WHATCOM COUNTY COUNCIL AGENDA BILL

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RECEIVED
MAR 01 2016
WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:

Discussion and preliminary Council direction on Comprehensive Plan Chapter 8 (Resource Lands).

ATTACHMENT:

1. Cover memos (3)

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

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to discuss Comprehensive Plan Chapter 8 (Resource Lands) and receive preliminary direction from Council on March 8, 2016.

COMMITTEE ACTION:

3/8/2016 (AM): Discussed and amended
3/8/2016 (PM): Not discussed

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.
Please see current agenda bill for this meeting. This older version of the agenda bill is for history reference.

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TITLE OF DOCUMENT:

Briefing and discussion on Comprehensive Plan Chapter 8 (Resource Lands). This meeting will focus on the Forestry and Mineral Resource lands sections of Chapter 8.

ATTACHMENT:

1. Cover memo

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

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

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Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to discuss Comprehensive Plan Chapter 8 (Resource Lands) with Natural Resources Committee. This meeting will focus on the Forestry and Mineral Resource lands sections of Chapter 8.

COMMITTEE ACTION:

2/9/2016: Briefed and discussed

COUNCIL ACTION:
Please see current agenda bill for this meeting. This older version of the agenda bill is for history reference.

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**TITLE OF DOCUMENT:**

Briefing and discussion on Comprehensive Plan Chapter 8 (Resource Lands). This meeting will focus on the Agricultural lands section of Chapter 8.

**ATTACHMENT:**

1. Cover memo

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to discuss Comprehensive Plan Chapter 8 (Resource Lands) with Natural Resources Committee. This meeting will focus on the Agricultural lands section of Chapter 8.

**COMMITTEE ACTION:**

1/26/2016: Briefed and discussed

**COUNCIL ACTION:**
Memorandum

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

FROM: Karin Beringer, Planner

THROUGH: Mark Personius, Assistant Director

DATE: February 24, 2016

SUBJECT: Comp Plan Update/UGA Review – Chapter 8 (Resource Lands)

As you know, staff made a presentation to the Council’s Natural Resources Committee relating to Comprehensive Plan Chapter 8- Resource Lands on January 26 and February 9, 2016. We are asking the Natural Resources Committee to review and make any preliminary changes to Chapter 8 on March 8, 2016.

The Council has requested a summary of the substantive changes made by the Planning Commission. The Planning Commission considered Chapter 8 – Resource Lands on July 23, 2015. Planning Commission changes to goals and policies in the staff draft include the following:

**Policy 8A-2:** Expands the list of measures that can be taken to support the agricultural land base and farmers while preserving discretion for the County Council in their legislative decision-making processes.

* Staff and the AAC recommended incorporating several other strategies that the Planning Commission did not agree with, including TDR studies and working toward a natural resource marketplace

* Planning commission added underlined text to mitigation bullet point “Mitigation for loss of productive agricultural lands, including loss due to policy implementation such as critical areas ordinance, etc.”

**Policy 8K-8:** Expansion of MRL designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with an existing mine, shall require that the existing mine is substantially in compliance with all operating permits and regulations before expansion of the designation will be approved and must be in complete compliance before extraction of the additional area may commence.

Policy was adopted by Whatcom County Council on 4/14/215 as part of Ord#2015-016. Proposed for deletion by Planning Commission.

Thank you for your consideration of this matter. We look forward to discussing it with you.
Memorandum

TO: Honorable Councilmembers and Executive Louws  
FROM: Karin Beringer, Planner1, and Cliff Strong, Senior Planner  
THROUGH: Mark Personius, Assistant Director PDS  
DATE: February 5, 2016  
SUBJECT: How Fisheries Industries Are Protected Through the Growth Management Act

Honorable Councilmembers:

At your last Natural Resource Committee meeting regarding the Agricultural section of the Resource Lands chapter of the Comprehensive Plan (on January 26, 2016), a question was raised about protection of the fisheries industry and shellfish beds. Specifically, “Does the Growth Management Act (GMA) recognize fisheries or shellfish beds of long-term commercial significance as it does for agriculture, forestry, and mineral resource lands?”

One of the GMA planning goals related to resource based industries says:

“Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.” RCW 36.70A.020

While the planning goal mentions fisheries industries, they are not required to be designated as resource lands by RCW 36.70A.170:

"Natural resource lands and critical areas—Designations.

(1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

(a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;

(b) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;

(c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and

(d) Critical areas.”

However, critical fish habitat and commercial and recreational shellfish beds are regulated under the Critical Areas Ordinance (CAO) as Fish and Wildlife Habitat Conservation Areas (critical areas) per WAC 365-190-130:

(1) "Fish and wildlife habitat conservation" means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term.
Counties and cities should engage in cooperative planning and coordination to help assure long term population viability.

Fish and wildlife habitat conservation areas contribute to the state's biodiversity and occur on both publicly and privately owned lands. Designating these areas is an important part of land use planning for appropriate development densities, urban growth area boundaries, open space corridors, and incentive-based land conservation and stewardship programs.

(4)(c) Shellfish areas. All public and private tidelands or bedlands suitable for shellfish harvest shall be classified as critical areas. Counties and cities should consider both commercial and recreational shellfish areas. Counties and cities should consider the Washington state department of health classification of commercial and recreational shellfish growing areas to determine the existing condition of these areas. Further consideration should be given to the vulnerability of these areas to contamination. Shellfish protection districts established pursuant to chapter 90.72 RCW shall be included in the classification of critical shellfish areas.

This requirement is carried through in our CAO in WCC16.16.710(C)(1) (streams), (2) (federally listed species), (3) (state priority habitats, which include commercial and recreational shellfish beds and shellfish habitat conservation areas), and (6) Surf smelt, Pacific herring, and Pacific sand lance spawning areas.

Also, recreational and commercial shellfish beds are considered critical saltwater habitats under the Shoreline Management Act, which is the 14th planning goal of the GMA (RCW 36.70A.480).WAC 173-26-221(c)(iii) Critical saltwater habitats.

(A) Applicability. Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats require a higher level of protection due to the important ecological functions they provide. Ecological functions of marine shorelands can affect the viability of critical saltwater habitats. Therefore, effective protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.

(B) Principles. Master programs shall include policies and regulations to protect critical saltwater habitats and should implement planning policies and programs to restore such habitats. The inclusion of commercial aquaculture in the critical saltwater habitat definition does not limit its regulation as a use. Reserving shoreline areas for protecting and restoring ecological functions should be done prior to reserving shoreline areas for uses described in WAC 173-26-201(2)(d)(i) through (v). Planning for critical saltwater habitats shall incorporate the participation of state resource agencies to assure consistency with other legislatively created programs in addition to local and regional government entities with an interest such as port districts. Affected Indian tribes shall also be consulted. Local governments should review relevant comprehensive management plan policies and development regulations for shorelands and adjacent lands to achieve consistency as directed in RCW 90.58.340. Local governments should base management planning on information provided by state resource agencies and affected Indian tribes unless they demonstrate that they possess more accurate and reliable information.

This requirement is carried through in our Shoreline Management Program (SMP) through consideration of this habitat in assigning Shoreline Designations and through the adoption of our CAO as part of the SMP.
Memorandum

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

FROM: Karin Beringer, Planner

THROUGH: Mark Personius, Assistant Director

DATE: February 24, 2016

SUBJECT: Ag Designation Criteria—Chapter 8 (Resource Lands)

Since the last time we discussed with you the Resource Lands Chapter 8
(Agriculture section), staff has been working on a change to proposed Policy 8A-3,
a policy intended to explicitly state the County’s criteria for designating land as
Agriculture. We originally inserted the designation criteria that Council adopted in
However, subsequent to the Planning Commission’s review, staff received
comments suggesting that the criteria may need some finessing. Staff agrees with
those commenters, as there have been several Hearings Board and court cases
about agricultural designation (and de-designation) and the WAC has been updated
to contain specific guidance for designating agricultural lands of long term
commercial significance.

Therefore, we have produced the below draft to expand on proposed policy 8A-3
and bring the designation criteria more in line with recent court cases and the WAC.
The draft is strike-through and underline so as to see the difference between what
is in the current and newly proposed versions.

Policy 8A-3: The criteria for designating or de-designating lands under the
Agriculture land use designation shall be considered on an area-wide basis. When
applying the following criteria, the process should result in designating an amount
of agricultural resource lands sufficient to maintain and enhance the economic
viability of the agricultural industry in the county over the long term, and to retain
agricultural support businesses, such as processors, farm suppliers, and equipment
maintenance and repair facilities. The criteria are as follows:

1. The land is not already characterized by urban growth. In determining this
   factor, the County should consider WAC 365-196-310 and RCW
   36.70A.030(19) (See pages 3-10 of this memo for full text of these
   references).

2. The land is used or capable of being used for agricultural production. In
   making this determination, the County shall use the land-capability
   classification system of the U.S. Department of Agriculture Natural Resources
   Conservation Service. These eight classes are incorporated into map units
   and are based on the growing capacity, productivity, and soil composition of
3. The land has long-term commercial significance for agriculture. In determining this factor, consider the following nonexclusive criteria:

a. The majority of the area contains Prime Farmland Soils as determined by the Natural Resource Conservation Service (NRCS).

b. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA).

c. Land use settlement patterns, the intensity of nearby uses, and the history of approved land development permits are generally compatible with agricultural practices. Existing land uses are primarily full-time agriculture intermixed with part-time agriculture and woodlots; and minimal commitment to non-farm uses has been made.

d. A majority of the area is composed of agricultural operations that have historically been and continue to be economically viable.

e. The predominate parcel sizes in the area is large enough to adequately maintain agricultural operations, are generally greater than 40 acres.

f. The availability of public services. Urban utility services including public sewer and water are not planned.

g. The availability of public facilities such as roads used to transport agricultural products.

h. Special purpose districts that are oriented to enhancing agricultural operations exist, including such as drainage improvement, watershed improvement, and flood control exist.

i. The areas have has a pattern of landowner capital investment in agricultural operations improvements including irrigation, drainage, manure storage, the presence of barns and support buildings, enhanced livestock feeding techniques, agricultural worker housing, etc.

j. The areas contains a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act.

k. The area's proximity to urban growth areas.

l. The area's proximity to agricultural markets.

m. Land values under alternative uses.

Bullet point to add to policy 8A-2:

- Identify and evaluate any new or changed zoning or comprehensive plan agricultural lands of long term commercial significance designations as needed or warranted for the Rural Study Areas.
WAC 365-196-310

Urban growth areas.

(1)(a) Except as provided in (b) of this subsection, counties and cities may not expand the urban growth area into the one hundred-year flood plain of any river or river segment that:

(i) Is located west of the crest of the Cascade mountains; and

(ii) Has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (1)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a flood plain and lack adjacent buildable areas outside the flood plain;

(ii) Urban growth areas where expansions are precluded outside flood plains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the flood plain; or

(B) Expansions outside the flood plain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the flood plain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the flood plain;

(B) Urban development already exists within a flood plain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects including, but not limited to, habitat enhancement or environmental restoration; storm water facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase storm water runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) Under (a)(i) of this subsection, "one hundred-year flood plain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on July 26, 2009.

(2) Requirements.

(a) Each county planning under the act must designate an urban growth area or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Each county must designate an urban growth area in its comprehensive plan.
(b) Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city.

(c) An urban growth area may include territory that is located outside a city if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(d) Based upon the growth management planning population projection selected by the county from within the range provided by the office of financial management, and based on a county-wide employment forecast developed by the county at its discretion, the urban growth areas shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Counties and cities may provide the office of financial management with information they deem relevant to prepare the population projections, and the office shall consider and comment on such information and review projections with cities and counties before they are adopted. Counties and cities may petition the office to revise projections they believe will not reflect actual population growth.

(e) The urban growth area may not exceed the areas necessary to accommodate the growth management planning projections, plus a reasonable land market supply factor, or market factor. In determining this market factor, counties and cities may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas.

(f) Counties and cities should facilitate urban growth as follows:

(i) Urban growth should be located first in areas already characterized by urban growth that have existing public facilities and service capacities adequate to serve urban development.

(ii) Second, urban growth should be located in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources.

(iii) Third, urban growth should be located in the remaining portions of the urban growth area.

(g) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development. Recommendations governing the extension of urban services into rural areas are found in WAC 365-196-425.

(h) Each county that designates urban growth areas must review, according to the time schedule specified in RCW 36.70A.130(5), periodically its designated urban growth areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area (see WAC 365-196-610).

(i) The purpose of the urban growth area review is to assess the capacity of the urban land to accommodate population growth projected for the succeeding twenty-year planning period.

(ii) This review should be conducted jointly with the affected cities.
(iii) In conjunction with this review by the county, each city located within an urban
growth area shall review the densities permitted within its boundaries, and the
extent to which the urban growth occurring within the county has located within
each city and the unincorporated portions of the urban growth areas.

(3) General procedure for designating urban growth areas.

(a) The designation process shall include consultation by the county with each city
located within its boundaries. The adoption, review and amendment of the urban
growth area should reflect a cooperative effort among jurisdictions to accomplish
the requirements of the act on a regional basis, consistent with the county-wide
planning policies and, where applicable, multicounty planning policies.

(b) Each city shall propose the location of an urban growth area.

(c) The county shall attempt to reach agreement with each city on the location of
an urban growth area within which the city is located.

(d) If an agreement is not reached with each city located within the urban growth
area, the county shall justify in writing why it so designated an urban growth area.

(e) As growth occurs, most lands within the urban growth area should ultimately be
provided with urban governmental services by cities, either directly or by contract.
Other service providers are appropriate within urban growth areas for regional or
county-wide services, or for isolated unincorporated pockets characterized by urban
growth. Counties and cities should provide for development phasing within each
urban growth area to ensure the orderly sequencing of development and that
services are provided as growth occurs.

(f) Counties and cities should develop and evaluate urban growth area proposals
with the purpose of accommodating projected urban growth through infill and
redevelopment within existing municipal boundaries or urban areas. In some cases,
expansion will be the logical response to projected urban growth.

(g) Counties, cities, and other municipalities, where appropriate, should negotiate
interlocal agreements to coordinate land use management with the provision of
adequate public facilities to the urban growth area. Such agreements should
facilitate urban growth in a manner consistent with the cities' comprehensive plans
and development regulations, and should facilitate a general transformation of
governance over time, through annexation or incorporation, and transfer of
nonregional public services to cities as the urban area develops.

(4) Recommendations for meeting requirements.

(a) Selecting and allocating county-wide growth forecasts. This process should
involve at least the following:

(i) The total county-wide population is the sum of the population allocated to each
city; the population allocated to any portion of the urban growth area associated
with cities; the population allocated to any portion of the urban growth area not
associated with a city; and the population growth that is expected outside of the
urban growth area.

(ii) RCW 43.62.035 directs the office of financial management to provide a
reasonable range of high, medium and low twenty-year population forecasts for
each county in the state, with the medium forecast being most likely. Counties and
cities must plan for a total county-wide population that falls within the office of
financial management range.
(iii) Consideration of other population forecast data, trends, and implications. In selecting population forecasts, counties and cities may consider the following:

(A) Population forecasts from outside agencies, such as regional or metropolitan planning agencies, and service providers.

(B) Historical growth trends and factors which would cause those trends to change in the future.

(C) General implications, including:

(I) Public facilities and service implications. Counties and cities should carefully consider how to finance the necessary facilities and should establish a phasing plan to ensure that development occurs at urban densities; occurs in a contiguous and orderly manner; and is linked with provision of adequate public facilities. These considerations are particularly important when considering forecasts closer to the high end of the range. Jurisdictions considering a population forecast closer to the low end of the range should closely monitor development and population growth trends to ensure actual growth does not begin to exceed the planned capacity.

(II) Overall land supplies. Counties and cities facing immediate physical or other land supply limitations may consider these limitations in selecting a forecast. Counties and cities that identify potential longer term land supply limitations should consider the extent to which current forecast options would require increased densities or slower growth in the future.

(III) Implications of short term updates. The act requires that twenty-year growth forecasts and designated urban growth areas be updated at a minimum during the periodic review of comprehensive plans and development regulations (WAC 365-196-610). Counties and cities should consider the likely timing of future updates, and the opportunities this provides for adjustments.

(D) Counties and cities are not required to adopt forecasts for annual growth rates within the twenty-year period, but may choose to for planning purposes. If used, annual growth projections may assume a consistent rate throughout the planning period, or may assume faster or slower than average growth in certain periods, as long as they result in total growth consistent with the twenty-year forecasts selected.

(iv) Selection of a county-wide employment forecast. Counties, in consultation with cities, should adopt a twenty-year county-wide employment forecast to be allocated among urban growth areas, cities, and the rural area. The following should be considered in this process:

(A) The county-wide population forecast, and the resulting ratio of forecast jobs to persons. This ratio should be compared to past levels locally and other regions, and to desired policy objectives; and

(B) Economic trends and forecasts produced by outside agencies or private sources.

(v) Projections for commercial and industrial land needs. When establishing an urban growth area, counties should designate sufficient commercial and industrial land. Although no office of financial management forecasts are available for industrial or commercial land needs, counties and cities should use a county-wide employment forecast, available data on the current and projected local and regional economies, and local demand for services driven by population growth. Counties and cities should consider establishing a county-wide estimate of commercial and industrial land needs to ensure consistency of local plans.
Counties and cities should consider the need for industrial lands in the economic development element of their comprehensive plan. Counties and cities should avoid conversion of areas set aside for industrial uses to other incompatible uses, to ensure the availability of suitable sites for industrial development.

(vi) Selection of community growth goals with respect to population, commercial and industrial development and residential development.

(vii) Selection of the densities the community seeks to achieve in relation to its growth goals. Inside the urban growth areas densities must be urban. Outside the urban growth areas, densities must be rural.

(b) General considerations for determining the need for urban growth areas expansions to accommodate projected population and employment growth.

(i) Estimation of the number of new persons and jobs to be accommodated based on the difference between the twenty-year forecast and current population and employment.

(ii) Estimation of the capacity of current cities and urban growth areas to accommodate additional population and employment over the twenty-year planning period. This should be based on a land capacity analysis, which may include the following:

(A) Identification of the amount of developable residential, commercial and industrial land, based on inventories of currently undeveloped or partially developed urban lands.

(B) Identification of the appropriate amount of greenbelt and open space to be preserved or created in connection with the overall growth pattern and consistent with any adopted levels of service. See WAC 365-196-335 for additional information.

(C) Identification of the amount of developable urban land needed for the public facilities, public services, and utilities necessary to support the likely level of development. See WAC 365-196-320 for additional information.

(D) Based on allowed land use development densities and intensities, a projection of the additional urban population and employment growth that may occur on the available residential, commercial and industrial land base. The projection should consider the portion of population and employment growth which may occur through redevelopment of previously developed urban areas during the twenty-year planning period.

(E) The land capacity analysis must be based on the assumption that growth will occur at urban densities inside the urban growth area. In formulating land capacity analyses, counties and cities should consider data on past development, as well as factors which may cause trends to change in the future. For counties and cities subject to RCW 36.70A.215, information from associated buildable lands reports should be considered. If past development patterns have not resulted in urban densities, or have not resulted in a pattern of desired development, counties and cities should use assumptions aligned with desired future development patterns. Counties and cities should then implement strategies to better align future development patterns with those desired.

(F) The land capacity analysis may also include a reasonable land market supply factor, also referred to as the "market factor." The purpose of the market factor is to account for the estimated percentage of developable acres contained within an urban growth area that, due to fluctuating market forces, is likely to remain
undeveloped over the course of the twenty-year planning period. The market factor recognizes that not all developable land will be put to its maximum use because of owner preference, cost, stability, quality, and location. If establishing a market factor, counties and cities should establish an explicit market factor for the purposes of establishing the amount of needed land capacity. Counties and cities may consider local circumstances in determining an appropriate market factor. Counties and cities may also use a number derived from general information if local study data is not available.

(iii) An estimation of the additional growth capacity of rural and other lands outside of existing urban growth areas compared with future growth forecasted, and current urban and rural capacities.

(iv) If future growth forecasts exceed current capacities, counties and cities should first consider the potential of increasing capacity of existing urban areas through allowances for higher densities, or for additional provisions to encourage redevelopment. If counties and cities find that increasing the capacity of existing urban areas is not feasible or appropriate based on the evidence they examine, counties and cities may consider expansion of the urban growth area to meet the future growth forecast.

(c) Determining the appropriate locations of new or expanded urban growth area boundaries. This process should consider the following:

(i) Selection of appropriate densities. For all jurisdictions planning under the act, the urban growth area should represent the physical area where that jurisdiction's urban development vision can be realized over the next twenty years. The urban growth area should be based on densities which accommodate urban growth, served by adequate public facilities, discourage sprawl, and promote goals of the act. RCW 36.70A.110 requires that densities specified for land inside the urban growth area must be urban densities. See WAC 365-196-300 for recommendations on determining appropriate urban densities.

(ii) The county should attempt to define urban growth areas to accommodate the growth plans of the cities. Urban growth areas should be defined so as to facilitate the transformation of services and governance during the planning period. However, physical location or existing patterns of service make some unincorporated areas which are characterized by urban growth inappropriate for inclusion in any city's potential growth area.

(iii) Identifying the location of any new lands added to the urban growth area. Lands should be included in the urban growth area in the following priority order:

(A) Existing incorporated areas;

(B) Land that is already characterized by urban growth and has adequate public facilities and services;

(C) Land already characterized by urban growth, but requiring additional public facilities and urban services; and

(D) Lands adjacent to the above, but not meeting those criteria.

(iv) Designating industrial lands. Counties and cities should consult with local economic development organizations when identifying industrial lands to identify sites that are particularly well suited for industry, considering factors such as:

(A) Rail access;

(B) Highway access;
(C) Large parcel size;
(D) Location along major electrical transmission lines;
(E) Location along pipelines;
(F) Location near or adjacent to ports and commercial navigation routes;
(G) Availability of needed infrastructure; or
(H) Absence of surrounding incompatible uses.

(vi) Consideration of resource lands issues. Urban growth areas should not be expanded into designated agricultural, forest or resource lands unless no other option is available. Prior to expansion of the urban growth area, counties and cities must first review the natural resource lands designation and conclude the lands no longer meet the designation criteria for resource lands of long-term commercial significance. Designated agricultural or forest resource lands may not be located inside the urban growth area unless a city or county has enacted a program authorizing transfer or purchase of development rights.

(vi) Consideration of critical areas issues. Although critical areas exist within urban areas, counties and cities should avoid expanding the urban growth areas into areas with known critical areas extending over a large area. See RCW 36.70A.110(8) for legislative direction on expansion of urban growth areas into the one hundred-year flood plain of river segments that are located west of the crest of the Cascade mountains and have a mean annual flow of one thousand or more cubic feet per second.

(vii) If there is physically no land available into which a city might expand, it may need to revise its proposed urban densities or population levels in order to accommodate growth on its existing land base.

(d) Evaluating the feasibility of the overall growth plan. Counties and cities should perform a check on the feasibility of the overall plan to accommodate growth. If, as a result of this evaluation, the urban growth area appears to have been drawn too small or too large, the proposal should be adjusted accordingly. Counties and cities should evaluate:

(i) The anticipated ability to finance the public facilities, public services, and open space needed in the urban growth area over the planning period. When conducting a review of the urban growth areas, counties and cities should develop an analysis of the fiscal impact of alternative land use patterns that accommodate the growth anticipated over the succeeding twenty-year period. This provides the public and decision makers with an estimate of the fiscal consequences of various development patterns. This analysis could be done in conjunction with the analysis required under the State Environmental Policy Act.

(ii) The effect that confining urban growth within the areas defined is likely to have on the price of property and the impact thereof on the ability of residents of all economic strata to obtain housing they can afford.

(iii) Whether the level of population and economic growth contemplated can be achieved within the capacity of available land and water resources and without environmental degradation.

(iv) The extent to which the comprehensive plan of the county and of adjacent counties and cities will influence the area needed.

(e) County actions in adopting urban growth areas.
(i) A change to the urban growth area is an amendment to the comprehensive plan and requires, at a minimum, an amendment to the land use element. Counties and cities should also review and update the transportation, capital facilities, utilities, and housing elements to maintain consistency and show how any new areas added to the urban growth area will be provided with adequate public facilities. A modification of any portion of the urban growth area affects the overall urban growth area size and has county-wide implications. Because of the significant amount of resources needed to conduct a review of the urban growth area, and because some policy objectives require time to achieve, frequent, piecemeal expansion of the urban growth area should be avoided. Site-specific proposals to expand the urban growth area should be deferred until the next comprehensive review of the urban growth area.

(ii) Counties and cities that are required to participate in the buildable lands program must first have adopted and implemented reasonable measures as required by RCW 36.70A.215 before considering expansion of an urban growth area.

(iii) Consistent with county-wide planning policies, counties and cities consulting on the designation of urban growth areas should consider the following implementation steps:

(A) Establishment of agreements regarding land use regulations and the provision of services in that portion of the urban growth area outside of an existing city into which it is eventually expected to expand.

(B) Negotiation of agreements for appropriate allocation of financial burdens resulting from the transition of land from county to city jurisdiction.

(C) Provision for an ongoing collaborative process to assist in implementing county-wide planning policies, resolving regional issues, and adjusting growth boundaries.

**RCW 36.70a.030(19) Definition of Urban Growth**

(19) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.
Land Capability Classification and Prime Soils in Whatcom County

The land capability classification shows, in a general way, the suitability of soils for most kinds of field crops (United States Department of Agriculture, Soil Conservation Service, 1961). Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations designed to show suitability and limitations of groups of soils for rangeland, for forestland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels: capability class, subclass, and unit.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

- Class 1 soils have slight limitations that restrict their use.
- Class 2 soils have moderate limitations that restrict the choice of plants or that require moderate conservation practices.
- Class 3 soils have severe limitations that restrict both the choice of plants or that require special conservation practices, or both.
- Class 4 soils have very severe limitations that restrict the choice of plants or that require very careful management, or both.
- Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.
- Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or aesthetic purposes.

Capability subclasses are soil groups within one class. They are designated by adding a small letter, e, w, s, or c, to the class numeral, for example, 2e.

- e indicates that the main hazard is the risk of erosion unless close-growing plant cover is maintained
- w indicates that water in or on the soil interferes with plant growth or cultivation (in some soils the wetness can be partly corrected by artificial drainage)
- s indicates that the soil is limited mainly because it is shallow, droughty, or stony
• c indicates chief limitation is climate that is very cold or very dry

Units are distinct soil types that are named and numbered. Whatcom County has 192 distinct soil units.

Farmland classification criteria identify map units as prime farmland, farmland of statewide significance, farmland of local importance, or unique farmland. Natural Resource Conservation Service (NRCS) policy and procedures on prime and unique farmlands are published in the “Federal Register,” Vol. 43, No.21, January 31, 1978, p.4030 through p. 4033. This document states that prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Prime soils are designated by number and are listed below:

Classifications:

0 ~ Not prime farmland
1 ~ All areas prime farmland
2 ~ Prime if drained
3 ~ Prime if protected from flooding or not frequently flooded during the growing season
4 ~ Prime if irrigated
5 ~ Prime if drained and either protected from flooding or not frequently flooded during the growing season
6 ~ Prime if irrigated and drained
7 ~ Prime if irrigated and either protected from flooding or not frequently flooded during the growing season
8 ~ Prime if subsoiled, completely removing the root inhibiting soil layer
9 ~ Prime if irrigated and the product of I(soil erodibility) x C(climate factor) does not exceed 60
10 ~ Prime if irrigated and reclaimed of excess salts and sodium
30 ~ Farmland of Statewide Importance*
50 ~ Farmland of Local Importance**
70 ~ Farmland of Unique Importance***

* taken from National Soil Survey Handbook Part 622
** It should be noted that Whatcom County only contains prime soil classes 1, 2, 4, 5, 7, & 8, as well as 30)
Brief History of Classification Systems

Both prime soil and land capability classification systems work well to identify the best soil for crop use. The land capability classification is somewhat more complex in that it provides capability information for all land categories, including crop, pasture, forest, and others. Although the Land Capability Classification (LCC) is not specific to cropland, the first four classes (there are 8 total) indicate land that is suited for crop production but with increasing limitations (class I is the best suited). The LCC was developed in the 1950's. Prime farmland is a newer system that was developed in the 1970's. As people became aware of farmland loss, the USDA wanted to define the best land with a single term instead of using four LCC classes. Most of LCC 1-3 fits the criteria of prime farmland and the majority of class 4 does as well. Prime farmland has criteria based on the chemical, physical and biological properties of soil. LCC is determined primarily by physical qualities including steepness, wetness, water holding capacity, soil depth, texture, etc.
Proposed Council Changes to Comprehensive Plan

Chapter 8 – Resource Lands

Page and line numbers reflect Planning Commission Recommended Draft (1/14/16). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.

1) p. 8-2; line 21-30: Identifying and designating productive resource lands also helps implement County Wide Planning Policies that state that Whatcom County shall become a government of rural areas in land use matters directed towards agriculture, forestry, mineral resources, fisheries industries and other natural resources [CWPP B(1)]. In addition, land use policies that encourage best management practices are included within this chapter to support and maintain the County Wide Planning Policies regarding economic development. As part of a broad based economy of productive timber, agriculture, mineral and fisheries industries should be maintained in a sustainable manner [CWPP 1-9]. (Brenner)

2) p. 8-3; line 45: Those lands designated as Agriculture in the comprehensive plan are designated as Agricultural Lands of Long-Term Commercial Significance as defined by GMA. Agricultural lands of long-term commercial significance are land: (a) not already characterized by urban growth (b) that is primarily devoted to the commercial production of agricultural products enumerated in RCW 36.70A.030(2), including land in areas used or capable of being used for production based on land characteristics, and (c) that has long-term commercial significance for agricultural production, as indicated by “includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.” (RCW 36.70A.030(10). (Browne, Donovan)

3) p. 8-9; Policy 8A-3: The criteria that shall be considered on an area wide basis for designating or de-designating lands under the Agriculture land use designation are as follows. When applying these criteria, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities. ... (Weimer)
3a) 2. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA), **but this is not a designation requirement.** (Browne)

3b) 3. **Land use settlement patterns, the intensity of nearby uses, and the history of approved land development permits are generally compatible with agricultural practices.** Existing land uses are primarily full-time agriculture intermixed with part-time agriculture and woodlots; and **minimal commitment to non-farm uses has been made.** (Weimer)

3c) 4. The area is **predominately** composed of agricultural operations that have historically been and continue to be economically viable. (Weimer)

3d) 6. Urban utility services including public sewer and water are not **available or planned.** *(Weimer) alternative below*

3e) 6. Urban public facilities and services are not available to serve the agricultural land. Utility services including public sewer and water are not planned. *(Browne) alternative above*

3f) 7. **Areas have sSpecial** purpose districts that are oriented to enhancing agricultural operations **exist,** including drainage improvement, watershed improvement, and flood control. *(Weimer)*

3g) **The criteria to be considered for the de-designation of lands under the Agriculture land use designation would be the lack of the criteria listed above for designation.** *(Weimer)*

4) **p. 8-10; Policy 8A-4:** Support conservation of productive agricultural land by requiring the use of best management practices including soil and water conservation, livestock waste nutrient management, etc. *(Donovan)*

5) **p. 8-10; Policy 8A-5:** Discourage conversion of productive agricultural land to **incompatible** non-agricultural uses. *(Weimer)*

6) **p. 8-11; Policy 8B-6:** Develop a range of non-regulatory programs, options, and incentives that agricultural landowners can employ **so long as such programs, options, and incentives can be shown to produce results that** meet or exceed county environmental goals. *(Weimer)*
7) p. 8-12; Policy 8C-4: Encourage retiring farmers to pass their farms on to beginning farmers and encourage the use of programs that help beginning farmers buy productive farmland. (Weimer)

8) p. 8-12; lines 38 Agriculture may conflict with other land uses. Poor nutrient management practices on agricultural land may impact the commercial and recreational use of aquatic lands miles away. (Weimer)

9) p. 8-14; Policy 8D-4: Recognize the importance of surface mining as an agricultural practice when the activity contributes to enhancing subsequent agricultural uses on the property, and does not significantly impact water quality and fish habitat in the area. (Weimer)

10) p. 8-14; New Policy 8D-8 (insert new 8D-8, renumber existing 8D-8 and following 8D policies): Through a continuum of efforts moving from education to enforcement of regulations, that includes outreach, development of voluntary best practices, technical assistance, incentives, monitoring, and regulation, ensure that agricultural practices do not negatively impact aquatic resource lands and critical areas. (Weimer)

11) p. 8-14; Goal 8E: Ensure that agricultural practices avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to aquatic resource lands that support shellfish resources. Encourage agricultural land uses to voluntarily protect and restore habitat of threatened and endangered species through education and incentive programs. (Weimer)

12) p. 8-15; Policy 8E-2: Prevent livestock from degrading riparian and instream habitat by requiring the fencing of livestock from streams and support the provision of alternative watering systems. Encourage fencing along rivers and streams to prevent livestock from degrading riparian and instream habitat. (Weimer)

13a) p. 8-15; Policy 8E-4: Encourage proper storage and application of compounds that can pollute our waterways such as manure and other fertilizers, pesticides and herbicides. (Weimer)

13b) p. 8-15; Policy 8E-4: Ensure proper storage and application of compounds that can pollute our waterways such as manure and other fertilizers, pesticides and herbicides that can pollute our waterways. (Donovan)

14) p. 8-15; Policy 8E-5: Encourage through voluntary restoration, technical assistance, incentives and regulation to—properly functioning habitat conditions for those riparian areas and stream reaches that do not currently provide such habitat conditions. (Weimer)
15) p. 8-15; Policy 8E-6: Encourage the maintenance and operation of drainage systems such that the habitat and water quality impacts from such systems are minimized and agricultural uses remain viable. (Weimer)

16) p. 8-16; Policy 8F-1: Actively participate in the WRIA 1 Watershed and Salmon Recovery Programs to ensure that the agricultural sector’s needs are being fairly addressed. (Weimer)

17) p. 8-16; Policy 8F-3: Support work to ensure that the agricultural community has access to sufficient in ensuring that legal direct legal water rights and other sources of water are available for agricultural uses. (Weimer) (alternative below)

18) p. 8-16; Policy 8F-3: Support the agricultural community in ensuring that legal water rights are available for agricultural uses. (Brenner) (alternative above)

19) p. 8-16; New Policy 8F-4: Balance the needs of agricultural water users with needs for instream uses. (Donovan)

20) p. 8-20; lines 33-36: Such conversions include changing the use of forest land from commercial timber production to incompatible residential, commercial, industrial, and agricultural land uses, or parks and preserves that exclude intense forest production management. (Brenner)

21) p. 8-21; lines 3-4: The commercial working forest land base in Washington State and in Whatcom County has been steadily decreasing over time. (Brenner)

22) p. 8-22; Policy 8F-8: Review Title 20.42 (Rural Forestry) and 20.43 (Commercial Forestry) for opportunities to provide for compatible non-forest uses that encourage forest landowners to keep their land in productive forest uses. (Brenner)

23) p. 8-24; Policy 8F-12:

23a) • Identifying the amount of acreage necessary to support a viable local forestry industry. (Weimer)

23b) • Mitigation for loss of forest lands from productivity, including loss due to policy implementation of critical areas ordinances, etc. (Donovan, Weimer)

23c) • Track acres of forest lands lost from productivity due to conversion, development or policy implementation such as critical areas ordinance, so mitigation strategies can be implemented to offset the acres lost. (Weimer)
24) p. 8-26; Policy 8G-7: Encourage the United States Forest Service and the Department of Natural Resources to implement harvest practices that maximize the use of forest lands while allowing appropriate multiple uses. (Weimer)

25) p. 8-27; Goal 8I: Support the Department of Natural Resources in ensuring that to ensure forest practices avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to marine waters that support shellfish resources. (Brenner)

26) p. 8-27; Policy 8I-1: Ensure that adequate riparian buffers, based on best available science, are maintained along rivers and streams. (Weimer)

27) p. 8-27, Policy 8I-2: Minimize, to the greatest extent feasible, using BMPs, sedimentation to rivers and streams, to the greatest extent possible, using BMPs. (Brenner)

28) p.8-20; lines 40-43: Controlling trespassing to surface mining can be a significant safety issue for mine operators. Adjacent land use 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. (Weimer)

29) p. 8-31; lines 4-9: Environmental issues associated with surface mining may include groundwater or aquifer impacts and disruption of fish and wildlife habitat. Surface mine reclamation can create wetlands and fish and wildlife habitat, productive agricultural land, or provide land for parks, housing, industrial or other uses. (Brenner)

30) p. 8-31; lines 11-15: As a natural result of geologic forces, it is not uncommon in Whatcom County to have excellent mineral deposits located under prime farmland soil and above an aquifer recharge area. Mining in these areas can substantially impact reduce the productive capacity of the soil and make the underlying aquifer more susceptible to contamination. (Brenner)

31) p. 8-33; Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with an existing mine is allowed, but before extraction of the additional area may commence the existing mine must be in complete compliance with all operating permits and regulations. (Weimer)

32a) p. 8-34; Policy 8M-1: Allow mining in the agriculture zone that would enhance farming by leveling knolls and ridges when appropriate. In these areas, reclamation of mineral extraction sites shall occur in a timely fashion. The site should also be restored for uses allowed in an agricultural zone and blend with the adjacent landscape and contours. (Weimer)
32b) p. 8-34; Policy 8M-1: Allow mining in the agriculture zone that would enhance farming by leveling knolls and ridges when appropriate. In these areas, reclamation of mineral extraction sites shall occur in a timely fashion. The site should also be restored for uses allowed in an agricultural zone and blend with the adjacent landscape and contours. (Donovan) (for discussion)

33) p. 8-35; Policy 8M-4: Recognize the role of commercial-surface mining as part of farm enhancement. (Weimer, Donovan)

34) p. 8-36; lines 9-17: Proponents of river bar scalping support it for both River bar scalping, when properly done, can have economic and flood control purposes benefits. River bar aggregate supplies high quality rock material and, if done properly, bar scalping can stabilize a section of the river channel and decrease flood damage immediately downstream.

However, Although the public believes river bar scalping will can significantly reduce flooding along the entire river, its benefits are local and, if done improperly can it may have negative effects in areas surrounding the mining site. (Brenner)

35) p. 8-36; line 38: While river gravel is a renewable resource that could extend the life of other Whatcom County gravel resources... (Brenner) (alternative below)

36) p. 8-39: Delete Riverine Areas language or restore introduction language to original (as follows):

Proponents of river bar scalping support it for both economic and flood control purposes. River bar aggregate supplies high quality rock material (although it produces poor quality sand due to excessive organic material). In addition, if done properly, bar scalping can stabilize a section of the river channel and decrease flood damage immediately downstream.

Although the public believes river bar scalping will significantly reduce flooding along the entire river, in fact its benefits are local and it may have negative effects in areas surrounding the mining site. For example, if done improperly gravel removal can de-stabilize the river channel locally and increase, rather than decrease, flood damage downstream. After intensive bar scalping, floodwater that is normally stored on the floodplain of the mined reach can be concentrated and dumped on the reach immediately downstream. If gravel mining exceeds the rate of replenishment from upstream, the river bed may lower both upstream and downstream; this bed degradation can undermine bridge supports and other structures, cause adjacent banks to erode (or stabilize, depending on how much and where gravel is removed), lower groundwater tables adjacent to the river, and damage riparian vegetation.
Improper mining methods in fish spawning reaches can de-stabilize spawning gravel or clog it with silt, remove cover vegetation or trap smolts during out-migration. Over harvesting of gravel can erode the river bed and expose the underlying substrate, reducing or eliminating pool and riffle habitat for fish and other aquatic animals. Finally, petroleum spills from mining equipment can degrade local surface water quality if not responded to properly.

While river gravel is a renewable resource that could extend the life of other Whatcom County gravel resources, river bars are not a reliable source from year to year. The amount of gravel that can be mined varies with seasonal and yearly rates of gravel deposition; high and low water levels and timing; and fish migration, spawning and out-migration timing.

Various costs raise the price of river bar gravel. For example, there are several streams (e.g. Boulder Creek, Porter Creek, Glacier Creek, etc.) which may offer significant quantities of sand and gravel, but which are not currently being mined due to prohibitive transportation costs. Other factors include the cost and limited availability of access easements to the river, the repeated handling that is necessary for extraction and processing of the material, and the cost of complying with regulations.

Finally, many state and federal regulations restrict scalping locations and practices. The cost and time delay of duplicate regulation, environmental restrictions, royalty charges and the regulatory process are deterrents to river bar mining. (Donovan) *(alternative above)*

37) p. 8-41: Policy 8Q1: **Through a county-led county-wide assessment seek to identify and designate protect—all potential commercially significant mineral resource lands construction-aggregate supply, to meet future demand, compatible with water resources, agricultural lands, forest lands and other GMA goals. (Weimer)*

38) p. 8-42; Policy 8R-6: **Avoid river bar scalping where it would adversely affect spawning or critical habitat areas. (Donovan) *(if riverine section is retained)*

39) p. 8-43; MRL Criteria:

39a) 1. Non-metallic deposits must contain at least 1,000,000 250,000-cubic yards of proven and extractable sand, gravel or rock material per new MRL Designation. *(Donovan) (for discussion)*

39b) 2. Minimum MRL Designation size is **ten twenty** acres. *(Brenner, Donovan)*

...
12. Expansion of MRL Designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with an existing mine, shall require that the existing mine is substantially in compliance with all operating permits and regulations before expansion of the designation will be approved. is allowed, but before extraction of the additional area may commence the existing mine must be in complete compliance with all operating permits and regulations. (Weimer)

...

16. MRL Designation status applies to river gravel bars possessing necessary permits and containing proven significant quality reserves. (Weimer)

17. 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 so long as such upland sites are not in areas where MRL designation is otherwise prohibited. (Weimer)

40) p.8-45; New Section (Weimer)

*While the idea of adding an Aquatic Lands section to Chapter 8 was Councilmember Weimar’s idea, he raised it to the Marine Resource Committee meeting in January; the majority of this section was drafted by members of that committee and other aquatic lands experts. Some of those people may attend the meeting on the 22nd help clarify changes they have recommended.*

**Aquatic Lands – Introduction**

**Purpose**
This section contains policies to guide Whatcom County in conservation of functioning aquatic or submerged resource lands of long-term commercial, ecological and recreational significance, and to ensure that all uses requiring functioning aquatic lands, and the cultural heritage that use of our aquatic lands represent, thrive in the years to come.

**GMA Requirements**
Goal 8 of the GMA (RCW 36.70A.020) guides the county to “*Maintain and enhance natural resource based industries, including productive timber, agricultural, and fisheries industries.*” Aquatic lands have a clear nexus regarding the physical conditions and habitat required to generate and maintain of fisheries of all types, including commercial and recreational harvest of shellfish, fin fish, invertebrates such as crab and shrimp, and lesser known species e.g. octopus. While the GMA does not require specific designation of marine or freshwater aquatic lands that support aquatic based uses and industries, functioning aquatic lands are so intrinsically necessary for the creation and sustainability of historical fish and wildlife production that these lands are identified on our GMA required critical areas maps, shoreline inventory and analysis, and integral in the state /county approved 2008 Shoreline Restoration Plan.
Map xx-x shows aquatic lands in the county designated as shorelands, tidelands, and bedlands.

**Process**
Whatcom County has implemented zoning regulations for some aquatic lands. For example, the aquatic lands for the Cherry Point industrial piers have a Heavy Impact Industry zoning. However, the county’s Shoreline Management Program determines the broad types of uses, development, and activities that may be allowed, i.e., water-dependent, etc. The Whatcom County Critical Areas Ordinance also provides protection for these lands.

**Background Summary**
The aquatic lands of Whatcom County have historically been one of the most important natural resources in the region. For thousands of years, the shores of Whatcom County provided an important shellfish resource sustaining our local tribes while more recently the tideland of Drayton Harbor supported one of the earlier commercial oyster farming businesses in the Salish Sea. The shore and near shore lands of the County provided spawning, rearing, and forage areas for a diverse array of fin fish and shellfish species which together formed an incredible food web for ancestral tribes and early commercial fisheries.

The county’s aquatic lands are located along the coastal areas bordering the Salish Sea as well as the rivers, streams, and lakes that drain the upland areas of western Whatcom County. The designated lands include more than 130 miles of marine shoreline and 220 miles of stream channel.

Aquatic lands in the area of Cherry Point are zoned HII to support adjacent industrial uses that require deep water access such as the two existing refineries and an aluminum smelter. The Harbor Area and waterways in Bellingham Bay are designated for preservation of commerce and navigation along the Bellingham shoreline. The tidelands of Drayton Harbor are zoned to support a small commercial wharf, marinas, residential shoreline development, shellfish production, and natural areas.

The majority of aquatic lands in Whatcom County are owned by the State of Washington (managed by DNR), the Lummi Nation and the Port of Bellingham (via Port Management Agreement with DNR). These include many of the tidelands and subtidal lands in the County, most of the Nooksack River, much of Lake Whatcom and some of the smaller navigable streams.

These landowners also include some private entities that were sold tidelands prior to 1971 who manage their aquatic lands for a variety of uses including recreational, commercial, industrial, and bank or fill shoreline armoring.

Historically, aquatic lands have been managed for natural and farmed shellfish production and harvest, and fishing, transportation, utility corridors for oil/gas/natural gas pipelines, sewer and stormwater outfall pipes, and for communication (phone/fiber optic lines) and power (electric) lines, flood control, hydropower, irrigation intakes, municipal water supply intakes, and commercial, recreational and subsistence/cultural fishing and food gathering. Also used for commercial and industrial uses such as
waste discharge pipelines, wood waste and mill bark/sawdust dumping, regional dumping of low level
dredge spoils (Bellingham Bay site), marinas (Bellingham, Blaine), development on fill or pilings e.g.
industrial/commercial, garbage dumps, parks, etc.

With a growing population, there is increasing interest in improving public access to aquatic lands
through the addition of boat ramps and access points for both motor-powered, wind and human-
powered craft. Over the last 20 years the desire to harvest more and diverse aquatic resources,
particularly from tidelands has driven a number of significant efforts to improve water quality as well as
innovative culturing techniques such as inter-tidal geoduck seeding, nori farming, etc.

Conservation efforts have resulted in protection of several areas including the Cherry Point Aquatic
Reserve and two Harbor Area withdrawal areas in Bellingham Bay. These areas are valuable due to their
high productivity of aquatic life that contributes to the economy and greater ecosystem of Whatcom
County. Twenty years of effort and millions of dollars in public investment have kept Drayton Harbor a
viable commercial and recreational shellfish growing area for future generations to enjoy.

Aquatic lands provide a huge economic benefit to the county. The health of our stream, river and
estuarine environments is the foundation for a critical tribal and non-tribal finfish and shellfish industry
that provide substantial economic benefits to the County, both directly and indirectly.

Whatcom County shorelines continue to provide income to over 250 Lummi Nation registered shellfish
harvesters. Many other Lummi and Nooksack tribal members depend on fin-fish and crab harvest for a
substantial part of their yearly family income. The Lummi Nation Shellfish enterprise is highly productive
and provides clam, oyster and geoduck seed to a large part of the NW shellfish industry. To the extent
that the environmental health of these lands impacts the ability of Tribal Nations to practice fish and
wildlife harvests and conduct ceremonial activities for their cultural, economic and spiritual welfare,
protection of these lands is a Treaty trust resource supporting Treaty reserved rights to take fish.

Indirect benefits to the county are even more substantial given the multiplier effect from marina-related
boat works, electronics, fuel and supplies, charter and whale watching businesses, the Alaska Ferry
service, sporting goods, kayaking, rowing, sailing, wind surfing, power boating, and all the sales, repair,
maintenance and provisioning that goes with these type of activities. Being not only an international
destination for water-related and dependent outdoor activities such as bird and wildlife watching,
sailing and cruising, fishing and gathering, but also a gateway community to the San Juan Islands and
Gulf Islands, as well as the greater Salish Sea environs, is a renewable and sustainable economic driver
that will serve this region well into the future.

**Issues, Goals, and Policies**
The following goals and policies apply to both Commercial, Industrial and undesignated aquatic lands
and address the issues of conserving productive aquatic land and meeting the goals of the Growth
Management Act.
Aquatic Land Base
The aquatic land base in Washington State and in Whatcom County has largely been protected by the Shoreline Management Act, as well as Whatcom County’s Shoreline Management Program (SMP) and Critical Areas Ordinance. Prior to the SMP, certain inappropriate uses and development were allowed and have been “grandfathered” in e.g. over-water residential, bulkhead filling seaward of the Ordinary High Water Mark, etc. In addition, since the SMP many minor armoring, filling and bulkheading infractions have occurred which, in a cumulative sense have eroded the productive biological base.

Historically, shoreline modification including filling, hardening and diking of many natural shorelines has resulted in a significant reduction in acreage and functioning aquatic lands in many areas of the County. These modifications came as a result of transportation improvements (roads, railroads, barge landings, and ferry terminals), utilities of all types (electrical, communications, sewer, stormwater, etc), hydropower, water dependent uses (marinas, fish processing, ship yards), non-water dependent uses (large industrial facilities), flood control efforts, residential development including bulkheading, armoring, and docks, and parks.

Aquatic lands marine waters, major lakes and navigable rivers were owned by the State of Washington at the time of statehood unless reserved for other uses such as federal facilities or Indian reservations. Between 1889 and 1971, the state sold many of its tidelands to railroads, timber companies and shellfish growers as a way to finance the state. As a result, the state owns only about 30% of the tidelands. The bulk of tidelands and many shoreland areas are owned or managed by ports, industries, tribes and private shoreline property owners. The State retains ownership of most all of the subtidal lands which were not sold.

It is important to remember that although the state or private entities may own the aquatic lands, the county and the State Department of Ecology determine what activities and uses are allowed on such submerged lands. Shoreline substantial development, conditional use and variance permits are required for related development or usage on or above the county’s aquatic lands. The county’s SMP, which is part of the state SMP that in turn is part of the federal Coastal Zone Management Plan (CZMP), requires that all federal projects, plans and funding be consistent with these plans and regulations. Similarly, projects such as pipelines, communication towers and cables, hydroelectric facilities, Coast Guard facilities, Border Patrol facilities, and all federally-funded projects such as roads, bridges, docks, housing, flood damage reductions efforts, airports, landfills, utilities, and farm subsidy activities are reviewable.

Goal 8S: Protect Whatcom County’s aquatic land base with policies that do not allow adverse impacts to the aquatic land base.

Policy 8S-1: Regulate land use on aquatic lands within the county through the designation of Aquatic Conservation Zones and other appropriate means.

Policy 8S-2: Apply the following general criteria for Aquatic Land comprehensive plan designations and zones:
Commercial aquatic lands: Lands mostly devoted to the commercial production of aquatic organisms, e.g. shellfish or algae. Land parcels are generally 0.5 acres or greater in size.

Industrial aquatic lands: Lands primarily devoted to large industrial water-dependent shipping consistent with the Shoreline Management Program and fossil fuel reduction goals of this comprehensive plan. Land parcels are generally 20 acres or greater in size.

Policy 8S-3: Protect appropriate commercial, industrial and recreational aquatic land base through cooperation between tribal governments, public agencies, landowners and private organizations.

Policy 8S-4: Do not allow conversion of aquaculture lands if the proposed use is incompatible with the maintenance of long-term aquaculture and ecological management. Incompatible uses include those that:

- Cause water pollution (of all types including sedimentation, temperature changes, etc.) that impacts the opportunity to grow healthy shellfish and other organisms
- Permanently (defined as more than 6 months) alter or remove greater than 20% of a parcel from production of aquaculture,
- Create a financial hardship for adjacent aquatic landowners;
- Lead (as determined by a county-approved study) to land use conflicts with adjacent aquatic landowners.

Policy 8S-5: Maintain a productive commercial, industrial, scientific and sustainable aquatic land base to support productive, viable Aquatic lands resources. Measures that can be taken to support sustainable aquatic lands may include:

- Land use policies that encourage active management plans that support sustainable aquatic lands resources
- No net loss of aquatic lands productivity
- Land use policies that recognize the multiple values of aquatic lands and the waters above them and provide basic life-giving properties that are and can only be public for all people to enjoy.
- Education programs that emphasize the importance of aquatic resource production in Whatcom County
- Public and institutional education programs that promote the benefits of aquatic lands
• Discourage conversion of any aquatic lands to non-compatible uses.

**Aquaculture, Fishing, and other Aquatic Lands Activities**

**Goal 8T:** Support measures to increase the viability and sustainability of Whatcom County's aquatic biodiversity and production.

**Policy 8T-1:** Improve the efficiency, effectiveness and flexibility of state and local environmental regulations affecting aquatic lands, in order to assure environmental protection and improve predictability.

**Policy 8T-2:** Develop a range of non-regulatory programs, options, and incentives that landowners with aquatic lands can employ to meet or exceed county environmental goals.

**Policy 8T-3:** Support the efforts of people in Whatcom County to operate in a long-term, sustainable manner as part of a stable, broad based economy.

**Policy 8T-4:** Work cooperatively with the Washington State Departments of Natural Resources, Ecology, and Fish and Wildlife the most productive and appropriate use of State aquatic lands within Whatcom County.

**Land Use Conflicts**
Conflicts with adjacent and upstream land uses may significantly impact the use of aquatic resource lands. One of the most significant current impacts for commercial aquatic landowners in Whatcom County is the bacterial pollution of our rivers and streams that has led to closure of important shellfish production areas in Portage Bay and Drayton Harbor.

**Goal 8U:** Reduce land use conflicts between Whatcom County's aquatic lands operations and upland property owners.

**Policy 8U-1:** Before a development permit or a rezone is approved, applicant should demonstrate, to the satisfaction of the County, that adequate protection of aquatic land will be in place for the resident and adjacent properties and that adjacent properties are protected from adverse effects.

**Policy 8U-2:** Support improved communication and understanding between aquatic landowners and the public through such mechanisms as management plans, community forums, environmental testing/monitoring stations, and educational programs.

**Policy 8U-3:** Work cooperatively with state agencies such as the Washington State Departments of Ecology, Fish and Wildlife, Natural Resources, adjacent upland
property owners, and the general public to address community concerns and land use conflicts that may arise as a result of aquatic lands practices.

Policy 8U-4: Continue cooperation and funding for a comprehensive Pollution Identification and Correction (PIC) program as needed to reduce bacterial pollution to levels that meet National Shellfish Sanitation Program Growing waters criteria to allow reopening of closed shellfish beds, and to maintain the operation of those beds in a commercially viable manner.

Fish and Wildlife

Use of aquatic lands and upland inputs can impact tidelands and other shallow and deepwater habitats that are important to a wide variety fish and wildlife.

Goal 8V: Ensure that operations associated with aquatic lands avoid adverse impacts to the survival and habitat of aquatic species particularly to threatened and endangered fish and wildlife species and shellfish resources.

Policy 8V-1: Implement the Whatcom County Shorelines Management Plan with appropriate regulations within the context of the Critical Areas Ordinances.

Policy 8V-2: Take action to reduce stormwater impacts on the marine food web and contaminant loads affecting the abundance and productivity of fin fish and shellfish species.

Changes Approved on March 8, 2016

p. 8-1; lines 4-9: The growth and harvest of farm products, re-generation and harvesting of timber, use of aquatic lands for shellfish harvest, and excavation of minerals all shape Whatcom County’s landscape and strongly influence the economy. Resource lands, which include agriculture, forestry, aquatic resource lands and mineral resource lands, also largely represent Whatcom County’s cultural heritage. These natural resource activities have been major industries since European settlement began in the area, and the use of aquatic lands by our indigenous citizens far predates European settlement. (Weimer)

p. 8-1; lines 12-14: This chapter is divided into four three sections: Agricultural Lands, Forest Resource Lands, Aquatic Resource Lands, and Mineral Resources. (Weimer)

p. 8-2; lines 7-8: The Agricultural Lands, Forest Resource Lands, Aquatic Resource Lands, and Mineral Resources sections of this chapter address Goal 8 of the GMA, which reads: ... (Weimer)
Those lands designated as Agriculture in the comprehensive plan are designated as Agricultural Lands of Long-Term Commercial Significance as defined by GMA: ... (Weimer)

Conserving productive agricultural lands in rural areas, without infringing on private property rights, is a primary objective of the APO.

Maintain a working agricultural land base sufficient to support a viable local agricultural industry by considering the impacts to farmers and agricultural lands as part of the legislative decision making process. Measures that can be taken to support working farms and maintain the agricultural land base may include: ... (Donovan)

- Maintenance of 100,000 acres of agricultural land to support a healthy agricultural industry. (Donovan)
- A workable transfer of development rights program (TDR) in which the development potential of a site could be transferred to another location where development is more favorable. (Weimer, Donovan)
- The workable TDR program shall give priority to the creation of economically viable receiving areas. (Browne)
- Developing a marketplace approach to strengthening agricultural practices while enhancing larger-scale watershed processes and functions by identifying feasible opportunities on agricultural land to improve both watershed health and agricultural viability and developing incentives and tools to compensate farmers for actions that exceed minimum regulatory standards. (Weimer)
- Mitigation for loss of productive agricultural lands, including loss Track acres lost due to conversion, development or policy implementation such as critical areas ordinance, so mitigation strategies can be implemented to offset the acres lost etc. (Weimer)

Maintain the right to farm ordinance. Give priority to agricultural uses and owners of parcels zoned for agriculture priority in land use and nuisance conflicts with residents of adjacent properties and adjacent property owners. (Donovan)
Quarterly Finance Report and Project Budget Update

Finance Manager, Brad Bennett will provide a review of the 2015 4th quarter financial report and update on the project budgets.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>Date Received in Council Office</th>
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**TITLE OF DOCUMENT:** 2016 Supplemental Budget Request #6

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

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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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**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 #6 requests funding from the General Fund:

1. To appropriate $6,220 in Sheriff to fund traffic safety equipment from grant proceeds.
2. To appropriate $18,400 in Health to fund mental health promotion and suicide prevention program from grant proceeds.
3. To appropriate $42,500 in Planning & Development Services to fund General Fund portion of Department of Natural Resources/Public Works LIDAR (light detection and ranging) project.

From the Road Fund:

4. To appropriate $21,500 in Public Works to fund Road Fund portion of Department of Natural Resources/Public Works LIDAR (light detection and ranging) project.

From Real Estate Excise Tax Fund I:

5. To appropriate $27,000 to fund Lighthouse Marine Park boat launch dock retrofit.

In addition, request is made in Health to increase a .95 Clerk III position to a full 1 FTE.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

3/8/2016: Introduced 7-0

**Related County Contract #:** | **Related File Numbers:** | **Ordinance or Resolution Number:**
PROPOSED BY: Executive
INTRODUCTION DATE: 03/08/16

ORDINANCE NO.
AMENDMENT NO. 6 OF THE 2016 BUDGET

WHEREAS, the 2015-2016 budget was adopted November 25, 2014; and,
WHEREAS, changing circumstances require modifications to the approved 2015-2016
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 2015-2016
Whatcom County Budget Ordinance #2014-065 is hereby amended by adding the following
additional amounts to the 2016 budget included therein:

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<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<tr>
<td>Sheriff</td>
<td>6,220</td>
<td>(6,220)</td>
<td>-</td>
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<tr>
<td>Health</td>
<td>18,400</td>
<td>(20,000)</td>
<td>(1,600)</td>
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<tr>
<td>Planning &amp; Development Services</td>
<td>42,500</td>
<td>-</td>
<td>42,500</td>
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<tr>
<td><strong>Total General Fund</strong></td>
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<td><strong>(26,220)</strong></td>
<td><strong>40,900</strong></td>
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<tr>
<td>Road Fund</td>
<td>21,500</td>
<td>-</td>
<td>21,500</td>
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<tr>
<td>Real Estate Excise Tax Fund I</td>
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<td>-</td>
<td>27,000</td>
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<tr>
<td><strong>Total Supplemental</strong></td>
<td><strong>115,620</strong></td>
<td><strong>(26,220)</strong></td>
<td><strong>89,400</strong></td>
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</table>

In addition, the Authorized Position listing in the 2015-2016 Budget Ordinance should be
amended to provide for the following FTE change:

- Add .05 FTE to a .95 Clerk III position to increase to a 1 FTE position in Health.

ADOPTED this ____ day of ____________________, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk
Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Jack Louws, County Executive
Date: ____________________
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<th>Description</th>
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<th>(Increased) Decreased Revenue</th>
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<td>General Fund</td>
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<tr>
<td>Sheriff</td>
<td>To fund traffic safety equipment from grant proceeds.</td>
<td>6,220</td>
<td>(6,220)</td>
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<tr>
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<td>(20,000)</td>
<td>(1,600)</td>
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<td>Planning &amp; Development Services</td>
<td>To fund General Fund portion of DNR/Public Works LIDAR project.</td>
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<td>27,000</td>
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<td>Total Supplemental</td>
<td></td>
<td>115,620</td>
<td>(26,220)</td>
<td>89,400</td>
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</table>
Memorandum

TO: JACK LOUWS, COUNTY EXECUTIVE
FROM: Regina Delahunt, Director
DATE: JANUARY 26, 2016
RE: REQUEST TO INCREASE POSITION FROM .95 TO 1.0 FTE

Through a grant received from Thrive Washington, we are expanding our Nurse-Family Partnership program. The increase in the program will result in a greater demand on clerical support to the public health nurses. Currently Susan Prescott is the clerical support for the Nurse-Family Partnership program. Her position is a .95 FTE. We are requesting an increase of two hours per week to bring the position to a full 1.0 FTE.

The estimated cost of this position adjustment is less than $3,000 including taxes and other health and welfare costs. The increase will be funded from the savings in the recently completed reclassification in position control 1350 Public Health Nurse to a Community Health Specialist I.

This proposed increase in FTE has been discussed with Susan Prescott. She has agreed to the increase in time.
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: February 16, 2016
SUBJECT: Supplemental Budget ID# 2139
         WASPC Traffic Safety Equipment Grant 2016

The attached Supplemental Budget requests budget authority to purchase traffic safety equipment with grant funds from Washington Association of Sheriffs & Police Chiefs.

Background and Purpose
The Washington Association of Sheriffs & Police Chiefs (WASPC) approved a Traffic Safety Equipment Grant of $6,220 to purchase traffic safety equipment: $4,000 for 4 radars and $2,220 for 6 rear antenna, Whatcom County Contract No. 201602027.

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

Funding Amount and Source
Total estimated cost for purchase of this equipment is $7,522.

Washington Association of Sheriffs & Police Chiefs will provide federal Traffic Safety Equipment Grant funds of $6,220 originating from U.S. Department of Transportation, State and Community Highway Safety Program, CFDA# 20.600.

Additional funds of $1,302 required for this purchase will come from existing Sheriff's Office budget.

Please contact Undersheriff Jeff Parks at extension 6610 if you have any questions.

Thank you.
Supplemental Budget Request

Sheriff Operations

Supp. ID # 2139

Fund 1 Cost Center 1003512001 Originator: Dawn Pierce

Expenditure Type: One-Time Year 2 2016 Add'l FTE Add'l Space Priority 1

Name of Request: WASPC Equipment Grant 2016

Department Head Signature (Required on Hard Copy Submission) Date

\[\frac{2}{15}/2016\]

Costs:

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<th>Object Description</th>
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1a. Description of request:
The Washington Association of Sheriffs & Police Chiefs (WASPC) approved a Traffic Safety Equipment Grant in the amount of $6,220 to purchase traffic safety equipment: $4,000 for radars and $2,220 for rear antenna.

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

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

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

3b. Cost savings:
Cost savings of $6,220.

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

4b. Measures:
Reports describing the use of the equipment and related enforcement activities will be submitted to WASPC by October 15, 2016.

5a. Other Departments/Agencies:
n/a

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

6. Funding Source:
Federal funds of $6,220 will be provided by Washington Association of Sheriffs & Police Chiefs Traffic Safety Equipment Grant. Funds originate from the U.S. Department of Transportation, State and Community Highway Safety Program, CFDA# 20.600.

Monday, February 15, 2016

Rpt. Rpt Suppl Regular
Supplemental Budget Request

Health

Fund 1
Cost Center 677100
Originator: Patty Proctor

Expenditure Type: One-Time
Year 2 2016
Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Mental Health Promotion and Suicide Prevention

[Signature]
Department Head Signature (Required on Hard Copy Submission) Date 2/22/16

<table>
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<th>Costs</th>
<th>Object</th>
<th>Object Description</th>
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<td></td>
<td>Request Total</td>
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<td>($1,600)</td>
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</table>

1a. Description of request:
To deliver one (1) Youth Mental Health First Aid Training in the Ferndale community and expand the current promising-practice Second Step in the Ferndale School District.

1b. Primary customers:
The primary customers are Ferndale community members and elementary students attending the Ferndale School District.

2. Problem to be solved:
In reviewing the data for the Ferndale and the Ferndale School District it is evident that there is a high need for more resources, intervention and prevention that focuses on building resiliency, mitigating risk factors and promoting mental health and healthy youth development. The 2014 Healthy Youth Survey (HYS) results for Ferndale students in 6th and 8th grade also demonstrate elevated rates for several risk factors in comparison to the state results. The rate that students that have used marijuana at least once increases 3 times from 6th to 8th grade, from 2.3% to 9.1% respectively. Sixth grade students also reported a higher rate of being bullied (35.4%) than their peers across the state (30.9%) and in Whatcom County (30.0%) and a lower perception of harm in marijuana use (21.8%) compare to the state’s sixth grade rate (19%). Although the rate in which Ferndale 6th graders who have seriously consider suicide (15.7%) is similar to the state rate, they report a 2% higher rate than their peers in Whatcom County (13.4%). Second Step is a classroom-based program is designed to teach children how to understand and manage their emotions, control their reactions, be aware of others’ feelings, and have the skills to problem-solve and make responsible decisions. The program is proven to prevent problem behaviors, peer rejection, impulsivity, antisocial behavior and low academic achievement.

3a. Options / Advantages:
The Second Step program is the best option for Ferndale as they began implementing the program in the 2014-2015 school year, and this funding will allow for expansion of the program. The District also utilizes the Positive Behavioral Intervention and Support (PBIS) system which is in direct alignment with the implementation of Second Step. This funding will allow for more students to be reached and engaged in the program.

3b. Cost savings:
The program funding increases our community’s ability to understand and intervene when youth mental health issues surface, therefore limiting extensive costs associated with adult mental health illness and
treatment. The Second Step program teaches students the skills they need to build self-regulation and social-emotional skills that support their academic achievement and prevent them from engaging in harmful behaviors. By investing in healthy social and emotional development at an early age this will help to prevent young people from engaging in unhealthy behaviors such as substance use and abuse. This provides a cost savings to the community in addressing addiction, treatment and recovery later in life.

4a. Outcomes:
One Youth Mental Health First Aid training will be delivered and 40 additional classrooms will begin to deliver the promising-practice Second Step during the contract period of February 1st and June 30th.

4b. Measures:
One (1) Youth Mental Health First Aid training will be completed with a minimum of 15 attendees and 40 Ferndale elementary classrooms will begin implementing the Second Step Program with a minimum of 3-5 sessions held before the end of the year. The Ferndale School District will report classroom programming outcomes to the County.

5a. Other Departments/Agencies:
Yes, Ferndale School District and still to be identified certified Youth Mental Health First Aid Trainer.

5b. Name the person in charge of implementation and what they are responsible for:
Jill Iwasaki with the Ferndale School District is responsible for ensuring the implementation of the program Second Step and reporting outcomes to the County.

6. Funding Source:
Whatcom County has been awarded a grant from the State of Washington, DSHS, Division of Behavioral Health which will fund this request.
Memorandum

TO: Jack Louws, County Executive
FROM: Mark Personius for J.E. Sam Ryan
DATE: February 16, 2016
SUBJECT: Budget Supplemental Request ID#2137
        WA Department of Natural Resources/Public Works LIDAR Project

The attached Budget Supplemental Request is an increase in budget authority to cover the Whatcom County Planning portion of the LIDAR hazard mapping project.

Background and Purpose
The Washington State Legislature has funded the WDNR to do landslide hazard mapping and inventory beginning in FY2016. (Stemming from recent geologic disasters such as the Oso Landslide) Included is $2.2 million for WDNR to partner with counties, tribes and others under a national USGS program to collect comprehensive high resolution LIDAR (light detection and ranging) data. Whatcom, Skagit, and Snohomish Counties are WDNR’s first priority area for data collection in 2016.

Staff from Public Works, Planning and Development Services, and IT evaluated the geographic coverage proposed by the USGS and WDNR for new LIDAR data and identified additional areas to include. Inclusion of these areas provides seamless data coverage to support multiple county functions including land-use planning, natural hazards assessments, floodplain modeling, development review, emergency management, and to identify areas that could impact county road infrastructure. The county partnership contribution to include the extra coverage is $85,000. This reflects an estimated cost of $600/square mile and includes a 30% USGS match to our partnership funds. PDS portion of this cost is $42,500. Whatcom County submitted a good faith commitment letter to DNR for this project in October 2015.

Funding Source
The funding for this project is being shared by PW and PDS. The PDS portion would come from the General Fund. PDS had $70,000 of unexpended budget in 2015 for a consultant for the Best Available Science report for the Critical Areas Ordinance update. These funds could have been applied to this project but the contract was not in place before the end of the year so funds could not be carried over. PW Funding is $21,250 from FCZD Fund Balance (Fund 169), $21,250 from Road Fund (Fund 108).

Please contact me Mark Personius at extension 5950 or Andy Wiser at extension 5945, if you have questions regarding this project.

Thank you.
1a. Description of request:

The Washington State Legislature has funded the WDNR to do landslide hazard mapping and inventory beginning in FY2016. (Stemming from recent geologic disasters such as the Oso Landslide) Included is $2.2 million for WDNR to partner with counties, tribes and others under a national USGS program to collect comprehensive high resolution lidar (light detection and ranging) data. Whatcom, Skagit, and Snohomish Counties are WDNR’s first priority area for data collection in 2016.

Staff from Public Works, Planning and Development Services, and IT evaluated the geographic coverage proposed by the USGS and WDNR for new lidar data and identified additional areas to include. Inclusion of these areas provides seamless data coverage to support multiple county functions including land-use planning, natural hazards assessments, floodplain modeling, development review, emergency management, and to identify areas that could impact county road infrastructure. The county partnership contribution to include the extra coverage is $85,000. This reflects an estimated cost of $600/square mile and includes a 30% USGS match to our partnership funds. PDS portion of this cost is $42,500. Whatcom County submitted a good faith commitment letter to DNR for this project in October 2015.

1b. Primary customers:

This service will benefit the citizens of Whatcom County and provide more detailed information for county staff when reviewing development proposals, as well as the identification of natural hazards and planning staff for land use planning decisions.

2. Problem to be solved:

This LIDAR survey will provide better characterization of geologic hazards and their potential to impact populated areas and development activities; more detailed information will help to better assess potential hazards posed to Whatcom County residents.

3a. Options / Advantages:

LIDAR mapping represents the best available science for identifying areas of potential hazards.

3b. Cost savings:

Since the Washington State Dept of Natural Resources (WDNR) is already conducting a LIDAR study in this area it will result in continuous LIDAR coverage impacting all of Whatcom County at a reduced cost. United States Geological Survey (USGS) is also providing a 30% match on the LIDAR project.

4a. Outcomes:

The outcomes will be a high resolution LIDAR coverage for Whatcom County that meets the USGS 3D Elevation Program (3DEP) mapping data quality standards.

4b. Measures:

The LIDAR data and maps will become available and can only be certified for use in the 3DEP program if the resolution of the map data meets the USGS specifications.
Supplemental Budget Request

Planning & Development Services  |  Natural Resources

| Fund 1 | Cost Center 815 | Originator: Andy Wiser |

5a. Other Departments/Agencies:
Yes. This is being done in partnership with the Public Works Department, Information Technology (GIS), Skagit County, Snohomish County, local agencies & Tribes, Washington State Department of Natural Resources and the United States Geological Survey.

5b. Name the person in charge of implementation and what they are responsible for:
Dave Norman, State Geologist WDNR is responsible for administering the contract with the USGS 3DEP program.

6. Funding Source:
The funding for this project is being shared by PW and PDS. The PDS portion would come from the General Fund. PDS had $70,000 of unexpended budget in 2015 for a consultant for the Best Available Science report for the Critical Areas Ordinance update. These funds could have been applied to this project but the contract was not in place before the end of the year so funds could not be carried over. PW Funding is $21,250 from FCZD Fund Balance (Fund 169), $21,250 from Road Fund (Fund 108).
TO: The Honorable Jack Louws, Whatcom County Executive

THROUGH: Jon Hutchings, Director

FROM: Gary S. Stoyka, Natural Resources Manager

RE: Supplemental Budget Request

DATE: February 12, 2016

The Public Works Natural Resources Division is requesting supplemental budget authority for the following program for FY 2016.

- The Washington State Legislature has funded the WDNR to do landslide hazard mapping and inventory beginning in FY2016 stemming from recent geologic disasters such as the Oso Landslide. Included is $2.2 million for WDNR to partner with counties, tribes and others under a national USGS program to collect comprehensive high resolution lidar (light detection and ranging) data. Whatcom, Skagit, and Snohomish Counties are WDNR's first priority area for data collection in 2016. Staff from Public Works, Planning and Development Services, and IT evaluated the geographic coverage proposed by the USGS and WDNR for new lidar data and identified additional areas to include. Inclusion of these areas provides seamless data coverage to support multiple county functions including land-use planning, natural hazards assessments, floodplain modeling, development review, emergency management, and to identify areas that could impact county road infrastructure. The county partnership contribution to include the extra coverage is $85,000. This reflects an estimated cost of $600/square mile and includes a 30% USGS match to our partnership funds. Whatcom County submitted a good faith funding commitment letter to DNR for this project in October 2015.

- The County's cost share portion of acquiring the lidar data is $85,000. The FCZD (Fund 169) is contributing $21,250; the Road Fund (Fund 108) is contributing $21,250, and Planning & Development Services is $42,500.

- This supplemental budget request will allow the County to acquire the lidar data and maps.

Please contact Gary Stoyka at extension 6218 if there are any questions or concerns regarding this Supplemental Budget request.

Encl.
Supplemental Budget Request

Status: Pending

Public Works

Expenditure Type: One-Time
Year: 2016
Add'l FTE □ Add'l Space □ Priority 1

Name of Request: WA Dept. of Natural Resources LIDAR Project

Department Head Signature (Required on Hard Copy Submission)

Date: 2/19/14

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<th>Object Description</th>
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1a. Description of request:
The Washington State Legislature has funded the WDNR to do landslide hazard mapping and inventory beginning in FY2016 stemming from recent geologic disasters such as the Oso Landslide. Included is $2.2 million for WDNR to partner with counties, tribes and others under a national USGS program to collect comprehensive high resolution lidar (light detection and ranging) data. Whatcom, Skagit, and Snohomish Counties are WDNR's first priority area for data collection in 2016.

Staff from Public Works, Planning and Development Services, and IT evaluated the geographic coverage proposed by the USGS and WDNR for new lidar data and identified additional areas to include. Inclusion of these areas provides seamless data coverage to support multiple county functions including land-use planning, natural hazards assessments, floodplain modeling, development review, emergency management, and to identify areas that could impact county road infrastructure. The county partnership contribution to include the extra coverage is $85,000. This reflects an estimated cost of $600/square mile and includes a 30% USGS match to our partnership funds.

Whatcom County submitted a good faith funding commitment letter to DNR for this project in October 2015.

1b. Primary customers:
This service will benefit the citizens of Whatcom County and provide more detailed information for county staff when reviewing development proposals, as well as the identification of natural hazards and by planning staff for land use planning decisions.

2. Problem to be solved:
This LIDAR survey will provide better characterization of geologic hazards and their potential to impact populated areas and development activities; more detailed information will help to better assess potential hazards posed to Whatcom County residents.

3a. Options / Advantages:
LIDAR mapping represents the best available science for identifying areas of potential hazards.

3b. Cost savings:
Since the Washington State Dept. of Natural Resources (WDNR) is already conducting a LIDAR study in this area it will result in continuous LIDAR coverage of all of Whatcom County at a reduced cost. United State Geological Survey (USGS) is also providing a 30% match on the LIDAR project.

4a. Outcomes:
The outcomes will be a high resolution LIDAR coverage for Whatcom County that meets the USGS 3D Elevation Program (3DEP) mapping data quality standards.

4b. Measures:

Friday, February 19, 2016
The LIDAR data and maps will become available and can only be certified for use in the 3DEP program if the resolution of the map data meets the USGS specifications.

5a. Other Departments/Agencies:
Yes. This is being done in partnership with the Planning & Development Services Department, Information Technology (GIS), Skagit County, Snohomish County, local agencies & Tribes, Washington State Department of Natural Resources and the United States Geological Survey.

5b. Name the person in charge of implementation and what they are responsible for:
Dave Norman, State Geologist WDNR is responsible for administering the contract with the USGS 3DEP program.

6. Funding Source:
$21,250 from Road Fund balance (Fund 108)
MEMORANDUM

TO: Jack Louws, Executive
FROM: Michael McFarlane, Director
DATE: February 25th, 2016
RE: Budget Supplemental Request- Lighthouse Marine Park Boat Launch Dock Retrofit

Attached is a budget supplemental request for your approval. I am asking for funding to replace the support structure and modify the wave attenuation chambers on the boat launch dock at Lighthouse Marine Park. The dock structure was damaged in 2015 during a mild storm event. The cause of the damage was determined to be from a combination of design and materials. A new support structure has been designed and engineered to better withstand the severe conditions at this site.

We are requesting an additional $27,000 for the new supports and modifications. This will increase the County’s contribution to this project to $111,000 with the state having contributed $252,000 through a boating grant.

Repairs are estimated to take approximately six weeks from the authorization to begin work and the dock will be installed for the 2016 boating season.

Please contact me at 5855 if you have any questions or require additional information.
Supplemental Budget Request

Parks & Recreation

<table>
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<tr>
<th>Supp ID #</th>
<th>2143</th>
<th>Fund</th>
<th>324</th>
<th>Cost Center</th>
<th>6003</th>
<th>Originator: Michael McFarlane</th>
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</table>

Expenditure Type: One-Time  Year 2  2016  Add'l FTE ☐  Add'l Space ☐  Priority 1

Name of Request: Lighthouse Marine Park Dock Supplemental

Department Head Signature (Required on Hard Copy Submission)  Date

X  2-25-16

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<th>Costs:</th>
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<td>Request Total</td>
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1a. Description of request:
In summer of 2015, several members on the newly constructed boat launch dock at Lighthouse Marine Park failed. Failure was due to a combination of factors including design and materials. Construction of a heavier support structure and modifications to the chambers is proposed and will be retrofitted to the dock. These modifications should allow the dock to better weather the severe site conditions found at this site.

1b. Primary customers:
Park visitors and area residents who use the dock for fishing and boating.

2. Problem to be solved:
The existing dock support structure failed in 2015 and the dock has since been removed from the water. Without these modifications, the dock is not safe and usable. The dock is popular for public fishing and allows the safe launching and retrieval of boats. The only other boat access at Point Roberts is a lift hoist available at the marina.

3a. Options / Advantages:
Removal of the dock and decommissioning of the boat launch were options considered at the beginning of this project. Public interest and demand warranted upgrading the facility for continued use. The state has contributed $252,000 to the dock project.

3b. Cost savings:
This adds to the overall cost of the project and will extend the period of time to recover the County’s portion of the project through annual and daily boat launch fees.

4a. Outcomes:
It is anticipated the retrofit will take approximately six weeks from the authorization to begin work. The dock will be available for the 2016 boating season.

4b. Measures:
The dock will continue to be used by the public on a seasonal basis and staff will continually monitor and inspect the structure to identify any potential problems.

5a. Other Departments/Agencies:
No. All permits have been procured for the project.

5b. Name the person in charge of implementation and what they are responsible for:
Not applicable

6. Funding Source:
Real Estate Excise Tax II

Thursday, February 25, 2016
TITLE OF DOCUMENT:
Contract Between Whatcom County And The Whatcom Dispute Resolution Center

ATTACHMENTS:
Contract for service between Whatcom County and Whatcom Dispute Resolution Center

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

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

COMMITTEE ACTION: 

COUNCIL ACTION:

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

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

TO: Jack Louws, County Executive
FROM: David Reynolds, Director
RE: Contract for Supervised Visitation Services with the Whatcom Dispute Resolution Center.
DATE: December 15, 2015

Attached are two contract original amendments between Whatcom County and Whatcom Dispute Resolution Center for your review and signature.

☐ **Background and Purpose**

Historically, this service was provided by Catholic Community Services (CCS). This program was highly subsidized by CCS, who indicated that after staff retirements in 2015, they could no longer provide this valuable service.

☐ **Funding Amount and Source**

Previous funding was $23,040. Per council approval a supplemental budget for 2016 brings the amount of the contract to $65,000.

☐ **Differences from Previous Contract**

Catholic Community Services is no longer the vendor, and Whatcom Dispute Resolution Center will provide this service in the amount of $65,000 per year.

Please contact me at extension 5565, if you have any questions or concerns regarding the terms of this agreement,
WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Superior Court Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>David Reynolds</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Whatcom Dispute Resolution Center</td>
</tr>
</tbody>
</table>

**Is this a New Contract?**  Yes [ ] No [X] **If not, is this an Amendment or Renewal to an Existing Contract?**  Yes [ ] No [X] **If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #**

**Does contract require Council Approval?**  Yes [X] No [ ] **If No, include WCC**

(see Whatcom County Codes 3.06.010, WCC 3.08.090 and 3.08.100)

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

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

**Is this contract the result of a RFP or Bid process?**  Yes [X] No [ ] **If yes, RFP and Bid number(s) RFP #15-56 Contract Cost Center:**

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

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

- [X] Professional services agreement for certified/licensed professional
- [ ] Contract less than $100,000.
- [ ] Contract for Commercial off the shelf items (COTS)
- [ ] Contract work is all performed outside U.S.
- [ ] Work related subcontract less than $25,000.
- [ ] Interlocal Agreement (between Govt’s)
- [ ] Public Works - Local Agency/Federally Funded FHWA

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

- [$ 65,000]

**This Amendment Amount:**

- [$]

**Total Amended Amount:**

- [$ 65,000]

**Summary of Scope:**

- 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.

