WHATCOM COUNTY COUNCIL AGENDA BILL

TITLE OF DOCUMENT: Amendments to the mineral resources portion of the comprehensive plan and zoning code

ATTACHMENTS:
1) Staff Memo to Council
2) Proposed Ordinance
3) Exhibit A - Applicant Proposed Amendments
4) Exhibit B - Surface Mining Advisory Committee Proposed Amendments
5) Staff report to Planning Commission - Revised Findings and Recommendation
6) Surface Mining Advisory Committee proposal for Conditional Use rather than Administrative Approval
7) Comprehensive Plan Map and Zoning Map Amendment - MRL Designation process comparison
8) Permitting process comparison for mineral extraction

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

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

Proposed amendments to the Mineral Resources portion of the Comprehensive Plan and Zoning Code. The proposed Comprehensive Plan amendments include changes to general mineral extraction policies that implement Goal 8K (adverse impacts), Goal 8Q (MRL designation), and MRL Designation Criteria. Proposed amendments to the zoning code include altering the permitting process from administrative approval use to a conditional use permit, requiring noxious weeds to not be established in buffers of surface mining operations, and an additional review criteria that when the proposed mine is within a forestry zone, prior to moving on to a new phase of mining, previously mined areas shall meet reclamation criteria as approved by DNR.

COMMITTEE ACTION: 11/12/2014 Introduced

COUNCIL ACTION: 11/12/2014 Introduced

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
The accompanying staff report and Exhibits A & B detail the proposed amendments to the comprehensive plan and zoning code with regards to surface mining permitting processes and mineral resource land (MRL) designation criteria and processes. Exhibit A is the proposal as included in the amendment application submitted by councilmembers Weimer and Brenner, while Exhibit B is the Surface Mining Advisory Committee recommendation that was forwarded to the County Council by the Whatcom County Planning Commission. Below is a brief summary of the proposed amendments.

In addition to the proposed amendments, and as part of their deliberation on the proposal, the Planning Commission strongly recommended that the County Council seriously consider designating mineral resource lands of long-term commercial significance at the county-wide level, rather than relying on landowner initiated applications.

**Surface Mine Permitting**
Both Exhibit A and Exhibit B propose changing the permitting process from an administrative approval use to a conditional use for surface mining subject to the Surface Mining Act. Note that the more limited surface mining activities not subject to the Surface Mining Act remain unaffected by this proposal.

Exhibit A proposes expanding the distance from rural or residential districts where a (proposed) conditional use permit is required from 1,000 feet to 2,000 feet when the activity is located in the forestry zones and is subject to the Forest Practices Act. This exhibit also proposes expanding the notification to neighbors from 1,000 feet to 2,000 feet for all surface mining (proposed) conditional use permits.
Exhibit B includes an additional conditional use approval criterion requiring that if the proposed surface mining activity is phased and within one of the forestry zones, then prior to moving to the next phase, previously mined areas shall meet reclamation criteria as identified on the reclamation permit from the Department of Natural Resources.

**MRL Designation Process**
Exhibit A proposes to require site specific mineral extraction impacts to be anticipated and evaluated, and potential adverse environmental impacts to be addressed through mitigation and/or alternatives, prior to designation.

Exhibit B does not propose to change the existing MRL designation process (i.e. site-specific impacts are not fully evaluated thru SEPA until a permit is applied for, rather than the comprehensive plan map and zoning map amendment application).

**MRL Designation Criteria**
Both Exhibit A and Exhibit B propose that expansion of existing MRL designations will require that existing mines are in full compliance with permits and regulations. Exhibit B clarifies that the proposed expansion area and existing mine must be contiguous and in common ownership so that one mining operation does not impact another mining operations’ ability to expand the MRL designation. This clarification may be necessary when there are multiple mines in separate ownership operating within a single MRL designated area. Both exhibits also propose that MRL designations must be reviewed for internal consistency within the comprehensive plan, so that designation does not preclude achievement of other parts of the plan.

In addition, Exhibit A proposes that site specific designations shall only be approved after mineral extraction impacts are anticipated and evaluated, and any potential adverse environmental impacts are addressed through appropriate mitigation and/or reasonable alternatives. This exhibit also proposes that designations in forestry zones are limited to 20 acres and that before additional areas can be added, previously mined areas are to be returned to sustainable productive forestry conditions, and that the total designated area remains no more than 20 acres.

Exhibit B does not propose any additional amendments to the designation criteria.
ORDINANCE NO. 2014-
AMENDING WHATCOM COUNTY CODE TITLE 20 AND THE COMPREHENSIVE
PLAN REGARDING SURFACE MINE PERMITTING, THE MINERAL RESOURCE
LANDS DESIGNATION PROCESS AND MINERAL RESOURCE LANDS
DESIGNATION CRITERIA.

WHEREAS, an application has been submitted to amend the Rural (R),
Agriculture (AG), Rural Forestry (RF), Commercial Forestry (CF) and Mineral
Resource Land Special (MRL) zoning districts to require a conditional use permit for
surface mining subject to Washington State's Surface Mining Act; and

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

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

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

WHEREAS, the Whatcom County Planning Commission held a work session
on the proposed 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 a work session in the Natural Resources 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. An application for Comprehensive Plan and related zoning amendments was received by Whatcom County on December 21, 2012.

2. A revised application for Comprehensive Plan and related zoning amendments was received by Whatcom County on January 23, 2013.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 5, 2013. The associated comment period ended July 19, 2013 and the appeal period concluded July 29, 2013.

4. The Surface Mining Advisory Committee held work sessions with Whatcom County PDS Staff on March 26, 2014; April 23, 2014; May 28, 2014, June 25, 2014; and July 23, 2014.

5. A press release of the Planning Commission briefing was published in the Bellingham Herald on 09/08/2014.

6. The Planning Commission held a work session on September 11, 2014.

7. The Planning Commission held a public hearing on October 23, 2014.

8. Notice of the proposed amendment was sent to the Department of Commerce on 8/15/2014.

9. On 08/20/2014 the Department of Commerce acknowledged receipt of the notice, and that a copy of the notice had been forwarded to other state agencies.

10. The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.
11. GMA Planning Goal #7: Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine”, insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

12. GMA Planning Goal #11: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

13. Whatcom County’s County-Wide Planning Policy A-3 states: Policy 7D-7: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Exhibit B proposes amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative
approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

14. There are no interlocal agreements affecting the proposed amendments.

15. Whatcom County Comprehensive Plan contains goals and policies that are applicable to the proposal.

16. Proposed Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.

Exhibit B proposes amendments altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.
17. Proposed Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and has been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

18. Proposed Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:

(1) On-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
(4) access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

The underlines and strikethroughs represent changed conditions from the present policy. The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:

"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval
use applications (ADMs), and the 3 amendment applications to those ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court.”

This information indicates that, while the sample size is relatively small, the Technical Administrator’s determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

19. There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B.

20. Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

21. Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

22. Goal 2G: Encourage citizen participation in the decision-making process

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

23. Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.

Page 6
Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

24. Policy 7D-7: Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

25. Policy 8K-1: Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

26. Policy 8N-2: Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and
conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

27. Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

28. Goal 10J: Minimize conflicts between different land uses.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.
29. Policy 11B-5: Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

30. The Washington State Department of Natural Resources completed a study entitled *Reconnaissance Investigation of Sand, Gravel, and Quarried Bedrock Resources in the Bellingham 1:100,000 Quadrangle, Washington* (Jan. 2001). This study indicates that the working lifetime of most of the significant pits in the county is 10 to 20 years (p. 5).

31. The *Whatcom County Surface Mining Advisory Committee Final Report and Recommendations* (October 20, 2004) states:

    ... Theoretically, there is enough total supply in existing MRLs to satisfy demand over the first 20 years of the planning period. However, there is an imbalance in the demand and supply of sand and gravel. There is a greater need for gravel resources than sand and, as we approach the end of the 20-year planning period, we can anticipate a shortage of gravel. Additionally, shortly after the 20-year planning period, we will run out of sand and gravel resources if existing MRLs are not expanded. ... (p. 7).

**CONCLUSIONS**

1. The subject Comprehensive Plan amendments are consistent with the approval criteria of WCC 2.160.080. The subject zoning text amendments were processed in accordance with WCC 20.90.050

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

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Karen N. Frakes
Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved  ( ) Denied

Date Signed: ______________

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Page 10
EXHIBIT A

Title 20 Zoning Amendments

Chapter 20.36
RURAL (R) DISTRICT

20.36.130 Administrative approval uses
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land-Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.36.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.40
AGRICULTURE (AG) DISTRICT

20.40.130 Administrative approval uses
.136 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land-Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

20.40.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

Chapter 20.42
RURAL FORESTRY (RF) DISTRICT
20.42.050 Permitted uses.
.058 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 12,000 feet from a rural or residential district.

20.42.130 Administrative approval uses.
.133 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.42.150 Conditional uses.
.197 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.43
COMMERCIAL FORESTRY (CF) DISTRICT

20.43.050 Permitted uses.
.055 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 12,000 feet from a rural or residential district.

20.43.130 Administrative approval uses.
.133 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.43.150 Conditional uses.
.189 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.73
MINERAL RESOURCE LANDS SPECIAL DISTRICT (MRL)
20.73.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

- Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW) and accessory washing and sorting; provided that:

  (1) The notification requirements of WCC 20.84.235 shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

  (2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radius method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.

  (3) Buffers are established of sufficient size and with sufficient vegetation or berming to ensure that noise, dust, and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

  (4) The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity; renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.
(5) Application of additional site-specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

(7) Appeal to the hearing examiner under WCC 20.84.235 of an administrative permit shall be made by de novo review.

.132 Rock crushing within Commercial and Rural Forestry Districts when located further than 2,000 feet from a rural or residential district.

20.73.150 Conditional uses.
.152 Mineral processing facilities including rock crushing, asphalt and concrete batch plants and accessory washing and sorting.

.153 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW); provided that:

(1) The notification requirements of WCC 2.33.060.D.2.b shall be expanded to all property owners within 2,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.
(3) Buffers are established of sufficient size and with sufficient vegetation or
berming to ensure that noise, dust, noxious weeds and other impacts to surrounding
property owners are within applicable regulations and performance standards. When
completing a reclamation segment, buffer may be reduced for a three-month period
to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as
appropriate to cover potential liabilities associated with the proposed activity,
renewals of bonds or insurance be submitted upon expiration of previous bonds or
insurance. The bonding agent shall notify the county on any change of status in the
bond.

(5) Application of additional site specific conditions may be required to mitigate
potential impacts that are not otherwise regulated through WCC 20.73.650 and
20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 2,000 feet of
the external boundaries of the subject property within two days of issuance of the
decision. The applicant shall provide typed, self-adhering mailing labels with the
names and addresses of all property owners within 2,000 feet of the subject
property with the application to facilitate the notice.
Comprehensive Plan Amendments

MINERAL RESOURCES – ISSUES, GOALS, AND POLICIES

General Issues

GOAL 8K: Ensure that mineral extraction industries do not adversely affect the quality of life in Whatcom County, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

Policy 8K-2: Consider the maintenance and upgrade of public roads before designating MRLs and approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

Policy 8K-3: Avoid adversely impacting water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the county that adverse impacts cannot be avoided through the standard use of best management practices. Avoid contamination of aquifers by using uncontaminated and inert materials for reclamation or onsite storage.

Policy 8K-7: Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

Policy 8K-8: Expansion of existing MRL designations for a mine site will require that the existing mine is in full compliance with all permits and regulations.

Goal 8Q: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to avoid construction aggregate shortages, higher transport costs, future land use conflicts and environmental degradation. Balance MRL designations with other competing land uses and resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input, and/or appeal, and
(4) access to de novo review by the Hearing Examiner if administrative approval is denial is appealed.
MINERAL RESOURCE LANDS (MRL) – DESIGNATION
CRITERIA I. Non-Metallic Mineral Deposits

General Criteria

10. Site-specific MRL Designations shall only be approved after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

11. MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.

12. MRL expansions will not be considered if adjoining mine activities are not fully compliant will all permits and county and state regulations regarding mine operations and reclamation.

Additional Criteria for Designated Urban and Rural Areas

103. Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

Additional Criteria for Designated Forestry Areas

114. Must demonstrate higher value as mineral resource than forestry resource based upon:
   - soil conditions.
   - accessibility to market.
   - quality of mineral resource.
   - sustainable productivity of forest resource.

115. MRL Designation in forestry zones can be no greater than 20 acres.
    Additional areas can be added only after previously mined areas are returned to sustainable productive forest resource condition and the total MRL Designation remains no more than 20 acres.

Additional Criteria for Designated Agricultural Areas


River and Stream Gravel

137. MRL Designation status applies to river gravel bards possessing necessary permits and containing significant quality reserves.

148. MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

Metallic and Industrial Mineral Deposits
159. For metallic and rare minerals, mineral designation status extends to all patented mining claims.


1721. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 12, as applicable.
EXHIBIT B

Title 20 Zoning Amendments

Chapter 20.36
RURAL (R) DISTRICT

20.36.130 Administrative approval uses
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.36.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.40
AGRICULTURE (AG) DISTRICT

20.40.130 Administrative approval uses
.136 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

20.40.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

Chapter 20.42
RURAL FORESTRY (RF) DISTRICT

1
20.42.050 Permitted uses.
.058 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval of a conditional use permit is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

20.42.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.42.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.43
COMMERCIAL FORESTRY (CF) DISTRICT

20.43.050 Permitted uses.
.055 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval of a conditional use permit is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

20.43.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.43.150 Conditional uses.
.189 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.73
MINERAL RESOURCE LANDS SPECIAL DISTRICT (MRL)
20.73.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

- Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW) and accessory washing and sorting; provided that:

1. The notification requirements of WCC 20.84.235 shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

2. At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well-head-protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.

3. Buffers are established of sufficient size and with sufficient vegetation or bermsing to ensure that noise, dust, and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

4. The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity; renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.
(5) Application of additional site-specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

(7) Appeal to the hearing examiner under WCC 20.84.235 of an administrative permit shall be made by de novo review.

.132 Rock crushing within Commercial and Rural Forestry Districts when located further than 1,000 feet from a rural or residential district.

20.73.150 Conditional uses.
.152 Mineral processing facilities including rock crushing, asphalt and concrete batch plants and accessory washing and sorting.

.153 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW); provided that:

(1) The notification requirements of WCC 2.33.060.D.2.b shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.
(3) Buffers are established of sufficient size and with sufficient vegetation or
berming to ensure that noise, dust, noxious weeds and other impacts to surrounding
property owners are within applicable regulations and performance standards. When
completing a reclamation segment, buffer may be reduced for a three-month period
to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as
appropriate to cover potential liabilities associated with the proposed activity,
renewals of bonds or insurance be submitted upon expiration of previous bonds or
insurance. The bonding agent shall notify the county on any change of status in the
bond.

(5) Application of additional site specific conditions may be required to mitigate
potential impacts that are not otherwise regulated through WCC 20.73.650 and
20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of
the external boundaries of the subject property within two days of issuance of the
decision. The applicant shall provide typed, self-adhering mailing labels with the
names and addresses of all property owners within 1,000 feet of the subject
property with the application to facilitate the notice.

(7) Where the underlying zoning is Rural Forestry or Commercial Forestry, prior to
moving on to a new phase, previously mined areas shall meet reclamation criteria as
identified on an approved Department of Natural Resources Surface Mining
Reclamation Permit.
Comprehensive Plan Amendments

MINERAL RESOURCES – ISSUES, GOALS, AND POLICIES

General Issues

GOAL 8K: Ensure that mineral extraction industries do not adversely affect the quality of life in Whatcom County, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

Policy 8K-3: Avoid adversely impacting water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the county that adverse impacts cannot be avoided through the standard use of best management practices. Avoid contamination of aquifers by using uncontaminated and inert materials for reclamation or onsite storage.

Policy 8K-7: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

Goal 8Q: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to minimize avoid construction aggregate shortages, higher transport costs, future land use conflicts and environmental degradation. Balance MRL designations with other competing land uses and resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input, and/or appeal, and
(4) access to de novo review by the Hearing Examiner if administrative approval is denial is appealed.

MINERAL RESOURCE LANDS (MRL) – DESIGNATION CRITERIA I. Non-Metallic Mineral Deposits
General Criteria
10. MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.

11. Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

Additional Criteria for Designated Urban and Rural Areas

12. Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

Additional Criteria for Designated Forestry Areas

13. Must demonstrate higher value as mineral resource than forestry resource based upon:
   - soil conditions.
   - accessibility to market.
   - quality of mineral resource.
   - sustainable productivity of forest resource.

Additional Criteria for Designated Agricultural Areas


River and Stream Gravel

15. MRL Designation status applies to river gravel bards possessing necessary permits and containing significant quality reserves.

16. MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

Metallic and Industrial Mineral Deposits

17. For metallic and rare minerals, mineral designation status extends to all patented mining claims.


19. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 12, as applicable.
WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
STAFF REPORT

I. OVERVIEW

File # PLN2013-00008

File Name: MRL – Application Process

Applicant: Barbara Brenner and Carl Weimer

Summary of Request: In December 2012, an application was submitted proposing changes to the comprehensive plan and zoning code regarding mineral resource land.

There are 2 exhibits associated with this staff report. Exhibit A represents the proposed changes as provided in the application, while Exhibit B represents the proposed changes as recommended by the Surface Mining Advisory Committee (SMAC)

The proposed Comprehensive Plan amendments include changes to general mineral extraction policies that implement Goal 8K (adverse impacts), Goal 8Q (MRL designation), and MRL Designation Criteria.

Both exhibits propose designation criteria requiring internal consistency with other parts of the comprehensive plan. Both exhibits also include policies supporting their respective proposed MRL designation process, changing the permitting process from administrative approval use to conditional use and considering maintenance and upgrade of public roads before mineral extraction.

Exhibit A proposes new MRL designation criteria that provide the public and decision-makers with environmental information prior to MRL lands being designated, require that adjoining mine activities are compliant with permits and regulations prior to MRL expansion, and limit forestry zones within MRLs. Exhibit A also includes policies considering maintenance and upgrading roads prior to designation.

Exhibit B proposes new MRL designation criteria providing discretion whether existing mines must be compliant with permits and regulations prior to adjacent MRL expansion.
Both Exhibit A and Exhibit B propose amendments to the zoning code altering the permitting process from an administrative approval use (staff decision with no public hearing) to a conditional use permit (Hearing Examiner decision with a public hearing). Both exhibits also propose additional changes to include requiring noxious weeds to not be established in buffers of surface mining operations.

Exhibit A proposes changing the distance from rural or residential districts for rock crushing activities that would require a conditional use permit from 1,000 feet to 2,000 ft. Exhibit A proposes the notification requirements for surface mining be expanded to 2,000 from the external boundaries of the subject property and requires conditional use permits for mining and processing activities within forest resource zones when within 2,000 feet of a rural or Residential district.

Exhibit B proposes an additional review criterion that, within forestry zones, prior to moving on to a new phase of mining, previously mined areas shall meet reclamation criteria as approved by DNR.

The specific Comprehensive Plan and zoning code amendments are included with this report as exhibits A and B. Exhibit A shows the amendments as provided by the applicant. Exhibit B shows amendments proposed the SMAC.

**Location:** The proposed zoning text amendments affect portions of the Rural, Agriculture, Rural Forestry and Commercial Forestry zones, and the Mineral Resource Lands overlay.

**II. BACKGROUND**

One of the goals of the Growth Management Act (GMA) is to maintain and enhance resource based industries, including the aggregate and mineral resource industries, with the purpose of assuring the long-term conservation of resource lands for future use. In addition, the Act mandates that each county shall classify mineral resource lands and then designate and conserve appropriate areas that are not already characterized by urban growth and that have long-term commercial significance.

To address the mandates of the GMA, Whatcom County formed a Surface Mining Citizens’ Advisory Committee (SMAC) in the 1990s to produce the issues, goals, and policies found in the Whatcom County Comprehensive Plan. The County Council adopted the original mineral resource provisions in the 1997 Comprehensive Plan. These provisions were updated in 2004-2005 after reviewing the GMA, SMAC recommendations, and new information.

In 2004, there were 24 Mineral Resource Land (MRL) designations throughout the County, covering 4,204 acres. For planning purposes, the SMAC recommended using an annual demand for sand and gravel of 12.2 cubic yards per capita and annual demand for bedrock of 1.3 cubic yards per capita in the 2004-05 Comprehensive Plan update, consistent with the rates in the 1997 Comprehensive Plan.
While urbanization creates demand for sand and gravel resources, it may also encroach upon or build over those same resources, rendering them inaccessible. Strong community opposition to mining near residential, agricultural, or sensitive environmental areas may also limit extractive opportunities. Adequate resource protection could help to assure the long-term conservation of resource lands for future use. It may also help to ensure a competitive market and to guard against inflated land prices by allowing the supply of minerals to respond to the demand of a free market. Helping the aggregate industry and the associated businesses, trades and export markets create jobs and stimulate the economy, to the benefit of the county.

Potential conflicts with other land uses, however, may include increased noise, dust, visual blight, traffic, road wear, and neighboring property devaluation. Unreclaimed mines may affect property values while at the same time nearby residents may use the area for other activities. Controlling trespassing to surface mining may be a significant safety issue for mine operators. Property rights issues range from the right to mine and use the value of mineral resource land to the right to live in an area with a high quality of life and retain home values. Citizens may be generally unaware of the county zoning of surrounding property and the mining uses that area allowed. These and other factors may contribute to a climate of distrust and hostility between aggregate industry and adjacent property owners.

Environmental issues associated with surface mining may include groundwater contamination and disruption of fish and wildlife habitat. Surface mines may have the potential, however, to create wetlands and fish and wildlife habitat, possible productive agricultural land for a limited number of crops, and provide land for parks, housing, industrial and other uses, through mine reclamation.

Associated mining activities such as rock crushing on-site may increase the "industrial atmosphere" experience by nearby property owners. This activity, however, helps to keep material transportation costs down. In addition, accessory uses are a necessary part of most operations, and to carry them out on site is cost-effective.

In October 2006, PDS staff provided a staff report to the Planning Commission for a proposed MRL designation expansion east of the City of Nooksack, off of Breckenridge Road. The staff report recommended approval, subject to conditions, based on designation criteria within the Comprehensive Plan and review criteria within Whatcom County Code. The Planning Commission forwarded their findings for approval to the County Council. The Council Natural Resource committee recommended approval of the proposal to the County Council. At the County Council meeting, partially due to public opposition, the proposal was not adopted.

In December 2008, an application was filed to amend the Comprehensive Plan map and zoning map to expand an MRL designation off of Bowman and Doran roads, south of Acme. The SEPA threshold determination of Mitigated Determination of Non-Significance was appealed by some of the local community and the applicant.
The Hearing Examiner upheld the applicant appeal. The Hearing Examiner decision was appealed to the County Council, which upheld the Hearing Examiner's decision.

In May 2011, PDS staff provided a staff report to the Planning Commission for the proposed MRL designation amendment. The staff report recommended approval based on the designation criteria within the Comprehensive Plan and review criteria within Whatcom County Code. The Planning Commission forwarded their findings for approval to the County Council. On July 26, 2011, the County Council moved to refer the proposal to committee for a work session. At the August 9, 2011 Planning and Development Committee meeting, the Committee was unable to recommend approval for the proposal. That evening, the County Council forwarded the proposal to concurrent review. On February 14, 2012, the County Council motion to adopt the proposed ordinance failed, partially due to public concerns about potential environmental impacts of future mining.

The purpose of the present proposal is to address some of the concerns that have been raised in previous years. As stated in the application for this proposal:

- “The current MRL process fails to provide sufficient information to evaluate the potential impacts of MRL designation proposal. Recent decisions of the hearing Examiner have concluded that the current process limits the initial MRL designation mainly to the value and location of mineral deposits while leaving the determination of the impacts and approval of operations to the administrative approval process that requires appeals in order to gain a public hearing. As noted by the Hearing Examiner, Whatcom County could have chosen a different process with designation criteria that included environmental review of mining impacts at the beginning of the process.”

“This amendment does propose a different process – a process that provides the public and decision-makers with environmental information prior to MRL lands being designated, and then requires a public hearing on surface mining permit applications rather than having such decisions made by staff that must be appealed in order to gain a hearing.”

III. ANALYSIS OF THE PROPOSED AMENDMENT

The proposed amendments include both Comprehensive Plan text amendments, as well as zoning text amendments.

In order to approve the proposed Comprehensive Plan amendments, pursuant to Whatcom County Code (WCC) 2.160, the planning commission and county council must find:

- 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.
- Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the amendment.
- The public interest will be served by approving the amendment.
A. That 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.

Growth Management Act

The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.

GMA planning goal #7 states: “Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability” (RCW 36.70A.020(7)).

Staff Comment: Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine” (unlike agricultural and forest lands of long-term commercial significance), insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction. Neither Exhibit A nor B proposes to change that.

However, Exhibit A would require that a site specific environmental analysis, as well as consideration of the maintenance and upgrade of public roads, be conducted on a site prior to MRL designation. If, in keeping with recent decisions, MRL designation does not include a “right-to-mine”, subject to the results of the environmental analysis, then a mineral extraction permit applicant would have no assurances that the results of their site specific environmental analysis would result in an approved MRL designation or permit. Further, if designation is predicated on an operating plan, if a mineral extraction company goes out of business or is sold, or if the property is sold, it is unclear if the new owner would be bound to the operating plan, need to complete a new environmental analysis, or risk losing MRL designation based on the lack of an environmental analysis.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

GMA planning goal #11 states: “Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts” (RCW 36.70A.020(11)).

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use
processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

County-Wide Planning Policies

County-Wide Planning Policy A-3 states that:

Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Interlocal Agreement

Staff Comment: Staff is not aware of any interlocal agreements affecting the proposed amendments.

B. That further studies made or accepted by the department of planning and development services indicate changed conditions that show the need for the amendment.

There have been no studies made or accepted by the PDS that indicate changed conditions that show the need for the amendments. However, in recent history
there have been instances documented that may support some of the amendments.

- **Exhibit A – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before designating MRLs and approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

- **Exhibit B – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

  **Staff Comment:** The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.

- **Exhibit A – Proposed Policy 8K-7:** Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

- **Exhibit B – Proposed Policy 8K-7:**
  
  The surface Mining Advisory Committee did not recommend approval of this proposed policy.

  **Staff Comment:** Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Anticipation and evaluation of potential adverse environmental impacts associated with mineral extraction, and mitigation and/or reasonable alternatives may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process.
• **Exhibit A – Proposed Policy 8K-8**: Expansion of existing MRL designations for a mine site will require that the existing mine is in full compliance with all permits and regulations.

• **Exhibit B – Proposed Policy 8K-8**: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

**Staff Comment:** In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

• **Exhibit A and Exhibit B – Proposed Policy 8Q-4**: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
  1. on-site environmental review, with county as lead agency, and
  2. application of appropriate site specific conditions, and
  3. notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
  4. access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

**Staff Comment:** The underlines and strikethroughs represent changed conditions from the present policy. In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:
“Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMs), and the 3 amendment applications to those ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court.”

This information indicates that, while the sample size is relatively small, the Technical Administrator’s determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

C. That 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:

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

   **Staff Comment:** There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B. However, under Exhibit A, lands that have a proven resource may become converted to a use incompatible with surface mining if mineral resource extraction companies don’t pursue designation as a result of increased costs and lack certainty in the designation process.

2. The anticipated effect upon 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.

   **Staff Comment:** Under Exhibit A, the proposed Comprehensive Plan amendments may affect the ability of the County and/or other service providers to provide adequate services and public facilities including transportation facilities, though not necessarily through an increased demand for services. Recent efforts to designate lands for mineral extraction have failed. Mining companies may be hesitant to apply for designation, due to the costs associated with studies to determine potential impacts/mitigation/alternatives, if there are no reassurances that they could recoup the costs through designation and subsequent mineral extraction.
Additionally, by limiting MRL designations in forest lands to 20 acres at a time, large areas of potential resources may not be efficiently extracted. This situation may result in increased costs for the resource. If mining companies decide to not apply for new designations in Whatcom County, the costs of mineral resources would likely climb as the local supply diminishes and more costly imports become a primary source of material. If the costs of capital facilities increase, there may be less money throughout the rest of the provider's budget.

Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

3. **Anticipated impact upon designated agricultural, forest and mineral resource lands.**

**Staff Comment:** Under Exhibit A, the proposed amendments may discourage mining companies from applying for designation, due to the costs associated with studies to determine potential impacts/mitigation/alternatives, if there are no reassurances that they could recoup the costs through designation and subsequent mineral extraction. If true, the rate of conversion to mineral resource lands from agriculture and forestry would likely slow, positively impacting the protection of agriculture and forestry lands. However, the proposed amendments would then, necessarily, negatively impact the availability of mineral resource lands.

Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

**D. That the amendment does not include nor facilitate illegal spot zoning.**

According to the Official Whatcom County Zoning Ordinance:

"Illegal spot zoning" means a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the Comprehensive Plan. Spot zoning is zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole (WCC 20.97.186).

**Staff Comment:** The proposed amendments within Exhibit A and Exhibit B do not change the zoning of any area; therefore the amendment does not include nor facilitate illegal spot zoning.

For zoning text amendments, Planning and Development Services shall conduct environmental review under SEPA and prepare a staff report including recommendations and/or options for the initiated amendment. The report and
result of environmental review to the appropriate hearing body, in this case the Planning Commission. The Planning Commission shall evaluate the merits of each amendment in relationship to the goals, policies and objectives of the Comprehensive Plan and make a recommendation as to whether the amendment should be approved, approved with modifications or denied. The following goals and policies of the Comprehensive Plan apply to the subject zoning text amendments.

**Goal 2G: Encourage citizen participation in the decision-making process**

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

**Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.**

**Staff Comment:** Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. In both Exhibit A and Exhibit B, by changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

**Policy 7D-7: Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.**

**Staff Comment:** Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. In both Exhibit A and Exhibit B, by changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

**Policy 8K-1: Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.**

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case
of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

**Exhibit A – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before designating MRLs and approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

**Exhibit B – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

**Policy 8N-2:** Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

**Staff Comment:** Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Both exhibits propose amendments to Policy 8Q-4 that alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.
Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Staff Comment: Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Both exhibits propose amendments to Policy 8Q-4 that alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
(4) access to de novo review by the Hearing Examiner if administrative approval or denial is appealed.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Since conditional use permits undergo a public hearing before the Hearing Examiner, the conditional use permitting process allows for oral input, as opposed to the administrative approval process which has no associated public hearing.

Goal 10J: Minimize conflicts between different land uses.
Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing
before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

**Policy 11B-5:** Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

*Staff Comment:* In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

**Lack of Goals or Policy:** The following are proposed amendments to the zoning code that are neither supported, nor opposed, by the goals and policies within the comprehensive plan. The present zoning code language is presented first, followed by the proposed amendments within Exhibits A and B.

**WCC 20.42.058 and 20.43.055 – Permitted uses within Rural and Commercial Forestry:** Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided that administrative approval is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

- **Exhibit A:** Proposes changing the permitting process from administrative approval use to conditional use and extending the locational criteria to 2,000 ft.
- **Exhibit B:** Proposes changing the permitting process from administrative approval use to conditional use, but leaving the locational criteria at 1,000 ft.

**WCC 20.73.132 – Administrative Approval uses in the Mineral Resource Lands overlay:** Rock crushing within Commercial and Rural Forestry Districts.

- **Exhibit A:** Proposes adding the following language to the end of the code: “when located further than 2,000 feet from a rural or residential district.”
- **Exhibit B:** Proposes adding the following language to the end of the code: “when located further than 1,000 feet from a rural or residential district.”

**Proposed WCC 20.73.153(1) – Conditional uses in the Mineral Resource Lands Overlay (note: this language would replace administrative approval use language, if the permitting process is changed from administrative approval use to conditional use):** The notification requirements of WCC
2.33.060.D.2.b shall be expanded to all property owners within 1,000 ft. of the external boundaries of the subject property.

- **Exhibit A:** Proposes expanding the notification area to 2,000 ft.
- **Exhibit B:** Proposes leaving the notification area at 1,000 ft.

**Proposed WCC 20.73.153(6) – Conditional uses in the Mineral Resource Lands overlay (note: this language would replace administrative approval use language, if the permitting process is changed from administrative approval use to conditional use):** Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

- **Exhibit A:** Proposes expanding the notification area to 2,000 ft.
- **Exhibit B:** Proposes leaving the notification area at 1,000 ft.

**Exhibit B - Proposed WCC 20.73.153(7) – Conditional uses in the Mineral Resources Lands overlay (note: this language is new and is not proposed in Exhibit A):** Where the underlying zoning is Rural Forestry or Commercial Forestry, prior to moving on to a new phase, previously mined areas shall meet reclamation criteria as identified on an approved Department of Natural Resources Surface Mining Reclamation Permit.

**State Environmental Policy Act**

*Staff Comment:* A SEPA Determination of Nonsignificance was issued on July 5, 2013. The associated comment period ended on July 19th, 2013 and the appeal period concluded July 29th, 2013.

**IV. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION**

1. An application for Comprehensive Plan and related zoning amendments was received by Whatcom County on December 21, 2012.

2. A revised application for Comprehensive Plan and related zoning amendments was received by Whatcom County on January 23, 2013.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 5, 2013. The associated comment period ended July 19, 2013 and the appeal period concluded July 29, 2013.

4. The Surface Mining Advisory Committee held work sessions with Whatcom County PDS Staff on March 26, 2014; April 23, 2014; May 28, 2014, June 25, 2014; and July 23, 2014.

5. A press release of the Planning Commission briefing was published in the Bellingham Herald on 09/08/2014.
6. The Planning Commission held a work session on September 11, 2014.

7. The Planning Commission held a public hearing on October 23, 2014.

8. Notice of the proposed amendment was sent to the Department of Commerce on 8/15/2014.

9. On 08/20/2014 the Department of Commerce acknowledged receipt of the notice, and that a copy of the notice had been forwarded to other state agencies.

10. The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.

11. GMA Planning Goal #7: Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

   Through previous MRL designation proposals, it has been affirmed that MRL designation is not a "right-to-mine", insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction.

   Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

12. GMA Planning Goal #11: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts

   Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
13. Whatcom County’s County-Wide Planning Policy A-3 states: Policy 7D-7: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

14. There are no interlocal agreements affecting the proposed amendments.

15. Whatcom County Comprehensive Plan contains goals and policies that are applicable to the proposal.

16. Proposed Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.
Exhibit B proposes amendments altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

17. Proposed Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

18. Proposed Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
   (1) On-site environmental review, with county as lead agency, and
   (2) application of appropriate site specific conditions, and
   (3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
   (4) access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

The underlines and strikethroughs represent changed conditions from the present policy. The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed
amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:

"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMs), and the 3 amendment applications to those ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court."

This information indicates that, while the sample size is relatively small, the Technical Administrator's determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

19. There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B.

20. Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

21. Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

22. Goal 2G: Encourage citizen participation in the decision-making process

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
23. Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

24. Policy 7D-7: Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

25. Policy 8K-1: Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

26. Policy 8N-2: Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be).
Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

27. Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

28. Goal 10J: Minimize conflicts between different land uses.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

29. Policy 11B-5: Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if
certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

30. The Washington State Department of Natural Resources completed a study entitled *Reconnaissance Investigation of Sand, Gravel, and Quarried Bedrock Resources in the Bellingham 1:100,000 Quadrangle, Washington* (Jan. 2001). This study indicates that the working lifetime of most of the significant pits in the county is 10 to 20 years (p. 5).

31. The *Whatcom County Surface Mining Advisory Committee Final Report and Recommendations* (October 20, 2004) states:

> ... Theoretically, there is enough total supply in existing MRLs to satisfy demand over the first 20 years of the planning period. However, there is an imbalance in the demand and supply of sand and gravel. There is a greater need for gravel resources than sand and, as we approach the end of the 20-year planning period, we can anticipate a shortage of gravel. Additionally, shortly after the 20-year planning period, we will run out of sand and gravel resources if existing MRLs are not expanded. ... (p. 7).

**V. PROPOSED CONCLUSION**

The subject Comprehensive Plan amendments are consistent with the approval criteria of WCC 2.160.080. The subject zoning text amendments were processed in accordance with WCC 20.90.050.

**VI. RECOMMENDATION**

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends approval of the proposed amendments as shown in Exhibit B. The Whatcom County Planning Commission also strongly recommends that Whatcom County take a lead role in designating mineral resource lands of long-term commercial significance in order to protect the resource from incompatible uses, as opposed to the present process of landowner initiated amendments.
PROPOSAL BY THE WHATCOM COUNTY SURFACE MINING COMMITTEE
TO USE CONDITIONAL USE RATHER THAN ADMINISTRATIVE REVIEW AS
THE PROCESS FOR MINE PERMITTING

Proposal

The Whatcom County Surface Mining Advisory Committee (SMAC) is proposing use of
the conditional use rather than the administrative approval review process for mine
permitting. The Committee is making this recommendation because the majority of
Committee members believe that this will result in a more open, efficient and timely
process.

Introduction

The Whatcom County Planning Commission questioned the Whatcom County Surface
Mining Advisory Committee’s recommendation for using conditional use permits.
Administrative review based on a staff decision without a public hearing is the current
procedure for mine permitting in Whatcom County. The SMAC decision is based on a
review of Comprehensive Plan amendments proposed by Whatcom County Councilman
Carl Weimer and Councilwoman Barbara Brenner, and Whatcom County Planning and
Development Services staff recommendations. Both sets of recommendations are
intended to, “ensure that mineral extraction industries do not adversely affect the quality
of life in Whatcom County...,” ¹ address the Mineral Resource Land (MRL) approval
process² and identify criteria for designating MRLs³. Membership of the SMAC includes
a citizen who lives close to an existing mine, two representatives from the mining
industry, two geologists, a geotechnical engineer, an ecologist, a forester, and a
representative from the Whatcom Conservation District.

Discussion

A majority of the SMAC believe, as is the current practice, that public hearings should
occur before an MRL designation is made by the County Council, with the understanding
that an MRL designation does not constitute a right to mine nor should the impact of
mining be addressed prior to an MRL designation. Because of the cost, as well as
uncertainty in designation, mining impacts should be addressed in the State
Environmental Policy Act (SEPA) review for a site-specific mining permit. The
estimated costs for an Environmental Impact Statement through SEPA review range from
$50K to $200K. In addition to the SEPA review, site-specific comments by affected
citizens and any site-specific conditions should be considered by a Hearing Examiner
before a decision is made to permit mining.

¹ Whatcom County Comprehensive Plan, Chapter 8 Resource Lands, Section 8K Adverse Impacts
² Whatcom County Comprehensive Plan, Chapter 8 Resource Lands, Section 8P MRL Approval Process
³ Whatcom County Comprehensive Plan, Chapter 8 Mineral Resource Lands (MRL) – Designation Criteria,
Non-Metallic Deposits.
The rationale for changing from an administrative review to a conditional use mine permitting process includes the following:

- Uncertainties and inconsistencies in the approach the Whatcom County Planning and Development Services staff may take when reviewing permit applications,
- Citizens should be encouraged to engage early in the decision making process,
- Citizen participation will provide applicants for mining permits with early identification of perceived as well as real pitfalls, safety concerns and impacts of mining thus enabling applicants to address mitigation before concerns spiral out of control,
- Citizen involvement will result in recognition of conflicts between competing land uses, and
- Early citizen participation in the decision making process may reduce the number of challenges through appeals, thus minimizing time delays during the mine permitting process.

Conclusion

The Whatcom County Surface Mining Advisory Committee recommends the conditional use rather than the administrative approval review process because the Committee believes the conditional use process promotes open decision making, allows citizens to consider and understand alternatives and voice their concerns before any decision is made. Open decision making and early discussion may also shorten the time between application and issuance of a permit to mine. Criteria to be used by a Hearing Officer should be clearly identified when deciding whether a mine should be permitted during the conditional use review process. It is essential that all interested parties have an early understanding of issues influencing a decision so that these can be discussed and understood before a decision is made to assure maximum efficiency.
Comprehensive Plan Map and Zoning Map Amendment - MRL Designation process

**Present/SMAC Recommendation**
- MRL Comprehensive Plan Map and Zoning Map amendment application
- SEPA (Non-Project Action, historically DNS)
  - Legal notice published in newspaper
- Staff Report
  - Zoning Review
  - Comp Plan Review
  - GMA Review
- Planning Commission (Public Hearing)
  - At least 10 days prior to hearing: Legal notice published in newspaper; notification to neighbors within 1,000 ft; Notice posted onsite
- County Council (Public Hearing)
  - Decision
  - Notification in Herald 10 days prior to hearing

**Applicant Proposal**
- MRL Comprehensive Plan Map and Zoning Map amendment application
- SEPA (Project-specific Action; may require EIS if DS is issued)
  - Legal notice published in newspaper
  - Review extraction impacts and address potential adverse effects
- Staff Report
  - Zoning Review
  - Comp Plan Review
  - GMA Review
- Planning Commission (Public Hearing)
  - At least 10 days prior to hearing: Legal notice published in newspaper; notification to neighbors within 1,000 ft; Notice posted onsite
- County Council (Public Hearing)
  - Decision
  - Notification in Herald 10 days prior to hearing

**County Council - Concurrent Review (Public Hearing)**
- Decision
- Notification in Herald 10 days prior to hearing

**County Council may deny amendment regardless of whether the application meets designation criteria**
Permitting process for mineral extraction

<table>
<thead>
<tr>
<th>PRESENT</th>
<th>SMAC RECOMMENDATION</th>
<th>APPLICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Approval Use</td>
<td>Conditional Use</td>
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<tr>
<td>- Notification to neighbors within 1,000 ft.</td>
<td>- Notification to neighbors within 1,000 ft</td>
<td>- Notification to neighbors within 2,000 ft</td>
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<tr>
<td>- SEPA (project specific action) if over 500 cu yds</td>
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<td>- SEPA (project specific action) if over 500 cu yds (completed as part of designation)</td>
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<tr>
<td>- Staff Decision</td>
<td>- Staff Recommendation</td>
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<td>- Notice posted on-site</td>
<td>- Public Hearing</td>
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<tr>
<td></td>
<td>- Hearing Examiner Decision</td>
<td>- Hearing Examiner Decision</td>
</tr>
</tbody>
</table>
WHATCOM COUNTY
PLANNING COMMISSION

Designated Mineral Resources Lands Comprehensive Plan
and Zoning Code Amendments

FINDINGS OF FACT AND REASONS FOR ACTION

1. An application for Comprehensive Plan and related zoning amendments was received by Whatcom County on December 21, 2012.

2. A revised application for Comprehensive Plan and related zoning amendments was received by Whatcom County on January 23, 2013.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 5, 2013. The associated comment period ended July 19, 2013 and the appeal period concluded July 29, 2013.

4. The Surface Mining Advisory Committee held work sessions with Whatcom County PDS Staff on March 26, 2014; April 23, 2014; May 28, 2014; June 25, 2014; and July 23, 2014.

5. A press release of the Planning Commission briefing was published in the Bellingham Herald on 09/08/2014.

6. The Planning Commission held a work session on September 11, 2014.

7. The Planning Commission held a public hearing on October 23, 2014.

8. Notice of the proposed amendment was sent to the Department of Commerce on 8/15/2014.

9. On 08/20/2014 the Department of Commerce acknowledged receipt of the notice, and that a copy of the notice had been forwarded to other state agencies.

10. The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.

11. GMA Planning Goal #7: Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine”, insomuch as upon receiving MRL
designation, a permit is still required for the act of mineral extraction.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

12. GMA Planning Goal #11: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

13. Whatcom County’s County-Wide Planning Policy A-3 states: Policy 7D-7: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
14. There are no interlocal agreements affecting the proposed amendments.

15. Whatcom County Comprehensive Plan contains goals and policies that are applicable to the proposal.

16. Proposed Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.

Exhibit B proposes amendments altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

17. Proposed Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of
another landowner to expand an MRL designation.

18. Proposed Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
   (1) On-site environmental review, with county as lead agency, and
   (2) application of appropriate site specific conditions, and
   (3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
   (4) access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

The underlines and strikethroughs represent changed conditions from the present policy. The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Through the administrative approval use process and conditional use process, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:

“Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMIs), and the 3 amendment applications to those ADMIs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMIs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court.”

This information indicates that, while the sample size is relatively small, the Technical Administrator’s determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

19. There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the
Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B.

20. Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

21. Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

22. Goal 2G: Encourage citizen participation in the decision-making process

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

23. Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

24. Policy 7D-7: Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

25. Policy 8K-1: Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.
The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

26. Policy 8N-2: Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

27. Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.
28. **Goal 10J:** Minimize conflicts between different land uses.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

29. **Policy 11B-5:** Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

30. The Washington State Department of Natural Resources completed a study entitled *Reconnaissance Investigation of Sand, Gravel, and Quarryed Bedrock Resources in the Bellingham 1:100,000 Quadrangle, Washington* (Jan. 2001). This study indicates that the working lifetime of most of the significant pits in the county is 10 to 20 years (p. 5).

31. The *Whatcom County Surface Mining Advisory Committee Final Report and Recommendations* (October 20, 2004) states:

> . . . Theoretically, there is enough total supply in existing MRLs to satisfy demand over the first 20 years of the planning period. However, there is an imbalance in the demand and supply of sand and gravel. There is a greater need for gravel resources than sand and, as we approach the end of the 20-year planning period, we can anticipate
a shortage of gravel. Additionally, shortly after the 20-year planning period, we will run out of sand and gravel resources if existing MRLs are not expanded... (p. 7).

V. PROPOSED CONCLUSION

The subject Comprehensive Plan amendments are consistent with the approval criteria of WCC 2.160.080. The subject zoning text amendments were processed in accordance with WCC 20.90.050.

VI. RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends approval of the proposed amendments as shown in Exhibit B. The Whatcom County Planning Commission also strongly recommends that Whatcom County take a lead role in designating mineral resource lands of long-term commercial significance in order to protect the resource from incompatible uses, as opposed to the present process of landowner initiated amendments.

WHATCOM COUNTY PLANNING COMMISSION

Mary Beth Teigrob, Vice - Chair  
Becky Boxx, Secretary

10/29/14  
Date

Commissioners present at the October 23, 2014 meeting when the vote was taken: Gary Honcoop, Ben Elenbaas, Mary Beth Teigrob, Natalie McClendon, Ken Bell.

Vote: Ayes: 5, Nays: 0, Abstain: 0, Absent: 0. Motion carried to recommend approval of Exhibit B.
**TITLE OF DOCUMENT:** 2014 Supplemental Budget Request #17

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

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

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

Supplemental #17 requests funding from the Jail Fund:
1. To appropriate $77,912 to fund Jail kitchen floor replacement.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
10/28/2014: Introduced 7-0

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>
MEMO TO: Jack Louws, County Executive

FROM: Michael Russell, Facilities Manager

DATE: October 17, 2014

RE: Supplemental Budget Request

Background and Purpose
Please allow this memo to serve as a request for approval of the accompanying budget supplemental. This supplemental request will provide funding and spending authority for the replacement of the kitchen floor in the Main Jail.

Over the past several years, we have had a number of issues with the tile floor in the main jail kitchen. Facilities has tried a number of different options to repair it (replacing tiles, trying different texturing, using different grouts to hold the tiles in, etc.) and in each case, the repairs have failed. We currently have a situation where there are an increasing number of missing tiles. This creates a trip hazard in the kitchen, and allows water to pool in the spaces created by the missing tiles despite the best efforts of the kitchen supervisors. The result is a void that gathers water and food scraps into a bacteria laden liquid, creating an issue for food safety. Additionally, the water percolates down through the unsealed floor to leak into the Sheriff's Office Administrative Offices. A compounding factor is the lack of a slip resistant finish on the tiles, which has caused slip and fall issues for a number of years.

During the 2013 RFP process for the 2014 Food Service Contract, one of the vendors included in their bid a stipulation that they would contribute $30,000 to the County to be used for the replacement of the kitchen floor. This vendor, Aramark LL was awarded the contract and the funds are available to off-set the total cost of the replacement.

When Facilities became aware of the additional funding source, they began to research available options and have determined a finish called Ucrete would work very well in the kitchen environment. It is currently in place at the Monroe Correctional Complex and the feedback Facilities has received is excellent.
Funding and Source

At this time we are seeking funding to replace the kitchen floor. The flooring will not last until the construction of the new facility, and is a known risk factor for the County. By replacing the flooring now, we can utilize an additional funding source to help off-set the costs of the flooring, and as a side benefit, test the product for potential use in the new jail kitchen.

The total estimated cost for this project is as follows:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>ESTIMATED COSTS (including tax)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental refrigeration truck for 2-3 weeks</td>
<td>$2,174.00</td>
</tr>
<tr>
<td>Appliance removal and re-install</td>
<td>$5,500.00</td>
</tr>
<tr>
<td>Demolition of old floor/install of new Ucrete floor system</td>
<td>$52,000.00</td>
</tr>
<tr>
<td>Kitchen floor drain/sink removal and install</td>
<td>$7,100.00</td>
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<tr>
<td>Electrical disconnect and re-connect</td>
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<tr>
<td>Contingency and tax on contingency</td>
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<tr>
<td>Subtotal</td>
<td>$77,912.00</td>
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<tr>
<td>Reimbursement</td>
<td>($30,000.00)</td>
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<tr>
<td><strong>Total Project Cost</strong></td>
<td><strong>$47,912.00</strong></td>
</tr>
</tbody>
</table>

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

Thank you,

Enclosures (1)
SPONSORED BY: Finance  
PROPOSED BY: Executive  
INTRODUCTION DATE: 10/28/14

ORDINANCE NO.  
AMENDMENT NO. 17 OF THE 2014 BUDGET 

WHEREAS, the 2013-2014 budget was adopted November 20, 2012; and,  
WHEREAS, changing circumstances require modifications to the approved 2013-2014 budget; and,  
WHEREAS, the modifications to the budget have been assembled here for deliberation by the Whatcom County Council.  

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2013-2014 Whatcom County Budget Ordinance #2012-048 is hereby amended by adding the following additional amounts to the 2014 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<tbody>
<tr>
<td>Jail Fund</td>
<td>77,912</td>
<td>(30,000)</td>
<td>47,912</td>
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<tr>
<td>Total Supplemental</td>
<td>77,912</td>
<td>(30,000)</td>
<td>47,912</td>
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</table>

ADOPTED this ___ day of ___________________, 2014.

ATTEST:  

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk  

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:  

( ) Approved  ( ) Denied

Jack Louws, County Executive  
Date: ____________________

I:\BUDGET\SUPPLS\2014_Suppl\Supplemental #17-2014.doc
<table>
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<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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<tbody>
<tr>
<td>Jail Fund</td>
<td>To fund Jail kitchen floor replacement.</td>
<td>77,912</td>
<td>(30,000)</td>
<td>47,912</td>
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<tr>
<td>Total Supplemental</td>
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<td>77,912</td>
<td>(30,000)</td>
<td>47,912</td>
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Supplemental Budget Request

Administrative Services

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<tr>
<td>1956</td>
<td>118</td>
<td>118150</td>
<td>Mike Russell</td>
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</table>

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

Name of Request: Replacement kitchen floor

X M. F. Russell 10.17.2014

Department Head Signature (Required on Hard Copy Submission) Date

<table>
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<th>Object</th>
<th>Object Description</th>
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<td>Miscellaneous Revenues</td>
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<td>6660</td>
<td>Equipment Rental</td>
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<td></td>
<td>7060</td>
<td>Repairs &amp; Maintenance</td>
<td>$75,738</td>
</tr>
<tr>
<td></td>
<td>Request Total</td>
<td></td>
<td>$47,912</td>
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</table>

1a. Description of request:
This additional service request is for the replacement of the existing floor in the main jail kitchen. The current floor has been repeatedly repaired and is no longer safe or sanitary.

1b. Primary customers:
Directly, the offenders held in the Whatcom County Jail. Indirectly, the citizens of Whatcom County.

2. Problem to be solved:
The existing kitchen floor is falling apart. It is made of tile, and due to the level of use of the kitchen, the materials and the cleaning methods, it is failing. There are a significant number of tiles that have broken and have been pulled out, leaving voids that collect water and food scraps. This becomes a germ laden soup, that despite the kitchen staff's best efforts, creates unhygienic conditions. In addition, we are seeing increasing number of leaks that go through to the Sheriff's Office Administrative offices that are linked to these missing tiles. The tiles provide little traction when the floor is wet, which is most of the time, leading to slip and fall risks. We have had a number inmate workers incur injuries as a result. Facilities has tried a number of different repairs, none of which have worked, and the issues continue to worsen.

3a. Options / Advantages:
We have worked with Facilities and considered the following options:
1) Leave things as they are and hope for the best, thus creating another level of civil liability for the County, as this is a known issue.
2) Replace the floor with a roll-on epoxy. The cost is approximately the same, however, the epoxy coating chips and cracks, and will not tolerate spills of very hot water. In addition, it does not expand and contract with concrete and is not recommended for institutional kitchens,
3) Methyl Methacrylate (MMA), which is also a roll on floor covering and also chips and cracks easily.
4) Vinyl flooring: Will not hold up to the demand and institutional cooking processes,
5) Ceramic Tile: This is what we currently have, and it has not worked well at all.
6) Ucrete: this is a specialized coating that is used in a number of different Corrections facilities and has received high recommendations. It will withstand the demands of a correctional kitchen, is very sturdy and does not need repair. It is also slip resistant, cutting down on the risk of slip and falls.

Option # 6 is the best option. The current flooring will not last until the new main jail is completed, and we run a risk of having the main kitchen closed down, due to the missing tiles and resulting unsanitary conditions. The material we are requesting works well in a Correctional/industrial kitchen, will seal the kitchen floor thus eliminating a source of leaks to the Sheriff's Office Administrative offices, is slip resistant, thus reducing the probability of injury. Once installed, there will be no need to use Facilities

Friday, October 17, 2014

Rpt: Rpt Suppl Regular
resources to try and repair it.

As an additional factor, when the jail's food service contract was put out to bid for 2014, the winning vendor included in their bid a contribution to this capital project. The amount of the contribution will be $30,000, thus reducing the net expenditure to the County.

3b. Cost savings:
Cost savings for this project are immediate and longer term. The immediate savings is a $30,000 00 contribution by the Aramark Corporation, the jail’s food service vendor, for the sole purpose of replacing the main jail kitchen floor.

I am unable to specifically quantify the longer term savings, but they include the avoidance of medical costs for inmates who have slipped and fallen on wet/damp kitchen floors, avoidance of damage to the Sheriff's Office Administrative Offices due to leaks and reduction in the time spent by Facilities trying to keep the kitchen functioning. An additional benefit will be the opportunity to test out this floor covering in anticipation of the construction of the new jail. If it performs as well as we have been lead to believe, we should be able to use it in the new facility.

4a. Outcomes:
1) Refrigerated trucks will be brought in and parked by the main jail so that food stuffs can be prepared and frozen prior to shutting the kitchen down to replace the floor. The Work Center kitchen will be used as a re-heat kitchen and food will be transported between the two facilities. Laundry will also be done at the work center, as the main jail laundry is attached to the kitchen and shut down as well.
2) All appliances will be removed, stored, and replaced once the new floor is in.
3) Kitchen floor drain/sink will be removed and a new one installed after the new floor is in.
4) Electrical systems disconnected and reconnected.
5) Old floor will be removed.
6) New floor will be installed and the kitchen reassembled.

Per Facilities, the estimated total time is 2-3 weeks.

4b. Measures:
Once approval is given for this project, a very detailed timeline will be created with Facilities, Corrections and vendors involved. The project will be supervised by Facilities with additional input from the Corrections Bureau Liaison.

Each of these steps are observable and verifiable, and Facilities will be working with the vendors as part of the work plan.

5a. Other Departments/Agencies:
County Facilities Management. They will be the project managers of this project and will work with the individual contractors.

5b. Name the person in charge of implementation and what they are responsible for:
Mike Russell from Facilities Management or his designee. Because this is a capital repair on a County building, he will be primary on the project. He or his designee will be responsible for project management, including, but not limited to: establishing project timelines, issuing RFPs’ or bids, recommendation of vendors, facilitating the actual work, inspecting work for compliance with scope of work and certifying that all work is complete and the kitchen ready for use.

6. Funding Source:
There are 2 funding sources for this project: The first will be the Jail Sales Tax fund and the second, a reimbursement from Aramark LLC in the amount of $30,000 which is guaranteed by their food service contract.
## CLEARANCES

<table>
<thead>
<tr>
<th>Category</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>000</td>
<td>10/28/14</td>
<td></td>
<td>11/12/14</td>
<td>Finance/Council</td>
</tr>
<tr>
<td>Division Head</td>
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<td>10/28/14</td>
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<tr>
<td>Dept. Head</td>
<td>000</td>
<td>10/28/14</td>
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<tr>
<td>Prosecutor</td>
<td>000</td>
<td>10/28/14</td>
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<tr>
<td>Purchasing/Budget</td>
<td>B/B</td>
<td>10/29/14</td>
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<tr>
<td>Executive</td>
<td>02/02</td>
<td>11/3/14</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:** Contract for Services with Beckwith Consulting Group for assistance with the 2016 Comprehensive Plan update to the Housing Chapter

**ATTACHMENTS:** Cover Memo, Contract Information Sheet, Contract, Exhibits

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

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

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE**

The purpose of this contract is to have a consultant update the Comprehensive Plan’s Chapter 3 – Housing. Work will center on compiling current data related to the County's housing needs and developing a revised housing chapter based on the current data. Review and any necessary revision of the comprehensive plan by June 30, 2016 is required by RCW 36.70A.130(5)(b).

**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

THROUGH: J.E. “Sam” Ryan, Director

FROM: Mark Personius, Long Range Planning Manager
       Gary Davis, Senior Planner

RE: Beckwith Consulting Group Contract

DATE: October 17, 2014

Enclosed are two (2) originals of the contract between Beckwith Consulting Group and Whatcom County for your review and signature.

- **Background and Purpose**
  The purpose of this contract is to have a consultant update the Comprehensive Plan’s Chapter 3 – Housing. Work will center on compiling current data related to the County’s housing needs and developing a revised housing chapter based on the current data. Review and any necessary revision of the comprehensive plan by June 30, 2016 is required by RCW 36.70A.130(5)(b).

- **Funding Amount and Source**
  $25,000 was included in the budget for professional services as part of the Comprehensive Plan update.

Please contact Gary Davis at extension 50246 if you have any questions or concerns regarding the terms of this agreement.

Encl.
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Planning &amp; Development Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Administrator:</td>
<td>Gary Davis</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Beckwith Consulting Group</td>
</tr>
<tr>
<td>Is this a New Contract?</td>
<td>Yes ☑ No ☐ If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No ☑</td>
</tr>
<tr>
<td>Does contract require Council Approval?</td>
<td>Yes ☑ No ☐ If No, include WCC. (See Whatcom County Codes 3.06.010, WCC 3.08.090 and 3.08.100)</td>
</tr>
<tr>
<td>Is this a grant agreement?</td>
<td>Yes ☐ No ☑ If yes, grantor agency contract number(s). CFDA #</td>
</tr>
<tr>
<td>Is this contract grant funded?</td>
<td>Yes ☐ No ☑ If yes, associated Whatcom County grant contract number(s)</td>
</tr>
<tr>
<td>Is this contract the result of a RFP or Bid process?</td>
<td>Yes ☑ No ☐ If yes, RFP and Bid number(s) 14-52 Contract Cost Center: 2500</td>
</tr>
<tr>
<td>Is this service agreement excluded from E-Verify?</td>
<td>Yes ☑ No ☐ If yes, indicate exclusion(s) below: Professional services agreement for certified/licensed professional</td>
</tr>
<tr>
<td>□ Contract less than $100,000.</td>
<td></td>
</tr>
<tr>
<td>□ Contract work is all performed outside U.S.</td>
<td></td>
</tr>
<tr>
<td>□ Interlocal Agreement (between Govt's)</td>
<td></td>
</tr>
<tr>
<td>□ Public Works - Local Agency/Federally Funded FHWA</td>
<td></td>
</tr>
<tr>
<td>Contract Amount: (sum of orig contract amt and any prior amendments)</td>
<td>$25,000</td>
</tr>
<tr>
<td>This Amendment Amount:</td>
<td>$____</td>
</tr>
<tr>
<td>Total Amended Amount:</td>
<td>$____</td>
</tr>
<tr>
<td>Scope of Services</td>
<td>Update the Comprehensive Plan Housing Chapter</td>
</tr>
<tr>
<td>Term of Contract:</td>
<td>Expiration Date: June 30, 2015</td>
</tr>
</tbody>
</table>

Contract Routing Steps & Signoff: [sign or initial] [indicate date transmitted]  
1. Prepared by: BB Date 10/17/14 [electronic]  
2. Attorney reviewed: Date [electronic]  
3. AS Finance reviewed: 6/20 [electronic]  
4. IT reviewed if IT related Date 10/29/14 [summary via electronic; hardcopies]  
5. Corrections made:  
6. Attorney signoff: Date [electronic]  
7. Contractor signed: Date 0·29·14  
8. Submitted to Exec Office  
9. Reviewed by DCA  
10. Council approved (if necessary) Date 10/29/14  
11. Executive signed: Date  
12. Contractor Original Date  
13. Returned to dept: Date  
14. County Original to Council Date  

This form may need to expand to more than one page

Whatcom County Contract No.
CONTRACT FOR SERVICES AGREEMENT

Backwith Consulting Group

Beckwith Consulting Group, 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 7
- Exhibit A (Scope of Work), pp. 8 to 16
- Exhibit B (Compensation), pp. 17 to 23

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 15th day of November, 2014, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 30th day of June, 2016.

The general purpose or objective of this Agreement is to assist in the 2016 update to the Housing Chapter of the Whatcom County Comprehensive Plan, as more fully and definitively described in Exhibit A hereto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed $25,000. The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

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

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

CONTRACTOR:

Backwith Consulting Group

[Signature]

STATE OF WASHINGTON

COUNTY OF __________ 1

On this ____ day of __________ 20__, before me personally appeared __________, to me known to be the __________ (title) of __________ (Company) and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof. (Signature)

[Signature]

NOTARY PUBLIC in and for the State of Washington, residing at __________ My commission expires __________

Contract for Services Agreement
Backwith Consulting Group
WHATCOM COUNTY:
Recommended for Approval:

Department Director

Approved as to form:
Prosecuting Attorney

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:

Beckwith Consulting Group
P O Box 704
LaConner, WA 98257
beckwith@beckwithconsult.com
360-466-3536
GENERAL CONDITIONS

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

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

Series 10-19: Provisions Related to Term and Termination

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

10.2 Extension:
The duration of this Agreement may be extended by mutual written consent of the parties, for a period of up to one year at a time, 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: Not Applicable

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

Series 20-29: Provisions Related to Consideration and Payments

20.1 Accounting and Payment for Contractor Services:
Payment to the Contractor for services rendered under this Agreement shall be as set forth in Exhibit "B." Where Exhibit "B" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhibit "B," by documentation of units of work actually performed and amounts earned, including, where appropriate, the actual number of days worked each month, total number of hours for the month, and the total dollar payment requested, so as to comply with municipal auditing requirements.

Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the County’s customary procedures, pursuant to the fee schedule set forth in Exhibit "B."
21.1 **Taxes:**
The Contractor understands and acknowledges that the County will not withhold Federal or State income taxes. Where required by State or Federal law, the Contractor authorizes the County to withhold for any taxes other than income taxes (i.e., Medicare). All compensation received by the Contractor will be reported to the Internal Revenue Service at the end of the calendar year in accordance with the applicable IRS regulations. It is the responsibility of the Contractor to make the necessary estimated tax payments throughout the year, if any, and the Contractor is solely liable for any tax obligation arising from the Contractor's performance of this Agreement. The Contractor hereby agrees to indemnify the County against any demand to pay taxes arising from the Contractor's failure to pay taxes on compensation earned pursuant to this Agreement.

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

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

**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 on a Schedule C, 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:**

Contract for Services Agreement
Beckwith Consulting Group
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: Not Applicable

34.1 Proof of insurance: This insurance shall be considered as primary and shall waive all rights of subrogation. The county insurance shall be noncontributory.

34.2 Industrial Insurance Waiver: Not Applicable

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

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

35.1 Non-Discrimination in Employment:
The County's policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, 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, 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, disability, or veteran status, except where such constitutes a bona fide occupational qualification. Such action shall include, but not be limited to: advertising, hiring, promotions, layoffs or terminations, rate of pay or other forms of compensation benefits, selection for training including apprenticeship, and participation in recreational and educational activities. In all solicitations or advertisements for employees placed by them or on their behalf, the Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color religion, sex or national origin.
The foregoing provisions shall also be binding upon any subcontractor, provided that the foregoing provision shall not apply to contracts or subcontractors for standard commercial supplies or raw materials, or to sole proprietorships with no employees.

35.2 Non-Discrimination in Client Services: Not Applicable

36.1 Waiver of Noncompetition: Not Applicable

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

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

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

J.E. “Sam” Ryan, Director, Whatcom County Planning and Development Services

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.

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:
Contract for Services Agreement
Beckwith Consulting Group

Page 6

v 1.0

78
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 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.
Scope of work

- **Website** - we will develop and provide you scope of work, meeting schedules and notices, internet surveys, and draft documents to post on your website as your housing plan progresses for public information and interest.

**Update community profile, needs assessment, & housing market analysis**

1: **Update Community Profile**
We will update the 2000 Census information compiled in your previous Housing Chapter with the following data from the 2009-2013 American Community Survey (ACS) and 2010 Census with a comparison of Blaine, Lynden, Sumas, Ferndale, Bellingham, unincorporated UGAs, Whatcom County, Washington State, and the US:

**Demographics and supply**
- **Population** - including current and projected population for Blaine, Lynden, Sumas, Ferndale, Bellingham, and Whatcom County based on Washington State OFM estimates.
- **Age** - including the impact of the aging baby boom on community service and housing requirements within and between Blaine, Lynden, Sumas, Ferndale, Bellingham, and Whatcom County.
- **Household status** - including average household size, percent of all households in married or male/female households, and percent in types of non-family households with and without children.
- **Race and ethnicity** - including language requirements and migration impacts of minority populations within Blaine, Lynden, Sumas, Ferndale, Bellingham, and Whatcom County and any concentrations that may impact housing and community services.

**Employment**
- **Population/employment ratios** - including trends in civilian and federal work force participation compared with the projected aging population profile in Blaine, Lynden, Sumas, Ferndale, Bellingham, and Whatcom County.
- **Base industry employment** - including trends in agriculture, forestry, fisheries, mining, construction, and manufacturing industrial sectors - as well as military forces and civilian related contracted.

- **Service industry employment** - including trends in communication, wholesale and retail trade, finance, professional, and governmental service sectors compared with base/service ratios achieved in your cities compared with other urbanized areas in Washington State.
- **Economic sustenance factors** - the number of employees required within a specific service industry in order to support your populations.
- **Base/service/population multiplier** - or the population that can be sustained by your county’s projected employment trends compared with the service population required to sustain population projections if the area matures through multiplier ratios common of other urbanized areas, and thereby project
- **Employee and household income** - common of the employment and thereby households to be added to your population as a result of the multiplier and their home purchasing ability - particularly for critical public and service employee classifications such as teachers, police, firefighters, health workers, etc.

**Education**
- **Education and employment** - including education level, percent in labor force, occupation, industry by base or service sector.
- **Income** - including median household, family, and per capita income and distribution of family and non-family income levels.
- **Poverty status** - by households and areas, by race and ethnicity, and the impact on housing and community services.

**Crisis services, health, and wellness**
- **Disability** - by age and household including the National Association for the Dually Diagnosed (NADD)’s estimates of persons having manifestations or developmental disabilities and mental retardation.
- **Substance abuse** - incidence in Whatcom County and the primary drug rates for alcohol, marijuana, methamphetamine, cocaine, and heroine based on Tobacco, Alcohol, and Other Drug Abuse Trends in Washington.
- **Veteran status** - and services including estimates of homelessness rates, alcoholism, and other substance abuse.
• Foster care - including the prevalence of drug abuse for adults versus children in 6th-12th grade levels based on DSHS statistics.

Housing
• Housing characteristics - including age, condition, size, units in structure, value and rent, without all plumbing and kitchen facilities, crowding, vacancy or unoccupied rates for part-time, seasonal, and permanent housing.
• Public housing programs - including the existing and proposed number, location, type, tenant, and method of financial assistance including evaluation of programs being offered by housing authorities and other nonprofit sponsors and the identification of any units expected to be lost to the inventory.
• Abandoned housing - including the number and location of any abandoned or severely dilapidated structures and whether suitable for rehabilitation.
• Lead-based paint - including the number of housing units with lead-based paint accounting for age and lead-based probabilities and the number that have been treated by local agencies.
• Racial/ethnic/low income concentrations - including the degree to which neighborhoods disproportionately contain concentrations of minority or low income or poverty households.

Public Safety
• Crime rates and incidents - including location, type, response, incarcerations for youth and adults based on Whatcom County Sheriff and Blaine, Lynden, Sumas, Ferndale, and Bellingham Police Department annual reporting.
• Criminal justice data - including statistics from drug courts and justice release information from the Washington State Treatment & Assessment Report Generation (TARGET) data.

Transportation
• Transportation - including mode for commuting to work, private vehicle occupancy, vehicles per household, place of work, and commuting times.

2: Update housing market analysis
We will compile and compare the following annual and trend data from the 2000 and 2010 CHAS statistics, Washington Center for Real Estate Research (WCRER), Whatcom County Real Estate Trends Report, Whatcom County, Blaine, Lynden, Sumas, Ferndale, and Bellingham building permit data, National Low Income Housing Coalition (NLIHC), Catholic Campaign for Human Development, local public and nonprofit social and housing agencies, and other sources in Whatcom County, Washington State, and the US:
• Building permits - including annual volumes, percent single versus multiple family, and average value.
• Home sales - including median value, percent of stock sold or turned over, and average time on the market.
• Monthly rents - including median rent by number of bedrooms, percent of stock rented or turned over, vacancy rates, and average time on the market.
• Housing affordability indices (HAI) - for all households and first-time buyer, as well as renting households.
• Fair Market Rents (FMR) - calculated by the NLIHC for Whatcom County accounting for market rents versus number of bedrooms and income requirements including recipients of Supplemental Social Security Income (SSI).
• Affordability comparisons - projecting household ability to buy or rent in the current and trending marketplace based on annual income - including annual income or wages of critical skills such as police office, firefighter, teacher, health industry service worker, and others within Blaine, Lynden, Sumas, Ferndale, Bellingham, and Whatcom County.
• CHAS statistics - expanding the comparison of owner and renter elderly, small and large families, and other individual households with housing problems, paying more than 30%, and more than 50% of income to compare Blaine, Lynden, Sumas, Ferndale, Bellingham, and Whatcom County with Washington State and the US for the total population and ethnic/racial minorities.
• Affordability mismatch - including units for sale and rent able to be afforded by households with under 30%, 31-50%, and 51-80% of Median Family Income (MFI) and what households are actually paying for such units according to 2000 and 2010 CHAS data.

3: Update Needs Assessment
We will compile and compare the following using extrapolations of the trends identified above plus the projections in the Bellingham/Whatcom County Housing
Authority, your previous Consolidated Plan, as well as from other local public and nonprofit social and housing agencies:

- **Market imbalances** - including overage or underage of product by types, price, and other features based on the projections above including the number and household types in poverty, low, moderate, and middle income ranges expected to be paying more than 30% and 50% of household income and/or residing in a housing product not suited to their needs or preferences based on extrapolations of CHAS statistics.

- **Number of special population households** - expected to require housing assistance or special housing products provided with security, health, social, or other Continuum of Care program services accounting for local special population trends based on the most recent Whatcom County Point-In-Time homeless counts.

- **Special housing requirements** - by housing product and program accounting for existing and programmed special population program services to be provided by sponsoring organizations for transitional, emergency, supportive for chronically homeless, domestic violence, alcohol and drug addictions, HIV/AIDS, and other mental/physically limiting disabilities.

- **Market imbalances and barriers to affordable housing** - including overage or underage of product by type and program service needs including non-traditional forms of housing and identification of any public policies that represent barriers to affordable housing including zoning codes, impact fees, land costs, and offsetting incentives or mitigations.

- **Lead-based paint hazards** - including the estimated number of units still retaining lead-based paint hazards occupied by low/moderate income families.

**4: Review updates**

We will review the updated results of existing supply, demand, and need projections and imbalances with you, your Whatcom County Housing Advisory Committee (WCHAC), and other participants you deem appropriate at workshop sessions. Your workshop participants will define issues to be considered during the development of your Comprehensive Plan Housing Chapter update.

**Develop Housing Chapter Plan**

5: **Develop Housing Chapter Plan**

We will help facilitate public workshops with you, your WCHAC, and other parties you deem appropriate. Depending on the results of tasks 5 and 6, the potential list of goals, strategies, projects, and programs to consider in your Housing Chapter update may include:

**Affordable housing - proposed projects to:**

- **Educate and counsel programs** - concerning rental, purchase, maintenance, repair, and construction to be sponsored by Wells Fargo Bank, Whatcom County Realtors Association, or other group.

- **Lending programs** - identifying counseling services and lending programs to be utilized to increase local household buying power through HFC House Key Plus mortgage and down payment assistance programs, FHA Sections 8 and 223 Low Income programs, and private capital sources.

- **Finance projects** - identifying local capital sources (including bonds and levies), HFC Tax Exempt bonds, and the Washington Community Reinvestment Association's (WCRA) Capital Plus programs to help private and nonprofit organizations finance affordable/low cost products in the local marketplace.

- **Assist housing programs** - identifying income or housing subsidy or assistance programs to help pay sales loans or rents using HFC House Key programs and FHA Section 8 programs including for critical employee skills.

- **Retain existing affordable housing stock** - using sweat equity construction and repair programs, repair and renovation programs including the use of land and equity trust financing concepts, and retention of mobile home parks and mobile homes for low-income housing.

- **Renovate and repair programs** - identifying older, less expensive stock including mobile homes to be preserved, retrofit, and reclaimed in the existing supply along with code or mitigation incentives, or financing assistance using the Federal Housing Authority's (FHA) Section 221 program, or equity trust programs, or innovative land and equity trust concepts.

- **Adopt or modify inclusionary zoning (IZ) development incentives** - using low or affordable housing product quotas possibly combined with density increases, parking waivers, height and lot coverage variances,
transfer of development rights, land trusts, limited-equity cooperatives, impact fee and utility connection fee deferments, or other direct or indirect inducement concepts like the Washington State Housing Finance Commission’s (HFC) Recapture Tax.

- **Stimulate projects and form partnerships using competitive mixed income RFPs** - for public or packaged properties with affordable housing performance and participation criteria.
- **Develop affordable rental housing projects** - using HOME, LIHTC, and WAHTF.
- **Develop affordable sales housing projects** - using HOME, LIHTC, HFC, and HOME CHDO.

**Homelessness - proposed programs, projects, and priorities:**

- **Continuum of Care programs** - existing and proposed to prevent homelessness.
- **Develop facilities** - for special populations using McKinney, and HOPWA.

**Special needs populations - proposed programs, projects, and priorities:**

- **Develop facilities** - including shelters, transitional, and permanent housing development projects for migrant workers, disabled, elderly, homeless, domestic abuse, mental health, and other special needs households using HFC HomeChoice and Housekey Extra programs, and FHA 202 Elderly and 811 Disabled programs.

**Community development plan - proposed programs, projects, and priorities to:**

- **Improve neighborhood infrastructure, services, and facilities** - including certification of Neighborhood Revitalization Strategy Areas.
- **Barriers to affordable housing** - including the possibility of:
  - **Zoning allocations** - adjusting the ratio and acreage provided for low to urban density residential zones and innovative housing products including mixed use districts to reflect household requirements and buying capabilities.
  - **Prefab, manufactured, and modular** - housing provisions and standards.
  - **Innovative allowances** - for lower priced housing products including accessory dwelling units or mother-in-law apartments, cottage or small lot village housing, grow houses, patio houses, duplex-quads-townhouses, modular and manufactured housing, co-housing, and live/work lofts.

- **Building codes and utility policies** - allowing modular and manufactured housing, providing energy and weatherizing, retrofitting, and utility services.

- **Transfer development rights** - programs for affordable housing density incentives.

- **Differential taxing rates** - for land trusts, common improvements, and affordable housing projects.

- **Lead-based paint hazards** - removal of lead-based paint from existing occupied houses including the possibility of temporary relocation of households during extraction.

- **Anti-poverty strategies** - to increase training and job placement including family-self sufficiency, welfare to work, and workforce development initiatives; and supporting services including daycare and head start.

**Institutional structure & Coordination - including coordination and continuation:**

- **Action plan work program** - defining tasks, responsibilities, schedules, budgets, and annual progress reports and review milestones appropriate to Blaine, Lynden, Sumas, Ferndale, Bellingham, Whatcom County, and other appropriate public, nonprofit and private entities to be involved in implementing the above strategies.

**6: Select Housing Chapter update contents**

We will review the Draft Housing Chapter Plan with you, your WCHAC, and others you deem appropriate at workshop sessions. Your workshop participants will, refine Housing Chapter goal, strategy, project, and program applications accordingly, and select final actions and priorities to be included in your published Comprehensive Plan to be reviewed for public comment and in public hearings with your County Council for adoption.

**Document, review, and adopt**

**7: Edit/publish draft Housing Chapter documents**

Based on the results of task 1-127, we will compile and edit:

- **Powerpoint presentations** - of key findings, implications, and the proposed housing Chapter which we will post and update on your website over the course of the planning process,
• **Summary brochure** - illustrating key goals, strategies, projects, and programs along with participants, major implementation tasks and responsibilities, and other appropriate summary information.

• **Housing Chapter documents** - containing final contents of your Comprehensive Plan Housing Chapter text - as well as appendices with the results of the updated demographic, population, supply, employment data, demand and need assessments, workshop concepts and discussions, open house and survey results, and implementation particulars.

**8: Conduct public review period and hearings**

**Notice of public comment period** - you will post the documents from task 8 on your website and publish in the legal section of your local newspaper the availability of the draft Housing Chapter.

**Public hearing(s)** - we will help you facilitate the appropriate public hearings to obtain comments on the draft Housing Chapter during or at the conclusion of the 30-day comment period.
EXHIBIT "B"
(COMPENSATION)

As consideration for the services provided pursuant to Exhibit A, Scope of work, the county agrees to compensate the contractor according to the hourly rates provided below in the project budget. Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed. Mileage at IRS rate, lodging and per diem at a rate not to exceed the GSA rate for location services are provided. Reimbursement for expenditures such as printing and postage shall be reimbursed at actual cost.

Contractor will invoice monthly. Invoices will include hours work by employee by day together with tasks accomplished. Requests for reimbursement of expenses must be accompanied by copies of paid invoices itemizing costs incurred. Compensation shall not exceed $25,000. Any work performed prior to the effective date of this contract or continuing after the completion date of the same unless otherwise agreed upon in writing, will be at the contractor's expense.

Gantt Chart

Our budget and schedule

Team Leader - Tom Beckwith FAICP
| Community Development Analyst - Steve Price
| Planning/GIS - Ferdouse Oneza AICP
| |
| weeks 1 1 1 1 |
| | 2 4 6 8 0 2 4 |
| prof | labor | mls & total |
| hrs | cost | expenses | cost |

Update community profile, needs, market analysis
1 Update community profile
   X X X
2 Update housing market analysis
   X X X
3 Update needs assessment
   X X
data
4 Review updates
5 Develop Housing Chapter Plan
6 Select Housing Chapter
7 Document, review, adoption
8 Edit/publish draft documents
9 Conduct public review period and hearings
   X X X
0 Workshops, open houses, and hearings
   X

Subtotal 166 $17,430 $150 $17,580
Contingent 42% $7,420
Project budget $25,000

15 October 2014
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to:
---|---|---|---|---|---
Originator: | RGN | 10/29/14 | | 11/12/14 | Finance
Division Head: | | | | 11/12/14 | Council
Dept. Head: | FMB | 10/31/14 | | |
Prosecutor: | DLG | 10/31/14 | | |
Purchasing/Budget: | ND | 10/31/14 | | |
Executive: | JL | 11/3/14 | | |

TITLE OF DOCUMENT:
"Whatcom Chief" Ferry insurance renewal proposal for policy period 1/1/15 to 1/1/16.

ATTACHMENTS:
Cover memo, renewal premium comparison, premium history, 2015 marketing results, loss history/ratio analysis and renewal invoice.

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

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

The purpose of this action is to renew the "Whatcom Chief" ferry insurance policy through the 2015 calendar year.

COMMITTEE ACTION:  

COUNCIL ACTION:

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

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

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

THROUGH: Frank M. Abart, Director

FROM: Rob Ney, Special Programs Manager

RE: "Whatcom Chief" Ferry Insurance policy renewal

DATE: October 28, 2014

Requested Action:

The purpose of this action is to renew the "Whatcom Chief" ferry insurance policy for the 2015 calendar year.

Thank you for your time and consideration of this extension. If you have any questions please contact Rob Ney at extension 50693.
October 24, 2014

Whatcom County
Attn: Whatcom Chief
311 Grand Ave
Bellingham, WA 98225-4048

RE: Whatcom Chief Insurance Renewal Policy

Dear Rob:

I am pleased to present the insurance renewal documents for the Whatcom Chief insurance renewal policy term 1-1-15 to 1-1-16.

Documents include:

- Renewal Premium Comparison
- Premium History
- Marketing Results
- Loss History/Ratio Analysis
- Renewal Invoice (we realize funds are not actually available until early January 2015)

Should you have any questions regarding these items please feel free to contact either Cathy Pollock or me.

Thank you for your continued business.

Greg Poehlman, CIC, CRM
Whatcom County Ferry
Insurance Renewal Comparison
1/1/2015 to 1/1/2016 Term

<table>
<thead>
<tr>
<th>National Casualty - AM Best Rating: (A+XV Rated)</th>
<th>Expiring Coverages (Premiums Annualized)</th>
<th>Renewal Coverages</th>
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<tr>
<td>Hull &amp; Machinery</td>
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<tr>
<td>Deductible</td>
<td>$25,000</td>
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<tr>
<td>Protection &amp; Indemnity (incl Jones Act For Crew Aboard Whatcom Chief)</td>
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<td>$1,000,000</td>
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<tr>
<td>Deductible - Bodily Injury</td>
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<td>Deductible - Property Damage</td>
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<tr>
<td>Towers Liability</td>
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<tr>
<td>Crew Limitation</td>
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<tr>
<td>Premium</td>
<td>$30,051</td>
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Note: Hull & Machinery value decreased to reflect current survey on file.

<table>
<thead>
<tr>
<th>Great American Ins Co of NY - AM Best Rating: A+XIV</th>
<th>Expiring Coverages (Premiums Annualized)</th>
<th>Renewal Coverages</th>
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<tbody>
<tr>
<td>Pollution Liability Limit</td>
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<td>Premium</td>
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<tr>
<th>Atlantic Specialty - AM Best Rating: A+XI</th>
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<tr>
<td>Total Premium</td>
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Prepared by The Unity Group - HUB International Northwest, LLC
October 15, 2014
## Whatcom County Ferry
### Premium Breakdown
2009 to 2015 Policy Terms
(2103/2014 premiums shown are annualized)

<table>
<thead>
<tr>
<th></th>
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<td><strong>MARINE CARRIER</strong></td>
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<td># Crew</td>
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<td><strong>TOTAL PREMIUMS</strong></td>
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<td>$35,136</td>
<td>$33,136</td>
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Prepared by The Unity Group - Hub International Northwest, LLC
October 15, 2014
Whatcom County Ferry
2015 Term Marketing Results

Marine Policy (Hull & Machinery + Protection & Indemnity)

US Fire Insurance Company (Current Carrier) $29,648
Allianz / AGCS Declined
AIG Declined
C N A No Reponse By Deadline
IMU (Atlantic Specialty Insurance) No Reponse By Deadline
Catlin No Reponse By Deadline

The “No Reponse By Deadline” markets have declined the account previously and we don’t expect them to quote this year.

Carriers declined due to the fact that the account is marketed every year and that these alternate carriers did not feel they would be competitive with the current carrier.

Pollution Policy

Great American Insurance Company of New York (Current Carrier) $1,014

Excess Protection & Indemnity Policy

Atlantic Specialty (Current Carrier) $5,455

Prepared by The Unity Group/Hub International

October 27, 2014
<table>
<thead>
<tr>
<th>Policy Term</th>
<th>Hull &amp; Machinery / Protection &amp; Indemnity Premium</th>
<th>Net Policy Claims (incl reserves)</th>
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<td>2012-2013</td>
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<tr>
<td>2011-2012</td>
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<td>2010-2011</td>
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<td>2009-2010</td>
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<td>10 Year Sub-Total</td>
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5 Yr Loss Ratio 5.67%

10 Yr Loss Ratio 79.66%

* 2013-2015 Term premium & claims combine the annual policy term + the policy extension to align the effective date with calendar dates.
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<tr>
<th>Item #</th>
<th>Eff Date</th>
<th>Trans</th>
<th>Policy #</th>
<th>Description</th>
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<td>1</td>
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<td>15-16 Marine</td>
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<tr>
<td>2</td>
<td>1/1/2015</td>
<td>TBD</td>
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<td>15-16 Pollution</td>
<td>$ 1,014</td>
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<tr>
<td>3</td>
<td>1/1/2015</td>
<td>TBD</td>
<td></td>
<td>15-16 Excess Liability</td>
<td>$ 5,455</td>
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</table>

**TOTAL DUE**  
$36,117
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES  Initial  Date  Date Received in Council Office  Agenda Date  Assigned to:

Originator: A. Rose
Division Head: G. Stovka
Dept. Head: F. Abert
Prosecutor: D. Gibson
Purchasing/Budget: B. Bennett
Executive: J. Lowes

RECEIVED
NOV 04 2014
WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:

State of Washington Department of Ecology Grant Agreement SEANWS-2014-WhCoPW-00008
Northwest Straits Project: Marine Resources Committee (MRC) Operations and Projects

ATTACHMENTS:

Contract information sheet, memo, and grant agreement

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

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

This grant agreement will be used to fund administrative and action projects for the Whatcom County Marine Resources Committee through the period of September 23, 2014 through September 30, 2015. Action projects include community education and outreach and water quality monitoring.

COMMITTEE ACTION:  COUNCIL ACTION:

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

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

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

THROUGH: Frank M. Abart, Public Works Director

FROM: Gary Stoyka, Natural Resources Manager
       Austin Rose, Planner I

RE: State of Washington Department of Ecology Grant Agreement
    SEANWS-2014-WhCoPW-00008 Northwest Straits Project: Marine Resources Committee (MRC) Operations and Projects

DATE: October 9, 2014

Please find enclosed for your review and signature three (3) originals of Grant Agreement SEANWS-2014-WhCoPW-00008, Northwest Straits Project: Marine Resources Committee (MRC) Operations and Projects, between the Washington State Department of Ecology (DOE) and Whatcom County for the sum of $74,018.

- Background and Purpose
  This grant agreement will fund administrative and action projects for the Whatcom County MRC including community education and outreach, biological surveys, and water quality monitoring.

  The administrative portion of the budget will fund the continuation of an existing 0.7 FTE position to support the MRC with meeting coordination, contract administration, consultant management, project implementation, and monitoring.

- Funding Amount and Source
  This grant agreement with DOE provides the County with $74,018 for administrative and technical support to the MRC and to implement action projects. No match is required.

  Please contact Austin Rose at extension 50259 if you have any questions regarding this agreement.

Enclosures
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works - Natural Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Austin Rose, Planner I</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 ☒ No □

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

**Yes □ No ☒**

If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:

Does contract require Council Approval?
- Yes ☒ No □

If No, include WCC: (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

**SEANWS-2014-WhCoPW-00008**

**CFDA#: 66.456**

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

If yes, grantor agency contract number(s):

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

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

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

If yes, RFP and Bid number(s):

**Contract**

**Cost Center: 169119**

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

If no, include Attachment D Contractor Declaration form.

**If YES, indicate exclusion(s) below:**
- Professional services agreement for certified/licensed professional.
- Contract work is for less than $100,000.
- Contract work is for less than 120 days.
- Interlocal Agreement (between Governments).
- Contract for Commercial off the shelf items (COTS).
- Work related subcontract less than $25,000.
- 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 $50,000.
  - 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 Amount:(sum of original contract amount and any prior amendments):**

$74,018.00

**This Amendment Amount:**

$

**Total Amended Amount:**

$

**Summary of Scope:** This grant agreement will be used to fund administrative and action projects for the Whatcom County Marine Resources Committee. Action projects include community education and outreach and monitoring.

**Term of Contract:** September 23, 2014

**Expiration Date:** September 30, 2015

**Contract Routing:**

1. Prepared by: Daniel L. Gibson
2. Attorney signoff: bbennett
3. AS Finance reviewed:
4. IT reviewed (if IT related):
5. Contractor signed:
6. Submitted to Exec.:
7. Council approved (if necessary):
8. Executive signed:
9. Original to Council:

**Date:**

- 10/14/14
- 10/21/14 10/31/14
- 10/31/14
Agreement SEANWS-2014-WhCoPW-00008

NW Straits AGREEMENT

BETWEEN THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

WHATCOM COUNTY

This is a binding Agreement entered into by and between the State of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY” and WHATCOM COUNTY, hereinafter referred to as the "RECIPIENT" to carry out with the provided funds activities described herein.

GENERAL INFORMATION

Project Title: Whatcom Marine Resources Committee Operation and Projects
Total Cost: $74,018.00
Total Eligible Cost: $74,018.00
Ecology Share: $74,018.00
Recipient Share: $0.00
The Effective Date of this Agreement is: 09/23/2014
The Expiration Date of this Agreement is no later than 09/30/2015
Project Type: NW Straits Grant

Project Short Description:
The Whatcom MRC works to achieve important goals of resource conservation and habitat protection within the Northwest Straits, through implementing priorities of the Puget Sound Action Agenda. This grant will support the Whatcom MRC operations and projects for 2014-2015.

Project Long Description:
For this project, the MRC is targeting two Action Agenda targets: 1) protecting and restoring marine habitats; 2) restore and re-open shellfish beds. In addition to the projects described below, this funding provides education and outreach programming and administrative support for the MRC to accomplish these goals.

1) Protecting and Restoring Marine Habitats: The MRC will continue a successful monitoring program at Boulevard Park to collect data at control and treatment sites to evaluate the effects of a recent shoreline modification project. This monitoring could provide important information on the advantages of soft shore armoring over hard shore
armoring - as it provides easier access for recreational use and improvement of physical processes. This project also provides an opportunity for engaging community members as citizen scientists, which can provide valuable experience and a way for volunteers to connect to the marine environment.

2) Restore and Re-open Shellfish Beds: North Chuckanut Bay is a recreational shellfish harvesting area that supports many species of clams, including littlenecks, manila, butter, horse, and cockles. There have been concerns about bacteria levels in Chuckanut Bay for many years. The water quality in this area, though poor, is not as degraded as the water quality found in other areas of Whatcom County, such as Drayton Harbor or Portage Bay. Therefore, this area does not rank high in terms of allocating state resources and staff time. The MRC has an opportunity to work with the Whatcom County Health Department, Whatcom County Public Works Natural Resources, DOH, citizen volunteers, and the local community to conduct more intensive sampling and community outreach, to a establish community-driven Pollution Identification and Correction (PIC) project in North Chuckanut Bay to restore the recreational shellfish area. Through this effort, the community will identify bacteria sources and implement water quality improvement projects to reduce bacteria levels. This project is listed as a Near Term Action in the Whatcom County Profile of the 2014-16 Action Agenda update.

**Overall Goal:**
Implement local projects that improve the health of the marine waters, shorelines, and aquatic resources of Whatcom County.
WHATCOM COUNTY:
Recommended for Approval:

[Signature]
Frank M. Abart, Public Works Director  Date

Approved as to form:

[Signature]  10/31/14
Daniel L. Gibson  Date
Chief Civil Deputy Prosecutor

Approved:
Accepted for Whatcom County:

By: ________________________________
    Jack Louws
    Whatcom County Executive

STATE OF WASHINGTON  )
    ss
COUNTY OF WHATCOM  )

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

__________________________  My commission expires ______________
NOTARY PUBLIC in and for the State of Washington, residing at

CONTRACTOR/AGENCY INFORMATION:

Sasha Horst
Padilla Bay Estuarine Research Reserve
10441 Bayview-Edison Road
Mount Vernon, WA 98273

Contact Phone: 360/428-1084
Contact Fax: 360/428-1491
Contact Email: horst@nwstrails.org
**RECIPIENT INFORMATION**

**Organization Name:** WHATCOM COUNTY

**Federal Tax ID:** 60-0358208  
**DUNS Number:** 618953285

**Mailing Address:** 322 N. Commercial Street, Suite 210  
Bellingham, Washington, 98225

**Physical Address:** 322 N. Commercial Street, Suite 210  
Bellingham, Washington, 98225

**Contacts**

| **Project Manager** | Austin Rose  
Planner I - Marine Resources Committee Staff |
|---------------------|------------------------------------------|
| **Billing Contact** | Heidi Forbes  
Financial Accountant |
| **Authorized Signatory** | Jack Louws  
County Executive |

322 N. Commercial St  
Bellingham, Washington, 98225  
Email: arose@co.whatcom.wa.us  
Phone: (360) 676-6876

322 N Commercial Street, Suite 210  
Bellingham, Washington, 98225  
Email: hforbes@co.whatcom.wa.us  
Phone: (360) 676-6707 x50558

311 Grand Avenue, Suite 108  
Bellingham, Washington, 98225  
Email: jlouws@co.whatcom.wa.us  
Phone: (360) 676-6717
ECOLOGY INFORMATION

Mailing Address: Department of Ecology
Shorelands
PO BOX 47600
Olympia, WA 98504-7600

Physical Address: Shorelands
300 Desmond Drive
Lacey, WA 98503

Contacts

<table>
<thead>
<tr>
<th>Project Manager</th>
<th>Sasha Horst</th>
</tr>
</thead>
</table>
|                         | Northwest Straits Commission  
| 10441 Bayview-Edison Road  
| Mount Vernon, Washington, 98273  
| Email: horst@nwstraits.org  
| Phone: (360) 428-1084 |

<table>
<thead>
<tr>
<th>Financial Manager</th>
<th>Sasha Horst</th>
</tr>
</thead>
</table>
|                         | Northwest Straits Commission  
| 10441 Bayview-Edison Road  
| Mount Vernon, Washington, 98273  
| Email: horst@nwstraits.org  
| Phone: (360) 428-1084 |

<table>
<thead>
<tr>
<th>Technical Advisor</th>
<th>Caroline Gibson</th>
</tr>
</thead>
</table>
|                         | Northwest Straits Commission  
| 10441 Bayview-Edison Road  
| Mount Vernon, Washington, 98273  
| Email: gibson@nwstraits.org  
| Phone: (360) 385-1153 |
RECIPIENT agrees to furnish the necessary personnel, equipment, materials, services, and otherwise do all things necessary for or incidental to the performance of work as set forth in the Scope of Work.

RECIPIENT agrees to read, understand, and accept all information contained within this entire Agreement. Furthermore, RECIPIENT acknowledges that they have reviewed the terms and conditions of this Agreement, Scope of Work, attachments, all incorporated or referenced documents, as well as all applicable laws, statutes, rules, regulations, and guidelines mentioned in this Agreement.

This Agreement contains the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein.

This Agreement shall be subject to the written approval of Ecology's authorized representative and shall not be binding until so approved.

The signatories to this Agreement represent that they have the authority to execute this Agreement.

IN WITNESS WHEREOF, the parties hereby sign this Agreement

---

**Washington State**  
**Department of Ecology**

---

Program Manager  
Gordon White  
Shorelands

---

**WHATCOM COUNTY**

---

Date  
Jack Louws  
County Executive

---

Date
SCOPE OF WORK

Task Number: 1  
Task Cost: $43,382.00

Task Title: MRC Operations

Task Description:
1.1 MRC Meetings and Communication: schedule and hold regular meetings of the MRC; prepare and distribute agenda; prepare and distribute meeting minutes; invite speakers on topics of community interest; and other logistical and communication functions as needed. Provide summary of activities for MRC representative to share at Northwest Straits Commission (NWSC) meetings.

1.2 Grant administration: Prepare progress reports, final report and closeout report for Northwest Straits Commission; track and administer budget; document matching funds and volunteer time; perform contract management; and prepare grant applications for MRC projects.

1.3 MRC Web Site: Existing MRC website will be maintained and regularly updated with notices of upcoming meetings and agendas and other timely and relevant information.

1.4 Annual Report: This report will summarize MRC activities and progress on projects, including progress in achieving the Northwest Straits Initiative’s performance benchmarks and connection to Puget Sound Action Agenda.

1.5 Annual Workplan: The workplan will include the objectives, timeframe, products, and benchmarks addressed in this scope of work.

1.6 Training: The MRC members will attend the Northwest Straits Commission training and/or additional conferences, trainings, and workshops as appropriate.

1.7 Representation at NWSC meetings: A representative of the MRC will attend each Northwest Straits Commission meeting and provide an update on current activities of the MRC.

1.8 Local Integrating Organization: The MRC will participate in meetings and operations of the Local Integrating Organization (LIO) in order to contribute a marine water and nearshore focus to the process.

Task Goal Statement:
To carry out administrative functions in support of the mission (including work plan preparation, developing and preparing grant proposals, programmatic staff support, project monitoring and performance tracking, education programs and grant writing), travel, planning and participate in training opportunities.

Task Expected Outcome:
a. MRCs have a documented process to recruit and train members to be active participants and contributors to the work of the MRC.

b. Information about projects and the work of the MRC is accessible and shared regularly through presentations, meetings and web site.

c. The MRC meets regularly in a public forum that is promoted locally to community members and decision makers.

d. The MRC is informed of and contributes to the work of the Northwest Straits Commission.
e. The value of volunteer hours and other local contributions to the work of the MRC is documented and shared with the Commission and the County.

f. The work of the MRC is planned in advance through an annual workplan and documented in an annual report.

g. MRC members and staff contribute to other relevant local and regional processes related to marine issues.

Recipient Task Coordinator:  Austin Rose

**MRC Operations**

**Deliverables**

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Quarterly Progress reports</td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>Quarterly Meeting agendas and minutes</td>
<td></td>
</tr>
<tr>
<td>1.3</td>
<td>Semi Annual site address and CD of site contents</td>
<td></td>
</tr>
<tr>
<td>1.4</td>
<td>Annual Report</td>
<td></td>
</tr>
<tr>
<td>1.5</td>
<td>Quarterly List of NWSC meetings, conferences and other workshops attended and names of MRC members attending</td>
<td></td>
</tr>
<tr>
<td>1.6</td>
<td>Monthly reports to the Commission</td>
<td></td>
</tr>
<tr>
<td>1.7</td>
<td>New member training summary</td>
<td></td>
</tr>
<tr>
<td>1.8</td>
<td>Quarterly matching funds/volunteer time tracking</td>
<td></td>
</tr>
</tbody>
</table>
SCOPE OF WORK

Task Number: 2  \hspace{1cm} \textbf{Task Cost: $6,538.00}

Task Title: Boulevard Park Intertidal Survey

Task Description:
The Whatcom MRC will contribute to the understanding of the biological value of shoreline improvement projects by conducting intertidal monitoring at Boulevard Park along Bellingham Bay.

A contractor will be hired to train and supervise volunteers to conduct an intertidal survey at Boulevard Park beach in four locations during mid to late June 2015. The contractor will provide 15 hours of free training on the sampling protocol and procedures, based on the work of the Island County/WSU Beach Watchers. The contractor will provide volunteer supervision the day of the surveys and will be responsible of quality assurance and quality control of the data. Information from the surveys will be shared through the Whatcom MRC web site and integrated into SoundIQ, once implemented with the MRC.

Task Goal Statement:
The goal of this task is to collect data at specific monitoring sites within the park to document changes over time in beach slope, substrate, and biodiversity, using scientifically and statistically sound methods that will provide data comparable across various sites under study and monitoring years.

This monitoring is essential to determine if the park’s beaches are changing, and the extent of those changes. In addition, the monitoring program is intended to detect the impact of natural and human-induced modifications on the park’s intertidal biota and beach structure.

Task Expected Outcome:
Provide before and after data at control and treatment sites to evaluate the effects of a shoreline enhancement project, protection of critical habitats, and management of marine species.
This project promotes consistent collection and coordination of data to assist the efforts of Northwest Straits and its partners in protecting and restoring habitats and species of concern.

Recipient Task Coordinator: Austin Rose

Boulevard Park Intertidal Survey

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Copy of protocol and QAPP documents</td>
<td>12/31/2014</td>
</tr>
<tr>
<td>2.2</td>
<td>Summary report of data collected from 2013-2015 detailing the survey methodology and statistical analysis of intertidal biota found present along shore.</td>
<td>08/31/2015</td>
</tr>
<tr>
<td>2.3</td>
<td>Project final report (including volunteer hours, photos of volunteers, results from the citizen science approach, graphs of results, and quality assurance analysis from surveys that occurred 2013-2015)</td>
<td>08/31/2015</td>
</tr>
</tbody>
</table>
SCOPE OF WORK

Task Number: 3                      Task Cost: $18,838.00

Task Title: Community Education and Outreach

Task Description:
The MRC will support for the protection and stewardship of marine resources through community outreach events. The MRC will develop a 2015 Outreach Plan that identifies target audiences, events and programs and describes how outcomes will be measured. Proposed components of the 2015 Education and Outreach Program include:

2.1 Community Events: The MRC will participate in local community outreach events providing the MRC display, fact sheets, and staff and volunteers to interact with the public and answer questions. A particular focus will be on outreach event(s) promoting clean water and protecting shellfish resources.

2.2 Whatcom Water Weeks: Whatcom Water Weeks is an annual community event that focuses attention on the water resources in the County. The MRC will serve on the organizing committee and will host an event during the two-week celebration. The MRC will contact event sponsors, follow up with event hosts, plan event logistics and assist with publicity for events.

2.3 Public Speaker Series: The MRC will serve as the lead partner to organize eight community events and will host at least four MRC events (one per quarter) that will contribute to informing citizens about marine resources and issues.

2.4 Whirlwind Beach Cleanups: The MRC will partner with the Surfrider Foundation to develop a Whirlwind Beach Community Stewardship Program, which includes a series of community-based beach cleanups along Whirlwind Beach. The MRC will support this program by promoting beach cleanup events and recruiting volunteers for cleanup efforts.

Task Goal Statement:
Collaborate with other local organizations to celebrate the importance of water, share information about the state of the resource, offer stewardship opportunities, and expand awareness and appreciation of our marine and fresh water resources and the role water plays in our lives.

Task Expected Outcome:
2.1 MRC staff and volunteers will communicate with 100 community members about local marine resource issues and will track the number of fact sheets distributed at events.

2.2 One marine related event will be developed for the 2015 Whatcom Water Weeks. MRC staff and volunteers will communicate with 50 community members about local marine issues.

2.3 Public speaker events for marine resource topics will be attended by 100 community members. A post-event survey will be distributed at these events in order to measure increased public awareness.

2.4 Three newspaper articles will be generated through these events.
Community Education and Outreach

Deliverables

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Community outreach summary report (including new materials and number of people participating in events).</td>
<td>08/31/2015</td>
</tr>
<tr>
<td>3.2</td>
<td>Whatcom Water Weeks summary report (including copies of any publicity pieces, list of participating organizations, schedule of events, jpg images)</td>
<td>08/31/2015</td>
</tr>
<tr>
<td>3.3</td>
<td>Public speaker series summary report (including materials or agendas from events, list of project partners, number of people participating in events, jpg images)</td>
<td>08/31/2015</td>
</tr>
<tr>
<td>3.4</td>
<td>Beach cleanup summary reports (including copies of any publicity pieces, list of project partners, number of people participating in events, jpg images)</td>
<td>08/31/2015</td>
</tr>
<tr>
<td>3.5</td>
<td>Copy of 2015 Education and Outreach Plan</td>
<td>03/31/2015</td>
</tr>
</tbody>
</table>
SCOPE OF WORK

Task Number: 4  
Task Cost: $3,642.00

Task Title: N. Chuckanut Bay Pollution Ident. & Correction

Task Description:
North Chuckanut Bay is a recreational shellfish harvesting area that shows elevated bacteria levels at the sampling station closest to the shellfish harvesting area. The MRC will work with the Whatcom County Health Department, Whatcom County Public Works Natural Resources, citizen volunteers, and the local community to:
- Conduct more intensive sampling and community outreach,
- Establish community-driven Pollution Identification and Correction project in North Chuckanut Bay,
- Restore the recreational shellfish area.
Through this effort, the community will identify bacteria sources and implement water quality improvement projects to reduce bacteria levels.

The MRC will conduct 15 water quality sampling runs between November 2014 and August 2015. Monthly sampling will occur from November 2014 through March 2015, and bi-weekly sampling will occur from April through August 2015, a time frame when patterns of elevated bacteria levels have historically been documented. The MRC will follow protocols described in the Whatcom County Water Quality Monitoring Fecal Coliform QAPP, prepared by Whatcom County Public Works–Natural Resources staff. County staff will help the MRC develop a monitoring plan specific to North Chuckanut Bay. Field sampling and measurements will follow standard operating procedures developed for the ad hoc Whatcom County Fecal Coliform Monitoring Group or the Washington State Department of Ecology.

Water quality data will be shared with:
- Whatcom County Health Department in order for them to have the information they need to address potentially failing septic systems,
- WA Dept of Health to help determine reclassification, and
- Chuckanut Village community members through quarterly reports and a final report.

Task Goal Statement:
Characterize fecal coliform levels within the Chuckanut watershed and seasonal variation of those bacteria levels and to identify sources of pollutants to guide water quality improvement projects, attain water quality standards, and protect beneficial uses (including recreational shellfish harvesting).

Task Expected Outcome:
Fecal coliform concentrations and sources identified in the Chuckanut Watershed to use as a baseline. Evaluation of the effectiveness of water quality improvement projects as they are implemented in the watershed. Fecal coliform concentrations during the wet season in N. Chuckanut Bay monitored to better determine the relationship between freshwater and marine waters during this period. Water quality data provided to the public and other interested parties. Create community connections to water quality issues by using volunteer monitors.

Recipient Task Coordinator: Austin Rose
## N. Chuckanut Bay Pollution Ident. & Correction

### Deliverables

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Due Date</th>
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</thead>
<tbody>
<tr>
<td>4.1</td>
<td>North Chuckanut Bay Water Quality Monitoring Fecal Coliform QAPP</td>
<td>10/15/2014</td>
</tr>
<tr>
<td>4.2</td>
<td>Quarterly Reports</td>
<td></td>
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<tr>
<td>4.3</td>
<td>Final Report</td>
<td>08/31/2015</td>
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<tr>
<td>4.4</td>
<td>Copy of water quality data (electronic spreadsheets)</td>
<td>08/31/2015</td>
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</tbody>
</table>
SCOPE OF WORK

Task Number: 5
Task Title: Sound IQ
Task Cost: $1,618.00

Task Description:
Sound IQ is an online mapping application featuring local nearshore data from each Marine Resources Committee (MRC), located at http://www.iqmap.org/SoundIQ/website/index.html. The MRC will work with Northwest Straits Commission staff to incorporate data from Whatcom MRC into the system.

Task Goal Statement:
MRC staff and a MRC champion will collect spatial data and relevant reports from previous Whatcom MRC projects into a single geodatabase and will work with Northwest Straits technical staff to post to SoundIQ.

Task Expected Outcome:
Whatcom MRC will have their data posted on Sound IQ by June 2015, making project information accessible to decision makers and partners.

Recipient Task Coordinator: Austin Rose

Sound IQ

Deliverables

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Complete geodatabase of MRC spatial data and tabulated list of MRC reports for Whatcom Beach report</td>
<td>08/31/2015</td>
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</tbody>
</table>
BUDGET

Funding Distribution EG150008

Funding Title:  Northwest Straits 2014-15 MRC Grants
Funding Type:  grant
Funding Effective Date:  09/23/2014
Funding Expiration Date:  09/30/2015
Funding Source:

Title:  EPA - NW Straits
Type:  Federal
CFDA:  66.456
Assistance Agreement:
Description:

Title:  NOAA - NW Straits
Type:  Federal
CFDA:  11.419
Assistance Agreement:
Description:

Recipient Match %:  0
InKind Interlocal Allowed:  No
InKind Other Allowed:  No
Is this Funding Distribution used to match a federal grant?  No

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<th>Northwest Straits 2014-15 MRC Grants</th>
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<tbody>
<tr>
<td>MRC Operations</td>
<td>$ 43,382.00</td>
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<tr>
<td>Boulevard Park Intertidal Survey</td>
<td>$ 6,538.00</td>
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<tr>
<td>Community Education and Outreach</td>
<td>$ 18,838.00</td>
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<tr>
<td>N. Chuckanut Bay Pollution Ident. &amp; Correction</td>
<td>$ 3,642.00</td>
</tr>
<tr>
<td>Sound IQ</td>
<td>$ 1,618.00</td>
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<td><strong>Total:</strong></td>
<td><strong>$ 74,018.00</strong></td>
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Funding Distribution Summary

Recipient / Ecology Share

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<td>0.00 %</td>
<td>$</td>
<td>$74,018.00</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$ 0.00</strong></td>
<td><strong>$74,018.00</strong></td>
<td><strong>$74,018.00</strong></td>
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</table>

AGREEMENT SPECIFIC TERMS AND CONDITIONS

N/A

SPECIAL TERMS AND CONDITIONS

The Sub-Recipients shall comply with all applicable federal, State, and local laws, rules, and regulations in carrying out the terms and conditions of this Agreement.

ADMINISTRATIVE CONDITIONS

1. Cost Principles

RECIPIENTS of federal funds must comply with Title 2 CFR 200, Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, which replaced the following Office of Management and Budget (OMB) circulars:

- OMB Circular A-21, Cost Principles for Educational Institutions.
- OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments.
- OMB Circular A-122, Cost Principles for Non-Profit Organizations.
- OMB Circular A-102, Uniform Administrative Requirements for States and Local Governments.
- OMB Circular A-110, Uniform Administrative Requirements for Institutions of Higher Education and Non-Profit Organizations.
- OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organization.
- OMB Circular A-133, Compliance Supplement.


The applicability of the Cost Principles depends on the type of organization incurring the costs.

2. Audit Requirements

The Sub-Recipient shall fully comply with requirements of OMB Circular A-133, ‘Audits of States, Local Governments, and Non-Profit Organizations, if applicable.

3. Hotel-Motel Fire Safety Act

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, Sub-Recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended. Sub-Recipient may search the Hotel-Motel National Master List at: [http://www.usfa.dhs.gov/applications/hotel](http://www.usfa.dhs.gov/applications/hotel) to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.
4. Recycled Paper

Institutions of Higher Education Hospitals and Non-Profit Organizations

In accordance with 40 CFR 30.16, Sub-Recipient agrees to use recycled paper and double-sided printing for all reports which are prepared as a part of this Agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

State Agencies and Political Subdivisions

In accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds $10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was $10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchases of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

State and Local Institutions of Higher Education and Non-Profit Organizations

In accordance with 40 CRF 30.16, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA’s guidelines.

State Tribal and Local Government Recipients

In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007), Sub-Recipient agrees to use recycled paper and double sided printing for all reports which are prepared a part of this Agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

5. Lobbying

Sub-Recipient agrees to comply with Title 40 CFR Part 34, New Restrictions on Lobbying. Sub-Recipient shall include the language of this provision in award documents for all sub-awards exceeding $100,000, and require that sub-awardees submit certification and disclosure forms accordingly. In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each expenditure.

Part 30 Recipients

All contracts awarded by Sub-Recipient shall contain, when applicable, the anti-lobbying provisions as stipulated in the Appendix at Title 40 CFR Part 30. Pursuant to Section 18 of the Lobbying Disclosure Act, Sub-Recipient affirms that it is not a non-profit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a non-profit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.

Lobbying and Litigation
Sub-Recipient’s chief executive officer shall ensure that no grant funds awarded under this Agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. Sub-Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of Federal grant funds for litigation against the United States or for lobbying or other political activities.

6. Suspension and Debarment
Sub-Recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled ‘Responsibilities of Participants Regarding Transaction (Doing Business with Other Persons)’. Sub-Recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled ‘Covered Transactions’, includes a term or condition requiring compliance with Subpart C. Sub-Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Sub-Recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment. Sub-Recipient may access the Excluded Parties List System at: http://www.epls.gov. This term and condition supersedes EPA Form 5700-49, ‘Certification Regarding Debarment, Suspension, and Other Responsibility Matters’.

7. Drug-Free Workplace Certification
The recipient organization must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200-36.230. Additionally, in accordance with these regulations, recipient organization must identify all known workplaces under its federal award; Those recipients who are individuals must comply with the drug-free provisions set forth in Title 2 CFR Part 1536 Subpart C.

The consequences for violating this condition are detailed under Title 2 CFR Part 1536 Subpart E. Recipients can access the Code of Federal Regulations (CFR) Title 2 Part 1536 at http://ecfr.gpoaccess.gov.

8. Management Fees
Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term “management fees or similar charges” refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this Agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

9. Reimbursement Limitation
If Sub-Recipient expends more than the amount of federal funding in its approved budget in anticipation of receiving additional funds, it does so at its own risk. The Federal Government is not legally obligated to reimburse Sub-Recipient for costs incurred in excess of the approved budget.

10. Payment to Consultants
EPA will limit its participation in salary rate (excluding overhead) paid to individual consultants retained by Agency or CONTRACTOR or SUBCONTRACTOR to the maximum daily rate for a GS-18 (40 CFR 31.36 (j) or 40 CFR 30.27 (b)). This limitation applies to consultations services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed. CONTRACTOR may pay more than the consultant fee cap, but non-EPA funds must be used for the amount above the GS-18 amount. Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the AGENCY with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See EPA's “Interpretation of Regulations Related to Payments to Consultants Under Grants” at 18380 Federal Register/Vo.69, No. 67 to determine if the limitation applies.
11. Trafficking Victim Protection Act of 2000 (TVPA) as Amended.  
To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.

b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.

c. The following prohibition statement applies to Sub-Recipient, and all sub-awardees of Sub-Recipient. Sub-Recipient must include this statement in all sub-awards made to any private entity under this Agreement.

Prohibition Statement - You as the recipient, your employees, subrecipients under this award, and subrecipients’ employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

12. DUNS and CCR Requirements (Updated 8/1/12)

A. Requirement for Central Contractor Registration (CCR)/System for Award Management (SAM). Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) numbers. If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions. For purposes of this award term:

1. Central Contractor Registration (CCR)/System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the System for Award Management (SAM) Internet site http://www.sam.gov.
2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at http://fedgov.dnb.com/webform).

3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
   a. A Governmental organization, which is a State, local government, or Indian tribe;
   b. A foreign public entity;
   c. A domestic or foreign nonprofit organization;
   d. A domestic or foreign for-profit organization; and
   e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. Subaward:
   a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
   b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --.210 of the attachment to OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations”).
   c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:
   a. Receives a subaward from you under this award; and
   b. Is accountable to you for the use of the Federal funds provided by the subaward.

13. FY2011 ACORN Funding Restriction
No funds provided under this Agreement may be used for sub-awards/sub-grants or contracts to the Association of Community Organizations for Reform NOW (ACORN) or any of its subsidiaries.

14. Disadvantaged Business Enterprise Requirements, General Compliance

15. Sub-Awards
If Sub-Recipient makes sub-awards under this Agreement, Sub-Recipient is responsible for selecting its sub-awardees and, if applicable, for conducting sub-award competitions. Sub-Recipient agrees to:
   1. Establish all sub-award agreements in writing;
   2. Maintain primary responsibility for ensuring successful completion of the approved project (SUB-RECIPIENT CANNOT DELEGATE OR TRANSFER THIS RESPONSIBILITY TO A SUB-AWARDEE);
   3. Ensure that any sub-awards comply with the standards in Section 210(a)-(d) of OMB Circular A-133, and are not used to acquire commercial goods or services for the sub-awardee;
   4. Ensure that any sub-awards to 501(c)(4) organizations do not involve lobbying activities;
   5. Monitor the performance of sub-awardees, and ensure sub-awardees comply with all applicable regulations, statues, and terms and conditions which flow down in the sub-award;
   6. Obtain ECOLOGY’s consent before making a sub-award to a foreign or international organization, or a sub-award to be performed in a foreign country; and
   7. Obtain approval from Ecology for any new sub-award work that is not outlined in the approved work plan in...
accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

16. FY12 APPR ACT: Unpaid Federal Tax Liabilities and Federal Felony Convictions
This award is subject to the provisions contained in the Department of Interior, Environment, and Related Agencies Appropriations Act, 2012, HR 2055, Division E, Sections 433 and 434 (sections 433 and 434) regarding unpaid federal tax liabilities and federal felony convictions. Accordingly, by accepting this award the recipient acknowledges that it: (1) is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and (2) has not been convicted (or has an officer or agent acting on its behalf convicted) of a felony criminal conviction under any Federal law within 24 months preceding the award, unless EPA has considered suspension or debarment of the corporation, or such officer or agent, based on these tax liabilities or convictions and determined that such action is not necessary to protect the Government’s interests. If the recipient fails to comply with these provisions, EPA will annul this agreement and may recover any funds the recipient has expended in violation of sections 433 and 434.”

