>
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<th>Subcontractor Name</th>
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</table>
# WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
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<td>5/8/14</td>
<td></td>
<td>5/20/14</td>
<td>Finance/Council</td>
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<td>Dept. Head:</td>
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<tr>
<td>Prosecutor:</td>
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<tr>
<td>Purchasing/Budget:</td>
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<td>5/8/14</td>
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<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td>05/12/14</td>
<td></td>
<td></td>
</tr>
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</table>

**TITLE OF DOCUMENT:** Bid #14-23 Annual Drydocking, Repair & Maintenance of the Whatcom Chief Ferry

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

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

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

Public Works Equipment Services Division is requesting approval to award bid 14-23, and approval for the Executive to enter into a contract for the annual drydock repairs and maintenance of the Whatcom Chief Ferry. Four bids were received and the recommendation is for award to the low bidder, Vigor Marine, for a total cost of $221,433.00.

This is a planned project and funds were approved in the current budget.

**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.
DATE: May 8, 2014

TO: Jack Louws, County Executive

FROM: Brad Bennett, Administrative Services Finance Manager

SUBJECT: Award of Bid 14-23, Annual Drydocking, Repairs & Maintenance of the Whatcom Chief Ferry

BACKGROUND
Bids were advertised for the annual drydock, repairs and maintenance service for the Whatcom Chief Ferry. Four bids were received on April 22, 2014. The bid totals are as follows:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>TOTAL BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foss Maritime Company</td>
<td>$258,077.00</td>
</tr>
<tr>
<td>Lake Union Drydock Company</td>
<td>$260,854.00</td>
</tr>
<tr>
<td>Puglia Engineering/Fairhaven Shipyard</td>
<td>$262,652.00</td>
</tr>
<tr>
<td>Vigor Marine (Tacoma, Washington)</td>
<td>$221,433.00</td>
</tr>
</tbody>
</table>

Public Works Equipment Services Division requests approval to award the bid and enter into a contract with the low bidder Vigor Industrial LLC, dba Vigor Marine (Tacoma, Washington) in the amount of $221,433.00.

FUNDING
This is a regularly budgeted project and funds for this purchase were approved in the current budget. I concur with this recommendation.

Approved as Recommended:

County Executive  

Date of Council Action  

Brad Bennett, Finance Manager

Administrative Services Finance Manager
MEMORANDUM

TO: Brad Bennett, AS Finance Manager
THROUGH: Frank M. Abart, PW Director
FROM: Eric L. Schlehuber, PW Equipment Services Manager
RE: Bid 14-23, Drydocking, Repair & Maintenance of the Whatcom Chief (2014)
DATE: May 6, 2014

- Requested Action
Approval requested to award the bid and subsequent contract for the 2014 Annual Drydocking, Repair and maintenance of the Whatcom Chief to the lowest responsive bidder, Vigor Industrial LLC, DBA Vigor Marine in Tacoma, Washington in the total amount of $221,433.00.

- Background and Purpose
Bids were duly advertised and submitted for the annual drydocking, repair and maintenance of the Whatcom Chief Ferry. Public Works Equipment Services Division contracts out annually the drydocking of the Whatcom Chief Ferry. Bid responses were received Tuesday, April 22, 2014. We received responses from four vendors. This year’s drydock is anticipated to take up to two weeks from September 3 to September 17, 2014. The Engineer’s Estimate was $312,794.00. Listed below is the detailed bid tabulation for the lowest responsive bid that meets minimum specifications of the four bid responses received for the annual drydocking for 2014.

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vigor Industrial LLC, DBA Vigor Marine (Tacoma, Washington)</td>
<td>$221,433.00</td>
</tr>
</tbody>
</table>

- Funding Amount and Source
Adequate funds exist within the 2013-2014 ER&R fund budget and is within the budgeted expenditure amount for repairs and maintenance as approved during the 2013-2014 budget process.

I am requesting Executive and the Whatcom County Council approval to award this bid and subsequent contract to Vigor Industrial LLC, DBA Vigor Marine (Tacoma, Washington) for a total of $221,433.00.

Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the May 20, 2014 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 50607 if you have any questions or concerns.

Encl.
**WHATCOM COUNTY COUNCIL AGENDA BILL**  
**NO.** 2014-191

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
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<tr>
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<td>05/07/14</td>
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<td>05/20/14</td>
<td>Finance Council</td>
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<tr>
<td>Executive:</td>
<td></td>
<td>05/12/14</td>
<td></td>
<td>05/20/14</td>
<td>Finance Council</td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:** Approval to Award Bid 14-18, Rental Equipment

**ATTACHMENTS:** Memo from Finance

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

Administrative Services is requesting approval to award Bid 14-18, Rental Equipment. They would like to award to all bidders. The intent of this bid is to obtain firm pricing on rental equipment that could be used by Public Works and any other department that may need to rent equipment for regular projects or emergencies. When equipment is needed, the County will select it from the list, based on equipment availability and suitability, with preference to low bidders. It is possible that more than $35,000 could be spent with a single vendor.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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<thead>
<tr>
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<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.
DATE: May 7, 2014
TO: Jack Louws, County Executive
FROM: Brad Bennett, Administrative Services Finance Manager
SUBJECT: Award of Bid #14-18, Rental of Equipment

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

Public Works and other departments will select equipment for rent from the list. The selection will be based on equipment availability and suitability, with preference to the low bidder. The following companies submitted bids on Tuesday March 25, 2014. A list of available equipment and labor rates is attached.

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

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

I concur with the recommendation.

[Signature]
Administrative Services Finance Manager

Approved as Recommended:

County Executive

Date of Council Action

143
Whatcom County
Bid #14-18

2014-2015
Rental Rates for
Maintenance
&
Rental Equipment
## Group 1 - Gravel Dump Trucks

### 10-Yard 3-Axle Dump Truck

<table>
<thead>
<tr>
<th>Bidder Information</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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<tr>
<td>Hertz Equipment Rental</td>
<td>8</td>
<td>$455</td>
<td>$1,450</td>
<td>$3,795</td>
<td></td>
</tr>
<tr>
<td>Phone</td>
<td>360-734-2900</td>
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<td></td>
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</tr>
<tr>
<td>Location</td>
<td>Bellingham</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Mobilization</td>
<td>$85/hr</td>
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<tr>
<td>United Rentals</td>
<td>4</td>
<td>$564.69</td>
<td>$1,411.72</td>
<td>$3,529.30</td>
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<tr>
<td>Phone</td>
<td>360-647-7800</td>
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<td>Location</td>
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<tr>
<td>Mobilization</td>
<td>$75</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

### 12-Yard 4-Axle Dump Truck
- No Bid

### 18-Yard 5-Axle Dump Truck & Pony Trailer
- No Bid

### 22-Yard 7-Axle Dump Truck & Pony Trailer
- No Bid

### End Dump Tubs (greater than 15 yards)
- No Bid

## Group 2 - Rock Dump Trucks

### 10-Yard 3-Axle Dump Truck
- No Bid

### 12-Yard 4-Axle Dump Truck
- No Bid

### End Dump Tubs (greater than 15 yards)
- No Bid

## Group 3 - Side Dump Trucks

### 10-Yard 3-Axle Dump Truck
- No Bid

### 12-Yard 4-Axle Dump Truck
- No Bid

### 18-Yard 5-Axle Dump Truck & Pony Trailer
- No Bid

### 22-Yard 7-Axle Dump Truck & Pony Trailer
- No Bid

### End Dump Tubs (greater than 15 yards)
- No Bid
### Group 4 - Lowboy & Pup Trailer

<table>
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<th>Type</th>
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<tbody>
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<td>2-Axle Lowboy Trailer</td>
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<td>3-Axle Lowboy Trailer</td>
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<td>4-Axle Lowboy Trailer</td>
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<td>Pup Trailer</td>
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<td>3-Axle Pup Trailer with Truck</td>
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### Group 5 - Semi-Bottom Dump Truck

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<td>18-yard Belly Dump 2-Axle Trailer</td>
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### Group 6 - Off-Road Dump Truck

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<th>Mnthly</th>
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## Group 7 - Front End Loader

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# Whatcom County
# Bid #14-18
# Rental Rates for Equipment without Operator

## Group 7 - Front End Loader (continued)

### 4-cubic yard

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### 5-cubic yard

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# Group 8 - Road Grader

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# Group 9 - Dozer

## D-3 Dozer

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## D-5 Dozer

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<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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<td>NW Heavy Equipment Repair</td>
<td>D-5: CAT D5G (LGP)</td>
<td>No</td>
<td>1</td>
<td>$340</td>
<td>$1,360</td>
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<td>Phone</td>
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<tr>
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## Whatcom County
### Bid #14-18
### Rental Rates for Equipment without Operator

### Group 9 - Dozer (continued)

#### D-6 Dozer

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<th>Daily</th>
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<tr>
<td>Farmers Equipment Co</td>
<td>New Holland D-95 18,000lb</td>
<td>No</td>
<td>2</td>
<td>$250</td>
<td>$1,000</td>
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<td>Phone</td>
<td>360-354-4451</td>
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| Hertz Equipment Rental | JD 750 LGP, cab | Yes | 1 | $760 | $2,565 | $6,525 |
| Phone                | 360-734-2900          |     |   |      |        |        |
| Location             | Bellingham            |     |   |      |        |        |
| Mobilization         | Varies                |     |   |      |        |        |

| NC Machinery | CAT D6 NXL | $600 | $1,850 | $6,500 |
| Phone        | 253-405-6765        |     |        |        |
| Location     | Washington          |     |        |        |
| Mobilization | Call                |     |        |        |

| Star Rentals | John Deere 550 | No | 1 | NA | $225 | $800 | $1,950 |
| Phone        | 425-348-6969      |     |   |    |      |      |        |
| Location     | Ferndale          |     |   |    |      |      |        |
| Mobilization | $50               |     |   |    |      |      |        |

| United Rentals | John Deere 6505 | 2 | $599.50 | $1,496 | $3,734.50 |
| Phone          | 360-647-7800      |     |         |         |         |
| Location       | Bellingham        |     |         |         |         |
| Mobilization   | $75               |     |         |         |         |

#### D-7 Dozer

**No Bid**

#### D-8 Dozer

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<th>Description</th>
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<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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| NC Machinery       | D8T 4 Way        |         |       | $1,950 | $5,900 | $16,000 |}
| Phone              | 253-405-6765     |         |       |     |       |       |        |
| Location           | Washington       |         |       |     |       |       |        |
| Mobilization       | Call             |         |       |     |       |       |        |

### Miscellaneous

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<th>Daily</th>
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<td>$1,210</td>
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<td>Varies</td>
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| NW Heavy Equipment Repair | JD 650J LT | Yes | 1 | $300 | $1,200 | $3,600 |
| Phone                | 360-676-9331 |     |   |      |        |        |
| Location             | Bellingham  |     |   |      |        |        |
| Mobilization         | $110/hr     |     |   |      |        |        |

| NW Heavy Equipment Repair | JD 650H LT | 1 Yes/1 No | 2 | $300 | $1,200 | $3,600 |
| Phone                | 360-676-9331 |     |   |      |        |        |
| Location             | Bellingham  |     |   |      |        |        |
| Mobilization         | $110/hr     |     |   |      |        |        |
# Group 10, 11, 12, 13 - Excavator

<table>
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<tr>
<th>Bidder Information</th>
<th>Group #</th>
<th>Description</th>
<th>Unit Weight</th>
<th>Bucket Size</th>
<th>Lift Capacity</th>
<th>Thumb</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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<tr>
<td>Farmers Equipment Co</td>
<td>10</td>
<td><strong>Kobelco SR 35</strong></td>
<td>8,500lb</td>
<td>12&quot;,24&quot;,40&quot;</td>
<td>Yes</td>
<td>2</td>
<td>$225</td>
<td>$900</td>
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<td><strong>Kobelco SR 55</strong></td>
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<td><strong>Kobelco SK 140</strong></td>
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<td>36&quot;,48&quot;</td>
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<td><strong>Doosan DX 140</strong></td>
<td>31,000lb</td>
<td>36&quot;,48&quot;</td>
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<td><strong>Doosan DX 180</strong></td>
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<td>$400</td>
<td>$1,600</td>
<td>$4,800</td>
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<td><strong>Kobelco SK 210</strong></td>
<td>52,000lb</td>
<td>36&quot;,60&quot;</td>
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<td><strong>Kobelco SK210 with Breaker</strong></td>
<td>52,000lb</td>
<td>Allied E68</td>
<td>Yes</td>
<td>1</td>
<td>$900</td>
<td>$4,500</td>
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<td></td>
<td></td>
<td><strong>Kobelco SK 200 Longreach, 50' boom</strong></td>
<td>3/4 Yard</td>
<td>12&quot;,16&quot;</td>
<td>No</td>
<td>1</td>
<td>$800</td>
<td>$3,200</td>
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<td>Hertz Equipment Rentals</td>
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<td><strong>JD 17D</strong></td>
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<td><strong>John Deere 27</strong></td>
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<td>2,100lb</td>
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<td>14</td>
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<td>$595</td>
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<td><strong>John Deere 35D</strong></td>
<td>7,500lb</td>
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<td>77</td>
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<td><strong>John Deere 50D</strong></td>
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<td><strong>John Deere 85D Bobcat E80</strong></td>
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<td><strong>John Deere 135D</strong></td>
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<td><strong>John Deere 160D</strong></td>
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<td><strong>Komatsu PC 200</strong></td>
<td>48,000lb</td>
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<td>21,000lb</td>
<td>Yes</td>
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<td><strong>John Deere 200 Reduced Swing</strong></td>
<td>53,000lb</td>
<td>24&quot;,36&quot;,48&quot;,54&quot;,60&quot;,72&quot;</td>
<td>21,000lb</td>
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<td><strong>Komatsu PC 360</strong></td>
<td>78,000lb</td>
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<td>26,000lb</td>
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<td><strong>CAT 312</strong></td>
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<td><strong>CAT 315</strong></td>
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<td><strong>CAT 320</strong></td>
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2014-2015 Rental Rates
Page 7 of 15
## Group 10, 11, 12, 13 - Excavator (continued)

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<th>Bidder Information</th>
<th>Group #</th>
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<th>Bucket Size</th>
<th>Lift Capacity</th>
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<th>Wkly</th>
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<td>NW Heavy Equipment Repair</td>
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<td>Kubota KX41-V</td>
<td>3,700 lb</td>
<td>9&quot;, 12&quot;, 16&quot;, 18&quot;</td>
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<td>$128</td>
<td>$512</td>
<td>$1,536</td>
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<td>Phone</td>
<td>360-676-9331</td>
<td>Kubota KX121-3</td>
<td>9,000 lb</td>
<td>12&quot;, 24&quot;, 36&quot;</td>
<td>Yes</td>
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<td>$736</td>
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<td>Kubota KX161, U45 or 057/AB</td>
<td>12,000 lb</td>
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<td>Yes</td>
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<td>Hitachi ZX70 w/blade</td>
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<td>Hitachi ZX200</td>
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<td>Kubota U45 A/B zero tail swing</td>
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<td>Pape Rents/Bobcat West</td>
<td>10</td>
<td>Bobcat 324</td>
<td>4,000 lb</td>
<td>12&quot;-30&quot;</td>
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<td>360-756-6572</td>
<td>Bobcat E32-E35</td>
<td>8,000 lb</td>
<td>12&quot;-36&quot;</td>
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<td>Yes</td>
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<td>$232</td>
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<td>3600</td>
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<td>Takeuchi TB016</td>
<td>4,000 lb</td>
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<td>Yes</td>
<td>1</td>
<td>NA</td>
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<td>John Deere 120</td>
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<td>1</td>
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<td>$1,184</td>
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<td>NA</td>
<td>$405</td>
<td>$1,440</td>
<td>$3,510</td>
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Please see additional sizes and rates - attached

| United Rentals | 10 | Takeuchi TB016 | 12"-24" | 500 lb | Yes | 5 | $209 | $522.50 | $1,298 |
| Phone | 360-647-7800 | Takeuchi TB135 | 9,199 | | | 10 | $264 | $660 | $1,639 |
| Location | Bellingham | Takeuchi TB145 | 13,999 | | | 5 | $308 | $759 | $1,897.50 |

"First excavator bucket is always free"
## Group 17 - Broom, Regenerative Air Sweeper, Vacuum Truck Sweeper, & Self-Propelled Broom

<table>
<thead>
<tr>
<th>Bidder Information</th>
<th>Description</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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<tr>
<td><strong>Hertz Equipment Rental</strong></td>
<td>Laymor 8HC, 3 wheel</td>
<td>12</td>
<td>$240</td>
<td>$675</td>
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<td>Broce KR350, 4 wheel, cab</td>
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<td>$255</td>
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<td>Bobcat S130 w/sweeper</td>
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## Group 18A - Steel Roller

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<th>Roller Width</th>
<th>Vibrate</th>
<th>Units</th>
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<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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<tbody>
<tr>
<td><strong>Famers Equipment Co</strong></td>
<td>Wacker</td>
<td>3500</td>
<td>48&quot;</td>
<td>Yes</td>
<td>1</td>
<td>$175</td>
<td>$700</td>
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<tr>
<td>Phone 360-354-4451</td>
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<td>Wacker RD 11A</td>
<td>2500</td>
<td>36&quot;</td>
<td>Yes</td>
<td>12</td>
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<td>$575</td>
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<td>$130</td>
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<td>Vibromax 265</td>
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<td>47&quot;</td>
<td>Yes</td>
<td>1</td>
<td>$132</td>
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<td>Bomag BW 100</td>
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<td>1</td>
<td>$149</td>
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<td>Stone WP 3100</td>
<td>1 ton</td>
<td>32&quot;</td>
<td>Yes</td>
<td>1</td>
<td>$117</td>
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### Group 18A - Steel Roller (continued)

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<th>Unit Weight</th>
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<th>Vibrate</th>
<th>Units</th>
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<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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<td>Wacker RD27-120</td>
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<td>6</td>
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### Group 18B - Pneumatic Roller

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<th>Daily</th>
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<td>Stone pD54</td>
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<td>IR SD-450</td>
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<td>$220</td>
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<td>Hamm 3205</td>
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<td>Vibromax 1105</td>
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<td>Hamm 3410</td>
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### Group 18C - Sheepsfoot Roller

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<th>Description</th>
<th>Unit Weight</th>
<th>Roller Width</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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### Group 19 - Mobile Crane

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<tr>
<td>Mobilization</td>
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<td>Peterbilt PB385</td>
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<tr>
<td>Ford F-750</td>
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</tbody>
</table>

### Group 20 - Pile Driver

**No Bid**
## Group 21 - Dragline or Clam
No Bid

## Group 22 - Layton Box
No Bid

## Group 23 - Pavement Pulverizer
No Bid

## Group 24 - Self-Loading Ditch Cleaner
No Bid

## Group 25 - Hydro-Seeder
No Bid

## Group 26 - Backhoe

<table>
<thead>
<tr>
<th>Bidder Information</th>
<th>Description</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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<tbody>
<tr>
<td>Famers Equipment Co</td>
<td>New Holland B95 4x4 X-Tend-A-Hoe</td>
<td>1</td>
<td>$225</td>
<td>$900</td>
<td>$2,700</td>
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</tr>
<tr>
<td>Phone 360-354-4451</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Location Lyden, WA</td>
<td></td>
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<tr>
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<tr>
<td>Hertz Equipment Rental</td>
<td>JD310 or Case 580 (4wd, ext)</td>
<td>40</td>
<td>$230</td>
<td>$690</td>
<td>$1,850</td>
<td></td>
</tr>
<tr>
<td>Phone 360-734-2900</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Location Bellingham</td>
<td>Case 590, cab, 4wb, extenda hoe</td>
<td>4</td>
<td>$350</td>
<td>$1,085</td>
<td>$2,595</td>
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<td>Mobilization $85/hr</td>
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<tr>
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<td>CAT 420 E Ext Hoe</td>
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<td>$250</td>
<td>$825</td>
<td>$2,250</td>
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</tr>
<tr>
<td>Phone 253-405-6765</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Location Washington</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Mobilization Call</td>
<td></td>
<td></td>
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<tr>
<td>NW Heavy Equipment Repair</td>
<td>JD310SG 4x4 1.2 +c/o bkts</td>
<td>1</td>
<td>$168</td>
<td>$504</td>
<td>$1,512</td>
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</tr>
<tr>
<td>Phone 360-676-9331</td>
<td>JD310SG 4x4 1.2 +c/o bktsw/hoe pack</td>
<td>1</td>
<td>$243</td>
<td>$804</td>
<td>$2,412</td>
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<tr>
<td>Location Bellingham</td>
<td>Kubota B26 4x4</td>
<td>1</td>
<td>$145</td>
<td>$580</td>
<td>$1,740</td>
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<tr>
<td>Mobilization B26 $75/hr</td>
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<tr>
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<td>John Deere 5105K</td>
<td>1</td>
<td>NA</td>
<td>$208</td>
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<td>$1,806</td>
</tr>
<tr>
<td>Phone 425-348-6969</td>
<td>Case 580 4wd</td>
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<td>$208</td>
<td>$741</td>
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<tr>
<td>Mobilization $50</td>
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<tr>
<td>United Rentals</td>
<td>Case 580N</td>
<td>5</td>
<td>$275</td>
<td>$682</td>
<td>$1,694</td>
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<tr>
<td>Phone 360-647-7800</td>
<td>Case 580N Ext Hoe</td>
<td>5</td>
<td>$297</td>
<td>$742.50</td>
<td>$1,847.53</td>
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<td>Case 580N Cab</td>
<td>5</td>
<td>$275</td>
<td>$682</td>
<td>$1,694</td>
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<tr>
<td>Mobilization $75</td>
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</table>
## Group 27 - Tractor Mounted Mower & Brush Cutter

<table>
<thead>
<tr>
<th>Bidder Information</th>
<th>Description</th>
<th>Reach Length</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
</tr>
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<tbody>
<tr>
<td>NW Heavy Equipment Repair</td>
<td><em>Kubota B26</em></td>
<td>1</td>
<td>$128</td>
<td>$512</td>
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</tr>
<tr>
<td>Phone</td>
<td>360-676-9331</td>
<td></td>
<td></td>
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<td>Location</td>
<td>Bellingham</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Mobilization</td>
<td>$75/hr</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

## Flail/Rear Mount
- No Bid

## Rotary/Shoulder
- No Bid

## Flail/Shoulder
- No Bid

## Rotary/Longarm
- No Bid

## Flail/Longarm
- No Bid

## Group 28 - Skid-Steer Mounted Mower & Brush Cutter

<table>
<thead>
<tr>
<th>Bidder Information</th>
<th>Description</th>
<th>Reach Length</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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</thead>
<tbody>
<tr>
<td>NC Machinery</td>
<td><em>CAT 279 w/72&quot; Mower</em></td>
<td></td>
<td></td>
<td>$325</td>
<td>$1,200</td>
<td>$3,500</td>
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<tr>
<td>Phone</td>
<td>253-405-6765</td>
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<tr>
<td>Location</td>
<td>Washington</td>
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</tr>
<tr>
<td>Mobilization</td>
<td>Call</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Pape Rents/Bobcat West</td>
<td><em>Bobcat T770 w/US Mower QA60</em></td>
<td>2</td>
<td></td>
<td>$500</td>
<td>$1,800</td>
<td></td>
<td>$5,400</td>
</tr>
<tr>
<td>Phone</td>
<td>360-756-6572</td>
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<td></td>
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</tr>
<tr>
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<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Mobilization</td>
<td>$50 in/$50 out</td>
<td></td>
<td></td>
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<tr>
<td>United Rentals</td>
<td><em>John Deere 323D</em></td>
<td>4</td>
<td></td>
<td>$280.50</td>
<td>$698.50</td>
<td>$1,743.50</td>
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</tr>
<tr>
<td>Phone</td>
<td>360-647-7800</td>
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<td>Mobilization</td>
<td>$75</td>
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<tr>
<td>Bradco Pow R Cutter</td>
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<td>2</td>
<td></td>
<td>$120</td>
<td>$382</td>
<td>$672</td>
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</table>

## Group 29 - Roadside Mower
- No Bid

## Group 30 - Walking Leg-Type Heavy Duty Brush Cutter

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<thead>
<tr>
<th>Bidder Information</th>
<th>Description</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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</thead>
<tbody>
<tr>
<td>United Rentals</td>
<td><em>Stihl</em></td>
<td>4</td>
<td>$43</td>
<td>$158</td>
<td>$397</td>
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</tr>
<tr>
<td>Phone</td>
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<tr>
<td>Mobilization</td>
<td>$75</td>
<td></td>
<td></td>
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## Group 31 - Sewer Jet
- No Bid
## Group 32 - Water Truck

<table>
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<tr>
<th>Bidder Information</th>
<th>Description</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hertz Equipment Rental</td>
<td>IH 4200-WT 2000 gallon</td>
<td>10</td>
<td>$245</td>
<td>$795</td>
<td>$1,995</td>
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<tr>
<td></td>
<td>IH 7400-WT 3700 gallon</td>
<td>7</td>
<td>$410</td>
<td>$1,450</td>
<td>$3,495</td>
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<tr>
<td>NC Machinery</td>
<td>2000 Gallon</td>
<td></td>
<td>$300</td>
<td>$975</td>
<td>$3,000</td>
<td></td>
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<tr>
<td></td>
<td>4000 Gallon</td>
<td></td>
<td>$400</td>
<td>$1,250</td>
<td>$4,100</td>
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</tr>
<tr>
<td>Star Rentals</td>
<td>International-2000 Gallon</td>
<td>1</td>
<td>NA</td>
<td>$225</td>
<td>$800</td>
<td>$1,950</td>
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<tr>
<td>United Rentals</td>
<td>Ford F750 3000gal</td>
<td>3</td>
<td>$350</td>
<td>$880</td>
<td>$2,200</td>
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<tr>
<td></td>
<td>Inter 7500 4000gal</td>
<td>3</td>
<td>$528</td>
<td>$1,320</td>
<td>$3,300</td>
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## Group 33 - Dust Retardant Truck

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<th>Description</th>
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<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Star Rentals</td>
<td>International-2000 Gallon</td>
<td>1</td>
<td>NA</td>
<td>$225</td>
<td>$800</td>
<td>$1,950</td>
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## Group 34 - Utility Boring Machine

No Bid

## Group 35 - Under Bridge Inspection Equipment

No Bid

## Group 36 - Snow Removal Equipment

<table>
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<th>Bidder Information</th>
<th>Description</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC Machinery</td>
<td>246 Skidsteer w/Snow Blade</td>
<td></td>
<td>$250</td>
<td>$750</td>
<td>$2,300</td>
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<tr>
<td>NW Heavy Equipment Repair</td>
<td>CAT 259B trackloader w/cab</td>
<td>1</td>
<td>$210</td>
<td>$840</td>
<td>$2,520</td>
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<tr>
<td></td>
<td>5130 Bobcat skid steer</td>
<td>1</td>
<td>$130</td>
<td>$520</td>
<td>$1,560</td>
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### Group 37 - Man Lift

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<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hertz Equipment Rental</td>
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<td></td>
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</tr>
<tr>
<td>Phone 360-734-2900</td>
<td>See Attached List</td>
<td></td>
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<tr>
<td>Location Bellingham</td>
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<td></td>
</tr>
<tr>
<td>Mobilization $85/hr</td>
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<td></td>
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</tr>
<tr>
<td>Pape Rents/Bobcat West</td>
<td>Genie S45</td>
<td></td>
<td>$ 225</td>
<td>$ 650</td>
<td>$ 1,895</td>
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</tr>
<tr>
<td>Phone 360-756-6572</td>
<td></td>
<td></td>
<td>$ 335</td>
<td>$ 979</td>
<td>$ 2,266</td>
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<tr>
<td>Location Bellingham</td>
<td>Genie S65</td>
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<tr>
<td>Mobilization $75 in/$75 out</td>
<td>Genie S85</td>
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<td>$ 695</td>
<td>$ 2,163</td>
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<td>Star Rentals</td>
<td>Genie S125</td>
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<td>$ 1,100</td>
<td>$ 3,400</td>
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</tr>
<tr>
<td>Phone 425-348-6969</td>
<td>See Attached List</td>
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<tr>
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<tr>
<td>Mobilization $50</td>
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<tr>
<td>United Rentals</td>
<td>Genie S-40</td>
<td>10</td>
<td>$ 266.40</td>
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<td>$ 1,595</td>
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</tr>
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<td>Phone 360-647-7800</td>
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<td>$ 356.40</td>
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<td>$ 2,227.50</td>
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<td>Genie S-60</td>
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<td>Mobilization $75</td>
<td>Genie S-85+</td>
<td>10</td>
<td>$ 616</td>
<td>$ 1,540</td>
<td>$ 3,850</td>
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### Group 38 - Gas Powered Breaker-Rock Drill

No Bid

### Group 39 - Forklift

<table>
<thead>
<tr>
<th>Bidder Information</th>
<th>Description</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmers Equipment Co</td>
<td>Komatsu FG-25 5000lb</td>
<td>10</td>
<td>$ 100</td>
<td>$ 350</td>
<td>$ 900</td>
<td></td>
</tr>
<tr>
<td>Phone 360-354-4451</td>
<td>Komatsu FG-40 8000lb</td>
<td>5</td>
<td>$ 150</td>
<td>$ 525</td>
<td>$ 1,150</td>
<td></td>
</tr>
<tr>
<td>Location Lynden</td>
<td>Komatsu FG-50 10,000lb</td>
<td>2</td>
<td>$ 200</td>
<td>$ 550</td>
<td>$ 1,450</td>
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<td>Mobilization $75/hr</td>
<td>Komatsu FD 100 22,000lb</td>
<td>1</td>
<td>$ 400</td>
<td>$ 1,200</td>
<td>$ 3,500</td>
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<td>Hertz Equipment Rental</td>
<td>Reach Fork Lift:</td>
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</tr>
<tr>
<td>Phone 360-734-2900</td>
<td>Genie 5519 5000lb</td>
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<td>$ 100</td>
<td>$ 450</td>
<td>$ 950</td>
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<tr>
<td>Location Bellingham</td>
<td>Genie 842 8000lb</td>
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<td>$ 150</td>
<td>$ 650</td>
<td>$ 1,350</td>
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<td>Mobilization $85/hr</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Pape Rents/Bobcat West</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Phone 360-756-6572</td>
<td>1044</td>
<td></td>
<td>$ 400</td>
<td>$ 1,250</td>
<td>$ 2,575</td>
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<td>Location Bellingham</td>
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<td>$ 450</td>
<td>$ 1,280</td>
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<td>$ 800</td>
<td>$ 2,100</td>
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<tr>
<td>Star Rentals</td>
<td>10,000lb Gehl RS10-44</td>
<td>1</td>
<td>$ 175</td>
<td>$ 700</td>
<td>$ 1,750</td>
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</tr>
<tr>
<td>Phone 425-348-6969</td>
<td>10,000lb Gehl RS10-55</td>
<td>1</td>
<td>NA</td>
<td>$ 306</td>
<td>$ 1,088</td>
<td>$ 2,431</td>
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<tr>
<td>Location Ferndale</td>
<td>20,000lb SkySack ZB 20044</td>
<td>1</td>
<td>NA</td>
<td>$ 355</td>
<td>$ 1,263</td>
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<tr>
<td>Mobilization $50</td>
<td></td>
<td></td>
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<tr>
<td>United Rentals</td>
<td>10,000lb Skytrak Reach</td>
<td>5</td>
<td>$ 541.20</td>
<td>$ 1,353</td>
<td>$ 3,382.50</td>
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<tr>
<td>Phone 360-647-7800</td>
<td>5,000lb Whse Forklift Toyota</td>
<td>10</td>
<td>$ 170.50</td>
<td>$ 495</td>
<td>$ 1,072.50</td>
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<tr>
<td>Location Bellingham</td>
<td>6,000lb Reach Forklift Genie</td>
<td>8</td>
<td>$ 316.80</td>
<td>$ 792</td>
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<td>Mobilization $75</td>
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<td></td>
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</table>
## Group 40 - Trailer

<table>
<thead>
<tr>
<th>Bidder Information</th>
<th>Description</th>
<th>GVWR</th>
<th>Length</th>
<th>Hitch</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
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<tbody>
<tr>
<td>United Rentals</td>
<td>Fixed Barretto E4X5DG T</td>
<td>2000</td>
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<td>2&quot;</td>
<td>3</td>
<td>$ 46.64</td>
<td>$ 116.60</td>
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</tr>
<tr>
<td>Location</td>
<td>Bellingham</td>
<td></td>
<td></td>
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| Tilt PJ T6202           | 9300                         | 18'  | 2 5/16" | 10    | $ 70.40 | $ 176  | $ 440 |

## Group 41 - Miscellaneous Equipment

<table>
<thead>
<tr>
<th>Bidder Information</th>
<th>Description</th>
<th>Units</th>
<th>Hrly</th>
<th>Daily</th>
<th>Wkly</th>
<th>Mnthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xylem Dewatering Solutions (dba Godwin Pumps)</td>
<td>See Attached List</td>
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<tr>
<td>Phone</td>
<td>360-336-0691</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Location</td>
<td>Mt. Vernon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Mobilization</td>
<td>See Attached</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

| Hertz Equipment Rental   | See Attached List            | | | | | |
| Phone                    | 360-734-2900                 |       |      |       |      |        |
| Location                 | Bellingham                   |       |      |       |      |        |
| Mobilization             | $85/hr                       |       |      |       |      |        |

| NC Machinery             | See Attached List            | | | | | |
| Phone                    | 253-405-6765                 |       |      |       |      |        |
| Location                 | Washington                   |       |      |       |      |        |
| Mobilization             | Call                          |       |      |       |      |        |

| NW Heavy Equipment Repair | Vermeer BC1000XL chipper 10" | 1     | $ 200 | $ 800 | $ 2,400 |
| Phone                    | 360-676-9331                 |       |      |       |        |
| Location                 | Bellingham                   |       |      |       |        |
| Mobilization             | $75/hr                       |       |      |       |        |

| Wacker rev. plate 800lb diesel electric start | 1     | $ 128 | $ 512 | $ 1,536 |
| Location                 | Bellingham                   |       |      |       |        |
| Mobilization             | $48/hr                       |       |      |       |        |

| Auger for KX121 mini excavator w/bits | 1     | $ 100 | $ 400 | $ 1,200 |
| Phone                    | 360-756-6572                 |       |      |       |        |
| Location                 | Bellingham                   |       |      |       |        |
| Mobilization             | $50 in/$50 out               |       |      |       |        |

| Bobcat MT52 Walk Behind Track Loader | 3     | $ 140 | $ 465 | $ 1,235 |
| Phone                    | 360-756-6572                 |       |      |       |        |
| Location                 | Bellingham                   |       |      |       |        |
| Mobilization             | $50 in/$50 out               |       |      |       |        |

| Bobcat 7.5 K T190 Track Loader | 3     | $ 232 | $ 927 | $ 2,163 |
| Phone                    | 360-756-6572                 |       |      |       |        |
| Location                 | Bellingham                   |       |      |       |        |
| Mobilization             | $50 in/$50 out               |       |      |       |        |

| Bobcat 10K T770 Track Loader | 4     | $ 283 | $ 1,030 | $ 2,575 |
| Phone                    | 360-756-6572                 |       |      |       |        |
| Location                 | Bellingham                   |       |      |       |        |
| Mobilization             | $50 in/$50 out               |       |      |       |        |

| Genie Scissor Lifts:     | $ 90  | $ 200 | $ 375 |
| Location                 | Ferndale                      |       |      |        |
| Mobilization             | $50 in/$50 out               |       |      |        |

| Star Rentals             | See Attached List            | | | | | |
| Phone                    | 425-348-6969                 |       |      |       |      |        |
| Location                 | Ferndale                      |       |      |       |      |        |
| Mobilization             | $50                          |       |      |       |      |        |

| United Rentals           | Rotary hammer Dewalt         | 10    | $ 71.50 | $ 176 | $ 440 |
| Phone                    | 360-647-7800                 |       |      |       |        |
| Location                 | Bellingham                   |       |      |       |        |
| Mobilization             | $75                          |       |      |       |        |

| Compressor 185 Sulair    | $ 99                          | $ 242 | $ 605 |
| Compressor 375 Sulair    | $ 209                         | $ 517 | $ 1,281.50 |
| 9016 Breaker APT         | $ 49.50                      | $ 121 | $ 302.50 |
| 3016 Breaker APT         | $ 44                         | $ 104.50 | $ 258.50 |
| Rammer Wacker BS 60-45   | $ 148.50                     | $ 368.50 | $ 918.50 |
| Welder Arc 250 Amp LP Miller | $ 83.60              | $ 209 | $ 522.90 |
| Trash Pump 2" Wacker PT2 | $ 66                         | $ 185 | $ 412.50 |
| 2" Sub Pump Wacker 110v  | $ 49.50                      | $ 121 | $ 302.50 |
| Pressure Washer 3000psi  | $ 104.50                     | $ 258.50 | $ 643.50 |
| Pressure Washer 2500psi  | $ 88                         | $ 220 | $ 550 |
| Chipper 12"              | $ 379.50                     | $ 946 | $ 2,395.50 |
| Chipper 6"               | $ 181.50                     | $ 456.50 | $ 1,133 |
| 36" Drum Fan             | $ 49.50                      | $ 115.50 | $ 286 |
| Generator 45 KVA         | $ 193.60                     | $ 484 | $ 1,210 |

Attached list for additional items and pricing.

2014-2015 Rental Rates
Page 15 of 15
**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>pj</td>
<td>10/4/13</td>
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<td>Division Head:</td>
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<td>Prosecutor:</td>
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<td>05/07/14</td>
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<tr>
<td>Purchasing/Budget:</td>
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<td>5/13/14</td>
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<tr>
<td>Executive:</td>
<td>1225</td>
<td>5/13/14</td>
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</table>

**TITLE OF DOCUMENT:** Contract with Northwest Youth Services for Housing Case Management Services

**ATTACHMENTS:**
1. Memo to Executive
2. Information Sheet
3. Two copies of Contract

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

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

The 2013 annual Point in Time count showed that 561 persons were homeless in Whatcom County. This contract funds the provision of housing case management services in association with the Whatcom Homeless Service Center (WHSC). The purpose of the contract is to provide housing case management services to youth receiving rental subsidies through WHSC in order to improve housing stability and reduce homelessness in Whatcom County.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: Jack Louws, County Executive

FROM: Regina A. Delahunt

RE: Northwest Youth Services, Housing Case Management Contract

DATE: May 2, 2014

Enclosed are two (2) originals of a contract with Northwest Youth Services and Whatcom County for your review and signature.

- Background and Purpose
The 2013 annual Point in Time count showed that 561 persons were homeless in Whatcom County. This contract funds the provision of housing case management services in association with the Whatcom Homeless Service Center (WHSC). The purpose of the contract is to provide case management and supportive services to youth who receive rent subsidies through WHSC in order to improve housing stability and reduce homelessness in Whatcom County. Specifically, we expect the contractor to rehouse 32 youth households per year and for at least 85% of those to remain stably housed for at least 6 months after case management services have ended.

- Funding Amount and Source
This contract is funded by document recording fees in an amount not to exceed $108,054. These funds are included in the 2014 and 2015 budgets. Council approval is required because this contract is more than $20,000. An agenda bill is attached.

- Differences from Previous Contract
This is a new contract resulting from RFP 13-57; however Northwest Youth Services has provided similar services under a previous contract. This contract requires the contractor to achieve specific outcomes that are directly related to the Whatcom County Housing Plan.

Please contact Gail deHoog at extension 30693, if you have any questions or concerns regarding the terms of this agreement.

Encl.
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

**Originating Department:** Health  
**Contract or Grant Administrator:** Gail deHoog  
**Contractor’s / Agency Name:** Northwest Youth Services

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
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<tbody>
<tr>
<td>Is this a New Contract?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>If not, is this an Amendment or Renewal to an Existing Contract?</td>
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<td>No</td>
</tr>
<tr>
<td>Does contract require Council Approval?</td>
<td>X</td>
<td>No</td>
</tr>
<tr>
<td>Is this a grant agreement?</td>
<td>No</td>
<td>X</td>
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<tr>
<td>If yes, grantor agency contract number(s)</td>
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<tr>
<td>CFDA #</td>
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<td></td>
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<tr>
<td>Is this contract grant funded?</td>
<td>No</td>
<td>X</td>
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<td>If yes, associated Whatcom County grant contract number(s)</td>
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<td></td>
</tr>
<tr>
<td>Is this the result of a RFP or Bid process?</td>
<td>X</td>
<td>No</td>
</tr>
<tr>
<td>RFP and Bid number(s)</td>
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<tr>
<td>Cost Center:</td>
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</table>

Is this agreement excluded from E-Verify?  
Yes: If no, include Attachment C Contractor Declaration form.

If yes, indicate exclusion(s) below:
- [ ] Professional services agreement for certified/licensed professional
- [ ] Contract work is for less than 120 days
- [ ] Contract less than $100,000.
- [ ] Contract for Commercial off the shelf items (COTS)
- [ ] Contract work is all performed outside U.S.
- [ ] Work related subcontract less than $25,000.
- [ ] Interlocal Agreement (between Gov’ts)
- [ ] Public Works - Local Agency/Federally Funded FHWA

<table>
<thead>
<tr>
<th>Contract Amount (sum of original contract amount and any prior amendments)</th>
<th>$ 108,054</th>
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<tbody>
<tr>
<td>This Amendment Amount:</td>
<td>$</td>
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<tr>
<td>Total Amended Amount:</td>
<td>$</td>
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**Summary of Scope:**

The 2013 annual Point in Time count showed that 561 persons were homeless in Whatcom County. This contract funds the provision of housing case management services in association with the Whatcom Homeless Service Center (WHSC). The purpose of the contract is to provide case management and supportive services to youth receiving rent subsidies through WHSC in order to improve housing stability and reduce homelessness in Whatcom County.

**Term of Contract:** 19 Months  
**Expiration Date:** 12/31/2015

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

1. Prepared by: **PJ**  
   Date **10/4/13** [electronic]
2. Attorney reviewed:  
   Date [electronic]
3. AS Finance reviewed:  
   Date [electronic]
4. IT reviewed if IT related:  
   Date [electronic]
5. Corrections made:  
   Date [electronic]  
   hard copy printed
6. Attorney signoff:  
   Date **5-9-14** [electronic]
7. Contractor signed:  
   Date **5-2-14**
8. Submitted to Exec Office:  
   Date **5-9-14** [summary via electronic; hardcopies]
9. Council approved (if necessary):  
   Date
10. Executive signed:  
    Date
11. Contractor Original Returned to dept:  
    Date
12. County Original to Council:  
    Date
CONTRACT FOR SERVICES AGREEMENT
Housing Case Management Services

Northwest Youth Services, hereinafter called Contractor, and Whatcom County, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 8.
Exhibit A (Scope of Work), pp. 9 to 11.
Exhibit B (Compensation), pp. 12 to 14.
Exhibit C (E-Verify Declaration), p. 15.
Exhibit D (Certificate of Insurance), p. 16.
Exhibit E (Flex Fund Guidelines), pp. 17 to 18.

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

The term of this Agreement shall commence on the 1st day of June, 2014, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2015.

The general purpose or objective of this Agreement is to: provide housing case management services, 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 shall not exceed $108,054. 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 2 day of May, 2014.

CONTRACTOR:

Northwest Youth Services

[Signature]

Riannon Bardsley, Executive Director

STATE OF WASHINGTON

COUNTY OF [Whatcom] ss.

On this 2 day of May, 2014, before me personally appeared [Riannon Bardsley] to me known to be the [Executive Director] (title) of [Northwest Youth Services] (Company) and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

[Signature]


163
WHATCOM COUNTY:
Recommended for Approval:

Anne Deacon, Human Services Manager     Date

Regina A. Delahunt, Department Director    Date

Approved as to form:

Royce Buckingham, Civil Deputy Prosecuting Attorney    Date

Approved:
Accepted for Whatcom County:

By: ______________________________
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON    } ss
COUNTY OF WHATCOM     }

On this ______ day of ____________________________, 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:

Northwest Youth Services
Riannon Bardsley, Executive Director
1020 N. State St.
Bellingham, WA 98225
Phone: 360-734-9826 x116
Email: riannonb@nwys.org
GENERAL CONDITIONS

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

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

Series 10-19: Provisions Related to Term and Termination

10.1 Term:
Services provided by Contractor prior to or after the term of this contract shall be performed at the expense of Contractor and are not compensable under this contract unless both parties hereto agree to such provision in writing.

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

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

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

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

Series 20-29: Provisions Related to Consideration and Payments

20.1 Accounting and Payment for Contractor Services:
Payment to the Contractor for services rendered under this Agreement shall be as set forth in Exhibit "B." Where Exhibit "B" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhibit "B," by documentation of units of work actually performed and amounts earned, including, where appropriate, the actual number of days worked each month, total number of hours for the month, and the total dollar payment requested, so as to comply with municipal auditing requirements.
Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses incurring 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 the Contractor the amount determined by the County as necessary to cure the default, until the Administrative Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to termination or damages, provided that the County promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than 10 days after it determines to withhold amounts otherwise due. A determination of the Administrative Officer set forth in a notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provisions of the Disputes clause of this Agreement. The County may act in accordance with any determination of the Administrative Officer which has become conclusive under this clause, without prejudice to any other remedy under the Agreement, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount so paid or incurred from amounts due or to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Contractor by reason of good faith withholding by the County under this clause.

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

Series 30-39: Provisions Related to Administration of Agreement

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

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

Contractor will defend, indemnify and hold harmless the County, its officers, agents or employees from any loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees or costs incurred by reason of claims or demands because of breach of the provisions of this paragraph.
30.2 Assignment and Subcontracting:
The performance of all activities contemplated by this agreement shall be accomplished by the Contractor. No portion of this contract may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the County.

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

31.2 Patent/Copyright Infringement: Not Applicable

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

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

34.1 Proof of Insurance:
The Contractor shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums:
Property Damage per occurrence - $500,000.00
General Liability & Property Damage for bodily injury - $1,000,000.00

A Certificate of insurance, that also identifies the County as an additional insured, is attached hereto as Exhibit "C". This insurance shall be considered as primary and shall waive all rights of subrogation. The County insurance shall be noncontributory.

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

34.3 Defense & Indemnity Agreement:
The Contractor agrees to defend, indemnify and save harmless the County, its appointed and elective officers and employees, from and against all loss or expense, including, but not limited to, judgments, settlements, attorneys' fees and costs by reason of any and all claims and demands upon the County, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property, including loss of use thereof, whether such injury to persons or damage to property is due to the negligence of the Contractor, its subcontractors, its successor or assigns, or its agents, servants, or employees, the County, its appointed or elected officers, employees or their agents, except only such injury or damage as shall have been occasioned by the sole negligence of the County or its appointed or elected officials or employees. In case of damages caused by the concurrent negligence of Contractor, its subcontractors, its successors or assigns, or its agents, servants, or employees, and the County, its appointed or elected officers, employees or their agents, then this indemnification provision is enforceable only to the extent of the negligence of the Contractor, its agents, or its employees.
It is further provided that no liability shall attach to the County by reason of entering into this contract, except as expressly provided herein. The parties specifically agree that this agreement is for the benefit of the parties only and this agreement shall create no rights in any third party.

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

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

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

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

36.1 Waiver of Noncompetition: 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:

Gail deHoog, Housing Program Specialist
Whatcom County Health Department
509 Girard St.
Bellingham, WA 98225
Phone: (360) 676-6724 x 30693
Email: GdeHoog@co.whatcom.wa.us

37.2 Notice:
Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to the County's Administrative Officer under this Agreement. Notice to the Contractor for all purposes under this
Agreement shall be given to the address provided by the Contractor herein above in the "Contractor Information" section. Notice may be given by delivery or by depositing in the US Mail, first class, postage prepaid.

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

38.2 Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:
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://opls.anet.gov.

38.3 E-Verify:
The E-Verify contractor program for Whatcom County applies to contracts of $100,000 or more and sub contracts for $25,000 or more if the primary contract is for $100,000 or more. Contractor represents and warrants that it will, for at least the duration of this contract, register and participate in the status verification system for all newly hired employees. The term "employee" as used herein means any person that is hired to perform work for Whatcom County. As used herein, "status verification system" means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. Contractor/Seller agrees to maintain records of such compliance and, upon request of the County, to provide a copy of each such verification to the County. Contractor/Seller further represents and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Washington. Contractor/Seller understands and agrees that any breach of these warranties may subject Contractor/Seller to the following: (a) termination of this Agreement and ineligibility for any Whatcom County contract for up to three (3) years, with notice of such cancellation/termination being made public. In the event of such termination/cancellation, Contractor/Seller would also be liable for any additional costs incurred by the County due to contract cancellation or loss of license or permit." Contractor will review and enroll in the E-Verify program through this website: www.uscis.gov

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.
EXHIBIT "A"
(SCOPE OF WORK)

I. Background

Whatcom County's Plan to End Homelessness identifies youth as a population impacted by homelessness and lists the provision of safe affordable housing with supportive services as a way to reduce and end youth homelessness. Northwest Youth Services (NWYS) is the only non-tribal youth serving agency in Whatcom County that offers housing services for homeless youth. At any point in time, NWYS has 80 young people waiting for housing and services.

Through this contract NWYS will serve as one of the Whatcom Homeless Service Center (WHSC) partner agencies providing housing case management and will serve as a specialized portal of entry into WHSC housing services for youth. The purpose of this contract is to provide housing case management and to coordinate other supportive services for youth receiving rental subsidies through the WHSC and for youth waiting for housing services in order to improve housing stability and reduce youth homelessness in Whatcom County.

II. Definitions

Flex funds: Funds that may be used subject to the County's Flex Fund Guidelines (Exhibit E) to purchase goods and services directly related to the service needs of the contractor's clients when no other funding source is available.

Housing Interest Pool (HIP): Quasi wait list that serves clients waiting for housing services based on their needs and available resources instead of a first come, first served basis.

HMIS: Washington's Homeless Management Information Services, a data base.

Youth: Individuals between the ages of 18 and 24 are considered youth.

Permanent Supportive Housing Population: Chronically homeless individuals/households with significant barriers to permanent housing; will receive deep rent subsidies and intensive case management services.

Whatcom Homeless Service Center (WHSC): WHSC programs provide (1) centralized coordinated system of access (2) targeted prevention assistance to reduce the number of households that become homeless, (3) re-housing of those who become homeless, (4) supportive services promoting housing stability and self-sufficiency, and (5) data management and tracking information for people receiving homeless housing services in Whatcom County and according to Washington State Department of Commerce HMIS data collection requirements.

III. Statement of Work

The contractor will provide housing case management services. Housing case management includes activities for the arrangement, coordination, monitoring, and delivery of services related to meeting the housing needs of households and helping them obtain housing stability. Services and activities include: developing, securing, and coordinating services; monitoring and evaluating household progress; assuring
that households’ rights are protected; developing an individualized housing and service plan, including a path to permanent housing stability subsequent to assistance. Housing case management also includes services or activities designed to assist households in locating, obtaining, and retaining suitable housing such as: tenant counseling, assisting individuals and households to understand leases, securing utilities, making moving arrangements, representative payee services concerning rent and utilities, and mediation and outreach to property owners related to locating or retaining housing.

In addition, the following types of housing case management services will be provided:

Intake services: Contractor will provide intake services to youth in Whatcom County seeking housing to collect client information, assess barriers to stable housing, and eligibility for housing programs. Services will be provided to low-income and/or homeless youth residing in Whatcom County. Individuals and households served shall have incomes at or below 50% Area Median Income (AMI).

Youth Housing Interest Pool (HIP) services: Youth housing interest pool case management includes services designed to make youth who are homeless or almost homeless aware of available programs, provide them with a point of access to housing services working collaboratively with the WHSC, and engage with them to address barriers to housing.

IV. Program Outcomes

During this contract period, the housing case management services provided by the Contractor will deliver the following outcomes:

1. At any point in time, 35 - 45 youth households will receive youth Housing Interest Pool case management services.

2. At least thirty two (32) of Whatcom County’s homeless youth households per year will be stably housed after receiving case management services; five (5) of those from the Permanent Supportive Housing population.

3. The contractor will strive to rapidly rehouse clients; with the goal of most finding permanent housing within 30 days from enrollment in case management.

4. At least 85% of youth households who obtained housing will remain stably housed 6 months after exiting case management services; 75% of youth from the Permanent Supportive Housing Population will remain stably housed 6 months after obtaining housing.

If quarterly data reports (see section VI Reporting Requirements below) indicate that performance is not meeting the above outcomes, contractor will provide a report describing the cause and an action plan contractor will implement to improve contract performance.

V. Additional Requirements

The contractor will:

1. Participate in HMIS data collection efforts as directed by the WHSC; including HMIS training, HMIS data entry, updating client data as necessary, and exiting clients from HMIS. Services which must be inputted into HMIS include (but are not limited to) financial services—including deposits, rental payments, and completed home visits.
2. Comply with the following HIP Referral procedure. When Contractor staff believe a referral from the HIP is not a good fit for the program – a situation that should be rare - the following procedure must be followed:

   a. Contractor will submit a written description of the situation that justifies returning the client to the HIP, and
   
   b. An in-person case conference must be scheduled within five days of request to return a referral. The case conference will include Contractor staff, WHSC housing referral specialist, and HIP case management services coordinator (or designee).
   
   c. The course of action mutually agreed to at the case conference will be recorded in writing, constituting a binding agreement.
   
   d. As the parties to this contract learn more about referral success factors, procedures may be amended accordingly.

3. Require professional development training for direct service staff and supervisors.

4. Attend Whatcom County Coalition to End Homelessness meetings and sponsored activities.

5. Attend meetings and events coordinated by WHSC.

VI. Reporting Requirements

The contract shall submit quarterly reports utilizing HMIS data in a format approved by the County showing the contractor’s progress toward achieving the outcomes identified above. Quarterly reports are due on April 10, July 10, October 10, January 10. Reports will include data for only those clients served under this contract and include:

1. # of youth on Housing Interest Pool as of the last day of the quarter.

2. # of youth stably housed this quarter and contract to date

3. # of youth stably housed from the permanent supportive housing population this quarter and contract to date

4. For those housed this quarter, number of days from enrollment in case management services to obtaining housing

5. Average number of days from enrollment in case management to obtaining housing

6. # of youth stably housed 6 months after exiting case management services

7. # of youth from the permanent supportive housing population stably housed 6 months from obtaining housing
I. **Source of Funding:** The source of funding for this contract, in the amount not to exceed $108,054 is document recording fees.

II. **Allowable Cost Budget**

To be consistent with the County calendar year budgeting process, the budget for this 19-month contract is as follows:

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Documentation Required with Invoice</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel – Case Manager, Housing Programs Manager, HMIS Specialist, Programs Director</td>
<td>GL detail</td>
<td>$ 34,140</td>
</tr>
<tr>
<td>Occupancy</td>
<td>GL detail</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Program Direct Printing, Postage, Office Supplies, Telephone</td>
<td>GL detail</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Training</td>
<td>Include name of traveler, dates, start &amp; end point, and purpose. Receipts required for transportation costs, registration fees, etc. Lodging &amp; meal costs follow federal guidelines (<a href="http://www.gsa.gov">www.gsa.gov</a>). Receipts for meals not required.</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Mileage</td>
<td>Mileage log to include: name of the staff member, date of travel, starting point and destination of travel, the number of miles traveled, the federal reimbursement rate (per <a href="http://www.gsa.gov">www.gsa.gov</a>), and a brief description of the purpose of travel.</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Flex Funds (Per Attachment D)</td>
<td>Flex Fund Spreadsheet plus copies of receipts</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Admin</td>
<td>10%</td>
<td>$ 3,914</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td></td>
<td><strong>$ 43,054</strong></td>
</tr>
</tbody>
</table>

Contractor has performed services similar to those in this contract under a previous Whatcom County Contract# 201011019. Total compensation for work performed in 2014 under that contract plus this contract shall not exceed $65,000.
Changes to the line item budget that exceed 10% of the contract amount must be approved in writing by the County.

III. Invoicing

1. The Contractor shall submit itemized invoices on a monthly/quarterly basis in a format approved by the County. Monthly/quarterly invoices must be submitted by the 15th of the month following the month of service. Invoices submitted for payment must include the items identified in the table above.

2. The Contractor shall submit invoices to (include contract/PO #):

   Attention: Business Office
   Whatcom County Health Department
   509 Girard Street
   Bellingham, WA 98225

3. Payment by the County will be considered timely if it is made within 30 days of the receipt and acceptance of billing information from Contractor. The County may withhold payment of an invoice if the Contractor submits it more than 30 days after the expiration of this contract.