**Term of Contract:** 1 year **Expiration Date:** 12-31-16

**Contract Routing Steps & Signoff:**

1. Prepared by: [Deymonds]
2. Attorney reviewed: [Signature]
3. AS Finance reviewed:
4. IT reviewed if IT related
5. Attorney signoff:
6. Contractor signed:
7. Submitted to Exec Office
8. Council approved (if necessary)
9. Executive signed:
10. Original to Council

Last Edited 06/24/14
CONTRACT BETWEEN WHATCOM COUNTY AND THE WHATCOM DISPUTE RESOLUTION CENTER

The Whatcom Dispute Resolution Center hereinafter called Contractors, and Whatcom County hereinafter referred to as County, agree and contract as set forth in this Agreement including:

General Conditions, pp 3-7
Exhibit A (Services) p-8
Exhibit B (Consideration), p 9
Exhibit C (Insurance), attachment

The term of this Agreement shall commence on the 1st day of January, 2016, and shall unless terminated or renewed as elsewhere provided in this Agreement, terminate on the 31st day of December, 2016. It may however, be renewed on a year to year basis for an additional two years.

The general purpose or objective of this Agreement is to provide coordination of supervised visitation services as more fully and generally 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, and for any renewal term, shall not exceed $65,000. 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 for in Paragraphs 11.1, 21.1, 30.1, 31.2, 32.1, 34.1, 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 Amendment on the date and year below written.

DATED this 3rd day of March, 2016

CONTRACTORS:

Moonwater

STATE OF WASHINGTON )

) ss.
COUNTY OF WHATCOM)

On this 3rd day of March, 2016 before me personally appeared Moonwater, to me known to be an Attorney At Law and who executed the above instrument and who acknowledged to me the act of signing and密封 thereof.

NOTARY PUBLIC in and for the State of Washington, residing at Bellingham. My commission expires 12/19/19.
WHATCOM COUNTY:

Approved as to form:

Approved:
Accepted for Whatcom County:

By:
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON  )
 ) ss
COUNTY OF WHATCOM  )

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

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

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

Series 20-29: Provisions Related to Consideration and Payments

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

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

23.1 Labor Standards:
The Contractor agrees to comply with state and federal requirements, as applicable, pertaining to payment of wages and working conditions, in accordance with RCW 39.12.040, the Prevailing Wage Act; the Americans with Disabilities Act of 1990; the Davis-Bacon Act; and the Contract Work Hours and Safety Standards Act providing for weekly payment of prevailing wages, minimum overtime pay, and providing that no laborer or mechanic shall be required to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous to health and safety as determined by regulations promulgated by the Federal Secretary of Labor and the State of Washington.

Series 30-39: Provisions Related to Administration of Agreement

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

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

30.4 Licensing
The contractor agrees that he or she will remain licensed to practice law in the State of Washington and to abide by the Code of Professional Responsibility during the term of this contract.

31.2 Patent/Copyright Infringement: Not Applicable

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

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

34.1 Proof of Insurance:
The Contractor shall carry general liability insurance with the following minimums for the duration of this Agreement:
   a. General Liability Insurance:
      1. Property- $500,000.00 per occurrence
      2. Bodily Injury- $1,000,000.00 per occurrence

A Certificate of Insurance, that identifies the County as an additional insured, is attached hereto as Exhibit “C”. This insurance shall be considered as primary and shall waive all rights of subrogation. The County insurance shall be noncontributory.

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

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

It is further provided that no liability shall attach to the County by reason of entering into this contract, except as expressly provided herein.

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

36.1 Waiver of Noncompetition: Not Applicable

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

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

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

David Reynolds, Director
Whatcom County Superior Court Administration
Supervised Visitation-Dispute Resolution Center

v.1.0
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:**

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:** Not applicable.

c. **Detailed Claim:** Not applicable.

d. **Arbitration:** Not applicable

43.1 **Venue and Choice of Law:**
In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington in and for the County of Whatcom. This Agreement shall be governed by the laws of the State of Washington.

44.1 **Survival:**
The provisions of paragraphs 11.1, 11.2, 11.3, 21.1, 22.1, 30.1, 31.1, 31.2, 32.1, 33.1, 34.1, 34.2, 34.3, 36.1, 40.2, 41.2, 42.1, and 43.1, if utilized, shall survive, notwithstanding the termination or invalidity of this Agreement for any reason.

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

The Contractor will provide coordination of supervised child visitation.

The coordination services will include the recruitment and hiring of a coordinator for existing or to-be reestablished supervised visitation programs needing these services. The coordinator will perform the following duties, under the direction of the Contractor:

- Volunteer recruitment, screening, training and maintenance of volunteer files (it is anticipated a number of current volunteers will remain active)
- Client intake, orientation
- Liaison, as required, with Court
- Scheduling of services with clients and volunteers
- Program evaluation
- Program promotion, community relations, and education

Contractor will submit a brief report of work accomplished with each invoice. Said report should include, but in not necessarily limited to, the number and nature of clients served, recruitment, training and number of volunteers, by program. The Contractor shall report no less frequently than quarterly any client or other program evaluation data and program promotion, community relations, and education efforts.
EXHIBIT B
Compensation

The Whatcom Dispute Resolution Center will be reimbursed for actual costs, not to exceed $65,000 per year. The budget for this contract is as follows, budget can be moved between line items as necessary:

<table>
<thead>
<tr>
<th>Expense</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payroll</td>
<td>$58,875</td>
</tr>
<tr>
<td>Rent</td>
<td>$3,600</td>
</tr>
<tr>
<td>Mileage (at IRS rates)</td>
<td>$750</td>
</tr>
<tr>
<td>Supplies</td>
<td>$1,000</td>
</tr>
<tr>
<td>Phone/Internet</td>
<td>$300</td>
</tr>
<tr>
<td>Membership Fees</td>
<td>$275</td>
</tr>
<tr>
<td>Total</td>
<td>$65,000</td>
</tr>
</tbody>
</table>

1. Contractor shall submit an invoice, required supporting expense documentation, and program report as detailed in Exhibit A, no more often than once a month. Contractor shall account for all program expenses in a separated cost center in the Contractor’s accounting system so as to be able to supply expanded general ledger reports presenting all transactions for the period being billed. Expanded general ledger reports will accompany each invoice which will detail all transactions charged to the contract. Transaction detail shall include name of payee, date paid, amount, category of expense paid (wages rent, phone, etc.) and, in the case of supplies, what item was purchased, mileage reimbursements requests will be accompanied by mileage logs which include name of traveler, date of travel, start and end points, number of miles claimed, and purpose of travel. All allocated direct costs must be based on an approved cost allocation plan.

2. Contractor shall submit invoices to Director, Superior Court Administration, 311 Grand Avenue #301, Bellingham, WA 98225.

3. Payment by the County will be considered timely if it is made within 30 days of the receipt and acceptance of billing information from the Contractor. The County may withhold payment of an invoice if the Contractor submits it more than 30 days after the expiration of this contract.

4. Invoices must include the following statement, with an authorized signature and dated:

I certify that the materials have been furnished, the services rendered, or the labor performed as described on this invoice.

5. Duplication of Billed Costs or Payments for Service: The Contractor shall not bill the County for services performed or provided under this contract, and the County shall not pay the Contractor, if the Contractor has been or will be paid by any other source, including grants, for those costs used to perform or provide the services in this contract.
Cost Allocation Plan
Supervised Visitation Program

The purpose of this cost allocation plan is to provide guidelines for the allocation of costs to the various cost centers consistent with the requirements of government and other contracts. The underlying principle is to allocate costs by a method that represents the benefit received.

Definition of Cost Allocations

The Whatcom Dispute Resolution Center has two classifications of costs at this time. Direct costs are costs for a particular cost center. They directly benefit the cost center. An example of a direct cost would be the portion of an employee’s wage that is allocated to a specific program. Indirect costs are costs essential to the overall operations of the organization. Indirect costs would be the percentage of overhead costs (administrative/financial/human resources functions) determined for a specific cost center.

Allocation Details

<table>
<thead>
<tr>
<th>Direct Costs/Expense Accounts</th>
<th>Allocation Methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages &amp; payroll expenses</td>
<td>Timesheets &amp; pre-determined % of staff time allocated to a cost center. In this case, 100% of staff time for 2 positions will be allocated to the “Supervised Visitation Program” and actual hours of other staff for direct program time.</td>
</tr>
<tr>
<td>Rental Spaces (2)</td>
<td>100% of landlord’s negotiated rent increase due to increased space required; 100% of Faith Lutheran Church negotiated space rental</td>
</tr>
<tr>
<td>Supplies</td>
<td>100% of costs allocated to specific cost center. For some supplies (such as cases of paper), 20% of bill will be allocated to this cost center.</td>
</tr>
<tr>
<td>Travel/mileage</td>
<td>100% of costs allocated to specific cost center</td>
</tr>
<tr>
<td>Telephone equipment &amp; service</td>
<td>100% of costs allocated to specific cost center for cell or individual telephone line. Otherwise, 20% of monthly organizational bill.</td>
</tr>
<tr>
<td>Equipment: computer &amp; software</td>
<td>100% of costs allocated to specific cost center</td>
</tr>
<tr>
<td>Dues &amp; fees</td>
<td>100% of costs allocated to specific cost center</td>
</tr>
<tr>
<td>Professional Development</td>
<td>100% of costs allocated to specific cost center</td>
</tr>
<tr>
<td><strong>Indirect Costs:</strong></td>
<td></td>
</tr>
<tr>
<td>Administrative/Financial/Human</td>
<td>Not to exceed 10% of total program-dedicated expenses</td>
</tr>
<tr>
<td>Resources functions costs</td>
<td></td>
</tr>
</tbody>
</table>
### 2016 Supervised Visitation Program Budget

<table>
<thead>
<tr>
<th>Income</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Whatcom County Superior Court Contract</td>
<td>$65,000</td>
</tr>
<tr>
<td>Private Contributions</td>
<td>$9,089</td>
</tr>
<tr>
<td>Foundation Funding</td>
<td>$7,450</td>
</tr>
<tr>
<td><strong>Total income</strong></td>
<td><strong>$81,539</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ongoing Annual Expenses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages, Benefits, Taxes</td>
<td>$56,444</td>
</tr>
<tr>
<td>Faith Lutheran rental space</td>
<td>$5,550</td>
</tr>
<tr>
<td>WDRC rental space</td>
<td>TBD</td>
</tr>
<tr>
<td>Supplies</td>
<td>$1,000</td>
</tr>
<tr>
<td>Mileage (6 mi roundtrip x 5 days x 52 weeks x .505 )</td>
<td>$790</td>
</tr>
<tr>
<td>Phone</td>
<td>$750</td>
</tr>
<tr>
<td>Annual SV Membership (175) and database fee (99)</td>
<td>$274</td>
</tr>
<tr>
<td><strong>Subtotal program expenses</strong></td>
<td><strong>$64,808</strong></td>
</tr>
<tr>
<td>Admin rate @ 10%</td>
<td>$6,481</td>
</tr>
<tr>
<td><strong>Subtotal program expenses &amp; admin/overhead</strong></td>
<td><strong>$71,289</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>One time start-up costs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Development (Introductory Training Conference for 2 Program Staff)</td>
<td>$3,000</td>
</tr>
<tr>
<td>Computers, equipment, and services</td>
<td>$2,250</td>
</tr>
<tr>
<td>Visitation room renovations (paint, toys, carpet, furniture, labor)</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>Subtotal start-up expenses</strong></td>
<td><strong>$10,250</strong></td>
</tr>
<tr>
<td><strong>Total 2016 Expenses</strong></td>
<td><strong>$81,539</strong></td>
</tr>
</tbody>
</table>
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
JOE TREAT STATE FARM INSURANCE
2600 ELM ST
BELLMINGHAM, WA 98225

INSURED
WHATCOM DISPUTE RESOLUTION CENTER
13 PROSPECT ST
BELLMINGHAM WA 98225-4472

CONTACT NAME: Monalis Danforth, L.S.A.-5
PHONE: 360-733-0870
FAX: 360-752-2655
E-MAIL: monalis danforth.mvh@statefarm.com

INSURER(S) AFFORDING COVERAGE

INSCRIBER A: State Farm Casualty Company
INSURER B: State Farm Mutual Automobile Insurance Company
INSURER C:
INSURER D:
INSURER E:
INSURER F:

REVISION NUMBER:

COVERAGES

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

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>ADD'L UND.</th>
<th>POLICY NUMBER</th>
<th>POLICY DUE</th>
<th>POLICY EXP</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>GENERAL LIABILITY</td>
<td></td>
<td>98-09-2753-8</td>
<td>04/14/2015</td>
<td>04/14/2016</td>
<td>EACH OCCURRENCE $ 3,000,000</td>
</tr>
<tr>
<td></td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DAMAGE TO RENTED PREMISES (EXCLUDED) $</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MED EXPI (Any one person) $ 5,000</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADV INJURY $</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>GENERAL AGRAD; $ 6,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS - COMP&amp;PDM AGG $ 6,000,000</td>
</tr>
</tbody>
</table>

| B       | AUTOMOBILE LIABILITY | 379 8365-A24-47 | 01/24/2015 | 07/24/2016 | EACH OCCURRENCE $ |
|         | ANY AUTO | | | | |
|         | ALL OWNED AUTOS | | | | |
|         | HIRRED AUTOS | | | | |
|         | UMBRELLA LB | | | | |
|         | EXCESS LB | | | | |
|         | DED | | | | |

WORKERS COMPENSATION AND EMPLOYER'S LIABILITY

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Business policy with ENOL

CERTIFICATE HOLDER
Whatcom County
311 Grand Avenue
BELLMINGHAM, WA 98225

CANCELLATION

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

AUTHORIZED REPRESENTATIVE
Monalis Danforth, L.S.A.-5

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ACORD 25 (2010/05) The ACORD name and logo are registered marks of ACORD

1001486 132849.8 01-23-2013
CERTIFICATE OF LIABILITY INSURANCE

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PRODUCER
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2600 ELM ST
State Farm
BELLMINGHAM, WA 98225

INSURED
WHATCOM DISPUTE RESOLUTION CENTER
13 PROSPECT ST
BELLMINGHAM WA 98225-4472

CONTACT
NAME: Monalisa Danforth, L.S.A. -5
PHONE: 360-733-0870
FAX: 360-752-2555
EMAIL: monalisa.danforth.mvhh@statefarm.com

INSCRIBER(S) AFFIRMING COVERAGE
NAIC #
INSURER A: State Farm Fire and Casualty Company
25143
INSURER B: State Farm Mutual Automobile Insurance Company
25178

OVERAGES CERTIFICATE NUMBER:

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits may have been reduced by paid claims.

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>AUDIT SUB.</th>
<th>POLICY NUMBER</th>
<th>EXPIRY DATE</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>GENERAL LIABILITY</td>
<td>CLAIMS-MADE</td>
<td>98-09-2753-8</td>
<td>04/14/2016</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>OCCUR</td>
<td></td>
<td>04/14/2017</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GENL AGGREGATE LIMIT APPLIES PER:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>POLICY</td>
<td>PROJECT</td>
<td>LOCAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>AUTOMOBILE LIABILITY</td>
<td>SCHEDULED AUTOS N.O.A.S.</td>
<td>379 8388-A24-47</td>
<td>01/24/2016</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td>HIRED AUTOS</td>
<td></td>
<td></td>
<td>07/24/2017</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>OCCUR</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>CLAIMS-MADE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RETENTION $</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

WORKERS' COMPENSATION
AND EMPLOYERS' LIABILITY
ANY PROPRIETOR, PARTNER, EXECUTIVE OFFICER, MEMBER EXCLUDED

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES
(Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Business policy with ENOL

CERTIFICATE HOLDER
Whatcom County
311 Grand Avenue
BELLMINGHAM, WA 98225

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.

ACORD 25 (2010/05)
<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>
<td>K. Olason</td>
<td>K</td>
<td>3-9-16</td>
<td>RESEIVED</td>
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<td>K. Christensen</td>
<td>KNC</td>
<td>3/19/16</td>
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<tr>
<td>J. Hutchings</td>
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<td>3/9/14</td>
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<td>Dept. Head:</td>
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<td>D. Gibson</td>
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<td>03/10/16</td>
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<td>Prosecutor:</td>
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<tr>
<td>B. Bennett</td>
<td>bb</td>
<td>3/4/16</td>
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<td>Purchasing/Budget:</td>
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<td>J. Louws</td>
<td>J</td>
<td>3/14/16</td>
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<tr>
<td>Executive:</td>
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</table>

**TITLE OF DOCUMENT:**

Design Assistance with Cottonwood Drive Stormwater Improvements, Phase I

**ATTACHMENTS:**

1. Memo
2. Contract Information Sheet
3. Contract and related exhibits

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

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

Tetra Tech Inc. will provide engineering design services for a replacement inlet structure project in the Cottonwood Court Neighborhood of Birch Bay. This project is associated with the Preliminary Cottonwood Drive plans developed under the Central Upland Subwatershed Master Plan.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
TO: The Honorable Jack Louws, County Executive, and
Honorable Board of Supervisors of the Flood Control Zone District

THROUGH: Jon Hutchings, Public Works Director

FROM: Gary S. Stoyka, LHG, Natural Resources Program Manager
Kirk N. Christensen, P.E., Stormwater Manager

RE: Contract for Services with Tetra Tech for Design Assistance with Cottonwood
Drive Stormwater Improvements, Phase 1

DATE: March 9, 2016

Enclosed for your review and signature are two (2) originals of a contract for services
between Tetra Tech and Whatcom County for design assistance with the first phase of the
Cottonwood Drive Stormwater Improvements project.

- **Background and Purpose**
  Tetra Tech Inc. will assist with engineering design for an inlet structure associated with the
  Preliminary Cottonwood Drive plans developed under the Central Upland Subwatershed
  Master Plan. This portion of the project is being accelerated due to the frequency of flooding
  due to a poorly functioning inlet to a major marine outfall to Birch Bay. The Cottonwood
  Drive Stormwater Improvements project was identified as a high priority capital improvement
  in the Birch Bay Comprehensive Stormwater Plan, the Central North Subwatershed Master
  Plan and by recommendation of the Birch Bay Watershed and Aquatic Resources
  Management (BBWARM) Advisory Committee.

  Tetra Tech was chosen from the 2015 open roster for general professional architectural,
  engineering, and other consultant services (RFQ #15-01).

- **Funding Amount and Source**
  This contract in the amount of $51,302 will be funded by fees collected through the annual
  BBWARM fee roll (cost center 169250, work order #19406).

  Please contact Kraig Olason at extension 6301 if you have any questions regarding this
  agreement.

Attachments
<table>
<thead>
<tr>
<th>Section</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originating Department:</td>
<td>Public Works</td>
</tr>
<tr>
<td>Program/Project: (i.e. Dept., Division and Project)</td>
<td>Cottonwood Drive Stormwater Improvements, Phase 1</td>
</tr>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Kraig Olason, Senior Planner</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>Tetra Tech</td>
</tr>
<tr>
<td>Is this a New Contract?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>If not, is this an Amendment or Renewal to an Existing Contract?</td>
<td>Yes ☐ No ☒</td>
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<tr>
<td>Original Contract #:</td>
<td>☐</td>
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<tr>
<td>Does contract require Council Approval?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>If No, include WCC: (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</td>
<td>☐</td>
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<tr>
<td>Is this a grant agreement?</td>
<td>Yes ☐ No ☒</td>
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<td>If yes, grantor agency contract number(s):</td>
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<tr>
<td>CFDA#:</td>
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<td>Is this contract grant funded?</td>
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<td>CFDA#:</td>
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<td>Is this the result of a RFP or Bid process?</td>
<td>Yes ☒ No ☐</td>
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<td>If yes, RFP and Bid number(s):</td>
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<tr>
<td>RFQ 15-01</td>
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<tr>
<td>Contract 169250, work order</td>
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<tr>
<td>Cost Center:</td>
<td>19406</td>
</tr>
<tr>
<td>Is this agreement excluded from E-Verify?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>If no, include Attachment D Contractor Declaration form.</td>
<td>☐</td>
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<tr>
<td>Contract Amount:(sum of original contract amount and any prior amendments):</td>
<td>$51,302.00</td>
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<tr>
<td>This Amendment Amount:</td>
<td>☐</td>
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<tr>
<td>Total Amended Amount:</td>
<td>☐</td>
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<tr>
<td>Summary of Scope:</td>
<td>☐</td>
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<tr>
<td>Tetra Tech Inc. will assist with engineering design for an inlet structure to replace an existing underperforming inlet structure adjacent to Cottonwood Drive in Birch Bay. The new replacement inlet structure will incorporates features that enhance through-put and resists plugging with debris to allow safer flows from the upland drainage area to Birch Bay. The contract includes creation of final plans, specifications and engineer’s estimate (PS&amp;E) and creation of a bid package. Minor geotechnical evaluation, surveying, and assistance through bidding process are also included.</td>
<td></td>
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<td>Term of Contract:</td>
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<tr>
<td>Expiration Date:</td>
<td>12/31/17</td>
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<td>Contract Routing:</td>
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<tr>
<td>Prepared by: R. McConnell</td>
<td>Date: 3/1/16</td>
</tr>
<tr>
<td>Daniel L. Gibson</td>
<td>Date: 03/03/16</td>
</tr>
<tr>
<td>bbennett</td>
<td>Date: 3/4/16</td>
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<tr>
<td>IT reviewed (if IT related):</td>
<td>Date: 3/8/16</td>
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<td>Contractor signed:</td>
<td>Date: 3/10/16</td>
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<td>Submitted to Exec.:</td>
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<tr>
<td>Council approved (if necessary):</td>
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<td>Executive signed:</td>
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CONTRACT FOR SERVICES
DESIGN ASSISTANCE WITH COTTONWOOD DRIVE STORMWATER IMPROVEMENTS, PHASE 1

Tetra Tech Inc., hereinafter called Contractor, and Whatcom County Flood Control Zone District, a quasi-municipal corporation hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 8, Exhibit A (Scope of Work), pp. 9 to 13, Exhibit B (Compensation), pp. 14 to 14, Exhibit C (Certificate of Insurance).

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

The term of this Agreement shall commence on the 23rd day of March, 2016, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2017.

The general purpose or objective of this Agreement is to: provide design assistance with the first phase of the Cottonwood Drive Stormwater Improvements Project, 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 FIFTY-ONE THOUSAND, THREE HUNDRED TWO AND NO/100 DOLLARS ($51,302.00). The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

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

IN WITNESS WHEREOF, the parties have executed this Agreement this ______ day of __________________, 20____.

CONTRACTOR:

Tetra Tech Inc.

Ridge Robinson, Program Manager

STATE OF WASHINGTON

COUNTY OF , ss.

On this ______ day of ______________, 20____, before me personally appeared RIDGE ROBINSON to me known to be a PROGRAM MANAGER of TETRA TECH, INC., and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Cheryl L. Oprea

NOTARY PUBLIC in and for the State of Washington, residing at , My commission expires .
WHATCOM COUNTY:
Recommended for Approval:

Jon Hutchings  3/9/16
Public Works Director

Approved as to form:

Daniel L. Gibson  03/10/16
Chief Civil Deputy Prosecutor

Approved:
Accepted for Whatcom County Flood Control Zone District:

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

STATE OF WASHINGTON  )
    ) ss
COUNTY OF WHATCOM  )

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

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

______________________________ My commission expires ____________________

CONTRACTOR INFORMATION:

Tetra Tech Inc.
Ridge Robinson, Program Manager
Address:
1420 Fifth Avenue, Suite 550
Seattle, WA 98101

Contact Name: Jerry Scheller
Contact Phone: 206-883-9414
Contact Fax: 206-883-9301
Contact Email: jerry.scheller@tetratech.com

Contract for Services – Tetra Tech Inc.
Design Assistance with Cottonwood Drive Stormwater Improvements, Phase 1
GENERAL CONDITIONS

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

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

Series 10-19: Provisions Related to Term and Termination

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

10.2 Extension: Not Applicable

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

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

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

Series 20-29: Provisions Related to Consideration and Payments

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

Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses
incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the County’s customary procedures, pursuant to the fee schedule set forth in Exhibit “B.”

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

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

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

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

Series 30-39: Provisions Related to Administration of Agreement

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

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

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

30.2 Assignment and Subcontracting:

Contract for Services – Tetra Tech Inc.
Design Assistance with Cottonwood Drive Stormwater Improvements, Phase 1
The performance of all activities contemplated by this agreement shall be accomplished by the Contractor. No portion of this contract may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the County.

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

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

31.2 **Patent/Copyright Infringement:**
Contractor will defend and indemnify the County from any claimed action, cause or demand brought against the County, to the extent such action is based on the claim that information supplied by the Contractor infringes any patent or copyright. The Contractor will pay those costs and damages attributable to any such claims that are finally awarded against the County in any action. Such defense and payments are conditioned upon the following:
A. The Contractor shall be notified promptly in writing by the County of any notice of such claim.
B. Contractor shall have the right, hereunder, at its option and expense, to obtain for the County the right to continue using the information, in the event such claim of infringement, is made, provided no reduction in performance or loss results to the County.

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

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

34.1 **Proof of Insurance:**
The Contractor shall carry for the duration of this Agreement insurance with the following minimums:
1) Commercial General Liability
   a) Property Damage - $500,000.00 per occurrence;
   b) General Liability & Bodily injury- $1,000,000.00 per occurrence.

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

2) Professional Liability - $1,000,000 per occurrence:
If the professional liability insurance is a claims made policy, and should the contractor discontinue coverage either during the term of this contract or within three years of completion, the contractor agrees to purchase tail coverage for a minimum of three years from the completion date of this contract or any amendment to this contract.

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

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

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

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

Furthermore, in those cases in which the Contractor is governed by such laws, the Contractor shall take affirmative action to insure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status, except where such constitutes a bona fide occupational qualification.

Such action shall include, but not be limited to: advertising, hiring, promotions, layoffs or terminations, rate of pay or other forms of compensation benefits, selection for training including apprenticeship, and participation in recreational and educational activities. In all solicitations or advertisements for employees placed by them or on their behalf, the Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

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

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

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

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

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

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

Jon Hutchings, Director, Whatcom County Public Works, 322 N. Commercial Street, Suite 210, Bellingham, WA 98225

37.2 Notice:
Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to the County’s Administrative Officer under this Agreement. Notice to the Contractor for all purposes under this Agreement shall be given to the address provided by the Contractor herein above in the “Contractor Information” section. Notice may be given by delivery or by depositing in the US Mail, first class, postage prepaid.

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

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

38.3 E-Verify: Not Applicable

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

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

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

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

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

42.1 Disputes:

a. General:
Differences between the Contractor and the County, arising under and by virtue of the Contract Documents, shall be brought to the attention of the County at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. Except for such objections as are made of record in the manner hereinafter specified and within the time limits stated, the records, orders, rulings, instructions, and decisions of the Administrative Officer shall be final and conclusive.

b. Notice of Potential Claims:
The Contractor shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the Administrative Officer or the County, or (2) the happening of any event or occurrence, unless the Contractor has
given the County a written Notice of Potential Claim within ten (10) days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the County. The written Notice of Potential Claim shall set forth the reasons for which the Contractor believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Contractor shall keep full and complete daily records of the work performed, labor and material used, and all costs and additional time claimed to be additional.

c. Detailed Claim:
The Contractor shall not be entitled to claim any such additional compensation, or extension of time, unless within thirty (30) days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the County, the Contractor has given the County a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

d. Arbitration:
Other than claims for injunctive relief brought by a party hereto (which may be brought either in court or pursuant to this arbitration provision), and consistent with the provisions hereinabove, any claim, dispute or controversy between the parties under, arising out of, or related to this Agreement or otherwise, including issues of specific performance, shall be determined by arbitration in Bellingham, Washington, under the applicable American Arbitration Association (AAA) rules in effect on the date hereof, as modified by this Agreement. There shall be one arbitrator selected by the parties within ten (10) days of the arbitration demand, or if not, by the AAA or any other group having similar credentials. Any issue about whether a claim is covered by this Agreement shall be determined by the arbitrator. The arbitrator shall apply substantive law and may award injunctive relief, equitable relief (including specific performance), or any other remedy available from a judge, including expenses, costs and attorney fees to the prevailing party and pre-award interest, but shall not have the power to award punitive damages. The decision of the arbitrator shall be final and binding and an order confirming the award or judgment upon the award may be entered in any court having jurisdiction. The parties agree that the decision of the arbitrator shall be the sole and exclusive remedy between them regarding any dispute presented or pled before the arbitrator. At the request of either party made not later than forty-five (45) days after the arbitration demand, the parties agree to submit the dispute to nonbinding mediation, which shall not delay the arbitration hearing date; provided, that either party may decline to mediate and proceed with arbitration.

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

43.1 Venue and Choice of Law:
In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington and for the County of Whatcom. This Agreement shall be governed by the laws of the State of Washington.

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

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

DESIGN ASSISTANCE WITH
COTTONWOOD DRIVE STORMWATER IMPROVEMENTS, PHASE 1
February 12, 2016

The Cottonwood Drive Phase 1 Stormwater Improvements project will provide engineering design for an inlet structure associated with the Preliminary Cottonwood Drive plans developed under the Central Upland Subwatershed Master Plan and included under the Birch Bay Stormwater Retrofits Pre-design Part 3 – Cottonwood Court, Cottonwood Drive, Morgan Drive and Birch Bay Drive Pre-design Report (Tetra Tech, September 2014). This scope of work describes the tasks and subtasks associated with the preparation of the Construction Documents needed to construct a portion of those earlier 30% Plans for the Cottonwood Drive Improvements, meant to remedy local flooding near the driveway of 8143 Cottonwood Drive, yet compatible and coordinated with the future fully-implemented drainage improvements for this area. The following tasks include a description of the work involved and the associated deliverable(s) for that task.

TASK 1 COMPILATION EXISTING DATA
Whatcom County, as part of the identification and selection process for the BBWARM capital improvement program, has conducted extensive field surveys, system inspection and evaluation, systematic water quality sampling program as well as hydrologic and hydraulic analysis to assist in assuring capital projects are selected and developed to best address the needs of the community.

Tetra Tech will compile information collected and included in the original Birch Bay Comprehensive Stormwater Plan as well as new information compiled in the draft Central North Subwatershed Master Plan and used for the development of the construction documents for the Cottonwood Drive Phase 1 improvements. Tetra Tech will also conduct a one-day site visit with County staff to collect additional qualitative information for the project area.

Task 1 Deliverables:
1. Site visit.
2. Summary of collected data items.
3. Identification of any supplementary survey needs.

TASK 2 DESIGN OF COTTONWOOD DRIVE STORMWATER IMPROVEMENTS
Tetra Tech will prepare intermediate and final contract documents to construct the Cottonwood Drive Phase 1 Stormwater Improvements project using accepted engineering practices, and Whatcom County engineering guidance and standards. The preliminary drawing list is described in Table 1. Plan-set scales have been selected based on using full size drawings for construction. Tetra Tech will prepare the special provisions required for project construction identified in the design process. No traffic control plan will be prepared. No roadway or driveway profiling will be prepared. Tetra Tech will prepare the bid package, including standard contract specifications and bid forms. Design submittals will be prepared using AutoCAD 2016. Project elements are shown in the attached preliminary layout map and are assumed to consist of the following components:

- Replace existing inlet with Type 2 Catch Basin with Emergency Overflow Debris Barrier at 8143 Cottonwood Drive
  o Connection to existing 30” concrete pipe
  o CB invert designed to allow for future stormwater connections
- Planning and coordination of downstream pipe sizing and inverts needed for completion of the Birch Bay Berm Project
- Streambank stabilization and restoration associated with new Catch Basin
- Maintenance access drive. It is assumed that no retaining walls will be needed.
- Driveway restoration
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<td>Erosion and Sediment Control Plan (1&quot;=20’) (1)</td>
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<td>Stormwater Improvements Plan and Profile (1&quot;=20’) (1)</td>
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<td>Details (1)</td>
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<td><strong>Total Number of Drawings = 6</strong></td>
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Subtasks include the following:

**Task 2.1 Basis of Design Memo**
Tetra Tech will prepare a 1- to 2-page Basis of Design Memorandum summarizing design constraints, design methodology and technical assumptions. The targeted level of performance is anticipated to be the 100-year return period peak discharge for the future completed improvements which will be limited in the interim condition under this phase to the existing downstream storm piping, and will be confirmed during the review with the County. Submit to the County for review and input.

**Task 2.2 Sediment Mobility Analysis**
Tetra Tech will perform a sediment mobility analysis to support a recommendation for establishing peak flow rates for the diversion at Harborview Drive. Task will include the following:

- Pebble Counts or Bulk Sampling (as applicable per location) at up to 5 locations in the stream channel system upstream of the inlet (1 day, 2 people)
- Bank sampling and measure down cross sections at 5 locations
- Hydraulic analysis for bed and bank stability. This will include determination of hydraulics using normal depth, incipient motion analysis of the bed to determine bed material mobilization at various flows and determination of permissible velocities and shear for the banks.
- Sieve Analysis of Streambed Bulk Sampling – ($100 per sample x 5 samples $500)
- Complete grain size analysis of bank material including hydrometer test to determine silt and clay content ($150 per sample x 5 samples = $750).
- Short, 2-3 page recommendations memo for peak flow rate allowed by Harborview Drive high flow diversion based on sediment mobility analysis

**Task 2.3 Conceptual Plan**
Tetra Tech will prepare a Concept Level Plan for County review:
- Prepare Concept Level design plans representing the primary project components.
- Identify locations for three utility locates (potholing) to be performed by Whatcom County crews.
- Submit Concept Plans to Whatcom County for comment.

**Task 2.4 Ninety percent (90%) PS&E**
Through the following subtasks, Whatcom County comments will be incorporated from the previous task and 90-percent PS&E will be prepared for County review. Tasks will include the following:
• Participate in a telephone conference meeting with Whatcom County staff for a design coordination review of comments of the Concept Plan submittal.
• Prepare draft special provisions for items of work not covered by the WSDOT Standard Specifications.
• Prepare draft bid item description.
• Prepare 90% design plans incorporating review comments received from Whatcom County.
• Prepare bid items, quantities and a construction cost estimate.
• Submit 90% PS&E to Whatcom County for comment.
• Provide engineering support for permit submittal.

Task 2.5 Final Contract Documents:
Through the following subtasks, using the 90-percent PS&E, County comments, and associated materials from the previous tasks, the final bid documents will be prepared:

• Participate in a telephone conference meeting with Whatcom County staff for design coordination review of comments on the 90% submittal.
• Prepare draft contract documents (includes final special provision specifications) and submit check copy to Whatcom County.
• Prepare final plans which include horizontal and vertical layout information sufficient for field staking from the plans and submit a check copy for Whatcom County staff final approval.
• Submit final bid items, bid descriptors, quantities and a construction cost estimate.
• Incorporate final County comments and submit final stamped and signed bid documents and plan originals for copying by the County.
• Prepare electronic submittal containing copies of documents, drawings, spreadsheets and hydrologic & hydraulic models developed in association with this project.

Task 2 Items Furnished by Whatcom County
Whatcom County will furnish Tetra Tech copies of documents available to Whatcom County that will facilitate the preparation of the plans, specifications, estimates and reports. These include the following:
• Utility locate (potholing) for identified crossings as needed. Whatcom County will provide measure down information to top and bottom of utility, material type and size. Potholed objects location and elevation will be incorporated into the design.
• All other necessary right-of-way acquisition efforts including additional title reports, appraisals, right of entry for fieldwork, negotiations, right-of-way cost estimates, deed preparation.
• Printing and distribution of plans and specifications for bidding.
• Permitting. Tetra Tech will assist with any drawings or figures needed for JARPA or HPA permit applications.
• Assessment (if needed) of existing tree approximately 20' east of inlet pipe.

Task 2 Assumptions:
• Project configuration includes replacement of existing 30” concrete inlet pipe with an inlet pipe to a new Type 2 Catch Basin with debris barrier at the northeast extent of the driveway associated with 8143 Cottonwood Drive.
• Construction specifications according to WSDOT Standard Specifications for Road, Bridge, and Municipal Construction, 2016 Edition
• Standard drainage details according to WSDOT Standard Plans 2015
• Stormwater infrastructure designed according to the Washington State Department of Ecology 2005 Stormwater Management Manual for Western Washington and Whatcom County Development Standards, Chapter 2, Stormwater Management
• No traffic control plan will be prepared. No curb and gutter or driveway profiling will be prepared.
• Tetra Tech will prepare the bid package, including standard contract specifications and bid forms.
• Whatcom County will prepare and submit environmental and construction permits.
• Design submittals will be prepared using AutoCAD 2016.
• Existing topographic survey by Wilson Engineering (March 2014) will be used for the design. Any supplemental topographic survey required as identified from the site visit will be handled under Task 4, survey support.
• Full access to the project area for site visits will be provided on regular business days.
• Project data will be expressed relative to the Washington State Plane (North Zone) NAD83 horizontal coordinate system and the NAVD88 vertical datum, as monumented by Whatcom county during its recent control network along Birch Bay Drive.
• No retaining wall design will be required on the east side of the Type 2 CB inlet structure.
• Extent of channel work will be limited to the immediate vicinity of the CB inlet structure improvements.

Task 2 Deliverables:
• Basis of Design Memo
• Sediment Mobility Memo
• 90% PSE
• Final PSE
• Bid package

TASK 3 GEOTECHNICAL EVALUATION
During Task 2 investigations, a preliminary evaluation of the soils will be conducted to determine if there is need for additional testing and evaluation. An allowance of $5,500 is included in the budget for geotechnical services if the preliminary evaluation shows additional needs. The allowance assumes one boring and a brief summary letter report by a licensed geotechnical engineer.

TASK 4 SURVEY SUPPORT
Survey support services for design and pre-construction will be provided by Wilson Engineering and includes the following items:
Prepare precise boundary resolutions for the purposes of locating property line for construction:
• Monument north property corner on the west side of Cottonwood Drive for Parcel No. 405124 486057 (Johnson)
• Parcel No. 405124 486057 (Johnson) – southeast property line
• Parcel No. 405124 486057 (Johnson) – northeast property line
• Parcel No. 405124 490065 (Birkenhead) – southeast property line
• Provide temporary staking of property lines prior to construction
Prepare permanent easement exhibits/legal descriptions for the parcels listed below:
• Parcel No. 405124 486057 (Johnson)
• Parcel No. 405124 490065 (Birkenhead)

Deliverables
• One property corner monumentation
• Locate and stake three property boundaries.
• Easement exhibit/\legal descriptions for two parcels.

TASK 5 ASSISTANCE DURING BIDDING
Tetra Tech will provide engineering assistance during bidding and services during construction. Services during construction will be provided under a separate contract.
• Respond to contractor questions during bidding process. Budget assumes four hours allocated to response.
• In-person attendance at a pre-bid contractor meeting at the project site.

Task 5 Deliverables:
• Respond to contractors question during bidding process.
• Attendance by one Tetra Tech staff at a construction kick-off meeting.

**TASK 6   PROJECT MANAGEMENT**
The focus of this task is to maintain effective communication with the County’s Project Manager and County staff, manage the project budget, and coordinate the timing of all tasks within the project to ensure completion within the project schedule.

• Prepare project plan defining staff responsibilities and schedules. Conduct a project start-up meeting involving key team members at Tetra Tech offices.
• Ongoing project management and coordination with the project team. Management functions including coordinating labor, meeting key scheduling milestones, and maintaining budget occurs within this task.
• Meetings between Tetra Tech and the County. One meeting is budgeted involving two Tetra Tech employees for six hours each plus one hour of clerical support, per meeting.
• Preparation of monthly progress reports which include a summary table comparing amount expended and remaining budget.
• Quality assurance review conducted by a senior Tetra Tech engineer not associated with this project to review the technical content of the product.

**Task 6 Deliverables:**

• Monthly invoices and progress reports (Assume a total of 3 reports)
# Price Proposal

**Cottonwood Drive Stormwater Improvements**

- **Improve stormwater pipeline inlet at Cottonwood Drive**
- **Submitted to:** Whatcom County Public Work - Stormwater
- **Contract Type:** T&M

## Labor Plan

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## Pricing by Resource

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### Unit Rate Qty's

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### Task Pricing Totals

- Task Pricing Totals: $51,302
- Specify Add'l Fees on Setup: $0
- Technology Use Fee: $0

## Budget Narrative

Contract amounts shall not exceed the total budget referenced (above). As consideration for services provided in Exhibit A, Scope of Work, the County agrees to compensate the contractor according to the hourly rates provided in the project budget (Exhibit B). Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed including mileage at the current IRS rate. Lodging and per diem shall not exceed the GSA rate for the location where services are provided. Other expenditures such as printing, postage, and telephone charges shall be reimbursed at actual cost plus 10%. Expense reimbursement requests must be accompanied by copies of paid invoices. Any work performed prior to the effective date of or continuing after the completion date of the contract, unless otherwise agreed upon in writing, will be at the contractor’s expense.
# Certificate of Liability Insurance

**Producer:** Avon Risk Insurance Services West, Inc.
Los Angeles CA Office
707 Wilshire Boulevard
Suite 2600
Los Angeles CA 90017-0460 USA

**Producer:** Tetra Tech, Inc.
1820 5th Avenue, Suite 550
Seattle WA 98101 USA

## Insurers
- INSURER A: National Union Fire Ins Co of Pittsburgh 19445
- INSURER B: Lexington Insurance Company 19437
- INSURER C:
- INSURER D:
- INSURER E:
- INSURER F:

## Coverages
**Certificate Number:** 0700513469030
**Revision Number:**

**This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.**

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**Workers’ Compensation and Employers’ Liability**

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**Description of Operations / Locations / Vehicles (ACORD 321): Additional Remarks Schedule, may be attached if more space is required.**

Whatcom County Public Works is included as Additional Insured in accordance with the policy provisions of the General Liability policy as required by written contract. General liability policy evidenced herein is Primary and Non-Contributory to other insurance available to Additional Insured, but only in accordance with the policy's provisions as required by written contract. A waiver of Subrogation is granted in favor of Whatcom County Public Works in accordance with the policy provisions of the General Liability and Professional Liability policies as required by written contract. Stop Gap coverage for the following states: OH, ND, WA, WY.

## Certificate Holder
Whatcom County Public Works
Attn: Regan McConnell
Civic Center Annex
522 N. Commercial Street, Suite 301
Bellingham WA 98225 USA

## Cancellation

**Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.**

**Authorized Representative:**
Avon Risk Insurance Services West, Inc.
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<td></td>
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**TITLE OF DOCUMENT:**
Washington Department of Natural Resources Cooperative Purchase Agreement for acquisition of high-resolution lidar topographic survey data.

**ATTACHMENTS:**
Two original copies of the Cooperative Purchase Agreement.

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

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

This Cooperative Purchase Agreement enables acquisition of public-domain high-resolution lidar topographic survey data for Whatcom County in partnership with the Washington Department of Natural Resources and the United States Geological Survey.

**Committee Action:**

**Council Action:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

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

THROUGH: Jon Hutchings, Whatcom County Public Works Director

FROM: Gary Stoyka, Natural Resources Manager
John N. Thompson, Senior Salmon Recovery Planner

DATE: March 9, 2016

RE: Washington Department of Natural Resources Lidar Cooperative
Purchase Agreement

Enclosed are two (2) originals of a Cooperative Purchase Agreement between Washington State Department of Natural Resources and Whatcom County Flood Control Zone District for your review and signature.

Requested Action
Public Works respectfully requests that the County Executive, following approval by the County Council acting as the Flood Control Zone District (FCZD) Board of Supervisors, enter into a Cooperative Purchase Agreement for $85,000 with the Washington Department of Natural Resources for acquisition and processing of high quality lidar data.

Background and Purpose
In response to the Oso landslide event, the Washington Department of Natural Resources, Division of Geology and Earth Resources, has entered into separate cooperative agreements with the United States Geological Survey (USGS) and other cooperators (federal agencies, counties, tribes) to provide public-domain high-resolution lidar topographic survey data in western Washington. The data will be used to identify landslide and other natural hazards.

Funding Amount and Source
This purchase agreement is not to exceed $85,000.00. Funding is included in Supplemental Budget Request #2136 and will draw from the Flood and Road Funds and from Planning and Development Services budget.

Please contact Gary at extension 6218 if you have any questions or concerns regarding this agreement.

Enclosures (2)
<table>
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<tr>
<th>Originating Department:</th>
<th>Public Works - Natural Resources</th>
</tr>
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<tr>
<td>Contract or Grant Administrator:</td>
<td>John N. Thompson, Senior Planner</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Washington Dept. of Natural Resources</td>
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<th>Is this a New Contract?</th>
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<tbody>
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<table>
<thead>
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<table>
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<td>169119</td>
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<table>
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<tr>
<th>Is this agreement excluded from E-Verify?</th>
<th>No ☑ Yes ☑</th>
<th>If no, include Attachment D Contractor Declaration form.</th>
</tr>
</thead>
</table>

**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.

<table>
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<th>Contract Amount: (sum of original contract amount and any prior amendments):</th>
<th>$ 85,000</th>
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<tbody>
<tr>
<td>This Amendment Amount:</td>
<td>$</td>
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<tr>
<td>Total Amended Amount:</td>
<td>$</td>
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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.

**Summary of Scope:** This Cooperative Purchase Agreement enables acquisition of public-domain high-resolution lidar topographic survey data for Whatcom County in partnership with the Washington Department of Natural Resources and the United States Geological Survey.

<table>
<thead>
<tr>
<th>Term of Contract:</th>
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<tbody>
<tr>
<td></td>
<td>December 31, 2017</td>
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**Contract Routing:**

1. Prepared by: John N. Thompson | Date: 3/7/2016
2. Attorney signoff: Daniel L. Gibson | Date: 3/8/16
3. AS Finance reviewed: bbennett 60 | Date: 2/7/16
4. IT reviewed (if IT related): | Date: |
5. Contractor signed: | Date: 3/10/16
6. Submitted to Exec.: | Date: |
7. Council approved (if necessary): | Date: |
8. Executive signed: | Date: |
9. Original to Council: | |

Last Edited 060414
In accordance with Chapter 39.34 RCW, The Washington Department of Natural Resources and Whatcom County Flood Control Zone District (FCZD) agree to a cooperative governmental purchasing agreement for acquisition and processing of LiDAR survey data.

Pursuant to Intergovernmental Cooperative Purchasing Agreement number 16-290 between the Washington State Department of Natural Resources (DNR) and Whatcom County FCZD;

1. Whatcom County FCZD wishes to acquire LiDAR Survey Data through DNR’s contract with the USGS to provide public-domain high-resolution LiDAR topographic survey data in Washington.

2. Per this agreement, DNR will act as the agent for Whatcom County FCZD for this purchase.

3. This agreement covers the attached Statement of Work from the USGS dated February 2016 for the following named project: **Western Washington 2016 LiDAR Data Acquisition and Product Development Project.** This agreement is part of a cooperative partnership with DNR and participating cities, counties, jurisdictions and other parties to acquire LiDAR data.

4. DNR will obtain this data under its contract with USGS.

5. The total cost for the project is set out in Exhibit A and cost to Whatcom County FCZD is a share of the cost, with its share not to exceed $85,000.

6. DNR relies on its contract with USGS to the extent provided by law and upon the following terms:

   (a) Whatcom County FCZD accepts responsibility for compliance with any additional or varying laws and regulations governing its purchases. Any purchases by Whatcom County FCZD shall be effected by a purchase order or other authorized form of ordering to DNR.

   (b) DNR will obtain the services and data from the USGS and deliver it to Whatcom County FCZD.

   (c) DNR accepts no responsibility for payment of the purchase price by Whatcom County FCZD.

   (d) If a pilot data set, as described in Exhibit A, Section 3, is located within Whatcom County, Whatcom County staff will have the opportunity to evaluate the pilot data set prior to final delivery.

   (e) DNR will invoice Whatcom County FCZD its full share of cost of $85,000 upon successful delivery to Whatcom County FCZD of the services and data described in Exhibit A.

   (f) Either party, in its sole discretion, may terminate the Agreement in writing at any time. Whenever the Agreement is terminated in accordance with this paragraph, the DNR shall be entitled to
payment for actual work performed prior to termination in areas of interest identified in Exhibit B as Whatcom County Priority Area 1 or Priority Area 2. Payment for work completed prior to termination in areas outside Whatcom County Priority Area 1 or Priority Area 2 shall be the responsibility of the DNR. 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 Whatcom County FCZD or by DNR at any time during the term, whether for default or convenience, shall not constitute breach of contract by either party.

7. This Agreement commences upon execution by signature of the Parties and shall terminate on December 31\textsuperscript{st}, 2017, unless renewed.

Accepted for: __________________________

______________________________

______________________________

Accepted for: Washington State Department of Natural Resources, Geology and Earth Resources Division

David K. Norman

______________________________

Washington State Geologist

Date: __________________________

Date: __________________________

Cooperative Purchasing Agreement
Page | 2
WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT:
Recommended for Approval:

Jon Hutchings Date
Public Works Director

Approved as to form:
Daniel Gibson Date
Chief Civil Deputy Prosecutor

Approved:
Accepted for Whatcom County Flood Control Zone District:

By:____________________
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON }  ss
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 _________________________.
STATEMENT OF WORK
FOR THE
WESTERN WASHINGTON
2016 LiDAR DATA ACQUISITION AND
PRODUCT DEVELOPMENT PROJECT
BAA G15PS00558 3D EP AWARD

FEBRUARY 2016

1) Purpose:
The USGS, and Washington Department of Natural Resources will collaborate to acquire high-resolution, Quality Level 1 LiDAR data and produce derived elevation products covering an area of approximately 5,448 square miles in Western Washington, as shown in Attachment A. This project is for Spring 2016 acquisition of high resolution LiDAR data and derived products with remaining lowland areas not collected in Spring 2016 to be collected in Fall 2016/Winter 2017 if needed. The LiDAR data will be processed to produce a classified point cloud, tile-based bare earth and first return Digital Elevation Models (DEMs) and related products. All resulting elevation products will be placed in the public domain and will be made available for viewing and download through the USGS National Map.

2) Statement of Work
USGS will select a qualified vendor to perform the LiDAR collection and processing via the Bureau’s Geospatial Product and Service Contract (GPSC). GPSC task orders are awarded to qualified vendors through federal government solicitation. Current solicitation 09CR14-NoSolicitation was issued March 03, 2009. Qualified consultants are selected in accordance with Public Law 92-528 (Brooks Act) and FAR 36.6 - Architect-Engineering Services, which establishes a qualifications-based selection process, in which contracts for Architectural and Engineering services are negotiated on the basis of demonstrated competence and qualification for the type of professional services required at a fair and reasonable price. Vendor selection is based on the following 7 criteria (1) Professional qualifications necessary for satisfactory performance of required services; (2) Specialized experience and technical competence in the type of work required; (3) Capacity to accomplish the work in the required time; (4) Past performance on contracts with Government agencies and private industry in terms of cost control, quality of work, and compliance with performance schedules; (5) Location in the general geographical area of the project and knowledge of the locality of the project; (6) Acceptability under other appropriate evaluation criteria. (7) The preferred WA DNR vendor for this acquisition is Quantum Spatial. This process is aligned with the USGS’s consultant RFP and selection process.
The Task Order issued by USGS to the selected GPSC Contractor provides full details regarding project collection requirements and resulting deliverables.

3) Partner Responsibilities

USGS will:

- In combination with Washington Department of Natural Resources, contribute a BAA share of $628,236.00 in support of total project cost (USGS: $412,024.08, FEMA: $116,211.92, and NRCS: $100,000.00, Washington Department of Natural Resources: $2,591,600).
- Prepare a Task Order for agreed upon products and services.
- Serve as Government Point of Contact during the full period of the Agreement.
- Receive and catalog all project deliverables.
- Inspect/perform QA operations on all deliverables.
- Prepare product Validation Summary Report(s) and distribute to relevant project Points of Contact.
- Return data to Contractor as needed for error correction/rework.

Washington Department of Natural Resources will:

- Provide funding for production activities associated with Lidar collection, processing, and derivative product generation.
- Serve as the Point of Contact and coordinating body between the USGS and local partners. Local partners include: Lewis County, Seattle City Light, Sierra Pacific Industries, Skagit County, Snohomish County, the Swinomish Tribe, and Whatcom County.
- Review and accept the conditions outlined in the Task Order.
- Evaluate a pilot dataset prior to final delivery.
- Distribute LiDAR data and derivative products to local partners and the public.

4) Technical Specifications

All specifications and deliverables will meet or exceed the U.S. Geological Survey Lidar Guidelines and Base Specification Version 1.2 (http://pubs.usgs.gov/tm/11b4/).

Additional specifications as requested by DNR, as typical project parameters for Northwest conditions

Cooperative Purchasing Agreement
Page | 5
a) Point Cloud Data: at least 8 points per square meter final density required, full classified point cloud, LAS v1.4 format.

b) Digital Elevation Models (DEM): BARE EARTH, hydro-flattened grids with a post spacing no greater than 3 ft and no less than that specified. DEM data will comprise of individually tiled DEM files. Hydro enforcement is not preferred for these products in order to maintain geomorphic accuracy.

c) Digital Surface Model: FIRST RETURN, hydro-flattened grids with a post spacing no greater than 3 ft and no less than that specified. DEM data will comprise of individually tiled DEM files. Hydro enforcement is not preferred for these products in order to maintain geomorphic accuracy.

d) Control and calibration points: Ground Control Points (GCPs) collected by the contractor to control the survey as well as to compare to the LiDAR collection in order to ensure accuracy will be delivered in the Survey Report as a list of X, Y, Z coordinates as well as in an ASCII text or ESRI shapefile format.

e) Intensity image files, if available.

f) Survey Report: text report that describes the survey and collection methods, conditions, and vendor’s accuracy assessment.

g) Metadata: Processed LiDAR data and derived products will include FGDC-compliant metadata.

h) QA/QC report: The QA/QC report or checklist as completed by the USGS as well as any QC reports delivered by the contractor.

i) Data Deliver Mode: External Hard Drive.

6) Acceptance Criteria

The deliverables will be accepted by the USGS in accordance to the U.S. Geological Survey Lidar Guidelines and Base Specification Version 1.2. More specifically, QC/QA on the deliverables will be done to ensure all specified data and documents are present and can be opened/viewed in appropriate software and that all GIS products, DEMs, and las files are in the correct projection and coordinate system. DEMs will also be reviewed for quality and consistency to include but not limited to an inspection of hydrologic flattening, verification of any spikes, wells, voids, or other artifacts, and that
applicable features are either removed or maintained as specified. Any deliverables not meeting the acceptance criteria will be sent back to the contractor to be reworked and redelivered as described by section 5, Schedule and Data Delivery.

7) Schedule and Data Delivery
The LiDAR collection component of this project is planned to occur in Spring of 2016 or as soon as acceptable capture conditions allow. Focus for the Spring 2016 timeframe will be on the northern lowland portions of the AOI. The DNR is required to spend a portion of their funds totaling at least $1 Million by June 30, 2016 with the remaining portion being spent by June 30, 2017. Services that can be paid for by these funds include all pre-planning activities and LiDAR survey collection. All processed data and derived products defined in the USGS project Task Order will be sent directly to USGS National Geospatial Technical Operations Center by the GPSC Contractor for evaluation.

A sample of data will be available as a pilot review of the data quality, to be evaluated by the USGS and DNR prior to finished product deliveries. The finished data and derived products will be delivered in at least two blocks, as either a northern and southern block as appropriate given the area of interest (see Figures 2 and 3 of Attachment A), or delivered as completed in Spring 2016 and additional areas completed thereafter. USGS will evaluate project deliverables within 60 days of receipt. Substandard deliverables will be returned to the Contractor for correction/rework. The Contractor will remedy all discrepancies identified and return corrected deliverables to USGS within 30 days of notification for subsequent inspection. Within 30 days of acceptance of project deliverables, the Contractor will provide a copy of all deliverables to the DNR LiDAR project Point of Contact.

8) Other terms
Every effort will be made to award contract(s) to complete the work as described in this SOW. However, if the total funding amount is not sufficient to complete the work as described, then adjustments will be made to either obtain additional funding, or, the project will be re-scoped to the mutual satisfaction of all stakeholders.

Data over military properties is not anticipated to be shared with partners or the public, unless clearance is provided. Should unexpected restrictions affect access to other data over military properties, then only federal funds will be applied to those areas.

If data acquisition cannot be completed during a single season due to unacceptable capture conditions, then it is possible that the remaining AOI would be acquired during the next suitable collection window which may or may not be in the same calendar year.

Cooperative Purchasing Agreement
Page | 8
The partner shall pay contract project costs plus applicable GPSC assessment fee which is calculated by USGS as 5% of the contracted project cost, not to exceed the amount specified in the JFA.

9) Financial Arrangements

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<td>Lewis County</td>
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<td>Seattle City Light</td>
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<td>Sierra Pacific Industries</td>
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10) Contacts

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<tr>
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<tbody>
<tr>
<td>Jim Almekinder</td>
<td>Name Tara Salzer</td>
</tr>
<tr>
<td>US Geological Survey</td>
<td>Division of Geology and Earth Resources</td>
</tr>
<tr>
<td>1400 Independence Road, MS317</td>
<td>Address 1111 Washington St. SE, MS47007</td>
</tr>
<tr>
<td>Rolla, MO 65401</td>
<td>Olympia, WA 98501</td>
</tr>
<tr>
<td>573-308-3549</td>
<td>Telephone 360-902-1465</td>
</tr>
<tr>
<td><a href="mailto:jalmekinder@usgs.gov">jalmekinder@usgs.gov</a></td>
<td>E-Mail <a href="mailto:Tara.Salzer@dnr.wa.gov">Tara.Salzer@dnr.wa.gov</a></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Debbie Prater</td>
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</tr>
<tr>
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<td></td>
</tr>
<tr>
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</tr>
<tr>
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<tr>
<td>573-308-3643</td>
<td><a href="mailto:dprater@usgs.gov">dprater@usgs.gov</a></td>
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<tr>
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<tbody>
<tr>
<td>Tom Carlson</td>
<td>Abby Gleason</td>
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<tr>
<td>US Geological Survey</td>
<td>Division of Geology and Earth Resources</td>
</tr>
<tr>
<td>934 Broadway, Suite 300</td>
<td>1111 Washington St. SE, MS47007</td>
</tr>
<tr>
<td>Tacoma, WA 98402</td>
<td>Olympia, WA 98501</td>
</tr>
<tr>
<td>253-552-1682</td>
<td>360-902-1560</td>
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<tr>
<td><a href="mailto:tcarlson@usgs.gov">tcarlson@usgs.gov</a></td>
<td><a href="mailto:Abigail.Gleason@dnr.wa.gov">Abigail.Gleason@dnr.wa.gov</a></td>
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Attachment A

WESTERN WASHINGTON
2016 LIDAR DATA ACQUISITION AND
PRODUCT DEVELOPMENT PROJECT

Figure 1: Complete QL1 LiDAR Project Area, with existing high quality LiDAR and concurrent projects for reference. Figures 2 and 3 feature the northern and southern AOIs respectively.
Figure 2: Northern AOI for the Western Washington QL1 project area.

Figure 3: Southern AOI for the Western Washington QL1 project area.
Local Agency Agreement Supplement No. 1 and Revised Project Prospectus between Washington State Department of Transportation and Whatcom County for the County Roadway Safety Program; CRP 915015.

ATTACHMENTS:
1. Memo
2. Contract Information Sheet
3. Local Agency Agreement Supplement No. 1
4. Revised Project Prospectus

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 Local Agency Agreement Supplement No.1 and revised Project Prospectus are required to obligate federal construction (CN) funds for the “County Roadway Safety Program”. The intent of this federally funded program is to reduce run-of-the-road accident frequency, which is accomplished by this project’s installation of Rumble Strips and Horizontal Alignment Warning Signs. Also included in this project is one locally-funded schedule for the installation of centerline rumble strips. This project is listed as Item No. 20 on the 2016 Annual Construction Program.

Related County Contract #: 201508043

Related File Numbers: N/A

Ordinance or Resolution Number: N/A

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
The Honorable Whatcom County Council
Through: Jon Hutchings, Director
From: Joseph P. Rutan, P.E., County Engineer/Assistant Director
       James P. Karcher, P.E., Engineering Manager
Date: March 9, 2016
Re: County Roadway Safety Program
    CRP No. 915015; Cost Center 355101; Federal Aid #HSIP-000S(429)
    Local Agency Agreement Supplement #1 & Revised Project Prospectus

Enclosed for your review and signature are two (2) originals of the Local Agency Agreement
Supplement #1 and Revised Project Prospectus between Whatcom County and the Washington
State Department of Transportation (WSDOT), associated with the above-referenced project.

Requested Action
After approval of the Whatcom County Council, Public Works respectfully requests that the County
Executive sign the attached Local Agency Agreement Supplement #1 and revised Project
Prospectus and please return all originals to our office for further processing. We will return a fully
executed original of each document to you once they are signed by WSDOT.

Background and Purpose
This Local Agency Agreement Supplement #1 and revised Project Prospectus are required to
obligate federal construction (CN) funds for the County Roadway Safety Program. The intent
of this federally funded program is to reduce run-of-the-road accident frequency, which is
accomplished by this project’s installation of Rumble Strips and Horizontal Alignment
Warning Signs. Also included in this project is one locally-funded schedule for the installation
of centerline rumble strips. This project is listed as Item No. 20 on the 2016 Annual
Construction Program.

Funding Amount and Source
Whatcom County has been awarded $680,000 in federal Highway Safety Improvement
Program (HSIP) funds for the construction phase, and is 100% federally funded for the work
to be done under CRP 915015. The locally funded work will be covered under CRP 916012
Unanticipated Site Improvements.

This Local Agency Agreement obligates $680,000 in federal HSIP Construction funds and
budget authority is in place per Ordinance 2014-071 that established this project as a Project
Based Budget. Total project costs of $787,940 will be covered by $693,500 in federal HSIP
funds and $94,440 in Local Funds.

Please contact Doug Burghart at extension 6277 if you have any questions or concerns regarding the
terms of this agreement.
## WHATCOM COUNTY CONTRACT INFORMATION SHEET

**Originating Department:** Public Works  
**Contract or Grant Administrator:** James P. Karcher, P.E.  
**Contractor’s / Agency Name:** Washington State Department of Transportation

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>If No, include WCC:</th>
</tr>
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<tbody>
<tr>
<td>Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract?</td>
<td>Yes</td>
<td>No</td>
<td>(see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</td>
</tr>
<tr>
<td>Does contract require Council Approval?</td>
<td>Yes</td>
<td>No</td>
<td>If No, include WCC:</td>
</tr>
<tr>
<td>Is this a grant agreement?</td>
<td>Yes</td>
<td>No</td>
<td>If yes, grantor agency contract number(s): LA-8778 CFDA#: 20.205</td>
</tr>
<tr>
<td>Is this contract grant funded?</td>
<td>Yes</td>
<td>No</td>
<td>Grant number(s):</td>
</tr>
<tr>
<td>Is this contract the result of a RFP or Bid process?</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Is this agreement excluded from E-Verify?</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

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

- $15,000 ($13,500 HSIP, $1,500 Local)
- $680,000 (100% Federal HSIP)
- Total Amended Amount: $695,000.00 ($693,500 Federal; $1,500 Local)

**Summary of Scope:** This Local Agency Agreement Supplement #1 and revised Project Prospectus are required to obligate federal construction (CN) funds for this project. Also included in this project is one locally-funded schedule for the installation of centerline rumble strips. This project is listed as Item No. 20 on the 2016 Annual Construction Program.

**Term of Contract:**  
**Completion of Project**  
**Expiration Date:** N/A

**Contract Routing:**

1. Prepared by: D. Burghart  
2. Attorney signoff: Daniel L. Gibson  
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:

**Dates:**

- Date: 3-9-16
- Date: 03/09/16
- Date: 31/0/16
- Date: 3/10/16
Local Agency Agreement Supplement

Agency
Washington State Department of Transportation
Whatcom County

Supplement Number
1

Federal Aid Project Number
HSIP-000S(429)
Agreement Number
LA-8778
CFDA No.
20.205
(Catalog of Federal Domestic Assistance)

The Local Agency requests to supplement the agreement entered into and executed on 9-23-2015.
All provisions in the basic agreement remain in effect except as modified by this supplement.
The change to the agreement are as follows:

Project Description
Name
County Roadway Safety Program
Length
Various
Termini
Various
Description of Work
✓ No Change

Reason for Supplement
This Supplement #1 combines the three (3) previously awarded projects from the PE Phase HSIP-000S(429), HSIP-000S(430), HSIP-000S(431) into 1 tied bid CN project, and obligates construction funds for construction contract and construction engineering.

Are you claiming indirect cost rate? □ Yes ✓ No
Project Agreement End Date
12/31/2018
Does this change require additional Right of Way or Easements? □ Yes ✓ No
Advertisement Date
5/3/2016

<table>
<thead>
<tr>
<th>Type of Work</th>
<th>Estimate of Funding</th>
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<td>(1) Previous Agreement/Suppl.</td>
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<tr>
<td>PE 90 %</td>
<td>a. Agency 14,000.00</td>
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<tr>
<td></td>
<td>b. Other 0.00</td>
</tr>
<tr>
<td>Federal Aid Participation Ratio for PE</td>
<td>c. Other 1,000.00</td>
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<tr>
<td></td>
<td>d. State 15,000.00</td>
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<tr>
<td></td>
<td>e. Total PE Cost Estimate (a+b+c+d)</td>
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<tr>
<td>Right of Way N/A %</td>
<td>f. Agency 0.00</td>
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<tr>
<td></td>
<td>g. Other 0.00</td>
</tr>
<tr>
<td>Federal Aid Participation Ratio for RW</td>
<td>h. Other 0.00</td>
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<tr>
<td></td>
<td>i. State 0.00</td>
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<tr>
<td></td>
<td>j. Total RW Cost Estimate (f+g+h+i)</td>
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<tr>
<td>Construction 100 %</td>
<td>k. Contract 618,100.00</td>
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<tr>
<td></td>
<td>l. Other Contract-Non Participation 92,940.00</td>
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<tr>
<td></td>
<td>m. Other 0.00</td>
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<tr>
<td></td>
<td>o. Agency 50,900.00</td>
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<tr>
<td></td>
<td>p. State 11,000.00</td>
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<td></td>
<td>q. Total CN Cost Estimate (k+m+n+o+p) 772,940.00</td>
</tr>
<tr>
<td></td>
<td>r. Total Project Cost Estimate (e+j+q) 15,000.00</td>
</tr>
</tbody>
</table>

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions.

Agency Official
Washington State Department of Transportation

By
Title County Executive

Approved as to Form

By
Director, Local Program

Date Executed

Page 1

Daniel L. Gibson--Chief Civil Deputy Prosecutor

03/16/16

105
VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin. Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant’s records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency’s files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation.

IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State’s billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs.

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309). Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who spends $750,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

XVII. Assurances

Local Agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).
# Local Agency Federal Aid Project Prospectus

**Prefix** | **Route** |
--- | --- |
Federal Aid Project Number | HSIP-000S(429) |
Local Agency Project Number | CRP 915015 |
WSDOT (Use Only) |

<table>
<thead>
<tr>
<th>Agency</th>
<th>Whatcom County</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA Agency</td>
<td>Yes</td>
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<table>
<thead>
<tr>
<th>Project Title</th>
<th>County Roadway Safety Program</th>
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<tbody>
<tr>
<td>Start Latitude</td>
<td>N Varies</td>
</tr>
<tr>
<td>End Latitude</td>
<td>N Varies</td>
</tr>
<tr>
<td>Start Longitude</td>
<td>W Varies</td>
</tr>
<tr>
<td>End Longitude</td>
<td>W Varies</td>
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<table>
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<th>Project Termini From - To</th>
<th>Nearest City Name</th>
<th>Project Zip Code (+ 4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Varies</td>
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<td>Varies</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Begin Mile Post</th>
<th>End Mile Post</th>
<th>Length of Project</th>
<th>Award Type</th>
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<tr>
<td>Varies</td>
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<td>Varies</td>
<td>Local Forces</td>
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<th>Route ID</th>
<th>Begin Mile Point</th>
<th>End Mile Point</th>
<th>City Number</th>
<th>County Number</th>
<th>County Name</th>
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<tbody>
<tr>
<td>Varies</td>
<td>Varies</td>
<td>N/A</td>
<td>37</td>
<td>Whatcom</td>
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<th>Legislative District(s)</th>
<th>Congressional District(s)</th>
<th>Urban Area Number</th>
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<tr>
<td>Northwest</td>
<td>40, 42</td>
<td>2</td>
<td>8, 33, 34</td>
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<tr>
<th>Phase</th>
<th>Total Estimated Cost (Nearest Hundred Dollar)</th>
<th>Local Agency Funding (Nearest Hundred Dollar)</th>
<th>Federal Funds (Nearest Hundred Dollar)</th>
<th>Phase Start Date</th>
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<tbody>
<tr>
<td>P.E.</td>
<td>$15,000</td>
<td>$1,500</td>
<td>$13,500</td>
<td>August 2015</td>
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<td>R/W</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Const.</td>
<td>$772,940</td>
<td>$92,940</td>
<td>$680,000</td>
<td>June 2016</td>
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<tr>
<td>Total</td>
<td>$772,940</td>
<td>$94,440</td>
<td>$693,500</td>
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**Description of Existing Facility (Existing Design and Present Condition)**

1. The listed roadways in Appendix "A" were selected as good candidates for shoulder rumble strips based on accident history, speed, and shoulder width.
2. The existing classified roadways noted in Appendix "B" have no delineation of horizontal roadway curves.
3. The existing local access roadways noted in Appendix "C" have no delineation of horizontal roadway curves.

**Description of Proposed Work**

**Description of Proposed Work (Attach additional sheet(s) if necessary)**

1. This project installs shoulder rumble strips on the roads and locations noted in Appendix "A".
2. This project adds horizontal alignment signage on classified roadways as noted in Appendix "B".
3. This project adds horizontal alignment signage on local access roadways as noted in Appendix "C".

**Local Agency Contact Person**

- James P. Karcher, P.E.
- Title: Engineering Manager
- Phone: 360-778-6271
- Mailing Address: 322 N. Commercial St. Suite 301

- City: Bellingham
- State: WA
- Zip Code: 98226

**Project Prospectus Approval**

By [Signature]
Title: County Engineer
Approving Authority
Date: 3/9/16
**Type of Proposed Work**

<table>
<thead>
<tr>
<th>Project Type (Check all that Apply)</th>
<th>Roadway Width</th>
<th>Number of Lanes</th>
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<tr>
<td>X New Construction</td>
<td>Varies</td>
<td>2</td>
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<tr>
<td>☐ Reconstruction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Railroad</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Bridge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Path / Trail</td>
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<td></td>
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<td>☐ Pedestrian / Facilities</td>
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<td></td>
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<td>☐ Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Other</td>
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**Geometric Design Data**

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<th>Description</th>
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<tr>
<td>Federal Functional Classification</td>
<td>X Urban</td>
<td>X Urban</td>
</tr>
<tr>
<td></td>
<td>X Rural</td>
<td>X Rural</td>
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<tr>
<td></td>
<td>☐ NHS</td>
<td>☐ NHS</td>
</tr>
<tr>
<td>Terrain</td>
<td>X Flat</td>
<td>X Flat</td>
</tr>
<tr>
<td></td>
<td>X Roll</td>
<td>X Roll</td>
</tr>
<tr>
<td></td>
<td>☐ Mountain</td>
<td>☐ Mountain</td>
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<tr>
<td>Posted Speed</td>
<td>Varies</td>
<td>Varies</td>
</tr>
<tr>
<td>Design Speed</td>
<td>Varies</td>
<td>Varies</td>
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<tr>
<td>Existing ADT</td>
<td>Varies</td>
<td>Varies</td>
</tr>
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<td>Design Year ADT</td>
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<td>Design Year</td>
<td>Varies</td>
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<td>Design Hourly Volume (DHV)</td>
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<td>Varies</td>
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**Performance of Work**

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<tr>
<th>Preliminary Engineering Will Be Performed By</th>
<th>Others</th>
<th>Agency</th>
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<tbody>
<tr>
<td></td>
<td>%</td>
<td>100 %</td>
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<table>
<thead>
<tr>
<th>Construction Will Be Performed By</th>
<th>Contract</th>
<th>Agency</th>
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<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
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**Environmental Classification**

- ☐ Class I - Environmental Impact Statement (EIS)
  - ☐ Project Involves NEPA/SEPA Section 404 Interagency Agreement
- ☐ Class II - Categorically Excluded (CE)
  - ☐ Projects Requiring Documentation (Documented CE)
- ☐ Class III - Environmental Assessment (EA)
  - ☐ Project Involves NEPA/SEPA Section 404 Interagency Agreement

**Environmental Considerations**

---

DOT Form 140-101
Revised 04/2015

* Previous Editions Obsolete *
Right of Way

- No Right of Way Needed
  * All construction required by the contract can be accomplished within the existing right of way.
- Right of Way Needed
  - No Relocation
  - Relocation Required

Utilities

- No utility work required
- All utility work will be completed prior to the start of the construction contract
- All utility work will be completed in coordination with the construction contract

Railroad

- No railroad work required
- All railroad work will be completed prior to the start of the construction contract
- All railroad work will be completed in coordination with the construction contract

Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

Remarks

Approximately 17 of the proposed horizontal alignment sign sites are located within 3.2 kilometers (2 miles) of the Bellingham International Airport. Additionally, 1 rumble strip site on Northwest Drive is also within 2 miles of the airport. None of the proposed work is anticipated to affect airport operations.

This project has been reviewed by the legislative body of the administration agency or agencies, or its designee, and is not inconsistent with the agency’s comprehensive plan for community development.

Agency

Date

By Jack Louws
County Executive

Approved as to form:
Daniel L. Gibson
Chief Civil Deputy Prosecutor

Page 3

Previous Editions Obsolete
## APPENDIX "A"

### SHOULDER RUMBLE STRIPS

<table>
<thead>
<tr>
<th>Road #</th>
<th>Road Name</th>
<th>MP Begin</th>
<th>MP End</th>
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<tr>
<td>44080</td>
<td>Cain Lake Road</td>
<td>0</td>
<td>1.8</td>
</tr>
<tr>
<td>32990</td>
<td>Enterprise Road</td>
<td>0.15</td>
<td>1.94</td>
</tr>
<tr>
<td>61700</td>
<td>Hampton Road</td>
<td>0.6</td>
<td>4.79</td>
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<tr>
<td>15600</td>
<td>Lake Terrell Road</td>
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<tr>
<td>74050</td>
<td>Northwest Drive</td>
<td>1.11</td>
<td>3.65</td>
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<tr>
<td>74050</td>
<td>Northwest Drive</td>
<td>5.66</td>
<td>7.41</td>
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<tr>
<td>73680</td>
<td>West Axton Road</td>
<td>0.81</td>
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<tr>
<td>32780</td>
<td>West Badger Road</td>
<td>2.87</td>
<td>5.92</td>
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# APPENDIX "B"

## CLASSIFIED ROADWAY SIGNS

### TYPICAL SIGN CONFIGURATIONS

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<th>SIGN CONF. TYPE</th>
<th>SIGN CODE</th>
<th>SHEETING TYPE</th>
<th>SIGN SIZE</th>
<th>DESCRIPTION</th>
<th>APPROX. QUANTITY</th>
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<td>A</td>
<td>W1-8</td>
<td>IV</td>
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<td>(1) W1-8 MOUNTED TO (1) POST</td>
<td>4</td>
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<tr>
<td>B</td>
<td>W1-8</td>
<td>IV</td>
<td>18&quot; x 24&quot;</td>
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<td>120</td>
</tr>
<tr>
<td>C</td>
<td>W1-8(OS)</td>
<td>IV</td>
<td>24&quot; x 30&quot;</td>
<td>(1) W1-8(OS) MOUNTED TO (1) POST</td>
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<tr>
<td>D</td>
<td>W1-8(OS)</td>
<td>IV</td>
<td>24&quot; x 30&quot;</td>
<td>(2) W1-8(OS) MOUNTED TO (1) POST</td>
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<tr>
<td>E</td>
<td>W1-6</td>
<td>IV</td>
<td>48&quot; x 24&quot;</td>
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<td>24</td>
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<tr>
<td>F</td>
<td>W1-6</td>
<td>IV</td>
<td>48&quot; x 24&quot;</td>
<td>(3) W1-6 MOUNTED TO (3) POST</td>
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</table>

### Road# | Road Name (ASSOCIATED ROAD NAME) | SIGN CONFIGURATION (MILE POST-SIGN ORIENTATION)

<table>
<thead>
<tr>
<th>Road#</th>
<th>Road Name (ASSOCIATED ROAD NAME)</th>
<th>SIGN CONFIGURATION (MILE POST-SIGN ORIENTATION)</th>
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</thead>
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<td>8250</td>
<td>MARINA DR</td>
<td>B (0.515) B (0.526)</td>
</tr>
<tr>
<td>8850</td>
<td>BENSON RD (TELLER RD)</td>
<td>E (0.001-E)</td>
</tr>
<tr>
<td>20010</td>
<td>BIRCH BAY DR (POINT WHITEHORN DR)</td>
<td>E (0.548-S) E (0.581-NE)</td>
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<td>BIRCH POINT RD</td>
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<td>BIRCH POINT RD</td>
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<td>20250</td>
<td>SEMIAHMOO DR</td>
<td>F (0.192)</td>
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<tr>
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<td>SEMIAHMOO DR</td>
<td>D (1.157) D (1.169) D (1.182) D (1.165)</td>
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<tr>
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<td>SEMIAHMOO DR</td>
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<td>21030</td>
<td>RAINBOW RD</td>
<td>B (1.026) B (1.037) B (1.050) B (1.082) B (1.074) B (1.087) B (1.098)</td>
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Local Agency Agreement Supplement

Agency: Whatcom County

Federal Aid Project Number: HSIP-000S(429)
Agreement Number: LA-8778
CFDA No.: 20.205
(Catalog of Federal Domestic Assistance)

The Local Agency requests to supplement the agreement entered into and executed on 9-23-2015.

All provisions in the basic agreement remain in effect except as modified by this supplement.

The change to the agreement are as follows:

**Project Description**

Name: County Roadway Safety Program
Termini: Various

**Description of Work**: ✔ No Change

**Reason for Supplement**

This Supplement #1 combines the three (3) previously awarded projects from the PE Phase HSIP-000S(429), HSIP-000S(430), HSIP-000S(431) into 1 tied bid CN project, and obligates construction funds for construction contract and construction engineering.

Are you claiming indirect cost rate? [ ] Yes ✔ No

Project Agreement End Date: 12/31/2018

Does this change require additional Right of Way or Easements? [ ] Yes ✔ No

Advertisement Date: 5/3/2016

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<td>Ratio for CN</td>
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<td>r. Total Project Cost Estimate</td>
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<td>772,940.00</td>
<td>94,440.00</td>
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</table>

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions.

**Agency Official**

By ___________________________ Washington State Department of Transportation

Title: County Executive

Approved as to Form

Director, Local Program

Date Executed

DOT Form 140-041
Revised 05/2015

Daniel L. Gibson--Chief Civil Deputy Prosecutor

Page 1
VI. Payment and Partial Reimbursement
The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project. The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin. Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit. The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

VII. Audit of Federal Consultant Contracts
The Agency, if services of a consultant are required, shall be responsible for audit of the consultant’s records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency’s files and made available to the State and the Federal Government. An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements. If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation.

IX. Payment of Billing
The Agency agrees that if payment or arrangement for payment of any of the State’s billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs. Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309). Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

VIII. Single Audit Act
The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who expends $750,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

XVII. Assurances
Local Agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).
## Local Agency Federal Aid Project Prospectus

**Federal Aid Project Number**: HSIP-000S(429)  
**Local Agency Project Number**: CRP 915015

### Project Information

<table>
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<tr>
<th>Agency</th>
<th>Whatcom County</th>
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<th>Project Title</th>
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<th>Nearest City Name</th>
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<tr>
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<td>Local</td>
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<table>
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<th>Congressional District(s)</th>
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<td>Varies</td>
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<td>2</td>
<td>8, 33, 34</td>
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<th>Total Federal Funds (Nearest Hundred Dollar)</th>
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<td>$92,940</td>
<td>$680,000</td>
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<td>$94,440</td>
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### Description of Existing Facility (Existing Design and Present Condition)

- Roadway Width: Varies  
- Number of Lanes: 2

1. The listed roadways in Appendix "A" were selected as good candidates for shoulder rumble strips based on accident history, speed, and shoulder width.
2. The existing classified roadways noted in Appendix "B" have no delineation of horizontal roadway curves.
3. The existing local access roadways noted in Appendix "C" have no delineation of horizontal roadway curves.

### Description of Proposed Work

Description of Proposed Work (Attach additional sheet(s) if necessary)

1. This project installs shoulder rumble strips on the roads and locations noted in Appendix "A".
2. This project adds horizontal alignment signage on classified roadways as noted in Appendix "B".
3. This project adds horizontal alignment signage on local access roadways as noted in Appendix "C".