PROGRAMMATIC CONDITIONS

1. Semi-Annual Performance Reports
Consistent with 40 CFR §35.115 and EPA Order 5700.7, the sub-recipient will submit performance reports using the Financial and Ecosystem Accounting Tracking System (FEATS) form every six (6) months during the life of the project. The FEATS form will be provided to the sub-recipient by the ECOLOGY Project Manager. The reporting periods shall end March 31st and September 30th of each calendar year. Reports shall be submitted on or before April 15th and October 15th of each calendar year to ECOLOGY’s Project Manager. It is preferred that reports be submitted by electronic mail. In accordance with 40 CFR Part 30.51(d) and 40 CFR Part 31.40, as appropriate, the sub-recipient agrees to submit performance reports that include brief information on each of the following areas:
   (a) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan and sub-awards for the period.
   (b) The reasons for slippages if established outputs/outcomes were not met.
   (c) Additional pertinent information, including when appropriate, analysis and nformation of cost overruns or high unit costs.

In addition to the semi-annual performance reports, the sub-recipient shall immediately notify ECOLOGY’s Project Manager of any developments that have a significant impact on the award-supported activities. In accordance with 40 CFR Part 30.51(f) and 40 CFR Part 31.40(d), as appropriate, the sub-recipient agrees to inform ECOLOGY’s Project Manager as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

2. Credit and Acknowledgement
Reports, documents, signage, videos, or other media, developed as part of projects funded by EPA funded Agreements shall display both the EPA and Puget Sound Partnership logos and the following credit line: “This project has been funded wholly or in part by the United States Environmental Protection Agency under Assistance Agreement PC-00390301. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.” This requirement is for the life of the product, whether during or after the Agreement period.

3. Copyrighted Material
EPA has the right to reproduce, publish, use, and authorize others to use copyrighted works or other data developed under this assistance agreement for Federal purposes. Ecology acknowledges that EPA may authorize another grantee to
use copyrighted works or other data developed under this Agreement as a result of: a) the selection of another grantee by EPA to perform a project that will involve the use of the copyrighted works or other data or; b) termination or expiration of this agreement.

4. Intellectual Property Rights
Unless otherwise provided, all materials produced under this contract shall be considered “works for hire” as defined by the U.S. Copyright Act 17 U.S.C. § 101, et seq., and shall be owned by the AGENCY. Where federal funding is involved, the awarding federal agency may have a proprietary interest in patent rights to any inventions that are developed by the CONTRACTOR as provided in 35 U.S.C. §§ 200-212 and 37 CFR part 401 and retains a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

CONTRACTOR acknowledges that EPA has the right to reproduce, publish, use, and authorize others to use copyrighted works or other data developed under this assistance agreement for Federal purposes and EPA may authorize another grantee to use copyrighted works or other data developed with Agency funds provided under contract to perform another grant such when use promotes efficient and effective use of Federal grant funds.

Materials meals all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register and the ability to transfer these rights.

In the event the materials are not considered “works for hire” under the U.S. Copyright laws CONTRACTOR shall grant AGENCY, and any federal entity which provided federal funds used in this contract, retain a royalty-free, nonexclusive and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property and to authorize others to use the same for federal, state or local government purposes.

Material which CONTRACTOR uses to perform the contract but is not created for or paid for by AGENCY is not “work made for hire”; however, CONTRACTOR shall grant the AGENCY a nonexclusive, royalty-free, irrevocable license (with rights to sublicense others) in such materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display, provided that such license shall be limited to the extent which CONTRACTOR has a right to grant such a license to use this material for AGENCY internal purposes at no charge to AGENCY. The CONTRACTOR warrants and represents that CONTRACTOR has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to the AGENCY. The AGENCY shall receive prompt written notice of each notice or claim on infringement received by the CONTRACTOR with respect to any materials delivered under this contract. The AGENCY shall have the right to modify or remove any restrictive markings placed upon the material by the CONTRACTOR.

5. Peer Review
The results of this project may affect management decisions relating to Puget Sound. Prior to finalizing any significant technical products the Principal Investigator (PI) of this project must solicit advice, review and feedback from a technical review or advisory group consisting of relevant subject matter specialists. A record of comments and a brief description of how respective comments are addressed by the PI will be provided to the Ecology Project Manager prior to releasing any final reports or products resulting from the project.

GENERAL FEDERAL CONDITIONS

If a portion or all of the funds for this agreement are provided through federal funding sources or this agreement is used to match a federal grant award, the following terms and conditions apply to you.
CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION:

1. The RECIPIENT/CONTRACTOR, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the RECIPIENT/CONTRACTOR is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.

2. The RECIPIENT/CONTRACTOR shall provide immediate written notice to ECOLOGY if at any time the RECIPIENT/CONTRACTOR learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

3. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the department for assistance in obtaining a copy of those regulations.

4. The RECIPIENT/CONTRACTOR agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.

5. The RECIPIENT/CONTRACTOR further agrees by signing this agreement, that it will include this clause titled "CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

6. Pursuant to 2CFR180.330, the RECIPIENT/CONTRACTOR is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.

7. RECIPIENT/CONTRACTOR acknowledges that failing to disclose the information required in the Code of Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.

8. RECIPIENT/CONTRACTOR agrees to keep proof in its agreement file, that it, and all lower tier recipients or contractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment. RECIPIENT/CONTRACTOR must run a search in <http://www.sam.gov> and print a copy of completed searches to document proof of compliance.

Federal Funding Accountability And Transparency Act (FFATA) Reporting Requirements:

RECIPIENT must complete the FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.

Any RECIPIENT that meets each of the criteria below must also report compensation for its five top executives, using FFATA Data Collection Form.

- Receives more than $25,000 in federal funds under this award; and
- Receives more than 80 percent of its annual gross revenues from federal funds; and
- Receives more than $25,000,000 in annual federal funds

ECOLOGY will not pay any invoice until it has received a completed and signed FFATA Data Collection Form. ECOLOGY is required to report the FFATA information for federally funded agreements, including the required DUNS number, at www.fsrs.gov <http://www.fsrs.gov> within 30 days of agreement signature. The FFATA information will be available to the public at www.usaspending.gov <http://www.usaspending.gov>.

For more details on FFATA requirements, see www.fsrs.gov <http://www.fsrs.gov>.
GENERAL TERMS AND CONDITIONS

1. ADMINISTRATIVE REQUIREMENTS

   b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.

   c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.

   d) RECIPIENT’s activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

2. AMENDMENTS AND MODIFICATIONS
   This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

3. ARCHAEOLOGICAL AND CULTURAL RESOURCES
   RECIPIENT shall take reasonable action to avoid, minimize, or mitigate adverse effects to archeological or cultural resources. Activities associated with archaeological and cultural resources are an eligible reimbursable cost subject to approval by ECOLOGY.

   RECIPIENT shall:
   a) Immediately cease work and notify ECOLOGY if any archeological or cultural resources are found while conducting work under this Agreement.

   b) Immediately notify the Department of Archaeology and Historic Preservation at (360) 586-3064, in the event historical or cultural artifacts are discovered at a work site.

   c) Comply with Governor Executive Order 05-05, Archaeology and Cultural Resources, for any capital construction projects prior to the start of any work.

   d) Comply with RCW 27.53, Archaeological Sites and Resources, for any work performed under this Agreement, as applicable. National Historic Preservation Act (NHPA) may require the RECIPIENT to obtain a permit pursuant to Chapter 27.53 RCW prior to conducting on-site activity with the potential to impact cultural or historic properties.

4. ASSIGNMENT
   No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

5. COMMUNICATION
   RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

6. COMPENSATION
   a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.

   b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.
c) RECIPIENT is responsible to understand if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible may require approval by ECOLOGY prior to purchase.
d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.
e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.
f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.
g) RECIPIENT will receive payment through Washington State Department of Enterprise Services' Statewide Payee Desk. RECIPIENT must register as a payee by submitting a Statewide Payee Registration form and an IRS W-9 form at the website, http://www.des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx. For any questions about the vendor registration process contact the Statewide Payee Help Desk at (360) 407-8180 or email payeehelpdesk@des.wa.gov.
h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.
i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, have been completed if, at ECOLOGY’s sole discretion, such payment is reasonable and approved according to this Agreement and, as appropriate, or upon completion of an audit as specified herein.
j) RECIPIENT should submit final requests for compensation within thirty (30) days after the expiration date of this Agreement. Failure to comply may result in delayed reimbursement.

7. COMPLIANCE WITH ALL LAWS
RECIPIENT agrees to comply fully with all applicable Federal, State and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:
a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
b) RECIPIENT agrees to be bound by all federal and state laws, regulations, and policies against discrimination.
c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

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

8. CONFLICT OF INTEREST
RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

9. CONTRACTING FOR GOODS AND SERVICES
RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.
RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT’s normal procedures may be disallowed at ECOLOGY’s sole discretion.

10. DISPUTES
When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

a) RECIPIENT notifies the funding program of an appeal request.
b) Appeal request must be in writing and state the disputed issue(s).
c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
d) ECOLOGY reviews the RECIPIENT’s appeal.
e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review.

The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director’s decision will be brought in the Superior Court of Thurston County. Review of the Director’s decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this contract will be construed to limit the parties’ choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

11. ENVIRONMENTAL STANDARDS
a) RECIPIENTS who collect environmental-monitoring data must provide these data to ECOLOGY using the Environmental Information Management System (EIM). To satisfy this requirement these data must be successfully loaded into EIM, see instructions on the EIM website at: http://www.ecy.wa.gov/eim.
b) RECIPIENTS are required to follow ECOLOGY’s data standards when Geographic Information System (GIS) data are collected and processed. More information and requirements are available at: http://www.ecy.wa.gov/services/gis/data/standards/standards.htm. RECIPIENTS shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.
c) RECIPIENTS must prepare a Quality Assurance Project Plan (QAPP) when a project involves the collection of environmental measurement data. QAPP is to ensure the consistent application of quality assurance principles to the planning and execution of all activities involved in generating data. RECIPIENTS must follow ECOLOGY’s Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030). ECOLOGY shall review and approve the QAPP prior to start of work. The size, cost, and complexity of the QAPP should be in proportion to the magnitude of the sampling effort.
12. GOVERNING LAW
This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

13. INDEMNIFICATION
ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

14. INDEPENDENT STATUS
The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

15. KICKBACKS
RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled or, receive any fee, commission, or gift in return for award of a subcontract hereunder.

16. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)
RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.
b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

17. ORDER OF PRECEDENCE
In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable Federal and State statutes and regulations; (b) Scope of Work; (c) Special Terms and Conditions; (d) Any provisions or terms incorporated herein by reference including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; and (e) the General Terms and Conditions.

18. PRESENTATION AND PROMOTIONAL MATERIALS
RECIPIENT shall obtain ECOLOGY's approval for all communication materials or documents related to the fulfillment of this Agreement, steps for approval:

a) Provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and
distribution of any documents or materials compiled or produced.
b) ECOLOGY reviews draft copy and reserves the right to require changes until satisfied.
c) Provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets, such as a refrigerator magnet with a message as well as media announcements, and any other online communication products such as Web pages, blogs, and Twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT must provide a complete description including photographs, drawings, or printouts of the product that best represents the item.

RECIPIENT shall include time in their project timeline for ECOLOGY’s review and approval process.

RECIPIENT shall acknowledge in the materials or documents that funding was provided by ECOLOGY.

19. PROGRESS REPORTING
a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.
b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.
c) RECIPIENT shall use ECOLOGY’s provided progress report format.
d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.
e) RECIPIENT shall submit the Closeout Report within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY. RECIPIENT shall use the ECOLOGY provided closeout report format.

20. PROPERTY RIGHTS
a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.
b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish information of ECOLOGY; present papers, lectures, or seminars involving information supplied by ECOLOGY; use logos, reports, maps, or other data, in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.
c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.
d) Tangible Property Rights. ECOLOGY’s current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.
e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT’s possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.
f) Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:
a. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.

b. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney’s opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.

g) Conversions. Regardless of the agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

21. RECORDS, AUDITS, AND INSPECTIONS
RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

a) Be kept in a manner which provides an audit trail for all expenditures.
b) Be kept in a common file to facilitate audits and inspections.
c) Clearly indicate total receipts and expenditures related to this Agreement.
d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.

RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced. Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluation performance, compliance, and any other conditions under this Agreement.

22. RECOVERY OF FUNDS
The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments
within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the
time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the
RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

23. SEVERABILITY
If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid,
such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid
provision, and to this end the provisions of this Agreement are declared to be severable.

24. STATE ENVIRONMENTAL POLICY ACT (SEPA)
RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State
Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any
reimbursements are subject to this provision.

25. SUSPENSION
When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or
any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT shall
resume performance on the next business day following the suspension period unless another day is specified by
ECOLOGY.

26. SUSTAINABLE PRACTICES
In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement
sustainable practices and to purchase environmentally preferable products under this Agreement.

a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low
impact meetings, and setting up recycling and composting programs.

b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers
and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products
with reduced packaging, office products that are refillable, rechargeable, and recyclable, and 100% post consumer
recycled paper.

For more suggestions visit ECOLOGY's web pages: Green Purchasing, http://www.ecy.wa.gov/programs/swfa/epp

27. TERMINATION
a) For Cause
ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the
RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material
breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance
rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to
commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date
mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the
RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the
opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any
further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience
ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY’s ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this agreement, ECOLOGY, at its sole discretion, may elect to terminate the agreement, in whole or part, or renegotiate the agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions.

If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT’s obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT’s governing body.

c) By Mutual Agreement
ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination
All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.
Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

28. THIRD PARTY BENEFICIARY
RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

29. WAIVER
Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.
WHATCOM COUNTY COUNCIL AGENDA BILL

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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>M.A.</td>
<td>9/30/2014</td>
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<td>Purchasing/Budget:</td>
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<td>Executive: Jack Louws</td>
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<td>10-06-14</td>
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**TITLE OF DOCUMENT:**
Six-Year Capital Improvement Program and level of service amendments.

**ATTACHMENTS:**
1. Memo
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Public Comment Letters

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

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

*1 The Council must hold a hearing if they want to change the Planning Commission's recommendation (WCC 2.160.100(B)).*

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

Adoption of the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2015-2020 (Appendix F of the Whatcom County Comprehensive Plan) to replace the existing Six-Year CIP for 2013-2018. The Six-Year CIP includes plans for County parks, trails, activity centers, government buildings & sites, Sheriff’s Office facilities, emergency management, correction facilities, stormwater facilities and transportation. The proposed amendments also include amending parks and recreation level of service standards in chapter 4 of the Whatcom County Comprehensive Plan.

**COMMITTEE ACTION:**
10/14/2014: Discussed, Withdrawn from Introduction, and held in Committee for a future date

**COUNCIL ACTION:**
10/14/2014: Withdrawn from Introduction and held in Committee until October 28

**Related County Contract #:**
AB2014-098 and PLN2014-00007

**Related File Numbers:**
AB2014-098 and PLN2014-00007

**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.
September 30, 2014

To:       The Honorable Jack Louws, Whatcom County Executive
          The Honorable Whatcom County Council

From:    Matt Aamot, Senior Planner

Through: Mark Personius, Long Range Planning Division Manager

RE:       Six-Year Capital Improvement Program and LOS Amendments

The Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities includes plans for County parks, trails, activity centers, government buildings & sites, Sheriff's Office facilities, emergency management, correction facilities, stormwater facilities and transportation improvements. The Whatcom County Comprehensive Plan indicates that the Six-Year CIP should be updated every two years. The last comprehensive CIP update was approved by the County Council in 2012. Therefore, the CIP is being updated in 2014.

The subject proposal would also modify the level of service (LOS) standards for parks and recreation facilities. Specifically, the Planning Commission recommended:

- Retaining the current parks LOS;
- Modifying the trails LOS; and
- Deleting the activity centers LOS.

The Parks & Recreation Commission issued recommendations relating to LOS standards for parks, trails and activity centers in June 2014 (attached). It should also be noted that the Growth Management Act does not require that a local comprehensive plan contain level of service standards for facilities that are not necessary for development, such as activity centers. Rather, County facility managers may propose and elected officials may authorize improvements to activity centers, such as senior centers, when needed.

Planning & Development Services is requesting Council committee consideration of these amendments on Oct. 14. It is anticipated that the County Council will make a final decision on these amendments along with approval of the biennial budget.

Thank you for your review of this matter.
MEMORANDUM

TO: Matt Aamot
FROM: Michael McFarlane
DATE: June 20th, 2014
RE: Parks & Recreation Commission LOS and CPROS Plan

At last night’s meeting the Parks and Recreation Commission met and recommends the following;

A. The Comprehensive Parks, Recreation and Open Space (PROS) plan not be adopted by reference as part of the County’s Comprehensive Plan. They would like the PROS plan to continue to be identified in and used to inform the comprehensive plan on park, recreation and open space issues. This rational would allow for greater flexibility when modifying and updating the PROS plan and better response to changing park and recreation trends.

B. Levels of Service
   1. Eliminate the current LOS for activity centers. Rational is that the capacity and ability to accommodate increases is based upon building size and programming. As the population increases, this increase could be accommodated with a building addition, a larger building or programming changes and would not necessarily require an additional center being added.

   2. Trail LOS be based on shared use trails rather than single use (i.e. mountain bike, hiking or equestrian only). Rational: if LOS isn’t going to be adopted for each type of trail (as identified in the PROS plan), then a shared use trail definition better defines the trail LOS. Current inventory of shared use trails- 49.40 miles

   3. Park LOS be changed from developed park acreage per capita to number of developed regional parks per capita. Rational; The department has many acres of park lands restricted for development or purposely acquired for conservancy purposes. Looking at a park in its entirety is a better measurement as use is dependent upon the park’s purpose, primary attraction(s) and amenities, not acreage. Current inventory of regional parks- 16 developed, 1 under development (opening 2016), 3 undeveloped.
ORDINANCE NO. ____________

ADOPTING THE SIX-YEAR CAPITAL IMPROVEMENT PROGRAM
FOR WHATCOM COUNTY FACILITIES (2015-2020)
AND AMENDING LEVEL OF SERVICE STANDARDS

WHEREAS, The Whatcom County Council initiated the subject amendments for review in 2014; and

WHEREAS, Six-Year Capital Improvement Program (CIP) for Whatcom County facilities is reviewed every other year and is due for an update in 2014; and

WHEREAS, Local governments have discretion to set and modify level of service (LOS) standards under the Growth Management Act (GMA). Additionally, the GMA does not require that a local comprehensive plan must contain LOS standards for activity centers; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on September 25, 2014; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The proposal is to amend the Whatcom County Comprehensive Plan as follows:
   a. Modifying the level of service standard for trails in chapter 4 of the comprehensive plan;
   b. Deleting the level of service standard for activity centers in chapter 4 of the comprehensive plan;
   c. Adopting the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2015-2020; and
   d. Repealing the existing Six-Year CIP for Whatcom County Facilities 2013-2018.

2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on September 5, 2014.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on September 9, 2014.
4. The proposal was posted on the County website on September 10, 2014.

5. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media, cities and other groups on the County’s e-mail list on September 11, 2014.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on September 12, 2014.

7. The Planning Commission held a public hearing on the subject amendments on September 25, 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.
Growth Management Act

9. The Growth Management Act (GMA) establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plan amendments.

10. GMA planning goal # 12 is to “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards” (RCW 36.70A.020(12)).

11. The subject amendments include updating the Six-Year CIP for Whatcom County Facilities for the 2015-2020 planning period. Updating the CIP is one step in the process of planning regional facilities provided by the County to serve the people of Whatcom County.

12. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:
   a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.
   b. A forecast of the future needs for such capital facilities.
   c. The proposed locations and capacities of expanded or new capital facilities.
   d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
   e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

13. The Six-Year CIP for Whatcom County Facilities contains an inventory of existing County owned or operated facilities, a forecast of future needs based upon the level of service standards adopted in the Whatcom County Comprehensive Plan and other relevant factors, proposed expanded or new County capital facilities, costs and funding sources.

14. Existing Comprehensive Plan Policy 4A-4 addresses the GMA requirement to reassess the land use element if probable capital facility funding falls short.
County-Wide Planning Policies

15. County-Wide Planning Policy K-1 indicates that, as part of the comprehensive planning process, the County must identify appropriate land for public facilities that meets the needs of the community including recreation, transportation and human service facilities.

16. The CIP identifies County park, trail, transportation and other improvements as contemplated by the County Wide Planning Policies.

Interlocal Agreements

17. Existing inter-local agreements between Whatcom County and the cities indicate that the County will consult with the appropriate city in planning new road construction projects within the city’s urban growth area. The inter-local agreements also provide joint planning for parks.

18. The County Engineer indicated on September 5, 2014 that the County sends a copy of the six-year transportation improvement program to cities prior to approval, requests comments, and informs cities of the hearing date. The Whatcom County Parks Director confirmed on September 5, 2014 that the County Parks’ staff maintains a consistent working relationship with appropriate staff from cities on joint park projects and planning. Therefore, the type of cooperation envisioned by the inter-local agreements is occurring.

Further Studies/Changed Conditions

19. The Whatcom County Comprehensive Plan calls for an update of the Six-Year Capital Improvement Program for County facilities every other year. Specifically, Policy 4B-1 is to:

   Maintain and update, on at least a biennial basis, a six-year capital improvement program (CIP) that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects based on a review of population and revenue conditions existing at that time.

20. A revised capital improvement program has been formulated for County owned or operated facilities, which presents improvement projects over the new six-year planning period.

Public Interest

21. The Six-Year CIP for County facilities from 2015 to 2020 is based upon anticipated population growth over the six-year planning period and other relevant factors. Therefore, the proposal should complement the County’s growth and development plans.
22. The Six-Year CIP for Whatcom County Facilities will have a positive impact on the County’s ability to provide public facilities by planning ahead for such facilities.

23. The goal of the Six-Year CIP for Whatcom County Facilities is to plan for County owned or operated parks, trails, general government buildings and sites, Sheriff’s Office facilities, emergency management facilities, correction facilities, stormwater facilities, and transportation improvements to serve the people of Whatcom County. Planning for such County facilities is in the public interest.

Spot Zoning

24. The subject proposal does not involve rezoning property.

Level of Service Standard Modifications

25. A level of service standard for activity centers is set forth in the current Whatcom County Comprehensive Plan.

26. The “Growth Management Act – Procedural Criteria for Adopting Comprehensive Plans and Development Regulations” state that counties are not required to set level of service standards for facilities that are not “necessary for development” (WAC 365-196-415(2)(b)).

27. Whatcom County will continue to monitor and evaluate the need for activity center improvements. However, such facilities are not necessary for development (WAC 365-196-415(2)(b)). Therefore, the level of service standard for such facilities may be removed from the Comprehensive Plan.

28. Additionally, the level of service standard for trails is being modified to better reflect the County’s planning and funding of improvements.

CONCLUSIONS

1. The proposed amendments conform to applicable requirements of the Growth Management Act.

2. The proposed amendments satisfy the approval criteria of WCC 2.160.080.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. Whatcom County Comprehensive Plan Chapter 4 (Capital Facilities) is hereby amended as shown on Exhibit A.

Section 2. The Six-Year Capital Improvement Program for Whatcom County Facilities 2015-2020 (Appendix F of the Whatcom County Comprehensive Plan) is hereby adopted as shown on Exhibit B.

Section 3. The Whatcom County Six-Year Capital Improvement Program for Whatcom County Facilities 2013-2018 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 ____________, 2014.

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 the Capital Facilities chapter of the Whatcom County Comprehensive Plan (Chapter 4) as follows:

Policy 4G-2: Adopt the following level of service standards for park facilities:

- developed parks: 9.6 acres per 1,000 population
- trails: 0.60-0.32 miles per 1,000 population
- activity centers: five centers per 100,000 population
Exhibit B

Six-Year
Capital Improvement Program
For Whatcom County Facilities
2015-2020
Table of Contents

Chapter 1 - Introduction ......................................................... 3
Chapter 2 - Parks, Trails, and Activity Centers .......................... 5
Chapter 3 - Maintenance & Operations .................................... 10
Chapter 4 - General Government Buildings and Sites ............... 11
Chapter 5 - Sheriff’s Office .................................................... 13
Chapter 6 - Emergency Management ....................................... 15
Chapter 7 - Adult Corrections .................................................. 16
Chapter 8 - Juvenile Detention ............................................... 18
Chapter 9 - Transportation ..................................................... 19
Chapter 10 - Stormwater Facilities ......................................... 21
Chapter 1 – Introduction

The Growth Management Act requires that the County’s Comprehensive Plan include a “capital facilities plan element” (RCW 36.70A.070(3)). The Whatcom County Comprehensive Plan calls for the County to develop and update the Six-Year Capital Improvement Program (CIP) for County projects every two years. The main purpose of the Capital Improvement Program is to identify priority capital improvement projects and estimated costs, outline a schedule for project completion, and designate funding sources for these projects based on a review of existing and projected population and revenue conditions for the six year planning period.

Growth Management Act Requirements

According to the Growth Management Act, a county’s capital facilities plan must include five items, which are shown below.

A. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

Current inventories of existing County capital facilities, based upon information provided by various County departments, are included in each chapter of this document.

B. A forecast of the future needs for such capital facilities.

Chapter 4 of the Whatcom County Comprehensive Plan establishes “level of service” standards for County parks, trails, correction facilities, and administrative facilities (i.e. Sheriff’s office space). Level of service standards are expressed in miles of trails needed for every 1,000 people in the County, square feet of Sheriff’s office space needed to serve each person in unincorporated areas, etc. Capital facility needs are forecasted over the six-year planning period by applying the adopted level of service for a given facility to the expected population in the year 2020 or by considering other relevant factors.

C. Proposed locations and capacities of expanded or new capital facilities.

General locations and capacities (trail miles, jail beds, etc.) of proposed County facilities are indicated in this document.

D. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
This Six-Year Capital Improvement Program presents costs and funding sources for proposed County capital facilities (all figures are in 2014 dollars). There are a variety of funding sources that the County utilizes to pay for capital facilities, including real estate excise taxes, the public utilities improvement fund (also known as the Economic Development Initiative or EDI fund), grants and a variety of other funds. It is anticipated that the County’s largest project in the six-year planning period, the new jail, will require voter approval of an additional revenue stream.

Revenue and expenditure projections for roads and related non-motorized facilities are set forth in documents associated with the six-year transportation improvement program.

\[ E. \text{ A requirement to reassess the land use element if probable funding falls}\]
\[ \text{short of meeting existing needs and to ensure that the land use element,}\]
\[ \text{capital facilities plan element, and financing plan within the capital facilities}\]
\[ \text{plan element are coordinated and consistent.}\]

Finally, in accordance with the Growth Management Act, a requirement to reassess the land use element of the Comprehensive Plan if probable funding falls short of meeting existing needs and to ensure consistency between plans already exists in the Comprehensive Plan (Policy 4A-4).

**Charter Provisions and the County Budget**

In addition to Growth Management Act provisions relating to capital facilities, Section 6.30 of the County Charter also requires the County to include a six-year capital improvement program as part of the budget. Appropriation for 2015-2016 capital projects may be included in the biennial budget or may be adopted through the supplemental budget process. Ultimate funding for capital improvement projects is subject to County Council authorization in the adopted budget. Costs identified for 2017-2020 are included for planning purposes and review of potential future needs, but not for budget authorization at this time.

**Contracting for Services**

Whatcom County may contract with other entities, such as the Council of Governments and the Northwest Regional Council, for vital community services. These contracts represent County participation in providing essential services, alongside other partners, without the need to construct County owned capital facilities, which can be very costly.
Chapter 2 – Parks, Trails, and Activity Centers

Parks

The 2014 inventory of County parks and open space areas is more than 15,000 acres. This inventory is shown below.

Existing Parks

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Park Name and Location</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon Park, 7499 Alderson Rd.</td>
<td>69.80</td>
</tr>
<tr>
<td>2</td>
<td>Deming Eagle Homestead Park, Truck Rd.</td>
<td>28.50</td>
</tr>
<tr>
<td>3</td>
<td>Hovander Homestead Park and Tennant Lake, 5299 Nielsen Rd.</td>
<td>338.30</td>
</tr>
<tr>
<td>4</td>
<td>Interurban Trail/Teddy Bear Cove Parkway, Chuckanut Dr.</td>
<td>11.19</td>
</tr>
<tr>
<td>5</td>
<td>Jackson Rd. Beach Access, Birch Bay</td>
<td>0.15</td>
</tr>
<tr>
<td>6</td>
<td>Jensen Family Forest Park, Stein Rd. and Birch Bay Lynden Rd.</td>
<td>21.70</td>
</tr>
<tr>
<td>7</td>
<td>Josh VanderYacht Park, 4106 Valley Highway</td>
<td>1.99</td>
</tr>
<tr>
<td>8</td>
<td>Lake Whatcom Park, North Shore Rd.</td>
<td>4,686.50</td>
</tr>
<tr>
<td>9</td>
<td>Lighthouse Marine Park, 811 Marine Dr. in Point Roberts</td>
<td>24.30</td>
</tr>
<tr>
<td>10</td>
<td>Lily Point Marine Park, East end of APA Rd. in Point Roberts</td>
<td>274.00</td>
</tr>
<tr>
<td>11</td>
<td>Lummi Island Overlook, Nugent Rd.</td>
<td>0.16</td>
</tr>
<tr>
<td>12</td>
<td>Maple Beach, Boundary Bay Rd. in Point Roberts</td>
<td>0.50</td>
</tr>
<tr>
<td>13</td>
<td>Monument Park, Marine Dr. and Roosevelt in Point Roberts</td>
<td>7.30</td>
</tr>
<tr>
<td>14</td>
<td>Northwest Soccer Park/Baseball &amp; Softball Complex</td>
<td>36.50</td>
</tr>
<tr>
<td>15</td>
<td>Nugent’s Corner Access, 3671 Mt. Baker Highway</td>
<td>16.50</td>
</tr>
<tr>
<td>16</td>
<td>Point Whitehorn Marine Reserve, Koehn Rd.</td>
<td>55.30</td>
</tr>
<tr>
<td>17</td>
<td>Samish Park, 673 N. Lake Samish Dr.</td>
<td>26.40</td>
</tr>
<tr>
<td>18</td>
<td>Semiahmoo Park, 9261 Semiahmoo Parkway</td>
<td>304.00</td>
</tr>
<tr>
<td>19</td>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>410.40</td>
</tr>
<tr>
<td>20</td>
<td>Squires Lake Park, 135 Old Highway 99 North Rd.</td>
<td>82.30</td>
</tr>
<tr>
<td>21</td>
<td>Stimpson Family Nature Reserve, Lake Louise Rd.</td>
<td>376.10</td>
</tr>
<tr>
<td>22</td>
<td>Sunset Beach, West Shore Dr. on Lummi Island</td>
<td>2.25</td>
</tr>
<tr>
<td>23</td>
<td>Sunset Farm, 7989 Blaine Rd.</td>
<td>70.00</td>
</tr>
<tr>
<td>24</td>
<td>Ted Edwards Park, Oriental Ave.</td>
<td>3.85</td>
</tr>
<tr>
<td>25</td>
<td>Welcome Bridge Access, Mosquito Lake Rd.</td>
<td>0.50</td>
</tr>
<tr>
<td>26</td>
<td>Birch Bay Shoreline Properties</td>
<td>11.35</td>
</tr>
<tr>
<td>27</td>
<td>Canyon Lake Community Forest</td>
<td>2,266.00</td>
</tr>
<tr>
<td>28</td>
<td>Chuckanut Mountain Park</td>
<td>973.10</td>
</tr>
<tr>
<td>30</td>
<td>Lookout Mountain Forest Preserve</td>
<td>4,430.30</td>
</tr>
<tr>
<td>31</td>
<td>Plantation Rifle Range</td>
<td>60.00</td>
</tr>
<tr>
<td>32</td>
<td>South Fork Regional Park</td>
<td>550.30</td>
</tr>
<tr>
<td>33</td>
<td>Halverson Park</td>
<td>5.60</td>
</tr>
<tr>
<td>34</td>
<td>Roeder Home</td>
<td>1.00</td>
</tr>
</tbody>
</table>

**TOTAL** 15,146.14

Whatcom County Comprehensive Plan

F- 5
Future Needs

A level of service of 9.6 acres of developed parkland for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. The County’s existing parks will meet the adopted level of service over the six-year planning period. However, the County is proposing park improvement projects to increase quality of existing park facilities and develop the South Fork Park to meet the longer term needs of a growing population.

Proposed Improvement Projects

Park improvement projects, totaling more than $2 million, are proposed over the six-year planning period. These costs would be paid by real estate excise taxes (REET), the Nesset Foundation and the Park Improvement Fund as shown in the table at the end of this chapter.
Trails

Whatcom County currently has 65.46 miles of trails in various locations throughout the County. This inventory is shown below.

Existing Trails

<table>
<thead>
<tr>
<th>Existing Site No.</th>
<th>Trail Name and Location</th>
<th>Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon/Bay Crest Trail</td>
<td>0.75</td>
</tr>
<tr>
<td>2</td>
<td>Bay to Baker Maple Falls-Glacier</td>
<td>4.00</td>
</tr>
<tr>
<td>3</td>
<td>Canyon Lake Community Forest</td>
<td>7.01</td>
</tr>
<tr>
<td>4</td>
<td>Chuckanut Mountain / Pine &amp; Cedar Lakes</td>
<td>15.52</td>
</tr>
<tr>
<td>5</td>
<td>Deming Homestead Eagle Park, Truck Rd.</td>
<td>0.30</td>
</tr>
<tr>
<td>6</td>
<td>Euclid Park</td>
<td>0.05</td>
</tr>
<tr>
<td>7</td>
<td>Hovander Homestead Park</td>
<td>3.20</td>
</tr>
<tr>
<td>8</td>
<td>Interurban, Chuckanut area</td>
<td>2.80</td>
</tr>
<tr>
<td>9</td>
<td>Jensen Family Forest Park, Stein Rd. and Birch Bay Lynden Rd.</td>
<td>0.67</td>
</tr>
<tr>
<td>10</td>
<td>Lake Whatcom Park</td>
<td>4.01</td>
</tr>
<tr>
<td>11</td>
<td>Lily Point, Point Roberts</td>
<td>4.16</td>
</tr>
<tr>
<td>12</td>
<td>Lookout Mountain Forest Preserve</td>
<td>4.11</td>
</tr>
<tr>
<td>13</td>
<td>Maple Creek, off Silver Lake Rd. in Maple Falls</td>
<td>1.28</td>
</tr>
<tr>
<td>14</td>
<td>Monument Park, Marine Dr. and Roosevelt in Point Roberts</td>
<td>0.35</td>
</tr>
<tr>
<td>15</td>
<td>Ostrom Conservation Site, 4304 South Pass Rd.</td>
<td>0.56</td>
</tr>
<tr>
<td>16</td>
<td>Point Whitehorn Marine Reserve, Birch Bay area</td>
<td>0.81</td>
</tr>
<tr>
<td>17</td>
<td>Samish Park, 673 N. Lake Samish</td>
<td>1.66</td>
</tr>
<tr>
<td>18</td>
<td>Semiahmoo Park</td>
<td>0.63</td>
</tr>
<tr>
<td>19</td>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>5.75</td>
</tr>
<tr>
<td>20</td>
<td>Northwest Soccer Park Trail, Smith Rd. and Northwest Dr.</td>
<td>0.38</td>
</tr>
<tr>
<td>21</td>
<td>Squires Lake, 135 Old Highway 99 North Rd.</td>
<td>2.88</td>
</tr>
<tr>
<td>22</td>
<td>Stimpson Family Nature Reserve, Lake Louise Rd.</td>
<td>4.02</td>
</tr>
<tr>
<td>23</td>
<td>Sunset Farm, 7989 Blaine Rd.</td>
<td>0.56</td>
</tr>
</tbody>
</table>

TOTAL 65.46

Future Needs

A level of service of 0.32 miles of trails for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, approximately 6 to 7 additional miles of trails would be needed by the year 2020 to serve the people of Whatcom County.

Proposed Improvement Projects

Trail improvement projects, totaling $638,000, are proposed over the six-year planning period. These costs would be paid by REET, the Park Improvement Fund, donations and state grants as shown in the table at the end of this chapter. These projects would add about 51.7518 miles of trails to the County’s inventory.
Activity Centers

There are currently 13 activity centers that provide a variety of year-round programs for various age groups. The activity center inventory is shown below.

Existing Activity Centers

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Activity Center Name and Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon, 7511 Gemini Street</td>
</tr>
<tr>
<td>2</td>
<td>Bellingham Senior Activity Center, 315 Halleck Street</td>
</tr>
<tr>
<td>3</td>
<td>Blaine Community/Senior Center, 763 G Street</td>
</tr>
<tr>
<td>4</td>
<td>Everson Senior Center, 111 W. Main</td>
</tr>
<tr>
<td>5</td>
<td>Ferndale Senior Center, 1998 Cherry Street</td>
</tr>
<tr>
<td>6</td>
<td>Lynden Community Center, 401 Grover Street</td>
</tr>
<tr>
<td>7</td>
<td>Plantation Rifle Range, 5102 Samish Way</td>
</tr>
<tr>
<td>8</td>
<td>Point Roberts Community Center, 1487 Gulf Road</td>
</tr>
<tr>
<td>9</td>
<td>Roeder Home, 2600 Sunset Dr.</td>
</tr>
<tr>
<td>10</td>
<td>Sumas Community Center, 461 2nd Street</td>
</tr>
<tr>
<td>11</td>
<td>Van Zandt Community Hall, 4106 Valley Highway</td>
</tr>
<tr>
<td>12</td>
<td>Welcome Valley Senior Center, 5103 Mosquito Lake Rd.</td>
</tr>
<tr>
<td>13</td>
<td>East Whatcom Regional Resource Center, 8251 Kendall Rd.</td>
</tr>
</tbody>
</table>

Note: The Blaine, Everson, Lynden and Sumas Centers are owned by these respective cities. The Point Roberts Community Center is owned by the Point Roberts Park District. Whatcom County provides and/or contracts for senior activities and recreational programming at these centers.

Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for activity centers. The County will budget for operation and maintenance of such facilities as needed.

Proposed Improvement Projects

Activity center improvement projects, totaling $430,000, are proposed over the six-year planning period. These costs would be paid by REET and a state grant as shown in the table below.
<table>
<thead>
<tr>
<th>Parks</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canyon Lake Comm Forest - Road Repair</td>
<td>135,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>135,000</td>
<td>2</td>
</tr>
<tr>
<td>Birch Bay Park Master Planning</td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50,000</td>
<td>2</td>
</tr>
<tr>
<td>Hovander Homestead - Roof Replacements</td>
<td>138,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>138,000</td>
<td>2</td>
</tr>
<tr>
<td>Lighthouse Marine - Deck &amp; Playground</td>
<td>25,000</td>
<td>225,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>250,000</td>
<td>2</td>
</tr>
<tr>
<td>Lummi Island - Overlook Renovation</td>
<td></td>
<td>95,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>95,000</td>
<td>2</td>
</tr>
<tr>
<td>Nesset - Farm House Restoration</td>
<td>125,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>125,000</td>
<td>3</td>
</tr>
<tr>
<td>Samish - Playground Replacement</td>
<td>85,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>85,000</td>
<td>2</td>
</tr>
<tr>
<td>Silver Lake - Utility, Road and Day Use</td>
<td>145,000</td>
<td>235,000</td>
<td>225,000</td>
<td>75,000</td>
<td>100,000</td>
<td>100,000</td>
<td>880,000</td>
<td>2</td>
</tr>
<tr>
<td>South Fork - Park Development</td>
<td>129,100</td>
<td>140,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>270,000</td>
<td>2,4</td>
</tr>
<tr>
<td>Trails</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lake Whatcom / Lookout Mt Trails</td>
<td>20,000</td>
<td>20,000</td>
<td>80,000</td>
<td>10,000</td>
<td>80,000</td>
<td>10,000</td>
<td>220,000</td>
<td>4,5,6</td>
</tr>
<tr>
<td>South Fork Park Trail</td>
<td>209,000</td>
<td>209,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>418,000</td>
<td>2,6</td>
</tr>
<tr>
<td>Activity Centers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ferndale Senior Center - Roof</td>
<td>140,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>140,000</td>
<td>1</td>
</tr>
<tr>
<td>Plantation Rifle Range - HVAC</td>
<td>290,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>290,000</td>
<td>1,6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>957,100</td>
<td>945,900</td>
<td>609,000</td>
<td>294,000</td>
<td>180,000</td>
<td>110,000</td>
<td>3,096,000</td>
<td></td>
</tr>
</tbody>
</table>

**Funding Sources**
1. REET I
2. REET II
3. Nesset Foundation
4. Park Improvement Fund
5. Donations
6. State Grant
Chapter 3 – Maintenance and Operations

Existing Maintenance and Operations Space

The 2014 inventory of maintenance & operations/facilities management space that serves the County is 44,411 square feet. This inventory is shown below.

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Central Shop, 901 W. Smith Rd. (Maintenance and Operations)</td>
<td>35,773</td>
</tr>
<tr>
<td>2</td>
<td>316 Lottie St. (Facilities Management)</td>
<td>4,978</td>
</tr>
<tr>
<td>3</td>
<td>Minimum Security Correction Facility - 2030 Division St. (Facilities Management Storage)</td>
<td>3,660</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>44,411</td>
</tr>
</tbody>
</table>

Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for maintenance and operations. The County will budget for improvements to such facilities as needed.

Proposed Improvement Projects

Improvement projects at the Central Shop, totaling $267,550, are proposed over the six-year planning period. These costs would be paid by the road fund and shop services mark-ups as shown in the table below.

<table>
<thead>
<tr>
<th>Central Shop</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace Roof on Portable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>32,550</td>
<td>1</td>
</tr>
<tr>
<td>Replace Vinyl Cover on Salt and Sand Bunker</td>
<td>60,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>60,000</td>
<td>1</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>175,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>175,000</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>235,000</td>
<td>32,550</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>267,550</td>
<td></td>
</tr>
</tbody>
</table>

Funding Sources
1. Road Fund
2. Shop Services Mark-ups
Chapter 4 – General Government Buildings and Sites

Existing Office Space

The 2014 inventory of County government office space is 179,596 square feet at eight locations. This inventory is shown below.

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civic Center Annex (322 North Commercial)</td>
<td>20,279</td>
</tr>
<tr>
<td>2</td>
<td>Central Plaza Building (215 N. Commercial)</td>
<td>10,307</td>
</tr>
<tr>
<td>3</td>
<td>County Courthouse (311 Grand Avenue)</td>
<td>94,678</td>
</tr>
<tr>
<td>4</td>
<td>Forest St. Annex (1000 North Forest St.)</td>
<td>6,487</td>
</tr>
<tr>
<td>5</td>
<td>509 Girard St.</td>
<td>13,189</td>
</tr>
<tr>
<td>6</td>
<td>3373 Mt. Baker Highway</td>
<td>2,110</td>
</tr>
<tr>
<td>7</td>
<td>1500 N. State St.</td>
<td>12,281</td>
</tr>
<tr>
<td>8</td>
<td>Northwest Annex (5280 Northwest Dr.)</td>
<td>20,265</td>
</tr>
</tbody>
</table>

TOTAL  179,596

Proposed Improvement Projects

Improvement and maintenance projects on existing buildings and sites over the six-year planning period total almost $12.2 million as shown below.

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courthouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Alarm Upgrade</td>
<td>25,000</td>
<td>155,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>180,000</td>
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</tr>
<tr>
<td>Replace Roof (Over</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Juvenile)</td>
<td>5,000</td>
<td>75,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>80,000</td>
<td>1,2</td>
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<tr>
<td>Electrical Duct Heater (Juvenile Detention)</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>14,000</td>
<td>1</td>
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<tr>
<td>Panic Alarm Replacement</td>
<td>25,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Exterior Project</td>
<td>250,000</td>
<td>2,250,000</td>
<td>2,000,000</td>
<td></td>
<td></td>
<td></td>
<td>4,500,000</td>
<td>1,2,3</td>
</tr>
</tbody>
</table>

1500 N. State St./Champion

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Clean-up</td>
<td>40,000</td>
<td>310,000</td>
<td>20,000</td>
<td>20,000</td>
<td>10,000</td>
<td></td>
<td>400,000</td>
<td>2</td>
</tr>
<tr>
<td>Remodel</td>
<td>600,000</td>
<td></td>
<td>1,400,000</td>
<td>405,000</td>
<td></td>
<td></td>
<td>2,405,000</td>
<td>2,4</td>
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</table>

Civic Center

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>4th Floor Remodel</td>
<td>200,000</td>
<td>1,050,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,250,000</td>
<td>5</td>
</tr>
<tr>
<td>2nd Floor Remodel</td>
<td></td>
<td>1,250,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,250,000</td>
<td>5</td>
</tr>
<tr>
<td>1st Floor Remodel</td>
<td></td>
<td></td>
<td>25,000</td>
<td>240,000</td>
<td></td>
<td></td>
<td>265,000</td>
<td>6</td>
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</table>

Whatcom County Comprehensive Plan  

F-11

149
### 509 Girard

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalk Repair</td>
<td>13,000</td>
</tr>
<tr>
<td>Parking Lot Repairs</td>
<td>9,000</td>
</tr>
<tr>
<td>Replace 2 heat pumps &amp; 1 gas pack roof unit</td>
<td>39,000</td>
</tr>
<tr>
<td>Minor Remodel</td>
<td>65,000</td>
</tr>
<tr>
<td>Roof Maintenance</td>
<td>5,000</td>
</tr>
<tr>
<td>Upgrade Heating Units</td>
<td>10,000</td>
</tr>
<tr>
<td>Replace Windows</td>
<td>15,000</td>
</tr>
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</table>

### Central Plaza Building

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace Roof</td>
<td>10,000</td>
</tr>
<tr>
<td>Sidewalk/Asphalt Repair/Tree Removal</td>
<td>115,000</td>
</tr>
<tr>
<td></td>
<td>125,000</td>
</tr>
<tr>
<td></td>
<td>35,000</td>
</tr>
</tbody>
</table>

### Northwest Annex

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>HVAC Cooling Tower Replacement</td>
<td>86,000</td>
</tr>
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</table>

### Sun House/E. Chestnut St.

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renovation</td>
<td>230,000</td>
</tr>
</tbody>
</table>

### Multiple Locations

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>HVAC Panel Controller Upgrades</td>
<td>73,340</td>
</tr>
<tr>
<td>Parking Lot Repairs</td>
<td>8,000</td>
</tr>
<tr>
<td>Security Video Upgrades</td>
<td>8,000</td>
</tr>
<tr>
<td>Replace Carpets</td>
<td>65,000</td>
</tr>
<tr>
<td>Painting</td>
<td>50,000</td>
</tr>
</tbody>
</table>

**TOTAL**  
<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>1,762,340</td>
</tr>
</tbody>
</table>

### Funding Sources

1. REET I  
2. EDI  
3. Inter-fund Loan  
4. State Street Fund  
5. Civic Center Fund  
6. Road Fund  
7. Donations  
8. General Fund  

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*Whatcom County Comprehensive Plan*  

F-12
Chapter 5 – Sheriff’s Office

Existing Sheriff’s Office Space

The 2014 inventory of Sheriff’s office space is 23,326 square feet serving the unincorporated population. This inventory is shown below.

EXISTING SHERIFF’S FACILITIES

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Safety Building (311 Grand Ave)</td>
<td>15,102</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Security Correction Facility (2030 Division St.)</td>
<td>6,000</td>
</tr>
<tr>
<td>3</td>
<td>Laurel Substation (194 W. Laurel Rd.)</td>
<td>1,800</td>
</tr>
<tr>
<td>4</td>
<td>East Whatcom Regional Resource Center (8251 Kendall Road)</td>
<td>144</td>
</tr>
<tr>
<td>5</td>
<td>Birch Bay Fire Hall</td>
<td>192</td>
</tr>
<tr>
<td>6</td>
<td>Nugent’s Corner Fire Hall</td>
<td>88</td>
</tr>
</tbody>
</table>

TOTAL 23,326

Notes:

The Sheriff’s Office also has storage facilities at various locations in Whatcom County.

The County has two mobile homes and an old detention facility in Point Roberts. The resident deputies operate out of their homes or utilize space at the U.S. Customs office at the border.

Sheriff’s Office facilities include shared space at local fire districts, which is rented or leased space not solely dedicated to Sheriff’s Office use. This space is available depending on Fire District needs and is generally subject to change with short notice.

Future Needs

A level of service of 0.26 square feet of Sheriff’s Office space per capita was adopted in the Comprehensive Plan. With anticipated population growth in unincorporated Whatcom County, the existing Sheriff’s Office space would not meet the level of service standard over the six-year planning period. Most Sheriff’s Office functions are currently based in the Public Safety Building adjacent to the Courthouse and are remote from the majority of Sheriff’s Office Bureau of Law Enforcement and Investigative Services functions that take place in unincorporated Whatcom County. This results in inefficiencies and delays. Space and design factors in current facilities preclude consolidating various functions performed throughout the agency (reception, finance, etc.) and result in redundancies. Because of these issues, and the fact that the level of service standards will not be met, existing Sheriff’s Office facilities and associated functions will be consolidated (except for “Resident Deputy” program facilities), and co-located on the site of the proposed new jail.
Proposed Improvement Projects

A new 33,000 square foot Sheriff’s Headquarters facility, co-located with the proposed new jail on LaBounty Rd. in Ferndale, is proposed within the six-year planning period. The Sheriff’s Headquarters facility would cost approximately $13 million, paid with bond proceeds that would be repaid with REET I funds, as shown below. Additionally, an awning at the existing Sheriff’s Office would be replaced.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace Awning</td>
<td>7,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,500</td>
</tr>
<tr>
<td>New Sheriff’s</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>Headquarters</td>
<td>1,562,600</td>
<td>3,751,800</td>
<td>3,823,300</td>
<td>3,862,300</td>
<td></td>
<td></td>
<td>13,000,000</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>7,500</td>
<td>1,562,600</td>
<td>3,751,800</td>
<td>3,823,300</td>
<td>3,862,300</td>
<td></td>
<td>13,007,500</td>
<td></td>
</tr>
</tbody>
</table>

Funding Source

1. REET I
2. Bonds (REET I)
Chapter 6 – Emergency Management

Existing Emergency Management Space

The 2014 inventory of Division of Emergency Management space, which is shared with the City of Bellingham, is 24,000 square feet (2,000 square feet of office space with another 22,000 square feet available for use during emergencies). The Division of Emergency Management space is located in the Whatcom Emergency Joint Coordination Center that is rented by Whatcom County and the City of Bellingham. The Center serves as the emergency operations center for both the County and the City.

EXISTING EMERGENCY MANAGEMENT/EOC FACILITIES

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Whatcom Emergency Joint Coordination Center</td>
<td>24,000</td>
</tr>
<tr>
<td></td>
<td>3888 Sound Way, Bellingham</td>
<td></td>
</tr>
</tbody>
</table>

Future Needs

The Division of Emergency Management requires both daily office space for Emergency Management and, during an actual emergency, additional space for the emergency operations center (EOC). During an emergency, the EOC may have to accommodate several hundred people in a single day. These people include a combination of elected officials, trained personnel and volunteers, who serve in a variety of capacities during the emergency.

A level of service of 0.011 square feet of emergency operations space per capita was adopted in the Comprehensive Plan. With the 2,000 square feet of shared office space and the 22,000 square feet available for the EOC during emergencies, no additional space would be needed by the year 2020 to meet the adopted level of service.

Proposed Improvement Projects

Approximately $50,000 in REET I funds will be spent in the six-year planning period to renovate the Joint Coordination Center building, as shown below. Renovations may include enhanced capability for sustained 24/7 operations and locker rooms.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Whatcom County Comprehensive Plan</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>F- 15</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Funding Source

1. REET I
Chapter 7 – Adult Corrections

Existing Jail Facilities

The County’s Main Jail was designed for 148 beds, although it currently has 283 beds due to double bunking, internal remodeling and use of temporary beds. In 2013, the average daily population for the Main Jail was 258. Additionally, the jail is currently not in compliance with the Building/Fire Codes for double bunking, although a plan has been approved to bring it into compliance. Whatcom County completed construction of a 150 bed minimum security correction facility on Division St. in 2006. In 2013, the average daily population for the minimum security facility was 126. The Main Jail is located in the Public Safety Building next to the County Courthouse in downtown Bellingham and the Minimum Security Correction Facility is located in the Bakerview Rd. industrial area.

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Jail Beds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Safety Building (311 Grand Ave.)</td>
<td>283</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Security Correction Facility (2030 Division St.)</td>
<td>150</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>433</td>
</tr>
</tbody>
</table>

Future Needs

There are serious concerns among law and justice officials relating to jail facility needs in the community. This need has been documented by recommendations from the Whatcom County Law and Justice Plan Phase II Report (June 2000), in a report entitled Operational Review of the Whatcom County, Washington Jail (March 2004), in the Whatcom County Jail Planning Task Force Recommendations (Dec. 2011 and March 2012), and in the Whatcom County Adult Corrections Facilities & Sheriff’s Headquarters Pre-Design Report (Sept. 2013).

A level of service of 1.42 beds for every 1,000 people in the County was adopted in 1997 in the Whatcom County Comprehensive Plan. However, average daily populations documented by the Corrections Bureau since 2006 have been well above the minimum number of beds required by the current level of service standard. Therefore, the County plans to review and update the existing level of service standard.

Proposed Improvement Projects

In an effort to meet the community need, the County plans to construct a new Adult Corrections Facility on LaBounty Rd. in Ferndale, tentatively scheduled to open with 521 beds. At the time this new jail is opened, the offenders at the minimum-security corrections facility would be relocated to the new facility.

Additionally, day-holding facility and sally port improvements are planned at the County Courthouse in Bellingham. The day-holding facility will accommodate
inmates for court activities. The sally port will be connected to the holding facility to allow the safe and secure transfer of inmates to and from the facility.

The cost of the proposed new jail is approximately $87,000,000. The cost of the day-holding/sally port improvements is approximately $3,000,000. These costs would be paid with bond proceeds that would be repaid with sales tax, as shown below.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Jail</td>
<td>200,000</td>
<td>10,433,360</td>
<td>25,050,480</td>
<td>25,527,880</td>
<td>25,788,280</td>
<td></td>
<td>87,000,000</td>
<td>1</td>
</tr>
<tr>
<td>Day-holding</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,000,000</td>
<td></td>
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<tr>
<td>Facility &amp;</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>1,000,000</td>
<td></td>
</tr>
<tr>
<td>Sally Port</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,000,000</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>200,000</td>
<td>10,433,360</td>
<td>26,050,480</td>
<td>26,527,880</td>
<td>26,788,280</td>
<td></td>
<td>90,000,000</td>
<td></td>
</tr>
</tbody>
</table>

**Funding Source**

1. Bonds  
(Sales Tax)
Chapter 8 – Juvenile Detention

Existing Juvenile Detention Facilities

The 2014 inventory of County juvenile detention facilities includes 32 beds serving the county-wide population. The juvenile detention facility is located on the sixth floor of the County Courthouse at 311 Grand Avenue.

EXISTING JUVENILE DETENTION BEDS

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Beds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>County Courthouse (311 Grand Ave.)</td>
<td>32</td>
</tr>
</tbody>
</table>

Future Needs

A level of service of 0.125 beds per 1,000 population was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, no additional beds would be needed by the year 2020 to meet the adopted level of service.

Proposed Improvement Projects

No improvement projects are currently proposed that would increase the number of permanent beds within the six-year planning period.
Chapter 9 – Transportation

Existing Roads

The 2013 inventory shows a total of 939.75 miles of County roads. Additionally, there are 217.5 miles of state highways in Whatcom County (including I-5). Therefore, there are approximately 1,157 miles of public roads in Whatcom County.

Future Needs

The Whatcom County Comprehensive Plan sets level of service (LOS) standards for County roads. Future traffic and the level of service for roads can be forecasted using computer-modeling software. The Whatcom Council of Governments forecasts future traffic utilizing a computer transportation model. This modeling effort will inform transportation planning in Whatcom County.

Whatcom County accomplishes planning for County road improvements by approving a Six-Year Transportation Improvement Program each year, as required by RCW 36.81.121.

Proposed Improvement Projects

The Whatcom County Six-Year Transportation Improvement Program for the years 2015 through 2020 includes preliminary planning for three proposed new road projects:

- Slater Road Connector (between Northwest Drive and Guide Meridian);
- Horton Road Connector (between Northwest Drive and Aldrich Road); and
- Lincoln Road extension (between Harborview Road and Blaine Road).

While these three projects are on the Six-Year Transportation Improvement Program, construction is not anticipated within the six-year planning period. Rather, preliminary engineering to determine project feasibility may be initiated within this time frame.

The six-year plan also includes a number of bridge replacements, several reconstruction projects, and the Birch Bay Drive & Pedestrian Facility improvements, which include pedestrian and non-motorized enhancements along Birch Bay Dr.

In addition to the projects in the Six-Year Transportation Program, the Lincoln Road/Birch Point connector is a developer funded project. The project completion date is unknown.
Existing Ferry Facilities

Whatcom County currently has one ferry vessel serving Lummi Island. The ferry runs between Lummi Island and Gooseberry Point on a daily basis.

Future Needs

The Whatcom County Comprehensive Plan sets a level of service of 513 ferry passenger trips annually per capita of Lummi Island population. Based upon projected population, the Lummi ferry will not meet the adopted level of service over the six-year planning period. Therefore, it will be appropriate to either make plans to meet the LOS or consider revising the LOS standard during the next comprehensive plan update.

Proposed Improvement Projects

Although the Six-Year Transportation Plan addresses the ferry, no improvement projects that would add ferry capacity are proposed within the six-year planning period.

Total Transportation Costs

The total cost of the County transportation projects in the Six-Year Transportation Improvement Program, including both road and ferry projects, is approximately $48.49 million. These costs include about $36 million of County funds, with the remainder being funded by the State and Federal governments.
Chapter 10 – Stormwater Facilities

Existing Stormwater Management Facilities

The Public Works Department is responsible for design, engineering, and construction of county-owned stormwater facilities. Many stormwater facilities are road-related stormwater conveyance systems such as culverts and ditches on and adjacent to county roads. Others are off right-of-way facilities that control stormflows and improve water quality.

In response to increasing federal and state mandates to manage stormwater and the public’s desire to improve stewardship of sensitive watersheds, Whatcom County established a Stormwater group in the Surface Water Division of the Public Works Department in 2005. The Stormwater group is responsible for planning, designing, engineering, and construction of stormwater facilities. Inventories of existing stormwater facilities are maintained by the Public Works Department. The Engineering Services Division maintains an inventory of all road-related facilities. The Stormwater group maintains an inventory of public and private stormwater facilities in the area covered by the County’s NPDES Phase II permit for Municipal Separate Storm Sewer Systems. This inventory includes ditches, culverts, catch basins, vaults, ponds, and swales. Completed stormwater construction projects since the Public Works-Stormwater group was created in 2005 are listed below.

<table>
<thead>
<tr>
<th>Existing Site No.</th>
<th>Watershed</th>
<th>Facility Name</th>
<th>Year Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lake Whatcom</td>
<td>Geneva Stormwater Retrofits</td>
<td>2006</td>
</tr>
<tr>
<td>2</td>
<td>Lake Whatcom</td>
<td>Cable Street Reconstruction &amp; Stormwater Improvements</td>
<td>2007</td>
</tr>
<tr>
<td>3</td>
<td>Lake Whatcom</td>
<td>Lahti Drive Stormwater Improvements</td>
<td>2010</td>
</tr>
<tr>
<td>4</td>
<td>Lake Whatcom</td>
<td>Silver Beach Creek Improvements - Brow nsville Drive to E. 16th Place</td>
<td>2011</td>
</tr>
<tr>
<td>5</td>
<td>Lake Whatcom</td>
<td>Silver Beach Creek Improvements - West Tributary</td>
<td>2012</td>
</tr>
<tr>
<td>6</td>
<td>Lake Whatcom</td>
<td>Coronado-Fremont Stormwater Improvements</td>
<td>2013</td>
</tr>
</tbody>
</table>

Lake Whatcom Coronado-Fremont Stormwater Improvements

Whatcom County Comprehensive Plan

F-21
Whatcom County Public Works received an award for the West Tributary of Silver Beach Creek Stormwater Improvements (Existing Site No. 5 above). Silver Beach Creek experiences increased stormwater runoff and greater peak flows due to its developed landscape. This project was designed to substantially improve water quality and reduce flooding in an especially problematic reach of the creek. The project included reshaping and stabilizing the stream channel, installing water quality treatment swales, and installing stormwater vaults. These improvements filter phosphorus-containing sediment, alleviate flooding, reduce erosion, and promote infiltration. Project construction cost was approximately $500,000 and shared between local real estate excise tax (REET) revenues, a State of Washington Department of Ecology grant, and a federal EPA grant.

**Future Needs**

An increasing emphasis on the protection of sensitive watersheds has resulted in the adoption of comprehensive stormwater plans, including plans for Lake Whatcom and Birch Bay. The adopted plans identify work towards planning, design, engineering, and construction of capital projects intended to address stormwater issues.

**Proposed Improvement Projects**

Stormwater improvement projects, totaling almost $4.8 million, are proposed over the six-year planning period as shown below. These costs would be paid by REET, City of Bellingham funds, Flood Control Zone District (FCZD) tax revenues, and a state grant. Where appropriate, matching contributions from other beneficiaries will be sought.
<table>
<thead>
<tr>
<th>Project Description</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lake Whatcom</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,049,000</td>
<td>1,2,3,4</td>
</tr>
<tr>
<td>Academy Road Stormwater Improvements</td>
<td>1,049,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agate Heights Estate/Bay Lane Water Quality Improvements</td>
<td>85,000</td>
<td>25,000</td>
<td>500,000</td>
<td></td>
<td></td>
<td>610,000</td>
<td>1,3</td>
<td></td>
</tr>
<tr>
<td>Beaver Creek Channel Restoration</td>
<td>95,000</td>
<td>20,000</td>
<td>450,000</td>
<td></td>
<td></td>
<td>565,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Cedar Hills/Euclid Stormwater Improvements</td>
<td>25,000</td>
<td>605,000</td>
<td></td>
<td></td>
<td></td>
<td>630,000</td>
<td>1, 3</td>
<td></td>
</tr>
<tr>
<td>Lowel Dr. and Cedarbrook Court Stormwater Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>150,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Northshore Dr. at E. North St. Drainage System Upgrades</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>150,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Silver Beach Creek Channel Restoration</td>
<td>150,000</td>
<td>50,000</td>
<td>550,000</td>
<td></td>
<td></td>
<td>750,000</td>
<td>1,3</td>
<td></td>
</tr>
<tr>
<td>Sudden Valley Drainage System Upgrades</td>
<td>115,000</td>
<td>25,000</td>
<td>500,000</td>
<td></td>
<td></td>
<td>640,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Birch Bay</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>85,000</td>
<td>1</td>
</tr>
<tr>
<td>Cottonwood Dr. Drainage Improvements (matching funds)</td>
<td>85,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Harborview Rd. Culvert Replacement (matching funds)</td>
<td></td>
<td>95,000</td>
<td></td>
<td></td>
<td></td>
<td>95,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>1,159,000</td>
<td>725,000</td>
<td>720,000</td>
<td>720,000</td>
<td>700,000</td>
<td>750,000</td>
<td>4,774,000</td>
<td></td>
</tr>
</tbody>
</table>
Exhibit C (Repeal Existing CIP)

Six-Year Capital Improvement Program For Whatcom County Facilities 2013–2018
# Table of Contents

Chapter 1—Introduction ................................................................. 3  
Chapter 2—Parks, Trails, and Activity Centers ................................ 5  
Chapter 3—Maintenance & Operations ........................................... 13  
Chapter 4—Government Office Space ............................................ 14  
Chapter 5—Sheriff’s Office ........................................................... 15  
Chapter 6—Emergency Management/EOC .................................... 16  
Chapter 7—Jails ........................................................................ 17  
Chapter 8—Juvenile Detention ...................................................... 19  
Chapter 9—Transportation ............................................................ 20  
Chapter 10—Stormwater and Flood Protection Facilities ................. 22  
Chapter 11—Improvements to Existing Buildings ............................ 26  
Chapter 12—Costs by Project Category ......................................... 27
Chapter 1—Introduction

The Growth Management Act requires that the County’s Comprehensive Plan include a “capital facilities plan element” (RCW 36.70A.070(3)). The Whatcom County Comprehensive Plan calls for the County to develop and update the Six-Year Capital Improvement Program for County projects. The main purpose of this Capital Improvement Program is to plan County facilities to serve the people of Whatcom County over the next six years.

Growth Management Act Requirements

According to the Growth Management Act, a county’s capital facilities plan must include five items, which are shown below:

A. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

Current inventories of existing County capital facilities, based upon information provided by various County departments, are included in each chapter of this document.

B. A forecast of the future needs for such capital facilities.

Chapters 4 and 6 of the Whatcom County Comprehensive Plan establish “level of service” standards for County parks, administrative facilities (i.e. Sheriff’s office space), correction facilities, and transportation. Level of service standards are expressed in acres of parkland needed for every 1,000 people in the County, square feet of Sheriff’s office space needed to serve each person in the County, etc. Forecasts of future needs for capital facilities over the six-year planning period are determined by applying the adopted level of service for a given facility to the expected population in the year 2018.

C. Proposed locations and capacities of expanded or new capital facilities.

General locations and capacities (acres of parkland, jail beds, etc.) of proposed new County facilities are indicated in this document.

D. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

This Six-Year Capital Improvement Program presents costs and funding sources for proposed County capital facilities (all figures are in 2012 dollars). There are a variety of funding sources that the County utilizes to pay for capital facilities, including real estate excise tax, conservation futures, the public utilities improvement fund, the jail fund, and grants. One other potential source is the County’s General Fund. The Finance Manager for Whatcom County indicated that over the six-year planning period, there would be little revenue in the County’s
General Fund to finance capital facilities. However, the capital facilities proposed in this Six-Year Capital Improvement Program are within the County's funding capacity. Specifically, Whatcom County's unused limited tax general obligation bond long-term debt capacity at the end of 2011 was $337,885,810, which far exceeds the expenditures proposed by this Six-Year Capital Improvement Program. Therefore, it would be possible to issue bonds to pay for capital facilities if revenue is increased, expenses decreased, or programs reprioritized to make debt service payments.

Revenue and expenditure projections for roads and related non-motorized facilities are set forth in the six-year transportation improvement program.

E. A requirement to reassess the land-use element if probable funding falls short of meeting existing needs and to ensure that the land-use element, capital-facilities plan element, and financing plan within the capital-facilities plan element are coordinated and consistent.

Finally, in accordance with the Growth Management Act, a requirement to reassess the land-use element of the Comprehensive Plan if probable funding falls short of meeting existing needs and to ensure consistency between plans already exists in the Comprehensive Plan (Policy 4A-4).

Charter Provisions and the County Budget

In addition to Growth Management Act provisions relating to capital facilities, Section 6.30 of the County Charter also requires the County to include a six-year capital improvement program as part of the budget. Appropriation for 2013-2014 capital projects may be included in the biennial budget or may be adopted through the supplemental budget process. Ultimate funding for capital improvement projects is subject to County Council authorization in the adopted budget. Costs identified for 2015-2018 are included for planning purposes and review of potential future needs, but not for budget authorization at this time.

Contracting for Services

Whatcom County may contract with other entities, such as the Council of Governments and the Northwest Regional Council, for vital community services. These contracts represent County participation in providing essential services, alongside other partners, without the need to construct County-owned capital facilities, which can be very costly.
Chapter 2—Parks, Trails, and Activity Centers

Parks

Existing Parks and Open Space Areas

The 2012 inventory of County-owned parks and open space areas shows a total of 7,145 acres. This inventory, shown below, is a partial list.

Existing Parks

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Park Name and Location</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon Park, 7499 Alderson Rd.</td>
<td>68.19</td>
</tr>
<tr>
<td>2</td>
<td>Deming Eagle Homestead Park, Truck Rd.</td>
<td>33.00</td>
</tr>
<tr>
<td>3</td>
<td>Hovander Homestead Park and Tennant Lake, 5299 Nielsen Rd.</td>
<td>333.42</td>
</tr>
<tr>
<td>4</td>
<td>Interurban Trail/Teddy Bear Cove Parkway, Chuckanut Dr.</td>
<td>11.19</td>
</tr>
<tr>
<td>5</td>
<td>Jackson Rd. Beach Access, Birch Bay</td>
<td>0.15</td>
</tr>
<tr>
<td>6</td>
<td>Jensen Family Forest Park, Stein Rd. and Birch Bay Lynden Rd.</td>
<td>21.48</td>
</tr>
<tr>
<td>7</td>
<td>Josh VanderYacht Park, 4106 Valley Highway</td>
<td>1.99</td>
</tr>
<tr>
<td>8</td>
<td>Lake Whatcom Park, North Shore Rd.</td>
<td>218.00</td>
</tr>
<tr>
<td>9</td>
<td>Lighthouse Marine Park, 811 Marine Dr. in Point Roberts</td>
<td>20.49</td>
</tr>
<tr>
<td>10</td>
<td>Lily Point Marine Park Reserve, East end of APA Rd. in Point Roberts</td>
<td>130.20</td>
</tr>
<tr>
<td>11</td>
<td>Lummi Island Overlook, Nugent Rd.</td>
<td>0.16</td>
</tr>
<tr>
<td>12</td>
<td>Maple Beach Park, Boundary Bay Rd. in Point Roberts</td>
<td>0.50</td>
</tr>
<tr>
<td>13</td>
<td>Monument Park, Marine Dr. and Roosevelt in Point Roberts</td>
<td>6.94</td>
</tr>
<tr>
<td>14</td>
<td>Northwest Soccer Park/Baseball &amp; Softball Complex, Smith Rd. and Northwest Dr</td>
<td>35.00</td>
</tr>
<tr>
<td>15</td>
<td>Nugent's Corner Access, 3671 Mt. Baker Highway</td>
<td>14.00</td>
</tr>
<tr>
<td>16</td>
<td>Point Whitehorn Marine Reserve, Koehn Rd.</td>
<td>54.10</td>
</tr>
<tr>
<td>17</td>
<td>Samish Park, 673 N. Lake Samish Dr.</td>
<td>30.61</td>
</tr>
<tr>
<td>18</td>
<td>Semiahmoo Park, 9261 Semiahmoo Parkway</td>
<td>17.92</td>
</tr>
<tr>
<td>19</td>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>412.05</td>
</tr>
<tr>
<td>20</td>
<td>Squires Lake Park, 135 Old Highway 99 North Rd.</td>
<td>84.15</td>
</tr>
<tr>
<td>21</td>
<td>Stimpson Family Nature Reserve, Lake Louise Rd.</td>
<td>371.27</td>
</tr>
<tr>
<td>22</td>
<td>Sunset Beach, West Shore Dr. on Lummi Island</td>
<td>2.25</td>
</tr>
<tr>
<td>23</td>
<td>Sunset Farm, 7989 Blaine Rd.</td>
<td>69.50</td>
</tr>
<tr>
<td>24</td>
<td>Ted Edwards Park, Oriental Ave.</td>
<td>3.85</td>
</tr>
<tr>
<td>25</td>
<td>Welcome Bridge Access, Mosquito Lake Rd.</td>
<td>0.60</td>
</tr>
<tr>
<td>26</td>
<td>Bay to Baker Trail</td>
<td>118.00</td>
</tr>
<tr>
<td>27</td>
<td>Birch Bay Shoreline Properties</td>
<td>11.35</td>
</tr>
<tr>
<td>28</td>
<td>Canyon Lake Creek Community Forest</td>
<td>2,266.00</td>
</tr>
<tr>
<td>29</td>
<td>Chuckanut Mountain Park</td>
<td>999.80</td>
</tr>
<tr>
<td>30</td>
<td>Olsen Property</td>
<td>368.70</td>
</tr>
<tr>
<td>31</td>
<td>Plantation Rifle Range</td>
<td>60.00</td>
</tr>
<tr>
<td>32</td>
<td>South Fork Regional Park</td>
<td>603.00</td>
</tr>
<tr>
<td>33</td>
<td>Halverson Park</td>
<td>5.60</td>
</tr>
<tr>
<td>34</td>
<td>Roeder Home</td>
<td>1.15</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>6,374.61</strong></td>
</tr>
</tbody>
</table>
Appendix F – Six-Year CIP 2013-2018

Future Parks Level of Service

A level of service of 9.6 acres of developed parkland for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan.

Proposed Park Improvement Projects

Seven park improvement projects are proposed to provide additional park space by the year 2018. These projects would add 271 acres of parkland in Whatcom County, as shown below.

Additionally, other park and recreation improvement projects are proposed on existing parkland. These projects will add recreational facilities at these parks, but will not add acreage to the inventory. Examples include playfields, picnic areas, restrooms, and parking.

Financing for Park Improvement Projects

The total cost of the seven proposed park improvement projects is approximately $2.5 million over the six-year planning period. These costs would be paid for through grants, real estate excise tax (REET), the park improvement fund, conservation futures, and flood funds as shown below.
## Park Improvement Projects, 2013–2018

<table>
<thead>
<tr>
<th>Site No. and Project Name</th>
<th>Acres</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cherry Point / Point Whitehorn Industrial Area Access</td>
<td>35</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>150,000</td>
<td>300,000</td>
<td>1 and 2</td>
<td></td>
</tr>
<tr>
<td>2. Dittrich Park Lake Samish</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>250,000</td>
<td>250,000</td>
<td>500,000</td>
<td>1 and 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Lake Whatcom County Park South Unit</td>
<td>83</td>
<td>0</td>
<td>0</td>
<td>130,000</td>
<td>130,000</td>
<td>130,000</td>
<td>130,000</td>
<td>520,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>4. Maple Falls Park</td>
<td>73</td>
<td>0</td>
<td>150,000</td>
<td>150,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>5. Riverplace Park Ferndale</td>
<td>50</td>
<td>100,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100,000</td>
<td>1, 2, 4 and 5</td>
<td></td>
</tr>
<tr>
<td>6. South Fork Regional Park, Mosquito Lake Rd.</td>
<td>0</td>
<td>0</td>
<td>250,000</td>
<td>400,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>650,000</td>
<td>1, 2 and 3</td>
</tr>
<tr>
<td>32. Sunnyside Landing Park, North Shore Rd.</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>50,000</td>
<td>50,000</td>
<td>0</td>
<td>100,000</td>
<td>1 and 2</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>271</strong></td>
<td><strong>100,000</strong></td>
<td><strong>400,000</strong></td>
<td><strong>730,000</strong></td>
<td><strong>430,000</strong></td>
<td><strong>530,000</strong></td>
<td><strong>280,000</strong></td>
<td><strong>2,470,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Funding Source Key:**
1. Grants
2. REET II
3. Park Improvement Fund
4. Conservation Futures
5. Flood fund
Trails

Existing Trails

Whatcom County currently has 60.63 miles of trails in various locations throughout the County. This inventory is shown below:

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Trail Name and Location</th>
<th>Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Crest, Sunset Dr. and Woodbridge Dr., Birch Bay</td>
<td>0.21</td>
</tr>
<tr>
<td>2</td>
<td>Bay Horizon, 7499 Alderson Rd.</td>
<td>0.25</td>
</tr>
<tr>
<td>3</td>
<td>Bay to Baker Maple Falls-Glacier</td>
<td>4.00</td>
</tr>
<tr>
<td>4</td>
<td>Canyon Lake, off Canyon Lake Rd.</td>
<td>4.50</td>
</tr>
<tr>
<td>5</td>
<td>Chuckanut Ridge</td>
<td>0.36</td>
</tr>
<tr>
<td>6</td>
<td>Deming Homestead Eagle Park, Truck Rd.</td>
<td>0.30</td>
</tr>
<tr>
<td>7</td>
<td>Hemlock, Chuckanut area</td>
<td>3.53</td>
</tr>
<tr>
<td>8</td>
<td>Hovander Marrietta Coast Millennium Trail</td>
<td>4.90</td>
</tr>
<tr>
<td>9</td>
<td>Huckleberry, Chuckanut area</td>
<td>0.43</td>
</tr>
<tr>
<td>10</td>
<td>Interurban, Chuckanut area</td>
<td>2.80</td>
</tr>
<tr>
<td>11</td>
<td>Jensen, Stein Rd. and Birch Bay Lynden Rd.</td>
<td>0.61</td>
</tr>
<tr>
<td>12</td>
<td>Lake Samish, 673 N. Lake Samish Dr.</td>
<td>1.30</td>
</tr>
<tr>
<td>13</td>
<td>Lake Whatcom Park</td>
<td>4.02</td>
</tr>
<tr>
<td>14</td>
<td>Lily Point, Point Roberts</td>
<td>4.17</td>
</tr>
<tr>
<td>15</td>
<td>Lost Lake, Chuckanut area</td>
<td>3.07</td>
</tr>
<tr>
<td>16</td>
<td>Lower Salal, Chuckanut area</td>
<td>1.30</td>
</tr>
<tr>
<td>17</td>
<td>Madrona, Chuckanut area</td>
<td>0.78</td>
</tr>
<tr>
<td>18</td>
<td>Maple Creek, off Silver Lake Rd. in Maple Falls</td>
<td>1.50</td>
</tr>
<tr>
<td>19</td>
<td>Monument Park, Marine Dr. and Roosevelt in Point Roberts</td>
<td>0.18</td>
</tr>
<tr>
<td>20</td>
<td>Olsen Property Trail, Lake Whatcom Watershed</td>
<td>4.00</td>
</tr>
<tr>
<td>21</td>
<td>Ostrom Property, 4304 South Pass Rd.</td>
<td>0.66</td>
</tr>
<tr>
<td>22</td>
<td>Pine and Cedar Lakes, Chuckanut area</td>
<td>3.87</td>
</tr>
<tr>
<td>23</td>
<td>Point Whitehorn, Birch Bay area</td>
<td>0.75</td>
</tr>
<tr>
<td>24</td>
<td>Raptor Ridge, Chuckanut area</td>
<td>0.40</td>
</tr>
<tr>
<td>25</td>
<td>Salal, Chuckanut area</td>
<td>1.18</td>
</tr>
<tr>
<td>26</td>
<td>Semiahmoo East Paved</td>
<td>0.63</td>
</tr>
<tr>
<td>27</td>
<td>Semiahmoo West Footpath</td>
<td>0.45</td>
</tr>
<tr>
<td>28</td>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>3.10</td>
</tr>
<tr>
<td>29</td>
<td>Soccer Trail, Smith Rd. and Northwest Dr.</td>
<td>0.30</td>
</tr>
<tr>
<td>30</td>
<td>Squires Lake, 135 Old Highway 99 North Rd.</td>
<td>2.14</td>
</tr>
<tr>
<td>31</td>
<td>Stimson Reserve, Lake Louise Rd.</td>
<td>4.04</td>
</tr>
<tr>
<td>32</td>
<td>Sunset, 7989 Blaine Rd.</td>
<td>0.57</td>
</tr>
<tr>
<td>33</td>
<td>Teddy Bear Cove, Chuckanut area</td>
<td>0.33</td>
</tr>
</tbody>
</table>

TOTAL 60.63

Future Trail Needs

A level of service of 0.60 miles of trails for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, an additional 71 miles of trails would be needed by the year 2018 to serve the people of Whatcom County.
**Trail Improvement Projects**

Five improvement projects are proposed to provide additional trails to meet the anticipated need by the year 2018. These projects would add 71 miles of trails in Whatcom County, as shown below:

**Financing for Trail Improvement Projects**

The total cost of the five proposed trail improvement projects is approximately $6.2 million over the six-year planning period. These costs would be paid for through grants, REET, conservation futures, donations, and, potentially, a levy. This is an ambitious plan and funding needed to provide this level of service will, realistically, have to compete with higher priority functions of County government.

<table>
<thead>
<tr>
<th>Site No. and Project Name</th>
<th>Miles</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bay to Baker Trail</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>4,000,000</td>
<td>1,3 and 4</td>
</tr>
<tr>
<td>2. Chuckanut Mountain Trails</td>
<td>2.7</td>
<td>0</td>
<td>15,000</td>
<td>15,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
<td>1,3 and 4</td>
</tr>
<tr>
<td>3. Hertz North Lake Whatcom Trail Extension</td>
<td>1</td>
<td>1,500,000</td>
<td>65,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,565,000</td>
<td>1,2 and 5</td>
</tr>
<tr>
<td>4. South Fork Regional Park Trail</td>
<td>4.3</td>
<td>0</td>
<td>75,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>75,000</td>
<td>1,2 and 5</td>
</tr>
<tr>
<td>5. Lake Whatcom Trails - Reconveyance Lands</td>
<td>55</td>
<td>0</td>
<td>0</td>
<td>125,000</td>
<td>125,000</td>
<td>125,000</td>
<td>175,000</td>
<td>550,000</td>
<td>1,2 and 5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>71</td>
<td>1,500,000</td>
<td>155,000</td>
<td>1,140,000</td>
<td>1,125,000</td>
<td>1,125,000</td>
<td>1,175,000</td>
<td>6,220,000</td>
<td></td>
</tr>
</tbody>
</table>

**Funding Sources Key**

1. Grants
2. REET II
3. Conservation Futures
4. Levy
5. Donations

Notes: Lake Whatcom Trails are predicated on pending Department of Natural Resources reconveyance transaction within the Lake Whatcom watershed. For the Bay to Baker Trail and Lake Whatcom Trails, trail alignments and lengths are pending land acquisition, property easement negotiation and final trail design.
Activity Centers

Existing Activity Centers

There are currently 12 activity centers that provide a variety of year-round programs for various age groups. The activity center inventory is shown below.

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Activity Center Name and Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon, 7499 Alderson Rd.</td>
</tr>
<tr>
<td>2</td>
<td>Bellingham Senior Activity Center, 315 Halleck St.</td>
</tr>
<tr>
<td>3</td>
<td>Blaine Community/Senior Center, 763 G Street</td>
</tr>
<tr>
<td>4</td>
<td>Everson Senior Center, 111 W. Main</td>
</tr>
<tr>
<td>5</td>
<td>Ferndale Senior Center, 1998 Cherry Street</td>
</tr>
<tr>
<td>6</td>
<td>Lynden Community Center, 401 Grover Street</td>
</tr>
<tr>
<td>7</td>
<td>Plantation Rifle Range, 5102 Samish Way</td>
</tr>
<tr>
<td>8</td>
<td>Point Roberts Community Center, 1487 Gulf Road</td>
</tr>
<tr>
<td>9</td>
<td>Roeder Home, 2600 Sunset Dr.</td>
</tr>
<tr>
<td>10</td>
<td>Sumas Community Center, 461 2nd Street</td>
</tr>
<tr>
<td>11</td>
<td>Van Zandt Community Hall, 4106 Valley Highway</td>
</tr>
<tr>
<td>12</td>
<td>Welcome Valley Senior Center, 5103 Mosquito Lake Rd.</td>
</tr>
<tr>
<td>13</td>
<td>East Whatcom Regional Resource Center, 8251 Kendall Rd.</td>
</tr>
</tbody>
</table>

Note: The Blaine, Everson, Lynden and Sumas Centers are owned by these respective cities. The Point Roberts Community Center is owned by the Point Roberts Park District. Whatcom County provides and/or contracts for senior activities and recreational programming at these centers.

Future Activity Center Needs

A level-of-service standard of five activity centers for every 100,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, no additional centers would be needed by the year 2018 to meet the adopted level of service.

Proposed Activity Center Improvement Projects

No improvement projects that would add usable indoor space are proposed within the six-year planning period. Maintenance projects may be undertaken.

Financing for Activity Center Improvement Projects

Not applicable.

Other Park and Recreation Projects

Pursuant to RCW 82.46.010, RCW 82.46.035 and WCC 3.20, the following park, trail, and recreational facility improvements have been identified as projects that will be funded or partially funded with the Real Estate Excise Tax (REET I or REET II). These are in addition to the projects identified above that will utilize REET funds.

Whatcom County Comprehensive Plan
- **Bay Horizon Park**
  - Play fields
  - Park trails

- **Birch Bay**
  - Restrooms, parking improvements, open space improvements and access

- **Canyon Lake**
  - Access road repairs

- **Coast Millennium Trail**
  - Trail construction

- **East Whatcom Regional Resource Center**
  - Play fields
  - Covered play area

- **Hovander Park—Tennant Lake**
  - Improve accessibility, exhibits and function in animal contact area
  - Improve vehicle access, entrance and non-motorized accessibility
  - Construct new restroom building(s)
  - Evaluate & rectify sinking building foundation Hovander Home
  - Reconstruct / replace Tennant Lake boardwalk
  - Surface / improve parking areas and access roads
  - Construct group camp area and sites
  - Construct special event group picnic area and shelters
  - Construct bike / pedestrian facility over Nooocksa River to connect with Pioneer Park
  - Improve road access into park
  - Remodel interior of interpretive center
  - Adapt machine shed for public use
  - Boat launch improvements
  - Replace roofs and paint buildings

- **Lake Whatcom Parks and Trails**
  - Construct two vehicle accessible bridges at Hertz Trail
  - Construct day-use areas
  - Construct public restrooms
  - Construct / replace docks
  - Develop trailheads
  - Utilize residence for events

- **Lighthouse Marine Park**
  - Resurface parking areas
  - Replace playground
  - Replace boardwalk and buildings
  - Construct observation deck
  - Cabins

- **Maple Beach**
  - Parking
  - Restrooms
• Nooksack River Trail
  Develop multi-use trail

• Northwest Annex Trail
  Surface 1.0 mile trail

• Nugent’s Corner
  Open-shelter
  Trail improvements
  Accessible fishing platform
  Restroom

• Olsen Property (Lookout Mountain Access)
  Restroom
  Parking improvements

• Plantation Rifle Range
  Renovate impact berm, add retaining wall and re-grade
  Resurface parking area
  Resurface access road
  Replace HVAC

• Samish Park
  Misc. accessibility / picnic improvements — precast paver access path, re-grading and gravel resurfacing
  Replace playground
  Re-grade and resurface existing parking area and install plastic stall stripping
  Survey existing conditions, perform engineering analysis and bank stabilization and optimize parking configuration
  Repair rotted wall and pitch roof
  Improve parking area

• Semiahmoo Park
  Concession building electrical, plumbing & fixture improvements

• Silver Lake Park
  Replace park playground
  Replacement of 300’ of boardwalk
  Renovate all cabins, indoor plumbing, flooring and insulation
  Construct new shower and restroom building in campground
  Replace restroom in equestrian campground
  Install new electrical service, pads, road surfacing, water and walkways
  Install services and surface road
  Relocate road to accommodate cabin-Septic tanks, etc.
  Replace garage at residence
  Replace windows, electrical service, insulate, and siding
  Install playgrounds in campgrounds
  Repair rot, etc. in lodges
  Horse camp-shelter re-roofing
  Trail improvements
  ADA improvements
  New campground and cabins
- **Stimpson Family Nature Reserve**
  - Restroom

- **Sunset Farm**
  - Improve 0.5 mile trail and connect to community trail system
  - Restrooms
  - Stable Repairs
  - Landscaping

- **Teddy Bear Cove**
  - Woodstock Farm connector trail

- **Warnick Bridge**
  - Trailhead improvements

- **Miscellaneous locations**
  - Roof replacements (shop and office)
  - Insulation and siding (shop and office)
  - Parking lots
  - Landscaping
  - Stormwater improvements
  - Interpretive signs

- **Planning and Design**
  - Update Comprehensive Parks, Recreation and Open Space Plan
  - Park master plans
Chapter 3—Maintenance and Operations

Existing Maintenance and Operations Space

The 2012 inventory of maintenance & operations/facilities management space that serves the County is 44,411 square feet. This inventory is shown below:

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Central Shop, 901 W. Smith Rd. (Maintenance and Operations)</td>
<td>35,773</td>
</tr>
<tr>
<td>2</td>
<td>316 Lottie St. (Facilities Management)</td>
<td>4,978</td>
</tr>
<tr>
<td>3</td>
<td>Minimum Security Correction Facility—2030 Division St.</td>
<td>3,660</td>
</tr>
<tr>
<td></td>
<td>(Facilities Management Storage)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>44,411</td>
</tr>
</tbody>
</table>

Proposed Maintenance and Operations Improvement Projects

No improvement projects that would add usable space are proposed within the six-year planning period. Only maintenance projects may be undertaken.

Financing Maintenance and Operations Improvement Projects

Not applicable.
Chapter 4—Government-Office Space

Existing Office Space

The 2012 inventory of County government office space is 180,769 square feet at eight locations. This inventory is shown below:

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civic Center Annex (322 North Commercial)</td>
<td>20,279</td>
</tr>
<tr>
<td>2</td>
<td>Central Plaza Building (215 N. Commercial)</td>
<td>10,307</td>
</tr>
<tr>
<td>4</td>
<td>County Courthouse (311 Grand Avenue)</td>
<td>94,678</td>
</tr>
<tr>
<td>5</td>
<td>Forest St. Annex (1000 North Forest St.)</td>
<td>6,487</td>
</tr>
<tr>
<td>6</td>
<td>509 Girard St.</td>
<td>13,189</td>
</tr>
<tr>
<td>7</td>
<td>3373 Mt. Baker Highway</td>
<td>2,110</td>
</tr>
<tr>
<td>8</td>
<td>1500 N. State St.</td>
<td>12,281</td>
</tr>
<tr>
<td>9</td>
<td>Northwest Annex (5280 and 5256 Northwest Dr.)</td>
<td>21,438</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>180,769</strong></td>
</tr>
</tbody>
</table>

Proposed New Office Building Projects

No new buildings are proposed within the six year planning period. Only improvement and maintenance projects in existing buildings are proposed (see chapter 11).

Financing Maintenance and Operations Improvement Projects

Not applicable.
Chapter 5—Sheriff's Office

Existing Sheriff's Office Space

The 2012 inventory of Sheriff's office space is 23,962 square feet serving the unincorporated population. This inventory is shown below:

**EXISTING SHERIFF'S FACILITIES**

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Safety Building (311 Grand Ave)</td>
<td>15,102</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Security Correction Facility (2030 Division St.)</td>
<td>6,000</td>
</tr>
<tr>
<td>3</td>
<td>Inspector's Office, Civic Center Building (322 N. Commercial)</td>
<td>920</td>
</tr>
<tr>
<td>4</td>
<td>Laurel Fire Hall (6028 Guide Meridian)</td>
<td>1,500</td>
</tr>
<tr>
<td>5</td>
<td>Kendall Satellite Office</td>
<td>160</td>
</tr>
<tr>
<td>6</td>
<td>Birch Bay Fire Hall</td>
<td>192</td>
</tr>
<tr>
<td>7</td>
<td>Nugent's Corner Fire Hall</td>
<td>88</td>
</tr>
</tbody>
</table>

Total 23,962

Notes:
1. The Sheriff's Office also has storage facilities at various locations in Whatcom County.
2. The County has two mobile homes and an old detention facility in Point Roberts. The resident deputies operate out of their homes or utilize space at the U.S. Customs office at the border.

Existing Sheriff's Office facilities locations and square footage include shared space at local fire districts that is available depending on Fire District needs and is generally subject to change with short notice or no notice, and rented or leased space not solely dedicated to Sheriff's Office use.

Future Sheriff's Office Needs

A level of service of 0.26 square feet of Sheriff's Office space per capita was adopted in the Comprehensive Plan. With projected population growth in unincorporated Whatcom County over the next six years, a small amount of additional Sheriff's Office space (approximately 81 square feet) would be needed in 2018 to meet the adopted level of service. A plan has not been formulated at the present time to increase the Sherriff's Office space. Therefore, either the LOS will need to be re-evaluated at the next comprehensive plan update or a plan will need to be formulated to provide additional office space in the future. Most Sheriff's Office functions are based in the Public Safety Building adjacent to the Courthouse and are remote to the vast majority of Sheriff's Office Bureau of Law Enforcement and Investigative Services functions that take place in unincorporated Whatcom County. This results in inefficiencies and delays. Space and design factors in current facilities preclude consolidating various functions performed throughout the agency (reception, finance, etc.) and result in redundancies. When fiscally feasible, existing Sheriff's Office facilities and associated functions should be consolidated (except for "Resident Deputy" program facilities).
Proposed Sheriff's Office Improvement Projects

At the current time, no improvement projects that would add usable space are proposed within the six-year planning period.

Financing Maintenance and Operations Improvement Projects

Not applicable.
Chapter 6—Emergency Management/Emergency Operations Center (EOC)

Existing Emergency Management/EOC Space

The 2012 inventory of Division of Emergency Management office space is 1,821 square feet, located in the Civic Center Annex as shown below. The active Emergency Operation Center for the county was closed in 2010. If an Emergency Operations Center is needed during an emergency, the portable building at the Central Shop, which is 3,600 square feet, is the designated site for set-up.

EXISTING EMERGENCY MANAGEMENT/EOC FACILITIES

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civic Center Annex (322 North Commercial)</td>
<td>1,821</td>
</tr>
</tbody>
</table>

TOTAL 1,821

Future Emergency Management/EOC Needs

The Division of Emergency Management requires both daily office space for Emergency Management and, during an actual emergency, additional space for the emergency operations center (EOC). During an emergency, the EOC may have to accommodate several hundred people in a single day. These people include a combination of elected officials, trained personnel and volunteers, who serve in a variety of capacities during the emergency.

A level of service of 0.011 square feet of emergency operations space per capita was adopted in the Comprehensive Plan. With projected population growth an additional 578 square feet, over and above the existing 1,821 square feet of office space, would be needed by the year 2018 to meet the adopted level of service. However, during an emergency when a location for an EOC is needed, there is access to the portable building at the Central Shop (approximately 3,600 square feet). This is a designated “cold site” that will require 45 minutes to 1 ½ hours to set-up.

The Division of Emergency Management may need to move out of the Civic Center Annex within the next year, as other County functions may move into this space. The County is working to develop a comprehensive and coordinated plan to re-locate Emergency Management, with the goal of assuring appropriate long-term facilities. However, this plan has not yet been finalized.

Proposed Emergency Management/EOC Projects

No improvement projects that would add usable space are proposed within the six-year planning period.
Financing Maintenance and Operations Improvement Projects

Not applicable.
Chapter 7—Jails

Existing Jail Facilities

The main County jail was designed for 148 beds, although it currently has 283 beds due to double bunking, internal remodeling and use of temporary beds. In 2011, the average daily population for the main jail was 265. Additionally, the jail is currently not in compliance with the Building/Fire Codes for double bunking although a plan has been approved to bring it into compliance. Whatcom County completed construction of a 150 bed minimum security correction facility on Division St. in 2006. In 2011, the average daily population for the minimum security facility was 137. The main jail is located in the Public Safety Building next to the County Courthouse in downtown Bellingham and minimum security correction facility is located in the Bakerview Rd. industrial area.

EXISTING JAIL BEDS

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Safety Building (311 Grand Ave.)</td>
<td>283</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Security Correction Facility (2030 Division St.)</td>
<td>150</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>433</td>
</tr>
</tbody>
</table>

Future Jail Needs

A level of service of 1.42 beds for every 1,000 people in the County was adopted in 1997 in the Whatcom County Comprehensive Plan. Based on the actual average daily populations of the two County jail facilities, the County plans to review this level of service. Average daily populations documented by the Corrections Bureau since 2006 have been well above the minimum number of beds required by the current level of service standard. The County needs to review and update the existing level of service standard. This review will begin in 2013.

Proposed Jail Improvement Projects

There are serious concerns among law and justice officials relating to jail facility needs in the community. This need has been documented by recommendations from the Whatcom County Law and Justice Plan Phase II Report (June 2000), in a report entitled Operational Review of the Whatcom County, Washington Jail (March 2004), and in the Whatcom County Jail Planning Task Force Recommendations (Dec. 2011 and March 2012). In an effort to meet the community need, the County will be siting and constructing a Sheriff’s Office New Main Jail Facility, tentatively scheduled to open with 600 beds. At the time the Sheriff’s Office New Main Jail Facility is open, the offenders at the minimum-security corrections facility would be relocated to the new facility. A location for the Sheriff’s Office New Main Jail Facility has not been selected. It is anticipated that the new jail facility will come on line by 2016.

Whatcom County Comprehensive Plan
Financing for Jail Improvement Projects

The cost of the proposed Sheriff's Office New Main Jail Facility is approximately $60,000,000 within the six-year planning period. These costs would be paid for through the general fund, REET-I, public utilities improvement fund, jail fund and voter and/Council-approved bonds.

Jail Improvement Projects to Serve County-Wide, 2013-2018

<table>
<thead>
<tr>
<th>Site No. and Project Name</th>
<th>Beds</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sheriff's Office New Main Jail Facility</td>
<td>600</td>
<td>10,000,000</td>
<td>10,000,000</td>
<td>18,000,000</td>
<td>18,000,000</td>
<td>4,000,000</td>
<td>0</td>
<td>60,000,000</td>
<td>1, 2, 3, 4 and 5</td>
</tr>
</tbody>
</table>

Note: Additional projections and analysis indicate there may be a need for more than 600 beds, but these are still under review.

Funding Source Key
1. General Fund
2. REET-I
3. Public Utilities Improvement Fund
4. Jail Fund
5. Bonds
Chapter 8—Juvenile Detention

Existing Juvenile Detention Facilities

The 2012 inventory of County juvenile detention facilities includes 32 beds serving the county-wide population. The juvenile detention facility is located on the sixth floor of the County Courthouse at 311 Grand Avenue.

EXISTING JUVENILE DETENTION BEDS

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Beds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>County Courthouse (311 Grand Ave.)</td>
<td>32</td>
</tr>
</tbody>
</table>

Future Juvenile Detention Needs

A level-of-service of 0.125 beds per 1,000 population was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, no additional beds would be needed by the year 2018 to meet the adopted level of service.

Proposed Juvenile Detention Projects

No improvement projects are currently proposed that would increase the number of permanent beds within the six-year planning period.

Financing for Juvenile Detention Improvement Projects

Not applicable.
Chapter 9—Transportation

Roads

Existing Roads

The 2011 inventory shows a total of 941.5 miles of County roads. Additionally, there are 217.5 miles of state highways in Whatcom County (including I-5). Therefore, there are approximately 1,159 miles of public roads in Whatcom County.

Future Road Needs

The Whatcom County Comprehensive Plan sets level of service (LOS) standards for County roads. Future traffic and the level of service for roads can be forecasted using computer modeling software. The Whatcom Council of Governments forecasts future traffic utilizing a computer transportation model. This modeling effort will inform transportation planning in Whatcom County.

Whatcom County accomplishes planning for County road improvements by approving a Six-Year Transportation Improvement Program each year, as required by RCW 36.81.121.

Proposed Improvement Projects

The Whatcom County Council approved the Six-Year Transportation Improvement Program for the years 2013 through 2018 under Resolution No. 2012-023. This six-year plan includes preliminary planning for two proposed new road projects:

- Horton Road Connector (between Northwest Drive and Aldrich Road); and
- Lincoln Road extension (between Harborview Road and Blaine Road).

While these two projects are on the Six-Year Transportation Improvement Program, construction is not anticipated within the six-year planning period. Rather, preliminary engineering to determine project feasibility may be initiated within this time frame.

The six-year plan also includes a number of bridge replacements, several reconstruction projects, and the Birch Bay Drive & Pedestrian Facility improvements, which include pedestrian and non-motorized enhancements along Birch Bay Dr. from Alderson Rd. to Harborview Rd.

In addition to the projects in the Six-Year Transportation Program, the Lincoln Road/Birch Point connector is a developer-funded project. The project completion date is unknown because of current economic conditions.
Financing for Improvement Projects

The total cost of the County transportation projects in the Six-Year Transportation Improvement Program is $48,236,000. These costs include $24,705,000 of County funds, with the remainder being funded by the State and Federal governments. These costs are shown in greater detail in Resolution No. 2012-023.

Lummi Ferry

Existing Ferry Facilities

Whatcom County currently has one ferry vessel serving Lummi Island. The ferry runs between Lummi Island and Gooseberry Point on a daily basis.

Future Ferry Needs

The Whatcom County Comprehensive Plan sets a level of service of 513 ferry passenger trips annually per capita of Lummi Island population. Based upon projected population, the Lummi ferry will not meet the adopted level of service over the six-year planning period.

The Whatcom County Comprehensive Plan sets a level of service of 513 ferry passenger trips annually per capita of Lummi Island population. Based upon projected population, the Lummi ferry will not meet the adopted level of service over the six-year planning period. Therefore, it will be appropriate to consider revising the LOS standard during the next comprehensive plan update.

Proposed Ferry Improvement Projects

No improvement projects that would add ferry capacity are proposed within the six-year planning period.

Financing for Ferry Improvement Projects

No improvement projects that would add ferry capacity are proposed within the six-year planning period. Other ferry improvement costs are shown on the Six-Year Transportation Improvement Program.
Chapter 10—Stormwater and Flood Protection Facilities

Stormwater

Existing Stormwater Management Facilities

Public Works Department is responsible for the design, engineering, and construction of county-owned stormwater facilities. Many stormwater facilities are road-related stormwater conveyance systems, such as culverts and ditches, on and adjacent to county roads. Others are off right of way facilities that control storm flows and improve water quality.

In response to (1) increasing federal and state mandates to manage stormwater and (2) the public’s desire to improve stewardship of sensitive watersheds, Whatcom County established a Stormwater Section in the Surface Water Division of the Public Works Department in 2005. The Stormwater Section is responsible for planning, designing, engineering, and construction of stormwater facilities. Inventories of existing stormwater facilities are maintained by the Public Works Department. Engineering Services Division maintains an inventory of all road-related facilities. The Surface Water Division maintains an inventory of public and private stormwater facilities in the area covered by the county’s NPDES Phase II permit for Municipal Separate Storm Sewer Systems. This inventory includes ditches, culverts, catch basins, vaults, ponds and swales. Stormwater projects that have been constructed since the Public Works Stormwater Section was created in 2005 are listed below.

<table>
<thead>
<tr>
<th>Existing Site No.</th>
<th>Watershed</th>
<th>Facility Name</th>
<th>Year Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lake Whatcom</td>
<td>Genevea stormwater retrofits</td>
<td>2006</td>
</tr>
<tr>
<td>2</td>
<td>Lake Whatcom</td>
<td>Cable Street reconstruction &amp; stormwater improvements</td>
<td>2007</td>
</tr>
<tr>
<td>3</td>
<td>Lake Whatcom</td>
<td>Lahti Drive stormwater improvements</td>
<td>2010</td>
</tr>
<tr>
<td>4</td>
<td>Lake Whatcom</td>
<td>Silver Beach Creek improvements - Browmaville Drive to E. 16th Place</td>
<td>2011</td>
</tr>
</tbody>
</table>
Whatcom County Public Works received several awards for the Silver Beach Creek improvements, which were completed in 2011 (existing site no. 4 above). Silver Beach Creek experiences increased stormwater runoff and greater peak flows due to its developed landscape. This project is designed to substantially improve water quality and reduce flooding in an especially problematic reach of the creek. The project included reshaping and stabilizing the stream channel, installing water quality treatment swales, and installing stormwater vaults. These improvements filter phosphorus-containing sediment, alleviate flooding, reduce erosion, and promote infiltration. Project construction cost was approximately $900,000 and shared between local real estate excise tax (REET) revenues and a federal EPA grant.

**Financing for Stormwater Projects**

An increasing emphasis on the protection of sensitive watersheds has resulted in the adoption of comprehensive stormwater plans for Lake Whatcom and Birch Bay. A similar plan is currently being developed by the Lake Samish community. The adopted plans identify work towards planning, design, engineering, and construction of capital projects intended for the next six years.

Capital facilities that may be constructed during the next six years are listed below. Projects are expected to be financed by a combination of REET, grants, countywide Flood Control Zone District tax revenues, local Flood Control fees and, potentially, the county general fund. Where appropriate, matching contributions from other beneficiaries will be sought.
## Lake Whatcom Stormwater Projects 2013–2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Velocity and volume reductions, Coronado</td>
<td>290,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>290,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>2. Natural drainage retrofits, Strawberry sub-basin</td>
<td>330,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>330,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>3. Euclid Ave/Cedar Hills Install rain gardens, filter vaults and swales</td>
<td>0</td>
<td>500,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>4. Velocity and volume reductions, Agate Bay Lane</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>5. Water Quality protection, Agate Heights Reduce ditch erosion and install bio-infiltration swales</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>6. Stream restoration, Beaver Creek</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>220,000</td>
<td>0</td>
<td>0</td>
<td>220,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>7. Sudden Valley, water quality improvements Drainage system upgrades and water quality facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>8. Velocity reductions, Toad Lake at Academy Rd.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>400,000</td>
<td>0</td>
<td>400,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>9. Silver Beach Creek main channel restoration below Hills Dale</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>450,000</td>
<td>450,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>10. Lake Whatcom Blvd stormwater improvements Vaults and roadside treatments</td>
<td>150,000</td>
<td>600,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>750,000</td>
<td>1, 2 and 4</td>
</tr>
</tbody>
</table>

**Total** | 770,000 | 1,100,000 | 400,000 | 420,000 | 400,000 | 450,000 | 3,540,000 |

**Funding Source Key**

1. REEF II
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees
### Birch Bay Stormwater Projects 2013-2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cottonwood By-pass</td>
<td>400,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>400,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>Re-route to new outlet and installation of water quality treatment facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Cottonwood- Fern &amp; Beachway Neighborhood drainage improvement</td>
<td>150,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>150,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>Partial re-route to new upgraded outlet water quality treatment facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Shintaffer Road/Deer Creek, Partial re-route to new upgraded outlet water quality treatment facilities</td>
<td>0</td>
<td>425,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>425,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>4. Roger's Slough, System upgrades to reduce flooding and provide water quality treatment facilities</td>
<td>50,000</td>
<td>0</td>
<td>250,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>5. Birch Bay Dr., Stormwater upgrades to beach outfalls</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>1, 2, 3 and 4</td>
</tr>
<tr>
<td>6. Point Whitehorn, Drainage upgrade and water quality facility installation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>200,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>7. Central Birch Bay Establish one or more drainage routes from upland to bay, install or upgrade conveyance system and develop water quality treatment facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>750,000</td>
<td>750,000</td>
<td>1, 2 and 4</td>
</tr>
</tbody>
</table>

**Total** 600,000 425,000 250,000 500,000 200,000 750,000 2,725,000

**Funding Source Key**

1. REET II
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees

### Lake Samish Stormwater Projects 2013-2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lake Samish Stormwater Plan</td>
<td>30,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
<td>1</td>
</tr>
</tbody>
</table>

**Total** 30,000 0 0 0 0 0 30,000

**Funding Source Key**

1. REET II
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees
Flood Protection

Existing Flood Protection Facilities

Whatcom County has been involved in river management and protection of infrastructure for decades. In response to the devastating floods in 1990, the County established a County-wide Flood Control Zone District to address the natural hazards associated with river flooding, lowland flooding, landslides, and coastal storms. Projects range from repairs to existing flood-control facilities after flood events, to flood hazard-reduction projects that typically result from a comprehensive flood hazard management planning process. Significant flood projects that have been constructed since 2000 are listed below:

<table>
<thead>
<tr>
<th>Existing Site No.</th>
<th>Location</th>
<th>Project Name</th>
<th>Year Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>South Fork Nooksack</td>
<td>Saxon Bank Stabilization Project</td>
<td>2001</td>
</tr>
<tr>
<td>2</td>
<td>Near Sumas</td>
<td>Saar Creek Sediment Trap</td>
<td>2003</td>
</tr>
<tr>
<td>3</td>
<td>Near Everson</td>
<td>Everson Overflow Bank Stabilization Project</td>
<td>2006</td>
</tr>
<tr>
<td>4</td>
<td>Near Ferndale</td>
<td>Bertrand Creek Levee Setback Project</td>
<td>2006</td>
</tr>
<tr>
<td>5</td>
<td>Deming</td>
<td>Deming Levee Rehabilitation Project</td>
<td>2006</td>
</tr>
<tr>
<td>6</td>
<td>Near Ferndale</td>
<td>Hovander Park Levee Setback Project</td>
<td>2010</td>
</tr>
<tr>
<td>7</td>
<td>Varies</td>
<td>Acquisition of flood-prone properties</td>
<td>on-going</td>
</tr>
</tbody>
</table>

Financing for Flood Protection Projects

Capital facilities that may be constructed during the next six years are listed below. Projects are expected to be financed by a combination of real estate excise taxes (REET), grants, countywide Flood Control Zone District tax revenues, local Flood Control and Diking district fees and, potentially, the county general fund. Where appropriate, matching contributions from other beneficiaries will be sought.
### Flood Protection Projects 2013-2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Canyon Creek Fish Habitat Restoration and Flood Protection</td>
<td>2,226,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,276,000</td>
<td>2 and 3</td>
</tr>
<tr>
<td>2. Deming School and Tribal Treatment Facilities Flood Protection</td>
<td>300,000</td>
<td>1,250,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,600,000</td>
<td>1,2,3 and 4</td>
</tr>
<tr>
<td>3. Jones Creek Deflection Berm Debris Flow Protection and Turkington Rd. bridge reconfiguration</td>
<td>675,000</td>
<td>325,000</td>
<td>2,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3,000,000</td>
<td>1,2,3 and 4</td>
</tr>
<tr>
<td>4. Swift Creek and Sumas River Bridges Sediment Management</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>150,000</td>
<td>1,2,3 and 4</td>
</tr>
</tbody>
</table>

**Total** | 3,226,000 | 1,850,000 | 2,075,000 | 25,000 | 25,000 | 25,000 | 7,026,000 |

**Funding Source Key**

1. REET II
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees
Chapter 11—Improvements to Existing Buildings

Whatcom County plans to make the following improvements to existing buildings within the six-year planning period to maintain or enhance the function of these structures:

### Improvement to Existing Buildings, 2013–2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Civic Center Annex - Repair &amp; retrofit, HVAC, engineering, lighting, and exterior repair</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,000,000</td>
<td>1, 2, 3 and 5</td>
</tr>
<tr>
<td>2. Upgrade jail and juvenile controls and improve exiting</td>
<td>1,400,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,400,000</td>
<td>1, 3, 4 and 5</td>
</tr>
<tr>
<td>3. Courthouse - Exterior engineering evaluation and repairs</td>
<td>100,000</td>
<td>300,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,400,000</td>
<td>1, 2 and 3</td>
</tr>
<tr>
<td>4. Courthouse - window replacement</td>
<td>0</td>
<td>250,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>250,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>5. Courthouse - Full suite courtroom and judicial hearing room</td>
<td>200,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,200,000</td>
<td>3 and 7</td>
</tr>
<tr>
<td>6. Reconfiguration of Triage - Engineering evaluation and remodel</td>
<td>0</td>
<td>0</td>
<td>120,000</td>
<td>0</td>
<td>800,000</td>
<td>0</td>
<td>920,000</td>
<td>2, 3, and 6</td>
</tr>
<tr>
<td>7. Reconfiguration of Old Jail - Engineering and remodel</td>
<td>0</td>
<td>0</td>
<td>120,000</td>
<td>800,000</td>
<td>0</td>
<td>0</td>
<td>920,000</td>
<td>4</td>
</tr>
<tr>
<td>8. Northwest Annex - Engineering and remodel</td>
<td>0</td>
<td>0</td>
<td>120,000</td>
<td>800,000</td>
<td>0</td>
<td>0</td>
<td>920,000</td>
<td>2 and 3</td>
</tr>
<tr>
<td>9. Whatcom County Buildings Interior Painting</td>
<td>50,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100,000</td>
<td>3</td>
</tr>
<tr>
<td>10. Central Plaza Building Engineering &amp; Replacement</td>
<td>10,000</td>
<td>65,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>75,000</td>
<td>3</td>
</tr>
<tr>
<td>11. Courthouse Exit Light Replacement</td>
<td>35,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>35,000</td>
<td>3</td>
</tr>
<tr>
<td>12. Central Plaza Building Exterior Building Envelope Repairs &amp; Maintenance</td>
<td>10,000</td>
<td>40,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>50,000</td>
<td>3</td>
</tr>
</tbody>
</table>

**Total** | 2,805,000 | 3,705,000 | 1,240,000 | 920,000 | 1,600,000 | 0 | 10,270,000 |

*Whatcom County Comprehensive Plan*
### Funding Source Key

1. Grants
2. EDI-funds
3. REEF
4. Jail Fund
5. Bonds
6. Behavioral Health Fund
7. General Fund

### Chapter 12 — Costs by Project Category

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks</td>
<td>100,000</td>
<td>400,000</td>
<td>730,000</td>
<td>430,000</td>
<td>530,000</td>
<td>280,000</td>
<td>2,470,000</td>
<td>1.76%</td>
</tr>
<tr>
<td>Trails</td>
<td>1,500,000</td>
<td>155,000</td>
<td>1,140,000</td>
<td>1,125,000</td>
<td>1,125,000</td>
<td>1,175,000</td>
<td>6,220,000</td>
<td>4.43%</td>
</tr>
<tr>
<td>Sheriff's Office New Jail</td>
<td>10,000,000</td>
<td>10,000,000</td>
<td>18,000,000</td>
<td>18,000,000</td>
<td>4,000,000</td>
<td>0</td>
<td>60,000,000</td>
<td>42.70%</td>
</tr>
<tr>
<td>Transportation</td>
<td>18,900,000</td>
<td>11,205,000</td>
<td>4,470,000</td>
<td>4,552,000</td>
<td>4,552,000</td>
<td>4,551,000</td>
<td>48,236,000</td>
<td>34.33%</td>
</tr>
<tr>
<td>Stormwater</td>
<td>1,400,000</td>
<td>1,525,000</td>
<td>650,000</td>
<td>920,000</td>
<td>600,000</td>
<td>1,200,000</td>
<td>6,295,000</td>
<td>4.48%</td>
</tr>
<tr>
<td>Flood Protection</td>
<td>3,226,000</td>
<td>1,650,000</td>
<td>2,075,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>7,026,000</td>
<td>5.00%</td>
</tr>
<tr>
<td>Existing Buildings</td>
<td>2,805,000</td>
<td>3,705,000</td>
<td>1,240,000</td>
<td>920,000</td>
<td>1,600,000</td>
<td>0</td>
<td>10,270,000</td>
<td>7.31%</td>
</tr>
<tr>
<td><strong>Total Cost</strong></td>
<td>37,937,000</td>
<td>28,640,000</td>
<td>28,305,000</td>
<td>25,972,000</td>
<td>12,432,000</td>
<td>7,231,000</td>
<td>140,517,000</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
WHATCOM COUNTY
PLANNING COMMISSION

Six-Year Capital Improvement Program and
Level of Service Amendments

FINDINGS OF FACT AND REASONS FOR ACTION

1. The proposal is to amend the Whatcom County Comprehensive Plan as follows:
   
a. Modifying the level of service standard for trails in chapter 4 of the comprehensive plan;
   
b. Deleting the level of service standard for activity centers in chapter 4 of the comprehensive plan;
   
c. Adopting the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2015-2020; and
   
d. Repealing the existing Six-Year CIP for Whatcom County Facilities 2013-2018.

2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on September 5, 2014.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on September 9, 2014.

4. The proposal was posted on the County website on September 10, 2014.

5. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media, cities and other groups on the County’s e-mail list on September 11, 2014.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on September 12, 2014.

7. The Planning Commission held a public hearing on the subject amendments on September 25, 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. Amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

**Growth Management Act**

9. The Growth Management Act (GMA) establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plan amendments.
10. GMA planning goal # 12 is to “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards” (RCW 36.70A.020(12)).

11. The subject amendments include updating the Six-Year CIP for Whatcom County Facilities for the 2015-2020 planning period. Updating the CIP is one step in the process of planning regional facilities provided by the County to serve the people of Whatcom County.

12. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:

a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

b. A forecast of the future needs for such capital facilities.

c. The proposed locations and capacities of expanded or new capital facilities.

d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

13. The Six-Year CIP for Whatcom County Facilities contains an inventory of existing County owned or operated facilities, a forecast of future needs based upon the level of service standards adopted in the Whatcom County Comprehensive Plan and other relevant factors, proposed expanded or new County capital facilities, costs and funding sources.

14. Existing Comprehensive Plan Policy 4A-4 addresses the GMA requirement to reassess the land use element if probable capital facility funding falls short.

County-Wide Planning Policies

15. County-Wide Planning Policy K-1 indicates that, as part of the comprehensive planning process, the County must identify appropriate land for public facilities that meets the needs of the community including recreation, transportation and human service facilities.
16. The CIP identifies County park, trail, transportation and other improvements as contemplated by the County Wide Planning Policies.

Interlocal Agreements

17. Existing inter-local agreements between Whatcom County and the cities indicate that the County will consult with the appropriate city in planning new road construction projects within the city’s urban growth area. The inter-local agreements also provide joint planning for parks.

18. The County Engineer indicated on September 5, 2014 that the County sends a copy of the six-year transportation improvement program to cities prior to approval, requests comments, and informs cities of the hearing date. The Whatcom County Parks Director confirmed on September 5, 2014 that the County Parks’ staff maintains a consistent working relationship with appropriate staff from cities on joint park projects and planning. Therefore, the type of cooperation envisioned by the inter-local agreements is occurring.

Further Studies/Changed Conditions

19. The Whatcom County Comprehensive Plan calls for an update of the Six-Year Capital Improvement Program for County facilities every other year. Specifically, Policy 4B-1 is to:

Maintain and update, on at least a biennial basis, a six-year capital improvement program (CIP) that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects based on a review of population and revenue conditions existing at that time.

20. A revised capital improvement program has been formulated for County owned or operated facilities, which presents improvement projects over the new six-year planning period.

Public Interest

21. The Six-Year CIP for County facilities from 2015 to 2020 is based upon anticipated population growth over the six-year planning period and other relevant factors. Therefore, the proposal should complement the County’s growth and development plans.