4. Invoices must include the following statement, with an authorized signature and date:
I certify that the materials have been furnished, the services rendered, or the labor performed as described on this invoice.

5. **Duplication of Billed Costs or Payments for Service:** The Contractor shall not bill the County for services performed or provided under this contract, and the County shall not pay the Contractor, if the Contractor has been or will be paid by any other source, including grants, for those costs used to perform or provide the services in this contract. The Contractor is responsible for any audit exceptions or disallowed amounts paid as a result of this contract.
EXHIBIT "C"
E-Verify Declaration

Firm Name: ____________________________________________

Proposal/Bid/Invitation/Solicitation No.___________________________

The undersigned declares, under penalty of perjury under the laws of Washington that:

1. The above named firm is currently enrolled in and using the E-Verify system for all employees hired on or after the contract inception date and will continue to use the E-Verify system for so long as work is being performed on the above named project.

2. I certify that I am duly authorized to sign this declaration on behalf of the above named bidder/proposer.

3. I acknowledge that Whatcom County requires a copy of the Memorandum of Understanding between the contractor listed above and the Department of Homeland Security certifying enrollment in the E-Verify program. Failure to provide the required Memorandum of Understanding could lead to suspension of this contract.

DATE: ________________________________________________

SIGNATURE: __________________________________________

PRINTED NAME: ________________________________________
EXHIBIT "D"
(CERTIFICATE OF INSURANCE)
"Flex funds" are funds that may be used at the discretion of the Contractor, following the policies described below, to purchase goods or services directly related to the service needs of the Contractor's clients, when no other funding source is available. **Such goods or services must be reasonable and necessary to meet a client's emergent service needs or contribute to the stabilization or self-sufficiency of the client.**

**Allowable Costs**

Allowable uses of client-specific expenditures of flex funds include the following:
- Clothing
- Food
- Housing/rental assistance
- Bus passes or taxi fare
- Car repairs
- Driver's license or ID card fees
- Educational or training program registration fees
- Household supplies, including furniture
- Medications
- Health care
- Other, as approved by Whatcom County

**Limitations**

Flex fund expenditures must be within the allowable criteria established by the County, as identified above, must be based upon the service needs as documented in the client's individual service plan, and must have no other funding available from any other source.

Flex funds distributed to any one client cannot exceed $500 per year, except with written authorization from the County. No flex fund disbursements are to be made directly to the client but rather will be made on behalf of a client.

**Documentation**

Requests for reimbursement of flex funds must include the attached form including the following:
- The person or organization funds were paid to.
- Date of transaction.
- A list of the goods and/or services purchased.
- The cost of the goods and/or services purchased.
- The initials of the client and/or unique identifying number of the client for whom the goods and/or services were purchased.
- The total amount of flex funds distributed to the client during the year.
- The service need addressed by the expenditure.
- Accompanying invoices and/or receipts.
- Evidence of administrative review of expenditures

**See Attached Form**
<table>
<thead>
<tr>
<th>Paid To *</th>
<th>Date</th>
<th>Cost</th>
<th>Goods/Services Purchased</th>
<th>Client ID</th>
<th>Total $ To Client this Year</th>
<th>Service Need</th>
<th>No Other Funding Available</th>
<th>Administrative Review</th>
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</tbody>
</table>

* ATTACH RECEIPTS FOR EACH PURCHASE
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>pj</td>
<td>10/7/13</td>
<td></td>
<td>5/20/14</td>
<td>Finance/Council</td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td>5/6/14</td>
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<td>Dept. Head:</td>
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<td>Prosecutor:</td>
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<td>Purchasing/Budget:</td>
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<td>Executor:</td>
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**TITLE OF DOCUMENT:** Contract between Whatcom County and Lydia Place for housing case management services.

**ATTACHMENTS:**
1. Memo
2. Info Sheet
3. Two copies Contract for Services Agreement

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

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

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

The 2013 annual Point in Time count showed that 561 persons were homeless in Whatcom County. This contract funds the provision of housing case management services in association with the Whatcom Homeless Service Center (WHSC). The purpose of the contract is to provide housing case management services to those individuals receiving rental subsidies through WHSC in order to improve housing stability and reduce homelessness in Whatcom County.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Health</th>
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<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Gail deHoog</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>Lydia Place</td>
</tr>
</tbody>
</table>

Is this a New Contract? Yes X No __
If Amendment or Renewal, Original Contract # __
Does contract require Council Approval? Yes X No __

Is this a grant agreement? Yes No X
If yes, grantor agency contract number(s) ____
CFDA # __

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

Is this contract the result of a RFP or Bid process? Yes X No __
If yes, RFP and Bid number(s) 13-57 __
Cost Center: __

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

If yes, indicate exclusion(s) below:
- Professional services agreement for certified/licensed professional
- Contract work is for less than 120 days
- Contract less than $100,000.
- Contract for Commercial off the shelf items (COTS)
- Contract work is all performed outside U.S.
- Work related subcontract less than $25,000.
- Interlocal Agreement (between Gov’t’s)
- Public Works - Local Agency/Federally Funded FHWA

Contract Amount: (sum of original contract amount and any prior amendments) $216,675 __
This Amendment Amount: $ __
Total Amended Amount: $ __

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

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

Summary of Scope:
The 2013 annual Point in Time count showed that 561 persons were homeless in Whatcom County. This contract funds the provision of housing case management services in association with the Whatcom Homeless Service Center (WHSC). The purpose of the contract is to provide case management and supportive services to those individuals receiving rental subsidies through WHSC in order to improve housing stability and reduce homelessness in Whatcom County.

Term of Contract: 19 months
Expiration Date: 12/31/2015

Contract Routing Steps & Signoff: [sign or initial] [indicate date transmitted]
1. Prepared by: _______________ Date ________________ [electronic]
2. Attorney reviewed: Daniel L. Gibson Date 05/09/14 [electronic]
3. AS Finance reviewed: Date _______ [electronic]
4. IT reviewed if IT related Date ___________ [electronic]
5. Corrections made: Date 05/09/14 [electronic] hard copy printed
6. Attorney signoff: Daniel L. Gibson Date 05/09/14
7. Contractor signed: Date 5-5-14
8. Submitted to Exec Office Date 5-9-14 [summary via electronic; hardcopies]
9. Council approved (if necessary) Date
10. Executive signed: Date
11. Contractor Original Returned to dept: Date
12. County Original to Council Date

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Enclosed are two (2) originals of an agreement between Whatcom County and Lydia Place for your review and signature.

- **Background and Purpose**
The 2013 annual Point in Time count showed that 561 persons were homeless in Whatcom County. This contract funds the provision of housing case management services in association with the Whatcom Homeless Service Center (WHSC). The purpose of the contract is to provide case management and supportive services to those individuals receiving rental subsidies through WHSC in order to improve housing stability and reduce homelessness in Whatcom County. Specifically, we expect the contractor to rehouse 75 households per year and for at least 85% of those to remain stably housed for at least 6 months after case management services have ended.

- **Funding Amount and Source**
This contract is funded by local document recording fees in an amount not to exceed $216,675. These funds are included in the 2014 and 2015 budgets. Council approval is required because the contract value exceeds $20,000. An agenda bill is attached.

- **Differences from Previous Contract**
This is a new contract resulting from RFP 13-57; however Lydia Place has provided similar services under a previous contract. This contract requires the contractor to achieve specific outcomes that are directly related to the Whatcom County Housing Plan.

Please contact Gail deHoog at extension 30693, if you have any questions or concerns regarding the terms of this agreement.

Encl.
CONTRACT FOR SERVICES AGREEMENT
Housing Case Management Services

Lydia Place, hereinafter called Contractor, and Whatcom County, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

- General Conditions, pp. 3 to 8
- Exhibit A (Scope of Work), pp. 9 to 11
- Exhibit B (Compensation), pp. 12 to 13
- Exhibit C (Certificate of Insurance), p. 14
- Exhibit D (E-Verify), p. 15

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

The term of this Agreement shall commence on the 1st day of June 2014, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2015.

The general purpose or objective of this Agreement is to provide housing case management services, 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 shall not exceed $216,675. The Contract Number, set forth above, shall be included on all billing or correspondence in connection therewith.

Contractor acknowledges and by signing this contract agrees that the Indemnification provisions set forth in Paragraphs 11.1, 11.2, 30.1, 31.2, 32.1, 32.2, 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 5th day of May, 2014.

CONTRACTOR:

Lydia Place

[Signature]
Emily O’Connor, Executive Director

STATE OF WASHINGTON

) ss.
COUNTY OF Whatcom

On this 5th day of May, 2014, before me personally appeared Emily O’Connor, to me known to be the Executive Director of Lydia Place 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

My commission expires 8/27/16
WHATCOM COUNTY:
Recommended for Approval:

Anne Deacon, Human Services Manager

Date
5/6/14

Raghna DeCaro, Department Director

Date
5/9/14

Approved as to form:

Royce Buckingham, Civil Deputy Attorney

Date
05/09/14

Approved:

Accepted for Whatcom County:

By:
Jack Louws, Whatcom County Executive

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:

Lydia Place
Emily O'Connor, Executive Director
P. O. Box 28437
Bellingham, WA 98228
Phone: 360-571-7663
Email: eoconnor@lydiaplacen.org
GENERAL CONDITIONS

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

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

Series 10-19: Provisions Related to Term and Termination

10.1 Term:
Services provided by Contractor prior to or after the term of this contract shall be performed at the expense of Contractor and are not compensable under this contract unless both parties hereeto agree to such provision in writing.

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

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

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

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

Series 20-29: Provisions Related to Consideration and Payments

20.1 Accounting and Payment for Contractor Services:
Payment to the Contractor for services rendered under this Agreement shall be as set forth in Exhibit "B." Where Exhibit "B" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhibit "B," by documentation of units of work actually performed and amounts earned, including, where appropriate, the actual number of days worked each month, total number of hours for the month, and the total dollar payment requested, so as to comply with municipal auditing requirements.
Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the County's customary procedures, pursuant to the fee schedule set forth in Exhibit "B."

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

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

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

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

Series 30-39: Provisions Related to Administration of Agreement

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

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

Contractor will defend, indemnify and hold harmless the County, its officers, agents or employees from any loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees or costs incurred by reason of claims or demands because of breach of the provisions of this paragraph.
30.2 Assignment and Subcontracting:
The performance of all activities contemplated by this agreement shall be accomplished by the Contractor. No portion of this contract may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the County.

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

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

31.2 Patent/Copyright Infringement: Not Applicable

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

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

34.1 Proof of Insurance:
The Contractor shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums:
- Property Damage per occurrence - $500,000.00
- General Liability & Property Damage for bodily injury- $1,000,000.00

A Certificate of insurance, that also identifies the County as an additional insured, is attached hereto as Exhibit "C". This insurance shall be considered as primary and shall waive all rights of subrogation. The County insurance shall be noncontributory.

34.2 Industrial Insurance Waiver:
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:
The Contractor shall not discriminate on the grounds of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status; nor deny an individual or business any service or benefit under this Agreement; or subject an individual or business to segregation or separate treatment in any manner related to his/her/its receipt any service or services or other benefits provided under this Agreement; or deny an individual or business an opportunity to participate in any program provided by this Agreement.

36.1 Waiver of Noncompetition: 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:

Gail deHoog, Housing Program Specialist
Whatcom County Health Department
509 Girard St.
Bellingham, WA 98225
Phone: 360-676-6724 x30693
Email: gdehoog@whatcomcounty.us

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37.2 Notice:
Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to the County’s Administrative Officer under this Agreement. Notice to the Contractor for all purposes under this Agreement shall be given to the address provided by the Contractor herein above in the "Contractor Information" section. Notice may be given by delivery or by depositing in the US Mail, first class, postage prepaid.

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

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

38.3 E-Verify:
The E-Verify contractor program for Whatcom County applies to contracts of $100,000 or more and sub contracts for $25,000 or more if the primary contract is for $100,000 or more. Contractor represents and warrants that it will, for at least the duration of this contract, register and participate in the status verification system for all newly hired employees. The term “employee” as used herein means any person that is hired to perform work for Whatcom County. As used herein, “status verification system” means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. Contractor/Seller agrees to maintain records of such compliance and, upon request of the County, to provide a copy of each such verification to the County. Contractor/Seller further represents and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Washington. Contractor/Seller understands and agrees that any breach of these warranties may subject Contractor/Seller to the following: (a) termination of this Agreement and Ineligibility for any Whatcom County contract for up to three (3) years, with notice of such cancellation/termination being made public. In the event of such termination/cancellation, Contractor/Seller would also be liable for any additional costs incurred by the County due to contract cancellation or loss of license or permit. Contractor will review and enroll in the E-Verify program through this website: www.uscis.gov

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 herein after 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, 34.1, 34.2, 34.3, 36.1, 40.2, 41.2, 42.1, and 43.1, if utilized, shall survive, notwithstanding the termination or invalidity of this Agreement for any reason.

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

I. Background

According to the annual point-in-time count of homeless people conducted in January 2013, at least 561 people in Whatcom County are homeless. Throughout the year, others may face the prospect of losing their homes. Whatcom County’s Plan to End Homelessness provides a blueprint for how our community will work together to prevent and end homelessness. The provision of housing assistance and case management services are key strategies of the Plan.

Housing case management under the Whatcom Homeless Service Center (WHSC) partnership includes both rental subsidy and housing case management components. The WHSC staff determines client eligibility for services and authorizes and distributes rent subsidies to local landlords on behalf of participating clients, makes referrals for case management to partner agencies, and coordinates required data collection efforts. Through this contract, Lydia Place will serve as one of the Whatcom Homeless Service Center partner agencies providing housing case management.

The purpose of this contract is to provide case management for individuals and families experiencing homelessness in order to improve housing stability and reduce homelessness in Whatcom County.

Services will be provided to low-income and/or homeless individuals and households residing in Whatcom County. Individuals and households served shall have incomes at or below 50% Area Median Income (AMI).

II. Definitions

<table>
<thead>
<tr>
<th>Housing Interest Pool</th>
<th>Quasi wait list that serves clients waiting for housing services on based on their needs and available resources instead of a first come, first served basis.</th>
</tr>
</thead>
<tbody>
<tr>
<td>HMIS</td>
<td>Washington’s Homeless Management Information Services, a data base.</td>
</tr>
<tr>
<td>Whatcom Homeless Service Center (WHSC)</td>
<td>WHSC programs provide (1) centralized coordinated system of access (2) targeted prevention assistance to reduce the number of households that become homeless, (3) re-housing of those who become homeless, (4) supportive services promoting housing stability and self-sufficiency, and (5) data management and tracking information for people receiving homeless housing services in Whatcom County and according to Washington State Department of Commerce HMIS data collection requirements.</td>
</tr>
</tbody>
</table>

III. Statement of Work

The contractor will provide housing case management services. Housing case management includes activities for the arrangement, coordination, monitoring, and delivery of services related to meeting the housing needs of households and helping them obtain housing stability. Services and activities include: developing, securing, and coordinating services; monitoring and evaluating household progress; assuring that households’ rights are protected; developing an individualized housing and service plan, including a
path to permanent housing stability subsequent to assistance. Housing case management also includes services or activities designed to assist households in locating, obtaining, and retaining suitable housing such as: tenant counseling, assisting individuals and households to understand leases, securing utilities, making moving arrangements, representative payee services concerning rent and utilities, and mediation and outreach to property owners related to locating or retaining housing.

IV. Program Outcomes

During each 12-month period, the housing case management services provided by Lydia Place will deliver the following outcomes:

1. At least 75 individuals or households will be stably housed after receiving case management services.
2. The contractor will strive to rapidly rehouse clients; with the goal of most finding permanent housing within 30 days from enrollment in case management.
3. At least 85% of households who obtained housing will remain stably housed 6 months after exiting case management services.

If quarterly data reports (see section VI Reporting Requirements below) indicate that performance is not meeting the above outcomes, contractor will provide a report describing the cause and an action plan contractor will implement to improve contract performance.

V. Additional Requirements

Under the terms of this contract, the contractor will:

1. Participate in HMIS data collection efforts as directed by the WHSC; including HMIS training, HMIS data entry, updating client data as necessary, and exiting clients from HMIS. Services which must be inputted into HMIS include (but are not limited to) financial services—including deposits, rental payments, and completed home visits.
2. Comply with the HIP Referral procedure. When Contractor staff believe a referral from the HIP is not a good fit for the program -- a situation that should be rare -- the following procedure must be followed:
   a. Contractor will submit a written description of the situation that justifies returning the client to the HIP, and
   b. An in-person case conference must be scheduled within five days of request to return a referral. The case conference will include Contractor staff, WHSC housing referral specialist, and HIP case management services coordinator (or designee).
   c. The course of action mutually agreed to at the case conference will be recorded in writing, constituting a binding agreement.
   d. As the parties to this contract learn more about referral success factors, procedures may be amended accordingly.
3. Require professional development training for direct service staff and supervisors.
4. Attend Whatcom County Coalition to End Homelessness meetings and sponsored activities.
5. Attend meetings and events coordinated by WHSC.
VI. Reporting Requirements

The contractor shall submit quarterly reports utilizing HMIS data in a format approved by the County showing the contractor’s progress toward achieving the outcomes identified above. Quarterly reports are due on April 10, July 10, October 10, January 10.

Reports will include data for only those clients served under this contract and include:

1. # of households housed this quarter and contract to date
2. For those housed this quarter, what was the number of days from enrollment in case management to obtaining housing
3. Average number of days from enrollment in case management to obtaining housing
4. # of households stably housed 6 months after exiting case management services.
**EXHIBIT "B"**  
(COMPENSATION)

I. **Source of Funding:** The source of funding for this contract, in an annual amount not to exceed $216,675, is document recording fees.

II. **Allowable Cost Budget**

To be consistent with the County calendar year budgeting process, the budget for this 19-month contract is as follows:

<table>
<thead>
<tr>
<th>June 1, 2014 – December 31, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost Description</strong></td>
</tr>
<tr>
<td>Personnel-Case Managers,</td>
</tr>
<tr>
<td>Program Director</td>
</tr>
<tr>
<td>Program specific Supplies,</td>
</tr>
<tr>
<td>and postage</td>
</tr>
<tr>
<td>Program specific Occupancy costs</td>
</tr>
<tr>
<td>Mileage</td>
</tr>
<tr>
<td>Program specific Utilities &amp;</td>
</tr>
<tr>
<td>phone</td>
</tr>
<tr>
<td>Training</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Indirect Costs*</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>

Contractor has performed services similar to those in this contract under a previous Whatcom County Contract# 201011039. Total compensation for work performed in 2014 under that contract plus this contract shall not exceed $137,706.
### Cost Description

<table>
<thead>
<tr>
<th>Cost Description</th>
<th>Documents Required Each Invoice</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel-Case Managers, Program Director</td>
<td>GL detail</td>
<td>$103,964</td>
</tr>
<tr>
<td>Program specific Supplies and Postage</td>
<td>GL detail</td>
<td>868</td>
</tr>
<tr>
<td>Program specific Occupancy costs</td>
<td>GL detail</td>
<td>14,422</td>
</tr>
<tr>
<td>Mileage</td>
<td>Mileage log to include: name of the staff member, date of travel, starting point and destination of travel, the number of miles traveled, the federal reimbursement rate (per <a href="http://www.gsa.gov">www.gsa.gov</a>), and a brief description of the purpose of travel.</td>
<td>2,700</td>
</tr>
<tr>
<td>Program specific Utilities &amp; phone</td>
<td>GL detail</td>
<td>2,933</td>
</tr>
<tr>
<td>Direct Service Staff Training</td>
<td>Ground transportation, coach airfare, and ferries will be reimbursed at cost when accompanied by receipts. Reimbursement requests for allowable travel must include name of staff member, dates of travel, starting point and destination, and a brief description of purpose. Receipts for registration fees or other documentation of professional training expenses. Lodging and meal costs for training are not to exceed the U.S. General Services Administration Domestic Per Diem Rates (<a href="http://www.gsa.gov">www.gsa.gov</a>), specific to location. Receipts for meals are not required.</td>
<td>300</td>
</tr>
</tbody>
</table>

|                      | SUBTOTAL                       | 125,187  |
| Indirect Costs*     | 10%                            | 12,519   |
| TOTAL               |                                | 137,706  |

*Indirect cost rate includes pro-rata share of costs not allocable to specific programs. Rate includes program administration, bookkeeping, invoicing, and costs related to providing these functions by contractor. Indirect rate also includes a pro-rata share of insurance, auditing and other organizational costs.

Changes to the line item budget that exceed 10% of the contract amount must be approved in writing by the County. Indirect costs shall not exceed 10%.

### III. Invoicing

1. The Contractor shall submit itemized invoices on a monthly/quarterly basis in a format approved by the County. Monthly/quarterly invoices must be submitted by the 15th of the month following the month of service. Invoices submitted for payment must include the items identified in the table above.

2. The Contractor shall submit invoices to *include contract/PO #*:

   Attention: Business Office  
   Whatcom County Health Department
3. Payment by the County will be considered timely if it is made within 30 days of the receipt and acceptance of billing information from Contractor. The County may withhold payment of an invoice if the Contractor submits it more than 30 days after the expiration of this contract.

4. Invoices must include the following statement, with an authorized signature and date:

   I certify that the materials have been furnished, the services rendered, or the labor performed as described on this invoice.

5. Duplication of Billed Costs or Payments for Service: The Contractor shall not bill the County for services performed or provided under this contract, and the County shall not pay the Contractor, if the Contractor has been or will be paid by any other source, including grants, for those costs used to perform or provide the services in this contract. The Contractor is responsible for any audit exceptions or disallowed amounts paid as a result of this contract.
# Certificate of Liability Insurance

**DATE (MM/DD/YYYY)**
5/5/2014

**PRODUCER**
Rice Insurance LLC
1400 Broadway
P.O. Box 639
Bellingham, WA 98227

**CONTACT**
Abby Mumford
PHONE: (360) 734-1161
FAX: (360) 734-1173
E-MAIL: abby@riceinsurance.com

**INSURER A**
Philadelphia Indemnity Ins Co

**INSURED**
Lydia Place Inc & Wise Buys
PO Box 28487
Bellingham, WA 98228-0487

**COVERAGES**

<table>
<thead>
<tr>
<th>TYPE OF INSURANCE</th>
<th>ACCIDENT YEAR</th>
<th>POLICY NUMBER</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL LIABILITY</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR</td>
<td>12/22/2013 12/22/2014</td>
<td>PHPK948873</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>GEN. AGGREGATE LIMIT APPLIES PER</td>
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<tr>
<td>X POLICY LIMIT</td>
<td>Loc</td>
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<tr>
<td><strong>AUTOMOBILE LIABILITY</strong></td>
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<tr>
<td>ANY AUTO SCHEDULED AUTOS NON-OWNED AUTOS</td>
<td>12/22/2013 12/22/2014</td>
<td>PHPK948873</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>X HIRED AUTOS OCCUR</td>
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<td></td>
</tr>
<tr>
<td><strong>EXCESS LIABILITY</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OCCUR CLAIMS-MADE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PROFESSIONAL LIABILITY</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
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</tbody>
</table>

**EXCESS LIABILITY**

| POLICY LIMIT | $1,000,000 |

**EACH OCCURRENCE**

- DAMAGE TO RENTED PREMISES (EA occurrence)
- MED EXP (Any one person)
- PERSONAL & ADV INJURY
- GENERAL AGGREGATE
- PRODUCTS-COMP/OP AGG

**COMBINED SINGLE LIMIT**

- E.L. EACH OCCIDENT
- E.L. DISEASE - EA EMPLOYEE
- E.L. DISEASE - POLICY LIMIT

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**

Certificate Holder is Additional Insured per form CG 20 05.

**CERTIFICATE HOLDER**
Whatcom County
Administrative Services Dept
311 Grand Ave. Suite 503
Bellingham, WA 98225

**CANCELLATION**

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

**AUTHORIZED REPRESENTATIVE**
Greg Gudbranson/ALM

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PROMPT NUMBER: PHPK1102855

COMMERCIAL GENERAL LIABILITY
CG 20 05 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – CONTROLLING INTEREST

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Person(s) Or Organization(s):
WHATCOM COUNTY ADMINISTRATIVE SERVICES DEPT

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to their liability arising out of:
   1. Their financial control of you; or
   2. Premises they own, maintain or control while you lease or occupy these premises.

   However:
   1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
   2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. This insurance does not apply to structural alterations, new construction and demolition operations performed by or for that person or organization.

C. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

   If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:
   1. Required by the contract or agreement; or
   2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.
Firm Name: _Lydia Place_

The undersigned declares, under **penalty of perjury** under the laws of Washington that:

1. The above named firm is currently enrolled in and using the E-Verify system for all employees hired on or after the contract inception date and will continue to use the E-Verify system for so long as work is being performed on the above named project.

2. I certify that I am duly authorized to sign this declaration on behalf of the above named bidder/proposer.

3. I acknowledge that Whatcom County requires a copy of the Memorandum of Understanding between the contractor listed above and the Department of Homeland Security certifying enrollment in the E-Verify program. Failure to provide the required Memorandum of Understanding could lead to suspension of this contract.

**DATE:** 5/5/14

**SIGNATURE:**

**PRINTED NAME:** Emily O'Connor
THE E-VERIFY
MEMORANDUM OF UNDERSTANDING
FOR EMPLOYERS

ARTICLE I
PURPOSE AND AUTHORITY

The parties to this agreement are the Department of Homeland Security (DHS) and the Lydia Place (Employer). The purpose of this agreement is to set forth terms and conditions which the Employer will follow while participating in E-Verify.

E-Verify is a program that electronically confirms an employee's eligibility to work in the United States after completion of Form I-9, Employment Eligibility Verification (Form I-9). This Memorandum of Understanding (MOU) explains certain features of the E-Verify program and describes specific responsibilities of the Employer, the Social Security Administration (SSA), and DHS.


ARTICLE II
RESPONSIBILITIES

A. RESPONSIBILITIES OF THE EMPLOYER

1. The Employer agrees to display the following notices supplied by DHS in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through the system:
   a. Notice of E-Verify Participation
   b. Notice of Right to Work

2. The Employer agrees to provide to the SSA and DHS the names, titles, addresses, and telephone numbers of the Employer representatives to be contacted about E-Verify. The Employer also agrees to keep such information current by providing updated information to SSA and DHS whenever the representatives' contact information changes.

3. The Employer agrees to grant E-Verify access only to current employees who need E-Verify access. Employers must promptly terminate an employee's E-Verify access if the employer is separated from the company or no longer needs access to E-Verify.
employed an unauthorized alien in violation of section 274A(a)(1)(A); and (5) no E-Verify participant is civilly or criminally liable under any law for any action taken in good faith based on information provided through the E-Verify.

b. DHS reserves the right to conduct Form I-9 compliance inspections, as well as any other enforcement or compliance activity authorized by law, including site visits, to ensure proper use of E-Verify.

9. The Employer is strictly prohibited from creating an E-Verify case before the employee has been hired, meaning that a firm offer of employment was extended and accepted and Form I-9 was completed. The Employer agrees to create an E-Verify case for new employees within three Employer business days after each employee has been hired (after both Sections 1 and 2 of Form I-9 have been completed), and to complete as many steps of the E-Verify process as are necessary according to the E-Verify User Manual. If E-Verify is temporarily unavailable, the three-day time period will be extended until it is again operational in order to accommodate the Employer’s attempting, in good faith, to make inquiries during the period of unavailability.

10. The Employer agrees not to use E-Verify for pre-employment screening of job applicants, in support of any unlawful employment practice, or for any other use that this MOU or the E-Verify User Manual does not authorize.

11. The Employer must use E-Verify for all new employees. The Employer will not verify selectively and will not verify employees hired before the effective date of this MOU. Employers who are Federal contractors may qualify for exceptions to this requirement as described in Article II.B of this MOU.

12. The Employer agrees to follow appropriate procedures (see Article III below) regarding tentative nonconfirmations. The Employer must promptly notify employees in private of the finding and provide them with the notice and letter containing information specific to the employee’s E-Verify case. The Employer agrees to provide both the English and the translated notice and letter for employees with limited English proficiency to employees. The Employer agrees to provide written referral instructions to employees and instruct affected employees to bring the English copy of the letter to the SSA. The Employer must allow employees to contest the finding, and not take adverse action against employees if they choose to contest the finding, while their case is still pending. Further, when employees contest a tentative nonconfirmation based upon a photo mismatch, the Employer must take additional steps (see Article III.B. below) to contact DHS with information necessary to resolve the challenge.

13. The Employer agrees not to take any adverse action against an employee based upon the employee’s perceived employment eligibility status while SSA or DHS is processing the verification request unless the Employer obtains knowledge (as defined in 8 C.F.R. § 274a.1(l)) that the employee is not work authorized. The Employer understands that an initial inability of the SSA or DHS automated verification system to verify work authorization, a tentative nonconfirmation, a case in continuance (indicating the need for additional time for the government to resolve a case), or the finding of a photo mismatch, does not establish, and should not be interpreted as, evidence that the employee is not work authorized. In any of such cases, the employee must be provided a full and fair opportunity to contest the finding, and if he or she does so, the employee may not be terminated or suffer any adverse employment consequences based upon the employee’s perceived employment eligibility status.
reasonable notice, to review Forms I-9 and other employment records and to interview it and its employees regarding the Employer’s use of E-Verify, and to respond in a prompt and accurate manner to DHS requests for information relating to their participation in E-Verify.

19. The Employer shall not make any false or unauthorized claims or references about its participation in E-Verify on its website, in advertising materials, or other media. The Employer shall not describe its services as federally-approved, federally-certified, or federally-recognized, or use language with a similar intent on its website or other materials provided to the public. Entering into this MOU does not mean that E-Verify endorses or authorizes your E-Verify services and any claim to that effect is false.

20. The Employer shall not state in its website or other public documents that any language used therein has been provided or approved by DHS, USCIS or the Verification Division, without first obtaining the prior written consent of DHS.

21. The Employer agrees that E-Verify trademarks and logos may be used only under license by DHS/USCIS (see M-795 (Web)) and, other than pursuant to the specific terms of such license, may not be used in any manner that might imply that the Employer’s services, products, websites, or publications are sponsored by, endorsed by, licensed by, or affiliated with DHS, USCIS, or E-Verify.

22. The Employer understands that if it uses E-Verify procedures for any purpose other than as authorized by this MOU, the Employer may be subject to appropriate legal action and termination of its participation in E-Verify according to this MOU.

B. RESPONSIBILITIES OF FEDERAL CONTRACTORS

1. If the Employer is a Federal contractor with the FAR E-Verify clause subject to the employment verification terms in Subpart 22.18 of the FAR, it will become familiar with and comply with the most current version of the E-Verify User Manual for Federal Contractors as well as the E-Verify Supplemental Guide for Federal Contractors.

2. In addition to the responsibilities of every employer outlined in this MOU, the Employer understands that if it is a Federal contractor subject to the employment verification terms in Subpart 22.18 of the FAR it must verify the employment eligibility of any “employee assigned to the contract” (as defined in FAR 22.1801). Once an employee has been verified through E-Verify by the Employer, the Employer may not create a second case for the employee through E-Verify.

   a. An Employer that is not enrolled in E-Verify as a Federal contractor at the time of a contract award must enroll as a Federal contractor in the E-Verify program within 30 calendar days of contract award and, within 90 days of enrollment, begin to verify employment eligibility of new hires using E-Verify. The Employer must verify those employees who are working in the United States, whether or not they are assigned to the contract. Once the Employer begins verifying new hires, such verification of new hires must be initiated within three business days after the hire date. Once enrolled in E-Verify as a Federal contractor, the Employer must begin verification of employees assigned to the contract within 90 calendar days after the date of enrollment or within 30 days of an employee’s assignment to the contract, whichever date is later.
Article II.C.5, but reflects documentation (such as a U.S. passport or Form I-551) that expired after completing Form I-9, the Employer shall not require the production of additional documentation, or use the photo screening tool described in Article II.A.6, subject to any additional or superseding instructions that may be provided on this subject in the E-Verify User Manual.

   g. The Employer agrees not to require a second verification using E-Verify of any assigned employee who has previously been verified as a newly hired employee under this MOU or to authorize verification of any existing employee by any Employer that is not a Federal contractor based on this Article.

3. The Employer understands that if it is a Federal contractor, its compliance with this MOU is a performance requirement under the terms of the Federal contract or subcontract, and the Employer consents to the release of information relating to compliance with its verification responsibilities under this MOU to contracting officers or other officials authorized to review the Employer’s compliance with Federal contracting requirements.

C. RESPONSIBILITIES OF SSA

1. SSA agrees to allow DHS to compare data provided by the Employer against SSA’s database. SSA sends DHS confirmation that the data sent either matches or does not match the information in SSA’s database.

2. SSA agrees to safeguard the information the Employer provides through E-Verify procedures. SSA also agrees to limit access to such information, as is appropriate by law, to individuals responsible for the verification of Social Security numbers or responsible for evaluation of E-Verify or such other persons or entities who may be authorized by SSA as governed by the Privacy Act (5 U.S.C. § 552a), the Social Security Act (42 U.S.C. 1306(a)), and SSA regulations (20 CFR Part 401).

3. SSA agrees to provide case results from its database within three Federal Government work days of the initial inquiry. E-Verify provides the information to the Employer.

4. SSA agrees to update SSA records as necessary if the employee who contests the SSA tentative nonconfirmation visits an SSA field office and provides the required evidence. If the employee visits an SSA field office within the eight Federal Government work days from the date of referral to SSA, SSA agrees to update SSA records, if appropriate, within the eight-day period unless SSA determines that more than eight days may be necessary. In such cases, SSA will provide additional instructions to the employee. If the employee does not visit SSA in the time allowed, E-Verify may provide a final nonconfirmation to the employer.

Note: If an Employer experiences technical problems, or has a policy question, the employer should contact E-Verify at 1-888-464-4218.

D. RESPONSIBILITIES OF DHS

1. DHS agrees to provide the Employer with selected data from DHS databases to enable the Employer to conduct, to the extent authorized by this MOU:

   a. Automated verification checks on alien employees by electronic means, and
case. The Employer also agrees to provide both the English and the translated notice and letter for employees with limited English proficiency to employees. The Employer agrees to provide written referral instructions to employees and instruct affected employees to bring the English copy of the letter to the SSA. The Employer must allow employees to contest the finding, and not take adverse action against employees if they choose to contest the finding, while their case is still pending.

2. The Employer agrees to obtain the employee’s response about whether he or she will contest the tentative nonconfirmation as soon as possible after the Employer receives the tentative nonconfirmation. Only the employee may determine whether he or she will contest the tentative nonconfirmation.

3. After a tentative nonconfirmation, the Employer will refer employees to SSA field offices only as directed by E-Verify. The Employer must record the case verification number, review the employee information submitted to E-Verify to identify any errors, and find out whether the employee contests the tentative nonconfirmation. The Employer will transmit the Social Security number, or any other corrected employee information that SSA requests, to SSA for verification again if this review indicates a need to do so.

4. The Employer will instruct the employee to visit an SSA office within eight Federal Government work days. SSA will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines that more than 10 days is necessary.

5. While waiting for case results, the Employer agrees to check the E-Verify system regularly for case updates.

6. The Employer agrees not to ask the employee to obtain a printout from the Social Security Administration number database (the Numident) or other written verification of the SSN from the SSA.

**B. REFERRAL TO DHS**

1. If the Employer receives a tentative nonconfirmation issued by DHS, the Employer must promptly notify employees in private of the finding and provide them with the notice and letter containing information specific to the employee’s E-Verify case. The Employer also agrees to provide both the English and the translated notice and letter for employees with limited English proficiency to employees. The Employer must allow employees to contest the finding, and not take adverse action against employees if they choose to contest the finding, while their case is still pending.

2. The Employer agrees to obtain the employee’s response about whether he or she will contest the tentative nonconfirmation as soon as possible after the Employer receives the tentative nonconfirmation. Only the employee may determine whether he or she will contest the tentative nonconfirmation.

3. The Employer agrees to refer individuals to DHS only when the employee chooses to contest a tentative nonconfirmation.

4. If the employee contests a tentative nonconfirmation issued by DHS, the Employer will instruct the
B. TERMINATION

1. The Employer may terminate this MOU and its participation in E-Verify at any time upon 30 days prior written notice to the other parties.

2. Notwithstanding Article V, part A of this MOU, DHS may terminate this MOU, and thereby the Employer’s participation in E-Verify, with or without notice at any time if deemed necessary because of the requirements of law or policy, or upon a determination by SSA or DHS that there has been a breach of system integrity or security by the Employer, or a failure on the part of the Employer to comply with established E-Verify procedures and/or legal requirements. The Employer understands that if it is a Federal contractor, termination of this MOU by any party for any reason may negatively affect the performance of its contractual responsibilities. Similarly, the Employer understands that if it is in a state where E-Verify is mandatory, termination of this by any party MOU may negatively affect the Employer’s business.

3. An Employer that is a Federal contractor may terminate this MOU when the Federal contract that requires its participation in E-Verify is terminated or completed. In such cases, the Federal contractor must provide written notice to DHS. If an Employer that is a Federal contractor fails to provide such notice, then that Employer will remain an E-Verify participant, will remain bound by the terms of this MOU that apply to non-Federal contractor participants, and will be required to use the E-Verify procedures to verify the employment eligibility of all newly hired employees.

4. The Employer agrees that E-Verify is not liable for any losses, financial or otherwise, if the Employer is terminated from E-Verify.

ARTICLE VI
PARTIES

A. Some or all SSA and DHS responsibilities under this MOU may be performed by contractor(s), and SSA and DHS may adjust verification responsibilities between each other as necessary. By separate agreement with DHS, SSA has agreed to perform its responsibilities as described in this MOU.

B. Nothing in this MOU is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the United States, its agencies, officers, or employees, or against the Employer, its agents, officers, or employees.

C. The Employer may not assign, directly or indirectly, whether by operation of law, change of control or merger, all or any part of its rights or obligations under this MOU without the prior written consent of DHS, which consent shall not be unreasonably withheld or delayed. Any attempt to sublicense, assign, or transfer any of the rights, duties, or obligations herein is void.

D. Each party shall be solely responsible for defending any claim or action against it arising out of or related to E-Verify or this MOU, whether civil or criminal, and for any liability wherefrom, including (but not limited to) any dispute between the Employer and any other person or entity regarding the applicability of Section 403(d) of IIRIRA to any action taken or allegedly taken by the Employer.

E. The Employer understands that its participation in E-Verify is not confidential information and may be disclosed as authorized or required by law and DHS or SSA policy, including but not limited to,
Company ID Number: 779046

Approved by:

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Department of Homeland Security – Verification Division

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Company ID Number: 779046

Are you verifying for more than 1 site? If yes, please provide the number of sites verified for in each State:

WASHINGTON 1 site(s)
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**CLEARANCES**

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**TITLE OF DOCUMENT:**
Presentation by Puget Sound Energy on infrastructure updates planned for W.C.

**ATTACHMENTS:**

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

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

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council)*
TITLE OF DOCUMENT:
Discussion regarding crosswalk at Lakeway and Parkstone Lane

ATTACHMENTS:

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

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

COMMITTEE ACTION:

COUNCIL ACTION:

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing
on the County’s website at: www.co.whatcom.wa.us/council.
Date: May 12, 2014

To: Whatcom County Council Members
   Jack Louws, County Executive

From: Frank M. Abart

RE: Lakeway Drive & Parkston Lane Crosswalk Status

It is my understanding that an agenda item has been scheduled for the May 20 Public Works, Health, and Safety Committee regarding the topic referenced above. In an effort to maximize time demands for the Council discussion, the following information is provided.

- Public Works was requested to review the proposal in 2013.
- Public Works performed the review and provided a response which did not support the action via letter dated October 3, 2013 (copy attached).
- Placement would not meet traffic warrants based in the Manual of Uniform Traffic Control Devices (MUTCD).
- Although the requested installation does not meet the technical guidelines and requirements, the Council may consider other factors and testimony to make a final determination.

Other information in anticipation of Council questions:

- Estimated installation projection would be early 2016.
- Estimated total cost of the project is $225,000 — subject to many variables such as relative access to electric power, ROW/easements if needed, center island construction if needed, other advance warning mechanisms, etc.

If you have additional questions or concerns, please contact Joe Rutan. Thank you.

C: Joe Rutan, County Engineer/Asst. Director
August 8, 2013

Joe Rutan
County Road Engineer
5280 Northwest Dr., Suite C
Bellingham, WA 98226

Dear Mr. Rutan:

On behalf of the residents in the Parkstone development off Lakeway Drive, I am writing to request that Whatcom County install a crosswalk at the intersection of Lakeway Drive and Parkstone Lane.

My husband and I are new residents of Bellingham, having purchased a house at 1381 N. Parkstone Ct. in January, 2013. We take several walks each day, for exercise, to access transit, to walk our dogs, and to get to the park or friends' houses. We were amazed when we moved in that no safe crossing is provided on Lakeway Dr. at Parkstone Lane. Pedestrians crossing at this intersection are forced to race across the street, hoping not to get hit by a car. What is even more unbelievable is that there are no crosswalks at all along the entire stretch of Lakeway Drive/Cable Street between Birch Street and the Firs Retreat Center (between Austin and Geneva). Yet, there is a sign near the corner of Parkstone Lane and Lakeway that encourages residents to “Reduce Car Trips for Clean Water.” If that is the County’s goal, then making the Geneva neighborhood more pedestrian-friendly would be a significant start toward reducing car trips.

I spoke with a County Traffic Engineer several months ago to inquire about a crosswalk and was told that residents of Parkstone should just walk to Birch to cross at the signal. That is unrealistic since Birch Street is probably 1,000 - 1500 feet from the Parkstone Lane intersection. Whatcom County’s own Pedestrian and Bicycle Plan indicates “Pedestrians will not go more than 150 feet out of their way to cross a street.” When walking to Whatcom Falls Park, I try to turn off Lakeway as soon as possible to take a much more pleasant route along Lowell and York. Walking to the signal at Birch is not a good option. The new street connecting the Hannah Creek development to Parkstone Way will provide one option for some residents, but it will still be a longer route to most destinations, especially for those using the transit stops.

To support my request for a crosswalk, I am submitting a petition signed by 30 residents in the immediate vicinity of Parkstone Lane, along with a letter of support from the Parkstone Community Association.

We urge Whatcom County to install a pedestrian crosswalk and warning signs for motorists prior at the intersection to alert them of the pedestrian crossing. A flashing crosswalk signal would be best, but if the County does not currently have the budget for this, pedestrian flags would be an alternative low-cost option. The
July 10, 2013

To Whom It May Concern:

The Board of Directors of Parkstone Community Association supports the proposal made to Whatcom County Public Works Department for the Department’s installation and maintenance of a marked crosswalk at or near the intersection of Lakeway and Parkstone Lane, based on the following:

1) There is no designated way for pedestrians to cross the street between Birch Street to the west and Geneva Street to the east. This is nearly 1.5 miles between designated crosswalks in a very walkable, highly residential neighborhood.

2) There is a sign near this intersection encouraging residents to reduce car use for clean water, but there is little being done to encourage pedestrian travel in the Geneva neighborhood.

3) Lakeway Drive near Parkstone Lane has one of the straightest stretches of visible area along the Lakeway corridor. It is probably one of the safer places on Lakeway in which to place a designated crosswalk.

4) Pedestrians want to take the most direct route. It is unrealistic to think that residents should walk all the way to the signal at Birch if they are just trying to get across the street to the nearest bus stop or to Lowell to take a pleasant, low-traffic route to Whatcom Falls Park, as opposed to staying on a high-traffic arterial.

We encourage Whatcom County Public Works Department to implement a low-cost means of making Lakeway Drive safer for pedestrian travel so that people walking dogs, using transit, or just out for a stroll do not have to race across the street. In addition to the crosswalk -- and potential pedestrian flags on both sides -- there should be signs on Lakeway Drive that warn drivers to watch for pedestrians.

Sincerely,

[Signature]
Board of Directors
Parkstone Community Association
James DeGolier
Kim Mindrich
Scott Ritchey
Edward Krause
PETITION

We, the undersigned residents in the immediate vicinity of Parkstone Lane and Lakeway in the Geneva neighborhood, request Whatcom County to place a crosswalk at the intersection of Parkstone Lane and Lakeway Drive and install appropriate warning signs for motor vehicles using Lakeway to encourage them to watch for pedestrians crossing the street.

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<td>Deanna Kangas</td>
<td>Dyangae</td>
<td>1361 S Parkstone Ct.</td>
<td><a href="mailto:deanna.kangas@comcast.net">deanna.kangas@comcast.net</a></td>
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<td>Lynn Frazey</td>
<td></td>
<td>1363 S Parkstone Ct.</td>
<td><a href="mailto:Frazey@Comcast.net">Frazey@Comcast.net</a></td>
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<tr>
<td>Kim Lasky</td>
<td></td>
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<td><a href="mailto:last@msn.com">last@msn.com</a></td>
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<td>Mckenna Laskey</td>
<td></td>
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<td>Diane pinker</td>
<td></td>
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<td></td>
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<td>Cindy Gipps</td>
<td></td>
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<td><a href="mailto:CindySheppard1000@gmail.com">CindySheppard1000@gmail.com</a></td>
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<td>Eileen Kedesh</td>
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<td>1381 N. Parkstone C.</td>
<td>kade <a href="mailto:she@gmail.com">she@gmail.com</a></td>
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PETITION

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October 3, 2013

Eileen Kadesh
1381 N. Parkstone Ct.
Bellingham, WA 98229

Re: Lakeway Drive Crosswalk

Dear Ms. Kadesh,

Thank you for your letter dated August 8, 2013 requesting a crosswalk on Lakeway Drive at Parkstone Lane.

There is currently a signalized crosswalk at Birch Street and a pedestrian actuated crosswalk in the vicinity of the Firs towards Cable Street. Both crosswalks facilitate pedestrians to cross Lakeway Drive.

The County would support a crosswalk on Lakeway Drive, if the MUTCD (Manual on Uniform Traffic Control Devices) warrant for a pedestrian signal is met. However, at this time, the minimum of 93 pedestrians per-peak-hour warrant is unlikely to be satisfied.

Crosswalk installations are prioritized and if needed would be installed across Lakeway Drive in the vicinity at either Oriental Avenue or Euclid Avenue intersections. This would also involve signalization warrants for the intersections from the MUTCD, which are not met.

At this time the Public Works Department will not be installing an additional marked crosswalk on Lakeway Drive. We will continue to monitor and evaluate.

Thank you for your assistance in this matter, if you have any questions, please do not hesitate to call me at (360) 715-7450.

Sincerely,

Joe Rutan, County Engineer

cc: Jack Louws, County Executive
    Frank Abart, PW Director
    Mike Donahue, PW Traffic Engineer
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**

FCZD-Possible Property Acquisition

**ATTACHMENTS:**

1. None

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

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

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

**COMMITTEE ACTION:**

4/22/2014: Discussed in executive session

**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.
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, Barry Buchanan, Ken Mann, and Carl Weimer
Absent: Rud Browne and Pete Kremen

SURFACE WATER WORK SESSION (AB2014-024)

Crawford asked for clarification on the meeting location for today’s purchase of development rights (PDR) tour.

1. WATERSHED PLANNING UPDATE

Planning Unit

Gary Stoyka, Public Works Department, stated the Planning Unit met last Wednesday and discussed a revised policies and procedures agreement (on file). There were no changes to the decision-making processes. It provides more clarification. There was a lot of discussion about consensus. Consensus is required to adopt the watershed management plan and the instream flow process. Other decisions can be made without complete consensus on more procedural items. There was consensus on these changes. The Planning Unit will formally adopt at the next meeting in May.

Buchanan referenced changes in line 137 and asked for a definition of what it means to address an issue. Stoyka stated a couple of caucuses have been completely inactive. If there are several meetings to move something forward, and there was consensus along the way, an inactive caucus that shows up can’t hold up consensus with disagreement.

The Planning Unit also adopted the framework for the work plan and will work on it more at the next meeting. It’s a draft now from one caucus, and it hasn’t been really considered.

Brenner stated she was amazed there was so much agreement at the last meeting among all the caucus representatives. They got a lot done.

Stoyka stated the Planning Unit’s next task is the work plan. After that the Planning Unit will work on the budget. They also want to make progress on several items recommended by the Joint Board and County Council. They want to list all these requests.
and begin addressing them, including documentation of representation and clarification of the decision-making process.

Mann asked about clarification of the decision-making process and asked if the Council requested a non-consensus process. He asked if the Planning Unit rejected that suggestion and decided on clarification. Stoyka stated there was confusion about when full consensus was required and when a lesser approval standard was allowed. Instream flow changes require unanimous consensus. The watershed management plan adoption suggests consensus, but requires consensus of the governments and a majority of caucuses. The changes address what the Council wants.

Mann stated it seems the Council asked for something that wasn’t feasible. Stoyka stated there was general confusion about when consensus is required. If the Council feels like there needs to be more changes to be more productive, they can look into it.

Mann stated that if the Planning Unit is happy and can make progress, he supports them. Stoyka stated it seems that the slow process was agreeing on what to bring to the table, not on reaching consensus.

The last item is that he’s bringing forward the contract for the facilitator for another six months.

Joint Board

Stoyka stated the Joint Board meets quarterly. The next meeting is May 29. The watershed staff team will recommend to the Joint Board that it directs the staff team to start working on the next five year plan update for the Lower Nooksack Strategy. It will be brought up at the next Joint Board meeting. That presentation will also be brought to the Council at a Natural Resources Committee meeting.

Brenner asked if the Council needs to have another meeting about the Joint Board. The Executive must bring any budget items to the Council for review and approval before going to the Joint Board. Stoyka stated he doesn’t recall that being discussed, but will look into it. The Joint Board adopts an annual budget.

Brenner stated she’s more concerned about what is actually spent. If the Council says no, the Executive won’t bring it to the Joint Board and the money won’t be spent. A budget is a prerequisite to spending money. Stoyka stated the Joint Board has its own funding, which originally came from the County years ago. The Joint Board decides how it’s spent.

Brenner stated the requirement for Council approval is in whatever document used to set up the fund. She will send that information to staff and councilmembers. Stoyka stated the Council will get more regular updates on the Joint Board at these meetings.

Also, they put together a request for qualifications (RFQ) for groundwater modeling proposals. The Joint Board approved moving forward in the Abbotsford Sumas aquifer area. It is part of the watershed implementation groundwater modeling effort. The 2012 water budget was supposed to look at surface and groundwater, but it actually only looked at...
surface water. They want to look at groundwater now by developing a model. They will begin with an area smaller than the entire water resources inventory area (WRIA) 1 area. The scope of the RFQ depends on the budget. The Joint Board provided $120,000 and the State provided a total of $100,000.

Weimer stated that seems like an item that the Council hasn’t approved, but possibly should. Stoyka stated he would look into it.

Brenner stated the Joint Board is administrative. Approving contracts is legislative first. The Council is supposed to approve the expense before the Joint Board starts discussing it.

Coordinated Water System Plan

Stoyka stated they are close to signing a consultant contract to start the process. They have selected RH2 Engineers to start the update process. Because of the vagueness of the update, the consultant recommends starting with a small contract to meet with the water utility coordinating committee and scope what will be included in the update. Then the consultant will be more comfortable providing a cost estimate for the full update. The small contract is $18,000 to start the process, which will better inform the entire project. That should be signed in the next few days.

Weimer asked if the lead is the Public Works Department or Health Department. Stoyka stated the lead is the Public Works Department, with input from the Health Department, Planning Department, and State Department of Health.

Next, the Ag District Coalition is presenting a resolution to the Council on May 6 to get Council support of the Ag District Coalition. The agricultural community is moving forward with forming up to six watershed improvement districts (WIDs).

Rod Vande Hoef, Ag Coalition District Board, stated they want to create five more, but it may be three or four if they can’t get enough signatures together.

Brenner asked if it goes on the ballot. Vande Hoef stated it does.

Weimer asked if any proposed WIDs will get on the ballot this fall.

Henry Bierlink stated one proposal has enough signatures now.

2. STAFF REPORT FROM FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE DISCUSSION ON 2014 WORK LOAD ALLOCATIONS

Paula Cooper, Public Works Department, submitted a handout (on file) and described projects and staff allocation on the work plan. The Swift Creek project has preempted the Syre property project. The Deming levee improvement project and the Jones Creek reflection berm projects would need to stop until the Syre property project is constructed. The advisory committee would like to move the Syre project forward, but couldn’t rearrange the work program, given other priority projects. The advisory committee asked her to ask the Corps of Engineers for technical assistance. She made the request two weeks ago, but hasn’t yet heard back from the Corps.
Brenner stated several projects indicate that no staff is available. She would like to see which of those projects could get grants and matching funds from the State or federal government if the County provided staff. She asked if they need more staffing. Cooper stated they do need more staffing. There is opportunity now for State funding.

Crawford asked if Gary Goodall is no longer in the road department. Cooper stated he isn’t, but he still coordinates with the road department.

Weimer stated the County contracts out engineering for stormwater projects. Cooper stated it still takes 2.5 months of engineering time to administer the consulting contract and design the bid. It takes time to administer the contract, put it out to bid, and engineer it. The design for Canyon Creek is done, but it must be updated. It still takes time.

Brenner stated it seems repetitive for the County staff to do the design work, and then have the contractor go over it. Cooper stated many laws dictate how they do things.

Crawford asked how the Glacier/Gallop alluvial fan project got so high on the list. Cooper stated she would look into the scoring for that item.

Crawford asked if that alluvial fan study is related to flooding. Cooper stated it is related to debris flow. They haven’t done the level of hazard analysis they did for Jones Creek and Canyon Creek to look for past indicators. This is just to deal with the alluvial fan. This project has been number three on the list for awhile.

Crawford stated it ranks as a high priority, but he’s not sure it would actually be a high priority. Cooper stated debris flow is more likely than landslides.

Crawford asked if it has happened before. Cooper stated not since she’s been with the County.

Weimer stated he will send the actual comprehensive water resource integration program (CWRIP) database to councilmembers, which shows all the ratings for each project.

Brenner stated there’s a complete Department of Transportation (DOT) environmental deficiency study on file for the Glacier area. Cooper stated she needs to re-read it.

Brenner stated the Council received an email from Dr. Easterbrook. This issue is his expertise. The County needs to incorporate some of that information. Have Dr. Easterbrook speak to the Council.

Weimer stated Dan McShane and John Thompson are aware of the information from Dr. Easterbrook, but no one has looked at the area for 20 years to see if there has been any movement.

Brenner stated they seem to have a lot more information that people are interested in having.
Crawford stated the presenters indicated it would be difficult to predict future events. They didn’t imply that Dr. Easterbrook and his students hadn’t done a lot of work. Much data is there, but it isn’t predictive data about what will happen in the future, especially regarding risk analysis. Regarding landslides, he’s not in favor of the County deciding to move everyone out of every landslide risk area. There are real flooding and resource allocation problems to address in Whatcom County.

Mann stated he agrees in principle. The County government isn’t in the business of disaster-proofing everyone’s lives.

Weimer stated he agrees that the County can’t disaster-proof, but they might want to make people more aware if they consider moving to Glacier. Avoid the question of why no one said anything if something does happen.

Brenner stated it’s not the County’s job to decide the value of someone’s home. They could do provide information for future construction, but not for someone who buys an existing house.

Cooper stated the County could do a study on Glacier/Gallup to identify the highest risk areas. That would be a tool that the Planning Department could use, similar to what they use in the Canyon Creek and Jones Creek areas.

Mann stated geologic hazard maps are already available. Cooper stated those maps are different from the detailed modeling work that tries to project what the debris flow might do.

Mann stated make the geologic hazard maps available online. That is sufficient warning and notice to people. Don’t put anything on a deed. Someone should always check any property before buying it.

Jeff De Jong, Flood Control Zone District Advisory Committee, referenced the Syre property project and stated the Advisory Committee would like a mechanism to move forward on projects like the Syre property when they come up. They don’t want to take away from the large scale projects on the work plan. If it is within the budget to tackle something like this property, it’s difficult when staff time is the only holdup. Get the department staffed up or more easily contract some of this work to be done. Be able to take on something when the need arises.

Weimer asked if there are other staff in other divisions of the Public Works Department who can work on something like this. Cooper stated they would be busy, too.

Brenner stated hire staff and engineers on contract to do County business.

Crawford asked the difference between the land and easement acquisition program number one and the update to the land and easement acquisition program project. Cooper stated they developed a land and easement acquisition program in 2000 that needs to be updated to reflect actual implementation procedures. It’s administrative.