<table>
<thead>
<tr>
<th>Local Agency Contact Person</th>
<th>Title</th>
<th>Phone</th>
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<tbody>
<tr>
<td>James P. Karcher, P.E.</td>
<td>Engineering Manager</td>
<td>360-778-6271</td>
</tr>
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</table>

Mailing Address

322 N. Commercial St. Suite 301  
City: Bellingham  
State: WA  
Zip Code: 98226

Project Prospectus Approval

By [Signature]  
Title: County Engineer  
Date: 3/9/16

DOT Form 140-101  
Revised 04/2015  
◆ Previous Editions Obsolete ◆
### Type of Proposed Work

**Project Type (Check all that Apply)**
- [x] New Construction
- [ ] Reconstruction
- [ ] Railroad
- [ ] Bridge
- [ ] Path / Trail
- [ ] Pedestrian / Facilities
- [ ] Parking
- [ ] 3-R
- [ ] 2-R
- [ ] Other

**Roadway Width** | **Number of Lanes**
--- | ---
Varies | 2

### Geometric Design Data

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<th>Crossroad</th>
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<td>x Urban</td>
</tr>
<tr>
<td></td>
<td>x Minor Arterial</td>
<td>x Rural</td>
</tr>
<tr>
<td></td>
<td>x Collector</td>
<td>x NHS</td>
</tr>
<tr>
<td></td>
<td>x Major Collector</td>
<td>x Local Access</td>
</tr>
<tr>
<td></td>
<td>x Minor Collector</td>
<td>x Urban</td>
</tr>
<tr>
<td></td>
<td>x Local Access</td>
<td>x Rural</td>
</tr>
<tr>
<td></td>
<td></td>
<td>x NHS</td>
</tr>
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<td>x Flat</td>
<td>x Flat</td>
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<tr>
<td>Design Speed</td>
<td>Varies</td>
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<td>Existing ADT</td>
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<tr>
<td>Design Year ADT</td>
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<td>Design Year</td>
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### Performance of Work

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<td></td>
<td>%</td>
<td>100</td>
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<table>
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<th>Construction Will Be Performed By</th>
<th>Contract</th>
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### Environmental Classification

- [ ] Class I - Environmental Impact Statement (EIS)
  - [ ] Project Involves NEPA/SEPA Section 404 Interagency Agreement

- [ ] Class II - Categorically Excluded (CE)
  - [ ] Projects Requiring Documentation (Documented CE)

- [ ] Class III - Environmental Assessment (EA)
  - [ ] Project Involves NEPA/SEPA Section 404 Interagency Agreement

### Environmental Considerations
### Right of Way

<table>
<thead>
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<th>x No Right of Way Needed</th>
<th>☐ Right of Way Needed</th>
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<tr>
<td>* All construction required by the contract can be accomplished within the existing right of way.</td>
<td>☐ No Relocation</td>
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### Utilities

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<tr>
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### Railroad

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<td>☐ All railroad work will be completed in coordination with the construction contract</td>
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### Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

### FAA Involvement

Is any airport located within 3.2 kilometers (2 miles) of the proposed project?  
| x Yes | ☐ No |

### Remarks

Approximately 17 of the proposed horizontal alignment sign sites are located within 3.2 kilometers (2 miles) of the Bellingham International Airport. Additionally, 1 rumble strip site on Northwest Drive is also within 2 miles of the airport. None of the proposed work is anticipated to affect airport operations.

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

### Agency

By

Jack Louws  
County Executive  
Mayor/Chairperson

Approved as to form:

Daniel L. Gibson  
Chief Civil Deputy Prosecutor  
Date  
03/10/16

DOT Form 140-101 EF  
Revised 04/2015  
Previous Editions Obsolete
# APPENDIX "A"

## SHOULDER RUMBLE STRIPS

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<tr>
<td>32990</td>
<td>Enterprise Road</td>
<td>0.15</td>
<td>1.94</td>
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<td>61700</td>
<td>Hampton Road</td>
<td>0.6</td>
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<tr>
<td>15600</td>
<td>Lake Terrell Road</td>
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<tr>
<td>74050</td>
<td>Northwest Drive</td>
<td>1.11</td>
<td>3.65</td>
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<td>Northwest Drive</td>
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<td>7.41</td>
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<td>73680</td>
<td>West Axton Road</td>
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<td>32780</td>
<td>West Badger Road</td>
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## APPENDIX "B"

### CLASSIFIED ROADWAY SIGNS

#### TYPICAL SIGN CONFIGURATIONS

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<td>18&quot; 24&quot;</td>
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<tr>
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<td>W1-8</td>
<td>IV</td>
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<td>W1-6</td>
<td>IV</td>
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#### Road# | Road Name (ASSOCIATED ROAD NAME) | SIGN CONFIGURATION (MILE POST-SIGN ORIENTATION)

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<th>SIGN CONFIGURATION (MILE POST-SIGN ORIENTATION)</th>
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<td>8250</td>
<td>MARINA DR</td>
<td>B (0.515) B (0.520)</td>
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<tr>
<td>8850</td>
<td>BENSON RD (TELLER RD)</td>
<td>E (0.001-E)</td>
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<tr>
<td>20010</td>
<td>BIRCH BAY DR (POINT WHITECHORN DR)</td>
<td>E (0.549-S) E (0.501-NE)</td>
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<td>BIRCH POINT RD</td>
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<td>RAINBOW RD</td>
<td>B (1.025) B (1.037) B (1.050) B (1.062) B (1.074) B (1.087) B (1.098)</td>
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# LOCAL ACCESS ROADWAY SIGNS

## TYPICAL SIGN CONFIGURATIONS

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**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Local Agency Standard Consultant Supplemental Agreement between Whatcom County and TranTech Engineering LLC

**ATTACHMENTS:**
1. Cover Memo
2. Agenda Bill
3. Contract Information Sheet
4. Local Agency Standard Consultant Supplemental Agreement

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

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

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

This agreement supplement will provide for the design and preparation of plans, specifications and cost estimate for a permanent bridge replacement of the existing Slater Road/Jordan Creek culvert.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

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

From: Jon Hutchings, Public Works Director

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

Date: March 8, 2016

Re: Slater Road/Jordan Creek Fish Passage Project
CRP No. 915007
Local Agency Standard Consultant Agreement - Supplement No. 2
TranTech Engineering, LLC, WCC No. 201503005

Enclosed for your review and signature are two (2) originals of the Local Agency Standard Consultant Agreement – Supplement No. 2 between TranTech Engineering, LLC and Whatcom County for engineering services associated with the above-referenced project.

Requested Action
Public Works respectfully requests that the County Executive, upon approval by the Whatcom County Council, sign the enclosed originals of the Local Agency Standard Consultant Agreement – Supplement No 2 with TranTech Engineering, LLC.

Background and Purpose
At the February 9, 2016 Public Works, Health and Safety Committee meeting the Slater Road/Jordan Creek Fish Passage Project Alternatives Study Report was presented along with the report’s recommendation to move forward with a bridge replacement of the existing culvert. The Committee was in support of moving forward with the report’s recommendation. This supplement will provide for the design and preparation of plans, specifications and cost estimate for this bridge replacement project. The Slater Road/Jordan Creek Fish Passage project appears as item No. 3 on the 2016 Annual Construction Program.

Funding Amount and Source
The original contract amount was $99,720.50. This supplement adds an additional $298,118.00 to the existing design contract with TranTech Engineering, LLC for a new total contract amount of $397,838.50. The funding source for this phase of the project comes from local funds.

Please contact Doug Ranney at 6252 if you have any questions or concerns regarding the terms of this agreement.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

**Originating Department:** Public Works – Engineering

**Program/Project:** (i.e. Dept. Division and Project)
Bridge & Hydraulic/Slater Road/Jordan Creek Fish Passage Project

**Contract or Grant Administrator:** James E. Lee, P.E., Engineering Manager

**Contractor’s / Agency Name:** TranTech Engineering, LLC

- 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 #: 201503005

- 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)

- Is this a grant agreement? Yes ☐ No ☒
- If yes, grantor agency contract number(s): ___________
- CFDA#: ___________

- Is this contract grant funded? Yes ☐ No ☒
- If yes, Whatcom County grant contract number(s): ___________

- Is this contract the result of a RFP or Bid process? Yes ☒ No ☐
- If yes, RFP and Bid number(s): RFP 14-61
- Contract Cost Center: 915007

- 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.
  - Professional Service Contract Amendments that have an increase greater than $20,000 and other contracts with a cumulative increase greater than $50,000.

- 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): |
| $ 99,720.50 |

| This Amendment Amount: |
| $ 298,118.00 |

| Total Amended Amount: |
| $ 397,838.50 |

**Summary of Scope:** This agreement supplement will provide for the design and preparation of plans, specifications and cost estimate for a permanent bridge replacement of the existing Slater Road/Jordan Creek culvert. The Slater Road/Jordan Creek Fish Passage project appears as item No. 03 on the 2016 Annual Construction Program.

| Term of Contract: | N/A | Expiration Date: | December 31, 2018 |
| - Prepared by: | D. Ranney | Date: | 03/07/2016 |
| - Attorney signoff: | Daniel L. Gibson | Date: | 03/08/16 |
| - AS Finance reviewed: | bbennett | Date: | 03/08/2016 |
| - IT reviewed (if IT related): | | |
| - Contractor signed: | | Date: | 3/10/16 |
| - Submitted to Exec.: | | Date: | |
| - Council approved (if necessary): | | Date: | |
| - Executive signed: | | Date: | |
| - Original to Council: | | Date: | |

Last edited 10/01/15

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Supplemental Agreement
Number 2

Original Agreement Number
201503005

Organization and Address
12011 NE 1st Street
Bellevue, WA 98005

Phone: 425-453-5545

Project Number
915007

Execution Date
9/18/2015

Completion Date
12/31/2018

Project Title
Slater Rd/Jordan Creek Fish Passage Barrier Removal

New Maximum Amount Payable
$397,383.50

Description of Work
This agreement supplement will provide for the design and preparation of plans, specifications and cost estimate for a permanent replacement of the existing Slater Road/Jordan Creek culvert.

The Local Agency of Whatcom County desires to supplement the agreement entered into with TranTech Engineering, LLC and executed on 9/18/2015, and identified as Agreement No. 201503005

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

See Attached Exhibit A-1.

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: Extend the contract end date to 12/31/2018

III

Section V, PAYMENT, shall be amended as follows:

See Attached Exhibit E-1.

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the Appropriate spaces below and return to this office for final action.

By: TranTech Engineering, LLC

By: Whatcom County

Consultant Signature

Approving Authority Signature

Approved as to form:

Daniel L. Gibson 02/06/16

Chief Civil Deputy Prosecutor

DOT Form 140-063

Revised 09/2005

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Exhibit "A-1"

SCOPE OF WORK

Background:

The project site is located near the west end of Slater Road in Whatcom County (Township 39 North, Range 1 East, and Section 34). The existing Slater Road/Jordan Creek culvert is a 7-foot high by 10-foot wide arch type corrugated metal pipe culvert. The culvert is approximately 190-feet in length located under approximately 20-feet of road fill. This culvert crosses under Slater Road, which is an important County arterial that feeds significant truck traffic to the petroleum refineries located to the west. The existing culvert has deteriorated to the point that an in-place repair is not feasible and a permanent replacement needs to be implemented. The existing culvert has also been identified as a barrier to fish passage which will be corrected as a part of this project.

To achieve the aforementioned goal, The County selected TranTech's team to perform an alternative study as part of the Phase 1 design activities associated with this project. Following successful completion of the Phase I Alternative Study Phase, an Alternative Study Report was submitted to the County for review dated November 2015.

The County design team staff, with consultation with other project stakeholders like the Lummi Nation, has recommended Alternative Study report’s Alternative I, which calls for replacement of the culvert with a 124-foot bridge as the preferred choice to be advanced to the full design.

For this purpose the County desires to amend TranTech's contract so the design team can advance the County's chosen alternative to the 100% design level.

Phase 2 scope of work will include detailed design and development of bid ready plans and specifications for the preferred alternative. At the County’s discretion the Consultant’s contract may also be amended to provide assistance during the construction phase to include shop drawing/material submittal reviews, responding to RFI’s, and providing construction related inspection.

Federal funds may be used in the planning, design, and/or construction of the project. Accordingly, the procedures outlined in the Local Agency Guidelines (LAG manual) will be used during development of the project.

In the following, different Work Elements (WE) associated with Phase 2 of this project are described in further detail.
Work Element 1  Project Management:

This work element includes administration of the contract between the Consultant and the Agency, preparation of monthly progress reports and quality control, necessary for the Project. The task includes all administrative services needed to coordinate with the sub-consultant/s and to complete the Project on time and within budget. The following are the categorized activities associated with this work element:

1. Project Management

2. Monthly Progress Reports, Meetings, Meeting Minutes and Invoicing. Bi-weekly Progress report will contain a narrative that identifies and describes significant activities performed in the previous week and the significant planned activities for the upcoming week;

3. Design Team Management:
   a. Schedule and coordinate with design team.
   b. Prepare sub-consultant agreements, coordinate, budget and review the project progress and submittals.
   c. Coordinate and attend design team meetings with County’s team.
   d. Prepare, monitor, and update project schedule. Monitor project budget.
   e. Prepare monthly billings, progress reports, and updated monthly project schedule.
   f. Maintain regular informal contact telephone discussions, and electronic mail.
   g. Obtain, with assistance from the County, rights of entry necessary for geotechnical studies, etc.

Deliverables:

- Progress Reports
- Meeting Minutes
- Monthly Invoicing
- Project Schedule
Work Element 2  

Surveying:

Larry Steele & Associates (LSA) will provide the following surveying services on the Slater Road/Jordan Creek Fish Passage Project. LSA work will be in accordance with the following project datum projections:

Horizontal Datum: NAD 83/91 Washington State Plane
North Zone Vertical Datum: NAVD 88

Stationing layout as required will be determined per best fit alignments for stationing.

Some of the foreseen elements for this work element are:

1. Write Legal Descriptions and Prepare Exhibit Maps for Temporary Construction and Permanent Drainage Easements.
2. Stake Temporary Construction Easement Corners
3. Field Spot Checks for Design Verification/Confirmation

The desired survey results will be put together in an AutoCAD Basemap with all Right-Of-Way’s delineated.

Deliverables:

- Deliverables include electronic AutoCAD files of exhibit maps and fully completed base map in AutoCAD Civil3D 2013.
- Preparation of Right Of Way (ROW) plans
Work Element 3  Geotechnical Investigations:

Geotechnical engineering support will be performed by TranTech’s subconsultant GeoEngineers, Inc. (GeoEngineers).

The project will be designed in accordance with Alternate 1A Bridge Structure as presented in the Slater Road Jordan Creek Fish Passage Project – Alternatives Analysis Report prepared by TranTech Engineering, LLC, dated November 2015. This scope is for Phase II of the project which includes 30% Design to Final Design of the project, including development of plans and specifications.

The purpose of the Phase II geotechnical services is to provide geotechnical engineering conclusions and recommendations to help evaluate the proposed culvert replacement with a new bridge, Alternate 1. The geotechnical engineering services to be provided include:

- Complete engineering evaluation and analysis, and provide associated recommendations to support final design including the following:
  - A discussion of site geologic hazards and mitigation measures as appropriate to meet Whatcom County Critical Areas Ordinance (CAO).
  - Seismic design considerations including the site acceleration, AASHTO soil type, and a discussion on the risks associated with liquefaction and mitigation strategies if appropriate.
  - Drilled shaft/pile foundation recommendations based on LRFD methodology, including type, recommended length, vertical axial capacities, and L-Pile input parameters to determine lateral capacities, and construction considerations.
  - Provide recommendations for earthwork including overexcavation and placement of structural fill for abutment walls, use of on-site soils for structural fill, imported soils, and compaction criteria.
  - Lateral soil pressures and lateral resistance parameters for subsurface elements.
  - Discussion of anticipated temporary shoring and dewatering requirements.

Provide a geotechnical report with our conclusions and recommendations. Exploration logs, a site plan, and any supporting test data will be included. A draft geotechnical engineering report will be provided at approximately 30% design level, with a final geotechnical engineering report at approximately 90% design level that incorporates design changes and comments.

Provide review and input for the geotechnical aspects of the project plans and specifications. Review will be provided at 30%, 60% and 90% design levels.

Attend one meeting with the County and/or Project Team. Provide project management and client liaison.

Deliverables:

- Draft and final geotechnical engineering reports
• Summary memorandum with comments for 30%, 60%, 90% review of project plans and specifications

Work Element 4 Hydrology and Fish Passage

R2 Resources (R2) will provide services for this task. R2’s engineering activities for this task are described in further detail by the following subtasks:

Subtask 1 – 30% Design

R2 will determine an appropriate general type of roughened channel to design in discussions with WDFW and the Lummi Nation, and will prepare CAD sheets B3 and B4 as an addendum to the drawings presented in the alternatives report. The CAD sheets will depict typical plan (B3) and stream-wise and cross-channel sections (B4) of the concept generally discussed in the Phase 1 design field review meeting.

Deliverables:

• 30% design level CAD sheets
• Draft basis of design report in Word file

Task 2 – 60% Design

R2 will perform engineering analyses needed to specify and confirm roughened channel geometry that will satisfy WDFW hydraulic design and channel stability requirements. As part of this, R2 will modify the HEC-RAS model for use in design, and will simulate flows ranging from the estimated 2-year to 500-year flood events. R2 will then prepare a plan view and section drawing sheets in CAD of the proposed roughened channel and habitat features, using a template provided by TranTech.

R2 will also prepare a draft basis of design report that summarizes: design objectives and biological criteria; site constraints; rationale for selecting the type of roughened channel; hydraulic/geomorphic/ structural analyses performed; resulting fish passage characteristics; and scour assessment findings and implications to bridge abutment design. R2 will then submit the drawings and report for initial review by TranTech, revise the report and plans as needed so that the material can then be submitted to the County, WDFW and the Lummi Nation for review and approval prior to 90% design level permit submission.

R2 will participate in a field visit to discuss the design drawings and report, with the objective of achieving approval of the design, or alternatively identify and obtain approval of any final modifications deemed needed.

Deliverables:
Slater Road/Jordan Creek Fish Passage Barrier Removal Project

- 60% design level CAD sheets (plan view, sections, and details, draft dewatering plan) in electronic AutoCAD DWG file delivered to TranTech for inclusion in the overall plan set; draft basis of design report in Word file; site or Bellingham office meeting

Subtask 3 – 90% Design

R2 will finalize engineering analyses to address comments from the 60% design review, and develop drawings for inclusion in a 90% plan set that include calling out specifications and construction details. Specifications will follow WSDOT, and Whatcom County-provided, standard specifications as much as possible. R2 will prepare draft special provisions text for contract bid documents, following format and style in an example provided by Whatcom County. R2 will also prepare draft TESC and dewatering/fish passage plans. The 90% CAD drawings and plans will be submitted to TranTech, and revise the drawing sheets and plans as needed so that the material can then be submitted to the County, WDFW and the Lummi Nation for review.

Deliverables:

- 90% design level CAD sheets (plan view, sections and details; draft TESC and dewatering/fish passage plans) in electronic AutoCAD DWG file delivered to TranTech for inclusion in the overall plan set; draft special provisions; and site or Bellingham office meeting

Task 4: 100% PS&E

R2 will provide TranTech with finalized drawing sheets, basis of design report, and TESC/dewatering/fish salvage plans. R2 will determine final quantities needed for permitting and for cost estimating, and provide those numbers to TranTech. R2 will also provide finalized text to TranTech pertaining to amendments to WSDOT standard specifications and special provisions for inclusion in the contract bid package.

Deliverables:

- 100% design level CAD sheets (final plan view, sections and details; TESC and dewatering/fish passage plans) in electronic AutoCAD DWG file; construction quantities in Excel file; text for bid document in Word file

Task 5: Project Management

This task includes costs for project and contract administration.

Assumptions:
• TranTech will provide R2 a working CAD file template that R2 will work in and return to TranTech, who will be in charge of the CAD plan set overall.
• Whatcom County/TranTech will coordinate all permitting and agency interaction.
Work Element 5  Traffic Engineering

Transportation Engineers NW (TENW) will provide services for this Work Element. TENW’s engineering activities for this task are described in further detail by the following subtasks:

The project will be designed in accordance with Alternate 1A Bridge Structure as presented in the Slater Road Jordan Creek Fish Passage Project – Alternatives Analysis Report prepared by TranTech Engineering, LLC, dated November 2015. This scope is for Phase II of the project which includes 30% Design to Final Design of the project, including development of plans and specifications.

In support of the Consultant Team’s construction documents, TENW will prepare traffic control plans to WSDOT standards for work zone areas along Slater Road and associated side street approaches or staging areas. Both Whatcom County and WSDOT review and coordination have been assumed in our estimate. 2-3 sheets are expected for work zone traffic control.

A full closure scenario of Slater Road is now expected as part of construction. This full closure will require both construction traffic control plans to be prepared within the work zone immediate vicinity as well as advance local and regional detour routing along Interstate 5 interchanges and other regional routes that would serve as alternative access for trucks to the areas west of the project site. 2-4 sheets are expected to overview detour routes, signage, traffic control modifications to existing intersections along the local route, and details on variable message signs (VMS) via portable or permanent installations.

A separate pedestrian detour route may also be necessary to identify depending upon the level of roadway closure. Coordination with the Ferndale School District on bus re-rerouting may also be required to maintain school transit services and a specific plan for coordination with fire/emergency services also presented in a text document or memorandum of understanding (MOU). Coordination with Bicycle/ Pedestrian Advisory Committee (BPAC) will take place to incorporate the stakeholder’s viewpoints into the project’s traffic control design.

For purposes of a cost estimate, TENW would attend up to two Team meetings.

Deliverables:

- Draft Traffic Control/Detour Plans and Supporting Specifications at 30%
- Draft Traffic Control/Detour Plans and Supporting Specifications at 60%
- Final Traffic Control/Detour Plans and Supporting Specifications at 90%
- Bid Ready Traffic Control/Detour Plans and Supporting Specifications
Work Element 6  Civil/ Roadway Design

This Task will be performed by TranTech to provide Civil, Roadway, Drainage, and Utility design services.

Design team will prepare 30%, 60%, 90% and 100% Final Bid Ready plans, specifications, and engineer’s opinion of construction cost for the project. Current County design standards shall be used. The following describes our envisioned subtasks:

a. Design Team Meetings

The design team will have monthly design team meetings to resolve design issues between disciplines and to provide a project status that can be communicated with the County. Each meeting is assumed to be 2 hours in duration.

b. Review Meetings

The design team will prepare for and participate in formal review meetings with the County at the 60% and 90% submittal stages. The design team will provide a consolidated set of written comments to the design team a minimum of two weeks prior to the review meeting. The purpose of the meeting will be to discuss comments that require further clarification or discussion and to provide written responses to comments that do not require further discussion. It is assumed that the meetings will be up to 2 hours each with up to 2 of team’s staff.

c. PS&E Submittals
The design team will prepare 30%, 60%, 90%, 100% Final Bid Ready plans, quantities, and engineer’s opinion of construction cost for the Jordan Creek Fish Passage project. Technical Special Provisions will be provided at the 90% and 100% Final Bid Ready submittal.

d. Alignment and Right-of-Way Plans
As described in Work Element #2, the design team will prepare wet-signed Horizontal Alignment sheets at 1”=20’ scale which will include the control necessary to construct the project, legal limits of easements, and legal limits of property ownership. These plans will also show any proposed right-of-way acquisitions, temporary construction easements required to construct the project. It is assumed one (1) plan sheet will be necessary for inclusion in the 100% Final Bid Document plan set.

e. Site Preparation and Demolition Plans
The design team will prepare Site Preparation and Demolition Plans at 1”=20’ scale. These plans will show topography, existing utilities, existing surface features, items for demolition,
and items required preparation in advance of construction. This scope assumes two (2) Site Preparation and Demolition Plans with details for the entire project area.

f. Construction Sequence/Staging Plans
The design team will prepare Construction Sequence/Staging Plans showing the general construction sequence. General Site Plans at 1"=40' scale will be used for each phase with one additional detail sheet per phase as necessary for a total of three (3) sheets.

g. Temporary Erosion and Sedimentation Control (TESC) Plans
The design team will produce eight Temporary Erosion and Sedimentation Control Plans and two TESC detail drawings. It is assumed that the TESC Plans will be at 1"=20' scale. The plans and details will incorporate Best Management Practices (BMPs) as outlined in the 2012 (and as amended 12/2014) Department of Ecology’s “Stormwater Management Manual for Western Washington Volume II”. This scope assumes two (2) TESC plan sheets with details for the entire project area.

h. Roadway Sections
The design team will produce up to two typical roadway section sheets providing general information pertaining to the roadway cross section such as roadway and other pertinent details. This scope assumes one (1) Roadway Section plan sheet with details for the entire project area. Evaluations made by the geotechnical report shall provide final design recommendations for pavement section thickness.

i. Roadway Plans
The design team will produce Roadway Plans at 1"=20' scale. It is assumed that the Roadway Plans will consist of four plan sheets. It is assumed that these four plans will cover construction access, roadway, and other pertinent details. Only minor changes to horizontal and vertical alignments are expected to be required for the project to accommodate the new bridge structure. The vertical alignment will be designed in such a manner to ensure its lowest point occurs off the new structure.

One private access is expected to be affected by the project. The access will be designed and reconstructed to County Standards. The County will lead negotiations with the property owner as to the level of property restoration required and then convey that information to TranTech for inclusion in the Plans & Specs.

j. Drainage Plans and Profiles
It is assumed due to the nature of removing the existing culvert and providing a new bridge structure, that appreciable amounts of regrading will be necessary. Using the final proposed limits of grading and limits of reconstructed pavement, an assessment will be made as to
whether thresholds for stormwater quality treatment and stormwater quantity control will be triggered.

Based on these outcomes a Stormwater Compliance Report will be developed in accordance with the Department of Ecology’s “Stormwater Management Manual for Western Washington Volume II” to ensure the project meets all ten of the “Minimum Requirements”. At this time and based upon our current understanding of the project, it is assumed no stormwater quality treatment and stormwater quantity control will be required. If design conditions occur that change this assessment, such work will require supplemental fee and scope.

The design team will produce Drainage sheets including stormwater conveyance alignment and profile and will also show other underground utilities. Drainage Plans will be at 1’=20’ scale and will show the locations and approximate size of the drainage facility; the conveyance system including direction of flow, approximate pipe sizes and outfall location; locations of permanent easements. This scope assumes two (2) Drainage plan sheets with details for the entire project area.

k. Utilities & Coordination
The existing watermain serving the Lummi Nation Casino needs to be kept in operation during the construction. TranTech will coordinate with the Lummi Nation to meet all necessary requirements for design. It is assumed that one plan sheet will provide details of temporary support and construction notes on keeping this pipeline “live” during the construction. Design and Specifications will be provided for hanging the existing watermain on the new bridge structure. This scope assumes one (1) Utility plan sheet with details for the entire project area.

For Franchise Utilities, temporary relocation may be required due to clearances, tolerances, as required for construction. Permanent relocation may be required due to permanent bridge infrastructure needs. The County will lead all coordination with the Franchise Utilities for temporary or permanent relocation. TranTech will provide exhibits to illustrate utilities impacted by the project and assist in facilitating coordination Any necessary coordination with Franchise Utility providers, PS&E, CenturyLink, others, will be provided and necessary notations for maintaining service during construction will be included in the Technical Special Provisions.

l. Striping & Final Signage Plans
The design team will prepare striping sheets to reflect final striping conditions when the project is completed. Stationing, offsets and details will be included in subsequent submittals.

The design team will prepare final signing sheets to reflect the final signing conditions when the project is completed. This effort will include an inventory of existing signs, upgrading sign messages as necessary, preparation of signing plans, sign specification sheets, and sign details for non-standard signs. The final signing plans will include signs for motorists, bicycles, and
pedestrians. In combination, this scope assumes two (2) Striping and Signage plan sheets with details for the entire project area.

**Quantity Estimate and Opinion of Cost**
The design team will develop a quantity estimate and a resultant engineer’s estimate of construction cost based on major elements quantity calculations.

**Deliverables:**
- One 11x17 (half-sized) plan sets delivered electronically at 30%, 60%, 90% and 100% Final Bid Ready submittal stages;
- One 24x36 (full-sized) wet signed original plan set at 100% Final Bid Ready submittal stage;
- Technical Special Provisions at 90% and 100% Final Bid Ready submittal stage supporting the civil infrastructure in editable MS Word format;
- One copy of the project quantities and engineer’s estimate of construction cost. In editable MS Excel format;
- Complete 2013 AutoCAD and/or Civil 3D electronic drawing files;
- Stamped and signed Stormwater Compliance Report;
- All other relevant files submitted in electronic pdf format.

**Design Criteria:**

Reports and plans, to the extent feasible, shall be developed in accordance with the latest edition and amendments of the following:

1. 2004 Whatcom County, “Chapter 5 Road Standards, Standard Drawings & Appendices”
2. Whatcom County AutoCAD Standards
3. Washington State Department of Transportation, “Standard Specifications for Road and Bridge Construction”
5. Washington State Department of Transportation, “Materials Laboratory Outline”
11. 2012 Department of Ecology’s “WWHM Continuous Simulation Hydrology Model”
Work Element 7  Structural Design

TranTech will perform structural analysis and design of a new one-span bridge to replace the failing Jordan Creek culvert per Alternative 1 of the Alternative Study Report dated November 2015.

The work includes demolition and clearing of the existing culvert structure and replacing it with a bridge structure overcrossing the Creek and carrying the Slater Road facility. The bridge design will follow the most current WSDOT, AASHTO, and County requirements.

Throughout the structural design activities, special care will be given toward low impact design approach for many reasons including noise reduction.

The design parameters involved for the superstructure and substructure design of this new bridge project are:

a. Retaining wall requirements
b. Bridge deck drainage
c. Construction clearances
d. Inspection and maintenance requirements
e. Geotechnical requirements

This work element includes the following subtasks;

1. 30% Plans and Estimate

This subtask encompasses all the activities associated with the preparation of the 30% Plans and Estimate construction documents.

Deliverables:
- Electronic submission of the 30% P&E documents
- One hard copy of 11x17 (half size) plan set
- One hard copy of the opinion of cost.

2. 60% Plans and Estimate

This subtask encompasses all the activities associated with the preparation of the 60% Plans & Estimate construction documents.

Deliverables:
• Electronic submission of the 60% P&E documents
• One hard copy of 11x17 (half size) plan set
• One hard copy of the opinion of cost at 60% level.

3. 90% PS&E

This subtask encompasses all the activities associated with the preparation of the 90% PS&E construction documents.

Deliverables:
• Electronic submission of the 90% PS&E documents
• One hard copy of 11x17 (half size) plan set
• One hard copy of Special Provisions at 90% level
• One hard copy of the opinion of cost at 90% level.

4. 98% PS&E

This subtask encompasses all the activities associated with the preparation of the 98% PS&E or pre-Bid-ready construction documents.

Deliverables:
• Electronic submission of the 98% PS&E documents
• One hard copy of 11x17 (half size) plan set
• One hard copy of Special Provisions at 98% level
• One hard copy of the opinion of cost at 98% level.

5. 100% PS&E

This subtask encompasses all the activities associated with the preparation of the 90% PS&E construction documents.

Deliverables:
• Electronic submission of the Bid ready documents
• One hard copy of 11x17 (half size) plan set
• One hard copy of full size signed plan set
• One hard copy of Bid ready Specifications Manual
• One hard copy of the quantity estimate and opinion of cost.
• AutoCAD and/ or Civil 3D complete electronic drawing files

In the following table we have provided the envisioned plan sheets for this project.
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<tr>
<td>Bridge Construction Sequencing</td>
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<td>Pier 1 Layout (Plan &amp; Elevation)</td>
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<td>Pier 2 Layout (Plan &amp; Elevation)</td>
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<td>Bridge Drainage Details</td>
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<td>Creek Channel Improvement</td>
<td>4</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TASK 8  Bidding Phase Services

This Task will be performed by the collective design team to provide Bid Support services like addressing a reasonable number of bidder’s inquiries. For the purposes of this scope of work, "reasonable" is defined as twenty (20) RFIs/RFCs for bidding purposes and preparing up to 2 addendums for the contract documents.

Assumptions:
- TranTech will provide support the County for any addendums prompted by potential bidders RFIs/RFCs and as deemed necessary by the County and TranTech team
### Exhibit E-1 - Consultant Fee Determination
Slater Road/ Jordan Creek Fish Passage Project

<table>
<thead>
<tr>
<th>Project Manager</th>
<th>Project Principal</th>
<th>QA/QC Engineer</th>
<th>Senior Structural Engineer</th>
<th>Project Structural Engineer</th>
<th>Staff Structural Engineer</th>
<th>Senior Roadway Engineer</th>
<th>Senior Drainage Engineer</th>
<th>Senior Traffic Engineer</th>
<th>Const. Review Engineer</th>
<th>Staff Engineer</th>
<th>CAD Tech.</th>
<th>Clerical</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>Work Element 1 - Project Management</td>
<td>40</td>
<td>2</td>
<td>8</td>
<td>220</td>
<td>300</td>
<td>250</td>
<td>100</td>
<td>8</td>
<td>8</td>
<td>250</td>
<td>175</td>
<td>300</td>
<td>801</td>
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<tr>
<td>Work Element 6 - Civil Roadway</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td>Work Element 7 - Structural</td>
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<td>2</td>
<td>24</td>
<td>220</td>
<td>300</td>
<td>300</td>
<td>300</td>
<td>268</td>
<td>108</td>
<td>8</td>
<td>8</td>
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<td>Work Element 8 - Bidding Phase Services</td>
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<td>48</td>
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<tr>
<td><strong>Total Staff Hours</strong></td>
<td>88</td>
<td>4</td>
<td>32</td>
<td>228</td>
<td>308</td>
<td>300</td>
<td>268</td>
<td>108</td>
<td>8</td>
<td>8</td>
<td>250</td>
<td>475</td>
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<tr>
<td>Direct Rates</td>
<td>$59.00</td>
<td>$55.00</td>
<td>$59.00</td>
<td>$54.50</td>
<td>$48.00</td>
<td>$36.00</td>
<td>$48.00</td>
<td>$48.00</td>
<td>$45.00</td>
<td>$45.00</td>
<td>$29.75</td>
<td>$37.00</td>
<td>$20.00</td>
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<tr>
<td><strong>Total Direct Salary Cost</strong></td>
<td>$6,192</td>
<td>$220</td>
<td>$1,888</td>
<td>$12,426</td>
<td>$14,784</td>
<td>$10,800</td>
<td>$12,384</td>
<td>$5,184</td>
<td>$360</td>
<td>$7,438</td>
<td>$17,575</td>
<td>$640</td>
<td>$89,275</td>
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</table>

**Total Labor Cost**: $89,275  
**OH at 140.85% of Direct Labor**: $125,743  
**Profit at 28.75% of Direct Labor**: $28,686

**Total**: $240,684

**Direct Costs (Mileage, Reproduction, Shipping, etc.)**

- Subconsultant Costs
  - Work Element 2 - Survey - Larry Steel and Associates
  - Work Element 3 - Geotechnical - GeoEngineers
  - Work Element 4 - Hydrology & Fish Passage (R2 resources)
  - Work Element 5 - Traffic (Transportation Engineers Northwest)

- **Grand Total**: $298,118

---

3/8/2016
Consultant Fee Determination
Slater Road/ Jordan Creek Fish Passage Project

Work Element 2 - Survey (LSA)

<table>
<thead>
<tr>
<th></th>
<th>PLS</th>
<th>CAD</th>
<th>Crew Chief</th>
<th>Crew Chair Person</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Element 2 - Survey</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Field Work</td>
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<td>8</td>
<td>8</td>
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<tr>
<td>Office Work</td>
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<td>8</td>
<td>8</td>
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<td>Basemap</td>
<td>20</td>
<td>20</td>
<td></td>
<td></td>
<td>40</td>
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<tr>
<td><strong>Total Staff Hours</strong></td>
<td>20</td>
<td>20</td>
<td>16</td>
<td>16</td>
<td>72</td>
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<td><strong>Direct Rates</strong></td>
<td>$35.00</td>
<td>$22.50</td>
<td>$25.00</td>
<td>$20.00</td>
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<td><strong>Total Direct Salary Cost</strong></td>
<td>$700</td>
<td>$450</td>
<td>$400</td>
<td>$320</td>
<td>$0 $1,870</td>
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</table>

Total Labor Cost $1,870
OH at 105.54% of Direct Labor $1,974
Profit at 26.25% of Direct Labor $491

Total $4,334

Direct Costs $200

Grand Total: $4,534

Notes:
PLS - Professional Land Surveyor - Project research, Right of Way determination, Project Management, and review final base mapping.
CAD - AutoCAD drafting person - Work up all mapping aspects of base map for final delivery.
Crew Chief and Chain Person - Survey Field Crew.
Direct Costs - Direct Cost for 2 days of Traffic Control.
Consultant Fee Determination  
Slater Road/ Jordan Creek Fish Passage Project

Work Element 3 - Geotechnical (GeoEngineers)

<table>
<thead>
<tr>
<th>Work Element 3 - Geotechnical</th>
<th>Principal Engineer 2</th>
<th>Senior Engineer 2</th>
<th>Project Engineer 2</th>
<th>Staff Scientist 3</th>
<th>Staff Engineer 2</th>
<th>Cadd Design</th>
<th>Admin. 2</th>
<th>Admin. 1</th>
<th>Total</th>
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<tbody>
<tr>
<td>Engineering Analysis and draft Geotech Report</td>
<td>2</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Final Geotech Report Preparation</td>
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<td></td>
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<tr>
<td>Review Plans and Specs at 30%, 60%, and 90% Meetings and Project Management</td>
<td>1</td>
<td>9</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td>Total Staff Hours</td>
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<td>13</td>
<td>5</td>
<td>8</td>
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Direct Rates
- Principal Engineer 2: $60.00
- Senior Engineer 2: $45.39
- Project Engineer 2: $37.02
- Staff Scientist 3: $26.21
- Staff Engineer 2: $26.21
- Cadd Design: $36.06
- Admin. 2: $28.48
- Admin. 1: $20.11

Total Direct Salary Cost: $2,133

<table>
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<tr>
<th>Total Labor Cost</th>
<th>OH at 194.81% of Direct Labor</th>
<th>Profit at 27.25% of Direct Labor</th>
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<tr>
<td>$2,133</td>
<td>$4,155</td>
<td>$581</td>
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Total Direct Cost: $6,870

Direct Costs:
- Vehicle ($0.54 per mile): $56
- Field supplies: $0
- Lab testing: $0
- Subcontracted Traffic Control: $0
- Subcontracted Drilling: $0

Grand Total: $6,926
**Consultant Fee Determination**  
Slater Road/ Jordan Creek Fish Passage Project

**Work Element 4 - Hydrology and Fish Passage (R2 Resources)**

<table>
<thead>
<tr>
<th>Description</th>
<th>PM Senior Eng.</th>
<th>PM Staff Engineer</th>
<th>CAD</th>
<th>Contract Admin</th>
<th>Word Processor</th>
<th>Clerical</th>
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<tr>
<td>30% Design</td>
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<td>36</td>
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<tr>
<td>60% Design</td>
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<td>4</td>
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<td>94</td>
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<td>90% Design</td>
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<td>100% Design</td>
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<td>3</td>
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<td><strong>Total Staff Hours</strong></td>
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<td>10</td>
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<td><strong>Direct Rates</strong></td>
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<td>$55.19</td>
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<td><strong>Total Direct Salary Cost</strong></td>
<td>$6,941</td>
<td>$4,047</td>
<td>$497</td>
<td>$261</td>
<td>$380</td>
<td>$62</td>
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**Total Labor Cost** $12,187  
**OH at 110% of Direct Labor** $13,405  
**Profit at 28.25% of Direct Labor** $3,443

**Direct Costs** $431

**Grand Total:** $29,466
Consultant Fee Determination  
Slater Road/ Jordan Creek Fish Passage Project  

Work Element 5 - Traffic (TENW)  

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<tr>
<th>Principal Design Manager</th>
<th>PM Op. Eng.</th>
<th>Traffic Eng</th>
<th>Admin</th>
<th>Total</th>
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<tbody>
<tr>
<td>Work Element 6 - Traffic</td>
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Total Staff Hours Direct Rates  

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<tbody>
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<td>$1,380</td>
<td>$3,800</td>
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Total Labor Cost  

- OH at 110% of Direct Labor: $7,501  
- Profit at 24.75% of Direct Labor: $1,688  

Total: $16,008  

Direct Costs  

Grand Total: $16,008
**TITLE OF DOCUMENT:** Custodial Services at Whatcom County Outside Buildings.

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
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</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.)

This contract is between Whatcom County and Action Cleaning for the Custodial Services at Whatcom County Outside Buildings;
- Central Shop & Portable
- Northwest Annex
- Civic Building,
- Central Plaza
- Health (509 Girard)
- Forest Street
- State Street Annex

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: Jack Louws
FROM: Michael Russell, Facilities Manager
RE: Contract – Custodial Services
DATE: March 7, 2016

Enclosed for your review and signature are two (2) originals of the Contract Agreement between Whatcom County and Action Cleaning Services for the purpose of providing custodial services for seven of Whatcom County’s satellite buildings.

- **Background and Purpose**
  This contract is for the custodial services for seven outside buildings. This will continue the services to be provided for through December 31st, 2018 for the following satellite buildings.

  - Forest Street
  - Civic Center
  - Health Department
  - Northwest Annex
  - Central Plaza
  - State Street Annex
  - Central Shop & Portable

- **Funding Amount and Source**
  This is a Contracted custodial services were approved in the 2015-2016 budgets in the amount of $162,963.00/year - $5,925.00 will be transferred from the Facilities Custodial budget to cover the contract overage costs.

- **Differences from Previous Contract**
  This project is a one-time agreement.

Please contact Michael Russell at extension 5365, if you have any questions or concerns regarding the terms of this agreement.

Enclosures
# WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Facilities Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Michael Russell</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>Action Cleaning Services</td>
</tr>
</tbody>
</table>

## Is this a New Contract?
- Yes [ X ]
- No [ ]

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

- Original Contract #: 

## Does contract require Council Approval?
- Yes [ X ]
- No [ ]

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

## Is this a grant agreement?
- Yes [ ]
- No [ X ]

If yes, grantor agency contract number(s): 

CFDA#: 

## Is this contract grant funded?
- Yes [ ]
- No [ X ]

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

## Is this contract the result of a RFP or Bid process?
- Yes [ X ]
- No [ ]

If yes, RFP and Bid number(s): 15-66

Cost Center: 50790

## Is this agreement excluded from E-Verify?
- No [ ]
- Yes [ X ]

If no, include Attachment D Contractor Declaration form.

## If YES, indicate exclusion(s) below:
- Professional services agreement for certified/licensed professional.
- Contract work is for less than $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.

## Contract Amount:
- Sum of original contract amount and any prior amendments:
  - $ 168,888.00/yr

## This Amendment Amount:
- 

## Total Amended Amount:
- $ 168,888.00/yr

## Summary of Scope:
This contract is between Whatcom County and Action Cleaning for the Custodial Services at Whatcom County Outside buildings. Central Shop & Portable Building, Northwest Annex, Civic Buidling, Central Plaza, Health (509 Girard), Forest Street, State Street Annex.

## Term of Contract:
- Expiration Date: 12/31/2018

**Contract Routing:**
- Prepared by: Dee Ebergson
- Attorney signoff:
- AS Finance reviewed:
- IT reviewed (if IT related):
- Contractor signed:
- Submitted to Exec.:
- Council approved (if necessary):
- Executive signed:
- Original to Council:

**Date:**
- 1/13/16
- 3/9/16
- 3/7/16
CONTRACT DOCUMENT
ACTION CLEANING SERVICES

Action Cleaning Services, hereinafter called Contractor, and Whatcom County, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 10,
Exhibit A – A.3 (Scope of Work), pp. 11 - 22,
Exhibit B (Compensation), pp. 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 1st day of January, 2016, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st of December 2018.

The general purpose or objective of this Agreement is for: Provide Custodial Services at Seven Whatcom County Outside Buildings as more fully and definitively described in the Scope of Work.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed $168,888.00/yr.

The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

The Contractor agrees to keep records of all financial matters pertaining to this agreement in accordance with generally accepted accounting principles. The financial records shall be made available to representatives of the County or the Washington State Auditor’s Office for audit, at such reasonable times and places as the County shall designate.

Whatcom County’s contract administrator for this agreement is the Administrative Services Facilities Manager, 316 Lottie Street, Bellingham WA 98225. All work will be scheduled through the Administrative Services Facilities Manager or his/her designee.

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:

[Signature]
Kirk Finley, Manager

STATE OF WASHINGTON )
COUNTY OF Whatcom ) ss

On this ___ day of Feb., 20___, before me personally appeared to me Kirk Finley, known to be the Manager of Action Cleaning Services, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

[Signature]
NOTARY PUBLIC in and for the State of Washington, residing at ___________. My commission expires ____.
WHATCOM COUNTY:
Approved as to form:

Prosecuting Attorney Date

Approved:
Accepted for Whatcom County:

By: ____________________________
    Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss

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

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

CONTRACTOR INFORMATION:

Action Cleaning Services

Address:
2009 Iron Street
Bellingham WA 98225

Mailing Address:
2009 Iron Street
Bellingham WA 98225

Contact Name:
Kirk Finley, Manager

Contact Phone:
(360) 647-3226

Contact FAX:
(360) 671-9184
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 prior to the commencement or continuation of work. 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: In the event that funding from State, Federal or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement, and prior to its normal completion, the County may summarily terminate this Agreement to the funds withdrawn, reduced, or limited, not withstanding any other termination provisions of this Agreement. If the level of funding withdrawn, reduced or limited is so great that the County deems that the continuation of the programs covered by this Agreement is no longer in the best interest of the County, the County may summarily terminate this Agreement in whole, notwithstanding any other termination provisions of this Agreement. Termination under this section shall be effective upon receipt of written notice as specified herein, or within three days of the mailing of the notice, whichever occurs first.

11.3 Termination for Public Convenience:
The County may terminate the Agreement in whole or in part whenever the County determines, in its sole discretion that such termination is in the interests of the County. Whenever the Agreement is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed at unit contract prices for completed items of work. An equitable adjustment in the contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this Agreement by the County at any time during the term, whether for default or convenience, shall not constitute breach of contract by the County.
20.1 Accounting and Payment for Contractor Services:
Payment to the Contractor for services rendered under this Agreement shall be as set forth in Exhibit "B." Where Exhibit "B" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhibit "B," by documentation of units of work actually performed and amounts earned, including, where appropriate, the actual number of days worked each month, total number of hours for the month, and the total dollar payment requested, so as to comply with municipal auditing requirements.

Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the County's customary procedures, pursuant to the fee schedule set forth in Exhibit "B."

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

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

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

23.1 Labor Standards:
The Contractor agrees to comply with state and federal requirements, as applicable, pertaining to payment of wages and working conditions, in accordance with RCW 39.12.040, the Prevailing Wage Act; the Americans with Disabilities Act of 1990; the Davis-Bacon Act; and the Contract Work Hours and Safety Standards Act providing for weekly payment of prevailing wages, minimum overtime pay, and providing that no laborer or mechanic shall be required to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous to health and safety as determined by regulations promulgated by the Federal Secretary of Labor and the State of Washington.
Series 30-39: Provisions Related to Administration of Agreement

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

The Contractor acknowledges that the entire compensation for this Agreement is specified in Exhibit "B" and the Contractor is not entitled to any benefits including, but not limited to: vacation pay, holiday pay, sick leave pay, medical, dental, or other insurance benefits, or any other rights or privileges afforded to employees of the County. The Contractor represents that he/she/it maintains a separate place of business, serves clients other than the County, will report all income and expense accrued under this contract to the Internal Revenue Service 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:
A Subcontractor or an Agent to the Subcontractor will not be permitted to perform any work under the contract until a Request to Sublet Work (Form 421-012) and a Statement of Intent to Pay Prevailing Wages (Form 421-022) documents have been completed and submitted to the Facilities Manager.

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

31.1 Ownership of Items Produced: Not Applicable

31.2 Patent/Copyright Infringement: Not Applicable

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

33.1 Right to Review:
This contract is subject to review by any Federal, State or County auditor. The County or its designee shall have the right to review and monitor the financial and service components of this program by whatever means are deemed expedient by the Administrative Officer or by the County Auditor's Office. Such review may occur with or without notice and may include, but is not limited to, on-site inspection by County agents or employees, inspection of all records or other materials which the County deems pertinent to the Agreement and its performance, and any and all communications with or evaluations by service recipients under this Agreement. The Contractor shall preserve and maintain all financial records and records relating to the performance of work under this Agreement for three (3) years after contract termination, and shall make them available for such review, within Whatcom County, State of Washington, upon request. Contractor also agrees to notify the Administrative Officer in advance of any inspections, audits, or program review by any individual, agency, or governmental unit whose purpose is to review the services provided within the terms of this Agreement. If no advance notice is given to the Contractor, then the Contractor agrees to notify the Administrative Officer as soon as it is practical.
34.1 **Proof of Insurance:**
The Contractor shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums:
- Property Damage per occurrence - $500,000.00
- General Liability & Property Damage for bodily injury - $1,000,000.00

A certificate of such insurance, that also identifies the County as an additional insured is required. Contractor must submit certificate of insurance as described above to the County prior to the commencement of any work on this project.

A Certificate of Insurance must identify Whatcom County, employees, officers, agents, officials as additional insureds. Contractor’s subcontractors must provide a Certificate of Insurance and endorsements naming Whatcom County, employees, officers, agents, officials as additional insureds. The Contractor’s Insurance shall be considered primary and shall waive all rights of subrogation. The County insurance shall be noncontributory. The insurance policy shall provide coverage on an occurrence basis. The County must be notified immediately of any cancellation of the policy or change in insurer carrier.

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

34.3 **Defense & Indemnity Agreement:**
A. To the fullest extent permitted by law, the Contractor shall defend, indemnify and hold harmless the County and its departments, elected and appointed officials, employees, agents and volunteers, from all liability, against any and all claims, damages, losses and expenses, whether direct, indirect or consequential (including, but not limited to, attorneys’ and consultants’ fees, court costs, and other expenses of litigation or alternative dispute resolution or arbitration costs, for any personal injury, for any bodily injury, sickness, disease or death and for any damage to or destruction of any property arising out of the performance of this Contract, which is caused, or alleged to be caused, in whole or part, by any negligent act or omission of the Contractor (which for the purposes of subparagraphs A and B of this paragraph only shall include the Contractor and all of its Subcontractors, Sub-subcontractors, suppliers, agents, any other person directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable); provide, however, that where such liability claim, damage, loss or expense arises from the concurrent negligence of (1) the County and its departments, elected and appointed officials, employees, agents and volunteers and (2) the Contractor, it is expressly agreed that the Contractor’s obligations of indemnity under this paragraph shall be effective only to the extent of the Contractor’s negligence. Such obligations shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any person or entity described in this paragraph. This paragraph shall not be construed so as to require the Contractor to defend, indemnify or hold harmless the County from such claims, damages, losses or expenses caused by or resulting from the sole negligence of the County. PROVIDED: Nothing in this paragraph shall be deemed to relieve the Contractor from providing insurance under other paragraphs of this contract that may indemnify and defend the County and its agents from their own negligence.

B. In any and all claims against the County or its agents by any employee of the Contractor, the indemnification obligation of subparagraph A above shall not be limited in any way by any limitation on the amount or type of damages, compensation benefits payable by or for the Contractor under workers’ or workmen’s compensation, benefit, or disability laws (including, but not limited to the Industrial Insurance laws, Title 51 of the Revised Code of Washington). The Contractor expressly waives any immunity the Contractor might have had under such laws, and, by agreeing to enter this Contract, acknowledges that foregoing waiver has been mutually negotiated by the parties.

C. The Contractor shall pay all attorney’s fees and expenses incurred by the County in establishing and enforcing the County’s rights under this paragraph, whether or not suit was instituted.

D. The County reserves the right, but not the obligation, to participate in the defense of any claim, damages, losses or expenses and such participation shall not constitute a waiver of Contractor’s indemnity obligations under this Agreement.
E. The Contractor agrees all Contractor indemnity obligations shall survive the completion, expiration or termination of this Agreement.

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

Furthermore, in those cases in which the Contractor is governed by such laws, the Contractor shall take affirmative action to insure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, sexual orientation, 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, sexual orientation or national origin.

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

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

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

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

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

Michael Russell, Facilities Manager  
Whatcom County AS-Facilities Management  
316 Lottie Street  
Bellingham, WA 98225

37.2 Notice:  
Except as set forth elsewhere in the Agreement, for all purposes under this Agreement except service of process, notice shall be given by the Contractor to the County’s Administrative Officer under this Agreement. Notice to the Contractor for all purposes under this Agreement shall be given to the address provided by the Contractor herein above in the “Contractor Information” section. Notice may be given by delivery or by depositing in the US Mail, first class, postage prepaid.

38.3 E-Verify  
The E-Verify contractor program for Whatcom County applies to contracts of $100,000 or more and sub contracts for $25,000 or more if the primary contract is for $100,000 or more. Contractor represents and warrants that it will, for at least the duration of this contract, register and participate in the status verification system for all newly hired employees. The term “employee” as used herein means any person that is hired to perform work related to the Whatcom County funded project. As used herein, “status verification system” means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. Contractor agrees to maintain records of such compliance and, upon request of the County, to provide a copy of each such verification to the County. Contractor further represents and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the United States. Contractor understands and agrees that any breach of these warranties may subject Contractor to the following: termination of this Agreement and ineligibility for any Whatcom County contract for up to three (3) years, with notice of such cancellation/termination being made public. In the event of such termination/cancellation, Contractor would also be liable for any additional costs incurred by the County due to contract cancellation or loss of license or permit. Contractor will review and enroll in the E-Verify program through this website: www.uscis.gov

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

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

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

41.1 Severability:  
If any term or condition of this contract or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this contract are declared severable.
41.2 Waiver:
Waiver of any breach or condition of this contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this contract shall be held to be waived, modified or deleted except by an instrument, in writing, signed by the parties hereto. The failure of the County to insist upon strict performance of any of the covenants and agreements of this Agreement, or to exercise any option herein conferred in any one or more instances, shall not be construed to be a waiver or relinquishment of any such, or any other covenants or agreements, but the same shall be and remain in full force and effect.

42.1 Disputes:

a. General:
Differences between the Contractor and the County, arising under and by virtue of the Contract Documents, shall be brought to the attention of the County at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. Except for such objections as are made of record in the manner hereinafter specified and within the time limits stated, the records, orders, rulings, instructions, and decisions of the Administrative Officer shall be final and conclusive.

b. Notice of Potential Claims:
The Contractor shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the Administrative Officer or the County, or (2) the happening of any event or occurrence, unless the Contractor has given the County a written Notice of Potential Claim within ten (10) days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the County. The written Notice of Potential Claim shall set forth the reasons for which the Contractor believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Contractor shall keep full and complete daily records of the work performed, labor and material used, and all costs and additional time claimed to be additional.

c. Detailed Claim:
The Contractor shall not be entitled to claim any such additional compensation, or extension of time, unless within thirty (30) days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the County, the Contractor has given the County a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

d. Arbitration:
Other than claims for injunctive relief brought by a party hereto (which may be brought either in court or pursuant to this arbitration provision), and consistent with the provision hereinafore, any claim, dispute or controversy between the parties under, arising out of, or related to this Agreement or otherwise, including issues of specific performance, shall be determined by arbitration in Bellingham, Washington, under the applicable American Arbitration Association (AAA) rules in effect on the date hereof, as modified by this Agreement. There shall be one arbitrator selected by the parties within ten (10) days of the arbitration demand, or if not, by the AAA or any other group having similar credentials. Any issue about whether a claim is covered by this Agreement shall be determined by the arbitrator. The arbitrator shall apply substantive law and may award injunctive relief, equitable relief (including specific performance), or any other remedy available from a judge, including expenses, costs and attorney fees to the prevailing party and pre-award interest, but shall not have the power to award punitive damages. The decision of the arbitrator shall be final and binding and an order confirming the award or judgment upon the award may be entered in any court having jurisdiction. The parties agree that the decision of the arbitrator shall be the sole and exclusive remedy between them regarding any dispute presented or plea before the arbitrator. At the request of either party made not later than forty-five (45) days after the arbitration demand, the parties agree to submit the dispute to nonbinding mediation, which shall not delay the arbitration hearing date; provided, that either party may decline to mediate and proceed with arbitration.

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

43.1 Venue and Choice of Law:
In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington in and for the County of Whatcom. This Agreement shall be governed by the laws of the State of Washington.
44.1 **Survival:**
The provisions of paragraphs 11.1, 11.2, 11.3, 21.1, 22.1, 30.1, 31.1, 31.2, 32.1, 33.1, 34.2, 34.3, 36.1, 40.2, 41.2, 42.1, and 43.1, if utilized, shall survive, notwithstanding the termination or invalidity of this Agreement for any reason.

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

Action Cleaning Services was selected as a result of a competitive bid process through Whatcom County RFP #15-66, to perform custodial services for seven Whatcom County outside buildings; Forest Street, Civic Center, Health Department, Central Shop & Portable, Central Plaza, State Street Annex and the Northwest Annex. The County’s Facilities Management Division is responsible for providing Custodial Services for County Buildings. The contractor will provide a Custodial Services Supervisor to work with the County’s Facilities Manager and Custodial Coordinator. The Contractor will perform a variety of duties to insure that the assigned County Buildings are clean, sanitized and stocked for the County’s staff and visitors. Duties will include all the duties listed in Exhibit “A.1”. The contractor’s staff will be trained to be aware of their surroundings and be able to identify, dangerous objects, parcels, cases, baggage, people, and other items or objects that may pose a threat to the County’s buildings.

The contractors staff will be lifting boxes, equipment and supplies (up to 100 pounds), and cleaning to the County’s standards as listed in Exhibit “A.1”.

The Contractor will provide all necessary equipment, supplies, staffing, training, and uniforms, to meet the County’s standards listed in Exhibit “A.2”.

Contractor’s staff and supervisors are expected to perform these duties in a professional manner. Contractor will report to the County’s Facilities Manager and/or Custodial Coordinator. All incidents and other operational matters must be brought to the attention of the Facilities Manager and Custodial Coordinator. A written report describing the incident and/or activity must be completed within 12 hours.

The hours of work will start at 5:00 pm Monday’s through Friday’s.

In addition to the normal hours of the County Buildings there are various after-hours events and evening meetings that will be scheduled and held in the Various County Buildings; see “Exhibit A.3” for an example of the after-hours schedule. It will be the Contractor’s responsibility to keep the buildings secure at all times during the scheduled hours. Additional staff or a change in schedule may be needed for after-hours functions.

All Contractors’ Staff will be subject to background checks.

**Legal Holidays**
No service is required unless indicated. When any holiday occurs on a Saturday or Sunday the preceding Friday or following Monday is considered the legal holiday.

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Hours of Performance
- Regular hours of performance will be sufficient to meet industry standards for commercial buildings. Buildings will be available for cleaning, Monday through Friday 5 pm through 6 am.
- No work shall be performed that would interfere with County sponsored activities or regular work schedules. There are times when the County may sponsor activities that conflict with the general cleaning schedule. The Contractor's employees will be required to adjust their cleaning schedule accordingly as directed by the County. The County will furnish the Contractor with a meeting schedule each month.
- Occasionally employees will be working after hours. The Contractor will need to respect the needs of the employee.

Assessment of Work
- The County reserves the right to evaluate the Contractor's performance in each facility.
- The Contractor's employees' performance may be monitored by the County. Performance will be measured against the contract specifications by observing performance and by observing the condition of the facility after the services are completed and reviewing the reports with the Contractor.
- Performance surveys may be distributed County staff. Results of the surveys shall be reviewed with the Contractor as needed.

Failure to Perform
- Failure of the Contractor to perform any services or requirements of the contract that have immediate impact on County operations, especially as they may relate to health, safety and welfare matters must be corrected immediately. If the County must perform the work, the Contractor may be billed for the actual cost.
- The Contractor must submit in writing to the County what actions were taken to prevent future incidents of nonperformance of services. This document must be received by the County within two work days of notice to the Contractor of the nonperformance of services.

Keys
- The Contractor will propose a procedure for securing County keys, so the Contractor's employees will not have access to County facilities beyond what is necessary to provide services pursuant to this agreement. **Liability for lost keys, potential theft, re-keying costs, and other related expenses shall be the full responsibility of the Contractor.**

Contractor Responsibility
- The Contractor will be responsible for the following:

General
- Supply all necessary and proper supervision and labor
- Assign only qualified, trained, competent and reliable personnel to perform the services.
- The Contractor and the Supervisor must be able to adequately follow instructions written in English, be able to communicate in English with County staff at any cleaning location and respond on the same day to notes written in English.
- No employee of the Contractor shall smoke in the buildings or within 25 feet of the building
- Post prevailing wage affidavits in each facility in a place that the Contractor's employees can readily observe them.
- The Contractor shall not use Subcontractors for any part of the contracted work without prior authorization.
Equipment, Products & Consumables
- The Contractor will only use maintenance products and equipment of commercial industrial grade that is approved by the County. See Exhibit “B”.
- The Contractor will supply all necessary equipment and tools.
- Vacuums will have HEPA filtering
- Replenish daily all of the following products in appropriate dispensers in accordance with the County directive for qualified products and method in all contracted areas.
- The Contractor will supply products consistent with the County’s Environmentally Preferable Products Policy. See Exhibit “D”.

Recycling
- The Contractor will comply with all County policies and procedures for recycling.

Identification
- All of the Contractor’s equipment must be clearly labeled with their company name and logo.
- All of the Contractor’s employees wear a phot identification tag issued by the County.
- The Contractor must supply clean uniforms that clearly display the company name for each of their employees to wear at all times while performing the contracted work.

Building Security
- The Contractor’s employees shall observe all County codes and regulations while on County property.
- Heating/ventilation/air conditioning thermostat setting shall not be tampered with.
- The Contractor’s employees shall not allow any person access to the facility who asks for admittance who is not an authorized agent of the Contractor.
- The Contractor’s employees shall ensure that areas of ingress and egress of the contracted facility will remain secure per the County’s guidelines while performing the contracted service. Any door found unsecured during the course of the work shall be secured by the Contractor’s employees. Continual problems with unsecured doors should be brought to the attention of the County.
- The Contractor’s employees shall ensure that the facility is secure upon leaving the site, ensuring that all entrance doors are locked, that all windows are locked and all alarm systems are set and that building lights are turned off according to the County’s instructions.
- The Contractor’s employees shall use correct arming and disarming methods of alarms systems upon entering and exiting facilities. Repeated setting off of alarms due to negligence will result in the Contractor reimbursing the County all costs incurred resulting from negligence.
- The Contractor’s employees shall ensure that all water faucets are turned off upon leaving the facility.
- Interior suites and offices shall be secured per the County guidelines. Generally, all suites and office doors shall remain in the same manner (locked or unlocked, closed or open) as they were when the Contractor’s employee arrived at the cleaning site.

Emergencies
- The Contractor shall immediately notify the designated County representative, of any abnormalities, hazardous conditions or immediately dangerous conditions found in the contracted site during the course of their work such as; fire, water leaks, vandalism, graffiti, suspicious packages, broken windows, mechanical, plumbing and electrical problems.
- Any suspicious activity observed on County property should be reported immediately to 911.
Supervision
- The Contractor must provide a Supervisor who is available to the Contractor's employees by phone at all times. The Supervisor must be able to respond within 60 minutes to the job site. The Supervisor is responsible for Contacting the County Facilities Representative.
- The Supervisor must be able to communicate clearly in English, both orally and in writing.
- The Supervisor must establish a routine for communication with the County to handle the following:
  - Concerns or Problems
  - Review overall performance
  - Receive special instructions
  - Discuss other pertinent items regarding the contract.

Communication
- The County will work with the Contractor to establish a protocol day to day communication.
- The Contractor shall communicate on an ongoing basis with the County to refine the performance of each cleaning procedure.
- The Contractor shall keep the County informed of the name of the on-duty Supervisor as changes are made during the life of the contract.
- The Contractor shall train their employees in emergency response, first aid, blood-borne pathogens, MSDS and proper use or handling of chemicals. The Contractor will provide the County with training records.
- The Contract shall notify the County which of their employees are assigned to each facility, and which employees are assigned as back-up for that facility and all changes in assigned personnel.
- All incidents and other operation matters must be brought to the attention of the Facilities Representative. A written report describing the incident and/or activity must be completed in writing within 12 hours.
- The County must be informed of any maintenance items that need repair, such as a burned out light.

Contractor's Employees
- The Contractor will be responsible for the proper conduct of their employees.
- The Contractor's employees must be competent and qualified to perform the work.
- The Contractor's employees shall not use any electronic equipment such as, but not limited to computers, fax machines, copiers, calculators, radios, cell phones, televisions, video equipment, cameras, tape players, CD players or similar devices either owned by the County or by County employees while performing the contract services.
- The Contractor's employees shall not use any recreational apparatus equipment in or around the facilities while performing the contracted services.
- County phones may only be used for emergencies.
- Contractor employees shall not loiter in individual offices.
- Contractor employees shall use the break rooms or their vehicles for breaks and lunch.
- Contractor employees shall not use any personal items found in the contracted facilities including reading materials.
- The Contractor shall instruct their employees in advance what to do in a medical emergency.
- The Contractor's employees must report to the job-site drug and alcohol free. Employees under the influence will be required to leave the job site.
- Family or friends of the Contractor's employees who are not employed by the Contractor shall not be allowed access to the County facility after normal business hours.
- Animals are not allowed inside County facilities.
Soiling & Damage by Contract Employees
- If a Contractor's employee causes any soiling in any areas of the contracted site, the soiling shall be cleaned up immediately and completely by the Contractor's employee.
- Soiling that cannot be cleaned up by the Contractor's employees must be reported immediately to the County.
- The Contractor will be held liable for all damages or loss incurred in the contracted site caused by the Contractor's employees while engaged in the contracted work, whether the damage or loss is to County-owned property or property of County employees, including items that are damaged, broken or pilfered.
- Damage or loss caused by the Contractor's employees must be reported immediately to their supervisor who in turn must report the loss or damage immediately to the County. The Contractor will be liable for all damage caused by their employees and the resulting repairs or replacement thereof.

Emergency Cleaning Services
- The Contractor shall be expected to be responsive to the County's needs in the event of an emergency. The Contractor shall provide Cleaning for custodial-related emergencies at the contracted site within 2-hours of verbal request by the County 24-hours a day, every day of the year.
- The Contractor shall provide necessary communication resources to allow the County to communicate with the Contractor 24-hours a day, every day of the year. The Contractor shall be compensated for these call-outs per contracted rates.
- Separate purchase orders and invoices will be issued for these emergencies.

County Responsibility
- The County reserves the right to direct the Contractor to a change in procedure or product.
- The County shall have final authority as to how any and all cleaning procedures are performed and what areas of the contracted facilities shall be serviced.
- The County reserves the right to contract separately for cleaning services, such as, but not limited to window cleaning, blind cleaning, floor refinishing.
- The County reserves the right to request the immediate removal of any employee of the Contractor from County premises.
- The County shall provide limited storage space in each facility for custodial supplies and equipment required to clean that facility. The County shall inspect Contractor storage areas on a frequent basis for orderliness, appropriate storage practices, health, and safety.
- The County reserves the right to cancel any facility from this contract, without affecting the custodial performance of this contract for the remaining facilities.
Required Cleaning Methods & Procedures

Overview
It is assumed that the Contractor has a good understanding of industry accepted cleaning standards and methods. The Contractor shall follow the industry accepted cleaning standards unless a specific procedure is specified.

The County and the Contractor shall communicate on an ongoing basis to refine how each cleaning procedure shall be performed. Exceptions may and shall occur to several of the cleaning specifications throughout the life of the contract. The County shall have the final authority as to how any and all cleaning procedures are performed.

Restrooms
❖ Daily Services
➢ Clean all surfaces of sinks, toilets, toilet seats, urinals and hardware with a disinfectant cleaner.
➢ Clean all counter tops with a disinfectant cleaner.
➢ Clean and disinfect sanitary napkin receptacles, replace liners.
➢ Vacuum/dust mop and damp mop floors with disinfectant cleaner and leave streak free.
➢ Empty waste receptacles and dispose of trash in designated dumpster.
➢ Damp wipe waste receptacles and covers with disinfectant, replace liners.
➢ Using a disinfectant solution damp wipe partitions, doors, walls, dispensers, light switches, etc. in such a manner they are kept free of dirt.
➢ Refill towel dispensers.
➢ Refill soap dispensers.
➢ Replace toilet tissue with ample supply to last 24 hours.
➢ Refill all toilet seat cover dispensers.
➢ Dust and spot clean windowsills, pipes, moldings, ledges and any other horizontal surface.
➢ Sweep, mop and disinfect floors

Common Areas & Office Suites
❖ Daily Services
➢ Empty waste receptacles and dispose of trash in designated dumpster. Spot clean waste receptacles as needed to maintain them in a clean and sanitary manner. Bring cardboard to designated recycle container.
➢ Dust window ledges and other surfaces that are free of personal items, equipment, paperwork, and desk sets.
➢ Thoroughly vacuum all carpeted areas including edges, under desks, tables, chairs, etc.
➢ Spot clean carpets as needed.
➢ Sweep and mop hard surface floors.
➢ Spot clean doors, walls, dispensers light switches, etc. in such a manner that they are kept free of dirt.
Weekly Services
- Spray buff hard surface floors.
- Empty plastic/tin/aluminum/glass recycling receptacles in designated wheeled carts. Replace bag liners for these receptacles.
- Empty exterior waste receptacles or more frequently if needed.
- Dust corridor window ledges, cubicle ledges, etc.
- Clean and polish woodwork.
- Remove cobwebs.

Quarterly – this must be coordinated and scheduled with Facilities
- Clean lighting and heating/ventilation diffusers.
- Dust window blinds.

3 Times a Year – this must be coordinated and scheduled with Facilities
- Wash all interior windows.
- Wash all exterior windows at Northwest Annex, Central Shop, Health Department, and Central Plaza.

Entry Ways, Stairs and Stairwells and Elevator
Daily Services
- Remove all visible trash, debris, bugs, dust balls, etc
- Spot clean walls, glass/windows, railings, stairs and landings.

Weekly Services
- Depending on floor surface, thoroughly sweep and mop or vacuum stair treads and landings.
  • NOTE: Restrooms must be done daily.
- Thoroughly clean walls, glass/windows, railings, stairs and landings with appropriate product.

Monthly Services
- Dust all pipes, moldings, ledges and any other horizontal surfaces including heating and cooling units.
- Remove cobwebs.

Lunch Rooms
Daily Services
- Empty waste receptacles and dispose of trash in designated dumpster. Bring cardboard to designated recycling container.
- Damp wipe waste receptacles and covers with disinfectant, replace liners.
- Vacuum any carpeted area.
- Vacuum/dust mop hard surface floors and damp mop with a disinfectant cleaner and leave streak free.
- Damp wipe chairs, countertops and tables with a disinfectant cleaner.
- Scrub and polish sink.
- Clean and disinfect towel and soap dispensers.
- Refill soap and towel dispensers.
- Damp wipe outside surfaces of cabinets, appliances
- Arrange all furniture in a neat organized manner.
- Spot clean interior glass/windows.
Weekly Services
- Thoroughly clean floors under all chairs, tables, furniture, corners and edges.
- Dust windowsills, popes, moldings, ledges and any other horizontal surfaces including heating and cooling units.
- Empty plastic/tin/aluminum/glass recycling receptacles in designated wheeled carts; replace bag liners for these receptacles

Monthly Services
- Dust all window blinds.
- Remove cobwebs.
- Thoroughly clean all interior lights and other interior glass
EXHIBIT "A.2"
(SCOPE OF WORK)

Products Used

These Products have been accepted by Whatcom County and all MSDS sheets are in place. Product deviations will need to be approved in advance by the Facilities Manager. All paper products and can liners must match the dispensers and containers currently in use. See Exhibit “D” regarding the County’s policy for purchasing environmentally preferable products.

The Contractor will be required to supply all products needed to complete their assignment.

Paper Products
1.) Multifold Towels MFK 200
2.) Toilet Paper Morex 2 ply
3.) Toilet paper S7517R (027)
4.) Toilet paper Morex Jumbo 9”
5.) Wax Paper Liner #77
6.) Toilet Seat Covers 5000/cs #7349

Trash Liners
1.) Trash Liners #292601 HR243306N
2.) Trash Liners #1665 BVW344
3.) Trash Liners #PG6 4347x3B #3308
4.) 40x46” Clear Plastic Liners, 1mil post recycled content minimum 10% for weekly bottle/can recycling collection

Cleaning Product Chemicals
1.) Bleach
2.) Spic & Span
3.) Envirox GMX2 118
4.) Pledge
5.) Traction
6.) Air-X 60
7.) Air-X 66
8.) Pink n Klean
9.) Quick Spot Carpet Spotter
10.) EFP – Stainless Steel Cleaner Orange
11.) Comet
12.) Comet Liquid
13.) Misty Jelled Vandal Remover #8382
14.) Urinal Blocks
Purchasing Environmentally Preferable Products

POL AD132003Z

This policy applies to all County employees.

Environmentally Preferable Products (EPP) refers to any products that are considered to have a reduced negative effect on human health and the environment when compared with competing products.

1. Whatcom County Purchases Environmentally Preferable Products

Whenever possible, County purchasing representatives will give preference to products considered to be EPP including:

- Recycled-content office paper and janitorial supplies
- Office furniture, building materials, carpeting, and carpet pads made with nontoxic, sustainably harvested and/or reclaimed materials
- Low volatile organic compounds (VOC) paints, adhesives, sealants, composite paneling and agrifiber products
- Reduced mercury-content lighting
- “Green Seal” certified cleaning products
- Hybrid vehicles
- Biobased fuels
- Energy Star-certified or other highly efficient products

The County’s Conservation Resource Analyst (CRA) will research potential products upon request.

Whatcom County Administrative Policy - POL AD132003Z
Purchasing Environmentally Preferable Products
Topic: Finance
Effective Date: 02/01/07
Approved by: Pete Kremen
Cancels: n/a (new)
See Related Policies:
AD 118011Z - Controlling Erosion on County Property
AD 118012Z - Controlling Pests in County Courthouse
AD 118013Z - Reducing Waste in County Facilities
AD 118014Z - Utilizing Low Mercury in Courthouse Lighting
**EXHIBIT "A.4"**  
(SCOPE OF WORK)

**Sample After-Hours Schedule**

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Purpose</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/02/2016</td>
<td>Rotunda/1st floor</td>
<td>Diking District Election</td>
<td>5:00 PM</td>
<td>9:00 PM</td>
</tr>
<tr>
<td>02/09/2016</td>
<td>Chambers</td>
<td>County Council</td>
<td>5:00 PM</td>
<td>11:00 PM</td>
</tr>
<tr>
<td>02/10/2016</td>
<td>Garden</td>
<td>MRC Meeting</td>
<td>5:30 AM</td>
<td>8:30 PM</td>
</tr>
<tr>
<td>02/20/2016</td>
<td>3rd floor</td>
<td>Mock Trial</td>
<td>7:00 AM</td>
<td>6:00 PM</td>
</tr>
<tr>
<td>02/20/2016</td>
<td>Northwest Annex</td>
<td>Plan Commission</td>
<td>6:00 PM</td>
<td>10:00 PM</td>
</tr>
<tr>
<td>02/20/2016</td>
<td>1st floor</td>
<td>Mock Trial</td>
<td>7:00 AM</td>
<td>6:00 PM</td>
</tr>
<tr>
<td>02/22/2016</td>
<td>Garden</td>
<td>MRC Meeting</td>
<td>5:30 AM</td>
<td>8:30 PM</td>
</tr>
<tr>
<td>02/23/2016</td>
<td>Chambers</td>
<td>County Council</td>
<td>5:00 PM</td>
<td>11:00 PM</td>
</tr>
<tr>
<td>02/23/2016</td>
<td>4th floor</td>
<td>Night Court</td>
<td>5:00 PM</td>
<td>8:30 PM</td>
</tr>
</tbody>
</table>

***NOTE***
Some after hour's events do not pertain to the buildings that the contractor will be cleaning. The County only uses one After-Hours Schedule for all buildings.
EXHIBIT "A.5"
(SCOPE OF WORK)

Buildings

NOTE: The employee count is given to help give a basis for the number of people in each building. These numbers will vary slightly; it is also difficult to estimate the public's use of these buildings. The public use will vary depending on the programs each Department is running at the time. These programs will also vary in numbers and frequency

<table>
<thead>
<tr>
<th>Building</th>
<th>Location</th>
<th>Square Feet</th>
<th>Approx Employees</th>
<th>Floors</th>
<th>Business Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Shop</td>
<td>901 West Smith Road Bellingham WA 98226</td>
<td>8,100</td>
<td>73</td>
<td>2</td>
<td>8:00 - 4:30</td>
</tr>
<tr>
<td></td>
<td><em>Portable Building</em> in front of Central Shop</td>
<td>3,600</td>
<td></td>
<td>1</td>
<td>8:00 - 4:30</td>
</tr>
<tr>
<td></td>
<td>Offices, Cubicles, Common Area, Restrooms, Multipurpose Room</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest Street Annex</td>
<td>1000 N Forest St Bellingham WA 98225</td>
<td>7,517</td>
<td>20</td>
<td>2</td>
<td>8:30 – 4:30</td>
</tr>
<tr>
<td>Health Department</td>
<td>509 Girard Street Bellingham WA 98225</td>
<td>14,000</td>
<td>47</td>
<td>2</td>
<td>8:30 – 4:30</td>
</tr>
<tr>
<td></td>
<td>Offices, Cubicles, Entry, Stairs, Common Area, Restrooms, Lunch/Multipurpose Room, Meeting Rooms</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Street Annex</td>
<td>1500 N State Street Bellingham WA 98225</td>
<td>13,591</td>
<td>37</td>
<td>2</td>
<td>M-T-W-F M-T-W-F</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8:30 – 4:30</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Th 8:30 – 5:15</td>
</tr>
<tr>
<td></td>
<td>Offices, Cubicles, Entry, Stairs, Common Area, Restrooms, Lunch Room, Meeting Rooms, Elevator</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northwest Annex</td>
<td>5280 Northwest Drive Bellingham WA 98225</td>
<td>21,655</td>
<td>62</td>
<td>2</td>
<td>8:30 – 4:30</td>
</tr>
<tr>
<td></td>
<td>Offices, Cubicles, Entry, Stairs, Common Area, Restrooms, Lunch/Multipurpose Room, Meeting Rooms</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Plaza</td>
<td>215 North Commercial St Bellingham WA 98225</td>
<td>10,307</td>
<td>33</td>
<td>1</td>
<td>8:30 – 4:30</td>
</tr>
<tr>
<td></td>
<td>Offices, Cubicles, Entry, Stairs, Common Area, Restrooms, Lunch/Multipurpose Room, Meeting Rooms</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civic Center</td>
<td>322 North Commercial St Bellingham WA 98225</td>
<td>20,873</td>
<td>62</td>
<td>5</td>
<td>8:30 – 4:30</td>
</tr>
<tr>
<td></td>
<td>Offices, Cubicles, Entry, Stairs, Common Area, Restrooms, Lunch/Multipurpose Room, Meeting Rooms, Elevator</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Contract for Custodial Services Agreement
The Contract Number shall be included on all billings and correspondence.

The maximum consideration for this agreement is $168,888.00 each year for three years (12/31/2018)

Itemized invoices detailing custodial personnel and hours worked must be submitted to:
Whatcom County Facilities Office
316 Lottie Street
Bellingham, WA 98225

Payments will only be made for services rendered.

Contractor may bill the County progressively not more than once per month (30 days).

Contractor will bill once per month fixed price per building as quoted.

<table>
<thead>
<tr>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Shop &amp; Portable</td>
<td>$1,674.00</td>
</tr>
<tr>
<td>Northwest Annex</td>
<td>$2,900.00</td>
</tr>
<tr>
<td>Civic Building (3 floors/Garden Room)</td>
<td>$2,980.00</td>
</tr>
<tr>
<td>Central Plaza</td>
<td>$1,690.00</td>
</tr>
<tr>
<td>Health Department (509 Girard)</td>
<td>$2,035.00</td>
</tr>
<tr>
<td>Forest Street Annex</td>
<td>$1,100.00</td>
</tr>
<tr>
<td>State Street Annex</td>
<td>$1,695.00</td>
</tr>
</tbody>
</table>

**TOTAL:** $14,074.00

Any other cleaning charges will be billed separately.
### Construction Contract Award for 2016 Hot Mix Asphalt Prelevel at Various Locations, Bid #16-10

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

**SEPA review required?** □ YES   ☑ NO
**Should Clerk schedule a hearing?** □ YES   ☑ NO

**SEPA review completed?** □ YES   ☑ NO
**Requested Date:**

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

Construction Contract Award for 2016 Hot Mix Asphalt Prelevel at Various Locations, Bid #16-10, to Granite Construction as low bidder in the amount of $1,630,565.81.

### COMMITTEE ACTION:

### COUNCIL ACTION:

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

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

Through: Jon Hutchings, Public Works Director

From: Eric L. Schlehuber, Public Works Equipment Services Manager
       Jeff Gollen, Public Works Maintenance and Operations Superintendent

Date: March 3, 2016

Re: Bid #16-10, 2016 Hot Mix Asphalt Prelevel at Various Location; Construction Contract Award

• Requested Action
Approval requested to award the bid and subsequent standard construction contract for the 2015 Hot Mix Asphalt Prelevel at Various Locations to the lowest responsive bidder, Granite Construction in Bellingham, Washington, in the amount of $1,630,565.81.

Attached for your review and signature is the standard construction contract award package consisting of:

• Agenda Bill
• Memo
• Approval for Contract Award (endorsed by the County Executive)
• Project Location Summary with Quantities
• Bid Tabulation (of all bids)
• Low Bid Proposal

• Background and Purpose
Bids were duly advertised and submitted for the annual hot mix asphalt prelevel at various locations. As part of the annual maintenance and repair on various county roads and on county road projects, the Public Works Maintenance and Operations Division contracts out the prelevel project. Three bid responses were received Tuesday, March 1, 2016. See the attached Bid Tabulation sheet for details on the three bid proposals received and the Project Location Summary with Quantities sheet for details on the specific locations around the County proposed for the prelevel project. Factoring in costs for mobilization, signing and traffic control, pavement repair, seeded lawn installation, and hot mix asphalt (prelevel 3/8") Granite Construction is the overall lowest responsive bidder for the 2016 Hot Mix Asphalt Prelevel Project.

• Funding Amount and Source
These are regularly budgeted expenditures for Prelevel and adequate funds exist within the 2016 Road Fund Budget.
2016 Hot Mix Asphalt Prelevel at Various Locations

Bid #16-10

APPROVAL FOR CONTACT AWARD

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

PROJECT: 2016 Hot Mix Asphalt Prelevel at Various Locations

To: Granite Construction

In the amount of their bid proposal of $1,630,565.81 including all taxes.

WHATCOM COUNTY
Approved:

______________________________  ____________________________
Jack Louws                        Date
Whatcom County Executive

Approved as to form:

______________________________
Daniel L. Gibson
Chief Civil Deputy Prosecutor

03/10/16  ____________________________
Date
2016 PRELEVEL - BID NO. 16-10
PROJECT LOCATION SUMMARY WITH QUANTITIES
PROPOSED & ALTERNATE ROADS

DESCRIPTION OF WORK
This project includes all labor, equipment, and materials necessary to furnish, lay, and compact approximately 22,662.59 tons of Hot Mix Asphalt Class 3/8" at various locations (includes both Proposed and Alternate Roads). Other work will include flagging and tack coat. Tack coat is to be applied when matching road to asphalt driveway. For estimating purposes only, the average thickness of hot mix asphalt has been estimated at 1½ inches (0.125-feet). All work shall be completed in accordance with the Special Provisions and the Standard Specifications, including the amendments thereto. All materials, equipment, labor, and other miscellaneous items required to complete the work shall be furnished by the Contractor.