22. The Six-Year CIP for Whatcom County Facilities will have a positive impact on the County’s ability to provide public facilities by planning ahead for such facilities.
23. The goal of the Six-Year CIP for Whatcom County Facilities is to plan for County owned or operated parks, trails, general government buildings and sites, Sheriff's Office facilities, emergency management facilities, correction facilities, stormwater facilities, and transportation improvements to serve the people of Whatcom County. Planning for such County facilities is in the public interest.

**Spot Zoning**

24. The subject proposal does not involve rezoning property.

**Level of Service Standard Modifications**

25. A level of service standard for activity centers is set forth in the current Whatcom County Comprehensive Plan.

26. The "Growth Management Act – Procedural Criteria for Adopting Comprehensive Plans and Development Regulations" state that counties are not required to set level of service standards for facilities that are not "necessary for development" (WAC 365-196-415(2)(b)).

27. Whatcom County will continue to monitor and evaluate the need for activity center improvements. However, such facilities are not necessary for development (WAC 365-196-415(2)(b)). Therefore, the level of service standard for such facilities may be removed from the Comprehensive Plan.

28. Additionally, the level of service standard for trails is being modified to better reflect the County's planning and funding of improvements.

**CONCLUSIONS**

1. The proposed amendments conform to applicable requirements of the Growth Management Act.

2. The proposed amendments satisfy the approval criteria of WCC 2.160.080.
RECOMMENDATION

Based upon the above findings and conclusions, Planning Commission recommends:

1. Approval of Exhibit A, amendments to Chapter 4 of the Whatcom County Comprehensive Plan.


3. Repealing Exhibit C, which is the Six-Year Capital Improvement Program for Whatcom County Facilities 2013-2018.

WHATCOM COUNTY PLANNING COMMISSION

David Onkels, Chair

Becky Boxx, Secretary

Date: September 30, 2014

Commissioners present at the September 25, 2014 meeting when the vote was taken: Ben Elenbaas, Gary Honcoop, David Hunter, Natalie McClendon, David Onkels, and Mary Beth Teigrob.

Vote: Ayes: 5, Nays: 1, Abstain: 0, Absent: 3. 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.
MEMO: 9/25/14

TO: Whatcom County Planning Commission, Whatcom County PDS

RE: Public Hearing 9/25/14 – additional testimony
   Capital Facilities Planning – Portions Pertaining To Parks And Recreation

Commissioners and PDS staff,

The proposed changes to Parks LOS levels violate the Growth Management Act.

I hope you read my previous memo (9/22) regarding this issue. In addition to the material presented in that memo please consider:

1. The Comprehensive Parks plan has no definition of a “Regional Park” so any adoption of a regional park LOS would have to be accompanied by a definition.

2. The State Supreme Court and the Hearings Boards have decided that, “...when RCW 36.70A.020(8), .060 and .170 are read together, they create a forest resource conservation imperative that imposes an affirmative duty on local government to designate and conserve forest resource lands in order to assure the maintenance and enhancement of the forest resource industry.” In a Skagit County case even a shooting range on Forest Resource lands “...as described in the adopted Park Plan,...” was found to be invalid on challenge to the Hearings Board. Funding yet to be described “park development” on Forest Resource lands would not seem to stand up to the requirements of the law as put forward by Hearings Boards and the Supreme Court.

3. According to the Hearings Boards, parks are not to be allowed on Resource Lands; “DRs which allow fifteen percent residential subdivision, RV parks, boat launches, etc., parks, golf courses, restaurants and commercial services all in designated RL areas do not comply with the Act and substantially interferes with Goal 8 of the Act under recent Washington State Supreme Court cases. Panesko v. Lewis County 00-2-0031c (FDO, 3-5-01)”

4. County Code also excludes parks from Forest Resource lands. 20.43.154 lists as permitted conditional uses, “Operation of dispersed, primitive recreational facilities including tent campgrounds, game reserves, developed trailheads with parking for more than 30 vehicles, but excluding uses such as community centers, riding academies, off-road vehicle parks, parks, marinas, camping clubs, institutional camps and recreational vehicle and travel trailer parks.” 20.43.201 provides that, “All other uses,” are prohibited.

5. It appears that Whatcom County Parks is the second largest owner of Forest Resource land in Whatcom County. It is disingenuous of the Park Department, and
others, to pretend the land will be managed to provide for a sustainable forest products industry. No funding for projects on Forest Resource Lands should be provided absent either a forest management plan demonstrating how the land will be managed to benefit the Forest Products industry is adopted or, the land is rezoned ROS (Recreation Open Space) to reflect its actual use.

6. Again, many parks facilities called out as necessary to fulfillment of the parks plan and included in the plan are not being addressed by this spending plan while facilities specifically excluded from the parks plan are being funded.

7. In a Comprehensive Plan, policies are requirement. The Chapter 4 you are amending the county:

"Policy 4F-3: Develop a recreational facilities program that achieves and maintains the level of service for athletic fields and courts, trails, and support facilities for shoreline access, picnicking, and camping without adding to capital costs.

*Whatcom County Comprehensive Plan 4-5*

Where are the levels of service for athletic fields and courts, support facilities for shoreline access, picnicking, and camping?

8. Legal says there is no currently valid Parks and Recreation plan. If that is so, what, other than whim, provides support for LOS changes the refocus the entire Whatcom County Parks system away from providing accessible experiences to residents and towards making huge portions of land inaccessible to anyone?

**Once again, the lack of analysis regarding the impact proposed changes to Chapter 4 of the County Comprehensive Plan on the Whatcom County Resource land base coupled with the likelihood of very significant impacts on that land base demand you reject the proposed amendments to Chapter 4.**

**In addition, it makes no sense to make the proposed, major, changes to Chapter 4, when the entire County Comprehensive Plan must be revisited and rewritten in the context of a new 20 year planning period (and associated population and employment projections) next year anyway.**

Regards,

Jack Petree
2955 Sunset Drive
Bellingham
MEMO: 9/25/14

TO: Whatcom County Planning Commission, Whatcom County PDS

RE: Public Hearing 9/25/14 and response to the County’s response to my comments on Capital Facilities Planning – Portions Pertaining To Parks And Recreation

Commissioners and PDS staff,

It is interesting that PDS and the County legal staff rejects the idea that the Comprehensive Parks Plan adopted into the Whatcom County parks plan should have an effect on your deliberations regarding amendments to the Whatcom County Comprehensive Plan.

The County Comp. Plan has been updated many times since its initial adoption in 1997. Most recently, the plan was completely gone through and readopted, complete with its current language regarding the parks plan, in 2009 as part of the County’s GMA required 10 year update. That means language dealing with the Comprehensive Parks and Recreation plan was also readopted. If the language had no meaning, it should not have been put forward for adoption. Meaning is given the plan and the language by virtue of its re-adoption.

You have before you only a tiny bit of Chapter 4 of the Comprehensive plan. You might be interested to know that the plan also contains the following language. Keep in mind that policies adopted into a Comp. Plan require action. Here’s some additional language from Chapter 4 you should be interested in:

“Goal 4F: Achieve level of service targets for park and recreational facilities identified in this chapter and which support objectives and priorities identified in the Comprehensive Park and Recreation Open Space Plan, in the Natural Heritage Plan, and in this plan.

Policy 4F-1: Seek non-capital opportunities to acquire, enhance and maintain park lands, trails, and other recreational facilities.
Policy 4F-2: Include acquisition and development costs in the six-year CIP for future trails projects.
Policy 4F-3: Develop a recreational facilities program that achieves and maintains the level of service for athletic fields and courts, trails, and support facilities for shoreline access, picnicking, and camping without adding to capital costs.

Whatcom County Comprehensive Plan 4-5
Policy 4F-4: Place a high priority on improvements to existing county recreational sites and facilities and using them to their full potential, including those outlined in the Whatcom County Comprehensive Park and Recreation Open Space Plan, before investing capital in the acquisition and development of new facilities.

Keep in mind that the existing, recently readopted, plan explicitly excludes areas like the Lake Whatcom and Lookout Mountain facilities from either acquisition or development and, includes many miles of trails not being addressed by the staff request as being required to implement the plan.

Please also note that in the response letter staff chose not to address the primary problem with the amendments; the fact that significant examination of the proposed amendments in the context of the fact that nearly all the “capital improvements” are taking place on land zoned for and dedicated by law, by the provisions of the Whatcom County Comprehensive Plan and by Whatcom County Code to sustaining and otherwise serving the county’s Ag, Forest, and Mineral industries. I can only assume staff agrees with me on this issue.

Regards,

Jack Petree
From: Jack Petree [mailto:tradewrld@comcast.net]
Sent: Thursday, September 25, 2014 8:51 AM
To: Council; PDS_Planning_Commission; PDS
Subject: ironic presentation on value of mountain biking while commission considers halving trail los

Council members, Commission members, and PDS staff,

It is ironic that even as the Whatcom County Parks Department is requesting a 50% reduction in trails level of service and, a change to a trail type incompatible with mountain biking, the Mountain Bike Coalition is presenting material to the Whatcom County Council extolling the economic impact of mountain biking on the Whatcom County economy. In addition, the Parks Department wants to eliminate the level of service for activity centers (senior centers, Kendall, and such).

I hope that if, and when, the proposed changes the Parks Department have put before you come forward you pay careful attention to the complete change in parks philosophy and service to the citizens of Whatcom County those changes represent.

Regards,

Jack Petree
MEMO: 9/22/14

TO: Whatcom County Planning Commission, Whatcom County PDS

RE: Public Hearing 9/25/14
   Capital Facilities Planning – Portions Pertaining To Parks And Recreation

Commissioners and PDS staff,

SUMMARY OF COMMENTS:

The proposed changes to Parks LOS levels violate the Growth Management Act.

While some issues exist relating to the Parks facilities spending plan in Appendix F, the spending plan could be potentially be adopted without major controversy.

The lack of analysis regarding the impact proposed changes to Chapter 4 of the County Comprehensive Plan on the Whatcom County Resource land base coupled with the likelihood of very significant impacts on that land base demand you reject the proposed amendments to Chapter 4.

In addition, it makes no sense to make the proposed, major, changes to Chapter 4, when the entire County Comprehensive Plan must be revisited and rewritten in the context of a new 20 year planning period (and associated population and employment projections) next year anyway.

The following “background” information regarding GMA issues should be factored in as you consider my comments below:

1. The Comprehensive Plan establishes a short term planning horizon for Agricultural land of 20 years and a long term horizon of 250 years;

2. The Comprehensive Plan’s zoning for Commercial Forestry was established as the result of a study process, changes in the land supply for Commercial Forestry must be analyzed before being allowed to take place;

3. The proposed changes to Chapter 4 do not have a six-year horizon, they are comprehensive plan changes having decades long impacts on both Ag and Forestry lands, lands we are to, by law, preserve and enhance for commercial uses;

4. GMA requires that, “Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform its activities and make capital budget decisions in conformity with its comprehensive plan.”
The GMA, the Whatcom County Comprehensive Plan and, Whatcom County Code requires that future impacts on land zoned for Agriculture and land zoned for Commercial Forest as well as Mineral Resource land be analyzed and considered when a Comprehensive Plan Amendment is considered (See 2.160.080 (3) (c) attached below).

According to the formal population projections for GMA, Whatcom County could exceed 300,000 people by 2030 (high range). Even at moderate growth levels (medium range), we would be approaching 275,000 people by the end of the upcoming planning period.

Whatcom County is formally on record for wanting to add 10,000 to 15,000 acres of Ag zoned land to the County’s inventory of land dedicated to Agriculture and is studying a “No net loss” of Commercial Forestry land. Where will that additional land come from? Ag land? Forestry Land? Only Rural lands?

Whatcom County’s Countywide Planning Policies require that Agriculture and Forest based industries “...be maintained in a sustainable manner.”

Parks Department acquisitions have removed, in just the past decade and a half, more than 11,000 acres of land from the County’s resource land base. Over the past 15 years the County has lost an average of about 790 acres per year of its resource lands to the Parks Department. Additional thousands of acres of resource lands have been impacted as uses within 1000 feet of a park are restricted. Recently put forward, but not yet adopted parks planning documents indicate the historic trend will continue and, perhaps, even accelerate.

The proposed changes to Chapter 4 are not just in place for six years; they are permanent changes to the County Plan (in place until the adoption of new amendments to the plan) likely to determine LOS levels for decades to come.

Without adequate analysis of the potentially huge impact on forest, agricultural, and mineral resource lands you, as a Commission, would be remiss were you to recommend the proposed adoption of amendments to Chapter 4 of the Comprehensive Plan.

Repeating the summary above:

The proposed changes to Parks LOS levels violate the Growth Management Act.

While some issues exist relating to the Parks facilities spending plan in Appendix F, the spending plan could be probably be adopted without major controversy. Lack of analysis regarding the impact proposed changes to Chapter of the County Comprehensive Plan on the Whatcom County Resource
D. To resolve an appeal of the comprehensive plan filed with the Growth Management Hearings Board or court. (Ord. 2008-060 Exh. A).

**2.160.020 Purpose.**

The purpose of this chapter is to define the types of plan amendments and establish timelines and procedures to be followed when proposals are made for amending or revising the Whatcom County Comprehensive Plan. (Ord. 2008-060 Exh. A).

**2.160.030 Definitions – Types of comprehensive plan amendments.**

A. "Capital facilities element amendment" means a proposed change or revision to the capital facilities element of the comprehensive plan, including the six-year capital improvement program.

B. "Comprehensive plan amendment" means a proposed change or revision to the Whatcom County Comprehensive Plan, including but not limited to a capital facilities element amendment, text amendment, change to the comprehensive plan designations map or urban growth area amendment.

C. "Text amendment" means a proposed change or revision in the text of any element of the comprehensive plan including revisions to the goals, policies, objectives, principles or standards of the plan.

D. "Urban growth area amendment" means a proposed change or revision to an urban growth area boundary as adopted by the comprehensive plan.

E. "Final concurrent review" means the consideration by the county council of all comprehensive plan amendments that were reviewed and recommended by the council during the previous docket year. This review shall take place on or about February 1st of the year after the previous docket year. (Ord. 2008-060 Exh. A).

**2.160.040 Application.**

A. Applications for suggested comprehensive plan amendments shall include at least the following information:

1. A description of the comprehensive plan amendment being proposed including proposed map or text changes;

2. An explanation of how the comprehensive plan amendment relates to the approval criteria in WCC 2.160.080, Approval criteria;

3. A complete State Environmental Policy Act (SEPA) environmental checklist; and

4. Name, address, and phone number of the applicant, and, if applicable, assessor's parcel number, section, township, and range.

B. The department of planning and development services may prescribe additional information requirements and shall provide forms for proposed comprehensive plan amendments.

C. Completed applications for comprehensive plan amendments must be received by planning and development services by December 31st to be considered for initiation during the next calendar year. Applications proposed by planning and development services are not subject to the December 31st deadline. (Ord. 2008-060 Exh. A).

**2.160.050 Initiation of comprehensive plan amendments.**

A. Comprehensive plan amendments shall be initiated by a resolution of the county council adopted by majority vote on or about March 1st each year.

B. Planning and development services may request a comprehensive plan item be initiated at any time during the year. Requested amendments of this type shall be placed on the docket by a majority vote of the county council and will be considered
5. Section, township and range of affected area, if applicable.
C. The docket and all application files shall be available for public review at the planning and development services department during normal business hours. (Ord. 2008-060 Exh. A).

2.160.070 Review and evaluation of comprehensive plan amendments – Staff report.
A. The department of planning and development services shall conduct environmental review under SEPA and prepare reports including recommendations on all initiated comprehensive plan amendments and forward both the reports and the result of the environmental review to the planning commission.
B. Reports shall evaluate the merits of each initiated amendment based on the approval criteria of WCC 2.160.080.
C. If a proposed amendment relates to a site within a city’s urban growth area, will modify a city’s urban growth area or will amend text relating to a city’s urban growth area, planning and development services staff shall identify and follow any additional procedures called for in an adopted interlocal agreement between the county and that city. (Ord. 2008-060 Exh. A).

2.160.080 Approval criteria.
A. In order to approve an initiated comprehensive plan amendment, the planning commission and the county council shall find all of the following:
1. 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.
2. Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the amendment.
3. 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:
   a. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
   b. 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.
   c. Anticipated impact upon designated agricultural, forest and mineral resource lands.
4. The amendment does not include or facilitate spot zoning.
5. Urban growth area amendments that propose the expansion of an urban growth area boundary shall be required to acquire development rights from a designated TDR sending area.
   a. One development right shall be transferred for every five acres included into an UGA. The county council may modify this requirement if a development agreement has been entered into that specifies the elements of development in the expanded UGA. The development agreement should include, but not be limited to, affordable
the next amendment cycle with the same number with which they were initially

2.160.110 Fees.
A. Application fees shall not be required for any application submitted by the county
council, county councilmembers, county executive, planning commission, and county planning and development services.
B. All other applicants shall pay application fees as specified in the Unified Fee Schedule.
C. Once an amendment is initiated by resolution of the county council, the applicant shall pay the initiation fee within 15 days. The county council may take official action to waive the initiation fee at the time it approves the initiating resolution if it finds the proposed amendment will clearly benefit the community as a whole and will not be for private financial gain. (Ord. 2008-060 Exh. A).
Dear Whatcom County Planning Commission,

I am dismayed to find a proposal on your September 25 agenda asking for a drastic decrease in the LOS for trails in Whatcom County Parks. We all sat through numerous meetings where Mr. McFarland promised the public that there would be 50 miles of trails in the Reconveyance area. With this new proposed LOS there is apparently no longer a need for the promised 50 miles of trail....convenient isn’t it?

I am opposed to this change in LOS. The public was repeatedly promised these trails and Whatcom County now has an obligation to provide them.

I also would like to see the Parks Recreation and Open Space plan be adopted into the County Comprehensive plan. Whatcom County Parks over the last several years has taken huge swings in planning. One year we will have a huge new park in the plan and the next year we will have nothing. For that reason, we need all planning for parks to happen within the Comprehensive Plan so the public can be assured it is done in an open and just manner.

~Delaine Clizbe
Whatcom County
Memo: 9/22/14

To: Matt Aamot: Senior Planner Whatcom County PDS
From: Jack Petree
RE: WHATCOM COUNTY SEPA CASE # 2014-00065 (Comprehensive Plan Amendment)

Mr. Aamot,

A SEPA determination of non-significance was issued Sept. 9th regarding an amendment to the Whatcom County Comprehensive Plan.

I believe that determination was based on information missing or overlooked from the SEPA Checklist procedure.

Following is my comment and please understand, it is directed specifically to the finding of non-significance regarding adjustments to the parks plan LOS amendment to Chapter 4 of the Comp. Plan and to the Parks Capital Facilities financing plan (Appendix F).

The GMA, the Whatcom County Comprehensive Plan and, Whatcom County Code requires that future impacts on land zoned for Agriculture and land zoned for Commercial Forest as well as Mineral Resource land be analyzed and considered when a Comprehensive Plan Amendment is considered.

SEPA's RCW 43.21c.020 puts forward as responsibilities of the state and its people to be achieved under the act:

"Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

Enhance the quality of renewable resources...."

Canyon Lake Community forest, South Fork Park, Lookout Mountain, and Lake Whatcom parks are, for the most part, zoned for Commercial Forestry; that designation of the land being considered is not included in the SEPA checklist used to determine a DNS.

The paramount use for resource lands as spelled out by the Growth Management Act is to assure the sustainability of the Agriculture, Forestry and, Mineral extraction sectors of the economy. Use of Resource lands as parks creates potential conflicts both for the resource lands used as a park and for the resource lands adjacent to that park.
The Comprehensive Plan amendments addressed in the SEPA document include more than 11,000 acres of Commercial Forest lands as well as some lands zoned for Agriculture. Use of those lands for park purposes can have a dramatic impact on the usability of the lands for forest harvest, Agricultural uses, and other beneficial commercial uses. Absent a plan for the trails and other facilities a significant environmental impact could occur as lands are effectively removed from the Resource land inventory and consumed for uses not allowed by either GMA or Whatcom County Code.

An examination of the potential environmental issues likely if the Comp. Plan Amendments being proposed for chapter 4 and for Appendix F should have been included in the SEPA Checklist.

Regards and thank you for your time and attention,

Jack Petree
360-733-1303 or tradewrld@comcast.net
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.
### WHATCOM COUNTY COUNCIL AGENDA BILL

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**TITLE OF DOCUMENT:**

Application to rezone 5 acres from Neighborhood Commercial (NC) to Rural General Commercial (RGC) zoning district.

**ATTACHMENTS:**
1. Staff Memo
2. Proposed Ordinance and Exhibit
3. Staff Report
4. Planning Commission minutes

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

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

**Requested Date**

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.)

A proposal to rezone approximately five acres from Neighborhood Commercial (NC) to Rural General Commercial (RGC), located at the northwest corner of Slater and Elder Roads, about five miles west of Interstate 5.

**COMMITTEE ACTION:**

10/14/2014: Held in Planning Committee until October 28, withdrawn from Introduction

**COUNCIL ACTION:**

10/14/2014: Withdrawn from introduction and held in Committee until October 28 or a later date

**Related County Contract #:** PLN2014-00008

**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: Whatcom County Council

THROUGH: Mark Personius, AICP, Long Range Planning Manager

FROM: Gary Davis, AICP, Senior Planner

DATE: October 28, 2014

SUBJECT: PLN2014-00008 Slater Road Rezone

At its October 14, 2014 meeting the Planning and Development Committee voted to hold the Slater Road rezone application in committee until a future meeting when additional information can be presented. This information includes:

- Details about the proposed configuration of the automobile sales use, as described in neighbor Larry Daugert’s July 11, 2014 comment. Mr. Daugert’s questions concerned:
  - Location of new lot lines as a result of a possible boundary line adjustment
  - Location of the used car sales lot on the site
  - Number of cars to be accommodated
  - Location of any wash or repair facilities
  - Location of a potential single family home
- Information on the applicant’s automobile sales license
- Information on what the applicant was told by PDS staff when the auto sales use was first proposed

The applicant, not PDS, is the source for this information and the applicant has submitted materials in response to the committee’s request (see attached). PDS can provide brief preliminary comments on these materials at the November 12 meeting, but cannot conduct a full site plan review on a use that is not currently legal. Staff has made some minor changes to the draft agreement, clarifying permitted uses, and allowing the County to rescind the rezone if the time limits in the agreement are not met (attached).

As the staff report stated, this application is a quasi-judicial matter per the state’s Appearance of Fairness Doctrine. Quasi-judicial actions are defined to be: "...those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case.
to engage in ex parte communication when quasi-judicial matters are pending. An ex parte communication is a one-sided discussion between a decision-maker and the proponent or opponent of a particular proposal which takes place outside of the formal hearing process on a quasi-judicial matter. Any communication between any party and a Council member that may have the appearance of or potential to lead to bias or partiality should be disclosed as soon as possible at the quasi-judicial hearing on the matter.¹

For further information on this application, please contact Gary Davis, Senior Planner, at extension 50246.

Attachments:

Applicant’s materials
- Conceptual site plan
- Letter from Massad Boulos
- Business licenses
Revised Draft Concomitant Agreement

¹ More information on quasi-judicial actions and the Appearance of Fairness Doctrine is available at http://www.mrsc.org/askmrsc/pastingsubject.aspx?sid=2
Dear County Council Members:

I have been a business owner in this neighborhood for twelve plus years and am very invested in my businesses and the community in which we reside. I am the owner of Starvin Sams X1X, a convenience store/gas station located on what has become known as “Jordyn’s Corner”.

Because of our store location we are the “last stop” for many of the people residing on Sandy Point, the local reservation and the surrounding communities. We have developed long standing and friendly relationships with our customers. Many we know on a first name basis. We strive to pass on excellent customer service and great value to all of our clients.

Incidental to our convenience store and gas station, I began selling used cars at this site about six years ago. I have never received a complaint from any of our neighbors. Our MB Motors sign has hung here with never an issue or problem until of late.

This zoning issue came as a complete surprise to me. When we moved forward with the startup of the car lot I enlisted the help of a family member to comply with all of the steps necessary. We applied for and obtained a business/dealer license. See attached. My cousin went to the Whatcom County Planning offices and spoke with a county employee at the counter regarding the property on which we planned to open the lot. He was told that the area was zoned commercial and that a car lot didn’t appear to be a problem. Unfortunately, my cousin cannot recall the name of the employee that he spoke with as it was years ago. We then moved forward and opened the car lot believing we had researched and followed all laws governing this type of business.

Upon hearing the devastating news regarding zoning, I immediately started to research what could be done to keep my car business up and running. I even went as far as to look at other locations where we might be able to move the car lot to if need be. The lease payments and sale prices at these locations were extremely high and not a feasible solution as we are a small enterprise. Most of the revenue from our car sales goes to paying the mortgage on the building and property here and helping to cover my $35,000 overhead. The Lumi Nation’s opening of the gas station on Slater Road near the casino has materially affected our convenience store and gas station operations as the Lummi Nation is able to sell gas and other items at a significantly lower price. After reviewing our options, the most feasible solution for keeping my car business open is to have the property “rezoned” to allow for the car lot.

We recently hired an engineering firm to come up newest forth a design for the car lot which will include buffer zones and landscaping improvements that would buffer our neighbor’s view of our property, but Slater road as well. I have spent a lot of money trying to get this rezoning implemented and at the same time keep my neighbors happy. Closing down my car business would be devastating. I have personally, professionally, and financially invested a lot of time and money over the last six years. The closing down of MB Motors LLC would also force me to lay off at least 5 of my 15 employees. These are jobs available to people that live in this rural area, one of the purposes of the rural business zone that we seek for the property. My employees rely on me for a steady paycheck so that they can provide for their families. So, as you can see, there is a huge “trickledown” effect if we were forced to close.

As a business owner and committed citizen of this neighborhood I value what all of my neighbors think and I am very willing to sit down and discuss what I can do to continue my business operations here and at the same time keep my neighbors happy. I welcome any ideas or thoughts from the local community.
The "rezoning" of the property appears to be the best solution. I hope that we can come to a beneficial resolution.

Sincerely,

Massad Boulos  
Owner/ Operator  
Starvin Sams X1X  
MB Motors LLC
BUSINESS LICENSE

Domestic Limited Liability Company

M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248 9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 09-30-2015

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Director, Department of Revenue
BUSINESS LICENSE

STATE OF WASHINGTON

Domestic Limited Liability Company

M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248-9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 09-30-2014

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Director, Department of Revenue
M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248-9011

BUSINESS LICENSE

Domestic Limited Liability Company

M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248 9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 09-30-2013

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Brad Flaherty
Director, Department of Revenue
M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248-9011

BUSINESS LICENSE

Domestic Limited Liability Company

M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248 9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 09-30-2014

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Director, Department of Revenue
BUSINESS LICENSE

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 09-30-2012

Domestic Limited Liability Company

M.B. MOTORS LLC
3310 SLATER RD
FERNDAL WA 98248 9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

[Signature]
Director, Department of Revenue
M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248-9011

Domestic Limited Liability Company

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 09-30-2011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

The licensee named above has been issued the business registrations or licenses listed. By accepting this document, the licensee certifies the information provided on the application for these licenses was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, city, and federal laws.

[Signature]
Director, Department of Licensing
H.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248-9011

DOMESTIC LIMITED LIABILITY COMPANY

M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248 9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 12-31-2010

The signature above has been issued the business registrations or licenses listed. By accepting this document, the licensee verifies the information provided on the application for these licenses was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Elizabeth A. Luce
Director, Department of Revenue
MASTER LICENSE SERVICE

REGISTRATIONS AND LICENSES

Domestic Limited Liability Company

M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248-9011

TAX REGISTRATION

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1

The licensee named above has been issued the business registrations of licenses listed. By accepting this document, the licensee certifies the information provided on the application for these licenses was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county and city regulations.

Elizabeth A. Luzo
(Treasurer, Department of Licensing)
AGreement

This agreement (herein "Agreement") is made and entered into this ______ day of
________________, 2014, by and between Larry M. Jordan and SYB Holdings Co., Inc.
(herein "Owners") and Whatcom County, a subdivision of the State of Washington
(herein "County").

Recitals

The Owners are the owners of certain real property (herein the "Property") which is
more particularly described on Exhibit A, attached hereto and incorporated herein,
and which is the subject of an application for rezone from Neighborhood
Commercial (NC) to Rural General Commercial (RGC) zoning district. The
Comprehensive Plan designation for the Property is Rural Business.

A determination of nonsignificance for the rezone proposal was issued by the SEPA
County Planning Commission was mailed to the Owners and property owners within
1,000 feet of the Property and posted on the Property on June 26, 2014.

On July 10, 2014 the Planning Commission held a public hearing, considered input
from the staff, applicant, and neighbors, and made no recommendation. The
Whatcom County Council held a second public hearing on October 28
________________, 2014 and approved the rezone subject to a concomitant
agreement.

The County has entered into this agreement with the Owners concurrently with the
rezone of the Property to RGC. The purpose of this agreement to limit the permitted
uses and to ensure compliance with all applicable development regulations. It is not
intended that this Agreement would modify or eliminate other relevant
requirements imposed by other applicable ordinance and regulations.

NOW, THEREFORE, for and in consideration of the mutual covenants and
agreements contained herein, and in consideration of the rezone of the Property as
discussed above, the parties covenant and agree as follows:

I. Rezone. Concurrently with the approval of this Agreement, the Whatcom
County Council shall rezone the Property to RGC, subject to the terms and
conditions of this Agreement. Upon approval of the rezone, this
agreement shall be recorded as a covenant running with the land.

II. Permitted Uses. Permitted uses on the property shall include all permitted
uses in the NC district (WCC 20.60.050), and the following uses:
Automobile service stations, Rental storage establishments, Single family
residences, and Automobile sales, excluding new buildings. Accessory and
conditional uses listed in WCC 20.60.100 and 20.60.150 are also permitted on an accessory and conditional basis, respectively.

III. Prohibited Uses. Subject to section II above, prohibited uses shall include all permitted uses in the RGC district (WCC 20.59.050) except that the following uses shall be permitted uses:

a. Automobile service stations,

b. Rental storage establishments,

c. Automobile sales, excluding new buildings, and

d. a single family residence (WCC 20.59.055).

IV. Compliance: The use of the property for automobile sales or any use not legally established shall be prohibited until a Pre-Application Meeting with Whatcom County Planning and Development Services (PDS) has been held, the required permits issued and final approval for all permits including a Certificate of Occupancy has been issued. The applicant shall comply with all Whatcom County Code requirements including but not limited to the Whatcom County Development Standards. Improvements that may be required include but are not limited to adherence to setbacks, fireflow, access, landscaping, and stormwater.

V. Pre-Application Meeting and Required Permits: For the purpose of this agreement, "days" shall be calculated as calendar days. The Owners and/or authorized agent shall comply with the following:

1. The Owners shall submit to Whatcom County Planning and Development Services, a complete packet of application materials accompanied by the appropriate filing fee for a zoning pre-application meeting within 14-days of the effective date of the rezone ordinance.

2. The County shall hold the pre-application meeting within 20-days of receipt of the complete pre-application documents. At the pre-application meeting the County will provide the Owners with information regarding all the permits that will be required. The County anticipates that, at a minimum, it will require a building permit that includes review of land disturbance, stormwater, traffic, landscaping, parking, fire access, and fire flow. A revocable encroachment permit may also be required.

3. Following the pre-application meeting, the Owners or authorized agent shall submit all required permit applications with the appropriate deposits and/or fees to the County within 30-days of the pre-application meeting. All applications must be complete.
4. The Owners shall, at the time of each permit application, inform the County project Planner that he/she has submitted the application to the County and shall supply the County with the permit numbers. This will allow the County to expedite issuance and tracking of the permits.

5. The County shall issue a determination of completeness for each application within 14 days of submittal, pursuant to WCC 2.33.020(D) and 2.33.050.

6. The County shall review all submitted permit applications, and if necessary, issue a Notice of Additional Requirements (NOAR) within 14-days of the applications being received. Although not anticipated, a NOAR may be necessary if County review of a complete application finds that additional information is needed, (e.g. if the site plan needs revision due to need for fire apparatus turnaround or because of the location of existing wells, septic systems, etc.)

7. If a NOAR is issued, the applicant shall submit the requested information to Whatcom County within 45 days from the date of the NOAR.

8. Immediately following the County's final review, the County shall notify the Owners or authorized agent by telephone that a permit is ready for issuance. The Owners shall pay the remaining permit fees and pick-up the permits(s) within 14-days of notification that the permits are ready for issuance.

9. For procedures not specified in this section, the requirements of the Whatcom County Code shall apply.

VI. Time Limit: The County Council may take action to rescind ordinance rezoning the Property to RGC shall include a time limit that rescinds the rezone if the Owners have not received a County-issued Certificate of Occupancy within 120-days of permit issuance, provided notice of a hearing regarding such potential action is first provided to the Owners. The County may, at its discretion, extend this time limit if delays occur through no fault of the applicant.

VII. Effective Date: This agreement shall become effective on the effective date of the ordinance rezoning the property to RGC. This agreement in no way authorizes or condones any use or action on the property by the applicant until formal adoption of this agreement and the rezone to RGC by the County Council.

VIII. Miscellaneous.
1. **Applicable Law.** This Agreement shall in all respects be governed by the laws of the State of Washington and Whatcom County Codes.

2. **Modification or Amendment.** No amendment, change, or modification of this Agreement shall be valid unless in writing and signed by all of the parties hereto.

3. **Successors and Assigns.** All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, legal representatives, successors, and assigns.

4. **Entire Agreement.** This Agreement constitutes the entire understanding and agreement of the parties with respect to its subject matter and any and all prior agreements, understandings, or representation with respect to its subject matter are hereby canceled in their entirety and are of no further force or effect.

5. **Headings.** The captions and paragraph headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit, or affect the interpretation of construction of any term or provision hereof.

IN WITNESS WHEREOF the parties have executed this Agreement on the day above first written.

---

Larry M. Jordan  
Land Owner

By: ____________________________  
Massad Boulos  
Title: ____________________________  
Applicant

---

ATTEST:  
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis  
Council Clerk

---

WHATCOM COUNTY COUNCIL

Carl Weimer, Chairperson

---

Civil Deputy Prosecutor  

Jack Louws, Executive  
Date: ____________________________
ORDINANCE NO. ___________

REZONING FIVE ACRES AT THE INTERSECTION OF
SLATER ROAD AND ELDER ROAD

WHEREAS, The property owners submitted an application to rezone two parcels totaling about five acres from Neighborhood Commercial (NC) district to Rural General Commercial (RGC) district at the northwest corner of Slater Road and Elder Road; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on July 10, 2014; and

WHEREAS, The Whatcom County Planning Commission made no recommendation at its July 10, 2014 hearing; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject property was rezoned from Rural to Neighborhood Commercial (NC) in 1988 (Ord. 1988-043)

2. Whatcom County staff has notified the property owners that the ongoing sales of automobiles is a prohibited use in the Neighborhood Commercial (NC) zoning district.

3. The property owners have submitted an application to rezone two parcels from NC to Rural General Commercial (RGC) zoning district, which allows automobile sales, among other uses.


5. Notice of the public hearings was issued in accordance with WCC 20.90.045, including publication in the official county newspaper, mailed notices to property owners within 1,000 feet, and posting of signs on the subject property at least ten days before the hearing.

6. A State Environmental Policy Act (SEPA) determination of non-significance (DNS) was distributed May 29, 2014.

7. Notice of the proposed rezone was submitted to the Washington State Department of Commerce on May 29, 2014.

8. Per Whatcom County Code 20.90.020(3), a rezone may use a concomitant agreement to impose conditions on, or limitations on uses and may also require performance by the applicant(s) which is/are directly related to mitigation of probably on-and off-site impacts to adjacent uses, public services and the environment. The agreement may be
in the form of a covenant running with the land. The provisions of the agreement will be in addition to all other pertinent Whatcom County Code requirements.

CONCLUSIONS

1. The proposed rezone is consistent with the Comprehensive Plan, and is in the public interest.
2. A concomitant agreement, in the form of a covenant running with the land, will ensure that new uses be limited to automobile sales and single family dwelling in addition to those permitted in the NC zoning district, and that automotive sales are permitted only after County approval of a site plan that assures compliance with County development regulations and after the required improvements are installed.
3. The proposed rezone with the concomitant agreement should not result in any significant environmental impacts.

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

Section 1. The Whatcom County official zoning map is hereby amended as shown on Exhibit A.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ______ day of ______________, 2014.

ATTEST: 

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________
Dana Brown-Davis, Council Clerk

______________________________
Carl Weimer, Chairperson

APPROVED as to form: 

( ) Approved     ( ) Denied

______________________________
Jack Louws, Executive

Date: ________________________

2
Call To Order: The meeting was called to order, by Whatcom County Planning Commission Chair, David Onkels, in the Northwest Annex Conference Room at 6:30 p.m.

Roll Call
Present: Gary Honcoop, David Onkels, Walter Haugen, Natalie McClendon, David Hunter
Ben Elenbaas in attendance at 6:55 p.m.
Absent: Jerry Vekved, Mary Beth Teigro, Ken Bell

Staff Present: Mark Personius, Gary Davis, Becky Boxx

Department Update
Mark updated the commission on the following:
- Items before the County Council.
- Upcoming commission schedule.

Gary Davis updated the commission regarding the Growth Management Hearings Board appeal cases.

Open Session for Public Comment
There was no public comment.

Commissioner Comments
Commissioner McClendon commented on the new chairs.

Public Hearing
File #PLN2014-00008: A proposal to rezone approximately five acres from Neighborhood Commercial (NC) to Rural General Commercial (RGC), located at the northwest corner of Slater and Elder Roads, about five miles west of Interstate 5.

Gary Davis presented the staff report.

Gary stated this is a quasi-judicial matter so the commissioners may want to disclose any potential conflict of interest or any contact they have had with the applicants.

The subject parcels were rezoned from Rural to Neighborhood Commercial in 1988. The uses in Rural General Commercial are a little more extensive than those in Neighborhood Commercial. The uses that are on the site are permitted in Rural General Commercial but not in Neighborhood Commercial, specifically the mini storage and the gas station. The majority of the parcels are already developed although some potentially developable land exists between the business and north of the service station. That is the area being used for automobile sales. The western 300 feet of the area lies within a ravine and contains a fish bearing stream. Staff recommends that if it is approved, that it be subject to a concomitant agreement. The reason this is being proposed is because having car sales on the property is not required to get a permit. Normally a rezone is done with the...
Regular Meeting

understanding a building permit will be taken out in the future, when PDS can make sure
the use complies with codes. That is not the case here so the concomitant agreement will
take care of that.

The hearing was opened to the public.

Jon Sitkin, Whatcom County, representing the applicant: They have no objection to the
concomitant agreement. They asked that a single family residential use be added to the
agreement, as a permitted use, because one of the property owners, Larry Jordan, may
want to build a home in the future. In regards to the zoning, he had conversations with
staff and the zoning designations and purposes are nearly identical. The policies included
in the staff report, ZLL and 2HH from the Comprehensive Plan, supports the designation
and proposal.

Larry Daugert, Whatcom County: He lives on Elder Road close to the proposed rezone
which he opposes. He stated it is obviously a truism that it is better to ask for forgiveness
than permission. The car lot started over a year ago and was not consistent with the
zoning. They regularly parked cars in such a way that it impeded views coming off of Elder
Road onto Slater Road. He complained to the county who stated they don’t have much of
an enforcement mechanism. The county did talk to the owners of the car lot who stated
they would stop pending hearing to rezone. Then what they did is move the cars off,
blacktop everything, then moved the cars back. Selling cars is not consistent with the
rural lifestyle that he and everyone around him likes. The area is mostly five acre parcels
They live there for the rural qualities. Car lots have nothing to do with the rural lifestyle.
Neighborhood grocery stores are important and nobody has a problem with that. There
are no regulations or powers regarding where they get their water, employees or how
many bathrooms they have. He asked the commission to deny the proposal.

Jon Sitkin stated the Comprehensive Plan and zoning code already identifies uses in the
rural zones and these uses are consistent with the rural lifestyle. Stormwater,
landscaping, site plan, etc. would be executed as a condition of the rezone.

The hearing was closed to the public.

Commissioner Honcoop asked if the property remained zoned NC through the recent Rural
Element LAMIRD process.

Mr. Davis stated it did.

Commissioner Honcoop asked if the LAMIRD is limited to the pre-1990 uses.

Mr. Davis stated no, this type of LAMIRD is not subject to 1990 limitation.

Commissioner Honcoop asked if there were conditions placed on the mini-storage when it
was built.

Mr. Sitkin stated none that he was aware of.
Regular Meeting

Commissioner Honcoop stated there had been testimony that the property was recently paved. Was a land disturbance permit obtained for that?

Mr. Sitkin stated the property was not paved, only graveled where it had been previously graveled and no permits were obtained. There were existing areas that had been paved.

Commissioner Haugen asked Mr. Daugert if he felt this was correct.

Mr. Daugert stated that the question was if permits had been taken out and the answer is no. There may have been repaving of the previously paved areas.

Commissioner Haugen asked why the cars were put back after the county directed they be removed.

Mr. Sitkin stated they did remove the cars but the enforcement action was put on hold pending this hearing so there was some understanding the cars could be put back. They have since been removed again.

Commissioner Haugen stated it sounded like the county was legitimizing a businessman’s mistake.

Mr. Sitkin asked that the focus of the hearing be on the change in zoning not on the enforcement issue.

Commissioner Haugen asked what the impact of this rezone would be to the fish bearing streams.

Mr. Davis stated that if there were to be any development near the stream they would have to meet the setbacks involved in Title 16. Right now nothing is being proposed in that area.

Commissioner Haugen stated he knows John and Sarah Gergen, who are neighbors to this property. He stated that will not affect his decision on this matter.

Commissioner Haugen asked if the northeast corner of the property is being used for crops.

Mr. Davis stated there are crops there.

Commissioner Haugen asked if any part of the proposal would affect those crops.

Mr. Sitkin stated no.

Mr. Daugert stated there is an office on the property for the car business.

Commissioner Hunter stated it is not clear if the Planning Department thinks this is a good idea. He has his doubts that the rezone benefits anyone other than the person who sells cars there.
Mr. Davis stated that the county’s approach is that if the zoning stays NC the car sales continue to be an enforcement issue. If they rezone is denied that process would continue. If the rezone is approved; with the recommended concomitant agreement requiring that before that automobile sales use is legal that they submit a site plan that makes sure they adhere to the setbacks, landscaping and buffering requirements; then car sales are the only use allowed above and beyond what is already there.

Commissioner Honcoop asked if the landscaping requirements are the same for both the NC and RGC. As such there doesn’t seem to be a trigger point because a building permit is not required.

Mr. Davis stated there are no screening requirements for the existing non-conforming use that is already there.

Commissioner Honcoop asked if there is a trigger mechanism related to stormwater.

Mr. Davis stated the concomitant agreement would require anything the building permit would require.

Commissioner Honcoop asked why the full range of services allowed in the RGC zone are not being allowed.

Mr. Davis stated because this was an enforcement action on a particular use that is not legal under the current zoning. As such staff is recommending allowing the one stated use rather than the full range. A lot of the uses in RGC are more intensive uses geared towards larger LAMIRDs. This is only a five acre parcel, with the west 300 feet not really usable, and another 2 to 3 acres that is already developed. Since this is an attempt to legitimize a use that is already on there the county’s approach is to limit the uses.

Commissioner McClelland asked what the expectations are regarding how much impervious surface there will be.

Mr. Davis stated that under the concomitant agreement the applicant will have to go through all the existing regulations involving drainage, etc.

Commissioner McClelland asked if impervious surface issues are looked at in the NC zone.

Mr. Davis stated yes if auto sales was a permitted use under that zone. At the time they asked to put in the sales area they would be given the regulations.

Commissioner McClelland stated that even if the area wasn’t used to sell cars the gravel was put there. Is that allowed?

Mr. Davis didn’t know whether that was a violation under the land disturbance permit process.

Commissioner McClelland asked if there were any areas west of the casino zoned RGC or NC.
Mr. Davis stated no.

Commissioner McClendon asked if there are any expectations regarding how isolated the LAMIRDs are and how extensive the development can be.

Mr. Davis there is designation criteria and spacing criteria in the Comprehensive Plan regarding LAMIRDs.

Commissioner Elenbaas stated he doesn’t care what happened in the past regarding this property. That is not the question before the commission. Is it legal to this? Is it a spot zone?

Mr. Davis stated it is legal and not a spot zone, particularly because it involves more than one parcel.

Commissioner Hunter stated he knew Larry Daugert’s father but that will not influence his decision regarding this matter.

Commissioner Hunter stated he had concerns regarding car repair because it is a necessary part of used car sales. It is not irrelevant that people feel they can use property in a certain way that is not consistent with local ordinances. Then having used it for a while getting people to say it’s okay based on the history of the use. This fact can play a role in the decision making. Regarding enforcement, over time screening, landscaping, etc. deteriorate because there is no reason to keep it up. He thinks will become another enforcement action in the future.

Commissioner Onkels asked if there is a requirement in the zoning ordinance regarding maintenance of landscaping.

Mr. Davis stated there is.

Commissioner Honcoop stated the RGC zoning is a much better fit because of what has historically been there and the existing legal businesses there. Regarding the statements related to enforcement, the agreement that would be put in place adds to tools the county has for enforcement.

Mr. Personius agreed and stated it will also benefit the neighbors by requiring screening. The agreement would have time limits and expectations that the applicant must meet otherwise the agreement expires and the rezone goes away.

**Commissioner Hunter moved to recommend denial of the proposal.**

**Commissioner Haugen seconded.**

Commissioner Hunter stated this is a compliance issue and there is no benefit to the neighbors or the county with the rezone. The county is going to have to rely on the neighbors to ensure that the conditions placed on the rezone are being met. If he were living in the area he would not want car sales in the neighborhood.
Commissioner McClendon asked how the enforcement process perceived. Isn’t it still an enforcement issue that should be pursued and agreements reached?

Mr. Davis stated the concomitant agreement takes the place of the enforcement action if all of the conditions are met.

Mr. Personius stated that enforcement is an issue, particularly in Whatcom County, partly because of the nature of the code. Enforcement issues are generally complaint driven because the county doesn’t have the staff or funding to look for issues. Complaints are investigated and action initiated in the form of notice to the property owner. The code is very limiting in terms of actions the county can take. Most of the rights lie with the property owner.

Commissioner Haugen stated the cars are still on the lot and the county says it can’t do anything about it. It impacts the neighbors and someone is making money off of the cars illegally. The Planning Department is bending over backwards to legitimize an illegal use. The county is not being fair and impartial and are not helping the people that live there.

Mr. Personius questioned if the sale of cars the issue or is it the visualization of car sales. If the area is screened so people driving by don’t see them is there an issue with the car sales?

Commissioner Haugen stated this is not about zoning at all, it’s about catering to some individual.

Commissioner Elenbaas stated he views it differently. To be fair and impartial the commission should look at the facts as to is it a legal rezone and does it fit the area and not what the applicant has done in the past.

Commissioner McClendon stated the applicant would not be asking for the rezone if they hadn’t done the non-conforming action.

Commissioner Honcooip stated all he is looking at is do the uses fit or not. He doesn’t see the rezone as a problem, but as an opportunity for the county to have some tools to be able to help mitigate the impact on the surrounding area. He sees the rezone as a benefit.

Commissioner Hunter stated all that is happening is substitution of an ordinance with a contract. The applicant has not followed the rules so far which indicates he won’t follow the concomitant agreement either. Don’t pretend there is some benefit to the county or neighbors from this.

Commissioner Elenbaas stated the fact that the applicant is at the meeting and is going through this process shows him that he does want to comply.

Commissioner McClendon stated she still has issue with the fact that it’s next to impossible to conclude an enforcement issue that the commission should roll over and change the rules. If there is no reason for zoning and it can’t be enforced than don’t hav it. The argument she has heard is that whatever anyone wants to do the county will change to zoning to match it. What does that tell the rest of the public?
Regular Meeting

Commissioner Honcoop stated there are various reasons why zoning is applied to certain areas and it’s not always the best fit. The commission can fix some of those errors. Because someone did something wrong do they need to be penalized? What is the best solution and best fit needs to be looked at.

Commissioner Elenbaas thanked Mr. Daugert for testifying and asked if he tried to get more people to come.

Mr. Daugert stated no.

Commissioner Honcoop stated in the past he had a relationship with Mr. Daugert’s firm but that will not influence his decision on this matter.

Commissioners Elenbaas and Onkels have both bought items from the store located on the site but stated it will not influence their decisions.

Roll Call Vote on the motion to recommend denial of the proposal: Ayes – Haugen, Hunter, McClendon; Nays – Elenbaas, Honcoop, Onkels; Abstain – 0; Absent – Bell, Teigrob, Vekved. The motion failed.

Commissioner Honcoop moved to recommend approval of the proposal with changes to read: If the Planning Commission recommends approval, Planning and Development Services recommend the Planning Commission forward the proposed amendment to the County Council with a recommendation of approval subject to a concomitant agreement, a covenant running with the land, that limits new uses to NC uses plus automobile sales and, the existing service station and, rental storage uses as allowed under 20.59.050; 20.59.052(1); and a single family dwelling or duplex for lot of record; as allowed under 20.59.050 and 20.59.055; and requires County approval of a site plan that complies with all applicable county development regulations, and installation of required improvements, including but not limited to landscape materials. Commissioner Elenbaas seconded. Roll Call Vote: Ayes – Elenbaas, Honcoop, Onkels; Nays – Haugen, Hunter, McClendon; Abstain – 0; Absent – Bell, Teigrob, Vekved. The motion failed.

The meeting was adjourned at 8:12 p.m.

Minutes prepared by B. Boxx.

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

David Onkels, Chair

Becky Boxx, Secretary
WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
STAFF REPORT

I.  BACKGROUND INFORMATION

File #  PLN2014-00008

File Name: Slater Road Rezone

Applicant:  Whatcom County

Summary of Request:  Rezone about 5 acres from Neighborhood Commercial (NC) to Rural General Commercial (RGC).

Quasi-judicial status:  This rezone is a quasi-judicial matter per the state’s Appearance of Fairness Doctrine. Quasi-judicial actions are defined to be: "...those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding." RCW 42.36.010  No member of a decision-making body is allowed to engage in ex parte communication when quasi-judicial matters are pending. An ex parte communication is a one-sided discussion between a decision-maker and the proponent or opponent of a particular proposal which takes place outside of the formal hearing process on a quasi-judicial matter. Any communication between any party and a Planning Commission member that may have the appearance of or potential to lead to bias or partiality should be disclosed as soon as possible at the quasi-judicial hearing on the matter. More information on quasi-judicial actions and the Appearance of Fairness Doctrine is available at http://www.mrsc.org/askmrsc/pastingsubject.aspx?sid=2

Location:  Northwest corner of Slater and Elder Roads, about 5 miles west of Interstate 5.

Staff Recommendation:  If the Planning Commission recommends approval, staff recommends that the rezone be subject to a concomitant agreement that limits new uses to NC uses plus automobile sales and the existing service station and rental storage uses, and requires County approval of a site plan that complies with all applicable County development regulations, and installation of required improvements, including but not limited to landscape materials.

History:
Whatcom County Planning & Development Services, Department of Code
Enforcement, received several Code Violation Reports from citizens concerned about property values deteriorating due to an alleged car lot at 3322 Slater Road. A site inspection in August 2013 revealed twenty used vehicles for sale parked on the subject site, in the county right-of-way, and on the neighboring parcel at 3310 Slater Road.

Planning & Development Services contacted the business owner and informed him the sale of automobiles in the Neighborhood Commercial (NC) zone district was a prohibited use and that he would have to remove the vehicles from the site. The property owner agreed to remove the vehicles if the county would grant him an extension until September 15, 2013. Staff agreed and conducted a follow-up site inspection and confirmed the vehicles had been removed as promised. Within a few weeks, staff was notified that the property owner had brought the vehicles back to the site.

In December 2013 the owners of both parcels submitted an application to rezone the parcels to Rural General Commercial (RGC) district, which lists automobile sales as a permitted use.

II. ANALYSIS OF PROPOSED REZONE

The area that includes the two subject parcels was rezoned from Rural to Neighborhood Commercial (NC) in 1988 (Ord. 1988-043) at the request of one of the current owners, Larry Jordan. The owners now propose a rezone from NC to Rural General Commercial (RGC) for both parcels. One parcel is developed as a 3,600 square foot service station/convenience store and the other is a rental storage facility with buildings totaling about 16,500 square feet. Neither the service station or mini-storage use is currently a permitted use in NC. The service station predates the NC zoning, and the rental storage use was developed under a conditional use permit.

A rezone from NC to RGC would expand the list of commercial uses permitted on these parcels. Automobile sales is included in RGC’s permitted uses, as are the existing service station and rental storage establishments. Commercial uses permitted in each zone are listed in the following table for comparison:

<table>
<thead>
<tr>
<th>Neighborhood Commercial (NC)</th>
<th>Rural General Commercial (RGC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCC 20.60.050</td>
<td>WCC 20.59.050</td>
</tr>
<tr>
<td>Barber and beauty shops, baker shops, drug stores, food markets, hardware stores, stationery stores, other convenience retail shops not greater than 2,500 square feet per business</td>
<td>Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, and pet stores</td>
</tr>
<tr>
<td>Professional offices not greater than</td>
<td>Service establishment including but not</td>
</tr>
</tbody>
</table>
2,500 square feet per business

limited to barber and beauty shops, laundries, dry cleaners, furniture repair, frozen food lockers, funeral parlors, animal hospitals, auction houses, financial institutions, fraternal organizations, and professional offices

Mobile home and RV sales

Indoor commercial recreation facilities such as bowling alleys, skating rinks, indoor theaters, and physical fitness centers

Printing and publishing establishments

Mini-day care centers and day care centers

**Rental storage establishments**

Eating and drinking establishments

**Automobile, motorcycle, marine and farm implement sales**, rental agencies, repair and service, provided that all repair services are conducted within an enclosed building

**Automobile service stations**, car washes, and public garages

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In both the NC and RGC zones, maximum building size is limited to 7,000 square feet within a Rural Business designation (WCC 20.59.322 and 20.60.302). This limit was established in 2012 to ensure that new commercial uses are “small-scale” in accordance with Comprehensive Plan Policy 2LL-1 (see Comprehensive Plan evaluation below).

The majority of both parcels is already developed, though some potentially developable land exists between the two existing businesses and to the north of the service station. That is the area that has been used for automobile sales. The western 300 feet of the area lies within a ravine and contains a fish-bearing stream. This area is affected by Critical Area Ordinance restrictions and the applicants plan no development in this area.

**Concomitant Agreement**

Staff recommends that if the rezone is approved, it is subject to a concomitant agreement that agreement that limits new uses to NC uses plus automobile sales and the existing service station and rental storage uses, and requires County approval of a site plan that complies with all applicable County development regulations, and installation of required improvements, including but not limited to landscape materials. WCC 20.90.020(3) authorizes a concomitant agreement in conjunction with a rezone “to impose conditions on, or limitations on uses and may also require performance by the applicant(s) which is/are directly related to mitigation of probable on-and off-site impacts to adjacent uses, public services, and
the environment. The agreement may be in the form of a covenant running with the land..."

Because automobile sales requires no building to be permitted, no discretionary permit would be necessary to allow the use.\(^1\) The site plan approval requirement would ensure that PDS has reviewed the planned use for compliance with current County development regulations (including but not limited to landscaping, setbacks, access, and stormwater) which would mitigate on- and off-site impacts to adjacent uses, public services, and the environment. Automobile sales on the site would not be compliant with County code until after the site plan is approved and the required improvements are installed, including but not limited to landscaping materials.

III. COMPREHENSIVE PLAN EVALUATION

The Whatcom County Comprehensive Plan designates the two parcels as “Rural Business,” which is a “limited area of more intensive rural development” (LAMIRD), as described in the Washington State Growth Management Act (GMA), RCW 36.70A.070(5)(d)(iii). Comprehensive Plan Policy 2LL-1 mirrors the GMA requirements, describing these LAMIRSDs as consisting of “the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.” Both the NC and RGC zones are permissible in a Rural Business designation (per WCC 20.59.010, 20.60.010), so no Comprehensive Plan designation change would be required for this rezone. As a “type iii” LAMIRD, development within the Rural Business designation is not required to be consistent with the sizes and uses that existing in 1990.

Whatcom County Comprehensive Plan goals and policies that are applicable to the proposed rezone are listed below. These goals and policies are in the rural element of Chapter Two Land Use, whose intent is to protect the character of Whatcom County’s rural areas. Staff’s recommendation to approve the rezone only in conjunction with a concomitant agreement is intended to protect the character of this rural area, consistent with these policies.

**Goal 2LL:** Designate Rural Business areas to limit and contain nonresidential uses.

**Policy 2LL-1:** All lands designated Rural Business shall meet the Rural Business designation criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iii), which describes limited areas of more intensive rural development consisting of

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\(^1\) This rezone could not be processed as a Site-Specific Rezone because one of the criteria for such a rezone is that the proposed use requires a discretionary development permit or building permit, per WCC 20.90.063(1)(b).
the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.

Policy 2LL-2: On lots in a Rural Business area where businesses did not exist on July 1, 2012, the new businesses shall be "small-scale" as described in the development regulations. On lots where businesses existed on July 1, 2012, development regulations should not hold the business to a "small-scale" standard.

Policy 2LL-3: Uses in the Rural Business designation need not be principally designed to serve the existing and projected rural population and nonresidential uses, but provide job opportunities for rural residents.

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

Policy 2DD-2: Protect the character of the rural area through the County’s development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County’s key development regulations are incorporated into this plan by reference to assure that the plan contains measures to protect rural character:

A. Measures to contain or otherwise control rural development and reduce the inappropriate conversion of undeveloped land into sprawling, low-density development:

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

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

a. WCC 20.80.200 Setback requirements;

b. WCC 20.80.300 Landscaping.
C. Measures to protect critical areas and surface and groundwater resources:

1. Protect the functions and values of critical areas (geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and habitat conservation areas) and the ecological processes that sustain them, through WCC 16.16 Critical Areas provisions, adopted herein by reference.

4. Protect surface and groundwater resources through stormwater management standards established in the County’s Development Standards per WCC 20.80.630 through .686, WCC 20.51 and 12.08.035 referenced in the following Zoning Code provision, adopted herein by reference:

f. 20.59.704 Drainage, Rural General Commercial District;

IV. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

Staff recommends the Planning Commission adopt the following findings of fact and reasons for action:

1. The subject property was rezoned from Rural to Neighborhood Commercial (NC) in 1988 (Ord. 1988-043)

2. Whatcom County staff has notified the property owners that the ongoing sales of automobiles is a prohibited use in the Neighborhood Commercial (NC) zoning district.

3. The property owners have submitted an application to rezone two parcels from NC to Rural General Commercial (RGC) zoning district, which allows automobile sales, among other uses.


5. Notice of the public hearing was issued in accordance with WCC 20.90.045, including publication in the official county newspaper, mailed
notices to property owners within 1,000 feet, and posting of signs on the subject property at least ten days before the hearing.

6. A State Environmental Policy Act (SEPA) determination of non-significance (DNS) was distributed May 29, 2014.

7. Notice of the proposed rezone was submitted to the Washington State Department of Commerce on May 29, 2014.

8. Per Whatcom County Code 20.90.020(3), a rezone may use a concomitant agreement to impose conditions on, or limitations on uses and may also require performance by the applicant(s) which is/are directly related to mitigation of probably on-and off-site impacts to adjacent uses, public services and the environment. The agreement may be in the form of a covenant running with the land. The provisions of the agreement will be in addition to all other pertinent Whatcom County Code requirements.

V. PROPOSED CONCLUSIONS

1. The proposed rezone is consistent with the Comprehensive Plan, and is in the public interest.

2. A concomitant agreement, in the form of a covenant running with the land, will ensure that new uses be limited to automobile sales in addition to those permitted in the NC zoning district, and that automotive sales are permitted only after County approval of a site plan that assures compliance with County development regulations and after the required improvements are installed.

3. The proposed rezone with the concomitant agreement should not result in any significant environmental impacts.

VI. RECOMMENDATION

If the Planning Commission recommends approval, Planning and Development Services recommends the Planning Commission forward the proposed amendments to the County Council with a recommendation of approval subject to a concomitant agreement, a covenant running with the land, that limits new uses to NC uses plus automobile sales and the existing service station and rental storage uses, and requires County approval of a site plan that complies with all applicable County development regulations, and installation of required improvements, including but not limited to landscape materials.

ATTACHMENTS

Maps
Application
Site Plan – Existing Conditions
WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive,
Bellingham, WA 98226-9013
360-676-6907, TTY 800-833-6384
360-738-2525 Fax

WHATCOM COUNTY
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
APPLICATION FOR ZONING AMENDMENTS

Please check one of the following:

☑ STANDARD MAP AMENDMENT
Complete Sections A, B, C, & F

☐ SITE SPECIFIC REZONE
Complete Sections A, B, D, & F

☐ ZONING TEXT AMENDMENT
Complete Sections A, E, & F

Do not write in this section of the application for official use only.

Date Received: ___________________________ File #:

Date Complete: ___________________________ Initials of reviewer:

A. GENERAL INFORMATION—All applicants must complete this section.

1. APPLICANT’S NAME:

Masso Poole

SIGNATURE:

[Signature]

MAILING ADDRESS:

PO Box 30691
Bellingham, WA 98228-2691

E-MAIL ADDRESS

Masso_back@hotmail.com

BUSINESS PHONE: 360-961-8845 HOME PHONE: SAME
WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive,
Bellingham, WA 98226-9013
360-676-6907, TTY 800-833-6384
360-738-2525 Fax

WHATCOM COUNTY
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
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  Complete Sections A, E, & F

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Do not write in this section of the application-for official use only.

Date Received: ___________________________ File #: ___________________________

Date Complete: ___________________________ Initials of reviewer: ___________________________

------------------------------------------------------------------------------------------------------------------------

A. GENERAL INFORMATION-All applicants must complete this section.

1. APPLICANT'S NAME: Larry Jordan

SIGNATURE: ___________________________

MAILING ADDRESS:
P.O. Box 45
Ferndale, WA 98248

E-MAIL ADDRESS

BUSINESS PHONE: 9617220 HOME PHONE: 9617220
2. AGENT'S NAME:
   Larry Stoner

MAILING ADDRESS:
   4751 Birch Bay-Lynden Rd #259

   Blaine, WA 98230

E-MAIL ADDRESS
   stonerlv@aol.com

BUSINESS PHONE: 360-201-9777

3. TOPIC OF PROPOSED AMENDMENT:
   Zoning Map Amendment from Neighborhood Commercial to Rural General Commercial

4. Please give a complete but short description of the proposed amendment.
   See Attached

5. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.
   See Attached
6. Please describe the “changed” condition(s), which support the amendment.

See Attached

B. ZONING MAP AMENDMENTS (STANDARD MAP AMENDMENTS AND SITE SPECIFIC REZONES)

7. PROPERTY INTEREST OF APPLICANT:
   ✔ PURCHASER/OWNER
   ☐ LESSEE
   ☐ OTHER:

EXISTING COMPREHENSIVE PLAN DESIGNATION:
   Rural Business

EXISTING ZONING DISTRICT:
   Neighborhood Commercial

SUBAREA:
   Cherry Point

8. What is the proposed zoning classification?
   Rural General Commercial

9. What is the present use of the property or properties within the proposed rezone?
   See Attached
10. Describe the land use of the surrounding properties.

See Attached

C. STANDARD MAP AMENDMENTS

11. Supporting information for standard map amendments (attach the following items):

   a) A vicinity map showing property lines, roads, buildings and their use, easements, existing
      and proposed zoning, wells and other pertinent data.

   b) A list of all property owners and others having a legal interest in the property covered by
      the proposed change.

   c) A list of the names and mailing addresses of the owners of all property within 300 feet
      (exclusive of roads and alleys).

A site plan may be requested at a future date if the intended amendment is to accommodate a
particular development. The applicant may wish to submit a plan at the time of application. The
site plan is a scaled drawing showing approximate location of buildings, roadways, parking,
drainage facilities, sanitation and water facilities, and easements. Where appropriate, the
location of landscaping, buffers, common areas, and typical individual lease spaces for mobile
home and recreational vehicle parks shall be included in the site plan.

D. SITE SPECIFIC REZONES

12. Does the proposed amendment have a substantial relationship to public health, safety,
morals, general welfare or community needs?
13. Will the proposed use be serviced adequately by essential public facilities such as highways, streets, public safety and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or will the persons or agencies responsible for the establishment of the proposed use be able to adequately provide any such services? Describe.

14. Is the proposal is located within an Urban Growth Area? □ Yes □ No (go to question #15)
   a) Will the site be serviced by full urban services or be capable of receiving urban services in time to serve the development?
   b) Will the proposed site use preclude development at urban levels of density when the area is annexed into the city?
   c) Will the proposed site be five (5) or more acres in size? □ Yes □ No

15. Supporting information for site-specific map amendment.
   Attach the following items:
   a) A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.
b) A conceptual site plan drawn at not less than one (1) inch to one-hundred (100), unless mutually agreed to by the proponent and administrative official, including, but not be limited to:
   1) General location of structures.
   2) Location and number of access points.
   3) Approximate gross floor area of structures.
   4) Name of the proposal.
   5) Identification of areas requiring special treatment due to their sensitive nature.
   6) North directional arrow.
   7) Names and location of all public streets or roads bordering the site.
   8) General legal description(s) for the site.

c) Concurrent submittal of a Discretionary Development Permit or Building Permit, if required for the project.

NOTE: If the project does not require a Discretionary Development Permit or Building Permit or will be constructed in phases, then a narrative statement must be submitted with the conceptual site plan that provides a detailed description of the project proposal and a project completion date. If the project will be constructed in phases provide start and completion dates for each phase and include a final completion date for the entire proposed project.

d) A list of all property owners and others having a legal interest in the property covered by the proposed change.

e) Evidence that all property owners within the proposed rezone boundary concur with the rezone and project proposal.

f) Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:

   • For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.

   • For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.

For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the
external boundaries of the subject property as shown by the records of the county assessor.

g) A completed Environmental Checklist.

E. ZONING TEXT AMENDMENTS

16. Are there any other circumstances that justify the proposed change?

F. AUTHORIZATION:
Signature of Applicant(s) or Agent:
(I, we) certify that (I, we) are the owner(s) of record of all the above described property and that we will pay for legal notice in the newspaper:

Date: 12/04/13

Date: 12/04/13

Date: ___________________________

Date: ___________________________
ATTACHMENT TO ZONING AMENDMENT APPLICATION

4. Please give a complete but short description of the proposed amendment.

The proposed zoning map amendment seeks to correct/change the zoning designation of the property located at the NW corner of Slater and Elder Roads within the existing LAMIRD III comprehensive plan Rural Business designation. The zoning designation correction would be a change from Neighborhood Commercial (NC) to Rural General Commercial (RGC). This proposal does not seek to change boundaries of the existing Type III LAMIRD – Rural Business Comprehensive Plan designation.

5. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.

The Comprehensive Plan designation for the subject property is Rural Business. The Comprehensive Plan goals and policies related to said designation are Goal 2LL, and policies 2LL-1 through 2LL-4. A zoning designation of RGC for the existing Type III LAMRID area at Slater and Elder Roads furthers and implements the Comprehensive Plan goals and policies related to Type III LAMIRD-Rural Business, more so than the zoning designation currently in place at this location. NC is more closely associated with Type I LAMIRD’s. This location is already listed as a Type III LAMIRD within “Chapter 2, Land Use - Rural Business” section of the Comprehensive Plan, and that LAMIRD designation fits more closely with an RGC designation, as discussed in more detail below.

The purpose of the RGC zoning designation is as follows (WCC 20.59.010):

“The purpose of the Rural General Commercial District is to provide for limited commercial activities which serve the surrounding community and provide job opportunities for residents of the rural area. This district may be located in either a rural community or rural business area, which are "limited areas of more intensive rural development" per RCW 36.70A.070(5)(d). The district shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan .......... New development in a rural business designation is limited to isolated small-scale businesses.” (Emphasis added).

The two parcels located within the Rural Business Comprehensive Plan designation at Slater and Elder Roads are developed with an indoor/outdoor rental storage facility and a mini-mart service station. They both provide
jobs and services to the residents in the adjoining rural zoned areas. If zoned RGC, both of these parcels could readily be used for expansion of existing or establishment of new businesses within the area of the existing Rural Business designation at this location.

The RGC designation is most applicable and consistent with the current and potential future uses at the site. Given the more limited use options within the Rural Neighborhood Comprehensive Plan designation, and the less restrictive limitations on uses within the Rural General Commercial zoning designation (which is proposed to be the new zoning designation), compatibility with the surrounding rural area is assured.

Comprehensive Plan policies that support this change from NC to RGC include:

*Goal 2LL of the Comprehensive Plan by:*

1) *providing job opportunities for rural residents;*

2) *allowing new development of isolated small scale business.*

Type III LAMIRD'S provide for the establishment of new businesses to better serve the surrounding area and to provide for employment opportunities. In this case, there is additional vacant acreage within the storage facility property (conditional use issued in 1998) to provide for expansion of this use, or establishment of new businesses.

There are fewer options and more restrictions on the establishment of new businesses within the NC zone than within the RGC zone. Under RGC, the gas station/mini-mart could be expanded to include automobile related uses such as auto maintenance, auto repair and auto sales. These logical options are not available within said NC zone. Such uses would require the hiring of additional employees to staff and operate these businesses. Given the zoning limitations of NC, the goals of the Rural Business designation are not met at this location with the NC designation, but would be furthered with the RGC designation. In sum, although the RGC and NC designations have similarities, there are significant differences and the RGC designation would better meet Goal 2LL of the Comprehensive Plan than the current NC designation does.

If rezoned from NC to RGC, there are many more options for further development of the mini-mart site and adjacent Rural Business land. The
parcel where the mini-mart is located can be enlarged via a boundary line adjustment, all within the existing Rural Business designation. There are approximately 1.5 acres of vacant Rural Business-NC zoned land adjoining to the north of the mini-mart. With this extra acreage, change of the current NC designation to RGC will provide for easy expansion of the mini-mart/gas station business or development of other businesses consistent with the Rural Business designation, and an RGC zoning designation that would provide additional services and employment opportunities for the nearby rural areas. Similarly, the owner of the storage facility would have more options to expand or establish new businesses if the NC designation is changed to RGC.

Within the NC zone, commercial uses are limited and do not further goals at the Rural Business location. Under the NC zoning designation there are only eight commercial permitted uses and four conditionally permitted commercial uses. One of said conditional uses is a service station which already exists on the site.

Furthermore, the NC zone places rather unusual restrictions on permitted uses. All permitted uses are subject to evaluation by the zoning administrator. The possibility of imposition of restrictive conditions or denial may tend to discourage business owners from attempting said expansion, or pursuing other uses ostensibly allowed in an NC zone. In RGC, permitted uses are permitted without this subjective judgement, further fostering the goals of allowing new small scale business and providing employment opportunities for rural residents.

Additionally goals and policies of the Comprehensive Plan which are further served by rezoning this property from NC to RGC are as follows:

*Policy 2A-4: Designate land uses that reflect the best use of the land.*

The RGC zoning designation allows the subject properties to be put to their highest and best use by permitting more commercial uses in this isolated Type III LAMIRD.

*Policy 2A-13: Allow for adequate economic development to provide economic sustainability, adequate employment opportunities and services in and for the rural areas.*

Permitting RGC uses on these properties provides for enhanced employment opportunities and adds appropriate rural general services for the rural community. This property is not located within an identifiable neighborhood or community for which the NC zone was intended. It is an isolated site that
is positioned on a major arterial, which provides expanded employment opportunities for more rural residents within a wider rural area. RGC allows a greater variety of uses that will provide expanded employment opportunities

*Policy ZK-1: Support small and cottage businesses in rural areas that minimally impact productive agricultural, forest or mineral resource land.*

The proposed amendment would not adversely impact any agricultural, forest or mineral resource lands as the properties are already developed as commercial businesses. Granting the zoning amendment would support small businesses in a rural zone by allowing an appropriate variety of commercial uses on the commercially developed properties within an existing Type III LAMIRD Rural Business designation.

*Policy 7K-2: Designate adequate zoning to allow business and industrial development where it is needed and most appropriate.*

(see each of the discussions above)

6. Please describe the "changed" condition(s), which support the amendment.

(See question #5 above). The change involved in this application is to reflect existing uses on this site, and to correct assignment of a zoning designation that upon closer scrutiny and consideration of the goals of the Rural Business Comprehensive Plan designation, is an incorrect zoning desigation.

9. What is the present use of the property or properties within the proposed rezone?

The existing uses of the two properties within the proposed rezone include an indoor/outdoor storage rental facility and a mini-mart service station.

10. Describe the land use of the surrounding properties.

The zoning designation for all of the surrounding properties is R5A. The properties to the South are undeveloped tribal lands and the properties to the North, West, and East are intermittently developed with single family residences and small farms.
Agent Authorization

If you are authorizing an agent to apply for permits on your behalf you must complete this form, which will provide authorization for a designated agent to apply for permits on your behalf. This form is required for the protection of the property owner. Planning and Development Services will not accept an application that is not either signed by all property owners or accompanied by this form.

I/we, Larry Jordan, the owner(s) of the subject property, understand that by completing this form I hereby authorize Larry Jordan Land Development Consultants to act as my agent. I understand that said agent will be authorized to submit applications on my behalf. I also understand that once an application has been submitted that all future correspondence will be directed to the agent.

Signature: ___________________________ Date: __/__/13

Property Owner(s) Printed Name

Signature: ___________________________ Date: __/__/13

Property Owner(s) Signature

I certify that I know or have satisfactory evidence that Larry Jordan is the person(s) who appeared before me, and said person(s) acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: __/__/13

Notary Signature: ___________________________

Printed Name: Jesse J. Stoner

Notary Public in and for the State of Washington
Residing at Ferndale, WA
My appointment expires: 08/27/15

Application received by ___________________________ Date: __/__/13

Lot of Record Application
Form Pl4-83-007C

Page - 6 - of 6
Rev. July 2010
Agent Authorization

If you are authorizing an agent to apply for permits on your behalf you must complete this form, which will provide authorization for a designated agent to apply for permits on your behalf. This form is required for the protection of the property owner. Planning and Development Services will not accept an application that is not either signed by all property owners or accompanied by this form.

I/we, ________________________________, the owner(s) of the subject property, understand that by completing this form I hereby authorize Larry Stoner Land Development Consultants to act as my agent. I understand that said agent will be authorized to submit applications on my behalf. I also understand that once an application has been submitted that all future correspondence will be directed to the agent.

Massad Boulos
Property Owner(s) Printed Name

10/31/13
Date

Property Owner(s) Signature

10/31/13
Date

I certify that I know or have satisfactory evidence that Massad Boulos is/are the person(s) who appeared before me, and said person(s) acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated 10/31/13

Notary Signature: ________________________________

Printed Name: Jesse J. Stoner

Notary Public in and for the State of Washington
Residing at Ferndale, WA
My appointment expires: 08/27/15

Application received by ________________________________ Date ________________________________
Fee Responsibility

Venue and Jurisdiction: The parties hereto recognize and agree that the venue of any action involving their rights or obligations related to this application shall be in Whatcom County, and the parties’ rights and obligations hereunder shall be determined, in accordance with the laws of the State of Washington.

Fee Guarantee: Notwithstanding that this application has been submitted in the name of a company, I personally guarantee payment of fees accrued according to the terms listed in the Whatcom County Unified Fee Schedule and that my personal guarantee is part of the consideration for review of the application.

I/we, ________________________________, hereby certify that the above statements and the information contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge, and that the list of surrounding property owners is complete and current.

______________________________
Signature of Applicant

10/31/13
Date

______________________________
Signature of Owner

10/31/13
Date

I certify that I know or have satisfactory evidence that ________________________________ is/are the person(s) who appeared before me, and said person(s) acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated 10/31/13

______________________________
Notary Signature:

Printed Name: ________________________________

Notary Public in and for the State of Washington

Residing at ________________________________, WA

My appointment expires: 08/27/15

Application received by: ________________________________ Date: ________________________________
C. STANDARD MAP AMENDMENTS

11. b) Massad Boulos - 3310 Slater Rd (parcel #390134 520013)

Larry Jordan - 3322 Slater Rd (parcel #390134 485016)
From: Larry Daugert <ldaugert@gmail.com>
To: <GDavis@co.whatcom.wa.us>
Date: Fri, 11 Jul 2014 17:55:34 -0700
Subject: Boulos/Jordan Elder & Slater Roads Rezone Application 2014/00008.

Whatcom County Planning Department
Northwest Road
Attn: Gary Davis, Senior Planner
GDavis@co.whatcom.wa.us

Dear Mr. Jones

My comments on the above application after the Planning Commission hearing on
7/10/2014:

1. I re-examined the site today and, in my opinion, someone has not only recently
   excavated and graveled large sections of the Jordan self-storage parcel for the
   [presently illegal] used-car sales lot, but also installed new asphalt paving just to the
   north of the convenience store. I can not tell whether that paving is intended for
   the store or the used-car sales area, nor can I tell without a survey whether it is
   upon the Boulos or Jordan parcels.

2. Mr. Sitkin at one point in the hearing indicated that 'obviously there would have to
   be a lot line adjustment', presumably adding area to the Boulos store parcel to
   accomodate the used-car lot, and subtracting area from the Jordan self-storage
   parcel.

If that is true, then I believe it encumbent upon the Planning Department to require
disclosure of the details of such lot-line change prior to any further re-zone hearing,
especially given that the Department may recommend approval conditioned upon
some sort of Covenant. What specific areas are to be burdened by what specific
requirements of such Covenant?

The devil, it is said, is in the details. Where - exactly - is the used-car lot to be
located? How large an area? How many cars will it accommodate [I can just see the
sign: "Largest Inventory of Used Cars North of Everett"]? Where is its (inevitable)
wash rack? From whence does it obtain its water? Where is its (inevitable) repair
facility? Where is the location of Jordan's [proposed] single family home that he asks
the Department allow him to build on the remainder of his parcel?

Without knowledge of these details, neither the public nor the Department can
properly repond to the re-zone request. If this Application is pursued, I urge the
Department to obtain and disseminate answers.

I remain committed to my opposition to such re-zone.

Sincerely,

Larry Daugert
# WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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**TITLE OF DOCUMENT:**
An Ordinance in the Matter of the Adoption of the Final Budget of Whatcom County for the Biennium 2015-2016.

**ATTACHMENTS:**
Proposed Ordinance, Appendix A – Executive’s Budget, Appendix B – Authorized Positions

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>(x) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) NO</td>
</tr>
</tbody>
</table>

| Should Clerk schedule a hearing? | (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 proposed ordinance adopts the Whatcom County 2015-2016 budget, places restrictions on certain expenditures, authorizes actions, and sets expectations.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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</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 NO. ________

WHEREAS, pursuant to and in conformity with the provisions of the Whatcom County Home Rule Charter, Section 6.10, relating to the County budget process, the Whatcom County Executive did complete and place on file a Preliminary Budget for Whatcom County for the biennium 2015-2016; and,

WHEREAS, following the completion of the Preliminary Budget, which was presented to the Council on October 17, 2014, a notice was published in the County's official newspaper; and,

WHEREAS, several meetings of the Council's Committee of the Whole took place in the ensuing weeks to analyze the amounts set forth for each department in the budget and to make recommendations for changes; and

WHEREAS, the County Council has analyzed the amounts set forth in the budget in reference to deciding whether the amounts were proper and necessary amounts to be used by the various departments of Whatcom County for the biennium 2015-2016; and

WHEREAS, notice was published in the County's official newspaper that the Council would have a hearing to further consider the Preliminary Budget as presented by the Executive and the recommended changes from the Council's Committee of the Whole, together with the Council's proposed restrictions on the expenditure of certain appropriations, and said public hearing took place.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council:

Section I. Adoption of Budget

The amounts set forth below are adopted as the Whatcom County Budget for the biennium 2015-2016:

**FUND/DEPT.**

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<tr>
<th>GENERAL FUND</th>
<th>2015 Appropriation</th>
<th>2016 Appropriation</th>
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<td>Auditor</td>
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<td>Council</td>
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<td>Executive</td>
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<td>Planning &amp; Development</td>
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<td>Treasurer</td>
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<td>Sheriff</td>
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<td>2,160,200</td>
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<td>District Court Probation</td>
<td>1,620,229</td>
<td>1,609,756</td>
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<td>Hearing Examiner</td>
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<td>188,958</td>
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<td>Juvenile Administration</td>
<td>4,633,596</td>
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<td>Prosecuting Attorney</td>
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<td>Public Defender</td>
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<td>Extension</td>
<td>435,381</td>
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<td>Non-Departmental</td>
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<td>13,766,582</td>
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<td>Parks and Recreation</td>
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<td>Public Health</td>
<td>12,351,540</td>
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<td><strong>TOTAL GENERAL FUND</strong></td>
<td><strong>80,684,245</strong></td>
<td><strong>79,641,906</strong></td>
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<td>Fund No.</td>
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<td>Election Reserves</td>
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<td>Veterans Relief Fund</td>
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<td>Whatcom County Jail</td>
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<td>Road Improve #7</td>
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<td><strong>TOTAL OTHER FUNDS</strong></td>
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Section II. Provisions Restricting Expenditures, Authorizing Actions, and Setting Expectations.

Pursuant to Section 6.60 of the Whatcom County Home Rule Charter, the following provisions restricting the expenditure of certain appropriations are enacted for the 2015-2016 biennium. These provisions are an integral part of the official budget of Whatcom County and shall be published therewith, and are adopted as the Whatcom County Budget for the 2015-2016 biennium:

(A) This department/fund level appropriation is based upon the backup detail budget, as attached, and as contained in the document titled Whatcom County 2015-2016 Budget, Exhibit A (although labeled as Exhibit A to this ordinance, it is not attached herewith; rather it is kept on permanent file in the Whatcom County Council Office). Authorized Personnel positions cannot be increased during the biennium except by approval of the County Council. Positions approved at less than a full-time equivalent may be increased subject to the availability of funds and the consent of the County Executive, but shall not be considered a permanent change in authorized levels. The monies allocated to Salaries and Wages, Personnel Benefits, and Capital Outlay can be transferred only with the prior approval of the County Executive.

(B) For purposes of purchasing and award, all assets, projects, and improvements included in capital appropriations, included in the one-year road program, or included in the first two years of the six-year capital improvement plan shall be administered pursuant to WCC Chapter 3.08.090 and 3.08.100 using the process prescribed for Project-Based Budgets.

(C) All construction work funded herein for which the estimated cost is over $40,000 shall be bid out to private contractors, pursuant to the bid procedures contained in the Whatcom County Code, Chapter 3.08, and applicable state laws, except as the Council may specifically authorize.

(D) Appropriation authority for any budgeted personnel position that becomes vacant during 2015-2016 shall continue unless the Council by motion identifies the position as one in need of review.

(E) Administration of the budget is the responsibility of the County Executive and therefore the County Executive is authorized to manage County budgets. The County Executive may transfer appropriation authority between departments within the General Fund if authorized by the County Council. The Council will receive a quarterly report of all cost center transfers.

(F) $1,000,000 of the adopted Undesignated Ending Fund Balance as provided for in this ordinance shall be maintained in a Rainy Day Reserve Account, and such monies shall only be appropriated upon a two-thirds affirmative vote of the entire County Council. In administering this Rainy Day Reserve Fund:

1. The County Treasurer shall be empowered to use the Rainy Day Reserve Fund to manage the cash flow needs of all County Funds by making short-term loans (less than six months) without interest, and without the need to get Council/Executive permissions.

2. Longer term loans (more than six months) can be made to other funds, but only with County Council approval.
(3) Any investment income earned as a result of the Rainy Day Reserve Fund shall be credited to the General Fund general revenues.

(G) The County Treasurer shall be empowered to use the Road Fund to manage the cash flow needs of all County Road Project Funds by making short-term loans (less than one year) without interest, and without the need to get Council/Executive permissions.

(H) Expenditure authority granted in this ordinance is based on revenue projections contained in Exhibit A. If it is evident that a department’s revenues will fall short of the department’s budgeted revenues in any calendar year, the department head will submit a plan to the County Executive to reduce departmental expenditures sufficient to offset the revenue shortfall within the same calendar year.

(I) Grant and restricted revenue shall be used first to pay for all eligible expenditures before any unrestricted General Fund general revenue is used as local funding for eligible expenditures.

(J) The one dollar surcharge authorized in RCW 36.22.170 (1)(a) may be used to fund Auditor recording fees charged to other General Fund departments and not funded by another revenue source. In addition, the surcharge may also be used to fund the General Fund land records geographical information system project.

(K) This budget maintains the Drug Task Force at current levels despite declining dedicated revenues to fund this effort. In the event Drug Fund revenues exceed budgeted projections, it is the Council’s expectation that the Prosecuting Attorney and Courts will use the additional revenue to 1) fund all eligible current year Drug Task Force expenditures and 2) make up budgeted prior year transfers which were not made due to lack of funds.

BE IT FURTHER ORDAINED, to authorize the County Council staff to make such clerical, scriveners, or mathematical changes necessary to correct inadvertent errors that may have occurred.

ADOPTED this _____ day of ___________________, 2014.

ATTEST: WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

____________________________________
Dana Brown-Davis, Council Clerk

CARL WEIMER, COUNCIL CHAIR

APPROVED as to form: ( ) Approved  ( ) Denied

____________________________________
Daniel L. Gibson, Civil Deputy Prosecutor

Jack Louws, Executive

Date: ________________________
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
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<td>Executive:</td>
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**TITLE OF DOCUMENT:**
2015 WRIA 1 Watershed Management Project Joint Board Budget

**ATTACHMENTS:**
2015 WRIA 1 Watershed Management Project Joint Board Budget and Narrative

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

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

County staff and the County Executive are seeking input from the Council on the proposed 2015 Joint Board Budget prior to voting on the budget at the November 13, 2014 Joint Board meeting.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).*
DATE: October 29, 2014

TO: WRIA 1 Joint Board

FROM: WRIA 1 Watershed Staff Team

RE: Proposed 2015 WRIA 1 Joint Board Budget

A proposed 2015 WRIA 1 Joint Board budget and narrative are attached for the WRIA 1 Joint Board’s review and consideration.
2015 WRIA 1 Joint Board Budget

Lower Nooksack Objective 1: Water Right Settlement Negotiations $20,000

This is a placeholder for the first year of Lower Nooksack Strategy Objective 1: Develop and implement a process for negotiating settlement of water rights on the mainstem Nooksack River should this currently dormant process be revived. The funding strategy to implement this objective included coupling this money with $120,000 from the State to accomplish the following Tasks: (1) identify participants/stakeholders, (2) develop negotiations work plan, and (3) develop involvement/outreach plan. The $120,000 from the State is not in-hand.

Lower Nooksack Objective 4: Flow and Water Quality Monitoring $59,360

The flow and water quality monitoring objective is to continue the baseline WRIA 1 stream gages and associated water quality probes. A long-term record of data is essential for decision-making, modeling, and program planning. The allocation of these Joint Board funds will be used to fulfill the existing agreement with the USGS to continue operation of these long-term gages for one year. The current agreement expires September 30, 2016.

Puget Sound Partnership LIO Coordination and Action Agenda Update $75,000

These funds will be used to implement coordination of the Local Integrating Organization (LIO) as specified in the LIO grant agreement with the Puget Sound Partnership. The tasks include maintaining, organizing, facilitating, and administering the WRIA 1 LIO, updating the local action agenda pressures, near-term actions (NTAs) and performance measures, coordinating local implementation of the action agenda, and performance management. There is also a task to advance a single, yet-to-be-determined NTA that a portion of the grant funds has been set aside to implement. The primary coordination activities have been subcontracted to an outside consultant. County staff still maintains a significant role. These activities are fully grant funded under a $75,000 grant with the Puget Sound Partnership that began in October 2014 and ends on September 30, 2015. For budgeting purposes, it is assumed that a similar grant will follow this grant beginning in October 2015.

Ground Water Model Development and Data Collection $175,000

The Watershed Staff Team has taken a purposeful phased approach to data collection and data gathering in WRIA 1 as part of the Lower Nooksack Strategy starting with the 2012 Water Budget and 2013 Groundwater Assessment Report. The Groundwater Assessment Report compiled existing reports and data sources in WRIA 1 associated with ground water and outlined recommendations for approaching an integrated surface and groundwater model.

In 2014, the Joint Board decided to pursue preparation of a groundwater flow model for the Lynden-Everson-Nooksack-Sumas (LENS; Sumas/Abbotsford Aquifer) area of Whatcom County in conjunction with the Bertrand Watershed Improvement District (WID). A consulting team lead by Associated Earth Sciences, Inc. was selected to prepare the model. The model domain will consist of a large portion of WRIA 1 with a focus on the LENS area and with the highest resolution occurring in the Bertrand Creek watershed area. The project will have two main phases: (1) the conceptual model, and (2) the numerical flow model. Work will include reviewing well logs and geological reports to develop an understanding of
the hydrogeology of the region and collecting groundwater and stream flow field information. This information will be used to develop the numerical flow model using the MODFLOW software. The model will be designed to be expandable so that new data can be incorporated into the model to better refine the resolution to areas beyond the Bertrand Creek watershed. The project was initiated in September 2014 and is anticipated to take approximately two years to complete.

Approximately $25,000 in Joint Board funding is expected to be expended in 2014. The 2015 budget includes an additional $75,000 in Joint Board funding. Joint Board funding will be combined with $100,000 in funding from the Bertrand WID via an interlocal agreement.

**Community Outreach (Water Banking Symposium) $20,000**

The Joint Board is working through the Whatcom Watersheds Information Network (WWIN) in conjunction with Farm Friends to co-sponsor a seminar on water banking in 2015. Water banking is seen as one potential part of the water resources solution in WRIA 1. The seminar will include moderated discussion on how water banking could work in WRIA 1. The tentative date for the presentation is January 8, 2015. More information about this event will be provided to the Joint Board as planning progresses.

**Program Coordinator $30,000**

The Joint Board has traditionally used a contracted coordinator for meeting coordination, updates to the WRIA1project.whatcomcounty.org website, and other tasks as directed. The estimated amount for this coordination for 2015 is $30,000 and includes twice monthly watershed staff team meetings, two quarterly Joint Board meetings, and associated logistics and follow-up support.

**Administrative Services $15,000**

The Administrative Services line item covers the costs for Whatcom County as the fiscal manager for the WRIA 1 Joint Board funds.

**Financial Services $10,000**

This is a recurring line item in the WRIA 1 Joint Board annual budgets. It is a placeholder for Washington State Auditors to conduct audits of the Joint Board fund. A Joint Board audit was conducted in 2013, and the Auditors’ office has indicated that a follow-up audit will be conducted in 2015.
### Estimated 2014 Expenditures

**WRP 1 Watershed Management Project**

**Joint Board Fund 670**

Date adopted: February 6, 2014

Amendment #1 adopted: May 29, 2014

Amendment #2 adopted: September 23, 2014

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*Objectives refer to the Lower Nooksack Strategy (LNS)

**Unexpended funds carried over from previous budget
# Proposed 2015 Budget

**WRAP 1 Watershed Management Project**

**Joint Board Fund 670**

**Date adopted:**

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*Objectives refer to the Lower Nooksack Strategy (LNS)*
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Discussion regarding potential property acquisition for the Flood Control Zone District

**ATTACHMENTS:**
None

**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.)

**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 with Senior Prosecutor Karen Frakes regarding pending litigation

**ATTACHMENTS:**

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

Discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation, Whatcom County v. Western Washington Growth Management Hearing Board, Skagit County Superior Court Case No. 13

**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).
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 7:10 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

(7:15:02 PM)

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

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced a vacancy on the Whatcom County Planning Commission. Applications are due in the Council Office by 10:00 a.m. on Tuesday, October 21, 2014.

Weimer stated there was a strategy planning discussion and positions to be taken regarding collective bargaining (AB2014-018) and a discussion of possible property acquisition for park purposes (AB2014-018) in executive session during the Committee of the Whole meeting.

SPECIAL PRESENTATIONS

1. BEHAVIORAL REVENUE ADVISORY COMMITTEE TO PRESENT THE THIRD QUARTERLY REPORT FOR 2014 (AB2014-316) (7:16:01 PM)

Chris Phillips, Behavioral Revenue Advisory Committee Member, gave a report and introduced the presentation on school-based services.

Joe Fuller, Health Department, submitted and read from a handout (on file) and stated schools are a great way to provide access to certain areas of the county.

Ian Linterman, Mt. Baker School District, thanked the Council and Health Department for their support and described the programs his district has developed.

MINUTES CONSENT

Whatcom County Council, 9/30/2014, Page 1
Browne moved to approve Minutes Consent items one through five, including a substitute page for item three.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

1. SURFACE WATER WORK SESSION FOR JULY 15, 2014

2. COMMITTEE OF THE WHOLE FOR JULY 22, 2014

3. REGULAR COUNTY COUNCIL FOR JULY 22, 2014

4. BOARD OF HEALTH FOR JULY 29, 2014

5. COMMITTEE OF THE WHOLE FOR AUGUST 5, 2014

PUBLIC HEARINGS

1. ORDINANCE ADOPTING 2009 AMENDMENTS TO WHATCOM COUNTY CODE, TITLE 23 – SHORELINE MANAGEMENT PROGRAM (AB2014-287) (7:25:02 PM)

Cliff Strong, Planning and Development Services Department, gave a staff report.

Brenner referenced item three in the memo on Council packet page 254 and asked for clarification.

Weimer stated the provision is required, but people are allowed once to not have a conditional use permit.

Strong stated the language isn’t as confusing in the ordinance as it is in the memo. He referenced ordinance page five, Council packet page 261.

Brenner stated she’s fine with the language in the ordinance. She referenced item F.1 on ordinance page four, Council packet page 260. She asked what happens if people don’t settle with their insurance company within 18 months, and if there is an opportunity for an extension. Strong stated that language is in the existing Shoreline Management Program (SMP).

Wain Fitch, Planning and Development Services Department, stated someone would have to start the process within 18 months, not complete the permit. There are provisions for putting things on hold.

Brenner referenced item F.2 on Council packet page 260 and asked who decides if there is no feasible alternative. Anything can be feasible with enough money. She asked if
someone would be allowed to replace a building that was already there and if staff considers the cost if placing it elsewhere. Strong stated costs typically aren’t accounted for in these situations. There is no other feasible alternative when the lot is so small or has so many wetlands that it can’t be moved elsewhere.

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

Wendy Harris stated do not to adopt the ordinance. The regulations are based on old science dated before 2005. The County Comprehensive Plan and Critical Areas Ordinance are being updated. They will require a review of best available science. In particular, she is concerned because shoreline health has declined and about the nonconforming use provisions that allow residences in landslide or flood areas.

Dannon Traxler stated that a determination that no feasible alternative exists means that staff can make homeowners move the locations of their houses. They were assured in 2009 that this language doesn’t intend to do that, but the language stands. If possible, change the language to be clearer.

Hearing no one else, Weimer closed the public hearing.

Brenner asked if there is a requirement to get this done by a certain date. Strong stated there is no time limit.

Brenner moved to refer to committee until they get more information. Possibly put it in committee to work on language. It’s been a long time since they’ve worked on this.

Weimer asked when the next update needs to be done. Strong stated the next update is required by 2018. They will begin in 2016, when the Comprehensive Plan is updated.

Weimer asked if it would matter to Ecology if the County waited to start this until 2016. Strong stated it wouldn’t that he is aware of. Some changes they wanted wouldn’t be included.

Kremen stated he supports the motion to refer to committee. There is no rush, and the science has changed. It’s been so long since they started working on this that the objectives have changed. Take the time to do this right.

Mann stated he is concerned about opening up the whole topic again.

Kremen stated he supports putting it back in committee, working on it, and taking their time do the best they can with updated information.

Browne asked why they would not adopt this now and work on any changes in the future.

Buchanan asked if Councilmember Brenner wanted to table this to a specific date.
Brenner stated it doesn’t have to go that far into the future. She recalls language about a feasible alternative. There are things they can fix. Don’t pass it and then amend it. It’s better to do it right the first time.

Weimer stated he is against the motion to hold. The regulation they’re talking about is already in place. Staff doesn’t have the time to do a complete update with all the other huge projects and updates that are happening. In reality, they would be tabling it for two or three years until the County staff has the capacity to deal with it. They can’t do a shorelines update along with the Comprehensive Plan and other updates.

Crawford stated he is against the motion to hold. All the changes tonight are clarifications. There isn’t a point to delay adopting the ordinance tonight. He didn’t vote for this plan originally. He would love to revisit the issue of shoreline setbacks. Science has changed. He’s glad to hear there is a process for revisiting it beginning in 2016.

Brenner asked if there is language about not applying this to landslide hazards and other things. Strong stated the language says that one can build with a conditional use permit and adhere to the critical areas ordinance, which have standards for building in flood or other hazard areas.

Mark Personius, Planning and Development Services Department, stated these changes are to help staff and applicants clarify the requirements. It helps in the interpretation and application of the codes. These are benefits that property owners do not now have.

Brenner stated they discussed allowing a property that is damaged to be rebuilt in the same area. This language says that can only be done with no feasible alternative. That’s not a clarification.

Crawford stated the Council passed this in 2007. He and Councilmember Brenner voted against this. It took a year for Ecology to approve the plan. He doesn’t know what got implemented when.

Fitch stated that right now, everything is subject to the feasibility condition. This change allows flexibility with single-family residences, which won’t have to be moved. This ordinance actually makes it less restrictive for single-family residences. The small expansions that won’t require a conditional use permit (CUP) are required to have a CUP now.

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

**Ayes:** Brenner and Kremen (2)

**Nays:** Mann, Crawford, Browne, Buchanan, and Weimer (5)

*Crawford moved* to adopt the ordinance.

The motion carried by the following vote:

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

**Nays:** None (0)

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

Weimer opened the public hearing and, hearing no one, closed the public hearing.

Crawford moved to approve the resolution.

Brenner moved to amend the resolution by removing the Marietta acquisition.

Crawford stated he is against the motion to amend. The County has been purchasing these properties for a long time. The program is successful. They are eliminating future flood hazard problems with property owners who have been somewhat rogue and moved into unpermitted structures. They’ve done a good job in this area.

Brenner stated they shouldn’t pay for lots that are virtually unbuildable.

Mann stated he supports the motion to amend. Don’t pay people to not build in hazard areas. They must have a certain level of personal responsibility.

Weimer stated he is against the amendment. There are significant opportunities for habitat restoration in estuaries. A tremendous amount of grant money would flood in if they can succeed at 100 percent.

Kremen stated he is against the motion to amend. It makes sense in the long run. If they don’t, they will continue to have to engage in flood remediation forever.

Brenner stated most of these properties won’t ever be built upon. Spend money on properties that are likelier for building. Laws allow the County to do much of the work without purchasing properties.

The motion to amend failed by the following vote:

Ayes: Brenner and Mann (2)
Nays: Crawford, Browne, Buchanan, Weimer and Kremen (5)

The motion to approve carried by the following vote:

Ayes: Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
Nays: None (0)

3. RESOLUTION DECLARING THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT’S INTENTION TO LEASE PROPERTY ON RIVER ROAD (AB2014-298) (8:00:47 PM)

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

Weimer opened the public hearing, and the following people spoke:
Jack Mellema stated he leases 20½ acres along River Road. It has been farmed as part of his family’s farm for 75 years. There have been several major floods since 1970 due to a breach in the dike. He’s worked at his own time and expense to repair flood damage. The soil is good. He asked for the right of first refusal since he has been a good steward of the land for so many years.

John Steensma stated he is the son-in-law of the previous speaker. There are two types of farmers: those who use the land for profit and those who are land stewards, taking care of the land for the next generation. The Mellemas are good stewards. They believe the land is only ours to use for a few years, before passing on to the next generation. Allow Mr. Mellema the right of first refusal. He wonders why the County owns this land. It was part of the original homestead act that was originally meant for schools. The State passed it to the County five years ago. The County will never do anything with it because it is in the flood plain. The County shouldn’t be in the farmland business.

Patrick Alesse stated he is impressed with Mr. Mellema’s proposal.

Hearing no one else, Weimer closed the public hearing.

Brenner asked if the County can legally grant a right of first refusal.

Karen Frakes, Prosecutor’s Office, stated she would need more time to research the question before giving a legal opinion.

Frank Abart, Public Works Department, stated he would also have to research the question of whether State law allows granting a right of first refusal.

Paula Cooper, Public Works Department, stated they could allow a minimum and maximum bid.

Kremen moved to hold this item to have time to review the process for allowing the right of first of first refusal.

Cooper stated there may be a lapse in the lease, but there shouldn’t be a problem with holding the item.

Mann asked why the County owns the land. Cooper stated the County purchased the property because it’s in a location necessary for constructed overflow, according to the Comprehensive Flood Plan. Farming it now, and maybe after they create the overflow, is an option.

Brenner asked about selling the property and retaining an easement to do flood work. The County was able to lease a house to a Parks Department employee at fair market value without going out to bid. Frakes stated she will have to look into it.

Weimer stated the motion is to hold this item in Council until they get information about options, including extending the existing lease and selling the property with an easement.
Buchanan stated demonstrated stewardship of this level for 44 years makes the County obligated to try to find a way to make this happen.

The motion to hold carried by the following vote:

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

**Nays:** None (0)


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

Lisa McShane stated she would like this program to more closely reflect the countywide prioritization recently completed by the Council of Governments. Combine the Slater Road intersections and make them the first priority, making them eligible for funding. Move the Slater Road/Interstate 5 interchange higher on the list. Amend the project list to show funding in 2015 rather than 2020.

Darcy Jones, Jones Engineers, stated make project 15, the Slater Road connector, a much higher priority and make more funding available sooner. This project is a unique opportunity for a public/private partnership that includes municipalities, tribes, and private businesses. Building the connection would alleviate congestion at the Bakerview Road interchange.

Larry Helm stated connect Van Wyk Road from Hannegan Road to the Guide Meridian. Move that plan up on the list to see if it’s feasible.

Cleo Callen stated the Slater Road connector can be an economic driver and is necessary, given the development occurring on Bakerview Road. Move it higher on the list, assign funding, do engineering work, and acquire right-of-way. The Ferndale City Council unanimously asked the County to build this road. The Lummi Nation and business community also want the County to build the road.

Patrick Alesse stated he agrees with Lisa McShane. The Lummi Nation receives the first priority. The rest of the County is number four. The connectors will help with traffic jams on Interstate 5.

Wendy Harris stated the transportation improvement program should consider critical areas and ecosystem values. The City’s development destroyed wetlands. The county needs connectivity corridors for wildlife migration. Create plans that avoid wildlife and human conflict.

Hearing no one else, Weimer closed the public hearing.

**Kremen moved** to approve the resolution. He **moved** to amend Attachment A on Council packet page 351 of the packet:

- Move item six regarding the Slater Road/Northwest Road project to item seven,
- Move item 16 regarding the Slater Road/Interstate 5 interchange to item six, and
- Move item 15 regarding the Slater Road Connector to item eight.
These projects are interrelated. They need to be done as a package. The Slater Road is an excellent route for connectivity for the community in that area. The City of Bellingham has made poor planning decisions in the Bakerview area, given all the development that has occurred in that area and the nearby location of the airport. This area will be essential for an alternate commuting route. The proposed new jail will probably be located in that general area. They must amend the TIP accordingly. This amendment is consistent with a recent decision of the Council of Governments.

Browne stated he thanks Mr. Rutan for explaining the exhibits in the packet. He asked the impact of the motion to amend.

Jack Louws, County Executive, stated he asks that the Council not support the motion to amend as proposed by Councilmember Kremen. Whatcom County has offered to partner with the other agencies to improve the Slater Road interchange. They were able to create an interim solution for the interchange for the next five to seven years. The State identifies the Slater Road interchange as a major project that may or may not be funded if a transportation package moves forward. The County isn’t ready to put a tremendous amount of effort into such a project until they find out what the development requirements are in the area and finish the traffic study. The government must find out what the developers of properties in the area plan to do with their properties. The Lummi Nation has just applied for 22 more parcels to go into trust in the area and put a convenience store on that property. The County must make sure developers pay their fair share of the costs. The traffic study will be done in a year. It will identify the benefits of and problems with a Slater Road connection. The County has other needs in the meantime.

Buchanan stated he supports Councilmember Kremen’s motion. The Council of Governments looked at this in the context of a larger picture. The Council of Governments (COG) overwhelmingly supported prioritizing this project. He suggested a friendly amendment to move the $5,000 funding for project 16 from 2020 to 2015. The Lummi Nation is looking for grants. This may help them in that process.

Kremen accepted the friendly amendment.

Weimer asked for an explanation of the COG decision to rate this project number one and how moving these projects forward may affect the progress on the projects that will be lowered on the list.

Joe Rutan, Public Works Department, stated the State asked the COG for a prioritized list of big projects. All the agencies were able to get behind this Slater Road project. The priority number is just a number and doesn’t change anything unless the money is moved from one year to another.

Weimer stated a priority one rank may help obtain grants.

Brenner stated they won’t need the current project six with the Slater Road/Northwest Road traffic light if they build the Slater Road connector. Go ahead with the roundabout. Since Mr. Rutan is such a great negotiator, they should talk to the Lummi Nation about contributing funds, since the County pays them money every year and the project will benefit their property. She supports the motion to amend.
Brenner suggested a friendly amendment to remove Slater Road/Northwest Road from the list and use the money on the connector.

Kremen did not accept the friendly amendment.

The motion to amend carried by the following vote:
Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

Brenner moved to amend to move the Slater Road/Northwest Road project down the list or eliminate it.

Louws stated that project includes just two or three stop signs.

Brenner stated they’ve been told many times that stop signs in illogical locations will make an intersection more dangerous because people will ignore it. Rutan stated putting stop signs in places that don’t meet warrants will train people to ignore the stop signs. This location meets stop sign warrants. It’s a very appropriate place for a stop sign. He agrees they will be new and different, so the County will do everything possible to make people aware of them. The Slater Road/Northwest Road project on the list is integral to the Slater connector project. The entire Slater corridor is important, and the entire road has been divided into project sections. That intersection is key to making the connector work, if they install a roundabout or other control. Until that time, they will make it a three-lane stop.

Brenner withdrew her motion to amend.

The motion to approve as amended carried by the following vote:
Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

OPEN SESSION

(8:43:38 PM)

The following people spoke:
• Hal Roker submitted a handout (on file) and spoke about adding information on the Gateway Pacific Terminal to the County website.

Jack Louws, County Executive, stated he would accept the document and put in on the website.
• Larry Helm spoke about jail funding.
• Joy Gilfilen submitted a handout (on file) and spoke about building a county jail.
• Irene Morgan, Restorative Community Coalition, submitted handouts (on file) and spoke about jail funding.
• Greg Brown spoke about flood control funds.
• Wendy Harris spoke about questionable benefits from the Mountain Biking Association.
• John Bremmer spoke about protecting and developing around wildlife.

CONSENT AGENDA

(9:02:22 PM)

Crawford reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through six.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

1. RESOLUTION ORDERING THE CANCELLATION OF UNCLAIMED FUNDS MORE THAN TWO YEARS OLD FROM THE WHATCOM COUNTY JAIL INMATE TRUST FUND (AB2014-309)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND CORNWALL CENTER, INC., FOR THE PURPOSE OF LEASING LAND AT THE CIVIC CENTER BUILDING SITE, IN THE AMOUNT OF $650 PER MONTH, WITH A 3% ANNUAL INCREASE FOR THREE YEARS, FOR A TOTAL AMOUNT OF $32,632 (AB2014-310)

3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO PURCHASE SNOW AND ICE CONTROL PRODUCTS USING THE WASHINGTON STATE CONTRACT, THROUGH VENDOR LTI, INC., IN AN AMOUNT UP TO $80,000 (AB2014-311)

4. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO PURCHASE AUTO ACCIDENT MANAGEMENT SERVICES USING THE WASHINGTON STATE CONTRACT, THROUGH VENDOR GITT’S AUTOBODY, IN AN AMOUNT OF APPROXIMATELY $80,000 (AB2014-312)

5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND AVOCET ENVIRONMENTAL LAB FOR SPACE AT STATE STREET IN THE AMOUNT OF $2,000 PER MONTH, TOGETHER WITH LEASEHOLD TAXES AT THE RATE OF 12.84% MONTHLY, FROM JULY 1, 2014 THROUGH JUNE 30, 2016 (AB2014-313)

6. RESOLUTION SETTING THE HEARING AND NOTICE OF HEARING FOR THE SALE OF COUNTY TAX TITLE PROPERTY BY NEGOTIATION, REQUEST #2014-01 (AB2014-314)

OTHER ITEMS
1. RESOLUTION SUPPORTING THE WHATCOM COUNTY POLLUTION IDENTIFICATION AND CORRECTION (PIC) PROGRAM (AB2014-305) (9:03:13 PM)

Buchanan reported for the Natural Resources Committee and moved to approve the resolution.

Brenner stated she supports the Pollution Identification and Control (PIC) Program, but not funding from the flood fund.

Tyler Schroeder, Executive’s Office, stated this resolution supports the program, but doesn’t mention the flood fund.

Crawford moved to amend the language in the regulatory backstop section on Council packet page eight, “…violation, or civil penalty). Prior to any correction action taken by Whatcom County, affected landowners will be provided a final opportunity to respond within 15 days in writing and/or in person to the County’s claims of violation. Any corrective action taken will include a County response to specific assertions or mitigating circumstances claimed by the affected landowners.” Issues regarding OSS...” Ensure that the property owner has an opportunity to submit information to the Departments of Ecology or Agriculture that the staff missed or omitted from the file, when it goes to those agencies. This notification is part of the letter. Any response will be included in the file and responded to by the County.

Mann suggested a friendly amendment to replace the term ‘corrective action’ to ‘compliance action.’

Crawford accepted the friendly amendment.

Weimer stated he is against the amendment. Fecal coliform pollution is increasing. Many local groups and the public have asked for this process. There is no enforcement in Whatcom County right now. If landowners refuse to work with the Conservation District they will be referred to enforcement. Don’t create another level of enforcement that requires the County to collect and document information. The County already doesn’t have staff to do enforcement. Such an additional process is contrary to recommendations of the volunteer groups that have worked to bring this forward.

Brenner stated she supports the amendment. This is a way to give someone the ability to respond, rather than waiting until later in the process. It won’t create more effort or require more time. They are increasing enforcement efforts, partly for this reason.

Crawford stated this simply allows property owners to make sure their files are supplemented with their comments. It must be done within 15 days.

Weimer stated County staff will have to create a tracking system and document the responses. By the time it goes to enforcement, landowners have already been contacted four times and ignored the staff. This adds another step that makes sure no one is enforced against.
Crawford stated the information landowners submit could be new information that the staff wasn’t aware of.

Mann stated the last attempt to contact the landowners could indicate that they have 15 days to tell the County why it isn’t their fault and give them an opportunity to enter something into their file, as Councilmember Crawford suggests. It’s a reasonable gesture. He sympathizes with people who don’t get around to dealing with their mail right away, but it seems mild to add that language to the last letter.

Browne asked if the first two letters allow the landowners to explain their situations.

Weimer explained the process.

Buchanan asked what the third letter says.

Tyler Schroeder, Executive’s Office, stated staff are working on developing the three letters to engage the property owners. The first letter will make the landowners aware of the problems and ask that they contact the Conservation District. Staff will coordinate with the Conservation District on the letters. A second letter by Whatcom County will remind the landowners of problems and will ask again that they contact the Conservation District. The third letter will state that they have not heard from the property owners, it is the property owners’ responsibility to resolve the problems, and they must work on resolving the problems. The final letter will have a two-week timeline. It will include contact information so property owners can explain why they haven’t participated. In addition to those three letters, the Conservation District will contact the owners directly.

Brenner stated people can make mistakes. This amendment is not a big deal. It just gives people another opportunity to respond.

Crawford stated the recent presentation from the Department of Ecology showed examples in which problems were caused by massive rain events and plugged culverts in county rights-of-way. This amendment is not to change the process and creates no extra burden. It allows a landowner to respond to a letter that threatens compliance action. Allow the County to document a landowner’s side of the story.

Kremen stated each of the three letters includes a phone number for the landowner to call with an explanation. He doesn’t understand why this extra step is necessary.

Crawford stated it documents the County’s response to the landowner’s explanation.

Kremen stated include language in all three letters that invites landowners to contact the County if they believe the apparent noncompliance is in error.

Gary Stoyka, Public Works Department, stated the reason for the letters is to get landowners to allow the Conservation District to visit the property and to do an evaluation. The Conservation District will report if there are no problems. The purpose of the letters isn’t to indicate that there is a code violation. Anyone who is actively working with the Conservation District on a corrective action won’t be subject to any kind of enforcement deadline.
Crawford asked how the Conservation District funds farm plans.

Weimer stated the Conservation District has said they do the farm plans for free as long as they have the money.

Crawford stated he’s skeptical that the Conservation District is ready to fund as many farm plan as this could produce. There are issues in most streams.

Brenner stated some people don’t trust government, including her. She wants it in writing, which is extremely important. It’s little to ask. Stoyka stated they are working with the Conservation District, which is nonregulatory and the best agency with the expertise to evaluate these things.

Browne stated there are plenty of opportunities for landowners to explain their situation. Adding a sixth contact opportunity won’t make a difference.

Mann stated he agrees with Councilmember Kremen’s suggestion to add language to the letters that indicates that landowners should let them know of any explanations or mitigating circumstances. It’s important to get that information in the record. Requiring the County staff to respond to any claims will add too much work, which isn’t their role. Their role is to refer to someone else to do that response. A 14-day deadline is already in the last letter. He’s comfortable with the process as proposed.

Browne stated regulatory agencies don’t normally call people to ask if they’ve received the government’s letter. This process does that twice.

The motion to amend failed by the following vote:

Ayes: Brenner and Crawford (2)
Nays: Mann, Browne, Buchanan, Weimer and Kremen (5)

Brenner asked if the letters will include an address in the body of the letter to which people can send their explanations in writing. Stoyka stated they will.

The motion to approve the resolution as presented carried by the following vote:

Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN DLR GROUP AND WHATCOM COUNTY FOR THE PURPOSE OF PROVIDING FULL DESIGN SERVICES FOR THE CONDITIONAL USE PERMIT (CUP) FOR ESSENTIAL PUBLIC FACILITIES (EPF) PERMITTING PROCESS FOR THE NEW ADULT CORRECTIONS FACILITY AND SHERIFF’S OFFICE HEADQUARTERS, IN THE AMOUNT OF $825,887 (AB2014-306A) (9:39:10 PM)

Crawford reported for the Finance and Administrative Services Committee and moved to approve the request.

Brenner stated there are questions about considering more community meetings in the County. The administration and consultant indicated that was a good idea. She’s fine
with proceeding. The concerns that people have won’t be addressed if they don’t move forward.

Weimer asked when the County will start talking about and planning for alternatives to incarceration.

Tyler Schroeder, Executive’s Office, stated they will further refine the system for alternative programs in the jail as they move forward. Medical units will have different capabilities. They haven’t discussed internal jail operations and programs on the outside. Chief of Corrections Wendy Jones is looking for opportunities to do those things. They are specific to jail operations. Alternatives to jail incarceration will be considered as they put together the jail use agreements with different jurisdictions. After construction and operation, they will look at jail alternative programs. This contract includes 500 hours of public outreach, including a number of different Council meetings and six community meetings. This contract is about refining the jail plans and accomplishing engineering.

Weimer stated it sounds like there will be opportunity for discussing jail alternatives at the community meetings, and the tax that the voters may approve could support those alternatives. Schroeder stated that’s correct.

Crawford stated not every county has done what Whatcom County has done already to recognize and promote mental health solutions and other alternatives. There is already a tremendous amount of support services, many of which are funded by Whatcom County taxpayers.

Kremen stated Whatcom County is one of the best counties for offering incarceration alternatives, but they could do better with treatment. He considered vetoing the mental health sales tax when it passed because he was afraid that it would give the State a reason to stop providing funding, which has happened. Instead of funding programs, the State gave counties an option to raise taxes up to one-tenth of one percent, which is a small fraction of money necessary to adequately address mental health problems in the county. There is now a significant lack of money available to deal with mental health problems. They need to get more clarity and assurance that a new jail will include robust programs and resources to deal with the mental health system.

Louws stated he agrees with Councilmember Crawford. Whatcom County is doing a tremendous amount of work already. They are implementing the mental health court at the beginning of the year. His proposed budget includes money to augment capital funds for the Sun Community House. They are spending more than $60,000 on the Irongate facility to make that triage facility more available to a more diverse population. The County must tell the community how much work the County departments are doing to help people from repeatedly reentering the facility. Right now, before the new jail is constructed, there isn’t space to house many of the programs they want to create. The new jail will allow the County staff to interact with these individuals humanely and impact their treatment. Regardless of whether the County has good programs, the current jail facility is failing and they need a new jail.

Brenner stated she didn’t vote for the tax for the exact same reason. It was supposed to be for new programs only, but the Council added a clause that it can be used for existing programs. If the County had not done that, it would have continued to get

Whatcom County Council, 9/30/2014, Page 14
more money from the State. The new jail design includes rooms specifically assigned to classes and training.

Browne stated he has been an early supporter of the alternative court programs. The current jail would not be able to withstand an earthquake. If nothing else, the County must provide a safe environment for inmates and officers. He supports the resolution.