Mann asked how the staff like working with this work plan document. Cooper stated there are some changes she would like to make, but on the whole it works well.
Mann stated other departments can benefit from a format like this.

Ellen Baker stated the State Department of Transportation (DOT) conducted an environmental deficiency study in Glacier when the bridges were replaced. They have a very good idea of what is likely to happen. It’s a good report. Cooper stated she’s seen it, and needs to read it again.

3. FLOODPLAINS BY DESIGN FUNDING

Paula Cooper, Public Works Department, stated the Nature Conservancy and other organizations and agencies created a consortium to promote a broad approach to flood plain management, with multiple objectives. They allocated $50 million in the 2013-2014 biennium toward integrated floodplain projects that focus on flood and fish habitat. She’s hearing now that it must also work for agriculture. That’s a great opportunity for Whatcom County. Of the $50 million, Whatcom County received $2 million for Canyon Creek and $1.4 million for the Deming levee improvement project.

Currently, they are developing a proposal for the 2015-2017 legislative request. They are promoting a reach-scale analysis, and she made a presentation to the group on the system-wide improvement framework (SWIF) process. This is a good time to get in on some of this funding. By May 23, she will develop a preliminary proposal to the Department of Ecology. They encourage project packages. They will invite specific communities to provide additional information, and then develop their proposal for the State legislature by August 1. Eligible projects must reduce flood risk and protect and restore floodplain ecosystem functions. Eligible project types are pre-construction, meeting feasibility and design, acquisition, and construction. A 20 percent match is required. Equal weight is given to flood and fish habitat. Points are also assigned for other benefits, including ag viability and water quality improvement. She is developing a proposal package that includes Marietta acquisition, a Marine Drive area bridge design, and early action projects identified in the SWIF process that may include small-scale levee setbacks. The Tribes want to focus beyond the levee and on the comprehensive flood hazard management plan. The Fish-Farmer initiative is a budget allocation that could fund projects that primarily get at fish habitat and farmland preservation and productivity. The dedicated funding for these projects would exist outside the work plan and wouldn’t have to compete with other projects on the work plan. Funding would be for design, construction, and staff support time.

Brenner referenced the Marietta acquisition with the Tribe and asked if it requires some scalping of the area. She asked if the Tribe will work with the County if the County doesn’t consider dredging. She asked if the Nooksack Tribe will insert themselves into the Marietta project. Cooper stated the County doesn’t need to do anything with the river to acquire properties in Marietta. The tribes at the table wanted to look at the entire floodplain, not just at the levee system. The USGS sediment study will provide the science for the sediment management work.

Crawford asked if there are opportunities to manage debris flows in the hills. Cooper stated their focus is the bigger river systems.
Crawford stated the phrase ‘floodplain by design’ implies a flat area that is designed to flood. This is much broader. Cooper stated it is much broader, on the scale of an entire reach.

Weimer asked when the money is coming. Cooper stated it would be available in 2015. The money would last over a four-year period, but they could potentially ask for more in two years. This is the time to bring in staff. She would like a funding stream to support staff with or without outside money.

Crawford stated they need to talk about adding new staff with the Executive.

Jeff De Jong, Flood Control Zone District Advisory Committee, stated he cautions about going after grants if they don’t know where matching funds will come from and if the grants cost valuable staff time to complete the project. Don’t create new projects just to get grants. Cooper stated the project package should include projects on the work plan that are important. She hopes the plan will have broad support.

Weimer stated that staffing levels are more of a problem to doing projects than the amount of money in the flood fund.

De Jong stated that if the flood fund balance is less of a concern, the County should be able to do projects such as the Syre property project.

**ADJOURN**

The meeting adjourned at 11:41 a.m.

The Council approved these minutes on ________________, 2014.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 6:30 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

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

Absent: None

COMMITTEE DISCUSSION

1. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING APPEAL OF GROWTH MANAGEMENT HEARINGS BOARD CASE NO. 12-2-0013 (AB2014-018) Attorney Present: Karen Frakes

Weimer stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no later than 7:00 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

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

The motion carried by the following vote:

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

Nays: None (0)

OTHER BUSINESS

ADJOURN

The meeting adjourned at 6:58 p.m.

The Council approved these minutes on ______ 2014.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

______________________________
Jill Nixon, Minutes Transcription
**TITLE OF DOCUMENT:** Ordinance to add additional EMS ALS Transport fees as recommended and approved by the EMS Oversight Board.

**ATTACHMENTS:** Ordinance
Exhibit A

**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.)

Executive Louws respectfully requests Council approval of the inclusion of 2 ALS Transport Fees as outlined in Attachment A of the Ordinance as recommended by the EMS Oversight Board.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
5/6/2014: Introduced 7–0

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
ORDINANCE NO. _________

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, on March 25, 2014 the Whatcom County Council approved Ordinance 2014-021 establishing fees for providing advanced life support (ALS) ambulance Transport Services in Whatcom County; and
WHEREAS, the EOB approved the two additional fees recommended by the TAB for inclusion in the ordinance, as highlighted in Exhibit A, at their April 15, 2014 Board Meeting; 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 include the Unsuccessful Resuscitation and ALS No-Transport fees as shown in Exhibit A; 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:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Daniel L. Fobson

Chief Civil Deputy Prosecutor

Jack Louws, County Executive

(  ) Approved   (  ) Denied

Date Signed: ____________________
Exhibit A
EMS MEDIC TRANSPORT FEES

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<tr>
<th>Service</th>
<th>District 7 Current Fee (1/1/2014)</th>
<th>Bellingham Fire Current Fee</th>
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</tbody>
</table>

Service Definitions

EMS Certifications
EMT-Basic (EMTB) is an individual who is qualified in accordance with State of Washington as an emergency medical technician-basic (EMT-Basic).

Advanced-EMT (AEMT) is defined as an individual who is qualified, in accordance with State and local laws, as an EMT-Basic and who is also qualified in accordance with State and local laws to perform essential advanced procedures and to administer a limited number of medications.

Paramedic is defined as possessing the qualifications of Paramedic, in accordance with the State of Washington and having enhanced skills that includes being able to administer advanced life support interventions and medications.

Service Description

Basic Life Support (BLS) Non-Emergency: Scheduled and/or planned BLS transports that are considered non-emergent.

Basic Life Support (BLS) Emergency: BLS services in the context as an immediate emergency response.

Advanced Life Support 1 (ALS1): An ALS1 level of service is defined as including an ALS assessment OR the provision of at least one ALS intervention. Must be staffed with at least one paramedic or AEMT.

Advanced Life Support 2 (ALS2): An ALS2 level of service is defined to include and ALS assessment AND the administration of at least three medications OR three administrations of the same qualifying medication OR the provision of at least one of the following procedures: manual defib/cardioversion; endotracheal intubation; central venous line; cardiac pacing; chest decompression; surgical airway; intravenous line.

ALS No-Transport: ALS1 level of service is provided AND the patient is not transported to a medical facility.
Unsuccessful Resuscitation: Resuscitation interventions are provided AND patient is pronounced deceased on scene. Ambulance service fee is billed at the highest level of intervention provided, either BLS Emergency, ALS1 or ALS2.

Specialty Care Transport: When medically necessary, interfacility transportation of a critically injured or ill patient by ground ambulance, at a level of service beyond the scope of the Paramedic.

Mileage: Distance the patient(s) are transported to a medical facility, to the closest tenth (0.1) mile.

Service description and delivery for this document will be concurrent with:
CMS Manual System, Publication 100-02 Medicare Benefit Policy. Effective date: January 1, 2011
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES
Originator: Carl Weimer
Division
Dept. Head:
Prosecutor
Purchasing/Budget:
Executive: Jack Louws

Date

Date Received in Council Office

233

Agenda Date

Assigned to:

1/8/2014
5-8-14
Introduction

2/11/2014
2/27/2014
Public Hearing
Planning Commission

3/25/2014
4/8/2014
P&D Committee
P&D Committee

4/22/2014
4/22/2014
P&D Committee
Introduction

5/6/2014
5/20/2014
Hearing
Council

TITLE OF DOCUMENT: Ordinance amending Whatcom County Code Title 20 to amend regulations relating to slaughterhouses and packinghouses - see ordinance for full title

ATTACHMENTS:
1) Memo to Council
2) Proposed Ordinance
3) Exhibit A - Proposed Code Amendments
4) Attachment A - SEPA DNS Reaffirmation

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

This ordinance would require all packinghouse and slaughterhouse applications in the Agriculture Zoning District to be processed as administrative approval uses. It would also allow packinghouses and slaughterhouses in High Impact Industrial (HII) zones as permitted uses and in Low Impact Industrial (LII) zones as conditional uses. It would also allow packinghouses in the Rural Industrial Manufacturing (RIM) zone as an administrative approval use

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:
2012-300

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
SEPA review for the original ordinance (PLN2012-00008) has been completed and the revisions made as part of the proposed ordinance (PLN2014-00018) have been reviewed with the scope of original SEPA determination in mind.

Finding 16 states: “The proposed amendment has not changed substantially from the initial staff proposal that was reviewed through the State Environmental Policy Act (SEPA). However, review by the SEPA official and documentation of proposed and existing Whatcom County Code provisions indicates that this non-project level proposal is not, in and of itself, likely to generate significant adverse environmental impacts, therefore, the previously issued SEPA Threshold Determination of Determination of Nonsignificance (DNS) is still applicable.”

However, this has not been documented in the record. Included as Attachment A memo from the SEPA Official reaffirming the SEPA review for the original ordinance and its applicability to the proposed ordinance.
Memorandum

TO: Joshua Fleischmann
FROM: Tyler Schroeder
DATE: May 8, 2014
SUBJECT: PLN2014-00018 – Packinghouses SEPA Review

A SEPA threshold determination of Determination of Nonsignificance was originally issued for PLN2012-00008 Small Scale Slaughterhouses based on the following project description:

Proposal to amend the agriculture zoning district to allow small scale slaughterhouses as a conditional use.

At the April 8th 2014 Planning and Development Committee work session, Planning and Development Services provided and discussed an amended exhibit that would allow packinghouses and slaughterhouses within the Light Impact Industrial (LII) zone as a conditional use and Heavy Impact Industrial (HII) zone as a permitted use, as well as the addition of packinghouses as an administrative approval use in the Rural Industrial and Manufacturing (RIM) zone. The proposed changes were accepted by the Planning and Development Committee as part of the ordinance that was introduced on April 22nd 2014.

The revisions made as part of the proposed ordinance (PLN2014-00018) have been reviewed with the scope of original determination in mind. However, this has not been documented in the record. Thus, SEPA documentation for PLN2014-00018 has been reviewed to ensure that the proposed changes to the LII, HII, and RIM have been taken into account.

Under the proposed ordinance, project specific SEPA review will be subsequently conducted in the following manner:

- **High Impact Industrial (HII)** – Packinghouses and Slaughterhouses will be processed as Permitted Uses. Project specific SEPA review will be required if the proposed building exceeds the threshold exemption size of 12,000 sf for industrial uses as identified in WCC 16.08.070.3.
• **Agriculture (AG)** – Packinghouses and Slaughterhouses will be processed as Administrative Approval Uses. Projects specific SEPA review will not be required, as the threshold exemption size of 12,000 sf for industrial uses as identified in WAC 197-11-800(1)(b)(4) will not be exceeded (Note: WAC 197-11-800(1)(b)(3) indicates that the agriculture building exemption is “to be used only by the property owner or his or her agent in the conduct of farming the property”). Within the AG zone, packinghouses and slaughterhouses are limited to 7,000 sf, with conditions in proposed WCC 20.40.139, to specifically mitigate potential environmental impacts.

• **Rural Industrial Manufacturing (RIM)** – Packinghouses and Slaughterhouses will be processed as Administrative Approval Uses. Project specific SEPA review will not be required, as the threshold exemption size of 12,000 sf for industrial uses as identified in WAC197-11-800(1)(b)(4) will not be exceeded. Within the Rural Business designated RIM zones, new nonresidential uses are subject to a maximum buildings size of 12,000 sf. However, all other county development regulations including the performance standards in WCC 20.69 specifically designed to mitigate potential environmental impacts must be met.

• **Light Impact Industrial (LII)** – Packinghouses and Slaughterhouses will be processed as a Conditional Use. Project specific SEPA review will be required if the proposed building exceeds the threshold exemption size of 12,000 sf for industrial uses as identified in WCC 16.08.070.3. If the proposal is less than 12,000 sf, all of the project specific conditions from the Conditional Use permit process and the performance standard requirements of WCC 20.66, specifically designed to mitigate potential environmental impacts must be met.

Additionally, Packinghouses and Slaughterhouses in any zone would be required to meet State and Federal requirements such as water availability, wastewater, air pollution, and labor laws, among others. Further, approval criteria for Administrative Approval Uses and Conditional Uses, as well as specific criteria within the AG zone, would be required.

Thus, the changes of this non-project action, coupled with the zoning limitations and/or Project Specific SEPA requirements, are not substantive enough to require a revised SEPA threshold determination. However, it should be noted that the present proposal moving through the legislative process has been modified from the proposal at the time of SEPA review.

Please place this memo in the official file to be included as part of the record.
ORDINANCE NO. 2014- 
AMENDING WHATCOM COUNTY CODE TITLE 20 TO ALLOW PACKINGHOUSES 
AND SLAUGHTERHOUSES IN THE AGRICULTURE (AG), HIGH IMPACT 
INDUSTRIAL (HII), LOW IMPACT INDUSTRIAL (LII), AND RURAL AND 
INDUSTRIAL MANUFACTURING (RIM) ZONING DISTRICTS

WHEREAS, on September 10, 2013, the Whatcom County Council adopted 
Ordinance No. 2013-051, entitled “Zoning Amendment to Allow Agricultural 
Packinghouses in the Agriculture Zoning District”; and

WHEREAS, Whatcom County Planning and Development Services staff originally 
proposed that all applications for packinghouses in the Agriculture Zoning District be 
processed as conditional uses and a public hearing was held on staff’s proposed 
amendments before the Planning Commission; and

WHEREAS, the ensuing process before the Planning Commission and the County 
Council leading up to the adoption of the final ordinance was lengthy, involving 
numerous work sessions and public hearings, and was fraught with controversy; and

WHEREAS, the Planning Commission recommended to the County Council the 
adoption of an ordinance allowing applications for packinghouses with no more than 20 
employees, regardless of size, to be processed as permitted uses and applications for 
packinghouses with more than 20 employees, regardless of size, were to be processed 
as conditional uses; and

WHEREAS, the County Council ultimately adopted an ordinance allowing 
applications for packinghouses no larger than 7,000 square feet to be processed as 
permitted accessory uses and applications for packinghouses larger than 7,000 square 
feet to be processed as conditional uses; and

WHEREAS, the County received many public comments during the adoption 
process expressing concerns about packinghouses and their potential threat to water 
quality and water quantity, as well as various other potential impacts they could have on 
neighboring uses. In addition, concerns were expressed about the potential loss of 
prime agricultural land and the impact of allowing such uses in critical areas and 
hazardous areas; and

WHEREAS, on November 13, 2013, Nicole Brown, Wendy Harris, and Tip Johnson 
filed a Petition for Review with the Growth Management Hearings Board challenging 
Ordinance No. 2013-051 on several grounds; and
WHEREAS, the adoption of a new ordinance could potentially resolve the appeal before the Growth Management Hearings Board, thereby saving the public resources necessary to maintain such litigation; and

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

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

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

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

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

WHEREAS, the Whatcom County Council held 3 work sessions in the Planning and Development Committee; and

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

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

FINDINGS

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

2. The proposal has been posted to the County website.

3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on January 16, 2014.

4. Notice of the Planning Commission work session for the subject amendment was posted on the County’s website in February 2014.

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

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

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

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

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

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


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

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

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

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

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

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

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

13. County-Wide Planning Policy I-9: The County and the cities recognize the need for the protection and utilization of natural resources and resource lands including agricultural, mineral, forestry and fishing. As part of a broad based economy, productive timber, agriculture and fisheries industries should be supported in a sustainable manner.
Approval of this proposed amendment would allow citizens within the agriculture zoning district to provide slaughtering and value added services to Whatcom County farmers and allow greater opportunities for farmers to get their product to the end user. Approval of this proposal would allow for an increase to the economic base for agricultural products related to livestock.

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

15. Limiting holding pens to that necessary to accommodate animals intended for processing within 24 hours would prevent packinghouse and slaughterhouse holding pens from becoming feedlots, while allowing each facility the flexibility to adjust their business accordingly.

16. The proposed amendment has not changed substantially from the initial staff proposal that was reviewed through the State Environmental Policy Act (SEPA). However, review by the SEPA official and documentation of proposed and existing Whatcom County Code provisions indicates that this non-project level proposal is not, in and of itself, likely to generate significant adverse environmental impacts, therefore, the previously issued SEPA Threshold Determination of Determination of Nonsignificance (DNS) is still applicable.

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

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

19. Kelzer Meats, the only USDA approved slaughtering facility in Whatcom County, is limited to slaughtering 2,000 animals per year through their Conditional Use Permit.

20. Both nationwide and locally, the percentage of livestock operations selling product directly to consumers or retailers is much smaller than that of other agricultural products (US Department of Agriculture. Slaughter and Processing Options and Issues for Locally Sourced Meat. USDA Economic Research Service. 2012).

22. The number of slaughter plants has decreased in recent years, both nationwide and locally (US Department of Agriculture. *Slaughter and Processing Options and Issues for Locally Sourced Meat*. USDA Economic Research Service. 2012).


24. Lack of nearby slaughter facilities can create logistical impediments to animal slaughter, particularly in being able to transport animals/meat to and from the slaughter plant in a financially practical way (US Department of Agriculture. *Slaughter and Processing Options and Issues for Locally Sourced Meat*. USDA Economic Research Service. 2012).

25. Nationwide given the mismatch between smaller producers and larger plants, many individual producers marketing their meat via niche marketing arrangements must rely on smaller facilities, wherever they are located. Small producers may prefer to use a smaller slaughter and processing facility because a smaller plant is likely to be more flexible in satisfying the producer’s individual processing requests (US Department of Agriculture. *Slaughter and Processing Options and Issues for Locally Sourced Meat*. USDA Economic Research Service. 2012).

26. Nationwide sales of food sold via direct-to-consumer marketing have more than doubled over the last decade (USDA/NASS, 2007 Census of Agriculture). However, direct-to-consumer and intermediated sales of livestock products have not grown as rapidly as other food categories, despite apparent demand. Local producers continue to perceive a lack of local slaughter capacity as a hindrance in trying to meet growing demand (US Department of Agriculture. *Slaughter and Processing Options and Issues for Locally Sourced Meat*. USDA Economic Research Service. 2012).

27. Currently, the vast majority of livestock and poultry slaughter in the United States is done in a relatively small number of very large facilities (US Department of Agriculture. *Slaughter and Processing Options and Issues for Locally Sourced Meat*. USDA Economic Research Service. 2012).

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

29. As part of the review process for the proposed amendments, Planning and Development Services has read numerous background documents including, but not limited to:


Small%20Slaughterhouse%20Operations.pdf](http://www4.uwm.edu/shwec/publications/cabinet/p2/Pollution%20Prevention-


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

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

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

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

ADOPTED this ____ day of __________, 2014.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

APPROVED AS TO FORM: WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Karen N. Frakes Jack Louws, County Executive
Civil Deputy Prosecutor

( ) Approved ( ) Denied

Date Signed: ____________________
EXHIBIT A

Chapter 20.40 AGRICULTURE (AG) DISTRICT
20.40.130 Administrative Approval Uses

.139 Packinghouses, as identified in WCC 20.97.282.1, and slaughterhouses, as identified in WCC 20.97.423.1, 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. “Administrative approval use” approval criteria located in WCC 20.84.235(3) shall be satisfied.
2. The facility is an accessory use, as identified in WCC 20.97.005 “Accessory Use”
3. The total allowable building area is no larger than 7,000 square feet.
4. There shall cumulatively be no more than three (3) packinghouses or and no more than three (3) slaughterhouses approved under WCC 20.40.139 within the Agricultural (AG) District.
5. Holding pens associated with packinghouses and slaughterhouses shall be limited to that necessary to accommodate animals intended for processing within 24 hours.
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. If required by the Washington State Department of Ecology, the following permits shall be obtained:
   a. State waste discharge permit (WCC 173-216)
   b. Industrial stormwater permit – general permit (WAC 173-226)
   c. An NPDES Permit (RCW 90.48 and WAC 173-220)
8. The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:
   a. Are sized to be as small as feasible; and
   b. Located to maximize the agricultural use of the remaining area; and
   c. Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.
9. The packinghouse or slaughterhouse 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.
10. Packinghouses and slaughterhouses, approved under WCC 20.40.139 within the Agricultural (AG) District shall not be located in Critical Aquifer
Recharge Areas of a High Susceptibility, as identified by the Critical Areas Ordinance map, or Frequently Flooded Areas, as identified and regulated by Whatcom County Public Works River and Flood Division through WCC Title 17.

20.40.150 Conditional Uses

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

1. Conditional use approval criteria located in WCC 20.84.220 shall be satisfied.
2. The total allowable building area is larger than 7,000 square feet and no larger than 20,000 square feet.
3. The facility processes at least 75 percent agricultural goods produced in Whatcom, Skagit and/or Island County and that originate from uses permitted in WCC 20.40.051.
4. Holding pens associated with packinghouses shall be limited to that necessary to accommodate animals intended for processing within 24 hours.
5. The facility will be serviced adequately by necessary facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and wastewater treatment.
6. The facility shall comply with solid waste handling standards as set forth in WAC 173-350, as administered by the Whatcom County Health Department as adopted by reference in WCC 24.06.
7. An approved state waste discharge permit from the Washington State Department of Ecology with adequate storage, where required, that complies with WAC 173-216, WAC 173-226 industrial stormwater permit (general permits), and/or an NPDES Permit (RCW 90.48 and WAC 173-220), if required by the Washington State Department of Ecology.
8. The facility will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.
9. The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:
   a. Are sized to be as small as feasible; and
   b. Located to maximize the agricultural use of the remaining area; and
   c. Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.
10. The packinghouse, as identified in WCC 20.97.282.1, shall emit no noxious emissions that are detectable, at or beyond the property line for the use concerned, in such a concentration or of such duration as to cause a public
nuisance, or threaten health or safety, or to unreasonably infringe upon the use of adjacent property.

Chapter 20.66 Light Impact Industrial (LII)
20.66.150 Conditional Uses
.154 Packinghouses and Slaughterhouses

Chapter 20.68 Heavy Impact Industrial (HII)
20.68.050 Permitted Uses
.051 The manufacture and processing of food including meat (including packinghouses and slaughterhouses), dairy, fruits, vegetables, seafood, grain mill, large scale bakery, sugar and beverage products.

Chapter 20.69 Rural Industrial Manufacturing (RIM)
20.69.130 Administrative approval uses
20.69.131 Packinghouses and 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 and slaughterhouses, 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/slaughterhouses and schools shall be 500 feet.
(4) The minimum separation between packinghouses/slaughterhouses 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. Rendering and importation of animal by-products is strictly prohibited in slaughterhouses. Slaughterhouses shall not slaughter poultry. Slaughterhouses 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.

20.97.424 Slaughtering
"Slaughtering" means the killing and processing of animals for human consumption.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

**CLEARANCES**

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**EXECUTIVE:**

05/12/14

**TITLE OF DOCUMENT:** Appointment to the Bellingham-Whatcom County Commission Against Domestic Violence.

**ATTACHMENTS:** Letter from Susan Marks to County Executive Louws dated 4/25/14; Application of Christina Kobdish

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

**SEPA review completed?** ( ) 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 Jack Louws requests confirmation of his appointment of Christina Kobdish to the Bellingham-Whatcom County Commission Against Domestic Violence.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
April 25, 2014

County Executive Jack Louws
Whatcom County Courthouse
311 Grand Avenue, Suite #108
Bellingham, WA 98225-4082

Dear Executive Louws:

At this time, the Domestic Violence Commission would like to recommend the appointment of Christina Kobdish to the Whatcom County health care provider position. Christina is the Director of External Affairs at Mt. Baker Planned Parenthood, and is responsible for all of the marketing, public policy, and education conducted by MBPP. These skills and the connections she has will be extremely useful to the DV Commission in our efforts to educate the broader Whatcom County community about domestic violence, and their role in prevention and response. Additionally, Christina is passionate about ending domestic violence and committed to finding and implementing community solutions. Moreover, Christina already is volunteering with the DV Commission as a member of our Message Response Team. The DV Commission therefore recommends that Christina be appointed to her first full term ending January 31, 2018. I am including Christina’s application for review.

Please contact me if you have any questions or need any further information.

Sincerely,

Susan Marks
Director

Enclosure

cc: Mayor Kelli Linville
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Christina Kobdish
Street Address: 553 Midwood Court
City: Bellingham
Mailing Address (if different from street address): 
Day Telephone: 360-603-7703 Evening Telephone: 360-303-7877 Cell Phone: 360-303-7877
E-mail address: christinakobdish@gmail.com

1. Name of board or committee—please see reverse:

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.)

4. Which Council district do you live in? —(x) One ( ) Two ( ) Three

5. Are you a US citizen? —(x) yes ( ) no

6. Are you a registered voter? —(x) yes ( ) no

7. Have you ever been a member of this Board/Commission? —( ) yes (x) no

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? —( ) yes (x) no

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I am the Director of External Affairs at Mt. Baker Planned Parenthood. I oversee all non-clinical activities such as marketing, fundraising, public policy, and education. Our agency works closely with other social services agencies such as Brigid Collins and DVSAS. In my capacity I have organized many community forums and events related to a variety women’s health issues. I received my B.S. from the University of Texas Austin in Radio/TV/Film. I currently serve on the Board of the Pickford Film Center.

10. Please describe why you’re interested in serving on this board or commission; Identifying and providing resources for victims of domestic violence is a core principle for our agency as we are often the first point of entry to services for our patients.

References (please include daytime telephone number): Linda McCarthy, Exec Dir. MBPP- 360-603-7701
Mo West, PhD - (360) 201-6782, Katie Rose, Brigid Collins - (360) 734-4616

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.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:** Appointment to the Public Health Advisory Board

**ATTACHMENTS:** Application for Appointment

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

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

County Executive Jack Louws requests confirmation of his appointment of Sue Sullivan to the Whatcom County Public Health Advisory Board.

**COMMITTEE ACTION:**

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<th>Related File Numbers:</th>
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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Sue Sullivan Date: 5/1/14

Street Address: 2910 melood Rd.
City: Burlington Zip Code: 98225
Mailing Address (if different from street address):

Day Telephone: 360.672.6872 Evening Telephone: 360.712.2243 Cell Phone: 360.303.9062
E-mail address: Sue.sullivan@wou.edu

1. Name of board or committee-please see reverse: Whatcom County 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.)

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

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ( ) no

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   Current - WWU Environmental Health & Safety Director - responsible for overseeing all components of the university's environmental health & safety program & workers' compensation.

   Education - B.A. Environmental Science - SUNY Plattsburgh

   - M.B.A. - Western Washington University (Expected graduate 6/14/14)

10. Please describe why you're interested in serving on this board or commission:

   I firmly believe in the collective good work in this board in order to sustain a healthy community and environment.

References (please include daytime telephone number): Gayle Shipley - cell: 360.739.0185

Signature of applicant: Sue Sullivan

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 Amber Pouley to the Bicycle/Pedestrian Advisory Committee.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Amber Pouley Date: April 25, 2014
Street Address: 1512 Lakeway Dr
City: Bellingham Zip Code: 98229
Mailing Address (if different from street address): 
Day Telephone: 206.240.7466 Evening Telephone: 206.240.7466 Cell Phone: 206.240.7466
E-mail address: amber.pouley@gmail.com

1. Name of board or committee—please see reverse: Bicycle/Pedestrian Adv. 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.) X yes ( ) no
4. Which Council district do you live in? (X) One ( ) Two ( ) Three
5. Are you a US citizen? (X) yes ( ) no
6. Are you registered to vote in Whatcom County? (X) yes ( ) no
7. Have you ever been a member of this Board/Commission? ( ) yes (X) no
   If yes, dates: 
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes (X) no
   If yes, please explain:
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Currently work in process improvement/Lean at Skagit Valley Hospital. About to complete Master of Public Health degree. Previous volunteer with Girls on the Run, Gusas, Mt. Rainier Bicycle Club, Mountain Bike, Trail Running, Road Biking/Commuting on bike. Would like to be more involved in improving community health.

10. Please describe why you’re interested in serving on this board or commission: I want to help make our community safer for pedestrians and cyclists; improve relations with drivers.

References (please include daytime telephone number): Kate Hinton 360.303.8435 
Candice Burt 360.389.0561 Jen Gallant 360.733.8360

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:** Joint Resolution recognizing Whatcom Medic One for 40 years of service

**ATTACHMENTS:** Joint Resolution

**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 joint resolution of Whatcom County Council and City of Bellingham recognizing Whatcom Medic One for 40 years of service.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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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).
RESOLUTION NO. __________

A JOINT RESOLUTION OF BELLINGHAM CITY COUNCIL AND WHATCOM COUNTY COUNCIL RECOGNIZING WHATCOM MEDIC ONE FOR 40 YEARS OF PROVIDING ADVANCED LIFE SUPPORT SERVICE THROUGHOUT THE CITY OF BELLINGHAM AND WHATCOM COUNTY

WHEREAS, Whatcom Medic One was formed by the Bellingham Fire Department in July 1974 and began delivering countywide Advanced Life Support (ALS) paramedic services in the City of Bellingham and throughout Whatcom County; and

WHEREAS, the week of May 18 through May 24 has been designated National EMS Week by the American College of Emergency Physicians (ACEP), its founder and sponsor; with this year’s theme being: "EMS: Dedicated. For Life."; and

WHEREAS, National EMS Week celebrates and honors the hundreds of thousands of EMS practitioners serving our communities across the nation and recognizes the many changes taking place in our nation’s healthcare system, as well as the new opportunities and challenges that are emerging within this noble profession;

NOW THEREFORE, BE IT RESOLVED BY THE WHATCOM COUNTY COUNCIL THAT:

The County Council hereby recognizes the 40th year anniversary of Whatcom Medic One and honors the men and women associated with the Advanced Life Support system for their public service and dedication to the citizens of the City of Bellingham and throughout Whatcom County.

APPROVED this ______________ day of __________________, 2014.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown Davis, Clerk of the Council
Carl Weimer, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to:
--- | --- | --- | --- | --- | ---
Division Head: Mark Personius | WP | 5-5-14 | | | 
Dept. Head: Sam Ryan | SK | 5-7-14 | | 6/3/2014 | P&D Committee and Council
Prosecutor: Royce Buckingham | | 5-8-14 | | |
Purchasing/Budget: | | | | |
Executive: Jack Louws | | 05/12/14 | | |

TITLE OF DOCUMENT:
Repeal the Eliza Island Plan and amend provisions in the Whatcom County Comprehensive Plan and Zoning Code relating to the subarea plan.

ATTACHMENTS:
1. Staff Memo
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Planning Commission minutes

Other background information is on file at the Council office.

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

Should Clerk schedule a hearing? ( ) Yes ( X ) NO
Requested Date

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

Repeal the Eliza Island Plan and amend provisions in the Whatcom County Comprehensive Plan and Zoning Code relating to the subarea plan. The Eliza Island Plan was adopted in 1994, prior to the first Whatcom County Comprehensive Plan that was adopted under the GMA.

NOTE: Final approval of these amendments would occur as part of concurrent review of comprehensive plan amendments in early 2015.

COMMITTEE ACTION:

COUNCIL ACTION:

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
May 5, 2014

To:        Jack Louws, The Honorable Whatcom County Executive  
The Honorable Whatcom County Council

From:      Matt Aamot, Senior Planner  

Through:   Mark Personius, Long Range Planning Division Manager

RE:        Repeal the Eliza Island Plan and Related Amendments

The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080. However, the GMA also requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."

The comprehensive land use plan designation in the 1994 Eliza Island Plan is not the same as the designation in the current Whatcom County Comprehensive Plan. Additionally, the Eliza Island Plan is 20 years old and contains some outdated information. Therefore, we recommend repealing the subarea plan and amending provisions in the Whatcom County Comprehensive Plan and Zoning Code relating to the subarea plan.

Planning & Development Services is requesting Council consideration of these amendments on June 3. However, the proposed Comprehensive Plan amendments are subject to concurrent review. Therefore, the Council will not render a final decision on the proposal until early 2015.

Thank you for your consideration of this matter.
ORDINANCE NO. ____________

REPEALING THE 1994 ELIZA ISLAND PLAN
AND AMENDING PROVISIONS IN THE WHATCOM COUNTY
COMPREHENSIVE PLAN AND ZONING CODE RELATING TO THE PLAN

WHEREAS, The Whatcom County Council initiated the subject amendments for review in 2014; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on April 24, 2014; and

WHEREAS, The Whatcom County Planning Commission recommended the comprehensive plan amendments on April 24, 2014; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to the subarea plan.
   b. Amending Whatcom County Zoning Code Plan provisions relating to the subarea plan.
   c. Repealing the Eliza Island Plan (1994).

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on March 25, 2014.

3. Notice of the Planning Commission hearing was posted on the County website on April 8, 2014.

4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media and other groups on the County’s e-mail list on April 8, 2014.
5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 8, 2014.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 11, 2014.

7. The Planning Commission held a public hearing on the subject amendments on April 24, 2014.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:

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

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

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

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

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

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

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

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

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").

10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

11. The Eliza Island Plan was adopted in 1994. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan’s land use designation is not the same as the Whatcom County Comprehensive Plan’s land use designation.

County-Wide Planning Policies

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. There are no interlocal agreements relating to the Eliza Island Plan.

Further Studies/Changed Conditions

14. The Eliza Island Plan was adopted in 1994.

15. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended.

16. Adoption of the Whatcom County Comprehensive Plan constitutes a changed condition that warrants repealing the 1994 Eliza Island Plan.

Public Interest

17. Repealing the 1994 Eliza Island Plan will serve the public interest by removing a 20 year old plan that is no longer necessary because of adoption of the Whatcom County Comprehensive Plan.

Spot Zoning

18. The subject proposal does not involve rezoning property.
CONCLUSION

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

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

Section 1. The Whatcom County Comprehensive Plan Chapter 2 (Land Use) is hereby amended as shown on Exhibit A.

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

Section 3. The Eliza Island Plan (1994) is hereby repealed as shown on Exhibit C.

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

ADOPTED this ________ day of ____________, 2015.

ATTEST: ___________________________________________ WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk

Carl Weimer, Chairperson

APPROVED as to form:

() Approved    () Denied

Civil Deputy Prosecutor

Jack Louws, Executive

Date: ___________________________
Exhibit A

Amend Chapter 2 of the Whatcom County Comprehensive Plan as follows:

Policy 2L-2: Retain and periodically review the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Lake Whatcom, Urban Fringe, Birch Bay Community Plan, Foothills, Point Roberts, and South Fork Valley, and Eliza Island). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county’s first Growth Management comprehensive plan adopted in 1997.

1. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan review process should include the following steps:

   a. Consistency Analysis. The County should review subarea plans based on the priority order in subsection “b” for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.

   b. Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.

   c. Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.

   d. Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.

   e. Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update process.
Land capacity analysis may also be updated if appropriate.

2. Prioritize review of subarea plans. Subarea plans should be reviewed in the following order.

a. Post-GMA Subarea Plans addressing UGAs. These subarea plans should be reviewed and amended, if necessary, during Whatcom County's periodic review of the comprehensive plan. Subarea plans addressing UGAs associated with a city should be coordinated with the city's comprehensive plan update process.

b. Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County's periodic review of the comprehensive plan. Minor updates may be considered through the County's docket process in subsequent years.

c. Pre-GMA Subarea Plans. These should be repealed or updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:

i. whether update is needed for health, safety, or welfare concerns;

ii. whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;

iii. whether the subarea plan would benefit from broader policy concepts to be completed in advance or in tandem, such as agricultural land protection measures;

iv. whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.
NOTE: The text of Policy 2L-2 above is also being amended in association with the proposed repeal of the Lake Whatcom Subarea Plan (file # 2014-00002) and the South Fork Valley Subarea Plan (file # 2014-00003). The changes to Policy 2L-2 proposed in the subject amendment are intended to be harmonious and compatible with the changes to Policy 2L-2 proposed in these other two amendments.
Exhibit B

Amend Chapter 20.35 of the Whatcom County Zoning Code as follows:

20.35.010 Purpose.

The Eliza Island District has been formed as a separate district due to its unique character. The purpose of this district is to allow for a harmonious mixture of residential, seasonal residential, recreational, and accessory uses. In addition, the district requires that new uses complement the island character by adherence to the goals and policies of the Eliza Island Subarea Plan. When making a determination about uses, consideration will be given to the rural land use policies as outlined in the Comprehensive Plan, as well as cumulative impacts of uses in this rural area. (Ord. 2011-013 § 2 Exh. B, 2011; Ord. 94-032, 1994).
Exhibit C

(Repealing the Subarea Plan)
ELIZA ISLAND PLAN
A Component of the Whatcom County Comprehensive Plan

Whatcom County, Washington

May, 1994
ELIZA ISLAND PLAN

A Component of the Whatcom County Comprehensive Plan

WHATCOM COUNTY IS A NUCLEAR FREE ZONE
As approved by the voters of Whatcom County, County
Initiative Measure #1-84, November 6, 1984; Adopted by
Whatcom county Resolution #85-29, June 20, 1985.

Whatcom County Executive
Shirley Van Zanten

Whatcom County Council
Barbara E. Brenner
Marlene Dawson
Kenneth R. Henderson
Larry Harris
Robert A. Imhof
Ward Nelson
Alvin Starkenburg

Whatcom County Planning Commission
Emil Bajot
Rod Erickson
David Ernst
Clare Fogelson
Leslie Hamilton
Jerry Landcastle
Elaine McRory
David Simpson
Phillip Urso

Eliza Island Citizen Advisory Committee
David Boeringa
Myrna Boeringa
Linda Bothell
Theo Hames
Glenn Hawley
Jack Hovde
Lenny Hovde
Robert Littleton
Salvatore Papetti
Joan Potter
William Potter
Hal Thurston
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Sue Webber
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Whatcom County Planning and Development Services Department
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Jane Doughty, Receptionist

Whatcom County, Washington

May, 1994
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introduction
CHAPTER 1. INTRODUCTION

Land Use Planning

The following document plans for the physical development and conservation of Eliza Island. It is intended to serve as a guide for the preparation and adoption of official controls, such as zoning regulations, and to provide a basis for reviewing proposed public and private projects. Although comprehensive plans have been adopted for the majority of the County, planning for land use on Eliza Island was never effected. This has not been a serious problem, however, as the existing subdivision and Beach Club restrictions, and apparent preference for vacation use by individual lot owners, have largely dictated the kind of land use the island has experienced over the last thirty or so years. Whether or not this preference and intensity of use will continue for the next thirty years is questionable due to increasing population and increasing ownership distribution.

A comprehensive plan is a source of reference to aid in developing, correlating and coordinating official regulations and controls, and is a means for promoting the general welfare. It is also a means for anticipating and influencing the orderly and coordinated development of land and building uses. Statutory authority for county comprehensive land use planning is established in the Washington State Planning Enabling Act, which states that "each planning agency shall prepare a comprehensive plan for the orderly physical development of the county or any portion thereof..." (RCW 36.70.320). The Eliza Island Comprehensive Plan has been developed in response to statutory authority as well as in recognition of the widely accepted principle that future Whatcom County land use decisions should be made in a coordinated and responsible manner by both the public and private sectors.

Many planning elements are required by the Washington State Growth Management Act as well. These include planning for capital facilities, transportation, economic development, housing, industrial and commercial land, protecting agricultural, mineral, and forestry resource lands, and critical environmental areas. These elements are being addressed under a broad County-wide Comprehensive Plan, a separate planning process that is currently in its formulative stages of development.

Minimum requirements for the Eliza Island Plan are: (1) the plan must contain a land use element, providing policies for and showing the general distribution and location of land for various uses such as, for example, residential, recreational, commercial, and open space; and (2) a circulation element, setting policy for and outlining transportation and utility routes. The Eliza Island Comprehensive Plan contains additional elements in light of its unique qualities, which is especially important where county-wide policies are or may be too generalized.

Citizen Advisory Committee

A Citizen Advisory Committee, composed of property owners on Eliza Island, was formed on April 17, 1993 to work together with County planning staff in developing the proposed Eliza Island Comprehensive Plan and implementing zoning. Members fully participated in a consensus process throughout the course of eleven meetings over a one year period. The Committee chose to survey all property owners on Eliza Island during the summer of 1993 on land use issues important to the development of the Comprehensive Plan. The Committee also coordinated with the Eliza Island Beach Club Board, a property and homeowners association serving the island community.
Plan Implementation

Implementation of the plan will require and guide the amendment of existing zoning regulations for Eliza Island. It could also direct the County to address pertinent issues through other mechanisms, such as zoning regulations. Under the direction of the Comprehensive Plan, zoning classifies land according to allowed uses. Generally accepted rationale for zoning includes the preservation of property values or community character and the more nebulous "promotion of the general welfare." The typical zoning ordinance, by zone district, establishes uses as either outright permitted, permitted conditionally (subject to additional review, a public hearing, and the imposition of conditions), or prohibited. Current zoning regulations on Eliza Island were temporarily established in 1974. These regulations are very generalized and provide little or no assurance from the County as to future uses and character of the area. Other existing programs or land use controls are described below.

Shoreline Management Program

The Shoreline Management Program, established in 1976, contains policies and regulations for shore-front properties. The Conservancy Designation was applied to the majority of Eliza Island shorelines in 1976. The purpose of the Conservancy Designation is to obtain long-term, wise use of natural resources, encourage multiple use whenever practical, and prevent forms of development which would be unsafe or incompatible with geo-hydraulic processes. Two areas on Eliza Island received a Natural Designation in 1976, the Federal Reserve at the south end and the South Beach wetland area. The Natural Designation was applied to areas having high value in a natural condition. Development in these areas is limited to low key, compatible recreational facilities.

Beach Club Rules and Covenants

All property owners within the Eliza Island plat belong to the Eliza Island Beach Club which was incorporated in 1961. Subdivision covenants limit improvements to lots to a single family dwelling and appurtenant structures, and a guest house which may not be rented. Building plans must be submitted to the Board of Directors of the Beach Club who approve the general location and layout of proposed improvements with regard to health and nuisance.

In July 1976, Rules of the Island were adopted prohibiting private piers, mobile homes, or trailers. Private motorized vehicles, other than Beach Club owned ones, are not allowed on the island except for delivery of fuel, building materials, and for owners who require them for health reasons. Airplanes may not use trails or roads for travel to and from owners' lots.

Federal Policy for Reserves

The lighthouse reserve at the southern tip of the island is Federally owned and managed by the Bureau of Land Management in Wenatchee. This agency plans to allow the property to remain in a natural state in the public interest. Tidelands adjacent to this property are State owned.

Eliza Rock is located just southeast of Eliza Island and is a San Juan Islands National Wildlife Refuge (NWR) managed by the U.S. Fish and Wildlife Agency. Federal guidelines recommend avoidance of this area by air and water craft, and prohibit public access on the Rock.
land use
element
ELIZA ISLAND PLAN

LEGEND

1) All tidelands are 2nd. class
2) Tracts A, B, C and D are Community Tracts.
   Tract D, not shown, denotes all 2nd. class tidelands
   in Sect. 32, Twp. 37, R.2E., W.M.

Walkways and Utility Easements

Depths in fathoms

Sources: 1986 Aerial Photo, Whatcom County Planning Dept.
Plat Map, Whatcom County Engineering Dept.,
NOAA Nautical Chart #18421, USGS Topog. Map "Eliza Island"
Quadangle.

ELIZA ISLAND PLAT MAP
CHAPTER 2. LAND USE ELEMENT

History

For many years, the island, named by the Native Americans "Tukwitch" for its bow shape, was frequented often by members of the Lummi Nation. These people found the island's surrounding waters attracted a healthy population of herring during the spring when the fish spawn. It was in 1791 that an early Spanish explorer, Lieutenant Francisco Eliza, came upon the San Juan Islands and provided for the island's present name.

In the late 1880's, the island was purchased by Illinois Senator Eugene Canfield and developed into a large chicken ranch. After smugglers depleted the poultry supply, a potato farm was started but soon abandoned. Pacific American Fisheries Incorporated (P.A.F.) purchased the island in 1899 for storage and fish trap construction, and repair of fish traps, boats, and other gear. P.A.F also put a large reduction plant into operation which produced commercial fertilizers from fish scraps from the local canneries. During this period, several hundred people lived on the island. The banning of fish traps substantially slowed all activity, and a fire in 1938 closed the site. In 1940, the Navy purchased Eliza and used it as a bombing range for military aircraft during World War II. In 1948, Oregon State University leased the island and conducted a study of pheasants. In the early 1950's, the island was again purchased and selectively logged (mostly second growth) for timber.

Eliza Island Development Company acquired most of Eliza in 1961 and subdivided it into 139 residential parcels and five common tracts, covering all the island except for a Federal lighthouse reserve at the southern tip. The subdivision was extensively advertised as a recreational get-away and is now owned by a number of private individuals and managed by the Eliza Island Beach Club.

Current Land Use

Of the 139 residential lots on Eliza, approximately 55 structures have been built, ranging in size from small cabins to three bedroom houses. Most of the lots are owned separately and are in the 25-30,000 square footage range. Actual buildable lot area, however, is much smaller on most of the shoreline lots.

The five community tracts are owned and managed by the Eliza Island Beach Club. These tracts include the airstrip (Tract A), a community area which includes a large marsh and playground area (Tract B), an eroding "isthmus" to the south of the island (Tract C), the intertidal area encompassing the island except for the south end (Tract D), and the caretaker/equipment storage community area (Tract E). The Club allows only members and guests access to their community owned tidelands.

The lighthouse reserve at the southern tip of the island is Federally owned. Tidelands adjacent to this property are State owned. State and Federal laws allow public access to the tidelands and uplands for low intensity, recreational use.

Population Characteristics

The current population ranges from two year-round residents (the caretakers) to approximately 144 people over the Fourth of July holiday. Although there are no zoning restrictions prohibiting permanent occupancy, the islanders have chosen, thus far, to use their lots and cabins for seasonal and recreational purposes only.
The zoning adopted in the 1970s allows a density of one unit per acre, which would not allow further subdivision of the existing lots unless the islanders decided to change the use of the community tracts, or the Federal government sold the southern end, both of which are unlikely. Therefore, under existing zoning and covenant restrictions, the maximum theoretical population on the island could become 417 persons, assuming permanent occupancy of 139 lots at three persons per household. The accustomed recreational use of the lots, along with limitations on the cost of potable water, however, should limit population growth.

**Land Use Goals and Policies**

**Goals:**

1. Given the exceptional natural and wildlife resources of the island, and a strong desire by islanders to preserve these resources for future generations to enjoy, Eliza Island should maintain its unique qualities through the continued development of modest sized structures designed and located in a manner which minimizes impacts to the island's character.

2. Encourage the dedication of land for both passive and active recreation, preserve the environmental quality of the island and maintain the island character.

**Policies:**

**Physical Development**

1. Site design and building layout should take advantage of natural topography, vegetation and solar access. Vegetated buffers should be utilized between cabins and other developments.

2. Non-porous surfaces should be minimized and directed away from marine bluffs to prevent erosion.

3. Development should be limited in height and size in order to maintain the islands rural and scenic qualities, reduce cumulative environmental impacts occurring from full buildout, and encourage a recreational island lifestyle.

4. Material used for development on the island should be compatible with the islands scenic qualities. Trailers and mobile homes should be prohibited.

5. Commercial land uses on the island should be prohibited.

6. Applicants for development on Eliza Island should not be required to transport County personnel. The County should be responsible for their own transportation to the island.

**Open Space**

1. The aesthetic value and open views of the beaches and shoreline areas should be preserved.

2. Eliza Rock should continue to be utilized as a natural open space area and wildlife refuge.
3 Whatcom County and the Eliza Island Beach Club should acknowledge the lighthouse reserve at the south end of the island as publicly owned and a permanent open space area for passive recreational use.

4 The community tracts of the island subdivisions should continue to be utilized for passive recreation, natural open space, caretaker facilities, and small plane access.

Recreation

Recreational camping should be allowed on individually owned lots provided all health related concerns are addressed.

Noise

Uses on the island should not present incompatible noise nuisances to residents.

Land Use Designation

An "Island" plan designation has been formed for Eliza Island. This new designation was created because no other existing plan designation appropriately characterized the Island and its' seasonal residential, residential, and recreational mixture of land uses.
community facilities and utilities element
CHAPTER 3. COMMUNITY FACILITIES AND UTILITIES ELEMENT

Transportation/Access

Access is by private or chartered boat or plane, with the majority using private boats. The island has one boat dock and an airstrip for the residents' use. The 25-foot long dock is located at the end of a 100-foot pier on the mid-west shore of the island and is primarily used for loading and unloading. Boats are then moored at one of the sixty personally owned buoys. During the summer months, Eliza Island may be serviced by the Island Shuttle Express, a privately operated ferry that departs daily from Bellingham with the San Juan Islands as its destination, but may stop at Eliza Island upon request.

The airstrip, located in the mid-west center of the island, is unpaved and 1510 feet long, and is suitable for small propeller plane use only. The lack of night-time lighting restricts landings to daylight hours. Several air taxis service the island with commuter planes upon request.

Eliza Rock is designated as a National Wildlife Reserve and as such is closed to the public to protect breeding colonies of seabirds, endangered and threatened species, and marine mammals. Boaters are requested to stay at least 200 yards away from these islands to avoid disturbance to these animals. In addition, Federal Aviation Authority (FAA) guidelines state all aircraft are requested to maintain a minimum altitude of 2000 feet over refuges, wilderness areas, and primitive areas (FAA Advisory Circular 91-36C). Low-flying aircraft may pose a threat to marine birds while nesting or wintering on Eliza Rock by causing stress to the birds at critical times.

Motorized vehicles on the island are restricted to various community-owned utility equipment. Other motorized vehicles are only allowed under unique situations. Dirt and gravel road easements lead to cabins, common tracts, and facilities.

Fire Protection and Emergency Services

Present fire protection for improvements consists of a tank/pump trailer with a capacity of 500 gallons, several fire extinguishers, and nine standpipes located throughout the island.

The island is not within a fire district boundary. An attempt to form a district was made in 1979, however the proponents only had two commissioners. The formation of a district requires at least three residents who are registered voters to serve as commissioners. Until Eliza Island annexes into a fire district or forms its own, it will not qualify for mutual aid from other districts nor from the Bellingham Fire Department and its water boat. The Bellingham Fire Department will, however, perform fee based emergency medical service to the islanders.

The Department of Natural Resources (DNR) is required by State law to suppress all wildfires on unimproved land regardless of parcel size. The DNR estimates that it would take at least two or three hours for the department to reach the island and coordinate boat, land, or helicopter operations. The Coast Guard might assist in these efforts by providing transport for fire fighters. The DNR is prohibited, however, from entering or leaning ladders against any improvements because the responsibility of protecting improvements is left to the local fire districts, or, in this case, the Eliza Island Beach Club.
Fire Flow Standards

Building and fire codes require certain levels of water service for each building type and use and are applied when long subdivisions are being developed. When the Eliza Island plat was approved in 1961, however, such standards were not required. Current codes exempt from fire flow standards single family houses and all secondary buildings under 2,500 square feet.

Public Safety

Law enforcement on Eliza Island is provided by the Whatcom County Sheriff's Department. The Sheriff's Department is located in the Whatcom County Courthouse in Bellingham and serves an area of approximately 2,087 square miles including all of Whatcom County with the exception of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, Sumas, and parts of the Lummi Reservation. The estimated service area population in 1991 was approximately 62,578 persons.

The department currently employs 82 full-time paid personnel assigned to the entire county and consists of four divisions: Corrections, Civil, Criminal, and Emergency Management. In addition, there are 48 full-time deputies; 36 of whom are assigned to patrolling and responding to service calls; the remaining 12 deputies perform administrative and supervisory tasks at the main station, although they are also available to respond to calls. There are 13 administrative staff and approximately 45 jail staff. Currently the Sheriff's Department is conducting a staffing survey to determine whether the department has enough personnel to provide an adequate level of service.

The Sheriff's Department will respond to calls from the island. It is estimated, however, that the response time for in-progress crimes would be at least one hour. Transportation would have to be arranged either by Coast Guard escort or by flight services at the Bellingham International Airport. The Sheriff's Department does not have adequately sized boats of their own to respond to calls outside of the harbor area.

Power Supply and Communications

There is no public source of electricity supplied to Eliza Island. Some individual cabins are powered by privately owned generators and some cabins operate low voltage, 12 volt systems supplied from storage batteries which are charged by generator or solar collection arrays. Other cabins have no electricity. Heat is produced by wood burning stoves and propane heaters.

A phone CB at the caretaker's house can be used to contact the Coast Guard in the event of an emergency. Cellular phones are also available to the caretakers and private owners. Television and radio reception are limited.

The island has the potential for wind and/or solar energy generation which might serve as an appropriate energy alternative for the islanders' seasonal recreation usage, resulting in a reduced reliance on imported fuels.

Due to the unique nature of Eliza Island, the limited services available and the seasonal use of many structures, Whatcom County is authorized under the Uniform Building Code to allow some flexibility when issuing construction permits for projects on Eliza Island. This may include the allowance for pier and post foundations, wood stoves as the primary heating source, and reduced energy code compliance.
Solid Waste

Solid waste is either burned or packed off the island and disposed on the mainland. Most burning activities require a permit from Whatcom County Fire Division. Only burning of natural vegetation and untreated lumber materials is permissible. Any activity releasing airborne particulates must also comply with the regulations of Northwest Air Pollution Authority. In addition, activity may be suspended whenever the County or the Department of Natural Resources declare a burn ban. The Beach Club also monitors burning activity.

Sewage Disposal

Sewage disposal is by septic tank with individual drainfields. Increased use from existing drainfields designed for limited use may become problematic. New systems require full compliance with the Whatcom County Health Department standards. Some systems may require careful design to account for slow or rapid infiltration rates, depending upon soil conditions (see Appendix C for soils information.)

One of the principal criterion used to determine whether an area is urban or rural in character is the availability of a public sewer system. Development of a public sewer system would be costly and would conflict with the goals of keeping the island rural and recreational. A more appropriate solution for Eliza Island is to continue the use of septic systems, but at a level of intensity which maintains the environmental integrity of the island.

Water Supply

Up until 1993, water had been supplied to residents from a single well treated by a chlorination system and stored within five fiberglass boat molds and one steel tank with a total capacity of 100,000 gallons. Although this system provided the water necessary to the island lot owners for 30 years, it failed to meet current health standards due to limitations in both quantity and quality. During August 1991, water became unavailable because the well yield became too low during the summer to meet daily demand and sufficient quantities had not been stored in the tanks when water was available during the winter and spring months.

Amendments to the Growth Management Act were adopted in 1991 through House Bill 1025. Section 63 of the legislation, including the amendments, states that local jurisdictions shall require: "Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building..." Accordingly, in July 1991, the County established an interim policy to address this mandate. Due to the water situation on Eliza Island, the County would not issue new residential building permits until evidence of an adequate water supply is demonstrated. In this case, it must be approved by the State Department of Health because it has jurisdiction for approving public water systems.

In 1991, the Eliza Island Beach Club appointed a water committee to investigate options available to provide potable water for island lot owners. After a review of alternatives, this committee decided that turning salt water into potable water was the best alternative (see Appendix D for a discussion of ground-water resources on the island) and was the first in the State of Washington to receive state and local agency endorsement. This consent was based upon part-time, recreational use of the cabins on the island, at a water rate to be determined based upon demonstrated usage. The reverse osmosis, de-salinization plant was constructed in 1993 and began service to a portion of the lot owners that year. As a requirement of state approval, a Water Conservation Plan must be followed in order to foster water conservation practices.
Community Facilities and Utilities Goals and Policies

Goal:

Increased population on the island could necessitate improved or additional transportation systems, fire and police protection, power supplies, communication systems, solid waste disposal methods, sewage disposal, and water supply. These improvements and/or additions should be designed in keeping with the overall goal of maintaining a low intensive recreational use of the island.

Policies:

Transportation/Access

1. Shoreline accessory developments, such as piers and docks, should be limited to those that are owned by and accessible to the community.