LOCATION AND ORDER OF WORK
The project location and approximate tonnage at each location for Hot Mix Asphalt Class 3/8" are:

<table>
<thead>
<tr>
<th>Road No.</th>
<th>Road Name</th>
<th>Mile Post</th>
<th>Total Lane Feet</th>
<th>C/L Miles Per Road</th>
<th>Tons Per Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>65410</td>
<td>Siper Road</td>
<td>0.000 to 0.800</td>
<td>8,448.000</td>
<td>0.800</td>
<td>963.072</td>
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| Subtotal - Proposed Roads | 197,271.360 | 18.681 | 18,980.494 |
### Proposed Prelevel Worksheet - Alternate Roads

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<th>Road Name</th>
<th>Mile Post</th>
<th>Total Lane Feet</th>
<th>C/L Miles Per Road</th>
<th>Tons Per Road</th>
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**Subtotal - Alternate Roads**

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**Total Proposed and Alternate Roads**

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Additional locations may need to be included depending on the condition of the roadway at the time of work.
BID TABULATION  
2016 Hot Mix Asphalt Prelevel at Various Locations  
Bid #16-10

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<th>GRANITE CONSTRUCTION</th>
<th>WHATCOM BUILDERS</th>
<th>WRS</th>
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<td>18,980 TONS</td>
<td>Hot Mix Asphalt Prelevel Class 3/8&quot; (Proposed Roads at Various Locations)</td>
<td>Per Ton $ 1,368,000.00</td>
<td>$67.50</td>
<td>Per Ton $ 1,281,183.35</td>
<td>$67.00</td>
</tr>
<tr>
<td>6</td>
<td>3,682 TONS</td>
<td>Hot Mix Asphalt Prelevel Class 3/8&quot; (Alternate Roads at Locations)</td>
<td>Per Ton $ 159,100.00</td>
<td>$68.00</td>
<td>Per Ton $ 250,382.46</td>
<td>$68.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TOTAL BID</td>
<td>F.A. $ 1,670,100.00</td>
<td>$1,630,565.81</td>
<td>F.A. $ 1,644,482.99</td>
<td>$1,716,017.04</td>
</tr>
</tbody>
</table>

I hereby certify that the amounts shown herein are a correct and accurate representation of the amounts from the Engineering estimate and represents the bid proposals opened at 2:30 p.m., March 1, 2016 for the 2016 Hot Mix Asphalt Prelevel at Various Locations, Bid #16-10.

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

On this 22nd day of March, 2016, before me personally appeared Joseph P. Rutan, to me personally known to be the person described in and who executed the above instrument and who acknowledged to me the act of signing thereof.

Sandra L. Mock  
NOTARY PUBLIC, in and for the State of Washington, residing at: Bellingham

My Commission Expires: 6/29/2018
BID PROPOSAL

2016 HOT MIX ASPHALT PRELEVEL
AT VARIOUS LOCATIONS
BID 16-10

Date: March 1, 2016

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

Gentlepersons:

This certifies that the Undersigned has examined the location of the project site and the conditions of work; and has carefully read and thoroughly understands the contract documents entitled: “2016 Hot Mix Asphalt Prelevel at Various Locations”, Whatcom County, Washington, including the “Bid Procedures and Conditions”, “Specifications and Conditions”, “Contract Forms” and “Plans” governing the work embraced in this project, and the method by which payment will be made for said work.

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

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

Company Name: GRANITE CONSTRUCTION COMPANY

Submitted By: BOUDREY SMITH, SENIOR PROJECT MANAGER

(Name & Title)
<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>APPROXIMATE QUANTITY</th>
<th>ITEM &amp; WRITTEN UNIT PRICE</th>
<th>UNIT PRICE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>LUMP SUM</td>
<td>MOBILIZATION</td>
<td>L.S.</td>
<td>10,500.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ten Thousand Five Hundred Dollars (Written Lump Sum Price)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>1500 HOURS</td>
<td>SIGNING AND TRAFFIC CONTROL</td>
<td>49.00</td>
<td>73,500.00</td>
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<tr>
<td></td>
<td></td>
<td>Forty Nine Dollars (Written Unit Price Per Hour)</td>
<td>PER HOUR</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>FORCE ACCOUNT</td>
<td>PAVEMENT REPAIR</td>
<td>F.A.</td>
<td>10,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ten Thousand Dollars &amp; No/100 Cents (Written Force Account Price)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>FORCE ACCOUNT</td>
<td>SEEDED LAWN INSTALLATION</td>
<td>F.A.</td>
<td>5,000.00</td>
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<tr>
<td></td>
<td></td>
<td>Five Thousand Dollars &amp; No/100 Cents (Written Force Account Price)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>18,980.494 TONS</td>
<td>HOT MIX ASPHALT CLASS 3/8&quot; (Proposed Roads at Various Locations)</td>
<td>67.50</td>
<td>1,281,163.35</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sixty Seven and 60/100 Dollars (Written Unit Price Per Ton)</td>
<td>PER TON</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>3,682.095 TONS</td>
<td>HOT MIX ASPHALT CLASS 3/8&quot; (Alternate Roads at Various Locations)</td>
<td>68.00</td>
<td>250,382.46</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sixty Eight Dollars (Written Unit Price Per Ton)</td>
<td>PER TON</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL BID – ITEMS 1 THROUGH 6

One Million Six Hundred Thirty Thousand Five Hundred Sixty Five Dollars Eighty One Cents (Written Total Price)
NON-COLLUSION DECLARATION

2016 HOT MIX ASPHALT PRELEVEL
AT VARIOUS LOCATIONS
BID 16-10

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

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

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

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

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

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

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

<table>
<thead>
<tr>
<th>Firm Name:</th>
<th>GRANITE CONSTRUCTION COMPANY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>3876 HANNIBAL ROAD</td>
</tr>
<tr>
<td></td>
<td>BELLINGHAM, WA 98226</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>360-676-2450</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>360-733-6735</td>
</tr>
<tr>
<td>Contact Name:</td>
<td>RICK NIEBRUGGESE</td>
</tr>
<tr>
<td>Contact Phone:</td>
<td>360-676-2450</td>
</tr>
<tr>
<td>Contact Email:</td>
<td><a href="mailto:bid.whatcom@gcincc.com">bid.whatcom@gcincc.com</a></td>
</tr>
<tr>
<td>Contractor's WA Registration Number:</td>
<td>GRANIC916DL</td>
</tr>
<tr>
<td>Contractor's WA UBI Number:</td>
<td>409 023 062</td>
</tr>
<tr>
<td>Contractor's WA Employment Security Number:</td>
<td>232166009</td>
</tr>
<tr>
<td>Contractor's WA Excise Tax Registration Number:</td>
<td>409 023 062</td>
</tr>
</tbody>
</table>

The Firm submitting this proposal is a:

- [ ] Sole Proprietorship
- [x] Partnership
- [x] Corporation

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

- 
- 
- 
- 

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

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

CASHIER'S CHECK □ ______________________ DOLLARS

CERTIFIED CHECK □ ($____________________) PAYABLE TO WHATCOM COUNTY

PROPOSAL BOND X ($____________________) IN THE AMOUNT OF 5% OF THE BID

Receipt is hereby acknowledged by addendum(s) No.(s) 1, 2, & 3.

SIGNATURE OF AUTHORIZED OFFICIAL(S)

[Signature]

BOUDREY SMITH, SENIOR PROJECT MANAGER

Firm Name: GRANITE CONSTRUCTION COMPANY

STATE OF )

WASHINGTON ) ss.

COUNTY OF )

WHATCOM ss.

On this 1ST day of MARCH, 2016, before me personally appeared

BOUDREY SMITH

to me known to be the person described in and who executed the above

instrument and who acknowledged to me the act of signing sealing thereof.

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

KNOW ALL MEN BY THESE PRESENTS, that we ____________ GRANITE CONSTRUCTION COMPANY

of, __________ Watsonville, California __________, as Principal, and __________ Federal Insurance Company

a corporation organized and doing business under and by virtue of the laws of the State of __________ Indiana __________ and duly licensed to conduct a general surety business in the State of Washington as Surety, are held and firmly bound unto Whatcom County, a Municipal Corporation and Charter County in the State of Washington, in the full and penal sum of five percent (5%) of the total amount of the bid proposal of said Principal for the work hereinafter described, for which payment, well and truly to be made, we firmly bind ourselves, our heirs, executors, administrators and assigns, and successors and assigns, jointly and severally by these presents.

The condition of this bond is such that, whereas, the Principal herein is herewith submitting his or its bid proposal for 2016 Hot Mix Asphalt Prelevel at Various Locations, said bid proposal, by reference thereto, being hereby made a part hereof.

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

SIGNED AND SEALED, this 18th day of February 2016.

PRINCIPAL

GRANITE CONSTRUCTION COMPANY

Company Name: __________________________

Signature: __________________________

(Seal)

BOUDREY SMITH, SENIOR PROJECT MANAGER

Print: __________________________

ATTORNEY-IN-FACT, SURETY

Federal Insurance Company

Company Name: __________________________

Signature: __________________________

Ashley Stinson, Attorney-in-Fact

Print: __________________________

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

State of California
County of Santa Cruz

On February 18, 2016 before me, Sumi Sohn-Rigler, Notary Public

(insert name and title of the officer)

personally appeared Ashley Stinson

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Sumi Sohn-Rigler, Notary Public
Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint Iligsha Desai, John D. Gilliland, Catherine Gustavson, Kathleen Schreckengost, Ashley Stinson and Lillian Ye of Waterville, California, each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business on behalf of GRANITE CONSTRUCTION INCORPORATED and all Subsidiaries therein or in joint venture as principal, in connection with bids, proposals or contracts to or with the United States of America, any State or political subdivision thereof or any person, firm or corporation. And the execution of such bond or obligation by such Attorney-in-Fact in the Company's name and on its behalf as surety thereon or otherwise, under its corporate seal, in pursuance of the authority hereby conferred shall, upon delivery thereof, be valid and binding upon the Company.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and affixed their corporate seals on this 18th day of July, 2014.

Dawn M. Chloros, Assistant Secretary

STATE OF NEW JERSEY

On the 18th day of July, 2014 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros, being by me duly sworn, did depose and say that she is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereunto affixed by authority of the By-Laws of said Companies, and that she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr. subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By-Laws and in degenerate’s presence.

KATHERINE J. ADELAR
NOTARY PUBLIC OF NEW JERSEY
No. 23109585
Commission Expires July 18, 2019

Exhibit from the By-Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

“All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof and in the signature thereof, and in any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.”

I, Dawn M. Chloros, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the “Companies”) do hereby certify that:

(i) the foregoing extract of the By-Laws of the Companies is true and correct,
(ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vinglant are licensed in the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, Puerto Rico, and each of the Provinces of Canada except Prince Edward Island; and
(iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, N.J. this February 18, 2016.

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 905-3453, Fax (908) 803-2654, P:mail: surety@chubb.com

Form 15-10-01545-U [Rev. 05-13] CORP NON-CONSENT
206
# SUBCONTRACTOR LIST

**WHATCOM COUNTY**  
**DEPARTMENT OF PUBLIC WORKS**

*Prepared in compliance with RCW 39.30.060 as amended*

## TO BE SUBMITTED WITH THE BID PROPOSAL

**Project Name:**  
2016 Hot Mix Asphalt Prelevel at Various Locations

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

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

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

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<thead>
<tr>
<th>Subcontractor Name</th>
<th>Work to be Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor Name</th>
<th>Work to be Performed</th>
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</thead>
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</table>

<table>
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<tr>
<th>Subcontractor Name</th>
<th>Work to be Performed</th>
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<tbody>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Subcontractor Name</th>
<th>Work to be Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Page 15 of 67
GRANITE CONSTRUCTION COMPANY
CERTIFICATE OF SECRETARY

RESOLVED, that, effective January 1, 2016 through December 31, 2016, the individuals named on the attached Exhibit 1 are authorized to negotiate, execute and/or attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed $25 million, relating to any and all domestic construction projects arising out of the Company’s operations.

RESOLVED, that, effective January 1, 2016 through December 31, 2016, the individuals named on the attached Exhibit 2 are authorized to negotiate, execute and attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed $75 million, relating to any and all domestic construction projects arising out of the Company’s operations.

RESOLVED FURTHER, that the authority provided for herein shall be in accordance with applicable policies, procedures and limits of authority previously approved and the Granite Construction Incorporated Delegation of Authority and Policy then in effect.

I, Richard A. Watts, do hereby certify that I am duly qualified as Secretary of GRANITE CONSTRUCTION COMPANY, a California corporation (the “Company”); that the foregoing is a true and correct copy of resolutions duly adopted effective December 11, 2015 by unanimous written consent of the Executive Committee of the Board of Directors, held without a meeting in accordance with the provisions of Article III, Section 9 of the Bylaws of the Company; that the Directors acting were duly and regularly elected; and that the resolution adopted has not been modified or repealed and is still in full force and effect.

Dated: December 21, 2015

[Signature]
Richard A. Watts

C:\Users\Bowling\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\YYMLGG2ZGC.CERT with Exhibit 12.11.15.FINAL.docx
EXHIBIT 1

AUTHORIZED SIGNERS
Granite Construction Company
Northwest Group
Washington Region

AUTHORIZED SIGNERS
Carter Rohrbough, VP Washington Region
Cevin Ladwig Sr., Eastern WA Area Manager
Michael A. Stein, Western WA Area Manager
Paul Harding, Southwest WA Area Manager
Boudrey J. Smith, Senior Project Manager
Jeremy Deemer, Olympia Area Manager
Ron D. Egge, Large Project Estimator
Travis Walken, Chief Estimator
J. Peter Welch, Senior Estimator
Sonny Chavez, Regional Controller
Andrew B. Thompson, Senior Project Manager
Jason Halverson, Senior Estimator
James Prouty, Senior Estimator
Phil Meenach, Senior Estimator
James Gartside, Senior Estimator
Bradley Estes, Plants Manager

ATTESTORS
Cevin Ladwig Sr., Eastern WA Area Manager
Michael A. Stein, Western WA Area Manager
Paul Harding, Southwest WA Area Manager
Boudrey J. Smith, Senior Project Manager
Jeremy Deemer, Olympia Area Manager
Ron D. Egge, Large Project Estimator
Travis Walken, Chief Estimator
J. Peter Welch, Senior Estimator
Jason Halverson, Senior Estimator
James Prouty, Senior Estimator
Phil Meenach, Senior Estimator
James Gartside, Senior Estimator
Bradley Estes, Plants Manager
Sonny Chavez, Regional Controller
Andrew B. Thompson, Senior Project Manager
Linda Knight, Estimating Assistant
Carol Chonzena, Estimating Assistant
John Newby, Estimating Assistant
EXHIBIT 2

AUTHORIZED SIGNERS
Granite Construction Company
Northwest Group

AUTHORIZED SIGNERS
Kyle T. Larkin, VP Nevada Region
Bradley D. Sweet, VP Utah Region
Derek Betts, VP Alaska Region
Todd Keller, VP Arizona Region
Carter Rohrbough, VP Washington Region
<table>
<thead>
<tr>
<th>Name</th>
<th>Present Office Position</th>
</tr>
</thead>
</table>
| Roberts, James H.           | President  
Chief Executive Officer                              |
| Miller, Christopher S.      | Executive Vice President  
Chief Operating Officer  
Assistant Secretary        |
| Donnino, Michael F.         | Senior Vice President  
Group Manager  
Assistant Secretary        |
| Desai, Jigisha (NMN)        | Vice President of Corporate Finance  
Treasurer  
Assistant Financial Officer  
Assistant Secretary        |
| Watts, Richard A.           | Senior Vice President  
General Counsel  
Corporate Compliance Officer  
Secretary                |
| Richards, James D.          | Senior Vice President  
Group Manager  
Assistant Secretary        |
| Krzeminski, Laurel J.       | Senior Vice President  
Chief Financial Officer  
Assistant Secretary        |
| Matheson, Martin P.         | Senior Vice President  
Group Manager  
Assistant Secretary        |
| Rantala, Richard M.         | Senior Vice President  
Business Development  
Assistant Secretary        |
| Tyler, Mathew C.            | Senior Vice President  
Federal Group Operations  
Assistant Secretary        |
| Graham, Bradley G.          | Vice President  
Controller  
Assistant Financial Officer  
Assistant Secretary        |
| Marshall, Kent H.           | Vice President and Director, Public  
Private Partnerships  
Assistant Secretary        |
| DeCocco, Philip M.          | Senior Vice President of Human Resources  
Assistant Secretary        |
| Blackburn, Nicholas B.      | Director of Corporate Taxation  
Assistant Secretary        |
| Smith, Kenneth M.           | Group Counsel  
Assistant Secretary        |
| Jasper, Jason M.            | Group Counsel  
Assistant Secretary        |
| Lenhardt, Heather J.        | Group Counsel  
Assistant Secretary        |

(NMN) = No Middle Name
**TITLE OF DOCUMENT:** Approval to Purchase Asphaltic Emulsions (Road Oil)

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

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

Public Works requests approval to award bid 16-09, and approval for the Executive to enter into a contract for the supply of asphaltic emulsions (road oil) used by Maintenance and Operations for the chip sealing program. Three bids were received and the recommendation is for award to the low bidder, Husky Marketing. This is a regularly budgeted item and estimated expenditures will not exceed $1,107,000.00.

**COMMITTEE ACTION:**

<table>
<thead>
<tr>
<th><strong>COUNCIL ACTION:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Related County Contract #:</strong></th>
<th><strong>Related File Numbers:</strong></th>
<th><strong>Ordinance or Resolution Number:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</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).
DATE: March 8, 2016
TO: Jack Louws, County Executive
FROM: Brad Bennett, AS Finance Manager
SUBJECT: Award of Bid 16-09, Supply of Asphalitic Emulsions (Road Oil)

- Background & Purpose

Bids were duly advertised for the supply of road oil used by Public Works Maintenance & Operations for the chip sealing program, as well as for additional work requests for chip sealing from other local governments on a reimbursable basis. Three bids were received on Tuesday, March 1, 2016, and are noted below.

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>Emulsion Type</th>
<th>Price Per US Ton F.O.B. Plant (US Dollars)</th>
<th>Transportation Costs Price per US Ton (US Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Asphalt</td>
<td>CRS-2P</td>
<td>$525.00</td>
<td>85.00</td>
</tr>
<tr>
<td></td>
<td>CMS-2P</td>
<td>$565.00</td>
<td>85.00</td>
</tr>
<tr>
<td>McAsphalt Industries</td>
<td>CRS-2P</td>
<td>$440.00</td>
<td>56.00</td>
</tr>
<tr>
<td></td>
<td>CMS-2P</td>
<td>$440.00</td>
<td>56.00</td>
</tr>
<tr>
<td>Husky Marketing</td>
<td>CRS-2P</td>
<td>$427.00</td>
<td>45.00</td>
</tr>
<tr>
<td></td>
<td>CMS-2P</td>
<td>$447.00</td>
<td>45.00</td>
</tr>
</tbody>
</table>

Public Works is requesting approval to award the bid and subsequent contract with the lowest responsive and responsible bidder, Husky Marketing. Product is used on an as-needed basis. Public Works is requesting approval for expenditures not to exceed $1,107,000.00.

- Funding

Asphalitic emulsions (road oil) are used in the road chip sealing program. Funds for this purchase are included in the Road Maintenance & Operations budget. I concur with this recommendation.

[Signature]
AS Finance Manager

Approved as recommended:

County Executive

Date of Council Action ____________________________
MEMORANDUM

To: Brad Bennett, AS Finance Manager
Through: Jon Hutchings, Public Works Director
From: Eric L. Schlehuber, Public Works Equipment Services Manager
       Jeff Gollen, Public Works Maintenance and Operations Superintendent
Date: March 7, 2016
Re: Bid 16-09, 2016 Supply of Asphalatic Emulsions (Road Oil)

- Requested Action
  I am requesting Executive and Council approval to award the bid and subsequent contract for the supply of asphalatic emulsions (road oil) to Husky Marketing of Seattle, Washington for an amount not to exceed $1,107,000.00.

- Background and Purpose
  Bids were duly advertised and submitted for the supply of asphalatic emulsions (road oil). The Public Works Maintenance and Operations Division will use CRS-2P and CMS-2P under this contract for the 2016 chip sealing program. Three bid responses were received on Tuesday, March 1, 2016. When factoring in the delivery costs and specific locations for chip sealing work as planned for 2016, Husky Marketing is the overall lowest responsive bidder for CRS-2P and CMS-2P.

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>CRS-2P (PER TON)</th>
<th>DELIVERY COSTS (PER TON)</th>
<th>CMS-2P (PER TON)</th>
<th>DELIVERY COSTS (PER TON)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Husky Marketing</td>
<td>$ 427.00</td>
<td>$ 45.00</td>
<td>$ 447.00</td>
<td>$ 45.00</td>
</tr>
</tbody>
</table>

- Funding Amount and Source
  These are regularly budgeted expenditures for material which is used on an annual basis as needed and has been budgeted during the 2015-2016 budget process.

<table>
<thead>
<tr>
<th>ANNUAL EXPENDITURE FOR ASHPHALTIC EMULSION (ROAD OIL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNUAL COST:</td>
</tr>
</tbody>
</table>

Based on prior and estimated usage, it is anticipated total expenditures will not exceed $1,107,000.00 and therefore requires Whatcom County Council approval. This amount also allows for additional work requests for chip sealing from other local governments on a reimbursable basis.

- Recommended Action
  Please approve this purchase and forward to the Executive and the Whatcom Council for approval at the March 22, 2016 Whatcom County Council Meeting.

Please contact Jeff Gollen at extension 6419 or Eric L. Schlehuber at extension 6405 if you have any questions or concerns.
**TITLE OF DOCUMENT:** Approval to Purchase Waterborne Traffic Line Paint

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

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

Public Works is requesting approval to purchase Waterborne Traffic Line Paint for 2016 using an Interlocal Agreement with Pierce County. The vendor is Alpine Products, Inc., an authorized dealer of Ennis Paint. Paint is purchased on an as-needed basis and the total expenditure for traffic line paint from all approved vendors will not exceed $600,000.00. This is a regularly budgeted expenditure.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).*
DATE: March 8, 2016  
TO: Jack Louws, County Executive  
FROM: Brad Bennett, AS Finance Manager  
SUBJECT: Approval to Purchase Waterborne Traffic Line Paint

**Background & Purpose**

Public Works requests approval to use the Interlocal Agreement with Pierce County for the purchase of waterborne traffic line paint. The vendor is Alpine Products, Inc., an authorized distributor of Ennis Paint products.

Traffic paint is purchased on an as needed basis. Public Works requests awards from multiple vendors due to nationwide shortages of traffic paint realized in recent years. Total expenditures for traffic paint from all approved sources will not exceed $600,000 in 2016. Note — this is an increase of $100,000 from approval received on January 26, 2016 (see backup memo from Public Works).

Following is a table that shows cost per gallon, exclusive of sales tax, as per Pierce County Bid #809 award current term, through April 15, 2017. There is no change in cost from last year.

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit Bid Price</th>
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<tbody>
<tr>
<td>Rapid Dry Traffic Line Paint, White, Ennis 6060-SA-SMB</td>
<td>$8.80 / gal</td>
</tr>
<tr>
<td>Rapid Dry Traffic Line Paint, Yellow, Ennis 6063-SA-SMB</td>
<td>$8.80 / gal</td>
</tr>
<tr>
<td>High Build Traffic Line Paint, White, Ennis 6080-SA-SMB</td>
<td>$11.676 / gal</td>
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<tr>
<td>High Build Traffic Line Paint, Yellow, Ennis 6083-SA-SMB</td>
<td>$11.572 / gal</td>
</tr>
<tr>
<td>Cold Weather Traffic Line Paint, White, Ennis 9500-SA-SMB</td>
<td>$10.96 / gal</td>
</tr>
<tr>
<td>Cold Weather Traffic Line Paint, Yellow, Ennis 9503-SA-SMB</td>
<td>$10.88 / gal</td>
</tr>
</tbody>
</table>

**Funding**

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

[Signature]

AS Finance Manager

Approved as recommended:

______________________________
County Executive

______________________________
Date of Council Action
MEMORANDUM

To: Brad Bennett, AS Finance Manager

Through: Jon Hutchings, Public Works Director

From: Eric L. Schlehuber, Public Works Equipment Services Manager
       Jeff Gollen, Public Works Maintenance and Operations Superintendent

Date: March 1, 2016

Re: Interlocal Agreement with Pierce County — Contract 200209010
    Waterborne Traffic Line Paint (Pierce County Bid No. 809)

- Requested Action

I am requesting Executive and Council approval to purchase the following material as needed during the remainder of 2016 through December 31, 2016 from Ennis Paint, Inc. in the amount of $600,000 through an existing Interlocal Agreement between Whatcom County and Pierce County. This purchase is permitted pursuant to the Washington State Interlocal Cooperative Act, RCW Chapter 39.34.

Due to potential supplier issues we had in 2010 and 2011, we are requesting multiple vendor sources for waterborne traffic line paint. The combined purchases from Alpine Products, Inc. (Washington State Bid), Sherwin Williams, Inc. (Lewis County Bid), and Ennis Paint, Inc. (Pierce County Bid) are anticipated to total a not to exceed amount of $600,000.

County Council approval was given on 1/26/16 for waterborne traffic line paint from the WA State Contract #07609 in the amount of $500,000.00. Based on actual expenditures from 2015 we are requesting approval to increase the combined vendor purchases to $600,000.

- Background and Purpose

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

- Funding Amount and Source

These are regularly budgeted expenditures for material, which is used on an annual basis as needed and has been budgeted during the 2015-2016 Budget process. Combined vendor expenditures for 2015 year-to-date were $441,921.00.

- Recommended Action

Please approve this purchase and forward to the Executive and the Whatcom Council for approval at the March 22, 2016 Whatcom County Council Meeting.

Please contact Jeff Gollen at extension 6419 or Eric L. Schlehuber at extension 6405 if you have any questions or concerns.
### WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
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<th>CLEARANCES</th>
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<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<tr>
<td>Executive:</td>
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</table>

### TITLE OF DOCUMENT:
Presentation by Ferndale District students regarding impact of grey wolf on Ag

### ATTACHMENTS:

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

Presentation by Ferndale School District students regarding the return of the grey wolf and its impact on agriculture

### 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.
TITeL OF DOCUMENT:
Update on proposed Marine Park lighthouse in Point Roberts

ATTACHMENTS:

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public
hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate.
Be clear in explaining the intent of the action.)
Update on the proposed project to construct a lighthouse at Lighthouse Marine Park in Point Roberts

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.
Briefing and discussion on Comprehensive Plan Chapter 6 (Transportation).

ATTACHMENT:

1. Cover letter
2. Draft Revisions to Chapter 6

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to make a presentation and discuss Comprehensive Plan Chapter 6 (Transportation) with the Public Works, Health and Safety Committee on March 22, 2016.
MEMORANDUM

TO: County Council
    Jack Louws, County Executive

THROUGH: Mark Personius, AICP, Assistant Director

FROM: Gary Davis, AICP, Senior Planner

DATE: March 9, 2016

SUBJECT: Comp Plan Update/Chapter 6 (Transportation)

This memorandum describes changes made to the draft amendments to Chapter Six Transportation during review by the Whatcom County Planning Commission. The Commission considered proposed changes to Chapter Six Transportation at its May 28, 2015 and June 25, 2015 meetings.

During those meetings the Commission did not take votes to recommend changes to Chapter Six, but in the time between the two meetings PDS staff made a number of revisions in response to comments and questions from commissioners on May 28, and in response to written comments from the Port of Bellingham and the public. The changes made during this time are as listed below and were made in response to Commission comments unless otherwise noted:

- Text in first paragraph of the Inventory was revised to provide a clearer breakdown of road classifications by percent of total road miles. The previous draft did not separate major collectors from minor collectors.
- Text in first paragraph under “Level of Service – Motor Vehicles” and in Policies 6A-1 and 6A-2 was revised to show that both “county-owned arterials and major collectors” would be subject to concurrency. GMA requires only arterials to be subject to concurrency but there are relatively few miles of County roads classified as arterials and roads classified as major collectors often function as arterials.
• Policy 6B-3 was deleted and partially incorporated into Policy 6B-1. This clarifies that capacity improvements can be a high priority if they are necessary to correct LOS deficiencies to meet concurrency requirements. Otherwise, safety projects and preservation of the existing transportation system are the highest priorities. This was in response to a Port of Bellingham comment.
• Policy 6C-5 was added to emphasize the need for commercial vehicle access from I-5 to major commercial and industrial areas, incorporating parts of deleted policies 6R-3 and 6R-4. This was in response to a Port of Bellingham comment.
• Policy 6E-1 was revised to include airplanes, boats, trains, and ferries, in response to comments from the Port of Bellingham and the public.
• The words “and Implementation” were restored to the heading “Intergovernmental Coordination and Implementation” in the text preceding Goal 6G.
• Policy 6G-8 was added regarding coordination with the Port of Bellingham to facilitate convenient access to ports, airports, and other intermodal freight facilities, incorporating concepts from deleted Policies 6Q-1, 2, and 3. This was in response to a comment by the Port.

Regarding the Lummi Island Ferry, Public Works staff had suggested adding a discussion of ferry service in the text under “Level of Service – Other Modes” and that language was added to the draft during Planning Commission consideration. Public Works also forwarded a draft LOS methodology that was proposed to be added to the Comprehensive Plan as Appendix J.

However, Public Works is currently working with the Lummi Island Ferry Advisory Committee to revise the LOS standards for the ferry and at this writing there is not a final ferry LOS methodology or standard. Accordingly, at the recommendation of Public Works, the most recent draft forwarded to the County Council omits the new appendix and other references to ferry LOS, including the current level of 513 per-capita trips. Public Works anticipates adding ferry LOS text and policy to the Comprehensive Plan in the future, after working with the community to establish a new LOS standard.

Attachments:
  Revised Draft Chapter Six Transportation
Chapter Six
Transportation

"Transportation planners and cardiologists face similar problems. Both are concerned about uninterrupted flow from the smaller collectors and through the major arterials to the destination. When blockages occur, the cardiologist does bypass surgery (building a new arterial) or angioplasty surgery (widening of existing arterials). The onset of arteriosclerotic is hastened by a diet rich in cholesterol. The cholesterol of our transportation system is the single-occupant vehicle (SOV), the proliferation of which leads to "arterial SOVosis" (i.e., the clogging and blockage of arterials by our transportation diet predominant with the single-occupant vehicle)."

Bob Hughes
CTAE

Reason for change: Omitted for brevity and because limiting SOV vehicular trips is only one aspect of the chapter

Introduction

Purpose

Whatcom County plans and maintains the County-owned portion of the region’s transportation system. This chapter sets goals and priorities for Whatcom County’s transportation facilities over the next 20 years. It inventories current facilities, projects future needs, and guides the planning and implementation of projects and programs to meet those needs. Its overall purpose is to ensure that Whatcom County’s transportation system continues to allow for the movement of people and goods throughout the county in a way that is safe, efficient, environmentally responsible, accessible to all users, and cost effective.

The Growth Management Act provides for a systematic approach for estimating and planning for future transportation needs based on an analysis of existing conditions and a projection of future conditions. The purpose of this approach is to provide transportation facilities that meet the service standards desired and adequately serve the demand produced by the growth in land use in future years.

Process

This chapter was created in several steps. A consultant, JHK & Associates, was retained by the county to assist in preparation of the transportation element of the Comprehensive Plan. The first step was an assessment of existing traffic conditions and transportation services. The next step was a transportation plan built on forecasts of future land use, traffic patterns, and funding. It describes the level of service Whatcom County intends to maintain. The preferred road network alternative described in the transportation plan supports the goals and policies included in this chapter.

Whatcom County Comprehensive Plan

6-1
Public participation has been instrumental in identifying the priorities of county residents. To help develop the transportation plan, Whatcom County established a community-based planning effort including a Citizens’ Transportation Advisory Committee (CTAC). The CTAC met regularly throughout the development of the plan and this chapter, and was active in formulating these documents’ visions, improvement alternatives, goals and policies. The CTAC was instrumental in prioritizing the transportation needs in the county based on the cost-effectiveness and the projected benefits of the improvements. In the process, the CTAC drew on the expertise of the Technical Transportation Advisory Committee under the Whatcom County Council of Governments, a group of technical experts from throughout Whatcom County representing different agencies and jurisdictions.

Reason for change: Edited for brevity and to remove outdated material.

GMA Goals, County-Wide Planning Policies, and Visioning Community Value Statements

By being designed to accommodate an urban concentration land use model for Whatcom County, this chapter addresses the GMA goals of encouraging development in urban areas where adequate facilities are provided and of reducing sprawl. The GMA goal encouraging efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans is addressed through goals and policies in this chapter, through coordination with the Regional Transportation Planning Organization, and through urban-growth area planning. (See Chapter 2: Land Use for other aspects of UGA planning.) Many other GMA goals are incidentally supported throughout this chapter.

This chapter supports County-Wide Planning Policies by encouraging alternative modes of transportation through goals, policies, and actions. It includes policies on demand management strategies and considers inter-county and international transportation links.

The Whatcom County: The Next Generation Visioning Community Value Statements are also supported by concentrating growth in urban areas and providing for an adequate system to support agriculture and economic development. The chapter recognizes the geographic differences among various parts of the county identified in Visioning features. This chapter emphasizes increasing the capacity of existing roads, encourages more public transit and bicycle facilities, prioritizes safety measures and makes provision for intermodal connections. Transportation improvement plans are within the county’s financing capability.

GMA Requirements

The Growth Management Act (GMA) requires county comprehensive plans to contain “a transportation element that implements, and is consistent with the land
This chapter, together with the Capital Facilities Plan in Appendix E, provides that transportation element, incorporating the sub-elements also required by GMA, including inventory of facilities; level of service standards for highways, locally owned arterials and transit routes; estimated traffic impacts to state-owned transportation facilities; land use assumptions; financing; intergovernmental coordination efforts; demand-management strategies; and a pedestrian and bicycle component. (RCW 36.70A.070(6)(a))

The GMA also has a concurrency provision that requires counties to "adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development." (RCW 36.70A.070(6)(b)) Whatcom County's concurrency management program is codified in Whatcom County Code Chapter 20.78, based on levels of service established in below in Policy 6A-1.

The Growth Management Act requires jurisdictions to adopt a transportation element which includes land use assumptions, estimated traffic impacts to state-owned transportation facilities, a facilities and services inventory, level of service standards for arterials and transit routes, actions to bring services below level of service standards into compliance, forecasts of traffic for ten years consistent with the land use plan, identification of system expansion needs and a management system to meet the needs. It also requires a financing analysis of funding capability, a multi-year financing plan and alternatives in case funding falls short. Demand management strategies are to be created.

This comprehensive plan addresses the above requirements through this chapter, the six-year transportation improvement program, the Whatcom County Transportation Plan (including the Whatcom County Transportation Plan Existing Conditions Report), incorporated herein by reference, and Chapter 4: Capital Facilities. Land use assumptions used for transportation planning, inventories, level of service standards, traffic projections and alternative system expansion needs are quantified in the Whatcom County Transportation Plan. Financing analysis and multi-year financing plans are in the six-year transportation improvement program.

Goals, policies and actions, level of service standards, actions to take in case funding falls short, demand management strategies and specific recommended improvements are included in this chapter.

GMA requires adequate transportation facilities to be provided concurrent with development. In the goals and policies of this chapter, Whatcom County establishes the acceptable levels of service (LOS) for county owned transportation facilities. Per GMA, any development that would cause the level of service on a county facility to fall below the adopted LOS must be denied, unless improvements that accommodate the impacts of the development—or other strategies that
accommodate the growth, such as increased transit service --- are made concurrent with the development.

Reason for change: Edited for brevity and to remove outdated material

Inventory

Map 6-1 shows the existing countywide transportation system. Whatcom County owns and maintains 943 miles of public roads. The county uses the federal function classification system to classify those roads; 3 percent of county roads are classified as arterials, 18 percent are major collectors, 17 percent are minor collectors, while 62 percent are local access roads (see Table 6-1). About 23 miles of county roads include bike lanes or are designated as bike routes. There are 217 miles of state highways; 119 miles are highways of statewide significance and 98 miles are highways of regional significance.

The Port of Bellingham owns and operates three seaport facilities within the city of Bellingham, (Bellingham Shipping Terminal, Squalicum Harbor, and Bellingham Cruise Terminal) and one in the city of Blaine (Blaine Harbor). The Bellingham Cruise Terminal acts as the southern terminus of the Alaska state ferry system and host to private cruise vendors. Adjacent to the Port's Bellingham Cruise Terminal is the Port’s Fairhaven Transportation Station, Whatcom County’s only passenger rail station and a terminal for the private Greyhound bus line. Whatcom County owns and operates a vehicle and passenger ferry on the 0.9-mile run between Gooseberry Point and Lummi Island, and the City of Blaine owns a passenger-only ferry between Blaine Harbor and the Semiahmoo resort within the Blaine city limits. There are no Washington State-owned ferry facilities in Whatcom County. Three privately-owned shipping terminals serve major industries in the Cherry Point Major Port Industrial UGA and small privately-owned recreational marinas exist in several rural communities, including Point Roberts, Sandy Point, and Sudden Valley, as well as Birch Bay Village, which is part of the Birch Bay UGA.

The Port of Bellingham owns and operates Bellingham International Airport in the unincorporated UGA of Bellingham. The City of Lynden owns and operates the Lynden Municipal Airport located inside the Lynden city limits. Privately owned and operated airports exist in Point Roberts (Point Roberts Airpark) and on Lake Whatcom (Floathaven SPB).

The Burlington Northern Santa Fe railway owns a north-south rail line that runs through Bellingham, Ferndale, and Blaine, and a parallel line that runs through Acme, Deming, Nooksack, and Sumas. Both lines are used to transport freight, and have industrial spurs that serve industries in the Cherry Point Urban Growth Area, and Lynden, respectively. The line through Bellingham also accommodates passenger service, the Amtrak Cascades between Seattle and Vancouver, BC.

1 Required by RCW 36.70A.070(6)(a)(iii)(A) Transportation element must include “An inventory of air, water, and ground transportation facilities and services...”
Whatcom Transit Authority operates the public transit system in Whatcom County, including fixed-route and dial-a-ride service. The system serves all seven of Whatcom County’s incorporated cities, the County’s non-city UGA’s, Birch Bay and Columbia Valley, and rural areas in between. The transit system includes transit stations in Bellingham, Ferndale, and Lynden, three of which include park and ride lots.

**Goals and Policies Background-Summary**

Traffic volume on roads in Whatcom County varies widely from less than a hundred vehicles per day to as many as 55,000 per day on I-5 (2000 Annual Traffic Report, Washington State Department of Transportation). Whatcom County facilities are less impacted by the issue of road congestion than they are by the issue of road condition. However, there are several county roads where congestion is also a problem. Congestion and inadequate road conditions both contribute to traffic accidents, which represent a significant (if mostly hidden) cost to the traveling public and potential tort liability to Whatcom County.

Some of Whatcom County’s traffic problems may be attributable to the increasing volume on roads which were designed and built for rural traffic. There are also several areas of development that have created unusual amounts and patterns of traffic. Some of these are the Casino on the Lummi Reservation, Bellis Fair Mall, and the Mount Baker Recreation Area. Canadian border auto-crossings decreased, while truck border crossings increased significantly in the 1990’s. Map 14 indicates traffic volumes on county and state roads.

For the most part, land use and associated traffic volumes dictate the type of roadway to be provided. That traffic includes a variety of users. Along with cars and trucks, Whatcom County roads serve transit vehicles, school buses, farm vehicles, bicycles and pedestrians. While these users currently represent only about ten percent of the total, their numbers are increasing. For them to share the road safely with other traffic they need facilities like paved shoulders and bus turnouts.

Roads are only part of the transportation network. Whatcom County provides ferry service between Lummi Island and Gooseberry Point—the only public transportation link between the island and the mainland. It carries about 400,000 passengers per year. The Port of Bellingham operates the Bellingham Cruise Terminal, which serves the Alaska Marine Highway System ferries and commercial cruise ship lines. Other non-road transportation facilities within Whatcom County include off-street bikeways, harbor facilities, three airports, and two north-south freight rail lines. Passenger rail service, that was discontinued in 1981, resumed operation in 1995. Beginning in 1999 two Amtrak trains per day began visiting Whatcom County. One stop in Bellingham, then continues to Vancouver, BC. The other stops in Bellingham but continues no farther due to freight rail congestion that is caused by Canadian rail lines in the Vancouver BC area. It is recognized that with greater service, ridership would increase significantly. The state’s twenty-year goal is to

*Whatcom County Comprehensive Plan*
increase Whatcom County/cross-border passenger rail service. The two rail tracks in Whatcom County are both owned by Burlington Northern–Santa Fe Railway (BNSF). The BNSF main line is along the shoreline through Bellingham and proceeds up the I-5 corridor. The second line, referred to by BNSF as their secondary main line, is aligned generally along State Route 9 and crosses the Canadian Border at Sumas. The secondary main line is used infrequently, but does offer certain options and advantages. Transfer points, where people or goods transfer from one mode of transportation to another, are vital linkages in the transportation system. In Whatcom County transfer points include air, rail, bus, and ferry terminals, plus a freight terminal near the US-Canadian border at Sumas where cargo is transferred between truck and rail modes, and several shipping terminals where cargo is moved among rail cars, barges, and ships. Map 15 indicates the location of intermodal sites in Whatcom County.

Reason for change: Edited for brevity and to provide a more complete inventory.

Level of Service – Motor Vehicles

GMA requires counties to adopt level of service (LOS) standards for arterials. For purposes of concurrency management, Whatcom County adopts level of service (LOS) standards for motor vehicle travel on county-owned arterials and major collectors\(^2\), per GMA requirements (see Policy 6A-1 and Map 6-2). Levels of service for other facilities, which are used for planning purposes but not for concurrency management, are established in subsequent policies. The Whatcom Council of Governments sets LOS standards for state highways of regional significance (SR 11, 542, 544, 547, and 548). WSDOT, in consultation with local governments, sets LOS standards for highways of statewide significance (I-5, SR 9, SR 20, SR 539, SR 543, and SR 546). Level of service standards for state-owned facilities are included in this plan to help the state monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county’s or city’s six-year street, road, or transit program and the department of transportation’s ten-year investment program.\(^3\) Whatcom County does not use LOS standards on state-owned facilities for concurrency evaluation purposes.

For roadway segments (between but not including intersections) level of service is expressed as letters A-F, which correspond to the ratio of volume to capacity for a segment (see Table 6-1). That ratio is determined by dividing the projected weekday afternoon peak hour traffic volume of a roadway segment by the calculated per-hour capacity of that segment. Adopted LOS for all County and State-owned facilities are shown on Map 6-3. Whatcom County’s concurrency

\(^2\) Required by RCW 36.70A.070(6)(a)(iii)(B) Must include “Level of service standards for all locally owned arterials and transit routes…” Major collectors are also included because only 3% of County roads are classified as arterials per the federal functional classification system, and most roads classified as major collectors are important links, functioning like arterials.

\(^3\) Required by RCW 36.70A.070(6)(a)(iii)(C) Must include “Level of service standards for highways…”
management system is established in Whatcom County Code Chapter 20.78, and is based on roadway segment volume to capacity ratios.

For intersections, the LOS is determined by the time delay (seconds per vehicle) of the stopped approach vehicle, per the current Highway Capacity Manual (see Table 6.2). Congestion at intersections due to capacity and delay issues are identified and mitigated through the SEPA process. Intersection LOS is not used for concurrency evaluation purposes.

Table 6-1 County Roadway Volume/Capacity Range by LOS Designation

<table>
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</tr>
<tr>
<td>C</td>
<td>0.70-0.79</td>
</tr>
<tr>
<td>D</td>
<td>0.80-0.89</td>
</tr>
<tr>
<td>E</td>
<td>0.90-0.99</td>
</tr>
<tr>
<td>F</td>
<td>&gt;1.00</td>
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**Level of Service – Other Modes**

GMA also requires counties to include a level of service for transit routes in the transportation element. Whatcom Transit Authority, the only public transit agency in the County, establishes its levels of service in its Strategic Plan document; this chapter references those adopted standards. For modes of transportation other than motor vehicles and transit, Whatcom County does not establish levels of service based on volumes, but instead focuses on the quality of service through planning and design (see Goals 6D and 6E below).

**Issues, Goals, and Policies**

Whatcom County’s transportation system is a network of structures—highways, arterial streets, rural roads, rail, marine, airport, bikeways, ferries, and many other facilities. At the same time, the transportation system is a link among land use patterns, population growth, economic opportunities, energy consumption, environmental stress, and other facets of Whatcom County growth. The Growth Management Act requires the county to plan for the future of both network and linkage aspects of the transportation system.

To be sure of providing adequate facilities, Whatcom County must prepare to meet future demand. Population projections, land use plans, and traffic patterns suggest that the county will need to upgrade or expand some of its facilities, in addition to maintaining the current network. Since funding is limited, Whatcom County must prioritize the improvements it would like to make. The criteria for those choices

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4 Required by RCW 36.70A.070(6)(a)(iii)(B)

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include traffic congestion; safety; mobility; use by transit, bicycles, and pedestrians; and access to modes of transport such as airplanes, railways, and ferries. Additionally, the impact to endangered species, along with mitigation costs and delays associated with gaining approval for transportation projects that affect such species, must be considered.

To manage transportation systems, including their economic, social and environmental impacts, Whatcom County must be aware of the ways transportation influences—-and is influenced by—other aspects of growth. Identifying the relationships allows the county to dovetail its plans for the various aspects so all the plans work toward compatible goals.

**Overall County Transportation**

Over the next two decades Whatcom County will be shaping its transportation network with several fundamental goals in mind. The system must be cost-effective; it must be compatible with subarea, county and regional plans; it must be properly maintained and upgraded; it must provide access for transit and non-motorized travel; and it must offer acceptable levels of service and safety.

The LOS standards adopted for county-owned transportation facilities in Policy 6A-3 are measures of traffic congestion on arterial and collector roadway segments, expressed as a ratio of estimated volume in weekday afternoon peak hours to roadway capacity. Levels of service range from completely unrestricted flow of traffic (LOS A) to stop-and-go traffic jams (LOS F). At LOS C or better the road segment is less than or equal to 80% full (or a volume-to-capacity ratio of less than or equal to 0.80). The flow of traffic is generally stable, though individual users are significantly affected by the presence of other vehicles. At LOS D the volume-to-capacity ratio is greater than 0.80 but less than or equal to 0.9. At LOS D small increases in flow may cause some delays and decreases in speed during the afternoon peak hour.

The Washington State Department of Transportation (WSDOT) has adopted levels of service for highways of statewide significance and the Regional Transportation Planning Organization, in consultation with WSDOT, has adopted levels of service for other-state highways. For state highways in Whatcom County the standards are LOS D in urban areas and LOS C in rural areas. Similar to the LOS adopted on state highways, Whatcom County generally adopts for its roadways a LOS D in urban areas and LOS C in rural areas, though for some of the rural roads that function as primary routes connecting major activity centers (as designated in the regional Whatcom Transportation Plan), the county adopts a LOS D to reflect higher peak-hour volumes.

Reason for change: Edited for brevity and to remove outdated material.

**Goal 6A:** Provide for the safe and efficient movement of people and goods by establishing and maintaining standard levels of...
service for motor vehicle traffic volumes compared to roadway capacity.

Policy 6A-1: Make safety and mobility the primary considerations in ranking transportation improvements.

Policy 6A-2: Use the transportation planning process to identify transportation system needs throughout the county in order to provide adequate transportation facilities and services to meet current and future travel needs; identify and protect specific transportation corridors and alignments where transportation facilities including auto, commercial, bicycle, transit and rail are needed.

Policy 6A-31: Establish the following levels of service (LOS) for purposes of maintaining transportation concurrency:

- The Level of Service (LOS) standard for county arterials and major collectors located outside of urban growth areas A volume-to-capacity ratio less than 0.75 during weekday p.m.-peak hours is C or better, except for specified primary routes as shown on Map 6-2, which shall have a LOS of D or better. For county arterials and collectors located outside of urban growth areas, except for specified primary routes as shown on Map 14A, which shall have a volume-to-capacity ratio less than or equal to 0.90 (LOS-D).

- The LOS standard for county arterials and major collectors within urban growth areas not associated with cities during weekday p.m. peak hours is D or better. A volume-to-capacity ratio less than or equal to 0.90 (LOS-D or better) during weekday p.m. peak hours for county arterials and collectors within urban growth areas not associated with cities, which may be reduced for concurrency evaluation purposes in accordance with Policy 6A-4.

- The LOS standard for county arterials and major collectors within city urban growth areas weekday during p.m. peak hours is D or better. A volume-to-capacity ratio less than or equal to 0.9 during weekday p.m. peak hours (equivalent to LOS-D) for county arterials and collectors within city urban growth areas, which may be reduced for concurrency evaluation purposes in accordance with Policy 6A-4.

- Coordinate with Whatcom Transit Authority to ensure adequate transit service, in accordance with the level of service standards established in its current strategic plan in urban areas.
Policy 6A-2: Establish the following levels of service for county facilities other
than arterials, major collectors, and transit routes (facilities not
subject to concurrency requirements):

- The Level of Service (LOS) standard for county collectors
  located outside of urban growth areas during weekday p.m.
  peak is C or better.

- The LOS for county collectors within urban growth areas not
  associated with cities during weekday p.m. peak hours is D
  or better.

- The LOS for county collectors within city urban growth areas
  during weekday p.m. peak hours is D or better.

- The LOS for all county intersections is LOS D.

- 513 ferry passenger trips annually per capita Lummi Island
  population.[G02]

Policy 6A-3: List the following level of service standards for state highways\(^5\),
as established by WSDOT and WCOG:

- The LOS for state highways in urban growth areas is D or
  better.

- The LOS for state highways in rural areas is C or better.

Policy 6A-4: For proposed developments in designated urban growth areas,
increase the volume-to-capacity ratio standard for impacted
transportation facilities by 0.05 if at least one of the following
amenities is existing or is committed to being provided as part
of the development:

- Transit service and stop within one quarter mile walking
distance accessible from the development using non-
motorized facilities that meet or are functionally equivalent
to Whatcom County Road Standards.

- Non-motorized facilities that meet or are functionally
equivalent to Whatcom County Road Standards along the
impacted facility.

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\(^5\) Required by RCW 36.70A.070(6)(a)(iii)(C)
Policy 6A-5: Encourage extension of city concurrency review authority and LOS standards into their respective UGAs to provide for greater consistency in concurrency review for urban areas.

Policy 6A-6: Identify and mitigate safety and other impacts to transportation facilities caused by development during SEPA review, using standards adopted for intersections and other minimum standards established by WCC Development Standards.

Policy 6A-7: Consider implementation of Intelligent Transportation Systems (ITS) technology to increase safety, reduce traffic congestion, decrease delays, expedite commercial vehicle travel, and provide appropriate traveler information.

Reason for change: Edited for clarity and to more completely address GMA LOS requirements - and to use A-F reference system for LOS.

Policy 6A-7 moved to Policy 6J-7.

Current and Projected Levels of Service

Map 6-4 shows the 2013 daily motor vehicle traffic volumes in Whatcom County.
Map 6-5 shows the 2013 volume-to-capacity data for County-owned arterials, based on the traffic volumes in Map 6-4 (adjusted to represent afternoon peak hour volume) and 2013 data on hourly roadway capacity for each road segment. When compared with the level of service standards adopted in Policy 6A and shown on Map 6-2, it is evident that there was only one road segment where roadway capacities were deficient in 2013 (where current volume-to-capacity ratios exceed the adopted level of service standards for those county-owned arterials): Lakeway Drive between the Bellingham City limits and Lowe Avenue.

WCOG has developed a motorized travel demand model and has projected future travel demands based on assumptions of planned development patterns established in Chapter Two Land Use. Comparing the projected demand for peak hour trips with the hourly vehicular carrying capacity of County roadways shows how well the roadways are predicted to function (predicted level of service) in future years.

Map 6-6 shows projected daily traffic on County-owned arterials and state highways in 2036, based on the WCOG model, and Map 6-7 shows projected volume-to-capacity ratios for that year. For the roadways classified as arterials, the GMA requires the County to prohibit development approval – or assure needed

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6 Required by RCW 36.70A.070(6)(a)(i) Must include “Land use assumptions used in estimating travel”
7 Required by RCW 36.70A.070(6)(a)(ii)(E) “Forecasts of traffic for at least 10 years”
8 Required by RCW 36.70A.070(6)(a)(ii) “Estimated traffic impacts to state-owned transportation facilities”

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improvements concurrent with development -- if the development causes the level
of service to fall below adopted standards.⁹

Map 6-7 highlights segments where the projected ratio exceeds the adopted levels
of service established under Policy 6A-1 above. The segments where County-owned
roadways classified as arterials fall below the adopted LOS standards in 2036 are
Hannegan Road between Van Wyck Road and Kelly Road (1.01 mile), and Lakeway
Drive between the Bellingham city limits and Terrace Avenue (0.63 mile).

Reason for change: Section added to address GMA’s requirements to include
forecasts and LOS. Information on deficiencies were added after EIS model run.
These segments are included in the Capital Facilities Plan (Appendix E) to program
improvements to correct these deficiencies.

Planning and Design of Transportation Improvements

This chapter provides The Capital Facilities Plan (Appendix E) includes a list of
improvement projects planned for implementation over the next 20 years—(see
Table 6-3 and Map 6-8). This list was developed in response to safety and capacity
needs identified by Public Works and through various citizen planning efforts such
as the Whatcom County Pedestrian Bicycle Plan and the Birch Bay Community Plan.
This list would also include any projects on County-owned facilities
needed to bring into compliance any facilities that are currently below the
established level of service standard, or are projected to fall below those standards
within the 20-year planning period.

Each year the County adopts a six-year Transportation Improvement Program,
which selects projects from the list of planned projects and assigns funding
amounts to them, programming their construction over the next six years. Due to
limited funding, not all the recommended projects can be programmed for
construction.

Accordingly, in deciding how best to use its finite resources, the County must
prioritize among many competing items, including new projects as well as
preservation, operation and maintenance of existing facilities. Improvements that
are needed to reduce the risk of personal injury and property damage must be the
County’s top consideration. The next priority is preservation of current facilities,
which not only supports the first priority of safety (preventing possible hazards
from developing over time), but also addresses the need to maintain and operate
the transportation system in a cost-effective manner, minimizing the need for costly
reconstruction projects in the future.

⁹ Required by RCW 36.70A.070(6)(b) Concurrency requirement
¹⁰ RCW 36.70A.070(6)(a)(i)(F) “Identification of state and local system needs to meet
current and future demands.”
The next priorities for implementation -- after safety and roadway preservation -- are projects aimed at increasing capacity and keeping facilities operating at acceptable levels of service. Projects that address deficiencies on County-owned arterials should be the highest priority in this category.

Reason for change: Section added to clarify priorities, and to better differentiate between the 20-year list of planned projects and the six year transportation improvement program.

Financing

The Growth Management Act is very specific in its requirement that transportation improvements must be based on financial capability. Furthermore the Act requires that improvements must occur concurrent with developments. It is therefore very important to coordinate funding and land-use driven transportation improvements.

The majority of county transportation dollars are spent on upkeep and maintenance of the existing road system with a much smaller amount available for major improvements and even less for actual capacity improvements. Potential additional revenue sources include a greater share of gas tax revenues and impact and/or mitigation fees. Gas tax revenues can only be imposed through a vote of the people. Impact and/or mitigation fees are enforced through a county ordinance and are intended to pay for improvements required as result of additional traffic generated by development.

GMA authorizes counties to impose impact fees that fund a proportionate share of transportation system improvements made necessary by planned growth. Whatcom County has identified future system improvements eligible for impact fee funding and has enacted a transportation impact fee system to fund a portion of those projects that are reasonably related to and reasonably benefit the planned growth.

Reason for change: Finance section moved to later in the chapter to better follow sequence of transportation facility planning from conceptual policy to implementation.

Goal 6B: Create a cost-effective transportation system that optimizes public investment prioritizes safety, roadway preservation, and concurrency.

Policy 6B-1: Funding Programming of transportation programs and improvements should prioritize upgrading of unsafe and/or structurally deficient facilities and preservation and maintenance of the existing transportation system and upgrading of unsafe and/or structurally deficient facilities over new capital improvements. Exception to this policy should be allowed when a cost/benefit analysis indicates that the public interest is better
served by new capital expenditures over rehabilitation
preservation of existing infrastructure, or when capacity-
increasing improvements are necessary to correct level of
service deficiencies on County-owned roads to meet GMA
concurrency requirements.

Policy 6B-2: Develop—Utilize a fair and equitable formula to assess
development for transportation improvements, including but not
limited to transit, pedestrian facilities, bikeways and roadways
that are considered reasonably necessary as a direct result of
proposed developments in Whatcom County.

Policy 6B-3: Consider incorporating the impact of additional traffic on
existing substandard roads as part of defining level of service
for county roads, in order to better define and prioritize
transportation improvements and assess new development for
its share of impact on existing roads.

Policy 6B-4: Adopt a prioritized bicycle capital facilities improvement plan.

Policy 6B-5: Identify and pursue funding sources for the proposed projects
and improvements contained in the Whatcom County
Comprehensive Plan and the six-year transportation
improvement program.

Policy 6B-6: Utilize impact fees to fund a proportionate share of the costs of
transportation system improvements that benefit and are
reasonably related to new development.

Reason for change: Impact fee policy revised and moved to Policy 6K-3.

Policy 6B-7: Identify and pursue funding sources for activities and
improvements which encourage the use of transportation modes
other than the single-occupant vehicle.

Policy 6B-7 moved to Policy 6K-1.

Policy 6B-8: Use the financial resources available for transportation
improvements to support a program of capital facilities needed
for a multi-modal transportation system. The priority ranking
system should balance the overall system and individual
improvement needs.

Policy 6B-9: Consider and address any major fluctuations between expected
revenues and needed improvement costs during the annual
review process of the comprehensive plan. Such resolution
could result in a reassessment of land use allocation, level of service standards and/or revenue availability.

Policy 6B-9 moved to Policy 6K-2.
Policy 6B-10: Implement a methodology for public-private partnerships when it would result in a more efficient use of public resources.
Policy 6B-11: Explore the possibility of encouraging cooperative funding for bicycle trails.

Reason for change: Edited for brevity: omitted policies are moved, redundant or outdated.

**Local-Arterial and Collector Improvements**

The Citizens' Transportation Advisory Committee and Technical Transportation Advisory Committee worked out a list of criteria for judging the effectiveness of a transportation network. The elements include uncongested traffic flow; sound engineering and construction; safety; mobility; facilities for public transit, bicycles, and pedestrians; access to air, rail, and other forms of transportation; and cost effectiveness. Whatcom County's program of local arterial improvements has to address all these aspects.

Whatcom County's program of arterial and collector improvements addresses the following elements: uncongested traffic flow; sound engineering and construction; safety; mobility; facilities for public transit, bicycles, and pedestrians; access to air, rail, and other forms of transportation; and cost effectiveness.

**GOAL 6H6C:** Ensure an efficient regional system of arterials and collectors that is functional, safe, and consistent with regional priorities and city and county comprehensive plans.

Policy 6H-16C-1: For road classifications higher than local access roads, Develop access control plans which may include joint driveways, for road classifications higher than local access roads and require new developments to minimize the number of access points to road-classifications higher than neighborhood-collector roads.

Policy 6H-26C-2: Where new arterials or collectors are necessary, such routes should follow topographic or land use patterns which minimize disruption to residential neighborhoods and the environment.
Policy 6H-56C-3: Identify a regional system of all-weather roads and develop emergency maintenance plans for adverse weather conditions.

Policy 6H-66C-4: Work towards making all Maximize the amount of county-designated arterials and rural major collectors that are all-weather roads.

Policy 6C-5: Provide for commercial vehicle access from I-5 to major commercial and industrial land uses via all-weather roads that have adequate turning radii and signage.

Policy 6H-76C-6: Set proper/appropriate speed limits based on collision data, speed studies, road geometry, and vehicle types.

Policy 6H-86C-7: Minimize delay at intersections by timely provision of warranted traffic controls and other improvements.

Policy 6C-7: Study ways to improve east-west connectivity for commercial and passenger vehicle traffic between Interstate 5 and areas to the east.

Reason for change: Policy on east-west mobility revised and moved from Goal 6J.

Coordination with Land Use

The way land is developed affects the need for transportation facilities; conversely, the availability of transportation can influence development. This two-way relationship needs to be taken into account in both land-use and transportation planning. The Growth Management Act requires Whatcom County to link the two processes.

Goal 6D: Support land use planning efforts in Whatcom County which include land use types and densities that reduce reliance on single-occupant vehicles.

Policy 6D-1: Allow densities and mixed uses in land-use planning urban areas to reduce the number and length of vehicle trips, increase opportunity to use public transportation, and encourage pedestrian and bicycle trips.

Policy 6D-2: Discourage transportation improvements that would trigger development that is premature or not consistent with applicable comprehensive plans, policies, or zoning.

Policy 6D-3: Support continual education of the public regarding the relationship between transportation and land use issues and ways to reduce traffic congestion.
Policy 6D-4: Direct transportation planners to evaluate positive and negative impacts to the productivity of resource based industries when planning transportation corridors. Transportation improvements in areas designated "Resource Lands" should be constructed to facilitate the operations of those affected areas and industries.

Policy 6D-5: Ensure that new developments provide safe and efficient infrastructure for pedestrians and bicyclists.

Policy 6D-6: Encourage new housing developments to be located in urban growth areas to help provide a sense of community and safe, non-motorized transportation to community facilities and public transit nodes.

Multimodal Approach

Whatcom County’s transportation facilities must accommodate a variety of transportation modes including automobiles, bicycles, pedestrians, buses, emergency vehicles, commercial vehicles, and agricultural equipment. In the planning, design, and construction of these facilities, the County must balance the needs of all users in all modes, and make the improvements appropriate to the context of the area.

GOAL 6E Balance the needs of all users of all modes of transportation when planning and designing transportation facilities.

Policy 6E-1: Adopt and use design standards that follow current best practices for balancing the needs of all modes of transportation, including motorized modes (automobile, commercial trucks, agricultural equipment, emergency vehicles, buses, airplanes, boats, trains, and ferries) and non-motorized modes (bicyclists of all ages and skill levels, and pedestrians with or without disabilities). While not all modes can be accommodated fully in all areas, the County will work to achieve the best balance possible, given the context of the area and budgetary constraints.

Policy 6E-2: Use multimodal design in all new transportation facility improvement projects as well as roadway preservation and maintenance projects, unless physically or financially impracticable. An example would be employing new striping designs following resurfacing to better accommodate all modes.

Policy 6E-3: Multimodal design and implementation of that design shall consider the appropriate context established by land uses in the area. Urban pedestrian amenities such as sidewalks are
appropriate in portions of urban growth areas and areas of more intensive rural development, but not in rural areas, where wide shoulders can suffice.

Reason for change: New section added to emphasize multimodal approach, combining existing policy principles with concepts from the WC Pedestrian-Bicycle Plan.

Bicycle and Pedestrian Facilities

A system of facilities for non-motorized travel enhances community access and promotes healthy lifestyles. These facilities can be adjacent to roadways or separated from them.

Level of service for pedestrians and bicyclists involves different characteristics than capacity and speed. Design should maximize the quality of the service rather than quantifiable measures of usage. Walkways serve pedestrians well when they provide a safe and convenient route. Bicyclists may be well served by a low speed and traffic shared roadway lane in an urban location but may benefit from a wide shoulder on a rural higher speed road.

Reason for change: New section added to incorporate concepts from the WC Pedestrian and Bicycle Plan.

GOAL 6F: Develop a system of bicycle and pedestrian facilities that encourages enhanced community access and promotes healthy lifestyles.\(^\text{11}\)

Policy 6F-1: Planning and design shall emphasize connectivity to the greatest extent possible, creating regional networks of bicycle and pedestrian facilities. Regional networks include both an on-road bicycle facility and walkway network and a regional multi-use path network. These networks should be interconnected; for example, walkways connect seamlessly with pedestrian paths and bike lanes connect to shared-roadway bike routes. The networks should also be coordinated with public transportation hubs and activity centers to enable multi-modal trips of longer distances.

Policy 6F-2: Provide safe pedestrian facilities in all new construction and reconstruction transportation projects where there is the potential for significant use, unless physically or financially impracticable. An example of such a location would be in a traffic corridor within one mile of a school or community center.

\(^\text{11}\) Goal required by RCW 36.70A.070(6)(a)(vii); subsequent policies are based on policies from the Whatcom County Pedestrian and Bicycle Plan, approved by Resolution # 2011-003.
that links residents to such facilities. Traditional curb/gutter/sidewalk designs may not always be the ideal approach for projects since they require large impervious surfaces and may detract from the rural atmosphere. Other separated walkway designs should be considered that provide a physical barrier from motorized traffic.

Policy 6F-3: An effective bicycle and pedestrian system for Whatcom County will require facilities for both regional connectivity and local access. Regional connectivity can be defined as transportation routes connecting major activity centers, towns, and cities within the region. A good example of a regional facility would be the proposed Nooksack Loop Trail or the existing bike route along Hannegan Road.

Policy 6F-4: Prioritize pedestrian and bicycle projects based on the following criteria:

- safety improvements are needed
- serves a residential or relatively high density rural or urban population area
- serves a location frequently traveled by seniors, children, or people with disabilities
- leads to a school or is part of a school route
- provides access to a recreational facility or park
- functions as a key network link for the regional non-motorized network
- offers economic development potential for an underserved area
- ease of implementation due to low cost, public ownership, or other feature

Policy 6F-5: Give priority to construction of pedestrian and bicycle facilities on streets within and between urban growth areas and rural communities where practical, and give priority to walkways along roadways within a one-mile radius of schools.

Policy 6F-6: For commercial and residential developments within urban growth areas and rural communities, developers shall fund on-street walkways, paths, and other pedestrian accommodations, along with internal walkways or paths for on-site circulation that
Policy 6F-7: In cases where environmental factors would limit or prohibit the
collection of a uniform facility for the entire length of a
roadway segment, a modified facility may be provided for a
portion of the segment as an interim solution.

Intergovernmental Coordination and Implementation

Transportation planning is done in a regional context, involving many agencies and
jurisdictions at the federal, state, tribal, and local levels. The Whatcom Council of
Governments (WCOG), the region's Regional Transportation Planning Organization,
publishes the Whatcom Transportation Plan. That plan is a combined Metropolitan
and Regional Plan required by federal and state law, and was most recently adopted
by the WCOG Whatcom Transportation Policy Board in 2012. It is a multimodal plan
setting general policies and establishing a regional Transportation Improvement
Program, while referencing the transportation plans of local jurisdictions. The seven
incorporated cities of Whatcom County, as well as the Lummi Nation, each have
transportation elements in their comprehensive plans. The Washington State
Department of Transportation (WSDOT) owns, plans, and maintains state highways.
The Whatcom Transit Authority (WTA) and Port of Bellingham are also public
entities that adopt plans influencing transportation in the region. Whatcom County
council members are part of the WCOG's Whatcom Transportation Policy Board and
the WTA Board of Directors. The Whatcom County Health Department is also a
participant in transportation planning, as transportation issues affect the health and
safety of the community.

Responsibility for planning and providing transportation facilities in Whatcom
County is spread among a variety of governments and agencies. Consider a few
examples: the federal government is in charge of the facilities at the Canadian
border; state highways are the responsibility of Washington State; the Port of
Bellingham manages air, shipping and the Alaska ferry connection; and Whatcom
County and its cities operate local roads, ferries, and bikeways. These and many
other pieces have to be integrated. In addition, transportation facilities which cross
Whatcom County's boundaries must mesh with the facilities of neighboring counties
and Canada.

Cooperation among jurisdictions is necessary in transportation planning. The
Growth Management Act reflects this need; it calls for a regional transportation
plan, and all the local jurisdictions' plans must be consistent with it. Working
collaboratively can also lead to more effective use of the available funding.
"Collaboration" with users to reduce traffic congestion—by getting more people to
use alternative modes of transportation—is a useful strategy as well.

Goal 6E6G: Coordinate with international, federal, state, regional
(including Skagit and Okanogan Counties), and local
transportation laws, policies, and plans that relate to the
Whatcom County Transportation Plan A Combined Metropolitan and Regional Plan, in order to be consistent and compatible with regional priorities other governmental agencies in planning the County’s transportation system.

Policy 6C-16G-1: Support the Regional Transportation Planning Organization (RTPO) to coordinate transportation planning that affects Whatcom County.

Policy 6C-66G-2: Participate in the Whatcom Council of Governments (WECOG) Transportation Technical Advisory Committee—Group as a mechanism to coordinate with the cities of Whatcom County, the Whatcom Transportation Authority, as well as other jurisdictions.

Policy 6C-7: Work with the Whatcom Council of Governments to develop effective, ongoing mechanisms for city and county public works engineers and planners to coordinate with transit and bicycle planning.

Policy 6C-8: Coordinate county efforts with state activities toward compliance with the Americans with Disabilities Act.

Policy 6C-96G-3: Consistent with county land use planning, coordinate identification of new arterial routes with adjacent city jurisdictions.

Policy 6G-16G-4: In cooperation with the Whatcom Council of Governments, identify a regional transportation network that includes state highways as well as County-owned routes.

Policy 6C-106G-5: Coordinate with WSDOT for access management on all state highways in the county, to minimize the number of access points and maximize public safety and highway capacity. Develop a policy and agreement with the Washington State Department of Transportation to implement a locally managed improvement program for state highways based on local impacts.

Policy 6G-6: Coordinate with the Whatcom County Health Department regarding transportation’s role in promoting safe and healthy communities.

Policy 6G-7: Support state and federal agencies that regulate rail safety, in order to maximize safety of people and property along railroad corridors.
Policy 6G-8: Coordinate with the Port of Bellingham to facilitate convenient access to ports, airports, and other intermodal freight facilities.

Reason for change: Current Plan lacks policy on rail safety. Staff proposes this policy to support rail safety and clarify regulatory jurisdiction.

Policy 6C-11: Identify areas and mechanisms for potentially collaborative projects so that multiple jurisdictions can share costs and efficiencies.

Environment and Energy

The transportation network is a benefit to the community, but it can have unwanted side effects. Vehicles on the roads are noisy, and they contribute to air pollution and contaminated water run-off. They also use up irreplaceable fossil fuel. Road construction can damage fragile wildlife habitats or intrude on scenic views. These effects can be mitigated through careful siting and design. Even more fundamentally, the effects can be minimized by reducing the amount of travel on the roads. Such “demand management” can include expanded public transit, ride-sharing, bicycling, and telecommuting, to reduce the number of trips people make in single-occupant vehicles.

Reason for change: New section below combines environmental-related policies that are currently in separate places in the chapter – Goals 6E and 6T.

Environmental Practices

Transportation facilities can potentially create adverse environmental impacts. Effective design and construction practices can reduce or eliminate impacts on wildlife, water quality, and nearby residents.

Goal 6E: Provide a transportation system that minimizes environmental and social impacts, reduces reliance on fossil fuels.

Goal 6T6H: Construction and operation of transportation systems, including roads, should avoid adverse environmental impacts, including impacts to habitat of threatened and endangered fish and wildlife, water quality, and to adjacent residential areas, species, and restore such habitat when possible. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program and the County budget.
Policy 6T-16H-1: Maintain and restore fish passage when constructing new transportation systems. Where existing transportation systems have fragmented habitat, such as where culverts prevent fish from migrating upstream, strive to restore fish passage at every opportunity. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program and the County budget.

Policy 6T-26H-2: When constructing new transportation systems, ensure that stormwater generated by the transportation system is treated prior to discharge to waterways used by salmonid fish populations or which flow directly into such waterways. Provide for regular, systematic maintenance of transportation system related stormwater control and treatment facilities.

Policy 6T-36H-3: Avoid or mitigate future wetland impacts from transportation system construction and maintenance.

Policy 6T-46H-4: When constructing new or maintaining existing transportation systems, retain or restore native riparian vegetation along streams and rivers to the greatest extent possible.

Policy 6T-56H-5: Avoid or mitigate future impacts to feeder bluffs, accretion shoreforms, driftways, eelgrass, kelp beds and other elements of marine shoreline habitat when constructing or maintaining transportation systems.

Policy 6T-66H-6: Allow natural stream processes to continue by minimizing bank hardening and streambed disturbances to the greatest extent possible, while meeting transportation objectives.

Policy 6T-76H-7: Implement best management practices for erosion control to prevent sedimentation during transportation system construction or maintenance. Maintain such erosion control devices until no longer necessary to protect water quality.

Policy 6E-16H-8: Promote designs to preserve mature trees, unique wildlife habitats, water quality and other elements of the natural environment, including environmentally sensitive areas and shorelines, during the design and construction of road improvement projects.

Policy 6E-26H-9: Support the use of natural noise reduction techniques and visual screens between high-volume transportation routes and other facilities adjacent to residential uses, wherever possible.
Policy 6E-36H-10: Minimize the amount of impervious surface whenever practicable by using natural engineering design methods such as the use of open, shallow, grassed street swales instead of curbs and gutters and, where feasible, encouraging alternate surfacing options.

Policy 6E-46H-11: Engineer, construct, and maintain road improvements to control pollutants affecting water quality and reduce run-off entering surface or groundwater consistent with water quality standards.

Reason for change: The following new section combines policies related to both congestion and emissions reduction, because measures typically address both topics simultaneously.

**Congestion and Emissions Reduction**

**Goal 6J:** Reduce the need for costly capacity-increasing roadway construction projects, and minimize emissions from combustion of fossil fuels, through the use of motor vehicle travel demand reduction programs, transit, and intelligent transportation technology.

**Goal 6F:** Promote energy conservation by implementing demand management policies and encouraging the reduction of single-occupant vehicles on county roads and highways.

Policy 6F-16J-1: Develop programs that reduce single-occupant vehicle use and vehicle miles traveled, minimizing trip length and reducing travel during peak periods, in order to minimize fuel consumption and the emission of greenhouse gases. These programs include, but are not limited to, trip reduction programs in coordination with major employers and other jurisdictions.

Policy 6K-46J-2: Support a regional public transit system that connects with various modes of transportation including auto, bicycle, and pedestrian travel and with the intercity bus, rail, ferries and airline facilities.

Policy 6N-56J-3: Coordinate with Whatcom Transportation Authority to establish rural transit service in unincorporated areas, including Rural Communities and Rural areas, consistent with county land use plans, based on cost effectiveness, location of major trip generators, distance between generators, and the needs of transit-dependent individuals.
Policy 6N-86J-4: In cooperation with Whatcom Transportation Authority and Washington State Department of Transportation to provide park-and-ride lots along major corridors and provide necessary services to encourage their use.

Policy 6K-36J-5: Support multi-modal use by encouraging, for example, provision of secure bicycle storage facilities at park-and-ride lots and other transit facilities, and allowing for the transporting of bicycles on public transit vehicles.

Policy 6N-106J-6: Consider, where needed, bus pull-outs on street/road improvements.

Policy 6A-76J-7: Consider implementation of Intelligent Transportation Systems (ITS) technology to increase safety, reduce traffic congestion, decrease delays, expedite commercial vehicle travel, and provide appropriate traveler information.

Policy 6J-8: Explore enhanced bus service to Sudden Valley to reduce traffic in the Lake Whatcom watershed.

Reason for change: Policy about enhanced bus service to Sudden Valley was moved from Policy 2BB-19 in Chapter 2 Land Use.

Funding of Transportation Improvements

GMA requires an analysis of funding capability\textsuperscript{12} to judge needs against probable funding resources, and a multi-year financing plan\textsuperscript{13} based on the needs identified in the plan. The Capital Facilities Plan, Appendix E of this plan contains the funding analysis and the current 20-year list of transportation projects. The CFP also contains the six-year Transportation Improvement Program, which is updated annually, and programs funding for specific projects over the next six years.

In addition, GMA authorizes counties to impose impact fees that fund a proportionate share of transportation system improvements made necessary by planned growth. In the event that Whatcom County enacts a transportation impact fee system, it would need to identify future system improvements eligible for impact fee funding (projects that are reasonably related to and reasonably benefit the planned growth).

Goal 6K: Provide for adequate funding to keep Whatcom County's transportation facilities in good condition and current in terms of capacity.

\textsuperscript{12} Required by RCW 36.70A.070(6)(a)(iv)(A)

\textsuperscript{13} Required by RCW 36.70A.070(6)(a)(iv)(B)
Policy 6B-76K-1: Identify and pursue funding sources for activities and improvements which encourage the use of transportation modes other than the single-occupant vehicle.

Policy 6B-96K-2: In the event expected revenues and available funding fall short of the amount needed to meet identified needs¹⁴ the County shall work to resolve the shortfall. Consider and address any major fluctuations between expected revenues and needed improvement costs during the annual review of the comprehensive plan. Such resolution could result in a reassessment and revision of land use plans and regulations (including uses and densities) of land use allocation, level of service standards and/or revenue availability, or revenue sources (through revised impact or mitigation fees, or additional grant funding).

Policy 6B-66K-3 Utilize—Consider establishing impact fees to fund a proportionate share of the costs of transportation system improvements that benefit and are reasonably related to new development.

Reason for change: The following omitted policies are moved (as noted), redundant or outdated.

State Highway Improvements

A number of state highways cross Whatcom County, forming an important part of the transportation network for county residents. Although state highways are not Whatcom County's direct responsibility, the county can be a voice for its citizens' interests with regard to those highways, working cooperatively with the Whatcom Council of Governments and the Washington State Department of Transportation.

Goal 6G: Ensure an efficient regional system of state highways that is functional and safe, and is consistent with regional priorities and city and county comprehensive plans.

Policy 6G-1: In cooperation with the Whatcom Council of Governments, identify a regional transportation network.

Policy 6G-2: Recommend access management classifications for all the state highways in the county in order to minimize the number of access points and maximize public safety and highway capacity.

¹⁴ Required by RCW 36.70A.070(6)(a)(iv)(C)
Policy 6G-3: In cooperation with the Washington State Department of Transportation and other jurisdictions, adopt access management classes and designations for state highways.

Policy 6G-4: In cooperation with the Washington State Department of Transportation, investigate the feasibility of frontage roads along the Guide Meridian (SR 539) and other facilities, where appropriate, to consolidate and minimize necessary access points as development proposals are made.

Reason for change: Coordination with WCOG and state agencies is addressed under Goal 6G. Policy 6G-1 moved to Policy G-4.

Goal 6H: Ensure an efficient regional system of arterials that is functional, safe, and consistent with regional priorities and city and county comprehensive plans.

Policy 6H-1: Develop access control plans, which may include joint driveways, for classifications higher than neighborhood collector roads; and require new developments to minimize the number of access points to road classifications higher than neighborhood collector roads.

Policy 6H-1 revised and moved to Policy 6C-1.

Policy 6H-2: Where new arterials or collectors are necessary, such routes should follow topographic or land use patterns which minimize disruption to residential neighborhoods and the environment.

Policy 6H-2 moved to Policy 6C-2.

Policy 6H-3: Support the use of shared access roads from commercial and residential developments to limit intersections with arterials.

Policy 6H-4: Review design and maintenance standards for arterials for consistency between jurisdictions and develop continuity where appropriate.

Policy 6H-5: Identify a regional system of all-weather roads and develop emergency maintenance plans for adverse weather conditions.

Moved to Policy 6C-3.

Policy 6H-6: Work towards making all county-designated arterials all-weather roads.

Revised and moved to Policy 6C-4.
Policy 6H-7: Set proper speed limits.

Revised and moved to Policy 6C-5.

Policy 6H-8: Minimize delay at all intersections by timely provision of warranted traffic controls and other improvements.

Moved to Policy 6C-6.

East/West Mobility

The rectangular shape of Whatcom County, the Nooksack River and Interstate-5 create a problem with access between the eastern and western parts of the county. Suggestions for correcting this problem are expensive including such options as freeway interchanges and overpasses and major bridge crossings.

Goal 6J: Improve mobility between the eastern and western regions of Whatcom County.

Policy 6J-1: Prioritize for improvements the east/west routes that have been identified in the preferred alternative for improvements and weatherization.

Policy 6J-2: Support the possibility of transit and/or other alternative modes for east/west mobility.

East-west mobility now addressed in Policy 6C-7.

Non-Motorized and Public-Transportation Improvements

Whatcom County's transportation network serves other users besides automobiles and trucks. Railways, public transit, carpooling, bicycles, and pedestrians place lower demands on the transportation system, so encouraging these kinds of uses—"demand management"—can reduce the need for new or expanded facilities. Demand management can also help minimize transportation's negative side effects. The Growth Management Act requires Whatcom County to include demand management strategies in its comprehensive plan.

Goal 6K: Support the development and use of new technologies (e.g., fiber optics, other communication improvements) and approaches to planning in Whatcom County, so as to minimize the reliance on vehicular travel.

Policy 6K-1: Monitor new technologies and approaches and incorporate changes into transportation planning efforts.
Planning Commission Recommended Draft
Chapter 6 – Transportation

Policy 6K-2: Incorporate alternatives to conventional petroleum-based technology systems into transportation planning.

Policy 6K-3: Support multi-modal use by encouraging, for example, provision of secure bicycle storage facilities at park-and-ride lots and other transit facilities, and allowing for the transporting of bicycles on public transit vehicles.

Policy 6K-3 moved to Policy 6J-5.

Policy 6K-4: Support a regional public transit system with various modes of transportation including auto, bicycle, and pedestrian travel and with the intercity bus, rail, ferries and airline facilities.

Policy 6K-4 moved to Policy 6J-2.

Goal 6L: Support commuter use and employer promotion of alternative modes of transportation (i.e., carpool, vanpool, transit, bicycles and pedestrian travel) where feasible and discourage reliance on the single-occupant vehicle.

Policy 6L-1: Facilitate the implementation of the Commute Trip Reduction Program.