Buchanan stated the programs need to be specified. They need in-facility programs, alternatives, and prevention. Incorporate all three of those things into programs.

Kremen stated they must invest in treatment. It’s not an alternative to incarceration, but will augment incarceration. When inmates are let go, they are free of the chemical dependency problems that lead them to the incarceration in the first place. He supports the new jail, and will continue to support it as long as it is cost-effective, not too large, and is able to expand. Make the same commitment to treatment. The current jail system isn’t working, because 25 percent of the world population is incarcerated. Avert recidivism. Prevent people from coming into the jail in the first place. He will reluctantly support this money for jail consultants.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

3. ORDINANCE AMENDING THE 2014 WHATCOM COUNTY BUDGET, FIFTEENTH REQUEST, IN THE AMOUNT OF $349,100 (AB2014-301) (9:59:45 PM)

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

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

4. RESOLUTION COMMENCING THE COORDINATED WATER SYSTEM PLAN UPDATE PROCESS (AB2014-253) (10:00:49 PM)

Crawford reported for the Finance and Administrative Services Committee and moved to approve the resolution. He moved to amend to reinstate item nine, “9. Coordination, including identification of and provision for specific linkages, with other water resources management efforts, including but not necessarily limited to the WRIA 1 Watershed Management Project, in order to assure efficient use of time and funding, to avoid overlap and duplication of effort and consistency of use of parameters such as per capita water use rates.”

The motion to amend carried by the following vote:

Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

Brenner stated she won’t support the resolution. Adding number nine prevents duplication, but this effort duplicates the work of groups who are already organized to work
on these issues. Also, the Planning Unit is set up for equal representation to all water interests. This will give more representation to a certain water interest over others. This excludes certain groups.

The motion to approve as amended carried by the following vote:
Ayes: Mann, Crawford, Browne, Buchanan, Weimer and Kremen (6)
Nays: Brenner (1)

5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND RH2 ENGINEERING, INC., FOR THE UPDATE OF THE WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN – REGIONAL SUPPLEMENT, IN THE AMOUNT OF $174,776 (AB2014-267) (10:04:14 PM)

Crawford reported for the Finance and Administrative Services Committee and moved to approve the request.

Brenner stated the money could be better used on the water action plan and Planning Unit, which represents all interests equally. It’s not a small amount, and it’s not required by law.

The motion carried by the following vote:
Ayes: Crawford, Browne, Buchanan, Weimer and Kremen (5)
Nays: Brenner (1)
Absent: Mann (out of the room) (1)

6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A JOINT FUNDING AGREEMENT WITH UNITED STATES GEOLOGICAL SURVEY FOR ONGOING OPERATION AND MAINTENANCE OF THE COUNTY’S SIX STREAM GAGES WITHIN THE NOOKSACK RIVER EARLY FLOOD WARNING SYSTEM, IN THE AMOUNT OF $91,410 (AB2014-308) (10:05:22 PM)

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

Crawford reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:
Ayes: Brenner, Crawford, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)
Absent: Mann (out of the room) (1)

7. RESOLUTION ACCEPTING PETITION AND POLL BOOK, ESTABLISHING BOUNDARIES, OFFICIALLY NAMING, AND ORDERING AN ELECTION TO DETERMINE FORMATION OF A PROPOSED IRRIGATION DISTRICT TO BE KNOWN AS THE DRAYTON WATERSHED IMPROVEMENT DISTRICT (AB2014-224B) (10:05:58 PM)

Crawford moved to approve the resolution.
Brenner stated she is against the process. It is a controversy among farmers and water users. It should have been done differently. This was proposed late. It will be confusing because the ballots will go out the same time as the regular election ballots. The purpose of a water district is to provide water from one place or another. They don’t have any probable source of water. People are afraid their water will be taken away.

Browne stated he spent a lot of time researching the watershed improvement district (WID) process. The Council has no role in deciding whether or not the WIDs are a good idea and whether or not they meet the water criterion. The Council role is very limited. They only accept the petition, poll book, and boundaries.

Brenner stated they are supposed to list the probable source of water, but they didn’t do that. They can’t bank without a probable source to bank from.

Browne stated the Revised Code of Washington (RCW) delegates the authority to make that determination to the Department of Ecology, not the Council.

Brenner stated it’s a legal issue. The Council has a right to know the probable source of water. Ecology didn’t really answer the question. Someone is going to legally challenge these. She believes the Council has choices.

Weimer read the election dates. The election date is October 27, 2014. Voting will take place by mail. Ballots must be hand delivered to the Council Office prior to 4:00 p.m. on October 27, 2014, or mailed to the Clerk of the Council postmarked no later than midnight on October 27, 2014. The County Council will meet on November 10, 2014 to canvass the returns. These dates apply for all four WID elections.

The motion carried by the following vote:

**Ayes:** Mann, Crawford, Browne, Buchanan, Weimer and Kremen (6)

**Nays:** Brenner (1)

8. **RESOLUTION ACCEPTING PETITION AND POLL BOOK, ESTABLISHING BOUNDARIES, OFFICIALLY NAMING, AND ORDERING AN ELECTION TO DETERMINE FORMATION OF A PROPOSED IRRIGATION DISTRICT TO BE KNOWN AS THE LAUREL WATERSHED IMPROVEMENT DISTRICT (AB2014-225B) (10:12:06 PM)**

*Buchanan moved* to approve the resolution.

Brenner stated her previous comments apply to all these items.

Crawford stated he supports all of these districts. The Chair of the Whatcom County Republican Party affirmed that there is a concern about multiple elections going on at the same time and the level of confusion that may result. He’s disappointed they delayed two weeks ago.

The motion carried by the following vote:

**Ayes:** Mann, Crawford, Browne, Buchanan, Weimer and Kremen (6)

**Nays:** Brenner (1)
9. RESOLUTION ACCEPTING PETITION AND POLL BOOK, ESTABLISHING BOUNDARIES, OFFICIALLY NAMING, AND ORDERING AN ELECTION TO DETERMINE FORMATION OF A PROPOSED IRRIGATION DISTRICT TO BE KNOWN AS THE SOUTH LYNDEN WATERSHED IMPROVEMENT DISTRICT (AB2014-226B) (10:14:03 PM)

Crawford moved to approve the resolution.

The motion carried by the following vote:
Ayes: Mann, Crawford, Browne, Buchanan, Weimer and Kremen (6)
Nays: Brenner (1)

10. RESOLUTION ACCEPTING PETITION AND POLL BOOK, ESTABLISHING BOUNDARIES, OFFICIALLY NAMING, AND ORDERING AN ELECTION TO DETERMINE FORMATION OF A PROPOSED IRRIGATION DISTRICT TO BE KNOWN AS THE SUMAS WATERSHED IMPROVEMENT DISTRICT (AB2014-227B) (10:14:50 PM)

Mann moved to approve the resolution.

The motion carried by the following vote:
Ayes: Mann, Crawford, Browne, Buchanan, Weimer and Kremen (6)
Nays: Brenner (1)

COUNCIL APPOINTMENT TO BOARDS, COMMISSIONS, AND COMMITTEES

1. NOMINATION AND APPOINTMENT TO FILL A VACANCY ON THE BOARD OF EQUALIZATION AS AN ALTERNATE - APPLICANT(S): MATTHEW BURKE (AB2014-302) (10:15:15 PM)

Browne moved to nominate and appoint Matthew Burke.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

INTRODUCTION ITEMS

Crawford moved to accept the Introduction Items.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

1. ORDINANCE AMENDING ORDINANCE NO. 2013-003 (THIRD AMENDMENT) TO ESTABLISH A PROJECT FUND FOR THE NEW JAIL PROJECT 2013-2014 (AB2014-306B)

Whatcom County Council, 9/30/2014, Page 18
2. ORDINANCE ALLOWING MARIJUANA PRODUCTION, PROCESSING AND RETAILING, ON AN INTERIM BASIS, AS AUTHORIZED BY WASHINGTON STATE INITIATIVE 502 (AB2014-074D)

3. RESOLUTION AUTHORIZING THE SALE OF TAX TITLE PROPERTY BY NEGOTIATION, REQUEST #2014-01 (AB2014-314A)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

(10:16:24 PM)

Crawford reported that the Executive will work on a resolution to start a process to remodel Girard Street property.

Brenner reported for the Public Works, Health, and Safety Committee regarding the update on activities of the East Whatcom Coalition for Safe and Healthy Communities (AB2014-315) and the presentation regarding Puget Sound Energy’s battery storage project in Glacier (AB2014-304).

Buchanan reported for the Natural Resources Committee regarding the discussion regarding the use of flood funds for Water Action Plan work (AB2014-067B).

Brenner reported that the Whatcom County Granges are presenting Charter Review Information night.

Browne stated there is a candidate debate at the Building Industry Association tomorrow night.

Weimer reported the vacancy on the Planning Commission.

ADJOURN

The meeting adjourned at 10:22 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
CALL TO ORDER

Council Vice-Chair Ken Mann called the meeting to order at 10:30 a.m. in the County Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

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

Absent: Carl Weimer

MEETING TOPICS

1. PUBLIC SESSION

No one spoke.

2. DIRECTOR’S REPORT

Regina Delahunt, Health Department Director, stated the accrediting board would like more progress on performance measuring for strategic planning and the Community Health Improvement Plan. Once that’s done, the Department will receive its accreditation.

The North Sound Accountable Communities of Health organization is about health care reform and the State’s Health Care Innovation Plan. Five regional counties are coming together to reach consensus on one or two initial regional projects that will further health care innovation efforts in the state. Two efforts they will work on regionally may include intensive case management for frequent users of the medical system and asthma control in children, including making homes healthier for children.

Mann asked if there will be a five-county affordable care organization. Delahunt stated that is part of this initial group. This is to support the State’s health innovation plan. Whatcom Alliance for Health Advancement (WAHA) is bringing these counties together. Each regional contributor supports WAHA’s work in this effort. They need to jointly develop a plan to submit to the State by December. If the projects are good enough, the State will choose to fund two pilot projects in the state. Four regions in the state are working toward developing one of those two pilot projects.

The Health Department will sponsor a substance abuse forum in November to talk about heroin addiction in the community. Multiple partners will participate. They hope to develop a multi-sector plan to address this problem.
Brenner asked if there will be a mental health or mental illness forum. Because most people who have substance abuse problems also have mental health issues, they should address the cause. Government shouldn’t hide mental illness issues. Delahunt stated it’s something to talk about with the Advisory Board.

They are participating in the Samish Way effort to clean up the motels in that area. They are working from an environmental health perspective to test the rooms and from a human services perspective to arrange for alternative housing for folks who are living in these substandard conditions.

They are interviewing people for the position of coordinator for mental health court. They are initiating other task forces regarding infection control and sexual health education. They have moved to an electronic death record system.

Crawford referenced the hotel problems on Samish Way. He asked if there is a screening process. Don’t help people find housing if they are just going to create a problem elsewhere. Delahunt stated there is a screening process. They aren’t moving the problem elsewhere. They are working with the community and housing group to help people properly.

Crawford stated a small element of people have come here because of the available services. Don’t support people who have moved here for services. He asked how far they are toward their goal of eliminating homelessness. Delahunt stated they have come a long way toward achieving that goal. There is a huge waiting list for housing, so there isn’t enough housing.

Crawford stated the downtown business owners are complaining that the problem is worse today than it has ever been.

Browne asked how they make sure they don’t relocate people to somewhere else where they will continue to contaminate areas that will have to be cleaned up. Delahunt stated they aren’t relocating someone who is engaged in illegal activities. They are trying to help people who aren’t engaged in illegal activities. They are also trying to help people with substance abuse issues by trying to get them into treatment, but they aren’t relocating someone who will continue to contaminate rooms. Staff can schedule a presentation from the Homeless Service Center about their screening process. They want people to relocate successfully.

Browne stated he agrees with Councilmember Crawford that this community shouldn’t become a magnet for people from other communities. Delahunt stated the data doesn’t support that assumption. Staff can present that data.

Brenner stated application paperwork can ask how long they’ve been in the community.

Mann stated he agrees with Councilmember Crawford also. He’s been told that there’s no real data that supports homeless immigration, but he’s heard anecdotal information from police officers that it is happening. They need to look at the issue specifically with data.
Kremen stated Bellingham and Whatcom County have always had more than their share of transients and drug users, partially because this is the last stop along the Interstate 5 corridor before the international border. These people get turned back at the border for various reasons.

Brenner asked for data that says the assumption about the homeless immigrating to Whatcom County is incorrect. Delahunt stated the data indicates otherwise, but may not be strong enough to guarantee that immigration isn’t happening.

Browne stated there should be evidence presented by someone to prove how long they’ve been in the community. Also, come up with objective data that the community can support, so the community will support programs.

3. PUBLIC HEALTH ADVISORY BOARD (PHAB) UPDATE

Doug Benjamin, Public Health Advisory Board Chair, referenced the recent question of whether herbicide use on roadsides impacts human health. Department staff are looking into the issue. The PHAB will discuss the issue at its next meeting.

Brenner stated information received recently from the State Department of Health was helpful. The biggest problem is from people who use it on their lawns.

Benjamin referenced the Health Department strategic plan and stated the PHAB discussed it recently in terms of creating a cultural shift. Their discussion is well documented, and the Advisory Board will forward meeting minutes to the Board of Health.

This will be his last meeting as chair. His interest as chair was aligning the work of the PHAB and the Board of Health. The PHAB will try to align its agenda with the strategic plan as well.

4. EMERGING DISEASE UPDATE

Dr. Greg Stern, Health Department, gave a brief overview on communicable disease response, particularly regarding enterovirus D68 and ebola, which have both been in the news recently.

He described enterovirus and its symptoms, its relation to polio, the history of the D68 strain, its current distribution, its severity, local efforts to test for and survey the illness, and treatment and prevention. There’s no evidence it’s particularly threatening.

He described the ebola virus, historic areas of outbreaks, its spread across borders, conditions that allow an outbreak to occur, and global effects of an outbreak.

Brenner stated people traveling from those areas shouldn’t come into this country without some kind of quarantine first. Stern stated the issue locally is how they will address it. He described how the virus is transmitted and contained, the likelihood of a widespread outbreak in Western nations, and local preparations in case someone is suspected of having or is diagnosed with ebola.
Kremen stated he’s concerned about people who may mistake traditional flu symptoms for ebola during the upcoming flu season. He asked if they’ve considered the increase in the number of individuals who will flood the system by thinking they have ebola. Stern stated they will work with clinicians on clear assessment protocols. If there has been no recent travel to West Africa or proximity to someone who just returned from West Africa and who is sick, then it’s not likely people will have ebola. They can reassure the individual that there are no risk factors and that they most likely have flu because it’s flu season. Doctors deal all the time with people who are worried about something.

Kremen stated the federal administration has announced screening for people who are coming to the U.S. from that part of the world. There will be a lot of false positives during screening if people have the flu, for example. He asked how they will deal with that. Stern stated they will be quarantined. Public health will monitor the quarantine.

Kremen stated the upcoming nexus of the ebola outbreak, flu season, and screening process may overwhelm the health care system, regardless of whether the virus is actually present. Stern stated some centers are geared up for testing. Hospitals must always follow infection control protocol and should be implementing those guidelines all the time. It’s a collaborative effort. Public messaging will help reduce some anxiety from the public. The biggest challenge is quarantine and determining how effective it is. Those indentified as having a high risk for potentially having ebola will be monitored closely and treated sooner and successfully.

Brenner stated ebola mutates every time it’s transmitted from one person to another. They don’t know the future of ebola. She would like the Health Department representatives to say that people arriving from that area shouldn’t come here at this time until they’ve been quarantined. Whether or not it becomes a big deal, it will damage the healthcare system.

Browne stated anyone who is a citizen has a legal right of entry. He’s concerned about the quarantine methods that happened in Dallas. People were quarantined with the contaminated waste and were not allowed to remove the waste. He asked if those mistakes have been considered. Stern stated those are lessons learned. Recent pandemic planning efforts discussed how to support people in implementing isolation and quarantine. It’s important to not treat people as if they are being punished by being quarantined. They work with people to stop active tuberculosis cases. If he issues quarantine orders, which isn’t done lightly, the person’s needs still have to be addressed. The more they can prepare ahead of time, the better the situation will be. They must make sure they have the resources to safely isolate and quarantine people.

Mann stated analyze the quarantine mistakes of others and make sure that doesn’t happen here.

5. HEALTH DEPARTMENT STRATEGIC PLAN

Regina Delahunt, Health Department, stated they summarized the strategic plan into two pages (on file). She asked for the Board’s reaction to the plan, and if they understand it the way it was meant to be. She would also like to know if they are moving in the right direction. The strategic plan is a very high overview that talks about infrastructure and the
way they approach the work they do in the community. It’s not about the actual work they do.

Brenner stated the summary doesn’t say enough. She prefers to have more specificity. Delahunt stated they are working on a companion document that is the work plan, which is more specific.

Brenner stated the work plan is the information she wants to see. Nothing in this summary is a problem for her.

Mann referenced bullet three under the Sustain section regarding compassion. He stated compassion is a great value, but data should drive their decisions. Replace ‘compassion’ with language that references their long-term strategic plan.

Browne stated he likes the term ‘compassion.’

Buchanan stated he also likes the term ‘compassion,’ because it’s a good contrast. Delahunt stated the Public Health Advisory Board (PHAB) discussed what may happen if compassion is lacking from any decisions made based only on data.

Browne stated they want a good balance of both.

Mann referenced the last bullet item under the Desired Results section and stated the statement is too vague. He doesn’t know what that means or what they are supposed to do. The potential scope of that statement is too big. The rest of the bullet points are relevant and specific. He questions how much it is the Health Department’s concern to ensure that everyone’s basic needs are met.

Browne stated he agrees with Councilmember Mann about ensuring basic needs. Everyone should have healthcare access, but it’s not the County’s place to be responsible for everyone’s basic needs.

Brenner stated that item just needs to be more specific.

Delahunt asked if the three overall strategic sections, which are providing critical infrastructure, engaging the community, and driving policy changes, are correct. It reflects the shift in direction they’ve been talking about for a few years.

Mann stated the three bullet points in the Transform section don’t seem to reflect a transformation of policy changes. The three bullet points are their goals, but it should be worded better.

Brenner stated that the Sustain section should say they operate at the policy level, and providing critical infrastructure should be a bullet point.

Crawford stated he likes all of it. He referenced the first item in the Desired Results section and stated not everyone is always going to be physically healthy. It’s a matter of scale. They can exceed state or national averages, which would be a more realistic result. In that list, the fifth bullet point is most important, and the fourth is his second priority. Government should provide an environment in which people make choices. Regarding the
graphics on the first page, they probably shouldn’t include a photo of apple pie, which isn’t healthy.

Browne stated the summary is good overall. Rename the Desired Results section to Aspirations. Reword the last bullet point to say that everyone should have healthcare access to meet basic needs. In the Our Values section, the bullet point for effectiveness should say the value is measureable effectiveness, and also include data-driven decision making.

Buchanan stated he likes this summary version.

Kremen stated it’s hard to improve on this. They are just fine-tuning a good document. Rename the Desired Results section as Desired Objectives or Desired Outcomes instead of desired results or desired aspirations. Delahunt stated the PHAB had the same conversation. They need to do a little more work on the title of this section.

Delahunt asked for approval of the strategic priorities themselves, beyond just the wording.

Crawford moved to approve the strategic priorities, with some of the language changes they have just discussed.

Mann stated he’s concerned about the Transform section, but he supports the bullet points underneath it.

Brenner stated she wants to see the word changes before approving it.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Kremen, Browne and Buchanan (6)

Nays: None (0)

Absent: Weimer (1)

ADJOURN

The meeting adjourned at 11:59 a.m.

The Council approved these minutes on ________________, 2014.

ATTEST: WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

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

Regular County Council

October 14, 2014

CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

(7:00:46 PM)

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

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced a vacancy on the Whatcom County Planning Commission Vacancy. Applications are due in the Council Office by 10:00 a.m. on Tuesday, October 21, 2014.

Weimer announced there was discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation, Hirst et al v. Whatcom County, GMHB Case No. 12-2-0013 (AB2014-018) in executive session during the Committee of the Whole.

MINUTES CONSENT

Kremen moved to approve the Minutes Consent items.

The motion carried by the following vote:

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

Nays: None (0)

1. REGULAR COUNTY COUNCIL FOR AUGUST 5, 2014

2. REGULAR COUNTY COUNCIL FOR SEPTEMBER 16, 2014

PUBLIC HEARINGS
1. ORDINANCE TERMINATING OPEN SPACE TIMBER LAND CLASSIFICATION
   AND CONSOLIDATING TIMBER LAND CLASSIFICATION WITH DESIGNATED
   FOREST LAND CLASSIFICATION AND DECLARING LAND PREVIOUSLY
   CLASSIFIED AS TIMBER LAND TO BE DESIGNATED FOREST LAND (AB2014-300)

   Weimer opened the public hearing, and the following person spoke:

   (7:04:41 PM)

   Max Perry stated the Forestry Advisory Committee as a whole has not had a chance
   to discuss this item. Some members are in favor of the ordinance. He referenced the idea
   of requiring a forest plan for parcels 20 acres or less and stated that if they want to add to
   the timber base in the county, don’t make it too tough for people to do timber management
   on smaller lots. He agrees with the letter from Jack Petree on the issue.

   Hearing no one else, Weimer closed the public hearing.

   Browne stated he’s talked to two members of the Forestry Advisory Committee, but
   not the full membership.

   Brenner moved to adopt the substitute ordinance. She moved to amend to
   require a timber management plan for parcels 20 acres or less when property is first
   classified or reclassified. That is required currently. On smaller lots, not everyone intends
   to do timber management. Since they’re getting a tax break, it’s good to have that
   requirement.

   Erin Osborn, Planning and Development Services Department, stated legal counsel
   reviewed that requirement. At this point, it’s not certain if the action is legally permissible
   to make the ordinance more restrictive than the statute.

   Brenner stated the statute says that the County can make requirements. She appreciates that the Assessor is going to require those plans, but he won’t always be the
   County Assessor. It’s important that the requirement be part of the designation.

   Karen Frakes, Prosecutor’s Office, stated the question is whether or not the Council,
   which is the legislative authority, can take that discretion away from the Assessor. Preliminarily, the opinion is that the Assessor has the authority, and the legislative authority
   can’t take it away. Legal counsel is reviewing it further.

   Weimer asked if they can amend the ordinance in the future. Frakes stated they
   can.

   Brenner stated hold the ordinance. She doesn’t agree that the Council can’t amend
   it. She withdrew her motion and moved to hold until they clarify the legal question.

   Mann stated hold it and wait for the information they need instead of reopening it.

   Osborn stated the Council can introduce the substitute ordinance, and it will give
   staff time to clarify the legal question. The legal notice can indicate they would consider an
ordinance to terminate the open space designation, join the designation with the timber land designation, and possibly add language requiring a timber management plan.

Frakes stated that if the public is given notice that they’re considering the timber management plan requirement, it doesn’t need to be in the ordinance.

**Brenner withdrew her motion** to hold in Council.

Weimer stated they will introduce the substitute ordinance tonight.

### 2. ORDINANCE ALLOWING MARIJUANA PRODUCTION, PROCESSING AND RETAILING, ON AN INTERIM BASIS, AS AUTHORIZED BY WASHINGTON STATE INITIATIVE 502 (AB2014-074D)

Weimer opened the public hearing and, hearing no one, closed the public hearing.

**Mann moved** to adopt the ordinance.

Crawford asked if there are no changes from the previous interim.

Nick Smith, Planning and Development Services Department, stated that’s correct.

The motion carried by the following vote:

- **Ayes:** Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
- **Nays:** None (0)

### 3. RESOLUTION AUTHORIZING THE SALE OF TAX TITLE PROPERTY BY NEGOTIATION, REQUEST #2014-01 (AB2014-314A) (**7:22:30 PM**)  

Weimer opened the public hearing and, hearing no one, closed the public hearing.

**Browne moved** to approve the resolution.

The motion carried by the following vote:

- **Ayes:** Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
- **Nays:** None (0)

### OPEN SESSION  

(7:23:22 PM)

The following people spoke:

- Wendy Harris spoke about budget transparency regarding County programs to exterminate nuisance animals, such as starlings and beavers.
- John Steensma spoke about the Resolution Declaring the Whatcom County Flood Control Zone District’s Intention to Lease Property on River Road (AB2014-298).
George Boggs, Conservation District, spoke about the Resolution Declaring the Whatcom County Flood Control Zone District’s Intention to Lease Property on River Road (AB2014-298).

Brenner asked if a farm plan from the Conservation District considers soil protection and protection from runoff. Boggs stated they look at the needs of the landowner. Soil health isn’t necessarily in a particular plan. If the Council directs the lessee to have a farm plan that includes soil protection, the Conservation District would write that into the plan.

Browne asked if a farm plan automatically covers things like protection of the land. It seems Mr. Boggs is saying that isn’t included in a farm plan unless someone specifies that requirement and it is implemented. Boggs stated that’s correct. Implementation is critical.

Brenner stated she’s not interested in dictating the details of how soil would be protected, just that soil protection is required.

Weimer stated this item wasn’t scheduled on the Council agenda, so they will schedule it on a future agenda.

CONSENT AGENDA

(7:33:29 PM)

Crawford reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through three.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
Nays: None (0)

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WILSON ENGINEERING, LLC FOR DESIGN ASSISTANCE FOR CEDAR HILLS/EUCLID STORMWATER IMPROVEMENTS, IN THE AMOUNT OF $88,720 (AB2014-325)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND PACIFIC SURVEY & ENGINEERING, INC. FOR PROFESSIONAL DESIGN SERVICES FOR ROAD AND ELECTRICAL UPGRADES AT SILVER LAKE PARK, IN THE AMOUNT OF $119,414 (AB2014-326)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE MILITARY DEPARTMENT TO SUSTAIN AND ENHANCE THE WHATCOM COUNTY SHERIFF’S OFFICE-DIVISION OF EMERGENCY MANAGEMENT PROGRAM, IN THE AMOUNT OF $61,980 (AB2014-327)

OTHER ITEMS
1. RESOLUTION REPEALING WHATCOM COUNTY RESOLUTION NO. 2009-078, RELATED TO PREVIOUS OPEN SPACE APPLICATION RECOMMENDATIONS (AB2014-320) (7:34:03 PM)

Buchanan reported for the Natural Resources Committee and moved to approve the resolution.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
Nays: None (0)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WHEELER CONSULTING GROUP FOR THE SWIFT CREEK REPOSITORY SITING AND ANALYSIS, IN THE AMOUNT OF $160,000 (AB2014-321) (7:36:08 PM)

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

Crawford reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
Nays: None (0)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WATERSHED SCIENCE & ENGINEERING FOR THE SWIFT CREEK NORTH FORK RE-RUTE ANALYSIS, IN THE AMOUNT OF $180,000 (AB2014-322) (7:36:50 PM)

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

Crawford reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
Nays: None (0)

4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO AWARD A BID TO THE LOW BIDDER, TRIMAXX CONSTRUCTION, INC. AND ENTER INTO A CONTRACT FOR THE 2014 SWIFT CREEK BANK ARMORING AND SEDIMENT REMOVAL, IN THE AMOUNT OF $443,900.63 (AB2014-323) (7:37:33 PM)

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)
Crawford reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:
**Ayes:** Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
**Nays:** None (0)

5. **RESOLUTION REQUESTING COUNCIL APPROVAL FOR THE REMODELING OF 509 GIRARD STREET, 322 N. COMMERCIAL STREET (CIVIC BUILDING) AND 1500 N. STATE STREET (BUILDING AND PROPERTY) (AB2014-324)**

7:38:08 PM

Crawford reported for the Finance and Administrative Services Committee and moved to approve the substitute resolution.

Brenner stated the resolution has information that the Council has never voted on regarding avoiding extensive repair and renovation costs at the Northwest Annex property. This whereas statement is troublesome. The Council never voted on whether it wants to avoid extensive repairs. The longer they wait to repair the building, the worse the building gets. Any repairs the administration has done has made the condition of the building worse. The building is important, and it’s centrally-located. The Council did not make a decision on paying now for the remodel of the State Street building. They discussed finding out about and fixing hazard waste issues. While the resolution has no force of law, it has intent. She moved to amend to remove the ninth whereas statement of the resolution.

Crawford stated the disposition of that building has not yet been decided. This whereas statement indicates immediate refurbishments are necessary if the County continues to use the building. The remodel of the other buildings alleviates the pressure from the deteriorated building at the Northwest Annex. It makes sense to include that whereas statement.

Brenner stated that’s not what the whereas statement says. It says the County is avoiding extensive repair and renovation costs.

**Kremen suggested a friendly amendment to insert language, “avoid immediate extensive repair and renovation costs.”**

**Brenner accepted** the friendly amendment.

The motion to amend carried by the following vote:
**Ayes:** Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
**Nays:** None (0)

Brenner stated she is opposed to the resolution because she doesn’t like the tone of the language that indicates the County won’t repair the Northwest Annex. Don’t remodel State Street until they understand the hazardous waste issues and decide if they are going to clean it up.

Mann stated it is a major decision to reorganize County departments and renovate buildings. It’s a good plan, but the remodeling plans don’t seem to be the most cost-
Kremen stated he would ideally like to locate Planning Department services at the Northwest Annex site. However, the County would have to demolish the building and construct a new facility. That building is not suitable for Planning Department use. A lot of research and analysis has been done on this issue. The location is better than the current proposal, but the current proposal is the only viable way to be as efficient as possible, being mindful of taxpayer dollars. He supports the proposal, but is disappointed they won’t be able to continue those services at the location of the Northwest Annex.

Brenner stated the building is solid. It needs remodeling and upgrading. Other buildings have been structurally similar and renovated successfully. There has been no extensive, third-party analysis. Any improvements that have been done have made the situation worse. She doesn’t trust what the staff says about it. The administration is pushing to get rid of the building. The Civic Center Building has been repeatedly remodeled. Nothing is being done cohesively. The Council should have plans for all building renovations. Instead of agreeing to this, approve a resolution that asks for those analyses.

The motion carried by the following vote:

Ayes: Mann, Crawford, Weimer, Kremen, Browne and Buchanan (6)

Nays: Brenner (1)


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

Brenner stated she supports the ordinance. She asked if the DLR Group will create designs that address the concerns of the public.

Tyler Schroeder, Executive’s Office, stated it will. The DLR Group will facilitate a schematic design and civil engineering for the jail plans that were done through the environmental impact statement (EIS) process, which addressed all of those concerns.

The motion carried by the following vote:

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

Nays: None (0)

7. RESOLUTION ESTABLISHING WHATCOM COUNTY COUNCIL MEETING DATES FOR 2015 (AB2014-317)

Crawford moved to approve the resolution.

Brenner stated she doesn’t support the resolution, which should have a schedule that is easier for the public to understand, such as the first and third week of the month, for example.
Browne asked if the schedule accommodates the National Association of County Officials (NACO) conference.

Dana Brown-Davis, Clerk of the Council, stated it does.

The motion carried by the following vote:
**Ayes:** Mann, Crawford, Weimer, Kremen, Browne and Buchanan (6)
**Nays:** Brenner (1)

**EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. **REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF KATHLEEN HARRIGAN AND RUSS SAPIENZA TO THE DEVELOPMENTAL DISABILITIES BOARD (AB2014-333) (7:59:42 PM)**

   *Weimer* stated he had the privilege of interviewing these folks, and *moved* to confirm the appointment.

   The motion carried by the following vote:
   **Ayes:** Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
   **Nays:** None (0)

2. **REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF REID PARKER TO THE BICYCLE/PEDESTRIAN ADVISORY COMMITTEE (AB2014-332)**

   *Crawford* moved to confirm the appointment.

   The motion carried by the following vote:
   **Ayes:** Brenner, Mann, Crawford, Weimer, Kremen, Browne and Buchanan (7)
   **Nays:** None (0)

**INTRODUCTION ITEMS**

*Crawford* moved to accept Introduction Items one through three and the item regarding timberland forest classification. Items four and five have been held in committee.

The motion carried by the following vote:
**Ayes:** Mann, Crawford, Weimer, Kremen, Browne and Buchanan (6)
**Nays:** Brenner (1)


2. **RESOLUTION APPROVING WHATCOM COUNTY/CITY OF BELLINGHAM JOINT GRANTING AUTHORITY RECOMMENDATIONS ON SIX APPLICATIONS FOR OPEN SPACE CURRENT USE ASSESSMENT ON LANDS LOCATED WITHIN CITY**
OF BELLINGHAM AS AUTHORIZED BY THE OPEN SPACE TAXATION ACT, CHAPTER 84.34 RCW (AB2014-319)

3. RESOLUTION APPROVING THE WHATCOM COUNTY 2015 ANNUAL CONSTRUCTION PROGRAM (AB2014-329)


5. APPLICATION TO REZONE FIVE ACRES FROM NEIGHBORHOOD COMMERCIAL (NC) TO RURAL GENERAL COMMERCIAL (RGC) ZONING DISTRICT (AB2014-331)

6. ORDINANCE TERMINATING OPEN SPACE TIMBER LAND CLASSIFICATION AND CONSOLIDATING TIMBER LAND CLASSIFICATION WITH DESIGNATED FOREST LAND CLASSIFICATION AND DECLARING LAND PREVIOUSLY CLASSIFIED AS TIMBER LAND TO BE DESIGNATED FOREST LAND (AB2014-300)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Brenner reported for the Public Works, Health, and Safety Committee on items discussed in committee:
• Discussion on decision regarding Bertrand Creek Estates offsite mitigation (AB2014-328)
• Resolution approving the Whatcom County 2015 Annual Construction Program (AB2014-329)
• Ordinance adopting the Six-Year Capital Improvement Program for Whatcom County facilities (2015-2020) and amending level of service standards (AB2014-330)

Jack Louws, County Executive, stated he’s been in contact with John Steensma via email and in person tonight. The neighbors are going to meet with County staff soon to come up with a suitable resolution.

Mann reported for the Planning and Development Committee regarding the Discussion regarding an application to rezone five acres from Neighborhood Commercial (NC) to Rural General Commercial (RGC) zoning district (AB2014-331).

Crawford reported for the Finance Committee on the Resolution declaring the Whatcom County Flood Control Zone District’s intention to lease property on River Road (AB2014-298).

Brenner reported on the following items:
• A tour with Sustainable Connections on roadside native vegetation
• A recent meeting at Semiahmoo Park regarding stormwater issues
• A recent open house at British Petroleum (BP)
• A railcar response meeting at the Emergency Operations Center
• A recent meeting of Kendall Watch that included a presentation by Judge Snyder regarding drug court

**ADJOURN**

The meeting adjourned at 8:08 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
WHATCOM COUNTY COUNCIL AGENDA BILL

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TITLE OF DOCUMENT:

Ordinance Amending Whatcom County Code 16.20 Whatcom County Shellfish Protection Districts

ATTACHMENTS:

Memorandum, ordinance, and related exhibits

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

Should Clerk schedule a hearing? ( X ) Yes ( ) NO
Requested Date: 11/12/14

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

The attached ordinance extends the sunset date for the Drayton Harbor, Portage Bay, and Birch Bay Shellfish Protection Districts to December 31, 2018. The four year extension matches term lengths for advisory committee members. Public Works - Natural Resources staff recommends the continuation of the shellfish protection districts and feels the work of these groups are vital in identifying and addressing pollution sources that are affecting nearshore marine environments. These districts are also essential to the reclassification of downgraded shellfish areas to approved status and to protecting threatened shellfish areas from future downgrades.

COMMITTEE ACTION:                                  COUNCIL ACTION:

Related County Contract #:                         Related File Numbers:

Ordinance or Resolution Number:

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

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

THROUGH: Frank M. Abart, Public Works Director

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

RE: Ordinance Amending Whatcom County Code 16.20 Whatcom County Shellfish Protection Districts

DATE: October 27, 2014

Requested Action

Enclosed for your review and approval is an ordinance to extend the sunset date of the three shellfish protection districts in Whatcom County to December 31, 2018.

Background and Purpose

The current sunset date for the three Shellfish Protection Districts (Drayton Harbor, Portage Bay, and Birch Bay) is December 31, 2014. It is necessary to continue the work of these districts as we still have not achieved adequate improvements in water quality in Drayton Harbor and Birch Bay to see a complete upgrade of the shellfish growing areas and Portage Bay water quality has declined, resulting in Lummi Nation implementing a voluntary closure of shellfish beds. The four year extension will match with the term length for advisory committee members. Following is a brief history of how and why the districts were created.

RCW 90.72 requires the legislative authority of a county to create a shellfish protection district within 180 days of the State Department of Health closing or downgrading a shellfish growing area due to the degradation of water quality from ongoing non-point source pollution. The regulations also require that a shellfish protection program be developed to identify and address the causes of the pollution.

The Whatcom County Council created a shellfish protection district for Drayton Harbor in July 1995, for Portage Bay in March 1998, and for Birch Bay in May 2009. These actions were required as a result of closures and downgrades in these areas due to pollution. Advisory committees were formed for all districts to assist the Council, by helping to identify and address the various pollution sources that could be affecting the shellfish growing areas. Shellfish recovery plans have been created for each of the districts.

Please contact Erika Douglas at extension 50692 or Gary Stoyka at 50618 if you have any questions.

Enc.
ORDINANCE NO. 2014-

AMENDING WHATCOM COUNTY CODE 16.20
WHATCOM COUNTY SHELLFISH PROTECTION DISTRICT

WHEREAS, on July 18, 1995, the Whatcom County Council adopted
Ordinance 95-036, creating the Drayton Harbor Shellfish Protection District, with a
sunset date of December 31, 1998; and

WHEREAS, on March 24, 1998, the Whatcom County Council amended the
Whatcom County Code Chapter 16.20 to create the Portage Bay Shellfish Protection
District; and

WHEREAS, the Whatcom County Council subsequently adopted Ordinances 98-
sunset date for the Drayton Harbor and Portage Bay Shellfish Protection Districts by two
years; and

WHEREAS, on May 26, 2010, the Whatcom County Council amended the
Whatcom County Code Chapter 16.20 to create the Birch Bay Shellfish Protection
District; and

WHEREAS, the Whatcom County Council subsequently adopted Ordinances 2012-
055 and 2010-046 extending the sunset date for the Drayton Harbor, Portage Bay, and
Birch Bay Shellfish Protection Districts by two years; and

WHEREAS, the Whatcom County Council adopted Ordinance 2012-055 creating
four year terms for advisory committee members; and

WHEREAS, numerous efforts have occurred in the Drayton Harbor, Portage Bay,
and Birch Bay Shellfish Districts to eliminate or reduce pollutants that are affecting the
shellfish beds, through improved partnerships, cooperative efforts and increased
community involvement; and

WHEREAS, work needs to continue to ensure that approved shellfish harvest
areas maintain “approved” status, and remaining “conditionally approved” and
“prohibited” areas are reopened, and

NOW THEREFORE, BE IT ORDAINED by the Whatcom County Council that the
sunset dates for the Drayton Harbor Shellfish Protection District, the Portage Bay
Shellfish Protection District, and the Birch Bay Shellfish Protection District shall be extended to December 31, 2018, as indicated in Exhibit A to this Ordinance.

ADOPTED this _____ day of ____________, 2014.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________
Clerk of the Council

Carl Welmer, Council Chair

APPROVED AS TO FORM:

( ) Approved     ( ) Denied

______________________________
Daniel L. Gibson
Prosecuting Attorney

Jack Louws
County Executive
Chapter 16.20
WHATCOM COUNTY SHELLFISH PROTECTION DISTRICTS

Sections:

16.20.010 Establishment and authority of district.
16.20.015 Purpose.
16.20.016 Establishment of program.
16.20.020 District boundaries.
16.20.040 Revenue authority.
16.20.045 Collection of charges or rates and exemptions.
16.20.050 Sunset date and dissolution of district.
16.20.060 Relationship with other entities.
16.20.065 Advisory groups.
16.20.090 Severability.

16.20.010 Establishment and authority of district.


16.20.015 Purpose.

The purpose of these districts is to provide services to citizens experiencing nonpoint pollution of surface water drainages and coastal waters and to implement those portions of the Drayton Harbor, Portage Bay, and Birch Bay closure response strategies necessary to allow removal of the Drayton Harbor, Portage Bay, and Birch Bay downgrades. (Ord. 2012-055; Ord. 20120-046; Ord. 2009-042; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019 Att. C; Ord. 95-036).

16.20.016 Establishment of program.

16.20.020 District boundaries.

The Drayton Harbor shellfish protection district shall be the approximate area included in the Drayton Harbor watershed and contained within the boundaries that are declared as follows:

Commencing on the forty-ninth parallel at the point dividing the American and Canadian territory in the Gulf of Georgia; thence easterly along said international boundary line to the intersection of Markworth Road; thence southerly along the centerline of Markworth Road to the intersection of Badger Road; thence easterly along the centerline of Badger Road to the intersection of Glendale Road; thence southerly along the centerline of Glendale Road to the intersection of Loomis Trail Road; thence westerly along the centerline of Loomis Trail Road to the intersection of Bob Hall Road; thence southerly along the centerline of Bob Hall Road to the intersection of Birch Bay Lynden Road; thence westerly along the centerline of Birch Bay Lynden Road to the intersection of Woodland Road; thence southerly along the centerline of Woodland Road to the intersection of Harksell Road; thence easterly along the centerline of Harksell Road to the intersection of Enterprise Road; thence southerly along the centerline of Enterprise Road to the intersection of Aldergrove Road; thence westerly along the centerline of Aldergrove Road to the intersection of Olson Road; thence northerly along the centerline of Olson Road to the intersection of Grandview Road; thence westerly along the centerline of Grandview Road to the intersection of Valley View Road; thence northerly along the centerline of Valley View Road to the intersection of Bay Road; thence westerly along the centerline of Bay Road to the intersection of Kickerville Road; thence northerly along the centerline of Kickerville Road to the intersection of Birch Bay Lynden Road; thence westerly along the centerline of Birch Bay Lynden Road to the intersection of Blaine Road; thence northerly along the centerline of Blaine Road to the intersection of Lincoln Road; then westerly along the centerline of Lincoln Road to where it becomes Semiahmoo Parkway; thence following the centerline of Semiahmoo Parkway to the intersection of Drayton Harbor Road; thence following a line running off-shore to the point of origin in the Gulf of Georgia, plotted in such a manner as to follow existing boundaries of land parcels.

The Portage Bay shellfish protection district shall be the approximate area included in the Nooksack watershed and contained within the boundaries that are declared as follows:

Commencing on the forty-ninth parallel at the intersection of Markworth Road; thence easterly along said international boundary line to the easterly section line of Township 41 North, Range 3 East, Section 35; thence southerly along said section line to the intersection of Halverstick Road; thence westerly along the centerline of Halverstick Road;
Road to the easterly section line of Township 40 North, Range 3 East, Section 3; thence southerly along said section line to the northerly line of Township 40 North, Range 3 East, Section 11; thence easterly along said section line to the easterly section line of Township 40 North, Range 3 East, Section 11; thence southerly along said section line to the intersection of East Badger Road; thence easterly along the centerline of East Badger Road to the intersection of Trap Line Road; thence southerly along the centerline of Trap Line Road to the intersection with the City Limits of Everson; thence proceeding easterly along the City Limits of Everson to the intersection with the City Limits of Nooksack; thence proceeding along the City Limits of Nooksack to the easterly section line of Township 40 North, Range 4 East, Section 31; thence southerly along said section line to the northerly section line of Township 39 North, Range 4 East, Section 5; thence easterly along said section line to the intersection with Nooksack Road; thence southerly along the centerline of Nooksack Road to the intersection with Hopewell Road; thence easterly along the centerline of Hopewell Road to the intersection with Lawrence Road; thence southerly along the centerline of Lawrence Road to the northerly section line of Township 39 North, Range 4 East, Section 21; thence easterly along said section line to the westerly section line of Township 39 North, Range 4 East, Section 13; thence northerly along said section line to the northerly section line of Township 39 North, Range 4 East, Section 1; thence easterly along said section line to the westerly section line of Township 40 North, Range 5 East, Section 31; thence northerly along said section line to the northerly section line of Township 40 North, Range 5 East, Section 31; thence easterly along said section to the westerly line of Township 40 North, Range 5 East, Section 28; thence northerly along said section line to the northerly line of Township 40 North, Range 5 East, Section 4; thence easterly along said section line to the westerly section line of Township 41 North, Range 5 East, Section 34; thence northerly along said section to the 49th parallel; thence easterly along the 49th parallel to the easterly section line of Township 41 North, Range 5 East, Section 36; thence southerly along said section line to the northerly section line of Township 40 North, Range 6 East, Section 6; thence easterly along said section line to the easterly section line of Township 40 North, Range 6 East, Section 5; thence southerly along said section to the northerly section line of Township 40 North, Range 6 East, Section 9; thence easterly along said section line to the National Forest Boundary; thence proceeding southerly along said National Forest Boundary to the boundary between Whatcom County and Skagit County; thence westerly along said County boundary to the westerly section line of Township 37 North, Range 5 East, Section 34; thence northerly along said section line to the southerly section line of Township 37 North, Range 5 East, Section 21; thence westerly along said section line to the westerly section line of Township 37 North, Range 5 East, Section 21; thence northerly along said section line to the southerly section line of Township 37 North, Range 5 East, Section 17; thence westerly along said section line to the westerly section line of Township 37 North, Range 4 East, Section 13; thence northerly along said section line to the southerly section line of Township 37 North, Range 4 East, Section 11; thence westerly along said section line to the westerly section line of Township 37 North, Range 4 East, Section 11; thence northerly along said section line
to the southerly section line of Township 38 North, Range 4 East, Section 15; thence
westerly along said section line to the westerly section line of Township 38 North,
Range 4 East, Section 17; thence northerly along said section line to the southerly
section line of Township 38 North, Range 4 East, Section 7; thence westerly along said
section line to the westerly section line of Township 38 North, Range 4 East, Section 7;
thence northerly along said section line to the intersection of East Smith Road; thence
westerly along the centerline of East Smith Road to the easterly section line of
Township 39 North, Range 3 East, Section 31; thence southerly along said section line
to the intersection of Kelly Road; thence westerly along the centerline of Kelly Road to
the intersection of Guide Meridian; thence southerly along the centerline of Guide
Meridian to the southerly section line of Township 38 North, Range 2 East, Section 1;
thence westerly along said section line to the easterly section line of Township 38
North, Range 2 East, Section 11; thence southerly along said section to the southerly
line of Township 38 North, Range 2 East, Section 11; thence westerly along said section
to the easterly section line of Township 38 North, Range 2 East, Section 16; thence
southerly along said section line to the intersection with Bellingham Bay; thence
recommencing at the westerly section line of Township 38 North, Range 2 East, Section
20 in the Nooksack Delta; thence northerly along said section line to the northerly
section line of Township 38 North, Range 2 East, Section 17; thence easterly along said
section line to the centerline of the Nooksack River; thence following the centerline of
the Nooksack River to the intersection with the City Limits of Ferndale; thence westerly,
proceeding along the City Limits of Ferndale to the intersection with Mt. View Road;
thence westerly along the centerline of Mt. View Road to the intersection with the City
Limits of Ferndale; thence northerly, proceeding along the City Limits of Ferndale to the
intersection with Church Road; thence northerly along the centerline of Church Road to
the intersection of Aldergrove Road; thence easterly along the centerline of Aldergrove
Road to the intersection of Enterprise Road; thence northerly along the centerline of
Enterprise Road to the intersection of Harksell Road; thence westerly along the
centerline of Harksell Road to the intersection of Woodland Road; thence northerly
along the centerline of Woodland Road to the intersection of Birch Bay-Lynden Road;
thence easterly along the centerline of Birch Bay-Lynden Road to the intersection of
Bob Hall Road; thence northerly along the centerline of Bob Hall Road to the
intersection of Loomis Trail Road; thence easterly along the centerline of Loomis Trail
Road to the intersection of Glendale Road; thence northerly along the centerline of
Glendale Road to the intersection of West Badger Road; thence westerly along the
centerline of West Badger Road to the intersection of Markworth Road; thence northerly
along the centerline of Markworth Road to the forty-ninth parallel, POB.

The Birch Bay shellfish protection district shall be the approximate area of the Birch Bay
watershed and contained within the boundaries that are declared as follows:

The Birch Bay Stormwater Management Plan Sub Flood Zone comprises all or portions
of Sections 10, 11, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, and 36, Township 40
North, Range 1 West, Sections 1, 2, 3, 10, 11, 12, 13, 14, and 24, Township 39 North,
Range 1 West, Sections 2 through 18, 21, 22, 23, 24, and 28, Township 39 North, Range 1 East, and Sections 19, 20, 29, 30, 31, 32, 33, Township 40 North, Range 1 East, of Willamette Meridian; said Sub Flood Zone boundary more particularly described as follows: (For the purposes of this description Section, Township, and Range may be abbreviated as Section #, T # N., R # E. or W. and abbreviations NE for Northeast, NW for Northwest, SW for Southwest, and SE for Southeast may be used.)

Commencing at the point of intersection of the Line of Ordinary High Tide of Semiahmoo Bay with the Southwesterly line of Tract A, Plat of Boundary Ridge in Section 10, T. 40 N., R. 1 W., said point being the True Point of Beginning; Thence Southeasterly along said Southwesterly line of Tract A, and the Southeasterly extension thereof, 646 feet, more or less, to the centerline of Semiahmoo Parkway; Thence generally Southerly along the centerline of Semiahmoo Parkway 1.5 miles, more or less, to the North-South Center Section Line of Section 14, T. 40 N., R. 1 W.; Thence Northeasterly 750 feet, more or less, to a point 350 feet due South of the most Westerly corner of Lot 65, Saint Andrew’s Green Division IV – Phase A; Thence Southeasterly 2000 feet, more or less, to the ¼ Section Corner common to Sections 13 and 14, T. 40 N., R. 1 W.; Thence Southeasterly 1360 feet, more or less, to the SE corner of the North 10 acres of the West ½ of the SW ¼ of said Section 13; Thence Southeasterly 2214 feet, more or less, to the SE corner of the West 20 acres of the NW ¼ of the SE ¼ of said Section 13; Thence Southeasterly 2380 feet, more or less, to the NE corner of Section 19, T. 40 N., R. 1 E.; Thence Southeasterly 1000 feet, more or less, to the intersection of the centerlines of Seafair Drive and Oakridge Drive, Plat of Harborview Estates; Thence Southeasterly 450 feet, more or less, to the SE corner of Lot 17, said Plat of Harborview Estates; Thence Southeasterly 500 feet, more or less, to the intersection of the centerlines of Glendale Drive and Bayshore Drive, Plats of said Harborview Estates and Lincoln Green, Division No. 1; Thence Easterly 1015.73 feet along the centerline of said Bayshore Drive to the center of the cul-de-sac at the Easterly end of said Bayshore Drive; Thence Southeasterly 200 feet, more or less, to the NW corner of the SW ¼ of the NE ¼ of said Section 19; Thence Southeasterly 2820 feet, more or less, to the NW corner of the South 330 feet of the SW ¼ of the NW ¼ of Section 20, T. 40 N., R. 1 E.; Thence Southeasterly 2750 feet, more or less, to the NE corner of Croft’s Short Plat; Thence Easterly 440 feet, more or less, to the NE corner of the SE ¼ of the SW ¼ of said Section 20; Thence Southeasterly 1554 feet, more or less, to a point on the Section Line common to said Sections 20 and 29, T. 40 N., R. 1 E., 500 feet Westerly of the NE corner of the NW ¼ of the NE ¼ of said Section 29; Thence Southwesterly 1554 feet, more or less, to the SW corner of said NW ¼ of the NE ¼ of said Section 29; Thence Southeasterly ¼ mile, more or less to the SE corner of Lot 92, plat of Double RR Ranch; Thence Southeasterly 875 feet, more or less, to the NE corner of Lot 46, said Plat of Double RR Ranch; Thence Southerly 700 feet, more or less, to the NE corner of Lot 39, said Plat of Double RR Ranch; Thence Southwesterly 540 feet, more or less, to the SW corner of Lot 26, said plat of Double RR Ranch; Thence Easterly 460 feet, more or less, to the SE corner of Lot 37, said plat of Double RR Ranch; Thence Southeasterly 962 feet, more or less, to the center of the SE ¼ of
the SE ¼ of said Section 29; Thence Southeasterly 710 feet, more or less, to a point on
the North line of Section 32, T. 40 N., R. 1 E. 397 feet Westerly of the NE Corner of said
Section 32; Thence Southeasterly 2166 feet, more or less, to the center of the NW ¼ of
Section 33, T. 40 N., R. 1 E.; Thence Easterly along the East-West centerline of said NW
¼ 660 feet, more or less to the Northwesterly right-of-way line of the GNRR (BNSF)
Spur; Thence Southwesterly one mile, more or less, along said Northwesterly right-of-
way line to the Section Line common to said Section 32 and Section 5, T. 39 N., R 1 E.;
Thence Southeasterly 1458 feet, more or less to the NW corner of the SW ¼ of the NW
¼ of the NW ¼ of Section 4, T. 39 N., R 1 E.; Thence Southeasterly 1476 feet, more or
less, to the NW corner of the SE ¼ of the NW ¼ of said Section 4; Thence Easterly
1320 feet, more or less, to the NE corner of said SE ¼ of the NW ¼; Thence
Southeasterly 3300 feet, more or less, to the NE corner of the SE ¼ of the NE ¼ of the
SE ¼ of said Section 4; Thence Southeasterly 1361 feet, more or less, to the SE corner
of Lot 3, Grandview Highlands Short Plat in Section 3, T. 39 N., R 1 E.; Thence East
1320 feet, more or less, to the North-South Center Section Line of said Section 3;
Thence Southeasterly 4290 feet, more or less, to the SE corner of the SW ¼ of the SW
¼ of Section 2, T. 39 N., R 1 E.; Thence Southeasterly 2800 feet, more or less, to the
most Easterly corner of Lot A, Grandview Hill Estates Cluster Short Plat #2; Thence
Southeasterly 1050 feet, more or less, to a point on the East-West Center Section Line
of Section 11, T. 39 N., R 1 E., 1 rod Westerly of the NE corner of the NW ¼ of the SE
¼ of said Section 11; Thence Southwesterly 677 feet, more or less, to the midpoint of
the South line of the North ½ of the East ½ of the East ½ of said NW ¼ of the SE ¼;
Thence Southeasterly 841 feet, more or less, to a point on the South line of the NE ¼ of
the SE ¼ of said Section 11, 355.71 feet Easterly of the SW corner of said NE ¼ of the
SE ¼; Thence Southeasterly 689 feet, more or less, to a point 105 feet West of the
center of the SE ¼ of the SE ¼ of said Section 11; Thence East 105 feet to said center
of the SE ¼ of the SE ¼; Thence Southeasterly 933 feet, more or less, to the NE
Corner of said Section 13, T. 39 N., R 1 E.; Thence Easterly 240 feet along the North
line of said Section 13; Thence Southeasterly 935 feet, more or less, to the NW corner
of Lot 2, Unruh Heights Short Plat; Thence Southeasterly 1462 feet, more or less, to a
point on the South line of the West ½ of the NE ¼ of the NW ¼ of said Section 13,
1 rod Westerly of the SE corner of said West ½; Thence Southeasterly 1483 feet, more
or less, to the Center of said Section 13; Thence Southeasterly to the SE corner of Lot
126, Plat of Pacific Highlands Division No. 4; Thence generally Southerly following along
the Easterly boundary line of said Plat to the SE corner of Lot 153 of said Plat; Thence
Southeasterly to the NW corner of Lot 8, Block 4, Plat of Pacific Heights Phase I,
Thence Southerly along the West line of said Plat 38.51 feet; Thence Southerly 275
feet, more or less, to a point on the South line of said Section 13, 285.5 feet West of
the SE corner of the SW ¼ of the SE ¼ of said Section 13; Thence Southeasterly 1325
feet, more or less, to a point on the South line of the NW ¼ of the NE ¼ of Section 24,
T. 39 N., R 1 E., 165 feet Westerly of the SE corner of said NW ¼ of the NE ¼; Thence
Westerly 495 feet, more or less, along the South line of said NW ¼ of the NE ¼ to the
SW corner of the SE ¼ of said NW ¼ of the NE ¼; Thence Southwesterly to a point on
the North-South Center Section Line of said Section 24, 300 feet Southerly of the NE
corner of the SE ¼ of the NW ¼ of said Section 24; Thence Southwesterly 1063 feet, more or less, to a point on the South line of said SE ¼ of the NW ¼, 300 feet Westerly of the SE corner of said SE ¼ of the NW ¼; Thence Northwesterly 1072 feet, more or less, to a point on the West line of said SE ¼ of the NW ¼, 330 feet Northerly of the SW corner of said SE ¼ of the NW ¼; Thence Northerly 990 feet, more or less, along the West line of said SE ¼ of the NW ¼ to the center of the NW ¼ of said Section 24; Thence Northwesterly 738 feet, more or less, to the center of the South ½ of the NW ¼ of said Section 24; Thence Northwesterly 467 feet, more or less, to a point on the South line of the North ½ of said NW ¼ of the NW ¼, 330 feet Easterly of the SW corner of said North ½; Thence Northwesterly to a point on the North line of said Section 24, 150 feet Easterly of the NW Corner of said Section 24; Thence Northwesterly 427 feet, more or less, to a point on the West line of Section 13, T. 39 N., R. 1 E., 400 feet Northerly of the SW corner of said Section 13; Thence West 200 feet; Thence Southerly 400 feet, more or less, to a point on the South line of Section 14, T. 39 N., R. 1 E., 200 feet Westerly of the SE corner of said Section 14; Thence Southwesterly 1300 feet, more or less, to the Northeast corner of the SE ¼ of the NW ¼ of the NE ¼ of Section 23, T. 39 N. R. 1 E.; Thence Southerly 660 feet, more or less, to the center of the NE ¼ of said Section 23; Thence Northwesterly 1361 feet, more or less, to the Northwest corner of the South 330 feet of the West ½ of the NW ¼ of the NE ¼ of said Section 23; Thence Northerly 330 feet, more or less, to the Northwest corner of the SW ¼ of said NW ¼ of the NE ¼; Thence Northwesterly 933 feet, more or less, to the Northwest corner of the NE ¼ of the NE ¼ of the NW ¼ of said Section 23; Thence Westerly 2280 feet, more or less, along Section Line common to said Sections 14 and 23, and Sections 15 and 22, T. 39 N., R 1 E. to a point 300 feet Westerly of the Northeast Corner of said Section 22; Thence Southerly 1980 feet, more or less, parallel with the East line of said Section 22, to the North line of the South 1/2 of the SE ¼ of the NE ¼ of said Section 22; Thence Southwesterly 752 feet, more or less, to the midpoint of the North line of the NE ¼ of the SE ¼ of said Section 22; Thence Southerly 330 feet, more or less, to the South line of the North 330 feet of said NE ¼ of the SE ¼; Thence Southwesterly 955 feet, more or less, to a point on the West line of said NE ¼ of the SE ¼ and 300 feet Northerly of the SW corner of said NE ¼ of the SE ¼; Thence Southwesterly 1063 feet, more or less, to a point on the North line of the SW ¼ of the SE ¼ 300 feet Easterly of the NW corner of said SW ¼ of the SE ¼; Thence Southwesterly 424 feet, more or less, to a point on the West line of said SW ¼ of the SE ¼ 300 feet Southerly of the NW corner of said SW ¼ of the SE ¼; Thence Southwesterly 752 feet, more or less, to the NE corner of Lake Terrell Short Plat; Thence Southwesterly 738 feet, more or less, to the SW corner of Lot A, Lake Terrell Short Plat; Thence Northwesterly 1361 feet, more or less, to the NW corner of the South ½ of the SW ¼ of the SW ¼ of said Section 22; Thence West 400 feet; Thence Southwesterly 690 feet, more or less, to a point on the South line of Section 21, T. 39 N., R. 1 E. and 600 feet Westerly of the SE corner of said Section 21; Thence Southwesterly 725 feet, more or less, to a point on the North line of the South ½ of the NE ¼ of the NE ¼ of Section 28, T. 39 N., R. 1 E. and 900 feet Westerly of the East line of said Section 28; Thence Southerly, parallel with the East line of said Section 28,
660 feet, more or less, to the North line of the SE ¼ of the NE ¼ of said Section 28; Thence Southeasterly 725 feet, more or less, to a point on the North line of the South ½ of the SE ¼ of the NE ¼ of said Section 28 and 600 feet Westerly of the East line of said Section 28; Thence Southwesterly 772 feet, more or less, to a point on the South line of said NE ¼ and 1000 feet Westerly of the East line of said Section 28; Thence Southerly, parallel with the East line of said Section 28, 200 feet; Thence Westerly, parallel with the East-West Center Section Line of said Section 28, 500 feet; Thence Southwesterly 665 feet, more or less, to the midpoint of the East line of the West ½ of the NW ¼ of the SE ¼ of said Section 28; Thence Southwesterly 675 feet, more or less, to a point on the North-South Center Section Line of said Section 28 and 800 feet South of the Center of said Section 28; Thence Northwesterly 1037 feet, more or less, to the Northwest corner of the East ½ of the NE ¼ of the SW ¼ of said Section 28; Thence Northwesterly 1476 feet, more or less, to the center of the NW ¼ of said Section 28; Thence Northeastery 1322 feet, more or less, to a point on the North Line of said Section 28 and 1245 feet Westerly of the North ¼ Corner of said Section 28; Thence Northeastery ¼ mile, more or less, to the point of intersection of the centerline of Rainbow Road with the East-West centerline of the SW ¼ of Section 21, T. 39 N., R. 1 E.; Thence Northwesterly 0.4 miles, more or less, along said centerline of Rainbow Road to the South line of the North ½ of the SW ¼ of the NW ¼ of said Section 21; Thence Northwesterly 752 feet, more or less, to the midpoint of the North line of the West ½ of said SW ¼ of the NW ¼; Thence Northerly 1320 feet, more or less, parallel with the West line of said Section 21, to North Line of said Section 21; Thence Northeasternly 1650 feet, more or less, to the center of the SW ¼ of Section 16, T. 39 N., R. 1 E.; Thence Northeasternly 1361 feet, more or less, to a point on the East-West Center Section Line of said Section 16 and 990 feet Westerly of the Center of said Section 16; Thence Northeasternly 0.4 miles, more or less, to the Southeast corner of Lot 2, Lake Terrell Mobile Ranch Short Plat; Thence Northwesterly 483 feet, more or less, to a point on the South Line of Section 9, T. 39 N., R. 1 E. and 208 feet Westerly of the SE corner of the SW ¼ of the SE ¼ of the SW ¼ of said Section 9; Thence Northwesterly 1023 feet, more or less, to the midpoint of the North line of the South 330 feet of the North ¾ of the East ½ of the SW ¼ of the SW ¼ of said Section 9; Thence Southwesterly 1190 feet, more or less, to the Southwest Corner of said Section 9; Thence Southwesterly 1650 feet, more or less, to the SW corner of the North ¾ of the NE ¼ of the NE ¼ of Section 17, T. 39 N., R. 1 E.; Thence Southwesterly 1325 feet, more or less, to a point on the North-South Center Section Line of said Section 17 and 1100 Southerly of the North ¼ Corner of said Section 17; Thence Southwesterly 696 feet, more or less, to the midpoint of the South line of the NE ¼ of the NW ¼ of said Section 17; Thence Northwesterly 696 feet, more or less, to a point on the West line of said NE ¼ of the NW ¼ and 1100 feet Southerly of the NW corner of said NE ¼ of the NW ¼; Thence Northwesterly 1354 feet, more or less, to a point on the West Line of said Section 17 and 800 feet Southerly of the NW Corner of said Section 17; Thence Northwesterly 5284 feet, more or less, to a point on the East Line of Section 13, T. 39 N., R. 1 W. and 600 feet Southerly of the NE Corner of said Section 13; Thence Southerly 5000 feet, more or less, along said East Line of Section 13 and the East Line
of Section 24, T. 39 N., R. 1 W. to the Line of Ordinary High Tide of the Strait of
Georgia; Thence generally Northerly, following along the Line of Ordinary High Tide of
the Strait of Georgia, Birch Bay, and Semiahmoo Bay, 15 miles, more or less, to the
True Point of Beginning.


16.20.040 Revenue authority.

The revenue authorities granted under Chapter 90.72 RCW shall be exercised at the
discretion of the board of supervisors, which shall be the county council for the
operation of these districts. (Ord. 2012-055; Ord. 2010-046; Ord. 2009-042; Ord. 2008-
Ord. 95-036).

16.20.045 Collection of charges or rates and exemptions.

Property owners within these shellfish protection districts may be assessed charges or
rates as allowed by Chapter 90.72 RCW to finance the shellfish protection programs.
The owner of any property within a shellfish protection district which is exempt from
charges or rates because such property is subject to the National Pollution Discharge
Elimination System as specified in RCW 90.72.070 shall demonstrate such exemption
annually to the county assessor. If evidence of exemption is not provided, the property
will automatically convert from exempt status and the property will be subject to
charges or rates. Land exempt from charges and rates as specified in RCW 90.72.070
because of its forest land classification will automatically convert from exempt status if
the land classification changes and will be subject to charges or rates. (Ord. 2012-055;

16.20.050 Sunset date and dissolution of district.

The Drayton Harbor shellfish protection district shall be dissolved on December 31,
2014, unless specifically extended by ordinance of the county legislative authority,
or upon the removal of the downgrade. The Portage Bay shellfish protection district
shall be dissolved and this chapter repealed on December 31, 2014, unless
specifically extended by ordinance of the county legislative authority, or upon the
removal of the downgrade. The Birch Bay shellfish protection district shall be dissolved
and this chapter repealed on December 31, 2014, unless specifically extended by
ordinance of the county legislative authority, or upon the removal of the downgrade.
These districts may also be dissolved by the county legislative authority by ordinance.
The county legislative authority shall review the continued need for these districts four
months prior to their sunset dates. (Ord. 2012-055; Ord. 2010-046; Ord. 2009-042;
16.20.060 Relationship with other entities.

No program or activity proposed by the district shall replace or consolidate existing activities performed by cities or other non-County provided water-related special purpose districts without their consent. In formulating new programs, consultation and coordination shall occur with cities and other water-related special districts. (Ord. 2012-055; Ord. 2010-046; Ord. 2009-042; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019 Att. C; Ord. 95-036).

A. 16.20.065 Advisory groups. The advisory committees shall comply with Whatcom County Code (WCC) 2.03, Boards and Commissions.

B. The board of supervisors shall appoint advisory committees of not more than 11 members to advise on the overall operations of these districts. Two positions on each of the advisory committees will be available for tribal representation. In establishing district advisory committees, all members shall have a direct interest in the district. (Ord. 2012-055; Ord. 2010-046; Ord. 2009-042 Att. C; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019 Att. C; Ord. 95-036).

C. As of January 31, 2013, the four most recently appointed members on each advisory committee shall serve a three-year term ending on January 31, 2016. The remaining members of each advisory committee shall serve a four-year term ending on January 31, 2017. Thereafter, member terms will be four years, unless otherwise required by the Revised Code of Washington (RCW).

D. Each advisory committee shall dissolve when its related district dissolves per WCC 16.20.050.

16.20.090 Severability.

If any provision of this chapter is found to be invalid, all remaining provisions shall continue in effect. (Ord. 2012-055; Ord. 2010-046; Ord. 2009-042 Att. C; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019 Att. C; Ord. 95-036).
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>Assigned to:</th>
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</table>

**TITLE OF DOCUMENT:** Amendment No.1 to Ordinance No. 2014-011 Establishing the Dakota Creek Bridge No. 500 Project Fund and Related Capital Budget Appropriation.

**ATTACHMENTS:** Ordinance Amendment, Memo to County Executive, Budget Projections, and Supplemental Budget Request

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

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

Amendment No 1 to the Dakota Creek Bridge No. 500 Project Fund budget requests additional appropriation authority of $880,336 for a new project-based budget total of $3,598,604.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

- Related County Contract #:
- Related File Numbers:
- Ordinance or Resolution Number:
ORDINANCE NO.__________

AMENDMENT No. 1 TO ORDINANCE No. 2014-011 ESTABLISHING THE DAKOTA CREEK BRIDGE NO. 500 PROJECT FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR THE DAKOTA CREEK BRIDGE NO. 500 PROJECT

WHEREAS, the Dakota Creek Bridge No. 500 seismic retrofit project budget was initially adopted with an estimated total cost of $3,000,000 on February 11th, 2014, and

WHEREAS, costs have increased as a result of environmental permit requirements and archaeological resources identified at the project site during project design, and

WHEREAS, total project cost is now estimated to be $3,880,202 with an additional award of federal funding secured to total $3 million in BRAC funding for this project, and

WHEREAS, current project costs and revenues and additional project costs and revenues are as presented in Exhibit A,

NOW THEREFORE BE IT ORDAINED by the Whatcom County Council that Ordinance No. 2014-011 is hereby amended adding $880,336 of expenditure authority to the original project budget of $2,718,268, for a total amended project budget of $3,598,604.

ADOPTED this _____ day of _____, 2014.

ATTEST: WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk  WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

APPROVED AS TO FORM: ( ) Approved ( ) Denied

Chief Civil Deputy Prosecutor

Jack Louws, Executive

Date: ____________________________
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<th>Project Budget</th>
<th>Current Project Budget</th>
<th>Total Amended</th>
<th>Revised Estimate</th>
<th>Current Costs</th>
<th>Actual Costs</th>
<th>2010 - 2013 Road Fund</th>
<th>Revenues</th>
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<td>$332,800</td>
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<td>$2,718,268</td>
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<td>$2,718,268</td>
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TITLE OF DOCUMENT: 2014 Supplemental Budget Request #18

ATTACHMENTS: Ordinance, Memoranda & Budget Modification Requests

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

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

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

Supplemental #18 requests funding from the Road Fund:

1. To appropriate $665,276 to fund Amendment #1 to Dakota Creek Bridge No. 500 seismic retrofit project budget.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:
ORDINANCE NO.
AMENDMENT NO. 18 OF THE 2014 BUDGET

WHEREAS, the 2013-2014 budget was adopted November 20, 2012; and,
WHEREAS, changing circumstances require modifications to the approved 2013-2014
budget; and,
WHEREAS, the modifications to the budget have been assembled here for deliberation by
the Whatcom County Council.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2013-
2014 Whatcom County Budget Ordinance #2012-048 is hereby amended by adding the
following additional amounts to the 2014 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<td>-</td>
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<tr>
<td>Total Supplemental</td>
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<td>665,276</td>
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</table>

ADOPTED this ___ day of _________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

( ) Approved    ( ) Denied

Civil Deputy Prosecutor

Jack Louws, County Executive

Date: ___________________________
<table>
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<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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<td>Road Fund</td>
<td>Trf to fund Amendment #1 to Dakota Creek Bridge No. 500 seismic retrofit project budget.</td>
<td>665,276</td>
<td>-</td>
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<tr>
<td>Total Supplemental</td>
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<td>665,276</td>
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Supplemental Budget Request

Public Works

Expenditure Type: One-Time
Year 2014

Name of Request: Trf to fund Amend #1 to Dakota Creek Bridge Proj.

<table>
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<tr>
<th>Department Head Signature (Required on Hard Copy Submission)</th>
<th>Date</th>
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<table>
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<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<td>Request Total</td>
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1a. Description of request:
Road Fund contribution to fund Amendment #1 to Dakota Creek Bridge No. 500 seismic retrofit project. See Project Budget amendment ordinance.

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Road Fund balance

Friday, October 31, 2014

Rpt: Rpt Suppl Regular
**TITLE OF DOCUMENT:** An Ordinance Establishing the Lake Whatcom Boulevard Re-Surfacing Fund and Establishing a Project Based Budget for Lake Whatcom Boulevard Re-Surfacing CRP #913002 Project

**ATTACHMENTS:** Ordinance

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

Request establishes the Lake Whatcom Boulevard Re-Surfacing Fund and requests a project based budget for the Lake Whatcom Boulevard re-surfacing project in the amount of $1,500,000.

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**CLEARANCES**

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<tr>
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<td>Executive:</td>
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**RECEIVED**

NOV 04 2014
WHATCOM COUNTY COUNCIL

---

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**
ORDINANCE NO. ________

ESTABLISHING THE LAKE WHATCOM BOULEVARD RE-SURFACING FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR LAKE WHATCOM BOULEVARD
RE-SURFACING CRP #913002 PROJECT

WHEREAS, the Lake Whatcom Boulevard re-surfacing project located between Cable Street
and Strawberry Point is item number 5 on the Annual Construction Program for 2015, and

WHEREAS, the work involves pavement rehabilitation down to subgrade, upgrades to
pavement markings and signage for approximately 1.6 miles of roadway, and

WHEREAS, the 2015-2016 biennial budget includes funding for this project, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-
based capital budget appropriation ordinances that lapse when the project has been completed
or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund
is hereby established effective January 1, 2015 titled Lake Whatcom Boulevard Re-surfacing
Fund. This fund shall be used to account for the revenues and expenditures of the Lake
Whatcom Boulevard re-surfacing project CRP #913002, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the Lake Whatcom
Boulevard Re-surfacing Fund is approved with a project budget of $1,500,000.

ADOPTED this ____ day of ____________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

( ) Approved ( ) Denied

Jack Louws, County Executive
Date: ___________________________
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:** An Ordinance Establishing the Hannegan Road/Nooksack River Bridge No. 252 Fund And Establishing A Project Based Budget For Hannegan Road/Nooksack River Bridge No. 252 Scour Mitigation Project

**ATTACHMENTS:** Ordinance

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

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

Request establishes the Hannegan Road/Nooksack River Bridge No. 252 Fund and requests a project based budget for the Hannegan Road/Nooksack River Bridge No. 252 scour mitigation project in the amount of $240,000.

**COMMITTEE ACTION:**  
**COUNCIL ACTION:**

**Related County Contract #:**  
**Related File Numbers:**  
**Ordinance or Resolution Number:**
ORDINANCE NO. ________

ESTABLISHING THE HANNEGAN ROAD/NOOKSACK RIVER BRIDGE NO. 252 FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR HANNEGAN ROAD/NOOKSACK
RIVER BRIDGE NO. 252 SCOUR MITIGATION PROJECT

WHEREAS, The Hannegan Road/Nooksack River Bridge No. 252 Scour Mitigation is item
number 25 on the Annual Construction Program for 2015, and

WHEREAS, the 2015-2016 biennial budget includes funding for this project, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled Hannegan Road/Nooksack River Bridge No. 252 Fund. This fund shall be used to account for the revenues and expenditures of the scour mitigation project mentioned above, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the Hannegan Road/Nooksack River Bridge No. 252 Fund is approved with a project budget of $240,000.

ADOPTED this ___ day of __________________, 2014.

ATTEST:

________________________
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

________________________
Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

________________________
Daniel L. Gibson
Civil Deputy Prosecutor

( ) Approved    ( ) Denied

________________________
Jack Louws, County Executive
Date:____________________
TITLE OF DOCUMENT: An Ordinance Establishing the Slater Road/Nooksack River Bridge Fund and Establishing a Project Based Budget for Slater Road/Nooksack River Bridge Painting Project

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

Request establishes the Slater Road/Nooksack River Bridge Fund and requests a project based budget for the Slater Road/Nooksack River Bridge painting project in the amount of $1,700,000.
ORDINANCE NO. _______

ESTABLISHING THE SLATER ROAD/NOOKSACK RIVER BRIDGE FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR SLATER ROAD/NOOKSACK RIVER
BRIDGE PAINTING PROJECT

WHEREAS, the project to sandblast and repaint the 1957 steel truss bridge located on
Slater Road at the Nooksack River is item number 23 on the Annual Construction Program for
2015, and

WHEREAS, the 2015-2016 biennial budget includes funding for this project, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-
based capital budget appropriation ordinances that lapse when the project has been completed
or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund
is hereby established effective January 1, 2015 titled Slater Road/Nooksack River Bridge Fund.
This fund shall be used to account for the revenues and expenditures of the Slater
Road/Nooksack River Bridge painting project, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the Slater
Road/Nooksack River Bridge Fund is approved with a project budget of $1,700,000.

ADOPTED this ___ day of ______________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

Daniel L. Hibson
Civil Deputy Prosecutor

( ) Approved    ( ) Denied

Jack Louws, County Executive
Date:____________________
### Clearances

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<td>Finance Committee; Council</td>
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**Received**

**Nov 4 2014**

**Whatcom County Council**

### Title of Document

**An Ordinance Establishing the 2015 County Roadway Safety Program Fund and Establishing a Project Based Budget for County Roadway Safety Program – CRP # 915015 Project**

### Attachments

- **Ordinance**

### Sepa Review

- **Required?** ( ) Yes ( X ) No
- **Completed?** ( ) Yes ( X ) No

### Summary Statement or Legal Notice Language

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

Request establishes the 2015 County Roadway Safety Program Fund and requests a project based budget for the County Roadway Safety Program of $750,000.

### Committee Action

**Related County Contract #:**

**Related File Numbers:**

### Council Action

**Ordinance or Resolution Number:**
ORDINANCE NO. __________

ESTABLISHING THE 2015 COUNTY ROADWAY SAFETY PROGRAM FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR THE 2015 COUNTY ROADWAY
SAFETY PROGRAM – CRP # 915015

WHEREAS, the County Road Safety Program is item number 20 on the approved Annual
Construction Program for 2015, and

WHEREAS, the County plans to address safety concerns through signage, rumble strips,
and high friction surface treatments, and

WHEREAS, the 2015-2016 biennial budget includes funding for this project, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-
based capital budget appropriation ordinances that lapse when the project has been completed
or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund
is hereby established effective January 1, 2015 titled 2015 County Roadway Safety Program
Fund. This fund shall be used to account for the revenues and expenditures of the County
Roadway Safety Program (CRP # 915015) project, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the 2015 County
Roadway Safety Program Fund is approved with a project budget of $750,000.

ADOPTED this ____ day of ____________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

Daniel J. Gibson
Civil Deputy Prosecutor

( ) Approved  ( ) Denied

Jack Louws, County Executive
Date: ______________________
TITLE OF DOCUMENT: An Ordinance Establishing the Hannegan Road Structural Overlay Fund and Establishing a Project Based Budget for Hannegan Road Structural Overlay CRP #915010 Project

ATTACHMENTS: Ordinance

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

Request establishes the Hannegan Road Structural Overlay Fund and requests a project based budget for the Hannegan Road structural overlay project in the amount of $2,000,000.
ORDINANCE NO. _________

ESTABLISHING THE HANNEGAN ROAD STRUCTURAL OVERLAY FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR HANNEGAN ROAD STRUCTURAL
OVERLAY CRP #915010 PROJECT

WHEREAS, the structural overlay of Hannegan Road between Bellingham City Limits and Hemmi Road is item number 15 on the Annual Construction Program for 2015, and

WHEREAS, the work involves a structural overlay of the roadway with rumble strips and new pavement markings for approximately 4.4 miles of roadway, and

WHEREAS, the 2015-2016 biennial budget includes funding for this project, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled Hannegan Road Structural Overlay Fund. This fund shall be used to account for the revenues and expenditures of the Hannegan Road structural overlay project CRP #915010, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the Hannegan Road Structural Overlay Fund is approved with a project budget of $2,000,000.

ADOPTED this ___ day of ______________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

( ) Approved  ( ) Denied

APPROVED AS TO FORM:

Daniel J. Jackson
Civil Deputy Prosecutor

Jack Louws, County Executive
Date:
### WHATCOM COUNTY COUNCIL AGENDA BILL

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#### TITLE OF DOCUMENT: An Ordinance Establishing the 2015 Courthouse Improvement Fund and Establishing a Project Based Budget for Courthouse Improvements

**ATTACHMENTS:** Ordinance and Exhibit “A”

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

Request establishes the 2015 Courthouse Improvement Fund and requests a project based budget for replacing the fire alarm system and roof over Juvenile Detention in the amount of $260,000.

### COMMITTEE ACTION:  

### COUNCIL ACTION:

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
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</table>
ORDINANCE NO. ________

ESTABLISHING THE 2015 COURTHOUSE IMPROVEMENT FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR COURTHOUSE IMPROVEMENTS

WHEREAS, the Courthouse fire alarm system is at the end of its service life, and

WHEREAS, the roof over Juvenile is 22 years old and has a history of leaks, and

WHEREAS, the 2015-2016 biennial budget includes funding for these improvements, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled 2015 Courthouse Improvement Fund. This fund shall be used to account for the revenues and expenditures of the Courthouse improvements mentioned above, and

BE IT FURTHER ORDAINED by the Whatcom County Council that a project budget of $260,000, funded by Public Utilities Improvement Fund and Real Estate Excise Tax II Fund transfers, is approved for improvements as described in Exhibit A.

ADOPTED this ___ day of __________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Daniel L. Gibbons
Civil Deputy Prosecutor

Jack Louws, County Executive
Date: ____________________
2015-2016 Budget Preparation - Regular Additional Service Request

Administrative Services

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**Expenditure Type:** One-Time

**Name of Request:** PB Courthouse Projects

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1. **Description of Request:**
   a) Describe the proposed activity or service, and indicate whether it is a higher or lower priority than existing services in your department budget.

   Replacement of Courthouse fire alarm system and Courthouse roof replacement over Juvenile. See attached capital improvement project requests.

   b) Who are the primary customers for this service?

2. **Describe the problem this request addresses and why Whatcom County needs to address it.**

3. **Options**
   a) What other options have you considered? Why is this the best option?

   b) What are the specific cost savings? (Quantify)

4. **Outcomes / Objectives**
   a) What outcomes will be delivered and when?

   b) How will you know whether the outcomes happened?

5. **Other Departments/Agencies**
   a) Will this ASR impact other departments or agencies? If so, please identify the departments and/or agencies impacted and explain what the impact(s) will be.

   b) If another department or agency is responsible for part of the implementation, name the person in charge of implementation and what they are responsible for.

6. **What is the funding source for this request?**

Rural Sales Tax Fund (ED) will fund 35% of the costs
REET I will fund 65% of the costs
based on square footage of Courthouse devoted to Law & Justice versus General Government.
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:
  • Capital improvements over $50,000
  • Capital improvements that propose REET or EDI funding
  • Capital improvements required to meet adopted County Comp Plan level of services (LOS) Standards

Date Submitted: May 15, 2014

Capital Improvement Title: Courthouse Fire Alarm System

Department: Facilities Management

Originator: Michael Russell

Department Head Signature: ________________________________

Type of Project: ☐ Equipment ☐ Software ☒ Capital Facility ☐ Maintenance

☐ Other: ________________________________

Answer the following questions. Indicate the source of your data where applicable.

1.) Capital improvement description (include square feet, acres, miles of trails, jail beds, etc): To replace the outdated fire alarm system for the Courthouse - $180,000

2.) What is the problem this Capital Improvement will address? The fire alarm system has been outdated for 14 years – parts are no longer available. Parts are no longer available. This system has been problematic for several years.

3.) Location (address, Assessor’s parcel number or map): 311 Grand Ave, Whatcom County Courthouse

4.) How will this capital improvement benefit our citizens? The replacement of this system will give the County and its citizens the security that the Courthouse will be protected from fire. The code requirements will bring the Courthouse up to present day codes

5.) Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain) If the panel is replaced, the code will require the rest of the building brought up to code within 24 months

350
6.) Will this capital improvement increase efficiency in providing a public service? How?  
Code requirements will bring the Courthouse up to present day codes. Replacement will give the County and citizens security that the building is protected from fire.

7.) Will this capital improvement reduce annual operating costs? Please quantify.  
No

8.) Will this capital improvement impact other county departments? How?  
All departments within the Courthouse, this replacement will be coordinated by Facilities Management.

9.) Will this capital improvement reduce future capital costs? How?  
The longer we prolong this work, the more it will cost
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of service (LOS) standards

Date Submitted: May 15, 2014.

Capital Improvement Title: North Courthouse TPO Roof over Juvenile.

Department: Facilities Management

Originator: Michael Russell

Department Head Signature: [Signature]

Type of Project: □ Equipment □ Software X Capital Facility □ Maintenance □ Other: Click here to enter text.

Answer the following questions. Indicate the source of your data where applicable.

1. Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   North Courthouse Roof Replacement over Juvenile for $80,000.

2. What is the problem this Capital Improvement will address?
   This roof is 22 years old and has had a history of leaks. The torch down roof will be replaced with an energy efficient TPO roof.

3. Location (address, Assessor’s parcel number or map):
   311 Grand Avenue, North Courthouse Roof over Juvenile.

4. How will this capital improvement benefit our citizens?
   The problem with water damage, mold, health concerns will be eliminated when the roof is replaced.

5. Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   Indoor air quality.

6. Will this capital improvement increase efficiency in providing a public service? How?
   Very small increase in the insulation for this roof will reduce the HVAC costs by less than 1/2%.
7. Will this capital improvement reduce annual operating costs? Please quantify
   Yes
   The Facilities technicians will no longer be chasing leaks, replacing ceiling tiles and responding to complaints of water leaks.

8. Will this capital improvement impact other county departments? How?
   Juvenile, they will not have to deal with leaks.

9. Will this capital improvement reduce future capital costs? How?
   The longer the replacement is postponed the higher the cost for replacement. Along with the problems that come with roof leaks.
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**TITLE OF DOCUMENT:** An Ordinance Establishing the 2015 Girard Street Building Improvement Fund and Establishing a Project Based Budget for Girard Street Building Improvements

**ATTACHMENTS:** Ordinance and Exhibit “A”

**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.)

Request establishes the 2015 Girard Street Building Improvement Fund and requests a project based budget for Girard Street Building improvements of $511,000.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**
ORDINANCE NO. ________

ESTABLISHING THE 2015 GIRARD STREET BUILDING IMPROVEMENT FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR GIRARD STREET BUILDING
IMPROVEMENTS

WHEREAS, the Health Department’s Girard Street location requires the following work:

- replacing two heat pumps and one gas pack rooftop unit
- replacing 17 through-the-wall heating units
- replacing single pane windows
- replacing the torch down section of the roof
- performing sidewalk repairs
- performing parking lot asphalt repairs
- providing minor remodeling, and

WHEREAS, explanations for these projects are presented in Exhibit A, and

WHEREAS, the 2015-2016 biennial budget includes funding for these projects, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled 2015 Girard Street Building Improvement Fund. This fund shall be used to account for the revenues and expenditures of the Girard Street improvements listed above, and,

BE IT FURTHER ORDAINED by the Whatcom County Council a project budget of $511,000, funded by a Public Utilities Improvement Fund transfer, is approved for improvements as described in Exhibit A.

ADOPTED this ____ day of __________________, 2014.

ATTEST:

__________________________
Dana Brown-Davis, Council Clerk

__________________________
Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

__________________________
Daniel J. Gibson
Civil Deputy Prosecutor

( ) Approved         ( ) Denied

__________________________
Jack Louws, County Executive
Date:______________________

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
Exhibit A

2015-2016 Budget Preparation - Regular Additional Service Request

Administrative Services

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Name of Request: PB Girard Street projects

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1. Description of Request:
   a) Describe the proposed activity or service, and indicate whether it is a higher or lower priority than existing services in your department budget.

   Project budget for several projects connected with the Health Department's Girard Street location. These projects include sidewalk repairs, parking lot repairs, replacing 2 heat pumps and 1 gas pack rooftop units, remodeling of Girard in preparation for the move of State Street personnel to Girard Street, torchdown section of roof, 17 thru - wall - upgraded heating units, and replacing single pane windows. See attached capital improvement requests for the last 4 projects.

   b) Who are the primary customers for this service?

   Health Department employees and customers

2. Describe the problem this request addresses and why Whatcom County needs to address it.

   Sidewalk repairs ($13,000) - The sidewalks are buckling and causing trip hazards
   Parking Lot Asphalt Repairs ($9,000) - The lot is degrading to the point that it is alligating. As the surface degrades the water runs behind the asphalt and freezes causing more destruction.
   Replace 2 heat pumps & 1 gas pack rooftop unit ($39,000) - The two heat pumps were installed in the 1970's and the gas pack was installed in the 1980's. The life cycle of all these units are 20 years. They are long past being reliable and need to be replaced.
   Remodel of Girard for Health Dept move ($135,000) - see attached capital improvement request
   Torchdown Section of Roof ($60,000) - see attached capital improvement request
   17 Thru - the - Wall Upgraded Heating Units ($135,000) - see attached capital improvement request
   Replace Single Pane Windows ($120,000) - see attached capital improvement request

3. Options
   a) What other options have you considered? Why is this the best option?

   Sidewalk repair - no other option
   Parking Lot repairs - There are no other options. Lack of maintenance over the years has caused this damage.
   Rooftop units - The option of not replacing these units over the last few budget cycles have been exhausted. They are long past the reliability and need to be replaced.

   b) What are the specific cost savings? (Quantify)

   Sidewalk repair - less liability
   Parking Lot - fix and repair versus replacement
   Rooftop Units - The new units will be much more energy efficient and will save energy costs.

4. Outcomes / Objectives

   a) What outcomes will be delivered and when?

   Sidewalk Repair - This work will provide a safe walkway for employees and the citizens that use these walkways
   Parking Lot - Asphalt repairs will be accomplished in 2015.
   Rooftop Units - The replacement of these three units will give reliability to the heat and cooling systems

b) How will you know whether the outcomes happened?
5. Other Departments/Agencies

a) Will this ASR impact other departments or agencies? If so, please identify the departments and/or agencies impacted and explain what the impact(s) will be.

Will need to coordinate each project with the Health Department

b) If another department or agency is responsible for part of the implementation, name the person in charge of implementation and what they are responsible for.

6. What is the funding source for this request?

Rural Sales Tax Fund (EDI)
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of services (LOS) Standards

Date Submitted: Oct.10, 2014

Capital Improvement Title: 509 Girard Street

Department: Facilities Management

Originator: Michael Russell

Department Head Signature: ________________________________

Type of Project: ☐ Equipment  ☐ Software  ☑ Capital Facility  ☐ Maintenance

☐ Other: ________________________________

Answer the following questions. Indicate the source of your data where applicable.

1.) Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   This CIP is for the remodel of 509 Girard Street to prepare clinic spaces and additional improvements to the building as needed for the move from the State Street Building to 509 Girard Street - $135,000.

2.) What is the problem this Capital Improvement will address?
   This remodel of 509 Girard Street is necessary to prepare clinic spaces and additional improvements to the building as needed for the move from the State Street Building to 509 Girard Street

3.) Location (address, Assessor’s parcel number or map):
   509 Girard Street

4.) How will this capital improvement benefit our citizens?
   This CIP is a necessary step in the multi-step program of remodels planned for CCA, State Street Building, 509 Girard Street and the vacating of NW Annex.
5.) Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   Yes, it is a requirement to have sinks and washing stations in or next to the clinic areas.

6.) Will this capital improvement increase efficiency in providing a public service? How?
   Yes, by insuring the continued use of Health Department programs.

7.) Will this capital improvement reduce annual operating costs? Please quantify.
   No

8.) Will this capital improvement impact other county departments? How?
   We will need to coordinate this work closely with the Health Department.

9.) Will this capital improvement reduce future capital costs? How?
   By prolonging the life of the building in its usefulness with the Health Department programs.
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of services (LOS) Standards

Date Submitted: May 15, 2014

Capital Improvement Title: Torch Down Section of Health Department Roof

Department: Facilities Management

Originator: Michael Russell

Department Head Signature: ________________________________

Type of Project: ☐Equipment □Software ☒Capital Facility ☐Maintenance

☐Other: ________________________________

Answer the following questions. Indicate the source of your data where applicable.

1.) Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   Health Department Torch Down Section of Roof - $60,000

2.) What is the problem this Capital Improvement will address?
   This roof has been leaking for several years; the building is occupied by the Health Department and is a County Asset that needs to be maintained. The roof will add needed years to the building.

3.) Location (address, Assessor’s parcel number or map):
   Health Department – 509 Girard

4.) How will this capital improvement benefit our citizens?
   The continued use of this building

5.) Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   This improvement will insure the continued use of the building for the need of the Health Department
6.) Will this capital improvement increase efficiency in providing a public service? How?
   Yes, to provide a clean, leak free environment for the Health Department to provide services for the public.

7.) Will this capital improvement reduce annual operating costs? Please quantify.
   It will reduce patch & repairs – as well as eliminate the possibility of mold from leakage.

8.) Will this capital improvement impact other county departments? How?
   No

9.) Will this capital improvement reduce future capital costs? How?
   Yes, the longer repairs are prolonged the more of a financial impact it will have on the County.
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of services (LOS) Standards

Date Submitted: May 15, 2014

Capital Improvement Title: Health Dept. – 17 Singer PTAC Units/PTHP Units

Department: Facilities Management

Originator: Michael Russell

Department Head Signature: ________________________________

Type of Project: □ Equipment □ Software □ Capital Facility □ Maintenance

□ Other: ________________________________

Answer the following questions. Indicate the source of your data where applicable.

1.) Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   Health Department 17 Singer PTAC Units/PTHP Units (through the wall HVAC units) that are 25+ years old. - $135,000

2.) What is the problem this Capital Improvement will address?
   This Capital Improvement will replace 17 HVAC wall units that have out lived their lifecycle. These units are essential to maintain the quality of conditioned air for the Health Department.

3.) Location (address, Assessor’s parcel number or map):
   Health Department – 509 Girard

4.) How will this capital improvement benefit our citizens?
   These units have out lived their lifecycle, new units will be much more reliable and energy efficient.

5.) Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   Indoor air quality
6.) Will this capital improvement increase efficiency in providing a public service? How? 
   These units will be much more energy efficient and provide better conditioned air for the building

7.) Will this capital improvement reduce annual operating costs? Please quantify. 
   Units will be more energy efficient, Savings on Electric of about 15-20% HVAC costs

8.) Will this capital improvement impact other county departments? How? 
   Health Department, more efficient & reliable climate controls

9.) Will this capital improvement reduce future capital costs? How? 
   Longer the wait, the higher the costs
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of services (LOS) Standards

Date Submitted: May 15, 2014

Capital Improvement Title: Storefront Windows for the Health Department

Department: Facilities Management

Originator: Michael Russell

Department Head Signature: ________________________________

Type of Project: □ Equipment □ Software □ Capital Facility □ Maintenance

☐ Other: __________________________________________

Answer the following questions. Indicate the source of your data where applicable.

1.) Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   New Storefront Windows for the Health Department- $120,000

2.) What is the problem this Capital Improvement will address?
   This will replace the single pane windows at 509 Girard. These windows are 50 plus years old and are very inefficient.

3.) Location (address, Assessor’s parcel number or map):
   Health Department – 509 Girard

4.) How will this capital improvement benefit our citizens?
   This will reduce energy cost and reduce drafts for this building.

5.) Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   No
6.) Will this capital improvement increase efficiency in providing a public service? How?
   Yes, energy efficiency will be drastically changed from single pane windows to a much higher efficient window.

7.) Will this capital improvement reduce annual operating costs? Please quantify.
   Yes, the efficiency improvement will reduce energy costs, approximately 5% - 10% of electric & gas

8.) Will this capital improvement impact other county departments? How?
   This capital improvement will only impact the Health Department at 509 Girard

9.) Will this capital improvement reduce future capital costs? How?
   We will reduce energy usage by installing more effective windows.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
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<td>11/4/14</td>
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**TITLE OF DOCUMENT:** An Ordinance Establishing the Courthouse Building Envelope Project Fund and Establishing a Project Based Budget for the Courthouse Building Envelope Project

**ATTACHMENTS:** Ordinance and Exhibit “A”

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

Request establishes the Courthouse Building Envelope Project Fund and requests a project based budget for Phase II of the Courthouse Building Envelope Project for design & engineering of $250,000.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>
ORDINANCE NO. _________

ESTABLISHING THE COURTHOUSE BUILDING ENVELOPE PROJECT FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR THE COURTHOUSE BUILDING
ENVELOPE PROJECT

WHEREAS, water has penetrated the Courthouse building envelope, and
WHEREAS, an assessment of the extent of the water damage is currently being completed,
and

WHEREAS, the 2015-2016 biennial budget includes funding for Phase II, Design &
Engineering of a repair to the courthouse, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-
based capital budget appropriation ordinances that lapse when the project has been completed
or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund
is hereby established effective January 1, 2015 titled Courthouse Building Envelope Project
Fund. This fund shall be used to account for the revenues and expenditures of the Courthouse
building envelope project, and,

BE IT FURTHER ORDAINED by the Whatcom County Council that a project budget of
$250,000, funded by a Real Estate Excise Tax I Fund transfer, is approved for repairs as
described in Exhibit A.

ADOPTED this ___ day of ________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, County Executive
Date: ________________
# Exhibit A

2015-2016 Budget Preparation - Cost Maintenance Request

<table>
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<tr>
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<td>One-Time</td>
<td>Relative Priority: 1</td>
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**Name of Request:** PB Courthouse Exterior Project

**Description:** Establish project budget for Phase II Design & Engineering of Courthouse Exterior Project (see attached CIP request). Phase I being completion of project assessment.

<table>
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<th>Costs</th>
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</table>
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of services (LOS) Standards

Date Submitted: May 15, 2014

Capital Improvement Title: Courthouse Building Envelope Repairs

Department: Facilities Management

Originator: Michael Russell

Department Head Signature: ________________________________

Type of Project: ☐ Equipment ☐ Software ☒ Capital Facility ☐ Maintenance

☐ Other: ________________________________

Answer the following questions. Indicate the source of your data where applicable.

1.) Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   This CIR is for the Repair/Replacement of the Courthouse Building Envelope - $4.5 m

2.) What is the problem this Capital Improvement will address?
   The Courthouse Building Envelope has leaked for over 20 years; this work will correct the leak problem and provide the Courthouse with an additional 30 – 50 years of use.

3.) Location (address, Assessor’s parcel number or map):
   311 Grand Avenue

4.) How will this capital improvement benefit our citizens?
   This CIR will insure the continued use of the Courthouse for the public as well as the staff that utilize this building

5.) Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   Yes, with time. It is only a matter of time before the EIFS system separates from the building and creates a hazard.
6.) Will this capital improvement increase efficiency in providing a public service? How?
   Yes, by insuring the continued use of the Courthouse for the public as well as the staff that utilize this building

7.) Will this capital improvement reduce annual operating costs? Please quantify.
   No

8.) Will this capital improvement impact other county departments? How?
   We will need to coordinate this work closely with all departments within the building

9.) Will this capital improvement reduce future capital costs? How?
   By prolonging the life of the building.
## TITLE OF DOCUMENT:

An Ordinance Establishing the 2015 Central Plaza Improvement Fund and Establishing a Project Based Budget for Central Plaza Building Improvements

### ATTACHMENTS:

Ordinance and Exhibit “A”

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
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</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( X ) NO</td>
</tr>
</tbody>
</table>

**Should Clerk schedule a hearing?**

- ( ) Yes
- ( X ) NO

**Requested Date:**

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Please provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.

Request establishes the 2015 Central Plaza Improvement Fund and requests a project based budget for Central Plaza Building improvements of $160,000.

---

### COMMITTEE ACTION:

---

### COUNCIL ACTION:

---

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**
ORDINANCE NO. __________

ESTABLISHING THE 2015 CENTRAL PLAZA IMPROVEMENT FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR CENTRAL PLAZA BUILDING IMPROVEMENTS

WHEREAS, the Administrative Services - Facilities Division has recommended roof replacement, sidewalk and asphalt repairs and tree removal related to the County's Central Plaza Building, and

WHEREAS, the roof has been leaking and requires yearly patching, and

WHEREAS, trees have heaved the sidewalk and asphalt creating trip hazards, and

WHEREAS, the 2015-2016 biennial budget includes funding for these projects, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled 2015 Central Plaza Improvement Fund. This fund shall be used to account for the revenues and expenditures of the Central Plaza Building improvements, and

BE IT FURTHER ORDAINED by the Whatcom County Council that a project budget of $160,000, funded by a Real Estate Excise Tax I Fund transfer, is approved for improvements as described in Exhibit A.

ADOPTED this ___ day of ____________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Daniel L. Gibbons, Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

( ) Approved    ( ) Denied

Jack Louws, County Executive
Date: __________________________
# Exhibit A

## 2015-2016 Budget Preparation - Regular Additional Service Request

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<th>Administrative Services</th>
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<td><strong>Name of Request:</strong> PB Central Plaza Building projects</td>
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1. **Description of Request:**
   a) Describe the proposed activity or service, and indicate whether it is a higher or lower priority than existing services in your department budget.

   Establish project budget for Central Plaza building projects including roof replacement ($125,000) and sidewalk/asphalt repairs & tree removal ($35,000)

   Roof replacement - See attached capital improvement request

   b) Who are the primary customers for this service?

   County employees and visitors to the Central Plaza building

2. **Describe the problem this request addresses and why Whatcom County needs to address it.**

   Sidewalk/asphalt repairs & tree removal - The trees have up heaved the sidewalk and the asphalt. The trees need to be removed and replanted, the sidewalk will need to be replaced and the asphalt will need to be repaired

3. **Options**
   a) What other options have you considered? Why is this the best option?

   Sidewalk/asphalt repairs & tree removal - no other options

   b) What are the specific cost savings? (Quantify)

   Reduction in liability

4. **Outcomes / Objectives**
   a) What outcomes will be delivered and when?

   Trees will be removed and new trees will be planted. The sidewalk will be removed and a new sidewalk be installed. The asphalt will be patched & sealed.

   Roof will be replaced.

   b) How will you know whether the outcomes happened?

   When projects have been completed

5. **Other Departments/Agencies**
   a) Will this ASR impact other departments or agencies? If so, please identify the departments and/or agencies impacted and explain what the impact(s) will be.

   Will coordinate projects with Public Defenders Office

   b) If another department or agency is responsible for part of the implementation, name the person in charge of implementation and what they are responsible for.

6. **What is the funding source for this request?**

   REET I

---

*Thursday, October 09, 2014*
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of services (LOS) Standards

Date Submitted: May 15, 2014

Capital Improvement Title: Central Plaza New Roof

Department: Facilities Management

Originator: Michael Russell

Department Head Signature: ____________________________

Type of Project: ☐ Equipment  ☐ Software  ☒ Capital Facility  ☐ Maintenance

☐ Other: ____________________________

Answer the following questions. Indicate the source of your data where applicable.

1.) Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   The Central Plaza Building roof replacement - $125,000

2.) What is the problem this Capital Improvement will address?
   This roof has been leaking for several years; the building is occupied by the Public Defender’s Office
   and is a County asset that needs to be maintained. The roof has been leaking for several years and
   the yearly patching is not keeping up with the leaks.

3.) Location (address, Assessor’s parcel number or map):
   215 N Commercial, Central Plaza Building, Public Defender’s Office

4.) How will this capital improvement benefit our citizens?
   The problem with water damage, mold, health concerns will be eliminated when the roof is replaced.

5.) Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   Indoor Air Quality
6.) Will this capital improvement increase efficiency in providing a public service? How?
   The problems with water damage, mold and health concerns to the staff and public that utilize the
   building. The cost of replacing the roof is less than the cost of mitigating the health issues that come
   with a leaky roof.

7.) Will this capital improvement reduce annual operating costs? Please quantify.
   Yes, the facilities technicians will no longer be chasing leaks, replacing ceiling tiles and responding to
   complaints of water leaks. A new roof will protect the building for an additional 20 years.

8.) Will this capital improvement impact other county departments? How?
   The Public Defender’s Office, they will not have to deal with leaks.

9.) Will this capital improvement reduce future capital costs? How?
   The longer the replacement is proponed the higher the cost for replacement. Along with the problems
   that come with roof leaks.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>CLEARANCES</th>
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**RECEIVED**

NOV 04 2014
WHATCOM COUNTY COUNCIL

**TITLE OF DOCUMENT:** An Ordinance Establishing the 2015 Silver Lake Park Improvement Fund and Establishing a Project Based Budget for Silver Lake Park Improvements

**ATTACHMENTS:** Ordinance and Exhibit “A”

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

Request establishes the 2015 Silver Lake Park Improvement Fund and requests a project based budget for the Silver Lake Park improvements in the amount of $880,000.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**
ORDINANCE NO. ______

ESTABLISHING THE 2015 SILVER LAKE PARK IMPROVEMENT FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR SILVER LAKE PARK IMPROVEMENTS

WHEREAS, Parks and Recreation Department has been renovating Silver Lake Park’s day
use area, campsites and roadways, and

WHEREAS, the Department is now recommending resurfacing and reconstruction of
walkways, roads and the renovation of campsites to include leveling and electrical upgrades,
and

WHEREAS, the 2015-2016 biennial budget includes funding for these projects, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-
based capital budget appropriation ordinances that lapse when the project has been completed
or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund
is hereby established effective January 1, 2015 titled 2015 Silver Lake Park Improvement Fund.
This fund shall be used to account for the revenues and expenditures of Silver Lake Park
improvements, and

BE IT FURTHER ORDAINED by the Whatcom County Council that a project budget of
$880,000, funded by a Real Estate Excise Tax II Fund transfer, is approved for Silver Lake Park
improvements as described in Exhibit A.

ADOPTED this ___ day of _____________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

( ) Approved ( ) Denied

Jack Louws, County Executive
Date:____________________
2015-2016 Budget Preparation - Cost Maintenance Request

Parks & Recreation

<table>
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<th>Fund</th>
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**Expenditure Type:** One-Time

**Name of Request:** PB Silver Lake Park utility, road and day use impr

**Description:** This is an ongoing renovation of the park's day use area, campsites and roadways. These funds will be used for resurfacing and reconstruction of walkways, roads and renovation of campsites to include leveling and electrical upgrades. See attached capital improvement request.

<table>
<thead>
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<th>Object</th>
<th>Object Description</th>
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<th>2015 Approved</th>
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</table>
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of service (LOS) standards

Date Submitted: 5/13/14

Capital Improvement Title: Silver Lake Park Utility, Road and Day Use Improvements

Department: Parks & Recreation

Originator: Michael McFarlane

Department Head Signature: [Signature]

Type of Project: [Box checked for □ Equipment □ Software □ Capital Facility □ Maintenance]

☐ Other: Click here to enter text.

Answer the following questions. Indicate the source of your data where applicable.

1. Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   As part on an ongoing renovation of the parks day use area, campsites and roadways. These funds will be used for resurfacing and reconstruction of walkways, roads and the renovation of campsites to include leveling and electrical upgrades.

2. What is the problem this Capital Improvement will address?
Many of the parks trails, walkways and roads are in need of reconstruction to address drainage, site distances, accessibility and safety issues. Campsites are worn and in need of renovation such as replacement of utility pedestals, power distribution and leveling to better facilitate use, protect resources and improve access.

3. Location (address, Assessor’s parcel number or map):
9187 Silver Lake Road, Maple Falls

4. How will this capital improvement benefit our citizens?
Park visitors will directly benefit from these improvements as hazards will be reduced, facilities will be more attractive and accommodating and the experience will be more enjoyable.
5. Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   No

6. Will this capital improvement increase efficiency in providing a public service? How?
   Yes. These improvements will provide a better park experience for our visitors with improved facilities and lower risk exposure to the County.

7. Will this capital improvement reduce annual operating costs? Please quantify
   No. Improvements may actually increase some operating costs but will be offset by increased revenues.

8. Will this capital improvement impact other county departments? How?
   Yes. County permits will be required for the reconstruction in shoreline areas.

9. Will this capital improvement reduce future capital costs? How?
   Yes. These improvements extend the useful life of existing assets.
TITLE OF DOCUMENT: An Ordinance Establishing the 2015 Lighthouse Marine Park Improvement Fund and Establishing a Project Based Budget for Lighthouse Marine Park Improvements

ATTACHMENTS: Ordinance and Exhibit “A”

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

Request establishes the 2015 Lighthouse Marine Park Improvement Fund and requests a project based budget for the Lighthouse Marine Park improvements in the amount of $250,000.
ORDINANCE NO. __________

ESTABLISHING THE 2015 LIGHTHOUSE MARINE PARK IMPROVEMENT FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR LIGHTHOUSE MARINE PARK
IMPROVEMENTS

WHEREAS, the Lighthouse Marine Park deck is failing and can no longer be maintained, and

WHEREAS, the Lighthouse Marine Park playground is also at the end of its life span and needs to be relocated to the deck area for better visibility and security, and

WHEREAS, the 2015-2016 biennial budget includes funding to replace the deck with a deck 40% smaller and relocate a new playground in the deck area, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled 2015 Lighthouse Marine Park Improvement Fund. This fund shall be used to account for the revenues and expenditures of Lighthouse Marine Park improvements, and

BE IT FURTHER ORDAINED by the Whatcom County Council that a project budget of $250,000, funded by a Real Estate Excise Tax II Fund transfer, is approved for improvements as described in Exhibit A.

ADOPTED this ___ day of ______________________, 2014.

ATTEST: WHATCOM COUNTY COUNCIL
Dana Brown-Davis, Council Clerk WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, County Executive
Date:________________________
**Exhibit A**

2015-2016 Budget Preparation - Cost Maintenance Request

<table>
<thead>
<tr>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator: M Caldwell</th>
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**Expenditure Type:** One-Time

**Relative Priority:** 1

**Name of Request:** PB Lighthouse Marine Park Deck & Playground

**Description:** Replace the current deck and playground as described in the attached capital improvement request.

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<th>Object</th>
<th>Object Description</th>
<th>2015 Requested</th>
<th>2015 Approved</th>
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CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of service (LOS) standards

Date Submitted: 5/13/14

Capital Improvement Title: Lighthouse Marine Park Deck and Playground Improvement

Department: Parks & Recreation

Originator: Michael McFarlane

Department Head Signature: [Signature]

Type of Project: ☐ Equipment ☐ Software ☐ Capital Facility ☑ Maintenance

☐ Other: Click here to enter text.

Answer the following questions. Indicate the source of your data where applicable.

1. Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   Replace the current deck 28,330 square foot deck and playground.

2. What is the problem this Capital Improvement will address?
   The current is beginning to fail in a number of places and cannot be maintained without a major renovation. We are proposing to reduce the size of the deck by 44% based on limited use and costs. The small playground is also at the end of its life span and is proposed to be replaced with new playground equipment and relocated to the deck area for better visibility and security.

3. Location (address, Assessor's parcel number or map):
   811 Marine Drive, Point Roberts

4. How will this capital improvement benefit our citizens?
   This improvement will provide a safer and more usable play and rest area for park visitors while reducing maintenance costs and risk for the County.
5. Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   No

6. Will this capital improvement increase efficiency in providing a public service? How?
   Yes. The playground will be located in an area more visible and accessible for visitors. While the deck will be reduced in size, the function and use by visitors shouldn't be substantially changed.

7. Will this capital improvement reduce annual operating costs? Please quantify
   Yes. It is anticipated that the treated wooden deck will be replaced with a composite decking material substantially reducing the annual maintenance currently required.

8. Will this capital improvement impact other county departments? How?
   Yes. County building permits will be required.

9. Will this capital improvement reduce future capital costs? How?
   No
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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**TITLE OF DOCUMENT:** An Ordinance Establishing the 2015 South Fork Park Improvement Fund and Establishing a Project Based Budget for South Fork Park Improvements

**ATTACHMENTS:** Ordinance and Exhibit “A”

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
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<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( X ) NO</td>
</tr>
</tbody>
</table>

| 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.)

Request establishes the 2015 South Fork Park Improvement Fund and requests a project based budget for South Fork Park improvements in the amount of $688,000.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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</thead>
<tbody>
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</table>
ORDINANCE NO. ________

ESTABLISHING THE SOUTH FORK PARK IMPROVEMENT FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR SOUTH FORK PARK IMPROVEMENTS

WHEREAS, development of South Fork Park is needed to make the Park available for public use, and

WHEREAS, the Park's master plan calls for developing two parking areas, an access road, trails, restrooms, a picnic shelter and bridges, and

WHEREAS, the 2015-2016 biennial budget includes funding for these improvements, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled 2015 South Fork Park Improvement Fund. This fund shall be used to account for the revenues and expenditures of South Fork Park improvements, and

BE IT FURTHER ORDAINED by the Whatcom County Council that a project budget of $688,000, funded by Real Estate Excise Tax II Fund and Parks Improvement Fund transfers, is approved for improvements as described in Exhibit A.

ADOPTED this ___ day of __________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

( ) Approved  ( ) Denied

Jack Louws, County Executive
Date: ____________________
# 2015-2016 Budget Preparation - Cost Maintenance Request

**Parks & Recreation**

<table>
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<th>Fund</th>
<th>Cost Center</th>
<th>Originator: M Caldwell</th>
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</table>

**Expenditure Type:** One-Time

**Relative Priority:** 1

**Name of Request:** PB South Fork Park Development

**Description:** Project budget to develop two parking areas, access road, trails, restrooms, picnic shelter and bridges per approved master plan. See attached capital improvement request.

<table>
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<tr>
<th>Object</th>
<th>Object Description</th>
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</table>
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:
- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of service (LOS) standards

Date Submitted: 5/13/14

Capital Improvement Title: South Fork Park Development

Department: Parks & Recreation

Originator: Michael McFarlane

Department Head Signature: [Signature]

Type of Project: □ Equipment □ Software □ Capital Facility □ Maintenance

□ Other: Click here to enter text.

Answer the following questions. Indicate the source of your data where applicable.

1. Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   Develop two parking areas, access road, trails, restrooms, picnic shelter and bridges per the approved master plan.

2. What is the problem this Capital Improvement will address?
   This improvement completes development of the South Fork Park property per the approved master plan and makes the park available for public use.

3. Location (address, Assessor's parcel number or map):
   Mosquito Lake Road, Acme

4. How will this capital improvement benefit our citizens?
   Development of the park will provide hiking and equestrian opportunities, access to the Nooksack River and the historic Nesset Farm which is undergoing restoration.

5. Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
Yes. The park is programmed to assist the County in meeting the approved LOS by adding 550 acres of developed park and 4 miles of trail.

6. Will this capital improvement increase efficiency in providing a public service? How? N/A

7. Will this capital improvement reduce annual operating costs? Please quantify No. There will be an increase of $4,200 annually in operating costs when completed.

8. Will this capital improvement impact other county departments? How? Yes. County permits will be required for development.

9. Will this capital improvement reduce future capital costs? How? No
# WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
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<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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## RECEIVED

NOV 04 2014
WHATCOM COUNTY COUNCIL

## TITLE OF DOCUMENT:
An Ordinance Establishing the Academy Road Storm Water Improvements Fund and Establishing a Project Based Budget for Academy Road Storm Water Improvements

## ATTACHMENTS:
Ordinance and Exhibit “A”

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

Requested Date:

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

Request establishes the Academy Road Storm Water Improvements Fund and requests a project based budget for Academy Road Storm Water Improvements of $1,109,000.

## COMMITTEE ACTION:

## COUNCIL ACTION:

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>
ORDINANCE NO. __________

ESTABLISHING THE ACADEMY ROAD STORM WATER IMPROVEMENTS FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR ACADEMY ROAD STORM WATER IMPROVEMENTS

WHEREAS, Academy Road storm water improvements is item number 1 on the approved Whatcom County Flood Control Zone District Six –Year Water Resources Improvement Program, and

WHEREAS, the project will treat runoff from approximately 80 acres and includes, a pretreatment unit, media filtration system, high flow bypass, and a vegetated buffer along the lake front, and

WHEREAS, the 2015-2016 biennial budget includes funding for this project, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled Academy Road Storm Water Improvements Fund. This fund shall be used to account for the revenues and expenditures of the Academy Road storm water improvements, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the Academy Road Storm Water Improvements Fund is approved with a project budget of $1,109,000 as described in Exhibit A.

ADOPTED this ____ day of ______________________, 2014.

ATTEST:

__________________________
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

__________________________
Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

__________________________
Civil Deputy Prosecutor

__________________________
Jack Louws, County Executive
Date: ________________________
**Exhibit A**

2015-2016 Budget Preparation - Cost Maintenance Request

<table>
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<th>Public Works</th>
<th>Stormwater</th>
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<tbody>
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<td>ASR # 2015-5387</td>
<td>Fund Cost Center</td>
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</table>

**Expenditure Type:** One-Time

**Relative Priority** 1

**Name of Request:** PB Academy Road Stormwater Improvements

**Description:** This project will treat runoff from approximately 80 acres. Project elements will include a pretreatment unit, media filtration system, high flow bypass, and a vegetated buffer along the lake front. See attached capital improvement request.

<table>
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<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
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*Thursday, October 09, 2014*
CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of service (LOS) standards

Date Submitted: 5/13/14

Capital Improvement Title: Academy Road Stormwater Improvements

Department: Public Works-Stormwater

Originator: Kirk Christensen

Department Head Signature: [Signature] 5/13/14

Type of Project: □ Equipment □ Software □ Capital Facility □ Maintenance

□ Other: Click here to enter text.

Answer the following questions. Indicate the source of your data where applicable.

1. Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
This project will treat runoff from approximately 80 acres. Project elements will include a pretreatment unit, media filtration system, high flow bypass, and a vegetated buffer along the lake front.

2. What is the problem this Capital Improvement will address?
Lake Whatcom suffers from degraded water quality and pollutants entering into the lake.

3. Location (address, Assessor's parcel number or map):
Northshore Drive near the intersection of Academy Road

4. How will this capital improvement benefit our citizens?
Improve water quality and decrease pollutants entering Lake Whatcom through a stormwater treatment system.

5. Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
Yes. State of Washington Dept. of Ecology has issued a TMDL for Lake Whatcom. This project will assist with reductions of pollutants into the lake.
6. Will this capital improvement increase efficiency in providing a public service? How? Yes. This will contribute to improved water quality in the lake which is the source of drinking water to nearly 100,000 Whatcom County residents.