2. Federal Aviation Administration guidelines with respect to National Wildlife Refuges should be observed by those utilizing the airstrip facilities on the island and for any future expansions to avoid impacts to sensitive marine animals on Eliza Rock.

3. The use of motorized vehicles should be minimized and in accordance with island covenants, conditions, and restrictions.

4. Transportation routes on the island should continue to be of the low intensive trails type.

Fire Protection and Emergency Services

The island is poorly equipped to handle an emergency fire situation, especially under dry weather and high wind conditions. Whatcom County should support the Islanders efforts to develop a fire protection plan.

Public Safety

Whatcom County should ensure that the necessary staff and equipment are available in the Whatcom County Sheriff’s Department to provide adequate protective services for the Eliza Island population.

Power Supply - Energy Code

1. Whatcom County should encourage the physical development of passive or active solar heating and water heating, and wind power plants for residential uses on the island.

2. Whatcom County should allow code flexibility to the extent permissible for construction of cabins that will be used on a part-time recreational basis.

Solid Waste

Islanders are encouraged to follow the "carry in, carry out" rule in the handling of waste. Disposal on the island should be prohibited.
Sewer Systems

Whatcom County should discourage the siting of a public sewer system on Eliza Island. The use of individual septic systems should be encouraged in accordance with Whatcom County Health Department standards.

Water Systems

1  Whatcom County encourages the Eliza Island Water Conservation Plan.

2  Whatcom County should coordinate with Washington State Department of Health by encouraging recreational land use on the island which is consistent with the capabilities of the island’s approved water system.
environmental characteristics element
CHAPTER 4. ENVIRONMENTAL CHARACTERISTICS ELEMENT

Climate

The island experiences a temperate marine climate, characterized by mild temperatures, muted extremes, and narrow diurnal fluctuations. Winters are wet and mild, with an average daily temperature of 36 degrees F in January. Summers are relatively cool and dry, with average daily temperatures in July of 63 degrees F. The Vancouver Island mountains and the Olympic Mountain Range in northwestern Washington shelter the island from major storms moving landward off the Pacific Ocean and produce a rain shadow effect. Based on the nearest available formal weather stations, Olga on Orcas Island and Bellingham Airport, average annual precipitation is estimated to be less than 32 inches per year, most of which falls between October 1 and March 31.

Topography

The irregularly shaped island has an area of 158 acres, or approximately one-quarter square mile, enclosed by approximately 3.1 miles of shoreline. The island is T-shaped with different surface features on each peninsula (see figure 3). The western bedrock knob is fairly flat with the highest elevation being twenty feet above sea level. The rocks of the southern bedrock knob have an elevation up to 87 feet with a slope of 12 percent. The central region has the highest elevation of 88 feet. The northern point of the island consists of a narrow ridge that descends northward from the high point of the island. The eastern shore consists of a marine bluff created by wave erosion and small slope failures. The eastern part of the island is connected to the western knob by a low-lying area bounded by beach berms and containing a saltwater marsh.

Shore Processes and Erosion

Rates of erosion and shoreline retreat are undocumented on Eliza Island, but based on similar shorelines in other parts of the region, the glacial bluffs might be expected to retreat at approximately one foot per decade, but will do so in an episodic fashion, losing a few feet in a small slide every several decades. It will be centuries before the south end is cut off from the rest of the island.

Two aspects of shore processes bear directly on development practices on Eliza Island. The first concerns development of the low-lying barrier beach. The berms that form portions of both the south and north beaches were built by wave action and as a result are subject to further wave action in the future. The berms have been modified by human activity as well. Although flooding does not occur frequently, it can and will occur again. Serious damage may occur if high water is accompanied by wave action. The south beach is retreating gradually over time and this will accelerate if feeder bluffs are bulk-headed. In addition, short term erosion may occur as a response to large storms. Erosion will put any structure near the berm at risk and will increase pressure to armor the shoreline. The impact of a small earthquake-generated tsunami could be devastating to structures built on or adjacent to the berm.

The second concern involves development of the bluffs. Although erosion rates are slow, small landslides can be expected to continue. Armoring of the shoreline with bulkheads or rip rap to limit erosion or stabilize bluffs will result in the loss of sediment supply to the beach and may result in greater erosion down-drift. All efforts should be made to locate structures so that the pressure to bulkhead is minimized. Clearly, bulkheading represents a significant change to the natural character of the shoreline and is accompanied by loss of important shoreline habitat.
Many of the problems property owners have with erosion and slope failure on shoreline sites can be traced to clearing of vegetation. Much of the stability of shoreline bluffs is due to the root strength created by bluff top and bluff slope vegetation. Just as importantly, vegetation controls bluff hydrology and prevents slope failures due to soil saturation. Trees prevent the infiltration of water during rainstorms and remove large amounts of water from the soil through evapotranspiration. When the vegetation is removed, the stability is weakened, increasing the natural rate of erosion. This acceleration can lead a property owner to consider protections such as bulkheads, seawalls, and rip-rap. However, because shoreline environments are a balance of large and changing forces, disruption can have unforeseen consequences. Not only is the delicate interplay between geologic, hydrologic and biologic systems easily damaged, but a structural modification at one point along a shoreline can have impacts to other areas away from the site. An alternative method of bank stabilization is to re-introduce vegetation to the area and locate improvements as far from the bluff edge as possible.

Seismic Hazards

The Uniform Building Code includes a Seismic Risk Map for the United States which considers potential earthquake intensity and resulting damage. Five zones are identified with the following relationships to potential damage: Zone 0 - no damage, Zone 1 - minor damage, Zone 2 - moderate damage, Zone 3 - major damage, and Zone 4 - areas within Zone 3 that are in proximity to major fault systems. The Puget Sound Basin lies in the Circum-Pacific earthquake belt that extends along the West Coast of North and South America. Based upon this and the geologic structure of the region, it has been categorized as within seismic risk Zone 3. There are no known faults within the island that are considered active (movement having occurred within the past 10,000 years).

Seismic vibration would be the major result from an earthquake. The degree of shaking is primarily dependent on two variables, the geologic unit involved and the degree of water saturation (see Appendix A, Geologic Conditions). The sand and gravel deposits of the Outwash and Undifferentiated Glacial deposits are susceptible to seismic shaking. Organic soils in the wetland area and any areas of artificial fill are highly susceptible to shaking, especially in thick deposits. The fine soil components of deposits within the lowland, central area of the island are highly susceptible to liquefaction when shaken because of the high water table.

Plants, Fish, and Wildlife Habitat

The habitats on Eliza Island provide plants, fish, and wildlife with their basic requirements for survival, such as food, water, and cover, as well as special seasonal requirements related to growth and reproduction. The open waters offshore provide important habitat for thousands of organisms, including phytoplankton and zooplankton, subtidal macroalgae (seaweed), benthic invertebrates, fish, and marine birds and mammals. Many species require both marine and non-marine habitats at different times in their life cycles. The physical features of the irregular shoreline including promontories, bluffs, cliffs, cobble and sandy beaches and marshes create a variety of habitat and forage opportunities for many species. Rich marine bird habitat is found in shallow bays where the birds forage on eelgrass plants, small fish, and invertebrates.

A wide variety of life inhabits the uplands of Eliza Island both seasonally and year-around. The assortment of vegetation provides habitat for many species of birds and insects as they utilize several differing types of habitat; one species may forage for a variety of insects in lowland clearings including the salt marsh and return to forested areas for shelter, while another may visit the nearshore environment from a nesting site on another island (see also Appendix E, for further discussion of habitat types).
Planning for habitat protection on Eliza Island requires that activities affecting habitat be managed in a comprehensive manner to insure that the best representation and distribution of habitats remain to preserve the natural values and functions of those habitats. Virtually every land use action affects wildlife habitat. When recognizing the dependency of wildlife on soils, vegetation, clean air and water, one can appreciate the importance of minimizing the adverse impacts on wildlife through careful land use. Incremental habitat loss results in cumulative impacts and ultimately the need for crisis management. Cumulative adverse impacts on habitat is the greatest threat to wildlife, generally, and species diversity, specifically. Potential cumulative impacts must be identified in the planning process. Further, the creation of clearly stated policies directly linking various land use elements with wildlife requirements is needed.

Environmental Goals and Policies

Goals:

1. Protect and preserve the diversity of plant and animal species on Eliza Island and the surrounding shoreline areas.

2. Protect the general health, safety and welfare by insuring that development in geological hazardous areas minimizes the danger to life and property and is environmentally sound. Prevent erosion and landslides on steep slopes.

3. Promote residential landscaping that preserves and is compatible with natural vegetation and requires low levels of water consumption.

Policies:

Shoreline Bluffs

1. Vegetation removal on eroding shoreline bluffs and banks should be prohibited to maintain bank stability. Natural vegetation should be retained along marine bluffs.

2. The dumping of any vegetation or debris over the edge of a bluff will increase the potential for landslide and should be prohibited.

3. The visual integrity of the shoreline should be protected. Encroachment on geohydraulic processes should be prohibited. Developments should be located well away from the waters edge.

4. Shore defense works should be located, designed, and maintained in a manner which preserves or enhances the quality of affected waters, and conserves or enhances fish and wildlife resources and their respective habitats.

5. Non-structural, non-obtrusive shore defense works are preferred over artificial, structural alternatives.

6. Saturating soils along bluffs should be prevented by minimizing watering and maintaining natural vegetation in order to help prevent slope failure.
Land Clearing

1 The visual integrity of the uplands should be protected. Land clearing on the island should be minimized.

2 Minor tree de-limbing and small tree thinning is emphasized as preferable to clearing for view access and to decrease shading.

3 Because of erosion problems caused by large areas of exposed soil, construction sites should not be cleared until shortly before actual construction is to begin. Land clearing, grading, and filling should be limited to the minimum amount necessary to accomplish the primary purpose of the development.

Seismic

When located within areas of high seismic risk, new construction should be reviewed to minimize damage due to earthquakes.

Flooding

1 Flood prevention activities should rely upon appropriate placement and construction of developments to minimize the necessity for artificial defense systems.

2 Maintenance of flood protection berms should minimize disruption to natural shore processes and sensitive environmental areas. Gravel used to rebuild berms should not be excavated from below the ordinary high water level.

Plants and Fish and Wildlife Habitat

1 Natural vegetation should be retained as much as possible when developing sites in order to provide a continuous wildlife habitat. Large trees and snags should be preserved.

2 Kelp and eelgrass beds and other marine plants surrounding the island should be protected and enhanced.

3 Critical habitat of threatened, rare and endangered wildlife species should be preserved and protected.

4 Whatcom County should work with the property owners of Eliza Island, citizen groups, the State of Washington, and other agencies in identifying and protecting bald eagle habitat, near shore habitat, and general environmental quality of the island.

5 Whatcom County should encourage island property owners to use the current use tax assessment provisions of RCW 84.34, and/or conservation easements to reduce taxation and retain important wildlife habitats, such as bald eagle nest areas, in open space.

Marsh/Wetland

Whatcom County should work with the property owners of Eliza Island, citizen groups, the State of Washington, and other agencies in developing management practices to restore and enhance the salt water marsh on Eliza Island.
appendices
ELIZA ISLAND PLAN

figure 4

LEGEND

Qal Alluvial Deposits
Qf Fraser Drift, Undifferentiated Glacial Deposits
KJs Jurassic Sedimentary
Absolute Sector Boundary
Net High Tide Drift Direction
Natural Accretion Shore
Erosional Bluff
Rocky Shore

Source: Esterbrook, Don J., Geologic Map of Western Whatcom County, Ws., U.S.G.S. 1973
Adapted from Wolf Bauer, P.E., 1975

GEOLOGIC CONDITIONS AND MARINE SHOREFORMS

Whatcom County Planning Department
April 1994
Appendix A: Geologic Conditions

Eliza Island consists of three basic geologic formations: 1) bedrock, 2) glacial deposits, and 3) alluvial deposits.

The bedrock forms the rocky knobs at the south and the west ends of the island and underlies glacial materials along portions of the northeastern shore. The bedrock consists of phyllite of Jurassic and Cretaceous Age (many tens of millions of years old). This phyllite is slightly recrystallized sandstone and shale that preserves some sedimentary characteristics but is unfossiliferous.

The glacial deposits overlie the bedrock and form most of the eastern part of the island. These poorly exposed sediments were deposited during the Fraser glaciation, approximately 15,000 years ago. The Coastal Atlas suggests (but is uncertain) that these materials consist of advance outwash, glacial till, and glacial-marine drift.

Alluvial deposits make up the central, lowland area and are composed of stratified sands, silts, and gravels. These deposits are largely the result of the building of a barrier beach system between the eastern and western portions of the island, which may have originally been separated by water. This beach building occurred during the Holocene, the last 10,000 years, and continues today.

The bedrock provides generally stable building sites and erodes extremely slowly, but may present difficulties in excavation and construction of septic systems. The glacial deposits are subject to greater rates of shoreline erosion and are less stable, particularly on steep slopes or where ground-water is abundant. The low-lying alluvial deposits may be subject to flooding and though soils may perk, the high water table may limit their application for septic systems.

Appendix B: Marine Shoreforms

South shore: The south shore of Eliza Island consists of a broad crescent-shaped barrier beach backed by a broad backshore and marsh/ meadow. This beach comprises a single drift cell, contained between the rocky promontories at the southern and western ends of the island. The material that forms this beach is derived from the erosion of the glacial bluffs at the southeast end of the embayment. This beach retreats landward slowly as the bluff erodes and eventually may cut off the narrow neck of land at the south end, creating an island of the southern tip of the island. Eroded material is moved by shore-drift along the beach to the west, although reversals will occur depending on wind and wave directions.

East shore: The eastern shore consists of a north-south trending shore bluff of glacial material. This shore forms a drift cell bounded by the rocky southern point and by the sharp point at the northeastern end of the island. The bluffs are generally less than fifty feet high and a narrow beach has formed at the base of the bluffs. Eroded material is moved both north and south along the shore depending on wave conditions, but the predominant movement is toward the north as a result of the greater fetch from the south.

North shore: The western half of the north beach is an accretion beach terminating at the rocky western promontory. The berm is higher and broader than the berm on the south shore and may be older. The beach is fed by erosion of the bluff at the northern end of the island and by erosion of the low terrace between the bluff and the accretion beach. Exposure to the north is protected somewhat by Lummi and Portage Islands.
LEGEND
80 Kickerville Silt Loam, 3% to 8% slopes
81 Kickerville Silt Loam, 8% to 15% slopes
111 Neptune very gravelly Sandy Loam, 0% to 3% slopes
117 Pickett Rock outcrop complex, 5% to 30% slopes
143 Shelcar Muck, drained, 0% to 2% slopes
184 Whitehorn silt Loam, 0% to 2% slopes


SOIL UNITS

Whidbey Island National Wildlife Refuge

Whatcom County Planning Department
April 1984
Appendix C: Soils

The northwest shoreline contains the Neptune soil type. It consists of very deep, excessively drained soil, on a marine terrace. Permeability of this soil is very rapid. It has a slope of 0-3 percent. The soil is subject to rare periods of flooding from tidal inundation. The rapid permeability does not allow proper filtration of septic field overflow. The absorption fields need to be surrounded by Health Department approved fill to compensate for this problem.

The south central region contains Shalcar muck. It is a very deep well drained soil common in depressional areas on outwash terraces, till plains, and stream terraces. This soil was formed from herbaceous and woody organic material that was deposited upon rock materials. Permeability is moderately slow near the surface and rapid through underlying material. It has a slope of 0-2 percent. The high water table and the low strength make this soil unsuited for homesite development.

White Horn silt loam is located in the center of the island. It is poorly drained on wave eroded, glacial marine drift plains. Slope is between 0-2 percent. Permeability is very slow and water capacity is high.

Nearly fifty percent of the island is composed of Kickerville silt loam. There are two variations of the soil depending on its slope. Kickerville with a slope of 3-8 percent is located on the tips of the north and south peninsulas. Kickerville with a slope of 8-15 percent is located in between. Both soil types are very deep, and well drained on outwash terraces. The main limitations to homesite development is the steepness of slope, especially with slope of 8-15 percent. The limitations for septic tank absorption fields is the poor filter ability of the underlying rock. Placing the drainfield in approved fill helps compensate for this problem.

On the west peninsula there is a small region of Pickett Rock soil. It is on glacially eroded backslopes and ridgetops. The soil is well-drained and moderately deep. Permeability is moderate. It has a slope of 5-30 percent.

Appendix D: Hydrogeologic Conditions

The geology has two types of water-bearing material: the bedrock of sandstone and conglomerate where water is stored principally in fractures and fissures, and the overlying glacial material, where water is stored in both the permeable sands and gravel and in the less permeable but still porous clays and tills. The storage capacity of the latter materials is judged to be at least ten times as good as the bedrock and the transmissivity (ability of the water to move through the materials) generally is judged to be higher and much less variable. A 1961 report by Leland R. Jones characterized the island’s potable water as follows:

Explorations consisted of reconnaissance, three churn drill holes, and electrical resistivity geophysical explorations. These explorations showed that there is only one potential source of potable domestic water. This area is roughly the northern half of the main body of the island. In this area, the water can be obtained from a relatively thin sand stratum confined between layers of clay. The sand stratum evidently connects with or drains overlying gravel and clay strata which collect rain water. Because of its relatively low permeability, special measures are necessary to obtain an adequate water supply in the area.
Ground Water Recharge

Precipitation falling on the land surface of the island is the only known source of recharge for which figures can be computed (estimated at 32 inches per year). The amount of this precipitation actually reaching the ground water supply varies from place to place on the island according to surface topography, extent and type of vegetation, and characteristics of the soil and geologic material.

Saltwater Intrusion

The proximity of saltwater makes island ground water resources among the most fragile and sensitive systems in nature. Beneath the surface are both fresh ground water and salt ground water with a diffusion zone in between. The fresh ground water is constantly moving seaward, "leaking out." If fresh ground water is also removed by pumping, then, unless an equivalent amount of water is returned to the aquifer in the vicinity of the well, or, unless there is an impervious layer separating the fresh water from the saltwater, the net effect is to raise the level of the saltwater in the ground due to reduced head. To insure against saltwater intrusion, the well depth must be within the fresh water zone and recharge must be sufficient both to offset "leakage" and pumping, and to keep the saltwater a safe distance from the bottom of the well.

In 1961, Leland R. Jones conducted a ground water investigation on Eliza Island to determine what ground water supplies, in addition to the existing well, were available. Three wells were drilled at different locations and all encountered saltwater between 46-54 feet. No attempt to drill deeper was performed although there are reports that a very deep privately owned well on the island supplies freshwater.

It was determined after this study that a horizontal trench well would provide the desired quantity of water. An attempt then followed to build a trench filled with gravel that would intercept fresh ground water as it moved along the gradient from the higher areas of the island to the flat marsh area. It was estimated from salinity tests taken from the lowland ponds that "at least 40 or 50 gallons per minute (of fresh water) are flowing to the pond." The finished horizontal trench well, however, was abandoned due to high salinity levels.

Appendix E: Biologic Conditions

The greatest diversity of species occurs in "edge" areas where different habitat zones adjoin or overlap. Prime examples of edge areas are the forest/aquatic interface and the marsh/thicket/woodland interface where greater diversity of vegetation results in the presence of many insect and bird species. This island, with its forested areas, shorelines, open space areas, and marsh and estuaries, provides many areas of edge habitat. Categorized below are five habitat zones within or around Eliza Island: Forest; Field-and-Thicket; Wetlands; Shorelands; and Open Salt Water.

Forest Habitat

The dominant tree species on the island is Douglas fir. Other important constituent trees are western hemlock, western red cedar, madrone and bigleaf maple. Willow, vine maple, and western yew are also present. Shrubs commonly found in association with deciduous and mixed coniferous and deciduous forests include wild rose, ocean spray, elderberry, salmonberry, thimbleberry, wild gooseberry, chokecherry, and hazelnut. Typical herbaceous plants include deer fern, vanilla leaf, twisted stalk, trillium, false Solomon's seal, star flower, bleeding heart, yellow violet, stinging nettle and buttercup in moderately moist areas.
Birds generally associated with forest habitats in the region include hawks, bald eagles, ospreys, grouse, owls, band-tailed pigeons, Vaux’s swifts, hummingbirds, woodpeckers, flycatchers, swallows, ravens, jays, crows, chickadees, bushtits, nuthatches, brown creepers, wrens, robins, thrushes, kinglets, waxwings, starlings, vireos, wood warblers, Bullock’s orioles, brown-headed cowbirds, Western tanagers, grosbeaks, finches, siskins, rufous-sided towhees, red crossbills, juncos, sparrows and the great blue heron.

Field-and-Thicket Habitat

The field and thicket habitat encompasses open space areas, yards and hedge rows, trail thickets and dense underbrush which grows along banks and cliffs above the beaches. Flora commonly includes English ivy, honeysuckle, and scotchbroom and native species such as the wild rose, salmonberry and red elderberry.

Birds commonly found in shrub and thicket habitats include California quail, ring-necked pheasants, swallows, chickadees, bushtits, wrens, wood warblers, brown-headed cowbirds, rufous-sided towhees, juncos, and sparrows.

Wetland Habitat

A relatively large salt marsh, one of the few in Whatcom County, is located in the island’s south central area. The bottom of the mudflat consists of rich organic sediment while numerous amphipods, plankton, and other organisms live in the mudflat’s shallow water. Along the northern perimeter of the mudflat, in a few centimeters of standing water, grow sedges. The ground immediately surrounding the mudflat is thoroughly saturated with salt water. This area is characterized by mats of pickleweed interlaced with orange dodder, salt grass, salt weed, gum weed, and various grasses, including the exotic Reed canary grass. Between the south beach and the entire grass lowland lie three meter high dunes, all of which are covered with dune grass.

Aquatic birds visiting the wetland may include great blue herons, loons, grebes, swans, geese, ducks, bald eagles, falcons, ospreys, hawks, coots, rails, plovers, killdeer, snipes, sandpipers, phalaropes, gulls, terns, kingfishers, swallows, crows, long-billed marsh wrens, water pipits, common yellowthroats, and blackbirds.

Due to a number of drainage ditches, wet meadows, the saltmarsh, and vacationers, the island supports a large number of mosquitoes. Because of this, the Beach Club has maintained a practice of draining these areas and spraying with pesticides. Unfortunately, this has a detrimental effect on the habitat and aesthetic value of the wetland. The loss of open water restricts its use by a variety of birdlife and aquatic insects, and leaves the site more vulnerable to invasive noxious weeds such as Reed canary grass.

Shoreland Habitat

The shoreland habitat includes all of the beaches on Eliza Island, along with the tidelands. This area provides habitat for many species of plants and animals and serves as rearing grounds for species from other habitat areas.

Lichens and surfgrass typically grow on the marine shorelines of Eliza Island. Various algae also are found, including sea lettuce, sea staghorn, rockweed, bull kelp, and sea moss. The sea grasses and algae species, especially the kelp beds, are vital links in the marine food cycle. They provide shelter as well as feeding areas for birds and spawning areas for fish. Marine fishes inhabiting nearshore waters adjacent to shorelines include several varieties of surf perch, rockfishes, greenlings, lingcod, and sculpins. Many of these species are important
food sources for marine birds and mammals. Shellfish include crabs, shrimp, clams, mussels, and scallops which are collected along shorelines. Area tidepools host a variety of marine life including periwinkles, limpets, barnacles, rock crabs, sea anemones, chitons, sponges, tunicates, and starfish.

The tidal flats on the north and south bays of Eliza Island appear to support a rich growth of marine flora. Of these, perhaps the most important species is the eelgrass. Eelgrass typically grows on sandy or muddy substrates in the outer edge of the intertidal region of Puget Sound. Dense beds of eelgrass support a diverse assemblage of species. Several types of epiphytic plants (plants that grow on other plants) as well as animals can live on the eelgrass blades, and an array of diatoms, protozoans, worms, small crustaceans, and other organisms thrive on the food material found in or on the substrate around eelgrass communities. These organisms in turn provide food and cover for invertebrates and larger animals, such as rockfish, shellfish, and juvenile salmonids. Eelgrass also benefits larger mammals, such as orcas, seals, and sea otters, which feed on species of fish and crab that rely on eelgrass for cover of food. Black brant rely heavily on eelgrass during the winter. Additionally, eelgrass bed provide a substrate for spawning herring, and help to buffer erosional impacts from wave action.

Open Salt Water

The salt water surrounding Eliza Island provides a path for many migratory fish such as pink, sockeye, coho, chum, and chinook salmon. These waters also provide spawning and feeding grounds for herring, shrimp, Dungeness crab, and many other organisms. Anadromous as well as local fish and plankton species attract such marine mammal species as harbor seals, river otters, minke whales, and several different bird species.

There are a number of birds that use this habitat in quite different ways. Kingfishers, crows, oyster catchers, sandpipers and great blue herons are not birds of open salt water. However, they do use the edges for feeding. Eagles and osprey sometimes feed over open water. There are a number of other birds that use the open water more or less extensively. Some, like the murrels, guillemots, auklets, and brants live most of their lives there. Others, such as the loons, geese, saltwater ducks, sandpipers, phalaropes, gulls, terns and cormorants may only use open salt water seasonally and may spend considerable time either in fresh water habitats or on land.

Eliza Rock

Eliza Rock is designated as a National Wildlife Reserve and as such is closed to the public to protect breeding colonies of seabirds, endangered and threatened species, and marine mammals. According to the Puget Sound Environmental Atlas, this particular area is the nesting site of black oyster catchers, glacous-winged gulls, and pigeon guillemonts. Harbor seals are also known to haul out on this small island.

Appendix F: Bald Eagle History and Management

Introduction

The bald eagle (Haliaeetus leucocephalus) is classified as a threatened species and is protected by both state and federal laws. The Washington Bald Eagle Protection Rules (WAC 23212-292) and enabling legislation (RCW 77.12.655) were enacted in 1986 to protect bald eagles and their habitat. The goal is to eventually de-list bald eagles from the threatened category. To meet this goal, criteria outlined in the Pacific Bald Eagle Recovery Plan must be met. The North Puget Sound Region has "recovered", but minimum criteria have not been met statewide or in
Location of Viable Nests and Protective Buffer on Eliza Island, 1993

figure 7

Nest #5

Nest #4

Lighthouse Reserve

Nest #6
(No Protective Buffers)

not to scale
the Pacific Recovery Region (Washington, Oregon, California, Montana, Wyoming, Idaho, and Nevada). In fact, only 49% (24 of 51) and 70% (7 of 10) of the subregions have met minimum breeding population recovery goals in the Pacific region and Washington respectively. The outlook is optimistic, but it will be well into the 21st century before bald eagles are de-listed.

It will always be important, if not required, to maintain bald eagle habitat. Currently, under Washington’s Bald Eagle Protection Rules, site-specific management plans are developed when land use changes are proposed which may affect bald eagle habitat. Landowners are often unaware of potential land use restrictions until they apply for a county or state permit to alter the landscape. Developing a management plan often involves a site visit between the landowner and eagle biologist. The process can be very time consuming and frustrating for both the landowner and biologist.

Through planning, eagle habitat can be maintained over the entire island without causing undue burden on individual landowners. Management conditions, if accepted by the landowner, will become a condition of development permits. Only landowners within 400 feet of a viable nest site and those objecting to conditions set forth in this plan will site specific plans be developed with the Washington Department of Wildlife (WDW).

Eliza Island Bald Eagle History

Residents report nesting bald eagles on Eliza Island since at least the early 1970’s, although WDW has only been documenting nesting since 1980. Of seven historic nest sites, only 3 currently contain nests (Figure 7). Three of the nests have fallen since 1989 and nest #4 recently lost a supporting branch and is partially fallen. Nest #6 is believed to have been built at least 20 years ago, although it has never been documented or reported as active. The eagles last used nest #5 during the summer of 1993. Nest #5 is in a "white" or "grand" fir which break or blow down relatively easily. Although the tree has made it through recent strong winds, it is not considered to be a good long term nest tree.

Reports of a nest on the north end of the island have not been confirmed despite aerial surveys and ground searches. The eagles have apparently tried building a new nest on lot 134 in 1993. Only a few sticks remain and it does not appear to be a preferable nest tree.

Eagle Habitat Management

The nest history on Eliza Island eagles emphasizes the dynamic nature of forest habitat and the need for long term planning. Wind storms have removed three nest trees and numerous perch and potential nest trees. Construction and land clearing has added to the net loss in eagle habitat. Lots have also been landscaped to exclude forest regeneration. The overall result is increased wind throw and reduced recruitment of new trees. Although there may appear to be enough trees to support nesting eagles, suitable eagle trees are being lost at a rapid rate. The goal is to maintain suitable habitat 50, 100, and 200 years from now. Landowners who landscape to eliminate forest regeneration often fail to recognize the long term consequences of their actions. As eagle habitat is lost, it forces even more restrictive measures on adjacent landowners to protect remaining habitat. The key is to plan ahead and spread the responsibility over numerous landowners before the majority of the habitat disappears.

Disturbance must also be considered in eagle management. Human activity can cause a nest site to fail or be abandoned. However, determining what is "disturbing" to an individual or pair of eagles is difficult. Every eagle has a different tolerance level for a given activity. Some birds will perch next to a running bulldozer while others will flush at the sight of a kayak 1000 feet away. Some eagles may acclimate while others may completely abandon the area if an activity
is persistent. Few studies have been conducted and recommended "disturbance free" nest buffers have been "best guess" estimates.

Seasonal considerations are also important when determining the potential impact of an activity. The nesting season is generally January 1 through August 15th in Washington. The most critical time is late February through early June. From just prior to incubation until the eaglets are about 4 weeks old, adult eagles are more prone to flush from disturbance with more serious consequences. Eggs and young eaglets need persistent adult attention. Adults flushed from the nest expose the eggs and young to predation (gulls, ravens, etc.) and potential hypothermia. Once the eaglets reach about 4 weeks old (late May or early June), the importance of adult attendance diminishes and nestling mortality is generally low. However, there is still a concern that human activity may cause fewer food deliveries or premature fledgling. Reduced food or early fledgling would result in increased mortality and would not be obvious to an observer. The mortality would probably occur after fledgling, miles from the nest, leading an observer to conclude human activity had no impact on the eagles.

Since reaction to disturbance is so variable and difficult to document, the only alternative is a conservative approach. The most widely accepted disturbance free buffer recommendations for during the nesting season vary from 660 to over 1200 feet. Given the relative small scale construction that is likely to occur on Eliza Island and apparent tolerance of the eagles, it is reasonable to use the smaller buffer.
bibliography
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Publications and Documents


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Whatcom County Planning Department. Whatcom County Shoreline Management Program. 1986.


Personal Contacts

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Fischer, Jim. Area Manager, Bureau of Land Management. Wenatchee.


Reis, Bob. Fire Prevention Specialist, Department of Natural Resources Northwest Region. November 30, 1992.

Shipman, Hugh. Coastal Geologist, Department of Ecology Shorelands and Coastal Zone Management Program.

WHATCOM COUNTY
PLANNING COMMISSION

Repeal the 1994 Eliza Island Plan and
Amend Provisions in the Whatcom County Comprehensive Plan and
Zoning Code relating to the Eliza Island Plan

FINDINGS OF FACT AND REASONS FOR ACTION

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to
      the subarea plan.
   b. Amending Whatcom County Zoning Code Plan provisions relating to the
      subarea plan.
   c. Repealing the Eliza Island Plan (1994).

2. A determination of non-significance (DNS) was issued under the State
   Environmental Policy Act (SEPA) on March 25, 2014.

3. Notice of the Planning Commission hearing was posted on the County website
   on April 8, 2014.

4. Notice of the Planning Commission hearing and that the proposal had been
   posted on the County website was sent to citizen, media and other groups on the
   County’s e-mail list on April 8, 2014.

5. Notice of the subject amendments was submitted to the Washington State
   Department of Commerce on April 8, 2014.

6. Notice of the Planning Commission hearing for the subject amendments was

7. The Planning Commission held a public hearing on the subject amendments
   on April 24, 2014.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive
   plan amendments the County must find all of the following:
a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

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

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

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

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

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

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

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

**Growth Management Act**

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").

10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”
11. The Eliza Island Plan was adopted in 1994. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan's land use designation is not the same as the Whatcom County Comprehensive Plan's land use designation.

County-Wide Planning Policies

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. There are no interlocal agreements relating to the Eliza Island Plan.

Further Studies/Changed Conditions

14. The Eliza Island Plan was adopted in 1994.

15. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended.

16. Adoption of the Whatcom County Comprehensive Plan constitutes a changed condition that warrants repealing the 1994 Eliza Island Plan.

Public Interest

17. Repealing the 1994 Eliza Island Plan will serve the public interest by removing a 20 year old plan that is no longer necessary because of adoption of the Whatcom County Comprehensive Plan.

Spot Zoning

18. The subject proposal does not involve rezoning property.
CONCLUSION

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

1. Approval of Exhibit A, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use); and
2. Approval of Exhibit B, amendments to Whatcom County Zoning Code; and
3. Repealing Exhibit C, the Eliza Island Plan (1994).

WHATCOM COUNTY PLANNING COMMISSION

David Onkels, Chair

Sam Ryan, Secretary

Date: May 1, 2014

Commissioners present at the April 24, 2014 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Walter Haugen, Gary Honcoop, David Hunter, Natalie McClendon, David Onkels, Mary Beth Teigrob, and Gerald Vekved.

Vote: Ayes: 9, Nays: 0, Abstain: 0, Absent: 0. Motion carried to adopt the above amendments.
NOTE:

In order to avoid redundancy, Exhibits A, B and C are only attached to the proposed Ordinance that will be considered by the County Council.
Commissioner McClendon asked under what circumstances are subarea plans needed?

Mr. Aamot stated staff has thought about that. They think it may be good to retain the plans for active communities and those that stand alone from other areas.

Commissioner McClendon asked how the subarea plans relate to the Comprehensive Plan.

Mr. Aamot stated they add detail to the countywide plan.

Commissioner Bell asked if more resources were applied to the subarea plans would there be more activity? For example, Lake Whatcom is a large area which makes it difficult for people to come together as they do in a smaller area such as Birch Bay.

**Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

File # PLN2014-00003: Repealing the South Fork Valley Subarea Plan, which was adopted in 1991, and amending related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot presented the staff report. (A map and aerial photo of the subarea was shown with the boundaries) The South Fork Plan was adopted in 1991; right after the GMA was adopted in 1990. The population projection for the subarea was through 2000. It had a more flexible planning period, however, that planning period has ended so it is not consistent with the current comprehensive plan period of 2029. There were five land use designations in the plan. There were two forestry zoning districts but the subarea plan only had one forestry land use designation. Some of the areas have been rezoned or now have different comprehensive plan designations. One of the policies in the plan reaffirms the 1970 comprehensive plan, which is outdated. That policy is now outdated and creates a conflict. Staff recommends repeal of the plan.

The hearing was opened to the public.

There was no public testimony.

The hearing was closed to the public.

**Commissioner Honcoop moved to recommend approval of Exhibit A-Amendments to the Whatcom County Comprehensive Plan, chapter 2; and repeal of Exhibit B-the South Fork Valley Subarea Plan. Commissioner Teigrob seconded.**

**Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

File # PLN2014-00004: Repealing the Eliza Island Plan, which was adopted in 1994, and amending related provisions in the Whatcom County Comprehensive Plan and Zoning Code.
Matt Aamot presented the staff report. (A map and aerial photo was shown of Eliza Island with relationship to Lummi Island, Bellingham and the Chuckanut area. There is a U.S. Light House Reserve on the southern end of the island. The plan was adopted in 1994. When it was adopted the Eliza Island zoning district was adopted under Title 20. The Comprehensive Plan designation now rural. During the Rural Element update the zoning text was changed. It used to allow for ½ acre lot sizes and now it is 5 acres. In the plan there are not the inconsistencies that are in the other plans. There are some outdated things. Staff recommends repeal of the plan.

The hearing was opened to the public.

There was no public testimony.

The hearing was closed to the public.

Commissioner Elenbaas moved to recommend approval of Exhibit A-Amendments to the Whatcom County Comprehensive Plan, chapter 2; Approval of Exhibit B-Amendments to the Whatcom County Zoning Code; and repeal of Exhibit C-the Eliza Island Plan. Commissioner Hunter seconded.

Commissioner Bell stated Eliza Island seems perfect for a subarea plan because they are separate and have different interests from the rest of the county. Is the only reason they don’t have one because they aren’t active?

Mr. Aamot stated it gets to how many resources does staff put into a plan and they do have a unique zoning district which regulates land use. Mr. Bell’s point was well taken.

Commissioner Hunter noted that all of the lots are vested so the real issue may be water resources.

Commissioner Haugen asked if a desalinization plant was an option if more people wanted to live there.

Mr. Aamot did not know.

Commissioner Honcoop stated this was a GMA issue that was appealed so that will drive what is done.

Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.

The meeting was adjourned at 7:15 p.m.

Minutes prepared by B. Boxx.
WHATCOM COUNTY COUNCIL AGENDA BILL

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**TITLE OF DOCUMENT:**
Repeal the South Fork Valley Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

**ATTACHMENTS:**
1. Staff Memo
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Planning Commission minutes

*Other background information is on file at the Council office.*

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

1 The Council must hold a hearing if they want to change the Planning Commission’s recommendation (WCC 2.160.100(B)).

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

Repeal the South Fork Valley Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans. The South Fork Valley Subarea Plan was adopted in 1991, prior to the first Whatcom County Comprehensive Plan that was adopted under the GMA.

*NOTE: Final approval of these amendments would occur as part of concurrent review of comprehensive plan amendments in early 2015.*

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).*
May 5, 2014

To: Jack Louws, The Honorable Whatcom County Executive
The Honorable Whatcom County Council

From: Matt Aamot, Senior Planner

Through: Mark Personius, Long Range Planning Division Manager

RE: Repeal the South Fork Valley Subarea Plan and Related Amendments

The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080. However, the GMA also requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

Most of the comprehensive land use plan designations in the 1991 South Fork Valley Subarea Plan are not the same as the designations utilized in the current Whatcom County Comprehensive Plan. The Subarea Plan has an “Urban Reserve” designation, but the current Comprehensive Plan does not include any urban designations in the Subarea. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The South Fork Valley Subarea Plan does not address LAMIRDs. Finally, the 1991 Subarea Plan utilized a 10 to 20 year planning period. Therefore, we recommend repealing the Subarea Plan and amending provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

Planning & Development Services is requesting Council consideration of these amendments on June 3. However, the proposed Comprehensive Plan amendments are subject to concurrent review. Therefore, the Council will not render a final decision on the proposal until early 2015.

Thank you for your consideration of this matter.
ORDINANCE NO. _____________

REPEALING THE 1991 SOUTH FORK VALLEY SUBAREA PLAN
AND AMENDING PROVISIONS IN THE WHATCOM COUNTY
COMPREHENSIVE PLAN RELATING TO SUBAREA PLANS

WHEREAS, The Whatcom County Council initiated the subject amendments for review in 2014; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on April 24, 2014; and

WHEREAS, The Whatcom County Planning Commission recommended the comprehensive plan amendments on April 24, 2014; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to subarea plans.

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on March 25, 2014.

3. Notice of the Planning Commission hearing was posted on the County website on April 8, 2014.

4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media and other groups on the County's e-mail list on April 8, 2014.

5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 8, 2014.
6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 11, 2014.

7. The Planning Commission held a public hearing on the subject amendments on April 24, 2014.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:

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

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

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

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

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

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

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

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

Growth Management Act

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).
10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

11. The South Fork Valley Subarea Plan was adopted in 1991. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan contains different land use designations, is inconsistent with the Comprehensive Plan’s rural element, and has a different planning period.

County-Wide Planning Policies

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. There are no interlocal agreements relating to the South Fork Valley Subarea Plan.

Further Studies/Changed Conditions

14. The South Fork Valley Subarea Plan was adopted in 1991.

15. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1991 South Fork Valley Subarea Plan does not address LAMIRDs.

16. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1991 South Fork Valley Subarea Plan is not consistent with the County Comprehensive Plan.

17. The 1991 South Fork Valley Subarea Plan utilized a different planning period than the Whatcom County Comprehensive Plan.

18. Changed conditions, including adoption of the Whatcom County Comprehensive Plan and the passage of time, warrant repealing the 1991 South Fork Valley Subarea Plan.

Public Interest

19. Repealing the 1991 South Fork Valley Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.

Spot Zoning

20. The subject proposal does not involve rezoning property.
CONCLUSION

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

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

Section 1. The Whatcom County Comprehensive Plan Chapter 2 (Land Use) is hereby amended as shown on Exhibit A.

Section 2. The South Fork Valley Subarea Plan (1991) is hereby repealed as shown on Exhibit B.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ________ day of _____________, 2015.

ATTEST: 

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

_________________________ _____________________________
Dana Brown-Davis, Council Clerk Carl Weimer, Chairperson

APPROVED as to form: ( ) Approved ( ) Denied

_________________________ _____________________________
Civil Deputy Prosecutor Jack Louws, Executive

Date: ____________________
Exhibit A

Amend Chapter 2 of the Whatcom County Comprehensive Plan as follows:

Policy 2L-2: Retain and periodically review the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Lake Whatcom, Urban Fringe, Birch Bay Community Plan, Foothills, Point Roberts, South Fork Valley, and Eliza Island). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county’s first Growth Management comprehensive plan adopted in 1997.

1. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan review process should include the following steps:

   a. Consistency Analysis. The County should review subarea plans based on the priority order in subsection “b” for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.

   b. Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.

   c. Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.

   d. Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.

   e. Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update process.
Land capacity analysis may also be updated if appropriate.

2. Prioritize review of subarea plans. Subarea plans should be reviewed in the following order.

   a. Post-GMA Subarea Plans addressing UGAs. These subarea plans should be reviewed and amended, if necessary, during Whatcom County’s periodic review of the comprehensive plan. Subarea plans addressing UGAs associated with a city should be coordinated with the city’s comprehensive plan update process.

   b. Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County’s periodic review of the comprehensive plan. Minor updates may be considered through the County’s docket process in subsequent years.

   c. Pre-GMA Subarea Plans. These should be repealed or updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:

      i. whether update is needed for health, safety, or welfare concerns;

      ii. whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;

      iii. whether the subarea plan would benefit from broader policy concepts to be completed in advance or in tandem, such as agricultural land protection measures;

      iv. whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.
Amend the Land Use Action Plan in Chapter 2 of the Whatcom County Comprehensive Plan as follows:

6. Undertake a limited planning process for exclave parcels and incorporate the results along with the Newhalem-Diablo area plans in the Foothills and South Fork Subarea Plans.

NOTE: The text of Policy 2L-2 above is also being amended in association with the proposed repeal of the Lake Whatcom Subarea Plan (file # 2014-00002) and the proposed repeal of the Eliza Island Plan (file # 2014-00004). The changes to Policy 2L-2 proposed in the subject amendment are intended to be harmonious and compatible with the changes to Policy 2L-2 proposed in these other two amendments.
Exhibit B

(Repealing the Subarea Plan)
SOUTH FORK VALLEY SUBAREA

a component of the

Whatcom County Comprehensive Land Use Plan

- Cherry Pt. - Ferndale Subarea
- Lake Whatcom Subarea
- Urban Fringe Subarea
- Lummi Island Subarea
- Chuckanut - Lake Samish Subarea
- Lynden - Nooksack Valley Subarea
- Birch Bay - Blaine Subarea
- Foothills Subarea
- South Fork Valley Subarea
- Pt. Roberts Subarea
SOUTH FORK VALLEY SUBAREA
COMPREHENSIVE PLAN
APRIL 1991

WHATCOM COUNTY IS A NUCLEAR FREE ZONE
As approved by the voters of Whatcom County, County
Initiative Measure #1-84, November 6, 1984; Adopted by
Whatcom County Resolution #85-29, June 20, 1985.

WHATCOM COUNTY EXECUTIVE
Shirley Van Zanten

WHATCOM COUNTY COUNCIL
Donald G. Hansey
Robert A. Imhoff
Emily Jackson
Margaret M. Laidlaw
Marvin G. Vanderpol
Dennis Vander Yacht
Daniel M. Warner

WHATCOM COUNTY PLANNING COMMISSION
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Elaine McRory
John Shintaffer*
David Simpson

*Former Planning Commission Members

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COMPREHENSIVE LAND USE PLANNING

STATUTORY AUTHORITY

Statutory authority for county comprehensive land use planning is established in the Washington State Planning Enabling Act, in which it is stated that "each planning agency shall prepare a comprehensive plan for the orderly physical development of the county or any portion thereof..." (RCW 36.70.320). The South Fork Valley Subarea Comprehensive Plan has been developed in response to statutory authority as well as in recognition of the widely accepted principle that future Whatcom County land use decisions should be made in a coordinated and responsible manner by both the public and private sectors.

DEFINITION AND APPLICATION

The Whatcom County Comprehensive Plan is defined as an official public document to be used by both the public and private sectors as a policy guideline for making orderly decisions concerning the future use of land in the county. The plan has been formulated using a public review process that includes analysis and recommendations by Planning staff, community response, policy formulation by the Whatcom County Planning Commission, and final review and passage by the Whatcom County Council.

The South Fork Valley Comprehensive Plan is comprehensive, general and long-range in nature. The plan is comprehensive in that it encompasses major geographic areas of the county and the functional elements that bear on physical development. The plan is general in that it summarizes major policies and proposals and is not, by statute, a detailed regulation. The plan is long-range in application because it addresses current issues, as well as anticipated problems and possibilities of the future.

The purpose of this document is to foster a responsible process of land use decision-making. It serves to amend the 1970 Whatcom County Comprehensive Plan for the geographic area defined as the South Fork Valley Subarea. The 1970 plan served as a basic plan for the past 20 years, but as times change, people's attitudes, technologies and economies also change. Consequently, the primary decision-making document of local government must be revised to address current and anticipated issues of the future.

The County is aware that changes will continue and realizes that the policies contained herein will be subject to modification and revision over a period of time. As is discussed in the following section, this subarea plan will be reviewed on a seven to ten year basis.

SUBAREA PLANNING CONCEPT

Because of the county's diverse physical and cultural composition, the Planning Commission elected to revise the plan on an individual geographic area basis. Thus, the Commission divided the western one-third of the county into ten logical geographic areas where the planning process could be applied in a uniform and consistent manner. Denoted as "subareas", these geographic areas were delineated to address various land use related issues that appeared to be unique to particular areas of the county.

The criteria used by the Commission to delineate subareas boundaries include natural and physical features; political subdivisions such as sewer, water, fire and school districts; existing land use patterns; and the presence of a city or town to act as a nucleus for the area. Thus, subareas are planning units determined through the application of criteria and are considered as a practical means of revising the comprehensive plan in a consistent and orderly fashion.
WHATCOM COUNTY PLANNING PROCESS

The Whatcom County comprehensive planning process is defined as a continual process of evaluating goals, conducting various land-related studies, and then using the goals and studies to fashion a balanced and practical set of land use policies and proposals for future land uses in the county. Stated differently, the planning process serves as a blueprint for the logical development of the comprehensive plan, as well as the formulation of effective implementation tools.

The process describes, through a logical sequence, the various land use related factors that must be considered to effect the formulation of responsible and meaningful land use policies and proposals. These factors include the definition of county-wide goals; the inventory and analysis of land use, community facilities and utilities, transportation, economic, and environmental resource characteristics; the forecasting of population levels and the county's economic vitality; the analysis of issues both technical and citizen related; the development of policies to resolve or address the relevant issues; and the transformation of policies into the plan map and attendant implementation tools.

The planning process is continual. The implementation of the comprehensive plan, through the application and use of various regulatory tools, must be continually monitored. The effectiveness of the planning process in Whatcom County relies on the County’s ability to keep the major components of the plan current through periodic review and adoption of any necessary amendments.

PLAN FORMAT

The Comprehensive Plan for the South Fork Valley Subarea includes the necessary information for the appropriate formulation of land use decisions by both the public and private sectors of Whatcom County. The components of the plan include the following:

1. **Comprehensive Land Use Planning:** To assist both the public and private sectors in understanding the development, adoption, and amendment of the comprehensive plan policies and map.

2. **Goal Statements:** To provide the overall direction for land use planning in Whatcom County.

3. **Population Forecasts:** To correlate anticipated demand for land uses with the supply of land.

4. **Subarea Description:** To generally define subarea characteristics and establish issue topics as determined by area residents, the Planning Commission, and the planning staff.

5. **Rationale and Locational Criteria:** To establish the necessity of land use designations and the spatial determinants to be used in applying land use designations.

6. **Policies:** To provide the primary decision-making tools required to address the land use, community facility and utility, transportation/circulation, parks and recreation, and the environmental resource and economic issues of the subarea.

7. **Amendment Criteria:** To assist both the public and private sectors with respect to revisions of the comprehensive plan policies and map.

8. **Comprehensive Land Use Plan Map:** To reflect the spatial distribution of the policy statements together with the policies; perhaps, the most widely used component of the comprehensive plan.
Whatcom County Planning Process

GOALS

CONTINUOUS UPDATE

IMPLEMENTATION
Zoning Ordinance
Subdivision Regs.
Shoreline Mgt.
City agreements
Floodplain Regs.

WHATCOM COUNTY COUNCIL

PROPOSED SUBAREA COMPREHENSIVE PLAN

INVENTORY AND ANALYSIS
BY SUBAREA
Land Use
residential
commercial
industrial
Transportation
Comm. Services
Population
Parks-Recreation
Physical Features
Shoreline Mgt.

PRELIMINARY SUBAREA COMPREHENSIVE PLAN

PUBLIC HEARING

DETERMINATION OF ISSUES

SUBAREA CITIZEN PARTICIPATION:
Phase 1

FORMULATION OF PRELIMINARY
SUBAREA POLICIES AND PLAN
MAP BY PLANNING COMMISSION

SUBAREA CITIZEN PARTICIPATION:
Phase 2

REFINEMENT OF PRELIMINARY
SUBAREA POLICIES AND PLAN
MAP BY PLANNING COMMISSION

figure 1
COMPREHENSIVE LAND USE PLANNING

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The process describes, through a logical sequence, the various land use related factors that must be considered to effect the formulation of responsible and meaningful land use policies and proposals. These factors include the definition of county-wide goals; the inventory and analysis of land use, community facilities and utilities, transportation, economic, and environmental resource characteristics; the forecasting of population levels and the county's economic vitality; the analysis of issues both technical and citizen related; the development of policies to resolve or address the relevant issues; and the transformation of policies into the plan map and attendant implementation tools.

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8. **Comprehensive Land Use Plan Map**: To reflect the spatial distribution of the policy statements together with the policies; perhaps, the most widely used component of the comprehensive plan.
Figure 1
Whatcom County Planning Process Diagram
GOAL STATEMENTS

The following goals provide the general direction for making land use decisions in the subarea and Whatcom County as a whole. They were developed and adopted by the Planning Commission and County Council in July 1979.

REGIONAL DESIGN GOALS

1. Future urban development should occur within or immediately adjacent to existing urban areas in order to eliminate sprawl and strip development, assure the provision of an adequate range of urban services, conserve agricultural and forestry lands, optimize investments in public services and conserve energy resources.

2. Future development in rural areas should be low density, complement existing rural character, contribute to the conservation of agricultural and forestry land and not result in demands for urban-level services.

GROWTH MANAGEMENT GOALS

1. To promote a conscientious program designed to plan, guide, and influence the appropriate location, timing, intensity, type, and servicing of diverse land use patterns.

2. To determine the required amounts of land anticipated to be utilized within the planning period (15 years) while retaining options for future land use decisions beyond the planning period.

3. To encourage a predictable pattern of urban and rural development which utilizes previously committed land areas and existing facility investments before committing new areas for development.

4. To ensure that a beneficial balance exists between the supply and demand for public services. To encourage the cooperation among municipalities, special districts, and associations in the planning and provision of public services. To discourage the proliferation of unnecessary special purpose districts.

5. To develop a concise, equitable, and practical set of land use regulations intended to implement the goals, policies, and proposals of the County Comprehensive Plan in a timely and orderly fashion.

LAND USE GOALS

1. To conserve the agricultural and forestry lands of Whatcom County for the continued production of food, forage, and timber crops while promoting the expansion and stability of the County's agricultural and forestry economies.

2. To plan urban residential development in areas that can be economically and efficiently served with existing or planned services, optimize energy use, function as integral neighborhood units, and can environmentally support intensive land uses.

3. To encourage adequate community and neighborhood commercial facilities in appropriate locations while avoiding incompatible land uses and the proliferation of unnecessary new commercial areas.

4. To encourage a balanced and diversified economy in order to assure desirable local employment opportunities and to strengthen and stabilize the tax base. To accommodate anticipated economic
development in an environmentally responsible manner with due consideration for public cost, energy
availability, land use compatibility, and transportation accessibility.

5. To promote the availability of economical and attractive housing for all income, age, and ethnic groups,
while also enhancing the integrity and identity of existing communities.

6. To promote a functional, coordinated, and multi-mode transportation system which provides for the safe
and efficient movement of people and goods, avoids undesirable environmental impacts, and optimizes
public investments and the conservation of energy resources.

7. To encourage adequate facilities and services which provide diverse education, recreation, cultural, and
social opportunities.

CULTURAL AND NATURAL RESOURCES

1. To identify and manage environmentally sensitive areas in such a manner as to prevent destruction of the
resource base and reduce potential losses to property and human life.

2. To continue the identification of cultural and natural resources and formulate viable methods to preserve
and conserve such resources in recognition of their irreplaceable character.

3. To promote a park and recreation system which is integrated with existing and planned land use patterns
and is diverse, abundant, and assures maximum public access and usage.

CITIZEN INVOLVEMENT AND INTERGOVERNMENTAL COORDINATION

1. To assure opportunity for citizens to be involved in the formulation of land use goals, policies and
proposals and to provide a structure for citizen participation in the planning program of federal, state,
regional, and local agencies.

2. To participate in intergovernmental coordination with federal, state, provincial, regional, and local
agencies, to develop a coordinated approach to problems which transcends local government bodies
and to create an environment for the exchange of information and technical assistance.

SOUTH FORK SUBAREA PLAN GOALS

1. To identify and manage those environmentally sensitive areas in the South Fork planning area, including
wetlands, steep slopes and other geologically hazardous areas, unstable drainage basins, critical
wildlife habitat, frequently flooded areas, and shorelines.
SOUTH FORK VALLEY SUBAREA  
COMPREHENSIVE PLAN  
POPULATION FORECASTS

POPULATION FORECASTS

INTRODUCTION

The purpose of population forecasting, as it relates to land use planning, is to accommodate the long-term spatial requirements of various land uses such as residential, commercial, industrial, recreational, and public facilities. Population forecasting is also of assistance in decision-making for land use related matters, such as determining the appropriate scale and location of public works facilities and land development activities. Population forecasts are subject to revision which may be accomplished in the comprehensive plan update process.

The population information contained in this section is a summary of the forecasts prepared by several agencies. Due to the large area in the East Whatcom census tract (census tract 101), much of the information available covers both the Foothills Subarea and the South Fork Subarea. Conclusions regarding the South Fork Subarea involve assumptions about the similarities and differences between the two subareas. Therefore, this information has been used in a qualitative manner or as a general guideline, rather than as a specific numerical forecast.

Table 1 indicates the historic and projected population changes of Whatcom County. The graphs in Figure 2 represents total Whatcom County and unincorporated Whatcom County population trends. Conclusions about population growth derived from Table 1 include:

- Unincorporated Whatcom County grew 43% between 1970 and 1980.
- Unincorporated Whatcom County grew 28% between 1980 and 1990.
- Total growth for the County (including incorporated cities) decade was 18%. This was slightly higher than the 1985 state Office of Financial Management projection of 16.68%

SOUTH FORK VALLEY SUBAREA APPLICATION

To relate this information to the South Fork Valley Subarea Comprehensive Plan, the following assumptions have been made based upon the data provided in the graphs, Table 1, and Background Document.

1. Location of population growth: The majority of population growth will occur in the unincorporated town of Acme with scattered growth on the valley edge between the agriculture and commercial timber lands.

2. Reasonable population growth: The rate of population growth in the South Fork Valley Subarea should be at unincorporated Whatcom County rates. However because this subarea is located 20 to 30 minutes from the city of Bellingham and is not located between any major economic centers it may grow somewhat slower than other subareas. This slower growth may be compounded by the many environmental constraints that exist here. The state predicts a 39% growth from 1980 to 2000 for Whatcom County as a whole; however, unincorporated areas have been growing much faster than the cities. (Table 1). A realistic growth rate projection for the subarea should be from 1.0 to 2.0 percent annually during the next 10 years. That means that the subarea may grow as much as 20 to 40 percent over the next 15 to 20 years.