Policy 6L-2: Assess the need and feasibility for preferential treatment for transit vehicles, vanpools, and carpools to improve competitive transit time with the single-occupant vehicle.

Policy 6L-3: Support educational efforts that emphasize non-motorized transportation alternatives.

Policy 6L-4: Support passenger rail service.

Reason for change: Congestion reduction now addressed under Goal 6J. CTR addressed in Policy 6J-1.

Goal 6M: Promote bicycle and pedestrian travel by systematically providing safe and convenient routes and facilities where feasible.

Policy 6M-1: Encourage safe and efficient bikeways that link populated areas of the county with travel destinations.

Policy 6M-2: Recognize public safety, education and law enforcement as integral to the development of bicycle transportation opportunities in Whatcom County.

Whatcom County Comprehensive Plan 6-29
Policy 6M-3: Where practical, identify site-specific on-street/road improvements needed for bicycle/pedestrian facilities along arterials and provide for regular shoulder sweeping and other maintenance as needed.

Policy 6M-4: Identify needed rights-of-way for bicycles.

Policy 6M-5: Include internal pedestrian circulation systems as well as links to external systems in development projects.

Policy 6M-6: Develop a system of off-road trail networks for non-motorized transportation to link population centers, employment centers and recreation areas.

Policy 6M-7: Implement a policy of providing safe pedestrian and bicycle access on county roads that have significant pedestrian and bicycle traffic as these roads are reconstructed, preferably by adding separated facilities or alternately by providing 4-foot minimum shoulders. Specifically, safe pedestrian facilities should be provided within a one-mile radius of community places such as schools, markets, and libraries if there is residential or other development that would generate significant foot traffic within the one-mile radius.

Policy 6M-8: Implement as a priority the goals, policies and recommendations of the latest Whatcom County Bicycle Plan.

Reason for change: Revised pedestrian and bicycle policies now under Goal 6F.

Goal 6N: Support Whatcom Transportation Authority in providing high-quality, safe, convenient, accessible public transportation, where cost-effective, for the public as an attractive alternative to single-occupant vehicles.

Policy 6N-1: Support public transit system design that encourages frequent and convenient access points, and that integrates various transportation modes into the transit services, such as bus systems, park-and-ride lots, for cars and bicycles, and bus, railroad and airline terminal facilities.

Policy 6N-2: Assist Whatcom Transportation Authority in developing transportation plans that meet the specific operational and personnel needs of individual employers.

Policy 6N-3: Incorporate adopted plans and policies for non-motorized and public transportation in the permitting process for all development or land use proposals, including provisions for
Policy 6N-4: Participate in investigating the potential for expanding express bus service and other forms of high-capacity transit.

Policy 6N-5: Coordinate with Whatcom Transportation Authority to establish rural transit service in unincorporated areas, including Rural Communities, consistent with county land use plans, based on cost-effectiveness, location of major trip generators, distance between generators, and the needs of transit-dependent individuals.

Transit now addressed under Goal 6J.
Policy 6N-5 moved to Policy 6J-3.

Policy 6N-6: Encourage Whatcom Transportation Authority to work with major employers to coordinate bus service with shift changes.

Policy 6N-7: Establish development regulations which offer incentives for projects which are transit compatible, considering density of development, location relative to transit stops, design of project, and circulation to accommodate transit.

Policy 6N-8: In cooperation with Whatcom Transportation Authority and Washington State Department of Transportation, provide park-and-ride lots along major corridors and provide necessary services to encourage their use.

Policy 6N-8 moved to Policy 6J-4.

Policy 6N-9: Encourage provision of transit from the Canadian border to retail facilities in Whatcom County.

Policy 6N-10: Consider, where needed, bus pull-outs on street/road improvements.

Policy 6N-10 moved to Policy 6J-6.

Commercial Transportation

Reason for change: Commercial transportation (Goals 6P, 6Q, and 6R below) are addressed in a more general way in Policy 6E-1, calling for use of current best practices for balancing the needs of all modes, including commercial vehicles.

In addition to the commercial traffic that serves Whatcom County industries and residents themselves the county's transportation system carries heavy cross-border truck traffic between the United States and Canada. Freight vehicles' access to
industrial and commercial areas, safety on roads shared with private vehicles, efficient long-distance movement of goods, and coordination of commercial transportation with rural land uses are all issues for Whatcom County. Trucks make up the bulk of the commercial traffic, but rail, air, and ship transportation are involved as well.

**Goal 6P:** Provide for safe, efficient movement of commercial vehicles in Whatcom County.

**Policy 6P-1:** Support and participate in studies to evaluate freight movement which supports economic development.

**Policy 6P-2:** Consider proposals for an east/west rail freight corridor.

Policy 6P-2 is redundant because it only requires the County to “consider proposals for” an east-west freight corridor. Nothing prevents the County from considering such a proposal.

**Policy 6P-3:** Develop and implement a program of incentives such as fast-track permitting for truck/rail transfer facilities when they contribute to achievement of other transportation goals in this chapter and it can be shown that negative impacts from the facilities can be mitigated.

**Policy 6P-4:** Support commercial and industrial development adjacent to major transportation corridors, including I-5 and rail and air facilities within urban growth areas, as long as such facilities do not reduce safe, efficient movement of vehicles in Whatcom County.

**Policy 6P-5:** To better facilitate dispersal of commercial truck traffic, support the Lynden-border crossing to open 24 hours a day.

**Goal 6Q:** Support intermodal connections (i.e., truck/rail facilities) that promote use of air, water, and/or rail freight where feasible.

**Policy 6Q-1:** Encourage the location and design of intermodal facilities for efficient freight transfer and access to the state and interstate highway, rail and ferry systems.

**Policy 6Q-2:** Support convenient access to ports, airports, other intermodal freight facilities, and international border crossings to enhance freight mobility.

**Policy 6Q-3:** Incorporate needs for access to ports and other intermodal freight facilities into capital facilities planning.
Goal 6R: Emphasize the importance of economically competitive and high-quality inland transportation services; foster the preservation, development and full implementation of freight rail; and plan intermodal linkage for long-distance movement of goods.

Policy 6R-1: Support efficient movement and access of freight vehicles within and through the county.

Policy 6R-2: Support efficient movement of goods and people with regard to land use regulation and environmental and community impacts.

Policy 6R-3: Identify a recognized route system for trucks giving access to major commercial and industrial land uses which will minimize disruption of existing/projected rural land use patterns.

Policy 6R-4: Facilitate the movement of trucks between industrial/commercial areas and I-5 and through the county by providing all-weather roads, adequate turning radii and signage.

Agricultural Vehicles

Agriculture is one of the largest industries in Whatcom County. Agricultural vehicles need to use county roads, but slow moving equipment can become a safety problem when it shares the road with other vehicles.

Goal 6S: Allow for safe movement of farm equipment on county roads where necessary, and reduce conflicts with other vehicles.

Policy 6S-1: Provide signage, where appropriate, warning of slow-moving agricultural equipment.

Policy 6S-2: Provide for marked access points, wider shoulders and/or slow vehicle turnouts on routes where warranted to allow passenger vehicles to safely pass wide agricultural vehicles.

Reason for change: Agricultural vehicles (Goal 6S) are addressed in Policy 6E-1.

Goal 6T: Transportation systems, including roads, should avoid adverse impacts to habitat of threatened and endangered fish and wildlife species, and restore such habitat when possible. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program and the County budget.
Policy 6T-1: Maintain and restore fish passage when constructing new transportation systems. Where existing transportation systems have fragmented habitat, such as where culverts prevent fish from migrating upstream, strive to restore fish passage at every opportunity. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program and the County budget.

Policy 6T-2: When constructing new transportation systems, ensure that stormwater generated by the transportation system is treated prior to discharge to waterways utilized by salmonid fish populations or which flow directly into such waterways. Provide for regular, systematic maintenance of transportation system related stormwater control and treatment facilities.

Policy 6T-3: Avoid or mitigate future wetland impacts from transportation system construction and maintenance.

Policy 6T-4: When constructing new or maintaining existing transportation systems, retain or restore native riparian vegetation along streams and rivers to the greatest extent possible.

Policy 6T-5: Avoid or mitigate future impacts to feeder bluffs, accretion shoreforms, driftways, eelgrass, kelp beds and other elements of marine shoreline habitat when constructing or maintaining transportation systems.

Policy 6T-6: Allow natural stream processes to continue by minimizing bank hardening and streambed disturbances to the greatest extent possible, while meeting transportation objectives.

Policy 6T-7: Implement best management practices for erosion control to prevent sedimentation during transportation system construction or maintenance. Maintain such erosion control devices until no longer necessary to protect water quality.

Reason for change: All policies on adverse impacts to habitat (Goal 6T) have been moved to Goal 6H Environmental Practices.

Reason for change: Action Plan below is proposed for deletion because items are either completed, outdated, or addressed in policies or project lists in Chapter 6, as noted below:

**Transportation Action Plan**

*Whatcom County Comprehensive Plan* 6-34
Capital Facilities Planning, Funding, and Impact Fees

1. Adopt a twenty-year capital improvement plan and six-year transportation improvement plan consistent with the recommendations and priorities in the Whatcom County Transportation Plan and Comprehensive Plan. Make safety and mobility the primary considerations in ranking transportation improvements.

[Done—see project list, six-year TIP and Goal 6B]

2. Develop an annual program of review for maintenance and upgrade of county facilities providing access to commercial and industrial areas.

3. Include bicycle facilities in the six-year capital improvement program (for trails that will be utilized by bikes) or the six-year transportation improvement program (for shoulder widening projects that will accommodate bikes).

[Done—nonmotorized transportation projects or components of projects are included in the TIP]

4. Maintain a system for level of service measurements which allows the county to assess the impact of growth-related additional vehicle trips on existing roads. Use this measurement in identifying needed improvements in capital facilities planning, and in establishing impact and/or mitigation fees, or in determining the desirability of the area to be serviced for additional growth.

[Done—PW Engineering]

5. Emphasize maintenance of the existing transportation system, upgrading unsafe—and/or structurally-deficient facilities, east/west connections, provision of all-weather roads, and support of a multi-modal transportation system.

[Covered through various policies]

6. Review levels of service and concurrency management practices as needed.

7. Within 12 months of adoption of the plan by the County Council, develop an impact and/or mitigation fee ordinance based on actual impacts.

[Impact fees considered in 2008-9, to be discussed again with 2016 update]

8. As the Whatcom County Comprehensive Plan is updated, ensure affected elements, transportation policies, and programs are also updated.

Whatcom County Comprehensive Plan 6-35
9. Review subarea plans and this chapter to ensure consistency of policies and programs when implementing this plan.

[Done - newer SA plans checked, older SA plans being repealed]

10. Identify and protect specific transportation corridors and alignments through purchase, developer contribution, and land use regulation.

[Ongoing - e.g. WCOG/WSDOT’s I-5 Bakerview-Grandview study]

11. Update the map of the regional system of all-weather roads on an annual basis.

[PW does this]

12. Complete the Guide Meridian Study to ensure appropriate land use and transportation improvements on Guide Meridian.

[Outdated - most of study area annexed]


[PW adopts WSDOT access management standards in Design guidelines Chapter 5]


[PW administers access management through the Design guidelines, chapter 5, including adoption of WSDOT access standards]

15. Amend existing regulations to support designs which address internal and external pedestrian circulation and transit access, and encourage the use of shared access roads.

[WC Design Standards are kept up to date by PW Engineering]

Incentives

16. Amend current regulations to offer incentives for projects which are transit compatible.

[See Policy 6A-4]
17. Develop incentives in Whatcom County to provide designs that encourage usage of high-occupancy vehicles.

18. Develop incentives in Whatcom County to encourage safe, non-motorized transportation, such as scenic and efficient, off-road transportation corridors.

Transit

19. Initiate a program in conjunction with Whatcom Transportation Authority to identify and satisfy rural transportation needs.

[WTA includes rural area in their service planning; County representatives will be part of the 2015 WTA strategic plan process]

20. Work with the Whatcom Transportation Authority to identify rights-of-way and property needed for park-and-ride lots and intersection improvements.

[P&R lots have mainly been located in cities. WTA coordinates with County on ROW/intersection issues and opportunities in the County.]

Education

21. Work with Whatcom Transportation Authority to increase public knowledge of public transit options.

[Covered by Policy 6D-3]

Monitoring

22. Gather additional information on passenger and commodity transportation to and from Canada.

[Done by WCOG]

23. Monitor fluctuations in Canadian commercial and passenger vehicle traffic and review recommendations in this plan based on changes in trends.

[Done by WCOG]

Inter-Jurisdiction Coordination

24. Formulate a recommendation to the Regional Transportation Planning Organization to explore new transportation funding sources and innovative solutions to transportation problems.
Recommended Transportation Improvements

[Outdated – new project list will be added into Chapter 6]

In addition to the above recommended actions, a preferred road improvement network is recommended. Map 16 identifies necessary major road improvements over the next twenty years to accommodate future desired growth patterns. The plan is based on future projections of revenues balanced with needs to maintain desired levels of service and correct existing deficiencies.

Recommended transportation improvements are based on the premise that the City of Bellingham will complete its project improvements. Within six years, they are as follows:

- **Yew Street Rd/Samish Connector:**
  Add a street connecting Yew Street (San Juan Boulevard) and Samish Way.

- **Sunset Drive:**
  From Woburn St. to City limits, widen to five lanes.

Major twenty-year County and State improvements described in the preferred alternative are the following:

- **Guide Meridian:**
  From Bellingham City Limits to Pole Road, widen Guide Meridian to five lanes. From Pole Road to the Canadian Border, widen Guide Meridian to four lanes; two lanes in each direction.

- **Mt. Baker Highway:**
  From Bellingham City Limits to the intersection with SR9 north, improve to two lanes in each direction.

- **E. Badger Road:**
  From Garrison Road to Guide Meridian, widen existing lanes, improve shoulders.

- **Hannegan Road:**
  From Bellingham City limits to Smith Road, widen to four lanes. From Bellingham to Lynden, add turn lanes at intersections as needed.

- **SR9:**
  From Siper Road to Mt. Baker Highway, improvement for safety purposes, recognizing the residential character.

- **SR9:**
  From Canadian border to Badger, realign.
• **Slater Road:**
  From Northwest to Hannegan, extend two lanes.

For long-range planning and future right-of-way use monitor the need for the following improvements:

• **Lincoln**
  Widen and extend to Blaine Road.

• **Blaine Road:**
  From Birch Bay-Lynden road to I-5, widen to four lanes.

• **SR9:**
  From Badger to Nugent's Corner, improve alignment.

• **Slater:**
  From Hannegan to Mt. Baker Highway, connect with two lanes.

• **Lake Louise Road:**
  Improve in conjunction with installation of Water District #10 sewer line.

Other recommended 20-year improvements, including road reconstruction projects, are set forth in the Whatcom Transportation Plan—A Combined Metropolitan and Regional Plan (Whatcom County Council of Governments, Oct. 2001).

Revisions to the Growth Management Act, adopted under House Bill 1487 in 1998, indicate that the County's Comprehensive Plan must incorporate planning for state highways, consistent with state and regional transportation planning efforts.

The Washington State Highway System Plan 2003-2022 was adopted by the state in February of 2002. This plan includes improvement strategies for the state highway system over a 20-year planning period. Specific state highway improvement strategies in this plan include:

• Widening I-5 from the Skagit County line to Blaine, improving interchanges along I-5, and constructing park and ride lots along I-5.

• Widening State Route 9 from the Skagit County line to Sumas.

• Widening State Route 539 (Guide Meridian) from Horton Road to the border.

• Widening State Route 542 (Mt. Baker Highway) from Britton Rd. to Kendall.

• Widening State Route 544 (Pole Rd./Everson-Goshen Rd.) from the Guide Meridian to Nooksack.

• Widening State Route 546 (Badger Rd.) from Guide Meridian to State Route 9.
• Widening State Route 548 (Grandview Rd./Blaine Rd.) from I-5 to Blaine.
• Improving stormwater runoff and eliminating fish barriers along state highways.

[Outdated – current project list will be added to Chapter 6]

Recommended Non-Motorized Transportation Facilities

Develop detailed project proposals for a safe system of bikeways and walkways in Whatcom County, including identification of available funding sources and implementation plans, emphasizing the projects below. Implement these projects as funding becomes available.

Map 17 displays a proposed system of bicycle routes and facilities in Whatcom County:

1. Install dedicated bicycle lanes in accordance with WSDOT standards on the following roadways:
   • Hwy 542 from Bellingham City limits to Hwy 9 southbound.
   • Bakerview Rd.
   • Hannegan Rd.
   • Birch Bay/Lynden Rd.
   • Portal Way.

2. Pursue implementation of the following off-road transportation corridors:
   • Coast Millennium Trail – Complete off road segments between Marine Drive and Ferndale, including a possible bicycle/pedestrian bridge connecting Pioneer Park and Hovander Park. In addition, pursue scenic, non-motorized segments along the bluffs between Ferndale and Birch Bay, through purchase or long-term agreements with land owners.
   • Hertz North Lake Whatcom Trail Extension – Between eastern terminus of existing trail and Blue Canyon Road. Also install a safe non-motorized route, including a separated path where physically and financially feasible, along North Shore road between Bellingham City limits and the North Shore trailhead.
   • Bay to Baker Trail – Between Bellingham City limits and Maple Falls.
   • Nooksack River Trail – between Ferndale and Glacier.
• Galbraith Connectors — Between Yew Street and Lake Louise Boulevard.

• Stewart Mt. Connectors — Between east end of Smith road and Van Zandt and between Y road, Northshore trailhead and the South Fork Nooksack Valley.
Memorandum

TO: WHATCOM COUNTY COUNCIL
FROM: Astrid Newell, Community Health Manager
DATE: MARCH 15, 2016
RE: HEALTH REVIEW OF 2016 COMPREHENSIVE PLAN--TRANSPORTATION CHAPTER

Overview:
As one step in the implementation of the County’s Healthy Planning Resolution #2015-038, Whatcom County Health Department (WCHD) staff will provide an overview of health recommendations for selected chapters of the 2016 Comprehensive Plan Update to the County Council. The attached matrix includes recommendations for the Transportation Chapter that were provided to County Planning and Development Services (PDS) staff and describes current status in the Planning Commission’s recommended draft.

Process:
The process for developing and incorporating the recommendations included:

- Technical review of the 2008 Comprehensive Plan by Alta Planning and Design (2013), identifying opportunities to strengthen specific policies in the plan from a health perspective
- Planning workshop to prioritize health topics and associated policy recommendations with Public Health Advisory Board (PHAB), PDS staff, Health Department staff, and community stakeholders (March 2014)
- Refinement of policy recommendations based on PHAB, County PDS, and stakeholder input (Spring 2014)
- Correspondence and connection with County PDS to integrate recommendations into draft chapters, as feasible and appropriate
- Support for PHAB feedback to Planning Commission on specific issues and recommendations
- Review and analysis of the status of health recommendations in the Planning Commission’s draft chapters.
Recommendations:
All of WCHD's policy recommendations were either included in the 2016 draft or otherwise adequately addressed. Additionally, two new sections in the 2016 Transportation Chapter, Multimodal Approach (Goal 6E) and Bicycle and Pedestrian Facilities (Goal 6F) address several of the priorities identified through the WCHD comprehensive plan review process and the policies recommended by WCHD staff. Several policies in the chapter acknowledge the need for bicycle and pedestrian services in areas of urban growth, which was one of the main priorities identified through WCHD's review process. Lastly, PDS also included language in the introduction to the section on Intergovernmental Coordination and Implementation that calls out WCHD as a "participant in transportation planning", acknowledging the critical link between transportation and health, and Policy 6G-6 directs PDS to "coordinate with the Whatcom County Health Department regarding transportation's role in promoting safe and healthy communities."
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<td>6A-4</td>
<td>Policy 6A-4: For proposed developments in designated urban growth areas, increase the volume-to-capacity ratio standard for impacted transportation facilities by 0.05 if at least one of the following amenities is existing or is committed to being provided as part of the development: • Transit service and stop within one quarter mile walking distance accessible from the development using non-motorized facilities that meet or are functionally equivalent to Whatcom County Road Standards • Non-motorized facilities that meet or are functionally equivalent to Whatcom County Road Standards along the impacted facility</td>
<td>Keep</td>
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<td>Retained</td>
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<td>6D</td>
<td>GOAL 6D: Support land use planning efforts in Whatcom County which include land use types and densities that reduce reliance on single-occupant vehicles.</td>
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*Key to Associated Evidence-based Health Impacts

Physical Activity
A: Walkable neighborhood design encourages physical activity.
B: Transit is associated with increased levels of physical activity.
C: Well-designed and accessible parks provide a space to be active, and are correlated with increased rates of physical activity.

Mental Health
D: Places that encourage or enable physical activity can help prevent and treat depression.
E: Neighborhood characteristics, including aspects of the built environment, are associated with mental health outcomes.

Injury & Safety:
F: Roadway design affects pedestrian, bicyclist, and motor vehicle safety.

Healthy Food Access
G: Proximity to a healthy food retail source is associated with better individual eating habits and reduced risk for obesity and diet-related diseases, such as type-2 diabetes.

H: Local food production increases access to healthy foods.

Social Connectedness
I: Safe and inviting public places, such as open spaces, parks and community gathering places, promote social connectedness and health.

K: Walkable, mixed-use neighborhood design can encourage social cohesion.
<table>
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<th>Goal/Policy</th>
<th>2008 Comp Plan Goal Language</th>
<th>Recommendation</th>
<th>Priority Ranking (High-Medium-Low)</th>
<th>Status in Planning Commission Recommended Draft</th>
<th>Associated Health Impacts</th>
<th>2014 Notes to PDS:</th>
<th>2016 Notes:</th>
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<tr>
<td>6D-1</td>
<td>Policy 6D-1: Allow densities and mixed uses in land use planning to reduce the number and length of vehicle trips, increase opportunity to use public transportation, and encourage pedestrian and bicycle trips.</td>
<td>Keep</td>
<td>High</td>
<td>Retained</td>
<td>A, B, G, I, D, E</td>
<td>&quot;land use planning&quot; changed to &quot;urban areas&quot;</td>
<td></td>
</tr>
<tr>
<td>6J-2</td>
<td>Policy 6J-2: Support the possibility of transit and/or other alternative modes for east/west mobility.</td>
<td>Keep</td>
<td>High</td>
<td>Retained; moved to Policy 6C-7</td>
<td>B</td>
<td>Multiple community input processes have identified this as a key barrier to accessing essential services.</td>
<td></td>
</tr>
<tr>
<td>6L-1</td>
<td>Policy 6L-1: Facilitate the implementation of the Commute Trip Reduction Program.</td>
<td>Keep</td>
<td>Low</td>
<td>Retained; moved to Policy 6L-1</td>
<td>A, B, D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6M-1</td>
<td>Policy 6M-1: Encourage safe and efficient bikeways that link populated areas of the county with travel destinations.</td>
<td>Change/Add</td>
<td>Medium</td>
<td>Changed; addressed in Goal 6F and Policy 6F-1</td>
<td>A, F</td>
<td>Add: pedestrian connections</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 6M-3: Where practical, identify site-specific on-street/road improvements needed for bicycle/pedestrian facilities along arterials and provide for regular shoulder sweeping and other maintenance as needed.</td>
<td>Keep</td>
<td>High</td>
<td>Removed</td>
<td>A, D, F, K</td>
<td>(1) Policy supporting walkability audits to identify locations Note: WCCHD is a potential partner for walk audits and prioritization. (2) Policy that adds shoulders on rural roads</td>
<td>Language on maintenance and sweeping removed as it is not the appropriate level of specificity for the comp plan. Policy 6F-2 addresses provision of bicycle and pedestrian facilities in areas of significant use and Policy 6F-1 address connectivity of bike/ped network.</td>
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<tr>
<td>6M-4</td>
<td>Policy 6M-4: Identify needed rights-of-way for bicycles.</td>
<td>Change/Add</td>
<td>High</td>
<td>Removed, but addressed by Policies 6F-1 and 6E-2</td>
<td>A, D, F</td>
<td></td>
<td>Old policy was removed as it was not clear what specific action would be required. Policy 6F-1 and 6E-2 address WCHD recommendations through planning and design for connectivity and multimodal design.</td>
</tr>
<tr>
<td>6M-5</td>
<td>Policy 6M-5: Include internal pedestrian circulation systems as well as links to external systems in development projects.</td>
<td>Keep</td>
<td>High</td>
<td>Removed, but addressed in Policies 6F-2 and 6F-3</td>
<td>A, D, E, F</td>
<td></td>
<td>See PA policy priorities for more additions here. Prioritize projects located in low SES, high minority, and/or high youth areas.</td>
</tr>
<tr>
<td>6M-6</td>
<td>Policy 6M-6: Develop a system of off-road trail networks for non-motorized transportation to link population centers, employment centers and recreation areas.</td>
<td>Keep</td>
<td>Medium</td>
<td>Removed</td>
<td>A, D, F</td>
<td></td>
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</tr>
<tr>
<td>6M-7</td>
<td>Policy 6M-7: Implement a policy of providing safe pedestrian and bicycle access on county roads that have significant pedestrian and bicycle traffic as these roads are reconstructed, preferably by adding separated facilities or alternately by providing 4 foot minimum shoulders. Specifically, safe pedestrian facilities should be provided within a one mile radius of community places such as schools, markets and libraries if there is residential or other development that would generate significant foot-traffic within the one mile radius.</td>
<td>Change</td>
<td>High</td>
<td>Removed, but addressed in Policies 6E-2 and 6E-3 (multimodal approach) and in Policies 6F-2.</td>
<td></td>
<td></td>
<td>Add: Language that prioritizes facilities in areas with low SES, high minority, high youth populations. Change: &quot;Implement a policy for providing safe pedestrian and bicycle access on county roads that serve dense populations and link residents with services and destinations.&quot; Further prioritization for bike/ped facilities is also addressed in Policy 6F-4.</td>
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<tr>
<td>6E</td>
<td>GOAL 6E: Provide a transportation system that minimizes environmental and social impacts, reduces reliance on fossil fuels.</td>
<td>Keep</td>
<td>Medium</td>
<td>Moved to Goal 6H</td>
<td>A, D</td>
<td></td>
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<tr>
<td>6F-1</td>
<td>Policy 6F-1: Develop programs that reduce single-occupant vehicle use and vehicle miles traveled, minimizing trip length and reducing travel during peak periods.</td>
<td>Keep</td>
<td>Low</td>
<td>Retained; moved to Policy 6I-1</td>
<td>A</td>
<td></td>
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<tr>
<td>6H</td>
<td>GOAL 6H: Ensure an efficient regional system of arterials that is functional, safe, and consistent with regional priorities and city and county comprehensive plans.</td>
<td>Keep</td>
<td>Low</td>
<td>Retained; moved to Policy 6C-1</td>
<td>D</td>
<td></td>
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</tr>
<tr>
<td>6M-2</td>
<td>Policy 6M-2: Recognize public safety, education and law enforcement as integral to the development of bicycle transportation opportunities in Whatcom County.</td>
<td>Change/Add</td>
<td>Low</td>
<td>Removed</td>
<td>F</td>
<td>Add: pedestrian transportation</td>
<td>Policy removed as it was not actionable.</td>
</tr>
<tr>
<td>6B</td>
<td>GOAL 6B: Create a cost-effective transportation system that optimizes public investment.</td>
<td>Keep</td>
<td>Med</td>
<td>Retained</td>
<td>A</td>
<td></td>
<td>Additional language added that prioritizes projects based on safety, roadway preservation and concurrency.</td>
</tr>
<tr>
<td>270</td>
<td>2008 Comp Plan Goal Language</td>
<td>Recommendation</td>
<td>Priority Ranking (High-Medium-Low)</td>
<td>Status in Planning Commission Recommended Draft</td>
<td>Associated Health Impacts</td>
<td>2014 Notes to PDS:</td>
<td>2016 Notes:</td>
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<td>68-2</td>
<td>Policy 6B-2: Develop a fair and equitable formula to assess development for transportation improvements, including but not limited to transit, pedestrian facilities, bikeways and roadways that are considered reasonably necessary as a direct result of proposed developments in Whatcom County.</td>
<td>Keep</td>
<td>High</td>
<td>Retained.</td>
<td>A, D</td>
<td>&quot;Develop&quot; changed to &quot;use&quot;</td>
<td></td>
</tr>
<tr>
<td>68-4</td>
<td>Policy 6B-4: Adopt a prioritized bicycle capital facilities improvement plan.</td>
<td>Change/Add</td>
<td>High</td>
<td>Removed</td>
<td>A</td>
<td>Policy removed because the County has one capital facilities plan into which bicycle improvements are incorporated, rather than several capital facilities plans for different types of items.</td>
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</tr>
<tr>
<td>68-7</td>
<td>Policy 6B-7: Identify and pursue funding sources for activities and improvements which encourage the use of transportation modes other than the single-occupant vehicle.</td>
<td>Keep</td>
<td>High</td>
<td>Retained; moved to 6K-1</td>
<td>A, B, D, K</td>
<td></td>
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<tr>
<td>68-8</td>
<td>Policy 6B-8: Use the financial resources available for transportation improvements to support a program of capital facilities needed for a multi-modal transportation system. The priority ranking system should balance the overall system and individual improvement needs.</td>
<td>Change/Add</td>
<td>High</td>
<td>Addressed in new section on Multimodal Approach and in prioritization criteria included in Policy 6F-4.</td>
<td>A, B</td>
<td>Add: Language that prioritizes (1) improvements in low SES, high minority, high youth populations; (2) active modes of transportation. Delineate how priority ranking system will be administered</td>
<td></td>
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<tr>
<td>Goal</td>
<td>2008 Comp Plan Goal Language</td>
<td>Recommendation</td>
<td>Priority Ranking (High-Medium-Low)</td>
<td>Status in Planning Commission Recommended Draft</td>
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<td>2014 Notes to PSD:</td>
<td>2016 Notes:</td>
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<tr>
<td>6B-11</td>
<td>Policy 6B-11: Explore the possibility of encouraging cooperative funding for bicycle trails.</td>
<td>Change/Add</td>
<td>High</td>
<td>Removed</td>
<td>A, D, K</td>
<td>Add: pedestrian</td>
<td>Policy removed as it was not actionable.</td>
</tr>
<tr>
<td>6C-7</td>
<td>Policy 6C-7: Work with the Whatcom Council of Governments to develop effective, ongoing mechanisms for city and county public works engineers and planners to coordinate with transit and bicycle planning.</td>
<td>Keep</td>
<td>High</td>
<td>Removed</td>
<td>A, B, D, K</td>
<td>Add: pedestrian</td>
<td>WCOS's Transportation Technical Advisory Group is the mechanism for this coordination; a policy is not required.</td>
</tr>
<tr>
<td>6D-5</td>
<td>Policy 6D-5: Ensure that new developments provide safe and efficient infrastructure for pedestrians and bicyclists.</td>
<td>Keep</td>
<td>High</td>
<td>Retained</td>
<td>F</td>
<td>Are there design guidelines already in place for this?</td>
<td></td>
</tr>
<tr>
<td>6K-3</td>
<td>Policy 6K-3: Support multi-modal use by encouraging, for example, provision of secure bicycle storage facilities at park-and-ride lots and other transit facilities, and allowing for the transporting of bicycles on public transit vehicles.</td>
<td>Keep</td>
<td>Low</td>
<td>Retained; moved to Policy 6J-5</td>
<td>A, D, F, K</td>
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<tr>
<td>6K-4</td>
<td>Policy 6K-4: Support a regional public transit system with various modes of transportation including auto, bicycle, and pedestrian travel and with the intercity bus, rail, ferries and airline facilities.</td>
<td>Keep</td>
<td>Medium</td>
<td>Retained; moved to Policy 6J-2</td>
<td>A, B, D, K</td>
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<td>6L</td>
<td>GOAL 6L: Support commuter use and employer promotion of alternative modes of transportation (i.e., carpools, vanpools, transit, bicycles and pedestrian travel) where feasible and discourage reliance on the single-occupant vehicle.</td>
<td>Keep</td>
<td>Low</td>
<td>Removed, but addressed in Goal 6I and Policy 6I-1</td>
<td>A, B, D, K</td>
<td></td>
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<tr>
<td>6L-3</td>
<td>Policy 6L-3: Support educational efforts that emphasize non-motorized transportation alternatives.</td>
<td>Keep</td>
<td>Medium</td>
<td>Removed.</td>
<td>A, D, K</td>
<td></td>
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</tr>
<tr>
<td>6M</td>
<td>GOAL 6M: Promote bicycle and pedestrian travel by systematically providing safe and convenient routes and facilities where feasible.</td>
<td>Change/Add</td>
<td>High</td>
<td>Removed, but addressed in Goal 6F</td>
<td>A, F</td>
<td>Add: Add policies that prioritize facilities within UGAs</td>
<td>Policies under Goal 6F make clear that urban growth areas are priorities for bicycle and pedestrian facilities.</td>
</tr>
<tr>
<td>6M-8</td>
<td>Policy 6M-8: Implement as a priority the goals, policies and recommendations of the latest Whatcom County Bicycle Plan.</td>
<td>Keep</td>
<td>High</td>
<td>Removed, but new section 6F incorporates policies from the Whatcom County Pedestrian and Bicycle Plan</td>
<td>A, D, F, K</td>
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<tr>
<td>6N</td>
<td>GOAL 6N: Support Whatcom Transportation Authority in providing high-quality, safe, convenient, accessible public transportation, where cost effective, for the public as an attractive alternative to single-occupant vehicles.</td>
<td>Keep</td>
<td>Medium</td>
<td>Removed, but addressed by Goal 6J and subsequent policies</td>
<td></td>
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<td>B</td>
</tr>
<tr>
<td>Goal/Policy</td>
<td>2008 Comp Plan Goal Language</td>
<td>Recommendation</td>
<td>Priority Ranking (High-Medium-Low)</td>
<td>Status in Planning Commission Recommended Draft</td>
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<tr>
<td>6N-1</td>
<td>Policy 6N-1: Support public transit system design that encourages frequent and convenient access points, and that integrates various transportation modes into the transit services, such as bus systems, park-and-ride lots for cars and bicycles, and bus, railroad and airline terminal facilities.</td>
<td>Keep</td>
<td>Medium</td>
<td>Removed, but addressed by Goal 6J and Policy 6J-4</td>
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<tr>
<td>6N-4</td>
<td>Policy 6N-4: Participate in investigating the potential for expanding express bus service and other forms of high-capacity transit.</td>
<td>Keep</td>
<td>Low</td>
<td>Removed.</td>
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<tr>
<td>6N-5</td>
<td>Policy 6N-5: Coordinate with Whatcom Transportation Authority to establish rural transit service in unincorporated areas, including Rural Communities, consistent with county land use plans, based on cost effectiveness, location of major trip generators, distance between generators, and the needs of transit-dependent individuals.</td>
<td>Keep</td>
<td>High</td>
<td>Retained; moved to Policy 6J-3</td>
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<tr>
<td>6N-8</td>
<td>Policy 6N-8: In cooperation with Whatcom Transportation Authority and Washington State Department of Transportation, provide park-and-ride lots along major corridors and provide necessary services to encourage their use.</td>
<td>Keep</td>
<td>Medium</td>
<td>Retained; moved to Policy 6J-4</td>
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<tr>
<td>GN-10</td>
<td>Policy GN-10: Consider, where needed, bus pull-outs on street/road improvements</td>
<td>Keep</td>
<td>Medium</td>
<td>Retained; moved to Policy 6J-6</td>
<td></td>
<td></td>
<td>B, F</td>
</tr>
<tr>
<td>TRANSPORTATION – ACTION PLAN</td>
<td>3. Include bicycle facilities in the six-year capital improvement program (for trails that will be utilized by bikes) or the six-year transportation improvement program (for shoulder widening projects that will accommodate bikes).</td>
<td>Change/Add</td>
<td>High</td>
<td>Transportation Action Plan removed</td>
<td></td>
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<td>A, D, F, K</td>
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Possible additions:

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<tr>
<td>Work with local transit agencies to ensure that bus routes provide service from underserved neighborhoods to healthy food retail outlets.</td>
<td>Add</td>
<td>High</td>
<td>Not added.</td>
<td></td>
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<td>B, G</td>
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**Possible additions:**

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<td></td>
<td>Design guidelines specific to UGAs and subdivisions: a. Require developers to build facilities for walkers, bicyclists, and wheelchairs in all new developments (e.g. sidewalks, ramps, bicycle racks) b. Reduce parking requirements for developments that locate near transit (e.g., within a quarter-mile of a transit stop) and that provide walking, biking, and disability access facilities. c. Require transportation engineers to meet level of service standards for pedestrians and cyclists in addition to those established by cars (e.g., sidewalks, crosswalks, bike lanes). d. Support walkability audits to identify inconvenient or dangerous routes and prioritize infrastructure improvements in communities with the most need. e. Have street design guidelines address sidewalk width and materials, lighting, signage, landscaping, way finding, crosswalks, curb ramps, refuge islands, corner radii, and signals.</td>
<td>Add</td>
<td>High</td>
<td>a. Added in Policy 6F-6 b. Not added c. Not added; addressed by Policy 6E-2 and in the introduction to section 6F. d. Not added e. Design guidelines address in Policy 6E-7.</td>
<td>A, B, D, E, F, J, K</td>
<td>c. The introduction to Section 6F notes that level of service for bicycle and pedestrian facilities is best addressed by quality of these facilities rather than quantifiable measures as for automobiles. See also Policy bike6F-2.</td>
<td></td>
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<tr>
<td>Goal/Policy</td>
<td>Sample Language</td>
<td>Recommendation</td>
<td>Priority Ranking (High-Medium-Low)</td>
<td>Status in Planning Commission Recommended Draft</td>
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<td>2014 Notes to PDS:</td>
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<td>Develop area plans and design schemes in ways that encourage safe and convenient pedestrian, bike, and transit connections between neighborhoods and food sources. Ensure that pedestrian routes and sidewalks are integrated into continuous networks.</td>
<td>Add</td>
<td>High</td>
<td>Not added; connectivity of network addressed in Policy 6F-1</td>
<td>A, B, F, G, I, K</td>
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<td>Adopt roadway design guidelines that enhance street connectivity.</td>
<td>Add</td>
<td>High</td>
<td>Policy 6F-1 calls for the adoption of design guidelines</td>
<td>A, D, F, K</td>
<td></td>
<td>See also Policy 6F-1</td>
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<td>Ensure that pedestrian routes and sidewalks are integrated into continuous networks. Require high standards of connectivity in new developments, including short block sizes (UGA-specific).</td>
<td>Add</td>
<td>High</td>
<td>Added in Policies 6F-1, 6F-5 and 6F-6</td>
<td>A, D, F, K</td>
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<td>Where possible, establish &quot;one-off&quot; routes for cyclists and pedestrians that are parallel to major commercial streets or auto routes but with slower, lighter traffic.</td>
<td>Add</td>
<td>High</td>
<td>Not added</td>
<td>A, D, F, K</td>
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Whatcom County Council Agenda Bill

Clearances

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<th>Originator:</th>
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<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>2/14/16</td>
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<td>3/8/2016</td>
<td>Introduction</td>
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Division Head:
Mark Personius

Dept. Head:
Sam Ryan

Prosecutor:
Royce Buckingham

Purchasing/Budget:

Executive:
Jack Louws

3/1/16

Title of Document:
Various Minor Amendments to WCC Title 20 Zoning.

Attachments:
1. Staff Memorandum
2. Proposed Ordinance and Exhibit
3. Staff Report

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

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

Requested Date

The Council must hold a hearing if they want to 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.)

Various Minor Amendments to WCC Title 20 Zoning. The proposal includes amendments to WCC Title 20 regarding: a) revising procedures for administrative approval permits, b) revising application docketing procedures, c) clarifying development regulations for electric powerlines and water tanks, d) relocating approval criteria and performance standards for home occupation and cottage industry, e) clarifying building heights in the Light Impact Industrial zone, f) updating references regarding development on slopes in the Rural Residential Island zone, g) updating and clarifying lot consolidation requirements, h) revising major project permit procedures, i) revising regulations for marijuana production and marijuana processing, j) updating a reference regarding nonconforming use expansion, k) clarifying regulation of broadcast tower heights, l) clarifying prohibited uses, m) clarifying lot size and density in the Residential Rural zone, n) clarifying provisions for lots previously created under the clustering provision in the Rural Forestry zone, o) clarifying minimum setback requirements in the Lake Whatcom Watershed Overlay District and the Water Resource Protection Overlay District, p) restoring setback tables that were inadvertently deleted and defining minor access streets for purposes of setback calculation, and q) correcting outdated references to long-term and short-term planning areas.

Committee Action:

Council Action:
3/8/2016: Introduced 7-0

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:
PLN2014-00008

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

TO: County Council
Jack Louws, County Executive

THROUGH: Mark Personius, AICP, Assistant Director

FROM: Gary Davis, AICP, Senior Planner

DATE: February 23, 2016

SUBJECT: Title 20 Amendments

Attached are the findings and recommendations of the Planning Commission on a series of proposed amendments to Whatcom County Code Title 20 Zoning. From time to time, the County adopts a series of small code amendments to improve unclear standards or procedures, or to correct errors or outdated text. This collection of code amendments includes such items as well as some small but substantive changes to certain procedures. The draft amendments are discussed in detail in the attached staff report.

These amendments have been scheduled for introduction at the March 8 County Council meeting. They have been tentatively scheduled for discussion at the March 22 Planning and Development Committee meeting, and for public hearing at the regular Council meeting that night. If the Council wishes to make changes to the amendments recommended by the Planning Commission, a new draft ordinance would have to be introduced and final adoption could take place no sooner than two weeks after introduction.

Staff would like to point out two possible changes the Council may wish to consider. First, in the docketing procedures (Exhibit B) the Commission’s approved additions includes only a new provision for the Council to remove an item from the docket by motion, which was the main clarification staff was seeking in drafting this amendment. However, staff believes it may also improve clarity if another option were specified, allowing the Council to forward an item to the following year’s docket if it hasn’t been acted upon (see attached substitute draft Exhibit B). In practice, this is already done, but a code provision specifically allowing it could add more clarity.
Second, the Planning Commission did not recommend the proposed amendment that would have listed broadcast towers higher than 25 feet as a prohibited use in the Point Roberts Special Zone, and would have added a new definition for “broadcast tower.” The purpose of the proposed amendment was to clarify that such towers are subject to the height requirements of the zoning code, per the Hearing Examiner’s decision in the recent conditional use permit application for large radio towers in Point Roberts (CUP2013-0004). The Planning Commission was concerned about the wording of the proposed definition, among other issues. Staff suggests the desired clarification could be accomplished by instead adding wording to the “Intent” section of WCC Chapter 20.82 Public Utilities, clarifying that all the utility uses listed in that chapter are subject to the development regulations of the underlying chapter (see attached original and revised Exhibit K drafts). This is consistent with the Hearing Examiner’s findings in the Point Roberts CUP, as upheld by the County Council and subsequently by a Superior Court decision.

If you have any questions, please call Gary Davis, Senior Planner, at extension 5931.

Attachments:
- Draft Ordinance (Planning Commission recommended amendments)
- Findings and Recommendations of the Planning Commission
- Staff Report
- Substitute draft Exhibit B (docketing procedures)
- Original draft Exhibit K (broadcast towers)
- Substitute draft Exhibit K (amending 20.82.010)
ORDINANCE NO. __________

VARIOUS MINOR AMENDMENTS TO WHATCOM COUNTY CODE
TITLE 20 ZONING

WHEREAS, The Whatcom County Code needs various minor changes to correct errors, update references, and clarify standards and procedures in Title 20 Zoning; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on January 28, 2016; and

WHEREAS, Notice of the public hearing was published on January 15, 2016; and

WHEREAS, A State Environmental Policy Act (SEPA) determination of non-significance was distributed February 29, 2016; and

WHEREAS, Notice of the proposed amendments was submitted to the Washington State Department of Commerce on December 23, 2015; and

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

FINDINGS OF FACT

1. Currently WCC 20.84.225 allows the Hearing Examiner to “approve revisions to conditional use permits; provided, that the proposed changes are within the scope and intent of the original permit…” There is no such allowance for PDS to approve revisions to administrative permits. Without the proposed amendment, minor revisions to administrative permits require a new permit application.

2. The procedures for docketing zoning code, comprehensive plan, and zoning map amendment applications are provided in 20.90.41 but the code currently lacks an option for removing items once they are placed on the docket. The proposed amendment provides an option to remove certain docketed items.

3. Currently the zoning code does not make it clear whether replacement of existing electric powerline poles and towers is permitted outright. In addition, powerline towers and water tanks have no flexibility to exceed the code’s structure height limits because a height variance is not possible unless there is a physical hardship associated with the property. Also, the currently permitted size of an outright-permitted utility structure is 100 square feet. The proposed amendment changing the maximum permitted size to 200 square feet is consistent with the size of accessory storage buildings that are allowed as accessory uses in most zones.
4. Currently the home occupation and cottage industry performance standards are listed in Chapter 20.84, Variances and Conditional Uses, and in Chapter 20.97 Definitions, respectively. Such standards are typically located in Chapter 20.80 Supplemental Requirements. Also, RCW 36.70A.450 requires Counties to allow family day care homes (an occupied dwelling providing day care for no more than six children) in most zones, and authorizes Counties to regulate certain aspects of their operation. The zoning code currently requires that family day care homes be subject to home occupation standards. The amendment to not make family day care homes subject to home occupation requirements would ensure that County requirements do not go beyond what the County is authorized to regulate.

5. An apparent oversight left out part of a sentence in Note 1 under the Light Impact Industrial (LII) setback table of 20.80.210. That note currently reads, “All setbacks shall be increased by one foot of building height which exceeds 35 feet.” Staff believes the intent was to make the note read like Note 1 under the High Impact Industrial (HII) setbacks: “All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures...” The proposed amendment changes the LII language, consistent with HII.

6. The Residential-Rural-Island (RRI) zone currently exempts certain platted lots from the lot consolidation requirements of WCC 20.83.070. The chapter references a table from the Lummi Island Comprehensive Plan. That plan is no longer in effect but the same table exists in the current Lummi Island subarea Plan. In addition, re-ordering the subsections of WC 20.83.070 would improve logical sequence of the section, for better clarity.

7. The Residential-Rural-Island (RRI) zone chapter currently contains restrictions on development activity in areas with unstable slopes, and references two maps in the Lummi Island Comprehensive Plan (LICP). That plan has been replaced by the Lummi Island Subarea plan, which does not have the slope maps. The current critical areas ordinance would address the slope issues.

8. State law allows only one open-record public hearing for major project permits (RCW 36.70B.050(2)). The proposed amendment to WCC Chapter 20.88 clarifies that the Hearing Examiner holds the only open-record public hearing for a major project permit and is consistent with state law. Also, the current maximum number of days between steps in the deliberation process may be insufficient for the County Council and, if applicable, the Planning Commission to study complex major project permit applications.

9. The State legislature recently changed the description of marijuana production in statute, adding some activities that had previously been considered part of “processing.” Currently WCC 20.36.062 lists marijuana production as a permitted use in the Rural zone. To be consistent with the changes to state law, the proposed amendments change the definitions of both marijuana production and processing, and move marijuana production from the “permitted uses” list to “administrative approval uses.” Marijuana processing is already an administrative approval use. The amendment also updates the code to refer to the newly-retitled “State Liquor and Cannabis Board” (formerly the Liquor Control Board).

10. The proposed amendment to Chapter 20.83 nonconforming uses corrects an outdated reference to the conditional use criteria located in 20.84.220.
11. Currently most zoning districts list “prohibited uses” as “all other uses” plus additional specified uses that were placed in the prohibited uses section for clarity. The proposed amendments would add new wording for each zoning district to clarify that all uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including certain specified uses, which are listed for purposes of clarity.”

12. The proposed amendment would add RR-2A to the zones listed in the first row of the chart in 20.32.253 that have a gross density of one dwelling unit per five acres, and a minimum lot size of five acres in areas without public water. Ordinance 2013-032, adopted in response to a GMHB order regarding the Comprehensive Plan’s rural element and the implementing development regulations, created a new density classification in the Residential Rural (RR) zone, RR-2A. PDS’s draft of that ordinance added gross density and minimum lot size standards for RR-2A lots with public water but inadvertently failed to do so for RR-2A lots without public water.

13. 20.80.256 currently contains a reference to the Rural Forestry zone’s clustering provision, 20.42.300, which was deleted in 2008. The proposed amendment removes that reference and clarifies that the setback provisions in 20.80.256 applies to lots that had been created under the Rural Forestry clustering provision when in was in effect.

14. Special setback provisions in the watershed protection overlays, WCC Chapters 20.51 and 20.71, refer to road types that were revised in a 2009 code amendment. The proposed amendment updates the references.

15. While drafting revisions of the recent Marijuana amendments (Ordinance 2015-006) PDS staff inadvertently drafted the amendments to delete the setback tables for the Residential Rural (RR) and Rural Residential – Island (RRI) zones. The proposed amendment restores those setback tables. Also, a 2009 amendment removed a definition for “Minor Access Streets” referred to in the setback tables. The proposed amendment adds a definition consistent with the County’s Development Standards.

16. Prior to 2009 the unincorporated portion of Whatcom County’s urban growth areas (UGA’s) were divided into “short-term planning areas” (STPA’s) and “long-term planning areas” (LTPA’s). Ordinance 2009-071 eliminated the LTPA designation, leaving all unincorporated portions of the UGA’s as STPA’s. The current 2016 Comprehensive Plan Update draft contains language that would remove the STPA designation. The proposed amendment removes the numerous references to STPA’s that exist in WCC Title 20.

CONCLUSIONS

1. The amendments are the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive Plan.

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

Section 1. The Whatcom County Code Title 20 is hereby amended as shown on Exhibits A through P.

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 ____________ , 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________
Dana Brown-Davis, Council Clerk

______________________________
Barry Buchanan, Chairperson

APPROVED as to form:

______________________________
Civil Deputy Prosecutor

______________________________
Jack Louws, Executive

( ) Approved ( ) Denied

Date: ________________________

4
EXHIBIT A
(ADMINISTRATIVE APPROVAL USE PERMIT REVISIONS)

Chapter 20.84
VARIANCES, CONDITIONAL USES, ADMINISTRATIVE
APPROVAL USES AND APPEALS

20.84.200 Conditional uses.

20.84.220 Criteria.

20.84.225 Revisions to conditional use permits.
The hearing examiner may approve revisions to conditional use permits; provided,
that the proposed changes are within the scope and intent of the original permit.
"Within the scope and intent of the original permit" shall mean the following:

(1) Lot coverage and height may be increased a maximum of 10 percent from
the provisions of the original permit; provided, that revisions involving new
structures not shown on the original site plan shall require a new permit; and
provided further that any revisions authorized under this paragraph shall not
exceed height, lot coverage, setback or any other requirements of the regulations
for the area in which the project is located; and provided further that any revisions
authorized under this paragraph shall be reviewed for consistency with the relevant
chapters and policies in the Comprehensive Plan.

(2) Landscaping may be added to a project without necessitating an application
for a new permit; provided, that the landscaping is consistent with conditions (if
any) attached to the original permit and is consistent with the regulations for the
area in which the project is located;

(3) The use authorized pursuant to the original permit is not changed;

(4) No additional over-water construction will be involved for shoreline
conditional use permits;

(5) No substantial increase in adverse environmental impact will be caused by
the project revision.

20.84.230 Open record hearing notice.
20.84.235 Administrative approval uses.

20.84.236 Revisions to administrative approval use permits.

Planning and development services may approve revisions to administrative approval use permits; provided that the proposed changes are within the scope and intent of the original permit. “Within the scope and intent of the original permit” shall mean the following:

(1) Lot coverage and height may be increased a maximum of 10 percent from the provisions of the original permit; provided, that revisions involving new structures not shown on the original site plan shall require a new permit; and provided further that any revisions authorized under this paragraph shall not exceed height, lot coverage, setback or any other requirements of the regulations for the area in which the project is located; and provided further that any revisions authorized under this paragraph shall be reviewed for consistency with the relevant chapters and policies in the Comprehensive Plan.

(2) Landscaping may be added to a project without necessitating an application for a new permit; provided, that the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the regulations for the area in which the project is located;

(3) The use authorized pursuant to the original permit is not changed;

(4) No additional over-water construction will be involved for shoreline conditional use permits;

(5) No substantial increase in adverse environmental impact will be caused by the project revision.
EXHIBIT B
(DOCKETING PROCEDURES)

Chapter 20.90
AMENDMENTS

20.90.041 The docket.

(1) The docket shall consist of initiated Comprehensive Plan amendments and initiated WCC Title 20 and official zoning map amendments. Together with their supporting application files, the docket shall be maintained by the department of planning and development services and made available for public review during normal business hours.

(2) The county council may remove a proposed amendment from the approved docket by motion, unless the proposed amendment was: (a) initiated by a citizen per WCC 20.90.030(4), (b) the amendment is consistent with state and federal regulations, and (c) the applicant has provided all information required by the planning and development services department. The department shall notify the applicant not less than 30 calendar days prior to consideration of removal from the docket.
EXHIBIT C  
(ELECTRIC POWERLINES, WATER TANKS, AND UTILITY STRUCTURES)  

Chapter 20.82  
PUBLIC UTILITIES  

20.82.020 Permitted uses.  

.021 Except as provided in WCC 20.82.030, the installation and maintenance, including but not limited to replacement, of all utility lines including pipes, cables, electrical and telephone poles, electrical powerline towers and wires; and associated structures such as pump stations and equipment vaults; provided, that above-ground structures shall conform to the size requirements of WCC 20.82.022.  

.022 Buildings and structures 100-200 square feet in floor area or smaller including pump houses, storage buildings, equipment buildings, and similar structures necessary for the operation of the utility.  

20.82.030 Conditional Uses  

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

(6) Water storage reservoirs with volumes exceeding 50,000 gallons, or those with height in excess of 12 feet above the ground level measured within 20 feet in all directions of the tank. The following height standards shall apply: 

(a) The height limit on the water storage reservoir shall be the minimum necessary to accomplish its intended purpose. The applicant shall provide technical documentation that the height proposed is the minimum necessary. 

(b) The height of the water storage reservoir may exceed the height limit of the underlying zone, provided that all other criteria in WCC 20.84.220 are satisfied.  

(7) Utility structures located above ground such as pump stations, equipment buildings and similar structures greater than 100-200 square feet in area.  

(9) Electrical substations and new electrical powerlines operating at voltages greater than 55 kV (55,000 volts); provided, applications for such substations and
power lines shall be processed as a major development permit (pursuant to Chapter 20.88 WCC); provided, that no further major development permit shall be granted for such lines which:

(a) Operate at greater than 115 kV (115,000 volts) except on land where such permits have already been granted or in those districts classified as industrial; or

(b) Operate at 115 kV (115,000 volts) and carry greater than 160 mw (160 megawatts) average loading, except on land where such permits have already been granted or in those districts classified as industrial. For purposes of this section, "average loading" means the average power in megawatts carried by a power line over any 12-month period; provided, that loading at full line carrying capacity may not extend beyond any 90-day period;

(c) Are dedicated to provision of transmission service to (from) an electrical generating plant having a generating capacity greater than 160 mw (160 megawatts), except on lands where such permits have already been granted or in those districts classified as industrial.

(10) Electrical substations and new electrical powerlines with height in excess of the zoning district's height limitations. The following height standards shall apply:

(a) The height limit on the substation or powerline shall be the minimum necessary to accomplish its intended purpose. The applicant shall provide technical documentation that the height proposed is the minimum necessary.

(b) The height of the substation or powerline may exceed the height limit of the underlying zone, provided that all other criteria in WCC 20.84.220 are satisfied.
EXHIBIT D
(HOME OCCUPATIONS AND COTTAGE INDUSTRIES)

Chapter 20.20
URBAN RESIDENTIAL (UR) DISTRICT

20.20.100 Accessory uses.
.101 Home occupations pursuant to WCC 20.80.97020.84.150.

.105 Family day care homes subject to the requirements of WCC 20.84.150 for home occupations.

Chapter 20.22
URBAN RESIDENTIAL – MEDIUM DENSITY (URM) DISTRICT

20.22.100 Accessory uses.
.101 Home occupations pursuant to WCC 20.80.97020.84.150.

.105 Family day care homes subject to the requirements of WCC 20.84.150 for home occupations.

Chapter 20.24
URBAN RESIDENTIAL MIXED (UR-MX) DISTRICT
20.24.100 Accessory uses.
.101 Home occupations pursuant to WCC 20.80.97020.84.150.

.105 Family day care homes subject to the requirements of WCC 20.84.150 for home occupations.

Chapter 20.32
RESIDENTIAL RURAL (RR) DISTRICT

20.32.100 Accessory uses.
.101 Home occupations pursuant to WCC 20.80.97020.84.150.

.105 Family day care homes subject to the requirements of WCC 20.84.150 for home occupations.

20.32.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

.135 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 20.84.220 and 20.80.98020.97.089:

(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.
(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved by the hearing examiner by conditional use.

(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.

(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.

(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.

Chapter 20.34
RURAL RESIDENTIAL-ISLAND (RR-I) DISTRICT

20.34.100 Accessory uses.
.101 Home occupations pursuant to WCC 20.80.97020.84.150.

.105 Family day care homes subject to the requirements of WCC 20.84.150 for home occupations.

20.34.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

.134 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 20.84.220 and 20.80.98020.97.089:

(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and
construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved by the hearing examiner by conditional use.

(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.

(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.

(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.

Chapter 20.35
ELIZA ISLAND (EI) DISTRICT

20.35.100 Accessory uses.

.101 Home occupations pursuant to WCC 20.80.97020.84.150.

.107 Family day care homes subject to the requirements of WCC 20.84.150 for home occupations.

20.35.130 Administrative approval uses.

.132 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 20.84.220 and 20.80.98020.97.089:
(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved by the hearing examiner by conditional use.

(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.

(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.

Chapter 20.36
RURAL (R) DISTRICT

20.36.100 Accessory uses.

.101 Home occupations pursuant to WCC 20.80.97020.84.150.

.108 Family day care homes—subject to the requirements of WCC 20.84.150 for home-occupations.

20.36.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.
.135 Cottage industries employing no more than two on-site people other than family members residing on the premises; provided, that in addition to the criteria found in WCC 20.84.220 and 20.80.98020.97-089:

(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

(2) The parcel size shall not be less than one acre.

(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.

(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.

(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.

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20.36.150 Conditional uses.
Items indicated by an "x" are not allowed outside rural communities and short-term planning areas unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

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.161 Cottage industries employing no more than four people on site, other than family members residing on the premises, conducted in a structure(s) other than the dwelling unit; provided, that in addition to the criteria found in WCC 20.84.220 and 20.80.98020.97-089:

(1) The hearing examiner, at his discretion, may place limitations on the square footage used in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed
2,500 square feet of total floor area. The total land area used for buildings and outside storage or uses related to the cottage industry shall not exceed one acre or 25 percent of the site, whichever is less.

(2) In the event materials will be stored outdoors, the hearing examiner shall require adequate landscaping, screening or other devices in order that the material will not be visible by surrounding uses or roads.

(3) One nonilluminated freestanding sign, visible from the road, and not exceeding six feet in height, may be permitted. One additional nonilluminated sign may be attached to the building for a maximum total signage of 16 square feet. No portion of any sign shall extend above the lowest portion of the roof.

(4) In the R-10A zone, where the cottage industry involves production or processing of forestry or agricultural related products on parcels larger than 10 acres, the maximum number of employees outside the family may be increased at the rate of one additional employee for each additional 10 acres to a maximum of 10 employees outside the family. In the event that the property is reduced in size below the acreage used to qualify for additional employees under this section, the number of employees shall be proportionately reduced.

(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.


Chapter 20.37
POINT ROBERTS TRANSITIONAL ZONE (TZ) DISTRICT

20.37.100 Accessory uses.

.101 Home occupations pursuant to WCC 20.80.97020.84.150.

.106 Family day care homes subject to the requirements of WCC 20.84.150 for home-occupations.
Chapter 20.40  
AGRICULTURE (AG) DISTRICT  

20.40.100 Accessory uses.*  

.110 Home occupations pursuant to WCC 20.80.97020.84.150.  

.112 Family day care homes subject to the requirements of WCC 20.84.150 for home occupations.  

20.40.130 Administrative approval uses.  
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.  

135 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 20.84.220 and 20.80.98020.97.089;  

20.40.150 Conditional uses.*  

.155 A cottage industry employing no more than four persons on site, other than family members residing on the premises, and which may be conducted in structures other than the dwelling unit; provided, that in addition to the criteria set forth in WCC 20.84.220 and 20.80.98020.97.089, the hearing examiner shall find that the cottage industry satisfies the criteria of WCC 20.36.161(1) through (5).
Chapter 20.42
RURAL FORESTRY (RF) DISTRICT

20.42.100 Accessory uses.

.105 Home occupations pursuant to WCC 20.80.97020.84.150.

20.42.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

.164 Cottage industries as defined by the criteria in WCC 20.80.98020.97.089, excluding those allowed in WCC 20.42.135, and which employ not more than four people outside the family conducted in structure(s) other than the dwelling unit. Such activities will comply with all other provisions of WCC 20.36.161(1) through (5).

20.42.150 Conditional uses.
The conditional uses listed herein shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses, Administrative Approval Uses and Appeals), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program. Applicable conditional use permit criteria are established in the provisions of WCC 20.42.900 and will not be subject to the conditional use criteria provided for in WCC 20.84.220.

.164 Cottage industries as defined by the criteria in WCC 20.80.98020.97.089, excluding those allowed in WCC 20.42.135, and which employ not more than four
people outside the family conducted in structure(s) other than the dwelling unit. Such activities will comply with all other provisions of WCC 20.36.161(1) through (5).

Chapter 20.59
RURAL GENERAL COMMERCIAL (RGC) DISTRICT

20.59.100 Accessory uses.

.104 Family day care homes and mini-day care homes; provided, that such uses shall conform to the definition of home occupation, WCC 20.80.97020.84.150.

Chapter 20.60
NEIGHBORHOOD COMMERCIAL CENTER (NC) DISTRICT

20.60.100 Accessory uses.

.104 Family day care homes and mini-day care homes; provided, that such uses conform to the definition of home occupation, WCC 20.80.97020.84.150; and further provided, that the single-family residence is a legally nonconforming use.

Chapter 20.61
SMALL TOWN COMMERCIAL (STC) DISTRICT
20.61.100 Accessory uses.

.102 Home occupation pursuant to WCC 20.80.97020-84.150.

.108 Family day care homes and mini-day care homes; provided, that such usesmini-day care homes shall conform to the requirements of home occupation, WCC 20.80.97020-84.150.

Chapter 20.62
GENERAL COMMERCIAL (GC) DISTRICT

20.62.100 Accessory uses.

.104 Family day care homes and mini-day care homes; provided, that such usesmin-day care homes conform to the definition requirements of home occupation, WCC 20.80.97020-84.150; and further provided, that such uses require a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.

Chapter 20.63
TOURIST COMMERCIAL (TC) DISTRICT

20.63.100 Accessory uses.
.104 Family day care homes and mini-day care homes; provided, that such uses mini-day care homes conform to the definition-requirements of home occupation, WCC 20.80.97020.84.150; and further provided, that the single-family residence is a legally nonconforming use.

Chapter 20.64
RESORT COMMERCIAL (RC) DISTRICT

20.64.100 Accessory uses.

.104 Home occupations pursuant to WCC 20.80.97020.84.150, except that one person other than family residing on the premises may be employed.

.120 Family day care homes and mini-day care homes; provided, that such uses mini-day care homes shall conform to the definition-requirements of home occupation, WCC 20.80.97020.84.150.

Chapter 20.69
RURAL INDUSTRIAL AND MANUFACTURING (RIM) DISTRICT

20.69.100 Accessory uses.

.109 Childcare facilities operated by, maintained by or funded by business in the district for the purpose of serving the childcare needs of employees whose place of employment lies within this zone district; provided, that childcare mini-day care home uses facilities in a family dwelling shall conform to the definition-requirements of home occupation, WCC 20.80.97020.84.150.
Chapter 20.80
Supplementary Requirements

20.80.970 Home Occupation.

Home occupations shall be subject to all the following requirements, which shall be regarded as cumulative regardless of the number of home occupations on the site:

(1) No more than two people at one time, other than household members residing on the premises, shall be engaged in such occupations.

(2) The use of the property for home occupations shall be clearly accessory to its use for residential purposes.

(3) In all zones except EI, UR, URM, and URMX, home occupations shall not exceed a total of 1,250 square feet of new building floor area, whether located in the dwelling, accessory structure(s) or combination thereof. There is no square footage limit inside accessory structures that existed on August 6, 2010; however, there shall not be new square footage in addition to existing square footage that would bring the total to greater than 1,250 square feet. In the EI, UR, URM, and URMX zones, home occupations shall not exceed a total of 500 square feet of building floor area, whether located in the dwelling, accessory structure(s) or combination thereof.

(4) There shall be no change in the outside appearance of the building or premises or other visible evidence of a home occupation inconsistent with the residential character of the dwelling or neighborhood, other than one sign, not exceeding eight square feet in area, nonilluminated and mounted on the property.

(5) No traffic shall be generated by such home occupations in greater volume than would normally be expected in the applicable zoning district and is appropriate for the road classification which serves the property.

(6) Home occupations may use or store vehicles, in accordance with the following:

   a. The total number of vehicles used in connection with the home occupations shall be permitted as follows:
1. On a lot of record less than two acres, two commercial vehicles, each of which shall not exceed 105,500 pounds gross vehicle weight;

2. On a lot of record two acres or greater, one commercial vehicle shall be allowed for each acre, up to 10 vehicles, regardless of weight.

b. The vehicles shall not be stored within any required setback areas of the lot or adjacent roadways and shall be adequately screened from adjacent neighboring residences or roadways.

(7) Any need for parking generated by the conduct of such home occupations shall comply with the off-street parking requirements as specified in this title. In addition, parking shall be provided for nonresident employees.

(8) No equipment, process, or material shall be used in such home occupations which creates noise, vibration, glare, fumes, odors or electrical interference beyond the property line, or outside the building, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property, or impacts heavier or different than would be expected from a residential property.

(9) Sales are limited to merchandise manufactured or repaired on the premises and/or items accessory to a service provided to patrons who receive services (such as hair care products for a beauty salon), telephone, mail order, catalog, e-commerce sales, or other electronic commerce sales. In no case shall home occupations consist of only on-site retail sales. Fees rendered for services for the sole use or purpose of providing merchandise or equipment (such as tanning beds, copy machines, or similar products) shall be prohibited.

(10) The maximum nameplate horsepower rating of the electrical motors of any single piece of machinery operating in the home occupations shall be five horsepower. The electrical service for home occupations shall not exceed 200 amps.

(11) The following activities, which include but are not limited to mortuaries, funeral homes, automobile, truck and heavy equipment repair and auto body work or auto body painting, are prohibited as home occupations.

(12) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless an exception is specifically granted by the administrator.

20.80.980 Cottage Industry.

Cottage industry uses shall be subject to all the following criteria:
(1) The size and scale of the operation is in keeping with the surrounding area and off-site impacts are comparable in intensity to those generated by uses allowed in the zone.

(2) Building size, lot coverage and number of employees shall be consistent with the standards of each district.

(3) The use of the dwelling unit or accessory structure for the cottage industry shall be clearly incidental and subordinate to its use for residential purposes and the purpose of the applicable zoning district.

(4) There shall be no change in the outside appearance of the building or premises inconsistent with the residential character of the dwelling or use of the surrounding zoning district, other than signage consistent with the zoning regulations of the applicable district.

(5) No traffic shall be generated by such cottage industry in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.

(6) Any need for parking generated by the conduct of such cottage industry shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

(7) No equipment, process, or materials shall be used in such cottage industry which creates noise, vibration, glare, fumes, odors or electrical interference off the lot in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(8) Sales in connection with the activity are limited to merchandise manufactured or repaired on the premises, items accessory to a service (such as hair care products for a beauty salon), catalog or e-commerce sales or other products related to or incidental to the primary business.

(9) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless an exception is specifically granted by the administrator.

(10) The portion of the structure housing the cottage industry shall comply with life/safety regulations.

(11) Cottage industries should be limited to the manufacture and assembly of finished products that shall not include the primary manufacture of petroleum
products, rubber, plastics, chemicals, asbestos products or primary metal industries. Such uses shall be sufficiently enclosed to mitigate potential impacts.

Chapter 20.84
VARIANCES, CONDITIONAL USES, ADMINISTRATIVE APPROVAL USES AND APPEALS

20.84.150 Reserved.

Home occupation:

The following home occupation requirements shall be regarded as cumulative regardless of the number of home occupations on the site:

A. No more than two people at one time, other than household members residing on the premises, shall be engaged in such occupations:

B. The use of the property for home occupations shall be clearly accessory to its use for residential purposes:

C. In all zones except EI, UR, URM, and URMX, home occupations shall not exceed a total of 1,250 square feet of new building floor area, whether located in the dwelling, accessory structure(s) or combination thereof. There is no square footage limit inside accessory structures that existed at the time of adoption of the ordinance codified in this section; however, there shall not be new square footage in addition to existing square footage that would bring the total to greater than 1,250 square feet. In the EI, UR, URM, and URMX zones, home occupations shall not exceed a total of 500 square feet of building floor area, whether located in the dwelling, accessory structure(s) or combination thereof.

D. There shall be no change in the outside appearance of the building or premises or other visible evidence of a home occupation inconsistent with the residential character of the dwelling or neighborhood, other than one sign, not exceeding eight square feet in area, nonilluminated and mounted on the property.

E. No traffic shall be generated by such home occupations in greater volume than would normally be expected in the applicable zoning district and is appropriate for the road classification which serves the property.
F. Home occupations may use or store vehicles, in accordance with the following:

1. The total number of vehicles used in connection with the home occupations shall be permitted as follows:
   a. On a lot of record less than two acres, two commercial vehicles, each of which shall not exceed 105,500 pounds gross vehicle weight;
   b. On a lot of record two acres or greater, one commercial vehicle shall be allowed for each acre, up to 10 vehicles, regardless of weight.

2. The vehicles shall not be stored within any required setback areas of the lot or adjacent roadways and shall be adequately screened from adjacent neighboring residences or roadways.

G. Any need for parking generated by the conduct of such home occupations shall comply with the off-street parking requirements as specified in this title. In addition, parking shall be provided for nonresident employees.

H. No equipment, process, or material shall be used in such home occupations which creates noise, vibration, glare, fumes, odors or electrical interference beyond the property line, or outside the building, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property, or impacts heavier or different than would be expected from a residential property.

I. Sales are limited to merchandise manufactured or repaired on the premises and/or items accessory to a service provided to patrons who receive services (such as hair-care products for a beauty salon), telephone, mail order, catalog, e-commerce sales, or other electronic commerce sales. In no case shall home occupations consist of only on-site retail sales. Fees rendered for services for the sole use or purpose of providing merchandise or equipment (such as tanning beds, copy machines, or similar products) shall be prohibited.

J. The maximum nameplate horsepower rating of the electrical motors of any single piece of machinery operating in the home occupations shall be five horsepower. The electrical service for home occupations shall not exceed 200 amps.

K. The following activities, which include but are not limited to mortuaries, funeral homes, automobile, truck and heavy equipment repair and auto body work or auto body painting, are prohibited as home occupations.

L. Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless an exception is specifically granted by the administrator.

......
20.97.089 Cottage industry.
"Cottage industry" means a small light industrial, commercial, or service operation, on a parcel where the operator resides; frequently with an art or craft orientation or related to information processing or to the natural resources of the area, which meets all of the following criteria:

(1) The size and scale of the operation is in keeping with the surrounding area and off-site impacts are comparable in intensity to those generated by uses allowed in the zone.

(2) Building size, lot coverage and number of employees shall be consistent with the standards of each district.

(3) The use of the dwelling unit or accessory structure for the cottage industry shall be clearly incidental and subordinate to its use for residential purposes and the purpose of the applicable zoning district.

(4) There shall be no change in the outside appearance of the building or premises inconsistent with the residential character of the dwelling or use of the surrounding zoning district, other than signage consistent with the zoning regulations of the applicable district.

(5) No traffic shall be generated by such cottage industry in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.

(6) Any need for parking generated by the conduct of such cottage industry shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

(7) No equipment, process, or materials shall be used in such cottage industry which creates noise, vibration, glare, fumes, odors or electrical interference off the lot in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(8) Sales in connection with the activity are limited to merchandise manufactured or repaired on the premises, items accessory to a service (such as hair care
products for a beauty salon), catalog or e-commerce sales or other products related to or incidental to the primary business.

(9) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless an exception is specifically granted by the administrator.

(10) The portion of the structure housing the cottage industry shall comply with life/safety regulations.

(11) Cottage industries should be limited to the manufacture and assembly of finished products that shall not include the primary manufacture of petroleum products, rubber, plastics, chemicals, asbestos products or primary metal industries. Such uses shall be sufficiently enclosed to mitigate potential impacts.
EXHIBIT E
(LIGHT IMPACT INDUSTRIAL SETBACKS)

Chapter 20.80
Supplementary Requirements

20.80.210 Minimum Setbacks.

<table>
<thead>
<tr>
<th>Industrial Setbacks</th>
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<tbody>
<tr>
<td><strong>Heavy Impact Industrial (HII)</strong></td>
</tr>
<tr>
<td><strong>Road Type</strong></td>
</tr>
<tr>
<td>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</td>
</tr>
<tr>
<td>100'</td>
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</tbody>
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1. All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 50 feet.

| **Light Impact Industrial (LII)** |
| **Road Type** | **Other** |
| Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials | Collector Arterials or Major Collectors | Minor Collectors | Local Access Streets | Neighborhood Collector | Minor Access Streets | Side Yard | Rear Yard |
| 30' | 30' | 30' | 30' | 30' | 20' | 10' | 10' |
1. All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 35 feet.
EXHIBIT F
(LUMMI ISLAND LOT CONSOLIDATION REFERENCE)

Chapter 20.34
RURAL-RESIDENTIAL-ISLAND DISTRICT

20.34.254 Lots platted prior to 1978.
Lots identified in the current Lummi Island Subarea Plan’s Table 9, “Platted Lots of Record created prior to 1978 Not Subject to Lot Consolidation” and identified in Table 2, page 7, of the Lummi Island Comprehensive Plan shall be considered as separate lots for building purposes regardless of ownership, unless bound to adjoining lot(s) by covenant, and shall not be subject to the lot consolidation provisions of WCC 20.83.070.

20.83.070 Lot consolidation.
Two or more lots of record shall be considered as one undivided parcel for the purpose of use or sale if all of the following circumstances apply, except as modified by WCC 20.83.071, 20.83.072, or 20.83.073:

(1) The lots were in one ownership as of the date of the adoption of the ordinance codified in this section (March 21, 2000);

(2) One or more of the lots in question does not meet the conventional minimum lot size of the applicable zone district;

(3) The lots are not separated by an intervening parcel in different ownership or by public right-of-way;

(4) No more than one lot is developed with a legally established permitted or conditional use;

(5) At least one of the lots is less than one acre or located within the Lake Whatcom watershed or other water resource protection overlay district, a designated critical area, or an area zoned agriculture, commercial forestry, or rural forestry.

20.83.071 Lots that were formally established after September 2, 1955, by long plats, assessor’s plats, short plats, the binding site plan process, divisions certified exempt on the conveying instrument by Whatcom County, Lummi Island lots exempted per WCC 20.34.254, or parcels which were legally created after February
3, 1972, under an exemption included in the Whatcom County subdivision regulations in place at the time they were divided, are exempt from the lot consolidation requirements of WCC 20.83.070.

-.071.072 The following formula shall be used to determine the maximum number of lots which shall be permitted by the consolidation of substandard lots. This formula is not applicable to satisfying the requirements of Chapter 20.89 WCC.

The total area of all lots subject to consolidation under this section shall be added together and the sum divided by the minimum noncluster lot size for the zoning district. The whole number quotient shall be the maximum number of lots; provided, that an additional lot shall be allowed if the quotient contains a fraction of 0.5 or more; and provided further, that the number of lots shall not exceed the original number of lots. Parcels recognized as permitted lots under this subsection are not required to obtain administrative approval under WCC 20.83.072.

-.072.073 Any owner of lots subject to consolidation hereunder may apply for administrative approval for relief from the provisions of WCC 20.83.070 on the grounds that such requirements place an unreasonable burden upon the property affected. In evaluating such a claim, the zoning administrator shall grant consolidation relief if all of the following circumstances apply:

(1) That each lot has a water and sewer service from a public provider or an on-site water and sewage disposal system approved by the Whatcom County department of health and human services.
(2) That each lot has a building site, exclusive of building setbacks, at least 40 feet wide and 40 feet deep, which is not located within the Lake Whatcom watershed or other water resource protection overlay district, a designated critical area, or an area zoned agriculture, rural forestry or commercial forestry.
(3) That each lot has legal and physical access to a public or private road improved to county road standards.
(4) The proposed consolidation relief meets the approval criteria of WCC 20.84.220(3) through (8).

The procedures for administrative approval uses (WCC 20.84.235) shall be followed when processing a lot consolidation relief application, except that the approval criteria of WCC 20.84.220(1) and (2) shall not apply.

. . . . .
EXHIBIT G
(LUMMI ISLAND PLAN SLOPE REFERENCE)

Chapter 20.34
RURAL-RESIDENTIAL-ISLAND DISTRICT

20.34.656 Unstable-Slope Regulations:

Unstable slopes are defined as those having a tendency for mass movement of earth materials, including slides, flows and soil creeps:

(1) Structures including but not limited to buildings, roads, drainage facilities and utilities shall not be built on unstable slopes as identified on Figure C1 and C2 of the Lummi Island Comprehensive Plan.

(2) Structures shall not be built on potentially unstable slopes as identified on Figure C1 and C2 of the Lummi Island Comprehensive Plan unless they can be designed and constructed without causing the slope to become unstable. Development that is proposed in unstable slope areas should present specific engineering drawings to the zoning administrator that display how the proposed development will mitigate the slope hazard.

(3) Vegetation shall be disturbed as little as possible on unstable and potentially unstable slopes as identified on Figure C1 and C2 of the Lummi Island Subarea Plan. This limitation shall not apply to nonnative vegetation when:

(a) A qualified professional has submitted a report, approved by Whatcom County, demonstrating that removal of nonnative vegetation and replanting with native vegetation would not be detrimental to the stability of the slope; and

(b) A qualified professional has submitted a plan, approved by Whatcom County, that establishes the types of native vegetation to be replanted and the timeframes and techniques for removal of nonnative vegetation, replanting with native vegetation, and erosion control; and

(c) The property owner implements the approved plan. (Ord. 99-069, 1999).
EXHIBIT H
(MAJOR PROJECT PERMIT PROCEDURES)

Chapter 20.88
MAJOR PROJECT PERMITS

20.88.200 Procedure.

.210 The hearing examiner shall hold a one public hearing in accordance with
Chapter 20.92 WCC and the requirements set below. This shall be an open record
hearing and, per RCW 36.70B.050(2), the county shall hold no subsequent open
record hearings.

.225 Within 20 45 working-calendar days after the hearing examiner’s
recommended decision has been filed, the county council shall do one of the
following:

(1) Refer the project to the planning commission for additional public hearings and
a recommendation.

(2) Make a final decision on the application based on the recommended decision of
the hearing examiner with such modifications as the council deems appropriate.

(3) Set hold a public meeting to deliberate on the project application for their own
public hearing and, within 20 calendar days of the meeting, issue a final written
decision.

.230 If the project is referred to the planning commission, that body shall within 30
45 working-calendar days hold all necessary public hearings/meetings and file with
the county council a written recommendation for approval or denial and may
include conditions of approval, together with the findings upon which the
recommendation is based. The applicant may waive the 30-45 working-calendar day
time limitation.

.235 A written notice of the public hearing-meeting before the planning commission
or the county council shall be mailed to all parties of record, on file with the clerk of
the county council not less than five working-calendar days prior to the hearing.

.240 The deliberation and recommendation of the planning commission shall be
based solely upon consideration of the record, the hearing examiner’s
recommendation and the criteria set forth in WCC 20.88.130(1) through (7).

.245 Upon receipt of the planning commission recommendation, the county council
shall within 35 45 working-calendar days hold a public meeting to deliberate on the
application and within 20 calendar days of the meeting issue make a final written decision on the application based on considering the recommended decisions of the hearing examiner and planning commission, or set their own public hearing.

.250 Any public hearing before the county council shall be held within 45 working days of filing of the recommendation from the planning commission or the recommended decision from the hearing examiner, whichever is filed last.

.255 Within 20 working days after the last public hearing, the county council’s shall issue a final written decision including may include conditions when the project is approved and shall state the findings of fact upon which the decision is based.

.260 Deliberation at any public hearing-moment before the county council or planning commission may be limited in scope to particular issues or problems at the discretion of either body.

.265 In making their deliberation and decision of, the county council shall apply be based solely upon consideration of the record, the recommendations of the hearing examiner and the planning commission (when applicable), and the criteria set forth in WCC 20.88.130(1) through (7).

........

Chapter 20.92
HEARING EXAMINER

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20.92.430 Time limitation on decision.
Except for major project permits, each final decision and recommended decision of the hearing examiner shall be rendered within 10 calendar days following the conclusion of all testimony and hearings. For major project permits, the hearing examiner shall render recommendations within 45 calendar days following the conclusion of the open-record hearing.
EXHIBIT I
(MARIJUANA PRODUCTION AND PROCESSING)

Chapter 20.36 Rural (R) District

20.36.050 Permitted uses.

.062 Reserved. [Move this subsection to Administrative approval uses and renumber].

.137 Marijuana production facility, provided that in addition to the criteria found in WCC 20.80.690-694:

1. The facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center.

2. The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

3. On parcels smaller than 4.5 acres the facility shall not exceed a total of 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.

20.36.130 Administrative approval uses.

.137-138 Marijuana processing facility, provided that in addition to the criteria found in WCC 20.80.690-694 and WCC 20.84.235:

1. The facility is accessory to the on-site production of marijuana.

2. The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be
measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the processing of marijuana. The zoning administrator may waive this spacing requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility.

(3) The facility employs no more than 10 permanent employees.

(4) On parcels smaller than 4.5 acres the total area used for marijuana processing and production shall not exceed 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.