7. Will this capital improvement reduce annual operating costs? Please quantify N/A

8. Will this capital improvement impact other county departments? How? Yes. Maintenance will be required by Public Works-M&O, any potential discharges may involve Health Dept. and/or Planning and Development Services

9. Will this capital improvement reduce future capital costs? How? N/A
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
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<td>11/1/14</td>
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</table>

**TITLE OF DOCUMENT:** An Ordinance Establishing the Agate Heights Estate/Bay Lane Storm Water Improvements Fund and Establishing a Project Based Budget for Agate Heights Estate/Bay Lane Storm Water Improvements

**ATTACHMENTS:** Ordinance and Exhibit “A”

**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.)

Request establishes the Agate Heights Estate/Bay Lane Storm Water Improvements Fund and requests a project based budget for Agate Heights Estate/Bay Lane Storm Water Improvements of $610,000.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**
ORDINANCE NO. ________

ESTABLISHING THE AGATE HEIGHTS ESTATE/BAY LANE STORM WATER IMPROVEMENTS FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR AGATE HEIGHTS ESTATE/BAY LANE STORM WATER IMPROVEMENTS

WHEREAS, Agate Heights Estate/Bay Lane Storm Water Improvements is item number 3 on the approved Whatcom County Flood Control Zone District Six –Year Water Resources Improvement Program, and,

WHEREAS, the project will treat runoff from approximately 90 acres, It includes system upgrades to improve water quality through construction of bio infiltration swales and channel stabilization to reduce ditch erosion, and

WHEREAS, the 2015-2016 biennial budget includes funding for this project, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled Agate Heights Estate/Bay Lane Storm Water Improvements Fund. This fund shall be used to account for the revenues and expenditures of the Agate Heights Estate/Bay Lane storm water improvements mentioned above, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the Agate Heights Estate/Bay Lane Storm Water Improvements Fund is approved with a project budget of $610,000 as described in Exhibit A.

ADOPTED this ____ day of ____________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

Carl Weimer, Chair of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Daniel L. Gibbons

( ) Approved ( ) Denied

Jack Louws, County Executive
Date: ____________________________
2015-2016 Budget Preparation - Cost Maintenance Request

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<th>Public Works</th>
<th>Stormwater</th>
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<td>ASR # 2015-5371</td>
<td>Fund</td>
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**Expenditure Type:** One-Time

**Name of Request:** PB Agate Heights Estate/Bay Lane

Description: The project will treat runoff from approximately 90 acres. Project elements will include system upgrades to improve water quality through construction of bioinfiltration swales and channel stabilization to reduce ditch erosion. See attached capital improvement request.

<table>
<thead>
<tr>
<th>Costs</th>
<th>Object</th>
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CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of service (LOS) standards

Date Submitted: 5/13/14

Capital Improvement Title: Agate Heights Estate/Bay Lane

Department: Public Works-Stormwater

Originator: Kirk Christensen

Department Head Signature: [Signature]

3/13/2014

Type of Project: ☐ Equipment ☐ Software ☒ Capital Facility ☐ Maintenance

☐ Other: Click here to enter text.

Answer the following questions. Indicate the source of your data where applicable.

1. Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   This project will treat runoff from approximately 90 acres. Project elements will include system upgrades to improve water quality through construction of bioinfiltration swales and channel stabilization to reduce ditch erosion.

2. What is the problem this Capital Improvement will address?
   Lake Whatcom suffers from degraded water quality and pollutants entering into the lake.

3. Location (address, Assessor’s parcel number or map):
   Agate Heights Estate/Bay Lane drainage area to Lake Whatcom

4. How will this capital improvement benefit our citizens?
   Improve water quality and decrease pollutants entering Lake Whatcom through a stormwater treatment system.

5. Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   Yes. State of Washington Dept. of Ecology has issued a TMDL for Lake Whatcom. This project will assist with reductions of pollutants into the lake.
6. Will this capital improvement increase efficiency in providing a public service? How? Yes. This will contribute to improved water quality in the lake which is the source of drinking water to nearly 100,000 Whatcom County residents.

7. Will this capital improvement reduce annual operating costs? Please quantify N/A

8. Will this capital improvement impact other county departments? How? Yes. Maintenance will be required by Public Works-M&O, any potential discharges may involve Health Dept. and/or Planning and Development Services

9. Will this capital improvement reduce future capital costs? How? N/A
**TITLE OF DOCUMENT:** An Ordinance Establishing the Beaver Creek Storm Water Improvements Fund and Establishing a Project Based Budget for Beaver Creek Storm Water Improvements

**ATTACHMENTS:** Ordinance and Exhibit “A”

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

Request establishes the Beaver Creek Storm Water Improvements Fund and requests a project based budget for Beaver Creek Storm Water Improvements of $565,000.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>
ORDINANCE NO. _________

ESTABLISHING THE BEAVER CREEK STORM WATER IMPROVEMENTS FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR BEAVER CREEK STORM WATER IMPROVEMENTS

WHEREAS, Beaver Creek Storm Water Improvements is item number 4 on the approved Whatcom County Flood Control Zone District Six –Year Water Resources Improvement Program, and,

WHEREAS, the project will restore and repair eroded sections of Beaver Creek to reduce sediment, and

WHEREAS, the 2015-2016 biennial budget includes funding for this project, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled Beaver Creek Storm Water Improvements Fund. This fund shall be used to account for the revenues and expenditures of the Beaver Creek storm water improvements mentioned above, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the Beaver Creek Storm Water Improvements Fund is approved with a project budget of $565,000, to be funded in 2016 from a Real Estate Excise Tax Fund II transfer, as described in Exhibit A.

ADOPTED this ___ day of ____________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Daniel J. Louws
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

( ) Approved ( ) Denied

Jack Louws, County Executive
Date: ____________________
## 2015-2016 Budget Preparation - Cost Maintenance Request

### Public Works

<table>
<thead>
<tr>
<th>Expenditure Type:</th>
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</thead>
</table>

**Name of Request:** PB Beaver Creek

**Description:** This project will restore and repair eroded sections of Beaver Creek to reduce sediment entering Lake Whatcom. See attached capital improvement request.

### Costs:

<table>
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<tr>
<th>Object</th>
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CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of service (LOS) standards

Date Submitted: 5/13/14

Capital Improvement Title: Beaver Creek

Department: Public Works-Stormwater

Originator: Kirk Christensen

Department Head Signature: [Signature]

Type of Project: ☐ Equipment ☐ Software ☒ Capital Facility ☐ Maintenance
☐ Other: [Click here to enter text.

Answer the following questions. Indicate the source of your data where applicable.

1. Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   This project will restore and repair eroded sections of Beaver Creek to reduce sediment from entering Lake Whatcom.

2. What is the problem this Capital Improvement will address?
   Lake Whatcom suffers from degraded water quality and pollutants entering into the lake.

3. Location (address, Assessor's parcel number or map):
   Beaver Creek in the vicinity of Sudden Valley

4. How will this capital improvement benefit our citizens?
   Improve water quality by decreasing sediment from entering Lake Whatcom.

5. Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   Yes. State of Washington Dept. of Ecology has issued a TMDL for Lake Whatcom. This project will assist with reductions of pollutants into the lake.

6. Will this capital improvement increase efficiency in providing a public service? How?

404
Yes. This will contribute to improved water quality in the lake which is the source of drinking water to nearly 100,000 Whatcom County residents.

7. Will this capital improvement reduce annual operating costs? Please quantify
N/A

8. Will this capital improvement impact other county departments? How?
Yes. Maintenance will be required by Public Works-M&O, any potential discharges may involve Health Dept. and/or Planning and Development Services

9. Will this capital improvement reduce future capital costs? How?
N/A
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
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**RECEIVED**

NOV 04 2014

WHATCOM COUNTY COUNCIL

**TITLE OF DOCUMENT:** An Ordinance Establishing the Cedar Hills/Euclid Storm Water Improvements Fund and Establishing a Project Based Budget for Cedar Hills/Euclid Storm Water Improvements

**ATTACHMENTS:** Ordinance and Exhibit “A”

<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>
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<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( X ) NO</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.)

Request establishes the Cedar Hills/Euclid Storm Water Improvements Fund and requests a project based budget for Cedar Hills/Euclid Storm Water Improvements of $630,000.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

406
ORDINANCE NO. __________

ESTABLISHING THE CEDAR HILLS/EUCLID STORM WATER IMPROVEMENTS FUND AND
ESTABLISHING A PROJECT BASED BUDGET FOR CEDAR HILLS/EUCLID STORM
WATER IMPROVEMENTS

WHEREAS, Cedar Hills/Euclid Storm Water Improvements is item number 2 on the
approved Whatcom County Flood Control Zone District Six –Year Water Resources
Improvement Program, and,

WHEREAS, project elements include rain gardens, filter vaults, and treatment swales, and

WHEREAS, the 2015-2016 biennial budget includes funding for this project, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-
based capital budget appropriation ordinances that lapse when the project has been completed
or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund
is hereby established effective January 1, 2015 titled Cedar Hills/Euclid Storm Water
Improvements Fund. This fund shall be used to account for the revenues and expenditures of
the Cedar Hills/Euclid storm water improvements mentioned above, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the Cedar Hills/Euclid
Storm Water Improvements Fund is approved with a project budget of $630,000 as described in
Exhibit A.

ADOPTED this ___ day of _________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Daniel L. Libson
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

( ) Approved    ( ) Denied

Jack Louws, County Executive
Date: ________________
### 2015-2016 Budget Preparation - Cost Maintenance Request

**Exhibit A**

<table>
<thead>
<tr>
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<th>Stormwater</th>
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<td><strong>Fund</strong></td>
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<td><strong>Expenditure Type:</strong> One-Time</td>
<td><strong>Relative Priority 1</strong></td>
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**Name of Request:** PB Cedar Hills/Euclid

**Description:** This project will treat runoff from approximately 60 acres. Project elements will include rain gardens, filter vaults, and treatment swales. See attached capital improvement request.

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
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CAPITAL IMPROVEMENT REQUEST FORM

Please submit a separate form for each project that fits into any one of the following categories:

- Capital improvements over $50,000
- Capital improvements that propose REET or EDI funding
- Capital improvements required to meet adopted County Comp Plan level of service (LOS) standards

Date Submitted: 5/13/14

Capital Improvement Title: Cedar Hills/Euclid

Department: Public Works-Stormwater

Originator: Kirk Christensen

Department Head Signature: [Signature] 5/13/14

Type of Project:  □ Equipment  □ Software  □ Capital Facility  □ Maintenance  □ Other: Click here to enter text.

Answer the following questions. Indicate the source of your data where applicable.

1. Capital improvement description (include square feet, acres, miles of trails, jail beds, etc):
   This project will treat runoff from approximately 60 acres. Project elements will include rain gardens, filter vaults, and treatment swales.

2. What is the problem this Capital Improvement will address?
   Lake Whatcom suffers from degraded water quality and pollutants entering into the lake.

3. Location (address, Assessor's parcel number or map):
   Cedar Hills/Euclid drainage basins entering Lake Whatcom.

4. How will this capital improvement benefit our citizens?
   Improve water quality and decrease pollutants entering Lake Whatcom through a stormwater treatment system.

5. Is this capital improvement required to comply with laws, regulations or LOS standards? (Explain)
   Yes. State of Washington Dept. of Ecology has issued a TMDL for Lake Whatcom. This project will assist with reductions of pollutants into the lake.
6. Will this capital improvement increase efficiency in providing a public service? How? Yes. This will contribute to improved water quality in the lake which is the source of drinking water to nearly 100,000 Whatcom County residents.

7. Will this capital improvement reduce annual operating costs? Please quantify N/A

8. Will this capital improvement impact other county departments? How? Yes. Maintenance will be required by Public Works-M&O, any potential discharges may involve Health Dept. and/or Planning and Development Services.

9. Will this capital improvement reduce future capital costs? How? N/A
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**RECEIVED**

**NOV 04 2014**

**WHATCOM COUNTY COUNCIL**

**TITLE OF DOCUMENT:** An Ordinance Establishing the Criminal Justice Integrated Case Management Systems Fund and Establishing a Project Based Budget for Criminal Justice Integrated Case Management System Projects

**ATTACHMENTS:** Ordinance and Exhibit “A”

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

| SEPA review completed? | } | Yes | (X) NO | Requested Date: |

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

Request establishes the Criminal Justice Integrated Case Management Systems Fund and requests a project based budget for Criminal Justice Case Management Systems of $600,000.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

411
SPONSORED BY: Executive
PROPOSED BY: Executive
INTRODUCTION DATE: 11/12/14

ORDINANCE NO. ________
ESTABLISHING THE CRIMINAL JUSTICE INTEGRATED CASE MANAGEMENT SYSTEMS FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR CRIMINAL JUSTICE INTEGRATED CASE MANAGEMENT SYSTEM PROJECTS

WHEREAS, the Administrative Services – Information Technology Division has recommended replacing outdated case management systems in the Prosecutor’s Office, Juvenile Court and District Court Probation, and

WHEREAS, a joint integrated effort is needed to insure that implementation of new software in one department is well coordinated with the information needs and workflows of the overall Law & Justice System and its external business partners, and

WHEREAS, replacement systems will provide these departments with increased efficiencies, and

WHEREAS, the 2015-2016 biennial budget includes initial funding for these projects, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015 titled Criminal Justice Integrated Case Management Systems Projects Fund. This fund shall be used to account for the revenues and expenditures of the case management system projects mentioned above, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the Criminal Justice Integrated Case Management Systems Projects Fund is approved with an initial project budget of $600,000 as described in Exhibit A.

ADOPTED this ___ day of ____________________, 2014.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, County Executive
Date: ________________________
2015-2016 Budget Preparation - Regular Additional Service Request

**Administrative Services**

**Information Technology**

<table>
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<tr>
<th>ASR # 2015-5320</th>
<th>Fund</th>
<th>Cost Center</th>
<th>10000004</th>
<th>Originator: P. Rice for Law &amp; Justice Dept Heads</th>
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**Expenditure Type:** One-Time  
**Add'l FTE** □  
**Add'l Space** □  
**Priority** 1

**Name of Request:** PB Crim Justice - Integrated Case Mgmt Systems

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<td>$0</td>
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1. Description of Request:

*a) Describe the proposed activity or service, and indicate whether it is a higher or lower priority than existing services in your department budget.*

Joint integrated effort for Law & Justice System departments and Information Technology to replace current out dated Case Management Systems (CMS) in Prosecutor's Office, Juvenile Court and District Court Probation. Work cooperatively to insure that implementing new software in one department is well coordinated with the information needs and workflows in the overall Law & Justice System and its external business partners.

*b) Who are the primary customers for this service?*

Whatcom County Law & Justice System Departments:
- Sheriff's Office \ Jail
- Prosecutor's Office
- Public Defender's Office
- Superior Court \ Juvenile Court
- District Court \ District Court Probation

2. Describe the problem this request addresses and why Whatcom County needs to address it.

The following requests were requested by Law & Justice departments and Information Technology during the Capital Improvement Planning process in May 2014:
- Prosecutor's Office: Records Management and Database Upgrade
- District Court Adult Probation: Case Management System Replacement
- Juvenile Court: Case Management System Upgrade

All of the above systems are out dated and increasingly difficult to support. Replacement systems would also provide these departments with increased efficiencies.

3. Options

*a) What other options have you considered? Why is this the best option?*

The primary option considered is to continue to extend the operational life of these out dated systems. Replacing these systems is the best option as follows:

- Prosecutor's Office: The current system is 25-years old.
- District Court Probation: The current system is not compatible with Microsoft Office 2010 presenting significant support challenges
- Juvenile Court: The current system is not compatible with the Microsoft Windows 7 Operating System presenting significant support challenges.

A draft 8-year vision for modernizing major software technology in the Law & Justice System follows:

2013 - 2014 Biennium: Sheriff's Office Records and Corrections Management Systems

2015 - 2016 Biennium: Prosecutor's Office Case Management System  
Juvenile Court Case Management System  
District Court Adult Probation Case Management System

Thursday, October 09, 2014
2015-2016 Budget Preparation - Regular Additional Service Request

Administrative Services | Information Technology
\hline
ASR # 2015-5320 | Fund | Cost Center | 10000004 | Originator: P. Rice for Law & Justice Dept Heads
\hline

What-COMM 911 Computer Aided Dispatch (CAD) System (City of B'Ham)

2017 - 2018 Biennium: State Administrative Office of Courts / Superior Court Justice Information Management System

2019 - 2020 Biennium: State Administrative Office of Courts / District Court Justice Information Management System

b) What are the specific cost savings? (Quantify)

Modernizing our business systems will benefit the entire Law & Justice System.

4. Outcomes / Objectives

a) What outcomes will be delivered and when?

A leadership workgroup of the Law & Justice System and Information Technology will meet and make a recommendation to the County Executive on how best to address the long term case management needs with funding provided in this budget request. The expectation is that this working group will insure that implementing new technology in one part of the Law & Justice System will not only meet the needs of the specific department, but also the information needs and workflows in the overall Law & Justice System. Implementation will begin once the endorsed plan is finalized.

Note that a separate ASR# 2015-5272 requests $24,453 in one-time funding for District Court Adult Probation to implement a new hosted system used by a significant number of Adult Probation departments in the State of WA. The annual subscription costs are $9,783 per year and requested in ASR# 2015-5274.

b) How will you know whether the outcomes happened?

The prioritized case management system needs in the Prosecutor's Office, District Court Probation and Juvenile Court will be addressed.

5. Other Departments/Agencies

a) Will this ASR impact other departments or agencies? If so, please identify the departments and/or agencies impacted and explain what the impact(s) will be.

Yes - Information Technology and other departments and business partners of Law & Justice departments.

b) If another department or agency is responsible for part of the implementation, name the person in charge of implementation and what they are responsible for.

Law & Justice and Information Technology leadership

6. What is the funding source for this request?

General Fund
TITLE OF DOCUMENT: An Ordinance Establishing the Integrated Land Records and Permit Management System Fund and Establishing a Project Based Budget for Integrated Land Records and Permit Management System Projects

ATTACHMENTS: Ordinance and Exhibit “A”

SEPA review completed? ( ) 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.)

Request establishes the Integrated Land Records and Permit Management System Fund and requests a project based budget for the integrated land records and permit management system project in the amount of $1,168,334.
ORDINANCE NO. ______
ESTABLISHING THE INTEGRATED LAND RECORDS AND PERMIT MANAGEMENT SYSTEM FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR INTEGRATED LAND RECORDS AND PERMIT MANAGEMENT SYSTEM PROJECTS

WHEREAS, the Administrative Services – Information Technology Division has recommended, in conjunction with several other departments, the following projects:
- Improve the land records geographic information system (GIS)
- Implement software for stormwater asset maintenance
- Plan the replacement of the permit system
- Implement Web GIS, and

WHEREAS, a joint integrated effort is needed to insure that implementation of new software in one department is well coordinated with the information needs and workflows across all of the land and infrastructure management departments and external business partners, and

WHEREAS, the 2015-2016 biennial budget includes initial funding for these projects, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances that lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new fund is hereby established effective January 1, 2015, titled Integrated Land Records and Permit Management System Projects Fund. This fund shall be used to account for the revenues and expenditures of the projects mentioned above, and

BE IT FURTHER ORDAINED by the Whatcom County Council that the Integrated Land Records and Permit Management System Projects Fund is approved with an initial project budget of $1,168,334 as described in Exhibit A.

ADOPTED this ____ day of ______________________, 2014.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

( ) Approved          ( ) Denied

Jack Louws, County Executive
Date: ____________________________

416
2015-2016 Budget Preparation - Regular Additional Service Request

Administrative Services | Information Technology
--- | ---
**ASR # 2015-5321 Fund** | **Cost Center 10000004** **Originator: P.Rice for Land Mgmt Dept Heads**

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

**Name of Request:** PB Land Mngmnt - Integrated Land Records & Permit

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1. **Description of Request:**

a) Describe the proposed activity or service, and indicate whether it is a higher or lower priority than existing services in your department budget.

Joint integrated effort for Land Management & Infrastructure departments and Information Technology to improve the Land Records geographic information system (GIS), implement software for stormwater asset maintenance, consulting to plan the replacement of the permit system, and Web GIS. Work cooperatively to insure that implementing new software in one department is well coordinated with the information needs and workflows across all of the Land & Infrastructure Management departments and external business partners.

b) **Who are the primary customers for this service?**

Whatcom County Land & Infrastructure Management Departments:
- Assessor's Office
- Public Works
- Planning & Development Services
- Parks & Recreation
- Facilities Management
- Health (Environmental Health)
- Sheriff's Office

2. **Describe the problem this request addresses and why Whatcom County needs to address it.**

The following requests were jointly requested by Land & Infrastructure Management departments and Information Technology during the Capital Improvement Planning process in May 2014:

- Assessor's Office: Land Records GIS Design, Improvement and Automation. The current parcel GIS data layer does not meet the needs of activities in the Assessor's Office or other departments such as Planning & Development Services and Public Works. The current parcel GIS data layer is also not adequate to use in Web GIS applications for citizens.

- Planning & Development Services: Permit System Replacement. The current permit system is out dated and not fully supported by the vendor. Information Technology is challenged with keeping the permit system operational on supported versions of Microsoft Windows and Microsoft SQL Server.

- Public Works: Software to track and report on maintenance activities of stormwater assets. Public Works does not have a system to schedule and track stormwater asset maintenance to efficiently meet the National Pollutant Discharge Elimination System (NPDES II) reporting requirements.

- Information Technology: The county does not have a Web GIS portal to easily publish on-line interactive maps for focused datasets such as zoning, geohazards, critical areas, crime, etc.
3. Options
   a) What other options have you considered? Why is this the best option?

   The primary option considered is the status quo. Replacing these systems and developing a robust Land Records GIS is the best option as follows:

   - Assessor’s Office uses outdated "ink and mylar" techniques to map and maintain Land Records. This process needs to be automated using GIS. The Land Records GIS is critical to efficient workflows across the Land & Infrastructure departments.

   - Public Works Stormwater Asset Software - In order to comply with National Pollutant Discharge Elimination System (NPDES II) tracking and reporting of maintenance activities for stormwater assets, Public Works needs software.

   - Planning & Development Services and other Land & Infrastructure Management departments need a consultant to assist with the requirements and selection of a new Permit System.

   - Web GIS - We are not yet able to provide citizens with convenient access to information using an on-line interactive GIS Web portal.

   A draft 6-year vision for modernizing major software technology in the Land & Infrastructure Management departments follows:

   2015 - 2016 Biennium: Land Records GIS
   Consultant for Permit System Replacement
   Stormwater Asset Software
   Web GIS

   2017 - 2018 Biennium: Permit System Replacement


b) What are the specific cost savings? (Quantify)

   Modernizing our business systems and geographic information data sets will benefit all Land & Infrastructure Management departments.

4. Outcomes / Objectives
   a) What outcomes will be delivered and when?

   A leadership workgroup of the Land & Information Management departments and Information Technology will meet and make a recommendation to the County Executive on how best to address the long term Land Records GIS, Permit System, Stormwater Asset Software, and Web GIS needs with funding provided in this budget request. The expectation is that this working group will insure that implementing new technology will not only meet the needs of the specific department, but also the information needs and workflows across all the Land & Infrastructure Management departments. Implementation will begin once the endorsed plan is finalized.

   b) How will you know whether the outcomes happened?

   The prioritized GIS and software needs in Assessor’s Office, Planning & Development Services and Public Works will be addressed.

5. Other Departments/Agencies
   a) Will this ASR impact other departments or agencies? If so, please identify the departments and/or agencies impacted and explain what the impact(s) will be.

   Yes - Information Technology and Land & Infrastructure Management departments and business partners.

   b) If another department or agency is responsible for part of the implementation, name the person in charge of implementation and what they are responsible for.

   Land & Infrastructure Management and Information Technology leadership

Thursday, October 09, 2014
6. **What is the funding source for this request?**

The Land Records GIS, Permit System Replacement consulting, Web GIS portal software to be funded with the following ratio:
- General Fund: 60%
- Road Fund: 25%
- Flood Fund: 15%

The Public Works Stormwater Asset Software to be funded with the following ratio:
- Road Fund: 50%
- Flood Fund: 50%
### TITLE OF DOCUMENT: Amendments to the mineral resources portion of the comprehensive plan and zoning code

**ATTACHMENTS:**
1. Staff Memo to Council
2. Proposed Ordinance
3. Exhibit A - Applicant Proposed Amendments
4. Exhibit B - Surface Mining Advisory Committee Proposed Amendments
5. Staff report to Planning Commission - Revised Findings and Recommendation
6. Surface Mining Advisory Committee proposal for Conditional Use rather than Administrative Approval
7. Comprehensive Plan Map and Zoning Map Amendment - MRL Designation process comparison
8. Permitting process comparison for mineral extraction

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

Proposed amendments to the Mineral Resources portion of the Comprehensive Plan and Zoning Code. The proposed Comprehensive Plan amendments include changes to general mineral extraction policies that implement Goal 8K (adverse impacts), Goal 8Q (MRL designation), and MRL Designation Criteria. Proposed amendments to the zoning code include altering the permitting process from administrative approval use to a conditional use permit, requiring noxious weeds to not be established in buffers of surface mining operations, and an additional review criteria that when the proposed mine is within a forestry zone, prior to moving on to a new phase of mining, previously mined areas shall meet reclamation criteria as approved by DNR.

### COMMITTEE ACTION:

**COUNCIL ACTION:**

- 11/12/2014 Introduced

<table>
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<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
The accompanying staff report and Exhibits A & B detail the proposed amendments to the comprehensive plan and zoning code with regards to surface mining permitting processes and mineral resource land (MRL) designation criteria and processes. Exhibit A is the proposal as included in the amendment application submitted by councilmembers Weimer and Brenner, while Exhibit B is the Surface Mining Advisory Committee recommendation that was forwarded to the County Council by the Whatcom County Planning Commission. Below is a brief summary of the proposed amendments.

In addition to the proposed amendments, and as part of their deliberation on the proposal, the Planning Commission strongly recommended that the County Council seriously consider designating mineral resource lands of long-term commercial significance at the county-wide level, rather than relying on landowner initiated applications.

**Surface Mine Permitting**
Both Exhibit A and Exhibit B propose changing the permitting process from an administrative approval use to a conditional use for surface mining subject to the Surface Mining Act. Note that the more limited surface mining activities not subject to the Surface Mining Act remain unaffected by this proposal.

Exhibit A proposes expanding the distance from rural or residential districts where a (proposed) conditional use permit is required from 1,000 feet to 2,000 feet when the activity is located in the forestry zones and is subject to the Forest Practices Act. This exhibit also proposes expanding the notification to neighbors from 1,000 feet to 2,000 feet for all surface mining (proposed) conditional use permits.
Exhibit B includes an additional conditional use approval criterion requiring that if the proposed surface mining activity is phased and within one of the forestry zones, then prior to moving to the next phase, previously mined areas shall meet reclamation criteria as identified on the reclamation permit from the Department of Natural Resources.

**MRL Designation Process**

Exhibit A proposes to require site specific mineral extraction impacts to be anticipated and evaluated, and potential adverse environmental impacts to be addressed through mitigation and/or alternatives, prior to designation.

Exhibit B does not propose to change the existing MRL designation process (i.e. site-specific impacts are not fully evaluated thru SEPA until a permit is applied for, rather than the comprehensive plan map and zoning map amendment application).

**MRL Designation Criteria**

Both Exhibit A and Exhibit B propose that expansion of existing MRL designations will require that existing mines are in full compliance with permits and regulations. Exhibit B clarifies that the proposed expansion area and existing mine must be contiguous and in common ownership so that one mining operation does not impact another mining operations' ability to expand the MRL designation. This clarification may be necessary when there are multiple mines in separate ownership operating within a single MRL designated area. Both exhibits also propose that MRL designations must be reviewed for internal consistency within the comprehensive plan, so that designation does not preclude achievement of other parts of the plan.

In addition, Exhibit A proposes that site specific designations shall only be approved after mineral extraction impacts are anticipated and evaluated, and any potential adverse environmental impacts are addressed through appropriate mitigation and/or reasonable alternatives. This exhibit also proposes that designations in forestry zones are limited to 20 acres and that before additional areas can be added, previously mined areas are to be returned to sustainable productive forestry conditions, and that the total designated area remains no more than 20 acres.

Exhibit B does not propose any additional amendments to the designation criteria.
ORDINANCE NO. 2014-
AMENDING WHATCOM COUNTY CODE TITLE 20 AND THE COMPREHENSIVE
PLAN REGARDING SURFACE MINE PERMITTING, THE MINERAL RESOURCE
LANDS DESIGNATION PROCESS AND MINERAL RESOURCE LANDS
DESIGNATION CRITERIA.

WHEREAS, an application has been submitted to amend the Rural (R),
Agriculture (AG), Rural Forestry (RF), Commercial Forestry (CF) and Mineral
Resource Land Special (MRL) zoning districts to require a conditional use permit for
surface mining subject to Washington State's Surface Mining Act; and

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

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

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

WHEREAS, the Whatcom County Planning Commission held a work session
on the proposed 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

Page 1
WHEREAS, the Whatcom County Council held a work session in the Natural Resources 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. An application for Comprehensive Plan and related zoning amendments was received by Whatcom County on December 21, 2012.

2. A revised application for Comprehensive Plan and related zoning amendments was received by Whatcom County on January 23, 2013.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 5, 2013. The associated comment period ended July 19, 2013 and the appeal period concluded July 29, 2013.

4. The Surface Mining Advisory Committee held work sessions with Whatcom County PDS Staff on March 26, 2014; April 23, 2014; May 28, 2014, June 25, 2014; and July 23, 2014.

5. A press release of the Planning Commission briefing was published in the Bellingham Herald on 09/08/2014

6. The Planning Commission held a work session on September 11, 2014.

7. The Planning Commission held a public hearing on October 23, 2014.

8. Notice of the proposed amendment was sent to the Department of Commerce on 8/15/2014.

9. On 08/20/2014 the Department of Commerce acknowledged receipt of the notice, and that a copy of the notice had been forwarded to other state agencies.

10. The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.
11. GMA Planning Goal #7: Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine”, insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

12. GMA Planning Goal #11: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

13. Whatcom County’s County-Wide Planning Policy A-3 states: Policy 7D-7: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Exhibit B proposes amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

14. There are no interlocal agreements affecting the proposed amendments.

15. Whatcom County Comprehensive Plan contains goals and policies that are applicable to the proposal.

16. Proposed Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.

Exhibit B proposes amendments altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.
17. Proposed Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

18. Proposed Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:

1. On-site environmental review, with county as lead agency, and
2. Application of appropriate site specific conditions, and
3. Notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
4. Access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

The underlines and strikethroughs represent changed conditions from the present policy. The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:

"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval
use applications (ADM), and the 3 amendment applications to those 
ADMs have been conditionally approved. There was either a DNS, 
MDNS, and one DS SEPA determination in each case. Of the 27 
combined ADMs, ADM amendments and associated SEPA 
determinations, 3 appeals (11%) have been filed and adjudicated by 
the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has 
upheld the staff determination. In a few cases, the Hearing Examiner 
determination has been upheld by the WC Council, and in one case, 
upheld by the WA Superior Court.”

This information indicates that, while the sample size is relatively small, the 
Technical Administrator’s determinations have been upheld as appropriate, 
when challenged. However, the purpose of the amendment is to ensure a 
public process that is presently absent, and this amendment would provide 
an avenue for a public process.

19. There is no anticipated effect upon the rate or distribution of population 
growth, employment growth or development of land as envisioned in the 
Comprehensive Plan, as a result of the proposed Comprehensive Plan 
amendments under Exhibit B.

20. Staff does not anticipate Exhibit B will affect the ability of the County or other 
service providers to provide adequate services and public facilities.

21. Staff does not anticipate Exhibit B will impact designated agricultural, forest 
or mineral resource lands.

22. Goal 2G: Encourage citizen participation in the decision-making process

The proposed amendments to Policy 8Q-4 alter the permitting process from 
administrative approval to conditional use. Through the administrative 
approval use and conditional use processes, State Environmental Policy Act 
(SEPA) review (and associated public comment period) is only required if 
certain thresholds are met (which in the case of commercial mineral 
extration they would be). The administrative approval use process does not 
include a public hearing unless a Planning and Development Services (PDS) 
staff decision is appealed. Presently, the fee to appeal an administrative 
approval is $500. Through the conditional use process, there is a public 
hearing before the Hearing Examiner. The proposed amendment would 
result in a public hearing process that is presently absent without the need 
for an appeal.

23. Policy 2D-3: Streamline development regulations to eliminate unnecessary 
time delays.
Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

24. Policy 7D-7: Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

25. Policy 8K-1: Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

26. Policy 8N-2: Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and
conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

27. Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

28. Goal 10J: Minimize conflicts between different land uses.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.
29. Policy 11B-5: Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

30. The Washington State Department of Natural Resources completed a study entitled *Reconnaissance Investigation of Sand, Gravel, and Quarried Bedrock Resources in the Bellingham 1:100,000 Quadrangle, Washington* (Jan. 2001). This study indicates that the working lifetime of most of the significant pits in the county is 10 to 20 years (p. 5).

31. The *Whatcom County Surface Mining Advisory Committee Final Report and Recommendations* (October 20, 2004) states:

    . . . Theoretically, there is enough total supply in existing MRLs to satisfy demand over the first 20 years of the planning period. However, there is an imbalance in the demand and supply of sand and gravel. There is a greater need for gravel resources than sand and, as we approach the end of the 20-year planning period, we can anticipate a shortage of gravel. Additionally, shortly after the 20-year planning period, we will run out of sand and gravel resources if existing MRLs are not expanded. . . (p. 7).

**CONCLUSIONS**

1. The subject Comprehensive Plan amendments are consistent with the approval criteria of WCC 2.160.080. The subject zoning text amendments were processed in accordance with WCC 20.90.050

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

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Karen N. Frakes
Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved   ( ) Denied

Date Signed: ____________________
EXHIBIT A

Title 20 Zoning Amendments

Chapter 20.36
RURAL (R) DISTRICT

20.36.130 Administrative approval uses
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.36.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.40
AGRICULTURE (AG) DISTRICT

20.40.130 Administrative approval uses
.136 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

20.40.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

Chapter 20.42
RURAL FORESTRY (RF) DISTRICT
20.42.050 Permitted uses.
.058 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 12,000 feet from a rural or residential district.

20.42.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource-Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.42.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.43
COMMERCIAL FORESTRY (CF) DISTRICT

20.43.050 Permitted uses.
.055 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 12,000 feet from a rural or residential district.

20.43.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.43.150 Conditional uses.
.189 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.73
MINERAL RESOURCE LANDS SPECIAL DISTRICT (MRL)
20.73.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW) and accessory washing and sorting; provided that:

1. The notification requirements of WCC 20.84.235 shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

2. At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.

3. Buffers are established of sufficient size and with sufficient vegetation or berming to ensure that noise, dust, and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

4. The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity; renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.
(5) Application of additional site-specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

(7) Appeal to the hearing examiner under WCC 20.84.235 of an administrative permit shall be made by de novo review.

.132 Rock crushing within Commercial and Rural Forestry Districts when located further than 2,000 feet from a rural or residential district.

20.73.150 Conditional uses.
.152 Mineral processing facilities including rock crushing, asphalt and concrete batch plants and accessory washing and sorting.

.153 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW); provided that:

(1) The notification requirements of WCC 2.33.060.D.2.b shall be expanded to all property owners within 2,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.
(3) Buffers are established of sufficient size and with sufficient vegetation or
berming to ensure that noise, dust, noxious weeds and other impacts to surrounding
property owners are within applicable regulations and performance standards. When
completing a reclamation segment, buffer may be reduced for a three-month period
to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as
appropriate to cover potential liabilities associated with the proposed activity,
renewals of bonds or insurance be submitted upon expiration of previous bonds or
insurance. The bonding agent shall notify the county on any change of status in the
bond.

(5) Application of additional site specific conditions may be required to mitigate
potential impacts that are not otherwise regulated through WCC 20.73.650 and
20.73.700 or through federal, state, or local regulations.

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the external boundaries of the subject property within two days of issuance of the
decision. The applicant shall provide typed, self-adhering mailing labels with the
names and addresses of all property owners within 2,000 feet of the subject
property with the application to facilitate the notice.
Comprehensive Plan Amendments

MINERAL RESOURCES – ISSUES, GOALS, AND POLICIES

General Issues

GOAL 8K: Ensure that mineral extraction industries do not adversely affect the quality of life in Whatcom County, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

Policy 8K-2: Consider the maintenance and upgrade of public roads before designating MRLs and approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

Policy 8K-3: Avoid adversely impacting water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the county that adverse impacts cannot be avoided through the standard use of best management practices. Avoid contamination of aquifers by using uncontaminated and inert materials for reclamation or onsite storage.

Policy 8K-7: Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

Policy 8K-8: Expansion of existing MRL designations for a mine site will require that the existing mine is in full compliance with all permits and regulations.

Goal 8Q: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to avoid construction aggregate shortages, higher transport costs, future land use conflicts and environmental degradation. Balance MRL designations with other competing land uses and resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input. and/or appeal, and
(4) access to de novo review by the Hearing Examiner if administrative approval is denial is appealed.
MINERAL RESOURCE LANDS (MRL) – DESIGNATION
CRITERIA I. Non-Metallic Mineral Deposits

General Criteria
10. Site-specific MRL Designations shall only be approved after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

11. MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.

12. MRL expansions will not be considered if adjoining mine activities are not fully compliant with all permits and county and state regulations regarding mine operations and reclamation.

Additional Criteria for Designated Urban and Rural Areas
103. Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

Additional Criteria for Designated Forestry Areas
114. Must demonstrate higher value as mineral resource than forestry resource based upon:
   • soil conditions.
   • accessibility to market.
   • quality of mineral resource.
   • sustainable productivity of forest resource.

15. MRL Designation in forestry zones can be no greater than 20 acres. Additional areas can be added only after previously mined areas are returned to sustainable productive forest resource condition and the total MRL Designation remains no more than 20 acres.

Additional Criteria for Designated Agricultural Areas

River and Stream Gravel
137. MRL Designation status applies to river gravel bards possessing necessary permits and containing significant quality reserves.

148. MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

Metallic and Industrial Mineral Deposits
159. For metallic and rare minerals, mineral designation status extends to all patented mining claims.
1721. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 12, as applicable.
EXHIBIT B

Title 20 Zoning Amendments

Chapter 20.36
RURAL (R) DISTRICT

20.36.130 Administrative approval uses
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

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Chapter 20.40
AGRICULTURE (AG) DISTRICT

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Chapter 20.42
RURAL FORESTRY (RF) DISTRICT
20.42.050 Permitted uses.
.058 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

20.42.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

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20.43.050 Permitted uses.
.055 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

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The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW) and accessory washing and sorting; provided that:

(1) The notification requirements of WCC 20.84.235 shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.

(3) Buffers are established of sufficient size and with sufficient vegetation or bermsing to ensure that noise, dust, and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity; renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.
(5) Application of additional site-specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

(7) Appeal to the hearing examiner under WCC 20.84.235 of an administrative permit shall be made by de novo review.

.132 Rock crushing within Commercial and Rural Forestry Districts when located further than 1,000 feet from a rural or residential district.

20.73.150 Conditional uses.
.152 Mineral processing facilities including rock crushing, asphalt and concrete batch plants and accessory washing and sorting.

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(1) The notification requirements of WCC 2.33.060.D.2.b shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.
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property owners are within applicable regulations and performance standards. When
completing a reclamation segment, buffer may be reduced for a three-month period
to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as
appropriate to cover potential liabilities associated with the proposed activity,
renewals of bonds or insurance be submitted upon expiration of previous bonds or
insurance. The bonding agent shall notify the county on any change of status in the
bond.

(5) Application of additional site specific conditions may be required to mitigate
potential impacts that are not otherwise regulated through WCC 20.73.650 and
20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of
the external boundaries of the subject property within two days of issuance of the
decision. The applicant shall provide typed, self-adhering mailing labels with the
names and addresses of all property owners within 1,000 feet of the subject
property with the application to facilitate the notice.

(7) Where the underlying zoning is Rural Forestry or Commercial Forestry, prior to
moving on to a new phase, previously mined areas shall meet reclamation criteria as
identified on an approved Department of Natural Resources Surface Mining
Reclamation Permit.
Comprehensive Plan Amendments

MINERAL RESOURCES – ISSUES, GOALS, AND POLICIES

General Issues

GOAL 8K: Ensure that mineral extraction industries do not adversely affect the quality of life in Whatcom County, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

Policy 8K-3: Avoid adversely impacting water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the county that adverse impacts cannot be avoided through the standard use of best management practices. Avoid contamination of aquifers by using uncontaminated and inert materials for reclamation or onsite storage.

Policy 8K-7 Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

Goal 8Q: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to minimize avoid construction aggregate shortages, higher transport costs, future land use conflicts and environmental degradation. Balance MRL designations with other competing land uses and resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input.-and/or appeal, and
(4) access to de novo review by the Hearing Examiner if administrative approval is denial is appealed.

MINERAL RESOURCE LANDS (MRL) – DESIGNATION CRITERIA I. Non-Metallic Mineral Deposits
General Criteria
10. MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.

11. Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

Additional Criteria for Designated Urban and Rural Areas
12. Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

Additional Criteria for Designated Forestry Areas
13. Must demonstrate higher value as mineral resource than forestry resource based upon:
   • soil conditions.
   • accessibility to market.
   • quality of mineral resource.
   • sustainable productivity of forest resource.

Additional Criteria for Designated Agricultural Areas

River and Stream Gravel
15. MRL Designation status applies to river gravel bards possessing necessary permits and containing significant quality reserves.
16. MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

Metallic and Industrial Mineral Deposits
17. For metallic and rare minerals, mineral designation status extends to all patented mining claims.
19. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 12, as applicable.
I. OVERVIEW

File # PLN2013-00008

File Name: MRL – Application Process

Applicant: Barbara Brenner and Carl Weimer

Summary of Request: In December 2012, an application was submitted proposing changes to the comprehensive plan and zoning code regarding mineral resource land.

There are 2 exhibits associated with this staff report. Exhibit A represents the proposed changes as provided in the application, while Exhibit B represents the proposed changes as recommended by the Surface Mining Advisory Committee (SMAC).

The proposed Comprehensive Plan amendments include changes to general mineral extraction policies that implement Goal 8K (adverse impacts), Goal 8Q (MRL designation), and MRL Designation Criteria.

Both exhibits propose designation criteria requiring internal consistency with other parts of the comprehensive plan. Both exhibits also include policies supporting their respective proposed MRL designation process, changing the permitting process from administrative approval use to conditional use and considering maintenance and upgrade of public roads before mineral extraction.

Exhibit A proposes new MRL designation criteria that provide the public and decision-makers with environmental information prior to MRL lands being designated, require that adjoining mine activities are compliant with permits and regulations prior to MRL expansion, and limit forestry zones within MRLs. Exhibit A also includes policies considering maintenance and upgrading roads prior to designation.

Exhibit B proposes new MRL designation criteria providing discretion whether existing mines must be compliant with permits and regulations prior to adjacent MRL expansion.
Both Exhibit A and Exhibit B propose amendments to the zoning code altering the permitting process from an administrative approval use (staff decision with no public hearing) to a conditional use permit (Hearing Examiner decision with a public hearing). Both exhibits also propose additional changes to include requiring noxious weeds to not be established in buffers of surface mining operations

Exhibit A proposes changing the distance from rural or residential districts for rock crushing activities that would require a conditional use permit from 1,000 feet to 2,000 ft. Exhibit A proposes the notification requirements for surface mining be expanded to 2,000 from the external boundaries of the subject property and requires conditional use permits for mining and processing activities within forest resource zones when within 2,000 feet of a rural or Residential district

Exhibit B proposes an additional review criterion that, within forestry zones, prior to moving on to a new phase of mining, previously mined areas shall meet reclamation criteria as approved by DNR.

The specific Comprehensive Plan and zoning code amendments are included with this report as exhibits A and B. Exhibit A shows the amendments as provided by the applicant. Exhibit B shows amendments proposed the SMAC.

**Location:** The proposed zoning text amendments affect portions of the Rural, Agriculture, Rural Forestry and Commercial Forestry zones, and the Mineral Resource Lands overlay.

**II. BACKGROUND**

One of the goals of the Growth Management Act (GMA) is to maintain and enhance resource based industries, including the aggregate and mineral resource industries, with the purpose of assuring the long-term conservation of resource lands for future use. In addition, the Act mandates that each county shall classify mineral resource lands and then designate and conserve appropriate areas that are not already characterized by urban growth and that have long-term commercial significance.

To address the mandates of the GMA, Whatcom County formed a Surface Mining Citizens’ Advisory Committee (SMAC) in the 1990s to produce the issues, goals, and policies found in the Whatcom County Comprehensive Plan. The County Council adopted the original mineral resource provisions in the 1997 Comprehensive Plan. These provisions were updated in 2004-2005 after reviewing the GMA, SMAC recommendations, and new information.

In 2004, there were 24 Mineral Resource Land (MRL) designations throughout the County, covering 4,204 acres. For planning purposes, the SMAC recommended using an annual demand for sand and gravel of 12.2 cubic yards per capita and annual demand for bedrock of 1.3 cubic yards per capita in the 2004-05 Comprehensive Plan update, consistent with the rates in the 1997 Comprehensive Plan.
While urbanization creates demand for sand and gravel resources, it may also encroach upon or build over those same resources, rendering them inaccessible. Strong community opposition to mining near residential, agricultural, or sensitive environmental areas may also limit extractive opportunities. Adequate resource protection could help to assure the long-term conservation of resource lands for future use. It may also help to ensure a competitive market and to guard against inflated land prices by allowing the supply of minerals to respond to the demand of a free market. Helping the aggregate industry and the associated businesses, trades and export markets create jobs and stimulate the economy, to the benefit of the county.

Potential conflicts with other land uses, however, may include increased noise, dust, visual blight, traffic, road wear, and neighboring property devaluation. Unreclaimed mines may affect property values while at the same time nearby residents may use the area for other activities. Controlling trespassing to surface mining may be a significant safety issue for mine operators. Property rights issues range from the right to mine and use the value of mineral resource land to the right to live in an area with a high quality of life and retain home values. Citizens may be generally unaware of the county zoning of surrounding property and the mining uses that area allowed. These and other factors may contribute to a climate of distrust and hostility between aggregate industry and adjacent property owners.

Environmental issues associated with surface mining may include groundwater contamination and disruption of fish and wildlife habitat. Surface mines may have the potential, however, to create wetlands and fish and wildlife habitat, possible productive agricultural land for a limited number of crops, and provide land for parks, housing, industrial and other uses, through mine reclamation.

Associated mining activities such as rock crushing on-site may increase the "industrial atmosphere" experience by nearby property owners. This activity, however, helps to keep material transportation costs down. In addition, accessory uses are a necessary part of most operations, and to carry them out on site is cost-effective.

In October 2006, PDS staff provided a staff report to the Planning Commission for a proposed MRL designation expansion east of the City of Nooksack, off of Breckenridge Road. The staff report recommended approval, subject to conditions, based on designation criteria within the Comprehensive Plan and review criteria within Whatcom County Code. The Planning Commission forwarded their findings for approval to the County Council. The Council Natural Resource committee recommended approval of the proposal to the County Council. At the County Council meeting, partially due to public opposition, the proposal was not adopted.

In December 2008, an application was filed to amend the Comprehensive Plan map and zoning map to expand an MRL designation off of Bowman and Doran roads, south of Acme. The SEPA threshold determination of Mitigated Determination of Non-Significance was appealed by some of the local community and the applicant.
The Hearing Examiner upheld the applicant appeal. The Hearing Examiner decision was appealed to the County Council, which upheld the Hearing Examiner’s decision. In May 2011, PDS staff provided a staff report to the Planning Commission for the proposed MRL designation amendment. The staff report recommended approval based on the designation criteria within the Comprehensive Plan and review criteria within Whatcom County Code. The Planning Commission forwarded their findings for approval to the County Council. On July 26, 2011, the County Council moved to refer the proposal to committee for a work session. At the August 9, 2011 Planning and Development Committee meeting, the Committee was unable to recommend approval for the proposal. That evening, the County Council forwarded the proposal to concurrent review. On February 14, 2012, the County Council motion to adopt the proposed ordinance failed, partially due to public concerns about potential environmental impacts of future mining.

The purpose of the present proposal is to address some of the concerns that have been raised in previous years. As stated in the application for this proposal:

- “The current MRL process fails to provide sufficient information to evaluate the potential impacts of MRL designation proposal. Recent decisions of the hearing Examiner have concluded that the current process limits the initial MRL designation mainly to the value and location of mineral deposits while leaving the determination of the impacts and approval of operations to the administrative approval process that requires appeals in order to gain a public hearing. As noted by the Hearing Examiner, Whatcom County could have chosen a different process with designation criteria that included environmental review of mining impacts at the beginning of the process.”

“This amendment does propose a different process – a process that provides the public and decision-makers with environmental information prior to MRL lands being designated, and then requires a public hearing on surface mining permit applications rather than having such decisions made by staff that must be appealed in order to gain a hearing.”

III. ANALYSIS OF THE PROPOSED AMENDMENT

The proposed amendments include both Comprehensive Plan text amendments, as well as zoning text amendments.

In order to approve the proposed Comprehensive Plan amendments, pursuant to Whatcom County Code (WCC) 2.160, the planning commission and county council must find:

- 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.
- Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the amendment.
- The public interest will be served by approving the amendment.
A. That 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.

Growth Management Act

The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.

GMA planning goal #7 states: “Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability” (RCW 36.70A.020(7)).

Staff Comment: Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine” (unlike agricultural and forest lands of long-term commercial significance), insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction. Neither Exhibit A nor B proposes to change that.

However, Exhibit A would require that a site specific environmental analysis, as well as consideration of the maintenance and upgrade of public roads, be conducted on a site prior to MRL designation. If, in keeping with recent decisions, MRL designation does not include a “right-to-mine”, subject to the results of the environmental analysis, then a mineral extraction permit applicant would have no assurances that the results of their site specific environmental analysis would result in an approved MRL designation or permit. Further, if designation is predicated on an operating plan, if a mineral extraction company goes out of business or is sold, or if the property is sold, it is unclear if the new owner would be bound to the operating plan, need to complete a new environmental analysis, or risk losing MRL designation based on the lack of an environmental analysis.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

GMA planning goal #11 states: “Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts” (RCW 36.70A.020(11)).

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use
processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

County-Wide Planning Policies

County-Wide Planning Policy A-3 states that:

Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Interlocal Agreement

Staff Comment: Staff is not aware of any interlocal agreements affecting the proposed amendments.

B. That further studies made or accepted by the department of planning and development services indicate changed conditions that show the need for the amendment.

There have been no studies made or accepted by the PDS that indicate changed conditions that show the need for the amendments. However, in recent history
there have been instances documented that may support some of the amendments.

- **Exhibit A – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before designating MRLs and approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

- **Exhibit B – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

**Staff Comment:** The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.

- **Exhibit A – Proposed Policy 8K-7:** Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

- **Exhibit B – Proposed Policy 8K-7:**
  The surface Mining Advisory Committee did not recommend approval of this proposed policy.

**Staff Comment:** Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Anticipation and evaluation of potential adverse environmental impacts associated with mineral extraction, and mitigation and/or reasonable alternatives may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process.
• **Exhibit A – Proposed Policy 8K-8:** Expansion of existing MRL designations for a mine site will require that the existing mine is in full compliance with all permits and regulations.

• **Exhibit B – Proposed Policy 8K-8:** Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

**Staff Comment:** In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

• **Exhibit A and Exhibit B – Proposed Policy 8Q-4:** Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
  1. on-site environmental review, with county as lead agency, and
  2. application of appropriate site specific conditions, and
  3. notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
  4. access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

**Staff Comment:** The underlines and strikethroughs represent changed conditions from the present policy. In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:
"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADM) and the 3 amendment applications to those ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court."

This information indicates that, while the sample size is relatively small, the Technical Administrator’s determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

C. That 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:

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

   **Staff Comment:** There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B. However, under Exhibit A, lands that have a proven resource may become converted to a use incompatible with surface mining if mineral resource extraction companies don’t pursue designation as a result of increased costs and lack certainty in the designation process.

2. The anticipated effect upon 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.

   **Staff Comment:** Under Exhibit A, the proposed Comprehensive Plan amendments may affect the ability of the County and/or other service providers to provide adequate services and public facilities including transportation facilities, though not necessarily through an increased demand for services. Recent efforts to designate lands for mineral extraction have failed. Mining companies may be hesitant to apply for designation, due to the costs associated with studies to determine potential impacts/mitigation/alternatives, if there are no reassurances that they could recoup the costs through designation and subsequent mineral extraction.

9
Additionally, by limiting MRL designations in forest lands to 20 acres at a time, large areas of potential resources may not be efficiently extracted. This situation may result in increased costs for the resource. If mining companies decide to not apply for new designations in Whatcom County, the costs of mineral resources would likely climb as the local supply diminishes and more costly imports become a primary source of material. If the costs of capital facilities increase, there may be less money throughout the rest of the provider’s budget.

Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

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

Staff Comment: Under Exhibit A, the proposed amendments may discourage mining companies from applying for designation, due to the costs associated with studies to determine potential impacts/mitigation/alternatives, if there are no reassurances that they could recoup the costs through designation and subsequent mineral extraction. If true, the rate of conversion to mineral resource lands from agriculture and forestry would likely slow, positively impacting the protection of agriculture and forestry lands. However, the proposed amendments would then, necessarily, negatively impact the availability of mineral resource lands.

Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

D. That the amendment does not include nor facilitate illegal spot zoning.

According to the Official Whatcom County Zoning Ordinance:

“Illegal spot zoning” means a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the Comprehensive Plan. Spot zoning is zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole (WCC 20.97.186).

Staff Comment: The proposed amendments within Exhibit A and Exhibit B do not change the zoning of any area; therefore the amendment does not include nor facilitate illegal spot zoning.

For zoning text amendments, Planning and Development Services shall conduct environmental review under SEPA and prepare a staff report including recommendations and/or options for the initiated amendment. The report and
result of environmental review to the appropriate hearing body, in this case the Planning Commission. The Planning Commission shall evaluate the merits of each amendment in relationship to the goals, policies and objectives of the Comprehensive Plan and make a recommendation as to whether the amendment should be approved, approved with modifications or denied. The following goals and policies of the Comprehensive Plan apply to the subject zoning text amendments.

**Goal 2G:** Encourage citizen participation in the decision-making process

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

**Policy 2D-3:** Streamline development regulations to eliminate unnecessary time delays.

**Staff Comment:** Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. In both Exhibit A and Exhibit B, by changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

**Policy 7D-7:** Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

**Staff Comment:** Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. In both Exhibit A and Exhibit B, by changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

**Policy 8K-1:** Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case
of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

**Exhibit A – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before designating MRLs and approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

**Exhibit B – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

**Policy 8N-2:** Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

**Staff Comment:** Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Both exhibits propose amendments to Policy 8Q-4 that alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.
Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Staff Comment: Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Both exhibits propose amendments to Policy 8Q-4 that alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:

1. on-site environmental review, with county as lead agency, and
2. application of appropriate site specific conditions, and
3. notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
4. access to de novo review by the Hearing Examiner if administrative approval or denial is appealed.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Since conditional use permits undergo a public hearing before the Hearing Examiner, the conditional use permitting process allows for oral input, as opposed to the administrative approval process which has no associated public hearing.

Goal 10J: Minimize conflicts between different land uses.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing
before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

**Policy 11B-5:** Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

**Lack of Goals or Policy:** The following are proposed amendments to the zoning code that are neither supported, nor opposed, by the goals and policies within the comprehensive plan. The present zoning code language is presented first, followed by the proposed amendments within Exhibits A and B.

**WCC 20.42.058 and 20.43.055 – Permitted uses within Rural and Commercial Forestry:** Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided that administrative approval is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

- **Exhibit A:** Proposes changing the permitting process from administrative approval use to conditional use and extending the locational criteria to 2,000 ft.
- **Exhibit B:** Proposes changing the permitting process from administrative approval use to conditional use, but leaving the locational criteria at 1,000 ft.

**WCC 20.73.132 – Administrative Approval uses in the Mineral Resource Lands overlay:** Rock crushing within Commercial and Rural Forestry Districts.

- **Exhibit A:** Proposes adding the following language to the end of the code: “when located further than 2,000 feet from a rural or residential district.”
- **Exhibit B:** Proposes adding the following language to the end of the code: “when located further than 1,000 feet from a rural or residential district.”

**Proposed WCC 20.73.153(1) – Conditional uses in the Mineral Resource Lands Overlay (note: this language would replace administrative approval use language, if the permitting process is changed from administrative approval use to conditional use):** The notification requirements of WCC
2.33.060.D.2.b shall be expanded to all property owners within 1,000 ft. of the external boundaries of the subject property.

- **Exhibit A**: Proposes expanding the notification area to 2,000 ft.
- **Exhibit B**: Proposes leaving the notification area at 1,000 ft.

**Proposed WCC 20.73.153(6) – Conditional uses in the Mineral Resource Lands overlay (note: this language would replace administrative approval use language, if the permitting process is changed from administrative approval use to conditional use):** Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

- **Exhibit A**: Proposes expanding the notification area to 2,000 ft.
- **Exhibit B**: Proposes leaving the notification area at 1,000 ft.

**Exhibit B - Proposed WCC 20.73.153(7) – Conditional uses in the Mineral Resources Lands overlay (note: this language is new and is not proposed in Exhibit A):** Where the underlying zoning is Rural Forestry or Commercial Forestry, prior to moving on to a new phase, previously mined areas shall meet reclamation criteria as identified on an approved Department of Natural Resources Surface Mining Reclamation Permit.

**State Environmental Policy Act**

**Staff Comment**: A SEPA Determination of Nonsignificance was issued on July 5, 2013. The associated comment period ended on July 19th, 2013 and the appeal period concluded July 29th, 2013.

**IV. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION**

1. An application for Comprehensive Plan and related zoning amendments was received by Whatcom County on December 21, 2012.

2. A revised application for Comprehensive Plan and related zoning amendments was received by Whatcom County on January 23, 2013.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 5, 2013. The associated comment period ended July 19, 2013 and the appeal period concluded July 29, 2013.

4. The Surface Mining Advisory Committee held work sessions with Whatcom County PDS Staff on March 26, 2014; April 23, 2014; May 28, 2014, June 25, 2014; and July 23, 2014.

5. A press release of the Planning Commission briefing was published in the Bellingham Herald on 09/08/2014.
6. The Planning Commission held a work session on September 11, 2014.

7. The Planning Commission held a public hearing on October 23, 2014.

8. Notice of the proposed amendment was sent to the Department of Commerce on 8/15/2014.

9. On 08/20/2014 the Department of Commerce acknowledged receipt of the notice, and that a copy of the notice had been forwarded to other state agencies.

10. The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.

11. GMA Planning Goal #7: Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Through previous MRL designation proposals, it has been affirmed that MRL designation is not a "right-to-mine", insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

12. GMA Planning Goal #11: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
13. Whatcom County's County-Wide Planning Policy A-3 states: Policy 7D-7: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

14. There are no interlocal agreements affecting the proposed amendments.

15. Whatcom County Comprehensive Plan contains goals and policies that are applicable to the proposal.

16. Proposed Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.
Exhibit B proposes amendments altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

17. Proposed Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

18. Proposed Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
   (1) On-site environmental review, with county as lead agency, and
   (2) application of appropriate site specific conditions, and
   (3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
   (4) access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

The underlines and strikethroughs represent changed conditions from the present policy. The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed
amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:

"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMs), and the 3 amendment applications to those ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court."

This information indicates that, while the sample size is relatively small, the Technical Administrator’s determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

19. There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B.

20. Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

21. Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

22. Goal 2G: Encourage citizen participation in the decision-making process

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
23. **Policy 2D-3:** Streamline development regulations to eliminate unnecessary time delays.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

24. **Policy 7D-7:** Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

25. **Policy 8K-1:** Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

26. **Policy 8N-2:** Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be).
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27. Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

28. Goal 10J: Minimize conflicts between different land uses.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

29. Policy 11B-5: Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

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certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

30. The Washington State Department of Natural Resources completed a study entitled中的，Reconnaissance Investigation of Sand, Gravel, and Quarried Bedrock Resources in the Bellingham 1:100,000 Quadrangle, Washington (Jan. 2001). This study indicates that the working lifetime of most of the significant pits in the county is 10 to 20 years (p. 5).

31. The Whatcom County Surface Mining Advisory Committee Final Report and Recommendations (October 20, 2004) states:

\[\ldots\text{Theoretically, there is enough total supply in existing MRLs to satisfy demand over the first 20 years of the planning period. However, there is an imbalance in the demand and supply of sand and gravel. There is a greater need for gravel resources than sand and, as we approach the end of the 20-year planning period, we can anticipate a shortage of gravel. Additionally, shortly after the 20-year planning period, we will run out of sand and gravel resources if existing MRLs are not expanded.}\ldots\text{ (p. 7).}\]

V. PROPOSED CONCLUSION

The subject Comprehensive Plan amendments are consistent with the approval criteria of WCC 2.160.080. The subject zoning text amendments were processed in accordance with WCC 20.90.050.

VI. RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends approval of the proposed amendments as shown in Exhibit B. The Whatcom County Planning Commission also strongly recommends that Whatcom County take a lead role in designating mineral resource lands of long-term commercial significance in order to protect the resource from incompatible uses, as opposed to the present process of landowner initiated amendments.
Proposal

The Whatcom County Surface Mining Advisory Committee (SMAC) is proposing use of the conditional use rather than the administrative approval review process for mine permitting. The Committee is making this recommendation because the majority of Committee members believe that this will result in a more open, efficient and timely process.

Introduction

The Whatcom County Planning Commission questioned the Whatcom County Surface Mining Advisory Committee’s recommendation for using conditional use permits. Administrative review based on a staff decision without a public hearing is the current procedure for mine permitting in Whatcom County. The SMAC decision is based on a review of Comprehensive Plan amendments proposed by Whatcom County Councilman Carl Weimer and Councilwoman Barbara Brenner, and Whatcom County Planning and Development Services staff recommendations. Both sets of recommendations are intended to, “ensure that mineral extraction industries do not adversely affect the quality of life in Whatcom County...”¹ address the Mineral Resource Land (MRL) approval process² and identify criteria for designating MRLs³. Membership of the SMAC includes a citizen who lives close to an existing mine, two representatives from the mining industry, two geologists, a geotechnical engineer, an ecologist, a forester, and a representative from the Whatcom Conservation District.

Discussion

A majority of the SMAC believe, as is the current practice, that public hearings should occur before an MRL designation is made by the County Council, with the understanding that an MRL designation does not constitute a right to mine nor should the impact of mining be addressed prior to an MRL designation. Because of the cost, as well as uncertainty in designation, mining impacts should be addressed in the State Environmental Policy Act (SEPA) review for a site-specific mining permit. The estimated costs for an Environmental Impact Statement through SEPA review range from $50K to $200K. In addition to the SEPA review, site-specific comments by affected citizens and any site-specific conditions should be considered by a Hearing Examiner before a decision is made to permit mining.

¹ Whatcom County Comprehensive Plan, Chapter 8 Resource Lands, Section 8K Adverse Impacts
² Whatcom County Comprehensive Plan, Chapter 8 Resource Lands, Section 8P MRL Approval Process
The rationale for changing from an administrative review to a conditional use mine permitting process includes the following:

- Uncertainties and inconsistencies in the approach the Whatcom County Planning and Development Services staff may take when reviewing permit applications,
- Citizens should be encouraged to engage early in the decision making process,
- Citizen participation will provide applicants for mining permits with early identification of perceived as well as real pitfalls, safety concerns and impacts of mining thus enabling applicants to address mitigation before concerns spiral out of control,
- Citizen involvement will result in recognition of conflicts between competing land uses, and
- Early citizen participation in the decision making process may reduce the number of challenges through appeals, thus minimizing time delays during the mine permitting process.

Conclusion

The Whatcom County Surface Mining Advisory Committee recommends the conditional use rather than the administrative approval review process because the Committee believes the conditional use process promotes open decision making, allows citizens to consider and understand alternatives and voice their concerns before any decision is made. Open decision making and early discussion may also shorten the time between application and issuance of a permit to mine. Criteria to be used by a Hearing Officer should be clearly identified when deciding whether a mine should be permitted during the conditional use review process. It is essential that all interested parties have an early understanding of issues influencing a decision so that these can be discussed and understood before a decision is made to assure maximum efficiency.
Comprehensive Plan Map and Zoning Map Amendment - MRL Designation process

** Present/SMAC Recommendation **
- MRL Comprehensive Plan Map and Zoning Map amendment application
- SEPA (Non-Project Action, historically DNS)
  - Legal notice published in newspaper
- Staff Report
  - Zoning Review
  - Comp Plan Review
  - GMA Review
- Planning Commission (Public Hearing)
  - At least 10 days prior to hearing: Legal notice published in newspaper; notification to neighbors within 1,000 ft; Notice posted onsite
- County Council (Public Hearing)**
  - Decision
  - Notification in Herald 10-days prior to hearing

** Applicant Proposal **
- MRL Comprehensive Plan Map and Zoning Map amendment application
- SEPA (Project specific Action; may require EIS/FEIS is issued)
  - Legal notice published in newspaper
  - Review extraction impacts and address potential adverse
- Staff Report
  - Zoning Review
  - Comp Plan Review
  - GMA Review
- Planning Commission (Public Hearing)
  - At least 10 days prior to hearing: Legal notice published in newspaper; notification to neighbors within 1,000 ft; Notice posted onsite
- County Council (Public Hearing)**
  - Decision
  - Notification in Herald 10-days prior to hearing

** County Council may deny amendment regardless of whether the application meets designation criteria **
Permitting process for mineral extraction

**PRESENT**
- Administrative Approval Use
- Notification to neighbors within 1,000 ft.
- SEPA (project specific action) if over 500 cu yds
- Staff Decision
- Notice posted on-site

**SMAC RECOMMENDATION**
- Conditional Use
- Notification to neighbors within 1,000 ft
- SEPA (project specific action) if over 500 cu yds
- Staff Recommendation
- Public Hearing
- Hearing Examiner Decision

**APPLICATION**
- Conditional Use
- Notification to neighbors within 2,000 ft
- SEPA (project specific action) if over 500 cu yds (completed as part of designation)
- Staff Recommendation
- Public Hearing
- Hearing Examiner Decision
WHATCOM COUNTY
PLANNING COMMISSION

Designated Mineral Resources Lands Comprehensive Plan
and Zoning Code Amendments

FINDINGS OF FACT AND REASONS FOR ACTION

1. An application for Comprehensive Plan and related zoning amendments was received by Whatcom County on December 21, 2012.

2. A revised application for Comprehensive Plan and related zoning amendments was received by Whatcom County on January 23, 2013.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 5, 2013. The associated comment period ended July 19, 2013 and the appeal period concluded July 29, 2013.

4. The Surface Mining Advisory Committee held work sessions with Whatcom County PDS Staff on March 26, 2014; April 23, 2014; May 28, 2014; June 25, 2014; and July 23, 2014.

5. A press release of the Planning Commission briefing was published in the Bellingham Herald on 09/08/2014.

6. The Planning Commission held a work session on September 11, 2014.

7. The Planning Commission held a public hearing on October 23, 2014.

8. Notice of the proposed amendment was sent to the Department of Commerce on 8/15/2014.

9. On 08/20/2014 the Department of Commerce acknowledged receipt of the notice, and that a copy of the notice had been forwarded to other state agencies.

10. The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.

11. GMA Planning Goal #7: Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine”, insomuch as upon receiving MRL
designation, a permit is still required for the act of mineral extraction.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

12. GMA Planning Goal #11: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

13. Whatcom County’s County-Wide Planning Policy A-3 states: Policy 7D-7: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
14. There are no interlocal agreements affecting the proposed amendments.

15. Whatcom County Comprehensive Plan contains goals and policies that are applicable to the proposal.

16. Proposed Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.

Exhibit B proposes amendments altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

17. Proposed Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of
another landowner to expand an MRL designation.

18. Proposed Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) On-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 1,000 feet to insure
   opportunity for written and oral input and/or appeal, and
(4) access to de novo review by the Hearing Examiner if administrative
   approval is denied or appealed.

The underlines and strikethroughs represent changed conditions from the present policy. The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:

"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMs), and the 3 amendment applications to those ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court."

This information indicates that, while the sample size is relatively small, the Technical Administrator's determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

19. There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the
Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B.

20. Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

21. Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

22. Goal 2G: Encourage citizen participation in the decision-making process

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

23. Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

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a shortage of gravel. Additionally, shortly after the 20-year planning period, we will run out of sand and gravel resources if existing MRLs are not expanded... (p. 7).

V. PROPOSED CONCLUSION

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VI. RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends approval of the proposed amendments as shown in Exhibit B. The Whatcom County Planning Commission also strongly recommends that Whatcom County take a lead role in designating mineral resource lands of long-term commercial significance in order to protect the resource from incompatible uses, as opposed to the present process of landowner initiated amendments.

WHATCOM COUNTY PLANNING COMMISSION

Mary Beth Teigrob, Vice - Chair

Becky Boxx, Secretary

Date 10/29/14

Commissioners present at the October 23, 2014 meeting when the vote was taken: Gary Honcoo, Ben Elenbaas, Mary Beth Teigrob, Natalie McClendon, Ken Bell.

Vote: Ayes: 5, Nays: 0, Abstain: 0, Absent: 0. Motion carried to recommend approval of Exhibit B.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES
Originator:
GD
9/29/2014

Division Head:
Mark Personius
Dept. Head:
Sam Ryan
Prosecutor:
Royce Buckingham
Purchasing/Budget:
Executive:

EXECUTIVE DIRECTION:
10.06.14

TITLE OF DOCUMENT:
Application to rezone 5 acres from Neighborhood Commercial (NC) to Rural General Commercial (RGC) zoning district.

ATTACHMENTS:
1. Staff Memo
2. Proposed Ordinance and Exhibit
3. Staff Report
4. Planning Commission minutes

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.)

A proposal to rezone approximately five acres from Neighborhood Commercial (NC) to Rural General Commercial (RGC), located at the northwest corner of Slater and Elder Roads, about five miles west of Interstate 5.

COMMITTEE ACTION:
10/14/2014: Held in Planning Committee until October 28, withdrawn from Introduction

COUNCIL ACTION:
10/14/2014: Withdrawn from introduction and held in Committee until October 28 or a later date

Related County Contract #: PLN2014-00008

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: Whatcom County Council
THROUGH: Mark Personius, AICP, Long Range Planning Manager
FROM: Gary Davis, AICP, Senior Planner
DATE: October 28, 2014
SUBJECT: PLN2014-00008 Slater Road Rezone

At its October 14, 2014 meeting the Planning and Development Committee voted to hold the Slater Road rezone application in committee until a future meeting when additional information can be presented. This information includes:

- Details about the proposed configuration of the automobile sales use, as described in neighbor Larry Daugert’s July 11, 2014 comment. Mr. Daugert’s questions concerned:
  - Location of new lot lines as a result of a possible boundary line adjustment
  - Location of the used car sales lot on the site
  - Number of cars to be accommodated
  - Location of any wash or repair facilities
  - Location of a potential single family home
- Information on the applicant’s automobile sales license
- Information on what the applicant was told by PDS staff when the auto sales use was first proposed

The applicant, not PDS, is the source for this information and the applicant has submitted materials in response to the committee’s request (see attached). PDS can provide brief preliminary comments on these materials at the November 12 meeting, but cannot conduct a full site plan review on a use that is not currently legal. Staff has made some minor changes to the draft agreement, clarifying permitted uses, and allowing the County to rescind the rezone if the time limits in the agreement are not met (attached).

As the staff report stated, this application is a quasi-judicial matter per the state’s Appearance of Fairness Doctrine. Quasi-judicial actions are defined to be: "...those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case.
to engage in ex parte communication when quasi-judicial matters are pending. An ex parte communication is a one-sided discussion between a decision-maker and the proponent or opponent of a particular proposal which takes place outside of the formal hearing process on a quasi-judicial matter. Any communication between any party and a Council member that may have the appearance of or potential to lead to bias or partiality should be disclosed as soon as possible at the quasi-judicial hearing on the matter.¹

For further information on this application, please contact Gary Davis, Senior Planner, at extension 50246.

Attachments:

- Applicant’s materials
  - Conceptual site plan
  - Letter from Massad Boulos
  - Business licenses
  - Revised Draft Concomitant Agreement

¹ More information on quasi-judicial actions and the Appearance of Fairness Doctrine is available at http://www.mrsc.org/askmrsc/pastingsubject.aspx?sid=2
Dear County Council Members:

I have been a business owner in this neighborhood for twelve plus years and am very invested in my businesses and the community in which we reside. I am the owner of Starvin Sams X1X, a convenience store/gas station located on what has become known as “Jordyn’s Corner”.

Because of our store location we are the “last stop” for many of the people residing on Sandy Point, the local reservation and the surrounding communities. We have developed long standing and friendly relationships with our customers. Many we know on a first name basis. We strive to pass on excellent customer service and great value to all of our clients.

Incidental to our convenience store and gas station, I began selling used cars at this site about six years ago. I have never received a complaint from any of our neighbors. Our MB Motors sign has hung here with never an issue or problem until of late.

This zoning issue came as a complete surprise to me. When we moved forward with the startup of the car lot I enlisted the help of a family member to comply with all of the steps necessary. We applied for and obtained a business/dealer license. See attached. My cousin went to the Whatcom County Planning offices and spoke with a county employee at the counter regarding the property on which we planned to open the lot. He was told that the area was zoned commercial and that a car lot didn’t appear to be a problem. Unfortunately, my cousin cannot recall the name of the employee that he spoke with as it was years ago. We then moved forward and opened the car lot believing we had researched and followed all laws governing this type of business.

Upon hearing the devastating news regarding zoning, I immediately started to research what could be done to keep my car business up and running. I even went so far as to look at other locations where we might be able to move the car lot to if need be. The lease payments and sale prices at these locations were extremely high and not a feasible solution as we are a small enterprise. Most of the revenue from our car sales goes to paying the mortgage on the building and property here and helping to cover my $35,000 overhead. The Lummi Nation’s opening of the gas station on Slater Road near the casino has materially affected our convenience store and gas station operations as the Lummi Nation is able to sell gas and other items at a significantly lower price. After reviewing our options, the most feasible solution for keeping my car business open is to have the property “rezoned” to allow for the car lot.

We recently hired an engineering firm to come up newest forth a design for the car lot which will include buffer zones and landscaping improvements that would buffer our neighbor’s view of our property, but Slater road as well. I have spent a lot of money trying to get this rezoning implemented and at the same time keep my neighbors happy. Closing down my car business would be devastating. I have personally, professionally, and financially invested a lot of time and money over the last six years. The closing down of MB Motors LLC would also force me to lay off at least 5 of my 15 employees. These are jobs available to people that live in this rural area, one of the purposes of the rural business zone that we seek for the property. My employees rely on me for a steady paycheck so that they can provide for their families. So, as you can see, there is a huge “trickledown” effect if we were forced to close.

As a business owner and committed citizen of this neighborhood I value what all of my neighbors think and I am very willing to sit down and discuss what I can do to continue my business operations here and at the same time keep my neighbors happy. I welcome any ideas or thoughts from the local community.
The “rezoning” of the property appears to be the best solution. I hope that we can come to a beneficial resolution.

Sincerely,

Massad Boulos
Owner/Operator
Starvin Sams X1X
MB Motors LLC
BUSINESS LICENSE

Domestic Limited Liability Company

M.B. MOTORS LLC
3310 SLATER RD
FERNDALWA 98248-9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: I
Location: I
Expires: 09-30-2015

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Director, Department of Revenue
BUSINESS LICENSE

STATE OF WASHINGTON

Domestic Limited Liability Company

M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248 9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
  M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 09-30-2014

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

[Signature]
Director, Department of Revenue

489
M.B. MOTORS LLC  
3310 SLATER RD  
FERNDALE WA 98248-9011

STATE OF WASHINGTON

BUSINESS LICENSE

Domestic Limited Liability Company

M.B. MOTORS LLC  
3310 SLATER RD  
FERNDALE WA 98248 9011

TAX REGISTRATION  
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:  
M.B. MOTORS LLC

Unified Business ID #: 602 957 080  
Business ID #: 1  
Location: 1  
Expires: 09-30-2013

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Brad Flaherty  
Director, Department of Revenue
M.B. MOTORS LLC  
3310 SLATER RD  
FERNDALE WA 98248-9011

Business License

State of Washington

Domestic Limited Liability Company

M.B. MOTORS LLC  
3310 SLATER RD  
FERNDALE WA 98248 9011

TAX REGISTRATION  
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:  
M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: 1  
Location: 1  
Expires: 09-30-2014

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Director, Department of Revenue
BUSINESS LICENSE

Domestic Limited Liability Company

M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248 9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 09-30-2012

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.
MASTER LICENSE SERVICE
PO Box 9034 • Olympia, WA 98507-9034 • (560) 624-1400

REGISTRATIONS AND LICENSES

Domestic Limited Liability Company

M.B. MOTORS LLC
3310 SLATER RD
FERNDAL WA 98248-9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1331

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 09-30-2011

The licensee named above has been issued the business registrations or licenses listed. By accepting this document the licensee certifies the information provided on the application for these licenses was correct, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city ordinances.

Elizabeth A. Luce
Director, Department of Licensing

493
H.B. MOTORS LLC
3310 SLATER RD
FERNDale WA 98248-9011

DOMESTIC LIMITED LIABILITY COMPANY

M.B. MOTORS LLC
3310 SLATER RD
FERNDale WA 98248-9011

TAX REGISTRATION
MOTOR VEHICLE DEALER #1531

REGISTERED TRADE NAMES:
M.B. MOTORS LLC

MASTER LICENSE SERVICE
PO Box 9034 • Olympia, WA 98507-9034 • (360) 664-1400
REGISTRATIONS AND LICENSES

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1
Expires: 12-31-2010

The licensee named above has been issued the business registrations or licenses listed. By accepting this document, the licensee verifies the information provided on the application for these licenses was complete, true, and accurate to the best of her or his knowledge and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Elizabeth A. Luce
Director, Department of Licensing
M.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248-9011

MASTER LICENSE SERVICE
PO Box 9034 • Olympia, WA 98507-9034 • (360) 764-1400

REGISTRATIONS AND LICENSES

Domestic Limited Liability Company

Unified Business ID #: 602 957 080
Business ID #: 1
Location: 1

N.B. MOTORS LLC
3310 SLATER RD
FERNDALE WA 98248 9011

TAX REGISTRATION

REGISTERED TRADE NAMES:
N.B. MOTORS LLC

This licensee named above has been issued the business registrations and licenses listed. By accepting this document, the licensee certifies the information provided on the application for these licenses is true, correct, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Elizabeth A. Luce
Auditor, Department of Licensing
AGREEMENT

This agreement (herein “Agreement”) is made and entered into this _______ day of
______________, 2014, by and between Larry M. Jordan and SYB Holdings Co., Inc.
(herein “Owners”) and Whatcom County, a subdivision of the State of Washington
(herein “County”).

RECITALS

The Owners are the owners of certain real property (herein the “Property”) which is
more particularly described on Exhibit A, attached hereto and incorporated herein,
and which is the subject of an application for rezone from Neighborhood
Commercial (NC) to Rural General Commercial (RGC) zoning district. The
Comprehensive Plan designation for the Property is Rural Business.

A determination of nonsignificance for the rezone proposal was issued by the SEPA
County Planning Commission was mailed to the Owners and property owners within
1,000 feet of the Property and posted on the Property on June 26, 2014.

On July 10, 2014 the Planning Commission held a public hearing, considered input
from the staff, applicant, and neighbors, and made no recommendation. The
Whatcom County Council held a second public hearing on October 28
______________, 2014 and approved the rezone subject to a concomitant
agreement.

The County has entered into this agreement with the Owners concurrently with the
rezone of the Property to RGC. The purpose of this agreement to limit the permitted
uses and to ensure compliance with all applicable development regulations. It is not
intended that this Agreement would modify or eliminate other relevant
requirements imposed by other applicable ordinance and regulations.

NOW, THEREFORE, for and in consideration of the mutual covenants and
agreements contained herein, and in consideration of the rezone of the Property as
discussed above, the parties covenant and agree as follows:

I. Rezone. Concurrently with the approval of this Agreement, the Whatcom
County Council shall rezone the Property to RGC, subject to the terms and
conditions of this Agreement. Upon approval of the rezone, this
agreement shall be recorded as a covenant running with the land.

II. Permitted Uses. Permitted uses on the property shall include all permitted
uses in the NC district (WCC 20.60.050), and the following uses:
Automobile service stations, Rental storage establishments, Single family
residences, and Automobile sales, excluding new buildings. Accessory and
conditional uses listed in WCC 20.60.100 and 20.60.150 are also permitted on an accessory and conditional basis, respectively.

III. Prohibited Uses. Subject to section II above, prohibited uses shall include all permitted uses in the RGC district (WCC 20.59.050) except that the following uses shall be permitted uses:

a. Automobile service stations,
b. Rental storage establishments,
c. Automobile sales, excluding new buildings, and
d. a single family residence (WCC 20.59.055).

IV. Compliance: The use of the property for automobile sales or any use not legally established shall be prohibited until a Pre-Application Meeting with Whatcom County Planning and Development Services (PDS) has been held, the required permits issued and final approval for all permits including a Certificate of Occupancy has been issued. The applicant shall comply with all Whatcom County Code requirements including but not limited to the Whatcom County Development Standards. Improvements that may be required include but are not limited to adherence to setbacks, fireflow, access, landscaping, and stormwater.

V. Pre-Application Meeting and Required Permits: For the purpose of this agreement, "days" shall be calculated as calendar days. The Owners and/or authorized agent shall comply with the following:

1. The Owners shall submit to Whatcom County Planning and Development Services, a complete packet of application materials accompanied by the appropriate filing fee for a zoning pre-application meeting within 14-days of the effective date of the rezone ordinance.

2. The County shall hold the pre-application meeting within 20-days of receipt of the complete pre-application documents. At the pre-application meeting the County will provide the Owners with information regarding all the permits that will be required. The County anticipates that, at a minimum, it will require a building permit that includes review of land disturbance, stormwater, traffic, landscaping, parking, fire access, and fire flow. A revocable encroachment permit may also be required.

3. Following the pre-application meeting, the Owners or authorized agent shall submit all required permit applications with the appropriate deposits and/or fees to the County within 30-days of the pre-application meeting. All applications must be complete.
4. The Owners shall, at the time of each permit application, inform the County project Planner that he/she has submitted the application to the County and shall supply the County with the permit numbers. This will allow the County to expedite issuance and tracking of the permits.

5. The County shall issue a determination of completeness for each application within 14 days of submittal, pursuant to WCC 2.33.020(D) and 2.33.050.

6. The County shall review all submitted permit applications, and if necessary, issue a Notice of Additional Requirements (NOAR) within 14-days of the applications being received. Although not anticipated, a NOAR may be necessary if County review of a complete application finds that additional information is needed, (e.g. if the site plan needs revision due to need for fire apparatus turnaround or because of the location of existing wells, septic systems, etc.)

7. If a NOAR is issued, the applicant shall submit the requested information to Whatcom County within 45 days from the date of the NOAR.

8. Immediately following the County’s final review, the County shall notify the Owners or authorized agent by telephone that a permit is ready for issuance. The Owners shall pay the remaining permit fees and pick-up the permits(s) within 14-days of notification that the permits are ready for issuance.

9. For procedures not specified in this section, the requirements of the Whatcom County Code shall apply.

VI. Time Limit: The County Council may take action to rescind ordinance rezoning the Property to RGC shall include a time limit that rescinds the rezone if the Owners have not received a County-issued Certificate of Occupancy within 120-days of permit issuance, provided notice of a hearing regarding such potential action is first provided to the Owners. The County may, at its discretion, extend this time limit if delays occur through no fault of the applicant.

VII. Effective Date: This agreement shall become effective on the effective date of the ordinance rezoning the property to RGC. This agreement in no way authorizes or condones any use or action on the property by the applicant until formal adoption of this agreement and the rezone to RGC by the County Council.

VIII. Miscellaneous.
1. **Applicable Law.** This Agreement shall in all respects be governed by the laws of the State of Washington and Whatcom County Codes.

2. **Modification or Amendment.** No amendment, change, or modification of this Agreement shall be valid unless in writing and signed by all of the parties hereto.

3. **Successors and Assigns.** All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, legal representatives, successors, and assigns.

4. **Entire Agreement.** This Agreement constitutes the entire understanding and agreement of the parties with respect to its subject matter and any and all prior agreements, understandings, or representation with respect to its subject matter are hereby canceled in their entirety and are of no further force or effect.

5. **Headings.** The captions and paragraph headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit, or affect the interpretation of construction of any term or provision hereof.

IN WITNESS WHEREOF the parties have executed this Agreement on the day above first written.

__________________________
Larry M. Jordan
Land Owner

__________________________
By: ______________________
Massad Boulos

__________________________
Title: ______________________
Applicant

__________________________
ATTEST:
WHATCOM COUNTY, WASHINGTON

__________________________
Dana Brown-Davis
Council Clerk

__________________________
WHATCOM COUNTY COUNCIL

__________________________
Carl Weimer, Chairperson

__________________________
Civil Deputy Prosecutor

__________________________
Jack Louws, Executive

Date: ______________________

Page 4 of 4
ORDINANCE NO. __________

REZONING FIVE ACRES AT THE INTERSECTION OF SLATER ROAD AND ELDER ROAD

WHEREAS, The property owners submitted an application to rezone two parcels totaling about five acres from Neighborhood Commercial (NC) district to Rural General Commercial (RGC) district at the northwest corner of Slater Road and Elder Road; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on July 10, 2014; and

WHEREAS, The Whatcom County Planning Commission made no recommendation at its July 10, 2014 hearing; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject property was rezoned from Rural to Neighborhood Commercial (NC) in 1988 (Ord. 1988-043)
2. Whatcom County staff has notified the property owners that the ongoing sales of automobiles is a prohibited use in the Neighborhood Commercial (NC) zoning district.
3. The property owners have submitted an application to rezone two parcels from NC to Rural General Commercial (RGC) zoning district, which allows automobile sales, among other uses.
5. Notice of the public hearings was issued in accordance with WCC 20.90.045, including publication in the official county newspaper, mailed notices to property owners within 1,000 feet, and posting of signs on the subject property at least ten days before the hearing.
6. A State Environmental Policy Act (SEPA) determination of non-significance (DNS) was distributed May 29, 2014.
7. Notice of the proposed rezone was submitted to the Washington State Department of Commerce on May 29, 2014.
8. Per Whatcom County Code 20.90.020(3), a rezone may use a concomitant agreement to impose conditions on, or limitations on uses and may also require performance by the applicant(s) which is/are directly related to mitigation of probably on-and off-site impacts to adjacent uses, public services and the environment. The agreement may be

1
in the form of a covenant running with the land. The provisions of the agreement will be in addition to all other pertinent Whatcom County Code requirements.

CONCLUSIONS

1. The proposed rezone is consistent with the Comprehensive Plan, and is in the public interest.

2. A concomitant agreement, in the form of a covenant running with the land, will ensure that new uses be limited to automobile sales and single family dwelling in addition to those permitted in the NC zoning district, and that automotive sales are permitted only after County approval of a site plan that assures compliance with County development regulations and after the required improvements are installed.

3. The proposed rezone with the concomitant agreement should not result in any significant environmental impacts.

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

Section 1. The Whatcom County official zoning map is hereby amended as shown on Exhibit A.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ______ day of ________________, 2014.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Carl Weimer, Chairperson

APPROVED as to form:

( ) Approved      ( ) Denied

Jack Louws, Executive

Date: ________________

2
Regular Meeting

Call To Order: The meeting was called to order, by Whatcom County Planning Commission Chair, David Onkels, in the Northwest Annex Conference Room at 6:30 p.m.

Roll Call
Present: Gary Honcoop, David Onkels, Walter Haugen, Natalie McClendon, David Hunter Ben Elenbaas in attendance at 6:55 p.m.
Absent: Jerry Vekved, Mary Beth Teigrob, Ken Bell

Staff Present: Mark Personius, Gary Davis, Becky Boxx

Department Update

Mark updated the commission on the following:
• Items before the County Council.
• Upcoming commission schedule.

Gary Davis updated the commission regarding the Growth Management Hearings Board appeal cases.

Open Session for Public Comment

There was no public comment.

Commissioner Comments

Commissioner McClendon commented on the new chairs.

Public Hearing

File #PLN2014-00008: A proposal to rezone approximately five acres from Neighborhood Commercial (NC) to Rural General Commercial (RGC), located at the northwest corner of Slater and Elder Roads, about five miles west of Interstate 5.

Gary Davis presented the staff report.

Gary stated this is a quasi-judicial matter so the commissioners may want to disclose any potential conflict of interest or any contact they have had with the applicants.

The subject parcels were rezoned from Rural to Neighborhood Commercial in 1988. The uses in Rural General Commercial are a little more extensive than those in Neighborhood Commercial. The uses that are on the site are permitted in Rural General Commercial but not in Neighborhood Commercial, specifically the mini storage and the gas station. The majority of the parcels are already developed although some potentially developable land exists between the business and north of the service station. That is the area being used for automobile sales. The western 300 feet of the area lies within a ravine and contains a fish bearing stream. Staff recommends that if it is approved, that it be subject to a concomitant agreement. The reason this is being proposed is because having car sales on the property is not required to get a permit. Normally a rezone is done with the
understanding a building permit will be taken out in the future, when PDS can make sure
the use complies with codes. That is not the case here so the concomitant agreement will
take care of that.

The hearing was opened to the public.

Jon Sitkin, Whatcom County, representing the applicant: They have no objection to the
concomitant agreement. They asked that a single family residential use be added to the
agreement, as a permitted use, because one of the property owners, Larry Jordan, may
want to build a home in the future. In regards to the zoning, he had conversations with
staff and the zoning designations and purposes are nearly identical. The policies included
in the staff report, ZLL and 2HH from the Comprehensive Plan, supports the designation
and proposal.

Larry Daugert, Whatcom County: He lives on Elder Road close to the proposed rezone
which he opposes. He stated it is obviously a truism that it is better to ask for forgiveness
than permission. The car lot started over a year ago and was not consistent with the
zoning. They regularly parked cars in such a way that it impeded views coming off of Elder
Road onto Slater Road. He complained to the county who stated they don’t have much of
an enforcement mechanism. The county did talk to the owners of the car lot who stated
they would stop pending hearing to rezone. Then what they did is move the cars off,
blacktop everything, then moved the cars back. Selling cars is not consistent with the
rural lifestyle that he and everyone around him likes. The area is mostly five acre parcels
They live there for the rural qualities. Car lots have nothing to do with the rural lifestyle.
Neighborhood grocery stores are important and nobody has a problem with that. There
are no regulations or powers regarding where they get their water, employees or how
many bathrooms they have. He asked the commission to deny the proposal.

Jon Sitkin stated the Comprehensive Plan and zoning code already identifies uses in the
rural zones and these uses are consistent with the rural lifestyle. Stormwater,
landscaping, site plan, etc. would be executed as a condition of the rezone.

The hearing was closed to the public.

Commissioner Honcoop asked if the property remained zoned NC through the recent Rural
Element LAMIRD process.

Mr. Davis stated it did.

Commissioner Honcoop asked if the LAMIRD is limited to the pre-1990 uses.

Mr. Davis stated no, this type of LAMIRD is not subject to 1990 limitation.

Commissioner Honcoop asked if there were conditions placed on the mini-storage when it
was built.

Mr. Sitkin stated none that he was aware of.
Commissioner Honcoop stated there had been testimony that the property was recently paved. Was a land disturbance permit obtained for that?

Mr. Sitkin stated the property was not paved, only graveled where it had been previously graveled and no permits were obtained. There were existing areas that had been paved.

Commissioner Haugen asked Mr. Daugert if he felt this was correct.

Mr. Daugert stated that the question was if permits had been taken out and the answer is no. There may have been repaving of the previously paved areas.

Commissioner Haugen asked why the cars were put back after the county directed they be removed.

Mr. Sitkin stated they did remove the cars but the enforcement action was put on hold pending this hearing so there was some understanding the cars could be put back. They have since been removed again.

Commissioner Haugen stated it sounded like the county was legitimizing a businessman’s mistake.

Mr. Sitkin asked that the focus of the hearing be on the change in zoning not on the enforcement issue.

Commissioner Haugen asked what the impact of this rezone would be to the fish bearing streams.

Mr. Davis stated that if there were to be any development near the stream they would have to meet the setbacks involved in Title 16. Right now nothing is being proposed in that area.

Commissioner Haugen stated he knows John and Sarah Gergen, who are neighbors to this property. He stated that will not affect his decision on this matter.

Commissioner Haugen asked if the northeast corner of the property is being used for crops.

Mr. Davis stated there are crops there.

Commissioner Haugen asked if any part of the proposal would affect those crops.

Mr. Sitkin stated no.

Mr. Daugert stated there is an office on the property for the car business.

Commissioner Hunter stated it is not clear if the Planning Department thinks this is a good idea. He has his doubts that the rezone benefits anyone other than the person who sells cars there.
Mr. Davis stated that the county’s approach is that if the zoning stays NC the car sales continues to be an enforcement issue. If they rezone is denied that process would continue. If the rezone is approved; with the recommended concomitant agreement requiring that before that automobile sales use is legal that they submit a site plan that makes sure they adhere to the setbacks, landscaping and buffering requirements; then car sales are the only use allowed above and beyond what is already there.

Commissioner Honcoop asked if the landscaping requirements are the same for both the NC and RGC. As such there doesn’t seem to be a trigger point because a building permit is not required.

Mr. Davis stated there are no screening requirements for the existing non-conforming use that is already there.

Commissioner Honcoop asked if there is a trigger mechanism related to stormwater.

Mr. Davis stated the concomitant agreement would require anything the building permit would require.

Commissioner Honcoop asked why the full range of services allowed in the RGC zone are not being allowed.

Mr. Davis stated because this was an enforcement action on a particular use that is not legal under the current zoning. As such staff is recommending allowing the one stated use rather than the full range. A lot of the uses in RGC are more intensive uses geared towards larger LAMIRDs. This is only a five acre parcel, with the west 300 feet not really usable, and another 2 to 3 acres that is already developed. Since this is an attempt to legitimize a use that is already on there the county’s approach is to limit the uses.

Commissioner McClellan asked what the expectations are regarding how much impervious surface there will be.

Mr. Davis stated that under the concomitant agreement the applicant will have to go through all the existing regulations involving drainage, etc.

Commissioner McClellan asked if impervious surface issues are looked at in the NC zone.

Mr. Davis stated yes if auto sales was a permitted use under that zone. At the time they asked to put in the sales area they would be given the regulations.

Commissioner McClellan stated that even if the area wasn’t used to sell cars the gravel was put there. Is that allowed?

Mr. Davis didn’t know whether that was a violation under the land disturbance permit process.

Commissioner McClellan asked if there were any areas west of the casino zoned RGC or NC.
Regular Meeting

Mr. Davis stated no.

Commissioner McClendon asked if there are any expectations regarding how isolated the LAMIRDs are and how extensive the development can be.

Mr. Davis there is designation criteria and spacing criteria in the Comprehensive Plan regarding LAMIRDs.

Commissioner Elenbaas stated he doesn’t care what happened in the past regarding this property. That is not the question before the commission. Is it legal to this? Is it a spot zone?

Mr. Davis stated it is legal and not a spot zone, particularly because it involves more than one parcel.

Commissioner Hunter stated he knew Larry Daugert’s father but that will not influence his decision regarding this matter.

Commissioner Hunter stated he had concerns regarding car repair because it is a necessary part of used car sales. It is not irrelevant that people feel they can use property in a certain way that is not consistent with local ordinances. Then having used it for a while getting people to say it’s okay based on the history of the use. This fact can play a role in the decision making. Regarding enforcement, over time screening, landscaping, etc. deteriorate because there is no reason to keep it up. He thinks will become another enforcement action in the future.

Commissioner Onkels asked if there is a requirement in the zoning ordinance regarding maintenance of landscaping.

Mr. Davis stated there is.

Commissioner Honcoop stated the RGC zoning is a much better fit because of what has historically been there and the existing legal businesses there. Regarding the statements related to enforcement, the agreement that would be put in place adds to tools the county has for enforcement.

Mr. Personius agreed and stated it will also benefit the neighbors by requiring screening. The agreement would have time limits and expectations that the applicant must meet otherwise the agreement expires and the rezone goes away.

**Commissioner Hunter moved to recommend denial of the proposal.**
**Commissioner Haugen seconded.**

Commissioner Hunter stated this is a compliance issue and there is no benefit to the neighbors or the county with the rezone. The county is going to have to rely on the neighbors to ensure that the conditions placed on the rezone are being met. If he were living in the area he would not want car sales in the neighborhood.
Regular Meeting

Commissioner McClendon asked how the enforcement process perceived. Isn’t it still an enforcement issue that should be pursued and agreements reached?

Mr. Davis stated the concomitant agreement takes the place of the enforcement action if all of the conditions are met.

Mr. Personius stated that enforcement is an issue, particularly in Whatcom County, partly because of the nature of the code. Enforcement issues are generally complaint driven because the county doesn’t have the staff or funding to look for issues. Complaints are investigated and action initiated in the form of notice to the property owner. The code is very limiting in terms of actions the county can take. Most of the rights lie with the property owner.

Commissioner Haugen stated the cars are still on the lot and the county says it can’t do anything about it. It impacts the neighbors and someone is making money off of the cars illegally. The Planning Department is bending over backwards to legitimize an illegal use. The county is not being fair and impartial and are not helping the people that live there.

Mr. Personius questioned if the sale of cars the issue or is it the visualization of car sales. If the area is screened so people driving by don’t see them is there an issue with the car sales?

Commissioner Haugen stated this is not about zoning at all, it’s about catering to some individual.

Commissioner Elenbaas stated he views it differently. To be fair and impartial the commission should look at the facts as to is it a legal rezone and does it fit the area and not what the applicant has done in the past.

Commissioner McClendon stated the applicant would not be asking for the rezone if they hadn’t done the non-conforming action.

Commissioner Honcoop stated all he is looking at is do the uses fit or not. He doesn’t see the rezone as a problem, but as an opportunity for the county to have some tools to be able to help mitigate the impact on the surrounding area. He sees the rezone as a benefit.

Commissioner Hunter stated all that is happening is substitution of an ordinance with a contract. The applicant has not followed the rules so far which indicates he won’t follow the concomitant agreement either. Don’t pretend there is some benefit to the county or neighbors from this.

Commissioner Elenbaas stated the fact that the applicant is at the meeting and is going through this process shows him that he does want to comply.

Commissioner McClendon stated she still has issue with the fact that it’s next to impossible to conclude an enforcement issue that the commission should roll over and change the rules. If there is no reason for zoning and it can’t be enforced then don’t hav it. The argument she has heard is that whatever anyone wants to do the county will change to zoning to match it. What does that tell the rest of the public?
Regular Meeting

1 Commissioner Honcoop stated there are various reasons why zoning is applied to certain areas and it's not always the best fit. The commission can fix some of those errors.
2 Because someone did something wrong do they need to be penalized? What is the best solution and best fit needs to be looked at.
3
4 Commissioner Elenbaas thanked Mr. Daugert for testifying and asked if he tried to get more people to come.
5
6 Mr. Daugert stated no.
7
8 Commissioner Honcoop stated in the past he had a relationship with Mr. Daugert's firm but that will not influence his decision on this matter.
9
10 Commissioners Elenbaas and Onkels have both bought items from the store located on the site but stated it will not influence their decisions.

Roll Call Vote on the motion to recommend denial of the proposal: Ayes – Haugen, Hunter, McClendon; Nays – Elenbaas, Honcoop, Onkels; Abstain – 0; Absent – Bell, Teigrob, Vekved. The motion failed.

17 Commissioner Honcoop moved to recommend approval of the proposal with changes to read: If the Planning Commission recommends approval, Planning and Development Services recommend the Planning Commission forward the proposed amendment to the County Council with a recommendation of approval subject to a concomitant agreement, a covenant running with the land, that limits new uses to NC uses plus automobile sales and, the existing service station and, rental storage uses as allowed under 20.59.050; 20.59.052(1); and a single family dwelling or duplex for lot of record; as allowed under 20.59.050 and 20.59.055; and requires County approval of a site plan that complies with all applicable county development regulations, and installation of required improvements, including but not limited to landscape materials. Commissioner Elenbaas seconded. Roll Call Vote: Ayes – Elenbaas, Honcoop, Onkels; Nays – Haugen, Hunter, McClendon; Abstain – 0; Absent – Bell, Teigrob, Vekved. The motion failed.

The meeting was adjourned at 8:12 p.m.

Minutes prepared by B. Boxx.

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

David Onkels, Chair

Becky Boxx, Secretary
WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
STAFF REPORT

I. BACKGROUND INFORMATION

File # PLN2014-00008

File Name: Slater Road Rezone

Applicant: Whatcom County

Summary of Request: Rezone about 5 acres from Neighborhood Commercial (NC) to Rural General Commercial (RGC).

Quasi-judicial status: This rezone is a quasi-judicial matter per the state’s Appearance of Fairness Doctrine. Quasi-judicial actions are defined to be: "...those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding." RCW 42.36.010 No member of a decision-making body is allowed to engage in ex parte communication when quasi-judicial matters are pending. An ex parte communication is a one-sided discussion between a decision-maker and the proponent or opponent of a particular proposal which takes place outside of the formal hearing process on a quasi-judicial matter. Any communication between any party and a Planning Commission member that may have the appearance of or potential to lead to bias or partiality should be disclosed as soon as possible at the quasi-judicial hearing on the matter. More information on quasi-judicial actions and the Appearance of Fairness Doctrine is available at http://www.mrsc.org/askmrsc/pastingsubject.aspx?sid=2

Location: Northwest corner of Slater and Elder Roads, about 5 miles west of Interstate 5.

Staff Recommendation: If the Planning Commission recommends approval, staff recommends that the rezone be subject to a concomitant agreement that limits new uses to NC uses plus automobile sales and the existing service station and rental storage uses, and requires County approval of a site plan that complies with all applicable County development regulations, and installation of required improvements, including but not limited to landscape materials.

History:
Whatcom County Planning & Development Services, Department of Code
Enforcement, received several Code Violation Reports from citizens concerned about property values deteriorating due to an alleged car lot at 3322 Slater Road. A site inspection in August 2013 revealed twenty used vehicles for sale parked on the subject site, in the county right-of-way, and on the neighboring parcel at 3310 Slater Road.

Planning & Development Services contacted the business owner and informed him the sale of automobiles in the Neighborhood Commercial (NC) zone district was a prohibited use and that he would have to remove the vehicles from the site. The property owner agreed to remove the vehicles if the county would grant him an extension until September 15, 2013. Staff agreed and conducted a follow-up site inspection and confirmed the vehicles had been removed as promised. Within a few weeks, staff was notified that the property owner had brought the vehicles back to the site.

In December 2013 the owners of both parcels submitted an application to rezone the parcels to Rural General Commercial (RGC) district, which lists automobile sales as a permitted use.

II. ANALYSIS OF PROPOSED REZONE

The area that includes the two subject parcels was rezoned from Rural to Neighborhood Commercial (NC) in 1988 (Ord. 1988-043) at the request of one of the current owners, Larry Jordan. The owners now propose a rezone from NC to Rural General Commercial (RGC) for both parcels. One parcel is developed as a 3,600 square foot service station/convenience store and the other is a rental storage facility with buildings totaling about 16,500 square feet. Neither the service station or mini-storage use is currently a permitted use in NC. The service station predates the NC zoning, and the rental storage use was developed under a conditional use permit.

A rezone from NC to RGC would expand the list of commercial uses permitted on these parcels. Automobile sales is included in RGC’s permitted uses, as are the existing service station and rental storage establishments. Commercial uses permitted in each zone are listed in the following table for comparison:

<table>
<thead>
<tr>
<th>Neighborhood Commercial (NC)</th>
<th>Rural General Commercial (RGC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCC 20.60.050</td>
<td>WCC 20.59.050</td>
</tr>
<tr>
<td>Barber and beauty shops, baker shops, drug stores, food markets, hardware stores, stationery stores, other convenience retail shops not greater than 2,500 square feet per business</td>
<td>Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, and pet stores</td>
</tr>
<tr>
<td>Professional offices not greater than</td>
<td>Service establishment including but not</td>
</tr>
<tr>
<td>2,500 square feet per business</td>
<td>limited to barber and beauty shops, laundries, dry cleaners, furniture repair, frozen food lockers, funeral parlors, animal hospitals, auction houses, financial institutions, fraternal organizations, and professional offices</td>
</tr>
<tr>
<td>Mobile home and RV sales</td>
<td>Indoor commercial recreation facilities such as bowling alleys, skating rinks, indoor theaters, and physical fitness centers</td>
</tr>
<tr>
<td>Printing and publishing establishments</td>
<td>Mini-day care centers and day care centers</td>
</tr>
<tr>
<td><strong>Rental storage establishments</strong></td>
<td>Eating and drinking establishments</td>
</tr>
<tr>
<td><strong>Automobile, motorcycle, marine and farm implement sales</strong>, rental agencies, repair and service, provided that all repair services are conducted within an enclosed building</td>
<td><strong>Automobile service stations</strong>, car washes, and public garages</td>
</tr>
</tbody>
</table>

In both the NC and RGC zones, maximum building size is limited to 7,000 square feet within a Rural Business designation (WCC 20.59.322 and 20.60.302). This limit was established in 2012 to ensure that new commercial uses are “small-scale” in accordance with Comprehensive Plan Policy 2LL-1 (see Comprehensive Plan evaluation below).

The majority of both parcels is already developed, though some potentially developable land exists between the two existing businesses and to the north of the service station. That is the area that has been used for automobile sales. The western 300 feet of the area lies within a ravine and contains a fish-bearing stream. This area is affected by Critical Area Ordinance restrictions and the applicants plan no development in this area.

**Concomitant Agreement**

Staff recommends that if the rezone is approved, it is subject to a concomitant agreement that agreement that limits new uses to NC uses plus automobile sales and the existing service station and rental storage uses, and requires County approval of a site plan that complies with all applicable County development regulations, and installation of required improvements, including but not limited to landscape materials. WCC 20.90.020(3) authorizes a concomitant agreement in conjunction with a rezone “to impose conditions on, or limitations on uses and may also require performance by the applicant(s) which is/are directly related to mitigation of probable on-and off-site impacts to adjacent uses, public services, and...
the environment. The agreement may be in the form of a covenant running with the land...”

Because automobile sales requires no building to be permitted, no discretionary permit would be necessary to allow the use.¹ The site plan approval requirement would ensure that PDS has reviewed the planned use for compliance with current County development regulations (including but not limited to landscaping, setbacks, access, and stormwater) which would mitigate on- and off-site impacts to adjacent uses, public services, and the environment. Automobile sales on the site would not be compliant with County code until after the site plan is approved and the required improvements are installed, including but not limited to landscaping materials.

III. COMPREHENSIVE PLAN EVALUATION

The Whatcom County Comprehensive Plan designates the two parcels as “Rural Business,” which is a “limited area of more intensive rural development” (LAMIRD), as described in the Washington State Growth Management Act (GMA), RCW 36.70A.070(5)(d)(iii). Comprehensive Plan Policy 2LL-1 mirrors the GMA requirements, describing these LAMIRDs as consisting of “the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.” Both the NC and RGC zones are permissible in a Rural Business designation (per WCC 20.59.010, 20.60.010), so no Comprehensive Plan designation change would be required for this rezone. As a “type iii” LAMIRD, development within the Rural Business designation is not required to be consistent with the sizes and uses that existing in 1990.

Whatcom County Comprehensive Plan goals and policies that are applicable to the proposed rezone are listed below. These goals and policies are in the rural element of Chapter Two Land Use, whose intent is to protect the character of Whatcom County’s rural areas. Staff’s recommendation to approve the rezone only in conjunction with a concomitant agreement is intended to protect the character of this rural area, consistent with these policies.

**Goal 2LL:** Designate Rural Business areas to limit and contain nonresidential uses.

**Policy 2LL-1:** All lands designated Rural Business shall meet the Rural Business designation criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iii), which describes limited areas of more intensive rural development consisting of

¹ This rezone could not be processed as a Site-Specific Rezone because one of the criteria for such a rezone is that the proposed use requires a discretionary development permit or building permit, per WCC 20.90.063(1)(b).
the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.

Policy 2LL-2: On lots in a Rural Business area where businesses did not exist on July 1, 2012, the new businesses shall be “small-scale” as described in the development regulations. On lots where businesses existed on July 1, 2012, development regulations should not hold the business to a “small-scale” standard.

Policy 2LL-3: Uses in the Rural Business designation need not be principally designed to serve the existing and projected rural population and nonresidential uses, but provide job opportunities for rural residents.

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

Policy 2DD-2: Protect the character of the rural area through the County’s development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County’s key development regulations are incorporated into this plan by reference to assure that the plan contains measures to protect rural character:

A. Measures to contain or otherwise control rural development and reduce the inappropriate conversion of undeveloped land into sprawling, low-density development:

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

   • • • •

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

   a. WCC 20.80.200 Setback requirements;
   b. WCC 20.80.300 Landscaping.
C. Measures to protect critical areas and surface and groundwater resources:

1. Protect the functions and values of critical areas (geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and habitat conservation areas) and the ecological processes that sustain them, through WCC 16.16 Critical Areas provisions, adopted herein by reference.

4. Protect surface and groundwater resources through stormwater management standards established in the County's Development Standards per WCC 20.80.630 through .686, WCC 20.51 and 12.08.035 referenced in the following Zoning Code provision, adopted herein by reference:

f. 20.59.704 Drainage, Rural General Commercial District;

IV. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

Staff recommends the Planning Commission adopt the following findings of fact and reasons for action:

1. The subject property was rezoned from Rural to Neighborhood Commercial (NC) in 1988 (Ord. 1988-043)
2. Whatcom County staff has notified the property owners that the ongoing sales of automobiles is a prohibited use in the Neighborhood Commercial (NC) zoning district.
3. The property owners have submitted an application to rezone two parcels from NC to Rural General Commercial (RGC) zoning district, which allows automobile sales, among other uses.
5. Notice of the public hearing was issued in accordance with WCC 20.90.045, including publication in the official county newspaper, mailed
notices to property owners within 1,000 feet, and posting of signs on the subject property at least ten days before the hearing.

6. A State Environmental Policy Act (SEPA) determination of non-significance (DNS) was distributed May 29, 2014.

7. Notice of the proposed rezone was submitted to the Washington State Department of Commerce on May 29, 2014.

8. Per Whatcom County Code 20.90.020(3), a rezone may use a concomitant agreement to impose conditions on, or limitations on uses and may also require performance by the applicant(s) which is/are directly related to mitigation of probably on-and off-site impacts to adjacent uses, public services and the environment. The agreement may be in the form of a covenant running with the land. The provisions of the agreement will be in addition to all other pertinent Whatcom County Code requirements.

V. PROPOSED CONCLUSIONS

1. The proposed rezone is consistent with the Comprehensive Plan, and is in the public interest.

2. A concomitant agreement, in the form of a covenant running with the land, will ensure that new uses be limited to automobile sales in addition to those permitted in the NC zoning district, and that automotive sales are permitted only after County approval of a site plan that assures compliance with County development regulations and after the required improvements are installed.

3. The proposed rezone with the concomitant agreement should not result in any significant environmental impacts.

VI. RECOMMENDATION

If the Planning Commission recommends approval, Planning and Development Services recommends the Planning Commission forward the proposed amendments to the County Council with a recommendation of approval subject to a concomitant agreement, a covenant running with the land, that limits new uses to NC uses plus automobile sales and the existing service station and rental storage uses, and requires County approval of a site plan that complies with all applicable County development regulations, and installation of required improvements, including but not limited to landscape materials.

ATTACHMENTS

Maps
Application
Site Plan – Existing Conditions
WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive,
Bellingham, WA 98226-9013
360-676-6907, TTY 800-833-6384
360-738-2525 Fax

WHATCOM COUNTY
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
APPLICATION FOR ZONING AMENDMENTS

Please check one of the following:

☑ STANDARD MAP AMENDMENT
  Complete Sections A, B, C, & F

☐ SITE SPECIFIC REZONE
  Complete Sections A, B, D, & F

☐ ZONING TEXT AMENDMENT
  Complete Sections A, E, & F

Do not write in this section of the application—for official use only.

Date Received: ____________________________ File #: ____________________________

Date Complete: ____________________________ Initials of reviewer: ____________________________

A. GENERAL INFORMATION—All applicants must complete this section.

1. APPLICANT'S NAME:
   Masso Poulos

   SIGNATURE:
   ____________________________

   MAILING ADDRESS:
   PO Box 30691
   Bellingham, WA 98228-2691

   E-MAIL ADDRESS
   Masso_back@hotmail.com

   BUSINESS PHONE: 360-961-8845  HOME PHONE: SAME
WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive,
Bellingham, WA 98226-9013
360-676-6907, TTY 800-833-6384
360-738-2525 Fax

WHATCOM COUNTY
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
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Please check one of the following:

☑ STANDARD MAP AMENDMENT
   Complete Sections A, B, C, & F

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   Complete Sections A, E, & F

---------------------------------
Do not write in this section of the application—for official use only.

Date Received: ___________________ File #: ___________________

Date Complete: ___________________ Initials of reviewer: ___________________

A. GENERAL INFORMATION—All applicants must complete this section.

1. APPLICANT'S NAME: Larry Jordan

SIGNATURE: ________________

MAILING ADDRESS:
P.O. Box 45
Ferndale, WA 98248

E-MAIL ADDRESS

BUSINESS PHONE: 961-7220 HOME PHONE: 961-7220
2. AGENT'S NAME:  
Larry Stoner

MAILING ADDRESS:  
4751 Birch Bay-Lynden Rd #259  
Blaine, WA 98230

E-MAIL ADDRESS  
stonerv@aol.com

BUSINESS PHONE:  360-201-9777

3. TOPIC OF PROPOSED AMENDMENT:  
Zoning Map Amendment from Neighborhood Commercial to Rural General Commercial

4. Please give a complete but short description of the proposed amendment.
   See Attached

5. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.
   See Attached
6. Please describe the "changed" condition(s), which support the amendment.

See Attached

B. ZONING MAP AMENDMENTS (STANDARD MAP AMENDMENTS AND SITE SPECIFIC REZONES)

7. PROPERTY INTEREST OF APPLICANT:
   ✔ PURCHASER/OWNER
   □ LESSEE
   □ OTHER:

EXISTING COMPREHENSIVE PLAN DESIGNATION:

Rural Business

EXISTING ZONING DISTRICT:

Neighborhood Commercial

SUBAREA:

Cherry Point

8. What is the proposed zoning classification?

Rural General Commercial

9. What is the present use of the property or properties within the proposed rezone?

See Attached
10. Describe the land use of the surrounding properties.

   See Attached

C. STANDARD MAP AMENDMENTS

11. Supporting information for standard map amendments (attach the following items):

   a) A vicinity map showing property lines, roads, buildings and their use, easements, existing
      and proposed zoning, wells and other pertinent data.

   b) A list of all property owners and others having a legal interest in the property covered by
      the proposed change.

   c) A list of the names and mailing addresses of the owners of all property within 300 feet
      (exclusive of roads and alleys).

A site plan may be requested at a future date if the intended amendment is to accommodate a
particular development. The applicant may wish to submit a plan at the time of application. The
site plan is a scaled drawing showing approximate location of buildings, roadways, parking,
drainage facilities, sanitation and water facilities, and easements. Where appropriate, the
location of landscaping, buffers, common areas, and typical individual lease spaces for mobile
home and recreational vehicle parks shall be included in the site plan.

D. SITE SPECIFIC REZONES

12. Does the proposed amendment have a substantial relationship to public health, safety,
    morals, general welfare or community needs?
13. Will the proposed use be serviced adequately by essential public facilities such as highways, streets, public safety and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or will the persons or agencies responsible for the establishment of the proposed use be able to adequately provide any such services? Describe.

14. Is the proposal is located within an Urban Growth Area? □ Yes □ No (go to question #15)
   a) Will the site be serviced by full urban services or be capable of receiving urban services in time to serve the development?

   b) Will the proposed site use preclude development at urban levels of density when the area is annexed into the city?

   c) Will the proposed site be five (5) or more acres in size? □ Yes □ No

15. Supporting information for site-specific map amendment.
   Attach the following items:
   a) A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.
b) A conceptual site plan drawn at not less than one (1) inch to one-hundred (100), unless mutually agreed to by the proponent and administrative official, including, but not be limited to:
   1) General location of structures.
   2) Location and number of access points.
   3) Approximate gross floor area of structures.
   4) Name of the proposal.
   5) Identification of areas requiring special treatment due to their sensitive nature.
   6) North directional arrow.
   7) Names and location of all public streets or roads bordering the site.
   8) General legal description(s) for the site.

c) Concurrent submittal of a Discretionary Development Permit or Building Permit, if required for the project.

NOTE: If the project does not require a Discretionary Development Permit or Building Permit or will be constructed in phases, then a narrative statement must be submitted with the conceptual site plan that provides a detailed description of the project proposal and a project completion date. If the project will be constructed in phases provide start and completion dates for each phase and include a final completion date for the entire proposed project.

d) A list of all property owners and others having a legal interest in the property covered by the proposed change.

e) Evidence that all property owners within the proposed rezone boundary concur with the rezone and project proposal.

f) Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:

- For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.