3. Zoning limitations on population growth: The zoning adopted in the 1970s would allow a growth in dwelling units, and presumably population, of over 2,100%. That means the population would increase to 26,664 assuming 3 persons per household (based on a maximum possible density of
one dwelling per acre in the General Protection zone district, excluding county, state, and tribal
lands). The zoning implementing this comprehensive plan allows approximately a 200% increase
over the existing number of houses for the length of the current planning period (10 to 20 years)
plus any bonuses obtained through the PUD process. Assuming a 20 year planning period, the
proposed zoning allows a growth rate of approximately 10% per year, well above the projected
growth rate of 1.0 to 2.0 percent annually.

ASSUMPTIONS AND VARIABLES RELATING GENERALLY TO POPULATION FORECASTS

All population forecasts are based on assumptions which affect the numerical results and different
population forecasting agencies do not make the same assumptions. The following items are intended to
present an overview of assumptions as they relate to Whatcom County populations:

1. In-migration\(^5\) will continue to contribute substantially to population increases at the Washington State and
Whatcom County levels.

2. The trend of decreasing family size and population per household will continue.

3. Labor market potential and location will affect population distribution, gross natural increase and in-
migration levels.

4. The purpose of the population forecast affects assumption utilization, which in turn affects the results.

Agencies which prepare population forecasts often make revisions due to changes in the variables affecting
their assumptions. The following variables are intended as an overview for potential Whatcom County
population forecast revisions, and may not affect all the agencies whose forecasts are contained herein:

1. Changes in Whatcom County birth, death, and in-migration rates.

2. Changes in the level of industrial development and the related labor market potential of Whatcom County.

3. Changes in the Canadian economy and the related level of Canadian spending\(^6\) in Whatcom County.

4. Changes in the demand for the products of local resources such as agriculture, forestry, fishing and mining
by local, state, national, and international markets.
Footnotes for Text and Graphs

5 In-migration is equal to total population less natural increase, in which natural increase is equal to total births less total deaths.
6 The Whatcom County Council of Government's population forecast exhibits a high correlation with the Canadian Impact Study and is thus presumed to accommodate Canadian spending.

**TABLE 1**

<table>
<thead>
<tr>
<th>Actual Year</th>
<th>Unincorp. What. County</th>
<th>% Change Over Decade</th>
<th>All of What. County</th>
<th>% Change Over Decade</th>
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<tbody>
<tr>
<td>1910</td>
<td>20,183</td>
<td>-2.8</td>
<td>49,511</td>
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<td>19,621</td>
<td>17.8</td>
<td>50,600</td>
<td>16.9</td>
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<td>11.9</td>
<td>59,128</td>
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<td>25,860</td>
<td>2.3</td>
<td>60,355</td>
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<td>66,733</td>
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<td>1970</td>
<td>34,004</td>
<td>43.0</td>
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<td>1980</td>
<td>48,628</td>
<td>28.2</td>
<td>106,701</td>
<td>18.5</td>
</tr>
<tr>
<td>1990</td>
<td>68,593</td>
<td></td>
<td>127,780</td>
<td></td>
</tr>
</tbody>
</table>

Projected

2000 64,451 3.0 148,200 17.2

SUBAREA FINDINGS, ISSUES, AND RECOMMENDATIONS

INTRODUCTION

In 1979 prior to beginning the Comprehensive Plan update process, 10 Subarea boundaries were established by the Whatcom County Planning Commission. The criteria used by the commission to delineate subarea boundaries include natural and physical features; political boundaries such as sewer, water, fire and school districts; existing land use patterns; and the presence of a city or town to act as a nucleus for the area. The boundaries for the South Fork Valley and adjacent Foothills Subareas were revised by the Planning Commission in 1987.

In November 1990, the Whatcom County Planning Department published the Draft Background Document for the South Fork Valley Subarea. The document contains descriptions of existing conditions related to land use, the physical environment, transportation, and community facilities and utilities. In addition, the document identifies specific issues for the subarea. For additional detail concerning analysis, findings and issues, the South Fork Valley Subarea Background Document can be consulted.

The following section addresses the issues identified in the background document, and develops recommendations that help formulate specific comprehensive plan policy statements found in the policy section of this document. After a general description of the South Fork Valley Subarea, a summary of Findings is presented relating to each element analyzed in the background document. Following the findings, there is a review of critical Issues relevant to the subarea with Recommendations to address these issues in a timely manner.

SUBAREA DESCRIPTION

Findings: The South Fork Valley Subarea is comprised of the South Fork Nooksack River watershed and the portion of the Samish River watershed within Whatcom County. It is located in the southeast corner of the western one third of Whatcom County and includes approximately 61,204 acres or 95 square miles of valley and mountains. The subarea is bounded on the north by the main stem of the Nooksack River, on the east by the Van Zandt Dike and the Mount Baker National Forest, on the south by Skagit County and on the west by the ridge of Stewart Mountain. Access is via Mount Baker Highway (SR542) to Highway 9 from Bellingham; via Highway 9 from the south and Mosquito Lake Road from the east; and via Park Road from the west.

The South Fork of the Nooksack River is the dominant environmental feature in the valley of the Subarea. It provides scenic beauty, recreational opportunities, wildlife habitat, water for human consumption, and hydroelectric power to the nearby community. The river is pastoral and meandering in the valley with gravel islands, channel bars, and minor braiding across point bars. Further upstream above the Saxon Bridge the river takes on the characteristics of a mountain stream with occasional presence of rocky narrow gorges and steep banks.

The river and its tributary streams contain large populations of anadromous and resident fish. These include a number of species of salmon, dolly varden, steelhead, and trout. There is one major fish production facility operating in the South Fork Valley Subarea. The Skookum Creek Fish Hatchery is located adjacent to and receives its water from Skookum Creek. The hatchery is owned and operated by the Lummi Indian Nation.

The population of this Subarea is approximately 1200 people. Most of the 404 houses are scattered along the valley floor or along the foothills of the mountains to the east or west. Much of the valley is flood prone and is used for agricultural purposes. Dairy farming and hay production are the predominate agricultural
activities. Unincorporated communities include Acme, Van Zandt and Wickersham. Acme is the only town with potential for growth. Environmental constraints which are prevalent in the subarea, hamper expansion of Van Zandt and Wickersham. The Nooksack Indian Tribe collectively own close to 500 acres in the subarea.

1. ENVIRONMENTAL FEATURES

Air and Climate

Findings: Air quality is generally quite good except for brief periods of pollution in late fall and winter under conditions of clear skies, light wind, and a sharp temperature inversion. The average rainfall in the valley is between 50 and 60 inches per year with amounts as high as 84 inches recorded east of Van Zandt. The subarea experiences approximately 25 inches more of precipitation than is experienced in the lowland areas of the County. In the more mountainous regions east of the subarea, precipitation totals have reached 120 inches per year.

Issue: The mountains on each side of the valley tend to trap pollution. Air quality degradation is a problem during slash burning or during periods of climatic inversions in conjunction with wood stove smoke and smog from regional urban areas.

Recommendation: Commercial and industrial uses that emit measurable air pollutants should be discouraged.

Topography

Findings: The South Fork Valley Subarea features a landscape of rugged forested slopes and cleared valleys. Elevations in the valley range from 240 to 400 feet above sea level. The highest point in the subarea is 4,574 feet above sea level on Bald Mountain in the extreme southeast corner of the subarea. Slopes of 15% or greater cover approximately 60% of the subarea. Slopes of 40% or greater account for 15% of the subarea.

Issue: Steep slopes on each side of this valley, many of which are over 40% in grade, pose a risk to the health, safety, and welfare of the citizens when incompatible development is located in areas of significant hazard.

Recommendation: Slopes greater than 15% in grade should be identified and the risk to development below should be assessed. Where it has been determined that an unacceptable risk to the public is present, development should be curtailed.

Geology

Findings: The upper Nooksack River area consists of ancient, uplifted, and deeply dissected erosion surfaces cut into a complex series of metamorphic rocks. These are overlain by early tertiary sandstones, shales, and coal beds which occupy the central portion of the Nooksack River Basin. All three forks of the Nooksack River flow through valleys which were initially stream-cut and later modified by glaciation. Generally the valley floors are underlain by a fill several hundred feet thick of glacial and stream sediments. There are thirteen separate geologic units identified in the South Fork Valley Subarea: alluvial deposits, Sumas Outwash, undifferentiated glacial deposits, landslide deposits, Chuckanut Formation, Huntington Formation, Chilliwack Formation, Turtleback Complex, phyllite, pre-Tertiary Serpentinite, Twin Sisters Dunite, Mesozoic sedimentary rocks, and Jurassic sediments.
The mountain regions of the subarea have a history of slope failure on each side of the South Fork Valley. This is particularly true on the Stewart Mountain. Analysis of geology, soils and drainage patterns indicate that these slopes are inherently unstable in their natural state. Further instability results when these slopes are altered by human activity.

In the past year there has been an increase in the number of seismic events in the South Fork area. Reaction can be amplified on the greater slope angles that exist on over 50% of the Subarea, and on slopes with fractured bedrock. The alluvial deposits that comprise the valley floor can also amplify the seismic event.

**Issue:** The combination of steep slopes and unstable geologic units of Chuckanut and phyllite in conjunction with the large amounts of rainfall have resulted in conditions conducive to slides, mass wasting, debris flows, and other forms of erosion. These conditions pose a risk to the health, safety, and welfare of the citizens when incompatible development is located in areas of significant hazard.

**Recommendation:** Slopes of 40% or greater and other areas susceptible to erosion hazards should be altered as little as possible. This is particularly important in the Stewart Mountain and Van Zandt Dike areas which are relatively unstable in conjunction with existing development at the base of these ranges.

**Recommendation:** Geologically hazardous areas should be identified and the risk determined to development below these areas. Where it has been determined that an unacceptable risk to the public is present, development should be appropriately curtailed.

**Issue:** The Deming area has been seismically active in recent years producing numerous measurable events. If they continue, these events could produce some damage to new and existing structures in the subarea.

**Recommendation:** New development and construction should be located away from steep slopes and meet current UBC standards.

**Issue:** Mineral extraction can have long term negative effects upon the natural environment. Coal reserves are recorded in the Fall Creek headwaters above Hillside Road. Future mining of this resource could lead to erosion, mine runoff, and leachate contamination in the Nooksack River and local groundwater.

**Recommendation:** Careful consideration of all costs and benefits should be given before any extensive mining projects take place in the subarea.

**Soils**

**Findings:** There are 100 different soils identified in the subarea. These can be grouped according to landscape into five broad categories: soils on alluvium and floodplains, soils on outwash terraces, soils on glaciomarine drift plains, soils on foothills, and soils on mountains. Alluvial and flood plain soils have severe limitations for development due to their rapid permeability, unstable base and/or their susceptibility to flooding. Mountain soils are severely limited because of steep unstable slopes and unreliable groundwater supplies. The least restricted soils in this subarea are the outwash soils which are concentrated along the edges of the South Fork Valley and in the valley region along Mosquito Lake Road.

Approximately 6% of the soils in the subarea are found in the valley of the South Fork. The U.S. Department of Agriculture, Soil Conservation Service, has determined that most of the valley soils are prime agricultural soils when either drained or irrigated. Over 85% of the Subarea is comprised of soils in the mountains. Soils in these mountains are well suited for commercial timber production.
Issue: Limited suitability of soils for development (very rapid permeability rates and/or high seasonal water tables in lowland valleys; and steep slopes, poor permeability, and shallow depths to impermeable layer in mountains) may limit population growth and minimum parcel sizes in the subarea. Many of the soils are poorly suited for septic tank systems. The most suitable soils also have extremely rapid permeability with a potential for contaminating surface waters and ground water. The cost of developing sewer systems is generally not considered to be feasible at this time, given the low population base and dispersed settlement patterns.

Recommendation: Residential densities should be kept to a maximum of one dwelling unit per five acres throughout the subarea, with the exception of areas where public sewer and water services are available or where prior development at higher densities has already taken place. Lower residential densities (one dwelling per ten or twenty acres) should be maintained where soils are severely limited and steep and unstable slopes exist.

Issue: Whatcom County is experiencing a significant loss of prime farmland soils due to increased development pressure and changes in the agriculture industry.

Recommendation: Whatcom County should seek every means available to preserve prime agricultural soils for future agricultural use.

Issue: Soils on forested mountain regions are thin and can be susceptible to sliding and other forms of erosion. Disturbance of these soils through road development or over harvesting of timber resources can lead to slope destabilization and increased erosion, thus reducing future production and creating potential hazards in the valley below.

Recommendation: Whatcom County should seek to identify erodible soils and preserve their stability.

Recommendation: Whatcom County should encourage sustainable forestry practices. A coordinated harvesting schedule and road construction program should be developed and maintained by the members of the timber industry. Both the schedule and program should be subject to review by the community.

Surface Water Resources

Findings: There are two major watershed basins in the South Fork Valley Subarea: 1) the South Fork Nooksack River Basin and; 2) the Samish River Basin. The most significant surface water features in the South Fork Valley Subarea are the Nooksack River and its tributaries. The South Fork Nooksack River system provides scenic beauty, recreational opportunities, wildlife habitat, water for human consumption, and hydroelectric power. Recreational uses of the river includes floating, fishing, wildlife observation, and scenery viewing. The South Fork river also provides habitat and spawning grounds for a number of wildlife species. The salmon is highly valued among these for their commercial value.

Water quality in the South Fork River and its tributaries is good but declining. This is in part due to increased forest practices in the watershed. The increased volumes of surface water runoff during periods of heavy rainfall are contributing to stream bank and surface soil erosion, earth slides, stream sedimentation, channel siltation and debris loading.

The South Fork Nooksack River is prone to flooding as is many of it’s tributaries. Tributary flooding has taken place on almost every creek draining Steward Mountain in recent years. Notable among these are Jones Creek and Sygitowicz Creek, where major flooding and debris deposits took place in 1983. Jones drains immediately north of the unincorporated town of Acme.
SOUTH FORK VALLEY SUBAREA
COMPREHENSIVE PLAN

SUBAREA FINDINGS, ISSUES, AND RECOMMENDATIONS

Floods generally occur during the late fall when heavy rains fall (sometimes on snowpack), and in the spring when melting snow is supplemented by rainfall. Severe flooding occurs when there is a combination of above average temperatures causing rapid snow melt and above normal precipitation.

The United States Geological Survey (U.S.G.S.) has determined that a flow rate in excess of 19,000 cubic feet per second (cfs) at Deming will result in some flood damage from the Nooksack River. Geographically the 1977 Flood Insurance Study, conducted by the Department of Housing and Urban Development, has identified approximately 70% of valley region within the boundaries of the 100 year floodplain. The U.S.G.S. currently has one active gaging station on the South Fork at river mile 14.8 which has kept annual records from 1935 to 1977.

Wetlands in the South Fork Subarea are found near the channels of the South Fork of the Nooksack River and the Samish River and comprise roughly 20% of the valley. They provide excellent hydrological utility, offering natural flood control, flood desynchronization, and flow stabilization of the South Fork of the Nooksack River during periods of high water. They also aid in ground water recharge and maintenance of stream flows.

**Issue:** Flooding occurs frequently in the South Fork Valley Subarea. Floods have been increasing both in occurrence and area in recent years causing damage to both the natural and built environments. Should a 100 year event take place, wide spread damage would occur to the community.

**Recommendation:** Whatcom County should encourage the use of land in the 100 year floodplain for low density agricultural purposes and low density recreational use.

**Issue:** Site analysis of the 1977 Floods Insurance Maps (FIRM), produced by the Department of Housing and Urban Development, indicates that some of the floodplain boundaries appear to be in error.

**Recommendation:** Whatcom County is currently updating their informational base. Changes to the FIRM floodplain maps should be made to correct errors that exist in the subarea.

**Issue:** Forest cover can enhance water quality by reducing the impact of precipitation on the ground surface and by holding the soil with tree roots. Soil erosion and sediment flow to surface waters are thereby reduced. Also, through the reduction of erosion, the quality and quantity of both surface water and groundwater are enhanced.

**Recommendation:** Whatcom County should continue to play an active role in monitoring Forest Practices Applications. The County should also continue to cooperate with federal, state, and local agencies, and tribes as appropriate, in monitoring and protecting water quality in the Nooksack drainage. Existing and future development that may have negative impacts on the water quality of the Nooksack should be closely controlled. With 86% of the subarea forested, it is important that relationships between forest practices, environmental quality, and the role that public agencies play in mitigating adverse impacts on these systems be clearly understood.

**Issue:** Preservation of a high level of water quality is extremely important to the successful maintenance of native and hatchery fish populations.

**Issue:** The U.S.G.S. currently has one active gauging station on the South Fork river located near Wickersham. Data from this station does not provide the information necessary to meet the minimum flow requirements necessary to meet the standards set forth in WAC 173-501-030 and, subsequently, to address many issues associated with river flows.

**Recommendation:** Whatcom County should work with the U.S.G.S. to immediately install one additional gaging station immediately upstream from the confluence of the South Fork and the main stem of the
Nooksack River. Gaging stations should be installed as soon as possible in those tributary creeks of the South Fork drainage that are under the jurisdiction of WAC 173-501-030.

**Recommendation:** Whatcom County should develop a Nooksack basin water resource plan with the cooperation of the Nooksack Indian Tribe, the Lummi Indian Nation, and small cities. This planning process was endorsed by the Whatcom County Council, the Lummi Tribal Business Council and the Nooksack Tribal Council in 1989. An overall Nooksack Basin Plan would investigate all three forks as well as the mainstem of the Nooksack River for water quality and quantity concerns. This should include both study and evaluation of low flow and high flow readings and standards.

**Issue:** Wetlands and reoccurring flooding offer considerable development constraints in the valley region of the subarea if preserved. By contrast, unrestricted dredging, filling, and draining of these wetlands would destroy valuable habitat for fish and wildlife and reduce the ability of the wetlands to store flood water and filter sediment and pollutants.

**Recommendation:** Many of the wetlands are a valuable natural resource and need to be protected. However, there is currently no information available that have sorted out those wetlands with high value/high function attributes from the small isolated low value/low function wetlands. A study of this kind is necessary in order to determine to what extent the wetlands in the South Fork Valley should be drained and filled. Until this is done, Whatcom County should discourage fill, drainage or alteration of wetlands.

**Issue:** Jones Creek, McCarty Creek, Standard Creek, Hardscrabble Creek, Sygitowicz Creek and Fall Creek, all located on the east side of Stewart Mountain and draining into the South Fork of the Nooksack River, have a history of instability and deposit large amounts of sediment and debris into the valley below during heavy rain periods. Jones and Sygitowicz Creeks in particular, pose a hazard to the Community. Debris torrents and flooding were recorded in 1979, 1983, 1985, and 1989. The effects of these debris torrents resulted in damage to homes, transportation routes, and loss of fish habitat.

**Recommendation:** The headwaters and mountainous upstream reaches of these creeks should be altered as little as possible. The areas affected by potential flooding from these streams should be identified and with development appropriately restricted. Whatcom County should encourage minimal use of these stream corridors, drainage swales and alluvial areas for building sites.

**Issue:** Jones Creek erodes the existing gravel berm located on the southeast bank of the creek and uphill from the Turkington Road bridge. During periods of extremely high precipitation, the stream can penetrate the berm and flow down Turkington Road and can cause damage to structures downstream.

**Recommendation:** A retention berm sufficient to contain drainage during peak flow periods should be constructed from the Turkington Road bridge and extending upstream to the private bridge located at the end of Galbraith Road. Specifications should be determined by the Whatcom County Division of Engineering.

**Ground Water Resources**

**Findings:** Ground water supplies in the subarea are generally abundant and of high quality where wells have been drilled. Since ground water tends to conform to topography, the most abundant sources are the wells that are closest to the river valleys. Supplies diminish moving uphill away from the streams and toward the areas where the bedrock is closest to the ground surface. In theory, the areas having the least potential for ground water are the mountain areas where soils are thin and glacial deposits are nonexistent. Since these areas are almost exclusively used for timber production, very few wells have been drilled and information about groundwater quantity and quality is virtually nonexistent.
Issue: Although groundwater seem to be abundant in the South Fork Valley, good groundwater information is scarce and well logs are spotty. There are no current groundwater studies for the South Fork Subarea. Detailed hydrologic studies have never been done.

Recommendation: Whatcom County should embark on a detailed study of hydrologic features in the South Fork Basin.

Issue: Areas where the water table is five feet or less from the surface, particularly along the 100 year floodplain, deserve particular consideration with respect to septic system use because of the potential for groundwater contamination.

Recommendation: Residential densities should be as discussed in the section on soils issues. Detailed studies of the groundwater resources of the South Fork Subarea are needed.

Plants and Animals

Findings: The South Fork Valley Subarea, with its mountains and streams, provides habitat for a wide diversity of plant and animal species. Foremost in importance among the plant species are the forests of Douglas fir, Cedar, and Hemlock upon which the region has been economically dependent for many years. The most significant aquatic animal species are the salmon and steelhead which inhabit the rivers and streams of the area. Equally significant is the presence of an elk herd which roams the east and southern portions of this subarea.

The South Fork Valley Subarea is valuable in a number of ways relating to plants and animals. It is the southeastern terminus of low elevation wildlife habitat, with a wide riparian zone, general food and prey base, and bio-diversity.

Issue: The fish of the Nooksack River and its tributaries are an important economic and recreational resource. The viability of fish habitat in the South Fork Nooksack River is dependent upon preservation of water quality and unobstructed access to spawning areas.

Recommendation: Whatcom County should make every effort to preserve the high level of water quality in the Nooksack system and should assure the preservation of habitat for fish.

Issue: Property damage can occur when the elk herd travels from the foothills into the valley.

Issue: Travel corridors necessary for elk habitat are severely constrained by Highway 9 and other roads, cleared and extensively managed areas, and clearcutting. Increased hunting and fishing in conjunction with decreased habitat due to overcutting, development and increased recreation activity are putting both the elk herd and salmon runs at risk. There is a need to protect sensitive salmon spawning areas and elk roaming areas from encroachment while preserving opportunities for recreational and scientific observation.

Recommendation: The County should work with the Washington State Departments of Wildlife and Fisheries and the local Indian tribes to educate residents on the importance of protecting the wildlife environment and encourage enhancement of the resource.

2. LAND USE
Findings: There are approximately 61,204 acres in the South Fork Valley Subarea. The region is largely
can be described as rural with dispersed development in the valley. There are a number of environmental
constraints many of which are derived from large amounts of rainfall in the region. Most notable among them
are floodplain, steep and unstable slopes and wetlands. The subarea is largely a resource area with an
economy based on fisheries, agriculture, and forestry.

Of the 61,204 acres in the subarea, a large portion of it is not suitable for various land uses. Soil conditions
influenced by recent glaciation, the amount of land suitable for development. Much of the land is too
steep to be built upon safely. Most of the valley region is flood prone, and is better suited for agricultural.
Within the South Fork Subarea's 95 square miles, there are approximately 1,269 parcels.

There is 52,887 acres of forest land comprising 86.4% of the subarea. Approved forest practice applications
in the last three and one half years amount to 6,384.50 acres or approximately 12 percent of the forest land.
This means that between three and four percent (1,800 av.) is being harvested annually assuming a 50 year
rotation. At a 3.5% harvest rate, to would take approximately 18 years to harvest the 32,000 acres currently
in an age class over 40 years.

Agriculture is the second largest land use in the study area with 5,355 acres or 8.7% of the study area. Close
to 60% of the parcels are over 40 acres in size. Another 30% average between 20 and 40 acres. There are
dveral dairy farms in the valley. Other agricultural practices include meat production, hay, and
some grain and corn growing.

Residential uses amount to 509 acres or 8% of the subarea and is largely scattered on five acre, ten acre
and larger tracts of land. Commercial and industrial property add up to five acres each. Developed
recreational property other than parks is nonexistent.

The Skookum Creek Fish Hatchery is the major hatchery operating in the South Fork Valley Subarea. It is
located adjacent to and receives its water from Skookum Creek and is operated by the Lummi Indian Nation.

Issue: Although information is scarce or lacking in many cases, actual documentation and visual evidence
suggest a general decline in fish stocks in the South Fork Valley.

Issue: Preservation of a high level of water quality is extremely important to the successful maintenance of
native and hatchery fish populations.

Issue: Agriculture, forest practices, and settlement can play significant roles in the degradation of fish
stocks. Altering of aquatic habitats through diking, river channelization, filling, and erosion can be a result of
these practices.

Recommendation: Whatcom County should continue to work with both the Lummi Indian Nation and the
Nooksack Indian Tribe to protect both the fish populations and their habitat.

Issue: Recreational uses of the river are increasing and many are extremely hard on the fisheries habitat.
This is especially true with extensive tubing during the summer months.

Recommendation: The Whatcom County Parks Department has made several attempts to monitor tubing
activity during the summer months. Plans are ongoing and may include limited access to only certain parts
of the river, as well as timing and capacity limitations.

Issue: Forestry continues to be a major land use in the South Fork Valley Subarea, and with timber
reaching harvestable age and continued population growth in Whatcom County, it will continue.
Issue: Commercial forests cover most of the uplands above the settled valley of the South Fork. The edge of these commercially forested lands can be a source of conflict where development exists.

Recommendation: Whatcom County is proposing a text amendment to Title 20 (zoning ordinance) which will split the existing forestry zone into two forestry zones; a "Commercial Forestry zone" and a "Rural Forestry zone". A Commercial Forestry zone will allow only forest practices and related activity to take place within the zone thereby precluding the presence of conflicting uses like residential development. The creation of a Rural Forestry zone will allow low density development within its boundaries to facilitate the stewardship of land dedicated to timber production. Its location, typically at the foothills of mountain regions, should help to buffer commercially forested land from rural and residential development.

Issue: Forest practices in the South Fork Subarea are not currently being practiced at a sustained yield level. Market conditions fluctuate dramatically in the timber business making it difficult for the industry to plan cutting schedules over a long period of time. Prices in the last three years have been relatively high, resulting in large amounts of timber being cut.

Recommendation: The State Department of Natural Resources along with many other state, federal and local agencies have made significant progress working with the industry, environmental interests and other interested parties to both encourage sustainable and environmentally sound forest practices in Washington State and Whatcom County. Whatcom County should continue to work with the forest industry to insure that future cuts are smaller in size, not adjacent to one another, adequately buffered from streams and other water courses, buffered from steep slopes subject to slope failure, and executed using best forest practice techniques available. The South Fork watershed should be logged on a sustainable yield rotation.

Recommendation: Economic viability of existing agricultural practices varies yearly. The introduction of new agricultural commodities, such as commercial deer stock and orchard crops, may help to provide for agricultural viability of appropriate areas of the valley.

Issue: Whatcom County is experiencing a significant loss of prime farmland soils due to increased development pressure, and changes in the agriculture industry. Although this has not yet taken place in the South Fork Valley Subarea, population trends indicate that development pressure will be there in the near future.

Recommendation: Whatcom County should pursue farmland preservation through the implementation of the Agricultural zoning district where feasible, and through the use of incentive programs to encourage the active agricultural use of arable land.

Issue: Although the majority of the lands in the valley are classified as prime for agricultural use, many are prone to flooding and standing water. Without adequate drainage, these areas cannot support agricultural practices.

Recommendation: Whatcom County should adopt and implement a comprehensive farm preservation program that seeks to preserve to the fullest extent possible, arable lands and to facilitate the best utility of these lands.

Lands in Current Use Tax Status

Findings: Current use taxation includes lands that qualify for property tax deferments for forestry, agriculture, environmentally sensitive areas or other open spaces. Since there is a liability for back taxes plus interest when withdrawn from this status, it is anticipated that these lands will remain undeveloped during the planning period. These lands comprise a total of 37,692 acres or 62% of the subarea, of which
33,034 acres, or 54% of the subarea, are designated or classified forest lands. The remainder is in Open Space Agriculture, Open Space Timber, or Open Space/Open Space.

**Issue:** Current use taxation provides an incentive for land owners to keep their land undeveloped or developed at a very low density.

**Recommendation:** Whatcom County should encourage property owners to use the current use tax assessment provisions of RCW 84.34 to retain agriculture, forested, environmentally sensitive lands, shorelines, and unique or important wildlife.

**Public and Tribal Lands**

**Findings:** The State of Washington owns and manages 18,885 acres or 30.9% of the subarea. Whatcom County owns 16.9 acres and the Nooksack Indian Tribe owns 522.5 acres, bringing the total for public and tribal lands to 19,424 or 31% of the area.

**Issue:** The Nooksack Indian Tribe owns 522.5 acres of "Trust" land in the South Fork Valley Subarea. This land does not fall under the jurisdiction of Whatcom County. Development of this land without the coordination of a comprehensive plan nor implemented by zoning regulations could create potential use conflicts in the region.

**Recommendation:** Whatcom County should work with the Nooksack Indian Tribe to insure that compatibility is achieved.

**3. HISTORY, POPULATION, AND ECONOMICS**

**Population and Characteristics**

**Findings:** The South Fork Valley Subarea has 404 dwelling units. If one were to assume an average household of three persons, that would mean a population of 1,212. Analysis of population growth resulted in three types of population forecasts:

1. **Location of population growth:** The majority of population growth will occur in the unincorporated town of Acme with scattered growth on the valley edge between the agriculture and commercial timber lands.

2. **Reasonable population growth:** Barring any major economic changes, the rate of population growth will be at unincorporated Whatcom County rates. The state predicts a 39% growth from 1980 to 2000 for Whatcom County as a whole; however, unincorporated areas have been growing much faster than the cities (Table 1). A realistic growth rate projection for the subarea should be from 1.5 to 2.5 percent annually during the next 10 years. That means that the unincorporated county is projected grow 40 to 50 percent over the next 15 to 20 years.

3. **Zoning limitations on population growth:** The zoning adopted in the 1970’s would allow a growth in dwelling units, and presumably population, of over 2,100%. That would mean the population would increase to 28,664 assuming 3 persons per household (based on a maximum possible density of one dwelling per acre in the General Protection zone district, excluding county, state, and tribal lands). The zoning implementing this comprehensive plan allows approximately 200% increase over the existing number of houses for the length of the current planning period (10 to 20 years) plus any bonuses obtained through the PUD process. Assuming a 20 year planning period, that
allows a growth rate of approximately 10% per year, well above the projected growth rate of 1.5 to 2.5 percent annually.

**Issue:** Population growth brings increased opportunity for business and for development of services. It can bring new life into the community but can place increasing demand upon public facilities and natural resources areas. It can help a community’s tax base, thereby making feasible certain needed local improvements. The population base of the South Fork Valley Subarea has remained stable but future growth will require increased services and amenities for residents.

**Recommendation:** The proposed zoning districts should provide for adequate growth in the South Fork Valley Subarea while preserving the character of the area and quality of life that most people in the valley seem to desire. Urban growth should take place in the unincorporated town of Acme where a full set of urban service should be provided.

**Economic Activity**

**Findings:** The subarea’s economy has traditionally been based on natural resources. The quest for gold brought many of the first settlers to the area and the promise of jobs in the timber industry kept them there. This has not changed much in the ensuing years. The concern for fisheries industry is increasingly becoming a factor that impacts the economics of mineral and timber resources. Recreation and tourism unlike other parts of the county, have not taken on a large role in the subarea. The area also supports a small number of service businesses, home occupations and cottage industries.

**Issue:** Cottage industries make up a substantial portion of the businesses in the subarea and tend to be scattered throughout the Valley. Their presence is important to the economy of the subarea.

**Issue:** The economy of the valley has been primarily resource based and tied to agriculture and forestry. This may begin to shift as these industries change.

**Issue:** Although much of the valley land in the South Fork Valley is conducive to farming, many of the dairies are doing poorly and other farmers have complained that markets are to far away, the growing season to short, soils to thin and wet.

**Recommendation:** Whatcom County should seek to provide every opportunity for the farmer to utilize arable land in the most efficient manner possible and to facilitate a viable agricultural industry in the South Fork Valley.

4. **COMMUNITY FACILITIES AND UTILITIES**

Community services in the subarea include education, public safety, fire protection, energy, solid waste, water and wastewater systems, transportation systems, and parks and recreation facilities.

**Sewage Disposal**

**Findings:** Sewage disposal is provided solely by individual private septic systems. During the land use inventory of the subarea during the summer of 1990, 404 dwelling units were identified as possible year around residences.

The Federal Environmental Protection Agency recommends that a residential density of over 40 dwelling unit equivalents (three bedroom home) per square mile in areas where soils are highly permeable is a potential source of ground water contamination. This is the equivalent of one dwelling per 16 acres.
Issue: There are some unreliable sources for potable water in the subarea. Areas of obtainable ground water are sporadic.

Issue: Contamination of ground water due to inadequate soils supporting individual septic systems is possible in certain areas of the subarea.

Issue: Costs involved in installing a sewer system in Acme could be prohibitive.

Recommendation: Development in the Urban Reserve area (Acme) should be limited until public sewer is provided in order to prevent health and economic impacts from contaminated surface and ground water.

Water

Findings: There are no public water purveyors in the subarea. There are two private water systems in the subarea: Wickersham Water Association is a Class 2 systems with approximately 31 connections and no room for expansion and the Van Zandt Community Club is a Class 3 system with one connection and no additional capacity. The Van Zandt System has an unreliable spring source.

The most prevalent form of water service are the individual wells serving one to two households. It is difficult to pin down the exact number of individual groundwater withdrawals but it is estimated to be approximately 500 based on 1980 U.S. Census data and the Health Department. Surface withdrawals also serve as a water source but they are hard to account for since they are not monitored.

Solid Waste

Findings: Solid waste disposal is accomplished by residents or private haulers taking refuse to a transfer station, a sanitary land fill, or to an incineration plant. County-wide mandatory garbage collection is currently being proposed to the County Council and presently Sanitary Service Corporation is the company contracted to collect waste in the South Fork Valley. The company is certified by the Washington State Utilities and Transportation Commission and has the exclusive right to collect commercial and residential garbage in the subarea.

Issue: There is a lack of recycling facilities in the subarea. Drop-off centers located in Van Zandt and Acme have been closed.

Recommendation: Recent zoning amendments have made neighborhood recycling collection centers conditionally permitted in the Rural and Forestry zones. The South Fork Valley community should work with the County Division of Solid Waste to establish such centers as a part of the county wide curbside recycling program.

Fire Protection

Findings: The South Fork Subarea is served by Whatcom County Fire Protection District #16, with the primary Fire station located at Acme and a second station in Van Zandt. The Washington Department of Natural Resources is responsible for fire protection on state managed forest lands. The Uniform Fire Code specifies minimum flow standards for fire protection of all but single family residential structures and accessory structures under 2,500 square feet.
Issue: Some residents living along Mosquito Lake Road and upper reaches of Saxon Road are not within Fire District #16 boundaries and therefore not protected in case of fire. The Department of Natural Resources (DNR) does not have the ability to fight structure fires nor are they an emergency response agency. The DNR is responsible for all undeveloped state and private lands that are not cultivated or developed outside of fire district boundaries.

Recommendation: Development outside of Fire District boundaries should be discouraged.

Law Enforcement:

Findings: Law Enforcement in the subarea is provided by the Whatcom County Sheriff's Department. In 1988 and 1989, the type and severity of calls varied greatly. They ranged from loud parties, littering, and hot rodding to child abuse, search and rescue, and kidnapping. The most common type seem to be that of malicious mischief and burglary or suspicion of burglary. In 1988, 48 citations were issued for 342 calls for service while in 1989, 42 citations were issued for 386 calls. Calls for service in the South Fork Valley area increased by 15% from 1988 to 1989.

Issue: Response time in the Valley is perceived as being slow, especially in the summer months when use of the river is high. This is partly due to the subarea's distance from the central part of the county which can slow down response time. General rowdiness and use of alcohol associated with use of the river causes problems for residents along the river and creates driving hazards.

Recommendation: High usage of the river during the summer creates the highest need for law enforcement and magnifies the slower response time. Monitoring of river use could help alleviate this problem.

Energy

Findings: Puget Sound Power and Light Company provides energy to the South Fork Valley Subarea and has the capacity to serve additional customers. They do not, however, have any substations in the subarea nor do they own any land for use as substations. The nearest substation is located in Deming. The present peak demand in the subarea is approximately 1.5 MW (megawatts). Puget Power has no immediate plans for expansion in the area since growth has typically been slow and also because of the lack of an improved infrastructure.

Cascade Natural Gas serves the Acme area via Northwest Pipeline which runs the entire length of the subarea just east of Highway 9. Those living on Rothenbuhler, Galbraith and Hudson Roads and those along Turkington Road 3/4 mile west of Highway 9 and from Rothenbuhler Rd. to Turkington Rd. along Highway 9 are currently being served. At present there are 43 active accounts with an average use of 778 therms per year per customer.

Education

Findings: Education is provided by the Mount Baker School District which has its administrative offices at Mount Baker Junior/Senior High School in Deming. The attendance area for the South Fork Subarea utilizes Acme Elementary on Turkington Rd. and the Mount Baker Junior and Senior High School in Deming. The 1989-1990 total expenditure per student for the Mount Baker School District was $3,313.25, compared to $3,661.12 per student in 1987. The Student/Teacher ratio for the 1989-90 school year was slightly less than the previous year.

Issue: Schools serving the subarea are at capacity. Expansion of Mt. Baker Junior/Senior will alleviate some of the pressure.
Recommendation: Recent additional funding may help alleviate this problem.

Transportation

Findings: The major circulation route in the South Fork Subarea is Highway 9 also known as the Valley Highway. It begins in Woodinville, enters Whatcom County south of Wickersham, and continues to it's end in at the Canadian Border at Sumas. In the South Fork Subarea, it covers the 11 mile length of the subarea. Traffic entering Highway 9 from the Mount Baker Highway averages 2600 daily. Traffic counts at Park Rd., one mile north of the Whatcom/Skagit boundary, average 1700 vehicles daily.

The only other access points into the Subarea are via Mosquito Lake Road which feeds into Acme from the Mount Baker Highway and via Park Road which directs traffic from southern shore of Lake Whatcom to just north of Wickersham. Both of these roads are classified as Minor Collector Roads. All of the other roads in the subarea are classified as local access since they are primarily dead end roads feeding onto Highway 9 that serve local residents only.

Issue: Creating a four lane highway through the South Fork Valley to Sumas could devastate the Valley environmentally, economically, and culturally. However, Highway 9 is an existing north/south corridor that could be examined as an alternative to alleviate transportation pressures from Seattle to Vancouver.

Recommendation: If there is one thing the community in the South Fork Valley can agree on, it is that the creation of a major four lane arterial will devastate the quality of life there.

Issue: By using Highway 9, truckers travelling to Canada have been able to bypass the weigh station on Interstate 5.

Issue: Collector roads and particularly local access roads are inadequate to support increasing traffic volumes. Road widths and shoulders are narrow and their general condition is poor. The lack of adequate shoulders forces bicycle and pedestrian traffic onto the roads thus creating potential conflict and hazards.

Issue: Seasonal flooding at both ends of the Valley can restrict access on Highway 9 and isolate the Valley. This is particularly true on the north end where a dip in highway 9 approximately one half of a mile north of the intersection of Potter Road and Highway 9 is frequently inundated with one to two feet of water making the road impassable. This condition hinders emergency traffic at a time when it may be needed most.

Recommendation: The Washington State Department of Transportation should embark on a road improvement plan that would elevate that section of Highway 9 which is frequently inundated by flooding so that the road base is elevated by approximately three feet.

Parks and Recreation

Findings: The subarea's location between federal recreation lands and the population centers of Northern Puget Sound and the lower British Columbia mainland contribute to its popularity as a recreational site. The Mt. Baker District in Whatcom, Skagit, and Snohomish Counties, includes 545,246 acres. As part of these federal lands, the Mt. Baker District offers year round recreation, including hiking, climbing, camping, scenic driving, berry-picking, cross country skiing and downhill skiing. There is no formal recreational facilities in the South Fork Valley Subarea.

Within the Subarea recreational activity focuses on the South Fork of the Nooksack River. River usage, especially by "tubers" has markedly increased over the years and has created a strain on the existing
facilities as and threatens habitat and water quality. Access to the river is limited by private ownership and the rivers own geographical isolation.

Issue: In recent years the presence of inner tubers on the South Fork of the Nooksack during the summer months has greatly affected the natural environment and quality of life along the South Fork. Problems have included: destruction of property and farm equipment; trespassing; threatening of wildlife habitat, especially in terms of fisheries; rowdiness and drunkenness; illegal and dangerous parking; short and long term camping along Saxon Road; and lack of sanitation.

Recommendation: The Whatcom County Parks Department has made several attempts to monitor tubing activity during the summer months. Plans are ongoing and may include limited access to only certain parts of the river, as well as timing and capacity limitations.

Issue: There is a lack of public access points to the river which contributes to the tubing problems.

Recommendation: The Whatcom County Parks Department is currently looking for locations along the South Fork of the Nooksack River that the County can either buy or lease over a long period of time. In doing so the Parks Department hopes to better control access to the river.

Issue: Unsupervised motorcycle use of a Whatcom County right-of-way immediately east of Skookum Creek has resulted in damage to the natural environment (wetlands, flora, fauna). The timing and frequency of this type of activity threatens salmon spawning areas, some of which are located in the immediate area and are directly impacted by this activity.

Recommendation: Whatcom County should work with the Department of Natural Resources, the tribes and private land owners to restrict access to this environmentally sensitive area. A gate located at the Skookum Creek Bridge would provide the most effective access deterrent. Pedestrian access should continue to be granted to this section of the Nooksack Valley.

5. EXISTING PLANS AND LAND USE REGULATIONS

1970 Whatcom County Comprehensive Plan Designations

Findings: Approximately 45,000 acres of the South Fork Valley are designated Forestry under the 1970 Plan. This designation promotes preservation of forest lands for their timber and mineral resources, open space, wildlife habitat, and watershed values. The Rural designation applies to 7,700 acres and includes areas where there is a mixture of part time farming, forests, and rural residences. Another 8,500 acres has been designated as floodplain acknowledging the large area of the South Fork Valley that is periodically inundated by high river flows.

1972 General Protection Zoning District

Findings: In 1972, the entire subarea was zoned General Protection (GP) under the Whatcom County Interim Zoning Ordinance. Interim zoning is intended as a stopgap measure to preserve the status quo while permanent regulations are being developed. The GP district is intended as a multiple-use zone in which expansion of business, industry and concentrated residential development is restricted to the minimum extent necessary to prevent disruption of the use and value of surrounding properties and of areas which may later prove best suited for other uses; to prevent untimely or uncompensated requirements for roads, utilities or other services requiring public finance; to avoid conflicts with the policies in the Comprehensive Plan and its amendments or supplements; and to avoid detrimental effects on public health, safety and general welfare. For anything other than low intensity uses, such as single family homes,
conditional use permits are required so that a citizen review process will occur. Little guidance is given as to what types of uses are acceptable. The General Protection zone places no restrictions on building lot sizes beyond the minimums specified by the Whatcom County Department of Health.

**Issue:** The General Protection zone creates public and administrative uncertainty regarding permitted, conditional, and prohibited uses. The zone provides little or no assurance to residents as to future uses and character of their surrounding area. The zone does not establish parcel size for forestry or non-forestry uses, thereby providing no mechanism for conservation of forest resources. In addition, the zone classification is deficient in guidelines for critically evaluating conditional uses which might occur in areas designated for forestry. Finally, the General Protection zone does not establish buffer provisions which are intended to minimize impacts between forestry and non-forestry uses.

**Recommendation:** Whatcom County is currently updating the Comprehensive Plan for the South Fork Valley Subarea and implementing Comprehensive Plan Policies by bringing the subarea into conformance with the [Official Whatcom County Zoning Ordinance Title 20](#).

**Shoreline Management Program Designations**

**Findings:** The Whatcom County Shoreline Management Program was adopted in 1976 pursuant to the Washington Shoreline Management Act. The Program applies to areas generally within 200 feet of the ordinary high water mark of streams and rivers with greater than 20 cubic feet per second mean annual flow, lakes larger than 20 acres in size, and Puget Sound.
LAND USE DESIGNATIONS

Land use designations are overlay districts that when applied to a geographic area, indicate where and how the goals and policies of a Comprehensive Plan will assure the orderly and efficient development that addresses or resolves land use needs in that geographic area. The Comprehensive Land Use Plan Map illustrates the location of these designations (Figure 3).

The land use designations together with the policies, represent the most appropriate uses of land in the subarea for the planning period. These land use designations have been developed as a means of addressing land use needs, resolving particular land use problems, or preserving existing land use patterns.

Whatcom County has developed sixteen land use designations to allow for the necessary flexibility and specificity in applying land use standards. Five of the land use designations are applied in this subarea, they include URBAN RESERVE, RURAL, AGRICULTURE, FORESTRY, and GENERAL COMMERCIAL.

Land use designations establish the boundaries of those zoning districts that implement the Comprehensive Plan. The following is a descriptive summary of each designation.

1. URBAN RESERVE DESIGNATION: Residential land use designations were determined according to existing ownership and density patterns, suitability for residential uses, and availability of services as described in the URBAN RESERVE, locational criteria. Before full development of the residential zone occurs, improvements should be made to water, waste water, and transportation systems. The residential land use designation are applied by balancing the densities of the prior Comprehensive Plan and the potential carrying capacity of water sources, waste water service options and feasible transportation system service levels.

2. RURAL DESIGNATION: In the South Fork Valley Subarea, the RURAL Comprehensive Plan designation overlays those rural areas that have some environmental constraints; serve as a buffer between denser residential patterns and typical commercial forestry practices; have a multiple use capability; are predominantly parcels under current use tax status; and lack public water and sewer.

3. FORESTRY DESIGNATION: The FORESTRY designation has been applied to almost all of the forested uplands of the subarea. The designation recognizes existing land use, ownership, and parcel size patterns; environmental constraints such as steep slopes, soils unsuitable for development, 100 year floodplains, and sensitive and critical resource areas; and predominance of forestry current use taxation status.

4. AGRICULTURE DESIGNATION: The AGRICULTURE designation has been applied to the valley region where soils and topography and parcel size facilitate viable farming practices.

5. COMMERCIAL DESIGNATION: The COMMERCIAL designations were applied in recognition of the character of existing commercial centers and projected future commercial needs. The COMMERCIAL designation at Van Zandt is intended to accommodate the convenience buying needs of local residents as well as transient buying patterns. The Acme commercial area, though larger in area, serves that same consumer demands. Although the potential market area for each location occasionally may be county-wide, it is anticipated that the primary market area will be a smaller, more localized area.

To be consistent in the application of the designations, the following methodology has been used for each of the designations:

- Rationale
- Objectives
- Locational Criteria
- Implementing Zoning District
SOUTH FORK VALLEY SUBAREA
COMPREHENSIVE PLAN

DESIGNATIONS

South Fork Valley Subarea Location
URBAN RESERVE DESIGNATION

Rationale

It is a well established trend in the western United States for urban areas to respond to growth pressures by outward expansion of their boundaries. With this trend comes a continuing demand for land, the most fundamental of all urban resources. Although outward expansion is an accepted city planning practice, problems have typically arisen when potential urban lands have been committed to long-term "non-urban" uses. Primarily caused by the lack of coordinated public policy among governmental jurisdictions, this situation has resulted in uncoordinated and costly service systems, inefficient transportation networks and unmanageable land use patterns.

As a means of alleviating the problems associated with outward expansion, the Comprehensive Plan establishes the URBAN RESERVE land use designation. The designation is applied to urban fringe and outlying satellite areas where previous commitments to urban densities and attendant services (sewer, stormwater drainage, schools, parks, water, fire and sheriff protection) can be efficiently provided. It is also applied to outlying satellite areas where urban densities and services have been previously planned and the available level of water and sewer service and existing land use character warrant it.

Prior to the provision of public services, the URBAN RESERVE designation is intended to maintain a low density character that discourages the establishment of interim uses and subdivision patterns that may foreclose significant future alternatives pertaining to urban densities and the efficient provision of services. It does however allow reasonable uses of property by permitting compatible residential, recreational, commercial, forestry, and agricultural land uses.

When services are available, development should occur in neighborhood units with appropriate levels of densities, uses, and circulation networks that result in an orderly, economic and expeditious transition from rural to urban land use patterns.

Objectives

The application of the URBAN RESERVE designation is intended to accomplish the following objectives:
1. To reduce urbanization and encroachment pressures on lands that are most suitable for other uses;
2. To stabilize land speculation and the artificial inflation of land values in the urban fringe and outlying satellite areas by designating an adequate amount of land for urban growth and uses during the planning period;
3. To provide land owners with a reasonable expectation of future municipal and county land use policies;
4. To reduce inequitable taxing structures on non-urban land located near urbanizing areas;
5. To conserve energy resources by reducing unnecessary travel between living, shopping, and work places; and
6. To encourage the conservation of natural resources and environmentally sensitive areas, both within and outside of the area designated as URBAN RESERVE;

Locational Criteria

The criteria to be utilized for the application of the URBAN RESERVE designation include the following:

1. Satellite areas that are of sufficient size to adequately accommodate the projected demands for residential, commercial, transportation and public uses for a ten to fifteen year period;
2. Land areas where a range of urban services such as sewer, water, storm drainage, transportation improvements, fire and sheriff protection, and parks and recreation presently exist or can be economically and efficiently provided in the near future;
3. Areas that contain an adequate supply of vacant urban type land to avoid the artificial inflation of land values;
4. The boundaries of the URBAN RESERVE designation should;
a. be well defined, logical, provide a physical "sense of community," and be capable of expanding to accommodate additional urban growth as the need arises; and
b. acknowledge the existing character of land use densities and the existing or potential level of utility servicing.

Implementing Zoning District

URBAN RESIDENTIAL (UR) Zoning District: The URBAN RESERVE Comprehensive Plan Designation should be implemented by the URBAN RESIDENTIAL Zoning District.

URBAN RESIDENTIAL (UR-4) Density: The URBAN RESIDENTIAL Zoning District in the South Fork Valley should have a density of four dwelling units per acre. This density is based upon existing urban level of services including public sewer, public water, storm drainage, transportation, fire and police protection. Until such time that public sewer and water are provided, and stormwater drainage facilities are provided where specified by the Comprehensive Plan policies, the density should be one dwelling unit per five acres.

South Fork Valley Subarea Location

The URBAN RESIDENTIAL Zoning District for the South Fork Valley Subarea should be located within the urban area of the town of Acme within sections 37-05-06 and 37-05-07, and totalling 106 acres as follows:

<table>
<thead>
<tr>
<th>URBAN RESIDENTIAL-4 ACRE (UR-4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-R-S</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>37-05-07</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

See Figure 4 for detailed location and configuration,

RURAL DESIGNATION

Rationale

The RURAL land use designation is intended to move toward attaining the Regional Design Goal of keeping residential densities low and minimizing the demand for urban level services in rural areas. It also acknowledges physical factors such as soil percolation rates, depth to ground water, steep topography, slope stability, flood plains, ground water aquifers, and sensitive wildlife habitats that are, and will continue to be, limitations to higher densities. This type of landscape can be considered suitable for multiple uses including agriculture, forestry, mining, low density residential, home occupations, and cottage industries. Dispersed settlement patterns are a function of physical conditions such as soils, water, or topography that impose constraints to higher densities of development. Dispersed settlement patterns also can be a function of the lack of public commitment for the provision of sewer, water, and roadway improvements. Very low density residential areas offer alternative residential living styles that allow preferences for increased privacy
and aesthetic advantages of particular sites, or small scale agriculture and forestry, as compared to that of
the urban or moderately dense residential setting.

These areas may contain non-renewable natural resources, such as soils which contribute to agricultural or
forestry productivity; sand and gravel deposits suitable for extraction; environmentally sensitive areas such
as wetlands, steep slopes, or 100-year floodplains; or natural scenic resources that form the visual identity of
an area.

Existing parcel sizes generally are large and would be able to accommodate land uses such as agriculture,
forestry, or low to moderate density residential uses in future planning periods. The large parcels also
provide ample buffering for cottage industries that would not be appropriate in more densely developed
residential areas. Employment opportunities also exist that are associated with part to full-time agriculture,
forestry, home occupations, cottage industries, neighborhood grocery stores, and related activities. An
example of flexibility is the potential for future commercial development in areas where appropriate public
services, such as sewer and water utilities, are available and additional commercial land is needed. In order
to facilitate potential future commercial development, large parcel RURAL zoning is appropriate as an
interim step in the development of an industry, while still allowing immediate rural uses such as mineral
resource extraction and agriculture.

Objectives

The application of the RURAL designation is intended to accomplish the following objectives:

1. To provide flexibility concerning very low density residential, forestry and agricultural land uses while
   retaining a range of private and public land use options for the future;
2. To retain future options for access to non-renewable natural resources (sand, gravel, coal and minerals,
   and soils which contribute to agricultural and forestry productivity) and the renewable timber
   resources;
3. To preserve options for future zone districts when economic development potential exists;
4. To retain the rural character of an area as an alternative to urban, suburban, and commercial land use
   patterns elsewhere in the subarea; and
5. To provide the option of clustering in the design of new rural subdivisions in order to retain productive land
   uses and future options for development.

Locational Criteria

In order to define those locales where the RURAL designation would be most appropriate, the following
criteria are applied:

1. Those areas that possess a very low residential density and are compatible with existing land use plans;
2. Those areas where a buffer is needed between higher density population and land use practices
   associated with commercial agriculture and forestry;
3. Those areas where features of the physical environment, such as 100 year flood plains, lack of adequate
   groundwater, slow or very rapid soil permeability rates, the presence of aquifers or groundwater
   recharge areas, seasonal ponding, unstable slopes, or steep topography require very low densities
   in order to mitigate the impacts of these physical constraints;
4. Those areas where there exists the possibility of utilization of natural resources such as soils, sand/gravel,
   coal or timber;
5. Those areas where there are no planned capital improvements to community facilities, utilities or
   transportation systems; and
6. Those areas where large parcel sizes lack of residential development are desirable to assure the feasibility
   of future commercial or recreational development.
Implementing Zoning District

RURAL (R) Zoning Districts: The RURAL Comprehensive Plan Designation is implemented by the RURAL 2, 5, and 10 acre zoning designations.

RURAL (R) Zoning Districts Density: The RURAL Zoning District has three densities; one dwelling units per two acres, one dwelling unit per five acres, and one dwelling unit per ten acres. The following criteria define the application of each of these densities.

1. The **density of one dwelling unit per two acres** should be applied where:
   a. existing density is less than or equal to one dwelling unit per five acres and average parcel size is greater than or equal to two acres;
   b. physical limitations such as lack of adequate groundwater, slow or very rapid soil permeability rates, the presence of aquifers or groundwater recharge areas, seasonal ponding, unstable slopes, or steep topography prohibit increased densities;
   c. existing public services do not justify greater densities and there are no planned capital improvements; and
   d. maximum build-out at the prescribed density level will be compatible with the surrounding land use character.

2. The **density of one dwelling unit per five acres** should be applied where:
   a. existing density is less than or equal to one dwelling unit per ten acres and average parcel size is greater than or equal to five acres; and
   b. items "b," "c," and "d" of Section 1 above are applicable.

3. The **density of one dwelling unit per ten acres** should be applied where:
   a. existing density is less than or equal to one dwelling unit per twenty acres and average parcel size is greater than or equal to ten acres;
   b. the possibility of the utilization of natural resources, such as sand and gravel, coal, or timber requires low densities to facilitate their extraction;
   c. agriculture and silviculture are, or possibly could be, viable economic enterprises; d. 100-year floodplains are located; and
   e. items "b," "c," and "d" of Section 1 above are applicable.