Chapter 20.80 Supplementary Requirements

20.80.692 Application for County Development Permits - Timing.

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

Chapter 20.97 Definitions.

20.97.225 Marijuana, marihuana or cannabis.

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

20.97.226 Marijuana processing facility.

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

20.97.227 Marijuana production facility.

"Marijuana production" means a facility licensed by the state liquor control-and
cannabis board to produce, harvest, trim, dry, cure, and package marijuana, and
sell marijuana at wholesale to state-licensed marijuana processors and other state-
licensed marijuana producers. A marijuana producer may also produce and sell
marijuana plants, seed, and plant tissue culture to other state-licensed marijuana
producers. The area of a marijuana production facility includes all the area enclosed
within a structure or fence that is required by the state liquor control-and cannabis
board for the production of marijuana. Indoor production shall be within a fully
enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.
Outdoor production may take place in non-rigid greenhouses, other structures, or
an expanse of open or cleared ground fully enclosed by a physical barrier.

20.97.228 Marijuana retail facility.

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

. . . . .
EXHIBIT J

(NONCONFORMING USE REFERENCE)

Chapter 20.83
NONCONFORMING USES AND PARCELS

20.83.020 Expansion of nonconforming use.
(1) Nonconforming uses may be extended throughout any building partially occupied by such use at the time of passage of the ordinance codified in this section, except for nonconforming adult businesses, which shall not be extended to other parts of the building.

(2) The expansion of a nonconforming use by addition or enlargement shall require a conditional use permit, except for nonconforming adult businesses, which shall not be expanded. The expansion must be on the parcel as it existed at the time the use became nonconforming and the use shall not expand on adjacent parcel(s). The expansion shall be approved if it is consistent with the applicable zoning regulations except the use restrictions and complies with WCC 20.84.220(2) to (8)(9).

20.83.070 Lot consolidation.

.072 Any owner of lots subject to consolidation hereunder may apply for administrative approval for relief from the provisions of WCC 20.83.070 on the grounds that such requirements place an unreasonable burden upon the property affected. In evaluating such a claim, the zoning administrator shall grant consolidation relief if all of the following circumstances apply:

(4) The proposed consolidation relief meets the approval criteria of WCC 20.84.220(3) through (8)(9).

The procedures for administrative approval uses (WCC 20.84.235) shall be followed when processing a lot consolidation relief application, except that the approval criteria of WCC 20.84.220(1) and (2) shall not apply.
EXHIBIT K
(NO EXHIBIT K)
EXHIBIT L
(PROHIBITED USES)

Chapter 20.20
URBAN RESIDENTIAL (UR) DISTRICT

20.20.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 All-other-uses
.202 Adult businesses.
.203 Mental health facilities that provide crisis care.
.204 Substance abuse facilities that provide crisis care.
.205 Outpatient mental health facilities.
.206 Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.
.210 Secure community transition facilities for sex offenders.

Chapter 20.22
URBAN RESIDENTIAL – MEDIUM DENSITY (URM) DISTRICT

20.22.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 All-other-uses

Chapter 20.24
URBAN RESIDENTIAL MIXED (UR-MX) DISTRICT

20.24.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved All other uses.
.202 Adult businesses.
.203 Mental health facilities that provide crisis care.
.204 Substance abuse facilities that provide crisis care.
.205 Outpatient mental health facilities.
.206 Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.
.210 Secure community transition facilities for sex offenders.

Chapter 20.32
RESIDENTIAL RURAL (RR) DISTRICT

20.32.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved All other uses.
.202 Adult businesses.
.203 Mental health facilities that provide crisis care.
.204 Substance abuse facilities that provide crisis care.
.205 Outpatient mental health facilities.
.206 Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.
.210 Secure community transition facilities for sex offenders.

Chapter 20.34
RESIDENTIAL RURAL-ISLAND (RR-I) DISTRICT

20.34.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved All other uses.
.202 Adult businesses.
.203 Mental health facilities that provide crisis care.
.204 Substance abuse facilities that provide crisis care.
.205 Outpatient mental health facilities.
.206 Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.
.210 Secure community transition facilities for sex offenders.

Chapter 20.35
ELIZA ISLAND (EI) DISTRICT

20.35.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 Single-family residential on platted community tracts is prohibited, except for one single-family dwelling for the island's caretaker.
.202 Adult businesses.
.203 All docks not permitted in WCC 20.35.102
.204 All other uses not permitted, accessory, or conditional.
.205 Storage or occupation of recreational vehicles.

Chapter 20.36
RURAL (R) DISTRICT

20.36.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 ReservedAll other uses.
.202 Adult businesses.
.210 Secure community transition facilities for sex offenders.
Chapter 20.37
POINT ROBERTS TRANSITIONAL ZONE (TZ) DISTRICT

20.37.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 ReservedAll other uses.
.202 Adult businesses.
.210 Secure community transition facilities for sex offenders.

Chapter 20.40
AGRICULTURE (AG) DISTRICT

20.40.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 ReservedAll other uses.
.202 Adult businesses.

Chapter 20.42
RURAL FORESTRY (RF) DISTRICT

20.42.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 ReservedAll other uses.
.202 Adult businesses.
Chapter 20.43
COMMERCIAL FORESTRY (CF) DISTRICT

20.43.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 ReservedAll other uses.
.202 Adult businesses.

Chapter 20.44
RECREATION AND OPEN SPACE (ROS) DISTRICT

20.44.200 Prohibited uses.
All uses not listed as permitted, accessory, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 ReservedAll other uses.
.202 Adult businesses.

Chapter 20.59
RURAL GENERAL COMMERCIAL (RGC) DISTRICT

20.59.250 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.251 ReservedAll other uses.
.252 Adult businesses.
Chapter 20.60
NEIGHBORHOOD COMMERCIAL CENTER (NC) DISTRICT

20.60.200 Prohibited uses.
All uses not listed as permitted, accessory, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 Reserved All other uses.
.202 Adult businesses.

Chapter 20.61
SMALL TOWN COMMERCIAL (STC) DISTRICT

20.61.250 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.251 Reserved All other uses.
.252 Adult businesses.

Chapter 20.62
GENERAL COMMERCIAL (GC) DISTRICT

20.62.200 Prohibited uses.
All uses not listed as permitted, accessory, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 Reserved All other uses.
.202 Adult businesses.
Chapter 20.63
TOURIST COMMERCIAL (TC) DISTRICT

20.63.200 Prohibited uses.
All uses not listed as permitted, accessory, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 Reserved All other uses.
.202 Adult businesses.

Chapter 20.64
RESORT COMMERCIAL (RC) DISTRICT

20.64.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 Reserved All other uses.
.202 Adult businesses.
.203 Mental health facilities that provide crisis care.
.204 Substance abuse facilities that provide crisis care.
.205 Outpatient mental health facilities.
.206 Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.
.210 Secure community transition facilities for sex offenders.

Chapter 20.65
GATEWAY INDUSTRIAL (GI) DISTRICT

20.65.200 Prohibited uses.
All uses not listed as permitted, accessory, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 ReservedAll other uses.
.202 Adult businesses.

Chapter 20.66
LIGHT IMPACT INDUSTRIAL (LII) DISTRICT

20.66.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 ReservedAll other uses.
.202 Adult businesses except those allowed as an administrative approval use under WCC 20.66.131.
.203 In the Urban Fringe Subarea the following uses are prohibited: petroleum refinery and the primary manufacturing of products thereof, primary manufacturing and processing of rubber, plastics, chemicals, paper, asbestos and products derived thereof, and primary metal industries.

Chapter 20.67
GENERAL MANUFACTURING (GM) DISTRICT

20.67.200 Prohibited uses.
All uses not listed as permitted, accessory, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 ReservedAll other uses.
.202 Adult businesses.
Chapter 20.68
HEAVY IMPACT INDUSTRIAL (HII) DISTRICT

20.68.200 Prohibited uses.
All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:
.201 ReservedAll other uses.
.202 Adult businesses except those allowed as an administrative approval use under WCC 20.66.131.
.203 In the Urban Fringe Subarea the following uses are prohibited: petroleum refinery and the primary manufacturing of products thereof, primary manufacturing and processing of rubber, plastics, chemicals, paper, asbestos and products derived thereof, and primary metal industries.
EXHIBIT M

(RESIDENTIAL RURAL LOT SIZE)

Chapter 20.32
Residential Rural (RR) District

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

<table>
<thead>
<tr>
<th>District</th>
<th>Gross Density</th>
<th>Minimum Lot Size</th>
<th>Min. Reserve Area (Cluster Subdivisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR-1, RR-2, RR-3, RR-2A, RR-5A: without public water</td>
<td>1 dwelling unit/5 acres</td>
<td>5 acres</td>
<td>N/A</td>
</tr>
<tr>
<td>RR-10A without public water</td>
<td>1 dwelling unit/10 acres</td>
<td>10 acres</td>
<td>N/A</td>
</tr>
</tbody>
</table>

With public water, and stormwater detention and collection facilities:

<table>
<thead>
<tr>
<th>District</th>
<th>Gross Density</th>
<th>Minimum Lot Size</th>
<th>Min. Reserve Area (Cluster Subdivisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR-1</td>
<td>1 dwelling unit/1 acre</td>
<td>36,000 sq. ft.</td>
<td>15,000 sq.ft.</td>
</tr>
<tr>
<td>RR-2</td>
<td>2 dwelling units/1 acre</td>
<td>18,000 sq. ft.</td>
<td>15,000 sq.ft.</td>
</tr>
<tr>
<td>RR-3</td>
<td>3 dwelling units/1 acre</td>
<td>12,000 sq. ft.</td>
<td>8,000 sq.ft.</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------</td>
<td>----------------</td>
<td>--------------</td>
</tr>
<tr>
<td>RR-2A</td>
<td>1 dwelling unit/2 acres</td>
<td>2 acres</td>
<td>15,000 sq.ft.</td>
</tr>
<tr>
<td>RR-5A</td>
<td>1 dwelling unit/5 acres</td>
<td>5 acres</td>
<td>15,000 sq.ft.</td>
</tr>
<tr>
<td>RR-10A</td>
<td>1 dwelling unit/10 acres</td>
<td>10 acres</td>
<td>15,000 sq.ft.</td>
</tr>
<tr>
<td>RR-5A and RR-2A subject to rural residential density overlay</td>
<td>Maximum: 1 dwelling unit/ 1 acre per WCC 20.32.252(2)</td>
<td>See WCC 20.32.252</td>
<td>15,000 sq.ft.</td>
</tr>
</tbody>
</table>
EXHIBIT N
(RURAL FORESTRY SETBACKS REFERENCE)

Chapter 20.80
Supplementary Requirements

20.80.256 Forestry districts. (Adopted by reference in WCCP Chapter 2.)

(3) Where a parcel, had been created pursuant to the rural forestry district’s clustering provision (WCC 20.42.300) or the planned unit development provision (Chapter 20.85 WCC) or when a permitted residence (WCC 20.42.056), adjoins an existing parcel of 20 acres or more in size or a parcel that is being cultivated for commercial forestry production, a minimum building setback of 100 feet shall be established from the common property line.
EXHIBIT O
(WATERSHED ROAD SETBACKS)

Chapter 20.51
LAKE WHATCOM WATERSHED OVERLAY DISTRICT

20.51.340 Building setback/buffer areas.
.341 Setbacks for all properties within the overlay district shall be as follows: roads classified as state highways, principal arterials, minor arterials, and collector arterials or major collectors. Class I and Class II roads shall have a minimum setback of 30 feet; and roads classified as minor collectors, local access streets, neighborhood collector or minor access streets. Class III, IV and V roads shall have a minimum setback of 20 feet; provided, that the road right-of-way meets the minimum standard for road rights-of-way pursuant to the Whatcom County Development Standards.

Chapter 20.71
WATER RESOURCE PROTECTION OVERLAY DISTRICT

20.71.400 Building setback/buffer areas.
.401 Setbacks for all properties within the overlay district shall be as follows: roads classified as state highways, principal arterials, minor arterials, and collector arterials or major collectors. Class I and Class II roads shall have a minimum setback of 30 feet; and roads classified as minor collectors, local access streets, neighborhood collector or minor access streets. Class III, IV and V roads shall have a minimum setback of 20 feet; provided, that the road right-of-way meets the minimum standard for road rights-of-way pursuant to the Whatcom County Development Standards.
EXHIBIT P
(SETBACK TABLES)

Chapter 20.80
Supplementary Requirements

20.80.200 Setback requirements (Adopted by reference in WCCP Chapter 2)

20.80.210 Minimum Setbacks.

(5) Setbacks. For the purposes of this chapter, the road classification used to determine setback requirements shall be as set forth in this section. In the event a particular road is not listed in this section, the department of public works shall determine the classification, which classification shall be based on the Whatcom County Development Standards or such other local, state or federal roadway standards as the department of public works deems appropriate. Dead-end or loop streets providing access to 16 or fewer lots shall be classified as minor access streets.

(a) Setback Requirements of All Districts.

(i) No manure lagoon or other open pit storage shall be located closer than 150 feet from any property line, or in a manner which creates any likelihood of ground water pollution or other health hazard.

(ii) All manure storage shall be protected from a 25-year flood and shall be located 50 feet from irrigation ditches and waterways, 50 feet from the ordinary high water line of any lake or waterway; provided, that best management practices as determined by the Whatcom County Conservation District are in place. If the best management practices are not in place, 300 feet shall be substituted for 50 feet.

(iii) In all districts where a single-family residence is a primary permitted use, a building permit may be issued for the construction of a replacement dwelling on the same lot; provided, that the owner agrees by filing a statement with the building official that the old dwelling will
be demolished, removed or converted to another permitted use upon completion of the new dwelling.

(iv) A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

(b) Setbacks Table.

.......

**Rural Residential Setbacks**

<table>
<thead>
<tr>
<th>Residential Rural (RR)</th>
<th>Road Type</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</td>
<td>Collector Arterials or Major Collectors</td>
</tr>
<tr>
<td></td>
<td>45'</td>
<td>35'</td>
</tr>
</tbody>
</table>

*Water Resource Protection Overlay*

|                       | 30'        | 30'   | 20'   | 20'   | 20'   | 20'   | 5'     | 5'     |

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

2. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

Roof overhangs or other additional features shall not project further than 18 inches into the side or rear yard setbacks. Such overhangs may extend six feet into the front yard setback; however, in no case
will they extend more than one-half the depth of the front yard setback.

2Zero lot line side yard setbacks may be approved by the zoning administrator for single-family attached dwelling units along the common property line where the dwellings share a common wall.

<table>
<thead>
<tr>
<th>Rural Residential-Island (RR-I)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Road Type</strong></td>
</tr>
<tr>
<td><strong>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Residential Rural-Island District. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Forestry Zone Districts, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.42.651 shall be subject to the standard setback in WCC 20.80.210.

**Point Roberts Transitional Zone (TZ)**
EXHIBIT Q
(SHORT TERM PLANNING AREA REFERENCES)

Chapter 20.20
URBAN RESIDENTIAL (UR) DISTRICT

20.20.015 Applicability:
(1) In short-term planning areas, this chapter shall be fully applicable.

(2) Outside short-term planning areas designated on the Comprehensive Plan map, this section shall be limited as noted below.

20.20.050 Permitted uses.

.052 In short-term planning areas only—single-family attached dwellings; provided, that public sewer, water and, where identified by the appropriate subarea Comprehensive Plan policies, stormwater collection and detention facilities serve the site, not more than four units are attached, and the number of dwelling units conforms to the density requirements of the district.

20.20.150 Conditional uses.
.151 Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correctional facilities other than those listed in WCC 20.20.184. These uses shall not be permitted outside of short-term planning areas designated on the Comprehensive Plan map unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

.155 Neighborhood grocery stores only—in short-term planning areas designated on the Comprehensive Plan map; provided, that:
(1) The gross commercial floor areas, including sales and storage areas, shall not exceed 2,500 square feet;

(2) Storage areas shall be located entirely within the structure; however, outside trash receptacles shall be enclosed and screened from public view;

(3) The owner may have no more than two gasoline islands;

(4) Minor auto repairs may be provided; however, engine overhaul, body and fender work, tire recapping and vehicle sales are prohibited;

(5) Hours of operation shall be limited to 7:00 a.m. through 11:00 p.m.;

(6) Height of the building shall not exceed 28 feet from the average grade;

(7) The site shall be full fronting on two or more improved public roads or streets;

(8) All lighting shall be designed and installed to prevent the illumination of adjacent properties during business hours; however, security lighting may be permitted during nonbusiness hours if it is designed to prevent the illumination of adjacent properties;

(9) Not more than two identification signs, not exceeding 40 square feet in area for each road frontage, shall be permitted; provided, that said sign(s) shall be attached flush against the building, but shall not project above any part of the roofline nor extend more than 18 inches from the wall of the building to which it is attached. Said sign(s) shall be harmonious and compatible in appearance with the character of the surrounding area. Signs may only be illuminated by an indirect external source.

. . . . .

**20.20.252 Maximum density, minimum lot size and maximum lot size.**

<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Gross Density</th>
<th>Minimum Lot Size</th>
<th>Maximum Lot Size</th>
<th>Min. Reserve Area (Cluster Subdivisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UR: all densities without public sewer and water**</td>
<td>Maximum gross density: 1 dwelling unit/10 acres</td>
<td>N/A*</td>
<td>8,000 sq. ft.</td>
<td>22,000 sq. ft.</td>
</tr>
<tr>
<td>UR: in Lake Whatcom Watershed with public sewer and water, and stormwater collection and detention facilities</td>
<td>Maximum density: 1 dwelling unit/5 acres</td>
<td>5 acres</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>UR: all-densities outside short-term planning areas**</td>
<td>Maximum gross density: 1 dwelling unit/10 acres</td>
<td>N/A*</td>
<td>8,000 sq. ft.</td>
<td>22,000 sq. ft.</td>
</tr>
<tr>
<td>UR: all densities with public sewer or water**</td>
<td>Maximum gross density: 1 dwelling unit/10 acres</td>
<td>N/A*</td>
<td>8,000 sq. ft.</td>
<td>22,000 sq. ft.</td>
</tr>
<tr>
<td>UR-3: in-short-term-planning areas-with public sewer and water, and stormwater collection and detention facilities</td>
<td>Maximum gross density: 3 dwelling units/1 acre</td>
<td>12,000 sq. ft.</td>
<td>8,000 sq. ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>UR-4: in-short-term-planning areas-with public sewer and water, and stormwater collection and detention facilities</td>
<td>Maximum gross density: 4 dwelling units/1 acre Minimum net density: 4 dwelling units/1 acre**</td>
<td>8,000 sq. ft.</td>
<td>6,000 sq. ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>UR-6: in-short-term-planning areas-with public</td>
<td>Maximum gross density: 6</td>
<td>5,500 sq. ft.</td>
<td>4,000 sq. ft.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
sewer and water, and stormwater collection and detention facilities | dwelling units/1 acre
---|---
| Minimum net density: 6 dwelling units/1 acre**

* For the purpose of administering the lot consolidation provisions of WCC 20.83.070, the conventional minimum lot size shall be 10 acres.

** Minimum density shall be calculated as net density, after deducting the areas restricted from development by critical area regulations and infrastructure requirements.

......

**20.20.255 Minimum lot width and depth.**

<table>
<thead>
<tr>
<th>District</th>
<th>Width at Street Line</th>
<th>Width at Bldg. Line</th>
<th>Minimum Mean Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Conventional</td>
<td>Cluster</td>
<td></td>
</tr>
<tr>
<td>UR: all districts without public sewer and water and all districts outside short-term planning areas</td>
<td>300'</td>
<td>70'**</td>
<td>80'</td>
</tr>
<tr>
<td>UR: with public sewer and water, and stormwater collection and detention facilities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 units per acre</td>
<td>30'</td>
<td>30'</td>
<td>70'</td>
</tr>
<tr>
<td>4 units per acre</td>
<td>30'</td>
<td>30'</td>
<td>60'</td>
</tr>
<tr>
<td>*30' on a cul-de-sac only</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

......

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

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

(2) The reserve tract may be considered as a building lot; provided, that it is included in the overall density calculation of the original parcel of record.

Within short-term planning areas where public water and sewer are not available and long-term planning areas, the reserve tract may be considered a building lot only under one of the following additional conditions:

(a) Residential construction and accessory structures are restricted to a building envelope that is delineated on the final plat or short plat. The building envelope shall:

(i) Be contiguous with the outside boundary of the clustered lots; and

(ii) Be entirely located 200 feet or less from the outside boundary of the clustered lots; and

(iii) Not exceed the maximum lot size for clustered lots in the zone.

(b) Residential construction and accessory structures are restricted to a building envelope that is delineated on the final plat or short plat. The building envelope shall:

(i) Be contiguous with an exterior property line of the original parcel of record; and

(ii) Be entirely located 200 feet or less from an exterior property line of the original parcel of record; and

(iii) Not exceed the maximum lot size for clustered lots in the zone.

(c) An existing residential use and accessory structures may be located anywhere on the reserve tract. Clustered lots shall be located adjacent to such existing residential use, unless the zoning administrator determines that:

(i) Because of physical circumstances applicable to the site, clustering adjacent to the existing residential use would hinder access to the reserve tract for future urban development; or
(ii) Protection of environmental features would be negatively impacted; or

(iii) Existing agricultural structures would be negatively impacted.

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

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.20.305 by dividing the reserve tract and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in reserve area; and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract; or

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

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

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Chapter 20.22
URBAN RESIDENTIAL – MEDIUM DENSITY (URM) DISTRICT
......

20.22.010 Purpose.
To provide for a supply of land in areas planned for urban residential purposes that will accommodate the county’s need for medium and higher density and compatible nonresidential areas in urban growth areas, as identified in the appropriate subarea Comprehensive Plan. Since Urban Residential Medium Density areas may be adjacent to other land uses, compatibility among adjacent uses shall be
accomplished through responsible design and development considerations of this district.

20.22.020 Applicability.
(1) In short-term planning areas, this chapter shall be fully applicable.

(2) Outside short-term planning areas, this chapter shall be applicable to single-family dwellings only.

20.22.050 Permitted uses.

20.22.150 Conditional uses.
Items indicated by an "*" are not allowed outside short-term planning areas unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

.151 Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities other than those listed in WCC 20.22.184.*

.152 Public schools; and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.*
.154 Retirement and convalescent homes; social and health rehabilitation centers; day care centers; mini-day care centers; and adult care centers not in a family dwelling; and other health-related services consistent with the purpose of the district.*

# 20.22.252 Maximum/minimum density and minimum lot size – General.
(1)

<table>
<thead>
<tr>
<th>District</th>
<th>Gross Density</th>
<th>Minimum Lot Size – Conventional</th>
<th>Minimum Lot Size – Cluster</th>
<th>Maximum Lot Size</th>
<th>Minimum Reserve Area (Cluster Divisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>URM: all densities without public sewer and water</td>
<td>Maximum density: 1 dwelling unit/10 acres</td>
<td>N/A*</td>
<td>7,200 sq. ft.</td>
<td>22,000 sq. ft.</td>
<td>80%</td>
</tr>
<tr>
<td>URM: all-densities outside short-term planning areas</td>
<td>Maximum density: 1 dwelling unit/10 acres</td>
<td>N/A*</td>
<td>7,200 sq. ft.</td>
<td>22,000 sq. ft.</td>
<td>80%</td>
</tr>
<tr>
<td>URM: all densities with public sewer or water</td>
<td>Maximum density: 1 dwelling unit/10 acres</td>
<td>N/A*</td>
<td>7,200 sq. ft.</td>
<td>22,000 sq. ft.</td>
<td>80%</td>
</tr>
<tr>
<td>URM-6: with public sewer and water, and stormwater collection and detention facilities</td>
<td>Maximum density: 6 dwelling units/acre</td>
<td>7,200 sq. ft.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>URM-12: with public sewer and water, and stormwater collection and detention facilities</td>
<td>Maximum density: 12 dwelling units/acre</td>
<td>7,200 sq. ft.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>URM-18: with public sewer and water, and stormwater collection and detention facilities</td>
<td>Maximum density: 18 dwelling units/acre</td>
<td>7,200 sq. ft.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-------------------------------------------</td>
<td>---------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>URM-24: with public sewer and water, stormwater collection and detention facilities and, to obtain a net density greater than 10 dwelling units per acre, transferable development rights pursuant to the provisions of Chapter 20.89 WCC and subsection (4) of this section</td>
<td>Minimum net density: 10 dwelling units/acre</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* For the purpose of administering the lot consolidation provisions of WCC 20.83.070, the conventional minimum lot size shall be 10 acres.

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

(2) Lot clustering is required for residential land divisions except when:

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


20.22.310 Design standards.
The creation of new building lots, pursuant to this section, shall be governed by the following design standards, except that in the Bellingham Urban Growth Area, the
city of Bellingham’s design and development standards and guidelines shall be applied:

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

(2) Within short-term planning areas where public water and sewer are not available and within long-term planning areas, all clustered building lots shall be grouped together in a single cluster. In all other cases, where practical, the majority of building sites should be arranged in a concentrated pattern to be compatible with physical site features, and have no more than two common encroachments on existing county roads. The arrangement of concentrated building lots is intended to discourage development forms commonly known as linear, straight-line or highway strip patterns. (Ord. 2007-048 § 2 Exh. B, 2007; Ord. 2004-021 § 1, 2004).

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

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

(2) The reserve tract may be considered as a building lot; provided, that it is included in the overall density calculation of the original parcel of record.

Within short-term planning areas where public water and sewer are not available and long-term planning areas, the reserve tract may be considered a building lot only under one of the following additional conditions:

(a) Residential construction and accessory structures are restricted to a building envelope that is delineated on the final plat or short plat. The building envelope shall:

   (i) Be contiguous with the outside boundary of the clustered lots; and

   (ii) Be entirely located 200 feet or less from the outside boundary of the clustered lots; and
(iii) Not exceed the maximum lot size for clustered lots in the zone.

(b) Residential construction and accessory structures are restricted to a building envelope that is delineated on the final plat or short plat. The building envelope shall:

(i) Be contiguous with an exterior property line of the original parcel of record; and

(ii) Be entirely located 200 feet or less from an exterior property line of the original parcel of record; and

(iii) Not exceed the maximum lot size for clustered lots in the zone.

(c) An existing residential use and accessory structures may be located anywhere on the reserve tract. Clustered lots shall be located adjacent to such existing residential use, unless the zoning administrator determines that:

(i) Because of physical circumstances applicable to the site, clustering adjacent to the existing residential use would hinder access to the reserve tract for future urban development; or

(ii) Protection of environmental features would be negatively impacted; or

(iii) Existing agricultural structures would be negatively impacted.

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

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.22.305 by dividing the reserve tract and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in reserve area; and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract; or

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

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

Chapter 20.24
URBAN RESIDENTIAL MIXED (UR-MX) DISTRICT

20.24.015 Applicability.
(1) In short-term planning areas, this chapter shall be fully applicable.

(2) Outside short-term planning areas, outside urban growth areas, and outside small towns and crossroads commercial areas designated on the Comprehensive Plan map, this section shall be limited as noted below.

20.24.010 Purpose.
It is the purpose of this zone district to provide an orderly transition from rural to urban development by limiting densities and uses until services are available and then to provide for mixed uses in a manner that encourages a range of densities and dwelling unit types and pedestrian access to convenience shopping and jobs while maintaining an overall single-family character and property values for the neighborhoods created within this district. This district is intended to implement the Comprehensive Plan policies for portions of the Bellingham Urban Growth Area and portions of other urban growth areas of the county suitable for mixed use development. In the Bellingham Urban Growth Area, the city of Bellingham’s design and development standards and guidelines shall apply. The district is intended to provide for affordable housing types such as apartments, townhouses, and condominiums. Residential development should be located within walking distance of transit stations, designated commercial centers, parks and recreational areas and other employment centers where appropriate.

20.24.050 Permitted uses.
.052 In short-term planning areas only, single-family attached dwellings; provided, that public sewer, water and, where identified by the appropriate Comprehensive Plan policies, stormwater collection and detention facilities serve the site, not more than four units are attached, and the number of dwelling units conforms to the density requirements of the district. However, additional multifamily development shall not be allowed within the UR-MX zones identified on Map 3 of the Urban Fringe Subarea Comprehensive Plan.

<table>
<thead>
<tr>
<th>District</th>
<th>Gross Density</th>
<th>Minimum Lot Size – Conventional</th>
<th>Minimum Lot Size – Cluster</th>
<th>Maximum Lot Size Clustered Lots</th>
<th>Minimum Reserve Area (Cluster Divisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>URMX: all densities without public sewer and water</td>
<td>Maximum density: 1 dwelling unit/10 acres</td>
<td>N/A</td>
<td>4,000 sq. ft.</td>
<td>22,000 sq. ft.</td>
<td>80%</td>
</tr>
<tr>
<td>URMX: all densities outside short-term planning areas</td>
<td>Maximum density: 1 dwelling unit/10 acres</td>
<td>N/A</td>
<td>4,000 sq. ft.</td>
<td>22,000 sq. ft.</td>
<td>80%</td>
</tr>
<tr>
<td>URMX: all densities with public sewer or water</td>
<td>Maximum density: 1 dwelling unit/10 acres</td>
<td>N/A</td>
<td>4,000 sq. ft.</td>
<td>22,000 sq. ft.</td>
<td>80%</td>
</tr>
<tr>
<td>URMX: with public sewer and water, and stormwater collection and detention facilities</td>
<td>Maximum gross density: 10 dwelling units/1 acre Minimum net density: 6 dwelling units/1 acre</td>
<td>4,000 sq. ft.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>URMX (6 – 10): with public sewer and water, and</td>
<td>Maximum gross density: 10</td>
<td>4,000 sq. ft.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>stormwater collection and detention facilities</td>
<td>dwelling units/1 acre Minimum net density: 6 units/1 acre</td>
<td></td>
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</tr>
<tr>
<td>URMX (6 – 12): with public sewer and water, and stormwater collection and detention facilities</td>
<td>Maximum gross density: 12 dwelling units/1 acre Minimum net density: 6 units/1 acre</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>URMX (10 – 24): with public sewer and water, and stormwater collection and detention facilities</td>
<td>Maximum gross density: 24 dwelling units/1 acre Minimum net density: 10 units/1 acre</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(1) Minimum density shall be calculated as net density, after deducting the areas restricted from development by critical areas regulations and infrastructure requirements.

(2) For development with densities over a zone’s minimum net density, transferable development rights (TDRs) from the Lake Whatcom watershed sending area must be used, pursuant to the provisions of Chapter 20.89 WCC, Density Transfer Procedure. Each development right transferred from the Lake Whatcom watershed may be used to develop three dwelling units in the UGA. TDRs must be used to attain any density greater than the minimum net density of a zone.

20.24.305 Lot clustering.

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

(2) Lot clustering is required for residential land divisions except when:
(a) The property is located within a short-term planning area and both public water and sewer are not available, or

(b) The property is located within a long-term planning area.

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

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

(2) The reserve tract may be considered as a building lot; provided, that it is included in the overall density calculation of the original parcel of record.

Within short-term planning areas where public water and sewer are not available and long-term planning areas, the reserve tract may be considered a building lot only under one of the following additional conditions:

(a) Residential construction and accessory structures are restricted to a building envelope that is delineated on the final plat or short plat. The building envelope shall:

(i) Be contiguous with the outside boundary of the clustered lots; and

(ii) Be entirely located 200 feet or less from the outside boundary of the clustered lots; and

(iii) Not exceed the maximum lot size for clustered lots in the zone.

(b) Residential construction and accessory structures are restricted to a building envelope that is delineated on the final plat or short plat. The building envelope shall:

(i) Be contiguous with an exterior property line of the original parcel of record; and

(ii) Be entirely located 200 feet or less from an exterior property line of the original parcel of record; and
(iii) Not exceed the maximum lot size for clustered lots in the zone.

(c) An existing residential use and accessory structures may be located anywhere on the reserve tract. Clustered lots shall be located adjacent to such existing residential use, unless the zoning administrator determines that:

(i) Because of physical circumstances applicable to the site, clustering adjacent to the existing residential use would hinder access to the reserve tract for future urban development; or

(ii) Protection of environmental features would be negatively impacted; or

(iii) Existing agricultural structures would be negatively impacted.

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

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.20.305 by dividing the reserve tract and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in reserve area; and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract; or

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

(c) The site is within a short-term planning area and public water and sewer serve the proposed development on the reserve tract.
Chapter 20.32
RESIDENTIAL RURAL (RR) DISTRICT

20.32.050 Permitted uses.

.052 Reserved.

(1) In short-term planning areas only, single-family attached dwellings; provided, that not more than two units are attached and the number of dwelling units conforms to the density requirements of this district.

(2) Outside short-term planning areas, single-family dwellings only.

20.32.150 Conditional uses.
Items indicated by an "*" are not allowed outside rural communities or short-term planning areas unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

.151 Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities.*

.152 Public schools; and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.*

.154 Retirement and convalescent homes; social and health rehabilitation centers; day care centers; mini-day care centers and adult care centers not in a family dwelling; and other health-related services consistent with the purpose of the district.*

.189 Boarding homes that are larger than other residential structures permitted in the zoning district.*

.190 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.*
.191 Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.*

Chapter 20.36
RURAL (R) DISTRICT

20.36.050 Permitted uses.

.092 Within rural communities and short-term planning urban growth areas only, public schools; and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.

20.36.150 Conditional uses.
Items indicated by an "*" are not allowed outside rural communities and short-term planning urban growth areas unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

.151 Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities.*

.152 Outside rural communities and short-term planning urban growth areas only, public schools; and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.*

.154 Retirement and convalescent homes; social and health rehabilitation centers; day care centers; mini-day care centers; and adult care centers not in a family dwelling; and other health-related services consistent with the purpose of the district.*
.159 Surface mining and accessory washing and sorting outside of short-term planning urban growth areas; provided, that:

(1) The activity is not subject to Washington State's Surface Mining Act (Chapter 78.44 RCW).

(2) The activity will not result in excavation or equipment within 50 feet of county road rights-of-way.

(3) The activity will not result in excavation or equipment within 50 feet of the exterior property lines of the site, except in the case of two contiguous operations in which case by mutual consent this setback can be zero.

(4) Reclaimed side slopes shall not be steeper than three feet horizontal to one foot vertical for unconsolidated materials.

(5) At minimum, the operations shall adhere to the development and performance standards of WCC 20.73.650 and 20.73.700.

(6) All topsoil remains on site for use in subsequent reclamation.

(7) No soil erosion or sedimentation will occur beyond the exterior property lines of the site.

(8) No excavation shall occur within the five-year zone of contribution for designated wellhead 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. Wellhead protection boundaries may be adjusted in accordance with WCC 20.73.131(2).

(9) A cumulative maximum of three acres may be mined within the outer boundary of the parcel as it existed at the time of adoption of the amendment codified in this subsection. The intent of this provision is to prevent multiple conditional use permits for three-acre surface mines on a single parcel and prevent lots that were divided from a parent parcel after adoption of the amendment codified in this subsection from each having a three-acre surface mine.

.189 Boarding homes that are larger than other residential structures permitted in the zoning district.*

.190 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.*
Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.*

Mental health facilities that provide crisis care.*

Substance abuse facilities that provide crisis care.*

Outpatient mental health facilities.*

Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.*

Chapter 20.62
GENERAL COMMERCIAL (GC) DISTRICT

20.62.200 Prohibited uses.

20.62.251 Large commercial retail.
Retail establishments with a floor area less than 35,000 square feet are allowed in the General Commercial (GC) Zone. Retail establishments within the General Commercial Zone of a short-term planning area of an urban growth area are allowed up to 65,000 square feet; provided, that:

(1) The floor area of adjacent stores shall be aggregated in cases where the stores (a) are engaged in selling of similar or related merchandise and operate under common ownership or management; (b) share check stands, a warehouse, or a distribution facility; or (c) otherwise operate as an associated, integrated or cooperative business enterprise.

(2) Two thousand square feet of interior loft floor area for purposes of storage or mechanical equipment is exempt from the 65,000 square feet maximum floor area.

(3) Retail establishments with a floor area exceeding 35,000 square feet require connection to public sanitary sewer and water services at urban levels of service.
Chapter 20.66
LIGHT IMPACT INDUSTRIAL (LII) DISTRICT

20.66.200 Prohibited uses.

20.66.251 Large commercial retail.
Retail establishments with a floor area less than 35,000 square feet are allowed in the Light Impact Industrial (LII) Zone. Retail establishments within the Light Impact Industrial Zone of a short-term planning area of an urban growth area are allowed up to 65,000 square feet; provided, that:

(1) The floor area of adjacent stores shall be aggregated in cases where the stores (a) are engaged in selling of similar or related merchandise and operate under common ownership or management; (b) share check stands, a warehouse, or a distribution facility; or (c) otherwise operate as an associated, integrated or cooperative business enterprise.

(2) Two thousand square feet of interior loft floor area for purposes of storage or mechanical equipment is exempt from the 65,000 square feet maximum floor area.

(3) Retail establishments with a floor area exceeding 35,000 square feet require connection to public sanitary sewer and water services at urban levels of service.

Chapter 20.85
PLANNED UNIT DEVELOPMENT (PUD)

20.85.020 Applicability.
This chapter is applicable in any zone district within an urban growth area and short-term planning area. The provisions of this chapter can be used for any residential, commercial and/or industrial project on property two acres or greater in size; provided, however, that residential PUDs are not permitted in the Cherry Point Industrial Urban Growth Area. Transfer of development rights shall be utilized within designated density transfer receiving areas as shown on the official Whatcom County zoning map to achieve the allowed maximum density prior to the utilization
of the density bonus provisions of this chapter. A planned unit development may be used on property less than two acres in size when the zoning administrator finds one or more of the following conditions exists:

.021 An unusual physical or topographic feature of importance to the area as a whole exists on the site or in the neighborhood, which can be conserved and still leave the applicant equivalent use of the land by the use of a planned unit development.

.022 The property or its neighborhood has a historical character of importance for the community that will be protected by use of a planned unit development.

.023 The property is adjacent to or across a street from property which has been developed or redeveloped under a planned unit development, and a planned unit development will not detract from the amenities and aesthetic values of the neighboring planned unit development.

.024 The project will use unique or innovative design concepts which would benefit the public welfare including design provisions which would be precluded by the underlying district.

.025 The project would meet an important social need that cannot be realized with the underlying zone.

.026 The project will promote creativity or affordability in residential, commercial and industrial development.

......
WHATCOM COUNTY
PLANNING COMMISSION

Title 20 Code Amendments

FINDINGS OF FACT AND REASONS FOR ACTION

1. Currently WCC 20.84.225 allows the Hearing Examiner to “approve revisions to conditional use permits; provided, that the proposed changes are within the scope and intent of the original permit...” There is no such allowance for PDS to approve revisions to administrative permits. Without the proposed amendment, minor revisions to administrative permits require a new permit application.

2. The procedures for docketing zoning code, comprehensive plan, and zoning map amendment applications are provided in 20.90.41 but the code currently lacks an option for removing items once they are placed on the docket. The proposed amendment provides an option to remove certain docketed items.

3. Currently the zoning code does not make it clear whether replacement of existing electric powerline poles and towers is permitted outright. In addition, powerline towers and water tanks have no flexibility to exceed the code’s structure height limits because a height variance is not possible unless there is a physical hardship associated with the property. Also, the currently permitted size of an outright-permitted utility structure is 100 square feet. The proposed amendment changing the maximum permitted size to 200 square feet is consistent with the size of accessory storage buildings that are allowed as accessory uses in most zones.

4. Currently the home occupation and cottage industry performance standards are listed in Chapter 20.84, Variances and Conditional Uses, and in Chapter 20.97 Definitions, respectively. Such standards are typically located in Chapter 20.80 Supplemental Requirements. Also, RCW 36.70A.450 requires Counties to allow family day care homes (an occupied dwelling providing day care for no more than six children) in most zones, and authorizes Counties to regulate certain aspects of their operation. The zoning code currently requires that family day care homes be subject to home occupation standards. The amendment to not make family day care homes subject to home occupation requirements would ensure that County requirements do not go beyond what the County is authorized to regulate.

5. An apparent oversight left out part of a sentence in Note 1 under the Light Impact Industrial (LII) setback table of 20.80.210. That note currently reads, "All setbacks shall be increased by one foot of building height which exceeds 35 feet.” Staff believes the intent was to make the note read like Note 1 under the High Impact Industrial (HII) setbacks: "All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures..." The proposed amendment changes the LII language,
consistent with HII.

6. The Residential-Rural-Island (RRI) zone currently exempts certain platted lots from the lot consolidation requirements of WCC 20.83.070. The chapter references a table from the Lummi Island Comprehensive Plan. That plan is no longer in effect but the same table exists in the current Lummi Island Subarea Plan. In addition, re-ordering the subsections of WC 20.83.070 would improve logical sequence of the section, for better clarity.

7. The Residential-Rural-Island (RRI) zone chapter currently contains restrictions on development activity in areas with unstable slopes, and references two maps in the Lummi Island Comprehensive Plan (LICP). That plan has been replaced by the Lummi Island Subarea plan, which does not have the slope maps. The current critical areas ordinance would address the slope issues.

8. State law allows only one open-record public hearing for major project permits (RCW 36.70B.050(2)). The proposed amendment to WCC Chapter 20.88 clarifies that the Hearing Examiner holds the only open-record public hearing for a major project permit and is consistent with state law. Also, the current maximum number of days between steps in the deliberation process may be insufficient for the County Council and, if applicable, the Planning Commission to study complex major project permit applications.

9. The State legislature recently changed the description of marijuana production in statute, adding some activities that had previously been considered part of "processing." Currently WCC 20.36.062 lists marijuana production as a permitted use in the Rural zone. To be consistent with the changes to state law, the proposed amendments change the definitions of both marijuana production and processing, and move marijuana production from the "permitted uses" list to "administrative approval uses." Marijuana processing is already an administrative approval use. The amendment also updates the code to refer to the newly-retitled "State Liquor and Cannabis Board" (formerly the Liquor Control Board).

10. The proposed amendment to Chapter 20.83 nonconforming uses corrects an outdated reference to the conditional use criteria located in 20.84.220.

11. Currently most zoning districts list "prohibited uses" as "all other uses" plus additional specified uses that were placed in the prohibited uses section for clarity. The proposed amendments would add new wording for each zoning district to clarify that all uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including certain specified uses, which are listed for purposes of clarity."

12. The proposed amendment would add RR-2A to the zones listed in the first row of the chart in 20.32.253 that have a gross density of one dwelling unit per five acres, and a minimum lot size of five acres in areas without public water. Ordinance 2013-032, adopted in response to a GMHB order regarding the Comprehensive Plan’s rural element and the implementing development regulations, created a new density classification in the Residential Rural (RR) zone, RR-2A. PDS’s draft of that ordinance added gross density and minimum lot size standards for RR-2A lots with public water but inadvertently failed to do so for RR-2A lots without public water.
13. 20.80.256 currently contains a reference to the Rural Forestry zone’s clustering provision, 20.42.300, which was deleted in 2008. The proposed amendment removes that reference and clarifies that the setback provisions in 20.80.256 applies to lots that had been created under the Rural Forestry clustering provision when in was in effect.

14. Special setback provisions in the watershed protection overlays, WCC Chapters 20.51 and 20.71, refer to road types that were revised in a 2009 code amendment. The proposed amendment updates the references.

15. While drafting revisions of the recent Marijuana amendments (Ordinance 2015-006) PDS staff inadvertently drafted the amendments to delete the setback tables for the Residential Rural (RR) and Rural Residential – Island (RRI) zones. The proposed amendment restores those setback tables. Also, a 2009 amendment removed a definition for “Minor Access Streets” referred to in the setback tables. The proposed amendment adds a definition consistent with the County’s Development Standards.

16. Prior to 2009 the unincorporated portion of Whatcom County’s urban growth areas (UGA’s) were divided into “short-term planning areas” (STPA’s) and “long-term planning areas” (LTPA’s). Ordinance 2009-0718eliminated the LTPA designation, leaving all unincorporated portions of the UGA’s as STPA’s. The current 2016 Comprehensive Plan Update draft contains language that would remove the STPA designation. The proposed amendment removes the numerous references to STPA’s that exist in WCC Title 20.

CONCLUSIONS

1. The amendments are the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive Plan.

RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends approval of Exhibits A through J and Exhibits L through Q.
WHATCOM COUNTY PLANNING COMMISSION

Nicole Oliver, Chair

Sam Ryan, Secretary

Date

Commissioners present at the February 11, 2016 meeting when the vote was taken: Kelvin Barton, Atul Deshmane, Gary Honcoop, David Hunter, Natalie McClendon, Andy Rowlson, and Gerald Vekved.

Vote: Ayes: 7, Nays: 0, Abstain: 0, Absent: 2. Motion carried to adopt the above amendments.
Whatcom County
Planning & Development Services
Staff Report

Zoning Code Amendments

I. BACKGROUND INFORMATION

File # PLN2014-00009

File Name: Zoning and Administrative Code Amendments

Applicants: Whatcom County Planning and Development Services (PDS)

Summary of Request: Amend Whatcom County Code Title 20 Zoning to make a series of small revisions, clarifications, updates and corrections.

Location: County-wide.

Staff Recommendation: Approval. The amendments are necessary to add clarity to development regulations and procedures, and to keep the code up to date.

Background
From time to time, the County adopts a series of small code amendments to improve unclear wording or procedures, or to correct errors or outdated text. This collection of 17 code amendments includes such items as well as some small but substantive changes to certain procedures. The following section contains brief discussions of each of the 17 proposed amendments.

II. CODE AMENDMENTS

Administrative Permit Revisions (Exhibit A)
WCC 20.84.236
Currently WCC 20.84.225 allows the Hearing Examiner to “approve revisions to conditional use permits; provided, that the proposed changes are within the scope and intent of the original permit...” That subsection goes on to describe circumstances that are considered “within the scope and intent of the original permit.” There is no such allowance for PDS to approve revisions to administrative permits. The proposed amendment adding a new section 20.84.236 would allow such a revision by PDS staff, subject to the same description of “within the intent and scope” as given in
20.84.225. Without this amendment, minor revisions to administrative permits require a new permit application.

**Docketing Procedure (Exhibit B)**

**WCC 20.90.41**

WCC Chapter 20.90 contains the provisions for processing applications for zoning code, comprehensive plan, and zoning map amendments. Section 20.90.041 contains procedures for docketing applications but lacks specific provisions for removing items once they are placed on the docket. The proposed draft, based on Snohomish County's docketing procedures, provides options for the County to remove an item from the docket without requiring County Council action to approve or deny the application. The proposed wording ensures that an application initiated and paid for by a citizen per 20.90.030(4) for which all required information has been provided, and that is consistent with state and federal regulations, cannot be removed from the docket by motion.

**Electric Powerlines, Water Tanks, and Utility Structures (Exhibit C)**

**WCC 20.82.020, .030**

This amendment clarifies that replacement of electric powerline poles and towers is permitted outright, and that only new high voltage power lines (greater than 55kv) would require a conditional use permit. PSE has inquired about replacing existing powerline towers and currently the code is not clear whether replacement is permitted outright or a conditional use permit is required.

In addition, the amendment establishes that electric powerlines or water tanks higher than the zoning district’s maximum building height would require a conditional use permit. Currently, powerline towers and water tanks have no flexibility to exceed the code’s height limits because a height variance is not possible unless there is a physical hardship associated with the property.

The amendment also increases the size of an outright-permitted utility structure from the current 100 square feet to 200 square feet. Structures larger than 200 square feet would require a conditional use permit. 200 square feet is consistent with the size of accessory storage buildings that are allowed as accessory uses in most zones.

**Home Occupations and Cottage Industries (Exhibit D)**

**WCC 20.80.970, .980; 20.84.150; 20.97.089; various references in other chapters**

Currently the home occupation and cottage industry performance standards are listed in Chapter 20.84, Variances and Conditional Uses, and in Chapter 20.97 Definitions, respectively. This amendment moves the performance standards for home occupations and cottage industries to Chapter 20.80, Supplementary Requirements, which is where such standards are generally located. None of the content of the standards is proposed to be changed.
Also, the code permits family day care homes (occupied dwellings providing day care for no more than six children) as an accessory use subject to the home occupation standards. Because of possible inconsistency with state law, staff proposes an amendment to remove the requirement that they be subject to the home occupation standards. RCW 36.70A.450 requires Counties to allow family day care homes in most zones, and authorizes Counties to regulate certain aspects of their operation. Staff is concerned that the County's home occupation standards may go beyond what the County is authorized to regulate, and proposes permitting family day care uses as an accessory use without additional criteria. "Mini-day care homes," where day care is provided for 7-12 children, would remain an administrative approval use.

**Light Impact Industrial (LII) Setbacks (Exhibit E)**

**WCC 20.80.210**

This amendment corrects an apparent oversight that left out part of a sentence in Note 1 under the LII setback table. That note currently reads, "All setbacks shall be increased by one foot of building height which exceeds 35 feet." The meaning of this note is unclear. Staff believes the intent was to have the note read like Note 1 under the High Impact Industrial (HII) setbacks: "All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 50 feet." (emphasis added) Staff proposes revising the LII standards consistent with the HII standards, the only difference being the 35 foot height for LII.

**Lummi Island Plan Lot Consolidation Reference (Exhibit F)**

**WCC 20.34.254; 20.83.070**

The Residential-Rural-Island (RRI) zone currently exempts certain platted lots from the lot consolidation provisions of WCC 20.83.070. The chapter references a table from the Lummi Island Comprehensive Plan. That plan is no longer in effect but the same table exists in the current Lummi Island subarea Plan. The amendment would refer to the table in the current subarea plan.

WCC 20.83.070 contains the County's lot consolidation requirements. Sections 20.83.071, .072, and .073 list exemptions to those requirements, but do not refer to

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1 RCW 36.70A.450: "(2) A county or city may require that the facility: (a) Comply with all building, fire, safety, health code, and business licensing requirements; (b) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (c) is certified by the department of early learning licensor as providing a safe passenger loading area; (d) include signage, if any, that conforms to applicable regulations; and (e) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift. (3) A county or city may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day-care provider over licensing requirements, the licensor may provide a forum to resolve the dispute." The County Home Occupation standards, proposed to be moved to 20.80.970 (see Exhibit D) differ from the state requirements.
the Lummi Island lots exempted in 20.34.254. The amendment would add wording to WCC 20.83.073 to reference 20.34.254, so the reader can find all lot consolidation exemptions in one place.

The amendment would also re-order subsections .071, .072, and .073 to improve the logical sequence of the section, for better clarity. No amendments are proposed that would affect the content of the lot consolidation provisions.

**Lummi Island Plan Slope Reference (Exhibit G)**

**WCC 20.34.656**
The Residential-Rural-Island (RRI) zone chapter currently contains restrictions on development activity in areas with unstable slopes, and references two maps in the Lummi Island Comprehensive Plan (LICP). That plan has been replaced by the Lummi Island Subarea plan, which does not have the slope maps. Staff has confirmed that the current critical areas ordinance would address the slope concerns and proposes deleting the redundant code section.

**Major Project Permit Procedures (Exhibit H)**

**WCC 20.88.200; 20.92.420**
State law allows only one open-record public hearing for major project permits (RCW 36.70B.050(2)). This amendment to WCC Chapter 20.88 clarifies that the Hearing Examiner holds the only open-record public hearing for a major project permit. The County Council may hold an additional public meeting to discuss the application (or refer the permit to the Planning Commission for a public meeting and recommendation) but Council deliberation and decision must be based solely upon consideration of the record, the recommendations of the Hearing Examiner and the Planning Commission (when applicable), and the major project permit approval criteria in WCC 20.88.130.

The amendment also increases the maximum number of days between steps in the deliberation process, allowing more time for the County Council and, if applicable, the Planning Commission to study complex major project permit applications.

**Marijuana Processing and Production (Exhibit I)**

**WCC 20.36.062; 20.36.138; 20.97.226-228**
The State legislature recently changed the description of marijuana production in state law, adding some activities that had previously been considered part of “processing.” Currently WCC 20.36.062 lists marijuana production as a permitted use in the Rural zone. To be consistent with the changes to state law, the proposed amendments change the definitions of both marijuana production and processing, and move marijuana production from the “permitted uses” list to “administrative approval uses.” Marijuana processing is already an administrative approval use. The amendment also updates the code to refer to the newly-retitled "State Liquor and Cannabis Board" (formerly the Liquor Control Board).
Nonconforming Use Reference (Exhibit J)
WCC 20.83.020
This amendment to the chapter on nonconforming uses corrects an outdated reference to the conditional use criteria located in 20.84.220. In 2011 an additional criterion was added, so the reference to 20.84.220(2) to (8) should be updated to 20.84.220(2) to (9). This same change was made in 20.83.040 in 2013 but the outdated reference in 20.83.020 was not caught.

Point Roberts Broadcast Towers (Exhibit K)
20.72.205
This amendment adds broadcast towers to the list of uses prohibited in the Point Roberts Special District overlay. This is consistent with the Hearing Examiner’s 2015 decision on a conditional use permit for a broadcast tower (CUP2013-0004), where the hearing examiner found the conditional use permit could not be granted because the proposed tower exceeded the 25-foot height limitation in 20.72.402. This request was the subject of a 2014 amendment application (PLN2014-00006) and is included in these general amendments to streamline processing. That application’s accompanying Comprehensive Plan amendment can be considered by the County Council as part of the 2016 Comprehensive Plan Update process.

Prohibited Uses (Exhibit L)
Various WCC Chapters
The Whatcom County zoning code is a “permissive code,” meaning that all permitted uses for a given zoning district are listed, and those not listed are prohibited. Currently most zoning districts list “prohibited uses” as “all other uses” plus additional uses that were placed in the prohibited uses section for clarity. For example, “adult businesses” are listed as a prohibited use in most zones to clarify that these uses do not fall under a retail commercial use that may be permitted in the district.

Recently PDS denied a permit for a use that was not listed among the permitted, accessory, administrative use, or conditional uses for the zoning district where the property was located. The owner appealed that decision to the Hearing Examiner, saying the use was not listed among those listed as prohibited and should therefore be permitted. The County prevailed on the appeal, but to prevent such misunderstandings in the future, PDS has drafted new wording for each zoning district to establish that “All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity.”

Residential Rural Lot Size (Exhibit M)
WCC 20.32.253
The proposed amendment would add RR-2A to the zones listed in the first row of the chart in 20.32.253 that have a gross density of one dwelling unit per five acres, and a
minimum lot size of five acres in areas without public water. Ordinance 2013-032, adopted in response to a GMHB order regarding the Comprehensive Plan's rural element and the implementing development regulations, created a new density classification in the Residential Rural (RR) zone, RR-2A. PDS's draft of that ordinance added gross density and minimum lot size standards for RR-2A lots with public water but inadvertently failed to do so for RR-2A lots without public water. The first row of the chart in 20.32.253 establishes the gross density of one dwelling unit per five acres for the RR-1, RR-2, RR-3, and RR-5A classifications. RR-2A's gross density of one dwelling unit per two acres falls between that of RR-3 (three dwelling units per acre) and RR-5A (one dwelling unit per five acres) and it would have made sense to include RR-2A with the other classifications in the first row, pertaining to lots without public water (none with a minimum lot size smaller than 5 acres). In addition, the corresponding density/lot size chart in the Rural (R) zone sets a gross density of one dwelling unit per five acres for the R-2A classification. Given this context, staff believes it is consistent with the intent of the chart to add RR-2A to the zones that have a five acre minimum lot size in areas where public water is unavailable.

Rural Forestry Setbacks Reference (Exhibit N)
WCC 20.80.256
20.80.256 currently contains a reference to the Rural Forestry zone's clustering provision, 20.42.300, which was deleted in 2008. The amendment removes that reference and clarifies that the setback provisions in 20.80.256 applies to lots that had been created under the Rural Forestry clustering provision when in was in effect.

Setback Requirements in Watershed Protection Overlays (Exhibit O)
WCC 20.51.340; 20.71.401
In 2009, the County approved amendments to the minimum setback tables in 20.80.210. In the tables, minimum setbacks along road frontages vary depending on the type of road. For example, setbacks along local streets are smaller than along major arterials. The 2009 amendments eliminated a system of referring to the different road types by Roman numerals, I through V, and the charts now refer to road types only by description – arterial, collector, etc.

Chapters 20.51 (Lake Whatcom Watershed Overlay District) and 20.71 (Water Resource Protection Overlay District) contain special setback requirements within these areas. Currently those requirements refer to the now-removed Roman numeral road classification system. This amendment updates those provisions to refer to the current road types now found in the 20.80.210 setback tables.

Setback Tables (Exhibit P)
WCC 20.80.210
The 2009 amendments to the setback tables removed a definition of the "Minor Access Streets" road type. This amendment adds a definition based on the description of Minor Access Streets in Table 2 of the Whatcom County Design Guidelines, Chapter 5
Road Standards.

Also, while drafting revisions of the recent Marijuana amendments (Ordinance 2015-006) PDS staff inadvertently drafted the adopting ordinance so that it deleted the setback tables for the Residential Rural (RR) and Rural Residential – Island (RRI) zones. This amendment restores those setback tables.

Because Section 20.80.200 is adopted by reference in Whatcom County Comprehensive Plan Policy 2DD-2.B.3, the proposed amendments to the setback tables in 20.80.210 would also be Comprehensive Plan amendments. If these zoning code amendments are approved, adoption would take place concurrent with the 2016 Comprehensive Plan amendments, due in June as part of the required periodic update.

**Short Term Planning Area References (Exhibit Q)**

**Various Chapters WCC**

Prior to 2009 the unincorporated portion of Whatcom County’s urban growth areas (UGA’s) were divided into “short-term planning areas” (STPA’s) and “long-term planning areas” (LTPA’s). The main distinction between the two was that STPA’s were considered ready for urban development and annexation because the necessary infrastructure was in place.

In 2009 the County adopted Ordinance 2009-071, which reduced the size of several urban growth areas. With the size reductions, the LTPA designation was seen as unnecessary and the ordinance eliminated them, leaving all unincorporated portions of the UGA’s as STPA’s. The current 2016 Comprehensive Plan Update (draft reviewed by the Planning Commission) contains language that would remove the STPA designation. This amendment removes the numerous references to STPA’s that exist in WCC Title 20.

**III. COMPREHENSIVE PLAN EVALUATION**

The proposed amendments are consistent with Comprehensive Plan’s Goal 2D to “Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.”

The elimination of the references to long-term and short-term planning areas is consistent with recent changes to the Comprehensive Plan and with the draft Plan update to be considered in 2016.

**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. Currently WCC 20.84.225 allows the Hearing Examiner to “approve revisions to conditional use permits; provided, that the proposed changes are within the scope and intent of the original permit...” There is no such allowance for PDS to approve revisions to administrative permits. Without the proposed amendment, minor revisions to administrative permits require a new permit application.

2. The procedures for docketing zoning code, comprehensive plan, and zoning map amendment applications are provided in 20.90.41 but the code currently lacks an option for removing items once they are placed on the docket. The proposed amendment provides a more complete list of options.

3. Currently the zoning code does not make it clear whether replacement of existing electric powerline poles and towers is permitted outright. In addition, powerline towers and water tanks have no flexibility to exceed the code’s structure height limits because a height variance is not possible unless there is a physical hardship associated with the property. Also, the currently permitted size of an outright-permitted utility structure is 100 square feet. The proposed amendment changing the maximum permitted size to 200 square feet is consistent with the size of accessory storage buildings that are allowed as accessory uses in most zones.

4. Currently the home occupation and cottage industry performance standards are listed in Chapter 20.84, Variances and Conditional Uses, and in Chapter 20.97 Definitions, respectively. Such standards are typically located in Chapter 20.80 Supplemental Requirements. Also, RCW 36.70A.450 requires Counties to allow family day care homes (an occupied dwelling providing day care for no more than six children) in most zones, and authorizes Counties to regulate certain aspects of their operation. The zoning code currently requires that family day care homes be subject to home occupation standards. The amendment to not make family day care homes subject to home occupation requirements would ensure that County requirements do not go beyond what the County is authorized to regulate.

5. An apparent oversight left out part of a sentence in Note 1 under the Light Impact Industrial (LII) setback table of 20.80.210. That note currently reads, “All setbacks shall be increased by one foot of building height which exceeds 35 feet.” Staff believes the intent was to make the note read like Note 1 under the High Impact Industrial (HII) setbacks: “All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures...” The proposed amendment changes the LII language, consistent with HII.

6. The Residential-Rural-Island (RRI) zone currently exempts certain platted lots from the lot consolidation requirements of WCC 20.83.070. The chapter references a table from the Lummi Island Comprehensive Plan. That plan is
no longer in effect but the same table exists in the current Lummi Island subarea Plan. In addition, re-ordering the subsections of WC 20.83.070 would improve logical sequence of the section, for better clarity.

7. The Residential-Rural-Island (RRI) zone chapter currently contains restrictions on development activity in areas with unstable slopes, and references two maps in the Lummi Island Comprehensive Plan (LICP). That plan has been replaced by the Lummi Island Subarea plan, which does not have the slope maps. The current critical areas ordinance would address the slope issues.

8. State law allows only one open-record public hearing for major project permits (RCW 36.70B.050(2)). The proposed amendment to WCC Chapter 20.88 clarifies that the Hearing Examiner holds the only open-record public hearing for a major project permit and is consistent with state law. Also, the current maximum number of days between steps in the deliberation process may be insufficient for the County Council and, if applicable, the Planning Commission to study complex major project permit applications.

9. The State legislature recently changed the description of marijuana production in statute, adding some activities that had previously been considered part of “processing.” Currently WCC 20.36.062 lists marijuana production as a permitted use in the Rural zone. To be consistent with the changes to state law, the proposed amendments change the definitions of both marijuana production and processing, and move marijuana production from the “permitted uses” list to “administrative approval uses.” Marijuana processing is already an administrative approval use. The amendment also updates the code to refer to the newly-retitled “State Liquor and Cannabis Board” (formerly the Liquor Control Board).

10. The proposed amendment to Chapter 20.83 nonconforming uses corrects an outdated reference to the conditional use criteria located in 20.84.220.

11. The proposed amendment adding broadcast towers to the list of uses prohibited in the Point Roberts Special District overlay is consistent with the Hearing Examiner’s 2015 decision on a conditional use permit for a broadcast tower (CUP2013-0004), where the hearing examiner found the conditional use permit could not be granted because the proposed tower exceeded the 25-foot height limitation in 20.72.402.

12. Currently most zoning districts list “prohibited uses” as “all other uses” plus additional specified uses that were placed in the prohibited uses section for clarity. The proposed amendments would add new wording for each zoning district to clarify that all uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including certain specified uses, which are listed for purposes of clarity.”

13. The proposed amendment would add RR-2A to the zones listed in the first row of the chart in 20.32.253 that have a gross density of one dwelling unit per five acres, and a minimum lot size of five acres in areas without public water. Ordinance 2013-032, adopted in response to a GMHB order regarding the Comprehensive Plan’s rural element and the implementing development
regulations, created a new density classification in the Residential Rural (RR) zone, RR-2A. PDS’s draft of that ordinance added gross density and minimum lot size standards for RR-2A lots with public water but inadvertently failed to do so for RR-2A lots without public water.

14. 20.80.256 currently contains a reference to the Rural Forestry zone’s clustering provision, 20.42.300, which was deleted in 2008. The proposed amendment removes that reference and clarifies that the setback provisions in 20.80.256 applies to lots that had been created under the Rural Forestry clustering provision when in was in effect.

15. Special setback provisions in the watershed protection overlays, WCC Chapters 20.51 and 20.71, refer to road types that were revised in a 2009 code amendment. The proposed amendment updates the references.

16. While drafting revisions of the recent Marijuana amendments (Ordinance 2015-006) PDS staff inadvertently drafted the amendments to delete the setback tables for the Residential Rural (RR) and Rural Residential – Island (RRI) zones. The proposed amendment restores those setback tables. Also, a 2009 amendment removed a definition for “Minor Access Streets” referred to in the setback tables. The proposed amendment adds a definition consistent with the County’s Development Standards.

17. Prior to 2009 the unincorporated portion of Whatcom County’s urban growth areas (UGA’s) were divided into “short-term planning areas” (STPA’s) and “long-term planning areas” (LTPA’s). Ordinance 2009-071 eliminated the LTPA designation, leaving all unincorporated portions of the UGA’s as STPA’s. The current 2016 Comprehensive Plan Update draft contains language that would remove the STPA designation. The proposed amendment removes the numerous references to STPA’s that exist in WCC Title 20.

V. PROPOSED CONCLUSIONS

1. The amendments are the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive Plan.

VI. RECOMMENDATION

Planning and Development Services recommends the Planning Commission forward the proposed amendments to the County Council with a recommendation of approval.
ATTACHMENTS

A. Draft code amendments, Exhibits A through Q
EXHIBIT B  
(DOCKETING PROCEDURES)

Chapter 20.90  
AMENDMENTS

20.90.041 The docket.
(1) The docket shall consist of initiated Comprehensive Plan amendments and initiated WCC Title 20 and official zoning map amendments. Together with their supporting application files, the docket shall be maintained by the department of planning and development services and made available for public review during normal business hours.
(2) The county council may remove a proposed amendment from the approved docket by motion, unless the proposed amendment was: (a) initiated by a citizen per WCC 20.90.030(4), (b) the amendment is consistent with state and federal regulations, and (c) the applicant has provided all information required by the planning and development services department. The department shall notify the applicant not less than 30 calendar days prior to consideration of removal from the docket. If the county council has not acted upon a docketed proposed amendment during the year for which it has been docketed, the county council may place the amendment on the following year’s docket.
EXHIBIT K
(POINT ROBERTS BROADCAST TOWERS)

Chapter 20.72
POINT ROBERTS SPECIAL DISTRICT

20.72.200 Prohibited uses.
In addition to the uses prohibited in the underlying zone districts, the following uses are prohibited:

.. 205 Broadcast towers greater than 25 feet in height.

Chapter 20.97
DEFINITIONS

20.97.034 Broadcast tower.

"Broadcast tower" shall mean any electronic communications structure or telecommunication tower or antenna transmitting radio or television signals. Excluded from this definition are: structures associated with wireless communication facilities as regulated in Chapter 20.13 WCC; citizen band antennas or antennas operated by federally licensed amateur ("ham") radio operators; and military, federal, state, or local government communications facilities used for emergency preparedness and public safety purposes.
EXHIBIT K
(APPLYING DEVELOPMENT STANDARDS TO PUBLIC UTILITIES)

Chapter 20.82
PUBLIC UTILITIES

20.82.010 Intent.
The provisions of this chapter regulate the installation, maintenance and operation of public utility lines, sanitary sewer, pipelines for oil and gas, railroads (but not included switching yards or round houses), or maintenance facilities. The citizen initiative, enacted through Ordinance 90-124, regarding power line placement, Comprehensive Plan land use designations, Comprehensive Plan policy directives and the specific provisions of this chapter, shall be the basis for decisions regarding utility development. This chapter applies to all zoning districts unless stated otherwise. The uses listed in this chapter are subject to the development standards of the underlying zoning district unless stated otherwise in this chapter.
Regular Meeting

Call To Order: The meeting was called to order, by Whatcom County Planning Commission Chair, Natalie McClendon, in the Whatcom County Council Chambers at 6:30 p.m.

Roll Call
Present: Natalie McClendon, Jerry Vekved, Gary Honcoop, Nicole Oliver, Mary Beth Teigrob, Michael Knapp, David Hunter, Kelvin Barton, Andy Rowlson
Absent:

Staff Present: Mark Personius, Gary Davis, Amy Keenan, Nick Smith, Royce Buckingham-Prosecutor’s Office, Becky Boxx

Department Update

Mark Personius updated the commission on the following:
• Update on the Comprehensive Plan revisions at County Council
• The Planning Commission schedule
• A Short Course on Local Planning will be held on March 31, 2016

Becky Boxx presented Commissioner Teigrob with a certificate and thanked her for her work on the Planning Commission.

Open Session for Public Comment

Larry Brown, Sudden Valley Community Association: Would like outreach to Sudden Valley to continue.

Max Perry, Whatcom County: At the recent County Council meeting he attended he heard Councilmembers state they would like to have some members of the Planning Commission present so they can ask them questions about the Comprehensive Plan process as it went through the commission. He thought this was a good idea.

Greg Brown, Whatcom County: Thanked Commissioner Teigrob for her time served on the commission.

Carol Perry, Whatcom County: Thanked the commission members for their work. Repeated the comments made by Max Perry. Encouraged commission members to attend council meetings.

Commissioner Comments

Commissioner Honcoop thanked Commissioner Teigrob for her time on the commission.

Commissioner Oliver stated she is going to be on The Whatcom Report on KGMI, Sunday at 8:00 am. discussing the Comprehensive Plan.
Commissioner Hunter stated County Council members have approached him regarding recording of votes taken by the commissioners. The issue will be discussed at the business meeting in February. He thanked Commissioner Teigrob for her service.

Approval of Minutes of December 10, 2015
Commissioner Knapp moved to approve as written. Commissioner Oliver seconded. The motion carried.

Public Hearing
File #PLN2014-00009: Various proposed amendments to Whatcom County Code Title 20 (Zoning) regarding: a) revising procedures for administrative approval permits, b) revising application docketing procedures, c) clarifying development regulations for electric powerlines and water tanks, d) relocating approval criteria and performance standards for home occupation and cottage industry, e) clarifying building heights in the Light Impact Industrial zone, f) updating references regarding development on slopes in the Rural Residential Island zone, g) updating and clarifying lot consolidation requirements, h) revising major project permit procedures, i) revising regulations for marijuana production and marijuana processing, j) updating a reference regarding nonconforming use expansion, k) prohibiting broadcast towers exceeding 25 feet in height in the Point Roberts Special District, l) clarifying prohibited uses, m) clarifying lot size and density in the Residential Rural zone, n) clarifying provisions for lots previously created under the clustering provision in the Rural Forestry zone, o) clarifying minimum setback requirements in the Lake Whatcom Watershed Overlay District and the Water Resource Protection Overlay District, p) restoring setback tables that were inadvertently deleted and defining minor access streets for purposes of setback calculation, and q) correcting outdated references to long-term and short-term planning areas.

Gary Davis gave an overview of the proposed amendments.

Administrative Permit Revisions (Exhibit A)
The Hearing Examiner hears and approves conditional use permits and has the ability to approve minor changes to an existing permit if it is requested. County staff approves administrative use permits but does not have the ability to make a minor change to an administrative use permit. The proposed amendment would allow staff to make a minor change to an administrative use permit.

Docketing Procedure (Exhibit B)
This proposal would give staff more clarity regarding items that have been on the docket for years. Currently there is no clear way to remove them from the docket.

Electric Powerlines, Water Tanks, and Utility Structures (Exhibit C)
This proposal clarifies under what circumstances a structure is outright permitted and when it would require a conditional use. It also deals with the heights of some of these structures. Currently, powerline towers and water tanks have no flexibility to exceed the code’s height limits because a height variance is not possible unless there is a physical hardship associated with the property. The amendment also increases the size of an outright-permitted utility structure from the current 100 square feet to 200 square feet. Structures larger than 200 square feet would require a conditional use permit. 200 square feet is consistent with the size of accessory storage buildings that are allowed as accessory uses in most zones. A comment was received with suggested language which staff is supportive of.

Home Occupations and Cottage Industries (Exhibit D)

This proposal is for clarity. Performance standards for particular types of uses are typically put in 20.80, which are the supplemental requirements. Somehow the Home Occupation and Cottage Industries standards were placed in 20.84 and 20.97. This proposal would move the standards to 20.60. Also, the code permits family day care homes as an accessory use subject to the home occupation standards. Because of possible inconsistency with state law, staff proposes an amendment to remove the requirement that they be subject to the home occupation standards.

Light Impact Industrial (LII) Setbacks (Exhibit E)

This is a correction to the note in the setback table for LII. That note currently reads, “All setbacks shall be increased by one foot of building height which exceeds 35 feet.” The meaning of this note is unclear. Staff believes the intent was to have the note read like Note 1 under the High Impact Industrial (HII) setbacks: “All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 50 feet.” (emphasis added) Staff proposes revising the LII standards consistent with the HII standards, the only difference being the 35 foot height for LII.

Lummi Island Plan Lot Consolidation Reference (Exhibit F)

The RRI zone currently has an outdated reference to the old Lummi Island Plan. This amendment would correct that. This applies to lots that are subject to lot consolidation.

Lummi Island Plan Slope Reference (Exhibit G)

The RRI zone currently contains restrictions on development activity in areas with unstable slopes, and references two maps in the Lummi Island Comprehensive Plan (LICP). That plan has been replaced by the Lummi Island Subarea plan, which does not have the slope maps. Staff has confirmed that the current critical areas ordinance would address the slope concerns and proposes deleting the redundant code section.
Major Project Permit Procedures (Exhibit H)

State law states a county can have only one open public record hearing for a major project permit. In the current code that is not clear. This proposal would make it clear that the one and only open record public hearing would happen at the Hearing Examiner. County Council or Planning Commission could still have meetings to discuss the permit but they would not be open record public hearings and the decision must be based solely upon consideration of the record.

Marijuana Processing and Production (Exhibit I)

This is a change that is needed to keep up with changes to state law. There have been changes made to the state language regarding production and processing.

Nonconforming Use Reference (Exhibit J)

This amendment to the chapter on nonconforming uses corrects an outdated reference to the conditional use criteria located in 20.84.220. In 2011 an additional criterion was added, so the reference to 20.84.220(2) to (8) should be updated to 20.84.220(2) to (9). This same change was made in 20.83.040 in 2013 but the outdated reference in 20.83.020 was not caught.

Point Roberts Broadcast Towers (Exhibit K)

This was the subject of a conditional use permit application a couple of years ago. The Hearing Examiner made a ruling that broadcast towers could not exceed the height limit in the code. This amendment clarifies that and puts it in the code. It also adds a definition of broadcast towers. This request was the subject of a 2014 amendment application and is included in these general amendments to streamline processing.

Prohibited Uses (Exhibit L)

In the code chapter for each zone there is a section that addresses prohibited uses. It is basically everything else that wasn’t listed under permitted uses, accessory uses, administrative uses, etc. Over the years the county has added to that some specific uses that the county wants to make sure are spelled out as being prohibited. Staff proposes adding language stating “All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity.”

Residential Rural Lot Size (Exhibit M)

This is to correct an oversight made during the Rural Element code amendments. When that process was done a new density classification in the Residential Rural (RR) zone, RR-2A was created. This was added to the lot size chart in the code which pertained to lots with public water but was not put in the section pertaining to lots without public water.
Rural Forestry Setbacks Reference (Exhibit N)

20.80.256 currently contains a reference to the Rural Forestry zone’s clustering provision, 20.42.300, which was deleted in 2008. The amendment removes that reference and clarifies that the setback provisions in 20.80.256 applies to lots that had been created under the Rural Forestry clustering provision when in was in effect.

Setback Requirements in Watershed Protection Overlays (Exhibit O)

This is correcting outdated references. Chapters 20.51 (Lake Whatcom Watershed Overlay District) and 20.71 (Water Resource Protection Overlay District) contain special setback requirements within these areas. Currently those requirements refer to the setback tables now removed Roman numeral road classification system. This amendment updates those provisions to refer to the current road types now found in the 20.80.210 setback tables.

Setback Tables (Exhibit P)

This is another clarification issue. The 2009 amendments to the setback tables removed a definition of the “Minor Access Streets” road type. This amendment adds a definition based on the description of Minor Access Streets in Table 2 of the Whatcom County Design Guidelines, Chapter 5 Road Standards. Also, while drafting revisions of the recent marijuana amendments PDS staff inadvertently drafted the adopting ordinance so that it deleted the setback tables for the Residential Rural (RR) and Rural Residential – Island (RRI) zones. This amendment restores those setback tables.

Short Term Planning Area References (Exhibit Q)

Previous Comprehensive Plans had divided the Urban Growth Areas (UGAs) into two sections, short and long term planning areas. The main distinction between the two was that short term planning areas were considered ready for urban development and annexation because the necessary infrastructure was in place. Long term planning areas were still in the UGA but not ready for development. In 2009 references to the LTPAs were removed from the Comprehensive Plan and references to STPAs are proposed for removal during the current Comprehensive Plan update. This amendment removes the numerous references to STPA’s that exist in WCC Title 20.

Commissioner Barton addressed Exhibit L-Prohibited Uses. How does this pertain to vacation rentals? They are not specifically listed as prohibited.

Mr. Davis stated staff has interpreted vacation rentals as being a residential use, the same as a long term rental would be.

Commission Oliver addressed Exhibit H-Major Project Permit Procedures. Has there been a time when the County Council has decided to hold the public hearing on a major project?
Staff did not know the answer to that.

Commissioner Honcoop asked for the definition of a major project.

Staff read the definition.

Commissioner Honcoop felt some aspects of the requirements were outdated, specifically the cost of the development.

Mr. Personius stated they very rarely happen.

Commissioner McClendon addressed Exhibit K-Point Roberts Broadcast Towers. What is the height limit for wireless communication facilities?

Mr. Smith stated 150 feet.

Commissioner Vekved addressed Exhibit H-Major Project Permit Procedures. He stated some concern with the increase in time limitations.

The hearing was opened to the public.

Armene Belless, Whatcom County: Spoke in favor of Exhibit K-Point Roberts Broadcast Towers. She supported the height limit and the definition. Ham/Amateur radio operators are important during emergencies. Point Roberts has been designated as an inundation zone by NOAA. The State of Washington and the Whatcom Unified Emergency Management Department have deemed Point Roberts as a community at risk due to likely damages from earthquakes and tsunamis.

John Lesow, Whatcom County: Supported Exhibit K-Point Roberts Broadcast Towers. He supported the height limit and the definition. The prohibitions regarding a 25 foot maximum building height have been consistently validated by the Whatcom County Hearing Examiner, the Whatcom County Council and Skagit County Superior Court in their decision of October 7, 2015. Staff's recommendations have a broad base of support in the Point Roberts community. He urged passage of the proposal.

Judson Meraw, Whatcom County: Supported Exhibit K-Point Roberts Broadcast Towers. He is a ham radio operator in Point Roberts. He is one of 20 FCC ham radio operators in Point Roberts and is a member of the Point Roberts Emergency Preparedness Group. The 25 foot height limit will protect ham radio transmissions from blanketing interference due to high wattage broadcasting from tall towers that can adversely affect ham radio transmissions. The ham operators play an important role in the community. It is crucial that locally focused emergency communications services are permitted to operate freely and efficiently. The clarification and strengthening of the definitions and prohibitions set forth in the staff report are a welcome addition to the code and one that is supported.
Dannon Traxler, Whatcom County: Requested the record be kept open until the next commission meeting in order to have more time to review the material.

Bob Carmichael, Whatcom County: Addressed Exhibit C-Water tanks and utility structures. He submitted alternative language. The comments are on behalf of the Lake Whatcom Water and Sewer District. The Birch Bay Water and Sewer District also supports the language. These districts need to have the ability to put up water tanks without having to get a height variance. The proposal is reasonable from both the county and the applicants.

The hearing was closed to the public.

Mr. Davis stated that staff would support the changes proposed by Mr. Carmichael. It does seem like a better approach. It would read: (6) Water storage reservoirs with volumes exceeding 50,000 gallons, those with height in excess of 12 feet above the ground level measured within 20 feet in all directions of the tank. The following height standards shall apply: (a) The height limit on the water storage reservoir shall be the minimum necessary to accomplish its intended purpose. The applicant shall provide technical documentation that the height proposed is the minimum necessary. (b) The height of the water storage reservoir may exceed the height limit of the underlying zone, provided that all other criteria in WCC 20.84.220 are satisfied.

In section 20.82.030 (9) the only change would now be to read: (9) Electrical substations and new electrical powerlines operating at voltages greater than 55 kV (55,000 volts); provided, applications for such substations and power lines shall be processed as a major development permit (pursuant to Chapter 20.88 WCC); provided, that no further major development permit shall be granted for such lines which:

A new section (10) would read: Electrical substations and new electrical powerlines with height in excess of the zoning district's height limitations. The following height standards shall apply: (a) The height limit on the substation or powerline shall be the minimum necessary to accomplish its intended purpose. The applicant shall provide technical documentation that the height proposed is the minimum necessary. (b) The height of the substation or powerline may exceed the height limit of the underlying zone, provided that all other criteria in WCC 20.84.220 are satisfied.

Mr. Davis stated that in regards to Exhibit P, the setback tables, they are referenced in the Comprehensive Plan so if the commission forwards this item on to the council they would then probably hold off on adopting Exhibit P until it can be done at the same time as the Comprehensive Plan so it can be advertised as part of those amendments.

Mr. Honcoop addressed Exhibit C- Electric Powerlines, Water Tanks, and Utility Structures. This addresses public utilities. How are private tanks, etc. addressed?

Mr. Smith stated they would be treated as accessory uses to the primary permitted use.
Commissioner Honcoop asked why public utilities have to have a conditional use starting at such a low level.

Mr. Smith stated that historically public utilities have had larger tanks because they serve such a large population.

Commissioner Honcoop asked if the height, volume, etc. could be proposed to be changed. The current language is very restrictive for public utilities.

Mr. Davis stated yes, they could make changes, but it would be useful to have something it is based on. Perhaps it could be considered during future amendments so there is time to collect data.

 Commissioner Teigrob moved to hold the written record open until the next meeting on February 11, 2016. Commissioner Honcoop seconded. The motion carried.

Commissioner Review of exhibits:

Exhibit A-Administrative Permit Revisions

Commissioner Hunter asked if there is a significant difference between the administrative approval process and the conditional use approval process.

Mr. Davis stated a conditional use permit goes through the Hearing Examiner and public hearing while the administrative approval goes only through staff.

The commission recommended approval of the proposal as written.

Exhibit B-Docketing Procedures

Commissioner Vekved stated he did not understand the need for the proposed language if the council can reject them.

Mr. Davis stated that one of the ways an amendment can come forward is a citizen can pay a fee to have their item automatically on the docket. That should not be easily taken away from them.

Commissioner Vekved stated his concern was an item be removed unfairly or in a hostile manner.

Commissioner Honcoop asked what the time table would be for removal. It is not clear.

Mr. Davis stated the department has to give 30 days’ notice. If the amendment was initiated by a citizen it would not be removed unless it did not comply with the law. Commissioner Honcoop gave examples of instances when a citizen may walk away from a paid application. Does the council still have some ability to remove that?
Mr. Davis stated that if the applicant does not take any further action or provide the
information needed then it could potentially be removed.