- For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.

For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the
external boundaries of the subject property as shown by the records of the county assessor.

g) A completed Environmental Checklist.

E. ZONING TEXT AMENDMENTS

16. Are there any other circumstances that justify the proposed change?

F. AUTHORIZATION:
Signature of Applicant(s) or Agent:
(I, we) certify that (I, we) are the owner(s) of record of all the above described property and that we will pay for legal notice in the newspaper:

[Signatures]

Date: 12/04/13

Date:

Date: ______________________

Date: ______________________
ATTACHMENT TO ZONING AMENDMENT APPLICATION

4. Please give a complete but short description of the proposed amendment.

The proposed zoning map amendment seeks to correct/change the zoning designation of the property located at the NW corner of Slater and Elder Roads within the existing LAMIRD III comprehensive plan Rural Business designation. The zoning designation correction would be a change from Neighborhood Commercial (NC) to Rural General Commercial (RGC). This proposal does not seek to change boundaries of the existing Type III LAMIRD – Rural Business Comprehensive Plan designation.

5. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.

The Comprehensive Plan designation for the subject property is Rural Business. The Comprehensive Plan goals and policies related to said designation are Goal 2LL, and policies 2LL-1 through 2LL-4. A zoning designation of RGC for the existing Type III LAMRID area at Slater and Elder Roads furthers and implements the Comprehensive Plan goals and policies related to Type III LAMIRD-Rural Business, more so than the zoning designation currently in place at this location. NC is more closely associated with Type I LAMIRD’s. This location is already listed as a Type III LAMIRD within “Chapter 2, Land Use - Rural Business” section of the Comprehensive Plan, and that LAMIRD designation fits more closely with an RGC designation, as discussed in more detail below.

The purpose of the RGC zoning designation is as follows (WCC 20.59.010):

“The purpose of the Rural General Commercial District is to provide for limited commercial activities which serve the surrounding community and provide job opportunities for residents of the rural area. This district may be located in either a rural community or rural business area, which are "limited areas of more intensive rural development" per RCW 36.70A.070(5)(d). The district shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan ........ New development in a rural business designation is limited to isolated small-scale businesses.” (Emphasis added).

The two parcels located within the Rural Business Comprehensive Plan designation at Slater and Elder Roads are developed with an indoor/outdoor rental storage facility and a mini-mart service station. They both provide
jobs and services to the residents in the adjoining rural zoned areas. If zoned RGC, both of these parcels could readily be used for expansion of existing or establishment of new businesses within the area of the existing Rural Business designation at this location.

The RGC designation is most applicable and consistent with the current and potential future uses at the site. Given the more limited use options within the Rural Neighborhood Comprehensive Plan designation, and the less restrictive limitations on uses within the Rural General Commercial zoning designation (which is proposed to be the new zoning designation), compatibility with the surrounding rural area is assured.

Comprehensive Plan policies that support this change from NC to RGC include:

*Goal 2LL of the Comprehensive Plan by:*

1) **providing job opportunites for rural residents;**

2) **allowing new development of isolated small scale business.**

Type III LAMIRD'S provide for the establishment of new businesses to better serve the surrounding area and to provide for employment opportunites. In this case, there is additional vacant acreage within the storage facility property (conditional use issued in 1998) to provide for expansion of this use, or establishment of new businesses.

There are fewer options and more restrictions on the establishment of new businesses within the NC zone than within the RGC zone. Under RGC, the gas station/mini-mart could be expanded to include automobile related uses such as auto maintenance, auto repair and auto sales. These logical options are not available within said NC zone. Such uses would require the hiring of additional employees to staff and operate these businesses. Given the zoning limitations of NC, the goals of the Rural Business designation are not met at this location with the NC designation, but would be furthered with the RGC designation. In sum, although the RGC and NC designations have similarities, there are significant differences and the RGC designation would better meet Goal 2LL of the Comprehensive Plan than the current NC designation does.

If rezoned from NC to RGC, there are many more options for further development of the mini-mart site and adjacent Rural Business land. The
parcel where the mini-mart is located can be enlarged via a boundary line adjustment, all within the existing Rural Business designation. There are approximately 1.5 acres of vacant Rural Business-NC zoned land adjoining to the north of the mini-mart. With this extra acreage, change of the current NC designation to RGC will provide for easy expansion of the mini-mart/gas station business or development of other businesses consistent with the Rural Business designation, and an RGC zoning designation that would provide additional services and employment opportunities for the nearby rural areas. Similarly, the owner of the storage facility would have more options to expand or establish new businesses if the NC designation is changed to RGC.

Within the NC zone, commercial uses are limited and do not further goals at the Rural Business location. Under the NC zoning designation there are only eight commercial permitted uses and four conditionally permitted commercial uses. One of said conditional uses is a service station which already exists on the site.

Furthermore, the NC zone places rather unusual restrictions on permitted uses. All permitted uses are subject to evaluation by the zoning administrator. The possibility of imposition of restrictive conditions or denial may tend to discourage business owners from attempting said expansion, or pursuing other uses ostensibly allowed in an NC zone. In RGC, permitted uses are permitted without this subjective judgement, further fostering the goals of allowing new small scale business and providing employment opportunities for rural residents.

Additionally goals and policies of the Comprehensive Plan which are further served by rezoning this property from NC to RGC are as follows:

Policy 2A-4: Designate land uses that reflect the best use of the land.

The RGC zoning designation allows the subject properties to be put to their highest and best use by permitting more commercial uses in this isolated Type III LAMIRD.

Policy 2A-13: Allow for adequate economic development to provide economic sustainability, adequate employment opportunities and services in and for the rural areas.

Permitting RGC uses on these properties provides for enhanced employment opportunities and adds appropriate rural general services for the rural community. This property is not located within an identifiable neighborhood or community for which the NC zone was intended. It is an isolated site that
is positioned on a major arterial, which provides expanded employment opportunities for more rural residents within a wider rural area. RGC allows a greater variety of uses that will provide expanded employment opportunities

*Policy ZK-1: Support small and cottage businesses in rural areas that minimally impact productive agricultural, forest or mineral resource land.*

The proposed amendment would not adversely impact any agricultural, forest or mineral resource lands as the properties are already developed as commercial businesses. Granting the zoning amendment would support small businesses in a rural zone by allowing an appropriate variety of commercial uses on the commercially developed properties within an existing Type III LAMIRD Rural Business designation.

*Policy 7K-2: Designate adequate zoning to allow business and industrial development where it is needed and most appropriate.*

*(see each of the discussions above)*

6. Please describe the "changed" condition(s), which support the amendment.

(See question #5 above). The change involved in this application is to reflect existing uses on this site, and to correct assignment of a zoning designation that upon closer scrutiny and consideration of the goals of the Rural Business Comprehensive Plan designation, is an incorrect zoning designation.

9. What is the present use of the property or properties within the proposed rezone?

The existing uses of the two properties within the proposed rezone include an indoor/outdoor storage rental facility and a mini-mart service station.

10. Describe the land use of the surrounding properties.

The zoning designation for all of the surrounding properties is R5A. The properties to the South are undeveloped tribal lands and the properties to the North, West, and East are intermittently developed with single family residences and small farms.
Agent Authorization

If you are authorizing an agent to apply for permits on your behalf you must complete this form, which will provide authorization for a designated agent to apply for permits on your behalf. This form is required for the protection of the property owner. Planning and Development Services will not accept an application that is not either signed by all property owners or accompanied by this form.

________________________, the owner(s) of the subject property, understand that by completing this form I hereby authorize Larry Jordan Land Development Consultants to act as my agent. I understand that said agent will be authorized to submit applications on my behalf. I also understand that once an application has been submitted that all future correspondence will be directed to the agent.

Larry Jordan
Property Owner(s) Printed Name

________________________
Property Owner(s) Signature

12/4/13
Date

I certify that I know or have satisfactory evidence that Larry M. Jordan is/are the person(s) who appeared before me, and said person(s) acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated 12/4/13

________________________
Notary Signature: Jesse J. Stoner
Printed Name: Jesse J. Stoner

Notary Public in and for the State of Washington
Residing at Ferndale, WA
My appointment expires: 08/27/15

Application received by ___________________________ Date ___________________________
Agent Authorization

If you are authorizing an agent to apply for permits on your behalf you must complete this form, which will provide authorization for a designated agent to apply for permits on your behalf. This form is required for the protection of the property owner. Planning and Development Services will not accept an application that is not either signed by all property owners or accompanied by this form.

I/we, ________________________________, the owner(s) of the subject property, understand that by completing this form I hereby authorize Larry Stoner Land Development Consultants to act as my agent. I understand that said agent will be authorized to submit applications on my behalf. I also understand that once an application has been submitted that all future correspondence will be directed to the agent.

Massad Boulos
Property Owner(s) Printed Name

10/31/13
Date

Property Owner(s) Signature

10/31/13
Date

I certify that I know or have satisfactory evidence that ________________________________ is/are the person(s) who appeared before me, and said person(s) acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated 10/31/13

Notary Signature:

Printed Name: Jesse J. Stoner

Notary Public in and for the State of Washington
Residing at Ferndale, WA
My appointment expires: 08/27/15

Application received by ________________________________ Date ________________
Fee Responsibility

Venue and Jurisdiction: The parties hereto recognize and agree that the venue of any action involving their rights or obligations related to this application shall be in Whatcom County, and the parties' rights and obligations hereunder shall be determined, in accordance with the laws of the State of Washington.

Fee Guaranty: Notwithstanding that this application has been submitted in the name of a company, I personally guarantee payment of fees accrued according to the terms listed in the Whatcom County Unified Fee Schedule and that my personal guarantee is part of the consideration for review of the application.

I/we, __________________________, hereby certify that the above statements and the information contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge, and that the list of surrounding property owners is complete and current.

Signature of Applicant __________________________ Date 10/31/13

Signature of Owner __________________________ Date 10/31/13

I certify that I know or have satisfactory evidence that __________________________ is/are the person(s) who appeared before me, and said person(s) acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated 10/31/13

Notary Signature: __________________________

Printed Name: __________________________

Notary Public in and for the State of Washington
Residing at __________________________
My appointment expires: __________________________

Application received by: __________________________ Date: __________________________
C. STANDARD MAP AMENDMENTS

11. b) Massad Boulos - 3310 Slater Rd (parcel #390134 520013)

Larry Jordan - 3322 Slater Rd (parcel # 390134 485016)
From: Larry Daugert <ldaugert@gmail.com>
To: <GDavis@co.whatcom.wa.us>
Date: Fri, 11 Jul 2014 17:55:34 -0700
Subject: Boulos/Jordan Elder & Slater Roads Rezone Application 2014/00008.

Whatcom County Planning Department
Northwest Road
Attn: Gary Davis, Senior Planner
GDavis@co.whatcom.wa.us

Dear Mr. Jones

My comments on the above application after the Planning Commission hearing on 7/10/2014:

1. I re-examined the site today and, in my opinion, someone has not only recently excavated and graveled large sections of the Jordan self-storage parcel for the [presently illegal] used-car sales lot, but also installed new asphalt paving just to the north of the convenience store. I can not tell whether that paving is intended for the store or the used-car sales area, nor can I tell without a survey whether it is upon the Boulos or Jordan parcels.

2. Mr. Sitkin at one point in the hearing indicated that 'obviously there would have to be a lot line adjustment', presumably adding area to the Boulos store parcel to accommodate the used-car lot, and subtracting area from the Jordan self-storage parcel.

If that is true, then I believe it incumbent upon the Planning Department to require disclosure of the details of such lot-line change prior to any further re-zone hearing, especially given that the Department may recommend approval conditioned upon some sort of Covenant. What specific areas are to be burdened by what specific requirements of such Covenant?

The devil, it is said, is in the details. Where - exactly - is the used-car lot to be located? How large an area? How many cars will it accommodate [I can just see the sign: "Largest Inventory of Used Cars North of Everett"]? Where is its (inevitable) wash rack? From whence does it obtain its water? Where is its (inevitable) repair facility? Where is the location of Jordan's [proposed] single family home that he asks the Department allow him to build on the remainder of his parcel?

Without knowledge of these details, neither the public nor the Department can properly respond to the re-zone request. If this Application is pursued, I urge the Department to obtain and disseminate answers.

I remain committed to my opposition to such re-zone.

Sincerely,

Larry Daugert
**TITLE OF DOCUMENT:**
A Resolution Authorizing The Levy Of Taxes for the Whatcom County Flood Control Zone District for 2015

**ATTACHMENTS:**
Proposed Resolution

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

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

The proposed resolution adopts the Whatcom County Flood Control Zone District 2015 tax levy.

**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).

**CLEARANCES** | **Initial** | **Date** | **Date Received in Council Office** | **Agenda Date** | **Assigned to:**
---|---|---|---|---|---
Originator: | B | 11/3/14 | | 11/12/14 | Introduction
Division Head: | | | | 11/25/14 | Hearing
Dept. Head: | | | | |
Purchasing/Budget: | B | 11/3/14 | | |
Executive: | D | 11/1/14 | | |
RESOLUTION NO. __________
A RESOLUTION AUTHORIZING THE LEVY OF TAXES
FOR WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT (WCFCZD) FOR 2015

WHEREAS, RCW 86.15.160(3) authorizes the Board of Supervisors of the Whatcom County Flood Control Zone District (WCFCZD) to impose an ad valorem property tax levy of up to fifty cents per thousand dollars of assessed value upon real property within the district; and

WHEREAS, the Board of Supervisors of the WCFCZD has reviewed the proposed annual budget, including all sources of revenues and anticipated expenditures; and,

WHEREAS, the annual budget provides detailed listings of various revenues including property taxes; and,

WHEREAS, the WCFCZD Board of Supervisors has held a public hearing concerning the annual budget, the property tax rates, and revenues included therein.

NOW, THEREFORE, BE IT RESOLVED by the WCFCZD Board of Supervisors that amounts collected through the WCFCZD levy shall be limited to the amount of 2014 taxes, increased for the addition of new construction and improvements to property and any increase in the value of state assessed property. A property tax increase, in addition to the amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, is hereby authorized for the 2015 levy in the amount of $0, which is a percentage increase of 0% from the previous year.

ADOPTED this ___ day of ______________, 2014.

ATTEST:

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

APPROVED AS TO FORM:  
( ) APPROVED  ( ) NOT APPROVED

Daniel L. Gibson  
Civil Deputy Prosecutor  
Jack Louws, Executive

Date:
A Resolution Adopting the 2015 Budget for the Whatcom County Flood Control Zone District and Subzones.

Resolution Adopting the 2015 Budget for the Whatcom County Flood Control Zone District and Subzones.

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
RESOLUTION NO. ________

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

ADOPTING THE 2015 BUDGET FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT AND SUBZONES

WHEREAS, RCW 86.15.140 requires that the Board of Supervisors of each flood control zone district and subzone adopt an annual budget for the zone; and

WHEREAS, the statute further requires that the zone or subzone budget be divided into four appropriation items: overhead and administration, maintenance and operation; construction and improvements, and bond retirement and interest; and

WHEREAS, under the appropriation item for construction and improvements, the Board is required to list each flood control improvement or storm water control improvement and the estimated expenditure for each during the next year; and

WHEREAS, the budget may only be adopted after a public hearing for which proper notice has been given; and

WHEREAS, Fund No. 169, is managed by the County on behalf of the Whatcom County Flood Control Zone District for purposes of funding flood control, storm water management, and other water resources work by the County that are consistent with the powers of the District under RCW 86.15 and RCW 39.34.190; and

WHEREAS, funds obtained by the County through grants or cooperative agreements for flood control and other water resources work are also managed through Fund No. 169; and

WHEREAS, the 2015 budget proposed by the County Executive for Whatcom County includes proposed expenditures out of Fund 169 to pay for flood control, storm water management, and other water resources work consistent with the powers of the District under RCW 86.15 and RCW 39.34.190; and
NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors approves the appropriations of Flood Control Zone District Fund No. 169 for 2015 in the amounts set forth in the document titled Whatcom County 2015-2016 Budget and as modified and presented below and in Exhibit A:

<table>
<thead>
<tr>
<th>Budget Code</th>
<th>Program</th>
<th>RCW Appropriation Item</th>
<th>2015 Revenues</th>
<th>2015 Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>169100</td>
<td>Administration</td>
<td>Overhead &amp; administration</td>
<td>$3,431,774</td>
<td>$1,446,181</td>
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<tr>
<td>169119</td>
<td>Natural Resources Administration</td>
<td>Overhead &amp; administration</td>
<td>157,355</td>
<td>901,037</td>
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<tr>
<td>169120</td>
<td>AIS Administration</td>
<td>Overhead &amp; administration</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>169121</td>
<td>Water Planning Administration</td>
<td>Overhead &amp; administration</td>
<td>-</td>
<td>9,259</td>
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<tr>
<td>169100</td>
<td>Stormwater Administration (Transfer)</td>
<td>Overhead &amp; administration</td>
<td>-</td>
<td>1,193,933</td>
</tr>
<tr>
<td>169102</td>
<td>Flood Response</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>74,000</td>
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<tr>
<td>169104</td>
<td>Flood Planning</td>
<td>Maintenance &amp; operations</td>
<td>25,000</td>
<td>350,000</td>
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<tr>
<td>169106</td>
<td>Technical Assistance</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>169108</td>
<td>NFIP and CRS</td>
<td>Maintenance &amp; operations</td>
<td>6,000</td>
<td>15,000</td>
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<tr>
<td>169110</td>
<td>Early Warning</td>
<td>Maintenance &amp; operations</td>
<td>3,900</td>
<td>103,900</td>
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<td>169119</td>
<td>Natural Resources Operations</td>
<td>Maintenance &amp; operations</td>
<td>60,000</td>
<td>677,534</td>
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<tr>
<td>169120</td>
<td>AIS Operations</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>70,000</td>
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<tr>
<td>169121</td>
<td>Water Planning Operations</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>155,000</td>
</tr>
<tr>
<td>169100</td>
<td>Stormwater Lake Whatcom Operations (Transfer)</td>
<td>Maintenance &amp; operations</td>
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<td>61,000</td>
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<tr>
<td>169700</td>
<td>Stormwater NPDES Phase II</td>
<td>Maintenance &amp; operations</td>
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<td>436,820</td>
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<tr>
<td>169100</td>
<td>Stormwater Lake Whatcom (Transfer)</td>
<td>Maintenance &amp; operations</td>
<td>-</td>
<td>190,000</td>
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<tr>
<td>169112</td>
<td>Repair and Maintenance</td>
<td>Maintenance &amp; operations</td>
<td>50,000</td>
<td>442,439</td>
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<td>169114</td>
<td>Flood Hazard Reduction</td>
<td>Construction &amp; improvements</td>
<td>2,133,600</td>
<td>4,379,000</td>
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<tr>
<td></td>
<td>Total 2014 FCZD Budget</td>
<td></td>
<td>5,867,629</td>
<td>10,505,203</td>
</tr>
</tbody>
</table>

16923  Acme/VanZandt Subzone | Overhead & administration | 23,467 | 100
16925  Birch Bay Subzone    | Overhead & administration | 730,000 | 223,113
16921  Lynden/Everson Subzone | Maintenance & operations | 36,674 | 25,000
16922  Sumas/Nooksack/Everson Subzone | Maintenance & operations | 112,904 | 10,000
16923  Acme/VanZandt Subzone | Maintenance & operations | - | 3,670
16924  Samish Watershed Subzone | Maintenance & operations | 18,313 | 18,150
16925  Birch Bay Subzone    | Maintenance & operations | - | 309,920
16921  Lynden/Everson Subzone | Construction & improvements | - | 121,000
16922  Sumas/Nooksack/Everson Subzone | Construction & improvements | - | 200,000
16923  Acme/VanZandt Subzone | Construction & improvements | - | 30,000
16925  Birch Bay Subzone    | Construction & improvements | - | 171,000

Total | $6,788,987 | $11,617,156
Net Expenditures | $ (4,828,169)

APPROVED this _____ day of __________, 2014.

WHATCOM COUNTY
FLOOD CONTROL ZONE DISTRICT BOARD
OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Chair

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

538
**EXHIBIT A**
Food Control Zone District

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Revenues 2015 Budget</th>
<th>Expenditures</th>
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</thead>
<tbody>
<tr>
<td><strong>Net Impact to Fund Balance</strong></td>
<td>$ 2,136,000</td>
<td></td>
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<tr>
<td><strong>Total</strong></td>
<td>$ 2,136,000</td>
<td></td>
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<tr>
<td>Funding for downstream analysis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Lynden - Phip Creek</td>
<td></td>
<td></td>
</tr>
<tr>
<td>sediment replacement improvement design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hihi Creek Sediment Management</td>
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<td></td>
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<tr>
<td>Funding provided to the City of Bellingham</td>
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<tr>
<td>Squallum Creek Berm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land acquisition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction (7.1017)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Canyon Creek Restoration Project</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land/ easement acquisition</td>
<td></td>
<td></td>
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<tr>
<td>Bridge and bridge design</td>
<td></td>
<td></td>
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<tr>
<td>Bridge right-of-way analysis</td>
<td></td>
<td></td>
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<tr>
<td>Wells, for agriculture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jones Creek Dikeation Berm (7.12004)</td>
<td></td>
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<tr>
<td>Leases for agriculture</td>
<td></td>
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<tr>
<td>7.1202 and new project # for FEMA grant</td>
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<tr>
<td>Management property acquisition &amp; Demo (ESPP)</td>
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<tr>
<td>Daming levee improvement costs (7.0004)</td>
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<tr>
<td>Daming levee improvement design (7.0804)</td>
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<tr>
<td><strong>Lower Nooksack River</strong></td>
<td></td>
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<tr>
<td>Phase 1, Construction/Institution (tires, sledges, basins)</td>
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<td>Reservoirs, settlement analysis</td>
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<td>Reservoirs &amp; settlement analysis (11402)</td>
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<tr>
<td>NF levee study (7.1402)</td>
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<tr>
<td>Bank stabilization</td>
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<tr>
<td>Information plan implementation</td>
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<td><strong>Swin Creek</strong></td>
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<tr>
<td>Food Hazard Reduction (169114)</td>
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<td></td>
</tr>
</tbody>
</table>
**TITLE OF DOCUMENT:**
An Ordinance Authorizing the Levy of Taxes for County and State Purposes in Whatcom County, Washington, for the Year of 2015

**ATTACHMENTS:**
Proposed Ordinance

**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 proposed ordinance adopts the Whatcom County 2015 Property tax levy.
EXHIBIT A WILL BE AVAILABLE AFTER THE FIRST OF THE YEAR 2015
ORDINANCE NO. _____________

AN ORDINANCE AUTHORIZING THE LEVY OF TAXES
FOR COUNTY AND STATE PURPOSES
IN WHATCOM COUNTY, WASHINGTON,
FOR THE YEAR OF 2015

WHEREAS, pursuant to Home Rule Charter Section 6.10, the County Executive is
required to submit for Council consideration a budget and proposed tax and revenue ordinances necessary
to raise sufficient revenues to balance the budget; and,

WHEREAS, the County Council has approved a budget for the 2015–2016 biennium,
including all sources of revenues and anticipated expenditures on November 25, 2014; and,

WHEREAS, the County Council has determined it is not necessary to increase the General
Fund property tax levy for 2015 to fund essential county services, and,

WHEREAS, the County Council held a public hearing regarding the biennial county
budget which included property tax rates, and other revenues;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom
County Council:

(A) The property taxes for Whatcom County are hereby levied and are to be charged to the
assessment and tax rolls of Whatcom County; and,

(B) Property taxes are levied in 2014 for collection in 2015; and,

(C) The amounts collected through the County general levy shall be limited to the amount of 2014
taxes increased for the addition of new construction and improvements to property and any
increase in the value of state assessed property.
(D) Because the state of Washington is unable to provide the figures and documentation necessary to establish fixed levy rates, as these figures do become available from the state, levies shall be fixed per “Exhibit A” which shall be prepared by the County Assessor, and attached and incorporated herein by reference.

**BE IT FURTHER ORDAINED,** that the taxes to be levied against parcels of property within the Diking Districts, Drainage Districts, and Drainage Improvement Districts are to be credited to the individual maintenance funds for the year 2015, and the amounts to be apportioned to the original assessments for construction in said districts are as follows per "Exhibit B" attached hereto and incorporated herein by reference.

**BE IT FURTHER ORDAINED,** that if the Washington State Legislature changes any laws affecting levies contained herein, and the Prosecuting Attorney’s Office concurs, the Whatcom County administration will change such levies accordingly.

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

ATTEST:

Dana Brown-Davis, Council Clerk

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Daniel J. Gabson
Civil Deputy Prosecutor

( ) APPROVED ( ) NOT APPROVED

Jack Louws, Executive

Date:________
**TITLE OF DOCUMENT:**
An Ordinance Authorizing the Levying of 2015 Property Taxes for County Road Purposes

**ATTACHMENTS:**
Proposed Ordinance

**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 proposed ordinance authorizes the 2015 Property Tax Levy for County Road Purposes.

---

**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>08</td>
<td>11/4/14</td>
<td></td>
<td>11/12/14</td>
<td>Introduction</td>
</tr>
<tr>
<td>Division Head:</td>
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<td></td>
<td></td>
<td>11/25/14</td>
<td>Hearing</td>
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<td>Dept. Head:</td>
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<td>Prosecutor:</td>
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<td>10/21/14</td>
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<td>Purchasing/Budget:</td>
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<td>11/4/14</td>
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<tr>
<td>Executive:</td>
<td></td>
<td>11/4/14</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

**Should Clerk schedule a hearing?**  
( ) Yes  
(X) NO

**Requested Date:**

---

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
ORDINANCE NO. 
AN ORDINANCE AUTHORIZING THE LEVY OF 2015 
PROPERTY TAXES FOR COUNTY ROAD PURPOSES

WHEREAS, pursuant to Home Rule Charter Section 6.10, the County Executive is required to submit for Council consideration proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the Budget; and,

WHEREAS, the County Council held a public hearing regarding the biennial county budget which included property tax rates, and other revenues; and,

WHEREAS, the County Council has approved a budget for the 2015–2016 biennium, including all sources of revenues and anticipated expenditures on November 25, 2014; and,

WHEREAS, the County Council has determined it is not necessary to increase the Road Fund property tax levy for 2015, and,

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom County Council that the amounts collected through the County Road levy shall be limited to the amount of 2014 taxes, increased for the addition of new construction and improvements to property and any increase in the value of state assessed property. A property tax increase in addition to the amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property is hereby authorized for the 2015 levy in the amount of $0, which is a percentage increase of 0% from the previous year.
BE IT FURTHER ORDAINED AND ESTABLISHED, that the Whatcom County Council does hereby authorize diverting $806,530 of the County Road District levy for the budget year 2015 to the General Fund. Diverted County Road Taxes are to be used for traffic law enforcement in the unincorporated areas of Whatcom County.

ADOPTED this ___ day of ________________, 2014.

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Daniel L. Eidson
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Council Chair

( ) APPROVED ( ) NOT APPROVED

__________________________

Jack Louws, Executive

Date:_________
**TITLE OF DOCUMENT:**
An Ordinance Limiting the 2015 General Fund Property Tax Levy

**ATTACHMENTS:**
Proposed Ordinance

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

The proposed ordinance limits 2015 General Fund Property Tax Levy and establishes a new maximum allowable property tax levy.

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
ORDINANCE NO. ____________

AN ORDINANCE LIMITING THE 2015
GENERAL FUND PROPERTY TAX LEVY

WHEREAS, the County Council has approved a budget for the 2015–2016 biennium, including all sources of revenues and anticipated expenditures on November 25, 2014; and

WHEREAS, the County Council held a public hearing regarding the county biennial budget which included property tax rates, and other revenues;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom County Council that amounts collected through the County general levy shall be limited to the amount of 2014 taxes, increased for the addition of new construction and improvements to property and any increase in the value of state assessed property. A property tax increase in addition to the amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property is hereby authorized for the 2015 levy in the amount of $0, which is a percentage increase of 0% from the previous year.

ADOPTED this ___ day of ________________, 2014

ATTEST:

Dana Brown-Davis, Council Clerk

Carl Weimer, Council Chair

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

( ) APPROVED  ( ) NOT APPROVED

Daniel T. Gibbon
Civil Deputy Prosecutor

Jack Louws, Executive

Date: ____________
**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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<tr>
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<td>11/12/14</td>
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</tr>
<tr>
<td>Prosecutor:</td>
<td>B</td>
<td></td>
<td>10/31/14</td>
<td>11/25/14</td>
<td>Hearing</td>
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<tr>
<td>Purchasing/Budget:</td>
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<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td>11/1/14</td>
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**TITLE OF DOCUMENT:**
Adoption of an Ordinance Authorizing the Levy of Taxes for County Conservation Futures Purposes for 2015

**ATTACHMENTS:**
Proposed Ordinance

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

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

The proposed ordinance adopts the Whatcom County 2015 tax levy for Conservation Futures.

**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.
INTRODUCED BY: _Consent_
PROPOSED BY: _County Executive_
DATE: _November 12, 2014_

ORDINANCE NO.__________
AN ORDINANCE AUTHORIZING THE LEVY OF TAXES
FOR CONSERVATION FUTURES PURPOSES FOR 2015

WHEREAS, pursuant to Home Rule Charter Section 6.10 the County Executive is required to submit for Council consideration a budget and proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the budget; and,

WHEREAS, the County Council has approved a budget for the 2015–2016 biennium, including all sources of revenues and anticipated expenditures on November 25, 2014; and,

WHEREAS, the County Council held a public hearing regarding the county biennial budget which included property tax rates, and other revenues;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom County Council that amounts collected through the County Conservation Futures levy shall be limited to the amount of 2014 taxes, increased for the addition of new construction and improvements to property and any increase in the value of state assessed property. A property tax increase, in addition to the amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, is hereby authorized for the 2015 levy in the amount of $0, which is a percentage increase of 0% from the previous year.

ADOPTED this ___ day of _______________, 2014

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Daniel L. Libson
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Council Chair

( ) APPROVED ( ) NOT APPROVED

Jack Louws, Executive

Date:
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
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<th>Date</th>
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<th>Agenda Date</th>
<th>Assigned to:</th>
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<td>11/12/14</td>
<td>Introduction</td>
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<td></td>
<td>11/25/14</td>
<td>Hearing</td>
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<tr>
<td>Dept. Head:</td>
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<td>Executive:</td>
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**TITLE OF DOCUMENT:**
Ordinance authorizing the 2015 Whatcom County Unified Fee Schedule.

**ATTACHMENTS:**
Proposed Ordinance, Appendix A – Unified Fee Schedule, Appendix B Whatcom County Planning & Development Services 2015 Unified Fee Schedule Policy, Appendix C Whatcom County Public Works Unified Fee Schedule Addenda

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

This proposed ordinance authorizes the 2015 Unified Fee

**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.
ORDINANCE NO.  
AN ORDINANCE ADOPTING THE 2015  
WHATCOM COUNTY UNIFIED FEE SCHEDULE

WHEREAS, fees set by Washington State law will not be listed in the adopted fee schedule due to various timing and consistency conflicts.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Unified Fee Schedule is hereby adopted as of January 1, 2015, as detailed in Appendix A, Unified Fee Schedule, Appendix B, Policy for Planning and Development Services Fees and Appendix C Whatcom County Public Works Unified Fee Schedule Addenda.

BE IT FURTHER ORDAINED that department directors may propose to the County Executive a reasonable charge or fee for providing services, privileges or products if the charge is not listed in the adopted Unified Fee Schedule. The fee may include the cost for the use (by any person) of any departmental equipment necessary to provide the service, privilege or product. Fees shall not exceed the amount necessary to reimburse the department for its actual costs incident to such service, privilege or product. During the year, upon a showing of sufficient justification, the County Executive may add new fees or adjust fees set by the Unified Fee Schedule by way of Executive Order. If the fee is an ongoing standard charge, it shall be included in the next annually-proposed unified fee schedule ordinance as a new fee.

BE IT FURTHER ORDAINED that these fees shall remain in effect until amended, rescinded or superseded.

BE IT FINALLY ORDAINED that, if any portion of this ordinance is found to be unlawful, all remaining portions shall remain in effect.

ADOPTED this _____ day of __________________, 2014

ATTEST:  WHATCOM COUNTY COUNCIL  WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk  Carl Weimer, Chair

APPROVED as to form:  ( ) Approved  ( ) Denied

Daniel L. Gibson  Jack Louws, Executive

Civil Deputy Prosecutor  Date:________________________

552
## Appendix A - 2015 Unified Fee Schedule

### Administrative Services

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
</tr>
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<tbody>
<tr>
<td>8042</td>
<td>Application Processing - bypass of courthouse security screening</td>
<td>$75.00</td>
<td>Per Application</td>
<td>No Change</td>
<td>$75.00</td>
<td>Per Application</td>
<td>Executive Order 2006-6</td>
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<tr>
<td>1005</td>
<td>Long-Term Parking - Monthly</td>
<td>$35.00</td>
<td>Per Month</td>
<td>No Change</td>
<td>$35.00</td>
<td>Per Month</td>
<td>WCC 2.68</td>
</tr>
<tr>
<td>1007</td>
<td>Short-Term Parking - Daily</td>
<td>$4.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$4.00</td>
<td>Per Day</td>
<td>WCC 2.68</td>
</tr>
<tr>
<td>1009</td>
<td>Short-Term Parking - 4 hours or less</td>
<td>$2.00</td>
<td>Per each 4 Hours</td>
<td>No Change</td>
<td>$2.00</td>
<td>Per each 4 Hours</td>
<td>WCC 2.68</td>
</tr>
<tr>
<td>7143</td>
<td>Employee and Public Parking Lots: Parking Violation - 1st</td>
<td>$10.00</td>
<td>Per Employee, or per Registered Owner if not an employee</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Employee, or per Registered Owner if not an employee</td>
<td>WCC 2.68</td>
</tr>
<tr>
<td>7144</td>
<td>Employee and Public Parking Lots: Parking Violation - 2nd</td>
<td>$20.00</td>
<td>Per Employee, or per Registered Owner if not an employee</td>
<td>No Change</td>
<td>$20.00</td>
<td>Per Employee, or per Registered Owner if not an employee</td>
<td>WCC 2.68</td>
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<tr>
<td>7162</td>
<td>Employee and Public Parking Lots: Parking Violation - 3rd</td>
<td>$40.00</td>
<td>Per Employee, or per Registered Owner if not an employee</td>
<td>No Change</td>
<td>$40.00</td>
<td>Per Employee, or per Registered Owner if not an employee</td>
<td></td>
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<tr>
<td>7163</td>
<td>Employee and Public Parking Lots: Parking Violation (4 or more violations) Parking Violation (4 or more violations) Vehicle Restraint</td>
<td>$60.00</td>
<td>Per Restraint applied</td>
<td>No Change</td>
<td>$60.00</td>
<td>Per Restraint applied</td>
<td></td>
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<tr>
<td>1000</td>
<td>Application Copy &amp; Transfer</td>
<td>$5.00</td>
<td>Per Application</td>
<td>No Change</td>
<td>$5.00</td>
<td>Per Application</td>
<td>Unfd Fee Schdl Ordinance</td>
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### Facilities Management

### Human Resources

### All Departments

<table>
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<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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</thead>
<tbody>
<tr>
<td>7130</td>
<td>Returned Payment Fee (Former title - NSF Check Fee)</td>
<td>$30.00</td>
<td>per transaction</td>
<td>No Change</td>
<td>$30.00</td>
<td>per transaction</td>
<td></td>
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<tr>
<td>7131</td>
<td>Photocopy, excludes recorded docs</td>
<td>$0.15</td>
<td>per page (8 1/2&quot; x 11&quot;)</td>
<td>No Change</td>
<td>$0.15</td>
<td>per page (8 1/2&quot; x 11&quot;)</td>
<td>Non-certifed, (\text{budget pgs. cmty code, maps, etc.})</td>
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### Assessor

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tr>
<td>1050</td>
<td>Computer Disks</td>
<td>$1.00</td>
<td>Per Disk</td>
<td>No Change</td>
<td>$1.00</td>
<td>Per Disk</td>
<td>Unfd Fee Schdl Ordinance</td>
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<tr>
<td>1051</td>
<td>Computer Print-outs</td>
<td>$0.15</td>
<td>Per Page</td>
<td>No Change</td>
<td>$0.15</td>
<td>Per Page</td>
<td>Unfd Fee Schdl Ordinance</td>
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<tr>
<td>1052</td>
<td>Computer Time</td>
<td>$50.00</td>
<td>Per Hour</td>
<td>No Change</td>
<td>$50.00</td>
<td>Per Hour</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>1054</td>
<td>Copies 18 x 22 Maps</td>
<td>$1.00</td>
<td>Per Copy</td>
<td>No Change</td>
<td>$1.00</td>
<td>Per Copy</td>
<td>Unfd Fee Schdl Ordinance</td>
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<tr>
<td>1055</td>
<td>Current Use Classification</td>
<td>$200.00</td>
<td>Per Application</td>
<td>No Change</td>
<td>$200.00</td>
<td>Per Application</td>
<td>RCW 84.34.030</td>
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<td>1056</td>
<td>Fire Patrol Fee</td>
<td>$0.25</td>
<td>Per Parcel</td>
<td>No Change</td>
<td>$0.25</td>
<td>Per Parcel</td>
<td>RCW 76.04.610</td>
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<td>2783</td>
<td>Real Property Assessment Roll - Short Master</td>
<td>$35.00</td>
<td>Each</td>
<td>No Change</td>
<td>$35.00</td>
<td>Each</td>
<td>CPU processing plus digital media</td>
</tr>
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* Subject to adjustment according to federal law

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Monday, November 03, 2014

Page 1 of 37
## Appendix A - 2015 Unified Fee Schedule

### Assessor

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
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<tr>
<td>2785</td>
<td>Assessment Roll PACS Full Summary</td>
<td>$150.00</td>
<td>Each</td>
<td>No Change</td>
<td>$150.00</td>
<td>Each Media</td>
<td>CPU Processing plus Digital Media</td>
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<tr>
<td>2787</td>
<td>Subdivision - Section Real Property Assessment Roll (Short Master)</td>
<td>$15.00</td>
<td>Each</td>
<td>No Change</td>
<td>$15.00</td>
<td>Each Media</td>
<td>CPU Processing plus Digital Media</td>
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### Auditor

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<th>Description</th>
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<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tr>
<td>1110</td>
<td>Election Maps/By Precinct</td>
<td>$3.00</td>
<td>Per Map</td>
<td>No Change</td>
<td>$3.00</td>
<td>Per Map</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>1113</td>
<td>Image Service (Daily Links), (Document Images)</td>
<td>$0.02</td>
<td>$.015 Per Image</td>
<td>No Change</td>
<td>$0.02</td>
<td>$.015 Per Image</td>
<td>Unified Fee Schdl</td>
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<tr>
<td>1117</td>
<td>Marriage License-Family Court</td>
<td>$8.00</td>
<td>Per License-Sup Ct</td>
<td>No Change</td>
<td>$8.00</td>
<td>Per License-Sup Ct</td>
<td>RCW 26.12.220; Council authorized</td>
</tr>
<tr>
<td>1118</td>
<td>Marriage License-Family Services</td>
<td>$15.00</td>
<td>Per License-Sup Ct</td>
<td>No Change</td>
<td>$15.00</td>
<td>Per License-Sup Ct.</td>
<td>RCW 26.04.160; Council authorized</td>
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<td>1125</td>
<td>Record of Survey (18 x 24)</td>
<td>$25.00</td>
<td>First Page</td>
<td>No Change</td>
<td>$25.00</td>
<td>First Page Plus other state fees</td>
<td>RCW 58.09.100; Unfd Fee Schdl</td>
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<td>7135</td>
<td>Email digital map image (Recording)</td>
<td>$1.00</td>
<td>per image, same cost as printed page</td>
<td>No Change</td>
<td>$1.00</td>
<td>per image, same cost as printed page</td>
<td>Unfd Fee Schdl</td>
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<td>8073</td>
<td>Marriage Search Prior to 1980 (certified)</td>
<td>$8.00</td>
<td>Each</td>
<td>No Change</td>
<td>$8.00</td>
<td>Each Plus copy costs</td>
<td>RCW 36.18.010(6); Unfd Fee Schdl</td>
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<tr>
<td>8075</td>
<td>Election Registration Data</td>
<td>$10.00</td>
<td>Each CD or Electronic Transfer</td>
<td>No Change</td>
<td>$10.00</td>
<td>Each CD or Electronic Transfer</td>
<td>Unfd Fee Schdl</td>
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<td>8143</td>
<td>Daily Matchbacks (Elections)</td>
<td>$3.00</td>
<td>Per daily match</td>
<td>No Change</td>
<td>$3.00</td>
<td>Per daily match</td>
<td>Unfd Fee Schdl</td>
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<tr>
<td>8196</td>
<td>Marriage Search Prior to 1980 (not certified)</td>
<td>$8.00</td>
<td>Each</td>
<td>No Change</td>
<td>$8.00</td>
<td>Each Plus copy costs</td>
<td>RCW 36.18.010(6), Unfd Fee Schdl</td>
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<td>8462</td>
<td>Licensing Mail Fee (CND)</td>
<td>$5.00</td>
<td>Actual Cost</td>
<td>No Change</td>
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<td>Actual Cost</td>
<td>Executive Order 2009-03</td>
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<td>9019</td>
<td>Assisted Record Search for Documents Prior to 1980 $8.00</td>
<td>Each</td>
<td>No Change</td>
<td>$8.00</td>
<td>Each Plus copy costs</td>
<td>RCW 36.18.010(6), Unfd Fee Schdl</td>
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<tr>
<td>9043</td>
<td>Record of Survey (Copies)</td>
<td>$5.00</td>
<td>per First Page</td>
<td>No Change</td>
<td>$5.00</td>
<td>per First Page Add'l pages $3 ea</td>
<td>Unfd Fee Schdl</td>
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<tr>
<td>9044</td>
<td>Record of Survey (Copies)-Additional Pages</td>
<td>$3.00</td>
<td>per additional page</td>
<td>No Change</td>
<td>$3.00</td>
<td>per additional page</td>
<td>Unfd Fee Schdl</td>
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### Cooperative Extension

<table>
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<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tbody>
<tr>
<td>1151</td>
<td>Copies w/o Assistance</td>
<td>$0.07</td>
<td>Per Page</td>
<td>No Change</td>
<td>$0.07</td>
<td>Per Page</td>
<td>Unfd Fee Schdl Ordinance</td>
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### Council

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<th>Rate Basis</th>
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* Subject to adjustment according to federal law
## Council

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## District Court

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<td>$15.00</td>
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<td>Per Ex Parte Order except for Civil Anti-Harrassment, Domestic Violence Cases &amp; Dismissal Orders</td>
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## Executive

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
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<td>Board/Care-Large Livestock</td>
<td>$40.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$40.00</td>
<td>Per Day</td>
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<td>Board/Care-Not Large Livestock</td>
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<td>$500.00</td>
<td>Per Animal Initially</td>
<td>$100 Annual After</td>
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* Subject to adjustment according to federal law
## Appendix A - 2015 Unified Fee Schedule

### Executive

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<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
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<th>2015 Rate</th>
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<th>Authorization</th>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>$60.00</td>
<td>per imp/12 mo period</td>
<td>Executive Order 2007-06</td>
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## Appendix A - 2015 Unified Fee Schedule

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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
<td>No Change</td>
<td>$60.00</td>
<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
<td>No Change</td>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
<td>No Change</td>
<td>$100.00</td>
<td>per imp/12 mo period</td>
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<td>Dogs 4th - Unaltered and wearing current license</td>
<td>$170.00</td>
<td>per imp/12 mo period</td>
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<td>$170.00</td>
<td>per imp/12 mo period</td>
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<tr>
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<td>Dogs 1st - Unaltered and unlicensed or not wearing license</td>
<td>$80.00</td>
<td>per imp/12 mo period</td>
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<td>per imp/12 mo period</td>
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<td>Dogs 2nd - Unaltered and unlicensed or not wearing license</td>
<td>$100.00</td>
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<td>Dogs 3rd - Unaltered and unlicensed or not wearing license</td>
<td>$120.00</td>
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<td>per imp/12 mo period</td>
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<td>Dogs 4th - Unaltered and unlicensed or not wearing license</td>
<td>$190.00</td>
<td>per imp/12 mo period</td>
<td>No Change</td>
<td>$190.00</td>
<td>per imp/12 mo period</td>
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<tr>
<td>8183</td>
<td>Impoundment - Large Livestock 1st</td>
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<td>per imp/12 mo period</td>
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<td>No Change</td>
<td>$100.00</td>
<td>per imp/12 mo period</td>
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<td>8185</td>
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<td>per imp/12 mo period</td>
<td>No Change</td>
<td>$125.00</td>
<td>per imp/12 mo period</td>
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<td>8186</td>
<td>Impoundment - Large Livestock 4th +</td>
<td>$200.00</td>
<td>per imp/12 mo period</td>
<td>No Change</td>
<td>$200.00</td>
<td>per imp/12 mo period</td>
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<tr>
<td>8187</td>
<td>Impoundment - Small Livestock 1st</td>
<td>$60.00</td>
<td>per imp/12 mo period</td>
<td>No Change</td>
<td>$60.00</td>
<td>per imp/12 mo period</td>
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<td>$80.00</td>
<td>per imp/12 mo period</td>
<td>No Change</td>
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<td>per imp/12 mo period</td>
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<td>$100.00</td>
<td>per imp/12 mo period</td>
<td>No Change</td>
<td>$100.00</td>
<td>per imp/12 mo period</td>
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<tr>
<td>8190</td>
<td>Impoundment - Small Livestock 4th +</td>
<td>$150.00</td>
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<td>8191</td>
<td>License Fee - Wild or Exotic Animal - Annual Renewal</td>
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<td>per renewal</td>
<td>No Change</td>
<td>$100.00</td>
<td>per renewal</td>
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<tr>
<td>8192</td>
<td>License Fee - Past Due - Additional</td>
<td>$10.00</td>
<td>Added to license fee</td>
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<td>$10.00</td>
<td>Added to license fee</td>
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<td>8193</td>
<td>Owner Release Fee</td>
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<td>per release</td>
<td>No Change</td>
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<td>per release</td>
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<td>8194</td>
<td>Owner Release Fee - Additional for Litter w/Mother</td>
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<td>per release</td>
<td>No Change</td>
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<td>per release</td>
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<td>8195</td>
<td>Veterinarian Fees and Medications during Boarding/Impoundment if required</td>
<td>$0.00</td>
<td>Cost - fees will be charged at actual costs</td>
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<td>Cost - fees will be charged at actual costs</td>
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<td>9046</td>
<td>Multi Dog License</td>
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<td>No Change</td>
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<td>Per license</td>
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* Subject to adjustment according to federal law
## Appendix A - 2015 Unified Fee Schedule

### Health

**Administration**

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<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tr>
<td>1353</td>
<td>FAX Machine Use</td>
<td>$2.00</td>
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<td>Per Page Transmitted (360)</td>
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<td>Per Page Transmitted (non-360)</td>
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<td>Per Page Transmitted (non-360)</td>
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<tr>
<td>1583</td>
<td>Notary Service</td>
<td>$3.00</td>
<td>Each</td>
<td>Change</td>
<td>$10.00</td>
<td>Each</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
</tbody>
</table>

### Environmental Health

| 1462 | PDS Verification - Water | $100.00   | Per Water Supply            | Change        | $120.00   | Per Water Supply            | Unfd Fee Schdl Ordinance          |
| 1465 | Water Systems - additional hours | $105.00 | After base hour, Per Hour | Change | $126.00 | After base hour, Per Hour | Unfd Fee Schdl Ordinance |
| 1466 | Water Systems, Public (3 hour base) | $400.00 | Base Charge                 | Change        | $480.00   | Base Charge                 | Unfd Fee Schdl Ordinance          |
| 1467 | Water Status Letter/Gp    | $100.00   | Per Letter                  | Change        | $120.00   | Per Letter                  | Unfd Fee Schdl Ordinance          |
| 1469 | Water, Public Well Site Approvals | $250.00 | Per Site                    | Change        | $300.00   | Per Site                    | Unfd Fee Schdl Ordinance          |
| 1470 | Water, Well Site Approvals/ 2 prty, plats | $150.00 | Per Site                    | Change        | $180.00   | Per Site                    | Unfd Fee Schdl Ordinance          |
| 1474 | SW - Registration Compost Product | $1,100.00 | Per Registration            | Change        | $1,210.00 | Per Registration            | Unfd Fee Schdl Ordinance          |
| 1475 | SW Application-Env Monitoring Req'd, base - 15 hour base | $1,650.00 | Per Application             | Change        | $1,815.00 | Per Application             | Unfd Fee Schdl Ordinance          |
| 1477 | SW/Compost Application-Env Monitoring Not Req'd - 10 hour base | $990.00 | Per Application             | Change        | $1,089.00 | Per Application             | Unfd Fee Schdl Ordinance          |
| 1478 | SW Monitoring, additional hours | $100.00 | After base hrs, Per Hr     | Change        | $110.00   | After base hrs, Per Hr     | Unfd Fee Schdl Ordinance          |
| 1479 | SW Biosolids Beneficials Use Facility Review - 15 hour base | $1,650.00 | Per Facility                | Change        | $1,815.00 | Per Facility                | Unfd Fee Schdl Ordinance          |
| 1481 | SW Permit - Env Monitoring Req'd - 40 hour base | $3,300.00 | Per Permit                  | Change        | $3,830.00 | Per Permit                  | Unfd Fee Schdl Ordinance          |
| 1483 | SW/Compost Permit - Env Monitoring Not Req'd - 10 hour base | $1,100.00 | Per Permit                  | Change        | $1,210.00 | Per Permit                  | Unfd Fee Schdl Ordinance          |
| 1485 | SW Post Closure Env Monitoring Req'd - 15 hour base | $1,650.00 | Annual                      | Change        | $1,815.00 | Annual                      | Unfd Fee Schdl Ordinance          |
| 1488 | SW Spill Response         | $105.00   | Each Additional Hour        | Change        | $126.00   | Each Additional Hour        | Unfd Fee Schdl Ordinance          |
| 1489 | OSS, Application & Permit | $950.00   | Per Application             | No Change     | $950.00   | Per Application             | appl & permit                     |
| 1490 | Appeal, Admin - Other admin decision | $350.00 | Per Appeal                  | No Change     | $350.00   | Per Appeal                  | Unfd Fee Schdl Ordinance          |
| 1491 | PDS Verification - OSS    | $100.00   | On-Site Sewage System       | Change        | $120.00   | On-Site Sewage System       | Unfd Fee Schdl Ordinance          |
| 1492 | Water Variance Request    | $100.00   | Vari/Condtni Use            | Change        | $120.00   | Vari/Condtni Use            | Unfd Fee Schdl Ordinance          |
| 1502 | OSS Plat Approval Base Chg | $300.00   | Base Chg + Lot              | Change        | $315.00   | Base Chg + Lot              | Unfd Fee Schdl Ordinance          |
| 1503 | OSS PDS Review            | $100.00   | Per Lot                     | Change        | $105.00   | Per Lot                     | Unfd Fee Schdl Ordinance          |
| 1504 | OSS Re-inspect Disp. System | $250.00 | Per Inspection              | Change        | $265.00   | Per Inspection              | Unfd Fee Schdl Ordinance          |
| 1505 | OSS - WS DOH On-site Guidelines | $1.50   | Per Booklet                 | No Change     | $1.50     | Per Booklet                 | Unfd Fee Schdl Ordinance          |
| 1507 | OSS Diap. permit renewal  | $475.00   | Per Renewal Letter          | No Change     | $475.00   | Per Renewal Letter          | Unfd Fee Schdl Ordinance          |

* Subject to adjustment according to federal law

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Monday, November 03, 2014

Page 6 of 37
## Health

### Environmental Health

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tbody>
<tr>
<td>1508</td>
<td>OSS O &amp; M Specialist License (Initial &amp; Renewal)</td>
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<td>Per License</td>
<td>Change</td>
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<td>OSS Clean &amp; Inst License (Initial and Renewal)</td>
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<td>Per License</td>
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<td>Late Fee 30 Days</td>
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<tr>
<td>1514</td>
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<td>Additional 10% of unpaid fee</td>
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<td>1516</td>
<td>Food Conf. Outbreak-Follow-Up</td>
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<td>Per Hour</td>
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<td>Per Hour</td>
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<td>Per Permit</td>
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<td>1522</td>
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<td>Grocery, low risk</td>
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<td>Per Permit</td>
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<td>Per Hour</td>
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<td>1556</td>
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<td>Per Hour</td>
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<td>Per Permit</td>
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<td>Change</td>
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<td>Per Inspection</td>
<td>Unfd Fee Schdl Ordinance</td>
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</tr>
</tbody>
</table>

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## Health

### Environmental Health

<table>
<thead>
<tr>
<th>UFS#</th>
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<th>Authorization</th>
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<td>Change</td>
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<td>1573</td>
<td>LE Swimming Pool, Spa, extra facility</td>
<td>$121.00</td>
<td>Each Pool</td>
<td>Change</td>
<td>$145.00</td>
<td>Each Pool</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>1576</td>
<td>LE Water Rec Pool/Spa - Preoopen Inspection</td>
<td>$154.00</td>
<td>Per Inspection</td>
<td>Change</td>
<td>$185.00</td>
<td>Per Inspection</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>1577</td>
<td>LE Water Rec Pool/Spa - Preoopen Reinspection</td>
<td>$154.00</td>
<td>Per Inspection</td>
<td>Change</td>
<td>$185.00</td>
<td>Per Inspection</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>1594</td>
<td>LE Indoor Air Assessment</td>
<td>$154.00</td>
<td>Base Charge</td>
<td>Change</td>
<td>$185.00</td>
<td>Base Charge + $126 Per Hr</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2792</td>
<td>O&amp;M Fee</td>
<td>$19.00</td>
<td>Each OSS</td>
<td>No Change</td>
<td>$19.00</td>
<td>Each OSS</td>
<td>UFS &amp; SSB 6116</td>
</tr>
<tr>
<td>4971</td>
<td>Food Community Food Service Waiver</td>
<td>$0.00</td>
<td>Per waiver</td>
<td>No Change</td>
<td>$0.00</td>
<td>Per waiver</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>4984</td>
<td>PDS water availability, plat, each lot</td>
<td>$100.00</td>
<td>Each lot</td>
<td>Change</td>
<td>$120.00</td>
<td>Each lot</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>4986</td>
<td>PDS - Env. Land use reviews (regular project)</td>
<td>$100.00</td>
<td>Each</td>
<td>Change</td>
<td>$120.00</td>
<td>Each</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>4987</td>
<td>PDS - Env. Land use reviews (large project)</td>
<td>$200.00</td>
<td>Each</td>
<td>Change</td>
<td>$240.00</td>
<td>Each</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>4988</td>
<td>OSS Installer's Packet</td>
<td>$15.50</td>
<td>Per Packet</td>
<td>Change</td>
<td>$17.50</td>
<td>Per Packet</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>4989</td>
<td>OSS Pumper's Packet</td>
<td>$6.15</td>
<td>Per Packet</td>
<td>Change</td>
<td>$6.50</td>
<td>Per Packet</td>
<td>Unfd Fee Schdl Ordinance</td>
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<tr>
<td>8034</td>
<td>Test Administration (OSS, O&amp;M, Pumper)</td>
<td>$100.00</td>
<td>per test</td>
<td>Change</td>
<td>$105.00</td>
<td>per test</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>8077</td>
<td>OSS Redesign Submittal Fee</td>
<td>$200.00</td>
<td>Each</td>
<td>Change</td>
<td>$210.00</td>
<td>Each</td>
<td>RCW 70.05.060</td>
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<tr>
<td>8461</td>
<td>Food Service, Simple Menu, All Sizes</td>
<td></td>
<td></td>
<td>New</td>
<td>$355.00</td>
<td>per permit</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>8465</td>
<td>Food Service, Moderate Menu, 0-25 Seats</td>
<td></td>
<td></td>
<td>New</td>
<td>$370.00</td>
<td>per permit</td>
<td>Unfd Fee Schdl Ordinance</td>
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<tr>
<td>8466</td>
<td>Food Service, Moderate Menu, 26+ Seats</td>
<td></td>
<td></td>
<td>New</td>
<td>$508.00</td>
<td>per permit</td>
<td>Unfd Fee Schdl Ordinance</td>
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<tr>
<td>8468</td>
<td>Food Service, Complex Menu, 0-25 Seats</td>
<td></td>
<td></td>
<td>New</td>
<td>$380.00</td>
<td>per permit</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>8469</td>
<td>Food Service, Complex Menu, 26-99 Seats</td>
<td></td>
<td></td>
<td>New</td>
<td>$590.00</td>
<td>per permit</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>8470</td>
<td>Food Service, Complex Menu, 100+ Seats</td>
<td></td>
<td></td>
<td>New</td>
<td>$711.00</td>
<td>per permit</td>
<td>Unfd Fee Schdl Ordinance</td>
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<tr>
<td>8471</td>
<td>Food Establishment with more than one food service</td>
<td></td>
<td></td>
<td>New</td>
<td>$176.00</td>
<td>per addl service</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>8472</td>
<td>Temp Food Srvc, Single Event</td>
<td></td>
<td></td>
<td>New</td>
<td>$144.00</td>
<td>per permit</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>8473</td>
<td>OSS Application &amp; Permit - Tank Only</td>
<td></td>
<td></td>
<td>New</td>
<td>$475.00</td>
<td>Per Application</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>8474</td>
<td>Pool Closure-Inspection or Reinspection</td>
<td></td>
<td></td>
<td>New</td>
<td>$251.00</td>
<td>Per Inspection</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>9033</td>
<td>Food Establishment Change of Owner</td>
<td>$105.00</td>
<td>Per permit</td>
<td>Change</td>
<td>$155.00</td>
<td>Per permit</td>
<td>UFS Ordinance</td>
</tr>
<tr>
<td>9034</td>
<td>Farmer's market low risk menu single location</td>
<td>$156.00</td>
<td>Per permit</td>
<td>Change</td>
<td>$190.00</td>
<td>Per permit</td>
<td>UFS Ordinance</td>
</tr>
<tr>
<td>9035</td>
<td>Farmer's market low risk multiple locations</td>
<td>$210.00</td>
<td>Per permit</td>
<td>Change</td>
<td>$252.00</td>
<td>Per permit</td>
<td>UFS Ordinance</td>
</tr>
<tr>
<td>9036</td>
<td>Farmer's Market Complex Menu - Single location</td>
<td>$315.00</td>
<td>Per permit</td>
<td>Change</td>
<td>$377.00</td>
<td>Per permit</td>
<td>UFS Ordinance</td>
</tr>
<tr>
<td>9037</td>
<td>Farmer's Market Complex Menu - Multiple locations</td>
<td>$420.00</td>
<td>Per permit</td>
<td>Change</td>
<td>$505.00</td>
<td>Per permit</td>
<td>UFS Ordinance</td>
</tr>
<tr>
<td>9038</td>
<td>Admin review plus permit re-instatement inspection-Food Prog</td>
<td>$210.00</td>
<td>Per admin review (includes inspection for re-instatement)</td>
<td>Change $300.00</td>
<td>Per admin review (includes inspection for re-instatement)</td>
<td>UFS Ordinance</td>
<td></td>
</tr>
</tbody>
</table>

### Human Services

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>1595</td>
<td>Victim Impact Panel</td>
<td>$50.00</td>
<td>Per Attendance</td>
<td>No Change</td>
<td>$50.00</td>
<td>Per Attendance</td>
<td>RCW 46.61.5152</td>
</tr>
<tr>
<td>4996</td>
<td>Youth Victim Impact Panel Fee</td>
<td>$20.00</td>
<td>per session</td>
<td>No Change</td>
<td>$20.00</td>
<td>per session</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
</tbody>
</table>

* Subject to adjustment according to federal law
## Appendix A - 2015 Unified Fee Schedule

### Jail

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>2547</td>
<td>Home Monitoring UA</td>
<td>$15.00</td>
<td>per sample</td>
<td>No Change</td>
<td>$15.00</td>
<td>per sample</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2548</td>
<td>Inmate Elective Sick Call</td>
<td>$5.00</td>
<td>Per Call</td>
<td>No Change</td>
<td>$5.00</td>
<td>Per Call</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2550</td>
<td>Jail Commissary</td>
<td>Varies/Cost</td>
<td>No Change</td>
<td>Varies/Cost</td>
<td>Varies/Cost</td>
<td>No Change</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2552</td>
<td>Jail Per Diem</td>
<td>set per contract</td>
<td>No Change</td>
<td>set per contract</td>
<td>Unfreq Fee Schdl Ordinance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2552</td>
<td>Jail Booking Fee</td>
<td>$55.00</td>
<td>Each</td>
<td>No Change</td>
<td>$55.00</td>
<td>Each</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2553</td>
<td>Mileage Fees</td>
<td>Per Federal Mileage Rate Per Mile</td>
<td>No Change</td>
<td>Per Federal Mileage Rate Per Mile</td>
<td>RCW 36.18.040(1)(i)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2554</td>
<td>Notarizing Documents</td>
<td>$5.00</td>
<td>Each</td>
<td>No Change</td>
<td>$5.00</td>
<td>Each</td>
<td>RCW 36.18.040(1)(g)</td>
</tr>
<tr>
<td>2556</td>
<td>Other Papers/Documents</td>
<td>$12.00</td>
<td>Each + Mileage</td>
<td>No Change</td>
<td>$12.00</td>
<td>Each + Mileage</td>
<td>RCW 36.18.040(1)(l)</td>
</tr>
<tr>
<td>2557</td>
<td>Postage</td>
<td>Actual Cost</td>
<td>No Change</td>
<td>Actual Cost</td>
<td>No Change</td>
<td>Actual Cost</td>
<td>RCW 36.18.040(1)(i)</td>
</tr>
<tr>
<td>2562</td>
<td>Work Release</td>
<td>1% of gross income during WR period</td>
<td>No Change</td>
<td>1% of gross income during WR period</td>
<td>Unfreq Fee Schdl Ordinance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2573</td>
<td>Work Release UA</td>
<td>$15.00</td>
<td>per sample</td>
<td>No Change</td>
<td>$15.00</td>
<td>per sample</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2769</td>
<td>Baseline UA fee</td>
<td>$15.00</td>
<td>per sample</td>
<td>No Change</td>
<td>$15.00</td>
<td>per sample</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2770</td>
<td>Program Application Fee</td>
<td>$25.00</td>
<td>Per Applicant</td>
<td>No Change</td>
<td>$25.00</td>
<td>Per Applicant</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2772</td>
<td>EH/MH/EDH program fee</td>
<td>$20.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$20.00</td>
<td>Per Day</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2789</td>
<td>Jail Medical Records</td>
<td>$10.00</td>
<td>Each Record set</td>
<td>No Change</td>
<td>$10.00</td>
<td>Each Record set</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2791</td>
<td>Jail Work Crew fees</td>
<td>Per day worked</td>
<td>No Change</td>
<td>Per day worked</td>
<td>Unfreq fee schedule</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5037</td>
<td>Offender elects to change program schedule</td>
<td>$10.00</td>
<td>Per schedule change</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per schedule change</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>5038</td>
<td>Inmate Work Crew UA</td>
<td>$15.00</td>
<td>per sample</td>
<td>No Change</td>
<td>$15.00</td>
<td>per sample</td>
<td>Unfreq Fee Schdl Ordinance</td>
</tr>
<tr>
<td>7192</td>
<td>School release, resident</td>
<td>$5.00</td>
<td>per day</td>
<td>No Change</td>
<td>$5.00</td>
<td>per day</td>
<td>Unified Fee Schedule Ordinance</td>
</tr>
<tr>
<td>7193</td>
<td>Non-resident OC Work crew</td>
<td>$23.00</td>
<td>per day</td>
<td>No Change</td>
<td>$23.00</td>
<td>per day</td>
<td>Unified Fee Schedule Ordinance</td>
</tr>
<tr>
<td>7194</td>
<td>Non-resident IC work crew</td>
<td>$5.00</td>
<td>per day</td>
<td>No Change</td>
<td>$5.00</td>
<td>per day</td>
<td>Per day rate for each day in facility</td>
</tr>
<tr>
<td>7195</td>
<td>Non-resident School Release</td>
<td>$5.00</td>
<td>per day in facility</td>
<td>No Change</td>
<td>$5.00</td>
<td>per day in facility</td>
<td>Per diem</td>
</tr>
<tr>
<td>7196</td>
<td>Non-resident Work Release</td>
<td>Current year per diem per day</td>
<td>No Change</td>
<td>Current year per diem per day</td>
<td>Per diem</td>
<td>Unfreq fee schedule Ordinance</td>
<td></td>
</tr>
<tr>
<td>7197</td>
<td>Non-resident EH/D/EDH</td>
<td>Current year per diem per day</td>
<td>No Change</td>
<td>Current year per diem per day</td>
<td>Per diem</td>
<td>Unfreq fee schedule Ordinance</td>
<td></td>
</tr>
<tr>
<td>8502</td>
<td>Corrections Deputy Overtime Reimbursement Rate</td>
<td>New</td>
<td>$52.00</td>
<td>Per hour</td>
<td>Average overtime hourly wage &amp; benefits</td>
<td>Unfreq Fee Schedule</td>
<td></td>
</tr>
<tr>
<td>8504</td>
<td>Corrections Sergeant Overtime Reimbursement Rate</td>
<td>New</td>
<td>$69.00</td>
<td>Per hour</td>
<td>Average hourly overtime cost</td>
<td>Unfreq Fee Schedule</td>
<td></td>
</tr>
<tr>
<td>9039</td>
<td>Out of custody work crew meals, jail time only.</td>
<td>$5.00</td>
<td>Per Day Worked</td>
<td>No Change</td>
<td>Per Day Worked</td>
<td>Unfreq Fee Schdl Ordinance</td>
<td></td>
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<tr>
<td>9040</td>
<td>Replacement cost of jail issued property</td>
<td>Actual cost</td>
<td>No Change</td>
<td>Actual cost</td>
<td>Will vary depending on the item</td>
<td>Unfreq Fee Schdl Ordinance</td>
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<tr>
<td>9041</td>
<td>Indigent kits</td>
<td>Per item, actual cost</td>
<td>No Change</td>
<td>Per item, actual cost</td>
<td>Upon inmate request</td>
<td>Unfreq Fee Schdl Ordinance</td>
<td></td>
</tr>
</tbody>
</table>

* Subject to adjustment according to federal law
## Appendix A - 2015 Unified Fee Schedule

### Department Fees and Charges

#### Parks & Recreation

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>1800</td>
<td>Admissions: Special Events, etc.</td>
<td></td>
<td>Actual Cost based on impact to facility and staff time</td>
<td>No Change</td>
<td></td>
<td>Actual Cost based on impact to facility and staff time</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1809</td>
<td>Silver Lake Cabins #5, #6 - Based on dlb occ.-Max. 6 persons per cabin, Non-Res</td>
<td>$88.00</td>
<td>Per Day Per Family (Each adult, exceeding two, additional $5.00 per night)</td>
<td>Change</td>
<td>$78.00</td>
<td>Per Day Includes sales tax</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1811</td>
<td>Silver Lake Cabins #2, #3, #4 - Max. 6 persons per cabin, Non-Res</td>
<td>$99.00</td>
<td>Per Day Per Family (Each adult, exceeding two, additional $5.00 per night)</td>
<td>Change</td>
<td>$99.00</td>
<td>Per Day Includes sales tax</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1813</td>
<td>Silver Lake Cabins #7 - Max 6 persons per cabin, Non-Res</td>
<td>$115.00</td>
<td>Per Day Per Family (Each adult, exceeding two, additional $5.00 per night)</td>
<td>Change</td>
<td>$120.00</td>
<td>Per Day Includes sales tax</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1815</td>
<td>Silver Lake Cabins #5, #6 - Max 6 persons per cabin, Res</td>
<td>$78.00</td>
<td>Per Day Per Family (Each adult, exceeding two, additional $5.00 per night)</td>
<td>Change</td>
<td>$88.00</td>
<td>Per Day Includes sales tax</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1817</td>
<td>Silver Lake Cabins #2, #3, #4 Max 6 persons per cabin, Res</td>
<td>$89.00</td>
<td>Per Day Per Family (Each adult, exceeding two, additional $5.00 per night)</td>
<td>Change</td>
<td>$89.00</td>
<td>Per Day Includes sales tax</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1819</td>
<td>Silver Lake Cabins Res #7, Res</td>
<td>$105.00</td>
<td>Per Day Per Family (Each adult, exceeding two, additional $5.00 per night)</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Day Per Family Includes sales tax</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1821</td>
<td>Silver Lake Cabins - Off Season, Midweek Discount (off season does not include Memorial Day weekend thru Labor Day weekend) May, Sept &amp; Oct, includes free rowboat rental.</td>
<td></td>
<td>25% off Per Day</td>
<td>No Change</td>
<td></td>
<td>25% off Per Day Mon - Thurs (except holidays) includes sales tax</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1822</td>
<td>Reservation Fee</td>
<td>$11.00</td>
<td>Per Site</td>
<td>Change</td>
<td>$13.00</td>
<td>Per Reservation / Site / Consecutive Days Sales tax exempt</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1827</td>
<td>Comp Park &amp; Rec Open Spc Plan</td>
<td>$20.00</td>
<td>Per Copy</td>
<td>No Change</td>
<td>$20.00</td>
<td>Per Copy Does not include sales tax</td>
<td>Undef Fee Schdl Ordinance</td>
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<tr>
<td>1828</td>
<td>Concessions</td>
<td>Varies based on Cost</td>
<td>No Change</td>
<td>Varies based on Cost</td>
<td></td>
<td>Per Day Sales Tax Exempt</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1831</td>
<td>Silver Lake Day Lodge Fri - Sun &amp; Holidays, Res</td>
<td>$195.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$195.00</td>
<td>Per Day Sales Tax Exempt</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1834</td>
<td>Silver Lake Day Lodge Mon - Thur (except holidays), Res</td>
<td>$180.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$180.00</td>
<td>Per Day Sales tax exempt</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1835</td>
<td>Filming - Parks Facilities Use</td>
<td></td>
<td>Per Day ($100 - $2,000 based on impact to the facility and staff time)</td>
<td>No Change</td>
<td></td>
<td>Per Day ($100 - $2,000 based on impact to the facility and staff time) Sales Tax Exempt</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1836</td>
<td>Hovander Main Picnic Area, Fri - Sun &amp; Holidays, Res</td>
<td>$295.00</td>
<td>Per group; $200 per each additional 100 people over 150</td>
<td>Change</td>
<td>$295.00</td>
<td>Per group; $200 additional for 151 - 250 people Sales tax exempt</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>1838</td>
<td>Hovander Water Tower Area Fri - Sun &amp; Holidays, Non-Res</td>
<td>$100.00</td>
<td>Per group; $50 per each additional 50 people over 50</td>
<td>Change</td>
<td>$100.00</td>
<td>Per group; $50 additional for 51 to 100 people Sales tax exempt</td>
<td>Executive Order 2006-1</td>
</tr>
<tr>
<td>1839</td>
<td>Hovander Water Tower Area Fri - Sun &amp; Holidays, Res</td>
<td>$80.00</td>
<td>Per group; $50 per each additional 50 people over 50</td>
<td>Change</td>
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<td>Per group; $50 additional for 51 to 100 people Sales Tax Exempt</td>
<td>Executive Order 2006-1</td>
</tr>
</tbody>
</table>

* * Subject to adjustment according to federal law

Monday, November 03, 2014

Page 10 of 37
<table>
<thead>
<tr>
<th>UFS#</th>
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<th>Authorization</th>
</tr>
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<tbody>
<tr>
<td>1840</td>
<td>Hovander Main Picnic Area Mon - Thurs (except holidays), Res</td>
<td>$155.00</td>
<td>Per group; $100 per each additional 100 people over 150</td>
<td>Change</td>
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<td>Hovander Main Picnic Area Mon - Thurs (except holidays), Non-Res</td>
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<td>Per group; $100 additional for 151 - 250 people</td>
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<td>Per group; $200 additional for 151 - 250 people</td>
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<td>Per group; $25 additional for 51 - 100 people</td>
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<td>Per group; $25 per each additional 50 people over 50</td>
<td>Change</td>
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<td>1864</td>
<td>Lighthouse Marine Park Camper, Non-Res</td>
<td>$22.00</td>
<td>Per Night-1 family unit or 6 people max</td>
<td>Change</td>
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<td>Per Night-1 family unit or 6 people max</td>
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<td>1865</td>
<td>Lighthouse Marine Park Camper, Resident</td>
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<td>Per Night-1 family unit or 6 people max</td>
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<td>1867</td>
<td>Other Miscellaneous Revenue</td>
<td>Varies</td>
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<td>1872</td>
<td>Program Instruction</td>
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<tr>
<td>1877</td>
<td>Range Fees Day Use, General, (per 90 minutes - Sept &amp; Oct - High Power Range) Res</td>
<td>$9.00</td>
<td>Per Person Per Visit</td>
<td>Change</td>
<td>$10.00</td>
<td>Per Person Per Visit</td>
<td>Includes sales tax</td>
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<tr>
<td>1878</td>
<td>Range Fees Family Pass, Res (Smallbore Range)</td>
<td>$20.00</td>
<td>Per Family Per Visit</td>
<td>Change</td>
<td>$25.00</td>
<td>Per Family Per Visit</td>
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<td>1882</td>
<td>Range Fees Family Pass, Non Res (Smallbore)</td>
<td>$22.00</td>
<td>Per Family Per visit</td>
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<td>Per Family per visit</td>
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<td>1883</td>
<td>Range Fees Spotting Scope Rental</td>
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<td>$2.00</td>
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<tr>
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<td>Range Fees Season Ticket, Res</td>
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<td>Per Person</td>
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<td>1885</td>
<td>Range Fees Targets (High Power Range)</td>
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<td>Each</td>
<td>No Change</td>
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<td>Each</td>
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<td>1888</td>
<td>Range Fees Trap Range, Res</td>
<td>$6.00</td>
<td>One Round (25 targets)</td>
<td>No Change</td>
<td>$6.00</td>
<td>One Round (25 targets)</td>
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<td>1889</td>
<td>Range Fees Trap Card, Res</td>
<td>$110.00</td>
<td>25 Rounds</td>
<td>Change</td>
<td>$120.00</td>
<td>25 Rounds</td>
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<td>Range Fees Trap Card, Res</td>
<td>$200.00</td>
<td>50 Rounds</td>
<td>Change</td>
<td>$220.00</td>
<td>50 Rounds</td>
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<td>1891</td>
<td>Range Fees Trap Range, Non-Res</td>
<td>$7.00</td>
<td>Per Round (25 targets)</td>
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<td>Per Round (25 targets)</td>
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<tr>
<td>1892</td>
<td>Range Fees Trap Card, Non Res</td>
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<td>25 Rounds</td>
<td>Change</td>
<td>$130.00</td>
<td>25 Rounds</td>
<td>includes sales tax</td>
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<tr>
<td>1893</td>
<td>Range Fees Trap Card, Non Res</td>
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<td>Change</td>
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<td>50 Rounds</td>
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<td>1894</td>
<td>Range Fees Day Use, General, (per 90 minutes - Sept &amp; Oct - High Power Range), Non-Res</td>
<td>$10.00</td>
<td>Per Person Per Visit</td>
<td>Change</td>
<td>$11.00</td>
<td>Per Person Per Visit</td>
<td>Includes sales tax</td>
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<td>1895</td>
<td>Range Fees Season Ticket, Non Res</td>
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<td>Per Person</td>
<td>Change</td>
<td>$190.00</td>
<td>Per Person</td>
<td>includes sales tax</td>
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</table>

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## Appendix A - 2015 Unified Fee Schedule

### Parks & Recreation

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1896</td>
<td>Range Adult Firearm Rental</td>
<td>$6.50</td>
<td>Per Use (ammo additional)</td>
<td>No Change</td>
<td>$8.50</td>
<td>Per Use (ammo additional)</td>
<td>Includes sales tax</td>
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<tr>
<td>1901</td>
<td>Roeder Home Main Floor - Wednesday</td>
<td>$25.00</td>
<td>Per Hour, 2 hour Minimum</td>
<td>Change</td>
<td>$25.00</td>
<td>Per Hour, 2 hour Minimum</td>
<td>Includes sales tax</td>
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<tr>
<td>1902</td>
<td>Roeder Home Main Floor, Mon - Thur (except holidays), Non-Res</td>
<td>$35.00</td>
<td>Per hour, 2 hour minimum</td>
<td>Change</td>
<td>$125.00</td>
<td>Per Day Sales tax</td>
<td>Sales tax exempt</td>
</tr>
<tr>
<td>1903</td>
<td>Canoe</td>
<td>$7.00</td>
<td>Per Hour</td>
<td>No Change</td>
<td>$7.00</td>
<td>Per Hour</td>
<td>Includes sales tax</td>
</tr>
<tr>
<td>1904</td>
<td>Canoe</td>
<td>$21.00</td>
<td>Per 4 Hours</td>
<td>No Change</td>
<td>$21.00</td>
<td>Per 4 Hours</td>
<td>Includes sales tax</td>
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<tr>
<td>1906</td>
<td>Samish Day Lodge Mon - Thurs (except holidays), Res</td>
<td>$205.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$180.00</td>
<td>Per Day Sales tax</td>
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</tr>
<tr>
<td>1911</td>
<td>Samish Day Lodge Fri - Sun &amp; Holidays, Res</td>
<td>$280.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$255.00</td>
<td>Per Day Sales tax</td>
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<tr>
<td>1918</td>
<td>Kayak Single</td>
<td>$10.00</td>
<td>Per Hour</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Hour</td>
<td>Includes sales tax</td>
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<tr>
<td>1920</td>
<td>Kayak Double</td>
<td>$14.00</td>
<td>Per Hour</td>
<td>No Change</td>
<td>$14.00</td>
<td>Per Hour</td>
<td>Includes sales tax</td>
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<tr>
<td>1922</td>
<td>Pedal Boat Rental 4 Seater</td>
<td>$14.00</td>
<td>Per Hour</td>
<td>No Change</td>
<td>$14.00</td>
<td>Per Hour</td>
<td>Includes sales tax</td>
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<td>1924</td>
<td>Pedal Boat Rental 2 Seater</td>
<td>$10.00</td>
<td>Per Hour</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Hour</td>
<td>Includes sales tax</td>
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<tr>
<td>1926</td>
<td>Rowboat</td>
<td>$7.00</td>
<td>Per Hour</td>
<td>No Change</td>
<td>$7.00</td>
<td>Per Hour</td>
<td>Includes sales tax</td>
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<tr>
<td>1927</td>
<td>Rowboat</td>
<td>$21.00</td>
<td>Per 4 Hours</td>
<td>No Change</td>
<td>$21.00</td>
<td>Per 4 Hours</td>
<td>Includes sales tax</td>
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<tr>
<td>1929</td>
<td>Silver Lake Dump Station</td>
<td>$6.00</td>
<td>(Free Dump with camping fee receipt)</td>
<td>No Change</td>
<td>$6.00</td>
<td>(Free Dump with camping fee receipt)</td>
<td>Sales tax exempt</td>
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<tr>
<td>1930</td>
<td>Silver Lake Cascade Camping Cabin, Non-Res</td>
<td>$47.00</td>
<td>Per Night-Max 8 people per campsite</td>
<td>No Change</td>
<td>$47.00</td>
<td>Per Night-Max 8 people per campsite</td>
<td>Includes sales tax</td>
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<tr>
<td>1931</td>
<td>Silver Lake Cascade Camping Cabin, Res</td>
<td>$42.00</td>
<td>Per Night-Max 8 people per campsite</td>
<td>No Change</td>
<td>$42.00</td>
<td>Per Night-Max 8 people per campsite</td>
<td>Includes sales tax</td>
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<tr>
<td>1932</td>
<td>Silver Lake Camp site, Non-Res</td>
<td>$22.00</td>
<td>Per Night-1 family unit or 6 people max</td>
<td>Change</td>
<td>$25.00</td>
<td>Per Night-1 family unit or 6 people max</td>
<td>Includes sales tax</td>
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<tr>
<td>1933</td>
<td>Silver Lake Camp site w/electricity, Non-Res</td>
<td>$27.00</td>
<td>Per Night-1 family unit or 6 people max</td>
<td>Change</td>
<td>$30.00</td>
<td>Per Night-1 family unit or 6 people max</td>
<td>Includes sales tax</td>
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<tr>
<td>1934</td>
<td>Silver Lake Camp site w/electricity, Res</td>
<td>$23.00</td>
<td>Per Night-1 family unit or 6 people max</td>
<td>No Change</td>
<td>$23.00</td>
<td>Per Night-1 family unit or 6 people max</td>
<td>Includes sales tax</td>
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<tr>
<td>1935</td>
<td>Silver Lake Camping, Extra Vehicle</td>
<td>$18.00</td>
<td>Per Night-1 family unit or 6 people max</td>
<td>No Change</td>
<td>$18.00</td>
<td>Per Night-1 family unit or 6 people max</td>
<td>Includes sales tax</td>
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<tr>
<td>1936</td>
<td>Silver Lake Group Camp, Res</td>
<td>$11.00</td>
<td>Per Vehicle</td>
<td>No Change</td>
<td>$11.00</td>
<td>Per Vehicle</td>
<td>Includes sales tax</td>
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<tr>
<td>1938</td>
<td>Silver Lake Group Camp, Res</td>
<td>$25.00</td>
<td>Per unit, per night (12 unit min. - Fri, Sat, &amp; Holidays; 8 unit min. - Sun - Thurs)</td>
<td>Change</td>
<td>$300.00</td>
<td>Per Night, Sun - Thurs</td>
<td>Includes sales tax</td>
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<tr>
<td>1939</td>
<td>Silver Lake Group Camp, Non-Res</td>
<td>$29.00</td>
<td>Per unit, per night (12 unit min. - Fri, Sat, &amp; Holidays; 8 unit min. - Sun - Thurs)</td>
<td>Change</td>
<td>$320.00</td>
<td>Per night, Sun - Thurs</td>
<td>Includes sales tax</td>
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<tr>
<td>1940</td>
<td>Silver Lake Red Mtn. Camp Shelter - Res</td>
<td>$40.00</td>
<td>Per Day (Capacity 30)</td>
<td>Change</td>
<td>$40.00</td>
<td>Per Day (Capacity 30), may only be rented when camping in Red Mtn. Campsite</td>
<td>Sales tax exempt</td>
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## Parks & Recreation

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<tr>
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<tbody>
<tr>
<td>1942</td>
<td>Silver Lake Night Lodge, Res</td>
<td>$173.00</td>
<td>Per Night (Max. Cap. 8 persons)</td>
<td>Change</td>
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<td>Per Night (Max. Cap. 8 persons)</td>
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<td>Silver Lake Night Lodge, Non-Res</td>
<td>$193.00</td>
<td>Per Night (Max. Cap. 8 persons)</td>
<td>Change</td>
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<td>Per Night (Max. Cap. 8 persons)</td>
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<td>1954</td>
<td>Horse Stable Fees, Non-Res</td>
<td>$4.00</td>
<td>Per Horse</td>
<td>Change</td>
<td>$4.00</td>
<td>Per Horse</td>
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<td>1965</td>
<td>Horse Stable Fees, Res</td>
<td>$3.00</td>
<td>Per Horse</td>
<td>Change</td>
<td>$3.00</td>
<td>Per Horse</td>
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<td>Background Check - Tenant</td>
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<td></td>
<td>Actual Cost</td>
<td>Unified Fee Schdl Ordinance</td>
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<td>2724</td>
<td>Hovander Orchard 8 am to Sunset, Friday - Sun &amp;</td>
<td>$155.00</td>
<td>More than 4 hours</td>
<td>Change</td>
<td>$155.00</td>
<td>Per Day</td>
<td>Unified Fee Schdl Ordinance</td>
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<tr>
<td>2728</td>
<td>Hovander Red or Blue Picnic Site Fri - Sun &amp;</td>
<td>$75.00</td>
<td>Per Day, Per Site: $25 per 50</td>
<td>Change</td>
<td>$75.00</td>
<td>Per Day, Per Site: $25 per 50</td>
<td>Unified Fee Schdl Ordinance</td>
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<tr>
<td>2729</td>
<td>Hovander Red or Blue Picnic Site Fri - Sun &amp;</td>
<td>$95.00</td>
<td>Per Day, Per Site: $25 per 50</td>
<td>Change</td>
<td>$95.00</td>
<td>Per Day, Per Site: $25 per 50</td>
<td>Unified Fee Schdl Ordinance</td>
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<tr>
<td>2733</td>
<td>Silver Lake Maple Creek Picnic Shelter, Fri -</td>
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<td>Per Group</td>
<td>Change</td>
<td>$125.00</td>
<td>Per Group</td>
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<td>2734</td>
<td>Silver Lake Maple Creek Picnic Shelter Fri -</td>
<td>$145.00</td>
<td>Per Group</td>
<td>Change</td>
<td>$145.00</td>
<td>Per Group</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>2736</td>
<td>Day Use Boat Launch, Lighthouse Marine Park,</td>
<td>$7.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$7.00</td>
<td>Per Day</td>
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<td>2737</td>
<td>Day Use Boat Launch Lighthouse Marine Park,</td>
<td>$10.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Day</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>2738</td>
<td>Season Pass Boat Launch Lighthouse Marine Park,</td>
<td>$70.00</td>
<td>Per Season</td>
<td>No Change</td>
<td>$70.00</td>
<td>Per Season</td>
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<td>2740</td>
<td>Season Pass Boat Launch Lighthouse Marine Park,</td>
<td>$100.00</td>
<td>Per Season</td>
<td>No Change</td>
<td>$100.00</td>
<td>Per Season</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>2745</td>
<td>Ferndale Senior Activity Center Mon - Thur</td>
<td>$35.00</td>
<td>Per hour, 2 hour minimum</td>
<td>No Change</td>
<td>$35.00</td>
<td>Per hour, 2 hour minimum</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>2765</td>
<td>Ferndale Senior Activity Center Fri 5 pm - 11 pm,</td>
<td>$220.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$220.00</td>
<td>Per Day</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>2747</td>
<td>Ferndale Senior Activity Center Large Group Use Fee</td>
<td>$50.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$50.00</td>
<td>Per Day</td>
<td>Unified Fee Schedule</td>
</tr>
</tbody>
</table>

**Monday, November 03, 2014**

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## Appendix A - 2015 Unified Fee Schedule

### Parks & Recreation

<table>
<thead>
<tr>
<th>UFS#</th>
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<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tbody>
<tr>
<td>2784</td>
<td>GIS Shapefile and Assessment Roll Data (Short Master)</td>
<td>$75.00</td>
<td>Each</td>
<td>No Change</td>
<td>$75.00</td>
<td>Each CPU Processing plus Digital Media</td>
<td>Unfd Fee Schdl Ordinance</td>
</tr>
<tr>
<td>2801</td>
<td>Silver Lake Day Lodge Fri - Sun &amp; Holidays, Non-Res</td>
<td>$215.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$215.00</td>
<td>Per Day Sales tax exempt</td>
<td>Unified Fee Schedule</td>
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<td>2804</td>
<td>Silver Lake Day Lodge Mon - Thur (except holidays), Non-Res</td>
<td>$180.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$180.00</td>
<td>Per Day Sales tax exempt</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>2805</td>
<td>Silver Lake Red Mtn. Camp Shelter, Non-Res</td>
<td>$60.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$50.00</td>
<td>Per Day (Capacity 30), may only be rented when camping in Red Mtn. Campsite Sales tax exempt</td>
<td>Executive Order 2006-1</td>
</tr>
<tr>
<td>2827</td>
<td>Camping Discount</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Change 50% Discount for WA residents with a WA State Parks Disability Pass, Disabled Vet Lifetime Pass, or a WA State Permanent Disability Parking Permit and matching ID</td>
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<tr>
<td>2828</td>
<td>Special Event application review fee</td>
<td>$50.00</td>
<td>per event</td>
<td>Change</td>
<td>$50.00</td>
<td>per event, up to 3 hours of Administrative Review</td>
<td>Executive Order 2013-05</td>
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<td>2830</td>
<td>Facility / Event Staffing Fee</td>
<td>$14.00</td>
<td>per hour</td>
<td>Change</td>
<td>$16.00</td>
<td>per hour</td>
<td>Executive Order 2013-05</td>
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<td>2833</td>
<td>Cascade Marine Trail Kayak Camp Site Fee</td>
<td>$5.00</td>
<td>Per kayak, per site</td>
<td>No Change</td>
<td>$5.00</td>
<td>Per kayak, per site</td>
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<td>2834</td>
<td>Cabin #5, #6 Pet Fee</td>
<td>$28.00</td>
<td>2 pets maximum</td>
<td>Change</td>
<td>$28.00</td>
<td>2 pets maximum</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>4898</td>
<td>Samish Day Lodge Mon - Thur (except holidays), Non-Res</td>
<td>$225.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$200.00</td>
<td>Per Day Sales tax exempt</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>5001</td>
<td>Samish Day Lodge Fri - Sun &amp; Holidays, Non-Res</td>
<td>$300.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$275.00</td>
<td>Per Day Sales tax exempt</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>5008</td>
<td>Hovander Red or Blue Picnic Site Mon - Thurs (except Holidays), Res</td>
<td>$45.00</td>
<td>Per Day, Per Site; $25 per each additional 50 people over 50</td>
<td>Change</td>
<td>$45.00</td>
<td>Per Day, Per Site; up to 50 people, $25 additional for 51 to 100 people Sales tax exempt</td>
<td>Executive Order 2006-1</td>
</tr>
<tr>
<td>5009</td>
<td>Hovander Red or Blue Picnic Site Mon - Thurs (except holidays), Non-Res</td>
<td>$65.00</td>
<td>Per Day, Per Site; $25 per each additional 50 people over 50</td>
<td>Change</td>
<td>$65.00</td>
<td>Per Day, Per Site; $25 additional for 51 to 100 people Sales tax exempt</td>
<td>Executive Order 2006-1</td>
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<tr>
<td>5010</td>
<td>Hovander Volleyball Set</td>
<td>$10.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Day Includes sale tax</td>
<td>Executive Order 2006-1</td>
</tr>
<tr>
<td>5012</td>
<td>Bellingham Senior Activity Center Auditorium Mon - Thur (except holidays) 6 pm - 12 am, Res</td>
<td>$38.00</td>
<td>Per Hour, 2 hour minimum</td>
<td>Change</td>
<td>$38.00</td>
<td>Per Hour, 2 hour minimum Sales tax exempt</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>5013</td>
<td>Bellingham Senior Activity Center Auditorium Mon - Thur (except holidays) 6 pm - 12 am, Non-Res</td>
<td>$43.00</td>
<td>Per Hour, 2 hour minimum</td>
<td>Change</td>
<td>$43.00</td>
<td>Per Hour, 2 hour minimum Sales tax exempt</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>5018</td>
<td>Bellingham Senior Activity Center Great Room, Room 15 or 16 Mon - Thur (except holidays) 6 pm - 12 am, Res</td>
<td>$21.00</td>
<td>Per hour, 2 hour minimum</td>
<td>Change</td>
<td>$21.00</td>
<td>Per hour, 2 hour minimum Sales tax exempt</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>5019</td>
<td>Bellingham Senior Activity Center Great Room, Room 15 or 16 Fri 5 pm - 12 am, Non Res</td>
<td>$31.00</td>
<td>per hour, 2 hour minimum</td>
<td>Change</td>
<td>$31.00</td>
<td>per hour, 2 hour minimum Sales tax exempt</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>5020</td>
<td>Bellingham Senior Activity Center Great Room, Room 15 or 16 Fri 5 pm - 12 am, Sat - Sun &amp; Holidays 8 am to 12 am, Res</td>
<td>$132.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$132.00</td>
<td>Per Day Sales tax exempt</td>
<td>Unified Fee Schedule</td>
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</table>

* Subject to adjustment according to federal law

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Monday, November 03, 2014
## Appendix A - 2015 Unified Fee Schedule

### Parks & Recreation

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
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<th>Authorization</th>
<th>*</th>
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<tbody>
<tr>
<td>5021</td>
<td>Bellingham Senior Activity Center Great Room, Room 15 or 16 Fri 6 pm - 12 am, Sat - Sun &amp; Holidays 8 am - 12 am, Non-Res</td>
<td>$157.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$157.00</td>
<td>Per Day</td>
<td>Sales tax exempt</td>
<td></td>
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<tr>
<td>5025</td>
<td>Bellingham Senior Center Smaller Rooms Mon - Thu (except holidays) 6 pm - 12 am, Res</td>
<td>$11.00</td>
<td>Per hour, 2 hour minimum</td>
<td>Change</td>
<td>$11.00</td>
<td>Per hour, 2 hour minimum</td>
<td>Sales tax exempt</td>
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<tr>
<td>5026</td>
<td>Bellingham Senior Center Smaller Rooms Mon - Thu (except holidays) 6 pm -12 am, Non-Res</td>
<td>$21.00</td>
<td>Per hour, 2 hour minimum</td>
<td>Change</td>
<td>$21.00</td>
<td>Per hour, 2 hour minimum</td>
<td>Sales tax exempt</td>
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<tr>
<td>5027</td>
<td>Bellingham Senior Activity Center Smaller Rooms Fri 6 pm - 12 am, Sat - Sun &amp; Holidays 8 am - 12 am, Res</td>
<td>$105.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$105.00</td>
<td>Per Day</td>
<td>Sales tax exempt</td>
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<tr>
<td>5028</td>
<td>Bellingham Senior Activity Center Smaller Rooms Fri 6 pm - 12 am, Sat - Sun &amp; Holidays 8 am - 12 am, Non-Res</td>
<td>$125.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$125.00</td>
<td>Per Day</td>
<td>Sales tax exempt</td>
<td></td>
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<tr>
<td>7166</td>
<td>Hovander Orchard Mon - Thu (except Holidays) 8am to Sunset, Res</td>
<td>$115.00</td>
<td>More than 4 hours</td>
<td>Change</td>
<td>$115.00</td>
<td>Per Day</td>
<td>Sales tax exempt</td>
<td></td>
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<tr>
<td>7169</td>
<td>Hovander Orchard 9 am to Sunset, Mon - Thu (except Holidays), Non-Res</td>
<td>$135.00</td>
<td>More than 4 hours</td>
<td>Change</td>
<td>$135.00</td>
<td>Per Day</td>
<td>Sales tax exempt</td>
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<tr>
<td>8004</td>
<td>Rowboat</td>
<td>$32.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$32.00</td>
<td>Per Day</td>
<td>Includes sales tax</td>
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<tr>
<td>8005</td>
<td>Canoe</td>
<td>$32.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$32.00</td>
<td>Per Day</td>
<td>Includes Sales Tax</td>
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<tr>
<td>8006</td>
<td>Hovander Camping Fee</td>
<td>$12.00</td>
<td>Per Unit, Per Night (only in conjunction with approved special event, Special Event application required)</td>
<td>No Change</td>
<td>$12.00</td>
<td>Per Unit, Per Night (only in conjunction with approved special event, Special Event application required)</td>
<td>Includes Sales Tax</td>
<td></td>
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<tr>
<td>8007</td>
<td>Accounting Fee - Reservations</td>
<td>$25.00</td>
<td>Per Refund (charged if a cancellation for a reservation occurs and a refund is given)</td>
<td>No Change</td>
<td>$25.00</td>
<td>Per Refund (charged if a cancellation for a reservation occurs and a refund is given)</td>
<td>UFS Ordinance</td>
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<tr>
<td>8008</td>
<td>Alcohol Use Fee</td>
<td>$60.00</td>
<td>Per Booking</td>
<td>Change</td>
<td>$60.00</td>
<td>Per Event</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>8009</td>
<td>Range Target Card - High Power Range</td>
<td>$45.00</td>
<td>50 Targets</td>
<td>No Change</td>
<td>$45.00</td>
<td>50 Targets</td>
<td>Includes sales tax</td>
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<tr>
<td>8010</td>
<td>Range Youth Marksmanship or Safety Training Discount (Organized groups - Smallbore Range only)</td>
<td>$50.00</td>
<td>50% Discount on General Use</td>
<td>No Change</td>
<td>$50.00</td>
<td>50% Discount on General Use</td>
<td>UFS Ordinance</td>
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<tr>
<td>8012</td>
<td>Daily admission to Commercial Event at Hovander Complex</td>
<td>$1.00</td>
<td>per person</td>
<td>No Change</td>
<td>$1.00</td>
<td>per person</td>
<td>Executive Order 2005-01</td>
<td></td>
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<tr>
<td>8014</td>
<td>Commercial Event use of Orchard/Hovander Yd - all day</td>
<td>$260.00</td>
<td>per day</td>
<td>No Change</td>
<td>$260.00</td>
<td>per day</td>
<td>Executive Order 2005-01</td>
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<tr>
<td>8015</td>
<td>Commercial Event use of Group Picnic shelter at Hovander Complex</td>
<td>$590.00</td>
<td>per day</td>
<td>Change</td>
<td>$590.00</td>
<td>per day</td>
<td>Executive Order 2005-01</td>
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<tr>
<td>8016</td>
<td>Commercial Event use of Water Tower at Hovander Complex</td>
<td>$160.00</td>
<td>per day</td>
<td>No Change</td>
<td>$160.00</td>
<td>per day</td>
<td>Executive Order 2005-01</td>
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<tr>
<td>8017</td>
<td>Commercial Event use of Red and Blue Picnic Areas at Hovander Complex</td>
<td>$140.00</td>
<td>per day</td>
<td>No Change</td>
<td>$140.00</td>
<td>per day</td>
<td>Executive Order 2005-01</td>
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<tr>
<td>8018</td>
<td>Commercial Event use of all picnic areas in Hovander Complex</td>
<td>$1,150.00</td>
<td>per day</td>
<td>No Change</td>
<td>$1,150.00</td>
<td>per day</td>
<td>Executive Order 2005-01</td>
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<tr>
<td>8019</td>
<td>Commercial or non-Commercial Event use of Common Area-Barn at Hovander Complex</td>
<td>$240.00</td>
<td>per day</td>
<td>No Change</td>
<td>$240.00</td>
<td>per day</td>
<td>Power &amp; water included</td>
<td></td>
</tr>
</tbody>
</table>

* Subject to adjustment according to federal law
<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
<th>*</th>
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<tbody>
<tr>
<td>8020</td>
<td>Commercial or Non-Commercial Event use of Field Areas I, II, III at Hovander Complex</td>
<td>$120.00</td>
<td>per day, per field</td>
<td>No Change</td>
<td>$120.00</td>
<td>per day, per field, incl river takeout-va for approved overflow parking</td>
<td>Executive Order 2005-01</td>
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<td>8021</td>
<td>River Take Out Area at Hovander</td>
<td>$60.00</td>
<td>per day</td>
<td>No Change</td>
<td>$60.00</td>
<td>per day</td>
<td>Executive Order 2005-01</td>
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<tr>
<td>8022</td>
<td>Period Reenactment and Youth Based Camping Activities</td>
<td>$1.00</td>
<td>Per person, per night (only in conjunction with approved special event, special event application required)</td>
<td>Change</td>
<td>$1.00</td>
<td>Per person, per night (only in conjunction with approved special event, special event application required). Includes Sales Tax</td>
<td>Executive Order 2005-01</td>
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<tr>
<td>8023</td>
<td>Alcohol Beverage Permit, Commercial Event</td>
<td>$120.00</td>
<td>Per Event</td>
<td>No Change</td>
<td>$120.00</td>
<td>Per Event</td>
<td>Executive Order 2005-01</td>
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<tr>
<td>8024</td>
<td>Fields</td>
<td>$120.00</td>
<td>per day</td>
<td>Change</td>
<td>$120.00</td>
<td>per day, per field, with approved special event plus fees for impact of garbage, utility, staffing</td>
<td>Executive Order 2005-01</td>
<td></td>
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<tr>
<td>8026</td>
<td>Lighthouse Marine Park Event Fee</td>
<td>$240.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$240 - $1,500 based on facility use and impact to the park Associated with Special Event Permit</td>
<td>Executive Order 2005-01</td>
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<td>8047</td>
<td>Firewood</td>
<td>$8.00</td>
<td>Each</td>
<td>Change</td>
<td>$3.00</td>
<td>per bundle</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>8048</td>
<td>Horseshoes</td>
<td>$6.00</td>
<td>per set</td>
<td>No Change</td>
<td>$6.00</td>
<td>per set</td>
<td>Executive Order 2006-1</td>
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<tr>
<td>8049</td>
<td>Lighthouse Mtn Pk, Large Tenting Site, (25 person max) Res</td>
<td>$50.00</td>
<td>Per Night</td>
<td>No Change</td>
<td>$50.00</td>
<td>Per Night</td>
<td>Unified Fee Schdl Ordinance</td>
<td></td>
</tr>
<tr>
<td>8050</td>
<td>Lighthouse Mtn Pk, Large Tenting Site, (25 person max) Non-Res</td>
<td>$70.00</td>
<td>Per Night</td>
<td>No Change</td>
<td>$70.00</td>
<td>Per Night</td>
<td>Unified Fee Schdl Ordinance</td>
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<tr>
<td>8051</td>
<td>Corn Feeder - Hovander</td>
<td>$0.25</td>
<td>Each</td>
<td>No Change</td>
<td>$0.25</td>
<td>Each</td>
<td>Executive Order 2006-1</td>
<td></td>
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<tr>
<td>8054</td>
<td>Accounting Fee - Programs</td>
<td>$215.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$215.00</td>
<td>Per Day</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>8059</td>
<td>Semiahmoo Day Lodge Mon-Thu (except holidays), Res</td>
<td>$215.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$215.00</td>
<td>Per Day</td>
<td>Sales tax exempt</td>
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<tr>
<td>8060</td>
<td>Semiahmoo Day Lodge Mon-Thu (except holidays), Non-Res</td>
<td>$235.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$235.00</td>
<td>Per Day</td>
<td>Sales tax exempt</td>
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<tr>
<td>8065</td>
<td>Semiahmoo Day Lodge Fri - Sun &amp; Holidays, Res</td>
<td>$290.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$290.00</td>
<td>Per Day</td>
<td>Sales tax exempt</td>
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</tr>
<tr>
<td>8066</td>
<td>Semiahmoo Day Lodge Fri - Sun &amp; Holidays, Non-Res</td>
<td>$310.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$310.00</td>
<td>Per Day</td>
<td>Sales tax exempt</td>
<td></td>
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<tr>
<td>8069</td>
<td>Hovander Power Fee (for inflatable jumping toys)</td>
<td>$35.00</td>
<td>Per Day, Per Toy</td>
<td>Change</td>
<td>$50.00</td>
<td>Per Day</td>
<td>Sales Tax Exempt</td>
<td></td>
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<tr>
<td>8070</td>
<td>Hovander Water Charge (for supplying water for dunk tanks)</td>
<td>$35.00</td>
<td>Per Day, Per Tank</td>
<td>Change</td>
<td>$50.00</td>
<td>Per Day</td>
<td>Sales Tax Exempt</td>
<td></td>
</tr>
<tr>
<td>8071</td>
<td>Hovander Portable BBQ Grill</td>
<td>$75.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$75.00</td>
<td>Per Day</td>
<td>Includes Sales Tax</td>
<td></td>
</tr>
<tr>
<td>8072</td>
<td>Hovander Large Beverage Tubs (to hold ice/drinks)</td>
<td>$15.00</td>
<td>Per Day, Per Tub</td>
<td>No Change</td>
<td>$15.00</td>
<td>Per Day, Per Tub</td>
<td>Sales Tax Included</td>
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<tr>
<td>8125</td>
<td>Roeder Home Kitchen Package (Dishes, flatware, coffee servers)</td>
<td>$50.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$50.00</td>
<td>Per Day</td>
<td>Includes sales tax</td>
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<tr>
<td>8126</td>
<td>Lighthouse Marine Park, 4 Unit Camp Site (24 Person Maximum), Res</td>
<td>$80.00</td>
<td>Per Night</td>
<td>Change</td>
<td>$90.00</td>
<td>Per Night</td>
<td>Unified Fee Schdl Ordinance</td>
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</table>

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569


# Appendix A - 2015 Unified Fee Schedule

## Parks & Recreation

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<th>Rate Basis</th>
<th>Authorization</th>
<th>*</th>
</tr>
</thead>
<tbody>
<tr>
<td>8450</td>
<td>Commercial Event, Roeder Home</td>
<td>$600.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$600.00</td>
<td>Per Day Sales tax exempt</td>
<td>Unified Fee Schedule</td>
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</tr>
<tr>
<td>8455</td>
<td>Spinning Wheel</td>
<td>$4.00</td>
<td>per session</td>
<td>No Change</td>
<td>$4.00</td>
<td>per session</td>
<td>Unified Fee Schedule</td>
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<tr>
<td>8456</td>
<td>Looms</td>
<td>$4.00</td>
<td>per session</td>
<td>No Change</td>
<td>$4.00</td>
<td>per session</td>
<td>Unified Fee Schedule</td>
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<td>8458</td>
<td>Bellingham Senior Activity Center, Auditorium, Fri 6 pm - 12 am, Sat - Sun &amp; Holidays 8 am - 12 am, Res</td>
<td>$260.00</td>
<td>Per Day</td>
<td>Change</td>
<td>$260.00</td>
<td>Per Day Sales tax exempt</td>
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<td>8459</td>
<td>Bellingham Senior Activity Center Auditorium, Fri 6 pm - 12 am, Sat - Sunday &amp; Holidays 8 am - 12 am, Non-Res</td>
<td>$280.00</td>
<td>Per Day</td>
<td>No Change</td>
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<td>Per Day Sales tax exempt</td>
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<td>8460</td>
<td>Range Fees, Special Junior Groups</td>
<td>$5.00</td>
<td>per child</td>
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<td>per child</td>
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<td>8476</td>
<td>Silver Lake Cedar Picnic Shelter, Mon - Thur (except holidays), Res</td>
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<td>New</td>
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<td>8480</td>
<td>Range Special Event / Program</td>
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<td>Per Event with approved Special Event Permit</td>
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<td>8481</td>
<td>Commercial Water Use Fee</td>
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<td></td>
<td>New</td>
<td>$150.00</td>
<td>Per Event with approved Special Event Permit</td>
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<td>8482</td>
<td>Commercial Electricity Fee</td>
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<td></td>
<td>New</td>
<td>$50.00</td>
<td>per event</td>
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<td>8483</td>
<td>Refuse Removal Fee</td>
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<td></td>
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<td>$20.00</td>
<td>Per facility, picnic rental</td>
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<td>8484</td>
<td>Special Event Application Review Fee - 3 hours or more</td>
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<td>New</td>
<td>$50.00</td>
<td>per event</td>
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<td>8485</td>
<td>Special Event Site Visit</td>
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<td>$150.00</td>
<td>Per Required Site Visit</td>
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<td>9000</td>
<td>Tennant Lake House Main Floor, Mon - Thur (except holidays) 5 hours or less, Res</td>
<td>$70.00</td>
<td>5 hours or less</td>
<td>No Change</td>
<td>$70.00</td>
<td>5 hours or less Sales tax exempt</td>
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<td>Tennant Lake House, Main Floor, Mon - Thur (except holidays), 5 hours or less, Non-Res</td>
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<td>9030</td>
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<td>Change</td>
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<td>9031</td>
<td>Tennant Lake House Front Lawn</td>
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<td>9032</td>
<td>Rental Application Fee</td>
<td></td>
<td></td>
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<td>9046</td>
<td>Ferndale Senior Activity Center Fri 5 pm - 11 pm, Sat - Sun &amp; Holidays 8 am - 11pm, Res</td>
<td>$200.00</td>
<td>Per Day</td>
<td>No Change</td>
<td>$200.00</td>
<td>Per Day Sales Tax Exempt</td>
<td>Unified Fee Schedule</td>
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* Subject to adjustment according to federal law

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Monday, November 03, 2014
Appendix A - 2015 Unified Fee Schedule

Parks & Recreation

<table>
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<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
<th>*</th>
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<tbody>
<tr>
<td>9050</td>
<td>Ferndale Senior Activity Center Mon - Thur (except holidays) hourly fee, Res</td>
<td>$25.00</td>
<td>Per hour, 2 hour minimum</td>
<td>No Change</td>
<td>$25.00</td>
<td>Per hour, 2 hour minimum</td>
<td>Sales Tax, Unified Fee Schedule</td>
<td></td>
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</tbody>
</table>

Planning & Development Services

Administration

| 2054 | Custom Mapping or Data                          | $150.00   | Per Hour + actual cost materials, 1/2 hour minimum | No Change     | $150.00   | Per Hour + actual cost materials, 1/2 hour minimum | Unified Fee Schedule     |   |
| 2074 | Hearing Examiner: Appeal - Other Admin Decisions to Hearing Examiner | $500.00   | Per application             | No Change     | $500.00   | Per application             | WCC 15,16, 20, 21, 23   |   |
| 2083 | Standard Maps & Publications                    |           | Actual Cost                 | No Change     |           | Actual Cost                 | Unified Fee Schedule     |   |
| 2171 | Repeat Permit Review, PDS Staff                 | $100.00   | Per Hour, 1/2 hr minimum    | Change        | $110.00   | Per Hour, 1/2 hr minimum    | WCC 15.04.010, 16, 20, 21, 23 |   |
| 2757 | Staff fee beyond standard services              | $200.00   | $200 base up to 2 hours, then $100/hour | Change        | $220.00   | $220 base up to 2 hours, then $110/hour | Unified Fee Schedule |   |
| 2760 | Copies/Printing - black/white - 8 1/2" x 11", 8 1/2" x 17", 11" x 17" | $0.15     | Per Page                    | No Change     | $0.15     | Per Page                    | RCW 42.56.070(8), 42.56.120 |   |
| 2761 | Copies/Printing - color - 8 1/2" x 11", 8 1/2" x 17", 11" x 17" | $0.25     | Per Page                    | No Change     | $0.25     | Per Page                    | RCW 42.56.070(7)(a) |   |
| 2762 | Copies/Printing of Maps - black/white           | $0.15     | Per Linear Inch             | No Change     | $0.15     | Per Linear Inch             | Actual Cost               |   |
| 2763 | Copies/Printing of Maps - color                 | $0.35     | Per Linear Inch             | No Change     | $0.35     | Per Linear Inch             | Actual Cost               |   |
| 2764 | Staff time for scanning paper documents into electronic format (applies when an electronic copy does not already exist) | $100.00   | Per Hour                    | Change        | $110.00   | Per Hour, 1/2 hr minimum    | WAC 44-14-07003, 44-14-05002(2)(c)(i) |   |
| 2765 | Code Enforcement Penalties                      | $1,000.00 | Per Day Per Violation       | No Change     | $1,000.00 | Per Day Per Violation       | WCC 15, 16,16, 20, 23   |   |
| 2766 | Code Enforcement Inspection for inspections necessary to check status or confirm completion of required compliance action. | $100.00   | Per Inspection              | Change        | $110.00   | Per Inspection              | WCC 15, 16,16, 20, 23   |   |
| 2811 | Publishing                                      |           | Actual Cost                 | No Change     |           | Actual Cost                 | Unified Fee Schedule     |   |
| 8430 | Special Reports                                 | $100.00   | Per Hour                    | Change        | $110.00   | Per Hour                    | Unified Fee Schedule     |   |
| 9005 | CD's / DVD's                                    |           | Actual Cost                 | No Change     |           | Actual Cost                 | Unified Fee Schedule Ordinance |   |
| 9006 | Postage                                         |           | Actual Cost                 | No Change     |           | Actual Cost                 | Unified Fee Schedule Ordinance |   |
| 9013 | Notary Service                                  | $8.00     | Per Notary Signature and Seal | No Change     | $8.00     | Per Notary Signature and Seal | Unified Fee Schedule |   |

Building Services

| 2767 | Building Permit Appointment No-Show (without a cancellation notice) | $50.00    | $50 when appointment cancellation is not made by the end of business day (4:30 pm) on day prior. | No Change     | $50.00    | $50 when appointment cancellation is not made by the end of business day (4:30 pm) on day prior. | Unified Fee Schedule |   |
| 2768 | Building Permit Pre-Application Waiver          | $50.00    | $50 per issued waiver from Pre-Application | No Change     | $50.00    | $50 per issued waiver from Pre-Application | Unified Fee Schedule |   |
| 8215 | Building Permit Re-Inspection Fee               | $100.00   | Per Inspection              | Change        | $110.00   | Per Inspection              | WCC 15                 |   |
| 8243 | Building Plan Check Fee                         |           | 65% of Building Permit      | No Change     | 65% of Building Permit      | WCC 15                 |   |

Monday, November 03, 2014

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## Planning & Development Services

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tbody>
<tr>
<td>8301</td>
<td>Fire: Fireworks Stands</td>
<td>$100.00</td>
<td>Per Permit</td>
<td>No Change</td>
<td>$100.00</td>
<td>Per Permit</td>
<td>WCC 15</td>
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<tr>
<td>8302</td>
<td>Fire: Assembly Education, Daycare, Places of Assembly Occupancy Inspections</td>
<td>$100.00</td>
<td>Per Hour</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Hour</td>
<td>WCC 15</td>
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<tr>
<td>8303</td>
<td>Fire: Plan Review (Includes out of Jurisdiction)</td>
<td>$200.00</td>
<td>$200 base up to 2 hours then $100/hr for each additional hour</td>
<td>Change</td>
<td>$220.00</td>
<td>$220 base up to 2 hours then $110/hr for each additional hour</td>
<td>WCC 15</td>
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<tr>
<td>8304</td>
<td>Fire: Public Fireworks Display Permit</td>
<td>$100.00</td>
<td>Per Permit</td>
<td>Change</td>
<td>$220.00</td>
<td>Base 2 hours, then $110 per hour each additional hour</td>
<td>WCC 15</td>
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<tr>
<td>8305</td>
<td>Fire: Special Inspections</td>
<td>$100.00</td>
<td>Per Hour</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Hour</td>
<td>WCC 15</td>
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<tr>
<td>8306</td>
<td>Mechanical Code: Additional Plan Review</td>
<td>$100.00</td>
<td>Per Hour, 1/2 hour minimum</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Hour, 1/2 hour minimum</td>
<td>WCC 15</td>
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<tr>
<td>8307</td>
<td>Mechanical Code: After Hours Inspection</td>
<td>$200.00</td>
<td>$200 base up to 2 hours then $100/hr for each additional hour</td>
<td>Change</td>
<td>$220.00</td>
<td>$220 base up to 2 hours then $110/hr for each additional hour</td>
<td>WCC 15</td>
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<tr>
<td>8308</td>
<td>Mechanical Code: Inspections Other</td>
<td>$100.00</td>
<td>Per Hour, one hour minimum</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Hour, one hour minimum</td>
<td>WCC 15</td>
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<tr>
<td>8309</td>
<td>Mechanical Code: Other Equipment Reg</td>
<td>$15.00</td>
<td>Per Appliance/Tank, includes one inspection when separate from a building permit</td>
<td>No Change</td>
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<td>Per Appliance/Tank, includes one inspection when separate from a building permit</td>
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<tr>
<td>8310</td>
<td>Mechanical Code: Permits</td>
<td>$35.00</td>
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<tr>
<td>8311</td>
<td>Mechanical Code: Re-Inspection</td>
<td>$100.00</td>
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<td>Change</td>
<td>$110.00</td>
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<tr>
<td>8312</td>
<td>Mechanical Code: Appliance Under 100,000 BTU</td>
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<td>8313</td>
<td>Mechanical Code: Appliance &gt; 100,000 BTU</td>
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<td>8322</td>
<td>Mechanical Code: Boiler Compressor Up to 165,000 BTU</td>
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<td>8323</td>
<td>Mechanical Code: Boiler/Compressor up to 330,000 BTU</td>
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<td>No Change</td>
<td>$29.00</td>
<td>Per Unit, Includes one inspection when separate from a building permit</td>
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<td>8324</td>
<td>Mechanical Code: Boiler Compressor up to 1,165,000 BTU</td>
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<td>8325</td>
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<td>$57.00</td>
<td>Per Unit, Includes one inspection when separate from a building permit</td>
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<td>8327</td>
<td>Mechanical Code: Boiler Compressor over 3,300,000 BTU</td>
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<td>No Change</td>
<td>$94.00</td>
<td>Per Unit, Includes one inspection when separate from a building permit</td>
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<tr>
<td>8329</td>
<td>Mobile Home Double Wide PrePlan Deposit (Residential Lot)</td>
<td>$150.00</td>
<td>Per Double Wide</td>
<td>No Change</td>
<td>$150.00</td>
<td>Per Double Wide</td>
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<tr>
<td>8331</td>
<td>Mobile Home Double Wide PrePlan CK (Park)</td>
<td>$100.00</td>
<td>Per Double Wide</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Double Wide</td>
<td>WCC 15</td>
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</table>

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Monday, November 03, 2014
## Planning & Development Services