South Fork Valley Subarea Location
The **RURAL 2, 5, and 10 acre** Zoning Districts for the South Fork Valley Subarea should be located as follows:

### RURAL 2 ACRE (R-2A)

<table>
<thead>
<tr>
<th>T-R-S</th>
<th>ACREAGE</th>
<th>DESCRIPTION OF AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>37-05-31</td>
<td>27 Ac.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Town of Wickersham/platted--many lots consolidated/wet</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>27 Ac.</td>
</tr>
</tbody>
</table>

### RURAL 5 ACRE (R-5A)

<table>
<thead>
<tr>
<th>T-R-S</th>
<th>ACREAGE</th>
<th>DESCRIPTION OF AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>38-05-17</td>
<td>175 Ac.</td>
</tr>
<tr>
<td></td>
<td>38-05-20</td>
<td>80 Ac.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>End Nelson Rd./short plat/parcels--4-20 Ac./8 lots</td>
</tr>
<tr>
<td>2</td>
<td>38-05-02</td>
<td>80 Ac.</td>
</tr>
<tr>
<td></td>
<td>37-05-35</td>
<td>42 Ac.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mosquito Lake Rd./Avg parcel size--5 Ac./3 d.u./8 lots</td>
</tr>
<tr>
<td>3</td>
<td>37-05-06</td>
<td>132 Ac.</td>
</tr>
<tr>
<td>37-05-07</td>
<td>28 Ac.</td>
<td>S. Turkington Rd./Avg. parcel size--5-7 Ac./2 d.u.</td>
</tr>
<tr>
<td>4</td>
<td>37-05-07</td>
<td>67 Ac.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>S. Acme-Galbraith Rd./parcels--6-20 Ac./</td>
</tr>
<tr>
<td>5</td>
<td>37-05-20</td>
<td>225 Ac.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Doren-Bowman Rd./Avg. parcel size--5-7 Ac./bench area</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>829 Ac.</td>
</tr>
<tr>
<td>T-R-S</td>
<td>ACREAGE</td>
<td>DESCRIPTION OF AREA</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>37-05-32</td>
<td>57 Ac. Innis Creek Rd./very wet/parcels--1-14 Ac.</td>
</tr>
<tr>
<td></td>
<td>37-05-29</td>
<td>19 Ac.</td>
</tr>
<tr>
<td></td>
<td>37-05-29</td>
<td>60 Ac. Innis Creek Rd./two parcels/wet but some dry areas</td>
</tr>
<tr>
<td>2</td>
<td>37-05-20</td>
<td>140 Ac. Doren Rd./Hwy 9/Avg. parcel size--10 Ac.</td>
</tr>
<tr>
<td></td>
<td>37-04-29</td>
<td>20 Ac. 1 parcel/Hwy 9</td>
</tr>
<tr>
<td></td>
<td>37-04-30</td>
<td>167 Ac. Hwy 9/parcels--1-40 Ac./9 d.u./short plat</td>
</tr>
<tr>
<td>3</td>
<td>37-05-08</td>
<td>19 Ac. 2 parcels/Hwy 9/adjacent AG</td>
</tr>
<tr>
<td></td>
<td>37-05-17</td>
<td>136 Ac. Hwy 9/Maleng Rd./parcels--1-25 Ac./5 d.u.</td>
</tr>
<tr>
<td></td>
<td>37-05-20</td>
<td>50 Ac. Flanks Hwy 9/parcels--5-10 Ac.</td>
</tr>
<tr>
<td>4</td>
<td>37-05-05</td>
<td>35 Ac. Adjacent Mosquito Lake Rd./one parcel</td>
</tr>
<tr>
<td>5</td>
<td>37-05-06</td>
<td>35 Ac. East if Turkington Rd./two parcels</td>
</tr>
<tr>
<td>6</td>
<td>37-05-03</td>
<td>160 Ac. Single ownership/bisected by Mosq. Lake Rd./8 parcels/1-75 Ac.</td>
</tr>
<tr>
<td>7</td>
<td>38-05-25</td>
<td>100 Ac. Mosquito Lake Rd./avg. parcel size--10 Ac.</td>
</tr>
<tr>
<td>8</td>
<td>38-05-28</td>
<td>80 Ac. E. end Strand Rd./parcels--1-26 Ac./2 d.u./cem.</td>
</tr>
<tr>
<td></td>
<td>38-05-29</td>
<td>78 Ac. E. end Strand Rd./All 9-10 Ac. parcels/2 d.u.</td>
</tr>
<tr>
<td></td>
<td>38-05-20</td>
<td>109 Ac. E. end Strand Rd./parcels--18-31 Ac./some D.F.</td>
</tr>
<tr>
<td>10</td>
<td>38-05-18</td>
<td>285 Ac. Hillside-Caron-Potter/parcels--1-40 Ac./11 d.u</td>
</tr>
<tr>
<td></td>
<td>38-05-07</td>
<td>80 Ac. Caron Rd./4 lots/Avg. parcel size--20-40 Ac.</td>
</tr>
<tr>
<td>11</td>
<td>38-05-08</td>
<td>193 Ac. E. Van Zandt/short plat/parcels--4-9 Ac./wet/19 d.u</td>
</tr>
<tr>
<td></td>
<td>38-05-09</td>
<td>94 Ac. Schombush Rd./3 short plats/parcels--4-9 Ac./10 d.u.</td>
</tr>
<tr>
<td></td>
<td>38-05-16</td>
<td>35 Ac. Linnell Rd./5 lots/4 d.u./parcels--2-20 Ac.</td>
</tr>
<tr>
<td></td>
<td>38-05-17</td>
<td>96 Ac. S. Potter-W. Hwy 9-E. Linnell/parcels--2-19 Ac./wet</td>
</tr>
<tr>
<td>12</td>
<td>38-05-05</td>
<td>44 Ac. Hwy 9-Rutsatz Rd./short plat/9 lots/2 d.u./cemetery</td>
</tr>
<tr>
<td></td>
<td>38-05-08</td>
<td>36 Ac. Hwy 9/Nooksack/short plat/3 lots</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>2369 Ac.</td>
</tr>
</tbody>
</table>
FORESTRY DESIGNATION

Rationale

Forestry and related industries historically have been significant factors in the local economy, a role that has expanded to affect state, national and international economies. Not only is forestry economically important, forest management provides a significant renewable resource base to Whatcom County. In addition, forested areas often contain non-renewable mineral and non-mineral resources, serve as wildlife habitat, and contribute to watershed management. Population increases may create pressure to irrevocably convert forest land to other uses. It is important that Whatcom County provide for the long term productivity of forests and related resources by safeguarding prime forest areas from conversion to non-forest uses.

Objectives

The application of the FORESTRY designation is intended to accomplish the following objectives:

1. To preserve the viability of Whatcom County's forest resources and industries;
2. To promote the conservation of forest lands and provide for the sustained yield management and economic vitality;
3. To identify areas which are suitable for the long-term productivity and sustained use of forest resources;
4. To discourage residential and recreational residential uses in order to minimize conflict with and encroachment by non-forest uses and to guard against conversion of forest lands to non-forest uses;
5. To accommodate other compatible and related uses such as non-renewable resource extraction, wildlife management, watershed management, and dispersed recreation; and
6. To promote uses that are conducted in accordance with applicable local, state, and federal regulations.

Locational Criteria

The criteria to be utilized for the application of the FORESTRY designation include the following:

1. Land use and ownership patterns indicate a predominance of large parcel sizes ranging from 20 to 640 acres;
2. Parcels are usually owned by major timber industries, logging companies, the State of Washington, or private individuals engaged in woodlot operations for the purpose of growing and harvesting timber;
3. The majority of parcels are classified in Forestry Current Use tax status consistent with the provisions of Washington State law;
4. There is a minimal amount of public roads and other services that generally precede and augment residential development;
5. Certain physical constraints to residential development may also exist, such as slopes in excess of 15%, soils that are not suitable for septic systems or conventional building foundations, unstable geologic units, 100 year floodplains, or important wildlife habitats; and
6. Non-renewable natural resources such as minerals, coal, sand and gravel, or soils that are useful for forest management may also be present.

Implementing Zoning District

RURAL FORESTRY (RF) Zoning District: The FORESTRY Comprehensive Plan Designation should be implemented by application of the RURAL FORESTRY Zoning District in areas that meet the criteria set forth in the 3.03.1 of the Policy section.
RURAL FORESTRY (RF) Zoning District Density: The residential density for RURAL FORESTRY should allow one dwelling unit per twenty acres. This density is based upon existing rural level of services and utilities including fire and police protection, public and private road access, and energy service.

COMMERCIAL FORESTRY (CF) Zoning District: The FORESTRY Comprehensive Plan Designation should be implemented by application of the COMMERCIAL FORESTRY Zoning District in areas that meet the criteria set forth in the 3.03.2 of the Policy section.

COMMERCIAL FORESTRY (CF) Zoning District Density: No residential development is allowed in the COMMERCIAL FORESTRY Zoning District.

AGRICULTURE DESIGNATION

Rationale

The AGRICULTURE land use designation identifies areas suitable for the practice of commercial agriculture. Commercial agriculture is a significant industry in Whatcom County and has the potential to become increasingly significant as indicated by trends related to local farm incomes. Related industries add additional dollars to the local and regional economy as a direct result of agricultural production.

As significant as agriculture is in the local economy, agricultural lands are often considered for other purposes, namely urban or rural uses. Urban and rural encroachment can raise assessed valuation, resulting in higher property taxes for the agricultural operator. In addition, encroachment of residences not associated with agriculture can create conflicts with customary agricultural operations. Premature conversion to urban or rural uses occasionally forces the operator to cease agricultural uses. This situation is especially pronounced in the fringe areas of communities where residential growth pressures are most evident. The rapid rate of farmland conversion is being recognized by federal, state and local governments. Increasingly, communities are taking steps to inventory existing farmland and agriculturally productive soils, to determine alternative locations for residential uses, and to devise techniques for preserving farmland with the assistance and cooperation of the agricultural operator.

The comprehensive plan established the AGRICULTURE designation to promote agriculture by identifying and retaining land suitable for commercial agricultural pursuits.

Objectives

The application of the AGRICULTURE designation is intended to accomplish the following objectives:

1. To maintain and encourage the conservation of agricultural lands in Whatcom County;
2. To promote the continuation of viable economic livelihoods for the agricultural operator, agricultural producer and related agricultural services;
3. To provide clear direction for nonagricultural uses to locate in other urban or rural designations; thereby minimizing potential conflicts between agricultural operators and uses that are not directly involved in agriculture;
4. To maintain open space;
5. To conserve natural resources and natural systems;
6. To minimize energy and expense through the prioritization of agricultural operations at fertile locations;
7. To sustain existing county agricultural products;
8. To encourage the development of additional agricultural products; and
9. To encourage the stewardship approach to land management.
Locational Criteria

Areas that are suitable for application of the AGRICULTURE designation conform to the following criteria:
1. The majority of area contains Prime Farmland Soils as determined by the Soil Conservation Service;
2. The area may contain 100-year floodplains as delineated by the Soil Conservation Service and the U.S. Army Corps of Engineers;
3. Existing land uses are primarily full-time agriculture intermixed with part-time agriculture and woodlots; and minimal commitment to non farm uses has been made;
4. The area is composed of agricultural operations that have historically been and continue to be economically viable;
5. Parcel sizes are generally greater than forty acres;
6. Urban utility services including public sewer and water are not planned;
7. Special purpose districts that are oriented to enhancing agricultural operations exist, including drainage improvement and flood control;
8. Areas have a pattern of landowner capital investment in agricultural operation improvements including irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, livestock upgrading, agricultural worker housing, etc.; and
9. Areas contain a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act, RCW 84.34.

Implementing Zoning District

AGRICULTURE (AG) Zoning District: The AGRICULTURE Comprehensive Plan Designation should be implemented by AGRICULTURE Zoning District.

AGRICULTURE (AG) Zoning District Density: The residential density for AGRICULTURE allows a density of one dwelling unit per forty acres.

COMMERCIAL DESIGNATION

Rationale

The goal of the COMMERCIAL plan designation is to provide a broad range of goods and services to people living within Whatcom County, as well as other regions. The designation intends to maximize safe and efficient on and off-site transportation systems, delineate areas that are conducive to overall site planning, acknowledge existing patterns of general commercial land use forms, and promote compatibility with surrounding non-commercial uses. The Planned Unit Development (PUD) provision is an option that may be used in the development of designated commercial areas. Additional policies on PUD's are located in the section addressing Land Development Options, Guidelines and Requirements. Zoning regulations are located in the Whatcom County Official Zoning Ordinance, Title 20.

Objectives

The application of the COMMERCIAL designation is intended to accomplish the following objectives:

1. To provide a broad range of retail goods and services that will benefit a large trade area;
2. To facilitate safe and efficient circulation systems;
3. To provide methods to attain compatibility with surrounding non-commercial uses; and
4. To promote site design that will efficiently use available commercial land.
Locational Criteria

Areas that are suitable for application of the COMMERCIAL plan designation conform to the following criteria:

1. Parcels are served by principal or minor arterials, or major collectors;
2. Parcels will be provided with urban services including public sewer and water, stormwater drainage, sheriff and fire protection; except that existing concentrations of general commercial uses may be recognized based on adequate levels of waste water disposal, water, and fire flow;
3. The designation contains a minimum of ten (10) acres configured in a concentrated and consolidated arrangement;
4. The designation is located on property where ownership patterns and land parcelization are conducive to feasible land packaging for future development; and
5. The designation is located where a public need for general commercial shopping exists.

Implementing Zoning District:

GENERAL COMMERCIAL (GC) Zoning District: Whatcom County should implement the COMMERCIAL land use designation with the GENERAL COMMERCIAL zone district.

GENERAL COMMERCIAL (GC) Zoning District Density: no requirements.

South Fork Valley Subarea Location:

The GENERAL COMMERCIAL District for the South Fork Valley Subarea should be located:

<table>
<thead>
<tr>
<th>T-R-S</th>
<th>ACREAGE</th>
<th>DESCRIPTION OF AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>38-05-17</td>
<td>1.5 Ac.</td>
<td>Everybody’s Store/2 adjacent lots/Van Zandt</td>
</tr>
<tr>
<td>37-05-07</td>
<td>5 Ac.</td>
<td>Groc. Store/church/etc./single family/Hwy 9/Acme</td>
</tr>
<tr>
<td>37-05-08</td>
<td>7 Ac.</td>
<td>Fire Station/Post Office etc./single family/Hwy 9/Acme</td>
</tr>
<tr>
<td>TOTAL</td>
<td>13.5 Ac.</td>
<td></td>
</tr>
</tbody>
</table>

See Figure 4 for detailed location and configuration.
LAND USE POLICY

Land use policies specify the course of action that Whatcom County should follow in meeting the Whatcom County Goal Statements listed in Section II. Policies provide direction for the most economic, environmentally sensitive and appropriate land uses for the planning period in the South Fork Valley Subarea.

1. URBAN RESERVE POLICY

1.01 It is the policy of Whatcom County to promote an orderly transition from rural land uses and densities to urban uses and densities by designating a portion of the unincorporated area of Acme in the South Fork Valley Subarea as URBAN RESERVE.

1.01.1 The predominant land use pattern within the URBAN RESERVE area should be residential and related forms, including neighborhood commercial, neighborhood parks and other public uses. The URBAN RESERVE policy discourages the establishment of interim uses and subdivision patterns that can foreclose significant alternatives pertaining to future urban densities and the efficient provision of services. Therefore, this policy maintains the low density character of the area while permitting compatible residential, recreational, commercial, forestry, and agricultural land uses until an urban level of water, sewer, and stormwater facilities are available.

1.01.2 To implement this policy, the URBAN RESIDENTIAL zone district density of four dwelling units per acre should not be effective until such time that a full range of urban services is provided as specified in Section 1.04 below. In areas where such services do not yet exist, the applicable density should be one dwelling unit per five acres of land.

1.02 The areas designated as URBAN RESERVE should be indicated as such on the Comprehensive Land Use Plan Map.

1.03 Whatcom County should implement the URBAN RESERVE land use designation by application of the URBAN RESIDENTIAL zone district. The density in the Acme area is four dwelling units per acre and is applied based upon the URBAN RESERVE locational criteria.

1.04 It is the policy of Whatcom County to encourage efficient land use patterns and cooperation among municipalities, special districts, associations, and other governmental agencies in the provision of a full range of urban services in the URBAN RESERVE areas.

1.04.1 In the Acme URBAN RESERVE area, public sewer and water should be provided by Water District #18. Until such time that public sewer and water are provided, these areas should have a density of one dwelling unit per five acres.

1.04.2 In the Acme URBAN RESERVE area stormwater drainage facilities should be subject to the regional stormwater management plan when adopted. When adopted by the County, on-site stormwater collection and retention should be required during development in accordance with the Whatcom County Engineering Development Standards and the Regional Stormwater Management Plan.

1.04.3 Where urbanization occurs on the periphery of large parcels, urban residential subdivisions and other urban uses should be designed to buffer less intensively utilized parcels with adequate
SOUTH FORK VALLEY SUBAREA
COMPREHENSIVE PLAN

LAND USE POLICIES

landscaping, screening or fencing to prevent encroachment by vehicles, pedestrians, animals, and nuisances.

1.04.4 Where practical, subdivisions and other urban uses adjoining other zone districts should be designed so that vehicular and pedestrian networks are channelled to the internal area of the site and intersections with county roads are as few as possible.

1.04.5 Cluster subdivisions and Planned Unit Developments are permitted in URBAN RESERVE areas and are encouraged for developments on large parcels. These alternative methods of land subdivision are described more fully in the section titled "Land Development Options and Guidelines."

2. RURAL POLICY

2.01 It is the policy of Whatcom County to provide for very low density residential areas where multiple uses are suitable, or where community facility or resource constraints preclude higher densities, by designating certain portions of the South Fork Valley Subarea as RURAL.

2.01.1 Within the areas designated as RURAL, typical uses include low density residential, pasture, agriculture, woodlots, home occupations, and cottage industries.

2.01.2 To implement this policy, residential densities of one dwelling unit per two acres, one dwelling unit per five acres and one dwelling unit per ten acres are provided.

2.02 The areas designated as RURAL should be indicated as such on the Comprehensive Land Use Plan Map.

2.03 Whatcom County should implement the RURAL land use designation with the RURAL zone district. The residential densities are one dwelling unit per ten acres, one dwelling unit per five acres, and one dwelling per two acres, applied according to the Locational Criteria.

2.04 It is the policy of Whatcom County to encourage effective land use patterns and adequate provision of services for RURAL densities.

2.04.1 RURAL areas should be served by private water systems, water associations, and septic drainfields. Where water is obtained from off-site sources, written agreement must be made with all affected property owners and presented as part of subdivision or building permit review.

2.04.2 Several methods of creating residential lots and mixed use developments are established including conventional subdivision, cluster subdivision, and planned unit development. Additional policies are contained in the section addressing land development options, guidelines and requirements. Regulations concerning densities, parcel sizes and uses are contained in the RURAL zone text and the Planned Unit Development section of the Title 20 Zoning Ordinance.

2.04.3 Subdivisions should be designed so as to minimize intersections along existing county roads and to discourage lineal residential patterns adjacent to county roads.

2.04.4 New residential development adjacent to areas designated FORESTRY should require a covenant or deed restriction agreeing to refrain from any legal action against reasonable and lawful forest practices.
2.04.5 It is the policy of Whatcom County to encourage property owners to conserve forested areas by utilizing the provisions of RCW 84.34.

3. FORESTRY POLICY

3.01 It is the policy of Whatcom County to conserve forest lands suitable for long term productivity and sustained use of forest resources by designating certain portions of the South Fork Valley Subarea as FORESTRY.

3.01.1 To acknowledge existing forest lands and associated nonrenewable resources, portions of the South Fork Valley Subarea are designated FORESTRY. The principal use of such designated areas is the sustained yield management of forest resources, conducted in accordance with the Washington State Forest Practice Act (RCW 76.09) and the attendant regulations of WAC 222, which are administered by the Department of Natural Resources. Such uses include timber production, harvesting and reforestation; forest chemical use; logging road construction and maintenance; and fire prevention and suppression. Other compatible uses include watershed and wildlife habitat management, woodlot operations, certain forest industries, utilities, mineral extraction, and occasional outdoor recreation.

3.01.2 It is the policy of Whatcom County to establish twenty (20) acres as the minimum parcel size for sustained yield forest management and to safeguard forest lands from potential impacts generated by secondary uses.

3.02 The areas designated as FORESTRY should be indicated as such on the Comprehensive Land Use Plan Map.

3.03 Whatcom County should implement the FORESTRY land use designation by application of the RURAL FORESTRY zoning district and the COMMERCIAL FORESTRY zoning district in accordance with the following criteria:

3.03.1 RURAL FORESTRY

a. Parcel Size: The average parcel size should be 20 acres or more.

b. Tax Status: The property is in a tax deferred status such as in Open Space-Timber, Open Space-Open Space, Current Use Assessment. Under some circumstances the property may not be in a tax deferred status.

c. Ownership Status: Private non-industrial ownership predominates.

d. Access: The property is located close to public roads and utilities, or is served by private roads built to Whatcom County Standards.

e. Infrastructure: The parcel is within a public service district (water and/or sewer, Fire District).

f. Environmental Constraints: Soils on the property are suitable for on-site septic disposal and conventional building. Potable domestic water is available. The property is not located in areas designated "Critical Areas" or "environmentally sensitive areas".

g. Land Use: The predominate land use on the parcel is forestry with some low density residential development. There is some likelihood that the property may convert to non-
forestry use at some future date in conformance with Whatcom County’s Comprehensive Plan.

3.03.2 COMMERCIAL FORESTRY

a. Parcel Size: The minimum parcel size in this zone is 40 acres.

b. Tax Status: The property is in a tax deferred status of Classified or Designated Timber Land.

c. Ownership Status: Corporate or State Forest Land ownership predominates.

d. Access: The parcel is accessed by private or state forest access roads.

e. Infrastructure: The parcel is not located within a public service district (water and/or sewer, Fire District).

f. Environmental Constraints: The property is located in areas generally not suitable for normal residential development.

g. Land Use: The land is being managed for the long term production of forest products. This includes all activities associated with the management of commercial timber land.

h. Soil Capability: Soils should be capable of supporting commercially viable timber products as identified by the State Soil Survey, Department of Natural Resources (Forest Land Grades 1-7).

3.04. The following policies establish appropriate service levels for designated FORESTRY areas.

3.04.1 Forest management areas generally should be served by private logging roads; fire suppression should be provided by individual property owners and the Department of Natural Resources; and law enforcement should be provided by the Sheriff Department and the Department of Natural Resources.

3.04.2 Residential or other structural uses in designated FORESTRY areas should have individual on-site wells, springs, or streams as sources of potable water; volunteer fire protection or individual structural fire suppression systems consistent with County Fire Marshall requirements; and law enforcement provided by the County Sheriff Department.

3.04.3 When residential or other structural uses are intended to be supplied with potable water from off-site sources, written permission should be obtained from the affected property owner, prior to subdivision approval or building permit issuance, as applicable.

3.05. It is the policy of Whatcom County to encourage harmony between forestry and non-forestry land uses by the following policies:

3.05.1 Whatcom County should discourage community facilities in FORESTRY areas except dispersed and low intensity recreational opportunities, private water and septic drainfields, and private roads. Subdivision for residential purposes should require a written agreement among all affected property owners concerning any off-site water sources before subdivision or building permits occur.

3.05.2 A maximum density of one dwelling unit per twenty (20) acres should be established for those areas designated by zoning district to allow single family residential development. All residential uses should be subject to the following conditions:
a. All residential and related structures should be situated a minimum of one-hundred (100) feet from parcel boundaries.

b. All potential residents should be clearly informed of the principal use of FORESTRY areas and the intensive forest practices which may reasonably and lawfully occur in the normal course of forest management, and all new subdivisions should be subject to an agreement not to take legal action against legal and reasonable forest practices.

c. Any parcel where more than one dwelling unit can be provided should be encouraged to use the cluster subdivision method as described in section on land development options, guidelines and requirements.

d. All buildings should be set back out of potential flood and debris flow areas.

3.05.3 It is the policy of Whatcom County to require local public review of secondary uses in FORESTRY areas with the intent of determining the following:

a. The use will not cause a permanent and irrevocable commitment of the forest resource to uses not related to forestry.

b. The use will not prohibit or impact the intensive operation of adjoining forest practices.

c. The use will have fire prevention and suppression plans and will not create a fire hazard for adjoining forestry operations.

d. The use is in compliance with all applicable local, state and federal regulations.

e. The use will not significantly impact or degrade surface and subsurface water quality and quantity characteristics.

3.05.4 It is the policy of Whatcom County to encourage cooperation between forest managers and residential users within a watershed in considering and implementing the use of non-chemical controls and other methods whereby impacts on water quality are lessened.

3.05.5 It is the policy of Whatcom County to encourage leaving along streams, a strip of vegetated land of sufficient quality and width to minimize surges in runoff rates and to preserve stream bank stability.

3.05.6 It is the policy of Whatcom County to encourage leaving along the Highway 9 corridor, a strip of vegetated land of sufficient width and character to preserve the scenic value of the highway corridor.

3.05.7 Pursuant to the provisions of RCW 79.68 (Multiple Use Concept in Management and Administration of State-owned Lands) it is the policy of Whatcom County to encourage continued multiple use management of state owned forest lands.

3.05.8 It is the policy of Whatcom County to encourage private forest and woodlot owners to conserve the county forest resource base by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33, and RCW 84.34.

3.05.9 It is the policy of Whatcom County to encourage the Washington State Department of Natural Resources to continue County notification of all classes of forest practice applications. In
addition, the County should encourage the DNR to conduct public information programs when jointly determined to be necessary concerning forest practices that are proposed to occur within the subarea.

3.06 Whatcom County endorses the concept of cooperative resource management as developed in the Timber, Fish and Wildlife agreement, which is an agreement among industrial timber landowners, environmental groups, state resource agencies and Indian tribes for managing the states public and private timberlands and public resources.

3.07 It is the policy of the county to encourage the continuation of commercial forest management by:

3.07.1 Supporting land trades that result in consolidated forest ownerships;

3.07.2 Working with forest managers to identify and develop other incentives for continued forestry.

3.08 Whatcom County should discourage the conversion of lands designated as FORESTRY, to a use incompatible with the long term management of forest products and other natural resources.

4. AGRICULTURE POLICY

4.01 To acknowledge existing agricultural land uses and Prime Farmland soils, and to affirm the continued applicability of the 1970 Comprehensive Plan relative to agriculture, large portions of the South Fork Valley Subarea are designated AGRICULTURE.

4.01.1 Predominant uses include the cultivation and management of field, shrub, vine, greenhouse, orchard and forest crops; dairying; livestock raising; animal husbandry; beekeeping; and uses that are accessory to agricultural operations including operator and farmhand residences, small-scale product marketing and home occupations.

4.01.2 Other uses should be subject to public review to assure maintenance of the agricultural resource and compatibility with agricultural operations.

4.02 The areas designated AGRICULTURE should be implemented with the AGRICULTURE zone district.

4.02.1 The floodplain associated with the South Fork of the Nooksack river should be designated AGRICULTURE;

4.02.2 The boundaries of designated AGRICULTURE areas acknowledge existing agricultural land uses, land in agricultural current use tax assessment, areas with Prime Farmland soils, 100-year floodplain, and areas with parcel sizes or land ownership patterns of generally greater than twenty acres. In addition, the boundaries are established to minimize periphery length and peninsular forms, and maximize consolidation and unification of agricultural areas.

4.02.3 Several minimum parcel sizes are provided as follows:

a. Variable minimum parcel size should be permitted, consistent with the generally acceptable size for an economically viable operation for the particular form of intended agricultural pursuit, subsequent to affirmative review by representatives from the Bureau of Buildings and Code Administration, the Planning Department, the Cooperative Extension Agency and the Soil Conservation Service.
b. Parcels of less than five acres in size will be permitted for the residential use of retiring farm operators, public and quasi-public uses that are necessary in agricultural areas, and for purposes of securing bank loans for farm residences.

c. Forty acres should be the minimum size for parcels used solely for residential purposes, except as described above, with the intent of minimizing the introduction of people into agricultural areas who are not associated with agriculture. In addition, one dwelling will be permitted on each legally created parcel of record existing at the time of adoption of this document of greater than one acre in size.

4.03 Whatcom County should implement the AGRICULTURE land use designation by application of the AGRICULTURE zone.

4.04 Appropriate utilities and facilities in designated AGRICULTURE areas include on-site wells or water associations for the provision of potable and irrigation water, individual on-site waste water disposal systems, volunteer fire protection and law enforcement provided by the county Sheriff's Department and the Washington State Patrol.

4.04.1 The continued efforts of drainage improvement districts are encouraged to enable improved use of agricultural lands where this activity does not conflict with the preservation of high value wetlands.

4.04.2 The continued efforts of flood control and diking districts are encouraged to enhance use of the floodplain for agriculture, as well as increase protection of existing agricultural investments in land improvements and buildings when consistent with comprehensive watershed planning.

4.05 The following policies are intended to promote the continued economic viability of agriculture in Whatcom County and conserve associated resources.

4.05.1 Consolidation of adjoining parcels in the same ownership by filing a new deed is encouraged to promote easily workable farm units.

4.05.2 Residential subdivisions and other uses not related to agriculture are discouraged from locating in designated AGRICULTURE areas.

4.05.3 The stewardship approach to land management is encouraged to foster the long-term productivity of the agricultural land base, associated industries and agricultural life styles of Whatcom County.

4.05.4 The agricultural community is supported in its efforts to diversify the types of agricultural operations in the county and to continue to incorporate techniques that will enhance agricultural productivity and efficiency.

4.05.5 To enhance economic returns to the operator, direct marketing of products to the consumer is supported. In addition, to minimize "overhead" in the conduct of farm businesses, the formation of cooperatives is supported for warehousing, processing, and providing agricultural supplies and equipment.

4.05.6 To increase direct economic benefits to Whatcom County originating with agriculture, continued local processing of agricultural products is encouraged, as well as the development of additional processing facilities.
4.05.7 In recognition of the prevailing type of agricultural operation, Whatcom County encourages the continuation of the small farm as the basic unit of farm production. In addition, Whatcom County encourages the continued efforts of citizen groups engaged in promoting agricultural education, operations and marketing.

4.05.8 Locating major transportation and utility corridors that would preclude the agricultural use of land is discouraged in designated AGRICULTURE areas.

4.06 The following policies are established to address other aspects of agricultural concerns.

4.06.1 Agriculture in its various forms is the preferred use of areas designated AGRICULTURE. Although it is anticipated that adjustments to designated AGRICULTURE areas will not be necessary during the planning period, proposed conversions should be processed consistent with the Amendment Criteria Section of this document. In addition, Whatcom County should develop a system for addressing potential conversions that uses the principles established in the "Land Evaluation System Analysis (LESA)," formulated by the Soil Conservation Service.

4.06.2 Agricultural operators are encouraged to use the information and assistance that is available from the Soil Conservation Service and the Cooperative Extension Service for building sitting, manure storage, recommended agricultural uses and new technologies.

4.06.3 Agricultural operators are encouraged to fence streams and ditches to prevent the direct introduction of livestock and livestock wastes to conserve surface water quality and reduce stream bank erosion and soil loss. In addition, to minimize any potential short and long-term impacts to groundwater supplies, agricultural operators are encouraged to use only those chemicals in conservative amounts that are necessary for crop production, applied according to state and federal guidelines, and to use chemicals having low potency and residuals of short duration.

4.06.4 Whatcom County supports the acquisition of conservation easements by public land trusts, consistent with the intentions of affected property owners in AGRICULTURE designated areas to:

a. Preserve agricultural operations;
b. Conserve Prime Farmland soils;
c. Conserve fish and wildlife habitats;
d. Conserve scenic resources; or
e. Conserve designated Critical Resource Areas.

4.06.5 Conservation of agricultural operations and Prime Farmland soils is encouraged through using the current use tax assessment opportunities of the Open Space Taxation Act (RCW 84.34).

4.06.6 Implementation of "special districts" and water association plans, and other capital improvements, should be approved or supported only when it is found that designated AGRICULTURE areas will benefit.

5. COMMERCIAL

5.01 It is the policy of Whatcom County to acknowledge existing patterns of commercial uses and to provide for additional future development by designating certain areas as concentrated centers for commercial activities. In designated areas, a broad range of goods and services should be
available including sales and servicing of vehicles, mobile homes and boats, eating and drinking establishments, professional offices; service and retail establishments, commercial indoor and outdoor recreation, commercial wholesaling, and public uses that are necessary for the function of the designation.

5.02 The areas designated as COMMERCIAL should be indicated as such on the Comprehensive Land Use Plan Map.

5.03 Whatcom County should implement the COMMERCIAL land use designation with the GENERAL COMMERCIAL zone district.

5.04 It is the policy of Whatcom County to encourage effective land use patterns and adequate provision of services for COMMERCIAL areas.

5.04.1 The COMMERCIAL area of Acme should be served with public water and sewer by Water District #18, sheriff protection, and volunteer fire protection. Until such time that public sewer service is available, individual on-site septic disposal may be used. However, such system should be designed to facilitate eventual inclusion in a public sewer system pursuant to the sewer plans of Water District #18.

5.04.2 Stormwater facilities for all designated COMMERCIAL areas should be consistent with the County Stormwater Management Plan when adopted, provided that in the interim, on-site collection and retention systems may be required.

5.04.3 Maximum use of designated COMMERCIAL areas should be commensurate with available fire flow, public health considerations and zone district requirements.

5.04.4 Ingress and egress points to state and county roads should be minimized by consolidating on-site circulation networks and by developing shared access points to county roads.

5.04.5 On-site circulation should be designed to accommodate private vehicles, delivery vehicles, bicycles and pedestrians; and potential vehicular/bicycle/pedestrian conflicts should be avoided by making provision for bicycle and pedestrian ways between commercial uses.

5.04.6A A screened and/or landscaped buffer should be established along the periphery of the COMMERCIAL district to minimize noise, glare, visual, and other intrusions into adjoining residential and rural areas.
COMMUNITY FACILITIES AND UTILITIES POLICIES

The implementation of land use designations is closely interwoven with the provision of community facilities such as utilities, roads, recreational areas, and emergency services. Land use designations also are affected by and effect the environmental and economic resources of an area. Policies were developed to address or resolve particular issues dealing with these interrelationships. The basic aim of these policies are the maintenance of attractiveness for residential population growth and economic development. The community utilities and services that are necessary in this subarea to maintain and enhance its resources, particularly sewage disposal, require upgrading prior to additional intensive development. Related issues are addressed in the sections on Transportation and Parks and Recreation that follow. The format of these policy statements are:

.01 Purpose
.02 Coordination
.03 Standards
.04 Implementation

1. COMMUNITY UTILITIES AND SERVICES

1.01 Purpose: It is the purpose of Whatcom County to ensure a beneficial balance between the demand for and supply of community utilities and services and to ensure that jurisdictional responsibility and service levels are consistent and predictable for the planned land uses. Community facilities and services typically include sewer and water systems, transportation networks, school and park systems, stormwater drainage systems, and fire/police protective services.

1.02 Coordination: It is the policy of Whatcom County to encourage cooperation among municipalities, special districts, water associations, and other appropriate groups in the planning and provision of public services.

1.02.1 Whatcom County should cooperate and coordinate with Whatcom County Water Districts #18; Whatcom County Fire Protection Districts #16; Mount Baker School District, and the State of Washington in planning subarea service systems, particularly for areas designated as URBAN RESERVE and COMMERCIAL.

1.02.2 Whatcom County should recognize Puget Sound Power and Light Co. as the primary energy purveyor in the subarea; however, the use of alternative energy systems such as active and passive solar heating and water heating, small scale hydroelectric power, and wind power plants for residential, commercial, quasi-public, and public land uses should be encouraged through the favorable consideration of necessary site design variances whenever appropriate.

1.02.3 Whatcom County should ensure that the necessary staff and equipment are available in the Whatcom County Sheriff's Department to provide adequate protective services for the South Fork Valley Subarea population.

1.03 Standards: It is the policy of Whatcom County to use availability and level of service standards for community facilities and utilities to maintain and enhance its natural and economic resources, land use patterns, and the safety and well-being of citizens.
1.03.1 Whatcom County should encourage the placement and extension of sewer and water lines in areas contiguous to existing development so as to discourage the occurrence of "leap frog" development.

1.03.2 Whatcom County should discourage development in areas that are inaccessible to ambulances, sheriff's vehicles and fire fighting equipment until private roads are developed that meet emergency vehicle access requirements. Development in areas inaccessible to fire district equipment should be discouraged unless adequate on-site water and fire suppression systems are available for fire fighting.

1.04 Implementation: It is the policy of Whatcom County to use the following criteria for the implementation of adequate economically feasible services in designated land use areas.

1.04.1 URBAN RESERVE: Land areas designated URBAN RESERVE are intended for urban type densities and should be provided with a full range of urban services including publicly provided sewer and water, fire and sheriff protection, transportation and stormwater drainage systems. On-site stormwater detention is required during development and in accordance with the regional stormwater management plan when adopted. Upon completion of the stormwater management plan, facilities and land area currently used for retention may be converted to permitted uses and densities. Whatcom County recognizes specific service purveyors for the delivery of urban services in the URBAN RESERVE areas as follows:

a. **Sewer and Water:** Water District #18

b. **Law Enforcement:** Whatcom County Sheriff's Department

c. **Fire Protection:** Whatcom County Fire Protection District #16

d. **Transportation:** Whatcom County and Washington Department of Transportation

e. **Recreation:** Whatcom County Parks Department

f. **Stormwater Management:** Whatcom County

1.04.2 RURAL: Services should include on-site domestic waste water disposal systems and individual well or water associations; volunteer fire protection from a Whatcom County Fire Protection District and the Department of Natural Resources; law enforcement from the Whatcom County Sheriff's Department; transportation provided by Washington Department of Transportation; local access roads maintained by Whatcom County; private roads; and recreation provided by the Whatcom County Parks Department. The area designated RURAL immediately south of Galbraith road and west of Highway 9 should function as a reserve district for the existing URBAN RESERVE district to the north. When it can be demonstrated that the URBAN RESERVE district is reaching its buildout potential with sewer and water services available, this RURAL district should be subject to change to URBAN RESERVE.

1.04.3 FORESTRY: Services should include on-site domestic waste water disposal systems and individual well or water associations; volunteer fire protection from a Whatcom County Fire Protection District and the Department of Natural Resources; law enforcement from the Whatcom County Sheriff's Department; transportation provided by Washington Department of Transportation; local access roads maintained by Whatcom County; and recreation provided by the Whatcom County Parks Department.
1.04.4 **AGRICULTURE**: Services should include on-site domestic waste water disposal systems and individual well or water associations; volunteer fire protection from Whatcom County Fire Protection District #16 and the Department of Natural Resources; law enforcement from the Whatcom County Sheriff's Department; transportation provided by Washington Department of Transportation; local access roads maintained by Whatcom County.

1.04.5 **COMMERCIAL**: Services should include water association water where available; on-site wells and waste water systems; storm drainage consistent with the regional stormwater management plan when adopted; volunteer fire protection from Whatcom County Fire Protection District #16; law enforcement from the Whatcom County Sheriff's Department; transportation provided by Washington Department of Transportation; and local access roads maintained by Whatcom County. The Commercial area in the town of Acme should utilize both the sewer and water system of Water District #18 when they become available.

1.04.6 All sewer and water service should be provided in accordance with Whatcom County Health Department standards.

1.04.7 All stormwater drainage facilities should be provided in accordance with the regional stormwater management plan when adopted and the Whatcom County Development Standards.

1.04.8 All transportation service should be provided in accordance with the policies in the following transportation section, as well as all applicable state and federal standards, and the Whatcom County Development Standards.

1.04.9 All recreational services should be provided in accordance with the standards of the Whatcom County Parks Department.

2. **TRANSPORTATION SYSTEM**

2.01 **Purpose**: It is the policy of Whatcom County to ensure that land use patterns and transportation planning mutually support the safe and efficient movement of people and goods; are consistent in encouraging a predictable pattern of urban and rural development; and together conserve and enhance existing public investments and resources.

2.01.1 Whatcom County should use the development approval process of subdivision, zoning, and building permits to establish community circulation patterns including vehicular, pedestrian, and bicycle ways; and to secure rights-of-way and construction of all classifications of roads, pedestrian trails, and bicycle paths.

2.01.2 Whatcom County should use the development approval process to ensure that all residential development includes safe vehicular access for citizens and emergency vehicles.

2.01.3 Whatcom County recognizes the significant investments made in the existing transportation system and should reflect the following resources in any land use classification or zoning amendments:

a. Highway 9 as a scenic highway and the principal access route to the timber and agricultural resources of the subarea.

2.02 **Coordination**: It is the policy of Whatcom County to cooperate with federal, state, and municipal agencies in providing for a coordinated transportation system.
2.02.1 Whatcom County does not support the development of a major arterial freeway system to replace the present highway system in the South Fork Valley Subarea.

2.02.2 Whatcom County should promote and encourage the provision of public transit as demand increases in the South Fork Valley Subarea by incorporation when changes in the circulation system are made through the Transportation Improvement Program. For their information and review, the public transit authority should be sent copies of all major subdivisions and all PUD proposals regarding the provision of public transportation.

2.03 Standards: It is the policy of Whatcom County to maintain and enhance its natural and economic resources, land use patterns, and the safety and well-being of its citizens through the application of the following standards to its transportation system.

2.03.1 Whatcom County should approve new road construction projects or improvements to existing roads consistent with the regional stormwater management plan when adopted. Should the private or public sector begin such projects before a plan is effective, the County should implement appropriate measures to assure total containment of excess stormwater runoff for each development proposal. Upon completion of the stormwater management plan, land area currently used for retention may be converted to permitted uses and densities consistent with the applicable zone district.

2.03.2 Whatcom County should make every effort to preserve mature trees and unique wildlife habitats and other elements of the natural environment during the design and construction of road improvement projects. Where disruption of the natural environment is unavoidable, special techniques such as rounded slopes, erosion control, reseeding and revegetation should be employed to return roadsides to their natural state.

2.03.3 Bikeways and/or pedestrian walkways should be included as an integral part of the transportation system. Whenever practical, bikeways proposed in new developments should connect with the planned bikeways in the Whatcom County Trails Plan or in the Parks and Recreation Plan in this document.

2.03.4 Whatcom County should pursue with the Department of Transportation, measures to improve Highway 9 to insure adequate shoulders on each side of the highway and further, request that the highway be widened, pitched, straightened and surfaced where appropriate to increase highway safety for both the community and users.

2.03.5 Whatcom County recognizes the economic importance of preserving the scenic qualities of the Highway 9 corridor and encourages the use of setbacks, visual screening, and landscaping for all development along the highway.

2.03.6 Whatcom County should encourage development design that minimizes the amount of impervious surfaces including streets, driveways, sidewalks, etc., whenever possible. In addition, Whatcom County encourages the use of "natural" engineering design methods such as the use of open, shallow, grassed swales instead of curbs and gutters in lower density residential developments.

2.04 Implementation: It is the policy of Whatcom County to implement a safe and efficient transportation system as indicated in the following text policies and transportation plan map. When necessary, the Roadway Classification Map should be amended.
2.04.1 Whatcom County should identify the need for and approximate location of new, principle and minor arterial routes in the South Fork Valley Subarea, if necessary, and should program the construction of these routes in the Whatcom County Capital Improvement Program.

2.04.2 Whatcom County should encourage the construction of new roads contiguous to existing development. Such phased road construction is intended to discourage the occurrence of "leap frog" development.

2.04.3 Whatcom County should encourage the use of shared access roads from commercial and residential developments to limit intersections with arterials.

2.04.4 Whatcom County intends to enforce standards for clear vision at intersections in accordance with the Whatcom County Development Standards and Title 20.

2.04.5 Through the development approval process, Whatcom County should identify the short and long range traffic impacts to subarea roads. This should be done by comparing the estimated number of vehicle trips generated by a project with the planned level of service for each road segment impacted by the project including intersections according to the Whatcom County Engineering Division design standards and specifications. If it is determined that a proposed development will impact traffic resulting in service level below that planned for all affected road classifications, Whatcom County should require mitigation by the developer in order to make the necessary improvements that will maintain the pre-planned level of service or to make an equivalent cash contribution to the Whatcom County Road Fund.

2.04.6 Whatcom County should pursue with the state the redesignation of Highway 9 to a "Scenic and Recreation Highway" status provided by the Scenic and Recreation Highway Acts of 1967 and 1969.

3. **PARKS AND RECREATION**

3.01 **Purpose:** It is the policy of Whatcom County to ensure that land use patterns and parks and recreation planning mutually support each other; are consistent with the adequate provision of recreational opportunities for residents; encourage tourism; and together conserve and enhance existing public investments and resources.

3.01.1 Whatcom County should use the development approval process of subdivision, zoning, and open space applications to establish community recreational paths, and in conformance to this plan, should obtain easements for public use or ownership of land for parks and recreational opportunities.

3.01.2 Whatcom County should use the development approval process to ensure that all development makes provision for recreational opportunities for residents.

3.02 **Cooperation:** It is the policy of Whatcom County to cooperate with federal, state, and municipal agencies in providing for a coordinated parks and recreation system.

3.02.1 Whatcom County should promote and encourage the provision of public parks as demand increases in the South Fork Valley Subarea, where warranted by potential population levels and where fragile environmental features and habitats are not threatened by such development. This should be done by coordinating with the Whatcom County Parks improvement program. For information and review, the County Parks Department should be sent copies of all major subdivisions and all PUD proposals regarding provision of public recreation opportunities.
3.03 Standards: It is the policy of Whatcom County to maintain and enhance its natural and economic resources, and the safety and well-being of its citizens through the application of the following standards to its parks and recreation system.

3.03.1 Whatcom County should approve new park construction projects or improvements to existing parks consistent with the subarea park plans.

3.03.2 Bikeways and pedestrian walkways should be included as integral parts of the park and recreation system, and should be implemented through public and private road construction or improvement programs. Bikeways and pedestrian ways should be provided in new developments to link residential areas, shopping areas, recreational areas, and educational facilities. Whenever practical, bikeways proposed in new developments should connect with the planned bikeways adopted herein.

3.03.3 Whatcom County should encourage the use of noise buffers and visual screens between future residential areas and high use recreational areas, and should ensure adequate access to high use areas that avoid impacts on residential areas.

3.03.4 Whatcom County should encourage the use of surfacing options such as porous asphalt pavement, precast interlocking blocks, and rolled brick or cinder chips that reduce total surface runoff, slow concentration and capture particulates in all park and recreation areas.

3.03.5 Park and Recreation development should not negatively impact fish habitat in the South Fork Valley nor diminish or threaten geographic areas designated "critical areas" by the County.

3.03.6 Whatcom County should discourage the uncoordinated and unsupervised use of the South Fork of the Nooksack as a "floating river".

3.04 Implementation: It is the policy of Whatcom County to implement an adequate and economically beneficial parks and recreation system as designated on the 1989 Comprehensive Park and Recreation Open Space Plan and by amending it as necessary.

3.04.1 Through the land development approval process, Whatcom County should improve public access to shorelines using such mechanisms as transfer of development rights, density bonuses, and open space property tax status.

3.04.2 Through the development approval process, Whatcom County should identify the short and long range recreational impacts to subarea parks by computing the estimated number of dwelling units generated by a project and comparing those computations against the park and recreational facility use standards and design standards. Whatcom County should request the developer to mitigate impacts of additional population.

3.04.3 Whatcom County will pursue Park and Recreation development that minimizes impacts fish habitat in the South Fork Valley and does not diminish or threaten geographic areas designated "critical areas" by the County.

3.04.4 At a future date, Whatcom County should consider conditionally allowing the development and use of a low impact camping and recreational vehicle facility located immediately north of the Acme Bridge and west of Highway 9 along the Nooksack River and within walking distance of Acme.
a. Development of such a facility will be subject to a contract rezone which will require at the minimum the following conditions:

1. The Proposal will generally conform to the policies of the South Fork Valley Subarea Comprehensive Plan and the Whatcom County Comprehensive Park and Recreation Open Space Plan;

2. The proposal will conform to the provisions of the Shoreline Management Act as amended in 1991 and the State Environmental Protection Act;

3. The proposal will be limited to low impact recreational use with no utility hook-ups or permanent fixtures or structures;

4. Commercial use of the facility will be limited to the months of May through September; and

5. Public access will be provided.

3.04.5 Whatcom County should identify the need for and the approximate location of new principal sites and connecting recreational paths in the South Fork Valley Subarea, and should program the construction of these sites and routes in the Whatcom County Parks Capital Improvement Program and Transportation Improvement Program.

3.04.6 Whatcom County should recognize the unique and fragile recreational and wildlife value of:
A. The South Fork of the Nooksack upstream from Skookum Creek.
B. The Nessel Farm
C. Hardscrabble and Sygitowicz Falls
D. Dye's Canyon
ECONOMIC DEVELOPMENT POLICY

It is essential for planning the physical development of Whatcom County to consider the nature and extent of its present and probable future economic activities. These activities determine in large measure the size and income of the population, and thus the character and amount of development which will occur and which should be considered in the comprehensive plan. The activity which takes place in this subarea is part of a larger pattern of economic activities which can be properly understood only at regional, national or even international levels and must be considered with this in mind during the planning process.

5. **ECONOMIC DEVELOPMENT**

5.01 *Purpose*: It is the policy of Whatcom County to promote economic development in the South Fork Valley Subarea by;

5.01.1 Providing for new economic development relating to the natural resources; aquaculture, fisheries, recreation, tourism, and agricultural processing and promotion.

5.01.2 Recognizing forestry, agriculture and fisheries as the most significant potential generators of jobs, profits, and taxes in the subarea.

5.01.3 Recognizing cottage industries as a fourth category whose economic potential can be developed.

5.01.4 Recognizing and protecting the natural resources of the area, including fish, timber, minerals, scenic beauty, and recreational opportunities.

5.02 *Coordination*: It is the policy of Whatcom County to encourage cooperation among state agencies, municipalities, economic development groups, and private landowners to enhance its economic potential.

5.02.1 Whatcom County should promote cooperation with Water District #18 to coordinate land use and capital programming decisions in order to preserve natural economic resources and maximize economic development potential.

5.02.2 Whatcom County should encourage private forest and woodlot property owners to conserve the county forest resource base by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33, and RCW 84.34.

5.02.3 Whatcom County should encourage private agricultural operators to conserve the county prime farmland soils resource by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33, and RCW 84.34, and by working with agricultural organizations to implement best management practices.

5.03 *Standards*: It is the policy of Whatcom County to use the following standards to enhance and maintain its economic potential.

5.03.1 Existing uses that are not allowed in a zone district specified when the South Fork Valley Subarea Comprehensive Plan is adopted should be recognized for their economic investment and allowed to continue and expand as legal nonconforming uses.
5.03.2 Present land use codes and future comprehensive plan and zoning amendments should be examined for their enhancement of the economy of the subarea and region and be implemented so as to:

a. foster and promote the general welfare in the long run as well as the immediate future;

b. create and maintain a balanced and diversified economy sustained by a healthy environment;

c. strengthen and stabilize the tax base; and

d. fulfill the social, economic, and other requirements of present and future generations of Whatcom County citizens.

5.03.3 In reviewing development proposals, the regulations should be administered and enforced with particular concern for:

a. the water quality in the area, especially in the South Fork of the Nooksack River and its tributaries where aquaculture and fish spawning provide significant economic and recreational potential;

b. the visual appearance of the subarea and where appropriate: (1) maintain the rural character, (2) enhance the urbanized area with proper site screening, internal landscaping, view corridors and public access, and (3) provide area-wide sign control; and

c. the expeditious approval of uses that will provide jobs and enhance the tax base.

5.04 Implementation: It is the policy of Whatcom County to recognize the economic potential of capital improvement decisions and other non-land use programs, and to coordinate these efforts in a concerted approach to cost effective development of the area.

5.04.1 Whatcom County should continue to take an active role to promote implementing measures other than land use designation and zoning for the area, and to set priorities for the actions required for accomplishing the goals identified in this plan, particularly those categories related to economic development which tend to cut across all issues.

5.04.2 Cottage industries will be acknowledged and encouraged in rural zones, subject to maintaining consistency with the rural character of the area.

5.04.3 Direct economic activities should be incorporated in the annual Overall Economic Development Program.

5.04.4 Actions identified for enhancement of the subarea should be incorporated in the appropriate capital improvement programs.

5.04.5 Whatcom County should seek to provide every opportunity for the farmer to utilize arable land in the most efficient manner possible and to facilitate a viable agricultural industry in the South Fork Valley.

5.04.6 Whatcom County should work to preserve forest lands for the utilization of timber management and harvest and to facilitate a viable forest industry in the South Fork Valley.
ENVIRONMENTAL RESOURCES AND CONSTRAINTS POLICY

Environmental resources in the South Fork Valley Subarea are extensive and, in some cases, irreplaceable. Environmental resources that contribute to economy and livability in the South Fork Valley include the South Fork of the Nooksack River, timber, wildlife habitat, fish spawning streams, clean ground and surface water, and Prime Farmland soils.

Some of these same resources pose serious environmental constraints and hazards to development. Flooding in the South Fork River is frequent and impacts much of the valley floor. There are numerous wetlands and hydric soils throughout the valley that provide critical wetland functions but inhibit development. The steep gradient and geologic structure of the mountain ranges in the South Fork Valley Subarea in conjunction with heavy annual precipitation, contribute to slope instability and flood prone drainage basins (Figure 5).

4. ENVIRONMENTAL RESOURCES AND CONSTRAINTS

4.01 Purpose: It is the policy of Whatcom County to manage its natural resources by recognizing and conserving irreplaceable resources, by providing suitable protection for environmentally sensitive areas, by enhancing environmental quality, and by planning and zoning in accordance with environmental hazards.

4.02 Coordination: It is the policy of Whatcom County to encourage cooperation among federal and state agencies, municipalities, environmental groups, tribal governments, and private landowners to enhance its environmental resources.

4.02.1 Whatcom County should continue to use the public benefit rating system to evaluate applications for tax relief on open space land use pursuant to RCW 84.34 whereby granting of open space tax status should be dependent upon determination that the public benefit of retaining a parcel in open space outweighs the loss or deferral of revenue to the County.

4.02.2 Whatcom County should encourage property owners to use the current use tax assessment provisions of RCW 84.34 to retain the following areas in open space: steep or unstable slopes, stream corridors, wetlands, shoreline areas, and unique or important wildlife habitats.

4.02.3 Whatcom County should work with property owners, citizen groups, the Lummi Indian Nation and the Nooksack Indian Tribe, the State of Washington, and other agencies in protecting bald eagle habitat, fishery resources, and surface and groundwater quality of the subarea.

4.02.4 The County should cooperate with federal, state, and local agencies, as appropriate, in monitoring and protecting water quality in the Nooksack drainage. Existing and future developments or other activity that significantly deteriorate water quality or contribute excessive sedimentation should be curtailed.

4.02.5 Whatcom County should work with The United States Geological Survey to install one additional gauging station immediately upstream from the confluence of the South Fork and the main stem of the Nooksack River. Gauging stations should also be installed in
those tributary creeks of the South Fork drainage that are under the jurisdiction of WAC 173-501-030.

4.03 Standards: It is the policy of Whatcom County to enhance and maintain its environmental resources according to the following standards:

4.03.1 Whatcom County should promote the use of 100-year floodplain associated with stream corridors as open space. Residential development should be encouraged to be sited at sufficient distance from all streams to minimize potential loss or damage to property that may occur as the result of debris dam failure or increased duration and volume of stream flow. Whatcom County should encourage minimal use of stream corridors, drainage swales, and alluvial areas for development.

4.03.2 Whatcom County should promote groundwater of a quality suitable for domestic consumption by encouraging low density and intensity uses in locations with soils of poor quality for septic systems.

4.03.3 Whatcom County should recognize natural wetlands such as swamps, bogs, marshes, and ponds as natural catchment basins for stormwater run-off, flora and fauna habitat, and potential groundwater recharge areas. Run-off during development should be controlled as specified in the Whatcom County Development Standards.

4.03.4 Whatcom County should encourage utilization of steep slopes and other geologically hazardous areas for open space, very low density development or forestry. If used for development purposes, structures should comply with the provisions of the Uniform Building Code and Whatcom County's Critical Areas Ordinance. Where slopes are in excess of 10%, cluster development should be encouraged to minimize slope disturbance. Placement of residential structures on localized terraces and benches is encouraged.

4.03.5 Whatcom County should seek to protect the public from damage to life and property in drainage basins that have a history of excessive flooding, erosion, sedimentation, and debris torrents originating in the steep and unstable mountainous regions of the basin.

4.03.6 Whatcom County should encourage very low residential densities in areas of known mineral resource occurrence with the intent of retaining future access and utilization options. Subsurface mining operations should conform to Title 20, the Official Whatcom County Zoning Ordinance, as well as state and federal regulations.

4.03.7 Whatcom County should foster continued fish and wildlife habitat integrity in the South Fork Valley Subarea through identification and designation, the development approval process, and public works. Applicable habitats include eagle roosting sites and feeding areas, heron rookeries, peregrine falcon habitat, salmon and trout spawning streams and lakes, deer and elk migration routes, and wetland and waterfowl habitat.

4.03.8 Whatcom County should encourage air pollution abatement with the intent of maintaining and/or enhancing air quality, consistent with the Federal Clean Air Act, and accomplished through the coordination of local land use proposal review with the Northwest Air Pollution Authority and other environmental agencies.