Commissioner Honcoop asked if a time table needs to be associated with that.

Mr. Davis stated there is a notice of additional requirements which would come into
play. It does have a time line.

Commissioner Vekved wanted more time to consider the proposal.

The commission agreed to revisit this proposal at its next meeting.

Exhibit C-Electric Powerlines, Water Tanks, and Utility Structures

Commissioner Honcoop wanted to re-examine this language at the next meeting.

The commission agreed to revisit this proposal at its next meeting.

Exhibit D-Home Occupations and Cottage Industries

The commission recommended approval of the proposal as written.

Exhibit E-Light Impact Industrial Setbacks

The commission recommended approval of the proposal as written.

Exhibit F-Lummi Island Lot Consolidation Reference

The commission recommended approval of the proposal as written.

Exhibit G-Lummi Island Plan Slope Reference

The commission recommended approval of the proposal as written.

Commissioner H-Major Project Permit Procedures

Commissioner Honcoop wanted staff to review the language of what a Major Project
 Permit is in their future zoning updates.

Commissioner Oliver stated she does not support the proposed language. If a major
project has wide interest and impact it should be able to have a hearing before County
Council.

Commissioner Hunter stated state law only allows one hearing.
Commissioner Oliver agreed but why does it have to be the Hearing Examiner that
holds the hearing?
Commissioner Hunter stated the code states that the Hearing Examiner is the one that holds public hearings.

Mr. Davis stated the Hearing Examiner would hold the hearing. The County Council could hold a public meeting and consider the record but not consider new testimony.

Commissioner Oliver was ok with that.

Commissioner Vekved was concerned with the changes that lengthen the timeframe. What is the reason for it?

Mr. Personius stated the time changes were suggested by the County Council. In some cases much more time is needed to get things done.

Commissioner Honcoop stated these timeframes are working days so it does make it a very long period of time. It seems excessive.

Commissioner Rowlson asked what the timeframes are based on.

Mr. Davis stated the timeframes are from council and he did not know what they were based on.

Commissioner Hunter stated he was ambivalent about it because these types of permits do not happen very often. He suggested using calendar days rather than working days.

Mr. Smith stated that an example of a timeframe is for a conditional use permit, it is 120 days under state law. It does not state calendar or working days.

The commission agreed to revisit this proposal at its next meeting.

Exhibit I-Marijuana Production and Processing

The commission recommended approval of the proposal as written.

Exhibit J-Nonconforming Use Reference

The commission recommended approval of the proposal as written.

Exhibit K-Point Roberts Broadcast Towers

Commissioner McClendon asked why is it good public policy to limit broadcast towers to 25 feet but not limit other towers. What is the justification?

Mr. Davis stated staff is only proposing to put in the code the Hearing Examiner decision.
Commissioner Hunter stated he could see the reasoning behind the Hearing Examiner’s decision. It was in part based on interference to other types of broadcasting.

Commissioner McClendon stated we could change the code to allow taller towers. Why are they limited to 25 feet in Point Roberts and not the rest of the county?

Commissioner Hunter stated that is not what is being addressed in this proposal.

Mr. Buckingham stated they are limited to 25 feet in Point Roberts because the interpretation of the current law is that the underlying height limit in that zone applies, which is 25 feet.

The commission recommended approval of the proposal as written.

Exhibit L-Prohibited Uses

The commission recommended approval of the proposal as written.

Exhibit M-Residential Rural Lot Size

The commission recommended approval of the proposal as written.

Exhibit N-Rural Forestry Setbacks Reference

The commission recommended approval of the proposal as written.

Exhibit O-Watershed Road Setbacks

The commission recommended approval of the proposal as written.

Exhibit P-Setback Tables

The commission recommended approval of the proposal as written.

Exhibit Q-Short Term Planning Area References

The commission recommended approval of the proposal as written.

At the February 11, 2016 meeting the commission will further address Exhibits B, C and H.

The meeting was adjourned at 8:55 p.m.

Minutes prepared by Becky Boxx.
WHATCOM COUNTY PLANNING COMMISSION ATTEST:

6 Natalie McClendon, Chair

Becky Boxx, Secretary
Call To Order: The meeting was called to order, by Whatcom County Planning Commission Chair, Natalie McClendon, in the Whatcom County Council Chambers at 6:33 p.m.

Roll Call
Present: Natalie McClendon, Jerry Vekved, Gary Honcoop, David Hunter, Kelvin Barton, Andy Rowlson, Atul Deshmane
Absent: Nicole Oliver, Michael Knapp

Staff Present: Mark Personius, Gary Davis, Amy Keenan, Royce Buckingham-Prosecutor's Office, Becky Boxx and Jessie Roberts

Department Update
Mark Personius updated the commission on the following:
- Welcomed the new commissioner-Atul Deshmane
- Updated the commission on their upcoming schedule
- Update on PDS staffing
- Upcoming Short Course on Local Planning

Open Session for Public Comment
Daniel Probst, Whatcom County: Founder of Cascade Mountain Runners. Thanked the commission for recommending the addition of the Bellingham/Mount Baker Trail map to the Comprehensive Plan. The City of Bellingham will be adding the trail to their parks plan. He commented on riding his bike to school every day when he was young. Hopefully the Bellingham/Mount Baker Trail will get more people outside. A run is already planned for the trail.

Commissioner Comments
Commissioner Deshmane introduced himself and said a few words about his background.

Approval of Minutes
January 14, 2016:
Commissioner Vekved moved to approve as written. Commissioner Barton seconded. The motion carried.

January 28, 2016:
Commissioner Rowlson moved to approve as written. Commissioner Honcoop seconded. The motion carried.

Annual Business Meeting
Regular Meeting

Election of Chairperson

Commissioner Barton nominated Commissioner Oliver. Commissioner Rowlson seconded. The motion carried. (Because Commissioner Oliver was not in attendance to assume the role of Chair the commission agreed to have Commissioner McClendon chair the meeting.)

Election of Vice-Chairperson

Commissioner McClendon nominated Commissioner Barton. Commissioner Vekved seconded.

Commissioner Hunter nominated Commissioner McClendon. Commissioner Deshmane seconded.

Commissioner Barton was elected.

Business Rules

Ms. Boxx reviewed several items that have been an issue in the past.

Commissioner Hunter addressed recording of votes. Some members of the County Council would like recorded in the minutes the number of votes for and against a motion (not included in this is issues that require a roll call vote.) The commission could not decide on appropriate language so staff will present some language options at the next meeting.

Commissioner Hunter moved to adopt the Business Rules as presented. Commissioner Barton seconded.

Commissioner Hunter addressed Section 7-Conflict of Interest and Appearance of Fairness. It is his opinion that commissioners should never have any communication with persons who would want to discuss matters coming before the commission, in a private setting. If this were to occur that discussion should be made public. One of the most troubling aspects of the political process is the ability of interested parties getting the ear of the people who make decisions and ply them to go a certain way. The public is not aware of what went into those discussions that lead to the decisions being made. Planning Commissioners should not have private conversations with people about topics that come before them. If, however, we do have conversations they should be made public. The whole commission should be supplied with what was discussed. People should come to the meetings to air their concerns, not approach individual commission members.
Commission Honcoop stated he disagreed with Commissioner Hunter. He stated it is important to get comment and to hear the concerns of people in his district. Their comments will not affect his decisions.

Commissioner Hunter asked why written information would be forwarded to all of the commissioners but not oral information. There should be no difference.

Commissioner Rowlson noted the word discretion is used in the business rules.

Commissioner McClendon felt that if a person wrote out something rather than just discuss it it is a more formal request.

Commissioner Barton stated trying to put into writing what someone has said may be considered hearsay. Also it may be difficult to accurately describe what a person has said.

Commission Hunter moved to reword Section 7, paragraph three to read:

If a commission member personally receives written or oral information from a citizen or group regarding an upcoming agenda item, they shall immediately mail, fax or in some other manner deliver that item information, or a complete copy thereof, to the Planning and Development Services Department for inclusion into the record of public testimony.

The motion failed for lack of a second.

The Business Rules were adopted as presented.

Other Concerns/Comments

Commissioner Rowlson moved to add an item to the agenda, titled Pending Agenda Items, regarding issues brought up by the commission to be reviewed/discussed at a later date. The addition of these items would be by consensus. Commissioner Hunter seconded. The motion carried.

Work Session

File #PLN2014-00009: Various proposed amendments to Whatcom County Code Title 20 (Zoning) regarding: a) revising procedures for administrative approval permits, b) revising application docketing procedures, c) clarifying development regulations for electric powerlines and water tanks, d) relocating approval criteria and performance standards for home occupation and cottage industry, e) clarifying building heights in the Light Impact Industrial zone, f) updating references regarding development on slopes in the Rural Residential Island zone, g) updating and clarifying lot consolidation requirements, h) revising major project permit procedures, i) revising regulations for marijuana production and marijuana processing, j) updating a reference regarding
nonconforming use expansion, k) prohibiting broadcast towers exceeding 25 feet in
height in the Point Roberts Special District, l) clarifying prohibited uses, m) clarifying
lot size and density in the Residential Rural zone, n) clarifying provisions for lots
previously created under the clustering provision in the Rural Forestry zone, o)
clarifying minimum setback requirements in the Lake Whatcom Watershed Overlay
District and the Water Resource Protection Overlay District, p) restoring setback tables
that were inadvertently deleted and defining minor access streets for purposes of
setback calculation, and q) correcting outdated references to long-term and short-term
planning areas.

Gary Davis reviewed the three items from the last meeting the commission wanted to
further address.

The three items were:
Exhibit B – Docketing Procedure
Exhibit C – Electric Powerlines, Water Tanks, and Utility Structures
Exhibit H – Major Project Permit Procedures
There was interest in revisiting items:
Exhibit K – Point Roberts Broadcast Towers
Exhibit Q – Short Term Planning Area References

Exhibit B – Docketing Procedure

Commissioner Vekved distributed copies of his suggested language.

Commissioner Vekved stated there are a number of things in the original language he
does not agree with. It appears to give the Council permission to wait and not act.
There is no verbiage instructing them to wait and not act. To add that would be odd.
The text that was added is all related to the dispensation of docketed items not
necessarily related to the docket itself. The dispensation of docketed items is clearly, in
20.90.050, tied in processing of initiated amendments. He proposed moving the
proposed new text in Exhibit B and adding parts of it to 20.90.

Mr. Davis stated that 20.90.050 is processing amendments once they are docketed.
20.90.041 specifically addresses the docket and how it is kept. It could go in either
place but staff felt the revised language was better suited in 20.90.041.

Mr. Personius stated that these items languishing on the docket will not even get to
the processing stage which is 20.90.050. This is why language is needed in the docket
section rather than processing.

Commissioner Hunter stated the language, other than (2)(b) is not needed.
Commissioner Vekved stated the language suggested in 20.90.041 could go into 20.90.050 because it is the act of processing and taking something off of the docket is part of that process. People would probably look in 20.90.050 before 20.90.041.

Mr. Davis stated some items may get docketed under 20.90.041 but don’t get processed under 20.90.050.

**Commissioner Honcoop moved to read:**

20.90.041 The docket.

(1) The docket shall consist of initiated Comprehensive Plan amendments and initiated WCC Title 20 and official zoning map amendments. Together with their supporting application files, the docket shall be maintained by the department of planning and development services and made available for public review during normal business hours.

(2) The county council is not required to take action on any proposed amendment on the docket. The options available to the county council include are, but are not limited to:

   (a) Approving or denying the amendment,
   (b) Removing the proposed amendment from the approved docket by motion, unless the proposed amendment was: (i) initiated by a citizen per WCC 20.90.030(4), (ii) the amendment is consistent with state and federal regulations, and (iii) the applicant has provided all information required by the planning and development services department. The department shall notify the applicant not less than 30 calendar days prior to consideration of removal from the docket.
   (c) Not introducing an ordinance to approve the proposed amendment,
   (d) Delaying consideration of the proposed amendment to a future docket, or
   (e) Otherwise not taking action on the proposed amendment.

**Commissioner Barton seconded.**

Commissioner Honcoop stated the point of making the list in the first place is to specify specifically to the council how they can act not to leave it open they can act in anyway. If the language *but are not limited to* is left in it leaves it open to act in any way they choose.

Commission Hunter stated he would not support the motion because the list of items following is not needed with the exception of (b).

**The vote on the motion carried.**

**Commissioner Hunter moved to read:**

20.90.041 The docket.

(1) The docket shall consist of initiated Comprehensive Plan amendments and initiated WCC Title 20 and official zoning map amendments. Together with their supporting application files, the docket shall be maintained by the department of planning and
development services and made available for public review during normal business hours.

(2) The county council is not required to take action on any proposed amendment on the docket. The options available to the county council are may

(a) Approving or denying the amendment;
(b) Removing the proposed amendment from the approved docket by motion, unless the proposed amendment was: (i) initiated by a citizen per WCC 20.90.030(4), (ii) the amendment is consistent with state and federal regulations, and (iii) the applicant has provided all information required by the planning and development services department. The department shall notify the applicant not less than 30 calendar days prior to consideration of removal from the docket.
(c) Not introducing an ordinance to approve the proposed amendment;
(d) Delaying consideration of the proposed amendment to a future docket, or
(e) Otherwise not taking action on the proposed amendment.

Commissioner Vekved seconded.

Commissioner Vekved questioned if the timeline in (2)(b)(iii), of 30 calendar days, should be amended.

Mr. Davis stated PDS has a notification of additional requirements (NOAR) procedure with the stated timeframes.

Commissioner Honcoop agreed the NOAR agreement works well. It does allow for extension of timelines if needed.

The vote on the motion carried.

The commission reached consensus to recommend approval of Exhibit B as amended.

Exhibit C – Electric Powerlines, Water Tanks, and Utility Structures

Mr. Davis stated that comments from one of the water districts and planning commission comments, at the last meeting, prompted revised language. At the last meeting there was also discussion regarding conditional use permit (CUP) thresholds for water tanks. Staff did research on this issue. They looked at CUPs over the last 15 years and found there were about 20 permits for water tanks. Most often it is the height that is the issue. The sizes varied widely. Staff was concerned about changing the thresholds, at this point, because it has not been advertised and not enough research has been done.

Commissioner Honcoop commented that there is inequity between public and private utilities. Public entities are required to get a CUP but a private individual or entity is not. It seems there could be a more reasonable size for water towers because the size
in the language is not that big. There should be some flexibility for public utilities to
not go through such an arduous process.

**Commissioner Honcoop moved to reword 20.82.030(6) to read:**

Water storage reservoirs with volumes exceeding 50,000 125,000 gallons, or those
with height in excess of 12 20 feet above the ground level measured within 20 feet in
all directions of the tank. The following height standards shall apply:
(a) The height limit on the water storage reservoir shall be the minimum necessary to
accomplish its intended purpose. The applicant shall provide technical documentation
that the height proposed is the minimum necessary.
(b) The height of the water storage reservoir may exceed the height limit of the
underlying zone, provided that all other criteria in WCC 20.84.220 are satisfied.

**Commissioner Vekved seconded.**

Commissioner Honcoop stated 20 feet is not excessively tall and provides greater
flexibility.

Commissioner Rowlson stated this is too substantial a change to make at this time.
There needs to be an opportunity for public comment and more information on the
potential impacts.

Commissioner Hunter stated he needs more information before making the change.

**The vote on the motion failed.**

The commission reached consensus to recommend approval of Exhibit C as written.

**Exhibit H – Major Project Permit Procedures**

Mr. Davis stated that at their previous meeting the commission showed interest in
rewording some of the time frames from 45 working days to 45 calendar days. The
Council Office and staff did not have any objections to that.

**Commissioner Hunter moved to change all references of working days or days
 to calendar days. Commissioner Barton seconded.**

Commissioner Honcoop stated that in some instances the time frame may become too
short.

**The vote on the motion carried.**

**The commission reached consensus to recommend approval of Exhibit H as
 amended.**
Commissioner McClendon addressed changes she wanted made to Exhibit K – Point Roberts Broadcast Towers Definitions. She discussed the changes with county legal staff and John Lesow.

**Commission McClendon moved to read:**

20.97.034 Broadcast tower.

"Broadcast tower" shall mean any electronic communications structure or telecommunication tower or antenna transmitting radio or television signals. Excluded from this definition are: structures associated with: wireless communication facilities as regulated in Chapter 20.13 WCC; citizen band antennas or antennas operated by federally licensed amateur ("ham") radio operators; and military, federal, state, or local government communications facilities used for emergency preparedness and public safety purposes and FCC Class L1 and L2 broadcast licenses.

**Commissioner Vekved seconded.**

Commissioner McClendon stated the language proposed by staff would not entirely protect the Point Roberts community as they are wanting. The edits she proposed would take care of that.

Mr. Davis stated staff has been concerned about the county getting into FCC regulations and regulation of wattage. Commissioner McClendon’s addition of FCC Class L1 and L2 licenses goes about it a little differently by stating broadcast purpose.

Mr. Buckingham stated that in his opinion the county can’t regulate what sort of radio stations we allow to broadcast. That is content regulation which is illegal. We are preempted from regulating wattage. His advice was to not adopt the suggest amendments. We are getting into doing exacting what the judge said we could not do in the court case involving this issue.

Commissioner Vekved asked how tall cell towers are allowed to be.

Mr. Personius stated they are regulated under a different code chapter.

Commissioner Vekved asked if co-location of antennas is allowed on cell towers.

Commissioner McClendon stated they can be.

Commissioner Vekved asked if that is being prohibited in this section.

Commissioner McClendon said no. That is a loophole if the intent is to eliminate any possibility of medium to high power FM radio.
Commissioner Rowlson asked if a FM signal on a cell tower is it now a broadcast tower also.

Commissioner McClendon stated it would not be because of the way the language is written. If defines it as excluded from the definition.

Commission Rowlson asked for Mr. Buckingham’s opinion on the addition of FCC Class L1 and L2.

Mr. Buckingham stated it was his understanding those are distinguished by the type of content, programming or wattage which the county can’t regulate.

Commissioner McClendon disagreed with the statement that it regulates content or wattage. They are strictly licensing categories.

Commissioner Honcoop asked if it is important to have language that states cell towers area addressed in a different section of the code.

Mr. Buckingham stated it is important.

Commissioner McClendon stated she is concerned about the height limit. It has to be more than 25 feet for a station to broadcast. It is a bad idea to try and regulate radio stations by tower height.

Commissioner Honcoop asked for clarification of the maximum height.

Mr. Buckingham stated it was 25 feet for any structure, including broadcast towers, with the option of a variance to 35 feet.

Commissioner McClendon noted the variance option is being removed in staff’s proposed language.

Commissioner Hunter stated that after examining the language further he wondered if there was any reason to add any of the language to the existing code.

The vote on the motion failed.

Commissioner Honcoop moved to remove all of the language changes proposed by staff (denial of Exhibit K). Commissioner Barton seconded. The vote on the motion carried.

Mr. Davis addressed Exhibit Q-Short Term Planning Area References. Staff realized that GC and LII zones could only exist in UGAs so it is redundant to say retail establishments within the GC zone of an UGA. Staff suggested rewording to read:

20.62.251 Large commercial retail.
Retail establishments with a floor area less than 35,000 square feet are allowed in the General Commercial (GC) Zone. Retail establishments within the General Commercial Zone of a short-term planning area of an urban growth area are allowed up to 65,000 square feet; provided, that:

20.66.251 Large commercial retail.
Retail establishments with a floor area less than 35,000 square feet are allowed in the Light Impact Industrial (LII) Zone. Retail establishments within the Light Impact Industrial Zone of a short-term planning area of an urban growth area are allowed up to 65,000 square feet; provided, that:

Commissioner Honcoop moved to reword as suggested by staff. Commissioner Rowlson seconded. The motion carried.

Commissioner Barton moved to recommend approval of File #PLN2014-00009, as amended, along with the findings. Commissioner Vekved seconded. Roll Call Vote: Ayes-Barton, Deshmone, Honcoop, Hunter, McClendon, Rowlson, Vekved; Nays-0; Abstain-0; Absent-Knapp, Oliver. The motion carried.

Unfinished Business

Commissioner Rowlson requested Water Storage Reservoirs be added to the list of Pending Business Items. The commission agreed to the addition.

The meeting was adjourned at 9:55 p.m.

Minutes prepared by Becky Boxx.

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

______________________________  ________________________________  
Natalie McClendon, Acting Chair          Becky Boxx, Secretary
**TITLE OF DOCUMENT:**
Discussion of proposed amendments to Whatcom County Code Title 20 to allow vacation rental units as an accessory use, and to Whatcom County Code Title 23 to allow vacation rental units and bed and breakfast establishments as a permitted use.

**ATTACHMENTS:**
1. Staff Memorandum
2. Draft Amendments

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

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

Discussion of proposed amendments to Whatcom County Code Title 20 Zoning to allow vacation rental units as an accessory use, and to Whatcom County Code Title 23 to allow vacation rental units and bed and breakfast establishments as a permitted use.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**  
PLN2014-00020

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: County Council
    Jack Louws, County Executive

THROUGH: Mark Personius, AICP, Assistant Director

FROM: Gary Davis, AICP, Senior Planner

DATE: February 25, 2016

SUBJECT: Vacation Rental Regulation

Introduction and Background
PDS staff has drafted a revised zoning code (Title 20) amendment for discussion at the March 22 Planning and Development Committee (attached). Changes made in response to Councilmembers' comments at the December 8, 2015 committee meeting are highlighted. These changes affect performance standards for vacation rental units, including number of occupants, posting of contact information, and allowing for a conditional use permit (which would be required in the Lake Whatcom Watershed) to set more restrictive standards.

Staff has also drafted proposed amendments to the County’s Shoreline Management Program (Title 23). The approach of these amendments is to include vacation rental units and bed and breakfast establishments as part of a single family residential use (not a commercial use), for purposes of determining permitted uses in various shoreline designations.

These amendments have not been scheduled for introduction. Staff hopes to receive additional input from Council and the public before preparing a final draft for possible adoption.

If you have any questions, please call Gary Davis, Senior Planner, at extension 5931.

Attachments:
    Revised Draft Zoning Code Amendment
    Proposed Shoreline Management Program Amendment
EXHIBIT A

Whatcom County Code Title 20 Zoning

AMENDMENTS

Chapter 20.20

URBAN RESIDENTIAL (UR) DISTRICT

20.20.100 Accessory uses.

.106 Bed and breakfast establishments, except in the Lake Whatcom Watershed Overlay District, where bed and breakfast establishments are a conditional use, per WCC 20.51.070.

.107 Vacation rental units, per WCC 20.80.960, except in the Lake Whatcom Watershed Overlay District, where vacation rental units are a conditional use, per WCC 20.51.070.

Chapter 20.22

URBAN RESIDENTIAL – MEDIUM DENSITY (URM) DISTRICT

20.22.100 Accessory uses.

.107 Vacation rental units, per WCC 20.80.960.
Chapter 20.24

URBAN RESIDENTIAL MIXED (UR-MX) DISTRICT

.......

20.24.100 Accessory uses.

.......

.107 Vacation rental units, per WCC 20.80.960.

.......

Chapter 20.32

RESIDENTIAL RURAL (RR) DISTRICT

.......

20.32.100 Accessory uses.

.......

.106 Bed and breakfast establishments, except in the Lake Whatcom Watershed Overlay District, where bed and breakfast establishments are a conditional use, per WCC 20.51.070.

.107 Vacation rental units, per WCC 20.80.960, except in the Lake Whatcom Watershed Overlay District, where vacation rental units are a conditional use, per WCC 20.51.070.

.......

Chapter 20.34

RURAL RESIDENTIAL - ISLAND (RR-I) DISTRICT

.......

20.34.100 Accessory uses.

.......

.107 Vacation rental units, per WCC 20.80.960.
Chapter 20.35

ELIZA ISLAND (EI) DISTRICT

20.35.100 Accessory uses.

.108 Vacation rental units, per WCC 20.80.960.

Chapter 20.36

RURAL (R) DISTRICT

20.36.100 Accessory uses.

.109 Bed and breakfast establishments, except in the Lake Whatcom Watershed Overlay District, where bed and breakfast establishments are a conditional use, per WCC 20.51.070.

.110 Vacation rental units, per WCC 20.80.960, except in the Lake Whatcom Watershed Overlay District, where vacation rental units are a conditional use, per WCC 20.51.070.

Chapter 20.37

POINT ROBERTS TRANSITIONAL ZONE (TZ) DISTRICT

20.37.100 Accessory uses.
Chapter 20.40

AGRICULTURE (AG) DISTRICT

20.40.100 Accessory uses.

Chapter 20.42

RURAL FORESTRY (RF) DISTRICT

20.42.150 Conditional uses.

Chapter 20.51

LAKE WHATCOM WATERSHED OVERLAY DISTRICT

20.51.060 Accessory uses.
All accessory uses in the underlying zone districts are permitted except as expressly prohibited or made conditional, or further conditioned by this chapter. (Ord. 2013-043 § 1 Exh. A, 2013).

20.51.070 Conditional uses.
All conditional uses in the underlying zone districts shall remain conditional uses unless expressly prohibited, made conditional, or further conditioned by this chapter. In addition, the following uses shall only be conditionally permitted:

......

.074 Bed and Breakfast Establishments and Inns.

.075 Vacation Rental Units, per WCC 20.80.960, with the following additional criteria in the Lake Whatcom Watershed Overlay District:

(1) In vacation rental units adjacent to the Lake Whatcom shoreline, the owner shall post notice to renters information about prevention of aquatic invasive species.

(2) The owner of a vacation rental unit using an on-site septic system shall provide to the department a current satisfactory Report of System Status upon registration and shall provide updated reports every three years thereafter for conventional gravity systems or annually for all other systems.

......

Chapter 20.59

RURAL GENERAL COMMERCIAL (RGC) DISTRICT

......

20.59.100 Accessory uses.

......

.108 Vacation rental units, per WCC 20.80.960.

......

Chapter 20.61

SMALL TOWN COMMERCIAL (STC) DISTRICT

......

20.61.100 Accessory uses.
Chapter 20.62

GENERAL COMMERCIAL (GC) DISTRICT

20.62.100 Accessory uses.

.106 Vacation rental units, per WCC 20.80.960.

Chapter 20.64

RESORT COMMERCIAL (RC) DISTRICT

20.64.100 Accessory uses.

.113 Vacation rental units, per WCC 20.80.960.

Chapter 20.80

SUPPLEMENTARY REQUIREMENTS

20.80.580 Parking space requirements.
For the purpose of this ordinance, the following parking space requirements shall apply (See also WCC 20.97.140):
(7.1) Bed and Breakfast Establishments and Inns: 1 for each rented sleeping unit in addition to the parking spaces required for the single-family dwelling.

20.80.960 Vacation rental units

Vacation rental units are subject to all of the following standards:

(1) Vacation rental units in the Lake Whatcom Watershed Overlay Zone are subject to a conditional use permit per WCC 20.51.070 and WCC 20.84. A conditional use permit may set standards that are more restrictive than the standards in this section.

(2) There shall be no more than one vacation rental unit per lot.

(3) Each vacation rental unit must be currently registered in the department’s Vacation Rental Registry. The department may revoke registration of a vacation rental unit if the department has cited the owner for two or more code violations within a 12-month period. The department shall issue a registration number for each vacation rental unit and the owner shall include the registration number in all advertising for the unit. The registration shall apply to the owner and not run with the land. Information provided at the time of registration shall include, at a minimum:

(a) Name and telephone number of the owner or an authorized agent who is available on a 24-hour basis to resolve problems associated with the unit,

(b) A copy of the sign posted on the front exterior of the unit giving the 24-hour contact information for the owner or authorized agent, and a description of the specific posting location,

(c) A checklist of safety features required by the Building Official and Fire Marshal that the owner certifies are present in the unit,

(d) A statement that by signing the registration/permit application the owner or agent authorizes department staff to inspect the property, and agrees to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a vacation rental,

(e) A copy of the notice posted inside the unit providing guests with 24-hour contact information, safety information and rules of conduct, and

(f) A copy of the current State of Washington business license, including the Unified Business Identifier (UBI) number.
(4) The maximum number of persons permitted to stay in a vacation rental unit shall not exceed two per the number of legally permitted bedrooms being rented, plus two additional persons. The owner shall not advertise occupancy higher than the maximum number permitted by this subsection or by a conditional use permit.

(5) There shall be no outdoor signage or any other visible feature that would distinguish the unit from surrounding residential units.

(6) The vacation rental shall be operated in a way that will prevent unreasonable disturbances to nearby residents, per WCC Chapter 9.40.

(7) Off-street parking shall be provided per WCC 20.80.580(50).

(8) The owner of the vacation rental unit shall post notice to renters regarding rules of conduct and their responsibility not to trespass on private property or create disturbances.

Chapter 20.97
DEFINITIONS

20.97.027 Bed and breakfast establishment.
“Bed and breakfast establishment” means a privately owned dwelling that is the primary residence(s) of the owners in which, for compensation, one to two rooms are used as sleeping units to house or lodge individuals or families for periods of less than one month (30 days) as transient visitors with or without limited food service. The use of the dwelling unit for the bed and breakfast shall be clearly incidental and subordinate to its use for residential purposes and the purpose of the applicable zoning district. At least one owner shall be present overnight when a guest room is rented.

20.97.028 Bed and breakfast inn.
“Bed and breakfast inn” means a privately owned dwelling that is the primary residence(s) of the owners in which, for compensation, three to five rooms are used as sleeping units to house or lodge individuals or families for periods of less than one month (30 days) as transient visitors with or without limited food service. The use of the dwelling unit for the bed and breakfast shall be clearly incidental and subordinate to its use for residential purposes and the purpose of the applicable zoning district. At least one owner shall be present overnight when a guest room is rented.
20.97.445.1 Vacation rental unit.

"Vacation rental unit" means a dwelling unit that is not the primary residence of the owner which, for compensation, is used to lodge individuals or families for a period of less than 30 days. The vacation rental unit shall be rented as a single unit, and individual sleeping rooms shall not be rented individually.
EXHIBIT B

Whatcom County Code Title 23
Shoreline Management Program

AMENDMENTS

Chapter 23.30
SHORELINE JURISDICTION AND AREA DESIGNATIONS

23.30.055 Urban conservancy shoreline area – Conditional uses.
The following may be permitted as conditional uses subject to the applicable policies and regulations of this program:
A. All other residential development.
| B. Low intensity water-oriented commercial limited to resort, bed-and-breakfast, campgrounds and similar facilities subject to the criteria in WCC 23.100.050. Low intensity non-water-oriented commercial limited to resort, bed-and-breakfast, campgrounds and similar facilities, subject to the criteria in WCC 23.100.050(B)(1)(d).

23.30.095 Conservancy shoreline area – Conditional uses.
The following uses may be permitted as conditional uses subject to the applicable policies and regulations of this program:
A. All other residential development.
| B. Low intensity water-oriented commercial limited to resort, bed-and-breakfast, campgrounds and similar facilities. Low intensity non-water-oriented commercial uses limited to resort, bed-and-breakfast, campgrounds and similar facilities may be permitted as a conditional use, subject to the criteria in WCC 23.100.050(B)(1)(d).

Chapter 23.100
SHORELINE USE POLICIES AND REGULATIONS
23.100.050 Commercial use.
Commercial development in shoreline areas shall be subject to the policies and regulations of this section and Chapter 23.90 WCC.

C. Shoreline Area Regulations.

3. Urban Conservancy. Low intensity water-oriented commercial use and development limited to resort, bed-and-breakfast, campgrounds and similar facilities may be permitted as a conditional use. Low intensity non-water-oriented commercial limited to resort, bed-and-breakfast, campgrounds and similar facilities may be permitted as a conditional use subject to the criteria for such uses in subsection (B)(1)(d) of this section.

7. Conservancy. Low intensity water-oriented commercial use and development limited to resort, bed-and-breakfast, campgrounds and similar facilities may be permitted as a conditional use. Low intensity non-water-oriented commercial limited to resort, bed-and-breakfast, campgrounds and similar facilities may be permitted as a conditional use subject to the criteria for such uses in subsection (B)(1)(d) of this section.

Chapter 23.110
DEFINITIONS

23.110.020 B definitions

4. "Bed and Breakfast Establishment" means a single family residence that is the primary residence(s) of the owner in which, for compensation, one to five rooms are used as sleeping units to house or lodge individuals or families for periods of less than 30 days as transient visitors with or without limited food service.
23.110.030 C definitions

6. “Commercial development” means those developments whose primary use is for retail, service or other commercial business activities. Included in this definition are developments such as hotels, motels, bed-and-breakfast establishments, shops, restaurants, banks, professional offices, grocery stores, laundromats, recreational vehicle parks, commercial rental campgrounds and cabins, whether public or private, and indoor or intensive outdoor commercial recreation facilities. Not included are private camping clubs, marinas, signs, utilities, bed and breakfast establishments, vacation rental units, and other development.

23.110.180 R definitions

7. “Residential development” means buildings, earth modifications, subdivision and use of land primarily for human residence, including, but not limited to: single-family and multifamily dwellings, condominiums, mobile homes and mobile home parks, boarding homes, family daycare homes, adult family homes, retirement and convalescent homes, bed and breakfast establishments, and vacation rental units, together with accessory uses common to normal residential use. Camping sites or clubs, recreational vehicle parks, motels, and hotels and other transient housing are not included in this definition.

23.110.220 V definitions.

1. “Vacation Rental Unit” means a single family residence that is not the primary residence of the owner which, for compensation, is used to lodge individuals or families for a period of less than 30 days.
Briefing and discussion on Comprehensive Plan Chapter 2 (Land Use).

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**TITLE OF DOCUMENT:**

Briefing and discussion on Comprehensive Plan Chapter 2 (Land Use).

**ATTACHMENT:**

1. Cover letter

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas (UGAs) by June 30, 2016 (RCW 36.70A.130). Planning and Development Services would like to make a presentation and discuss Chapter 2 – Land Use with Council on Feb. 23, 2016.

**COMMITTEE ACTION:**

2/9/2016: Briefed and discussed. Approved motions to preliminarily accept recommendations for the Urban Growth Areas (UGAs)

2/23/2016: Briefed and discussed

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
Please see current agenda bill for this meeting.
This older version of the agenda bill is for history reference.

**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**

Briefing, discussion and preliminary Council direction on urban growth areas, which are addressed in Comprehensive Plan Chapter 2 (Land Use). This meeting will also include discussion on Sudden Valley.

**ATTACHMENT:**

1. Cover letter
2. Sudden Valley Community Association letter

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

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas (UGAs) by June 30, 2016 (RCW 36.70A.130). Planning and Development Services would like to discuss UGAs and receive preliminary direction from the Council on the UGA proposals. Whatcom County Comprehensive Plan Chapter 2 (Land Use) addresses UGAs. The Sudden Valley Community Association has also requested to make a presentation at Council Committee of the Whole.

**COMMITTEE ACTION:**

2/9/2016: Briefed and discussed. Approved motions to preliminarily accept recommendations for the urban growth areas (UGAs)

**COUNCIL ACTION:**

413
Please see current agenda bill for this meeting. This older version of the agenda bill is for history reference.

WHATCOM COUNTY COUNCIL AGENDA BILL

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TITLE OF DOCUMENT:

Briefing and discussion on Comprehensive Plan Chapter 2 (Land Use). This meeting will focus on City and County presentations relating to urban growth areas.

ATTACHMENT:

1. Cover letter

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

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas (UGAs) by June 30, 2016 (RCW 36.70A.130). The cities and the Whatcom County Planning and Development Services Department would like to make presentations to the Council’s Committee of the Whole relating to their UGA proposals. Whatcom County Comprehensive Plan Chapter 2 (Land Use) addresses UGAs.

COMMITTEE ACTION:

1/26/2016: Briefed and discussed. Held the last presentation (Birch Bay, Cherry Point, Columbia Valley UGA Proposals) to a later date

COUNCIL ACTION:
Memorandum

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

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Assistant Director

DATE: February 10, 2016

SUBJECT: Comp Plan Update/UGA Review – Chapter 2 (Land Use)

As you know, cities made their UGA proposal presentations to Council on January 26, 2016 and County staff made a UGA presentation on February 9, 2016. Staff is requesting to make a presentation on Chapter 2 – Land Use on February 23, 2016. While this presentation will touch on UGAs, the main focus will be on the other (non-UGA) provisions in Chapter 2.

The Council has requested a summary of the substantive changes made by the Planning Commission. The Planning Commission considered Chapter 2 – Land Use on a number of occasions. Planning Commission recommended changes to goals and policies in the staff draft include the following:

**Goal 2A – (Accommodating Growth)** – The existing goal relates to providing sufficient land and densities to accommodate growth in the County, while protecting the qualities that make the County a desirable place to live. The additional language also seeks to protect the “local economy, rural lifestyle, habitat, fish and wildlife” (p. 2-5).

**Policy 2A-7 (Developable Land)** – The existing policy is to “Provide sufficient and appropriately located residential, commercial, and industrial lands.” This policy would be replaced by new language to establish sufficient levels of developable residential, commercial, and industrial lands, which would be informed by a number of factors, including growth forecasts, land capacity, cost of infrastructure and other Comprehensive Plan policies (p. 2-6).

**Policy 2D-6 (Shoreline Management Program)** – Policy 2D-6 relates to future Shoreline Management Program updates. A reference to the Cherry Point Environmental Aquatic Reserve Management Plan was inserted in this policy (p. 2-10).
Goal 2E (Cultural Resources and Natural Systems) – The existing policy is to “Encourage and support individual responsibility to achieve community values.” This policy would be modified by inserting new language encouraging a stewardship ethic and respect for cultural resources and natural systems (p. 2-12).

Goal 2F (Incentive Programs) – The existing policy gives a high priority to incentive programs. The revised policy is to “Make use of incentive programs that can effectively encourage achievement of land use goals” (p. 2-12).

Goal 2J (Cultural Diversity) – The Planning Commission changed “accept” cultural diversity to “honor and respect” cultural diversity (p. 2-14).

Policy 2M-6 (Monitoring Habitat) – The Planning Commission recommended a new policy to engage the Wildlife Advisory Committee to develop recommendations for a system to monitor fish and wildlife habitat function (p. 2-18). In the introduction section leading up to this policy, the Planning Commission deleted the sentence: “However, the combined effects of habitat reduction or degradation, fish harvest, hydropower development, hatchery management practices, and variations in natural conditions are now causing the decline of some of these populations” (p. 2-18).

Bellingham UGA Map – As you know, the Planning Commission recommended adding the south Caitac and south Yew St. areas to the Bellingham UGA (p. 2-35).

Policy 2BB-4 (Birch Bay UGA) – The Planning Commission added a new policy to encourage single family small lot development in the Birch Bay UGA (p. 2-68).

Policy 2CC-1 (Cherry Point UGA) – This policy, which relates to designation of Cherry Point as a Major Industrial UGA, was amended to reference the Cherry Point Environmental Aquatic Reserve Management Plan (p. 2-77). There is also background text in the Cherry Point UGA section relating to the Aquatic Reserve Management Plan (pp. 2-73 and 2-74).

Policy 2CC-11 (Cherry Point UGA) – A new policy was inserted relating to public access in the Cherry Point area (p. 2-78).

Policy 2GG-3 (Rural Rezones) – This policy contains criteria for rezoning Rural one dwelling/10 acre (R10A) zones to allow higher densities. The Planning Commission recommended deleting the following sentence from this policy: “Uses and densities within the Rural designation should reflect established rural character” (p. 2-92). This phrase was originally inserted in the Comprehensive Plan by Ordinance 2011-013, which was a package of amendments to address a Growth Management Hearings Board ruling relating to the rural element.

Thank you for your consideration of this matter. We look forward to discussing it with you.
Memorandum
Geologic Hazards

TO: Matt Aamot
FROM: Andy Wiser, L.E.G.
DATE: March 15, 2016
SUBJECT: Natural Gas Wells near the proposed Birch Bay UGA Reserve Expansion

ATTACHMENTS: UGA_BBay2015_prop_Changes_Gas
UGA_BBay2015_prop_Changes_Gas_ss

The attached maps present the location of known gas wells in near proximity to the proposed Birch Bay UGA Reserve Expansion area. Two maps that elucidate regional and local gas well fields created during historical periods of gas exploration in Whatcom County. Well locations are compiled and stored by the Washington State Department of Natural Resources (DNR), and the well location data was retrieved directly from the DNR’s Oil and Gas Wells webpage. As you can see there are no ‘known’ wells recorded by DNR in the proposed area of reserve expansion, but some wells are known within the existing UGA. The DNR State Geologist, Dave Norman, stressed that their records are not exhaustive, and that some exploration wells completed prior to modern regulations may not be represented.

Another point made by Dave Norman is that uncapped or broken water or irrigation wells may expel gas, typically methane exsolving from groundwater that emanates from organic deposits in the subsurface and accumulates in the annular space of the well. He has personally seen one of the wells in the Birch Bay area flared, and noted that the flame burned for a few minutes and then extinguished as the gas that had accumulated in the annular space of the well burned off. This same process may hold true for old exploration wells that are uncapped, or have broken caps. A true gas extraction well typically requires installed infrastructure in order to extract appreciable gas quantities, and often times requires a pressurized cap and casing systems. I am not personally aware of any wells that discharge pressurized, flowing gas at the ground surface, but will be scheduling a site visit with Bob Larson to observe the areas of his concern.

Oil and gas well abandonment is regulated by the WA DNR. Water well abandonment is regulated by the WA DOE. Both well types require abandonment after exploration or once the intended use is abandoned. Abandonment is the responsibility of the landowner. However, old wells installed pre-regulation would not have been subject to abandonment requirements, and it is not typically the practice of either of the DOE or DNR to pursue private land owners to force abandonment on pre-regulation wells. That being said, any open well presents an opportunity for groundwater or subsurface contamination and should be properly abandoned. One possible solution would be to condition any future permits to require well abandonment. Alternatively there may be funding opportunities to assist in abandonment activities; however, neither Dave Norman nor I are currently aware of any such funding options.
Air quality regulations are under jurisdiction of the Northwest Clean Air Agency (NCAA). A few months ago I spoke with clean air agency staff who informed me that they had heard of wells that were potentially expelling gas, but that no direct indications of concentrated gas had ever been reported or observed. Practical speaking, air quality regulations would be effective at the property line of a subject parcel. Unless gases are being expelled from the subject wells at pressures far exceeding atmospheric pressure, and in large, concentrated volumes, dissipation in the atmosphere will readily reduce gas concentrations to background levels. Furthermore, methane is not considered an air pollutant by the NWCAA and is a naturally occurring element of the earth’s atmosphere. The gas pipeline companies are known to off-gas fairly large volumes of methane during pipeline maintenance activities, which is not considered an air pollution violation by the NWCAA.

In conclusion, the following is a series of questions posed by you and Mark Personius, which are followed by my response:

1. How many gas wells are in the area?
   The DNR records indicate 103 oil and gas wells in Whatcom County. There are 16 oil and gas wells are located west of I-5 (see attached map).

2. Are any of these gas wells within the boundaries of the UGA Reserve?
   None known in the proposed UGA Reserve.

3. If not, what direction and distance are the gas wells from the UGA Reserve?
   The closest well is 1200 feet to the south.

4. Is there evidence that gas is leaking from these wells?
   I have heard multiple anecdotal accounts of gas concentrations significant enough to hold a flame. I’ve also heard of groundwater springs that are accompanied by dissolved gas concentrations that are significant enough to hold a flame. According to the NWCAA there have been no complaints of odor or other gas related complaints.

5. If so, would these wells pose a threat to future residential development in the UGA reserve?
   The wells should be decommissioned, both as a protective measure related to minor gas discharges and as a groundwater protection measure. The issue seems to be a limited threat that could be readily handled with straight-forward permit conditions on future development.
- Birch Bay Urban Growth Area Proposal

Legend

- Oil and Gas Wells
- Proposed Changes to UGA
- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve
-Birch Bay Urban Growth Area Proposal

Legend

- Oil and Gas Wells
- Proposed Changes to UGA
- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve

Existing Comprehensive Plan: UGA Reserve
Proposed Comprehensive Plan: UGA
Acreage: 201
Memorandum

TO: WHATCOM COUNTY COUNCIL

FROM: Regina Delahunt, Director

DATE: FEB 16, 2016

RE: HEALTH REVIEW OF 2016 COMPREHENSIVE PLAN--LAND USE CHAPTER

Overview:
As one step in the implementation of the County's Healthy Planning Resolution #2015-038, Health Department staff will provide an overview of health recommendations for selected chapters of the 2016 Comprehensive Plan Update to the County Council. The attached matrix includes recommendations for the Land Use Chapter that were provided to County Planning and Development Services (PDS) staff and describes current status in the Planning Commission's recommended draft.

Process:
The process for developing and incorporating the recommendations included:

- Technical review of the 2008 Comprehensive Plan by Alta Planning and Design (2013), identifying opportunities to strengthen specific policies in the plan from a health perspective
- Planning workshop to prioritize health topics and associated policy recommendations with Public Health Advisory Board (PHAB), PDS staff, health department staff, and community stakeholders (March 2014)
- Refinement of policy recommendations based on PHAB, County PDS and stakeholder input (Spring 2014)
- Correspondence and connection with County PDS to integrate recommendations into draft chapters, as feasible and appropriate
- Support for PHAB feedback to Planning Commission on specific issues and recommendations
- Review and analysis of the status of health recommendations in the Planning Commission's draft chapters.

Recommendations:
For the Land Use Chapter, all of WCHD's policy recommendations were either included in the 2016 draft or otherwise adequately addressed.
There were two occurrences where the language was not added to a policy for which WCHD suggested additional language be included to strengthen the policy. The first recommendation was to add language to recognize parks and gathering areas as open spaces to be integrated in new developments (Policy 2RR-6); however this recommendation is already addressed through other mechanisms. The second was to add an explicit walkability standard to Policy 2SS-1, which encourages jurisdictions to provide parks and play areas within safe walking distance of neighborhoods. The transportation chapter includes policies that address this walkability standard for the County, and cities will determine their own standards, so the fact that a walkability standard is not included in Policy 2SS-1 is not consequential.

One of the eight policy additions we recommended was added to the Land Use Chapter. Three suggested additions are addressed elsewhere in the plan (Economics and Transportation chapters) or in existing zoning code. Three potential additions can be addressed through other mechanisms than the comprehensive plan. One recommended addition was determined to be unsuitable for rural residential areas to which it would apply.
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<thead>
<tr>
<th>Reason for Change</th>
<th>Policy Considerations</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>- Intermittent noise (July 1 through 7)</td>
<td>- Take action to mitigate noise problem</td>
<td>- Intermittent noise (July 1 through 7)</td>
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<td>- Impact on community</td>
<td>- Evaluate impact on community</td>
<td>- Impact on community</td>
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<tr>
<td>- Development of new commercial and industrial sites</td>
<td>- Evaluate impact on community</td>
<td>- Development of new commercial and industrial sites</td>
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**Policy Considerations:**

- Urban development needs, job and traffic congestion
- Employment opportunities
- Economic development needs
- Quality of life
- Grassroots initiatives
- Transportation

**Recommendation:**

- Keep

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**Policy:**

- 2016 Noise 10 PM

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**Goal:**

- 2018 Complete Plan

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**Recommendation:**

- Keep

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**Reason for Change:**

- Intermittent noise (July 1 through 7)
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<tr>
<th>Existing Camp Plan Policy Scoring:</th>
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<tr>
<td>2.10.3077&lt;br&gt;Recreation and Playgrounds (WCC)</td>
<td>High&lt;br&gt;High&lt;br&gt;High&lt;br&gt;High</td>
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<td>This is addressed through other mechanisms, including focus on community parks and common recreational areas as common Open Space.</td>
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<td>Developments integrated in new &amp; expanded opportunities in open space and recreation.</td>
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<td>Incentive programs.</td>
<td>High&lt;br&gt;High</td>
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<td>Development is consistent with these.</td>
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<td>2.16.3053&lt;br&gt;Middle habitat and connection of critical natural areas</td>
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<td>Essential for recreation, while encouraging school and other lands and/or community resources and corridors.</td>
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<td>Policy ZBR-6. Use of open Space.</td>
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| Policy 22-2: Encourage all jurisdictions to | 22-5-1 | Medium | 22-5-2 | Conditions with those of adjacent
| | | | | residential neighborhoods.
| | | | | and prevent conflicts with existing
| | | | | neighborhood amenities and
| | | | | activities.
| | | | | Provide some neighborhood parks
| | | | | and trails within easy walking
| | | | | distance of residential
| | | | | neighborhoods.
| | | | | surrounded by those of adjacent
| | | | | neighborhoods.
| | | | | Provide access to neighborhood parks
| | | | | and trails within easy walking
| | | | | distance of the service area of
| | | | | the County Parks and Recreation
| | | | | Board.
| | | | | and those provided through neighborhood
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| | | | | These are the neighborhood
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| | | | | parks. The County is responsible for
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| | | | | associated in designing some areas of the
| | | | | service area of Regional Parks. The
| | | | | County is responsible for
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<td>Transportation and economics changes. Policy recommendations are addressed. Not included.</td>
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AB2016-47B

The following documents are available at the Whatcom County Council Office.
Literature Summary:
Access to Healthy Food
Literature Summary:
Physical Activity
Literature Summary:
Mental Health
Literature Summary:
Social Context
Literature Summary: 
Injury & Safety
Healthy Planning Workshop: Summary Report

Overview + Background

Over the past five years, community improvement processes and plans have prioritized the need to focus on the built environment and relationship to health outcomes. Staff at the Whatcom County Health Department and members of the Public Health Advisory Board are involved in a project to explore how to integrate public health into community planning and design, specifically through the Whatcom County Comprehensive Plan. The goal of this project is to create a set of prioritized policy recommendations for the 2016 update of the Whatcom County Comprehensive Plan that have the potential to improve the health & well-being of Whatcom County residents. Many aspects of health are connected to community planning and design; however during this phase of the project, the focus was on policies that help achieve goals identified in the Whatcom County Community Health Improvement Plan: promoting healthy and active living by expanding access to healthy food; creating safe places to walk, bike, play and connect; and limiting exposure to harmful substances.

The purpose of the Healthy Planning Workshop was to move from generalized, best practice comprehensive plan policies that are health-promoting to specific policies that are best suited for the Whatcom County comprehensive plan.

FROM DATA TO OUTCOMES

- Literature Review: Evidence base for connecting health outcomes to the built environment
- Local Data Context: Translate to local issues and populations
- Health Policy Priorities: Identify specific need and shared priorities
- Policy Recommendations
- Policy Support: Support planners and tell the health story
- Implementation: Monitor policy and action over time

Adapted from [Source]
March 2, 2016

Whatcom County Council
311 Grand Avenue
Bellingham, WA 98225

Re: Bellingham Urban Growth Area Review

Dear Council Members,

Thank you for the opportunity to provide written comments for the record in the County’s urban growth area review/comprehensive plan update process. Several assertions have been made by representatives of the Caitac and S. Yew Street areas that require a response. These assertions are related to the County’s land capacity analysis and the City’s financial impact analysis and utility planning for the Caitac area.

Land Capacity Analysis

The Council has heard testimony related to the methodology and accuracy of the County’s land capacity analysis (LCA), using the recent Dewey Valley annexation as an example. As we stated in our oral testimony, the assertion that the LCA contains an overstated buildout for the Dewey Valley area is incorrect. The confusion lies in the initial buildout projections given to the Bellingham City Council during the annexation review process. The LCA had, and has the correct buildout projection (98-195 new homes) for the area.

Others have stated that the LCA over estimates development capacity in areas of the city that contain a range of allowed densities. For example, in areas with zoning that allows 6 to 12 units per acre, the LCA uses the base density of 6 units per acre to forecast future growth capacity. It was incorrectly suggested that the LCA uses the mid-point density figure in these areas (or 9 units per acre in this example).

Additional assertions were made regarding basic flaws in LCA methodology, primarily related to wetland buffers. As the Council is aware, the same LCA methodology was used in all the jurisdictions, including the rural areas. Changes in the methodology at this point in the process would require the County and all other jurisdictions to reassess their land capacity and population allocations.
Financial Impact Analysis and Utility Plans

Caitac representatives, both in a February 5, 2016 letter to you and in oral testimony questioned the results of the City’s financial impact analysis (FIA) for the Caitac area. They asserted that the FIA contained errors as to the improvements that would be needed to serve the area, and the costs to the public for the improvements. As we indicated in our previous testimony, the FIA methodology is fairly standard, used by many jurisdictions to identify potential costs to provide the full range of urban services to an annexation area. It has been used by the City for over a decade now.

Mr. Jones’s testimony regarding the Caitac property raised a number of issues that should be clarified. The 2/5/16 letter discusses the difference between the draft 2007 sewer plan and the approved 2009 plan. The information in the 2007 document is irrelevant as the 2009 plan addressed the ability of the City to treat the potential future sewage for the adopted population and employment growth numbers. This total population estimate stayed consistent with only general locations of future growth within the existing UGA’s changing. The plan was not a conveyance plan and therefore did not establish where future growth would occur, only general areas of the city and UGA for input of the sewage into the system. Mr. Jones assertion that the City’s sewer plan anticipates and accounts for development of the Caitac property is misleading.

In 2013, a water system plan update was approved by the City. Using this most up to date plan clears up many of Mr. Jones’s misunderstandings of the City’s future water system. Throughout the letter, he refers to the "350 Cordata Zone" tank and the "460 King Mountain Water Reservoir" as separate projects. The 2013 Water plan clarifies that there will only be one water reservoir constructed on upper King Mountain, not two. That tank will provide service to most properties in northern Bellingham, not just the Caitac property. The Kearney Street Pump Station will be installed in conjunction with the reservoir construction. The estimated price tag of $4,250,000 is not an error as it also includes additional conveyance pipe work and not just the pump station. The comparison to the cost to build the Birch Street pump station is misleading. That pump station was constructed privately in 2005 for $800,000 per the developers supporting costs submitted to the City. Obviously, construction costs have increased substantially since 2005. A City constructed pump station is required to be built under prevailing wage rules which also increases the cost.

Additionally, the letter alludes to the fact that many future infrastructure projects will not be built without funding from Caitac, and therefore land near the Caitac property will not develop. This may or may not be true. Any inclusion of the Caitac properties would provide additional participants in funding future projects, however they are not reliant on Caitac to be constructed.

On February 9th, the County Council assigned Bellingham the responsibility to accommodate over 31,000 additional residents during the planning period without any changes to the City’s UGA. On February 22nd, the City Council directed staff to use the County-approved population growth figure in the update to our comprehensive plan. The Council indicated a willingness to accept the higher growth figure primarily because
it does not require changes to the UGA. We are proceeding in good faith based on the County Council's February 9th vote. Changing direction at this point in the process by revising the City's UGA boundary would make it very difficult to complete our work on the comprehensive plan update by the statutory deadline.

Please contact me if you have any questions regarding this information.

Sincerely,

Greg Aucutt, AICP
Assistant Director

C Mayor Linville
  Bellingham City Council
  Bellingham Planning Commission
  Darcy Jones, Jones Engineering
  Linda Twitchell, BIAWC
Bellingham Urban Area

The south Yew St. and the south Caitac areas have been designated as Urban Growth Area Reserves. Prior to re-designating the south Yew St. area to UGA, need for additional land capacity must be demonstrated, planning for adequate public facilities and services must be completed, and potential impacts on Lake Padden water quality must be addressed. Prior to re-designating the south Caitac area to UGA, need for additional land capacity must be demonstrated and planning for adequate public facilities and services must be completed.

Lake Padden is considered a sensitive water body because it is designated as impaired by pollution under Clean Water Act standards [303(d) Category 5 Waters]. This area has also not demonstrated the ability to provide adequate public facilities and services within the twenty year planning period. The portion of the Lake Padden Watershed that was previously designated as an Urban Growth Area is designated as an Urban Growth Area Reserve. The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

Reason for change: The City of Bellingham recommended retaining the south Yew St. area in the UGA Reserve and adding the south Caitac area into the UGA Reserve.
Bellingham Urban Growth Area

- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve
Proposed Council Changes to Comprehensive Plan

Chapter 2 – Land Use
Page and line numbers reflect Planning Commission Recommended Draft (1/14/16). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.

1) p. 2-1; Vision Statement: Whatcom County is a place where urban growth is concentrated in urban areas, where there is a distinct boundary between urban and rural uses, where agricultural use is encouraged, where resource lands and water resources are protected, and where land use changes are brought about through incentive programs. Rural areas are peaceful and quiet with less traffic and congestion than in urban areas. There is low-density development with open spaces allowing for privacy. A sense of community is retained and local control is exercised input is respected in land use decisions. (Weimer)

2) p. 2-1; lines 14-19: The Land Use chapter and map include a set of adopted land use designations which combine the predicted needs of future populations with the availability of land and the desires of residents. These needs and desires are expressed through the goals, and policies, and actions included below as well as through implementation of the land use map. This chapter is divided into sections that address: ... (Brenner)

3) p. 2-2; lines 10-12: County-Wide Planning Policies (CWPP), found in Appendix C, are supported throughout the Land Use chapter in goals, policies, and actions in land use designations. (Brenner)

Items 4 through 9 concern comma use and may be considered as one motion.

4) p. 2-2; lines 32-34: ...providing for economic development opportunities in the eastern portion of the county, and addressing fiscal impact in interlocal agreements with cities. (Brenner)

5) p. 2-2; lines 37-40: ...Planning Policies have been addressed in the development of this chapter through citizen committee participation, town hall meetings, and public hearings. (Brenner)
6) p. 2-5; Goal 2A: Ensure designation of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish, and wildlife, which are the cornerstone qualities that make the county a desirable place to live. (Brenner)

7) p. 2-6; Policy 2A-8: Include business/industry parks, tourist/resort areas, and allowance for existing crossroads commercial areas ... (Brenner)

8) p. 2-6; Policy 2A-12: Adoption of residential, industrial, and commercial comprehensive plan... (Brenner)

9) p. 2-12; Policy 2F-4: Review and adopt, where appropriate, incentive programs such as cluster density bonuses in urban growth areas, purchase of development rights, transfer of development rights, and tax deferrals. (Brenner)

10) p. 2-4; lines 17-21: The goal of growth management is to provide sufficient land area with adequate facilities and utilities either presently available or economically feasible to accommodate future growth. This means having an adequate distribution of developable land to provide housing, services, jobs, and resource land for the expected population. (Weimer)

11) p. 2-4; lines 31-35: A key need for meeting land demands to generate family wage employment is land that is "ready to go" for industrial development. Most potential major industrial employers seeking to locate in Whatcom County require large tracts of land where the infrastructure and site improvements are already in place. (Weimer)

12) p. 2-5; lines 19-20: The Growth Management Act requires, and the Vision statement encourages, concentrating growth in urban growth areas. (Brenner)

13) p. 2-5; Goal 2A: Ensure designation of sufficient land, water and densities to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish and wildlife which are the cornerstone qualities that make the county a desirable place to live. (Weimer, Donovan)

14) p. 2-6; Policy 2A-7: Establish sufficient levels of developable residential, commercial, and industrial lands informed by approved population and economic forecasts, inventory of existing use, land capacity outside of critical areas and buffers, cost of infrastructure, legal water availability, and goals and policies of all chapters of this plan. (Weimer)

15) p. 2-6; New Policy 2A-14: Establish a clear, predictable, and fair formula for allowing expansion of urban growth. Ensure that UGA expansions go hand in hand with density
reductions in rural sending areas through required participation in either a Transfer or Purchase of Development Rights program. This should be accomplished by:

Convening a multi-stakeholder work group, including the Cities, tasked with:

- **Reviewing the current TDR and PDR programs.**
- **Identifying political, financial, and regulatory barriers.**
- **Identify opportunities and solutions for creating a working TDR program.**
- **Identify mechanisms to create a PDR fund that could be used to protect important rural lands.**
- **Recommend policy and regulatory amendments necessary to implement the above policy.**
- **Identify proposed sending areas in critical areas, the Agricultural Zone, and the Agricultural Study Areas.**
- **Identify receiving areas within existing UGAs and urban areas.**

(Weimer)

16) p. 2-8; Policy 2B-7: Master Planned Resorts should only include other residential uses within its **their** boundaries if residential uses are integrated into and support the on-site recreational nature of the resorts.... (Brenner)

17) p.2-10; Policy 2DD-2: **Eliminate regulations that could be more effectively achieved through incentive or education programs.** (Donovan)

18) p. 2-11; Policy 2D-9 (In. 34): ...or zone 6 (traffic pattern zone) as shown **in on** the Safety Compatibility Zone Examples... (Brenner)

19) p. 2-13; lines 32-35: Property rights are an important issue in Whatcom County. **People want to use their land as they wish Land can be used as desired** as long as it doesn't conflict with the rights of others. It is not necessary for the preservation of property rights and protection of the environment and resources to conflict with one another. (Brenner)

20) p. 2-14; Policy 2H-2: Establish programs such as cluster density bonuses in urban growth areas, purchase of development rights and transfers of development rights, where appropriate, to compensate property owners when rights are unduly infringed upon. (Brenner)

21) p. 2-15; Policy 2K-3: Prohibit expansion of urban growth areas into floodplains, except where allowed under the GMA, and consider danger to individuals related to flooding when designating land use **in other areas.** (Brenner)
22) p 2-15; lines 28-30: Not all parts of Whatcom County have the same available resources and land use options. A one-size-fits-all approach to comprehensive planning may not adequately serve the needs of different regions of the county. (Brenner)

23) p. 2-18; Goal 2M: Protect and encourage restoration of habitat for fish and wildlife populations including adequate in-stream flows. (Weimer)

24) p. 2-19; New Policy 2M-7: Remain actively engaged in efforts to better define ground water resources and connection to surface water, current water usage, water rights, adequate in-stream flows, and policy barriers that create conflicts between these things. (Weimer)

25) p. 2-23; Goal 2P: Encourage Bellingham to establish new residential developments at densities averaging five six to twenty four units per net residential acre; encourage Ferndale to establish new residential developments at densities averaging five six to ten units per net residential acre; encourage Lynden to establish new residential developments at densities averaging six to ten units per net residential acre; ... (Weimer, Donovan)

25b) p. 2-23; Goal 2P: ... and encourage remaining smaller cities, the Birch Bay UGA and the Columbia Valley UGA to establish new residential development at average densities of four six units per net residential acre, while respecting unique characteristics associated with each city or community. (Weimer)

26) p. 2-25; Goal 2R: Establish an interlocal agreement with each city which sets out general guidelines to address revenue sharing, the provision of services, management of growth including working Transfer of Development Rights and Purchase of Development Rights efforts to protect rural areas, annexation, protection of critical areas, and designation of open space within urban growth areas. (Weimer)

27) p.2-25; Policy 2Q-5: Encourage and assist the citizens of Birch Bay and Columbia Valley Urban Growth Areas with the requirements to incorporateion when appropriate.

28) p. 2-27; 2S-5: Annually monitor population growth and publish a report no later than November 1 of each year that analyzes population growth trends over time in comparison with the adopted population growth projections. Land capacity by compiling annual reports from the cities on development activity, and comparing that data with adopted growth projections for the urban growth areas. If the trend over several years indicates that population growth in urban growth areas is significantly higher than adopted projections, coordinate with the cities to consider appropriate action. Actions may include amending growth projections, or amending urban growth area densities or boundaries. If, over several years, these data indicate that growth is occurring at a significantly different rate than adopted projections. (Donovan)
29) p. 2-35: Bellingham UGA Map: Amend map to show South Cailac and South Yew Street as UGA Reserve. (Donovan)

*Proposed changes 30 through 38 add the same language to all UGA areas and may be considered as a single motion.*

30) p. 2-27; **New Policy 2R-3** (renumber existing 2R-3 and subsequent 2R policies): Include in interlocal agreements, a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

31) p. 2-33; Policy 2U-5: ...

- affordable housing; *and*
- transfer of development rights within the City of Bellingham; *and*
- a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

32) p. 2-38; Policy 2V-5: ...

- timing and procedures to be used for review of adequate land supply; *and*
- consistency with the Coordinated Water System Plan; *and*
- a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

33) p. 2-43; Policy 2W-4: ...

- cooperation regarding conversion of mineral resource lands; *and*
- long term measures to assure compatibility with resource lands; *and*
- a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

34) p. 2-48; Policy 2X-5: ...

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• timing and procedures to be used for review of adequate land supply; and
• consistency with the Coordinated Water System Plan; and
• a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

35) p. 2-52; Policy 2Y-3: ...

• timing and procedures to be used for review of adequate land supply; and
• consistency with the Coordinated Water System Plan and demonstration of sufficient water rights for current and projected needs; and
• a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

36) p. 2-58; Policy 2Z-4: ...

• measures for protection of adjacent resource lands through control of incompatible uses and/or buffers; and
• long term measures to assure compatibility with resource lands; and
• a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

37) p. 2-62; Policy 2AA-5: ...

• re-examination of the densities outside the floodplain to see if they can be increased; and
• long term measures to assure compatibility with resource lands; and
• a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

38) New Policy 2BB-16: Establish a clear, predictable, and fair formula so increases in potential densities through expansion of either the Birch Bay or Columbia Valley Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)
39) p. 2-73; lines 31-34: In 2010, the DNR recognized the need to “protect the significant environmental resource of aquatic lands at Cherry Point” (CPAR Management Plan p. 1), and completed the Cherry Point Environmental Aquatic Reserve Management Plan, and designated the Cherry Point Aquatic Reserve to ensure long-term environmental protection of the area. (Donovan)

40) p. 2-73; lines 37-41: The reserve extends from the southern boundary of Birch Bay State Park to the northern border of the Lummi Indian Nation Reservation. The site excludes three existing aquatic land leases (BP, Intalco, Phillips 66 shipping piers) and one proposed aquatic land lease (Gateway Pacific Terminal site). (Brenner)

41) p. 2-74; lines 6-13: The Management Plan acknowledges that the existing industries, complying with laws and regulations, do not conflict with the Aquatic Reserve although their activities may pose risks for the Aquatic Reserve. Indeed, the industries’ need for buffer space and their compliance with shoreline management requirements means that much of the Aquatic Reserve shoreline is in substantially natural riparian vegetation and bluff processes proceed without interference. Existing industries can serve the Aquatic Reserve’s objectives so long as they are managed according to the Plan and so long as the lessees actively work to further goals for the Reserve (CPAR MP p. 2). (Weimer)

42) p. 2-75; lines 44-46: PUD #1 and Puget Sound Energy have interties interests at Cherry Point allowing the transmission of power in and out of Cherry Point depending on the amount of power generated and consumed at Cherry Point.

43) p. 2-77; New Policy 2CC-2 (may replace existing 2CC-2 or renumber existing 2CC-2 and subsequent 2CC policies): Ensure that developments in the Cherry Point UGA maintain management plans to accomplish the goals of the Aquatic Reserve Management Plan. (Donovan)

44) p. 2-77; Policy 2CC-7: Resist inclusion of Exclude Cherry Point as part of any future incorporation of Birch Bay. (Brenner)

45) p. 2-82; Policy 2DD-1: Concentrate growth in urban areas per the population projections in Chapter 1 of this plan, and recognize rural lands as an important transition area between urban areas and resource areas. As part of the population growth monitoring report required in Policy 2S-5, monitor residential development activity outside the urban growth areas during the previous year and compare that data with the adopted population growth projection for those areas. If it is apparent that growth occurring outside the urban growth areas is inconsistent with compare non-urban population growth trends with the adopted non-urban population growth projection. If the trend over several years indicates that non-
urban growth is significantly higher than adopted projections, the County shall take action to address the discrepancy. ...(Weimer) (alternative below)

46) p. 2-82; Policy 2DD-1: Concentrate growth in urban areas per the population projections in Chapter 1 of this plan, and recognize rural lands as an important transition area between urban areas and resource areas. 

As part of the population growth monitoring report required in Policy 2S-5, compare non-urban population growth trends with the adopted non-urban population growth projection. If the trend over several years indicates that non-urban growth is significantly higher than By February 1 of each year the department will publish a report that monitors residential development activity outside the urban growth areas during the previous year and compares that data with the adopted population growth projection for those areas. If it is apparent that growth occurring outside the urban growth areas is inconsistent with adopted projections, the County shall take action to address the discrepancy. ...(Donovan) (alternative above)

47) p. 2-92; Policy 2GG-3: Uses and densities within the Rural designation should reflect established rural character. Rezones within the Rural designation should be consistent with the established rural character and densities. Land in the R10A district may be rezoned to a rural zone that allows a higher density only if: ...(Donovan)

48) p.2-115; Line 14:

**Title:** Aquatic Resource Lands - Resource Lands

**Purpose:** To guide Whatcom County in conservation of functioning aquatic resource lands of long-term commercial and recreational significance, and to ensure that both industries requiring functioning aquatic lands, and the cultural heritage that use of our aquatic lands represent, thrive in the years to come.

**Definition:** ....

**Locational Criteria:** ...

(Weimer)

49) p. 2-128; Policy 2VV-7: Correctional facilities... New facilities should be located: ...

- At least one quarter mile from public and private schools.

(Weimer)

50) New Goal 2xyz: **Administer a Transfer of Development Rights program.** (Donovan)

50a) New Policy 2xyz-1: **Identify and establish sending areas in the Agricultural Zone and Agricultural Study Areas.** (Donovan)
50b) New Policy 2xyz-2: Identify and establish receiving areas within existing UGAs. (Donovan)
**TITLE OF DOCUMENT:**
Discussion regarding potential property acquisition for the Flood Control Zone District

**ATTACHMENTS:**
None

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

Discussion regarding a potential property acquisition for the Flood Control Zone District with Public Works staff. (Discussion of this item may take place in executive session (closed to the public pursuant to RCW 42.30.110 (1) (b))

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
WHATCOM COUNTY COUNCIL
Committee Of The Whole

January 12, 2016

CALL TO ORDER
Councilmember Carl Weimer called the meeting to order at 2:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL
Present: Barbara Brenner, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer
Absent: None

COMMITTEE DISCUSSION
1. REORGANIZATION OF THE WHATCOM COUNTY COUNCIL (AB2016-021)

County Council Chair
Browne nominated Buchanan. The nomination was seconded.
The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)
(Clerk’s Note: Buchanan assumed the duties of the Chair.)

County Council Vice-Chair
Mann nominated Browne. The nomination was seconded.
The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

County Executive Pro Tempore
Mann nominated Weimer. The nomination was seconded.
The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Finance and Administrative Services Committee
Mann nominated Mann, Browne, and Sidhu. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Planning and Development Committee.

Mann nominated Donovan, Weimer, and Brenner. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Public Works, Health, and Safety Committee

Sidhu nominated Browne, Mann, and Brenner. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Natural Resources Committee

Mann nominated Donovan, Sidhu, and Weimer. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Lake Whatcom Policy Group Representative

Browne nominated Donovan and Weimer. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Bellingham International Airport Advisory Committee

Brenner nominated Sidhu. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Bellingham/Whatcom Chamber of Commerce and Industry
Mann nominated Browne. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)

Birch Bay Shellfish Protection District Advisory Committee

Brenner nominated Donovan. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)

Council of Governments (COG) – Full Council

Mann nominated Browne and Sidhu. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)

Council of Governments – Executive Board and Transportation Policy Board

Weimer nominated Browne. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)

Developmental Disabilities Board

Donovan nominated Mann. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)

Drayton Harbor Shellfish Protection District Advisory Committee

Brenner nominated Weimer.

Weimer nominated Brenner.

Browne nominated Donovan. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)
Emergency Management Services (EMS) Oversight Board

Mann nominated Buchanan. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)

Emergency Management Services (EMS) Oversight Board alternate

Mann nominated Sidhu. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)

Flood Control Zone District Advisory Committee

Sidhu nominated Browne. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)

Intergovernmental Tribal Relations Committee

Mann nominated Browne and Brenner. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)

Integrated Behavioral Health Advisory Board

Browne nominated Brenner. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)

Law Enforcement Officer & Firefighter (LEOFF) Board

Donovan nominated Mann. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)

**Nays:** None (0)
Local Emergency Planning Committee (LEPC)

Browne nominated Donovan. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Lummi Island Ferry Advisory Committee (LIFAC) non-voting attendee

Mann nominated Donovan. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Lummi Island Ferry Advisory Committee non-voting attendee alternates

Mann nominated Mann as first alternate and Brenner as second alternate. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Marine Resources Committee (MRC)

Brenner nominated Weimer. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

North Sound Mental Health Administration Board

Sidhu nominated Mann. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Northwest Clean Air Agency

Donovan nominated Weimer. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)
Northwest Regional Council

Mann nominated Sidhu. The nomination was seconded.

The motion carried by the following vote:
**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
**Nays:** None (0)

Opportunity Council

Donovan nominated Weimer. The nomination was seconded.

The motion carried by the following vote:
**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
**Nays:** None (0)

Portage Bay Shellfish Protection District Advisory Committee

Brenner nominated Weimer. The nomination was seconded.

The motion carried by the following vote:
**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
**Nays:** None (0)

Public Defense Advisory

Mann nominated Brenner. The nomination was seconded.

The motion carried by the following vote:
**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
**Nays:** None (0)

Public Health Advisory Board

Donovan nominated Buchanan. The nomination was seconded.

The motion carried by the following vote:
**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
**Nays:** None (0)

Solid Waste Advisory Committee

Mann nominated Brenner. The nomination was seconded.

The motion carried by the following vote:
**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
**Nays:** None (0)
Washington State Association of Counties (WSAC) Board alternate and WSAC Legislative Steering Committee.

Mann nominated Buchanan. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

Whatcom Transportation Authority (WTA) Board

Browne nominated Sidhu. The nomination was seconded.

The motion carried by the following vote:
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
Nays: None (0)

OTHER BUSINESS

Linda Twitchell, Building Industry Association of Whatcom County, stated she would like the Council to allow limited time at the end of committee meetings for the public to talk about the Comprehensive Plan.

COMMITTEE DISCUSSION

2. BRIEF DISCUSSION REGARDING THE COUNCIL’S EMAIL POLICY (AB2016-036)

Browne stated he sends a message to everyone who sends an email to his personal email address to inform them to only contact him through the Council email address.

Buchanan stated councilmembers are still replying to messages to all councilmembers, which is potentially a violation of the open public meetings act.

Dana Brown-Davis, Clerk of the Council, stated they will discuss it in depth at the Council retreat.

Councilmembers discussed the councilmembers’ ability to send email using the blind copy function.

ADJOURN

The meeting adjourned at 3:03 p.m.

The Council approved these minutes on ______ 2015.
WHATCOM COUNTY COUNCIL
Regular County Council Meeting

January 12, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

OPEN SESSION

The following person spoke:

- Gary Pederson spoke about rental property requirements.

OTHER ITEMS

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND STERICYCLE ENVIRONMENTAL SOLUTIONS TO EXTEND THE AGREEMENT FOR AN ADDITIONAL THREE YEAR PERIOD, CLARIFY SCOPE OF WORK, AND ALLOW FOR A THREE PERCENT COST INCREASE (AB2016-048)

Jeff Hegedus, Health Department, gave a staff report.

Browne stated he knows of others who would have been interested in bidding on this contract. He asked if this renewal was advertised. Hegedus stated the original contract was advertised in the Bellingham Herald and through a distribution list, but the renewal was not advertised.

Browne asked if they would use the same advertising mechanism today for the original contract. Hegedus stated he would follow bid requirements.

Browne stated the County should advertise requests for proposals on the website and allow prospective bidders to indicate they're interested in being notified about
opportunities in their area. Hegedus stated he’s happy to discuss that with any service provider who contacts him. For this service, there are few people who would do this work.

Brenner stated the original contract includes this extension option. There’s no reason to go out to bid again unless the County is not happy with the service.

Weimer stated it’s a great service, and he supports the contract. He asked the split between the Ecology grant and Solid Waste funds. Hegedus stated Ecology reimburses 75 percent of expenses through the coordinated prevention grant program. In 2016, the State made significant cuts to that program due to the low price of oil, which funds disposal of toxics programs. The County is now absorbing an approximate $100,000 annual cost due to that reduction in the State capital budget. The Solid Waste Executive Committee recommended a supplemental budget, which was approved by the Solid Waste Advisory Committee (SWAC) and Council. If the price of oil doesn’t rise, they will have to review revenues, expenses, and services.

Weimer stated there is a concern that the cost of this program gets bigger while other recycling programs shrink. He asked if the SWAC talked about finding other funding mechanisms. Hegedus stated SWAC hasn’t had that discussion, but staff has. There are options and ideas for raising revenue and cutting expenses.

Browne asked if renewing this contract is urgent, and if they can delay to allow others to bid. This was last out to bid three years ago. Someone else is interested in bidding. Hegedus stated the contract expired December 31, 2015. The service and cost have been extremely good, so they are not interested in going out to bid again.

Browne stated he would like to go back out to the market to determine if they are getting the best price and product.

Brenner asked if the three percent increase is per year. Hegedus stated the three percent increase is per hour, and it is for the next three years.

Mann moved to approve the request. The motion was seconded.

Mann stated he’s used this service frequently over the years. It’s an excellent and worthwhile resource for the community. The staff have been helpful and accommodating.

Browne stated the extension is an option. The contractor bid a price based on the original three years of the contract.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

2. RESOLUTION SUPPORTING THE CONSTRUCTION OF A LIGHTHOUSE AT LIGHTHOUSE MARINE PARK IN POINT ROBERTS (AB2016-050)

Brenner moved to approve the resolution. The motion was seconded.
Donovan stated he supports the resolution. The lighthouse will cost a lot to maintain.

Brenner stated the County will receive a $500,000 grant for construction, which is a generous donation. The facility will host meetings and events that will generate some revenue.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. ANNUAL APPOINTMENT TO VARIOUS BOARDS AND COMMISSIONS (AB2015-367)

Browne moved to accept and consider the late applications. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Mann (1)

Board of Equalization – District 3 and alternates

Brenner nominated all three applicants: Emily Weaver and David Simpson as alternates and Tammy Valenti for District 3. The nomination was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Drayton Harbor Shellfish Protection District

Browne nominated Seymour and Tomson. The nomination was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Forestry Advisory Committee

Brenner nominated all four applicants: Aubrey Stargell, Phil Cloward, Rod Lofdahl, and Gerry Millman. The nomination was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)
Incarceration Prevention and Reduction Task Force

Brenner nominated Randy Polidan. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

**Nays:** None (0)

Lummi Island Ferry Advisory Committee

Donovan nominated all applicants: Mike McKenzie, Nancy Ging, Charles Bailey, and Rhayma Blake. The nomination was seconded.

Weimer voted for Ging, Bailey, and Blake.

Browne voted for Ging, Bailey, and Blake.

Mann voted for Ging, Bailey, and Blake.

Sidhu voted for Ging, Bailey, and Blake.

Brenner voted for McKenzie, Bailey, and Blake.

Donovan voted for Ging, Bailey, and Blake.

Buchanan voted for Ging, Bailey, and Blake.

The Council appointed Nancy Ging, Charles Bailey, and Rhayma Blake to the island resident positions.

Donovan nominated Heidi Forbes for the county position. The nomination was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

**Nays:** None (0)

Planning Commission

Browne nominated all applicants: Gary Honcoop, Stephen Jordan, Virginia Malmquist, and Atul Deshmane. The nomination was seconded.

Weimer voted for Malmquist and Deshmane.

Browne voted for Honcoop and Deshmane.

Mann voted for Honcoop and Deshmane.

Sidhu voted for Honcoop and Deshmane.
Brenner voted for Honcoop and Jordan.

Donovan voted for Honcoop and Deshmane.

Buchanan voted for Honcoop and Deshmane.

The Council appointed Gary Honcoop and Atul Deshmane.

Portage Bay Shellfish Protection District Advisory Committee

Weimer moved to appoint Jon DeJong and Albert de Boer by acclamation. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Solid Waste Advisory Committee

Mann moved to appoint Ed Nikula and Casey Heinle by acclamation. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Surface Mining Advisory Committee

Mann moved to appoint Leaf Schumann by acclamation. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

2. ANNUAL APPOINTMENT TO FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE AND SUBZONES (AB2015-367A)

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

Flood Control Zone District Advisory Committee

Browne moved to appoint all by acclamation: Scott Bedlington, Sonny Kunchick, Ron Bronsema, Scott Hulse, John Perry, and Robert Bromley. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Birch Bay Watershed and Aquatic Resources Management Advisory Committee
Weimer nominated all three applicants: Erin Strang, Don Brown, and William Booth. The motion was seconded.

Weimer voted for Booth and Strang.
Browne voted for Strang and Brown.
Mann voted for Brown and Booth.
Sidhu voted for Brown and Booth.
Brenner voted for Strang and Booth.
Donovan voted for Brown and Booth.
Buchanan voted for Brown and Booth.


Lynden/Everson Flood Control Subzone Advisory Committee

Browne moved to appoint Ron Bronsema by acclamation. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Sumas/Everson/Nooksack Flood Control Subzone Advisory Committee

Donovan moved to appoint Kelly Houston by acclamation. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

INTRODUCTION ITEMS

Mann moved to accept the Introduction Item. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

1. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, THIRD REQUEST (AB2016-049)
COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Brenner stated she would like the Council to approve a resolution supporting a discussion in committee regarding the lack of good emergency phone service in Glacier.

Mann stated he supports discussing it in committee.

Browne stated they must ask Centrylink to maintain a phone line out there.

Brenner stated she will want a resolution and letter to go to the State representatives.

Buchanan stated the Public Works Committee can draft a resolution and then bring it to the Council.

Brenner moved to ask the Council Clerk to write a draft resolution to support the concept of having adequate emergency management phone service in the Glacier area. There was no second to the motion.

Sidhu stated put it in the committee for discussion first. Follow the regular process.

Brenner stated she will schedule it in Public Works Committee.

Weimer stated there is a request from the Lummi Nation for a government-to-government discussion about the Cherry Point urban growth area (UGA). He moved to move forward with having a meeting with the Lummi Nation. The motion was seconded.

Brenner asked if this would interfere with the Gateway Pacific Terminal (GPT) issue.

Karen Frakes, Prosecutor’s Office, stated they can’t prevent the discussions that are occurring. If it’s being discussed in the context of a Comprehensive Plan amendment, there isn’t any way to control the discussion.

Mann stated the Intergovernmental Tribal Relations Committee Members Browne and Brenner and the Council Chair could meet with the Lummi Nation. Frakes stated they would be okay to meet as long as they don’t talk about issues before the committee they are both on.