### Building Services

<table>
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<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<td>8332</td>
<td>Mobile Home Double Wide Permit Fee (Park)</td>
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<td>Change</td>
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<td>$500.00</td>
<td>Per Story</td>
<td>Change</td>
<td>$550.00</td>
<td>Per Story</td>
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<td>8334</td>
<td>Mobile Home Reinspection</td>
<td>$100.00</td>
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<td>Per Hour</td>
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<td>8335</td>
<td>Mobile Home Single Wide PrePlan Deposit (Residential Lot)</td>
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<td>Mobile Home Single Wide PrePlan Deposit (Park)</td>
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<td>Mobile Home Single Wide Permit Fee (Park)</td>
<td>$250.00</td>
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<td>Per Story</td>
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<td>Mobile Home Triple Wide PrePlan Deposit (Residential Lot)</td>
<td>$200.00</td>
<td>Per Triple Wide Mobile Home</td>
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<td>Per Story</td>
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<td>Mobile Home Triple Wide Permit Fee (Residential Lot)</td>
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<td>8347</td>
<td>Plumbing: Plan Review; Additional Plan Review</td>
<td>$100.00</td>
<td>Per Hour, one hour minimum</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Hour, one hour minimum</td>
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<td>Plumbing: After Hours Inspection</td>
<td>$200.00</td>
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<td>$220.00</td>
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<td>Plumbing: Complex Systems</td>
<td>Per UFS Appendix B, PDS Policy #9</td>
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<td>UPC, WCC 15, UFS Appendix B #9</td>
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</tr>
<tr>
<td>8351</td>
<td>Plumbing: Permit Supplement</td>
<td>$35.00</td>
<td>Per Permit</td>
<td>Change</td>
<td>$40.00</td>
<td>Per Permit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8352</td>
<td>Plumbing: Reinspection</td>
<td>$100.00</td>
<td>Per Inspection</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Inspection</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8353</td>
<td>Plumbing: Backflow Protective Device</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8354</td>
<td>Plumbing: Lawn Sprinkler System</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8355</td>
<td>Plumbing: Drain</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8356</td>
<td>Plumbing: Fixture</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8357</td>
<td>Plumbing: Water Heater</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>WCC 15</td>
</tr>
</tbody>
</table>

* Subject to adjustment according to federal law
## Appendix A - 2015 Unified Fee Schedule

### Planning & Development Services

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>8358</td>
<td>Plumbing: Down Spout Commercial</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8359</td>
<td>Plumbing: Grease Interceptor</td>
<td>$100.00</td>
<td>$100 base up to 1 hour then $100/hr + $12.00 per unit</td>
<td>Change</td>
<td>$110.00</td>
<td>$110 base up to 1 hour then $110/hr + $12.00 per unit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8360</td>
<td>Plumbing: Water Treatment Equipment Residential</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8361</td>
<td>Plumbing: Large Backflow Preventor Device</td>
<td>$15.00</td>
<td>Per Unit + $100/hr over one hour</td>
<td>Change</td>
<td>$15.00</td>
<td>Per Unit + $110/hr over one hour</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8362</td>
<td>Plumbing: Sewer</td>
<td>$15.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>No Change</td>
<td>$15.00</td>
<td>Per Unit, includes one inspection when separate from a building permit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8366</td>
<td>Construction Permit: Pre-Application Review</td>
<td>$525.00</td>
<td>$525 base up to 1.5 hours then $100/hr</td>
<td>Change</td>
<td>$525.00</td>
<td>$525 base up to 1.5 hours then $100/hr</td>
<td>Unified Fee Schedule and Appendix B</td>
</tr>
<tr>
<td>8369</td>
<td>Title Eliminations (Mobile Homes)</td>
<td>$100.00</td>
<td>$100 per hour per application, minimum 1/2 hour</td>
<td>Change</td>
<td>$110.00</td>
<td>$110 per hour per application, minimum 1/2 hour</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>8370</td>
<td>Zoning: Site Plan Review Residential</td>
<td></td>
<td>Per Application: 0.12% of Building Project Valuation; minimum $20 to exceed $3,000</td>
<td>No Change</td>
<td></td>
<td>Per Application: 0.12% of Building Project Valuation; minimum $20 to exceed $3,000</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>8372</td>
<td>Zoning: Site Plan Review Commercial</td>
<td></td>
<td>Per Application: 0.3% of Project Valuation; not to exceed $5,000</td>
<td>Change</td>
<td></td>
<td>Per Application: 0.3% of Project Valuation or $20 whichever is greater; not to exceed $5,500</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>8373</td>
<td>Outside Plan Review</td>
<td></td>
<td>Per UFS Appendix B, PDS UFS Policy #8</td>
<td>No Change</td>
<td></td>
<td>Per UFS Appendix B, PDS UFS Policy #8</td>
<td>Unified Fee Schedule, Appendix B, WCC 15</td>
</tr>
<tr>
<td>8374</td>
<td>Moved House Inspection</td>
<td>$200.00</td>
<td>$200 base up to 1 hour then $100/hr for each additional hour</td>
<td>Change</td>
<td>$220.00</td>
<td>$220 base up to 1 hour then $110/hr for each additional hour</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8375</td>
<td>Fire: Residential Burn Permit</td>
<td>$50.00</td>
<td>Per Permit, Per Week</td>
<td>Change</td>
<td>$55.00</td>
<td>Per Permit, Per Week</td>
<td>IFC 105.6.340</td>
</tr>
<tr>
<td>8376</td>
<td>Fire: Commercial Burn Permit</td>
<td>$100.00</td>
<td>Per Day Per Inspection</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Day Per Inspection</td>
<td>IFC 105.6.340</td>
</tr>
<tr>
<td>8377</td>
<td>Occupancy Permit: Commercial. Change of Use/Tenant Improvement</td>
<td></td>
<td>Project Valuation + Fees</td>
<td>No Change</td>
<td>$110.00</td>
<td>Project Valuation + Fees</td>
<td>Unified Fee Schedule</td>
</tr>
<tr>
<td>8378</td>
<td>General Permit Administration</td>
<td>$100.00</td>
<td>Per Hour of staff time related to general permit administration, review, changes and/or adjustments to original application, permit or tenant improvement.</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Hour of staff time related to general permit administration, review, changes and/or adjustments to original application, permit or tenant improvement.</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8379</td>
<td>Building Permit Repeat Plan File Setup</td>
<td></td>
<td>65% of Building Permit Fee. See UFS Appendix B, PDS UFS Policy #1</td>
<td>No Change</td>
<td></td>
<td>65% of Building Permit Fee. See UFS Appendix B, PDS UFS Policy #1</td>
<td>Unified Fees Schedule and Appendix B</td>
</tr>
<tr>
<td>8381</td>
<td>Building Permits: Commercial</td>
<td></td>
<td>Per UFS Appendix B, PDS UFS Policy #2</td>
<td>No Change</td>
<td></td>
<td>Per UFS Appendix B, PDS UFS Policy #2</td>
<td>Unified Fee Schedule and Appendix B</td>
</tr>
</tbody>
</table>

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Monday, November 03, 2014

Page 22 of 37
## Planning & Development Services

### Building Services

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>8382</td>
<td>Building Permit Reinstatement with in 12 months of issuance</td>
<td></td>
<td>50% of original Building Permit Fee, See UFS Appendix B, PDS UFS Policy #3</td>
<td>No Change</td>
<td>50% of original Building Permit Fee, See UFS Appendix B, PDS UFS Policy #3</td>
<td>UFS and Appendix B</td>
<td></td>
</tr>
<tr>
<td>8383</td>
<td>Building Permit: Work Started Without Permit</td>
<td></td>
<td>Double the cost of building permit fee, see UFS Appendix B, PDS UFS Policy #4</td>
<td>No Change</td>
<td>Double the cost of building permit fee, see UFS Appendix B, PDS UFS Policy #4</td>
<td>Unified Fee Schedule and Appendix B</td>
<td></td>
</tr>
<tr>
<td>8384</td>
<td>Building Permit: Repeat / Reuse Application</td>
<td></td>
<td>50% less than original Plan Check Fee, See UFS Appendix B, PDS UFS Policy #5</td>
<td>No Change</td>
<td>50% less than original Plan Check Fee, See UFS Appendix B, PDS UFS Policy #5</td>
<td>Unified Fee Schedule and Appendix B</td>
<td></td>
</tr>
<tr>
<td>8385</td>
<td>Fire: Sprinkler System Plan Review (13-d)</td>
<td>$100.00</td>
<td>Per Inspection</td>
<td>Change</td>
<td>$220.00</td>
<td>Per Review, see UFS Appendix B, PDS UFS Policy #6</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8386</td>
<td>Fire: Sprinkler System Review/Inspection (All Other)</td>
<td>$100.00</td>
<td>Per Inspection + $1.00 each sprinkler</td>
<td>Change</td>
<td>$220.00</td>
<td>Per Review, see UFS Appendix B, PDS UFS Policy #6</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8387</td>
<td>Fire: Fire Flow Inspection and/or Fire Access Road Inspection</td>
<td>$100.00</td>
<td>Per Inspection</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Inspection, see UFS Appendix B, PDS UFS Policy #6</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8388</td>
<td>Fire: Administrative / Miscellaneous Review - Residential</td>
<td>$50.00</td>
<td>Per Review, see UFS Appendix B, PDS UFS Policy #6</td>
<td>Change</td>
<td>$55.00</td>
<td>Per Review, see UFS Appendix B, PDS UFS Policy #6</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8389</td>
<td>Mobile Home Plan Review Fee</td>
<td>$100.00</td>
<td>Per Application</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Application, see UFS Appendix B, PDS UFS Policy #6</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8390</td>
<td>Mobile Home Quadruple Wide PrePlan Deposit (Residential Lot)</td>
<td>$225.00</td>
<td>Per Mobile Home</td>
<td>No Change</td>
<td>$225.00</td>
<td>Per Mobile Home, see UFS Appendix B, PDS UFS Policy #6</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8391</td>
<td>Mobile Home Quadruple Wide PrePlan (Park Lot)</td>
<td>$175.00</td>
<td>Per Mobile Home</td>
<td>No Change</td>
<td>$175.00</td>
<td>Per Mobile Home, see UFS Appendix B, PDS UFS Policy #6</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8392</td>
<td>Mobile Home Quadruple Wide Permit Fee (Park)</td>
<td>$500.00</td>
<td>Per Story</td>
<td>Change</td>
<td>$660.00</td>
<td>Per Story</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8393</td>
<td>Mobile Home Quadruple Wide Permit Fee (Residential)</td>
<td>$700.00</td>
<td>Per Story</td>
<td>Change</td>
<td>$770.00</td>
<td>Per Story</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8397</td>
<td>Plumbing Sewage Ejector Inspection</td>
<td>$100.00</td>
<td>$100 Base up to 1 hour then $100/hr for each additional hour</td>
<td>Change</td>
<td>$110.00</td>
<td>$110 Base up to 1 hour then $110/hr for each additional hour</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8398</td>
<td>Plumbing: Hydronic System</td>
<td>$100.00</td>
<td>$100 base up to 1 hour then $100/hr for each additional hour + $12 per hydronic system</td>
<td>Change</td>
<td>$110.00</td>
<td>$110 base up to 1 hour then $110/hr for each additional hour + $12 per hydronic system</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8399</td>
<td>Application Revision: Additional Review Requested due to Application Modification</td>
<td></td>
<td>Per Revision: 50% of original application fee unless specified otherwise for certain applications</td>
<td>No Change</td>
<td>Per Revision: 50% of original application fee unless specified otherwise for certain applications</td>
<td>WCC 15, 16, 20, 21</td>
<td></td>
</tr>
<tr>
<td>8400</td>
<td>Fire: Fire Alarm System Inspection/Review Fire Alarm</td>
<td>$100.00</td>
<td>Per Inspection + $2.00 per device</td>
<td>Change</td>
<td>7% of Valuation</td>
<td>WCC 15</td>
<td></td>
</tr>
<tr>
<td>8401</td>
<td>Fire: Operational Permit</td>
<td>$100.00</td>
<td>Per Permit except Open Burning</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Permit except Open Burning</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8402</td>
<td>Fire: Out of Jurisdiction Fire Inspection</td>
<td>$125.00</td>
<td>Per Inspection</td>
<td>Change</td>
<td>$165.00</td>
<td>Per Hour</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8404</td>
<td>Mechanical Code: Heat Pump</td>
<td>$12.00</td>
<td>Per Unit, fee includes one inspection per inspection category</td>
<td>No Change</td>
<td>$12.00</td>
<td>Per Unit, fee includes one inspection per inspection category</td>
<td>WCC 15</td>
</tr>
</tbody>
</table>

* Subject to adjustment according to federal law
# Appendix A - 2015 Unified Fee Schedule

## Planning & Development Services

### Building Services

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
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<th>Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>8405</td>
<td>Mechanical Code: Gas Piping Residential/Accessory</td>
<td>$8.00</td>
<td>Per unit or outlet; includes one inspection per inspection category when not associated with a building permit</td>
<td>No Change</td>
<td>$8.00</td>
<td>Per unit or outlet; includes one inspection per inspection category when not associated with a building permit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8406</td>
<td>Mechanical Code: Gas Piping/Commercial</td>
<td>$12.00</td>
<td>Per Gas Appliance or Piping Connection + Plan Review per Unified Fee Schedule. Includes one inspection of the systems when not associated with building permit</td>
<td>No Change</td>
<td>$12.00</td>
<td>Per Gas Appliance or Piping Connection + Plan Review per Unified Fee Schedule. Includes one inspection of the systems when not associated with building permit</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8407</td>
<td>Mechanical Code: Propane Tank</td>
<td>$16.00</td>
<td>Per Unit; includes one inspection</td>
<td>No Change</td>
<td>$16.00</td>
<td>Per Unit; includes one inspection</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8408</td>
<td>Mechanical Code: Commercial or Type 1 Hood</td>
<td>Commercial or Type 1 Hood (fee per valuation) except when valuation is not available or reliable then $100/hours</td>
<td>Change</td>
<td>Fee per valuation, except when valuation is not available or reliable, then $110/hr. Fee per valuation equals the same amounts presented in UFS # 8412 - # 8420.</td>
<td>WCC 15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8412</td>
<td>Building Permits up to $2,000</td>
<td>$54.64</td>
<td>Flat Fee</td>
<td>No Change</td>
<td>$54.64</td>
<td>Flat Fee</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8413</td>
<td>Building Permits $2,001 - $25,000</td>
<td>$54.57</td>
<td>$54.57 base + $10.91 per $1,000 project valuation</td>
<td>No Change</td>
<td>$54.57</td>
<td>$54.57 base + $10.91 per $1,000 project valuation</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8414</td>
<td>Building Permits $25,001 - $50,000</td>
<td>$305.61</td>
<td>$305.61 base + $7.89 per $1,000 project valuation</td>
<td>No Change</td>
<td>$305.61</td>
<td>$305.61 base + $7.89 per $1,000 project valuation</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8415</td>
<td>Building Permits $50,001 - $100,000</td>
<td>$527.83</td>
<td>$527.83 base + $5.73 per $1,000 project valuation</td>
<td>No Change</td>
<td>$527.83</td>
<td>$527.83 base + $5.73 per $1,000 project valuation</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8416</td>
<td>Building Permits $100,001 - $150,000</td>
<td>$829.38</td>
<td>$829.38 base + $4.55 per $1,000 project valuation</td>
<td>No Change</td>
<td>$829.38</td>
<td>$829.38 base + $4.55 per $1,000 project valuation</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8417</td>
<td>Building Permits $150,001 - $250,000</td>
<td>$884.14</td>
<td>$884.14 base + $4.85 per $1,000 project valuation</td>
<td>No Change</td>
<td>$884.14</td>
<td>$884.14 base + $4.85 per $1,000 project valuation</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8418</td>
<td>Building Permits $250,001 - $500,000</td>
<td>$915.16</td>
<td>$915.16 base + $5.02 per $1,000 project valuation</td>
<td>No Change</td>
<td>$915.16</td>
<td>$915.16 base + $5.02 per $1,000 project valuation</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8419</td>
<td>Building Permits $500,001 - $1,000,000</td>
<td>$2,844.42</td>
<td>$2,844.42 base + $4.19 per $1,000 project valuation</td>
<td>No Change</td>
<td>$2,844.42</td>
<td>$2,844.42 base + $4.19 per $1,000 project valuation</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8420</td>
<td>Building Permits $1,000,000 and up</td>
<td>$4,893.48</td>
<td>$4,893.48 base + $2.77 per $1,000 project valuation</td>
<td>No Change</td>
<td>$4,893.48</td>
<td>$4,893.48 base + $2.77 per $1,000 project valuation</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8421</td>
<td>Special Inspection</td>
<td>$100.00</td>
<td>Per Inspection when not associated with a permit case, or when associated with an expired permit, or when associated with a revision or tenant improvement, or similar.</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Inspection when not associated with a permit case, or when associated with an expired permit, or when associated with a revision or tenant improvement, or similar.</td>
<td>WCC 15</td>
</tr>
<tr>
<td>8422</td>
<td>Construction Permit: Reduced Pre-Application Review</td>
<td>$250.00</td>
<td>$250 base up to 1.5 hours then $100/hr for each additional hour. See UFS Appendix B, PDS UFS Policy #7B</td>
<td>Change</td>
<td>$250.00</td>
<td>$250 base up to 1.5 hours then $110/hr for each additional hour. See UFS Appendix B, PDS UFS Policy #7B</td>
<td>WCC 15</td>
</tr>
</tbody>
</table>

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<table>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Change</td>
<td></td>
</tr>
<tr>
<td>Mechanical Code: Supplemental Permit</td>
<td>$35.00</td>
<td>$40.00</td>
<td>$5.00</td>
<td>Per Permit includes one inspection when separate from a building permit</td>
</tr>
<tr>
<td>Mechanical Code: Simple Appliances or Vent</td>
<td>$10.00</td>
<td>$10.00</td>
<td>No Change</td>
<td>No Change</td>
</tr>
<tr>
<td>Mechanical Code: Air-Handling Unit</td>
<td>$12.00</td>
<td>$12.00</td>
<td>No Change</td>
<td>No Change</td>
</tr>
<tr>
<td>Mechanical Code: Solid Fuel Burning Appliances or Fireplaces</td>
<td>$12.00</td>
<td>$12.00</td>
<td>No Change</td>
<td>No Change</td>
</tr>
<tr>
<td>Mechanical Code: Heating Fuel Tanks</td>
<td>$12.00</td>
<td>$12.00</td>
<td>No Change</td>
<td>No Change</td>
</tr>
<tr>
<td>Mechanical Code: Plumbing &amp; Drainage</td>
<td>$25.00</td>
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<td>Mechanical Code: Additional Plan Reviews</td>
<td>$100.00</td>
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<tr>
<td>Building Permit Extensions &amp; Appeals</td>
<td>$175.00</td>
<td>$200.00</td>
<td>$25.00</td>
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<td>Fire Sprinkler Systems Review/Inspections</td>
<td>$100.00</td>
<td>$200.00</td>
<td>$100.00</td>
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<td>Fire Alarm Systems Review/Inspections</td>
<td>$100.00</td>
<td>$200.00</td>
<td>$100.00</td>
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<td>Fire Sprinkler System Inspection</td>
<td>$100.00</td>
<td>$200.00</td>
<td>$100.00</td>
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* Subject to adjustment according to federal law.
## Appendix A - 2015 Unified Fee Schedule

### Planning & Development Services

#### Natural Resources

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
<th>*</th>
</tr>
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<tbody>
<tr>
<td>2771</td>
<td>Mitigation Plan Review</td>
<td>$315.00</td>
<td>Per Application</td>
<td>Change</td>
<td>$345.00</td>
<td>Per Application</td>
<td>WCC 16.16</td>
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<tr>
<td>2773</td>
<td>Mitigation As-Built, Installation and Monitoring</td>
<td>$630.00</td>
<td>Per Application</td>
<td>Change</td>
<td>$695.00</td>
<td>Per Application</td>
<td>WCC 16.16</td>
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<tr>
<td>2774</td>
<td>Shoreline Permit Extension Request</td>
<td>$100.00</td>
<td>Per Extension Request</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Extension Request</td>
<td>WCC 16.16</td>
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<tr>
<td>8244</td>
<td>Clearing: Conversion Option Harvest Plan</td>
<td>$525.00</td>
<td>per application</td>
<td>Change</td>
<td>$575.00</td>
<td>per application</td>
<td>WCC 20.80.730, 20.07, 090, 091, 092</td>
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<tr>
<td>8245</td>
<td>Natural Resources Office Review</td>
<td>$210.00</td>
<td>per permit</td>
<td>Change</td>
<td>$220.00</td>
<td>per permit</td>
<td>WCC 16.16, 20.23</td>
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<tr>
<td>8246</td>
<td>Natural Resource Site inspection, Grading, CPAL, Pre-Development Site Inspection</td>
<td>$210.00</td>
<td>per inspection</td>
<td>Change</td>
<td>$220.00</td>
<td>per inspection</td>
<td>WCC 16.16, 20, 23 &amp; Unified Fee Schedule</td>
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<td>8247</td>
<td>Natural Resource Delineation Review</td>
<td>$315.00</td>
<td>per application</td>
<td>Change</td>
<td>$345.00</td>
<td>per application</td>
<td>WCC 16.16, 20, 23 &amp; Unified Fee Schedule</td>
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<td>8249</td>
<td>Six-Year Moratorium Removal (Public Hearing)</td>
<td>$1,100.00</td>
<td>per application</td>
<td>Change</td>
<td>$1,210.00</td>
<td>per application</td>
<td>WCC 20.04.080, 091, 092</td>
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<tr>
<td>8251</td>
<td>Pre Application Meeting/Development Consultation</td>
<td>$525.00</td>
<td>Per Application</td>
<td>Change</td>
<td>$575.00</td>
<td>Per Application</td>
<td>WCC 16.16, 20, 21, 23, IBC &amp; Unified Fee Schedule</td>
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<tr>
<td>8252</td>
<td>Gravel Mining Fee - Active</td>
<td>$440.00</td>
<td>$440 base rate up to 10- acres of disturbed area then $35 per acre up to $1000 per application</td>
<td>Change</td>
<td>$480.00</td>
<td>$480 base rate up to 10-acres of disturbed area then $38 per acre up to $1000 per application</td>
<td>WCC 20.80.900, 20.04, 090, 091, 092</td>
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<tr>
<td>8253</td>
<td>Gravel Mining Fee - Inactive</td>
<td>$280.00</td>
<td>$260 Base up to 10 acres than $35 an acre up to $750</td>
<td>Change</td>
<td>$305.00</td>
<td>$305 Base up to 10 acres than $38 an acre up to $750</td>
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<td>8254</td>
<td>Shoreline: Conditional Use Permit</td>
<td>$2,100.00</td>
<td>Per Application</td>
<td>Change</td>
<td>$2,300.00</td>
<td>Per Application</td>
<td>WCC 23.60.41</td>
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<tr>
<td>8255</td>
<td>Shoreline: Statement of Shoreline Exemption</td>
<td>$370.00</td>
<td>Per Application</td>
<td>Change</td>
<td>$410.00</td>
<td>Per Application</td>
<td>WCC 23.60.41</td>
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<tr>
<td>8256</td>
<td>Shoreline: Permit Revision</td>
<td>$200 or 25% of Shoreline Permit Fee; whichever is greater</td>
<td>$220 or 25% of Shoreline Permit Fee; whichever is greater</td>
<td>Change</td>
<td>$220 or 25% of Shoreline Permit Fee; whichever is greater</td>
<td>WCC 23.060.43</td>
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<tr>
<td>8257</td>
<td>Shoreline: Substantial Development Permit $1,000,001</td>
<td>$6,825.00</td>
<td>per application</td>
<td>Change</td>
<td>$7,500.00</td>
<td>per application</td>
<td>WCC 23.60.41</td>
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<td>8258</td>
<td>Shoreline Substantial Development Permit $250,001 - $1,000,000</td>
<td>$3,675.00</td>
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<td>Change</td>
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<td>per application</td>
<td>WCC 23.60.41</td>
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<td>8259</td>
<td>Shoreline: Substantial Development Permit $50,001 to $250,000</td>
<td>$2,625.00</td>
<td>per application</td>
<td>Change</td>
<td>$2,885.00</td>
<td>per application</td>
<td>WCC 23.60.41</td>
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<td>8260</td>
<td>Shoreline: Substantial Development Permit $5,716 to $50,000</td>
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<td>Change</td>
<td>$1,730.00</td>
<td>per application</td>
<td>WCC 23.60.41, ORD 91-011</td>
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<tr>
<td>8261</td>
<td>Shoreline: Variance Application</td>
<td>$3,150.00</td>
<td>per application</td>
<td>Change</td>
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<td>Six-Year Moratorium Removal (SFR Exception)</td>
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<td>WC 20.04.090, 091, 092</td>
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<td>8263</td>
<td>Gravel Mining Administrative Approvals</td>
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<td>per application</td>
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<td>per application</td>
<td>WC 20.04.090, 091, 092</td>
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<tr>
<td>8265</td>
<td>Critical Area (CA) Conservation Plan (CPAL) Review/ Farm Plan Created Outside Whatcom Conservation District</td>
<td>$300.00</td>
<td>Per Application</td>
<td>Change</td>
<td>$330.00</td>
<td>Per Application</td>
<td>WCC 16.16</td>
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## Planning & Development Services

### Natural Resources

<table>
<thead>
<tr>
<th>UFS#</th>
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<tr>
<td>8206</td>
<td>Grading/Clearing Application</td>
<td>$525.00</td>
<td>$525 up to 10,000 cubic yards then $100 for each additional 10,000 cubic yards or up to 5 acres of clearing then $100 for each additional 5 acres per application</td>
<td>Change</td>
<td>$575.00</td>
<td>$525 up to 10,000 cubic yards then $110 for each additional 10,000 cubic yards or up to 5 acres of clearing then $100 for each additional 5 acres per application</td>
<td>WCC 20</td>
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<td>8270</td>
<td>Watershed Development Inspections</td>
<td>$105.00</td>
<td>Per inspection, TESC, Stormwater, Facilities, base material for pervious surfaces</td>
<td>Change</td>
<td>$115.00</td>
<td>Per inspection, TESC, Stormwater, Facilities, base material for pervious surfaces</td>
<td>WCC 20</td>
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<td>8435</td>
<td>Critical Area (CA) Variance/Reasonable Use Hearing Examine Application</td>
<td>$2,100.00</td>
<td>per application</td>
<td>Change</td>
<td>$2,300.00</td>
<td>per application</td>
<td>WCC 16.16, 20.043.090, 091, 092</td>
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<td>8441</td>
<td>Natural Resources Written Notification Processing Fee</td>
<td>$30.00</td>
<td>Per notification</td>
<td>Change</td>
<td>$35.00</td>
<td>Per notification</td>
<td>WCC 16, 20, 23</td>
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<td>8445</td>
<td>Administrative Review of Shoreline Conditional Use Permits</td>
<td>$800.00</td>
<td>per application</td>
<td>Change</td>
<td>$880.00</td>
<td>per application</td>
<td>WCC 23</td>
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<tr>
<td>8496</td>
<td>NR Assessment with NR delineation</td>
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<td>New</td>
<td>$575.00</td>
<td>Per Application, includes office review &amp; NR site inspection</td>
<td>WCC16.16,20</td>
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<td>8497</td>
<td>NR Assessment without NR Delineation review</td>
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<td>$460.00</td>
<td>Per Application, includes office review &amp; NR site inspection</td>
<td>WCC 16.16,20</td>
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<td>9007</td>
<td>Archeology Review</td>
<td>$100.00</td>
<td>Per Review outside of Shorelines</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Review outside of Shorelines</td>
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<td>9012</td>
<td>Natural Resources Counter Review</td>
<td>$50.00</td>
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<td>Change</td>
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<td>per counter review, 30 minutes or less</td>
<td>WCC 16.16, 20, 23</td>
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<td>9018</td>
<td>Permit Revision</td>
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<td>No Change</td>
<td>$165.00</td>
<td>Per Application</td>
<td>WCC 16.16, 20, 21, 23</td>
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<td>9026</td>
<td>Geohazard Mitigation Review</td>
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<td>Per Application</td>
<td>$150.00</td>
<td>Per Application</td>
<td>WCC 16.16</td>
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### Planning

<table>
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<tr>
<th>UFS#</th>
<th>Description</th>
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<th>Authorization</th>
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<tr>
<td>2824</td>
<td>Planned Unit Development - Certificate of Completion</td>
<td>$1,050.00</td>
<td>Per Application</td>
<td>Change</td>
<td>$1,150.00</td>
<td>Per Application</td>
<td>WCC 20.85.370</td>
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<td>8271</td>
<td>Exemption / Legal Lot Stamp</td>
<td>$130.00</td>
<td>Per Lot of Record Determination prior to 2011</td>
<td>Change</td>
<td>$140.00</td>
<td>Per Lot of Record Determination prior to 2011</td>
<td>WCC 21.20.030(5)</td>
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<td>8272</td>
<td>Major Project Permit</td>
<td>$8,000.00</td>
<td>$8000 base + $100/hour after 60 hours</td>
<td>Change</td>
<td>$8,800.00</td>
<td>$8800 base + $110/hour after 80 hours (For Hearing Examiner costs see Council UFS)</td>
<td>WCC 16.16, 20.88, 20.04, 090, 091, 092, 23</td>
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<td>8274</td>
<td>Planned Unit Development - Commercial and Residential</td>
<td>$2,625.00</td>
<td>per application</td>
<td>Change</td>
<td>$2,885.00</td>
<td>per application</td>
<td>WCC 20.85.400, 20.04.090, 091, 092</td>
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<td>8275</td>
<td>Rezone Map or Text Amendment</td>
<td>$7,875.00</td>
<td>per application</td>
<td>Change</td>
<td>$8,660.00</td>
<td>per application</td>
<td>WCC 20.90.010, 23</td>
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<td>SEPA Checklist Small or Large Review</td>
<td>$370.00</td>
<td>per application</td>
<td>Change</td>
<td>$400.00</td>
<td>per application</td>
<td>WCC 16.08.2001(1a)</td>
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<td>8277</td>
<td>SEPA EIS Review</td>
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<td>$2625 base + $100/hour after 20 hours</td>
<td>Change</td>
<td>$2,885.00</td>
<td>$2885 base + $110/hour after 20 hours</td>
<td>WCC 16.08.200(2a)</td>
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<td>8278</td>
<td>Subdivision: Short Plat Alteration</td>
<td>$525.00</td>
<td>per application</td>
<td>Change</td>
<td>$575.00</td>
<td>per application</td>
<td>WCC 21.04</td>
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<tr>
<td>8280</td>
<td>Subdivision: Exemption Review</td>
<td>$525.00</td>
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<td>Change</td>
<td>$575.00</td>
<td>per application includes exemption stamp</td>
<td>WCC 20, 21, 21.03</td>
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</table>

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## Planning & Development Services

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<th>UFS#</th>
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<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tr>
<td>8281</td>
<td>Subdivision: Lot of Record/Lot Consolidation Determination</td>
<td>$400.00</td>
<td>$400 per application. Review for up to 4 lots. $100 each group of 4 (or portion of 4) in excess of first 4 lots. Includes legal lot stamp.</td>
<td>Change</td>
<td>$440.00</td>
<td>$440 per application. Review for up to 4 lots, $110 each group of 4 (or portion of 4) in excess of first 4 lots. Includes legal lot stamp.</td>
<td>WCC 20, 21</td>
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<tr>
<td>8282</td>
<td>Subdivision: Final Short Plat or Subdivision Plat</td>
<td>$1,050.00</td>
<td>per application</td>
<td>Change</td>
<td>$1,150.00</td>
<td>per application</td>
<td>WCC 21.06</td>
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<tr>
<td>8283</td>
<td>Subdivision: Preliminary Plat, Binding Site Plan, Preliminary</td>
<td>$5,250.00</td>
<td>per application</td>
<td>Change</td>
<td>$5,775.00</td>
<td>per application</td>
<td>WCC 21.06</td>
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<tr>
<td>8284</td>
<td>Subdivision: Short Plat</td>
<td>$2,625.00</td>
<td>per application</td>
<td>Change</td>
<td>$2,885.00</td>
<td>per application</td>
<td>WCC 21.04</td>
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<tr>
<td>8286</td>
<td>Subdivision: Binding Site Plan General and/or Specific</td>
<td>$1,050.00</td>
<td>per application</td>
<td>Change</td>
<td>$1,150.00</td>
<td>per application</td>
<td>WCC 20.8</td>
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<td>8287</td>
<td>Subdivision: Variance, Administrative</td>
<td>$1,050.00</td>
<td>per application</td>
<td>Change</td>
<td>$1,150.00</td>
<td>per application</td>
<td>WCC 21.02</td>
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<td>8288</td>
<td>Zoning: Administrative Approval</td>
<td>$840.00</td>
<td>per application</td>
<td>Change</td>
<td>$926.00</td>
<td>per application</td>
<td>WCC 20.84.235, 20.04</td>
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<tr>
<td>8289</td>
<td>Comprehensive Plan Map or Text Amendment</td>
<td>$7,875.00</td>
<td>per application</td>
<td>Change</td>
<td>$8,680.00</td>
<td>per application</td>
<td>WCC 20.80.010, 20.04.090, 091, 092</td>
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<tr>
<td>8290</td>
<td>Zoning: Conditional Use</td>
<td>$2,100.00</td>
<td>per application</td>
<td>Change</td>
<td>$2,300.00</td>
<td>per application</td>
<td>WCC 20.84.260(3), 20.04.090, 091, 092</td>
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<tr>
<td>8291</td>
<td>Zoning: Non-Conforming Use Certificate</td>
<td>$525.00</td>
<td>per application</td>
<td>Change</td>
<td>$575.00</td>
<td>per application</td>
<td>WCC 20.84.130, 20.04.090, 091, 092</td>
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<tr>
<td>8292</td>
<td>Zoning: Variance</td>
<td>$2,100.00</td>
<td>per application</td>
<td>Change</td>
<td>$2,300.00</td>
<td>per application</td>
<td>WCC 20.84.250(1), 20.04.090, 091, 092</td>
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<td>8293</td>
<td>Timber Land (Application or Transfer)</td>
<td>$525.00</td>
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<td>Change</td>
<td>$575.00</td>
<td>Per Application</td>
<td>WCC 20.03.28.010</td>
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<td>8294</td>
<td>Transfer of Development Rights Certification</td>
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<td>per application</td>
<td>Change</td>
<td>$150.00</td>
<td>per application</td>
<td>WCC 20.04.090, 091, 092</td>
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<tr>
<td>8296</td>
<td>Open Space Land (Application or Transfer)</td>
<td>$525.00</td>
<td>Per Application</td>
<td>Change</td>
<td>$575.00</td>
<td>Per Application</td>
<td>WCC 20.03.28.010</td>
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<td>8297</td>
<td>GMA Development Agreement</td>
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<td>per application</td>
<td>Change</td>
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<td>per application</td>
<td>RCW 36.70B.170 (4)</td>
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<td>8298</td>
<td>Subdivision Variance, Hearing Examiner</td>
<td>$2,100.00</td>
<td>per application</td>
<td>Change</td>
<td>$2,300.00</td>
<td>per application</td>
<td>WCC 21.02</td>
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<tr>
<td>8299</td>
<td>Nonconforming Structures Replacement After Natural Disaster</td>
<td>$420.00</td>
<td>per application</td>
<td>Change</td>
<td>$465.00</td>
<td>per application</td>
<td>WCC 20</td>
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<td>8300</td>
<td>Discretionary Permit Extension</td>
<td>$265.00</td>
<td>per application</td>
<td>Change</td>
<td>$290.00</td>
<td>per application</td>
<td>WCC 20, 21</td>
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<tr>
<td>8438</td>
<td>Docketing Application Fee</td>
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<td>per application</td>
<td>Change</td>
<td>$405.00</td>
<td>per application</td>
<td>WCC 20</td>
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<tr>
<td>8440</td>
<td>Subdivision: Subdivision Alteration</td>
<td>$1,050.00</td>
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<td>Change</td>
<td>$1,150.00</td>
<td>per application</td>
<td>WCC 21</td>
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<td>8486</td>
<td>Website Posting SEPA, CUP, ADM</td>
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<td>New</td>
<td>$110.00</td>
<td>Per Hour, 1st hour no charge</td>
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<td>Repeat Review for ADM</td>
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<td>$220.00 per Hour, base rate for 2 hours, $110/hour for each additional hour</td>
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<td>Repeat Review for CUP &amp; Variance</td>
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<td>Per Hour, base rate for 2 hours, $110/hour for each additional hour</td>
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<td>8500</td>
<td>Marijuana Waiver-set back</td>
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<td>per application</td>
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<td>Transfer of Development Rights Application</td>
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<td>$220.00 per Application</td>
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<td>$220.00</td>
<td>Per Application based on 2 hours of staff time</td>
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<td>9020</td>
<td>Subdivision: Preliminary Plat, Binding Site Plan (per lot)</td>
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<td>Per Lot</td>
<td>Change</td>
<td>$110.00</td>
<td>Per Lot</td>
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<td>9022</td>
<td>Subdivision: Additional request for Short Plat or Subdivision Preliminary Approval, binding site plan</td>
<td>$500.00</td>
<td>per application</td>
<td>Change</td>
<td>$550.00</td>
<td>per application</td>
<td>WCC 21</td>
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* Subject to adjustment according to federal law
## Appendix A - 2015 Unified Fee Schedule

### Planning & Development Services

#### Planning

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2016 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tbody>
<tr>
<td>9023</td>
<td>Pre Application Meeting / Development Consultation</td>
<td>$525.00</td>
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<td>$575.00</td>
<td>per application</td>
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<td>9025</td>
<td>Legal Notice</td>
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<td>Change</td>
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<td>per application</td>
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#### Prosecuting Attorney

| Law Library
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<td>2300</td>
<td>Rents &amp; Royalties</td>
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#### Public Works

#### Engineering Admin

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<th>2351</th>
<th>Address Assignment</th>
<th>$35.00</th>
<th>per address</th>
<th>No Change</th>
<th>$35.00</th>
<th>per address</th>
<th>RCW 58.17.280</th>
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<tr>
<td>2352</td>
<td>Address Assignment New Subdivision/Short Subdivision 2-7 Lots</td>
<td>$35.00</td>
<td>per lot</td>
<td>No Change</td>
<td>$35.00</td>
<td>per lot</td>
<td>RCW 58.17.280</td>
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<td>2353</td>
<td>Address Assignment New Subdivision 8-10 Lots</td>
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<td>per subdivision</td>
<td>No Change</td>
<td>$250.00</td>
<td>per subdivision</td>
<td>RCW 58.17.280</td>
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<td>2354</td>
<td>Address Assignment New Subdivision 11-30 Lots</td>
<td>$300.00</td>
<td>per subdivision</td>
<td>No Change</td>
<td>$300.00</td>
<td>per subdivision</td>
<td>RCW 58.17.280</td>
</tr>
<tr>
<td>2355</td>
<td>Address Assignment New Subdivision 31-100 Lots</td>
<td>$400.00</td>
<td>per subdivision</td>
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<td>$400.00</td>
<td>per subdivision</td>
<td>RCW 58.17.280</td>
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<td>2356</td>
<td>Address Assignment New Subdivision &gt;100 Lots</td>
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<td>per lot over 100 lots</td>
<td>RCW 58.17.280</td>
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<td>2365</td>
<td>Chapter 2, Storm Mgmt &amp; Special Districts - Develop Stds</td>
<td>$18.75</td>
<td>per publication</td>
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<td>$18.75</td>
<td>per publication</td>
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<td>Chapter 3, Land Clearing - Develop Stds</td>
<td>$3.00</td>
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<td>$3.00</td>
<td>per publication</td>
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<td>2368</td>
<td>Chapter 5 - Road Standards - Develop Stds</td>
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<td>$32.40</td>
<td>per publication</td>
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<td>per copy</td>
<td>UFS Ordinance</td>
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<td>2371</td>
<td>Copies 1&quot; = 1 mile County Road Map</td>
<td>$10.00</td>
<td>per copy</td>
<td>No Change</td>
<td>$10.00</td>
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<td>per copy</td>
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<td>per copy</td>
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<td>$2.00</td>
<td>per copy</td>
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<td>2375</td>
<td>Copies 24&quot; x 24&quot; Maps</td>
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<td>per copy</td>
<td>No Change</td>
<td>$2.00</td>
<td>per copy</td>
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<tr>
<td>2376</td>
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<td>per copy</td>
<td>No Change</td>
<td>$3.00</td>
<td>per copy</td>
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<tr>
<td>2379</td>
<td>Copies - Scanned Aerials 11x17</td>
<td>$2.00</td>
<td>per copy</td>
<td>No Change</td>
<td>$2.00</td>
<td>per copy</td>
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<td>2412</td>
<td>Latecomers Agreement Administrative Fee</td>
<td>$450.00</td>
<td>per agrmnt plus $150/parcel win the Assessment Area plus 1.5% of construction costs</td>
<td>No Change</td>
<td>$450.00</td>
<td>per agrmnt plus $150/parcel win the Assessment Area plus 1.5% of construction costs</td>
<td>Ord 98-033</td>
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</table>

| 2418  | Repeat Review                                       | $100.00    | per hour    | No Change    | $100.00    | per hour    | UFS Ordinance |
| 2419  | Rsrch Tls/SnvyEng Firms                             | $100.00    | per hour    | No Change    | $100.00    | per hour    | UFS Ordinance |
| 2420  | Rev Enc Prmt Corn Drwys & Existing Private Roads    | $250.00    | each        | Change       | $250.00    | each        | WCC 12.16.90 |
| 2421  | Rev Enc Prmt Corn Utility Service                   | $100.00    | < 100 ft    | No Change    | $100.00    | < 100 ft    | WCC 12.16.90 |
| 2422  | Rev Enc Prmt Misc.                                  | $0.30      | per foot >250 ft | No Change | $0.30      | per foot >250 ft | WCC 12.16.90 |
| 2423  | Rev Enc Prmt Misc.                                  | $75.00     | <250 ft     | No Change    | $75.00     | <250 ft     | WCC 12.16.90 |

* Subject to adjustment according to federal law

Monday, November 03, 2014
## Appendix A - 2015 Unified Fee Schedule

### Public Works

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2016 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tbody>
<tr>
<td>2424</td>
<td>Rev Enc Prmt Gas, Power, Communication Installation</td>
<td>$0.15</td>
<td>per foot &gt;600 ft</td>
<td>Change</td>
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<td>per foot &gt; 600 ft</td>
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<td>2425</td>
<td>Rev Enc Prmt Gas, Power, Communication Installation</td>
<td>$325.00</td>
<td>&lt; 600 ft</td>
<td>Change</td>
<td>$225.00</td>
<td>&lt; 600 ft</td>
<td>WCC 12.16.90</td>
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<tr>
<td>2426</td>
<td>Rev Enc Prmt Misc Rdwy</td>
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<td>per foot &gt;500 ft</td>
<td>No Change</td>
<td>$0.30</td>
<td>per foot &gt;500 ft</td>
<td>WCC 12.16.90</td>
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<tr>
<td>2427</td>
<td>Rev Enc Prmt Misc Rdwy</td>
<td>$175.00</td>
<td>&lt;500 ft</td>
<td>No Change</td>
<td>$175.00</td>
<td>&lt;500 ft</td>
<td>WCC 12.16.90</td>
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<td>2428</td>
<td>Rev Enc Prmt Rd Cnst</td>
<td>$0.90</td>
<td>per foot &gt;300 ft</td>
<td>No Change</td>
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<td>per foot &gt;300 ft</td>
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<td>2429</td>
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<td>$325.00</td>
<td>&lt;300 ft</td>
<td>No Change</td>
<td>$325.00</td>
<td>&lt;300 ft</td>
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<td>2430</td>
<td>Rev Enc Prmt Res Drwy</td>
<td>$100.00</td>
<td>each</td>
<td>No Change</td>
<td>$100.00</td>
<td>each</td>
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<td>Rev Enc Prmt Res Utility Service</td>
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<td>No Change</td>
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<td>&lt;100 ft</td>
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<tr>
<td>2432</td>
<td>Rev Enc Prmt Sidewalks</td>
<td>$0.30</td>
<td>per foot &gt;500 ft</td>
<td>No Change</td>
<td>$0.30</td>
<td>per foot &gt;500 ft</td>
<td>WCC 12.16.90</td>
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<td>2433</td>
<td>Rev Enc Prmt Sidewalks</td>
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<td>&lt;500 ft</td>
<td>No Change</td>
<td>$175.00</td>
<td>&lt;500 ft</td>
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<td>2434</td>
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<td>per foot &gt;300 ft</td>
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<td>&lt;50 feet</td>
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<td>50 ft. to 300 feet</td>
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<td>No Change</td>
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<td>per foot &gt;500 ft</td>
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<td>&lt;500 ft</td>
<td>No Change</td>
<td>$225.00</td>
<td>&lt;500 ft</td>
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<td>Rev Enc Prmt Water Utility Installation</td>
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<td>per foot &gt;500 ft</td>
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<td>per foot &gt;500 ft</td>
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<td>$0.15</td>
<td>per linear inch (on longest side)</td>
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<td>2776</td>
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<td>per linear inch (on longest side)</td>
<td>No Change</td>
<td>$0.35</td>
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<td>No Change</td>
<td>$0.25</td>
<td>per page</td>
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<td>per publication</td>
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<td>9009</td>
<td>Long or Short Plat / Planned Unit Development / General or Specific Binding Site Plan Amendment, Alteration, Modification, and/or Vacation Processing</td>
<td>$100.00</td>
<td>per hour - $50 min</td>
<td>No Change</td>
<td>$100.00</td>
<td>per hour - $50 min</td>
<td>WCC 21.04.120, WCC 21.05.110, WCC 21.06.030, WCC 21.07.110, WCC 21.08.040, WCC 21.08.040</td>
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<td>Rev Enc Prmt Res Utility Service</td>
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<td>&lt; 30 ft</td>
<td>No Change</td>
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<td>&lt; 30 ft</td>
<td>WCC 12.16.90</td>
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* Subject to adjustment according to federal law
### Public Works

#### Engineering Admin

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
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<td>No Change</td>
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<td>Notary Service</td>
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<td>per notary signature &amp; seal</td>
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<td>Computer Disk</td>
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<td>each</td>
<td>No Change</td>
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#### Engineering Development

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<th>Description</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tbody>
<tr>
<td>2755</td>
<td>Preliminary Subdivision Application Processing</td>
<td>$1,000.00</td>
<td>per application. See Addendum</td>
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<td>per application. See Addendum</td>
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<td>Short Subdivision Application Processing</td>
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<td>per application. See Addendum</td>
<td>No Change</td>
<td>$2,000.00</td>
<td>per application. See Addendum</td>
<td>WCC 21.01.070</td>
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<tr>
<td>2758</td>
<td>Preliminary Binding Site Plan Application Processing</td>
<td>$1,000.00</td>
<td>per application. See Addendum</td>
<td>No Change</td>
<td>$1,000.00</td>
<td>per application. See Addendum</td>
<td>WCC 21.01.070</td>
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<td>7166</td>
<td>Development Plan Review</td>
<td>$100.00</td>
<td>per hour - $50.00 min. See Addendum</td>
<td>No Change</td>
<td>$100.00</td>
<td>per hour - $50.00 min. See Addendum</td>
<td>WCC20.04.090, 091, 092</td>
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<tr>
<td>7167</td>
<td>Stormwater Management Design Submittal Review</td>
<td>$100.00</td>
<td>per hour, min $50.00</td>
<td>No Change</td>
<td>$100.00</td>
<td>per hour, min $50.00</td>
<td>WCC 20.04.090, 091, 092</td>
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<tr>
<td>7168</td>
<td>Construction/Project Inspection</td>
<td>$100.00</td>
<td>per hour</td>
<td>Change</td>
<td>$100.00</td>
<td>per hour</td>
<td>WCC 12.08 &amp; 12.16.090</td>
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<tr>
<td>7169</td>
<td>Pre-Application Meeting</td>
<td>$100.00</td>
<td>per hour, min $150. Includes: preparation (including file research and site visit); meeting attendance; findings/summary preparation; preliminary site distance evaluation. Excludes: off-site development impact mitigation determination.</td>
<td>Change</td>
<td>$100.00</td>
<td>per hour, min $200. Includes: preparation (including file research and site visit); meeting attendance; findings/summary preparation; preliminary site distance evaluation. Excludes: off-site development impact mitigation determination.</td>
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<td>7170</td>
<td>Trail Permit Determination</td>
<td>$25.00</td>
<td>per project</td>
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<td>per project</td>
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<td>Preliminary Traffic &amp; Concurrency Information Form Review</td>
<td>$75.00</td>
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<td>per hour, min $150</td>
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<tr>
<td>7174</td>
<td>General and/or Specific Binding Site Plan Application Processing</td>
<td>$450.00</td>
<td>per application, plus $100/to/lot. Includes: one original and revision review of ingress/egress and/or stormwater management; construction inspections; two final General and/or Specific Binding Site Plan checkprint reviews; record drawing review.</td>
<td>No Change</td>
<td>$450.00</td>
<td>per application, plus $100/to/lot. Includes: one original and revision review of ingress/egress and/or stormwater management; construction inspections; two final General and/or Specific Binding Site Plan checkprint reviews; record drawing review.</td>
<td>WCC 21.06</td>
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<tr>
<td>7175</td>
<td>Final Subdivision Processing</td>
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<td>per application, plus $100/to/lot. Includes: one original and revision review of ingress/egress and/or stormwater management; construction inspections; two Final Plat checkprint reviews; record drawing review.</td>
<td>No Change</td>
<td>$1,000.00</td>
<td>per application, plus $100/to/lot. Includes: one original and revision review of ingress/egress and/or stormwater management; construction inspections; two Final Plat checkprint reviews; record drawing review.</td>
<td>WCC 21.06</td>
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* Subject to adjustment according to federal law
# Public Works

## Engineering Development

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<td>per original or revision</td>
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<td>8136</td>
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<td>8140</td>
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<td>per hour. See Addendum.</td>
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<td>$50.00</td>
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<td>per security document</td>
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## Ferry & Docks

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<td>2793</td>
<td>Passenger/Pedestrian</td>
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<td>2794</td>
<td>Passenger/Pedestrian - Multiride</td>
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<td>2795</td>
<td>Children under 12 W/P/Parent</td>
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<td>Resident School Children 12-18 years Sept 1 through June 30</td>
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<td>2798</td>
<td>Post-High School Full-time Students</td>
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<td>Lumm. Tribe W/I.D.</td>
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<td>$5.00</td>
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<td>No Change</td>
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<td>1 Round Trip</td>
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<td>2803</td>
<td>Motorcycle W/Rider</td>
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<tr>
<td>2806</td>
<td>Vehicle/W/Rider &lt; 8,001lbs</td>
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<td>1 Round Trip</td>
<td>No Change</td>
<td>$10.00</td>
<td>1 Round Trip</td>
<td>WCC 10.34</td>
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<tr>
<td>2807</td>
<td>Vehicle/W/Rider &lt; 8,001lbs - MultiRide</td>
<td>$72.00</td>
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<td>$72.00</td>
<td>10 Round Trips</td>
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<tr>
<td>2808</td>
<td>Vehicle/W/Rider &lt; 8,001lbs MultiRide</td>
<td>$160.00</td>
<td>25 Round Trips</td>
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<td>25 Round Trips</td>
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<tr>
<td>2809</td>
<td>Needs Based Vehicle/W/Rider (Senior/Disabled/Income)</td>
<td>$36.00</td>
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<td>No Change</td>
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<td>10 Round Trips</td>
<td>WCC 10.34</td>
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<tr>
<td>2810</td>
<td>Vehicle/W/Rider 8,001 - 20,000lbs</td>
<td>$29.00</td>
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<td>No Change</td>
<td>$29.00</td>
<td>1 Round Trip</td>
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<td>2812</td>
<td>Vehicle/W/Rider 8,001 - 20,000lbs</td>
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<td>No Change</td>
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<td>10 Round Trips</td>
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<tr>
<td>2813</td>
<td>Vehicle/W/Rider 20,001 - 36,000lbs</td>
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<td>No Change</td>
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<td>1 Round Trip</td>
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<td>2814</td>
<td>Vehicle/W/Rider 20,001 - 36,000lbs</td>
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<td>$494.00</td>
<td>10 Round Trips</td>
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<tr>
<td>2815</td>
<td>Vehicle/W/Rider 36,001 - 50,000lbs</td>
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<td>No Change</td>
<td>$130.00</td>
<td>1 Round Trip</td>
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<tr>
<td>2816</td>
<td>Vehicle/W/Rider 36,001 - 50,000lbs</td>
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<td>10 Round Trips</td>
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<td>$1,040.00</td>
<td>10 Round Trips</td>
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<tr>
<td>2817</td>
<td>Trailer under 16 feet</td>
<td>$15.00</td>
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<td>No Change</td>
<td>$15.00</td>
<td>1 Round Trip</td>
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<tr>
<td>2818</td>
<td>Trailer 16 - 30 feet</td>
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<td>No Change</td>
<td>$31.00</td>
<td>1 Round Trip</td>
<td>WCC 10.34</td>
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</table>

* Subject to adjustment according to federal law
## Appendix A - 2015 Unified Fee Schedule

### Public Works

#### Ferry & Docks

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tbody>
<tr>
<td>2820</td>
<td>Trailer over 30 feet</td>
<td>$60.00</td>
<td>1 Round Trip</td>
<td>No Change</td>
<td>$60.00</td>
<td>1 Round Trip</td>
<td>Ordinance 2010-054</td>
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<tr>
<td>2821</td>
<td>Over width Vehicle/Trailers &gt; 1 lane - 50% Surcharge</td>
<td>$575.00</td>
<td>Per trip surcharge</td>
<td>No Change</td>
<td>$575.00</td>
<td>Per trip surcharge</td>
<td>Ordinance 2010-054</td>
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<tr>
<td>2823</td>
<td>Per Trip Surchage</td>
<td>$3.00</td>
<td>1 Round Trip</td>
<td>No Change</td>
<td>$3.00</td>
<td>1 Round Trip</td>
<td>Ordinance 2010-054</td>
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#### Flood Control Zone District

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<tr>
<td>2442</td>
<td>Stormwater Review - Prelim. Proposal</td>
<td>$25.00</td>
<td>Per Review</td>
<td>No Change</td>
<td>$25.00</td>
<td>Per Review</td>
<td>Unfd Fee Schdl Ordinance</td>
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<tr>
<td>2443</td>
<td>Stormwater Review - Design Report</td>
<td>$50.00</td>
<td>Per Report</td>
<td>No Change</td>
<td>$50.00</td>
<td>Per Report</td>
<td>Unfd Fee Schdl Ordinance</td>
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<tr>
<td>2726</td>
<td>Flood Code: Variance</td>
<td>$2,500.00</td>
<td>per request</td>
<td>No Change</td>
<td>$2,500.00</td>
<td>per request</td>
<td>Unified Fee Schedule Ordinance</td>
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<td>2727</td>
<td>Flood: Data requests</td>
<td>$100.00</td>
<td>Per Hour</td>
<td>No Change</td>
<td>$100.00</td>
<td>Per Hour</td>
<td>Minimum charge is for 1/2 hour ($50)</td>
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<td>2780</td>
<td>Flood: Flood Review Non Bldg Permit</td>
<td>$50.00</td>
<td>Per review</td>
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<td>Per review</td>
<td>WCC 15, 2003 IRC Section R323</td>
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<tr>
<td>2781</td>
<td>Flood: Flood Building Permits</td>
<td>$100.00</td>
<td>Per Review</td>
<td>No Change</td>
<td>$100.00</td>
<td>Per Review</td>
<td>WCC 15, 2003 IRC Section R323</td>
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<tr>
<td>2788</td>
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<td>4976</td>
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<td>Per Copy</td>
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#### Natural Resources

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<tr>
<td>2832</td>
<td>AIS Inspection Class A Watercraft Annual Sticker</td>
<td>$50.00</td>
<td>per boat</td>
<td>No Change</td>
<td>$50.00</td>
<td>per boat</td>
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<td>2835</td>
<td>AIS Inspection Class A Watercraft Multi-Day Pass</td>
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<td>per boat</td>
<td>Ord 2014 - 020</td>
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<td>2836</td>
<td>AIS Awareness - AIS Inspection Class A Watercraft Annual Sticker</td>
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<td>No Change</td>
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<td>per boat</td>
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<tr>
<td>2837</td>
<td>AIS Inspection Class B Watercraft Annual Sticker</td>
<td>$10.00</td>
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<td>per boat</td>
<td>Ord 2014 - 020</td>
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<td>AIS Awareness - AIS Inspection Class B Watercraft Annual Sticker</td>
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<td>Ord 2014 - 020</td>
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<td>AIS Watercraft Decontamination Fee</td>
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<td>Ord 2014 - 020</td>
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#### Noxious Weed

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<td>Admin. Enforcement Fee</td>
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#### Solid Waste

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<td>2459</td>
<td>Recomp Surchage</td>
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<td>Per Ton</td>
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<td>2460</td>
<td>Recyclables - Birch Bay/Cedarville</td>
<td>$0.03</td>
<td>Per Pound</td>
<td>No Change</td>
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<td>Recyclables - Point Roberts</td>
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<td>Per pound</td>
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<td>$0.05</td>
<td>Per pound</td>
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<tr>
<td>2462</td>
<td>Refrigerators/Freezers - Point Roberts</td>
<td>$50.00</td>
<td>Each</td>
<td>No Change</td>
<td>$50.00</td>
<td>Each</td>
<td>WCC 8.12</td>
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* Subject to adjustment according to federal law

Monday, November 03, 2014
## Appendix A - 2015 Unified Fee Schedule

### Department Fees and Charges

#### Public Works

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<th>UFS#</th>
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<td>Solid Waste - Point Roberts</td>
<td>$0.14</td>
<td>$0.135 Per Pound, $5.50 Minimum</td>
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<td>$0.135 Per Pound, $5.50 Minimum</td>
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<td>2464</td>
<td>Solid Waste Disposal Tax</td>
<td>$8.50</td>
<td>Per Ton</td>
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<td>$8.50</td>
<td>Per Ton</td>
<td>WCC 8.12; Ord 97-041</td>
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<tr>
<td>7149</td>
<td>Propane Tanks - Point Roberts</td>
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<td>per gallon</td>
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<td>per gallon $5.00 minimum</td>
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<tr>
<td>7150</td>
<td>Large Appliances (other than refrigerators/freezers) Pt Roberts</td>
<td>$20.00</td>
<td>each</td>
<td>No Change</td>
<td>$20.00</td>
<td>each</td>
<td>WCC 8.12</td>
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<td>Lead Acid Batteries - Point Roberts</td>
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<td>$1.00</td>
<td>each</td>
<td>WCC 8.12</td>
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<tr>
<td>8198</td>
<td>Computer Monitor Recycle -Point Roberts</td>
<td>$10.00</td>
<td>Per Monitor Surcharge</td>
<td>No Change</td>
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<td>Per Monitor Surcharge Garbage weight disposal fee + $10</td>
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<tr>
<td>8199</td>
<td>Television Recycle -Point Roberts</td>
<td>$1.00</td>
<td>Per Television Surcharge</td>
<td>No Change</td>
<td>$1.00</td>
<td>Per Television Surcharge Garbage weight disposal fee plus $1</td>
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<td>8200</td>
<td>Box type Electronics Recycle -Point Roberts</td>
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<td>Per Electronic Surcharge</td>
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<td>Per Electronic Surcharge Garbage weight disposal fee plus $5</td>
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<td>8201</td>
<td>Miscellaneous Small Electronics Recycle -Point Roberts</td>
<td>By Weight</td>
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<td>By Weight</td>
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<td>8202</td>
<td>Yardwaste Recycling Recycle -Point Roberts</td>
<td>$70.00</td>
<td>Per Ton</td>
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<td>Brush/Branch Recycling -Pt. Roberts</td>
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<td>Per Ton</td>
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<td>Per Ton</td>
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<td>$0.15</td>
<td>Per Pound $5.00 minimum for same visit</td>
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#### Sheriff

### Administration

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tr>
<td>2500</td>
<td>Alarm Assessments</td>
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<td>Per False Alarm</td>
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<td>Per Application</td>
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<td>$85.00</td>
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<td>Per Def</td>
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<td>Each + Auditor's Recording Fee</td>
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<td>Atchtm/Writ Real Property Levy</td>
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<td>Per Hour</td>
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<td>2506</td>
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<td>$15.00</td>
<td>Each</td>
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<td>2507</td>
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<td>Per Def</td>
<td>No Change</td>
<td>$30.00</td>
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<td>Boat Races/Water Event Permit</td>
<td>$7.00</td>
<td>Per Event</td>
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<td>Per Event</td>
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<td>No Change</td>
<td>$100.00</td>
<td>Per Year</td>
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<td>2510</td>
<td>Certification</td>
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<td>$30.00</td>
<td>Each</td>
<td>RCW 36.18.040(1)(c)</td>
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<td>2515</td>
<td>Criminal History Record Check</td>
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<td>No Change</td>
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<td>2516</td>
<td>Dance Licenses With Alcohol</td>
<td>$2.50</td>
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<td>$2.50</td>
<td>Per Event</td>
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<tr>
<td>2517</td>
<td>Dance Licenses With Alcohol</td>
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<td>$17.50</td>
<td>Per Quarter</td>
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<tr>
<td>2518</td>
<td>Dance Licenses With Alcohol</td>
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<td>Per Year</td>
<td>No Change</td>
<td>$50.00</td>
<td>Per Year</td>
<td>WCC 5.16</td>
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</table>

* Subject to adjustment according to federal law
# Appendix A - 2015 Unified Fee Schedule

## Department Fees and Charges

### Sheriff

#### Administration

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tbody>
<tr>
<td>2519</td>
<td>Dance Licenses Without Alcohol</td>
<td>$2.00</td>
<td>Per Event</td>
<td>No Change</td>
<td>$2.00</td>
<td>Per Event</td>
<td>WCC 5.16</td>
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<td>2520</td>
<td>Dance Licenses Without Alcohol</td>
<td>$10.00</td>
<td>Per Quarter</td>
<td>No Change</td>
<td>$10.00</td>
<td>Per Quarter</td>
<td>WCC 5.16</td>
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<tr>
<td>2521</td>
<td>Dance Licenses Without Alcohol</td>
<td>$25.00</td>
<td>Per Year</td>
<td>No Change</td>
<td>$25.00</td>
<td>Per Year</td>
<td>WCC 5.16</td>
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<tr>
<td>2522</td>
<td>Deed Fees</td>
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<td>Each</td>
<td>No Change</td>
<td>$60.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<tr>
<td>2523</td>
<td>Electronic Home Detention</td>
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<td>Per Day</td>
<td>No Change</td>
<td>$15.00</td>
<td>Per Day</td>
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<td>Erotic Dancer's License</td>
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<td>Per License Application</td>
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<td>Per License Application</td>
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<td>Execution Personal Property Bill of Sale</td>
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<td>No Change</td>
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<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<td>2526</td>
<td>Execution Personal Property Condting Sale</td>
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<td>No Change</td>
<td>$50.00</td>
<td>Each Sale</td>
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<tr>
<td>2527</td>
<td>Execution Personal Property Levy</td>
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<td>No Change</td>
<td>$80.00</td>
<td>Per Hour</td>
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<tr>
<td>2528</td>
<td>Execution Personal Property Posting Notice</td>
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<td>No Change</td>
<td>$20.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<td>2529</td>
<td>Execution Personal Property Postpn Notice</td>
<td>$15.00</td>
<td>Each</td>
<td>No Change</td>
<td>$15.00</td>
<td>Each</td>
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<td>2530</td>
<td>Execution Personal Property Return to Court</td>
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<tr>
<td>2531</td>
<td>Execution Personal Property Service</td>
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<td>Per Def</td>
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<td>Execution Real Property Aff. Posting</td>
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<td>Each</td>
<td>No Change</td>
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<td>Each</td>
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<td>2533</td>
<td>Execution Real Property Cert Sale</td>
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<td>Each</td>
<td>No Change</td>
<td>$60.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<tr>
<td>2534</td>
<td>Execution Real Property Condting Sale</td>
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<td>Per Hour</td>
<td>No Change</td>
<td>$50.00</td>
<td>Per Hour</td>
<td>Unified Fee Schedule Ordinance</td>
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<td>2535</td>
<td>Execution Real Property Levy</td>
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<td>Per Hour</td>
<td>No Change</td>
<td>$80.00</td>
<td>Per Hour</td>
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<td>Per Notice</td>
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<td>No Change</td>
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<td>Each</td>
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<td>2538</td>
<td>Execution Real Pty Postpn Notice</td>
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<td>Each</td>
<td>No Change</td>
<td>$20.00</td>
<td>Each</td>
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<td>No Change</td>
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<td>Each</td>
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<td>Fingerprinting (Public)</td>
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<td>No Change</td>
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<td>2541</td>
<td>Fingerprinting (Public)</td>
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<td>No Change</td>
<td>$5.00</td>
<td>Each, additional set beyond first two</td>
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<td>2542</td>
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<td>No Change</td>
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<td>Per Year</td>
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<td>Per Year</td>
<td>No Change</td>
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<td>Per Year</td>
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<td>2544</td>
<td>Habeas Corpus Executing</td>
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<td>$60.00</td>
<td>Per Hour</td>
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<td>2545</td>
<td>Habeas Corpus Return</td>
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<td>Each</td>
<td>No Change</td>
<td>$15.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<td>2546</td>
<td>Habeas Corpus Service</td>
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<td>Each</td>
<td>No Change</td>
<td>$30.00</td>
<td>Each</td>
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<tr>
<td>2549</td>
<td>Insurance Reports</td>
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<td>Per Report</td>
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<td>Per Report</td>
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<td>Redemption Service</td>
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<td>No Change</td>
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<td>Each</td>
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<td>2559</td>
<td>Junk, Second hand, and Pawn Dealers</td>
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<td>No Change</td>
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<td>Per Year</td>
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<td>No Change</td>
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<td>Per Year</td>
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<tr>
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<td>No Change</td>
<td>$30.00</td>
<td>Each</td>
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<td>No Change</td>
<td>$15.00</td>
<td>Each</td>
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<tr>
<td>2563</td>
<td>Srvc of Civil Process: Two Def</td>
<td>$35.00</td>
<td>Each</td>
<td>No Change</td>
<td>$35.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
</tr>
</tbody>
</table>

* Subject to adjustment according to federal law
# Appendix A - 2015 Unified Fee Schedule

## Sheriff

### Administration

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<td>Each</td>
<td>No Change</td>
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<td>Each</td>
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<td>Svc of Civil Process:Notary</td>
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<td>No Change</td>
<td>$10.00</td>
<td>Each</td>
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</tr>
<tr>
<td>2566</td>
<td>Subpoena Return</td>
<td>$15.00</td>
<td>Each</td>
<td>No Change</td>
<td>$15.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<tr>
<td>2567</td>
<td>Subpoena Service</td>
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<td>Each</td>
<td>No Change</td>
<td>$35.00</td>
<td>Each</td>
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<td>2568</td>
<td>Urinalysis, Initial</td>
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<td>Each, Initial</td>
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<td>Warrants Return</td>
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<td>Each</td>
<td>No Change</td>
<td>$15.00</td>
<td>Each</td>
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<td>2570</td>
<td>Warrants Service</td>
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<td>Each</td>
<td>No Change</td>
<td>$60.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<tr>
<td>2574</td>
<td>Writ Garnishment Return Ct</td>
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<td>$15.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<td>Writ Garnishment Service</td>
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<td>No Change</td>
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<td>Each</td>
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<td>Writ Replevin Affidavit Service</td>
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<td>$30.00</td>
<td>Each</td>
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<td>2577</td>
<td>Writ Replevin Levy</td>
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<td>Per Hour</td>
<td>No Change</td>
<td>$60.00</td>
<td>Per Hour</td>
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<td>Writ Replevin Return Ct</td>
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<td>Each</td>
<td>No Change</td>
<td>$15.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<td>Writ Replevin Service One Def</td>
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<td>Each</td>
<td>No Change</td>
<td>$25.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
</tr>
<tr>
<td>2580</td>
<td>Writ Replevin Service Two Def</td>
<td>$30.00</td>
<td>Each</td>
<td>No Change</td>
<td>$30.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
</tr>
<tr>
<td>2581</td>
<td>Writ Restitution Assistance</td>
<td>$60.00</td>
<td>Per Hour After First Hour</td>
<td>No Change</td>
<td>$60.00</td>
<td>Per Hour After First Hour</td>
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<tr>
<td>2582</td>
<td>Writ Restitution Return Ct</td>
<td>$15.00</td>
<td>Each</td>
<td>No Change</td>
<td>$15.00</td>
<td>Each</td>
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<tr>
<td>2583</td>
<td>Writ Restitution Service With Assistance</td>
<td>$70.00</td>
<td>First Hour</td>
<td>No Change</td>
<td>$70.00</td>
<td>First Hour</td>
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<tr>
<td>2584</td>
<td>Writ Restitution Service Without Assistance</td>
<td>$50.00</td>
<td>Each</td>
<td>No Change</td>
<td>$50.00</td>
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<tr>
<td>2586</td>
<td>CERT Program Fee</td>
<td>$50.00</td>
<td>Per Student</td>
<td>No Change</td>
<td>$50.00</td>
<td>Per Student</td>
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<tr>
<td>2790</td>
<td>Urinalysis, Additional</td>
<td>$10.00</td>
<td>Each, after initial</td>
<td>No Change</td>
<td>$10.00</td>
<td>Each, after initial</td>
<td>Unified Fee Schedule Ordinance</td>
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<tr>
<td>7153</td>
<td>Mileage For Service of Process and Execution of Court Orders</td>
<td>$0.58 per mile</td>
<td>No Change</td>
<td>$0.58 per mile</td>
<td>$12.00 minimum</td>
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<tr>
<td>7154</td>
<td>Execution Real Property/Certificate of Redemption</td>
<td>$60.00</td>
<td>Each</td>
<td>No Change</td>
<td>$60.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<tr>
<td>7155</td>
<td>Execution Real Property Filing with Auditor</td>
<td>$25.00</td>
<td>Each</td>
<td>No Change</td>
<td>$25.00</td>
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<tr>
<td>7156</td>
<td>Execution Real Property Service</td>
<td>$30.00</td>
<td>Per Def</td>
<td>No Change</td>
<td>$30.00</td>
<td>Per Def</td>
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<tr>
<td>7157</td>
<td>Execution of Civil Process Where Sheriff Deems More Than One Person Required</td>
<td>$60.00</td>
<td>Per Hour Per Person</td>
<td>No Change</td>
<td>$60.00</td>
<td>Per Hour Per Person</td>
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<tr>
<td>7158</td>
<td>Service Any Other Document and Supporting Papers For Which No Other Fees Provided</td>
<td>$30.00</td>
<td>Each</td>
<td>No Change</td>
<td>$30.00</td>
<td>Each</td>
<td>Unified Fee Schedule Ordinance</td>
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<tr>
<td>7159</td>
<td>Reproduction Audio, Visual or Photographic Material, to Include Magnetic Microfiling</td>
<td>Actual Cost</td>
<td>No Change</td>
<td>Actual Cost</td>
<td>Unified Fee Schedule Ordinance</td>
<td></td>
<td></td>
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<tr>
<td>7160</td>
<td>For Mailing Required by Statute (regular, certified or registered)</td>
<td>Actual Cost of Postage</td>
<td>No Change</td>
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<tr>
<td>7161</td>
<td>Copies of Papers When Sufficient Copies Not Furnished</td>
<td>$2.00 First Page</td>
<td>No Change</td>
<td>$2.00 First Page</td>
<td>$1.00 Each Addl Page</td>
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<td>8213</td>
<td>CD/DVD of Digital Photos</td>
<td>$5.00</td>
<td>Each CD/DVD</td>
<td>No Change</td>
<td>$5.00</td>
<td>Each CD/DVD</td>
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### Operations

* Subject to adjustment according to federal law

Monday, November 03, 2014

Page 36 of 37
### Sheriff

<table>
<thead>
<tr>
<th>UFS#</th>
<th>Description</th>
<th>2014 Rate</th>
<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tr>
<td>8437</td>
<td>Reimbursable Overtime</td>
<td>$73.00</td>
<td>Per Hour</td>
<td>No Change</td>
<td>$73.00</td>
<td>Per Hour</td>
<td>Inc'd from $65 to $70 1/1/13 &amp; $70 to $73 1/1/14</td>
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#### Superior Court

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<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tr>
<td>2659</td>
<td>Facilitator Surcharge</td>
<td>$20.00</td>
<td>Per Title 26 Case</td>
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<td>$20.00</td>
<td>Per Title 26 Case</td>
<td>RCW 26.12.240 &amp; 36.18.016(16)</td>
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<td>2663</td>
<td>Marriage License Surcharge</td>
<td>$8.00</td>
<td>Per License</td>
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<td>Per License</td>
<td>RCW 26.12.220</td>
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<td>2664</td>
<td>Marriage License Surcharge</td>
<td>$15.00</td>
<td>Per License</td>
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<td>$15.00</td>
<td>Per License</td>
<td>RCW 26.04.160</td>
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<td>2670</td>
<td>Search Fee</td>
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<td>No Change</td>
<td>$20.00</td>
<td>Per Hour</td>
<td>RCW 36.18.016(11)</td>
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<td>2786</td>
<td>Faulty Documents</td>
<td>$15.00</td>
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<td>Per Document</td>
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<td>7164</td>
<td>Courthouse Facilitator User Fee -</td>
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<td>per consultation</td>
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<td>$20.00</td>
<td>per consultation</td>
<td>RCW 26.12.240</td>
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<td></td>
<td>Scheduled Appointment</td>
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#### Treasurer

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<tr>
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<th>Description</th>
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<th>Rate Basis</th>
<th>Change or New</th>
<th>2015 Rate</th>
<th>Rate Basis</th>
<th>Authorization</th>
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<tr>
<td>2704</td>
<td>Computer Reports</td>
<td>$0.15</td>
<td>Per Sheet of Paper</td>
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<td>$0.15</td>
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<td>2706</td>
<td>County Owned Property Bid Application Fee</td>
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<td>Per Parcel</td>
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<td>Duplicate Statement Fee</td>
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<td>Per Statement</td>
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<tr>
<td>2709</td>
<td>Electronic Transfer Fees</td>
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<td>Actual Cost</td>
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<tr>
<td>2716</td>
<td>Postage Costs &amp; Fees</td>
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<td>Actual Cost</td>
<td>No Change</td>
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<td>Actual Cost</td>
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<td>2719</td>
<td>Segregation of Special Assessments</td>
<td>$3.00</td>
<td>Each Tract</td>
<td>No Change</td>
<td>$3.00</td>
<td>Each Tract</td>
<td>WCC 3.52</td>
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<td>2722</td>
<td>Warrant/Check Reissuance (only if not caused by an error of the county)</td>
<td>$15.00</td>
<td>Per Check</td>
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<td>Per Check</td>
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<td>$10.00</td>
<td>Per statement</td>
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<tr>
<td>7152</td>
<td>Currency &amp; Coin Verification</td>
<td>$100.00</td>
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<td>No Change</td>
<td>$100.00</td>
<td>Per Hour</td>
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<tr>
<td>8011</td>
<td>Tax Roll Subscription</td>
<td>$350.00</td>
<td>Per Subscription</td>
<td>No Change</td>
<td>$350.00</td>
<td>Per Subscription</td>
<td>Unified Fee Schedule Ordinance</td>
<td></td>
</tr>
</tbody>
</table>

* Subject to adjustment according to federal law
WHATCOM COUNTY PLANNING & DEVELOPMENT SERVICES
BUILDING SERVICES DIVISION

2015 UNIFIED FEE SCHEDULE POLICY

The Unified Fee Schedule Policy is a supplemental extension of the Unified Fee Schedule (UFS) and shall be adopted by Whatcom County as an integral part of, and not separate from, the UFS. The UFS Policy is a practical mechanism intended to provide additional information and clarification regarding individual fees and any of their associated details and foundation.

DEFINITIONS:

Certificate of Occupancy – As defined and required per the current adopted editions of the International Building Code (IBC), Section 111 and the International Residential Code (IRC), Section R110.

Outside Plan Review – A discretionary program available through the Whatcom County Building Services Division, which allows an approved private service provider to perform the plan check/review phase of the permit application review process.

Pre-application Review – A program available to applicants with large and/or complicated project proposals. The program allows the applicant to submit approved preliminary information, which is then pre-reviewed by appropriate staff. The applicants and their consultants then attend a scheduled meeting where information related to their project and pending application submittal is exchanged and discussed.

Project Valuation – A square foot value established for a respective portion of a building according to its proposed use. See UFS Policy, Addendum A. All applicable values are tabulated to determine one total project valuation. The total project valuation is then used to determine the applicable Building Permit Fee according to UFS #8412 through #8420 and Plan Check Fee according to UFS #8243.

Repeat Plan – A set of plans for a specific building, which the applicant intends to build multiple times, with no or substantially minor changes, and under the same design criteria. The plans and related information are submitted for review and Repeat Plan File Setup prior to application for a permit to construct the specific building on a given site. See UFS Policy, Building Services Division, Repeat Plan Permit Applications, Addendum C.
Reuse Plan – A set of plans for a specific building for which the applicant has already received a building permit. Now the applicant intends to build the same building again, with no or substantially minor changes, and under the same design criteria. Clearly legible copies of the reviewed/approved plans and related information are submitted for application to build the same building on a new site. See UFS Policy, Building Services Division, Code Interpretation #2002-01, Addendum D.

Unified Fee Schedule (UFS) – The schedule format document approved by the governing authority of Whatcom County, which lists and categorizes all fees the County is authorized to charge for the services it is mandated to provide.

GENERAL POLICY:

The establishment and assessment of fees is per Whatcom County as the governing authority and per the code editions published by the International Code Council and currently adopted by Whatcom County, with particular reference to the code sections related to fees (example: 2012 IBC Section 109).

Fees shall be collected for any nonexempt work (IBC Section 105.2) commenced without first obtaining a permit and/or for work by Whatcom County staff related to a permit application or to a project, whether or not a permit is then or subsequently issued.

SPECIFIC POLICIES:

1. #8379 Building Permits Repeat Plan File Setup  
   Rate Basis: 65% of Building Permit (UFS #8412 through 8420).

   Repeat Plan File Setup is a substantially similar process to typical plan submittal and plan check review. It involves all the same processes, which are intended to be compensated through the Plan Check Fee (UFS #8243). The Plan Check Fee is 65% of Building Permits (UFS #8412 through 8420), respective to project valuation. See UFS Policy, Building Services Division, Construction Fee Schedule, Addendum A (residential/accessory) or Square Foot Construction Costs, Addendum B (commercial) for project valuation and Repeat Plan Permit Applications, Addendum C, for a basic explanation of the repeat plan file setup program.

2. #8381 Building Permits: Commercial  
   Rate Basis: Per UFS Building Permit Fee, #8412 thru 8420 according to in-house calculation of valuation or approved bid documentation, and Plan Check Fee, #8243.
Project valuation to establish permit fees for commercial projects is derived from the Square Foot Construction Costs table, listed and updated approximately biannually, in the Building Safety Journal published by the International Code Council. See UFS Policy, Building Services Division, Square Foot Construction Costs example, Addendum B. Applicants have complained on occasion that their projects don’t fit the table and can be completed for less than the value established by the table. There is some case-by-case merit to this argument. The table is somewhat general and does not adequately address certain specific types of projects. IBC Section 109.3 allows the Building Official to accept detailed estimates to establish valuation. The estimate documentation must meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

3. #8382 Building Permit: Reinstatement
Rate Basis: 50% of original Building Permit Fee (UFS #8412 thru 8420) within 12 months of issuance and no code change.

The rate amount is based on the language in the 1997 Uniform Building Code (UBC), Section 106.4.4, except that the Building Official has determined that the fee shall be one half (50%) of the original Building Permit Fee per the current UFS #8412 thru 8420. No changes shall have been made or will be made in the original plans and specification for such work, and provided that suspension or abandonment has not exceeded one year (12 months), and further provided that there has been no change in the applicable adopted code editions. The policy assumes all work to be inspected is accessible and includes an average of one reinspection per inspection category. Under the terms of the policy, as described herein, this includes the service through final inspection and issuance of a certificate of occupancy.

4. #8383 Building Permit: Work Started Without a Permit
Rate Basis: UFS Building Permit Fee (#8412 thru 8420) multiplied by two.

The rate amount is based on the language in the 1997 UBC, Section 107.5.2, except that the Building Official has determined that the investigation fee shall be equal to the amount of the Building Permit Fee, UFS #8412 thru 8420. The purpose and intent of the fee is to recover some of the miscellaneous extra staff costs related to the enforcement actions associated with such issues. The investigation fee, in addition to the permit fee, shall be collectable, whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the current adopted codes nor from any penalty prescribed by law.
5. #8384 Building Permit: Repeat/Reuse Application  
Rate Basis: 50% less than the original Plan Check Fee, per UFS #8243.  
The discounted rate applies to 1.) Applications made on projects that have  
completed the Repeat Plan File Setup process, see UFS Policy, item #1  
previous, or 2.) Reuse applications that meet the criteria per Building  
Services Division, Code Interpretation #2002-01, included in this Policy as  
Addendum D. The intent of the discount is to more accurately reflect the  
cost of providing the service, including not charging applicants for work not  
preformed. While some related administrative and follow-up staff time is  
required for such applications, little or no additional plan review is  
required.

6. #8388 Fire: Administrative/Miscellaneous Review -Residential  
Rate Basis: $55.00 per review  
This fee is to more accurately reflect the cost of providing this service and  
recover Fire Marshal staff time not previously charged. The fee is for  
review of administrative, discretionary and similar types or applications,  
such as subdivision, conditional use, variances, cottage industries and the  
like.

7. A. #8366 Construction Permit: Pre-application Review  
Rate Basis: $525.00 base plus $110.00 per hour after the first 1.5 hours.  
In general, Pre-application Review meetings are limited to a maximum 1.5  
hours (90 minutes) and are scheduled accordingly. Historically, this  
pattern has been sufficient with minor exceptions where individual staff  
members agree to follow up with applicants at a later time for issues which  
require additional research. On rare occasions, a complicated project or  
complicated issue related to a project warrants a longer meeting or  
extensive additional research by one or more staff members. Such issues  
may not have been anticipated by the applicant or may have been  
unanticipated by staff due to inaccurate or incomplete information. The  
inclusion of an hourly rate, in addition to the base fee, allows staff some  
flexibility in extending a meeting when conditions allow or to continue  
additional research. It provides a mechanism for recovering some service  
costs for such unanticipated additional work. Neither the base fee nor the  
hourly rate is intended to recover all such cost for this service.

B. #8422 Construction Permit: Reduced Pre-application Review  
Rate Basis: $250.00 base plus $110.00 per hour after the first 1.5 hours.  
Pre-application meetings at a reduced rate basis are reserved for  
commercial projects and, to a lesser degree, residential and/or accessory  
projects that have chosen to or have been required to go through a
discretionary permit review. Discretionary permit applications are generally expensive. They receive staff review and comment and usually include conditions of approval. However, the review, comments and conditions are typically general in nature, since the information provided for review is typically preliminary in scope at the discretionary review phase. Through experience, staff has learned that certain types of projects benefit from additional and more detailed preliminary review typical of pre-application meetings, including the opportunity to ask and answer questions specific to the project. Such projects are often complicated in scope, involve inexperienced or volunteer applicants, involve multiple natural resource issues or combination of these and other factors. Because significant expense and review has already occurred, these meetings involve a reduced number of staff participants, thus the reduced rate basis.

8. #8373 Outside Plan Review
Rate Basis: Less 25% of Building Permit Plan Check Fee, UFS #8243, according to the conditions of the Unified Fee Schedule Policy.

Whatcom County’s work load, as it relates to building permit applications, has historically been subject to fluctuations of undetermined duration due to uncontrollable forces, such as seasonal or weather related, economic, regulatory changes and the like. Such forces may occur simultaneously or overlap and may occasionally be severe. Whatcom County, like other jurisdictions, has limited resources and options to respond to such fluctuations in a timely manner. Workload backlogs occur as a result. Outside Plan Review has been successfully utilized by Whatcom County as one mechanism to respond to work load backlogs. However, because the private plans examiner who performs the outside plan review is paid by the applicant, there is potential for issues related to conflict-of-interest and the Public Service Inspector must be extra vigilant when performing inspections on these projects. In addition, the private plans examiner is not as accessible as County staff when problems or question arise. Therefore, it is recognized, potentially, as less than optimal.

Outside Plan Review (OSR) will be available to applicants as an option. However, the Building Official has latitude whether to maintain the availability of this option. The applicant must request OSR at the time of the application submittal appointment. The application file will be “marked” OSR at that time. However, marking the file is no guarantee, implied or otherwise, that the specific project application or any given project application will be eligible for OSR. Marked application files will only be routed to OSR if the internal backlog for plan review exceeds the timeline goal of the Building Services Division. It is the goal of the Division to review each plan within a four week or less time frame, starting from the date that the application is determined to be complete and ready for plan
review. The time frame goal may be subject to adjustment or modification according to work load, operation and/or management needs of the Building Services Division. The plan review phase is typically the last major review before the application is approved for permit issuance, usually followed only by final review. All other required reviews applicable to the project must be completed before an application will be routed to OSR unless approved otherwise by the Building Official.

The intent of the discount is to more accurately reflect the cost of providing the service, including not charging applicants for work not performed. The OSR program requires more administrative and follow-up staff time than the Repeat/Reuse Application program, but there is still little or no additional plan review required.

9. #8349 Plumbing: Complex Systems; #9010 Mechanical Code: Complex Systems; #8408 Mechanical Code: Commercial or Type I Hood Rate Basis: UFS Building Permit Fee (#8412 thru #8420) and Plan Check Fee (#8243)

The Building Services Division reserves the flexibility to base fees for complex plumbing systems, complex mechanical systems, or commercial/type I hoods on the valuation of the project instead of the typical per-appliance provisions currently in the Unified Fee Schedule. It is increasingly common for new innovative solutions to residential, commercial and industrial plumbing and mechanical problems to involve complex, integrated systems utilizing multiple appliances. Two possible examples are an integrated solar and geothermal residential heating system or an industrial grade flash freezing system for a berry processing plant. Both systems are easily described as complex and do not fit the usual review and inspection mode. Commercial/Type I hoods qualify as complex since they include integrated systems and detailed code requirements. They typically require extensive plan review, communication with consultants, multiple site inspections and, in some cases, extensive testing protocols developed by licensed design professionals.

Reviewed and Approved:

J.E. Ryan, Director
Planning & Development Services
Dated: 10-29-14

Wain Harrison, Manager
Building Services Division
Dated: 10-29-14
# UNIFIED FEE SCHEDULE POLICY
## BUILDING SERVICES DIVISION

## ADDENDUM A

PLANNING & DEVELOPMENT SERVICES
BUILDING SERVICES DIVISION
CONSTRUCTION FEE SCHEDULE ADDENDUM
(Revised July, 2014)

<table>
<thead>
<tr>
<th>TYPE OF CONSTRUCTION</th>
<th>VALUE PER SQUARE FOOT</th>
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<tbody>
<tr>
<td>SINGLE FAMILY RESIDENCE:</td>
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<tr>
<td>Living Space - All Floors</td>
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<tr>
<td>Remodel/Renovation (whichever is less)</td>
<td>Valuation per approved bid documentation or $55.00</td>
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<tr>
<td>Bonus Room - upper floor/open frm/unfinshd</td>
<td>$44.00</td>
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<td>Basement - open frame/unfinished</td>
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<td>GARAGE:</td>
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<td>Attached/Detached with insulation &amp; drywall</td>
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<td>Detached, interior frame exposed</td>
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<td>CARPORT</td>
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<td>COVERED PORCH/DECK</td>
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<td>UNCOVERED PORCH/DECK</td>
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<td>ACCESSORY/AGRICULTURAL STORAGE:</td>
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<tr>
<td>Commercial, soft skin</td>
<td>$16.00</td>
</tr>
<tr>
<td>Commercial, hard skin</td>
<td>(per current UFS Addendum B)</td>
</tr>
<tr>
<td>Residential, soft skin</td>
<td>$16.00</td>
</tr>
<tr>
<td>Residential, hard skin</td>
<td>$33.00</td>
</tr>
<tr>
<td>MISC. CONSTRUCTION/DOCKS, ETC.:</td>
<td></td>
</tr>
<tr>
<td>Fresh Water</td>
<td>Salt Water</td>
</tr>
<tr>
<td>Floating Docks</td>
<td>$16.00</td>
</tr>
<tr>
<td>Piling Supported Docks</td>
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</tr>
<tr>
<td>Ramps</td>
<td>$16.00</td>
</tr>
<tr>
<td>Individual Piles</td>
<td>$220.00</td>
</tr>
<tr>
<td>MISC. CONSTRUCTION/ADDITIONS</td>
<td></td>
</tr>
<tr>
<td>Sun Room</td>
<td>$66.00</td>
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<tr>
<td>Retaining Walls (per square foot)</td>
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<tr>
<td>Foundations (per linear foot)</td>
<td>$110.00</td>
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<td>MOBILE HOMES INSTALLATION:</td>
<td></td>
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<tr>
<td>Mobile Home Plan Review Fee</td>
<td>$110.00</td>
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<td>Single Wide (in Mobile Park) (per story)</td>
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<tr>
<td>Single Wide (on Residential Lot) (per story)</td>
<td>$365.00</td>
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<tr>
<td>Double Wide (in Mobile Park) (per story)</td>
<td>$440.00</td>
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<tr>
<td>Double Wide (on Residential Lot) (per story)</td>
<td>$550.00</td>
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<tr>
<td>Triple Wide (in Mobile Park) (per story)</td>
<td>$650.00</td>
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<tr>
<td>Triple Wide (on Residential Lot) (per story)</td>
<td>$680.00</td>
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<tr>
<td>Quadruple Wide (in Mobile Park) (per story)</td>
<td>$770.00</td>
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<tr>
<td>Quadruple Wide (on Residential Lot) (per story)</td>
<td>$940.00</td>
</tr>
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</table>
# Unified Fee Schedule Policy

## Building Services Division

### Addendum B (Sample Table)

#### Square Foot Construction Costs

<table>
<thead>
<tr>
<th>Group (2012 International Building Code)</th>
<th>IA</th>
<th>IB</th>
<th>IC</th>
<th>ID</th>
<th>IE</th>
<th>IF</th>
<th>IIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 Assembly, theaters, with stage</td>
<td>224.49</td>
<td>217.12</td>
<td>211.82</td>
<td>202.96</td>
<td>190.53</td>
<td>185.33</td>
<td>198.14</td>
</tr>
<tr>
<td>A-1 Assembly, theaters, without stage</td>
<td>205.71</td>
<td>198.34</td>
<td>193.04</td>
<td>184.18</td>
<td>172.15</td>
<td>166.65</td>
<td>177.38</td>
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<tr>
<td>A-2 Assembly, nightclubs</td>
<td>177.15</td>
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<td>187.31</td>
<td>160.56</td>
<td>150.83</td>
<td>146.74</td>
<td>154.84</td>
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<tr>
<td>A-2 Assembly, restaurants, bars, banquet halls</td>
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<td>171.12</td>
<td>166.31</td>
<td>159.56</td>
<td>149.83</td>
<td>145.74</td>
<td>153.65</td>
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<td>A-3 Assembly, churches</td>
<td>207.73</td>
<td>202.36</td>
<td>196.06</td>
<td>186.20</td>
<td>174.41</td>
<td>168.91</td>
<td>179.38</td>
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<tr>
<td>A-3 Assembly, general, community halls, libraries, museums</td>
<td>173.35</td>
<td>185.99</td>
<td>159.69</td>
<td>151.83</td>
<td>138.90</td>
<td>134.40</td>
<td>145.01</td>
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<tr>
<td>A-4 Assembly, arenas</td>
<td>204.71</td>
<td>197.34</td>
<td>191.04</td>
<td>193.18</td>
<td>170.15</td>
<td>166.85</td>
<td>176.38</td>
</tr>
<tr>
<td>B Business</td>
<td>199.20</td>
<td>197.71</td>
<td>185.99</td>
<td>185.70</td>
<td>144.93</td>
<td>139.20</td>
<td>152.43</td>
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<tr>
<td>E Educational</td>
<td>192.11</td>
<td>185.49</td>
<td>180.05</td>
<td>171.90</td>
<td>160.09</td>
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<td>165.97</td>
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<tr>
<td>F-1 Factory and industrial, moderate hazard</td>
<td>108.42</td>
<td>103.32</td>
<td>97.18</td>
<td>93.38</td>
<td>83.24</td>
<td>79.62</td>
<td>89.22</td>
</tr>
<tr>
<td>F-2 Factory and industrial, low hazard</td>
<td>107.42</td>
<td>102.32</td>
<td>97.18</td>
<td>93.38</td>
<td>83.24</td>
<td>79.62</td>
<td>89.22</td>
</tr>
<tr>
<td>H-1 High Hazard, explosives</td>
<td>101.53</td>
<td>96.44</td>
<td>91.29</td>
<td>86.49</td>
<td>77.57</td>
<td>72.95</td>
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<tr>
<td>H2-34 High Hazard</td>
<td>101.53</td>
<td>96.44</td>
<td>91.29</td>
<td>86.49</td>
<td>77.57</td>
<td>72.95</td>
<td>82.34</td>
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<tr>
<td>H-5 HPJ</td>
<td>173.76</td>
<td>171.50</td>
<td>166.52</td>
<td>159.69</td>
<td>144.93</td>
<td>139.20</td>
<td>152.43</td>
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<td>I-1 Institutional, supervised environment</td>
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<td>166.52</td>
<td>159.45</td>
<td>146.31</td>
<td>142.45</td>
<td>159.13</td>
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<tr>
<td>I-2 Institutional, hospitals</td>
<td>302.44</td>
<td>296.85</td>
<td>290.11</td>
<td>281.84</td>
<td>266.80</td>
<td>N.P.</td>
<td>275.58</td>
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<tr>
<td>I-2 Institutional, nursing homes</td>
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<td>202.79</td>
<td>197.05</td>
<td>186.78</td>
<td>175.72</td>
<td>N.P.</td>
<td>182.52</td>
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<tr>
<td>I-3 Institutional, restrained</td>
<td>204.27</td>
<td>197.88</td>
<td>191.94</td>
<td>183.87</td>
<td>171.10</td>
<td>161.68</td>
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<tr>
<td>I-4 Institutional, day care facilities</td>
<td>177.76</td>
<td>171.50</td>
<td>166.52</td>
<td>159.45</td>
<td>146.31</td>
<td>142.45</td>
<td>159.13</td>
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<tr>
<td>M Mercantile</td>
<td>132.64</td>
<td>127.01</td>
<td>121.20</td>
<td>115.47</td>
<td>105.47</td>
<td>102.39</td>
<td>109.54</td>
</tr>
<tr>
<td>R-1 Residential, hotels</td>
<td>179.14</td>
<td>172.89</td>
<td>167.90</td>
<td>160.83</td>
<td>147.95</td>
<td>144.10</td>
<td>160.52</td>
</tr>
<tr>
<td>R-2 Residential, multiple family</td>
<td>150.25</td>
<td>143.99</td>
<td>139.01</td>
<td>131.94</td>
<td>119.77</td>
<td>115.91</td>
<td>131.62</td>
</tr>
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<td>R-3 Residential, one- and two-family</td>
<td>141.80</td>
<td>137.90</td>
<td>134.46</td>
<td>131.00</td>
<td>125.88</td>
<td>122.71</td>
<td>128.29</td>
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<tr>
<td>R-4 Residential, care/assisted living facilities</td>
<td>177.78</td>
<td>171.50</td>
<td>166.52</td>
<td>159.45</td>
<td>146.31</td>
<td>142.45</td>
<td>159.13</td>
</tr>
<tr>
<td>S-1 Storage, moderate hazard</td>
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<td>95.44</td>
<td>89.29</td>
<td>85.49</td>
<td>75.57</td>
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<td>S-2 Storage, low hazard</td>
<td>99.53</td>
<td>94.44</td>
<td>88.29</td>
<td>84.49</td>
<td>75.57</td>
<td>70.95</td>
<td>80.34</td>
</tr>
<tr>
<td>U Utility, miscellaneous</td>
<td>75.19</td>
<td>71.22</td>
<td>66.78</td>
<td>63.37</td>
<td>58.99</td>
<td>53.22</td>
<td>58.41</td>
</tr>
</tbody>
</table>

**Steel stud rental storage bdgs./steel strg containers, S-1 occupancy, Type 11-B construction: $85.49 x 0.5685=$48.60

a. Private Garages use Utility, miscellaneous
b. Unfinished basements (all use group) = $15.00 per sq. ft.
c. For shall only buildings deduct 20 percent
d. N.P. = not permitted

(Note: Building Safety Journal Square Foot Construction Costs table in effect at time of submittal of 2015-2016 UFS Schedule, January-February 2014, and including an internally adjusted fee for S-1, Type II-B, steel frame or steel stud rental storage buildings and steel storage container structures. The most current available table will be referenced)
ADDENDUM C

REPEAT PLAN PERMIT APPLICATIONS

Thank you for participating in our Repeat Plan Permit program. The intent of this program is to substantially reduce the time necessary to obtain a building permit by eliminating the waiting period in plan review. Since your plans are "pre-approved", they will not be required to go through the normal plan review process (they're already approved!). To help expedite your permit you will need to supply sufficient information for all departments to perform their reviews.

INITIAL REPEAT PLAN APPLICATION

1. Make appointment with a Plans Examiner to submit Repeat Plans.

2. Bring 2 complete sets of plans including floor plans and elevations, energy compliance forms and engineering (if required) to appointment.

3. A file will be set up for your Repeat Permit. Every effort will be made to review repeat plans and related information within two weeks of the date submitted.

4. You will be notified by a Plans Examiner when the repeat plans are ready to pick up. The balance of the plan review fee will be paid at this time.

5. You will receive two sets of approved plans, energy compliance forms, and engineering (if required). You will also receive a partially completed permit application form, which is part of your repeat permit.

PULLING PERMIT APPLICATIONS OFF REPEAT PLANS

When you are ready to pull a permit from your pre-approved repeat plans, you will need to bring the following information to your application appointment:

1. Photocopy of your partially completed repeat permit application form. You will need to fill in the site-specific information at the top of the application (parcel number, site address, etc.) and sign the bottom of the application.

2. Two complete copies of your pre-approved repeat plans with all plan review comments and corrections.

3. Two copies of your pre-approved energy compliance forms and engineering calculations (if required).
4. Other applicable documents normally required to apply for a building permit. (See the checklist of required information in the Residential Structures application packet.)

All other departmental reviews such as zoning, land disturbance, and Health Dept. will be completed prior to permit issuance.

Your construction plans are valid for sites meeting design criteria indicated on plans (i.e. 25 psf snow load region, 1500 psf assumed soil bearing capacity, etc.). If your proposed site conditions do not meet design criteria indicated on plans, plans will not be valid and additional review by this department will be required. Fees are required for additional review.

Your repeat plans are valid until the next applicable code changes. At that time, if you wish to re-instate your repeat permit, a supplementary plan review and additional fees ($110.00 minimum) will be required.
UNIFIED FEE SCHEDULE POLICY
BUILDING SERVICES DIVISION

ADDENDUM D

CODE INTERPRETATIONS

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES
BUILDING SERVICES DIVISION

NUMBER: 2002-01
EFFECTIVE DATE: 2/15/02
REVISION DATE: 11/1/07

SUBJECT: Conditions of discounted plan review fee for Reuse Plans.


SUBMITTED BY: Wain Harrison

APPROVED BY: J.E. "Sam" Ryan

STATEMENT OF INTERPRETATION:

Whatcom County Building Services Division will discount 50% of the plan review fee for specific individual permit applications on a case-by-case basis, subject to the Building Official’s discretion. A review fee discount will apply for reuse residential plans, based on the current adopted Unified Fee Schedule, subject to the following conditions:

1. The plan in question must have been previously reviewed by Building Services within one year of the date of the current application for the reuse plan submittal.

2. The applicant must provide the most recent previous permit number associated with the reuse plan; submit two clear, legible copies of the previously reviewed plan drawings with all the Plan Examiner notes, conditions and labels visible; provide copies of all relevant documents, such as engineer calculations, energy code forms, truss layout/engineering and the like.
3. The current application for the reuse plan submittal shall have no more than minor nonstructural changes with no alterations or expansion of the original building footprint. All changes must be clearly indicated on the plan drawings.

4. Engineered reuse plans must be accompanied by a letter from the engineer of record approving the use of the engineering for the specific plans at the new proposed building site. Any proposed changes to the plan drawings, minor or otherwise, must be reviewed and approved in writing by the engineer of record. The written documentation must be stamped and signed by the engineer.

Any applications submitted, which do not meet all of the above applicable conditions, will not be considered a reuse plan submittal. The application will be subject to the full plan review fee, based on the current adopted Unified Fee Schedule.
Appendix C

Unified Fee Schedule Addenda

UFS No 2755 Addendum
Includes: one Preliminary Traffic and Concurrency Information Form review, one Preliminary Stormwater Proposal Form review, one TRC meeting attendance, one development impact mitigation determination; original Staff Report preparation, one Public Hearing attendance; two Traffic Impact Analysis submittal reviews; two Stormwater Design Report reviews. Excludes: all services related to minor changes to preliminary approval; ingress/egress review; stormwater management review; construction inspection.

UFS No 2756 Addendum
Includes: one Preliminary Traffic and Concurrency Information Form review; one Preliminary Stormwater Proposal Form review; one TRC meeting attendance; one preliminary approval conditions or Notice of Additional Requirements preparation effort; one original and revision review of ingress/egress and/or stormwater management; one development impact mitigation determination; four construction inspections; two Short Plat checkprint reviews; record drawing review.

UFS No 2758 Addendum
Includes: one Preliminary Traffic and Concurrency Information Form review, one Preliminary Stormwater Proposal Form review, one TRC meeting attendance, one development impact mitigation determination; original Staff Report preparation; one Public Hearing attendance; two Traffic Impact Analysis submittal reviews; two Stormwater Design Report reviews. Excludes: all services related to minor changes to preliminary approval; ingress/egress review; stormwater management review; construction inspection.

UFS No 7166 Addendum
Includes, but not limited to: ingress/egress review; stormwater management review; Staff Report preparation; TRC Meeting attendance; Public Hearing Attendance, preliminary approval conditions preparation; Notice of Additional Requirements preparation; development impact mitigation determination; Exempt Land Division application processing; Boundary Line Adjustment application processing; third or more Short Plat checkprint review; third or more Final Plat checkprint review; record drawing checkprint review; survey & legal description review; Haul Road Agreement preparation; recorded land division alteration or vacation processing; Agricultural Short Subdivision application
processing. NOTE: Some fees above will apply after minimum service allowances stated in UFS Nos 2755, 2756, 2758, 7174, AND 7175 are exceeded.

UFS No 8211 Addendum

Includes, but not limited to: developer-requested services that staff volunteer to perform outside normal business hours; developer-requested pre-application services not otherwise listed under UFS No 7169; developer-requested services not otherwise included under any of the following UFS Nos: 2755, 2756, 2758, 7174, 7175.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

**CLEARANCES**
- **Originator:** M.A.
- **Date:** 9/30/2014
- **Division Head:** Mark Persones
- **Dept. Head:** Sam Ryan
- **Prosecutor:** Royce Buckingham
- **Purchasing/Budget:**
- **Executive:** Jack Louws

**Date Received in Council Office**
- **10/14/14**
- **Date:** 9-30-14
- **10/28/14**

**RECEIVED**
- **OCT 07 2014**
- **WHATCOM COUNTY COUNCIL**

**TITLE OF DOCUMENT:**
Six-Year Capital Improvement Program and level of service amendments.

**ATTACHMENTS:**
1. Memo
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Public Comment Letters

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

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

**Should Clerk schedule a hearing?**
- **( ) Yes**
- **( X ) NO**

**Requested Date**

1 The Council must hold a hearing if they want to change the Planning Commission's recommendation (WCC 2.160.100(B)).

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

Adoption of the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2015-2020 (Appendix F of the Whatcom County Comprehensive Plan) to replace the existing Six-Year CIP for 2013-2018. The Six-Year CIP includes plans for County parks, trails, activity centers, government buildings & sites, Sheriff's Office facilities, emergency management, correction facilities, stormwater facilities and transportation. The proposed amendments also include amending parks and recreation level of service standards in chapter 4 of the Whatcom County Comprehensive Plan.

**COMMITTEE ACTION:**
10/14/2014: Discussed, Withdrawn from Introduction, and held in Committee for a future date

**COUNCIL ACTION:**
10/14/2014: Withdrawn from Introduction and held in Committee until October 28

**Related County Contract #:** AB2014-098 and PLN2014-00007

**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.
September 30, 2014

To: The Honorable Jack Louws, Whatcom County Executive
   The Honorable Whatcom County Council

From: Matt Aamot, Senior Planner

Through: Mark Personius, Long Range Planning Division Manager

RE: Six-Year Capital Improvement Program and LOS Amendments

The Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities includes plans for County parks, trails, activity centers, government buildings & sites, Sheriff’s Office facilities, emergency management, correction facilities, stormwater facilities and transportation improvements. The Whatcom County Comprehensive Plan indicates that the Six-Year CIP should be updated every two years. The last comprehensive CIP update was approved by the County Council in 2012. Therefore, the CIP is being updated in 2014.

The subject proposal would also modify the level of service (LOS) standards for parks and recreation facilities. Specifically, the Planning Commission recommended:

- Retaining the current parks LOS;
- Modifying the trails LOS; and
- Deleting the activity centers LOS.

The Parks & Recreation Commission issued recommendations relating to LOS standards for parks, trails and activity centers in June 2014 (attached). It should also be noted that the Growth Management Act does not require that a local comprehensive plan contain level of service standards for facilities that are not necessary for development, such as activity centers. Rather, County facility managers may propose and elected officials may authorize improvements to activity centers, such as senior centers, when needed.

Planning & Development Services is requesting Council committee consideration of these amendments on Oct. 14. It is anticipated that the County Council will make a final decision on these amendments along with approval of the biennial budget.

Thank you for your review of this matter.
MEMORANDUM

TO: Matt Aamot  
FROM: Michael McFarlane  
DATE: June 20th, 2014  
RE: Parks & Recreation Commission LOS and CPROS Plan

At last night's meeting the Parks and Recreation Commission met and recommends the following:

A. The Comprehensive Parks, Recreation and Open Space (PROS) plan not be adopted by reference as part of the County's Comprehensive Plan. They would like the PROS plan to continue to be identified in and used to inform the comprehensive plan on park, recreation and open space issues. This rational would allow for greater flexibility when modifying and updating the PROS plan and better response to changing park and recreation trends.

B. Levels of Service
   1. Eliminate the current LOS for activity centers. *Rational is that the capacity and ability to accommodate increases is based upon building size and programming. As the population increases, this increase could be accommodated with a building addition, a larger building or programming changes and would not necessarily require an additional center being added.*

   2. Trail LOS be based on shared use trails rather than single use (i.e. mountain bike, hiking or equestrian only). *Rational: if LOS isn't going to be adopted for each type of trail (as identified in the PROS plan), then a shared use trail definition better defines the trail LOS. Current inventory of shared use trails- 49.40 miles*

   3. Park LOS be changed from developed park acreage per capita to number of developed regional parks per capita. *Rational: The department has many acres of park lands restricted for development or purposely acquired for conservancy purposes. Looking at a park in its entirety is a better measurement as use is dependent upon the park's purpose, primary attraction(s) and amenities, not acreage. Current inventory of regional parks- 16 developed, 1 under development (opening 2016), 3 undeveloped.*
ORDINANCE NO. ______________

ADOPTING THE SIX-YEAR CAPITAL IMPROVEMENT PROGRAM
FOR WHATCOM COUNTY FACILITIES (2015-2020)
AND AMENDING LEVEL OF SERVICE STANDARDS

WHEREAS, The Whatcom County Council initiated the subject amendments for review in 2014; and

WHEREAS, Six-Year Capital Improvement Program (CIP) for Whatcom County facilities is reviewed every other year and is due for an update in 2014; and

WHEREAS, Local governments have discretion to set and modify level of service (LOS) standards under the Growth Management Act (GMA). Additionally, the GMA does not require that a local comprehensive plan must contain LOS standards for activity centers; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on September 25, 2014; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The proposal is to amend the Whatcom County Comprehensive Plan as follows:
   a. Modifying the level of service standard for trails in chapter 4 of the comprehensive plan;
   b. Deleting the level of service standard for activity centers in chapter 4 of the comprehensive plan;
   c. Adopting the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2015-2020; and
   d. Repealing the existing Six-Year CIP for Whatcom County Facilities 2013-2018.

2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on September 5, 2014.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on September 9, 2014.
4. The proposal was posted on the County website on September 10, 2014.

5. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media, cities and other groups on the County’s e-mail list on September 11, 2014.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on September 12, 2014.

7. The Planning Commission held a public hearing on the subject amendments on September 25, 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. Amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

**Growth Management Act**

9. The Growth Management Act (GMA) establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plan amendments.

10. GMA planning goal # 12 is to “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards” (RCW 36.70A.020(12)).

11. The subject amendments include updating the Six-Year CIP for Whatcom County Facilities for the 2015-2020 planning period. Updating the CIP is one step in the process of planning regional facilities provided by the County to serve the people of Whatcom County.

12. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:

   a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

   b. A forecast of the future needs for such capital facilities.

   c. The proposed locations and capacities of expanded or new capital facilities.

   d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

   e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

13. The Six-Year CIP for Whatcom County Facilities contains an inventory of existing County owned or operated facilities, a forecast of future needs based upon the level of service standards adopted in the Whatcom County Comprehensive Plan and other relevant factors, proposed expanded or new County capital facilities, costs and funding sources.

14. Existing Comprehensive Plan Policy 4A-4 addresses the GMA requirement to reassess the land use element if probable capital facility funding falls short.
County-Wide Planning Policies

15. County-Wide Planning Policy K-1 indicates that, as part of the comprehensive planning process, the County must identify appropriate land for public facilities that meets the needs of the community including recreation, transportation and human service facilities.

16. The CIP identifies County park, trail, transportation and other improvements as contemplated by the County Wide Planning Policies.

Interlocal Agreements

17. Existing inter-local agreements between Whatcom County and the cities indicate that the County will consult with the appropriate city in planning new road construction projects within the city’s urban growth area. The inter-local agreements also provide joint planning for parks.

18. The County Engineer indicated on September 5, 2014 that the County sends a copy of the six-year transportation improvement program to cities prior to approval, requests comments, and informs cities of the hearing date. The Whatcom County Parks Director confirmed on September 5, 2014 that the County Parks’ staff maintains a consistent working relationship with appropriate staff from cities on joint park projects and planning. Therefore, the type of cooperation envisioned by the inter-local agreements is occurring.

Further Studies/Changed Conditions

19. The Whatcom County Comprehensive Plan calls for an update of the Six-Year Capital Improvement Program for County facilities every other year. Specifically, Policy 4B-1 is to:

Maintain and update, on at least a biennial basis, a six-year capital improvement program (CIP) that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects based on a review of population and revenue conditions existing at that time.

20. A revised capital improvement program has been formulated for County owned or operated facilities, which presents improvement projects over the new six-year planning period.

Public Interest

21. The Six-Year CIP for County facilities from 2015 to 2020 is based upon anticipated population growth over the six-year planning period and other relevant factors. Therefore, the proposal should complement the County’s growth and development plans.
22. The Six-Year CIP for Whatcom County Facilities will have a positive impact on the County’s ability to provide public facilities by planning ahead for such facilities.

23. The goal of the Six-Year CIP for Whatcom County Facilities is to plan for County owned or operated parks, trails, general government buildings and sites, Sheriff’s Office facilities, emergency management facilities, correction facilities, stormwater facilities, and transportation improvements to serve the people of Whatcom County. Planning for such County facilities is in the public interest.

Spot Zoning

24. The subject proposal does not involve rezoning property.

Level of Service Standard Modifications

25. A level of service standard for activity centers is set forth in the current Whatcom County Comprehensive Plan.

26. The “Growth Management Act – Procedural Criteria for Adopting Comprehensive Plans and Development Regulations” state that counties are not required to set level of service standards for facilities that are not “necessary for development” (WAC 365-196-415(2)(b)).

27. Whatcom County will continue to monitor and evaluate the need for activity center improvements. However, such facilities are not necessary for development (WAC 365-196-415(2)(b)). Therefore, the level of service standard for such facilities may be removed from the Comprehensive Plan.

28. Additionally, the level of service standard for trails is being modified to better reflect the County’s planning and funding of improvements.

CONCLUSIONS

1. The proposed amendments conform to applicable requirements of the Growth Management Act.

2. The proposed amendments satisfy the approval criteria of WCC 2.160.080.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. Whatcom County Comprehensive Plan Chapter 4 (Capital Facilities) is hereby amended as shown on Exhibit A.

Section 2. The Six-Year Capital Improvement Program for Whatcom County Facilities 2015-2020 (Appendix F of the Whatcom County Comprehensive Plan) is hereby adopted as shown on Exhibit B.

Section 3. The Whatcom County Six-Year Capital Improvement Program for Whatcom County Facilities 2013-2018 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 ______________, 2014.

ATTEST: WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chairperson

APPROVED as to form: ( ) Approved ( ) Denied

Civil Deputy Prosecutor Jack Louws, Executive

Date: ____________________________
Exhibit A

Amend the Capital Facilities chapter of the Whatcom County Comprehensive Plan (Chapter 4) as follows:

Policy 4G-2: Adopt the following level of service standards for park facilities:

- developed parks: 9.6 acres per 1,000 population
- trails: 0.60 - 0.32 miles per 1,000 population
- activity centers: five centers per 100,000 population
Exhibit B

Six-Year Capital Improvement Program For Whatcom County Facilities 2015-2020
# Table of Contents

Chapter 1 - Introduction ................................................................. 3

Chapter 2 - Parks, Trails, and Activity Centers ................................. 5

Chapter 3 - Maintenance & Operations ........................................... 10

Chapter 4 - General Government Buildings and Sites ....................... 11

Chapter 5 - Sheriff's Office ............................................................. 13

Chapter 6 - Emergency Management ............................................... 15

Chapter 7 - Adult Corrections ......................................................... 16

Chapter 8 - Juvenile Detention ....................................................... 18

Chapter 9 - Transportation ............................................................. 19

Chapter 10 - Stormwater Facilities ................................................. 21
Chapter 1 – Introduction

The Growth Management Act requires that the County’s Comprehensive Plan include a “capital facilities plan element” (RCW 36.70A.070(3)). The Whatcom County Comprehensive Plan calls for the County to develop and update the Six-Year Capital Improvement Program (CIP) for County projects every two years. The main purpose of the Capital Improvement Program is to identify priority capital improvement projects and estimated costs, outline a schedule for project completion, and designate funding sources for these projects based on a review of existing and projected population and revenue conditions for the six year planning period.

Growth Management Act Requirements

According to the Growth Management Act, a county’s capital facilities plan must include five items, which are shown below.

A. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

Current inventories of existing County capital facilities, based upon information provided by various County departments, are included in each chapter of this document.

B. A forecast of the future needs for such capital facilities.

Chapter 4 of the Whatcom County Comprehensive Plan establishes “level of service” standards for County parks, trails, correction facilities, and administrative facilities (i.e. Sheriff’s office space). Level of service standards are expressed in miles of trails needed for every 1,000 people in the County, square feet of Sheriff’s office space needed to serve each person in unincorporated areas, etc. Capital facility needs are forecasted over the six-year planning period by applying the adopted level of service for a given facility to the expected population in the year 2020 or by considering other relevant factors.

C. Proposed locations and capacities of expanded or new capital facilities.

General locations and capacities (trail miles, jail beds, etc.) of proposed County facilities are indicated in this document.

D. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
This Six-Year Capital Improvement Program presents costs and funding sources for proposed County capital facilities (all figures are in 2014 dollars). There are a variety of funding sources that the County utilizes to pay for capital facilities, including real estate excise taxes, the public utilities improvement fund (also known as the Economic Development Initiative or EDI fund), grants and a variety of other funds. It is anticipated that the County’s largest project in the six-year planning period, the new jail, will require voter approval of an additional revenue stream.

Revenue and expenditure projections for roads and related non-motorized facilities are set forth in documents associated with the six-year transportation improvement program.

E. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

Finally, in accordance with the Growth Management Act, a requirement to reassess the land use element of the Comprehensive Plan if probable funding falls short of meeting existing needs and to ensure consistency between plans already exists in the Comprehensive Plan (Policy 4A-4).

Charter Provisions and the County Budget

In addition to Growth Management Act provisions relating to capital facilities, Section 6.30 of the County Charter also requires the County to include a six-year capital improvement program as part of the budget. Appropriation for 2015-2016 capital projects may be included in the biennial budget or may be adopted through the supplemental budget process. Ultimate funding for capital improvement projects is subject to County Council authorization in the adopted budget. Costs identified for 2017-2020 are included for planning purposes and review of potential future needs, but not for budget authorization at this time.

Contracting for Services

Whatcom County may contract with other entities, such as the Council of Governments and the Northwest Regional Council, for vital community services. These contracts represent County participation in providing essential services, alongside other partners, without the need to construct County owned capital facilities, which can be very costly.
Chapter 2 – Parks, Trails, and Activity Centers

Parks

The 2014 inventory of County parks and open space areas is more than 15,000 acres. This inventory is shown below.