4.03.9 Whatcom County should implement the necessary rules, regulations, and ordinances which are required by state law to minimize noise impacts.
4.03.10 Whatcom County should review all shoreline development proposals for adherence to the requirements of the Whatcom County Shoreline Management Program.

4.03.11 Whatcom County should insure that minimum flow standards set by the Department of Ecology under WAC 173-501-030(2) are enforced.

4.03.12 Whatcom County should review and update the status of nature resource lands, and make appropriate changes to the agriculture and forestry designations in conformance with the House Bill 2929.

4.04. **Implementation:** It is the policy of Whatcom County to implement the enhancement of its environmental resources through the following actions.

4.04.1 Whatcom County should continue to play an active role in monitoring Forest Practices Applications. The County should closely monitor forest practices in the drainage basins of Jones Creek, McCarty Creek, Standard Creek, Hardscrabble Creek, Sygitowicz Creek, and Falls Creek.

4.04.2 Forestry and associated activities are the preferred uses in the mountainous portions of the subarea. Forested areas should be discouraged from conversion to other uses that might preclude continued forest management.

4.04.3 Whatcom County should seek funding for additional monitoring and enforcement of septic system performance in the subarea.

4.04.4 Whatcom County should encourage efforts to provide monitoring of stream and river flows in the South Fork Subarea to determine if minimum flow standards and water quality standards are being met.

4.04.5 Whatcom County should insure that all activity in the South Fork Watershed be permitted contingent upon proof that adequate water flows are available as established by the Department of Ecology under WAC 173-501-030(2).

4.04.6 Whatcom County should address any decrease in water quality that results from the application of chemical herbicides used on county roads, farm and forestry practices, and development density.

4.04.7 Whatcom County should take appropriate permanent measures to stabilize the drainage channel of Jones Creek from the private bridge on Galbraith Road to the mouth of the creek at the Nooksack River. This should include the construction of a berm between the Galbraith bridge and the Turkington bridge to protect existing development from flooding and damage caused by debris.

4.04.8 Whatcom County should address any decrease in water quality or increase in flooding capacity that results from excessive sedimentation and erosion. This should include the monitoring of agricultural practices, forestry practices, and development activity.

4.04.9 Whatcom County should maintain and enhance the public usefulness of the South Fork Valley Subarea shorelines in accordance with the Shoreline Management Program by:

a. encouraging alternative setback regulations where shared driveways, clustered buildings, and other variations from required setbacks will provide less obstructed scenic vistas for the public; and
b. using the development review process to preserve recreational access to the South Fork Valley shorelines through requiring any land development to indicate how it will avoid significant adverse impacts on or displacement of recreational uses that have no comparable, alternate sites locally.

4.04.10 Using an ecosystems approach to analyze designation and regulations of environmentally sensitive areas, Whatcom County should develop a "Critical Areas Ordinance" in conformance with the House Bill 2929. Elements of the Critical Areas Ordinance should include at the minimum;

A. Geologically Hazard Areas
B. Wetlands
C. Groundwater Recharge Areas
D. Fish and Wildlife Habitat Conservation Areas
E. Frequently Flooded Areas

F. Critical Drainage Areas

4.04.11 Until such time that a Critical Areas Ordinance has been adopted and applied to land use development, Whatcom County should review all permits in the South Fork Valley Subarea for environmental impacts that may result from development or hazards that may threaten proposed construction. The County will utilize the elements of the Critical Areas Ordinance proposed in 4.03.11 of this section and the provisions of SHB 2929, and the Minimum Guidelines to Classify Agriculture, Forest, and Mineral Lands and Critical Areas set forth in Chapter 365-190 WAC (proposed) to assist in making a determination.
LAND DEVELOPMENT OPTIONS, GUIDELINES AND REQUIREMENTS

This section provides environmentally efficient options for land development that minimize public and private utility and transportation expenditures. Also provided are general information and requirements that affect the majority of land use designations in the South Fork Valley Subarea. Guidelines and requirements that are unique are provided in the applicable zoning ordinance text.

1.01 Areas that are designated URBAN RESERVE, and RURAL have the option of creating new residential parcels using the conventional subdivision method. Parcel sizes in conventional subdivisions are uniform and are specifically established in each implementing zone text.

1.02 Areas that are designated URBAN RESERVE, RURAL, and FORESTRY when implemented by the RURAL FORESTRY zoning district, have the option of creating new residential parcels using the cluster subdivision method. The purpose is to provide economic flexibility to the individual property owner, promote economic lot design, conserve non-renewable and renewable natural resources, minimize disturbances to environmentally fragile areas, promote compatibility with surrounding non-residential land uses, and provide options beyond the planning period for land use decisions. Cluster subdivision is defined as an alternative method of creating building parcels that are spatially efficient and economical, and that will retain options for future uses and densities by treating land as a commodity and resource. The following policies establish subdivision guidelines and implementation considerations.

1.02.1 Minimum parcel size should be established consistent with the provisions of specific implementing zones or Health Department requirements; whichever are greater.

1.02.2 Subdivision design should be discouraged from forming linear residential patterns adjacent to roads by minimizing ingress and egress points, and by consolidating access for several parcels.

1.02.3 When possible, it is preferred that residential structures be sited at the perimeter of fields or woodlots, in woodlots, or partially concealed by topographic features.

1.02.4 When possible, structures on open landscapes should be sited and designed to minimize view disruptions from adjacent properties and public roadways.

1.02.5 When a cluster subdivision is situated adjacent to a less intensive use, including large parcel residential, agriculture or forestry, the subdivision should be buffered at the site periphery to prevent the encroachment of vehicles, pedestrians, animals, and nuisances onto the less intensively used parcels.

1.02.6 Vehicular and pedestrian networks should be oriented to the interior of clustered subdivisions.

1.02.7 To maintain area character and settlement patterns, and to achieve visual compatibility and land carrying capacity similar with the surrounding area, the Subdivision Administrator and Hearing Examiner may request that the potential number of building sites for a particular parcel be clustered into two or more residential concentrations.

1.03 Areas that are designated URBAN RESERVE, RURAL, COMMERCIAL, and FORESTRY (when the FORESTRY designation is implemented by the RURAL FORESTRY zoning district), have the option of using the Planned Unit Development provision of the Title 20 Zoning Ordinance. Planned Unit
Development is defined as an official control that allows greater flexibility in density, bulk regulations, building types and land use mixture than is generally permitted in the specific implementing zone text. The option is intended to encourage creative site planning; permanent open space; variety in living, working and recreational settings; conservation of environmentally fragile areas; and mixed use developments.

1.04 A restrictive covenant should be attached to the face of any residential subdivision plat when located adjacent to the AGRICULTURE zone or a commercial agricultural operation in a zoning district that allows such a use; the intent of which is to facilitate the unhampered continuation of legal and customary operations associated with agricultural practices.

1.05 A restrictive covenant should be attach to the face of any residential subdivision plat when located adjacent to or immediately below forested lands subject to commercial forest practices which are located in a zoning district that allows such a use; the intent of which is to facilitate the unhampered continuation of legal operations such as noise, smoke and other nuisances associated with forest practices. This should not apply to physical damages to adjacent or downhill properties resulting from the interaction of land clearing and latent geologic and hydrologic conditions in the affected area.
COMPREHENSIVE PLAN AMENDMENTS

The South Fork Valley Subarea Plan is a policy document that is used to guide land use decisions affecting both the private and public sectors of the subarea. For the plan to function as an effective decision making document, it must be flexible enough to weather changes in public attitudes, developmental technologies, economic forces and legislative policy.

The plan envisions two general types of plan amendments. The first type is a review conducted approximately every seven years. This review should re-examine the entire plan, including a re-evaluation of goals, updates of land related elements, and the reaffirmation of land use policies and proposals. This review is the responsibility of land use policies and proposals. This review is the responsibility of the Whatcom County Planning Commission, the Planning Department Staff, and the people of the subarea.

The second type of amendment is that proposed and initiated by an individual or agency. The land uses illustrated on the Land Use Plan Map are the result of the application of the plan's goals and policies. However, it is reasonable to assume that an individual or agency may introduce land use proposals that conflict with the plan map or policies of the plan itself. In such instances, the individual or agency may purpose an amendment to the plan. Petitions for amendment of the Comprehensive Plan addressed to either the Planning Commission for adoption or amendment of comprehensive plans. In applying for a particular amendment to the plan or plan map, the individual or agency should conform to the following criteria:

1. The amendment request should conform with applicable Washington State laws governing Comprehensive Plan amendments;

2. The amendment request should conform with the goals of the subarea plan;

3. The amendment request should be compatible with the existing and planned surrounding land uses;

4. The amendment request should not result in unmitigated detrimental impacts to existing transportation systems;

5. The amendment request should not place uncompensated burdens upon existing or planned service capabilities; and

6. The amendment request should demonstrate a land usage need which is currently not met by this comprehensive plan.
WHATCOM COUNTY
PLANNING COMMISSION

Repeal the 1991 South Fork Valley Subarea Plan and Amend Provisions in the Whatcom County Comprehensive Plan relating to Subarea Plans

FINDINGS OF FACT AND REASONS FOR ACTION

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to subarea plans.

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on March 25, 2014.

3. Notice of the Planning Commission hearing was posted on the County website on April 8, 2014.

4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media and other groups on the County’s e-mail list on April 8, 2014.

5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 8, 2014.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 11, 2014.

7. The Planning Commission held a public hearing on the subject amendments on April 24, 2014.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:
   a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

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

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

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

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

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

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

**Growth Management Act**

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").

10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

11. The South Fork Valley Subarea Plan was adopted in 1991. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan contains different land use designations, is inconsistent with the Comprehensive Plan’s rural element, and has a different planning period.
County-Wide Planning Policies

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. There are no interlocal agreements relating to the South Fork Valley Subarea Plan.

Further Studies/Changed Conditions

14. The South Fork Valley Subarea Plan was adopted in 1991.

15. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1991 South Fork Valley Subarea Plan does not address LAMIRDs.

16. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1991 South Fork Valley Subarea Plan is not consistent with the County Comprehensive Plan.

17. The 1991 South Fork Valley Subarea Plan utilized a different planning period than the Whatcom County Comprehensive Plan.

18. Changed conditions, including adoption of the Whatcom County Comprehensive Plan and the passage of time, warrant repealing the 1991 South Fork Valley Subarea Plan.

Public Interest

19. Repealing the 1991 South Fork Valley Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.

Spot Zoning

20. The subject proposal does not involve rezoning property.
CONCLUSION

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

1. Approval of Exhibit A, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use); and

WHATCOM COUNTY PLANNING COMMISSION

David Onkels, Chair

Sam Ryan, Secretary

Date: May 1, 2014

Commissioners present at the April 24, 2014 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Walter Haugen, Gary Honcoop, David Hunter, Natalie McClendon, David Onkels, Mary Beth Teigrob, and Gerald Vekved.

Vote: Ayes: 9, Nays: 0, Abstain: 0, Absent: 0. Motion carried to adopt the above amendments.
NOTE:

In order to avoid redundancy, Exhibits A and B are only attached to the proposed Ordinance that will be considered by the County Council.
Regular Meeting

Commissioner McClendon asked under what circumstances are subarea plans needed?

Mr. Aamot stated staff has thought about that. They think it may be good to retain the plans for active communities and those that stand alone from other areas.

Commissioner McClendon asked how the subarea plans relate to the Comprehensive Plan.

Mr. Aamot stated they add detail to the countywide plan.

Commissioner Bell asked if more resources were applied to the subarea plans would there be more activity? For example, Lake Whatcom is a large area which makes it difficult for people to come together as they do in a smaller area such as Birch Bay.

**Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

File # PLN2014-00003: Repealing the South Fork Valley Subarea Plan, which was adopted in 1991, and amending related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot presented the staff report. (A map and aerial photo of the subarea was shown with the boundaries) The South Fork Plan was adopted in 1991; right after the GMA was adopted in 1990. The population projection for the subarea was through 2000. It had a more flexible planning period, however, that planning period has ended so it is not consistent with the current comprehensive plan period of 2029. There were five land use designations in the plan. There were two forestry zoning districts but the subarea plan only had one forestry land use designation. Some of the areas have been rezoned or now have different comprehensive plan designations. One of the policies in the plan reaffirms the 1970 comprehensive plan, which is outdated. That policy is now outdated and creates a conflict. Staff recommends repeal of the plan.

The hearing was opened to the public.

There was no public testimony.

The hearing was closed to the public.

**Commissioner Honcoop moved to recommend approval of Exhibit A-Amendments to the Whatcom County Comprehensive Plan, chapter 2; and repeal of Exhibit B- the South Fork Valley Subarea Plan. Commissioner Teigrob seconded.**

**Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

File # PLN2014-00004: Repealing the Eliza Island Plan, which was adopted in 1994, and amending related provisions in the Whatcom County Comprehensive Plan and Zoning Code.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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<td>Jack Leons</td>
<td>05/21/14</td>
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TITLE OF DOCUMENT:
Repeal the Lake Whatcom Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

ATTACHMENTS:
1. Staff Memo
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Planning Commission minutes

Other background information is on file at the Council office.

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

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

Requested Date

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

Repeal the Lake Whatcom Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans. The Lake Whatcom Subarea Plan was adopted in 1982, prior to enactment of the Growth Management Act GMA in 1990.

NOTE: Final approval of these amendments would occur as part of concurrent review of comprehensive plan amendments in early 2015.

COMMITTEE ACTION:

COUNCIL ACTION:

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
May 5, 2014

To: Jack Louws, The Honorable Whatcom County Executive
   The Honorable Whatcom County Council

From: Matt Aamot, Senior Planner

Through: Mark Personius, Long Range Planning Division Manager

RE: Repeal the Lake Whatcom Subarea Plan and Related Amendments

The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080. However, the GMA also requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."

Most of the comprehensive land use plan designations in the 1982 Lake Whatcom Subarea Plan are not the same as the designations utilized in the current Whatcom County Comprehensive Plan. Additionally, the requirement to designate urban growth areas was not enacted until after the Subarea Plan was adopted. The Subarea Plan has "Urban Reserve" designations, but they do not match the current UGA designations. The GMA's rural element requirements did not exist when the Subarea Plan was adopted. Finally, the Subarea Plan utilized a 15-year planning period (which ended in 1997). Therefore, we recommend repealing the Subarea Plan and amending provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

Planning & Development Services is requesting Council consideration of these amendments on June 3. However, the proposed Comprehensive Plan amendments are subject to concurrent review. Therefore, the Council will not render a final decision on the proposal until early 2015.

Thank you for your consideration of this matter.
ORDINANCE NO. ____________

REPEALING THE 1982 LAKE WHATCOM SUBAREA PLAN AND AMENDING PROVISIONS IN THE WHATCOM COUNTY COMPREHENSIVE PLAN RELATING TO SUBAREA PLANS

WHEREAS, The Whatcom County Council initiated the subject amendments for review in 2014; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on April 24, 2014; and

WHEREAS, The Whatcom County Planning Commission recommended the comprehensive plan amendments on April 24, 2014; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to subarea plans.
   b. Repealing the Lake Whatcom Subarea Plan (1982).

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on March 25, 2014.

3. Notice of the Planning Commission hearing was posted on the County website on April 8, 2014.

4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to the City of Bellingham and citizen, media and other groups on the County’s e-mail list on April 8, 2014.

5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 8, 2014.

1
6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 11, 2014.

7. The Planning Commission held a public hearing on the subject amendments on April 24, 2014.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:

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

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

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

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

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

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

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

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

**Growth Management Act**

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").
10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”

11. The Lake Whatcom Subarea Plan was adopted in 1982, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address urban growth areas (UGAs), contains different land use designations, is inconsistent with the Comprehensive Plan’s rural element, and has a different planning period.

County-Wide Planning Policies

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. A portion of the Bellingham UGA is included in the Lake Whatcom Subarea.

14. An Interlocal Agreement between the City of Bellingham and Whatcom County concerning Planning, Annexation and Development within the Bellingham UGA was signed in April 2012. This interlocal agreement does not require the County to retain this subarea plan.

Further Studies/Changed Conditions

15. The Lake Whatcom Subarea Plan was adopted in 1982.

16. The GMA, adopted in 1990, included a requirement to designate UGAs. The 1982 Lake Whatcom Subarea Plan does not address UGAs.

17. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1982 Lake Whatcom Subarea Plan does not address LAMIRDs.

18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1982 Lake Whatcom Subarea Plan is not consistent with the County Comprehensive Plan.


20. The Urban Fringe Plan was adopted in 1997 and subsequently amended.
21. Changed conditions including enactment of the GMA, adoption of newer plans and the passage of time warrant repealing the 1982 Lake Whatcom Subarea Plan.

**Public Interest**

22. Repealing the 1982 Lake Whatcom Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.

**Spot Zoning**

23. The subject proposal does not involve rezoning property.

**CONCLUSION**

The subject proposal is consistent with the approval criteria of WCC 2.160.080.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Whatcom County Comprehensive Plan Chapter 2 (Land Use) is hereby amended as shown on Exhibit A.

Section 2. The Lake Whatcom Subarea Plan (1982) is hereby repealed as shown on Exhibit B.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this __________ day of ______________, 2015.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

_____________________________ ______________________________
Dana Brown-Davis, Council Clerk Carl Weimer, Chairperson

APPROVED as to form: ( ) Approved ( ) Denied

_____________________________
Civil Deputy Prosecutor

_____________________________
Jack Louws, Executive

Date: ________________________
Exhibit A

Amend Chapter 2 of the Whatcom County Comprehensive Plan as follows:

Policy 2L-2: Retain and periodically review the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Lake-Whatcom, Urban Fringe, Birch Bay Community Plan, Foothills, Point Roberts, South Fork Valley, and Eliza Island). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county's first Growth Management comprehensive plan adopted in 1997.

1. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan review process should include the following steps:

   a. Consistency Analysis. The County should review subarea plans based on the priority order in subsection "2b" for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.

   b. Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.

   c. Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.

   d. Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.

   e. Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update process. Land capacity analysis may also be updated if appropriate.
2. Prioritize review of subarea plans. Subarea plans should be reviewed in the following order.

a. Post-GMA Subarea Plans addressing UGAs. These subarea plans should be reviewed and amended, if necessary, during Whatcom County’s periodic review of the comprehensive plan or repealed. Subarea plans addressing UGAs associated with a city should be coordinated with the city’s comprehensive plan update process.

b. Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should be subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County’s periodic review of the comprehensive plan or repealed. Minor updates may be considered through the County’s docket process in subsequent years.

c. Pre-GMA Subarea Plans. These should be repealed or updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:

i. whether update is needed for health, safety, or welfare concerns;

ii. whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;

iii. whether the subarea plan would benefit from broader policy concepts to be completed in advance or in tandem, such as agricultural land protection measures;

iv. whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.
NOTE: The text of Policy 2L-2 above is also being amended in association with the proposed repeal of the South Fork Valley Subarea Plan (file # 2014-00003) and the proposed repeal of the Eliza Island Plan (file # 2014-00004). The changes to Policy 2L-2 proposed in the subject amendment are intended to be harmonious and compatible with the changes to Policy 2L-2 proposed in these other two amendments.
Exhibit B

(Repealing the Subarea Plan)
LAKE WHATCOM SUBAREA

a component of the

Whatcom County
Comprehensive Land Use Plan

- Pt. Roberts Subarea
- Lummi Island Subarea
- Cherry Pt. - Ferndale Subarea
- Lake Whatcom Subarea
- Urban Fringe Subarea
- Lynden - Nooksack Valley Subarea
- Birch Bay - Blaine Subarea
- Chuckanut - Lake Samish Subarea
- South Fork Valley Subarea
- Foothills Subarea
LAKE WHATCOM SUBARRE
COMPREHENSIVE PLAN
AUGUST, 1982

Whatcom County Executive
John Louws

Whatcom County Council
Shirley Van Zanten
Don Hansey
Larry McIntyre
C.J. Johnson
R.W. "Bob" Muenscher
Jim Hawley
Will Roehl

Whatcom County Planning Commission
John Vanderhage, Chairman
Al Hickinbotham, Vice Chairman
Bob Andersen
Bill Clement
Emil deWilde
Joe Elenbaas
Jack Griffin
Peggy Hinton
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Micheal E. Nicholson, Planning Director
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Steve Cornell, Planner I
Sandra Palm, Planner I
Michele Gierman, Graphics/Technical Assistant
Karen Daniels, Typist

Whatcom County Planning
401 Grand Avenue
Bellingham, WA 98225
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I. INTRODUCTION

Statutory Authority

Statutory authority for county comprehensive land use planning is established in Washington State Planning Enabling Act, in which it is stated that "each planning agency shall prepare a comprehensive plan for the orderly physical development of the county or any portion thereof..." (RCW 36.70.320). The Lake Whatcom Subarea Comprehensive Plan has been developed in response to statutory authority, as well as in recognition of the widely accepted principle that future Whatcom County land use decisions should be made in a coordinated and responsible manner by both the public and private sectors.

Definition and Application

The Whatcom County Comprehensive Plan is defined as an official public document to be utilized by both the public and private sectors as a policy guideline for making orderly and desirable decisions concerning the future use of land in the county. The plan has been formulated by the Whatcom County Planning Commission and is comprehensive, general and long-range in nature. Comprehensive, in that it encompasses major geographic areas of the county and the functional elements that bear on physical development; general, in that it summarizes major policies and proposals and is not, by statute, a detailed regulation; and long-range, in that it not only addresses current issues, but also anticipated problems and possibilities of the future.

The purpose of this document is to foster a responsible process of land use decision-making. The goals, policies and land use plan map contained herein serves to amend the 1970 Whatcom County Comprehensive Plan for the geographic area covered by the Lake Whatcom Subarea. The 1970 plan served as a good and basic plan for the 1970's, but as times change, people's attitudes, technologies and economies also change. Consequently, the primary decision-making document of local government must be revised to address current and anticipated issues of the future.

In consideration of the changes that have occurred since the existing plan was adopted, the Planning Commission resolved in December, 1978 to revise and update the 1970 Comprehensive Plan. The Commission is also aware that changes will continue through the 1980's and has realized that the policies contained herein will be subject to modification and revision over a period of time. As is discussed in the following section, this subarea plan will be revised on a five-year basis.

Subarea Planning Concept

Because of the county's diverse physical and cultural make-up, the Planning Commission elected to revise the plan on an individual geographic area basis. Thus, the Commission divided the western one-third of the county into ten logical geographic areas where the planning process could be applied in a uniform and consistent manner. Denoted as "subareas," these geographic areas were delineated to address various land use related issues that appeared to be unique to particular areas of the county.
The criteria utilized by the Commission to delineate the subarea boundaries include natural and physical features; political subdivisions, such as special purpose districts (sewer, water, fire, school, etc.); existing land use patterns; and the presence of a city or town (where applicable) to act as a nucleus for the area. Thus, subareas are planning units determined through the application of criteria and considered as a practical means of revising the comprehensive plan in a consistent orderly fashion.

Whatcom County Planning Process

The Whatcom County comprehensive planning process is defined as a continual program of evaluating goals, conducting various land-related studies, and practical set of land use policies and proposals for the future use of land in our county. Stated differently, the planning process serves as a blueprint for the logical development of the comprehensive plan, as well as the formulation of effective implementation tools.

The process describes, through a logical sequence, the various land use related factors that must be considered to effect the formulation of responsible and meaningful land use policies and proposals. These factors concern the following: the definition of county-wide goals; the inventory and analysis of land use, community facilities and utilities, transportation facilities and environmental resource characteristics; the forecasting of population levels and the county's economic vitality; the comprehension of issues, both technical and citizen related; the development of policies to resolve and/or address the relevant issues; and the transformation of policies into the plan map and attendant implementation tools.

The planning process is continual. It involves not only the formulation of the comprehensive plan document and its implementation through the application and use of various regulatory tools, but also continual monitoring and periodic updating. The success of the planning process in Whatcom County relies heavily upon the county's ability to keep the major components of the plan current. Thus, the plan should be updated every five years by the Planning Commission, and such revisions should adhere to the various sequential stages of the planning process.

Format

The Comprehensive Plan for the Lake Whatcom Subarea includes the necessary information for the appropriate formulation of land use decisions by both the public and private sectors of Whatcom County. The components of the plan include the following:

1. Subarea Description: To generally define subarea characteristics and establish issue topics, as determined by area residents, the Planning Commission and the planning staff.

2. Population Forecasts: To correlate anticipated population levels with the land use policies and map.

3. Goal Statements: To provide the overall direction for land use planning in Whatcom County.
Whatcom County Planning Process

**GOALS**
- Continuous Update
- Implementation
  - Zoning Ordinance
  - Subdivision Regs.
  - Shoreline Mgt.
  - City agreements
  - Floodplain Regs.
- Whatcom County Council
- Proposed Subarea Comprehensive Plan

**Inventory and Analysis by Subarea**
- Land Use
  - Residential
  - Commercial
  - Industrial
- Transportation
- Comm. Services
- Population
- Parks-Recreation
- Physical Features
- Shoreline Mgt.

**Determination of Issues**

**Subarea Citizen Participation:**
- Phase 1

**Formulation of Preliminary Subarea Policies and Plan Map by Planning Commission**

**Subarea Citizen Participation:**
- Phase 2

**Refinement of Preliminary Subarea Policies and Plan Map by Planning Commission**
4. **Rationale and Locational Criteria:** To establish the necessity of the land use designations and the spatial requirements to be utilized for policy application to the Comprehensive Plan Map.

5. **Policies:** To provide the primary decision-making tools required to resolve the land use, community facility and utility, transportation/circulation, and environmental issues of the subarea.

6. **Comprehensive Plan Land Use Map:** To reflect the spatial distribution of the policy statements; perhaps the most widely utilized component of the comprehensive plan.

7. **Amendment Criteria:** To assist both the public and private sectors with respect to revisions of the comprehensive plan policies and map.

8. **Adoption Certification:** To acknowledge the acceptance by the Whatcom County Planning Commission and Council, City of Bellingham, and the Boundary Review Board of the Goal Statements and the subarea policies and map.
II. SUBAREA DESCRIPTION

General

The Lake Whatcom Subarea contains over 56 square miles of land and is generally bounded on the north by Mt. Baker Highway and the northern section lines of Sections 7, 8 and 9, T38N, R4E; on the south by the Whatcom-Skagit County line; on the east by the upper reaches of the Watershed; and on the west by the upper reaches of the Watershed, the City of Bellingham corporate limits and Toad Lake Road. With the exception of a small geographic area situated north of the city limits and west of Toad Lake Road, the Subarea contains the entire Lake Whatcom Watershed. Also, approximately ten square miles in the Squalicum Creek, Silver Creek and Anderson Creek drainage basins are included in the subarea.

Findings

In March 1981, the Whatcom County Planning Department completed the Background Document for the Lake Whatcom Subarea. A portion of the study contains descriptions of existing conditions within the subarea for land use, the physical environmental setting, transportation/circulation, and utilities and community facilities. In addition, the report identified specific issues for six analysis areas (North Shore, Geneva, Sudden Valley, South Bay, Forestry and Squalicum) as well as several generalized issues for the Lake Whatcom Watershed. It is intended in the process of plan revision that issues identified by all participants (staff, Planning Commission and citizens) shall be addressed and/or resolved by adoption of specific policy statements by Whatcom County.

The dominant land use in the Lake Whatcom Subarea is forestry. In fact over 83% of the total area or 30,438 acres is devoted to forestry uses. Of this total, 17,000 acres have been recorded by the County Assessor as forest current use tax status, i.e. reduced tax assessments for land devoted to the growth and harvest of forest crops for a minimum of ten (10) years. The majority of forest land is held by major timber companies such as Scott Paper, Georgia Pacific and Bloedel Development Company. The State of Washington also owns substantial holdings, considered as trust lands, that are managed by the Department of Natural Resources for the purpose of timber and mineral rights sales to various public and private interests.

The remaining 17% or 6,000 acres of land in the subarea is distributed among the balance of other uses including agriculture, public (communication, utilities and transportation), commercial, industrial, residential and vacant land uses. Vacant land use represents seven percent (7%) of the total subarea which is a relatively large land supply or reserve to accommodate future growth demands.

The Lake Whatcom Subarea is served by a sewer and water system operated by Whatcom County Water District No. 10. As the primary purveyor of sewer and water service, the district is responsible for the operation and maintenance of both systems in the Geneva and Sudden Valley communities, while on the North Shore only the sewer utility is available. However, the district anticipates becoming the primary purveyor of water source to the North Shore Urban Reserve area.
Community fire protection is provided by three Whatcom County Fire Protection Districts (junior taxing districts): 2, 4 and 18. Fire fighters are volunteer men and women residing in the vicinity of each fire hall. Law enforcement is provided by the Whatcom County Sheriff’s Department. Education is provided by the Bellingham and Mt. Baker School Districts. Fiscal and human resources are generally considered adequate for each of these community services at the current level of development. However, the cutback in state revenues (at the state level) allocated for public education may impact the quality of education and may result in more vacant or unused building space in both of these school districts.

In the Lake Whatcom Subarea, the major traffic corridors are considered substandard when compared to widely accepted standards for major, secondary and collector arterials. As a result, current peak-hour traffic volumes exceed the design capacity of specific roadway segments in the Geneva Analysis Area; and unless significant improvements are made to these roads, it is predicted that serious deficiencies will begin to occur on these roads by 1985. The steady increase in the amount of vehicle accidents on subarea roads may be related directly to the operational characteristics (narrow pavement width, narrow shoulders and horizontal curvature) of subarea roads. Thus, it is imperative that roadway improvement projects are completed if the county intends to maintain a safe and efficient transportation/circulation network.

The physical and biological factors inventoried in the Lake Whatcom Subarea have been segregated into six categories as follows: (1) Topography, (2) Soils, (3) Geology, (4) Surface Water, (5) Vegetation; and (6) Wildlife.

In addition, specific physical features of the Lake Whatcom Subarea include six lakes and eleven permanent streams (some fish spawning), and includes nearly all of Lake Whatcom Drainage Basin. Moreover, Lake Whatcom, the most significant of the six lakes, serves as a reservoir for storage of water from the Nooksack River diversion system, as well as stream runoff. Furthermore, Lake Whatcom is District No. 10’s domestic, and Bellingham’s domestic and industrial water source.

Citizen Participation and Subarea Issues

The issues of the Lake Whatcom Subarea are associated with land use, community facilities and utilities, transportation/circulation, and the physical environment. Issue development has its origin in the subarea background planning study, prepared by the Whatcom County Planning Department, and has been augmented by comments from the citizens residing within the subarea, "special districts," Bellingham officials and the Whatcom County Planning Commission. The Whatcom County Planning Staff presented the issues to subarea citizens at four separate meetings, and the planning staff presented proposed policies intended to resolve the issues at four separate meetings. (A detailed list of issues can be found in the Lake Whatcom Subarea Background Document). The following is a summary of issues as presented to subarea citizens.

In the Geneva and North Shore analysis areas, both adjacent to the municipal city limits of Bellingham, the issues are similar in nature since both areas have urban and nonurban development patterns.
Of particular concern to Geneva area residents is the most appropriate application of a future land use designation generally north of Fremont Avenue (extended east to Lake Whatcom and west to the municipal city limits) including appropriate land uses, densities and the level of public service. Although 33 lots of the Cedarhills Subdivision are sited south of Fremont Avenue, the area between Fremont Avenue and the southern most boundary of the analysis area existing residential low densities, steep slopes and generally has no existing services. Thus, the major issue relates to the most appropriate future land use designation densities and service levels. Other issues involve provision of a remedial stormwater drainage system to protect downstream properties from excess stormwater runoff, transportation planning, conservation of environmental features and protection of water quality.

In the North Shore Analysis Area, residents are particularly concerned with the appropriate designation of geographical areas for urban and nonurban development patterns consistent with future transportation planning, community facilities and utilities including management of excess stormwater runoff to protect downstream properties, conservation of environmental features and protection of water quality. Other issues involve the appropriate pattern for development, i.e. random or sequential (eastward from Bellingham's municipal city limits) and designation of the city or Water District No. 10 as the primary purveyor of water to the Urban Reserve area.

Of particular concern to residents of the nonurban rural South Bay and Squalicum analysis areas is the recognition of large contiguous areas which are not considered as prime land for either agriculture or urban uses. Because of soil conditions, absence of existing or planned services and an existing very low density land use pattern, the major issue for both areas relates to the most appropriate application of a future land use designation. Inherent in such land designations must be provisions for maintaining the rural character, allowing a multiplicity of uses, and acknowledging the physical and cultural limitations of the area. Other issues involve appropriate maintenance of the existing transportation networks for each analysis area as well as the protection of groundwater aquifers.

The Sudden Valley Analysis Area consists primarily of the Sudden Valley Subdivision. Of particular concern to the residents of the community is the appropriate application of a future land use designation in recognition of existing mixed land use and the range of public services. Inherent in such land designations must be provisions for promoting an urban character as a stable residential development with minimum emphasis on the commercial resort character while providing for the full range of public services necessary in the community. Other issues involve the operational efficiency of the private road network, an appropriate and cost-effective stormwater drainage system to replace the existing open-ditch system, and the appropriate application of a future land use designation for the nonurban development pattern that surrounds the subdivision.

The predominate land use pattern in the Forestry Analysis Area is associated with commercial forestry practices. Because of the ownership pattern, steep slopes, poorly drained soils, absence of existing or planned services, and a very low density land use pattern, the major issue relates to the most appropriate application of a future land use designation. Other issues of
concern to commercial forest interests and residents include appropriate methods to assure compatibility between forestry practices and residential or recreational uses located in the vicinity. An additional concern expressed by citizens includes environmentally sound logging practices to prevent damage to downstream properties, streams and lakes as a result of excess stormwater runoff.

Of particular concern to subarea residents, commercial forestry interests, Bellingham, Water District No. 10’s and Whatcom County officials is the protection of water quality and quantity not only in Lake Whatcom but also in the eleven permanent streams situated in the study area. Thus, inherent in the issue of an appropriate future land use designation for each of the six analysis areas is the provision for adequate and cost-effective methods to protect water quality. Other issues involve designating the Watershed as an Environmentally Sensitive Area, pursuant to the provisions of the State Environmental Policy Act, and the appropriate future land use designation in Basin III, the southern most lake basin. A nonurban land use designation may be the most appropriate to ensure a comparatively pure water source to which the Bellingham water intake pipe may be extended.
III. POPULATION FORECASTS

Introduction

The purpose of population forecasting, as it relates to land use planning, is to accommodate the long-term spatial requirements of various land uses such as residential, commercial, recreational and public. Population forecasting may also be of assistance in decision making for land use related matters such as determining the appropriate scale and location of public works facilities and land development activities. In addition, population forecasts are subject to revision which may be accomplished in the five-year comprehensive plan update process.

The population information contained herein is a summary of the forecasts prepared by several agencies. Because of the technical difficulties involved with current and projected population assessment on a subarea basis, the information has been presented by total county, unincorporated county and incorporated community. Furthermore, this information has been used in a qualitative manner or as a general guideline, rather than as a specific numerical forecast. To relate this information to the Lake Whatcom Subarea Comprehensive Plan, the following assumptions are established:

1. The majority of population growth will occur in the Geneva, North Shore, Southwest Shore and Sudden Valley URBAN RESERVE and RESIDENTIAL RURAL areas.

2. The remainder of population growth will occur in RURAL areas.

3. The rate of population growth will be at unincorporated Whatcom County rates (Table B).

Tables A, B and C, respectively, relate to total Whatcom County, unincorporated Whatcom County, and Bellingham population trends and forecasts. Figures 1, 2 and 3 present this information in a graphical format. The remainder of the information summarizes the various assumptions and variables which may affect the included population forecasts.
FIGURE 1
TOTAL WHATCOM COUNTY

TABLE A
TOTAL WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000
(INCORPORATED AND UNINCORPORATED)

<table>
<thead>
<tr>
<th></th>
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</thead>
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<tr>
<td>U.S. Census</td>
<td>81,983</td>
<td>106,701</td>
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<tr>
<td>CB&amp;I: H1</td>
<td>103,941</td>
<td>119,771</td>
<td>132,997</td>
<td>149,217</td>
<td>167,287</td>
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</tr>
<tr>
<td>WCCOG</td>
<td>104,876</td>
<td>122,300</td>
<td>141,160</td>
<td>160,623</td>
<td>184,910</td>
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<td>OFM</td>
<td>106,733</td>
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<tr>
<td>BPA</td>
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<td>115,625</td>
<td>123,925</td>
<td>132,750</td>
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<tr>
<td>Mean</td>
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<td>118,748</td>
<td>132,609</td>
<td>147,642</td>
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ANNUAL GROWTH RATES

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<tr>
<td>2.67%</td>
<td>2.20%</td>
<td>2.06%</td>
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</table>

*Refer to page 13 for footnotes.
FIGURE 2
UNINCORPORATED WHATCOM COUNTY

![Graph showing population trends from 1970 to 2000.]

TABLE B
UNINCORPORATED WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000

<table>
<thead>
<tr>
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<td>48,628</td>
<td>56,825</td>
<td>64,456</td>
<td>74,026</td>
<td>84,769</td>
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<tr>
<td>CB&amp;I: EIS1</td>
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<td>56,825</td>
<td>64,456</td>
<td>74,026</td>
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<td>WCCOG2</td>
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<td>56,083</td>
<td>64,381</td>
<td>73,815</td>
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ANNUAL GROWTH RATES

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<th>Period</th>
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<td>1970-1980</td>
<td>3.04%</td>
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</tr>
<tr>
<td>1980-1990</td>
<td>2.84%</td>
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<tr>
<td>1990-2000</td>
<td>2.88%</td>
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</tbody>
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*Refer to page 15 for footnotes.
FIGURE 3

BELLINGHAM POPULATION

TABLE C


<table>
<thead>
<tr>
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<td>CB&amp;E: EIS¹</td>
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<td>49,336</td>
<td>53,287</td>
<td>57,873</td>
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<td>WCCOG²</td>
<td>46,000</td>
<td>52,691</td>
<td>58,890</td>
<td>65,660</td>
<td>73,210</td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>---</td>
<td>---</td>
<td>50,691</td>
<td>56,890</td>
<td>61,660</td>
<td>68,049</td>
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</table>

ANNUAL GROWTH RATES

<table>
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</thead>
<tbody>
<tr>
<td>U.S. Census</td>
<td>1.52%</td>
<td>2.05%</td>
<td>1.83%</td>
</tr>
</tbody>
</table>

*Refer to page 13 for footnotes.
Assumptions Relating to Population Forecasts

All population forecasts are based on assumptions which affect the numerical results, and population forecasting agencies do not make the same assumptions. The following items are intended to present an overview of assumptions as they relate to Whatcom County populations:

1. In-migration\(^8\) will continue to substantially contribute to population increases at the Washington State and Whatcom County levels.

2. The trend of decreasing family size and population per household will continue.

3. Labor market potential and location will affect population distribution, and gross natural increase and in-migration levels.

4. The purpose of the populations forecast affects assumption utilization, which in turn affects the results.

Variables Affecting Population Forecasts

Agencies which prepare population forecasts often make revisions due to changes in the variables related to assumptions. The following variable are intended as an overview for potential Whatcom County population forecast revisions and may not affect all the agencies whose forecasts are contained herein:

1. Changes in Whatcom County birth, death and in-migration rates.

2. Changes in the level of industrial development and the related labor market potential of the Cherry Point area, as well as other locations within the county.

3. Changes in the Canadian economy and the related level of Canadian spending\(^9\) in Whatcom County.

4. Changes in the demand for local resources (agriculture, forestry, fishing and mining raw materials or products) with respect to local consumption or state, national or international export markets.
Footnotes


2 Whatcom County Council of Governments; *Population Forecasts;* June, 1980.


5 Annual growth rates are based upon the official 1970 and 1980 U.S. Census figures.

6 Annual growth rates are based upon the official 1980 U.S. Census figure and the 1990 mean calculation figure.

7 Annual growth rates are based upon the 1990 and 2000 mean calculation figures.

8 In-migration is equal to total population less natural increase, in which natural increase is equal to total births less total deaths.

9 The Whatcom County Council of Government's population forecast exhibits a high correlation with the Canadian Impact Study and is thus presumed to accommodate Canadian spending.
IV. GOAL STATEMENTS

The following goals provide the general direction for making land use decisions in the subarea and Whatcom County as a whole. They were developed and adopted by the Planning Commission and County Council in July 1979.

A. Regional Design Goals

1. Future urban development should occur within or immediately adjacent to existing urban areas in order to eliminate sprawl and strip development, assure the provision of an adequate range of urban services, conserve agricultural and forestry lands, optimize investments in public services, and conserve energy resources.

2. Future development in rural areas should be low density, complement existing rural character, contribute to the conservation of agricultural and forest land, and not result in demands for urban-level services.

B. Growth Management Goals

1. To promote a conscientious program designed to plan, guide and influence the appropriate location, timing, intensity, type and servicing of diverse land use patterns.

2. To determine the required amounts of land anticipated to be utilized within the planning period (15 years) while retaining options for future land use decisions beyond the planning period.

3. To encourage a predictable pattern of urban and rural development which utilizes previously committed land areas and existing facility investments before committing new areas for development.

4. To ensure that a beneficial balance exists between the supply and demand for public services. To encourage the cooperation among municipalities, special districts, and associations in the planning and provision of public services. To discourage the proliferation of unnecessary special purpose districts.

5. To develop a concise, equitable and practical set of land use regulations intended to implement the goals, policies and proposals of the County Comprehensive Plan in a timely and orderly fashion.

C. Land Use Goals

1. To conserve the agricultural and forest lands of Whatcom County for the continued production of food, forage and timber crops while promoting the expansion and stability of the county's agricultural and forestry economies.

2. Urban residential development should be planned in areas that can be economically and efficiently served with existing or planned services, optimize energy use, function as integral neighborhood units, and can environmentally support intensive land uses.
3. Adequate community and neighborhood commercial facilities should be encouraged in appropriate locations while avoiding incompatible land use and the proliferation of unnecessary new commercial areas.

4. To encourage a balanced and diversified economy in order to assure desirable local employment opportunities, and to strengthen and stabilize the tax base. To accommodate anticipated economic development in an environmentally responsible manner with due consideration for public cost, energy availability, land use compatibility and transportation accessibility.

5. To promote the availability of economical and attractive housing for all income, age and ethnic groups, while also enhancing the integrity and identity of existing communities.

6. To promote a functional, coordinated and multi-mode transportation system which provides for the safe and efficient movement of people and goods, avoids undesirable environmental impacts, and optimizes public investments and the conservation of energy resources.

7. Adequate facilities and services which provide diverse education, recreation, cultural and social opportunities should be encouraged.

D. Cultural and Natural Resources

1. To identify and manage environmentally sensitive areas in such a manner as to prevent destruction of the resource base and reduce potential losses to property and human life.

2. To continue the identification of cultural and natural resources and formulate viable methods to preserve and conserve such resources in recognition of their irreplaceable character.

3. To promote a park and recreation system which is integrated with existing and planned land use patterns and is diverse, abundant and assures maximum public access and usage.

E. Citizen Involvement and Intergovernmental Coordination

1. To assure opportunity for citizens to be involved in the formulation of land use goals, policies and proposals, and to provide a structure for citizen participation in the planning program of federal, state, regional and local agencies.

2. To participate in intergovernmental coordination with federal, state, provincial, regional and local agencies, to develop a coordinated approach to problems which transcend local government bodies, and to create an environment for the exchange of information and technical assistance.
V. RATIONALE & LOCATIONAL CRITERIA FOR LAND USE DESIGNATIONS

The comprehensive land use map, together with the policies, designates the most appropriate locations for the various land use patterns of the subarea. The land use designations as illustrated on the Comprehensive Plan Land Use Map represent the most appropriate uses of land in the subarea for the planning period. These designations have been developed as a means of addressing or resolving particular land use issues. To be consistent in the application of the designations, as well as to avoid confusion about how the land use map was drawn, the following rationale and locational criteria for each land use designation is set forth.

A. URBAN RESERVE

Rationale

It is a well established fact in the western United States that urban areas have traditionally responded to growth pressures by adhering to policies of outward expansion. As long as this trend continues, there will be an almost constant demand for land, the most fundamental of all urban resources. Although outward expansion is accepted as a common city planning practice, problems have typically arisen when potential urban lands have been committed to long-term "nonurban" uses. Primarily caused by the lack of written public policy among governmental jurisdictions, this situation has resulted in uncoordinated and costly service systems, inefficient transportation networks, and unmanageable land use patterns.

As a means of curbing this situation that is currently developing in the urban "fringe areas" of the county, the revised Comprehensive Plan establishes the URBAN RESERVE land use designation. The rationale underlying the designation is to reserve certain land in the fringe areas of cities and other satellite communities that have previously demonstrated an urban level of densities and attendant range of urban services for future urban purposes, and encourage interim uses that are complementary and compatible with future urban densities and services. When urban services are eventually provided to these areas, land use densities shall increase and result in an orderly, economic and expeditious transition from rural to urban land use patterns. Thus, the URBAN RESERVE designation is defined as those areas adjacent to municipal boundaries which may be urbanized at such time that a full range of urban services (sewer, water, storm drainage, transportation improvements and sheriff protection) can be efficiently provided, as well as those satellite areas where urban densities and services have been previously planned. In addition, land proposed for annexation to an adjacent municipality shall be evaluated by the Boundary Review Board pursuant to RCW 36.93.170.

Locational Criteria

The criteria to be utilized for the application of the URBAN RESERVE designation includes the following:

1. Land areas adjacent to the City of Bellingham, or satellite areas, that are of sufficient size to adequately accommodate the projected demands for residential, commercial, transportation and public uses for a 10- to 15-year time frame.
2. Land areas where a range of urban services, i.e. sewer, water, storm drainage, transportation improvements, fire and sheriff protection, and parks and recreation, presently exist or can be economically and efficiently provided in the near future.

3. Areas that contain an adequate supply of vacant urbanizable land to avoid the artificial inflation of land values.

4. The boundaries of the URBAN RESERVE designation should:
   (a) be well defined, logical, provide a physical "sense of community," and be capable of being expanded to accommodate additional urban growth as the need arises; and
   (b) acknowledge existing and potential land use densities as to their urban or rural character. Urban land use densities should be included within the urban service areas; whereas, rural land use densities may be grounds for excluding such areas.

A.1 URBAN RESERVE MEDIUM DENSITY

Rationale

Through the application of the locational criteria described above, lands adjacent to municipalities or satellite areas that are considered to be urbanized within the planning period and can be served with a full range of urban services should be designated as URBAN RESERVE. Within these areas, Whatcom County recognizes the need to provide a land supply where more affordable housing types, such as condominiums, apartments, townhouses and mobile home parks, can be situated. To address this need, an URBAN RESERVE MEDIUM DENSITY comprehensive plan land use designation is provided which includes two maximum density classifications: six dwelling units per acre and twelve dwelling units per acre. The following locational criteria provides direction for the placement of the respective medium density classifications:

Locational Criteria

1. The density classification of six dwelling units per acre should be applied to areas that are adjacent to low density urban reserve areas.

2. The density classifications of twelve units per acre should be applied to areas that are either adjacent to existing or planned residential developments containing similar density levels, or adjacent to existing or planned commercial or light industrial developments where such activities are considered as complementary and compatible with multi-family residential living.

B. RESIDENTIAL RURAL

Rationale

Not all citizens prefer to live in concentrated urban areas but instead prefer a setting of less density. This setting commonly implies that urban
utility services (public provision of both sewer and water) are not planned, sheriff and fire protection are provided to a lesser degree than in urban areas, roadways have not been scheduled for capital improvements to county standards and the residential landscape is visually different from urban areas. In addition, residents of such areas are usually not self-sufficient and instead rely on urban areas for amenities such as shopping, employment and entertainment. Thus, the RESIDENTIAL RURAL designation is intended to provide land areas in close proximity to urban areas where nonurban living patterns may develop with minimal public service costs.

Locational Criteria

The criteria to be used for the application of the RESIDENTIAL RURAL designation include the following:

1. Land currently served or planned to be served with only a partial range of urban level services, i.e. publicly provided sewer or water, fire and sheriff protection, and storm drainage (where appropriate);

2. Land areas where low density residential development currently exists and where such densities are planned to continue in the future; and

3. Lands that contain soils that are generally not considered as suitable for commercial agriculture, forestry or mineral extraction.

Because of the nonurban nature of RESIDENTIAL RURAL areas, transportation facilities are limited to a secondary arterial or lower classification, and road improvements are limited to maintenance only. In addition, the boundaries of Residential Rural areas should be well defined with physical or man-made features.

C. RURAL

Rationale

The present land use pattern in several areas of the subarea are characterized by part- to full-time farming or forestry and low density residential activity. This type of landscape can be considered as "rural," i.e. an area containing a combination of pastureland, woodlots and dispersed residential settlement land use patterns.

Dispersed settlement patterns are perhaps a function of the absence of past and future public commitments concerning the provision of sewer, water and roadway improvements, and the preference to live in a very low density rural setting. Additionally, physical conditions (soils, water or topography) may have imposed constraints to higher densities of development.

These areas may also contain nonrenewable natural resources, such as soils which contribute to agricultural or forestry productivity, or sand and gravel deposits suitable for extraction.

The rural areas of the subarea offer alternative residential living styles compared to that of the urban or moderately dense residential setting. Employment alternatives also exist that are associated with part- or full-time agriculture, forestry and home occupations. In addition, the existing
parcel sizes are sufficient to accommodate future land use disposition, beyond the planning period, as agricultural, forestry or low-to-moderate density residential areas.

Thus, the RURAL designation is important in the Subarea Plan in that it provides flexibility concerning very low density residential, forestry and agricultural land uses while retaining future private and public options pertaining to land management.

Locational Criteria

The criteria to be used for the application of the RURAL land use designation include the following:

1. Lands where the existing dwelling unit density is less than one dwelling unit per two acres, average parcel size is greater than two acres, land use history indicates a blend of part- and full-time agriculture forestry and woodlot operations;

2. Lands where sewer service is provided by on-site septic disposal and water service is provided by on-site wells, surface water supplies and water associations. In addition, future water and sewer service is not intended to be supplied by city, county or district service entities; and

3. Lands that pose physical developmental constraints such as slow soil percolation rates, seasonal ponding, the presence of aquifers or groundwater recharge areas and topography in excess of 15% slope.

D. FORESTRY

Rationale

Historically, forestry and related industries have assumed a significant role in the local economy, a role which has expanded to affect state, national and international economies. Not only is forestry economically important, it is significant in the renewable resource base afforded Whatcom County through forest management. In addition, forested areas often contain nonrenewable mineral and nonmineral resources, serve as wildlife habitats and contribute to watershed management. However, as population increases, related development may create pressure to irrevocably convert forest land. Therefore, it is imperative that Whatcom County provide for the long-term productivity of forest and related resources by safeguarding such areas from conversion to nonforest uses. Planning these areas for FORESTRY will augment the continued viability of Whatcom County's renewable and nonrenewable resource base.

Locational Criteria

Areas which are suitable for the FORESTRY designation may be identified through analysis of the following land use, social and physical factors:

1. Land use patterns indicate a predominance of large parcel sizes ranging from 20 to 640 acres.
2. Parcels are usually owned for the purpose of growing and harvesting timber by major timber industries, logging companies, the State of Washington and private individuals engaged in woodlot operations.

3. The majority of parcels are classified in current use tax assessment, consistent with the provisions of Washington State law.

4. There is a minimal amount of public roads and other services which are generally precursors to and augment residential development.

5. Certain physical constraints to residential development may also exist such as slopes in excess of 15%, soils which are not suitable for septic tanks or conventional building foundations, unstable geologic units or wildlife habitats.

6. Nonrenewable natural resources such as minerals, coal, gravel or soils which may augment forestry management may also be present.

E. PUBLIC

Rationale

This designation recognizes those parcels and facilities currently in or planned for public ownership where the primary function is to provide public services. The intent of this designation is to assure continuation and potential expansion of acreages, facilities and services at levels consistent with population requirements and effected in a manner that is compatible with surrounding land uses.

Locational Criteria

To identify areas which are suitable for the PUBLIC designation, the following criteria are employed:

1. Parcels are currently owned or considered for ownership by public agencies such as the Federal Government, State of Washington, Whatcom County, cities (when property is situated outside of municipal boundaries), and special purpose districts such as school, fire and water districts; and

2. The function of parcel ownership is to provide public services such as recreation, education, utilities, communications, transportation (not including roadways), solid waste disposal and health care.

F. QUASI-PUBLIC

Rationale

The QUASI-PUBLIC land use designation is necessary to distinguish those areas where public institutional uses exist which are under private control; and the scope of the institutional uses is different, both in function and attendant on- and off-site impacts, from surrounding land uses. Thus, the QUASI-PUBLIC designation intends to assure continuation of institutional
functions in a manner which will not be affected by or affect surrounding land uses.

Locational Criteria

Areas which should be designated as QUASI-PUBLIC shall conform to the following criteria:

1. Parcels are owned by institutions such as churches, universities, colleges, schools or private foundations; and

2. The purpose of parcel ownership is to provide education, religious training, meeting centers, day use recreation, summer camps or a combination thereof.
VI. POLICIES

Introduction

Many land use problems may arise through urbanization of the Lake Whatcom Watershed. A most fundamental concern is the effect that urbanization will have on the waters within the watershed and upon which the population of the greater Bellingham area will be dependent in the foreseeable future. Uncontrolled urbanization will degrade water quality and reduce water quantity during critical periods of the year, thereby further degrading water quality which will affect the appearance of Lake Whatcom, jeopardize public health and increase treatment costs, and hasten the need for development of supplementary water sources. Actions are recommended as necessary for the development of appropriate land use controls that are urgently required to avoid these unnecessary consequences in both the public and private interests. 

The policies contained herein provide the basis to guide and influence the appropriate location, type, intensity, timing and servicing of land use patterns within the Lake Whatcom Subarea. The policies have been developed in accordance with the planning process and are intended to respond to a myriad of issues identified by the public and private sectors of the Subarea. During the citizen participation stages of the planning process, a concern expressed by many residents was that the Planning Commission should adhere to a very conservative and cautious approach in developing the Lake Whatcom Subarea Plan to ensure against detrimental impacts to the quality and quantity of the lake's water supply. The Planning Commission has embraced this concern and has proposed a plan that, in general, presents a status quo approach to urbanization in the watershed until the various hydrological characteristics and the effects of urbanization on the watershed are more fully known. Whatcom County, together with the City of Bellingham and District No. 10, is currently applying to the Washington State Department of Ecology to fund a diagnostic and feasibility study to determine the hydrological characteristics of the watershed.

Therefore, the focus of the following policies is to promote the conservation of the Lake Whatcom Watershed through recognition of existing patterns of Urban, Rural and Forestry land uses while deterring major alternations of the existing land use patterns until the findings of the aforementioned study are available.

The following policies address the various land use designations illustrated on the Comprehensive Plan Land Use Map, community facility and utilities, environmental features and transportation.

*AD HOC Lake Whatcom Watershed Citizens Committee Report
A. URBAN RESERVE

Intent Statement

The primary purpose of the URBAN RESERVE policy is to promote an orderly transition from rural land uses and densities to urban uses and densities, while moving toward the attainment of the Regional Design Goal with respect to future urban development. In addition, the policy intends to encourage the responsible growth of urban areas by assuring that an adequate range of urban services (sewer, stormwater drainage, schools, parks, water, fire and sheriff protection) are available to support urban level densities. When such services are available, development should occur in neighborhood units which have appropriate levels of densities, uses and circulation networks.

To facilitate future urban growth, the URBAN RESERVE policy is intended to discourage the establishment of interim uses and subdivision patterns which may foreclose significant future alternatives pertaining to urban densities and the efficient provision of services. Moreover, this policy is intended to maintain, prior to the approval of an accepted site specific plan for the implementation of services, the low density character of the area and to allow reasonable uses of property by permitting compatible residential, recreational, commercial, forestry and agricultural land uses. Finally, the designation and application of the URBAN RESERVE policy is intended to accomplish the following objectives:

1. To reduce urbanization and encroachment pressures on lands that are most suitable to intensive agricultural or forestry operations.

2. To stabilize land speculation and the artificial inflation of land values in the "urban fringe" by designating an adequate amount of land for urban growth and uses during the planning period.

3. To provide land owners with a reasonable expectation of future municipal and county land use policies.

4. To reduce inequitable taxing structures on nonurban land located near urbanizing areas.

5. To conserve energy resources by reducing unnecessary travel between living, shopping and work places.

6. To encourage the conservation of natural resources and environmentally sensitive areas, both within and outside of the area designated as URBAN RESERVE.

Policy Statement

1.01 It is herein the policy of Whatcom County to plan for future urban development in certain portions of the Lake Whatcom Subarea by designating such lands as URBAN RESERVE on the Comprehensive Plan Land Use Map. The boundaries of the Geneva and the Sudden Valley URBAN RESERVE areas have been delineated in conformance with the Locational Criteria, as set forth in the previous section. The predominate land use pattern within these URBAN RESERVE areas shall be residential and related forms, including neighborhood parks, schools, neighborhood commercial, public and recreational uses.
1.02 Within the areas designated as URBAN RESERVE, the future land use patterns are intended to be urban. Similarly, the level of services should also be urban. Thus, future urban development shall be provided with a full-range of urban services that includes public sewer and water, fire and sheriff protection, transportation facilities, parks, schools and stormwater drainage systems.

1.03 Since urban services are currently being provided by a multiplicity of service entities, i.e. city, county and district, it is the policy of Whatcom County to coordinate the service areas and standards of each service entity to attain a uniform and appropriate level of urban service. (Refer to Community Facilities and Utilities Policies to determine the agency responsible for service).

1.04 To move toward the implementation of the county's residential land use goal and to further the intent of the URBAN RESERVE land use designation, it is the policy of Whatcom County to designate and plan for new urban neighborhoods. These neighborhoods should be based on the following commonly accepted criteria: sufficient size, utilization of man-made and natural boundaries; the manageable and efficient provision of sewer, water, transportation services, fire and sheriff protection services, and stormwater drainage; and an available supply of vacant developable land. The components of a neighborhood should include the following: an elementary school, if necessary; recreational facilities, including neighborhood parks; neighborhood commercial uses; a variety of residential structures and uses; and efficient pedestrian and vehicular circulation networks.

1.05 With the intent of acknowledging existing urban development patterns and reserving land for future urban uses, densities and service levels, it is the policy of Whatcom County to establish two (2) land use densities within the areas designated for URBAN RESERVE. Where a full range of services are available, the density shall be three (3) dwelling units per acre, and where such services are nonexistent, the density shall be one (1) dwelling unit per five (5) acres. To implement this policy for each of the URBAN RESERVE areas, the following policies are provided:

1.05.1 In the Geneva Analysis Area, Whatcom County shall amend its Zoning Map to the Urban Residential zoning district. The applicable land use density shall be three (3) dwelling units per acre where sewer, water, transportation, fire and law enforcement services currently exist.

In areas where such services do not exist, the applicable density shall be one (1) dwelling unit per five (5) acres of land area.

1.05.2 In the Sudden Valley Analysis Area, Whatcom County shall amend its Zoning Map to the Urban Residential zoning district. The applicable land use density for residential development shall be three (3) dwelling units per acre where sewer, water, transportation, fire and law enforcement services currently exist. In areas where such services do not exist, the applicable density shall be one (1) dwelling unit per five (5) acres of land area.

Whatcom County shall amend its zoning map to designate tracts of R, L, J, K, S, U, Q, N-Z and P (described in the "Protective
Covenants for Sudden Valley Condominium Tracts" dated June 9, 1977 and recorded under Whatcom County Auditor's File No. 1254476) as multi-family or condominium tracts within the Medium Density (MUR-12) zoning district with maximum densities of eight dwelling units per acre to ten (10) dwelling units per acre with a commensurate reduction in single-family lots located elsewhere in the Sudden Valley Subdivision or through a reduction of multi-family units allocated to the above described tracts including Tract Y.

Whatcom County shall amend its zoning map to designate Tract Z, W, the Byron Tract and Airport: as multiple-family or condominium tracts within the Medium Density (MUR-12) zoning district with maximum densities of three (3) dwelling units per acre. Densities may, however, be increased beyond three (3) dwelling units per acre to ten (10) dwelling units per acre with a commensurate reduction in single-family lots located elsewhere in the Sudden Valley Subdivision or through reduction in multiple-family units allocated to any parcels in Sudden Valley.

(a) Reduction of single-family lots for the purpose of increasing the density on said tracts shall be accomplished as follows: Platted single-family building lots shall be procured consistent with the provisions of Title 20.20.252 and/or 20.83.020 and .080 and designated as nondevelopable lots through the filing of an irrevocable deed restriction which has been certified by the Whatcom County Zoning Administrator. Said deed restriction shall also indicate the total number of additional units to be added to the respective area tracts resulting from the reduction of single-family lots.

(b) Reduction of multi-family units for the purposes of increasing density on said tracts shall be accomplished as follows:

Multi-family dwelling units that are allocated to said tracts may be transferred between said tracts through the filing of an irrevocable deed restriction, certified by the Whatcom County Zoning Administrator, that indicates the number of multi-family dwellings remaining on the various area tracts from which such units have been transferred and the corresponding increase in additional multi-family units to be allocated.

1.05.3 At such time that a full range of urban level services (public sewer, water, transportation, storm drainage, fire and law enforcement) can be provided to previously unserviced lands within the URBAN RESERVE area, Section 20.20.250 of the Official Whatcom County Zoning Ordinance shall be applicable.

1.06 Within the URBAN RESERVE areas, a clustering option shall be provided to the applicant for the new land subdivisions. The purpose of this option is to provide economic flexibility to the individual property owner, promote economic lot design, conserve nonrenewable natural resources and environmentally fragile areas, retain future options with respect to land use decisions, and maintain the low density Residential character of the
area. When applying the "clustering option," the URBAN RESIDENTIAL zone classification, as established in the zoning ordinance, shall be utilized to establish the overall density of the parcel of record. New land subdivisions for residential purposes shall be designed consistent with the following policies:

1.06.1 To minimize encroachments (ingress and egress) along county roads, subdivision design shall be discouraged from forming linear residential patterns adjacent to said roads.

1.06.2 When practicable, structures on open landscapes should be sited and designed to minimize disruptions of views from adjacent properties and public roadways. In addition, it is preferred that residential structures be placed at the perimeter of fields or within existing wooded areas (although the application of solar energy technology may require some departures from these preferences in specific instances).

1.06.3 When a "cluster" subdivision is situated adjacent to less intensive uses (agriculture, forestry or large parcel residential), the subdivision shall be buffered at the site periphery to prevent the encroachment of vehicles, pedestrians, animals and nuisances on to less intensively utilized parcels.

1.07 The cluster method of subdivision is defined as an alternative method of creating building parcels that involves:

(a) Concentrating spatially efficient and marketable building lots while preserving the intent of the land use district; and

(b) retaining options for future uses and densities by treating the land as both a commodity and a resource.

The density of the use district defines the number of allowable dwelling units per land area. Land area not used for building purposes is designated as "Reserve Tract." Section 20.20.300 of the Official Whatcom County Zoning Ordinance further describes the purposes and uses of Clustering and the Reserve Tract.

1.08 Existing and planned land use patterns in the Geneva and Sudden Valley URBAN RESERVE areas are intended for low density residential uses. As these areas develop, it is anticipated that a demand will exist for neighborhood commercial uses. To accommodate this anticipated demand, the following policies are provided:

1.08.1 The Sudden Valley URBAN RESERVE area should be provided with neighborhood commercial shopping complexes to accommodate the neighborhood’s demands for convenience goods and services. Selection of the most appropriate site should be consistent with the following: located on a collector or secondary arterial, centrally located to the service area of the neighborhood, and be approximately five (5) acres in size.

In addition, the architectural and design should be compatible with the residential character of the neighborhood.
To acknowledge the existing marina and resort near Strawberry Point, Whatcom County shall designate such use as a legal nonconforming use which shall be administered under the applicable provisions of the zoning ordinance.

1.08.2 To acknowledge the neighborhood commercial uses in the Geneva URBAN RESERVE area, such uses shall be conditionally permitted in the Urban Residential zoning district.

1.08.3 To acknowledge the geographical area in Sudden Valley containing the restaurant, clubhouse and leased condominiums as a resort area. This commercial area shall be implemented with a new zoning district which shall be incorporated into the Official Whatcom County Zoning Ordinance.

1.09 At present, several productive, large lot residential land use forms exist within the areas designated as URBAN RESERVE. Because of their well-established nature, it is conceivable that such areas may not be converted to increased urban densities in the future. As urbanization occurs on the periphery of these areas, it is important to maintain their respective character and stability while ensuring against detrimental impacts. Thus, the following design standards shall be applied to adjacent urban development:

1.09.1 Residential subdivisions and other urban uses shall buffer themselves with adequate landscaping, screening or fencing to prevent the encroachment of vehicles, pedestrians, animals and nuisances onto less intensively utilized parcels.

1.09.2 Where practicable, subdivision and other urban uses shall be designed in such a manner as to channel their activity sources (vehicular and pedestrian networks) to the interior spaces of the site.

1.10 As part of the effort to effectively manage urban growth and so that the City of Bellingham may be aware of major subarea activities which may affect its best interests, the following policies are provided:

1.10.1 To further a joint exchange of information, Whatcom County shall send copies of applications of major land use, transportation and service entity activities proposed within the subarea to the City of Bellingham within fifteen (15) days of application receipt by the county.

1.10.2 The City of Bellingham is requested to send copies of future proposals concerning the expansion of the City's Water Service Zone and Sewer Service Zone boundaries to the Whatcom County Planning Department. The purpose of such referral is to afford the county's input in the delineation of the boundary, as well as any related Comprehensive Plan and zone district changes.

1.11 While it is not anticipated that adjustments to the URBAN RESERVE land use designation will be necessary within the planning period, unexpected population growth of the subarea may result in a need to expand the area designated as URBAN RESERVE. If such need exists, the Comprehensive Plan should be amended consistent with the Amendment Criteria Section to include additional urbanizable land commensurate with the demand.
B. RESIDENTIAL RURAL

Intent Statement

The intent of the RESIDENTIAL RURAL land use designation is to maintain the existing low density character of an area. Densities should range from one (1) dwelling unit per acre to two (2) dwelling units per acre, depending upon the range of county approved services and existing lot sizes. If there is adequate transportation capacities, publicly provided sewer or water, and lot sizes of greater than one acre exist or are planned, the density of residential development shall be one (1) dwelling unit per acre. Where a partial range of services exist or are planned, and the average lot size is less than or equal to 18,000 square feet, the density of residential development shall be two (2) dwelling units per acre. As a means of efficiently utilizing land, maintaining the present low density residential character, and retaining options regarding increased densities and services in the future, it is the intent of the RESIDENTIAL RURAL designation to provide for the option of "clustering" in the design of new subdivision proposals.

Policy Statement

1.01 Recognizing the past public commitments that have been made for low density residential and related uses, it is the policy of Whatcom County to designate the following areas as RESIDENTIAL RURAL and to depict the areas as such on the Comprehensive Plan Land Use Map:

1.01.1 The North Shore area which is generally bounded by the City of Bellingham on the west, the shoreline on the south, the eastern boundary of Water and Sewer District No. 10's ULID #1 on the east and north, and the Bonneville Power Administration Powerlines and boundary of the RR-2 zone line on the north.

The Squalicum Mountain area which exists north of the watershed boundary in Sections 13 and 14, Township 38 North, Range 3 East.

1.01.2 The Southwest Shore area which is generally bounded by Strawberry Point, the shoreline, the Lakewood-Sudden Valley property lines, and a portion of the State of Washington plat and the southwest quarter of Township 34, Section 38 North, Range 3 East.

1.01.3 The South Bay area which is generally bounded by the shoreline, the Whatcom County Park Department property line and South Bay Drive.

1.02 Within the area designated as RESIDENTIAL RURAL, typical uses shall include single-family attached and detached dwellings, preferably in a "cluster" formation; public parks and recreation facilities; home occupations; and neighborhood grocery stores.

1.03 Whatcom County shall implement the RESIDENTIAL RURAL land use designation by application of the RESIDENTIAL RURAL zone district, in which the residential density ranges from one (1) dwelling unit per acre to two (2) dwelling units per acre.

1.03.1 The density of one (1) dwelling unit per acre shall apply to the following areas: The North Shore area bounded by the ULID 16
eastern boundary described as that portion of the east line of the west half of the southwest quarter of the southeast quarter of Section 24, Township 38 North, Range 3 East of W.M., Whatcom County, Washington, lying northerly of North Shore Road and southerly of the southerly line of Bonneville Power Administration transmission line easements across said southwest quarter of the southeast quarter on the west, the Bonneville Powerlines right-of-way on the north, Sewer and Water District No. 10’s UILID #11 on the east and north, and North Shore Drive on the south and the South Bay area.

1.03.2 The density of two (2) dwelling units per acre shall apply to the Southwest Shore and North Shore area (as described in Policy 1.01.1) excluding those lands described in 1.03.1 above.

1.04 Within the RESIDENTIAL RURAL zone district, new land subdivisions for residential purposes may be designed with either a conventional or cluster lot layout pattern. Whichever subdivision pattern is used, the following policies shall pertain to the subdivision design.

1.04.1 The overall density of development, pertinent to the original parcel of record, shall not exceed the density provisions addressed in Policies 1.03.1 and 1.03.2 above.

1.04.2 To minimize encroachments (ingress and egress) along existing county roads, subdivision design shall be discouraged from forming lineal residential patterns adjacent to said roads.

1.04.3 When practical, structures should be designed to minimize disruption of views, maximize solar heating opportunities and conserve existing vegetative cover.

1.04.4 When a subdivision is situated adjacent to less intensive land use designations such as FORESTRY or RURAL, the subdivision shall be buffered at the site periphery to prevent the encroachment of vehicles, pedestrians, animals and nuisances onto other less intensively utilized areas.

1.05 The existing neighborhood commercial uses in the Agate Bay area shall be conditionally permitted within the Residential Rural zone district.

1.06 The cluster method of subdivision is defined as an alternative method of creating building parcels that involves:

(a) concentrating spatially efficient and marketable building lots while complying with the intent of the land use district; and

(b) retaining options for future uses and densities by treating the land as both a commodity and a resource.

The density of the use district defines the number of allowable dwelling units per land area and establishes a minimum lot size. Minimum lot size is intended to be consistent with Whatcom County Health Board Rules and Regulations concerning soil percolation rates for septic systems. Land area not used for building purposes is designated as a "reserve tract" and should be used for agriculture,
forestry, open space or future subdivision at such time the Comprehensive Plan is amended to allow an increase in density. The Official Whatcom County Zoning Ordinance describes the density for various land use districts where the cluster method can be utilized, the criteria to be used in designing building lots, and the provisions of the reserve tract.
C. RURAL

Intent Statement

The primary intent of the RURAL policy is to provide areas of multiple use suitability such as agriculture, forestry, mining, low density residential and home occupations. The multiple use potential of RURAL areas may be contrasted with those of other areas within which past commitments such as residential subdivisions and attendant services or resource availability, i.e. agricultural soils or timber stands, have dictated single land use suitability.

An additional intent of the policy is to move toward attainment of the Regional Design Goal with respect to future rural development in which residential density should be low, not result in a demand for urban services (publicly provided sewer and water, storm drainage, fire and sheriff protection, and transportation improvements), conserve agricultural and forest lands, and complement the existing "rural" character. The "rural" character may be defined as an area where there is a mixture of pastureland, cropland, woodlots and dispersed settlement land forms.

The RURAL policy is also intended to acknowledge physical and cultural factors which currently are and during the planning period will continue to be limitations to higher densities. Physical factors relate to soil percolation rates, depth to groundwater level, steep topography, and the presence of aquifers; whereas, cultural factors pertain to the absence of public services and circulation networks. Moreover, this policy intends to conserve environmentally fragile areas and retain future access options with respect to nonrenewable natural resources (sand, gravel, coal and minerals, and soils which contribute to agricultural and forest productivity).

To encourage the multiple land use potential, retain the "rural" character of the area, acknowledge factors which may preclude higher densities, and retain future options with respect to land use decisions and natural resource utilization, it is the intent of the RURAL policy to provide the option of "clustering" in the design of new rural subdivisions.

Policy Statement

1.01 It is herein the policy of Whatcom County to designate portions of the Lake Whatcom Subarea, which are consistent with the Rural Locational Criteria, as RURAL and depicth them as such on the Comprehensive Plan Map. Applicable areas include the following:

1.01.1 The "Y" – Squalicum area which is generally bounded by the subarea boundary on the north, the topographic break between 0-15 and 15-30% slope on the east and west, and the Bonneville powerline right-of-way on the south.

1.01.2 The Toad Lake area which is generally bounded by Toad Lake Road and the subarea boundary on the west, the Bonneville powerline right-of-way on the south, and timber lands on the north and east.

1.01.3 The North Shore-Sunnyside area which is generally bounded by the Bonneville powerline right-of-way on the northeast, the Whatcom County Park Department property on the southeast, the shoreline on
the west, and Water District No. 10's ULID boundary on the northwest.

1.01.4 The Park Road valley area which is generally bounded by timber lands on the north, east and south, and South Bay Drive on the west.

1.01.5 The South Bay area which is generally bounded by the shoreline, South Bay Drive, the intersection of Cain Lake Road and South Bay Drive on the north, timber lands on the east and west, and the subarea boundary on the south.

1.01.6 The South Lake Whatcom Boulevard area which is generally bounded by Lake Whatcom Boulevard on the west, the Firs property on the north, the shoreline on the east, and the intersection of Cain Lake Road and South Bay Drive on the south.

1.01.7 The upper Geneva area which is generally bounded by the URBAN RESERVE and RESIDENTIAL RURAL plan designation on the north, FORESTRY plan designation on the south, and the RESIDENTIAL RURAL plan designation on the east and west.

1.01.8 The Blue Canyon area which is generally bounded by Park, the 420 foot contour line and the shoreline.

1.01.9 The Academy Road area bounded by the city limits on the west, the Bonneville Powerline right-of-way on the north and east, and the northern boundary of the RR-2 zone line on the south.

1.02 The RURAL land use designation shall be implemented through the use of the Rural zone district which allows a maximum land use density of one (1) dwelling unit per two (2) acres and one (1) dwelling unit per five (5) acres. Consistent with the Locational Criteria for the RURAL land use designation, the density of one (1) dwelling unit per two (2) acres shall be applied to the South Lake Whatcom Boulevard area, South Bay area, the upper Geneva area, the Blue Canyon area, the Academy Road south of Academy Road and the North Shore-Sunnyside area. The density of one (1) dwelling unit per five (5) acres shall be applied to the Toad Lake, "Y" - Squalicum, Park Road valley, and the Academy Road area north of Academy Road and upper Geneva areas.

1.03 The existing neighborhood commercial use and in the South Bay area shall be conditionally permitted within the Rural zone district.

The existing resort uses in the South Bay area shall be considered as legal nonconforming uses and thus will be administered under the applicable provisions of the zoning ordinance.

1.04 The option of clustering in the design of new subdivisions is provided as a means of maintaining the low density rural character, conserving natural and environmentally fragile areas, and encouraging site design to reflect both physical and economic conditions while retaining future options with respect to land use decisions. When applying the "clustering option," the appropriate zone classification shall be utilized to establish the overall density of development pertinent to the parcel of record. For example, a forty acre parcel situated within a Rural Five Acre (R5A) zone
classification could have a maximum of eight building lots with the minimum lot size established consistent with the Whatcom County Health Department's regulations for on-site septic disposal systems. In addition, new land subdivisions for residential purposes shall comply with the following policies:

1.04.1 To minimize encroachments (ingress and egress) along existing county roads, subdivision design shall be discouraged from forming lineal residential patterns adjacent to said roads.

1.04.2 When practical, structures on open landscapes should be sited and designed to minimize disruptions of views from adjacent properties and public roadways. In addition, it is preferred that residential structures be sited within the periphery of wooded areas to complement and further the rural character of the area.

1.04.3 When a "cluster" subdivision is situated adjacent to less intensive uses (agriculture, forestry or large parcel residential), the subdivision shall be buffered at the site periphery to prevent the encroachment of vehicles, pedestrians, animals and nuisances onto less intensively utilized parcels.

1.05 The cluster method of subdivision is defined as an alternative method of creating building parcels that involves:

(a) concentrating spatially efficient and marketable building lots while maintaining the intent of the land use district; and

(b) retaining options for future uses and densities by treating the land as both a commodity and a resource.

The density of the use district defines the number of allowable dwelling units per land area and establishes a minimum lot size. Minimum lot size is determined consistent with Whatcom County Health Board Rules and Regulations concerning soil percolation rates for on-site septic systems. Land area not used for building purposes is designated as a "reserve tract" and should be used for agriculture, forestry, open space or future subdivision at such time as the Comprehensive Plan is amended. The Official Whatcom County Zoning Ordinance describes the density for various use districts where the cluster method can be utilized, the criteria to be used in designing building lots and the provisions of the reserve tract.

1.06 It is the policy of Whatcom County to encourage property owners to conserve Prime Farmlands, Farmlands of Statewide Importance and forested areas by utilizing the provisions of RCW 84.34.
D. FORESTRY

Intent Statement

The FORESTRY designation intends to move toward attainment of the Whatcom County Goal Statements which address the conservation of forest lands and provide for the continued economic vitality of forest industries. To accomplish such, the FORESTRY designation intends to identify areas which are suitable for the long-term productivity and sustained use of forest resources. To minimize conflict with and encroachment by nonforest uses, and to guard against forest land conversion, the policies intend to discourage residential and recreation/residential uses. Moreover, the FORESTRY designation intends to accommodate other compatible and related uses such as nonrenewable resource extraction, wildlife management, watershed management and dispersed recreation. Finally, the FORESTRY designation intends that uses are conducted in accordance with applicable local, state and federal regulations.

Policy Statement

1.01 It is the policy of Whatcom County to designate those portions of the Lake Whatcom Subarea which conform to the Locational Criteria established in the previous section as FORESTRY on the Comprehensive Plan Land Use Map. To implement this policy, the existing Rural, Rural Farm, Potential Suburban and Forestry designations shall be repealed and amended to FORESTRY, consistent with the policies stated herein.

1.02 The principal use of FORESTRY areas shall be sustained yield forest management which is conducted in accordance with the Washington State Forest Practice Act (RCW 76.09) and the rules and regulations promulgated thereunder (WAC 222), as administered by the Department of Natural Resources. Forest management includes practices such as timber production, harvesting and reforestation; forest chemical use; logging road construction and maintenance; fire prevention and suppression; the protection of public resources including water quality, fish and wildlife, and seed orchards; and small, private timber production such as woodlot operations.

1.03 Secondary uses of FORESTRY areas shall include forest industries which are a necessary adjunct to forest management; utilities such as electrical transmission line corridors, micro-wave relay stations, and micro and small scale hydro-electric generation facilities; dispersed and low intensity recreational activities; mineral and nonmineral extraction; and fish, wildlife and watershed management.

1.04 It is the policy of Whatcom County to require local public review of secondary uses in FORESTRY areas with the intent of determining the following:

1.04.1 The use will not cause a permanent and irrevocable commitment of the forest resource to other uses.

1.04.2 The use will not prohibit or impact the intensive operation of adjoining forest practices.

1.04.3 The use will have fire prevention and suppression plans, and will not create a fire hazard for adjoining forestry operations.
1.04.4 The use is in compliance with all applicable local, state and federal regulations.

1.04.5 When proposed to be situated within the Lake Whatcom Watershed, the use will not significantly impact or degrade surface and subsurface water quality and quantity characteristics.

1.05 It is the policy of Whatcom County to establish twenty (20) acres as the minimum parcel size for sustained yield forest management, as well as to safeguard forest lands from potential impacts generated by secondary uses.

1.06 It is the policy of Whatcom County to foster compatibility between forest practices and residential uses by establishing a minimum parcel size of twenty (20) acres for each residence, requiring all residential and related structures to be situated a minimum of two hundred (200) feet from parcel boundaries, and assuring that all potential residents are clearly informed of the principal use of FORESTRY areas and the intensive forest practices which may reasonably and lawfully occur in the normal course of forest management.

1.07 It is the policy of Whatcom County to implement the FORESTRY designation and policies with the Forestry zone district which shall also include provisions for the above stated Policies 1.02, 1.03, 1.04, 1.05 and 1.06.

1.08 It is the policy of Whatcom County to encourage the Department of Natural Resources to continue county notification of all classes of forest practice applications. In addition, the county shall encourage the DNR to conduct public information programs, when jointly determined to be necessary, concerning forest practices which are proposed to occur within the Lake Whatcom Watershed.

1.09 It is the policy of Whatcom County to encourage private forest and woodlot owners to conserve the county forest resource base by utilizing the current use tax assessment provisions of RCW 84.26, RCW 84.33 and RCW 84.34.

1.10 Pursuant to the provisions of RCW 79.68 (Multiple-Use Concept in Management and Administration of State-owned Lands), it is the policy of Whatcom County to encourage continued multiple-use management of state-owned forest lands.
E. PUBLIC

Intent Statement

With reference to parcels which currently are owned or planned for ownership by public agencies, the intent of the following policies is to implement the County Goal Statements relating to public facilities and services, and to assure the continued public provision of a variety of services in a manner that is commensurate with population levels and requirements. Furthermore, the policies are intended to optimize public investments and promote compatibility between public functions and surrounding land uses.

Policy Statement

1.01 It is the policy of Whatcom County to designate areas as PUBLIC on the Comprehensive Plan Land Use Map when such areas are consistent with the Locational Criteria of the previous section. Typical uses in PUBLIC planned areas include facilities and services related to the provision of recreation, education, utilities, communications, solid waste disposal, health care and water diversion works.

1.02 Within the Lake Whatcom Subarea, the following uses shall be designated PUBLIC: state and county-owned parks, wildlife reserves and fish hatcheries; schools; fire stations; health care facilities; district owned water treatment plants and storage facilities; district owned sewer transmission facilities; federally owned electrical transmission line corridors; and municipally owned water diversion corridors.

1.03 Implementation of the PUBLIC designation shall be accomplished by:

1.03.1 application of the Recreation and Open Space zone to public recreation areas; and

1.03.2 by designating all other public functions to be used by right or condition within Whatcom County zoning districts.

1.04 Pursuant to the Inter-Local Cooperation Act (RCW 39.34), it is the policy of Whatcom County to encourage public agencies to prepare and adopt long-range plans which address future land, facility and service requirements; the objective of which is to coordinate public and private activities, as well as to minimize potential future conflict between various public agencies and the private sector regarding plan implementation.

1.05 It is the policy of Whatcom County to cooperate and coordinate with the Whatcom County Parks Department in the integration of existing park plans into a Recreation and Open Space Element which will augment the County Comprehensive Plan. In addition, the County Parks Department shall be encouraged to participate in neighborhood park planning within the areas designated as URBAN RESERVE and RESIDENTIAL RURAL on the Comprehensive Plan Land Use Map.

1.06 It is the policy of Whatcom County to encourage public agencies to attain those parcels which benefit the continued operation of their function. Whenever practical, joint agreements between agencies shall be encouraged to expedite efficient public expenditure.
1.07 Whenever practical, it is the policy of Whatcom County to encourage multi-purpose use of public land facilities and services.

1.08 It is the policy of Whatcom County to minimize visual and functional impacts of PUBLIC land uses through utilization of aesthetic site design which is compatible with the character of the surrounding area.
F. QUASI-PUBLIC

Intent Statement

QUASI-PUBLIC land uses are defined as institutional uses operated for the public but under private control. The Quasi-Public uses that exist in the subarea include religions, educational, recreational and institutional facilities. These uses warrant a separate land use designation due to their distinctive character and variable impacts with surrounding uses.

Thus, the following policies serve to identify the type of use, location, and zoning of the quasi-public uses and properties within the Subarea.

Policy Statement

1.01 Whatcom County shall designate the following institutional uses and properties on the Comprehensive Land Use Plan Map as Quasi-Public: the Blue Canyon Foundation, north of Agate Bay; the Firs Bible and Missionary Conference Center property in Geneva and south of Sudden Valley; the Western Washington University Lakewood facility north of Sudden Valley; and the Bellingham School District conservation and educational site in South Bay.

1.02 Because of the relatively small size of the designated Quasi-Public areas, implementation shall be accomplished by application of the adjacent zoning district which is the most consistent with the character of each respective Quasi-Public area. In addition, because of the various impacts associated with Quasi-Public uses, such uses shall be permitted as conditional uses within the respective zoning district.
G. COMMUNITY FACILITIES AND UTILITIES

Intent Statement

One of the most important factors in comprehensive planning is the relationship between land use and the provision of public services. Proportionate with the increase in land use density and attendant population levels is the increase in demand for services such as efficient sewer and water systems, efficient and safe transportation networks, adequate school and park systems, stormwater drainage systems, and capable fire and police protective services. In areas that are currently undeveloped yet planned for future urban development, the residents of Whatcom County shall be apprised of the necessary increase not only in utility services, but also in adequately staffed and equipped sheriff and fire protective services. As growth occurs in "urban fringe" and rural areas, local governments have been typically confronted with service issues that can be summarized as follows:

What governmental jurisdiction should provide the demanded services?

What is the difference between urban and nonurban services, and where do urban services stop and nonurban begin?

Under what conditions should urban and nonurban services be provided?

What services can be economically provided to both city and county jurisdictions or by a single-service purveyor?

It is the intent of the following policies to define Whatcom County's role and responsibility concerning the above issues, and to further ensure that a beneficial balance exists between the supply and demand for services, as well as encourage the cooperation among municipalities, special districts and water associations in the planning and provision of public services.

Policy Statement

1.01 It is herein the policy of Whatcom County to cooperate and coordinate with the City of Bellingham, Whatcom County Water Districts Nos. 7 and 10, Whatcom County Fire Protection Districts Nos. 2, 4 and 18, Bellingham and Mt. Baker School Districts, "Y" - Squalicum Water Association and the State of Washington in planning subarea service systems.

1.02 As described in the URBAN RESERVE policies, land areas inside the URBAN RESERVE designation are intended for urban type densities and shall be provided with a full range of urban services including publicly provided sewer and water, fire and sheriff protection, transportation and stormwater drainage systems. Therefore, Whatcom County recognizes specific service purveyors for the delivery of urban services in each of the designated URBAN RESERVE areas as follows:

1.02.1 SUDDEN VALLEY:

Sewer and Water: Whatcom County Water District No. 10

Stormwater Management: Sudden Valley Community Association and Whatcom County
Law Enforcement: Whatcom County Sheriff's Department and S.V.C.A.

Fire Protection: Whatcom County Fire Protection District No. 2

Transportation: Whatcom County and S.V.C.A.

1.02.2 GENEVA:

Sewer and Water: Whatcom County Water District No. 10

Stormwater Management: Whatcom County

Law Enforcement: Whatcom County Sheriff's Department

Transportation: Whatcom County (roadways) and City of Bellingham (public transit)

Fire Protection: Whatcom County Fire Protection District No. 2

1.03 It is the policy of Whatcom County to encourage the placement and extension of sewer and water lines in a manner that is contiguous to existing development(s). Such phased line placement is intended to discourage the occurrence of "leapfrog" development.

1.04 Lands situated outside the URBAN RESERVE areas are planned for nonurban land use densities, and thus services are intended to be commensurate with planned uses and densities for the following land use designations:

1.04.1 RESIDENTIAL RURAL: On-site domestic waste water disposal systems and individual wells, or one public utility, i.e. sewer or water provided by District No. 10; on-site or off-site stormwater detention via the regional stormwater drainage system; volunteer fire protection from a Whatcom County Fire Protection District; public service oriented law enforcement from the Whatcom County Sheriff's Department; and transportation provided by a collector arterial, maintained by Whatcom County.

Service Improvements Moratorium: Extension of existing or construction of new public facilities and private service systems to facilitate urban development in the North Shore Residential Rural designation within the watershed shall be delayed until an assessment of potential impacts to the watershed caused by the implementation of said designation is completed. Said assessment shall be one of the tasks of Phase I of the Department of Ecology funded water supply study and shall be completed no later than December 31, 1983.

As referenced above, new public facilities shall include public sewer, water, storm drainage and transportation improvements and extensions while private service systems include water associations. This policy does not apply to contracts for water service that have been executed between the City of Bellingham and Water and Sewer District No. 10 prior to the adoption of the Lake Whatcom Subarea plan, individual wells or connections to the North Shore sewer line to serve existing platted lots of record, or the
areas within two or more ULID's existing at the time of the adoption of the Lake Whatcom Subarea Comprehensive Plan.

This policy does also not apply to preliminary plat applications that have been filed prior to the adoption of this policy and the time limits that the County Council must act on the preliminary plat as described by statute have expired.

1.04.2 RURAL and FORESTERY: On-site domestic waste water disposal systems and individual well or water associations, volunteer fire protection from a Whatcom County Fire Protection District and the Department of Natural Resources; public service oriented law enforcement from the Whatcom County Sheriff's Department; and transportation provided by a collector arterial maintained by Whatcom County.

1.04.3 QUASI-PUBLIC: Public sewer and water from District No. 10 or on-site domestic wells, storm drainage, volunteer fire protection from a Whatcom County Fire Protection District; public service oriented law enforcement from the Whatcom County Sheriff's Department; and transportation provided by a collector arterial maintained by Whatcom County.

1.05 It is the policy of Whatcom County to request the City of Bellingham and Water District No. 10 to amend their Comprehensive Sewer and Water plans consistent with the level of service and geographic service area as described in Policies 1.02 and 1.04 of this section, and pursuant to RCW 57.16.40 and RCW 36.70.520.

1.06 It is herein the policy of Whatcom County to require stormwater drainage facilities inside URBAN RESERVE areas and RURAL RESIDENTIAL areas where the maximum density is two (2) dwelling units per acre. To implement this policy, Whatcom County shall seek a grant from the State Department of Ecology to develop a regional stormwater management plan for the Lake Whatcom Subarea. Moreover, it is the intent of Whatcom County to facilitate a cooperative effort in development of such a plan among affected service entities. To acknowledge this policy in each of the URBAN RESERVE and appropriate RURAL RESIDENTIAL areas, the following policies are provided:

1.06.1 Geneva: On-site stormwater collection and retention shall be required for all new property development and land use modification until the county adopts and implements a regional stormwater management plan.

1.06.2 Sudden Valley: On-site stormwater collection and retention shall be required for all new property development and land use modification until the Sudden Valley Community Association implements a stormwater drainage plan.

1.06.3 North Shore: On-site stormwater collection and retention shall be required for all new property development and land use modification until the county adopts and implements a regional stormwater management plan.
1.06.4 The North Shoreline and Southwest Shore: On-site stormwater collection and retention shall be required for all new property development and land use modification until the county adopts and implements a regional stormwater management plan.

1.07 Whatcom County shall continue to recognize Puget Power and Light as the primary energy purveyor in the subarea; however, the county encourages the use of alternative energy systems for residential, commercial, quasi-public and public land uses.

1.08 It is the policy of Whatcom County to assure that the necessary staff and equipment are available in the Whatcom County Sheriff's Department to provide adequate protective services commensurate with projected population levels in the Lake Whatcom Subarea.
H. TRANSPORTATION/CIRCULATION

Intent Statement

Transportation/Circulation is one of the key elements in comprehensive land use planning since the changes in land use density and corresponding population levels often result in the need to build new roads or to improve the operational efficiency of existing roads.

Therefore, in the Lake Whatcom Subarea it is the intent of Whatcom County to plan new road construction projects in the North Shore URBAN RESERVE area while maintaining improvement projects currently designated in the county's Transportation Improvement Program (TIP), such as operational improvements to Lake Louise, Lakeway and Austin streets as well as construction of the Whatcom Connector.

Furthermore, Whatcom County intends to provide the policy framework with which the private and public sectors can make appropriate transportation decisions with respect to fiscal responsibility and the coordination of construction projects. In addition, Whatcom County intends to adopt new road design standards and specifications which will provide an appropriate road classification system which can be implemented in the Lake Whatcom Subarea.

It is also the intent of Whatcom County to cooperate with the City of Bellingham in both land use and transportation planning in order to avoid disruption of downstream traffic patterns.

The programmed sequence and coordination of road construction projects and the implementation of design standards and specifications is also intended to provide in a more efficient transportation system resulting in more efficient use of energy and enhanced environmental conditions.

In summary, it is the intent of the following policies to ensure that land use and transportation planning mutually support the safe and efficient movement of people and goods, while optimizing public investments in the existing circulation system. Furthermore, it is the intent of Whatcom County to move toward the attainment of the Whatcom County Goal Statements with respect to transportation planning.

Policy Statement

1.01 It shall be the policy of Whatcom County to coordinate and cooperate with the City of Bellingham in the planning of new arterial routes in the Lake Whatcom Subarea.

1.02 It is the policy of Whatcom County to acknowledge the currently programmed Whatcom Connector as the most important road construction project in the Subarea.

1.03 It is the policy of Whatcom County to encourage the construction of new roads in a manner that is contiguous to existing development. Such phased road construction is intended to discourage the occurrence of "leap frog" development within the areas designated as URBAN RESERVE.
1.04 It shall be county policy to implement the road classification plan as designated on the Lake Whatcom Subarea Roadway Classification Map through conformance with the following policies:

1.04.1 It shall be the policy of Whatcom County to develop Street Standards and Specifications that define the precise urban level transportation standards to be applied within the subarea. Such standards shall also include a variety of design standards for residential streets; design options for reducing imperviousness of road or pedestrian surfaces; access control plans for each functional road classification; drainage consistent with a regional stormwater management plan; standards for roadside features and pedestrian facilities; and roadway geometrics.

1.04.2 It shall be the policy of Whatcom County to reduce the amount of impervious surfaces including streets, driveways, sidewalks, etc., whenever possible, by using "natural" engineering design methods such as the use of open, shallow, grassed street swales instead of curbs and gutters. In addition, Whatcom County shall encourage the use of alternative surfacing options such as porous asphalt pavement, precast interlocking blocks, and rolled brick or cinder chips to reduce imperviousness of driveways. Natural design methods and surfaced options can aid in reducing total surface runoff, slowing of concentration and capturing particulates.

1.04.3 Whatcom County shall use the development approval process (subdivision, zoning and building permit) to establish community circulation patterns and to secure right-of-way and construction of all functional road classifications.

1.04.4 Through the development approval process (subdivision, zoning and building permit), Whatcom County shall identify the short and long-range transportation (traffic) impacts to subarea roads by computing the estimated number of vehicle trips generated by a project and comparing those computations against the planned level of service for each road segment (according to the Whatcom County Engineering Department design standards and specifications) impacted by the project including intersections. If it is determined that a proposed development will cause transportation (traffic) impacts which will result in a level of service below that planned for all affected road classifications, Whatcom County shall request the developer to make the necessary improvements to maintain the pre-planned level of service or to make an equivalent cash contribution.

1.04.5 It is herein the policy of Whatcom County to change the street name Terrace Avenue to Cable Street, which is that portion of roadway from Lakeway Drive to Cable Street.

1.05 It is herein the policy of Whatcom County to approve new road construction projects or improvements to existing roads consistent with a regional stormwater management plan for the URBAN RESERVE areas designated on the Lake Whatcom Subarea Comprehensive Land Use Plan Map. Should the private or public sector begin such projects before the plan is complete, the county shall implement appropriate measures to assure total containment of excess stormwater runoff for each development proposal. Upon completion of a
stormwater management plan, land area currently used for retention may be converted to permitted uses and densities consistent with the applicable zone district.

1.06 Where appropriate it shall be county policy to allow developers of small projects (15 lots or less) to build a half width road which will be classified below a collector arterial provided that all affected property owners agree to participate in completing the road.

1.07 It is herein the policy of Whatcom County to promote and encourage the availability of public transit as demand increases in the Lake Whatcom Subarea. The public transit system shall be designed to encourage the use of said system by providing frequent and convenient access points, and by integrating transit services with other transportation modes, such as bus systems, park and ride lots for automobiles and bicycles, and bus, railroad and airline terminal facilities.

Any major program change in the Transportation Improvement Program with respect to the circulation system shall provide accommodations for transit when warranted by the level and location of ridership.

1.08 It shall be the policy of Whatcom County to make every effort to preserve mature trees and unique wildlife habitats and other elements of the natural environment during the design and construction of road improvement projects. Where disruption of the natural environment is unavoidable, special techniques, including rounded slopes, erosion control, reseeding and revegetation shall be employed to return roadsides to their natural state.

1.09 It shall be county policy to include bikeways and pedestrian walkways as an integral part of the transportation system. Bikeways and pedestrian ways shall be provided in new developments where warranted. Bikeways shall be provided to link residential areas, shopping areas, recreational areas and educational facilities. Whenever practical, bikeways proposed in new developments shall connect with the planned bikeways in the Whatcom County Trails Plan.

1.10 It shall be the policy of Whatcom County to encourage the use of noise buffers and visual screens between high volume transportation routes and residential areas.
I. ENVIRONMENTAL POLICIES

Intent Statement

The intent of the following policies is to move toward attainment of the County Goal Statements which address the identification and management of environmentally fragile areas with the purpose of minimizing potential losses to human life and property, and the identification and conservation of natural resource areas in recognition of their irreplaceable character. In addition, the policies intend to maintain and enhance environmental quality with reference to water, air and noise.

Policy Statement

1.01 Whatcom County, in partnership with the City of Bellingham and Whatcom County Water District No. 10, shall seek a grant from the Department of Ecology to obtain the necessary funding to conduct a diagnostic and feasibility study of the Lake Whatcom Watershed. At a minimum, the purpose of said study shall be to investigate the human health aspects of continuing to use Lake Whatcom as a potable water source, to assess the potential impacts to the watershed resulting from the implementation of the Lake Whatcom Subarea Comprehensive Plan, and to recommend the appropriate restoration methods and watershed management ordinances, i.e. stormwater drainage control plan, clearing and grading regulations, amendments to the comprehensive plan and zoning ordinance, and public facilities construction specifications, deemed necessary to enhance the present and future water quality/quantity of Lake Whatcom.

Upon completion of the Lake Whatcom Restoration Study, Whatcom County shall reconsider the permitted densities and levels of projected growth in the Lake Whatcom Subarea.

1.02 It is the policy of Whatcom County to promote groundwater quality which is suitable for domestic consumption by encouraging low density and intensity uses in locations overlaying and directly adjacent to aquifers or recharge areas.

1.03 It is the policy of Whatcom County to recognize wetlands such as swamps, bogs, marshes, and ponds as natural catchment basins for stormwater run-off.

1.04 It is the policy of Whatcom County to encourage utilization of steep slopes (greater than 15%) or unstable slopes as open space, very low density development or forestry. If used for development purposes, structures shall comply with the provisions of the Uniform Building Code, and their sites shall be subject to a safety confirmation by a qualified geologic engineer or a qualified geologist.

1.05 It is the policy of Whatcom County to promote the use of 100-year floodplains associated with stream corridors as open space. Furthermore, residential development which is proposed to be situated downstream from areas designated FORESTRY shall be encouraged to be sited at distances from all streams which are sufficient to minimize potential loss or damage to property that may occur as the result of debris dam failure or increased duration and volume of stream flow.
1.06 Whatcom County shall encourage very low densities in areas of known mineral resource occurrence with the intent of retaining future access and utilization options. Surface extraction shall be dependent upon compatibility with surrounding land uses and shall be accompanied by a reclamation plan which is consistent with state regulations (RCW 78.44). Subsurface mining operations shall conform with applicable federal regulations.

1.07 It is the policy of Whatcom County to foster continued fish and wildlife habitat integrity in the Lake Whatcom Subarea. Applicable habitats include the Squalicum Lake Wildlife and Bird Sanctuary, the eagle nests situated at the southeast end of Lake Whatcom, and Lake Whatcom Subarea salmon, Kokanee and cutthroat trout spawning streams. In addition, this policy intends to maintain the habitat integrity of the beaver pond which is situated on state land in Section 36, T38N, R3E preferably through the multiple-use management provisions of RCW 79.68 or through employment of sensitive logging systems, if timber is to be harvested.

1.08 It is the policy of Whatcom County to encourage property owners to use the current use tax assessment provisions of RCW 84.34 to retain the following areas in open space: steep or unstable slopes, stream corridors, wetlands and wildlife habitats.

1.09 It is the policy of Whatcom County to encourage air pollution abatement with the intent of maintaining and/or enhancing air quality, consistent with the Federal Clean Air Act, and accomplished through the coordination of local land use proposal review with the Northwest Air Pollution Authority and other environmental agencies.

1.10 It is the policy of Whatcom County to implement the necessary rules, regulations and ordinances which are required by state law to minimize noise impacts.

1.11 It is the policy of Whatcom County, pursuant to the provisions of the State Environmental Policy Act (WAC 197-10-177) and the Whatcom County SEPA Ordinance (Section 14), to identify and designate environmentally sensitive areas where certain uses should no longer be considered as categorically exempt from the SEPA checklist requirement. The Whatcom County Environmental Review Committee is herein directed to prepare a map indicating the location of ESA’s and a text describing the basis for selection and intent of areas and uses which should be subject to SEPA checklist requirements. The map and text shall subsequently be recommended for adoption as part of the Whatcom County SEPA Ordinance.

1.12 It is the policy of Whatcom County to create a watershed advisory committee which is charged with determining issues and recommending public policies concerning water quality and quantity effecting the Lake Whatcom watershed. The committee shall address issues that include, but are not limited to, the effectiveness of current and future stormwater drainage techniques, the water-related impacts of chemical use within the watershed, coordination of capital improvement programs, the assessment of potential alternative water supply sources, and such other issues deemed appropriate for the management of the watershed. The committee shall be advisory to the County Council and other agencies of the county charged with policy making. Membership of the committee should consist of a mix of representatives of local government and the citizenry of the watershed.
Government members should include one appointee each by the Bellingham-
Whatcom County Public Health District, Whatcom County Water District No. 10,
the City of Bellingham, the Washington State Department of Natural
Resources, and one representative of Whatcom County appointed by the County
Executive.

Citizen members should include one representative each from the North Shore,
Geneva, Sudden Valley, South Bay and Fourth Ward neighborhoods, a
representative from the private forest products industry, and a
representative from the Middle Fork-Nooksack River drainage basin, all
appointed by the County Council.

The Planning Department shall submit to the Council, within ninety (90) days
of adoption of the subarea plan, a proposed ordinance carrying forth the
provisions of this section (1.12).

1.13 It is the policy of Whatcom County to discourage the discharge of unlawful
concentrations of known toxicants directly into surface and groundwaters of
the Lake Whatcom Watershed in such a way that public health, soils, wildlife
and aquatic habitat will be endangered.
(Amended WCC Ordinance 84-105, 12/06/84)
J. ECONOMIC POLICIES

Intent Statement

The intent of the following policy is to assure that economic values are given appropriate consideration along with other goals so that Whatcom County attempts to fulfill the economic requirements of present and future generations of Whatcom County citizens. The Goal Statements of this comprehensive plan clearly indicate that future land use should recognize economic concerns in addition to environmental and social concerns to provide a balanced and diversified economy. It is therefore the policy of Whatcom County to establish a balance in its consideration of environmental and economic matters.

Policy Statement

1.01 It is the policy of Whatcom County to consider the positive and negative economic impacts in land use decisions on the general welfare of the citizens of the county.

1.02 It is the policy of Whatcom County to strengthen and stabilize the tax base through economic development.

1.03 It is the policy of Whatcom County to consider economic impacts, along with other considerations, of measures which implement this comprehensive land use plan.

1.04 It is the policy of Whatcom County to promote the wise use of both natural and man-made resources over the long run as well as in the immediate future.

1.05 It is the policy of Whatcom County to ensure that all county land use plans and zoning ordinances are considered in terms of their enhancement of the economy of the area and region and are calculated to:

   (a) Foster and promote the general welfare;

   (b) Create and maintain conditions under which man and nature can exist in productive harmony; and

   (c) Fulfill the social, economic, and other requirements of present and future generations of Whatcom County citizens.
VII. COMPREHENSIVE PLAN AMENDMENTS

The Lake Whatcom Subarea Plan is a policy document that is used to guide the land use decisions affecting both the private and public sectors of the subarea. For the plan to function as an effective decision-making document, it must be flexible enough to weather changes in public attitudes, developmental technologies, economic forces and legislative policy.

The plan envisions two general types of plan amendments. The first type is a review conducted every five years. This review should re-examine the entire plan, including a re-evaluation of goals, updates of land-related elements, and the reaffirmation of land use policies and proposals. This review is the responsibility of the Whatcom County Planning Commission, the Planning Department staff and the people of the subarea.

The second type of amendment is that proposed and initiated by the private sector. The land uses illustrated on the Land Use Plan Map are the result of the application of the plan's goals and policies. However, it is reasonable to assume that the private sector may introduce land use proposals that conflict with the plan map or policies of the plan itself. In such instances, the private sector may entertain an amendment to the plan. Private petitions for amendment of the Comprehensive Plan addressed to either the Planning Commission or the County Council shall be processed in accordance with statutory procedure for adoption or amendment of comprehensive plans. In applying for a particular amendment to the plan or plan map, the private sector shall conform to the following criteria:

1. The amendment request shall conform with the goals of the subarea plan;

2. The amendment request shall be compatible with the existing and planned surrounding land uses;

3. The amendment request shall not result in unmitigated detrimental impacts to existing transportation systems;

4. The amendment request shall not place uncompensated burdens upon existing or planned service capabilities; and

5. The amendment request shall demonstrate a land usage need which is consistent with the environmental and economic policies of the plan.
WHATCOM COUNTY
PLANNING COMMISSION

Repeal the 1982 Lake Whatcom Subarea Plan and
Amend Provisions in the Whatcom County Comprehensive Plan
relating to Subarea Plans

FINDINGS OF FACT AND REASONS FOR ACTION

1. The subject proposal includes:
   a. Amending Whatcom County Comprehensive Plan provisions relating to
      subarea plans.
   b. Repealing the Lake Whatcom Subarea Plan (1982).

2. A determination of non-significance (DNS) was issued under the State
   Environmental Policy Act (SEPA) on March 25, 2014.

3. Notice of the Planning Commission hearing was posted on the County website
   on April 8, 2014.

4. Notice of the Planning Commission hearing and that the proposal had been
   posted on the County website was sent to the City of Bellingham and citizen,
   media and other groups on the County’s e-mail list on April 8, 2014.

5. Notice of the subject amendments was submitted to the Washington State
   Department of Commerce on April 8, 2014.

6. Notice of the Planning Commission hearing for the subject amendments was

7. The Planning Commission held a public hearing on the subject amendments
   on April 24, 2014.

8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive
   plan amendments the County must find all of the following:
   a. The amendment conforms to the requirements of the Growth
      Management Act, is internally consistent with the county-wide planning
      policies and is consistent with any interlocal planning agreements.
b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

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

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

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

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

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

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

**Growth Management Act**

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").

10. However, the GMA requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."

11. The Lake Whatcom Subarea Plan was adopted in 1982, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address urban growth areas (UGAs), contains different land use designations, is inconsistent with the Comprehensive Plan’s rural element, and has a different planning period.
County-Wide Planning Policies

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. A portion of the Bellingham UGA is included in the Lake Whatcom Subarea.

14. An Interlocal Agreement between the City of Bellingham and Whatcom County concerning Planning, Annexation and Development within the Bellingham UGA was signed in April 2012. This interlocal agreement does not require the County to retain this subarea plan.

Further Studies/Changed Conditions

15. The Lake Whatcom Subarea Plan was adopted in 1982.

16. The GMA, adopted in 1990, included a requirement to designate UGAs. The 1982 Lake Whatcom Subarea Plan does not address UGAs.

17. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1982 Lake Whatcom Subarea Plan does not address LAMIRDs.

18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1982 Lake Whatcom Subarea Plan is not consistent with the County Comprehensive Plan.


20. The Urban Fringe Plan was adopted in 1997 and subsequently amended.

21. Changed conditions including enactment of the GMA, adoption of newer plans and the passage of time warrant repealing the 1982 Lake Whatcom Subarea Plan.

Public Interest

22. Repealing the 1982 Lake Whatcom Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.
Spot Zoning

23. The subject proposal does not involve rezoning property.

CONCLUSION

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

1. Approval of Exhibit A, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use); and

2. Repealing Exhibit B, the Lake Whatcom Subarea Plan (1982).

WHATCOM COUNTY PLANNING COMMISSION

David Onkels, Chair

Date: May 1, 2014

Sam Ryan, Secretary

Date: 5-1-14

Commissioners present at the April 24, 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: 9, Nays: 0, Abstain: 0, Absent: 0. Motion carried to adopt the above amendments.
NOTE:

In order to avoid redundancy, Exhibits A and B are only attached to the proposed Ordinance that will be considered by the County Council.
Commissioner Teigrob moved to approve the minutes as written. Commissioner Hunter seconded. The motion carried.

Public Hearing

File # PLN2014-00002: Repealing the Lake Whatcom Subarea Plan, which was adopted in 1982, and amending related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot presented the staff report.

The first Whatcom County Comprehensive Plan was adopted in 1970. The first zoning was in 1972. The zoning at that time was intended to be temporary. The county was divided into subareas. Subarea plans were adopted beginning in the 1980’s. Several of these subarea plans are two to three decades old. Last year the county repealed the Chuckanut/Lake Samish, Lynden/Nooksack Valley and Birch Bay/Blaine plans. The GMA says “A comprehensive plan may include, where appropriate, subarea plans each of which is consistent with the comprehensive plan.” There are two elements here. Subarea plans are optional and if the county chooses to have them they must be consistent with the comprehensive plan. There is a policy in the comprehensive plan which states “If there is an inconsistency the county comprehensive plan takes precedence.”

The Lake Whatcom Subarea Plan was adopted in 1982. At that time the new Title 20 zoning replaced the interim zoning. It generally had more restrictions on land use than the previous zoning. (A map of the subarea was shown with the boundaries). The boundaries generally follow the watershed. The 1982 plan had population projections through the year 2000. The current comprehensive plan goes through 2029. The 1982 plan had a 15 year planning horizon. The plan had a variety of land use designations (shown on the map). Many of the areas have been rezoned or have different comprehensive plan designations since 1982. The plan had a forestry policy which addressed residential uses. At that time there was only forestry zone, which had a 20 acre minimum lot size. That policy is now outdated and creates a conflict. Staff recommends repeal of the plan.

The hearing was opened to the public.

Greg Brown, Whatcom County: Was discontinuing updating the subarea plans because of the GMA?

Mr. Aamot stated that in the 1990’s the county put most of its efforts into the developing and adopting the countywide Comprehensive Plan. They updated some of the subarea plans. There wasn’t the staff to update all of the plans on a continual basis. The Comprehensive Plan addresses most of the issues in the subareas.

The hearing was closed to the public.

Commissioner Teigrob moved to recommend approval of Exhibit A-Amendments to the Whatcom County Comprehensive Plan, chapter 2; and repeal of Exhibit B-the Lake Whatcom Subarea Plan. Commissioner Honcoop seconded.
Commissioner McClendon asked under what circumstances are subarea plans needed?

Mr. Aamot stated staff has thought about that. They think it may be good to retain the plans for active communities and those that stand alone from other areas.

Commissioner McClendon asked how the subarea plans relate to the Comprehensive Plan.

Mr. Aamot stated they add detail to the countywide plan.

Commissioner Bell asked if more resources were applied to the subarea plans would there be more activity? For example, Lake Whatcom is a large area which makes it difficult for people to come together as they do in a smaller area such as Birch Bay.

**Roll Call Vote:** Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.

File # PLN2014-00003: Repealing the South Fork Valley Subarea Plan, which was adopted in 1991, and amending related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot presented the staff report. (A map and aerial photo of the subarea was shown with the boundaries) The South Fork Plan was adopted in 1991; right after the GMA was adopted in 1990. The population projection for the subarea was through 2000. It had a more flexible planning period, however, that planning period has ended so it is not consistent with the current comprehensive plan period of 2029. There were five land use designations in the plan. There were two forestry zoning districts but the subarea plan only had one forestry land use designation. Some of the areas have been rezoned or now have different comprehensive plan designations. One of the policies in the plan reaffirms the 1970 comprehensive plan, which is outdated. That policy is now outdated and creates a conflict. Staff recommends repeal of the plan.

The hearing was opened to the public.

There was no public testimony.

The hearing was closed to the public.

**Commissioner Honcoop** moved to recommend approval of Exhibit A-Amendments to the Whatcom County Comprehensive Plan, chapter 2; and repeal of Exhibit B-the South Fork Valley Subarea Plan. Commissioner Teigrob seconded.

**Roll Call Vote:** Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.

File # PLN2014-00004: Repealing the Eliza Island Plan, which was adopted in 1994, and amending related provisions in the Whatcom County Comprehensive Plan and Zoning Code.