Existing Parks

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Park Name and Location</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon Park, 7499 Alderson Rd.</td>
<td>69.80</td>
</tr>
<tr>
<td>2</td>
<td>Deming Eagle Homestead Park, Truck Rd.</td>
<td>28.50</td>
</tr>
<tr>
<td>3</td>
<td>Hovander Homestead Park and Tennant Lake, 5299 Nielsen Rd.</td>
<td>338.30</td>
</tr>
<tr>
<td>4</td>
<td>Interurban Trail/Teddy Bear Cove Parkway, Chuckanut Dr.</td>
<td>11.19</td>
</tr>
<tr>
<td>5</td>
<td>Jackson Rd. Beach Access, Birch Bay</td>
<td>0.15</td>
</tr>
<tr>
<td>6</td>
<td>Jensen Family Forest Park, Stein Rd. and Birch Bay Lynden Rd.</td>
<td>21.70</td>
</tr>
<tr>
<td>7</td>
<td>Josh VanderYacht Park, 4106 Valley Highway</td>
<td>1.99</td>
</tr>
<tr>
<td>8</td>
<td>Lake Whatcom Park, North Shore Rd.</td>
<td>4,686.50</td>
</tr>
<tr>
<td>9</td>
<td>Lighthouse Marine Park, 811 Marine Dr. in Point Roberts</td>
<td>24.30</td>
</tr>
<tr>
<td>10</td>
<td>Lily Point Marine Park, East end of APA Rd. in Point Roberts</td>
<td>274.00</td>
</tr>
<tr>
<td>11</td>
<td>Lummi Island Overlook, Nugent Rd.</td>
<td>0.16</td>
</tr>
<tr>
<td>12</td>
<td>Maple Beach, Boundary Bay Rd. in Point Roberts</td>
<td>0.50</td>
</tr>
<tr>
<td>13</td>
<td>Monument Park, Marine Dr. and Roosevelt in Point Roberts</td>
<td>7.30</td>
</tr>
<tr>
<td>14</td>
<td>Northwest Soccer Park/Baseball &amp; Softball Complex</td>
<td>36.50</td>
</tr>
<tr>
<td>15</td>
<td>Nugent's Corner Access, 3671 Mt. Baker Highway</td>
<td>16.50</td>
</tr>
<tr>
<td>16</td>
<td>Point Whitehorn Marine Reserve, Koehn Rd.</td>
<td>55.30</td>
</tr>
<tr>
<td>17</td>
<td>Samish Park, 673 N. Lake Samish Dr.</td>
<td>26.40</td>
</tr>
<tr>
<td>18</td>
<td>Semiahmoo Park, 9261 Semiahmoo Parkway</td>
<td>304.00</td>
</tr>
<tr>
<td>19</td>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>410.40</td>
</tr>
<tr>
<td>20</td>
<td>Squires Lake Park, 135 Old Highway 99 North Rd.</td>
<td>82.30</td>
</tr>
<tr>
<td>21</td>
<td>Stimpson Family Nature Reserve, Lake Louise Rd.</td>
<td>376.10</td>
</tr>
<tr>
<td>22</td>
<td>Sunset Beach, West Shore Dr. on Lummi Island</td>
<td>2.25</td>
</tr>
<tr>
<td>23</td>
<td>Sunset Farm, 7989 Blaine Rd.</td>
<td>70.00</td>
</tr>
<tr>
<td>24</td>
<td>Ted Edwards Park, Oriental Ave.</td>
<td>3.85</td>
</tr>
<tr>
<td>25</td>
<td>Welcome Bridge Access, Mosquito Lake Rd.</td>
<td>0.50</td>
</tr>
<tr>
<td>26</td>
<td>Birch Bay Shoreline Properties</td>
<td>11.35</td>
</tr>
<tr>
<td>27</td>
<td>Canyon Lake Community Forest</td>
<td>2,266.00</td>
</tr>
<tr>
<td>28</td>
<td>Chuckanut Mountain Park</td>
<td>973.10</td>
</tr>
<tr>
<td>30</td>
<td>Lookout Mountain Forest Preserve</td>
<td>4,430.30</td>
</tr>
<tr>
<td>31</td>
<td>Plantation Rifle Range</td>
<td>60.00</td>
</tr>
<tr>
<td>32</td>
<td>South Fork Regional Park</td>
<td>550.30</td>
</tr>
<tr>
<td>33</td>
<td>Halverson Park</td>
<td>5.60</td>
</tr>
<tr>
<td>34</td>
<td>Roeder Home</td>
<td>1.00</td>
</tr>
</tbody>
</table>

TOTAL 15,146.14
Future Needs

A level of service of 9.6 acres of developed parkland for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. The County’s existing parks will meet the adopted level of service over the six-year planning period. However, the County is proposing park improvement projects to increase quality of existing park facilities and develop the South Fork Park to meet the longer term needs of a growing population.

Proposed Improvement Projects

Park improvement projects, totaling more than $2 million, are proposed over the six-year planning period. These costs would be paid by real estate excise taxes (REET), the Nesset Foundation and the Park Improvement Fund as shown in the table at the end of this chapter.
Trails

Whatcom County currently has 65.46 miles of trails in various locations throughout the County. This inventory is shown below.

**Existing Trails**

<table>
<thead>
<tr>
<th>Existing Site No.</th>
<th>Trail Name and Location</th>
<th>Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon/Bay Crest Trail</td>
<td>0.75</td>
</tr>
<tr>
<td>2</td>
<td>Bay to Baker Maple Falls-Glacier</td>
<td>4.00</td>
</tr>
<tr>
<td>3</td>
<td>Canyon Lake Community Forest</td>
<td>7.01</td>
</tr>
<tr>
<td>4</td>
<td>Chuckanut Mountain / Pine &amp; Cedar Lakes</td>
<td>15.52</td>
</tr>
<tr>
<td>5</td>
<td>Deming Homestead Eagle Park, Truck Rd.</td>
<td>0.30</td>
</tr>
<tr>
<td>6</td>
<td>Euclid Park</td>
<td>0.05</td>
</tr>
<tr>
<td>7</td>
<td>Hovander Homestead Park</td>
<td>3.20</td>
</tr>
<tr>
<td>8</td>
<td>Interurban, Chuckanut area</td>
<td>2.80</td>
</tr>
<tr>
<td>9</td>
<td>Jensen Family Forest Park, Stein Rd. and Birch Bay Lynden Rd.</td>
<td>0.67</td>
</tr>
<tr>
<td>10</td>
<td>Lake Whatcom Park</td>
<td>4.01</td>
</tr>
<tr>
<td>11</td>
<td>Lily Point, Point Roberts</td>
<td>4.16</td>
</tr>
<tr>
<td>12</td>
<td>Lookout Mountain Forest Preserve</td>
<td>4.11</td>
</tr>
<tr>
<td>13</td>
<td>Maple Creek, off Silver Lake Rd. in Maple Falls</td>
<td>1.28</td>
</tr>
<tr>
<td>14</td>
<td>Monument Park, Marine Dr. and Roosevelt in Point Roberts</td>
<td>0.35</td>
</tr>
<tr>
<td>15</td>
<td>Ostrom Conservation Site, 4304 South Pass Rd.</td>
<td>0.56</td>
</tr>
<tr>
<td>16</td>
<td>Point Whitehorn Marine Reserve, Birch Bay area</td>
<td>0.81</td>
</tr>
<tr>
<td>17</td>
<td>Samish Park, 673 N. Lake Samish</td>
<td>1.66</td>
</tr>
<tr>
<td>18</td>
<td>Semiahmoo Park</td>
<td>0.63</td>
</tr>
<tr>
<td>19</td>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>5.75</td>
</tr>
<tr>
<td>20</td>
<td>Northwest Soccer Park Trail, Smith Rd. and Northwest Dr.</td>
<td>0.38</td>
</tr>
<tr>
<td>21</td>
<td>Squires Lake, 135 Old Highway 99 North Rd.</td>
<td>2.88</td>
</tr>
<tr>
<td>22</td>
<td>Stimpson Family Nature Reserve, Lake Louise Rd.</td>
<td>4.02</td>
</tr>
<tr>
<td>23</td>
<td>Sunset Farm, 7989 Blaine Rd.</td>
<td>0.56</td>
</tr>
</tbody>
</table>

**TOTAL** 65.46

**Future Needs**

A level of service of 0.32 miles of trails for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, approximately 6 to 7 additional miles of trails would be needed by the year 2020 to serve the people of Whatcom County.

**Proposed Improvement Projects**

Trail improvement projects, totaling $638,000, are proposed over the six-year planning period. These costs would be paid by REET, the Park Improvement Fund, donations and state grants as shown in the table at the end of this chapter. These projects would add about 51.7518 miles of trails to the County’s inventory.
Activity Centers

There are currently 13 activity centers that provide a variety of year-round programs for various age groups. The activity center inventory is shown below.

Existing Activity Centers

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Activity Center Name and Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon, 7511 Gemini Street</td>
</tr>
<tr>
<td>2</td>
<td>Bellingham Senior Activity Center, 315 Halleck Street</td>
</tr>
<tr>
<td>3</td>
<td>Blaine Community/Senior Center, 763 G Street</td>
</tr>
<tr>
<td>4</td>
<td>Everson Senior Center, 111 W. Main</td>
</tr>
<tr>
<td>5</td>
<td>Ferndale Senior Center, 1998 Cherry Street</td>
</tr>
<tr>
<td>6</td>
<td>Lynden Community Center, 401 Grover Street</td>
</tr>
<tr>
<td>7</td>
<td>Plantation Rifle Range, 5102 Samish Way</td>
</tr>
<tr>
<td>8</td>
<td>Point Roberts Community Center, 1487 Gulf Road</td>
</tr>
<tr>
<td>9</td>
<td>Roeder Home, 2600 Sunset Dr.</td>
</tr>
<tr>
<td>10</td>
<td>Sumas Community Center, 461 2nd Street</td>
</tr>
<tr>
<td>11</td>
<td>Van Zandt Community Hall, 4106 Valley Highway</td>
</tr>
<tr>
<td>12</td>
<td>Welcome Valley Senior Center, 5103 Mosquito Lake Rd.</td>
</tr>
<tr>
<td>13</td>
<td>East Whatcom Regional Resource Center, 8251 Kendall Rd.</td>
</tr>
</tbody>
</table>

Note: The Blaine, Everson, Lynden and Sumas Centers are owned by these respective cities. The Point Roberts Community Center is owned by the Point Roberts Park District. Whatcom County provides and/or contracts for senior activities and recreational programming at these centers.

Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for activity centers. The County will budget for operation and maintenance of such facilities as needed.

Proposed Improvement Projects

Activity center improvement projects, totaling $430,000, are proposed over the six-year planning period. These costs would be paid by REET and a state grant as shown in the table below.
### Parks

<table>
<thead>
<tr>
<th>Project Description</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canyon Lake Comm Forest - Road Repair</td>
<td>135,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>135,000</td>
<td>2</td>
</tr>
<tr>
<td>Birch Bay Park Master Planning</td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50,000</td>
<td>2</td>
</tr>
<tr>
<td>Hovander Homestead - Roof Replacements</td>
<td>138,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>138,000</td>
<td>2</td>
</tr>
<tr>
<td>Lighthouse Marine - Deck &amp; Playground</td>
<td>25,000</td>
<td>225,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>250,000</td>
<td>2</td>
</tr>
<tr>
<td>Lummi Island - Overlook Renovation</td>
<td></td>
<td>95,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>95,000</td>
<td>2</td>
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<tr>
<td>Nessel - Farm House Restoration</td>
<td>125,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>125,000</td>
<td>3</td>
</tr>
<tr>
<td>Samish - Playground Replacement</td>
<td>85,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>85,000</td>
<td>2</td>
</tr>
<tr>
<td>Silver Lake - Utility, Road and Day Use</td>
<td>145,000</td>
<td>235,000</td>
<td>225,000</td>
<td>75,000</td>
<td>100,000</td>
<td>100,000</td>
<td>880,000</td>
<td>2</td>
</tr>
<tr>
<td>South Fork - Park Development</td>
<td>129,100</td>
<td>140,900</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>270,000</td>
<td>2,4</td>
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</table>

### Trails

<table>
<thead>
<tr>
<th>Project Description</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Whatcom / Lookout Mt Trails</td>
<td>20,000</td>
<td>20,000</td>
<td>80,000</td>
<td>10,000</td>
<td>80,000</td>
<td>10,000</td>
<td>220,000</td>
<td>4,5,6</td>
</tr>
<tr>
<td>South Fork Park Trail</td>
<td>209,000</td>
<td>209,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>418,000</td>
<td>2,6</td>
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</table>

### Activity Centers

<table>
<thead>
<tr>
<th>Project Description</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ferndale Senior Center - Roof</td>
<td></td>
<td>140,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>140,000</td>
<td>1</td>
</tr>
<tr>
<td>Plantation Rifle Range - HVAC</td>
<td>290,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>290,000</td>
<td>1,6</td>
</tr>
</tbody>
</table>

**TOTAL**

<table>
<thead>
<tr>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>957,100</td>
<td>945,900</td>
<td>609,000</td>
<td>294,000</td>
<td>180,000</td>
<td>110,000</td>
<td>3,096,000</td>
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</tr>
</tbody>
</table>

### Funding Sources

1. REET I
2. REET II
3. Nessel Foundation
4. Park Improvement Fund
5. Donations
6. State Grant

---

Whatcom County Comprehensive Plan

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F- 9
Chapter 3 – Maintenance and Operations

Existing Maintenance and Operations Space

The 2014 inventory of maintenance & operations/facilities management space that serves the County is 44,411 square feet. This inventory is shown below.

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Central Shop, 901 W. Smith Rd. (Maintenance and Operations)</td>
<td>35,773</td>
</tr>
<tr>
<td>2</td>
<td>316 Lottie St. (Facilities Management)</td>
<td>4,978</td>
</tr>
<tr>
<td>3</td>
<td>Minimum Security Correction Facility - 2030 Division St. (Facilities Management Storage)</td>
<td>3,660</td>
</tr>
</tbody>
</table>

TOTAL 44,411

Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for maintenance and operations. The County will budget for improvements to such facilities as needed.

Proposed Improvement Projects

Improvement projects at the Central Shop, totaling $267,550, are proposed over the six-year planning period. These costs would be paid by the road fund and shop services mark-ups as shown in the table below.

<table>
<thead>
<tr>
<th>Central Shop</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace Roof on Portable</td>
<td></td>
<td>32,550</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>32,550</td>
<td>1</td>
</tr>
<tr>
<td>Replace Vinyl Cover on Salt and Sand Bunker</td>
<td></td>
<td>60,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>60,000</td>
<td>1</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>175,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>175,000</td>
<td>2</td>
</tr>
</tbody>
</table>

TOTAL 235,000 32,550 267,550

Funding Sources

1. Road Fund
2. Shop Services Mark-ups
Chapter 4 – General Government Buildings and Sites

Existing Office Space

The 2014 inventory of County government office space is 179,596 square feet at eight locations. This inventory is shown below.

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civic Center Annex (322 North Commercial)</td>
<td>20,279</td>
</tr>
<tr>
<td>2</td>
<td>Central Plaza Building (215 N. Commercial)</td>
<td>10,307</td>
</tr>
<tr>
<td>3</td>
<td>County Courthouse (311 Grand Avenue)</td>
<td>94,678</td>
</tr>
<tr>
<td>4</td>
<td>Forest St. Annex (1000 North Forest St.)</td>
<td>6,487</td>
</tr>
<tr>
<td>5</td>
<td>509 Girard St.</td>
<td>13,189</td>
</tr>
<tr>
<td>6</td>
<td>3373 Mt. Baker Highway</td>
<td>2,110</td>
</tr>
<tr>
<td>7</td>
<td>1500 N. State St.</td>
<td>12,281</td>
</tr>
<tr>
<td>8</td>
<td>Northwest Annex (5280 Northwest Dr.)</td>
<td>20,265</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>179,596</strong></td>
</tr>
</tbody>
</table>

Proposed Improvement Projects

Improvement and maintenance projects on existing buildings and sites over the six-year planning period total almost $12.2 million as shown below.

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Courthouse</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Alarm Upgrade</td>
<td>25,000</td>
<td>155,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>180,000</td>
<td>1,2</td>
</tr>
<tr>
<td>Replace Roof (Over</td>
<td>5,000</td>
<td>75,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>80,000</td>
<td>1,2</td>
</tr>
<tr>
<td>Juvenile)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical Duct Heater (Juvenile Detention)</td>
<td>14,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>14,000</td>
<td>1</td>
</tr>
<tr>
<td>Panic Alarm Replacement</td>
<td>25,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25,000</td>
<td>1</td>
</tr>
<tr>
<td>Exterior Project</td>
<td>250,000</td>
<td>2,250,000</td>
<td>2,000,000</td>
<td></td>
<td></td>
<td></td>
<td>4,500,000</td>
<td>1,2,3</td>
</tr>
<tr>
<td><strong>1500 N. State St./Champion</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soil Clean-up</td>
<td>40,000</td>
<td>310,000</td>
<td>20,000</td>
<td>20,000</td>
<td>10,000</td>
<td></td>
<td>400,000</td>
<td>2</td>
</tr>
<tr>
<td>Remodel</td>
<td>600,000</td>
<td></td>
<td>1,400,000</td>
<td>405,000</td>
<td></td>
<td></td>
<td>2,405,000</td>
<td>2,4</td>
</tr>
<tr>
<td><strong>Civic Center</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4th Floor Remodel</td>
<td>200,000</td>
<td>1,050,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,250,000</td>
<td>5</td>
</tr>
<tr>
<td>2nd Floor Remodel</td>
<td>1,250,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,250,000</td>
<td>5</td>
</tr>
<tr>
<td>1st Floor Remodel</td>
<td>25,000</td>
<td>240,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>265,000</td>
<td>6</td>
</tr>
</tbody>
</table>

Whatcom County Comprehensive Plan  F-11
### 509 Girard

- Sidewalk Repair: 13,000
- Parking Lot Repairs: 9,000
- Replace 2 heat pumps & 1 gas pack roof unit: 39,000
- Minor Remodel: 65,000
- Roof Maintenance: 5,000
- Upgrade Heating Units: 10,000
- Replace Windows: 15,000

### Central Plaza Building

- Replace Roof: 10,000
- Sidewalk/Asphalt Repair/Tree Removal: 35,000
- Total: 125,000

### Northwest Annex

- HVAC Cooling Tower Replacement: 86,000

### Sun House/E. Chestnut St.

- Renovation: 230,000

### Multiple Locations

- HVAC Panel Controller Upgrades: 73,340
- Parking Lot Repairs: 8,000
- Security Video Upgrades: 8,000
- Replace Carpets: 65,000
- Painting: 50,000

**TOTAL: 1,762,340 5,741,000 2,230,000 1,775,000 530,000 115,000 12,153,340**

### Funding Sources

1. REET I
2. EDI
3. Inter-fund Loan
4. State Street Fund
5. Civic Center Fund
6. Road Fund
7. Donations
8. General Fund
Chapter 5 – Sheriff’s Office

Existing Sheriff’s Office Space

The 2014 inventory of Sheriff’s office space is 23,326 square feet serving the unincorporated population. This inventory is shown below.

EXISTING SHERIFF’S FACILITIES

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Safety Building (311 Grand Ave)</td>
<td>15,102</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Security Correction Facility (2030 Division St.)</td>
<td>6,000</td>
</tr>
<tr>
<td>3</td>
<td>Laurel Substation (194 W. Laurel Rd.)</td>
<td>1,800</td>
</tr>
<tr>
<td>4</td>
<td>East Whatcom Regional Resource Center (8251 Kendall Road)</td>
<td>144</td>
</tr>
<tr>
<td>5</td>
<td>Birch Bay Fire Hall</td>
<td>192</td>
</tr>
<tr>
<td>6</td>
<td>Nugent’s Corner Fire Hall</td>
<td>88</td>
</tr>
</tbody>
</table>

TOTAL 23,326

Notes:

The Sheriff’s Office also has storage facilities at various locations in Whatcom County.

The County has two mobile homes and an old detention facility in Point Roberts. The resident deputies operate out of their homes or utilize space at the U.S. Customs office at the border.

Sheriff’s Office facilities include shared space at local fire districts, which is rented or leased space not solely dedicated to Sheriff’s Office use. This space is available depending on Fire District needs and is generally subject to change with short notice.

Future Needs

A level of service of 0.26 square feet of Sheriff’s Office space per capita was adopted in the Comprehensive Plan. With anticipated population growth in unincorporated Whatcom County, the existing Sheriff’s Office space would not meet the level of service standard over the six-year planning period. Most Sheriff’s Office functions are currently based in the Public Safety Building adjacent to the Courthouse and are remote from the majority of Sheriff’s Office Bureau of Law Enforcement and Investigative Services functions that take place in unincorporated Whatcom County. This results in inefficiencies and delays. Space and design factors in current facilities preclude consolidating various functions performed throughout the agency (reception, finance, etc.) and result in redundancies. Because of these issues, and the fact that the level of service standards will not be met, existing Sheriff’s Office facilities and associated functions will be consolidated (except for “Resident Deputy” program facilities), and co-located on the site of the proposed new jail.
**Proposed Improvement Projects**

A new 33,000 square foot Sheriff’s Headquarters facility, co-located with the proposed new jail on LaBounty Rd. in Ferndale, is proposed within the six-year planning period. The Sheriff’s Headquarters facility would cost approximately $13 million, paid with bond proceeds that would be repaid with REET I funds, as shown below. Additionally, an awning at the existing Sheriff’s Office would be replaced.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace Awning</td>
<td>7,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,500</td>
<td>1</td>
</tr>
<tr>
<td>New Sheriff's</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>13,000,000</td>
<td>2</td>
</tr>
<tr>
<td>Headquarters</td>
<td>1,562,600</td>
<td>3,751,800</td>
<td>3,823,300</td>
<td>3,862,300</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>7,500</td>
<td>1,562,600</td>
<td>3,751,800</td>
<td>3,823,300</td>
<td>3,862,300</td>
<td></td>
<td>13,007,500</td>
<td></td>
</tr>
</tbody>
</table>

**Funding Source**

1. REET I
2. Bonds (REET I)
Chapter 6 – Emergency Management

Existing Emergency Management Space

The 2014 inventory of Division of Emergency Management space, which is shared with the City of Bellingham, is 24,000 square feet (2,000 square feet of office space with another 22,000 square feet available for use during emergencies). The Division of Emergency Management space is located in the Whatcom Emergency Joint Coordination Center that is rented by Whatcom County and the City of Bellingham. The Center serves as the emergency operations center for both the County and the City.

EXISTING EMERGENCY MANAGEMENT/EOC FACILITIES

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Whatcom Emergency Joint Coordination Center</td>
<td>24,000</td>
</tr>
<tr>
<td></td>
<td>3888 Sound Way, Bellingham</td>
<td></td>
</tr>
</tbody>
</table>

Future Needs

The Division of Emergency Management requires both daily office space for Emergency Management and, during an actual emergency, additional space for the emergency operations center (EOC). During an emergency, the EOC may have to accommodate several hundred people in a single day. These people include a combination of elected officials, trained personnel and volunteers, who serve in a variety of capacities during the emergency.

A level of service of 0.011 square feet of emergency operations space per capita was adopted in the Comprehensive Plan. With the 2,000 square feet of shared office space and the 22,000 square feet available for the EOC during emergencies, no additional space would be needed by the year 2020 to meet the adopted level of service.

Proposed Improvement Projects

Approximately $50,000 in REET I funds will be spent in the six-year planning period to renovate the Joint Coordination Center building, as shown below. Renovations may include enhanced capability for sustained 24/7 operations and locker rooms.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Whatcom Emergency Joint Coordination Center - Renovation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50,000</td>
<td>50,000</td>
</tr>
</tbody>
</table>

Funding Source

1. REET I

Whatcom County Comprehensive Plan

F- 15
Chapter 7 – Adult Corrections

Existing Jail Facilities

The County’s Main Jail was designed for 148 beds, although it currently has 283 beds due to double bunking, internal remodeling and use of temporary beds. In 2013, the average daily population for the Main Jail was 258. Additionally, the jail is currently not in compliance with the Building/Fire Codes for double bunking, although a plan has been approved to bring it into compliance. Whatcom County completed construction of a 150 bed minimum security correction facility on Division St. in 2006. In 2013, the average daily population for the minimum security facility was 126. The Main Jail is located in the Public Safety Building next to the County Courthouse in downtown Bellingham and the Minimum Security Correction Facility is located in the Bakerview Rd. industrial area.

EXISTING JAIL BEDS

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Jail Beds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Safety Building (311 Grand Ave.)</td>
<td>283</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Security Correction Facility (2030 Division St.)</td>
<td>150</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>433</strong></td>
</tr>
</tbody>
</table>

Future Needs

There are serious concerns among law and justice officials relating to jail facility needs in the community. This need has been documented by recommendations from the Whatcom County Law and Justice Plan Phase II Report (June 2000), in a report entitled Operational Review of the Whatcom County, Washington Jail (March 2004), in the Whatcom County Jail Planning Task Force Recommendations (Dec. 2011 and March 2012), and in the Whatcom County Adult Corrections Facilities & Sheriff’s Headquarters Pre-Design Report (Sept. 2013).

A level of service of 1.42 beds for every 1,000 people in the County was adopted in 1997 in the Whatcom County Comprehensive Plan. However, average daily populations documented by the Corrections Bureau since 2006 have been well above the minimum number of beds required by the current level of service standard. Therefore, the County plans to review and update the existing level of service standard.

Proposed Improvement Projects

In an effort to meet the community need, the County plans to construct a new Adult Corrections Facility on LaBounty Rd. in Ferndale, tentatively scheduled to open with 521 beds. At the time this new jail is opened, the offenders at the minimum-security corrections facility would be relocated to the new facility.

Additionally, day-holding facility and sally port improvements are planned at the County Courthouse in Bellingham. The day-holding facility will accommodate

Whatcom County Comprehensive Plan
inmates for court activities. The sally port will be connected to the holding facility to allow the safe and secure transfer of inmates to and from the facility.

The cost of the proposed new jail is approximately $87,000,000. The cost of the day-holding/sally port improvements is approximately $3,000,000. These costs would be paid with bond proceeds that would be repaid with sales tax, as shown below.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Jail</td>
<td>200,000</td>
<td>10,433,360</td>
<td>25,050,480</td>
<td>25,527,880</td>
<td>25,788,280</td>
<td>87,000,000</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Day-holding</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Facility &amp;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Sally Port</td>
<td></td>
<td></td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>3,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>200,000</td>
<td>10,433,360</td>
<td>26,050,480</td>
<td>26,527,880</td>
<td>26,788,280</td>
<td>90,000,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Funding Source
1. Bonds
(Sales Tax)
Chapter 8 – Juvenile Detention

Existing Juvenile Detention Facilities

The 2014 inventory of County juvenile detention facilities includes 32 beds serving the county-wide population. The juvenile detention facility is located on the sixth floor of the County Courthouse at 311 Grand Avenue.

EXISTING JUVENILE DETENTION BEDS

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Beds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>County Courthouse (311 Grand Ave.)</td>
<td>32</td>
</tr>
</tbody>
</table>

Future Needs

A level of service of 0.125 beds per 1,000 population was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, no additional beds would be needed by the year 2020 to meet the adopted level of service.

Proposed Improvement Projects

No improvement projects are currently proposed that would increase the number of permanent beds within the six-year planning period.
Chapter 9 – Transportation

Existing Roads

The 2013 inventory shows a total of 939.75 miles of County roads. Additionally, there are 217.5 miles of state highways in Whatcom County (including I-5). Therefore, there are approximately 1,157 miles of public roads in Whatcom County.

Future Needs

The Whatcom County Comprehensive Plan sets level of service (LOS) standards for County roads. Future traffic and the level of service for roads can be forecasted using computer-modeling software. The Whatcom Council of Governments forecasts future traffic utilizing a computer transportation model. This modeling effort will inform transportation planning in Whatcom County.

Whatcom County accomplishes planning for County road improvements by approving a Six-Year Transportation Improvement Program each year, as required by RCW 36.81.121.

Proposed Improvement Projects

The Whatcom County Six-Year Transportation Improvement Program for the years 2015 through 2020 includes preliminary planning for three proposed new road projects:

- Slater Road Connector (between Northwest Drive and Guide Meridian);
- Horton Road Connector (between Northwest Drive and Aldrich Road); and
- Lincoln Road extension (between Harborview Road and Blaine Road).

While these three projects are on the Six-Year Transportation Improvement Program, construction is not anticipated within the six-year planning period. Rather, preliminary engineering to determine project feasibility may be initiated within this time frame.

The six-year plan also includes a number of bridge replacements, several reconstruction projects, and the Birch Bay Drive & Pedestrian Facility improvements, which include pedestrian and non-motorized enhancements along Birch Bay Dr.

In addition to the projects in the Six-Year Transportation Program, the Lincoln Road/Birch Point connector is a developer funded project. The project completion date is unknown.
Existing Ferry Facilities

Whatcom County currently has one ferry vessel serving Lummi Island. The ferry runs between Lummi Island and Gooseberry Point on a daily basis.

Future Needs

The Whatcom County Comprehensive Plan sets a level of service of 513 ferry passenger trips annually per capita of Lummi Island population. Based upon projected population, the Lummi ferry will not meet the adopted level of service over the six-year planning period. Therefore, it will be appropriate to either make plans to meet the LOS or consider revising the LOS standard during the next comprehensive plan update.

Proposed Improvement Projects

Although the Six-Year Transportation Plan addresses the ferry, no improvement projects that would add ferry capacity are proposed within the six-year planning period.

Total Transportation Costs

The total cost of the County transportation projects in the Six-Year Transportation Improvement Program, including both road and ferry projects, is approximately $48 million. These costs include about $36 million of County funds, with the remainder being funded by the State and Federal governments.
Chapter 10 – Stormwater Facilities

Existing Stormwater Management Facilities

The Public Works Department is responsible for design, engineering, and construction of county-owned stormwater facilities. Many stormwater facilities are road-related stormwater conveyance systems such as culverts and ditches on and adjacent to county roads. Others are off right-of-way facilities that control storm flows and improve water quality.

In response to increasing federal and state mandates to manage stormwater and the public’s desire to improve stewardship of sensitive watersheds, Whatcom County established a Stormwater group in the Surface Water Division of the Public Works Department in 2005. The Stormwater group is responsible for planning, designing, engineering, and construction of stormwater facilities. Inventories of existing stormwater facilities are maintained by the Public Works Department. The Engineering Services Division maintains an inventory of all road-related facilities. The Stormwater group maintains an inventory of public and private stormwater facilities in the area covered by the County’s NPDES Phase II permit for Municipal Separate Storm Sewer Systems. This inventory includes ditches, culverts, catch basins, vaults, ponds, and swales. Completed stormwater construction projects since the Public Works-Stormwater group was created in 2005 are listed below.

<table>
<thead>
<tr>
<th>Existing Site No.</th>
<th>Watershed</th>
<th>Facility Name</th>
<th>Year Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lake Whatcom</td>
<td>Geneva Stormwater Retrofits</td>
<td>2006</td>
</tr>
<tr>
<td>2</td>
<td>Lake Whatcom</td>
<td>Cable Street Reconstruction &amp; Stormwater Improvements</td>
<td>2007</td>
</tr>
<tr>
<td>3</td>
<td>Lake Whatcom</td>
<td>Lahti Drive Stormwater Improvements</td>
<td>2010</td>
</tr>
<tr>
<td>4</td>
<td>Lake Whatcom</td>
<td>Silver Beach Creek Improvements - Browning Drive to E. 16th Place</td>
<td>2011</td>
</tr>
<tr>
<td>5</td>
<td>Lake Whatcom</td>
<td>Silver Beach Creek Improvements - West Tributary</td>
<td>2012</td>
</tr>
<tr>
<td>6</td>
<td>Lake Whatcom</td>
<td>Coronado-Fremont Stormwater Improvements</td>
<td>2013</td>
</tr>
</tbody>
</table>

Lake Whatcom Coronado-Fremont Stormwater Improvements
Whatcom County Public Works received an award for the West Tributary of Silver Beach Creek Stormwater Improvements (Existing Site No. 5 above). Silver Beach Creek experiences increased stormwater runoff and greater peak flows due to its developed landscape. This project was designed to substantially improve water quality and reduce flooding in an especially problematic reach of the creek. The project included reshaping and stabilizing the stream channel, installing water quality treatment swales, and installing stormwater vaults. These improvements filter phosphorus-containing sediment, alleviate flooding, reduce erosion, and promote infiltration. Project construction cost was approximately $500,000 and shared between local real estate excise tax (REET) revenues, a State of Washington Department of Ecology grant, and a federal EPA grant.

**Future Needs**

An increasing emphasis on the protection of sensitive watersheds has resulted in the adoption of comprehensive stormwater plans, including plans for Lake Whatcom and Birch Bay. The adopted plans identify work towards planning, design, engineering, and construction of capital projects intended to address stormwater issues.

**Proposed Improvement Projects**

Stormwater improvement projects, totaling almost $4.8 million, are proposed over the six-year planning period as shown below. These costs would be paid by REET, City of Bellingham funds, Flood Control Zone District (FCZD) tax revenues, and a state grant. Where appropriate, matching contributions from other beneficiaries will be sought.
<table>
<thead>
<tr>
<th>Project Description</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lake Whatcom</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academy Road Stormwater Improvements</td>
<td>1,049,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,049,000</td>
<td>1,2,3,4</td>
</tr>
<tr>
<td>Agate Heights Estate/Bay Lane Water Quality Improvements</td>
<td>85,000</td>
<td>25,000</td>
<td>500,000</td>
<td></td>
<td></td>
<td></td>
<td>610,000</td>
<td>1,3</td>
</tr>
<tr>
<td>Beaver Creek Channel Restoration</td>
<td>95,000</td>
<td>20,000</td>
<td>450,000</td>
<td></td>
<td></td>
<td></td>
<td>565,000</td>
<td>1</td>
</tr>
<tr>
<td>Cedar Hills/Euclid Stormwater Improvements</td>
<td>25,000</td>
<td>605,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>630,000</td>
<td>1,3</td>
</tr>
<tr>
<td>Lowel Dr. and Cedarbrook Court Stormwater Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>150,000</td>
<td>150,000</td>
<td>300,000</td>
<td>1</td>
</tr>
<tr>
<td>Northshore Dr. at E. North St. Drainage System Upgrades</td>
<td></td>
<td></td>
<td>150,000</td>
<td>50,000</td>
<td>200,000</td>
<td></td>
<td>550,000</td>
<td>1</td>
</tr>
<tr>
<td>Silver Beach Creek Channel Restoration</td>
<td>150,000</td>
<td>50,000</td>
<td>550,000</td>
<td></td>
<td></td>
<td></td>
<td>750,000</td>
<td>1,3</td>
</tr>
<tr>
<td>Sudden Valley Drainage System Upgrades</td>
<td>115,000</td>
<td>25,000</td>
<td>500,000</td>
<td></td>
<td></td>
<td></td>
<td>640,000</td>
<td>1</td>
</tr>
<tr>
<td><strong>Birch Bay</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottonwood Dr. Drainage Improvements (matching funds)</td>
<td>85,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>85,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Harborview Rd. Culvert Replacement (matching funds)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>95,000</td>
<td>95,000</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>1,159,000</td>
<td>725,000</td>
<td>720,000</td>
<td>720,000</td>
<td>700,000</td>
<td>750,000</td>
<td>4,774,000</td>
<td></td>
</tr>
</tbody>
</table>

**Funding Sources**
1. REET II
2. City of Bellingham
3. FCZD tax revenue
4. State Grant
Exhibit C (Repeal Existing CIP)

Six-Year Capital Improvement Program For Whatcom County Facilities 2013-2018
# Table of Contents

Chapter 1—Introduction ................................................................. 3  
Chapter 2—Parks, Trails, and Activity Centers ........................................ 5  
Chapter 3—Maintenance & Operations ................................................ 13  
Chapter 4—Government Office Space .................................................. 14  
Chapter 5—Sheriff’s Office ............................................................... 15  
Chapter 6—Emergency Management/FGC ........................................... 16  
Chapter 7—Jails ............................................................................... 17  
Chapter 8—Juvenile Detention ............................................................. 19  
Chapter 9—Transportation .................................................................. 20  
Chapter 10—Stormwater and Flood Protection Facilities ......................... 22  
Chapter 11—Improvements to Existing Buildings .................................. 26  
Chapter 12—Costs by Project Category ................................................ 27  

Chapter 1—Introduction

The Growth Management Act requires that the County’s Comprehensive Plan include a “capital facilities plan element” (RCW 36.70A.070(3)). The Whatcom County Comprehensive Plan calls for the County to develop and update the Six-Year Capital Improvement Program for County projects. The main purpose of this Capital Improvement Program is to plan County facilities to serve the people of Whatcom County over the next six years.

Growth Management Act Requirements

According to the Growth Management Act, a county’s capital facilities plan must include five items, which are shown below:

A. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

Current inventories of existing County capital facilities, based upon information provided by various County departments, are included in each chapter of this document.

B. A forecast of the future needs for such capital facilities.

Chapters 4 and 6 of the Whatcom County Comprehensive Plan establish “level of service” standards for County parks, administrative facilities (i.e., Sheriff’s office space), correction facilities, and transportation. Level of service standards are expressed in acres of parkland needed for every 1,000 people in the County, square feet of Sheriff’s office space needed to serve each person in the County, etc. Forecasts of future needs for capital facilities over the six-year planning period are determined by applying the adopted level of service for a given facility to the expected population in the year 2018.

C. Proposed locations and capacities of expanded or new capital facilities.

General locations and capacities (acres of parkland, jail beds, etc.) of proposed new County facilities are indicated in this document.

D. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

This Six-Year Capital Improvement Program presents costs and funding sources for proposed County capital facilities (all figures are in 2012 dollars). There are a variety of funding sources that the County utilizes to pay for capital facilities, including real estate excise tax, conservation futures, the public utilities improvement fund, the jail fund and grants. One other potential source is the County’s General Fund. The Finance Manager for Whatcom County indicated that, over the six-year planning period, there would be little revenue in the County’s
General Fund-to-finance-capital-facilities. However, the capital facilities proposed in this Six-Year Capital Improvement Program are within the County’s funding capacity. Specifically, Whatcom County’s unused limited tax general obligation bond long-term debt capacity at the end of 2011 was $337,885,810, which far exceeds the expenditures proposed by this Six-Year Capital Improvement Program. Therefore, it would be possible to issue bonds to pay for capital facilities if revenue is increased, expenses decreased, or programs reprioritized to make debt-service payments.

Revenue-and-expenditure projections for roads and related non-motorized facilities are set forth in the six-year transportation improvement program:

E. A requirement to reassess the land-use element if probable funding falls short of meeting existing needs and to ensure that the land-use element, capital-facilities-plan element, and financing plan within the capital-facilities plan element are coordinated and consistent.

Finally, in accordance with the Growth Management Act, a requirement to reassess the land-use element of the Comprehensive Plan if probable funding falls short of meeting existing needs and to ensure consistency between plans already exists in the Comprehensive Plan (Policy 4A-4).

Charter-Provisions and the County Budget

In addition to Growth Management Act provisions relating to capital facilities, Section 6.30 of the County Charter also requires the County to include a six-year capital improvement program as part of the budget. Appropriation for 2013-2014 capital projects may be included in the biennial budget or may be adopted through the supplemental budget process. Ultimate funding for capital improvement projects is subject to County Council authorization in the adopted budget. Costs identified for 2015-2018 are included for planning purposes and review of potential future needs, but not for budget authorization at this time.

Contracting for Services

Whatcom County may contract with other entities, such as the Council of Governments and the Northwest Regional Council, for vital community services. These contracts represent County participation in providing essential services, alongside other partners, without the need to construct County-owned capital facilities, which can be very costly.
Chapter 2—Parks, Trails, and Activity Centers

Parks

Existing Parks and Open Space Areas

The 2012 inventory of County owned parks and open space areas shows a total of 7,145 acres. This inventory, shown below, is a partial list.

Existing Parks

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Park Name and Location</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon Park, 7499 Alderson Rd.</td>
<td>68.19</td>
</tr>
<tr>
<td>2</td>
<td>Deming Eagle Homestead Park, Truck Rd.</td>
<td>33.00</td>
</tr>
<tr>
<td>3</td>
<td>Hovander Homestead Park and Tennant Lake, 5299 Nielsen Rd.</td>
<td>333.42</td>
</tr>
<tr>
<td>4</td>
<td>Interurban Trail/Teddy Bear Cove Parkway, Chuckanut Dr.</td>
<td>11.19</td>
</tr>
<tr>
<td>5</td>
<td>Jackson Rd. Beach Access, Birch Bay</td>
<td>0.15</td>
</tr>
<tr>
<td>6</td>
<td>Jensen Family Forest Park, Stein Rd. and Birch Bay Lynden Rd.</td>
<td>21.48</td>
</tr>
<tr>
<td>7</td>
<td>Josh VanderYacht Park, 4106 Valley Highway</td>
<td>1.99</td>
</tr>
<tr>
<td>8</td>
<td>Lake Whatcom Park, North Shore Rd.</td>
<td>218.00</td>
</tr>
<tr>
<td>9</td>
<td>Lighthouse Marine Park, 811 Marine Dr. in Point Roberts</td>
<td>20.49</td>
</tr>
<tr>
<td>10</td>
<td>Lily Point Marine Park Reserve, East end of APA Rd. in Point Roberts</td>
<td>130.20</td>
</tr>
<tr>
<td>11</td>
<td>Lummi Island Overlook, Nugent Rd.</td>
<td>0.16</td>
</tr>
<tr>
<td>12</td>
<td>Maple Beach Park, Boundary Bay Rd. in Point Roberts</td>
<td>0.50</td>
</tr>
<tr>
<td>13</td>
<td>Monument Park, Marine Dr. and Roosevelt in Point Roberts</td>
<td>6.94</td>
</tr>
<tr>
<td>14</td>
<td>Northwest Soccer Park/Baseball &amp; Softball Complex, Smith Rd. and Northwest Dr</td>
<td>35.00</td>
</tr>
<tr>
<td>15</td>
<td>Nugent's Corner Access, 3671 Mt. Baker Highway</td>
<td>14.00</td>
</tr>
<tr>
<td>16</td>
<td>Point Whitehorn Marine Reserve, Koehn Rd.</td>
<td>54.10</td>
</tr>
<tr>
<td>17</td>
<td>Samish Park, 673 N. Lake Samish Dr.</td>
<td>30.61</td>
</tr>
<tr>
<td>18</td>
<td>Semiahmoo Park, 9261 Semiahmoo Parkway</td>
<td>17.92</td>
</tr>
<tr>
<td>19</td>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>412.05</td>
</tr>
<tr>
<td>20</td>
<td>Squires Lake Park, 135 Old Highway 99 North Rd.</td>
<td>84.15</td>
</tr>
<tr>
<td>21</td>
<td>Stimpson Family Nature Reserve, Lake Louise Rd.</td>
<td>371.27</td>
</tr>
<tr>
<td>22</td>
<td>Sunset Beach, West Shore Dr. on Lummi Island</td>
<td>2.25</td>
</tr>
<tr>
<td>23</td>
<td>Sunset Farm, 7989 Blaine Rd.</td>
<td>69.50</td>
</tr>
<tr>
<td>24</td>
<td>Ted Edwards Park, Oriental Ave.</td>
<td>3.85</td>
</tr>
<tr>
<td>25</td>
<td>Welcome Bridge Access, Mosquito Lake Rd.</td>
<td>0.60</td>
</tr>
<tr>
<td>26</td>
<td>Bay to Baker Trail</td>
<td>118.00</td>
</tr>
<tr>
<td>27</td>
<td>Birch Bay Shoreline Properties</td>
<td>11.35</td>
</tr>
<tr>
<td>28</td>
<td>Canyon Lake Creek Community Forest</td>
<td>2,266.00</td>
</tr>
<tr>
<td>29</td>
<td>Chuckanut Mountain Park</td>
<td>999.80</td>
</tr>
<tr>
<td>30</td>
<td>Olsen Property</td>
<td>368.70</td>
</tr>
<tr>
<td>31</td>
<td>Plantation Rifle Range</td>
<td>60.00</td>
</tr>
<tr>
<td>32</td>
<td>South Fork Regional Park</td>
<td>603.00</td>
</tr>
<tr>
<td>33</td>
<td>Halverson Park</td>
<td>5.60</td>
</tr>
<tr>
<td>34</td>
<td>Roeder Home</td>
<td>1.15</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>6,374.61</strong></td>
</tr>
</tbody>
</table>
Future Parks Level of Service

A level of service of 9.6 acres of developed parkland for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan.

Proposed Park Improvement Projects

Seven park improvement projects are proposed to provide additional park space by the year 2018. These projects would add 271 acres of parkland in Whatcom County, as shown below.

Additionally, other park and recreation improvement projects are proposed on existing parkland. These projects will add recreational facilities at these parks, but will not add acreage to the inventory. Examples include playfields, picnic areas, restrooms, and parking.

Financing for Park Improvement Projects

The total cost of the seven proposed park improvement projects is approximately $2.5 million over the six-year planning period. These costs would be paid for through grants, real estate excise tax (REET), the park improvement fund, conservation futures, and flood funds as shown below.
### Park Improvement Projects, 2013-2018

<table>
<thead>
<tr>
<th>Site No. and Project Name</th>
<th>Acres</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cherry Point / Point Whitehorn Industrial Area Access</td>
<td>35</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>150,000</td>
<td>150,000</td>
<td>300,000</td>
<td>1 and 2</td>
<td></td>
</tr>
<tr>
<td>2. Dittrich Park Lake Samish</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>250,000</td>
<td>250,000</td>
<td>500,000</td>
<td>1 and 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Lake Whatcom County Park South Unit</td>
<td>83</td>
<td>0</td>
<td>0</td>
<td>130,000</td>
<td>130,000</td>
<td>130,000</td>
<td>130,000</td>
<td>520,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>4. Maple Falls Park</td>
<td>73</td>
<td>0</td>
<td>150,000</td>
<td>150,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>5. Riverplace Park Ferndale</td>
<td>50</td>
<td>100,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100,000</td>
<td>1, 2, 4 and 5</td>
</tr>
<tr>
<td>6. South Fork Regional Park, Mosquito Lake Rd.</td>
<td>0</td>
<td>0</td>
<td>250,000</td>
<td>400,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>650,000</td>
<td>1, 2 and 3</td>
</tr>
<tr>
<td>32. Sunnyside Landing Park, North Shore Rd.</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>50,000</td>
<td>50,000</td>
<td>0</td>
<td>100,000</td>
<td>1 and 2</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>271</strong></td>
<td><strong>100,000</strong></td>
<td><strong>400,000</strong></td>
<td><strong>730,000</strong></td>
<td><strong>430,000</strong></td>
<td><strong>530,000</strong></td>
<td><strong>280,000</strong></td>
<td><strong>2,470,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Funding Source Key**

1. Grants
2. REET III
3. Park Improvement Fund
4. Conservation Futures
5. Flood fund

---

*Whatcom County Comprehensive Plan*
Trails

Existing Trails

Whatcom County currently has 60.63 miles of trails in various locations throughout the County. This inventory is shown below:

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Trail Name and Location</th>
<th>Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Crest, Sunset Dr. and Woodbridge Dr., Birch Bay</td>
<td>0.21</td>
</tr>
<tr>
<td>2</td>
<td>Bay Horizon, 7499 Alderson Rd.</td>
<td>0.25</td>
</tr>
<tr>
<td>3</td>
<td>Bay to Baker Maple Falls-Glacier</td>
<td>4.00</td>
</tr>
<tr>
<td>4</td>
<td>Canyon Lake, off Canyon Lake Rd.</td>
<td>4.50</td>
</tr>
<tr>
<td>5</td>
<td>Chuckanut Ridge</td>
<td>0.36</td>
</tr>
<tr>
<td>6</td>
<td>Deming Homestead Eagle Park, Truck Rd.</td>
<td>0.30</td>
</tr>
<tr>
<td>7</td>
<td>Hemlock, Chuckanut area</td>
<td>3.53</td>
</tr>
<tr>
<td>8</td>
<td>Hovander Marrietta Coast Millennium Trail</td>
<td>4.90</td>
</tr>
<tr>
<td>9</td>
<td>Huckleberry, Chuckanut area</td>
<td>0.43</td>
</tr>
<tr>
<td>10</td>
<td>Interurban, Chuckanut area</td>
<td>2.80</td>
</tr>
<tr>
<td>11</td>
<td>Jensen, Stein Rd. and Birch Bay Lynden Rd.</td>
<td>0.61</td>
</tr>
<tr>
<td>12</td>
<td>Lake Samish, 673 N. Lake Samish Dr.</td>
<td>1.30</td>
</tr>
<tr>
<td>13</td>
<td>Lake Whatcom Park</td>
<td>4.02</td>
</tr>
<tr>
<td>14</td>
<td>Lily Point, Point Roberts</td>
<td>4.17</td>
</tr>
<tr>
<td>15</td>
<td>Lost Lake, Chuckanut area</td>
<td>3.07</td>
</tr>
<tr>
<td>16</td>
<td>Lower Salal, Chuckanut area</td>
<td>1.30</td>
</tr>
<tr>
<td>17</td>
<td>Madrona, Chuckanut area</td>
<td>0.78</td>
</tr>
<tr>
<td>18</td>
<td>Maple Creek, off Silver Lake Rd. in Maple Falls</td>
<td>1.50</td>
</tr>
<tr>
<td>19</td>
<td>Monument Park, Marine Dr. and Roosevelt in Point Roberts</td>
<td>0.18</td>
</tr>
<tr>
<td>20</td>
<td>Olsen Property Trail, Lake Whatcom Watershed</td>
<td>4.00</td>
</tr>
<tr>
<td>21</td>
<td>Ostrom Property, 4304 South Pass Rd.</td>
<td>0.66</td>
</tr>
<tr>
<td>22</td>
<td>Pine and Cedar Lakes, Chuckanut area</td>
<td>3.87</td>
</tr>
<tr>
<td>23</td>
<td>Point Whitehorn, Birch Bay area</td>
<td>0.75</td>
</tr>
<tr>
<td>24</td>
<td>Raptor Ridge, Chuckanut area</td>
<td>0.40</td>
</tr>
<tr>
<td>25</td>
<td>Salal, Chuckanut area</td>
<td>1.18</td>
</tr>
<tr>
<td>26</td>
<td>Semiahmoo East Paved</td>
<td>0.63</td>
</tr>
<tr>
<td>27</td>
<td>Semiahmoo West Footpath</td>
<td>0.45</td>
</tr>
<tr>
<td>28</td>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>3.10</td>
</tr>
<tr>
<td>29</td>
<td>Soccer Trail, Smith Rd. and Northwest Dr.</td>
<td>0.30</td>
</tr>
<tr>
<td>30</td>
<td>Squires Lake, 135 Old Highway 99 North Rd.</td>
<td>2.14</td>
</tr>
<tr>
<td>31</td>
<td>Stimson Reserve, Lake Louise Rd.</td>
<td>4.04</td>
</tr>
<tr>
<td>32</td>
<td>Sunset, 7989 Blaine Rd.</td>
<td>0.57</td>
</tr>
<tr>
<td>33</td>
<td>Teddy Bear Cove, Chuckanut area</td>
<td>0.33</td>
</tr>
</tbody>
</table>

**TOTAL** 60.63

Future Trail Needs

A level of service of 0.60 miles of trails for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, an additional 71 miles of trails would be needed by the year 2018 to serve the people of Whatcom County.
**Trail Improvement Projects**

Five improvement projects are proposed to provide additional trails to meet the anticipated need by the year 2018. These projects would add 71 miles of trails in Whatcom County, as shown below.

**Financing for Trail Improvement Projects**

The total cost of the five proposed trail improvement projects is approximately $6.2 million over the six-year planning period. These costs would be paid for through grants, REET, conservation futures, donations, and, potentially, a levy. This is an ambitious plan and funding needed to provide this level of service will, realistically, have to compete with higher priority functions of County government.

<table>
<thead>
<tr>
<th>Site No. and Project Name</th>
<th>Miles</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bay to Baker Trail</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>4,000,000</td>
<td>1, 3 and 4</td>
</tr>
<tr>
<td>2. Chuckanut Mountain Trails</td>
<td>2.7</td>
<td>0</td>
<td>15,000</td>
<td>15,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
<td>1, 3 and 4</td>
</tr>
<tr>
<td>3. Hertz North Lake Whatcom Trail Extension</td>
<td>1</td>
<td>1,500,000</td>
<td>65,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,565,000</td>
<td>1, 2 and 5</td>
</tr>
<tr>
<td>4. South Fork Regional Park Trail</td>
<td>4.3</td>
<td>0</td>
<td>75,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>75,000</td>
<td>1, 2 and 5</td>
</tr>
<tr>
<td>5. Lake Whatcom Trails - Reconveyance Lands</td>
<td>55</td>
<td>0</td>
<td>0</td>
<td>125,000</td>
<td>125,000</td>
<td>125,000</td>
<td>175,000</td>
<td>550,000</td>
<td>1, 2 and 5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>71</td>
<td>1,500,000</td>
<td>155,000</td>
<td>1,140,000</td>
<td>1,125,000</td>
<td>1,125,000</td>
<td>1,175,000</td>
<td>6,220,000</td>
<td>1, 2 and 5</td>
</tr>
</tbody>
</table>

**Funding Source Key**

1. Grants
2. REET II
3. Conservation Futures
4. Levy
5. Donations

**Notes:** Lake Whatcom Trails are predicated on pending Department of Natural Resources reconveyance transaction within the Lake Whatcom watershed. For the Bay to Baker Trail and Lake Whatcom Trails, trail alignments and lengths are pending land acquisition, property easement negotiation and final trail design.
Activity Centers

Existing Activity Centers

There are currently 12 activity centers that provide a variety of year-round programs for various age groups. The activity center inventory is shown below.

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Activity Center Name and Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon, 7499 Alderson Rd.</td>
</tr>
<tr>
<td>2</td>
<td>Bellingham Senior Activity Center, 315 Halleck St.</td>
</tr>
<tr>
<td>3</td>
<td>Blaine Community/Senior Center, 763 G Street</td>
</tr>
<tr>
<td>4</td>
<td>Everson Senior Center, 111 W. Main</td>
</tr>
<tr>
<td>5</td>
<td>Ferndale Senior Center, 1998 Cherry Street</td>
</tr>
<tr>
<td>6</td>
<td>Lynden Community Center, 401 Grover Street</td>
</tr>
<tr>
<td>7</td>
<td>Plantation Rifle Range, 5102 Samish Way</td>
</tr>
<tr>
<td>8</td>
<td>Point Roberts Community Center, 1487 Gulf Road</td>
</tr>
<tr>
<td>9</td>
<td>Roeder Home, 2600 Sunset Dr.</td>
</tr>
<tr>
<td>10</td>
<td>Sumas Community Center, 461 2nd Street</td>
</tr>
<tr>
<td>11</td>
<td>Van Zandt Community Hall, 4106 Valley Highway</td>
</tr>
<tr>
<td>12</td>
<td>Welcome Valley Senior Center, 5103 Mosquito Lake Rd.</td>
</tr>
<tr>
<td>13</td>
<td>East Whatcom Regional Resource Center, 8251 Kendall Rd.</td>
</tr>
</tbody>
</table>

Note: The Blaine, Everson, Lynden and Sumas Centers are owned by these respective cities. The Point Roberts Community Center is owned by the Point Roberts Park District. Whatcom County provides and/or contracts for senior activities and recreational programming at these centers.

Future Activity Center Needs

A level-of-service standard of five activity centers for every 100,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, no additional centers would be needed by the year 2018 to meet the adopted level of service.

Proposed Activity Center Improvement Projects

No improvement projects that would add usable indoor space are proposed within the six-year planning period. Maintenance projects may be undertaken.

 Financing for Activity Center Improvement Projects

Not applicable.

Other Park and Recreation Projects

Pursuant to RCW 82.46.010, RCW 82.46.035 and WCC 3.20, the following park, trail, and recreational facility improvements have been identified as projects that will be funded or partially funded with the Real Estate Excise Tax (REET I or REET II). These are in addition to the projects identified above that will utilize REET funds.

Whatcom County Comprehensive Plan
Appendix F – Six-Year CIP 2013-2018

- Bay Horizon Park
  Play-fields
  Park trails

- Birch Bay
  Restrooms, parking improvements, open-space improvements and access

- Canyon Lake
  Access road repairs

- Coast Millennium Trail
  Trail construction

- East Whatcom Regional Resource Center
  Play-fields
  Covered play area

- Hovander Park – Tennant Lake
  Improve accessibility, exhibits and functions in animal contact area
  Improve vehicle access, entrance and non-motorized accessibility
  Construct new restroom building(s)
  Evaluate & rectify sinking building foundation Hovander Home
  Reconstruct / replace Tennant Lake boardwalk
  Surface / improve parking areas and access roads
  Construct group camp area and sites
  Construct special event group picnic area and shelters
  Construct bike / pedestrian facility over Nooaks River to connect with Pioneer Park
  Improve road access into park
  Remodel interior of interpretive center
  Adapt machine shed for public use
  Boat launch improvements
  Replace roofs and paint buildings

- Lake Whatcom Parks and Trails
  Construct two vehicle accessible bridges at Hertz Trail
  Construct day-use areas
  Construct public restrooms
  Construct / replace docks
  Develop trailheads
  Utilize residence for events

- Lighthouse Marine Park
  Resurface parking areas
  Replace playground
  Replace boardwalk and buildings
  Construct observation deck
  Cabins

- Maple Beach
  Parking
  Restrooms

Whatcom County Comprehensive Plan F-11

647
• Nooksack River Trail
  Develop multi-use trail

• Northwest Annex Trail
  Surface 1.0 mile trail

• Nugent’s Corner
  Open-shelter
  Trail improvements
  Accessible fishing platform
  Restroom

• Olsen Property (Lookout Mountain Access)
  Restroom
  Parking improvements

• Plantation Rifle Range
  Renovate impact berm, add retaining wall and re-grade
  Resurface parking area
  Resurface access road
  Replace HVAC

• Samish Park
  Misc. accessibility/picnic improvements—precast paver access path, re-grading and gravel resurfacing
  Replace playground
  Re-grade and resurface existing parking area and install plastic stall stripping
  Survey existing conditions, perform engineering analysis and bank stabilization and optimize parking configuration
  Repair rotted wall and pitched roof
  Improve parking area

• Semiahmoo Park
  Concession building electrical, plumbing & fixture improvements

• Silver Lake Park
  Replace park playground
  Replacement of 300’ of boardwalk
  Renovate all cabins, indoor plumbing, flooring and insulation
  Construct new shower and restroom building in campground
  Replace restroom in equestrian campground
  Install new electrical service, pads, road surfacing, water and walkways.
  Install services and surface road
  Relocate road to accommodate cabin-septic tanks, etc.
  Replace garage at residence
  Replace windows, electrical service, insulate, and siding
  Install playgrounds in campgrounds
  Repair rot, etc. in lodges
  Horse camp shelter re-roofing
  Trail improvements
  ADA improvements
  New campground and cabins
Appendix F - Six-Year CIP 2013-2018

- **Stimpson Family Nature Reserve**
  - Restroom

- **Sunset Farm**
  - Improve 0.5 mile trail and connect to community trail system
  - Restrooms
  - Stable Repairs
  - Landscaping

- **Teddy Bear Cove**
  - Woodstock Farm connector trail

- **Warnick Bridge**
  - Trailhead improvements

- **Miscellaneous locations**
  - Roof replacements (shop and office)
  - Insulation and siding (shop and office)
  - Parking lots
  - Landscaping
  - Stormwater improvements
  - Interpretive signs

- **Planning and Design**
  - Update Comprehensive Parks, Recreation and Open Space Plan
  - Park master plans
Chapter 3 — Maintenance and Operations

Existing Maintenance and Operations Space

The 2012 inventory of maintenance & operations/facilities management space that serves the County is 44,411 square feet. This inventory is shown below:

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Central Shop, 901 W. Smith Rd. (Maintenance and Operations)</td>
<td>35,773</td>
</tr>
<tr>
<td>2</td>
<td>316 Lottie St. (Facilities Management)</td>
<td>4,978</td>
</tr>
<tr>
<td>3</td>
<td>Minimum Security Correction Facility — 2030 Division St. (Facilities Management Storage)</td>
<td>3,660</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>44,411</strong></td>
</tr>
</tbody>
</table>

Proposed Maintenance and Operations Improvement Projects

No improvement projects that would add usable space are proposed within the six-year planning period. Only maintenance projects may be undertaken.

Financing Maintenance and Operations Improvement Projects

Not applicable.
Chapter 4—Government-Office Space

Existing Office Space

The 2012 inventory of County government office space is 180,769 square feet at eight locations. This inventory is shown below:

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civic Center Annex (322 North Commercial)</td>
<td>20,279</td>
</tr>
<tr>
<td>2</td>
<td>Central Plaza Building (215 N. Commercial)</td>
<td>10,307</td>
</tr>
<tr>
<td>4</td>
<td>County Courthouse (311 Grand Avenue)</td>
<td>94,678</td>
</tr>
<tr>
<td>5</td>
<td>Forest St. Annex (1000 North Forest St.)</td>
<td>6,487</td>
</tr>
<tr>
<td>6</td>
<td>509 Girard St.</td>
<td>13,189</td>
</tr>
<tr>
<td>7</td>
<td>3373 Mt. Baker Highway</td>
<td>2,110</td>
</tr>
<tr>
<td>8</td>
<td>1500 N. State St.</td>
<td>12,281</td>
</tr>
<tr>
<td>9</td>
<td>Northwest Annex (5280 and 5256 Northwest Dr.)</td>
<td>21,438</td>
</tr>
</tbody>
</table>

Total 180,769

Proposed New Office Building Projects

No new buildings are proposed within the six year planning period. Only improvement and maintenance projects in existing buildings are proposed (see Chapter 11).

Financing Maintenance and Operations Improvement Projects

Not applicable.
Chapter 5—Sheriff’s Office

Existing Sheriff’s Office Space

The 2012 inventory of Sheriff’s office space is 23,962 square feet serving the unincorporated population. This inventory is shown below:

EXISTING SHERIFF’S FACILITIES

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Safety Building (311 Grand Ave)</td>
<td>15,102</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Security Correction Facility (2030 Division St.)</td>
<td>6,000</td>
</tr>
<tr>
<td>3</td>
<td>Inspector’s Office, Civic Center Building (322 N. Commercial)</td>
<td>920</td>
</tr>
<tr>
<td>4</td>
<td>Laurel Fire Hall (6028 Guide Meridian)</td>
<td>1,500</td>
</tr>
<tr>
<td>5</td>
<td>Kendall Satellite Office</td>
<td>160</td>
</tr>
<tr>
<td>6</td>
<td>Birch Bay Fire Hall</td>
<td>192</td>
</tr>
<tr>
<td>7</td>
<td>Nugent’s Corner Fire Hall</td>
<td>88</td>
</tr>
</tbody>
</table>

Total 23,962

Notes:
1. The Sheriff’s Office also has storage facilities at various locations in Whatcom County.
2. The County has two mobile homes and an old detention facility in Point Roberts. The resident deputies operate out of their homes or utilize space at the U.S. Customs office at the border.

Existing Sheriff’s Office facilities locations and square footage include shared space at local fire districts that is available depending on Fire District needs and is generally subject to change with short notice or no notice, and rented or leased space not solely dedicated to Sheriff’s Office use.

Future Sheriff’s Office Needs

A level of service of 0.26 square feet of Sheriff’s Office space per capita was adopted in the Comprehensive Plan. With projected population growth in unincorporated Whatcom County over the next six years, a small amount of additional Sheriff’s Office space (approximately 81 square feet) would be needed in 2018 to meet the adopted level of service. A plan has not been formulated at the present time to increase the Sheriff’s Office space. Therefore, either the LOS will need to be re-evaluated at the next comprehensive plan update or a plan will need to be formulated to provide additional office space in the future. Most Sheriff’s Office functions are based in the Public Safety Building adjacent to the Courthouse and are remote to the vast majority of Sheriff’s Office Bureau of Law Enforcement and Investigative Services functions that take place in unincorporated Whatcom County. This results in inefficiencies and delays. Space and design factors in current facilities preclude consolidating various functions performed throughout the agency (reception, finance, etc.) and result in redundancies. When fiscally feasible, existing Sheriff’s Office facilities and associated functions should be consolidated (except for “Resident Deputy” program facilities).
Proposed Sheriff's Office Improvement Projects

At the current time, no improvement projects that would add usable space are proposed within the six-year planning period.

Financing Maintenance and Operations Improvement Projects

Not applicable.
Chapter 6—Emergency Management/Emergency Operations Center (EOC)

Existing-Emergency Management/EOC Space

The 2012 inventory of Division of Emergency Management office space is 1,821 square feet, located in the Civic Center Annex as shown below. The active Emergency Operations Center for the county was closed in 2010. If an Emergency Operations Center is needed during an emergency, the portable building at the Central Shop, which is 3,600 square feet, is the designated site for set-up.

**EXISTING EMERGENCY MANAGEMENT/EOC FACILITIES**

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civic Center Annex (322 North Commercial)</td>
<td>1,821</td>
</tr>
</tbody>
</table>

**TOTAL** 1,821

Future-Emergency Management/EOC Needs

The Division of Emergency Management requires both daily office space for Emergency Management and, during an actual emergency, additional space for the emergency operations center (EOC). During an emergency, the EOC may have to accommodate several hundred people in a single day. These people include a combination of elected officials, trained personnel and volunteers, who serve in a variety of capacities during the emergency.

A level of service of 0.011 square feet of emergency operations space per capita was adopted in the Comprehensive Plan. With projected population growth an additional 578 square feet, over and above the existing 1,821 square feet of office space, would be needed by the year 2018 to meet the adopted level of service. However, during an emergency when a location for an EOC is needed, there is access to the portable building at the Central Shop (approximately 3,600 square feet). This is a designated “cold site” that will require 45 minutes to 1-1/2 hours to set-up.

The Division of Emergency Management may need to move out of the Civic Center Annex within the next year, as other County functions may move into this space. The County is working to develop a comprehensive and coordinated plan to re-locate Emergency Management, with the goal of assuring appropriate long-term facilities. However, this plan has not yet been finalized.

Proposed-Emergency Management/EOC Projects

No improvement projects that would add usable space are proposed within the six-year planning period.
Financing Maintenance and Operations Improvement Projects

Not applicable.
Chapter 7—Jails

Existing Jail Facilities

The main County jail was designed for 148 beds, although it currently has 283 beds due to double bunking, internal remodeling and use of temporary beds. In 2011, the average daily population for the main jail was 265. Additionally, the jail is currently not in compliance with the Building/Fire Codes for double bunking, although a plan has been approved to bring it into compliance. Whatcom County completed construction of a 150 bed minimum security correction facility on Division St. in 2006. In 2011, the average daily population for the minimum security facility was 137. The main jail is located in the Public Safety Building next to the County Courthouse in downtown Bellingham and minimum security correction facility is located in the Bakerview Rd. industrial area.

**EXISTING JAIL BEDS**

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Safety Building (311 Grand Ave.)</td>
<td>283</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Security Correction Facility (2030 Division St.)</td>
<td>150</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>433</strong></td>
</tr>
</tbody>
</table>

Future Jail Needs

A level of service of 1.42 beds for every 1,000 people in the County was adopted in 1997 in the Whatcom County Comprehensive Plan. Based on the actual average daily populations of the two County jail facilities, the County plans to review this level of service. Average daily populations documented by the Corrections Bureau since 2006 have been well above the minimum number of beds required by the current level of service standard. The County needs to review and update the existing level of service standard. This review will begin in 2013.

Proposed Jail Improvement Projects

There are serious concerns among law and justice officials relating to jail facility needs in the community. This need has been documented by recommendations from the Whatcom County Law and Justice Plan Phase II Report (June 2000), in a report entitled Operational Review of the Whatcom County, Washington Jail (March 2004), and in the Whatcom County Jail Planning Task Force Recommendations (Dec. 2011 and March 2012). In an effort to meet the community need, the County will be siting and constructing a Sheriff’s Office New Main Jail Facility, tentatively scheduled to open with 600 beds. At the time the Sheriff’s Office New Main Jail Facility is open, the offenders at the minimum-security corrections facility would be relocated to the new facility. A location for the Sheriff’s Office New Main Jail Facility has not been selected. It is anticipated that the new jail facility will come on line by 2016.
Financing for Jail Improvement Projects

The cost of the proposed Sheriff’s Office New Main Jail Facility is approximately $60,000,000 within the six-year planning period. These costs would be paid for through the general fund, REET-I, public utilities improvement fund, jail fund and voter and council approved bonds.

<table>
<thead>
<tr>
<th>Jail Improvement Projects to Serve County Wide, 2013-2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site No. and Project Name</td>
</tr>
<tr>
<td>----------------------------</td>
</tr>
<tr>
<td>1. Sheriff's Office New Main Jail Facility</td>
</tr>
</tbody>
</table>

Note: Additional-projections and analysis indicate there may be a need for more than 600 beds, but these are still under review.

Funding Source Key:
1. General Fund
2. REET-I
3. Public Utilities Improvement Fund
4. Jail Fund
5. Bonds
Chapter 8—Juvenile Detention

Existing Juvenile Detention Facilities

The 2012 inventory of County juvenile detention facilities includes 32 beds serving the county-wide population. The juvenile detention facility is located on the sixth floor of the County Courthouse at 311 Grand Avenue.

**EXISTING JUVENILE DETENTION BEDS**

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Beds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>County Courthouse (311 Grand Ave.)</td>
<td>32</td>
</tr>
</tbody>
</table>

Future Juvenile Detention Needs

A level of service of 0.125 beds per 1,000 population was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, no additional beds would be needed by the year 2018 to meet the adopted level of service.

Proposed Juvenile Detention Projects

No improvement projects are currently proposed that would increase the number of permanent beds within the six-year planning period.

Financing for Juvenile Detention Improvement Projects

Not applicable.
Chapter 9—Transportation

Roads

Existing Roads

The 2011 inventory shows a total of 941.5 miles of County roads. Additionally, there are 217.5 miles of state highways in Whatcom County (including I-5). Therefore, there are approximately 1,159 miles of public roads in Whatcom County.

Future Road Needs

The Whatcom County Comprehensive Plan sets level-of-service (LOS) standards for County roads. Future traffic and the level of service for roads can be forecasted using computer-modeling software. The Whatcom Council of Governments forecasts future traffic utilizing a computer transportation model. This modeling effort will inform transportation planning in Whatcom County.

Whatcom County accomplishes planning for County road improvements by approving a Six-Year Transportation Improvement Program each year, as required by RCW 36.81.121.

Proposed Improvement Projects

The Whatcom County Council approved the Six-Year Transportation Improvement Program for the years 2013 through 2018 under Resolution No. 2012-023. This six-year plan includes preliminary planning for two proposed new road projects:

- Horton Road Connector (between Northwest Drive and Aldrich Road); and
- Lincoln Road extension (between Harborview Road and Blaine Road).

While these two projects are on the Six-Year Transportation Improvement Program, construction is not anticipated within the six-year planning period. Rather, preliminary engineering to determine project feasibility may be initiated within this time-frame.

The six-year plan also includes a number of bridge replacements, several reconstruction projects, and the Birch Bay Drive & Pedestrian Facility improvements, which include pedestrian and non-motorized enhancements along Birch Bay Dr. from Alderson Rd. to Harborview Rd.

In addition to the projects in the Six-Year Transportation Program, the Lincoln Road/Birch Point connector is a developer-funded project. The project completion date is unknown because of current economic conditions.
Financing for Improvement Projects

The total cost of the County transportation projects in the Six-Year Transportation Improvement Program is $48,236,000. These costs include $24,705,000 of County funds, with the remainder being funded by the State and Federal governments. These costs are shown in greater detail in Resolution No. 2012-023.

Lummi Ferry

Existing Ferry Facilities

Whatcom County currently has one ferry vessel serving Lummi Island. The ferry runs between Lummi Island and Gooseberry Point on a daily basis.

Future Ferry Needs

The Whatcom County Comprehensive Plan sets a level of service of 513 ferry passenger trips annually per capita of Lummi Island population. Based upon projected population, the Lummi ferry will not meet the adopted level of service over the six-year planning period.

The Whatcom County Comprehensive Plan sets a level of service of 513 ferry passenger trips annually per capita of Lummi Island population. Based upon projected population, the Lummi ferry will not meet the adopted level of service over the six-year planning period. Therefore, it will be appropriate to consider revising the LOS standard during the next comprehensive plan update.

Proposed Ferry Improvement Projects

No improvement projects that would add ferry capacity are proposed within the six-year planning period.

Financing for Ferry Improvement Projects

No improvement projects that would add ferry capacity are proposed within the six-year planning period. Other ferry improvement costs are shown on the Six-Year Transportation Improvement Program.
Chapter 10—Stormwater and Flood Protection Facilities

Stormwater

Existing Stormwater Management Facilities

Public Works Department is responsible for the design, engineering, and construction of county-owned stormwater facilities. Many stormwater facilities are road-related stormwater conveyance systems, such as culverts and ditches, on and adjacent to county roads. Others are off right-of-way facilities that control storm flows and improve water quality.

In response to (1) increasing federal and state mandates to manage stormwater and (2) the public's desire to improve stewardship of sensitive watersheds, Whatcom County established a Stormwater Section in the Surface Water Division of the Public Works Department in 2005. The Stormwater Section is responsible for planning, designing, engineering, and construction of stormwater facilities. Inventories of existing stormwater facilities are maintained by the Public Works Department. Engineering Services Division maintains an inventory of all road-related facilities. The Surface Water Division maintains an inventory of public and private stormwater facilities in the area covered by the county's NPDES Phase II permit for Municipal Separate Storm Sewer Systems. This inventory includes ditches, culverts, catch basins, vaults, ponds and swales. Stormwater projects that have been constructed since the Public Works Stormwater Section was created in 2005 are listed below:

<table>
<thead>
<tr>
<th>Existing Site No.</th>
<th>Watershed</th>
<th>Facility Name</th>
<th>Year Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lake Whatcom</td>
<td>Geneva stormwater retrofits</td>
<td>2006</td>
</tr>
<tr>
<td>2</td>
<td>Lake Whatcom</td>
<td>Cable Street reconstruction &amp; stormwater improvements</td>
<td>2007</td>
</tr>
<tr>
<td>3</td>
<td>Lake Whatcom</td>
<td>Lahti Drive stormwater improvements</td>
<td>2010</td>
</tr>
<tr>
<td>4</td>
<td>Lake Whatcom</td>
<td>Silver Beach Creek improvements - Browneville Drive to E. 16th Place</td>
<td>2011</td>
</tr>
</tbody>
</table>
Whatcom County Public Works received several awards for the Silver Beach Creek improvements, which were completed in 2011 (existing site no. 4 above). Silver Beach Creek experiences increased stormwater runoff and greater peak flows due to its developed landscape. This project is designed to substantially improve water quality and reduce flooding in an especially problematic reach of the creek. The project included reshaping and stabilizing the stream channel, installing water quality treatment swales, and installing stormwater vaults. These improvements filter phosphorus-containing sediment, alleviate flooding, reduce erosion, and promote infiltration. Project construction cost was approximately $900,000 and shared between local real estate excise tax (REET) revenues and a federal EPA grant.

**Financing for Stormwater Projects**

An increasing emphasis on the protection of sensitive watersheds has resulted in the adoption of comprehensive stormwater plans for Lake Whatcom and Birch Bay. A similar plan is currently being developed by the Lake Samish community. The adopted plans identify work towards planning, design, engineering, and construction of capital projects intended for the next six years.

Capital facilities that may be constructed during the next six years are listed below. Projects are expected to be financed by a combination of REET, grants, countywide Flood Control Zone District tax revenues, local Flood Control fees and, potentially, the county general fund. Where appropriate, matching contributions from other beneficiaries will be sought.
## Lake Whatcom Stormwater Projects 2013–2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Velocity and volume reductions, Coronado</td>
<td>290,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>290,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>2. Natural drainage retrofits, Strawberry sub-basin</td>
<td>330,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>330,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>3. Euclid Ave/Cedar Hills Install rain gardens, filter vaults and swales</td>
<td>0</td>
<td>500,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>4. Velocity and volume reductions, Agate Bay Lane</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>5. Water Quality protection, Agate Heights Reduce ditch erosion and install bio-infiltration swales</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>6. Stream restoration, Beaver Creek</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>220,000</td>
<td>0</td>
<td>0</td>
<td>220,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>7. Sudden Valley, water quality improvements Drainage system upgrades and water quality facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>8. Velocity reductions, Toad Lake at Academy Rd.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>400,000</td>
<td>0</td>
<td>400,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>9. Silver Beach Creek main channel restoration below Hills Dale</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>450,000</td>
<td>450,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>10. Lake Whatcom Blvd stormwater improvements Vaults and roadside treatments</td>
<td>150,000</td>
<td>600,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>750,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>770,000</td>
<td>1,100,000</td>
<td>400,000</td>
<td>420,000</td>
<td>400,000</td>
<td>450,000</td>
<td>3,540,000</td>
<td></td>
</tr>
</tbody>
</table>

### Funding Source Key
1. REET-II
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees
### Birch-Bay Stormwater Projects 2013-2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cottonwood By-pass</td>
<td>400,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>400,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>Re-route to new outlet and installation of water quality treatment facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Cottonwood-Fern &amp; Beachway Neighborhood drainage improvement</td>
<td>150,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>150,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>3. Shintaffer Road/Deer Creek, Partial re-route to new upgraded outlet water quality treatment facilities</td>
<td>0</td>
<td>425,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>425,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>4. Roger's Slough, System upgrades to reduce flooding and provide water quality treatment facilities</td>
<td>50,000</td>
<td>0</td>
<td>250,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>5. Birch Bay Dr., Stormwater upgrades to beach outfalls</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>1, 2, 3 and 4</td>
</tr>
<tr>
<td>6. Point Whitehorn, Drainage upgrade and water quality facility installation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>200,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>7. Central Birch Bay Establish one or more drainage routes from upland to bay, install or upgrade conveyance system and develop water quality treatment facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>750,000</td>
<td>750,000</td>
<td>1, 2 and 4</td>
</tr>
</tbody>
</table>

**Total** | 600,000 | 425,000 | 250,000 | 500,000 | 200,000 | 750,000 | 2,725,000 |

**Funding Source Key**
1. REET II
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees

### Lake Samish Stormwater Projects 2013-2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lake Samish Stormwater Plan</td>
<td>30,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>30,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
<td></td>
</tr>
</tbody>
</table>

**Funding Source Key**
1. REET II
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees

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*Whatcom County Comprehensive Plan*
Flood Protection

Existing Flood Protection Facilities

Whatcom County has been involved in river management and protection of infrastructure for decades. In response to the devastating floods in 1990, the County established a County-wide Flood Control Zone District to address the natural hazards associated with river flooding, lowland flooding, landslides, and coastal storms. Projects range from repairs to existing flood control facilities after flood events, to flood hazard reduction projects that typically result from a comprehensive flood hazard management planning process. Significant flood projects that have been constructed since 2000 are listed below:

<table>
<thead>
<tr>
<th>Existing Site No.</th>
<th>Location</th>
<th>Project Name</th>
<th>Year Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>South Fork Nooksack</td>
<td>Saxon Bank Stabilization Project</td>
<td>2001</td>
</tr>
<tr>
<td>2</td>
<td>Near Sumas</td>
<td>Saar Creek Sediment Trap</td>
<td>2003</td>
</tr>
<tr>
<td>3</td>
<td>Near Everson</td>
<td>Everson Overflow Bank Stabilization Project</td>
<td>2006</td>
</tr>
<tr>
<td>4</td>
<td>Near Ferndale</td>
<td>Bertrand Creek Levee Setback Project</td>
<td>2005</td>
</tr>
<tr>
<td>5</td>
<td>Deming</td>
<td>Deming Levee Rehabilitation Project</td>
<td>2008</td>
</tr>
<tr>
<td>6</td>
<td>Near Ferndale</td>
<td>Hovander Park Levee Setback Project</td>
<td>2010</td>
</tr>
<tr>
<td>7</td>
<td>Varies</td>
<td>Acquisition of flood-prone properties</td>
<td>on-going</td>
</tr>
</tbody>
</table>

Financing for Flood Protection Projects

Capital facilities that may be constructed during the next six years are listed below. Projects are expected to be financed by a combination of real estate excise taxes (REET), grants, countywide Flood Control Zone District tax revenues, local Flood Control and Diking District fees and, potentially, the county general fund. Where appropriate, matching contributions from other beneficiaries will be sought.
### Flood Protection Projects 2013-2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Canyon Creek Fish Habitat Restoration and Flood Protection</td>
<td>2,226,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,276,000</td>
<td>2 and 3</td>
</tr>
<tr>
<td>2. Deming School and Tribal Treatment Facilities Flood Protection</td>
<td>300,000</td>
<td>1,250,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,600,000</td>
<td>1,2,3 and 4</td>
</tr>
<tr>
<td>3. Jones Creek Deflection Berm Debris Flow Protection and Turkington Rd. Bridge reconfiguration</td>
<td>675,000</td>
<td>325,000</td>
<td>2,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3,000,000</td>
<td>1,2,3 and 4</td>
</tr>
<tr>
<td>4. Swift Creek and Sumas River Bridges Sediment Management</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>150,000</td>
<td>1,2,3 and 4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3,226,000</td>
<td>1,650,000</td>
<td>2,075,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>7,026,000</td>
<td></td>
</tr>
</tbody>
</table>

**Funding Source Key**

1. REET-II
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees


Chapter 11—Improvements to Existing Buildings

Whatcom County plans to make the following improvements to existing buildings within the six-year planning period to maintain or enhance the function of these structures:

### Improvement to Existing Buildings, 2013-2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Center Annex - Repair &amp; retrofit, HVAC, engineering, lighting, and exterior repair</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,000,000</td>
<td>1, 2, 3 and 5</td>
</tr>
<tr>
<td>Upgrade jail and juvenile controls and improve exiting</td>
<td>1,400,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,400,000</td>
<td>1, 3, 4 and 5</td>
</tr>
<tr>
<td>Courthouse - Exterior engineering evaluation and repairs</td>
<td>100,000</td>
<td>300,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,400,000</td>
<td>1, 2 and 3</td>
</tr>
<tr>
<td>Courthouse - window replacement</td>
<td>0</td>
<td>250,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>250,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>Courthouse - Full suite courtroom and judicial hearing room</td>
<td>200,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,200,000</td>
<td>3 and 7</td>
</tr>
<tr>
<td>Reconfiguration of Triage - Engineering evaluation and remodel</td>
<td>0</td>
<td>0</td>
<td>120,000</td>
<td>0</td>
<td>800,000</td>
<td>0</td>
<td>920,000</td>
<td>2, 3, and 6</td>
</tr>
<tr>
<td>Reconfiguration of Old Jail - Engineering and remodel</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>120,000</td>
<td>800,000</td>
<td>0</td>
<td>920,000</td>
<td>4</td>
</tr>
<tr>
<td>Northwest Annex - Engineering and remodel</td>
<td>0</td>
<td>0</td>
<td>120,000</td>
<td>800,000</td>
<td>0</td>
<td>0</td>
<td>920,000</td>
<td>2 and 3</td>
</tr>
<tr>
<td>Whatcom County Buildings - Interior Painting</td>
<td>50,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100,000</td>
<td>3</td>
</tr>
<tr>
<td>Central Plaza Building - Engineering &amp; Replacement</td>
<td>10,000</td>
<td>65,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>75,000</td>
<td>3</td>
</tr>
<tr>
<td>Gas-Packs, HVAC</td>
<td>35,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>35,000</td>
<td>3</td>
</tr>
<tr>
<td>Courthouse Exit Light Replacement</td>
<td>10,000</td>
<td>40,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>50,000</td>
<td>3</td>
</tr>
</tbody>
</table>

**Total**

2,805,000 3,705,000 1,240,000 920,000 1,600,000 0 10,270,000
### Chapter 12—Costs by Project Category

#### Cost by Project Category, 2013–2018

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks</td>
<td>100,000</td>
<td>400,000</td>
<td>730,000</td>
<td>430,000</td>
<td>530,000</td>
<td>280,000</td>
<td>2,470,000</td>
<td>1.76%</td>
</tr>
<tr>
<td>Trails</td>
<td>1,500,000</td>
<td>155,000</td>
<td>1,140,000</td>
<td>1,125,000</td>
<td>1,125,000</td>
<td>1,175,000</td>
<td>6,220,000</td>
<td>4.43%</td>
</tr>
<tr>
<td>Sheriff's Office New Jail</td>
<td>10,000,000</td>
<td>10,000,000</td>
<td>18,000,000</td>
<td>18,000,000</td>
<td>4,000,000</td>
<td>0</td>
<td>60,000,000</td>
<td>42.70%</td>
</tr>
<tr>
<td>Transportation</td>
<td>18,900,000</td>
<td>11,205,000</td>
<td>4,470,000</td>
<td>4,552,000</td>
<td>4,552,000</td>
<td>4,551,000</td>
<td>48,236,000</td>
<td>34.33%</td>
</tr>
<tr>
<td>Stormwater</td>
<td>1,400,000</td>
<td>1,525,000</td>
<td>650,000</td>
<td>920,000</td>
<td>600,000</td>
<td>1,200,000</td>
<td>6,295,000</td>
<td>4.48%</td>
</tr>
<tr>
<td>Flood Protection</td>
<td>3,226,000</td>
<td>1,650,000</td>
<td>2,075,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>7,026,000</td>
<td>5.00%</td>
</tr>
<tr>
<td>Existing Buildings</td>
<td>2,805,000</td>
<td>3,705,000</td>
<td>1,240,000</td>
<td>920,000</td>
<td>1,600,000</td>
<td>0</td>
<td>10,270,000</td>
<td>7.31%</td>
</tr>
</tbody>
</table>

**Total Cost** 37,937,000 28,640,000 28,305,000 25,972,000 12,432,000 7,231,000 140,517,000 100.00%
WHATCOM COUNTY
PLANNING COMMISSION

Six-Year Capital Improvement Program and
Level of Service Amendments

FINDINGS OF FACT AND REASONS FOR ACTION

1. The proposal is to amend the Whatcom County Comprehensive Plan as follows:
   a. Modifying the level of service standard for trails in chapter 4 of the comprehensive plan;
   b. Deleting the level of service standard for activity centers in chapter 4 of the comprehensive plan;
   c. Adopting the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2015-2020; and
   d. Repealing the existing Six-Year CIP for Whatcom County Facilities 2013-2018.

2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on September 5, 2014.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on September 9, 2014.

4. The proposal was posted on the County website on September 10, 2014.

5. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media, cities and other groups on the County’s e-mail list on September 11, 2014.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on September 12, 2014.

7. The Planning Commission held a public hearing on the subject amendments on September 25, 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. Amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

Growth Management Act

9. The Growth Management Act (GMA) establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plan amendments.
10. GMA planning goal # 12 is to “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards” (RCW 36.70A.020(12)).

11. The subject amendments include updating the Six-Year CIP for Whatcom County Facilities for the 2015-2020 planning period. Updating the CIP is one step in the process of planning regional facilities provided by the County to serve the people of Whatcom County.

12. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:

   a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

   b. A forecast of the future needs for such capital facilities.

   c. The proposed locations and capacities of expanded or new capital facilities.

   d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

   e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

13. The Six-Year CIP for Whatcom County Facilities contains an inventory of existing County owned or operated facilities, a forecast of future needs based upon the level of service standards adopted in the Whatcom County Comprehensive Plan and other relevant factors, proposed expanded or new County capital facilities, costs and funding sources.

14. Existing Comprehensive Plan Policy 4A-4 addresses the GMA requirement to reassess the land use element if probable capital facility funding falls short.

**County-Wide Planning Policies**

15. County-Wide Planning Policy K-1 indicates that, as part of the comprehensive planning process, the County must identify appropriate land for public facilities that meets the needs of the community including recreation, transportation and human service facilities.
16. The CIP identifies County park, trail, transportation and other improvements as contemplated by the County Wide Planning Policies.

Interlocal Agreements

17. Existing inter-local agreements between Whatcom County and the cities indicate that the County will consult with the appropriate city in planning new road construction projects within the city’s urban growth area. The inter-local agreements also provide joint planning for parks.

18. The County Engineer indicated on September 5, 2014 that the County sends a copy of the six-year transportation improvement program to cities prior to approval, requests comments, and informs cities of the hearing date. The Whatcom County Parks Director confirmed on September 5, 2014 that the County Parks’ staff maintains a consistent working relationship with appropriate staff from cities on joint park projects and planning. Therefore, the type of cooperation envisioned by the inter-local agreements is occurring.

Further Studies/Changed Conditions

19. The Whatcom County Comprehensive Plan calls for an update of the Six-Year Capital Improvement Program for County facilities every other year. Specifically, Policy 4B-1 is to:

   Maintain and update, on at least a biennial basis, a six-year capital improvement program (CIP) that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects based on a review of population and revenue conditions existing at that time.

20. A revised capital improvement program has been formulated for County owned or operated facilities, which presents improvement projects over the new six-year planning period.

Public Interest

21. The Six-Year CIP for County facilities from 2015 to 2020 is based upon anticipated population growth over the six-year planning period and other relevant factors. Therefore, the proposal should complement the County’s growth and development plans.

22. The Six-Year CIP for Whatcom County Facilities will have a positive impact on the County’s ability to provide public facilities by planning ahead for such facilities.
23. The goal of the Six-Year CIP for Whatcom County Facilities is to plan for County owned or operated parks, trails, general government buildings and sites, Sheriff’s Office facilities, emergency management facilities, correction facilities, stormwater facilities, and transportation improvements to serve the people of Whatcom County. Planning for such County facilities is in the public interest.

Spot Zoning

24. The subject proposal does not involve rezoning property.

Level of Service Standard Modifications

25. A level of service standard for activity centers is set forth in the current Whatcom County Comprehensive Plan.

26. The “Growth Management Act – Procedural Criteria for Adopting Comprehensive Plans and Development Regulations” state that counties are not required to set level of service standards for facilities that are not “necessary for development” (WAC 365-196-415(2)(b)).

27. Whatcom County will continue to monitor and evaluate the need for activity center improvements. However, such facilities are not necessary for development (WAC 365-196-415(2)(b)). Therefore, the level of service standard for such facilities may be removed from the Comprehensive Plan.

28. Additionally, the level of service standard for trails is being modified to better reflect the County’s planning and funding of improvements.

CONCLUSIONS

1. The proposed amendments conform to applicable requirements of the Growth Management Act.

2. The proposed amendments satisfy the approval criteria of WCC 2.160.080.
RECOMMENDATION

Based upon the above findings and conclusions, Planning Commission recommends:

1. Approval of Exhibit A, amendments to Chapter 4 of the Whatcom County Comprehensive Plan.


3. Repealing Exhibit C, which is the Six-Year Capital Improvement Program for Whatcom County Facilities 2013-2018.

WHATCOM COUNTY PLANNING COMMISSION

David Onkels, Chair

Becky Boxx, Secretary

Date: Sept 30, 2014

Commissioners present at the September 25, 2014 meeting when the vote was taken: Ben Elenbaas, Gary Honcoop, David Hunter, Natalie McClendon, David Onkels, and Mary Beth Teigrob.

Vote: Ayes: 5, Nays: 1, Abstain: 0, Absent: 3. 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.
MEMO: 9/25/14

TO: Whatcom County Planning Commission, Whatcom County PDS

RE: Public Hearing 9/25/14 – additional testimony
    Capital Facilities Planning – Portions Pertaining To Parks And Recreation

Commissioners and PDS staff,

The proposed changes to Parks LOS levels violate the Growth Management Act.

I hope you read my previous memo (9/22) regarding this issue. In addition to the material presented in that memo please consider:

1. The Comprehensive Parks plan has no definition of a “Regional Park” so any adoption of a regional park LOS would have to be accompanied by a definition.

2. The State Supreme Court and the Hearings Boards have decided that, “...when RCW 36.70A.020(8), .060 and .170 are read together, they create a forest resource conservation imperative that imposes an affirmative duty on local government to designate and conserve forest resource lands in order to assure the maintenance and enhancement of the forest resource industry.” In a Skagit County case even a shooting range on Forest Resource lands “...as described in the adopted Park Plan,...” was found to be invalid on challenge to the Hearings Board. Funding yet to be described “park development” on Forest Resource lands would not seem to stand up to the requirements of the law as put forward by Hearings Boards and the Supreme Court.

3. According to the Hearings Boards, parks are not to be allowed on Resource Lands; “DRs which allow fifteen percent residential subdivision, RV parks, boat launches, etc., parks, golf courses, restaurants and commercial services all in designated RL areas do not comply with the Act and substantially interferes with Goal 8 of the Act under recent Washington State Supreme Court cases. Panesko v. Lewis County 00-2-0031c (FDO, 3-5-01)”

4. County Code also excludes parks from Forest Resource lands. 20.43.154 lists as permitted conditional uses, “Operation of dispersed, primitive recreational facilities including tent campgrounds, game reserves, developed trailheads with parking for more than 30 vehicles, but excluding uses such as community centers, riding academies, off-road vehicle parks, parks, marinas, camping clubs, institutional camps and recreational vehicle and travel trailer parks.” 20.43.201 provides that, “All other uses,” are prohibited.

5. It appears that Whatcom County Parks is the second largest owner of Forest Resource land in Whatcom County. It is disingenuous of the Park Department, and
others, to pretend the land will be managed to provide for a sustainable forest products industry. No funding for projects on Forest Resource Lands should be provided absent either a forest management plan demonstrating how the land will be managed to benefit the Forest Products industry is adopted or, the land is rezoned ROS (Recreation Open Space) to reflect its actual use.

6. Again, many parks facilities called out as necessary to fulfillment of the parks plan and included in the plan are not being addressed by this spending plan while facilities specifically excluded from the parks plan are being funded.

7. In a Comprehensive Plan, policies are requirement. The Chapter 4 you are amending the county:

“Policy 4F-3: Develop a recreational facilities program that achieves and maintains the level of service for athletic fields and courts, trails, and support facilities for shoreline access, picnicking, and camping without adding to capital costs.

Whatcom County Comprehensive Plan 4-5”

Where are the levels of service for athletic fields and courts, support facilities for shoreline access, picnicking, and camping?

8. Legal says there is no currently valid Parks and Recreation plan. If that is so, what, other than whim, provides support for LOS changes the refocus the entire Whatcom County Parks system away from providing accessible experiences to residents and towards making huge portions of land inaccessible to anyone?

Once again, the lack of analysis regarding the impact proposed changes to Chapter 4 of the County Comprehensive Plan on the Whatcom County Resource land base coupled with the likelihood of very significant impacts on that land base demand you reject the proposed amendments to Chapter 4.

In addition, it makes no sense to make the proposed, major, changes to Chapter 4, when the entire County Comprehensive Plan must be revisited and rewritten in the context of a new 20 year planning period (and associated population and employment projections) next year anyway.

Regards,

Jack Petree
2955 Sunset Drive
Bellingham
MEMO: 9/25/14

TO: Whatcom County Planning Commission, Whatcom County PDS

RE: Public Hearing 9/25/14 and response to the County’s response to my comments on Capital Facilities Planning – Portions Pertaining To Parks And Recreation

Commissioners and PDS staff,

It is interesting that PDS and the County legal staff rejects the idea that the Comprehensive Parks Plan adopted into the Whatcom County parks plan should have an effect on your deliberations regarding amendments to the Whatcom County Comprehensive Plan.

The County Comp. Plan has been updated many times since its initial adoption in 1997. Most recently, the plan was completely gone through and readopted, complete with its current language regarding the parks plan, in 2009 as part of the County’s GMA required 10 year update. That means language dealing with the Comprehensive Parks and Recreation plan was also readopted. If the language had no meaning, it should not have been put forward for adoption. Meaning is given the plan and the language by virtue of its re-adoption.

You have before you only a tiny bit of Chapter 4 of the Comprehensive plan. You might be interested to know that the plan also contains the following language. Keep in mind that policies adopted into a Comp. Plan require action. Here’s some additional language from Chapter 4 you should be interested in:

“Goal 4F: Achieve level of service targets for park and recreational facilities identified in this chapter and which support objectives and priorities identified in the Comprehensive Park and Recreation Open Space Plan, in the Natural Heritage Plan, and in this plan.

Policy 4F-1: Seek non-capital opportunities to acquire, enhance and maintain park lands, trails, and other recreational facilities.
Policy 4F-2: Include acquisition and development costs in the six-year CIP for future trails projects.
Policy 4F-3: Develop a recreational facilities program that achieves and maintains the level of service for athletic fields and courts, trails, and support facilities for shoreline access, picnicking, and camping without adding to capital costs.

Whatcom County Comprehensive Plan 4-5
February 2014 Chapter 4 – Capital Facilities

Policy 4F-4: Place a high priority on improvements to existing county recreational sites and facilities and using them to their full potential, including those outlined in the Whatcom County Comprehensive Park and Recreation Open Space Plan, before investing capital in the acquisition and development of new facilities.”

Keep in mind that the existing, recently readopted, plan explicitly excludes areas like the Lake Whatcom and Lookout Mountain facilities from either acquisition or development and, includes many miles of trails not being addressed by the staff request as being required to implement the plan.

Please also note that in the response letter staff chose not to address the primary problem with the amendments; the fact that significant examination of the proposed amendments in the context of the fact that nearly all the “capital improvements” are taking place on land zoned for and dedicated by law, by the provisions of the Whatcom County Comprehensive Plan and by Whatcom County Code to sustaining and otherwise serving the county’s Ag, Forest, and Mineral industries. I can only assume staff agrees with me on this issue.

Regards,

Jack Petree

From: Matt Aamot <maamot@co.whatcom.wa.us>
Date: Thursday, September 25, 2014 at 9:43 AM
To: Ben Elenbaas <eboss46@gmail.com>, David Hunter <dbhunterlaw@hotmail.com>, David Onkels <david@onkels.com>, Gary Honcoop <garyh@rhc-wa.com>, Gerald Vekved <gyekved@gmail.com>, Ken Bell <whatcomplanningkbell@gmail.com>, Mary Beth Teigrob <pteigrob@gmail.com>, Natalie McClendon <natalie@nataliemclendon.com>, "Walter Haugen (wvhaugen@gmail.com)" <wvhaugen@gmail.com>
Cc: Mark Personius <MPersoni@co.whatcom.wa.us>, Becky Boxx <rboxx@co.whatcom.wa.us>, Jack Petree <tradewrld@comcast.net>
Subject: PLN2014-00007 - Six-Year CIP and LOS Amendments - County Response to Comment Letter

Dear Planning Commissioners:

Please find attached a County response to the 9/22/2014 comment letter from Jack Petree.

Thanks,

Matt Aamot
County Planning
Council members, Commission members, and PDS staff,

It is ironic that even as the Whatcom County Parks Department is requesting a 50% reduction in trails level of service and, a change to a trail type incompatible with mountain biking, the Mountain Bike Coalition is presenting material to the Whatcom County Council extolling the economic impact of mountain biking on the Whatcom County economy. In addition, the Parks Department wants to eliminate the level of service for activity centers (senior centers, Kendall, and such).

I hope that if, and when, the proposed changes the Parks Department have put before you come forward you pay careful attention to the complete change in parks philosophy and service to the citizens of Whatcom County those changes represent.

Regards,

Jack Petree
MEMO: 9/22/14

TO: Whatcom County Planning Commission, Whatcom County PDS

RE: Public Hearing 9/25/14
    Capital Facilities Planning – Portions Pertaining To Parks And Recreation

Commissioners and PDS staff,

SUMMARY OF COMMENTS:

The proposed changes to Parks LOS levels violate the Growth Management Act.

While some issues exist relating to the Parks facilities spending plan in Appendix F, the spending plan could be potentially be adopted without major controversy.

The lack of analysis regarding the impact proposed changes to Chapter 4 of the County Comprehensive Plan on the Whatcom County Resource land base coupled with the likelihood of very significant impacts on that land base demand you reject the proposed amendments to Chapter 4.

In addition, it makes no sense to make the proposed, major, changes to Chapter 4, when the entire County Comprehensive Plan must be revisited and rewritten in the context of a new 20 year planning period (and associated population and employment projections) next year anyway.

The following “background” information regarding GMA issues should be factored in as you consider my comments below:

1. The Comprehensive Plan establishes a short term planning horizon for Agricultural land of 20 years and a long term horizon of 250 years;

2. The Comprehensive Plan’s zoning for Commercial Forestry was established as the result of a study process, changes in the land supply for Commercial Forestry must be analyzed before being allowed to take place;

3. The proposed changes to Chapter 4 do not have a six-year horizon, they are comprehensive plan changes having decades long impacts on both Ag and Forestry lands, lands we are to, by law, preserve and enhance for commercial uses;

4. GMA requires that, “Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform its activities and make capital budget decisions in conformity with its comprehensive plan.”
The GMA, the Whatcom County Comprehensive Plan and, Whatcom County Code requires that future impacts on land zoned for Agriculture and land zoned for Commercial Forest as well as Mineral Resource land be analyzed and considered when a Comprehensive Plan Amendment is considered (See 2.160.080 (3) (c) attached below).

According to the formal population projections for GMA, Whatcom County could exceed 300,000 people by 2030 (high range). Even at moderate growth levels (medium range), we would be approaching 275,000 people by the end of the upcoming planning period.

Whatcom County is formally on record for wanting to add 10,000 to 15,000 acres of Ag zoned land to the County’s inventory of land dedicated to Agriculture and is studying a “No net loss” of Commercial Forestry land. Where will that additional land come from? Ag land? Forestry Land? Only Rural lands?

Whatcom County’s Countywide Planning Policies require that Agriculture and Forest based industries “...be maintained in a sustainable manner.”

Parks Department acquisitions have removed, in just the past decade and a half, more than 11,000 acres of land from the County’s resource land base. Over the past 15 years the County has lost an average of about 790 acres per year of its resource lands to the Parks Department. Additional thousands of acres of resource lands have been impacted as uses within 1000 feet of a park are restricted. Recently put forward, but not yet adopted parks planning documents indicate the historic trend will continue and, perhaps, even accelerate.

The proposed changes to Chapter 4 are not just in place for six years; they are permanent changes to the County Plan (in place until the adoption of new amendments to the plan) likely to determine LOS levels for decades to come.

Without adequate analysis of the potentially huge impact on forest, agricultural, and mineral resource lands you, as a Commission, would be remiss were you to recommend the proposed adoption of amendments to Chapter 4 of the Comprehensive Plan.

Repeating the summary above:

The proposed changes to Parks LOS levels violate the Growth Management Act.

While some issues exist relating to the Parks facilities spending plan in Appendix F, the spending plan could be probably be adopted without major controversy. Lack of analysis regarding the impact proposed changes to Chapter of the County Comprehensive Plan on the Whatcom County Resource
D. To resolve an appeal of the comprehensive plan filed with the Growth Management Hearings Board or court. (Ord. 2008-060 Exh. A).

2.160.020 Purpose.
The purpose of this chapter is to define the types of plan amendments and establish timelines and procedures to be followed when proposals are made for amending or revising the Whatcom County Comprehensive Plan. (Ord. 2008-060 Exh. A).

2.160.030 Definitions – Types of comprehensive plan amendments.
A. “Capital facilities element amendment” means a proposed change or revision to the capital facilities element of the comprehensive plan, including the six-year capital improvement program.
B. “Comprehensive plan amendment” means a proposed change or revision to the Whatcom County Comprehensive Plan, including but not limited to a capital facilities element amendment, text amendment, change to the comprehensive plan designations map or urban growth area amendment.
C. “Text amendment” means a proposed change or revision in the text of any element of the comprehensive plan including revisions to the goals, policies, objectives, principles or standards of the plan.
D. “Urban growth area amendment” means a proposed change or revision to an urban growth area boundary as adopted by the comprehensive plan.
E. “Final concurrent review” means the consideration by the county council of all comprehensive plan amendments that were reviewed and recommended by the council during the previous docket year. This review shall take place on or about February 1st of the year after the previous docket year. (Ord. 2008-060 Exh. A).

2.160.040 Application.
A. Applications for suggested comprehensive plan amendments shall include at least the following information:
1. A description of the comprehensive plan amendment being proposed including proposed map or text changes;
2. An explanation of how the comprehensive plan amendment relates to the approval criteria in WCC 2.160.080, Approval criteria;
3. A complete State Environmental Policy Act (SEPA) environmental checklist; and
4. Name, address, and phone number of the applicant, and, if applicable, assessor’s parcel number, section, township, and range.
B. The department of planning and development services may prescribe additional information requirements and shall provide forms for proposed comprehensive plan amendments.
C. Completed applications for comprehensive plan amendments must be received by planning and development services by December 31st to be considered for initiation during the next calendar year. Applications proposed by planning and development services are not subject to the December 31st deadline. (Ord. 2008-060 Exh. A).

2.160.050 Initiation of comprehensive plan amendments.
A. Comprehensive plan amendments shall be initiated by a resolution of the county council adopted by majority vote on or about March 1st each year.
B. Planning and development services may request a comprehensive plan item be initiated at any time during the year. Requested amendments of this type shall be placed on the docket by a majority vote of the county council and will be considered
5. Section, township and range of affected area, if applicable.
C. The docket and all application files shall be available for public review at the
planning and development services department during normal business hours.

2.160.070 Review and evaluation of comprehensive plan amendments – Staff
report.
A. The department of planning and development services shall conduct
environmental review under SEPA and prepare reports including recommendations
on all initiated comprehensive plan amendments and forward both the reports and
the result of the environmental review to the planning commission.
B. Reports shall evaluate the merits of each initiated amendment based on the
approval criteria of WCC 2.160.080.
C. If a proposed amendment relates to a site within a city’s urban growth area, will
modify a city’s urban growth area or will amend text relating to a city’s urban
growth area, planning and development services staff shall identify and follow any
additional procedures called for in an adopted interlocal agreement between the

2.160.080 Approval criteria.
A. In order to approve an initiated comprehensive plan amendment, the planning
commission and the county council shall find all of the following:
1. 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.
2. Further studies made or accepted by the department of planning and
development services indicate changed conditions that show need for the
amendment.
3. 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:
   a. The anticipated effect upon the rate or distribution of population growth,
      employment growth, development, and conversion of land as envisioned in the
      comprehensive plan.
   b. 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.
   c. Anticipated impact upon designated agricultural, forest and mineral resource
      lands.
4. The amendment does not include or facilitate spot zoning.
5. Urban growth area amendments that propose the expansion of an urban growth
area boundary shall be required to acquire development rights from a designated
TDR sending area.
   a. One development right shall be transferred for every five acres included into an
      UGA. The county council may modify this requirement if a development agreement
      has been entered into that specifies the elements of development in the expanded
      UGA. The development agreement should include, but not be limited to, affordable
the next amendment cycle with the same number with which they were initially
2.160.110 Fees.
A. Application fees shall not be required for any application submitted by the county
council, county councilmembers, county executive, planning commission, and
county planning and development services.
B. All other applicants shall pay application fees as specified in the Unified Fee
Schedule.
C. Once an amendment is initiated by resolution of the county council, the applicant
shall pay the initiation fee within 15 days. The county council may take official
action to waive the initiation fee at the time it approves the initiating resolution if it
finds the proposed amendment will clearly benefit the community as a whole and
will not be for private financial gain. (Ord. 2008-060 Exh. A).
From: Delaine Clizbe [mailto:delaine918@gmail.com]
Sent: Thursday, September 18, 2014 5:01 PM
To: PDS_Planning_Commission
Cc: Council; Jack Louws
Subject: Whatcom County Parks LOS changes

Dear Whatcom County Planning Commission,

I am dismayed to find a proposal on your September 25 agenda asking for a drastic decrease in the LOS for trails in Whatcom County Parks. We all sat through numerous meetings where Mr. McFarland promised the public that there would be 50 miles of trails in the Reconveyance area. With this new proposed LOS there is apparently no longer a need for the promised 50 miles of trail.....convenient isn’t it?

I am opposed to this change in LOS. The public was repeatedly promised these trails and Whatcom County now has an obligation to provide them.

I also would like to see the Parks Recreation and Open Space plan be adopted into the County Comprehensive plan. Whatcom County Parks over the last several years has taken huge swings in planning. One year we will have a huge new park in the plan and the next year we will have nothing. For that reason, we need all planning for parks to happen within the Comprehensive Plan so the public can be assured it is done in an open and just manner.

~Delaine Clizbe

Whatcom County
Memo: 9/22/14

To: Matt Aamot  Senior Planner Whatcom County PDS
From: Jack Petree
RE: WHATCOM COUNTY SEPA CASE # 2014-00065 (Comprehensive Plan Amendment)

Mr. Aamot,

A SEPA determination of non-significance was issued Sept. 9th regarding an amendment to the Whatcom County Comprehensive Plan.

I believe that determination was based on information missing or overlooked from the SEPA Checklist procedure.

Following is my comment and please understand, it is directed specifically to the finding of non-significance regarding adjustments to the parks plan LOS amendment to Chapter 4 of the Comp. Plan and to the Parks Capital Facilities financing plan (Appendix F).

The GMA, the Whatcom County Comprehensive Plan and, Whatcom County Code requires that future impacts on land zoned for Agriculture and land zoned for Commercial Forest as well as Mineral Resource land be analyzed and considered when a Comprehensive Plan Amendment is considered.

SEPA's RCW 43.21c.020 puts forward as responsibilities of the state and its people to be achieved under the act:

"Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

Enhance the quality of renewable resources...."

Canyon Lake Community forest, South Fork Park, Lookout Mountain, and Lake Whatcom parks are, for the most part, zoned for Commercial Forestry; that designation of the land being considered is not included in the SEPA checklist used to determine a DNS.

The paramount use for resource lands as spelled out by the Growth Management Act is to assure the sustainability of the Agriculture, Forestry and, Mineral extraction sectors of the economy. Use of Resource lands as parks creates potential conflicts both for the resource lands used as a park and for the resource lands adjacent to that park.
The Comprehensive Plan amendments addressed in the SEPA document include more than 11,000 acres of Commercial Forest lands as well as some lands zoned for Agriculture. Use of those lands for park purposes can have a dramatic impact on the usability of the lands for forest harvest, Agricultural uses, and other beneficial commercial uses. Absent a plan for the trails and other facilities a significant environmental impact could occur as lands are effectively removed from the Resource land inventory and consumed for uses not allowed by either GMA or Whatcom County Code.

An examination of the potential environmental issues likely if the Comp. Plan Amendments being proposed for chapter 4 and for Appendix F should have been included in the SEPA Checklist.

Regards and thank you for your time and attention,

Jack Petree
360-733-1303 or tradewrld@comcast.net
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.
**TITLE OF DOCUMENT:**
An Ordinance in the Matter of the Adoption of the Final Budget of Whatcom County for the Biennium 2015-2016.

**ATTACHMENTS:**
Proposed Ordinance, Appendix A – Executive’s Budget, Appendix B – Authorized Positions

**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 proposed ordinance adopts the Whatcom County 2015-2016 budget, places restrictions on certain expenditures, authorizes actions, and sets expectations.

**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).
INTRODUCED BY: Consent
PROPOSED BY: County Executive
DATE: November 12, 2014

ORDINANCE NO. ______
IN THE MATTER OF THE ADOPTION OF THE FINAL BUDGET OF
WHATCOM COUNTY FOR THE BIENNium 2015-2016

WHEREAS, pursuant to and in conformity with the provisions of the Whatcom County Home Rule Charter, Section 6.10, relating to the County budget process, the Whatcom County Executive did complete and place on file a Preliminary Budget for Whatcom County for the biennium 2015-2016; and,

WHEREAS, following the completion of the Preliminary Budget, which was presented to the Council on October 17, 2014, a notice was published in the County's official newspaper; and,

WHEREAS, several meetings of the Council's Committee of the Whole took place in the ensuing weeks to analyze the amounts set forth for each department in the budget and to make recommendations for changes; and

WHEREAS, the County Council has analyzed the amounts set forth in the budget in reference to deciding whether the amounts were proper and necessary amounts to be used by the various departments of Whatcom County for the biennium 2015-2016; and

WHEREAS, notice was published in the County's official newspaper that the Council would have a hearing to further consider the Preliminary Budget as presented by the Executive and the recommended changes from the Council's Committee of the Whole, together with the Council's proposed restrictions on the expenditure of certain appropriations, and said public hearing took place.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council:

Section I. Adoption of Budget

The amounts set forth below are adopted as the Whatcom County Budget for the biennium 2015-2016:

**FUND/DEPT.**

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<td>Stormwater Fund</td>
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<td>Chemical Dependency/Mental Health</td>
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<td>126</td>
<td>Parks Special Revenue Fund</td>
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<td>Countywide Emergency Medical Srvcs</td>
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<td>WC Trial Court Improvement</td>
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<td>Solid Waste</td>
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<td>WC Convention Center</td>
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<td>Victim Witness</td>
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<td>Road Improve #1</td>
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<td>Road Improve #2</td>
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<td>Road Improve #7</td>
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<td>WC Drug Fund</td>
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<td>166</td>
<td>Auditor's O&amp;M</td>
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<td>167</td>
<td>Emergency Management</td>
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<td>Pt. Roberts Fuel Tax</td>
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<td>Conservation Futures</td>
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<td>2010 Ltd Tax GO &amp; Refund Bond</td>
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<td>324</td>
<td>REET II</td>
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<td>REET I</td>
<td>1,300,513</td>
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<td>Parks Improvement Fund</td>
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<td>Public Utilities Improvement Fund</td>
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<td>Ferry System</td>
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<td>ER&amp;R</td>
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<td>507</td>
<td>Administrative Services</td>
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<td><strong>TOTAL OTHER FUNDS</strong></td>
<td><strong>112,453,707</strong></td>
<td><strong>101,237,586</strong></td>
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</table>
Section II. Provisions Restricting Expenditures, Authorizing Actions, and Setting Expectations.

Pursuant to Section 6.60 of the Whatcom County Home Rule Charter, the following provisions restricting the expenditure of certain appropriations are enacted for the 2015-2016 biennium. These provisions are an integral part of the official budget of Whatcom County and shall be published therewith, and are adopted as the Whatcom County Budget for the 2015-2016 biennium:

(A) This department/fund level appropriation is based upon the backup detail budget, as attached, and as contained in the document titled Whatcom County 2015-2016 Budget, Exhibit A (although labeled as Exhibit A to this ordinance, it is not attached herewith; rather it is kept on permanent file in the Whatcom County Council Office). Authorized Personnel positions cannot be increased during the biennium except by approval of the County Council. Positions approved at less than a full-time equivalent may be increased subject to the availability of funds and the consent of the County Executive, but shall not be considered a permanent change in authorized levels. The monies allocated to Salaries and Wages, Personnel Benefits, and Capital Outlay can be transferred only with the prior approval of the County Executive.

(B) For purposes of purchasing and award, all assets, projects, and improvements included in capital appropriations, included in the one-year road program, or included in the first two years of the six-year capital improvement plan shall be administered pursuant to WCC Chapter 3.08.090 and 3.08.100 using the process prescribed for Project-Based Budgets.

(C) All construction work funded herein for which the estimated cost is over $40,000 shall be bid out to private contractors, pursuant to the bid procedures contained in the Whatcom County Code, Chapter 3.08, and applicable state laws, except as the Council may specifically authorize.

(D) Appropriation authority for any budgeted personnel position that becomes vacant during 2015-2016 shall continue unless the Council by motion identifies the position as one in need of review.

(E) Administration of the budget is the responsibility of the County Executive and therefore the County Executive is authorized to manage County budgets. The County Executive may transfer appropriation authority between departments within the General Fund if authorized by the County Council. The Council will receive a quarterly report of all cost center transfers.

(F) $1,000,000 of the adopted Undesignated Ending Fund Balance as provided for in this ordinance shall be maintained in a Rainy Day Reserve Account, and such monies shall only be appropriated upon a two-thirds affirmative vote of the entire County Council. In administering this Rainy Day Reserve Fund:

(1) The County Treasurer shall be empowered to use the Rainy Day Reserve Fund to manage the cash flow needs of all County Funds by making short-term loans (less than six months) without interest, and without the need to get Council/Executive permissions.

(2) Longer term loans (more than six months) can be made to other funds, but only with County Council approval.
(3) Any investment income earned as a result of the Rainy Day Reserve Fund shall be credited to the General Fund general revenues.

(G) The County Treasurer shall be empowered to use the Road Fund to manage the cash flow needs of all County Road Project Funds by making short-term loans (less than one year) without interest, and without the need to get Council/Executive permissions.

(H) Expenditure authority granted in this ordinance is based on revenue projections contained in Exhibit A. If it is evident that a department’s revenues will fall short of the department’s budgeted revenues in any calendar year, the department head will submit a plan to the County Executive to reduce departmental expenditures sufficient to offset the revenue shortfall within the same calendar year.

(I) Grant and restricted revenue shall be used first to pay for all eligible expenditures before any unrestricted General Fund general revenue is used as local funding for eligible expenditures.

(J) The one dollar surcharge authorized in RCW 36.22.170 (1)(a) may be used to fund Auditor recording fees charged to other General Fund departments and not funded by another revenue source. In addition, the surcharge may also be used to fund the General Fund land records geographical information system project.

(K) This budget maintains the Drug Task Force at current levels despite declining dedicated revenues to fund this effort. In the event Drug Fund revenues exceed budgeted projections, it is the Council’s expectation that the Prosecuting Attorney and Courts will use the additional revenue to 1) fund all eligible current year Drug Task Force expenditures and 2) make up budgeted prior year transfers which were not made due to lack of funds.

BE IT FURTHER ORDAINED, to authorize the County Council staff to make such clerical, scriveners, or mathematical changes necessary to correct inadvertent errors that may have occurred.

ADOPTED this _____ day of __________________, 2014.

ATTEST: WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk WHATCOM COUNTY, WASHINGTON

Carl Weimer, Council Chair

APPROVED as to form: ( ) Approved ( ) Denied

Daniel L. Gibson, Civil Deputy Prosecutor

Jack Louws, Executive

Date: __________________________

Page 5

695