Buchanan stated he will work with the Lummi Nation to find out the specifics of a meeting.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

**Nays:** None (0)

Mann stated he acknowledges Councilmember Weimer as Council Chair for the past two years and wishes Councilmember Buchanan luck in that role going forward.

Browne stated he acknowledges Councilmember Weimer as Council Chair for the past two years and wishes Councilmember Buchanan luck in that role going forward.
Brenner stated she appreciates the work of the Council meeting videographer Lynn Barton. This is her last meeting. She thanks Councilmember Weimer as the past chair and Councilmember Buchanan as the future chair.

Browne asked if the Council can express a position on the proposals from GPT and the Lummi Nation about the Cherry Point UGA within the framework of the Comprehensive Plan. Both proponents suggest specific language for the Comprehensive Plan about Cherry Point. Frakes stated there is no way to stop anyone from commenting however they choose on the Comprehensive Plan update. All of it will be on the record. She doesn’t know about the specific language they are suggesting.

Donovan stated he enjoyed the welcoming parties and ceremonies for his election onto the Council.

Sidhu stated he thanks Councilmember Weimer for serving as chair the past two years.

**ADJOURN**

The meeting adjourned at 8:03 p.m.

The County Council approved these minutes on ______, 2016.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ___________________________
Dana Brown-Davis, Council Clerk      Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
Whatcom County Council
Special Surface Water Work Session
January 19, 2016

CALL TO ORDER

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

ROLL CALL

Present: Barbara Brenner, Barry Buchanan, Ken Mann, Rud Browne, Todd Donovan and Carl Weimer

Absent: Satpal Sidhu

SURFACE WATER WORK SESSION (AB2016-024)

1. COORDINATED WATER SYSTEM PLAN (CWSP) / JOINT BOARD / PLANNING UNIT UPDATE

Andy Ross, Planning Unit Member, stated the City of Bellingham isn’t participating in the Planning Unit on a regular basis. The Planning Unit has begun facilitating its own meetings. The Planning Unit received $40,000 for Planning Unit and caucus outreach for 2016. The Planning Unit made a preliminary recommendation to not make any changes to the current instream flow rule at this time. They will revisit the issue in the future.

Sylvia Goodwin, Planning Unit Member, stated they will continue to look at instream flows.

Ross stated the Planning Unit endorses comments on the interlocal agreement that merges the Salmon Recovery Board to the Joint Board.

Upcoming events include a possible conceptual settlement proposal presentation from the Lummi Nation, a Lower Nooksack Strategy presentation, and a review of the Coordinated Water System Plan (CWSP).

The councilmembers discussed the first meeting at which the Planning Unit will self-facilitate and the process for choosing a chair.

Gary Stoyka, Public Works Department, stated the Joint Board is working on the proposed interlocal agreement that merges the Salmon Recovery Board and Joint Board. He’s presenting the interlocal agreement proposal to several groups and is accepting feedback. It will come to the Council in March 2016. The Joint Board is also working on the groundwater modeling project.
The Water Utility Coordinating Committee (WUCC) members are reviewing the documents for the CWSP and will meet again in February. He described the review process for the CWSP, which may come to Council sometime in early summer.

2. **PUGET SOUND NEARSHORE ESTUARY RESTORATION PROGRAM (PSNERP) PROCESS UPDATE**

Paula Cooper, Public Works Department, described the PSNERP history and background. The first phase of the project is done. They are seeking construction authority for 12 projects. The Nooksack is one of three Tier One projects. For them to move forward, they need to move the project to the next stage. They are seeking congressional authorization to keep PSNERP funded through the next Water Resources Development Act bill, possibly in 2016. The project won’t really move forward until 2018, which gives them time to coordinate with the County.

The funding would include data collection, design, and pre-construction evaluation. The State would have agreements with the local jurisdictions. All the landowners and the County must be willing to move forward. The project is considered fully formed, but it can be refined and detailed during the next phase, when the County and PSNERP plans need to coordinate. If anything changes by 20 percent, Congress must be informed and could end the project.

The PSNERP Management Team has met with the local farm bureau to discuss preservation of agricultural land. At this point, they don’t want the County to oppose the plan.

Councilmembers discussed the disagreement from the local farmers about the plan, the difference in acreage as suggested by the PSNERP Team and the local agricultural community, and the 65/35 funding split.

3. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOODPLAIN MAP UPDATES**

Paula Cooper, Public Works Department, submitted a handout (on file) of the updated flood map that was mailed to residents. She described the flood map update process. People have responded positively to the new map.

Karen Brown stated the public needs to see the new map. All these flood programs are changing Whatcom County.

Cooper stated the map will change who will be required to have flood insurance and what they will pay. Most people will see a reduction. Others will be made aware they’re in a floodplain. Loans require flood insurance if they’re on the map.

4. **FLOODPLAINS BY DESIGN PROCESS UPDATE**

Paula Cooper, Public Works Department, stated they are at the pre-proposal stage. She described the State-funded program for local projects that integrate flood risk reduction with habitat improvements, maintaining a viable agricultural base, water quality improvements, and recreation improvements.
The councilmembers discussed whether this needs to go to the Planning Unit for review and how to identify which issues specifically should or should not go to the Planning Unit.

Cooper submitted and read from a presentation (on file) on reach one of the Nooksack River. There are gaps in levee protection in critical areas. When it floods, the water overtops Slater Road up to eight to ten feet, and floods Marietta. The Army Corps of Engineers identified several deficiencies. There is an opportunity to reconfigure the levee so it’s underneath the roadway. It will be set back and have better side slopes. Riparian cover along the river will be improved. The proposal is to rebuild the levee to have better integrity and restored riparian areas. It will also address all the deficiencies raised by the Corps.

Donovan asked why there are gaps in the levee. Cooper stated the levee system has been developed in sections over time. The area was never raised.

Cooper continued the presentation and stated the next phase is to receive grant money for design for reach one. The following biennium, they will ask for construction funding. She continued the presentation on reach four, which has more potential for ecosystem improvements. It is alternative one in the systemwide improvement framework (SWIF) program. She described the flooding problems in reach four. They will work with landowners to see if they can open narrower areas of the river.

Cooper continued the presentation on Fishtrap Creek levees and described the history of the levee damages and repairs. The landowners are interested in a smaller setback that allows some riparian restoration. They are also interested in improving the drainage. Staff is scoping a feasibility study to see if they can re-plumb the agricultural drainage.

Brenner asked if they can retain the flood waters to save the water for irrigation, instead of pumping the water back into the river. Cooper stated the goal is to lower the groundwater so the farmers can plant. The farmers want a pump station.

John Thompson, Public Works Department, stated there has been discussion among people, such as Steve Jilk with the Public Utility District (PUD), about looking for opportunities to use flood water for summer uses.

Cooper stated they will explore the idea, but it won’t replace the desire for better drainage in the fields.

Thompson stated people are talking about the idea of storing flood water, but no one has gotten very far with it.

Cooper continued the presentation on the alternatives for the right bank levee setback. The Lummi Nation is concerned that complications will increase regarding its fishing boats and with sedimentation. It is engaging the U.S. Geologic Survey (USGS) in developing a study to address concerns with sedimentation and evulsion.
Browne asked if the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) or agricultural community proposed boundaries follow the natural boundaries of the hydrated soils. Cooper stated she doesn’t know. Climate change is creating estuary drainage challenges as sea levels rise. The USGS will help with those kinds of challenges.

Weimer asked if these alternatives avoid Mr. Bedlington’s property. Cooper stated they do.

Brenner asked if the areas showing new flooding are due to climate change. Cooper stated it’s due to better mapping technology.

Cooper concluded the presentation on the Lynden levee. Water backs up and gets into the floodplain. The Corps identified deficient culverts. They will reconfigure the area by connecting the two drainages and creating one fish-passable pipe with a flap gate. They may eventually relocate the channel away from the treatment plant. They will apply for phase one design and phase two construction in this pre-proposal. If the grant agency decides they don’t want to give as much money, they could delay phase two. The cost will be $4 million to $6 million and requires a 20 percent match by the County. If the County receives the grant, she hopes the Council will support hiring another flood engineer to do all this work.

Donovan asked about rankings. Cooper stated the comprehensive water resource integration project (CWRIP) was a project in which they identified and ranked all the plans and projects throughout Whatcom county to evaluate the breadth of public benefit of each project. The higher the benefit evaluation score, the broader the public benefit. The State will consider the proposal based on its own scoring system. She will submit a project summary to the State that includes a description, budget, and summary of the County’s readiness to proceed. If the State likes the project, it will invite the County to submit a full application in June. She’s given this presentation to several stakeholder groups throughout the county.

Carol Perry asked about the PSNERP. The State didn’t inform the County about the PSNERP project for 14 years. Many in the county are opposed to the project. The County is tempted by State money, but the money can’t be spent on what Whatcom County wants or needs. Cooper stated she doesn’t disagree. The State has recognized its error and has committed to work cooperatively with the County to implement what the County wants locally, as long as the County can maintain significant ecosystem benefits. The farmers have seen these proposals, which lower flood elevations and create better flood protection.

Unidentified speaker asked about salmon species prioritization. Thompson stated this project affects the lifecycle of all the species.

Cooper asked if she can include in the grant application that the Council supports the hiring of another flood engineer if the County receives the grant to implement this work. The cost of the engineer’s time will be billed against the grant.

Donovan asked if the engineer would be gone when the project is over. Cooper stated she hopes the County will receive more grant money, and they can reduce a position when someone retires.
Brenner stated it bothers her when the information in the packet materials is incorrect.

**ADJOURN**

The meeting adjourned at 11:45 a.m.

The Council approved these minutes on ________________, 2016.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk        Barry Buchanan, Council Chair

Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 3:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Carl Weimer, Ken Mann, Rud Browne, Barry Buchanan, Barbara Brenner, Todd Donovan, and Satpal Sidhu

Absent: None

COMMITTEE DISCUSSION

1. BRIEFING AND DISCUSSION ON WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTER 2, LAND USE (INCLUDES URBAN GROWTH AREAS) (AB2016-047B) (THE WASHINGTON STATE GROWTH MANAGEMENT ACT REQUIRES PERIODIC UPDATES OF THE WHATCOM COUNTY COMPREHENSIVE PLAN AND REVIEW OF URBAN GROWTH AREAS UNDER RCW 36.70A.130, TO BE COMPLETE BY THE END OF JUNE 2016)

Mark Personius, Planning and Development, introduced six presentations (on file) by the seven cities on their urban growth area (UGA) recommendations and by Matt Aamot for the unincorporated UGAs. The Cities must adopt their Comprehensive Plan updates by June 2016 and update their capital facilities plans. Council will hear presentations today and have a discussion and make a recommendation at the next meeting.

City of Bellingham

Rick Sepler, City of Bellingham, introduced the City of Bellingham presentation.

Greg Aucutt, City of Bellingham, submitted and read from a presentation (on file).

Matt Aamot, Planning and Development, answered questions about the Office of Financial Management (OFM) and BERK study projections.

Aucutt continued his presentation and stated the development trend in Bellingham is increasing.

Browne asked the size of the new development next to the Lakeway Drive Fred Meyer. Aucutt stated the size is substantial. He will provide the exact unit count.
Donovan asked if Dewey Valley was included in the 2014 land capacity analysis. Aucutt stated it was. He continued the presentation on annexed areas and the Caitac and South Yew Street areas that are candidates for becoming UGAs.

Browne asked if rural areas are prohibited from becoming part of the city 50 years into the future. Aucutt stated it would be difficult due to the cost of infrastructure and current parcel sizes and development. They only analyzed the next 20 years. He continued the presentation on the South Yew Street road UGA reserve area.

Gary Davis, Planning and Development Department, answered a question about the rural density of the South Yew Street UGA rezone. There is already much development in that area, so the amount of new development is limited.

Aucutt continued his presentation on the South Yew Street financial summary and the South Caitac property.

Brenner asked if Larson Road is included. Aucutt stated the City Council recommends excluding the properties that front Larson Road. Those folks did not want to be included in a UGA.

Sidhu asked the number of people and the cost of lots in the South Caitac area. Aucutt stated the infrastructure requirement is significant.

Sidhu stated that it would be less expensive to infill using accessory dwelling units (ADUs) or other methods.

Browne stated he would like to know the cost of infrastructure per person.

Donovan asked the process of annexation. Aucutt described the annexation process and continued the presentation on the mid-range population projection and annual population growth.

Sepler concluded the presentation on the City Council recommendations and County Planning Commission findings.

Browne asked if the proposed population numbers have changed. Personius stated they recommend a lower number than the multi-jurisdictional resolution.

Sidhu stated consider having a common industrial area in the county and let people live in other areas. It will lower the cost of living and increase the supply of residential land. People rarely live close to where they work.

City of Blaine

Michael Jones, City of Blaine, submitted and read from a presentation (on file). Connections between the Vancouver metro area and Blaine are crucial to Blaine’s economy. Their proposal is consistent with the multi-jurisdictional resolution and does not change from the current Comprehensive Plan.

Brenner stated she commends Blaine on their ADU policies.
Sidhu asked how the City convinced residents that the ADUs would enhance, not decrease, their property values. Jones stated homeowners recognize that people want to have space for aging family members or an additional source of income after retirement. They City developed a helpful guide on design standards and sample floor plans for ADUs.

Browne asked the impact fee for an ADU. Jones stated it is $1,000 for parks and $770 for transportation facilities. If there is a new service connection for water and sewer, that cost is $9,000.

Browne asked if there is a homeowner requirement to live in one of the two residences. Jones stated there is.

Browne asked how they calculate total impact fees on apartments. Jones stated they are based on an equivalent residential unit. They are essentially the same as a single family residential unit. Multi-family units have a slightly less impact on traffic.

Browne asked for a comparison of all the impact fees in the different jurisdictions in Whatcom county. Davis stated he will provide those documents.

Cities of Everson, Nooksack, and Sumas

Rollin Harper, Cities of Everson, Nooksack and Sumas, submitted and read from a presentation (on file). The City of Everson proposal is consistent with the multi-jurisdictional resolution. There is one small change to the UGA boundary. The Everson Planning Commission supports the idea of ADUs and reduced lot sizes in the single family zone.

The City of Nooksack proposal reduces its residential and employment allocations from the multi-jurisdictional resolution and recommends UGA boundary changes.

Browne asked the difference in the land quality of the Everson and Nooksack UGA areas. Harper stated the Everson UGA contains a variety of land that includes growth areas to the east, which is low quality agricultural land, and rural lands. The proposed Nooksack UGA and the UGA reserve are prime farmland. The City is giving up the 81-acre prime farmland UGA reserve area in exchange for the two proposed UGA areas that total 48 acres.

Harper concluded the presentation on the Nooksack proposal.

The City of Sumas proposal is consistent with the multi-jurisdictional resolution and does not change the UGA boundary.

City of Ferndale

Jori Burnett, City of Ferndale, submitted and read from a presentation (on file). The City of Ferndale proposal is consistent with the multi-jurisdictional resolution and includes a change to the UGA boundary for employment land at Slater Road.

City of Lynden
Amy Harksell, City of Lynden, submitted and read from a presentation (on file). The City of Lynden proposal is consistent with the multi-jurisdictional resolution and includes changes to the UGA boundary.

Buchanan stated the Committee would hold the last presentation on the unincorporated UGAs to the next meeting.

**OTHER BUSINESS**

There was no other business.

**ADJOURN**

The meeting adjourned at 5:05 p.m.

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**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ___________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Committee Of The Whole  

January 26, 2016  

CALL TO ORDER  

Council Chair Barry Buchanan called the meeting to order at 6:03 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.  

ROLL CALL  

Present: Barbara Brenner, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer  

Absent: None  

COMMITTEE DISCUSSION  

2. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING AN APPEAL OF THE HEARING EXAMINER’S DECISION ON APL2015-0005 FILED BY JACK SWANSON FOR DALE AND DAWN MARR, MARR’S BLACK PLUSH RANCH, INC. (AB2015-279)  
Attorney Present: Karen Frakes  

1. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING PENDING LITIGATION, CARNEY AND REID V. WHATCOM COUNTY, ET AL (AB2016-018)  
Attorney Present: Karen Frakes  

3. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING POTENTIAL LITIGATION, GPT PERMIT PROCESS (AB2016-018)  
Attorneys Present: Karen Frakes and Royce Buckingham  

Buchanan stated that discussion of agenda item one through three may take place in executive session pursuant to RCW 42.30.110 (1)(i). Executive session will conclude no later than 7:00 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.  

Brenner moved to go into executive session until no later than 7:00 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.  

The motion carried by the following vote:  
Ayes: Brenner, Sidhu, Browne, Buchanan, Mann, Donovan and Weimer (7)  
Nays: None (0)
OTHER BUSINESS

ADJOURN

The meeting adjourned at approximately 7:00 p.m.

The Council approved these minutes on ______ 2016.

ATTEST: WHATCOM COUNTY COUNCIL
          WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk  Barry Buchanan, Council Chair

Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Regular County Council

January 26, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

Buchanan announced there was a briefing and discussion on Whatcom County Comprehensive Plan Chapter 2, Land Use (includes urban growth areas) (AB2016-047B) during the Council’s Special Committee of the Whole meeting.

Buchanan announced there was discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation, Carney and Reid v. Whatcom County, et al (AB2016-018) in executive session during the Committee of the Whole meeting today.

Buchanan stated the County Council met in executive session concerning lawsuit Reid and Carney v. Whatcom County, et.al, filed in the Superior Court for Snohomish County cause no. 15-2-07285-2. Pursuant to Whatcom County Code 2.56, the Council hereby finds the following:

A. The official(s) or employee(s) was acting in a matter in which the County had an interest;
B. The official(s) or employee(s) was acting in the discharge of a duty imposed or authorized by law;
C. The officials(s) or employee(s) did act in good faith.

The officers, officials, agents or employees, Tyler Schroeder, individually and for the marital community of Tyler Schroeder and Mary Schroeder, Erin E. Osborn, Amy H. Keenan, individually and for the marital community of Amy H. Keenan and Brian Keenan, Lyn Morgan-Hill, Erin Page, Kyle Dodd, individually and for the marital community of Kyle Dodd and Jane Doe Dodd will be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

Browne moved to approve the previous statement. The motion was seconded.
The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Weimer, Donovan, Browne and Buchanan (7)

**Nays:** (0)

Buchanan announced there was discussion with Senior Deputy Prosecutor Karen Frakes regarding consideration of an appeal of the Hearing Examiner’s decision on APL2015-0005 filed by Jack Swanson for Dale and Dawn Marr, Marr’s Black Plush Ranch, Inc. (AB2015-279) in executive session during the Committee of the Whole meeting today.

Weimer moved to uphold the Hearing Examiner’s decision. The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Weimer, Donovan, Browne and Buchanan (7)

**Nays:** (0)

Buchanan announced there was discussion with Senior Deputy Prosecutor Karen Frakes regarding potential litigation, GPT permit process (AB2016-018) in executive session during the Committee of the Whole meeting today.

PUBLIC HEARINGS

1. INITIAL HEARING ON POTENTIAL REVISIONS TO THE WHATCOM COUNTY COMPREHENSIVE PLAN, INCLUDING URBAN GROWTH AREA (UGA) BOUNDARY CHANGES (AB2016-047)

Buchanan made the public hearing announcements and opened the public hearing.

The following people spoke:

Brad Owens, Northwest Jobs Alliance President, submitted and read from a handout (on file) and stated promote the growth of family wage jobs. Protect the socio-economic impact of the Cherry Point urban growth area (UGA).

Sandy Lawrence stated the market for coal in China and other countries is decreasing. Climate change is happening. They must start doing something about it now.

Chet Dow stated he supports the Cherry Point facility proposal for a shipping terminal for multiple commodities.

Kent Murray stated don’t reduce the industry in the county. Also, he wants the County to stay off his private property.

Jayne Freudenberger, League of Women Voters Co-President, submitted and read from a handout (on file) and stated protect resources and clean up environmental damage. She supports the treaty rights of Lummi Nation.
Ronna Loerch submitted and read from a handout (on file) and stated lighter industry can generate high wage jobs. She supports the documents from the Lummi Nation. Protect tribal resources, water, land, and atmosphere.

Ronald Colson stated do not allow coal and other fossil fuels to be exported in Whatcom county. The GPT will not create many new jobs.

John Lee stated they need living wage jobs. Work together and find a simple solution.

Alice Brown stated the number of coal and oil trains that would come through Birch Bay would be a nuisance and expensive. Decide if GPT would be worth building.

Conor Lough stated he is opposed to the Cherry Point terminal, which would double the carbon emissions of Washington state. Do not let a few potential jobs overrule the enormous effect to climate change.

Christopher Grannis stated the coal port will kill the herring and the fishing industry. Also, choose the lowest possible growth forecast for the Comprehensive Plan.

Bill Mirand stated consider what would replace the jobs.

David Kershner stated the Comprehensive Plan must address how impacts of potential shipping accidents can be minimized. Accelerate the transition to low carbon jobs. Also consider the increase in traffic if changes are made to the growth projections for the UGAs.

Patrick Dukes stated keep growth inside the cities. He is opposed to the coal terminal.

Kelly Kendall stated they need family wage jobs. Keep the industrial zone at Cherry Point intact.

Bob Gay stated they need the family wage jobs at Cherry Point.

Barney Smith stated they need good paying jobs. Consider the economic impacts on Whatcom county.

Dean Tuckerman stated he supports Lummi Tribal rights, alternate energy businesses, the fishing industry, and raising wages for everyone. Prevent climate change. Eliminate the conflict between living wage jobs and the environment, including clean businesses.

Larry Hildes stated coal consumption is declining. The coal terminal, if developed, will be empty and will not create jobs. Don’t build the terminal.

Karen Weill stated include a section in the Comprehensive Plan against fracking.

Colby Neubauer stated his job at Cherry Point is the reason he is able to support his family. People need living wage jobs.
Betty Scott stated the Comprehensive Plan should include biodiversity.

Hunter Hassig stated protect forest lands and recreation areas by avoiding urban sprawl.

Sara Murphy stated she would like Bellingham and Whatcom county densities and urban growth areas stay as they are.

John Neighbor stated stop using fossil fuels to protect and restore the air and environment. He is opposed to coal trains in Whatcom County.

Wendy Bartlett stated she is opposed to coal trains in Whatcom County and the GPT.

Candice Wilson stated she is a member of the Lummi Nation and tribal treaties shall be the supreme law of the land. The Council must uphold the U.S. Constitution and treaty with the Lummi Nation.

Joe Murphy stated industries try hard to follow laws and regulations to make the industry clean. He supports the forest industry and the energy industry. In the Comprehensive Plan, make sure industries have the ability to respond to market changes.

Don Hickey stated he wants to build in the Yew Street UGA reserve area. Put the South Yew Street area back into the UGA. He thanked Councilmember Brenner for her help with the Planning Department. Install sidewalks at Wade King Elementary.

David Camp stated maintain local sustainable forestry and agricultural resources. Encourage young people to join those industries. The Comprehensive Plan must look 50 years into the future.

Mary Tilly stated the Comprehensive Plan should not encourage coal expansion in the county due to the lack of railroad safety. Support the Lummi Nation’s request to prohibit future expansion and exporting at Cherry Point. Expand technology jobs in the county. In the Comprehensive Plan, include incentives for small scale renewable energy projects in residential homes. Protect healthy farming and drinking water supplies. Support the Whatcom County Coalition to End Homelessness strategic plan in the Comprehensive Plan.

Mary Kay Robinson, Association of Realtors President, stated the City is using a mathematical formula for calculating land capacity that produces erroneous results. She questions the entire land capacity analysis by the City of Bellingham. She supports the proposed UGA increase that includes the Caitac and South Yew Street properties.

Judy Kasper stated preserve natural resources. Prevent new fossil fuel export projects. Promote clean energy jobs. Protect drinking water and the environment.

Andronetta Douglas stated she is concerned about water issues. Rain water harvesting is important.

Sean Carpenter stated he works in and supports local industries. The local refineries work very hard to keep things clean. Everyone needs to get involved in keeping the
community clean. The Lummi Nation contributes to the growth problems and fishing
industry problem. They all need to work together.

Jon Soine submitted and read from a handout (on file) and stated he supports family
wage jobs. Exporting is necessary to the Washington state economy. The GPT will put
farmers back to work in Eastern Washington. Support family wage jobs and homes in the
community.

Michelle Smith submitted and read from a handout (on file) and stated she has a
living wage job in the Cherry Point area. They must protect the industrial base, which
contributes to the economy and public infrastructure, to be a sustainable community.

June Coover submitted and read from a handout (on file) and stated she is an
environmental consultant who works with local refineries. Today’s refineries protect the
environment. They’re much cleaner and safer than they used to be. Support a diverse
economic, economic growth, and the refineries.

Bob Cecile, Cherry Point Aquatic Reserve Citizen Stewardship Committee, submitted
and read from a handout (on file) and stated they reviewed and commented to the Planning
Commission and Council on the Cherry Point UGA. He described the reserve area and asked
the Council to consider their comments.

Todd Mitchell stated the urban growth plan consolidates urban areas, protects farms,
and protects industrial areas. They must protect all pieces of the community. Industrial
lands must be protected for the future. He supports a sound urban growth plan.

John McLaughlin stated the Comprehensive Plan depends on population projections.
The consultants’ projections are invalid and must not be used. Use his projections instead.
The environmental impact statement (EIS) did not consider the impacts of UGA expansion
due to climate change. It also ignores the contemporary cultural resources necessary for
indigenous people. Honor the Lummi Nations’ proposal.

Lynn Oulman stated protect shared natural resources that everyone depends on.

Bob Johnston stated include the Lummi Nation’s request for a moratorium on the
development of any new coal and oil export facilities at Cherry Point in the Comprehensive
Plan. Safer and cleaner fuel alternatives will replace fossil fuels and are the future of long-
term prosperity. Invest in alternative energies. The Comprehensive Plan should also
prohibit fracking.

Kim Brooke stated she is concerned about people moving into wetlands and
agricultural lands, which have no urban infrastructure. Protect farmlands. Stop the
conversion of agricultural land to housing development, which creates stormwater runoff
that goes into the bay.

Chris Johnson stated he doesn’t support the language proposed for the industrial
zone at Cherry Point in the Comprehensive Plan. Living wage jobs are necessary. If they
lose the tax base, the economy will go. He supports alternative energy, but it takes time to
convert away from fossil fuels. Everyone uses petroleum-based products. Spending money
on infrastructure creates living wage jobs.
Clayton Petree stated he supports the Planning Commission recommendation and the two UGA expansion areas for the City of Bellingham. Housing affordability is a critical problem in Bellingham and Whatcom county. Capital facilities costs have to be incurred at Yew Street, regardless of whether it’s in the UGA.

Elinor King stated she supports added jobs at Cherry Point from the GPT.

Larry Helm stated they need the Yew Street UGA. Develop a transfer of development right (TDR) program to protect farmland. He also supports a multi-use shipping terminal. Wind and solar are heavily subsidized by the federal government.

Mike Culhey stated he supports added jobs at Cherry Point. Don’t dwell on climate history. Support the refineries.

Jeff TenPas stated add language to the Comprehensive Plan to protect and enhance the existing industrial base at Cherry Point. Chapters 2 and 7 of the Plan as presented and recommended by the Planning Commission are adequate. Don’t add language that would jeopardize the future of industry at Cherry Point.

Lyle Anderson stated that as a committee member, he supports the recommendations from the Cherry Point Aquatic Reserve Citizen Stewardship Committee. Consider the negative effects of more development in Cherry Point on the environment.

Lorraine Newman stated they need to create new jobs and places for those jobs to go. The local government must want new jobs to come to Whatcom county.

Kris Halterman stated a moratorium on growth at Cherry Point is a great concern. Bellingham must expand its urban growth areas. There is more than enough park land in Whatcom County. Don’t make Cherry Point another park.

Derik Sturgeon stated not all Lummi members are opposed to the Cherry Point industry. Keep jobs at Cherry Point.

Michael Petrish, local carpenter’s union representative, stated the union members support a facility and the refineries at Cherry Point. Also, many tribal members from several tribes want the GPT facility built. There are ways to mitigate any potential problems. If the facility isn’t built here, it will be built in British Columbia, and the trains will go through Whatcom county anyway.

Darcy Jones, Jones Engineers and Caitac USA representative, stated adopt the multi-jurisdiction resolution for population and employment allocations for the City of Bellingham. The City does not have an adequate land supply for housing. Instead, use the market factor. Creating affordable housing will stem the flow of sprawl into inappropriate areas.

Bob Carmichael, Caitac representative, submitted and read from a handout (on file) and stated bring the South Caitac area into the Bellingham UGA. Expensive sewer improvements are needed in that area. In the final analysis 20 years in the future, the 169 developed light industrial zone acres will create a net positive of $63 million.
Kirk Vinish, Lummi Nation Interim Planning and Public Works Director, submitted and read from a handout (on file) and stated allow current uses in Cherry Point while precluding harmful new uses. County staff should work with the Lummi staff to ensure population projections are accurate.

Linda Twitchell, Building Industry Association (BIA) of Whatcom County, stated she supports the Bellingham City Planning Commission and County Planning Commission recommendations for the South Yew Street UGA and Cuitac UGA. Most land considered buildable are impacted by critical areas and steep slopes that impact affordability. They must have a variety of housing. Infill and increased density will force people to move to other towns. The South Yew Street area has existing deficiencies in public infrastructure.

Abe Jacobson stated the Lummi Nation is not trying to shut down the current industries at Cherry Point. The industries can continue to refine North American crude. Sell it to the North American market, not China. They must support the treaty rights of the Lummi Nation.

Virginia Malmquist stated plan for many more than 10 years ahead. Plan for inevitable future growth. They first need a healthy environment. Don’t prohibit windmills. Install community solar on the tops of public buildings. Work toward alternative energies for transportation and living.

Jerry Schuster stated he wants a moratorium on new fossil fuel industries coming into Whatcom County. Promote other types of industries.

Peter Holcomb submitted and read from a handout (on file) and stated he wants a community where children can safely play outside. Develop alternative fuels. Anyone who wants a garden should have one. Plant fruit trees in public spaces. Provide meaningful work to everyone.

Tim Scott stated don’t downzone Cherry Point. Many people will lose their jobs. A heavy industrial area is necessary. Also, take a look at the condition of Lake Whatcom, a drinking water reservoir.

Joanna Schoettler stated coal and oil trains are very dangerous. Also, coal flies off the traincars and gets into the water system. She supports the Lummi Nation letter. Don’t allow fossil fuels or fracking.

Tony Larsen, Whatcom Business Alliance President, submitted and read from a handout (on file) and stated this is not about the coal terminal. Cherry Point employers are concerned about their businesses and existing jobs. Those businesses are economic drivers in Whatcom county. The Comprehensive Plan must recognize the existing business and heavy impact industrial area at Cherry Point. His written correspondence recommends specific language for the appropriate chapter of the Comprehensive Plan.

Evan Haskell stated don’t downzone Cherry Point. His company, which is a vendor to the Cherry Point businesses, is an economic driver in Whatcom county. People need those jobs. The Cherry Point businesses and their employees are important to the support of local education, taxes, nonprofit organizations, and open spaces. Don’t confuse the proposed
coal terminal with existing businesses at Cherry Point. Don’t jeopardize the future of the
Cherry Point industry.

Ray Pierce stated people need industry at Cherry Point. Keep industry local. Everyone uses
the products of industry. Industries contribute to local charities. Reject the
Comprehensive Plan language that makes it difficult for industries to grow or upgrade.

(Clerk’s Note: The Council took a break from 10:08 p.m. to 10:20 p.m.)

Beth Brownfield stated she supports the Lummi Nation. The Comprehensive Plan
should plan for the next seven generations, not just 20 years. Protect water, air, land, and
the future of the next seven generations.

Diana Garmo stated she is concerned about the prospect of local and national
disasters. Do not increase the potential for disaster as they plan for the future.

Sandy Robson stated she is opposed to additional heavy industrial development at
Cherry Point, such as an export terminal, which is against several Growth Management Act
(GMA) goals. The surrounding areas are culturally significant for the Lummi Nation and
have already been damaged by land clearing. She supports the proposed new
Comprehensive Plan policy from the Lummi Nation about prohibiting the shipment of crude
oil or coal.

Dena Jensen stated she supports the Lummi Nation. Don’t reinforce dependence on
jobs that rely on the processing of toxic products.

Jay Markarian stated he is against coal and oil, but would supports the GPT, because
new technologies will use the facility. Make the terminal one of the best eco-ports in the
world.

Charles Law submitted a handout and referenced Chapter 1 of the Comprehensive
Plan. Small rates of human population growth lead to large rates of consumption.
Exponential growth of human population and natural resource consumption forever.

Patrick Alesse stated it’s important to have urban areas for growth of industrial and
residential areas. Jobs add to the environment. He supports a container industry at Cherry
Point, which would create a lot of really good jobs. They don’t need coal exports.

Whitney Gonzales stated the industry at Cherry Point focuses on safety and
environmental education.

Rhys Faler, Bellingham Entrepreneurs Executive Director, stated he is opposed to
industry that is based on fossil fuels and increased rail traffic. Demand for fossil fuels is
declining. Look to the future. Protect the natural beauty and support wise ecological
stewardship of Whatcom county. Support the growth of small businesses.

Cal Leenstra submitted and read from a handout (on file) and stated he supports the
high population projection. Millennials want to buy homes, not live in urban areas. There is
a shortage of developable single family land, which will create sprawl. He supports the
addition of the Caitac and South Yew Street areas to the UGA.
Emily Kreiger stated don’t plan around the fossil fuel industry. Respect the Lummi Nation’s request that prohibits the shipping of coal or oil from any new or existing terminal at Cherry Point.

Charles Stores stated he supports the Lummi Nation proposal to prohibit the export of coal and oil. Keep the Comprehensive Plan flexible. He also supports the high growth projections in the Comprehensive Plan. They must plan for the future growth. Get away from fossil fuels. Have a diverse economy. Don’t rely on one big industry. He is also opposed to fracking.

Elizabeth Hines stated she is opposed to the GPT and increased number of trains. Honor the Lummi Nation treaty rights.

Seth Owens stated he is opposed to oil trains and coal spills. Keep that in mind when considering the Comprehensive Plan.

Dan McShane stated return to the original staff recommended language in the Comprehensive Plan for geologic hazard areas. They need to change some language in the critical areas ordinance. He is also opposed to fracking.

Mary Page Morris stated the totem pole outside the courthouse indicates that the Lummi Nation and Whatcom County are partners. There are no herring at Cherry Point anymore. More boat traffic would affect the environment. She is opposed to any expansion at Cherry Point.

Paul Lawrence stated he is concerned about tribal burial grounds being disturbed due to new construction.

Natalie Chavez stated councilmembers should watch the documentaries “March Point” about the oil refineries on the Swinomish reservation and “Poisoned Waters” about water pollution in the United States. She supports alternative energy.

Juliana Fisher stated she supports alternative renewable energy and the Lummi Nation’s request to prohibit the export of coal and oil.

Gabriel Westergreen, Phillips 66 union member, stated he supports the Comprehensive Plan as presented. The company focuses on the environment and safety regulations.

Jeff Margolis stated he trusts the Council.

Hue Beatty stated the Comprehensive Plan needs a chapter that deals with energy. He referenced Utilities Chapter 5, policy 5H-2 regarding wind and solar. Policy 5H-4 only talks about solar. Put wind energy back in the Comprehensive Plan.

Cade Ray stated they need jobs, but they also need to respect the Tribes. There should be a compromise. Whatcom county needs to look to the future, jobs, growth, and renewable energy. Someone needs to figure out the transition away from the fossil fuels and allow those companies to transition to renewable energy.
Matt Patryni, ReSources for Sustainable Communities, stated honor requests of the Lummi Nation to prohibit the export of coal and oil. It’s time to make different decisions to avoid climate change. Create a more sustainable and diverse economy that relies on alternative energy sources. Clean up the water. Hold the line on urban growth.

Max Perry stated the industries at Cherry Point are some of the cleanest in the nation. Protect the industry at Cherry Point.

Mike Sennet stated he supports the request of the Lummi Nation to prohibit the future export of fossil fuels.

Carol Perry stated rely on what the Planning Commission and other committees have recommended, because they know what they’re doing.

Edward Ury stated Whatcom County government can’t downzone existing industry at Cherry Point. However, petroleum use is declining, and those industries will eventually shut down. Preserve those jobs by transitioning to new industries. Restrict exporting crude oil.

Hearing no one else, Buchanan stated the Council will keep the record open for written comments.

(Clerk’s Note: The Council took a five-minute break.)

OPEN SESSION

The following person spoke:

- Karen Brown spoke about Public Works Director Dr. Jon Hutchings being on the Board of the Lummi Heritage Trust, which is a conflict of interest.

Brenner stated that Dr. Hutchings is not a voting member of the Board.

CONSENT AGENDA

Browne reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through three and items five through thirteen. Item four was held in committee.

The motion to approve Consent Agenda items one through three and five through thirteen carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Weimer, Donovan, Browne and Buchanan (7)
Nays: (0)

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT FOR SERVICES BETWEEN WHATCOM COUNTY AND GALLAGHER BENEFIT SERVICES, INC., TO STUDY THE COMPENSATION AND CLASSIFICATION OF POSITIONS COVERED BY THE UNREPRESENTED RESOLUTION, IN THE AMOUNT OF $32,500 (AB2016-052)
2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN WHATCOM COUNTY AND SKAGIT COUNTY TO PROVIDE MUTUAL ASSISTANCE OF LABOR, EQUIPMENT, OR MATERIALS TO MINOR PROJECTS ON A REIMBURSABLE BASIS FOR ROAD MAINTENANCE ACTIVITIES (AB2016-053)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND STELLAR J CORPORATION FOR A PLANT MATERIAL SUBSTITUTION, REDUCE IN-FILL WALL DRILLING, REDUCED TOUCH UP PAINTING, ADDITIONAL OVERHEAD AND WELD INSPECTION COSTS, IN THE AMOUNT OF $33,096 (AB2016-054)

4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN AMENDED LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM SPORTS AND RECREATION FOR THE USE OF NORTHWEST SOCCER PARK TO INCLUDE NAMING RIGHTS TO RECOGNIZE A MAJOR DONOR AND ASSUMPTION OF THE ADJOINING IMPROVEMENTS AND AREA LEASED TO THE BOYS AND GIRLS CLUB (AB2016-055)

5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH THE LUMMI ISLAND HERITAGE TRUST TO ACQUIRE A PUBLIC ACCESS AND CONSERVATION EASEMENT ON THE FORMER 105 ACRE QUARRY SITE ON LUMMI ISLAND, IN THE AMOUNT OF $400,000 (AB2016-056)

6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO APPROVE THE PURCHASE OF LIGHT BARS AND ACCESSORIES, ON AN AS-NEEDED BASIS, USING WASHINGTON STATE CONTRACT #08213 THROUGH VENDORS CARSON MANUFACTURING COMPANY INC., CODE 3, INC., SOUNDOFF SIGNAL, STAR HEADLIGHT & LANTERN COMPANY INC., AND WHELEN ENGINEERING COMPANY, IN AN AMOUNT NOT TO EXCEED $150,000 (AB2016-057)

7. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO APPROVE THE PURCHASE OF TRAFFIC LINE PAINT, ON AN AS-NEEDED BASIS, USING WASHINGTON STATE CONTRACT #07609 THROUGH VENDOR ALPINE PRODUCTS, IN AN AMOUNT NOT TO EXCEED $500,000 (AB2016-058)

8. REQUEST AUTHORIZATION FOR COUNTY EXECUTIVE TO APPROVE A CONTRACT BETWEEN WHATCOM COUNTY AND MICHAEL BOBBINK LAND USE SERVICES, INC., FOR HEARING EXAMINER SERVICES, IN THE AMOUNT OF $88,783.32 (AB2016-051)

9. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND THE PORT OF BELLINGHAM FOR EDI FUNDING IN THE AMOUNT OF $3,000,000, AS RECOMMENDED BY THE EDI BOARD, FOR SUPPORT OF THE ALL AMERICAN MARINE EXPANSION PROJECT, AS A LOAN IN THE AMOUNT OF $2,000,000 AND A GRANT IN THE AMOUNT OF $1,000,000 (AB2016-059)
10. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND SOFTRESOURCES LLC FOR PERMIT TRACKING AND DATA MANAGEMENT SOFTWARE CONSULTING, IN THE AMOUNT OF $85,115 (AB2016-060)

11. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CUSTODIAL AGREEMENT BETWEEN WHATCOM COUNTY AND SOUTH FORK VALLEY COMMUNITY ASSOCIATION FOR OPERATION AND SCHEDULING OF THE VAN ZANDT COMMUNITY HALL AND JOSH VANDERYACHT PARK, IN THE AMOUNT OF $1,000 ANNUALLY (AB2016-061)

12. RESOLUTION ACCEPTING THE TREASURER’S LIST OF PETITIONS FOR PROPERTY TAX REFUNDS (AB2016-067)

13. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND STATUS ELECTRICAL FOR A REPLACEMENT SECURITY SYSTEM FOR THE JAIL WORK CENTER, IN THE AMOUNT OF $67,470.10 (AB2016-071)

OTHER ITEMS

1. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, THIRD REQUEST (AB2016-049)

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

    The motion carried by the following vote:
    **Ayes:** Brenner, Mann, Sidhu, Weimer, Donovan, Browne and Buchanan (7)
    **Nays:** (0)

2. APPOINTMENT OF MEMBERS TO SERVE ON THE 2016 WHATCOM COUNTY DISTRICTING COMMITTEE (AB2016-068)

    Brenner moved to appoint the suggested appointees. The motion was seconded.

    Buchanan stated the suggested appointees for the Democratic Party are Mike Estes and Lisa McShane. The suggested appointees for the Republican Party are Mark Nelson and Brett Bonner.

    The motion carried by the following vote:
    **Ayes:** Brenner, Mann, Sidhu, Weimer, Donovan, Browne and Buchanan (7)
    **Nays:** (0)

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. CONFIRMATION OF APPOINTMENTS TO EXECUTIVE’S BOARDS AND COMMISSIONS FOR THE YEAR 2016 (AB2016-063)
Brown moved to confirm the Executive’s appointments. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Weimer, Donovan, Browne and Buchanan (7)
Nays: (0)

INTRODUCTION ITEMS

Brenner moved to accept the three Introduction Items. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Weimer, Donovan, Browne and Buchanan (7)
Nays: (0)

1. ORDINANCE REGARDING TEMPORARY INSTALLATION OF STOP SIGNS ON NORTH LAKE SAMISH ROAD NO. 107 (AB2016-064)

2. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, FOURTH REQUEST, IN THE AMOUNT OF $700,000 (AB2016-065)

3. ORDINANCE AMENDING THE INITIAL EAST WHATCOM REGIONAL RESOURCE CENTER PROJECT BUDGET (AMENDMENT NO. 7 TO ORDINANCE 2008-025), IN THE AMOUNT OF $1,050,000 (AB2016-066)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Buchanan stated the Council will have a public hearing on February 9 to get public comment on the draft 2016 Comprehensive Parks, Recreation, and Open Space Plan. Adoption is scheduled for February 23.

Weimer reported for the Natural Resources Committee on the recreation opportunities on Department of Natural Resources (DNR) land and the Comprehensive Plan update.

Brenner reported for the Public Works, Health, and Safety Committee on the phone in Glacier and the Comprehensive Plan update.

Weimer reported for the Planning and Development Committee on the 2016 Comprehensive Parks, Recreation, and Open Space Plan.

Browne reported for the Finance and Administrative Services Committee on the Phillips 66 donation to the Northwest Soccer Park and the permit processing software system upgrade.

ADJOURN
The meeting adjourned at 11:50 p.m.

The Council approved these minutes on __________, 2016

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk
Barry Buchanan, Council Chair

Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Barry Buchanan 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, Satpal Sidhu, Barry Buchanan, Ken Mann, and Carl Weimer
Absent: Rud Browne and Todd Donovan

1. PUBLIC SESSION

Susan Sloan stated she heard about the boy who was killed on his bicycle in Maple Falls. Install a bike path or walkway to make it safer for citizens.

Brenner stated she spoke with Sherriff Bill Elfo, who is working with the State Patrol to get something done. The State Representative sponsored a bill to fast track funding.

2. DIRECTOR/HEALTH OFFICER REPORT

Regina Delahunt, Health Department Director, stated she emails her Director’s Report every other month. She has also emailed the Community Health Improvement Plan annual report to all of the councilmembers. The five-year planning report is an update of what has been accomplished.

Greg Stern Whatcom County Health Officer, stated that during the flu season, there have been two human influenza types, Type A and Type B. Within those groups, there is a lot of genetic variation. There is an increase in flu activity, and it is happening later than last year. He described the number of reported cases this season compared with previous seasons. Matching the vaccine with the circulating influenza type seems to be working well.

Mann asked if there is enough vaccine locally. Stern stated he’s heard of some places in the private sector with shortages for adults. The Health Department tracks the State’s supply for children. There were shortages of the injectable vaccine for the kids who can’t take the flu mist. There is no system to know what private pharmacies are stocking. There is no shortage nationally. He will provide an availability report.

Brenner asked if it’s not too late to get vaccinated. Stern stated it’s not. They encourage early vaccination. It takes about two weeks for maximum immune response. It’s best to get vaccinated before it hits the community, but it’s not too late.
Brenner stated she’s heard that having the flu won’t be as bad for people who have been vaccinated if they contracted another strain. Stern stated there can be some cross-protection between strains. Each vaccine contains three or four strains.

Buchanan asked how long the vaccination protects. Stern stated it may be less effective later in the season, but people should still get the vaccine when it’s available, so more people are protected. It might be somewhat less effective as time goes on, but it is still important to get vaccinated.

Stern reported on the history of the Zika virus. The virus seems to be spreading. Eighty percent of people with the virus will not have symptoms. The virus involves fever, conjunctivitis, and muscle aches. It usually clears up in a few days and provides long-lasting immunity. The concerns are with potential problems in fetal brain development, which are being investigated. The main response is to not get bitten by mosquitos.

3. PUBLIC HEALTH ADVISORY BOARD (PHAB) UPDATE

Ben Schultz, Public Health Advisory Board Chair, submitted a handout (on file) and stated laws banning smoking in public places do not cover e-cigarettes. There were arguments for and against using e-cigarettes, but the Advisory Board encourages the Health Department staff to draft policy on banning e-cigarettes in public places.

Sidhu asked what are the arguments in favor of e-cigarettes. He asked if the similarities between regular and e-cigarettes are enough to ban them as regular cigarettes. Schultz stated the arguments in favor were civil liberties and personal freedom. Don’t ban activities frivolously.

Mann asked what is the PHAB recommendation. Schultz stated the PHAB recommends that the Board of Health ask the Health Department staff to draft policies regarding e-cigarettes.

Regina Delahunt, Health Department Director, stated there aren’t any State rules about e-cigarettes and smoking in public places right now. Many local jurisdictions are moving forward with local ordinances. They will see what happens in the next State legislative session.

Mann stated it’s up to the Health Board, not the Advisory Board, to direct staff. He supports staff creating draft language that the Council can have a public hearing on. Delahunt stated staff and the PHAB are working on a list of policies to bring to the Board of Health.

Schultz described the relationship between the PHAB and staff.

Mann stated the Health Advisory Board must be a group of folks who are knowledgeable about health issues and make policy recommendations, just like any other advisory board. The councilmembers don’t have the time to research every issue. If the recommendation is to expand the rules on smoking in public places to include electronic smoking devices, then that’s great. Schultz stated the staff asked the PHAB if it recommends that they put work into policy on e-cigarettes and the ban on smoking in public
places. He recognizes that the PHAB must make specific recommendations to the Health Board.

Weimer asked if the County has the authority to restrict e-cigarettes. He’s never gotten a clear answer from legal counsel, but five other counties have already done so. Whatcom Transit Authority (WTA) has banned e-cigarettes on their property. The question is whether a public person who is walking through vapors has the same health risk as someone exposed to cigarette smoke. That’s not addressed in this information. He would like more information on that question. Schultz stated there may not be data on the risk comparison of secondhand e-cigarette vapor with cigarette smoke. The PHAB felt it can endorse the policy despite the absence of that data. There are other good reasons. The staff’s ability to find up-to-date information is a good example of having the staff involved in policy making. They are eager to collect the information, which makes local policy decisions stronger.

Brenner asked how this is different from smoking in a public place. She asked if it is toxic. Schultz described the e-cigarette and its difference from cigarettes. There is a legitimate public health concern about risks from tobacco use, especially with youth. There is a correlation between e-cigarette use and tobacco use.

Delahunt stated there is some evidence there are toxins that people can inhale if they are exposed to the vapor. The body of evidence is not as strong as it is with tobacco, because it’s new.

Sidhu asked about the baseline for the statistics in the handout and how many people are in the study. Schultz stated the baseline is number of youth who do not use e-cigarettes. The statistic shows 18 out of 100 tenth-graders use e-cigarettes or e-cigarettes and tobacco in some form. They would like a to see a decline in youth tobacco use. Including e-cigarette data shows an increase in use. It reverses the overall trend in declining use.

Buchanan asked if the Board would like staff to continue working on this issue.

The Board concurred.

Brenner stated she would like the data to include actual numbers, not just percentages.

4. HEALTH IN PLANNING RECOMMENDATIONS

Rachel Lucy, Public Health Advisory Board Vice-Chair, described the history of the Healthy Planning Resolution. She read from the presentation in the Board packet (on file).

Melissa Morin, Health Department, continued to read from the presentation in the Board packet, beginning with the outline of today’s presentation.

Brenner asked if they will present information on the Comprehensive Plan after June. Morin stated they will not. They will be working to build the process and the system.
Brenner asked if they will go through all the Comprehensive Plan recommendations.
Morin stated they’ve already done that. They will present their recommendations.

Morin continued and concluded the presentation.

Mann stated he supports the Department’s requested action to approve the process for implementation. However, the language sounds more like an economic justice document than a health outcomes document. He’s not sure economic justice is one of the main goals of their healthy planning initiative. He prefers to eliminate the entire column explaining why Whatcom County residents will be better off. Morin stated the community health assessment and community health improvement plan include a major finding that Whatcom County, which is one of the healthiest counties in the state, has a great disparity in actual health outcomes. The disparity falls along the lines of income, education, and race and ethnicity. When they talk about allocating resources, they talk about making sure folks who have poorer health outcomes are being cared for and that they are reducing those disparities. The county isn’t healthy unless everyone is healthy.

Mann stated he agrees they need a balanced approach, so highlight other benefits that don’t necessarily relate to disparity, which is an admirable goal. Morin stated this presentation just explains the process necessary to guide their work. They can change the bullet points in that language.

Weimer stated this is very heavy on process. He would like to focus more on end results and whether they will be successful. The Comprehensive Plan goals that the Health Department recommends aren’t in the Comprehensive Plan that the Council is working on. They have to come up with a clear way to communicate. The recommendations from the Health Department should come forward separate from the Planning Commission recommendation. Some of this discussion should be done at the Council’s Planning Committee meetings.

Brenner stated she agrees with the goals regarding access to health. She referenced the Council’s resolution 2015-038 and stated the sixth Whereas statement should be amended, “Whereas, data show that people living in poverty…experience racial or ethnic discrimination....” Any kind of discrimination is damaging, especially with kids. Also amend the Whereas statement, “Whereas plans and policies implemented...sector can significantly affect access....” Regarding the statement of policy from the National Association of City and County Health Officials (NACCHO), there are many things they are already doing, but may need to do better.

Sidhu stated good health outcomes are necessary for society. If one isn’t healthy, nothing else matters. He asked if the County administration has consulted with other departments, and if they approve of the process. Morin stated they have talked with other department leaders. The implementation plan includes having those conversations with staff from other departments.

Regina Delahunt, Health Department Director, stated staff in several departments are starting to understand the importance of all the planning they do from a health perspective. Making a policy change will have the greatest impact on the community. She thanked the Council for passing the resolution.
Sidhu stated he supports the goal for agricultural diversity. People should garden more so there is fresh produce available.

5. LOCAL MANAGEMENT PLAN

John Wolpers, Health Department, introduced the local management plan and stated this is a presentation on the update to the plan. He introduced Waste Water Supervisor Mike Kim. Today, staff is asking the Board for approval of the plan update.

Mike Kim, Health Department, stated there are 28,114 septic systems in the county. He read from the presentation in the Board packet regarding the onsite sewage system (OSS) local management plan.

Brenner asked if the rebate is open to everyone. She prefers the rebates to go to people who have financial problems. She asked why they are no longer sending follow-up letters to homeowners with maintenance needed and if they are contacting them personally. Kim stated it was ineffective to send letters to every single property owner with maintenance needed items that have come up during the evaluation. The evaluation has been done. The property owner knows what needs to be done. It’s their responsibility to take care of their system. If there are critical items that may lead to failure or substantially affect the functionality of the system, staff will contact the owner to highly recommend that they address the issue.

Brenner asked if homeowners are going to be notified when the system needs to be inspected. Kim stated they are not now, but there will be a system in place by 2018. Their goal is to have all the systems in the Portage/Nooksack watershed evaluated at least one time by 2018. Many have still never been evaluated. Once all systems have been inspected once, they will begin routine notification. They have completed the first time inspections in the watersheds for Drayton Harbor and Lake Whatcom. As they work through Portage Bay, they will continue their work in Drayton Harbor.

Brenner asked if they know for sure that Victoria, British Columbia doesn’t cause any problems with the shellfish areas. Kim stated they don’t know for sure.

Wolpers stated the Department of Health’s shellfish program is working on mapping. It would be nice to know the answer to that question.

Sidhu referenced the pollution identification and correction (PIC) program and stated there is a discussion among several agencies. It’s very important to identify contributions from dairies compared to contributions from the failing septic systems. He asked if other areas, such as Bertrand, are priority areas. Kim stated their priority areas currently are Bertrand, Kamm, and Fishtrap watersheds. If the Public Works Department identifies areas with high test results, he helps them identify whether a septic system is contributing to that pollution. At the same time, he uses their data to help him focus on where they want to begin and spend resources.

(Clerk’s Note: Councilmember Sidhu left the meeting at 12:30 p.m.)

Weimer asked if the updates to the plan change the code. Wolpers stated they do not.
Weimer stated one change that should be in the code is the requirement for homeowners doing their own inspections to submit pictures. That’s not in the code. Wolpers stated that’s an administrative decision. Homeowners are allowed to do their own evaluations. How staff goes about allowing that evaluation isn’t necessary for the code. A homeowner has never questioned it because it’s not in the code.

Kim stated the intent of the photo is to minimize staff time in site inspections. They are verifying the work is being done to establish a baseline dataset. They want to know the ratio of folks who are really doing these evaluations. So far, a great majority are doing evaluations. If a homeowner sent in a picture with their evaluation form, it would be more efficient. They don’t intend to start enforcement if there is no picture.

Weimer asked the percentage of homeowners who are doing their own evaluations versus professional evaluations. Kim stated he doesn’t know. In the most recent notification area, it’s far higher than in the past in other areas. In the Lynden North area, about one-quarter of the inspections have been homeowner evaluations.

Weimer asked if they considered including the Birch Bay watershed as a marine recovery area (MRA) because its shellfish beds have been closed. Kim stated they have not discussed it.

Wolpers stated it was because an outfall was the cause of that special area, such as 600 yards. It’s not big. They are looking at commercial and recreational. There isn’t any harvesting in that small area, so they didn’t see the need to include it as an MRA for the State Department of Health.

Mann stated that when the Council first allowed self-inspections, the rate for passing inspections was much higher than the professional inspection’s rate of passing. He would like to know the rate for passing of self-inspections and of professional inspections. He asked if the staff are doing spot inspections. Kim stated he can provide specific data. One of staff’s highest priorities is following up on homeowner evaluations.

Wolpers stated they have hired an additional operations and maintenance (O&M) staff person, who will help their ability to do quality assurance and quality control. The initial information over the years showed that people hadn’t even dug up their tanks. As they have brought on a new staff person, they have been able to figure this out. The information will only get better.

Mann asked how many systems have been evaluated countywide. Kim stated about half of the 28,000 systems have a complete evaluation. Within the 14,000 systems in the Portage Bay watershed, approximately half have had a complete evaluation.

Mann asked the enforcement process. Kim stated that in the sensitive areas, they notify property owners that it’s time to complete their evaluation. Staff sends a second letter giving them additional time. After that, they issue a notice of violation and civil penalties.

Wolpers stated they have just finished sending out the notices of violation to the North Lynden area. They sent out about 400 notices of violation, giving people their last
deadline in which to comply before civil penalties will be issued. To date, they have issued 
between six and eight civil penalties, all in the Drayton Harbor watershed. None were 
issued in the Lake Whatcom watershed. As of right now, they’ve issued 400 notices of 
vio lation in the North Lynden area. They are getting a lot of calls. The new O&M staff 
person will start soon.

Mann asked how many of those 400 who are getting notices of violation are irate. 
Kim stated not many. Most are just clarifying their requirements and finding out what they 
can do.

Weimer stated there is a great job of integrating all the OSS work with other 
concerns such as manure and other pollution issues. In Portage Bay, pollution from 
Victoria, B.C. is not the problem because the problems are coming down the river. He 
moved to approve the plan. The motion was seconded.

Brenner asked if most of the systems that have not been evaluated are in the 
Portage Bay watershed. Kim stated many are.

Brenner stated she really likes the first paragraph in the staff report on Board packet 
page 27. She asked the changes that have been made to the Local Management Plan. 
Wolpers stated they made changes to the follow up procedure for systems with 
maintenance needed. The original LMP’s sensitive areas should be considered. When they 
originally had the regulation, an O&M specialist had to do the first evaluation, but that has 
changed. That change was never reflected in the Local Management Plan. The Whatcom 
County Local Management Plan update is ahead of everyone in the state. The State is 
trying to require an update every five years.

Brenner stated the average household size and average family size are different. 
She asked how they are different. Kim stated it is the same data that was used in the initial 
plan.

Wolpers stated that information came from the Planning Department.

Brenner asked how people find out if they are near a stream that meets the stream 
threshold in the Shoreline Management Plan. Kim stated that if someone is close to a water 
body, there is a higher risk that the septic system will impact that water body.

Brenner asked if they are any closer to finding the cause of nonpoint pollution in 
areas where the pollution levels are rising. Kim stated they aren’t closer to the cause. 
Many agencies are working toward a solution.

The motion carried by the following vote:

Ayes: Brenner, Mann, Buchanan, and Weimer (4)
Nays: None (0)
Absent: Sidhu, Browne, and Donovan (3)

ADJOURN

The meeting adjourned at 12:53 p.m.
The Council approved these minutes on ________________, 2016.

ATTEST:  
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

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Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Committee Of The Whole

February 23, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 6:30 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer

Absent: Satpal Sidhu

COMMITTEE DISCUSSION

1. UPDATE FROM WHATCOM COUNTY SHERIFF BILL ELFO REGARDING JAIL USE AGREEMENT NEGOTIATIONS WITH THE CITY OF BELLINGHAM (AB2016-100)
   Attorney Present: Liz Gallery

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no later than 7:00 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

   Browne moved to go into executive session until no later than 7:00 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

   The motion carried by the following vote:
   Ayes: Brenner, Browne, Buchanan, Mann, Donovan and Weimer (6)
   Nays: None (0)
   Absent: Sidhu (1)

OTHER BUSINESS

ADJOURN

The meeting adjourned at 6:58 p.m.

The Council approved these minutes on ______ 2016.

ATTEST: WHATCOM COUNTY COUNCIL
CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.
Absent: Satpal Sidhu.

FLAG SALUTE

ANNOUNCEMENTS

Buchanan announced there was an update from Whatcom County Sheriff Bill Elfo regarding jail use agreement negotiations with the City of Bellingham (AB2016-100) in executive session during the Committee of the Whole meeting.

MINUTES CONSENT

Brenner moved to approve Minutes Consent items one through four. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

1. SPECIAL COMMITTEE OF THE WHOLE FOR NOVEMBER 10, 2015
2. REGULAR COUNTY COUNCIL FOR NOVEMBER 10, 2015
3. COMMITTEE OF THE WHOLE FOR NOVEMBER 24, 2015
4. COMMITTEE OF THE WHOLE FOR DECEMBER 8, 2015

PUBLIC HEARINGS
1. ORDINANCE AUTHORIZING THE INSTALLATION OF STOP SIGNS ON JACKSON ROAD AT THE INTERSECTION OF BAY ROAD (AB2016-084)

Browne asked if this will increase or decrease safety and if it is consistent with national standards.

Joe Rutan, Public Works Department, stated it will increase safety. It is consistent with national standards.

Buchanan opened the public hearing and, hearing no one, closed the public hearing.

Weimer moved to adopt the ordinance. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

2. ORDINANCE ESTABLISHING SPEED LIMITS ON PORTIONS OF JACKSON ROAD AND BAY ROAD IN THE BIRCH BAY AREA (AB2016-085)

Buchanan opened the public hearing and, hearing no one, closed the public hearing.

Weimer moved to adopt the ordinance. The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

OPEN SESSION

The following people spoke:
- Vern Yadon spoke about safety on Kendall Road and creating a safe place for bikers and pedestrians.
- Preston Sant spoke about the death of his 14-year old son, Jordan Sant, the safety on Kendall Road, and creating a safe place for bikers and pedestrians.

Browne stated he spoke with State legislators recently, who all support funding for this project on Kendall Road.

- Dan McShane spoke about the resolution adopting the 2016 Comprehensive Parks, Recreation, and Open Space Plan (AB2016-062A) and the resolution requesting the Committee on Geographic Names recommend to the Board on Geographic Names, when the time is appropriate, that the landmark at the mouth of Terrell Creek be evermore known as Wolf Bauer Point (AB2016-088).
Daniel Probst, Cascade Mountain Runners, stated he supports the Resolution adopting the 2016 Comprehensive Parks, Recreation, and Open Space Plan (AB2016-062A).

Shorty Bjornstead spoke about the lack of County services in Columbia Valley and creating a safe place for bikers and pedestrians on Kendall Road.

Brenner asked how to expedite this project through the State.

Jon Hutchings, Public Works Department, stated he can schedule a presentation before the Council. He and staff are having a discussion with the community tomorrow evening.

Doralee Booth submitted and read from her testimony (on file) on the resolution requesting the Committee on Geographic Names recommend to the Board on Geographic Names, when the time is appropriate, that the landform at the mouth of Terrell Creek be evermore known as Wolf Bauer Point (AB2016-088).

Karen Brown spoke about the resolution adopting the 2016 Comprehensive Parks, Recreation, and Open Space Plan (AB2016-062A).

Joy Gilfilen, Restorative Community Coalition, submitted a handout (on file) and spoke about incarceration issues.

Irene Morgan submitted and read from a handout (on file) and spoke about the Incarceration Prevention and Reduction Task Force.

Linda (inaudible) spoke about her son’s incarceration in the County jail and the law enforcement’s handling of mental health illnesses.

Karen Price spoke about the Incarceration Prevention and Reduction Task Force and the resolution adopting a Statement of Incarceration Prevention, Criminal Justice, and Jail Planning Principles for Whatcom County’s criminal justice and behavioral health systems (AB2016-072).

Ray Baribeau spoke about the Incarceration Prevention and Reduction Task Force and the resolution adopting a Statement of Incarceration Prevention, Criminal Justice, and Jail Planning Principles for Whatcom County’s criminal justice and behavioral health systems (AB2016-072).

Paul Harris spoke about the resolution adopting a Statement of Incarceration Prevention, Criminal Justice, and Jail Planning Principles for Whatcom County’s criminal justice and behavioral health systems (AB2016-072).

George Rounthwaite submitted a handout and photos (on file) and spoke about a flooding problem in his neighborhood on Woodland Road.

Robin Dexter, Environmental Working Group Member, spoke about his appreciation for all the work the councilmembers do.

CONSENT AGENDA

Browne reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items two through four.

The motion to approve Consent Agenda items two through four carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A LOCAL AGENCY AGREEMENT BETWEEN WHATCOM COUNTY AND TRANSPORTATION ENGINEERS NORTHWEST, LLC, FOR THE DESIGN OF A PEDESTRIAN ACTUATED CROSSWALK SIGNAL ACROSS LAKEWAY DRIVE, IN THE AMOUNT OF $65,090.34 (AB2016-093)

Browne reported for the Finance and Administrative Services Committee. He moved to hold in committee. The motion was seconded.

Brenner stated the Public Works Department staff has made their recommendation known. Decisions that should be made by the Council are being made by unelected people. This issue is a public safety issue. Many people live there. They can’t keep ignoring people. Many people need a crosswalk. She’s tired of the politics involved in this.

Browne stated it is a public safety issue. They don’t have an engineer who is willing to say this project is safe as defined by national safety standards. He would like to discuss that issue before voting on this.

Brenner stated she doesn’t want that argument brought up again and again. They’ve approved projects before that don’t meet warrants. There is a similar crosswalk at Birchwood that is right in the middle of the block. She has no doubt that cars would stop if a crosswalk like that were installed.

Mann stated he’s been voting against this because it’s not a wise use of funds. He supports a more comprehensive study of the area instead.

Browne stated he will support the proposal if another qualified engineer in the state of Washington determines that this project is safe.

Brenner stated the recommendation has to come from staff. She can’t require them to hire someone she wants.

The motion carried by the following vote:  
Ayes: Mann, Browne, Buchanan, Weimer and Donovan (5)  
Nays: None (0)  
Abstains: Brenner (1)  
Absent: Sidhu (1)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM FOR THE PURPOSES OF PROVIDING FOR THE JOINT USAGE OF THE VACTOR WASTE SITE FACILITY FROM JANUARY 1, 2016, THROUGH DECEMBER 31, 2016 (AB2016-094)

3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO HAVE PUBLIC WORKS PURCHASE RETRO-REFLECTIVE MATERIALS (GLASS BEADS FOR TRAFFIC MARKING PAINT) FOR 2016, AS NEEDED, USING WASHINGTON STATE
CONTRACT #02513 FROM VENDOR ALPINE PRODUCTS, FOR A TOTAL EXPENDITURE NOT TO EXCEED $100,000 (AB2016-095)

4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND SHAWNA BOSMAN, ARNP, TO PROVIDE ADVANCED NURSING SERVICES TO THE YOUTH DETAINED IN JUVENILE DETENTION, IN THE AMOUNT OF $25,000 (AB2016-096)

OTHER ITEMS

1. RESOLUTION SETTING HEARING AND NOTICE OF HEARING ON THE SALE OF COUNTY TAX TITLE PROPERTY BY NEGOTIATION – REQUEST NO. TR2016-01 (AB2016-073)

Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

(Clerk’s Note: Discussion continued at the end of the meeting under Other Items.)

2. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, FIFTH REQUEST, IN THE AMOUNT OF $5,241,772 (AB2016-083)

Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution.

Brenner asked what the infrastructure rehabilitation at the C Street Terminal will entail.

Tyler Schroeder, Executive’s Office, gave a staff report on the project and stated he will provide more detail.

Donovan asked if these are proposals that the Council has already seen. Schroeder stated they are projects from 2013 that the Council supported. This is just the budget allocation necessary to move forward.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

(Clerk’s Note: Discussion continued at the end of the meeting under Other Items.)
3. ORDINANCE AMENDING ORDINANCE NO. 2010-040 TO AUTHORIZE ADDITIONAL CAPITAL PROJECTS FOR WHICH UNEXPENDED BOND PROCEEDS MAY BE USED BY THE COUNTY (AB2016-086)

Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution.

Weimer asked which deficiencies they are studying.

Tyler Schroeder, Executive’s Office, stated it is for capital improvement for the main jail and the work center, as discussed at the last Council meeting.

Mann asked if they need to include language in the ordinance to make sure they get a detailed analysis of the structural deficiencies at the jail and work center. Schroeder stated he worked with the bond specialists to develop the language in the ordinance. Council can provided more detail if it likes.

Mann stated he would like to see the contract and scope of whoever is hired to do the analysis, and the Council can add more detail then. Schroeder stated that’s correct. This just allows for those bond proceeds for this purpose.

Weimer stated make sure they look at the actual structural integrity of the building, not just the controls. Schroeder stated they will.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

4. RESOLUTION CANCELLING UNCOLLECTIBLE PERSONAL PROPERTY TAXES (AB2016-092)

Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

5. ACCEPTANCE OF THE INCARCERATION PREVENTION AND REDUCTION TASK FORCE PHASE 1 REPORT (AB2016-102)

Brenner reported for the Public Works, Health, and Safety Committee and moved to accept and approve the phase one report.

Browne stated he compliments the Task Force co-chairs for the excellent presentation.

Buchanan stated he agrees with Councilmember Browne.
The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

6. CONSIDERATION OF HEARING EXAMINER’S RECOMMENDED APPROVAL OF A PLANNED UNIT DEVELOPMENT, FILED BY WAYNE ALLEN DBA WHISPER LAKE DEVELOPMENTS, INC. (AB2016-089)

Weimer reported for the Planning and Development Committee and moved to approve the planned unit development.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

7. RESOLUTION ADOPTING A STATEMENT OF INCARCERATION PREVENTION, CRIMINAL JUSTICE, AND JAIL PLANNING PRINCIPLES FOR WHATCOM COUNTY’S CRIMINAL JUSTICE AND BEHAVIORAL HEALTH SYSTEMS (AB2016-072)

Weimer reported for the Planning and Development Committee and stated this item is held in committee.

8. RESOLUTION ADOPTING THE 2016 COMPREHENSIVE PARKS, RECREATION, AND OPEN SPACE PLAN (AB2016-062A)

Mike McFarlane, Parks and Recreation Department Director, referenced his substitute staff memo (on file) and stated they can amend the plan at any time. It’s not part of the Comprehensive Plan, although it includes language from the draft Comprehensive Plan.

Weimer moved to approve the resolution. The motion was seconded.

Brenner stated she is opposed to the plan. It needs to go through the Comprehensive Plan process. They don’t need two separate park plans.

Mann stated this has been a long process that has had a lot of public input. The Council wasn’t ready to act on it a couple of years ago, and it’s coming forward again. The plan represents broad segments of the user groups across the county. He supports the resolution.

The motion carried by the following vote:

Ayes: Mann, Browne, Buchanan, Weimer and Donovan (5)
Nays: Brenner (1)
Absent: Sidhu (1)

9. RESOLUTION REQUESTING THE COMMITTEE ON GEOGRAPHIC NAMES RECOMMEND TO THE BOARD ON GEOGRAPHIC NAMES, WHEN THE TIME IS
APPROPRIATE, THAT THE LANDFORM AT THE MOUTH OF TERRELL CREEK BE EVERMORE KNOWN AS WOLF BAUER POINT (AB2016-088)

Brenner moved to approve the resolution. The motion was seconded.

Weimer moved to amend to insert dates, “Mr. Wolf Bauer (1912-2016).” The motion was seconded.

The motion to amend carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

The motion to approve as amended carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

10. APPOINTMENT OF TWO MEMBERS TO SERVE ON THE CRIMINAL JUSTICE TREATMENT ACCOUNT PANEL: CHRIS WATRAS (SEAMAR COMMUNITY HEALTH) AND JON KOMOROWSKI (CRIMINAL DEFENSE BAR MEMBER) (AB2016-090)

Mann moved to appoint Chris Watras and Jon Komorowski. The motion was seconded.

Brenner stated the County is lucky to have these two people participate.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Sidhu (1)

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF GARY JENSEN TO THE WHATCOM COUNTY ETHICS COMMISSION (AB2016-097)

Browne moved to confirm the appointment. The motion was seconded.

Mann stated he does not support the appointment because having politicians on the Ethics Commission is problematic. His opposition has nothing to do with this particular person.

Browne stated the person being replaced is the late Harriet Spanel.

Brenner stated she’s uncomfortable that there is a controversy about this appointment, but she knows Gary Jensen to be very ethical.
The motion carried by the following vote:

**Ayes:** Brenner, Browne, Buchanan and Donovan (4)
**Nays:** Mann and Weimer (2)
**Absent:** Sidhu (1)

2. **REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF JAMIE GUNST TO THE WHATCOM COUNTY AGRICULTURAL ADVISORY COMMITTEE (AB2016-098)**

*Weimer moved* to confirm the appointment. The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
**Nays:** None (0)
**Absent:** Sidhu (1)

3. **REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF LES SEELYE TO THE WHATCOM COUNTY PUBLIC HEALTH ADVISORY BOARD (AB2016-099)**

*Browne moved* to confirm the appointment. The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)
**Nays:** None (0)
**Absent:** Sidhu (1)

**COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

Weimer reported for the Natural Resources Committee on items discussed in committee.

Browne reported for the Finance and Administrative Services Committee on items discussed in committee.

Brenner reported for the Public Works, Health, and Safety Committee on items discussed in committee.

**RESOLUTION SETTING HEARING AND NOTICE OF HEARING ON THE SALE OF COUNTY TAX TITLE PROPERTY BY NEGOTIATION – REQUEST NO. TR2016-01 (AB2016-073)**

*Browne reported* for the Finance and Administrative Services Committee and *moved* to direct the Council policy analyst to look into creating a policy for the County to purchase certain tax title properties in critical areas such as the agricultural zone and the Lake Whatcom watershed for the purpose of removing any development right(s) and reselling the property. The motion was seconded.
Brenner stated there was discussion in committee about the risk of the County getting into a bidding war.

Browne stated this motion is simply to ask Mr. Longman to do some research.

Mann stated he doesn’t want the Council’s legislative analyst to do work that the administration is supposed to be doing. Guard Mr. Longman’s time for the big issues on which the Council needs help.

Donovan stated this is an idea that Councilmember Browne initiated, so he supports the motion. Councilmember Mann’s concern is relevant to the next item about the Comcast franchise agreement.

Buchanan stated he agrees with Councilmember Donovan. The idea of removing development rights from tax title property came from the Council. The Comcast agreement comes from the administration.

The motion carried by the following vote:

**Ayes:** Mann, Browne, Buchanan, Weimer and Donovan (5)

**Nays:** Brenner (1)

**Absent:** Sidhu (1)

DISCUSSION REGARDING COMCAST FRANCHISE AGREEMENT (AB2016-101)

Browne stated his idea was to direct the Council’s policy analyst to research what other jurisdictions have done in their franchise agreements and what is reasonable to ask for. The contracts will reflect the policy decisions.

Brenner stated she would like more information first about what the Council’s rights are.

Mann stated the policy for this and any negotiation is to get the best possible deal for the residents of the county. The legal department should find out this information and bring it to the Council.

Browne stated he would like to see how the Council feels about its arrangement with Mr. Longman. If a councilmember would like to draft a resolution or ordinance, get his help looking for comparable legislation.

Forrest Longman, Council Office, stated he is able to help with councilmember requests.

*Brenner moved* to direct Mr. Longman to go through the comments they’ve received on the Comprehensive Plan, chapter-by-chapter, and group the comments received by issue. The motion was seconded.

The motion carried by the following vote:

**Ayes:** Mann, Brenner, Browne, Buchanan, Weimer and Donovan (6)

**Nays:** None (0)

**Absent:** Sidhu (1)
ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, FIFTH REQUEST, IN THE AMOUNT OF $5,241,772 (AB2016-083)

Tyler Schroeder, Executive’s Office, gave a staff report on the work being done on the infrastructure rehabilitation at the C Street Terminal.

Browne reported that he talked to five of the six county legislators about funding the Kendall Road highway project. Brigid Collins is interested in expanding to Mt. Vernon.

Brenner reported that the Whatcom County Farm Forestry Association is having their annual tree sale on March 19 at the Henry Janson Agricultural Center at the Lynden fairgrounds.

ADJOURN

The meeting adjourned at 8:52 p.m.

The County Council approved these minutes on _______, 2016.

ATTEST:  WHATCOM COUNTY COUNCIL
          WHATCOM COUNTY, WASHINGTON

______________________________  ___________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
**WHATCOM COUNTY COUNCIL AGENDA BILL**

**CLEARANCES**

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<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
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**TITLE OF DOCUMENT:** Ordinance authorizing the temporary re-opening of Roberts Road between Martin Road and Central Road for use as a construction detour.

**ATTACHMENTS:**

1. Memo to County Executive and Council
2. Ordinance
3. Memo regarding the temporary construction access for the Bridge Replacement Project
4. Ordinance No. 91-31

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<th>SEPA review required?</th>
<th>Yes</th>
<th>No</th>
<th>Should Clerk schedule a hearing?</th>
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<td>Requested Date: March 22, 2016</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 ordinance authorizes the temporary re-opening of Roberts Road between Martin Road and Central Road for the construction of the Roberts Rd/Anderson Creek Bridge No. 249 Replacement Project.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

3/8/2016: Introduced 7-0

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

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

Through: Jon Hutchings, Director

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

Date: February 24, 2016

Re: Ordinance to Temporarily Re-Open Roberts Road between Martin Road and Central Road

Enclosed for your review and approval is an ordinance authorizing the temporary re-opening of a section of Roberts Road between Martin Road and Central Road for use as a construction detour.

Requested Action
Public Works respectfully requests that the County Council adopt the proposed ordinance.

Background and Purpose
Whatcom County was awarded federal Bridge Replacement Advisory Committee (BRAC) funds in 2014 to replace the Roberts Road/Anderson Creek Bridge No. 249. The existing bridge is structurally deficient and has advanced rot in several of the timber caps. This bridge currently provides the only access to several properties to the north.

KPFF Consulting Engineers was selected to prepare plans, specifications, and estimates for the project. After analyzing options to address access during the construction phase of this project they have recommended detouring traffic on the currently closed section of Roberts Road north of the existing bridge as the most cost-effective option. The technical memo describing their alternatives analysis is attached. In 1991 this section of Roberts Road between Martin Road and Central Road was closed via Ordinance 91-31 due to problems with illegal dumping. Ordinance 91-31 is attached for reference.

This proposed ordinance will temporarily open the closed section of Roberts Road for use as a detour during the construction of the Roberts Road/Anderson Creek Bridge No. 249 Replacement Project. After construction is complete, this ordinance will expire and the road will be closed as set forth in Ordinance 91-31.

Please contact Christina Schoenfelder at extension 6274 with any questions regarding this ordinance.
PROPOSED BY: Public Works - Engineering

INTRODUCTION DATE: 3/8/2016

ORDINANCE NO._____

AUTHORIZING THE TEMPORARY RE-OPENING OF ROBERTS ROAD BETWEEN MARTIN ROAD AND CENTRAL ROAD FOR USE AS A CONSTRUCTION DETOUR

WHEREAS, in 1991 the primitive section of Roberts Road between Martin Road and Central Road was closed via Ordinance No. 91-31; and

WHEREAS, the federally-funded Roberts Road/Anderson Creek Bridge No. 249 Replacement Project is listed on the 2016 Annual Construction Program as County Road Project (CRP) 915020; and

WHEREAS, the Whatcom County Council approved KPFF Consulting Engineers, Inc. to prepare plans, specifications, and estimates for the project; and

WHEREAS, KPFF provided a recommendation to use the closed section of Roberts Road as the most cost-effective detour route;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the closed section of Roberts Road between Martin Road and Central Road be temporarily opened at the direction of the County Road Engineer for the duration of construction of the Roberts Road/Anderson Creek Bridge No. 249 Replacement Project according to the provisions of RCW 36.32.120.

BE IT FURTHER ORDAINED that when the construction of the project is completed, this ordinance will expire and road will be closed at the further direction of the County Road Engineer and as set forth in Ordinance No. 91-31.

ADOPTED this ___ day of __________, 2016.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Daniel Gibson,
Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, Executive

Date: ________________________

518
COUNCIL ACTION (including dates):

3-26-91: Council sent back for legal review (R. Watts recommend ord/hearing)
4-9-91: At Watts' request, an ordinance ordering the closure was introduced
4-23-91: Council adopted (amended)
ORDINANCE NO. 91-31
ORDERING THE CLOSURE OF ROBERTS ROAD BETWEEN
MARTIN ROAD AND CENTRAL ROAD

WHEREAS, Whatcom County government has been requested by the Nooksack
Tribal Council, the Nooksack Indian American Legion Post #83, and citizens, to close
Roberts Road between Martin Road and Central Road; and

WHEREAS, the closure is requested because illegal dumping has taken place in
that area for many years and efforts to stop the dumping have been ineffective; and

WHEREAS, the section of road is unpaved and generally used as a shortcut
between the Mission Road and the Goshen Road, with no residential structures in the
area affected; and

WHEREAS, the County Council had a hearing on the proposed closure at its
April 23, 1991 meeting and is authorized to close the road according to the provisions of
RCW 47.28 and RCW 36.32.120;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
the Administration is directed, subject to further consideration for re-establishing access
for some property owners, to close Roberts Road between Martin Road and Central
Road, such closure to be made with a break-away type structure to allow passage of
emergency vehicles.

ADOPTED this 23rd day of April, 1991.

ATTEST:

Ramona Reeves, Council Clerk

Daniel M. Warner, Chairman

( ) Approved     ( ) Denied

Shirley Van Zanten, Executive
Date: 4-23-91
Date: February 12, 2016
To: Christina Shoenfelder, PE, Whatcom County Public Works (County)
From: Anne Streufert, PE, SE and Jian Xu, PE, KPFF Consulting Engineers (KPFF)
Subject: Anderson Creek / Roberts Road Bridge Replacement Project – Temporary Construction Access

Purpose
KPFF is currently assisting the County with the design for replacement of the existing structurally deficient bridge carrying Roberts Road over Anderson Creek (Bridge No. 249). The bridge provides the only access for multiple residents north of the bridge.

Three temporary access options were identified as feasible through discussions with KPFF (prime consultant and structural/bridge engineer), Reichhardt and Ebe (R&E) (civil/roadway engineer) and County engineers. These options include providing an off-site temporary detour on the previously closed portion of Roberts Road, construction of a temporary bridge adjacent to the existing bridge and phased construction. It was determined that building a new bridge adjacent to the existing bridge was not preferred because of limited available right of way (ROW), undesirable roadway geometry and the requirement for an increased bridge span length.

The memo summarizes the comparison of pros, cons and increases in costs associated with these alternatives.

Assumptions
- A low speed single lane access is assumed to be acceptable minimum criteria, due to low ADT carried by this bridge.
- Pull off stations will be provided for a temporary off-site detour alternative.
- Traffic control will be required for phased construction alternative.
- The baseline project cost used for this memo is from the 2014 BRAC/HBP funding application. The application assumed a construction cost of $926,362 (2014 construction cost, plus contingency and mobilization, with a 5% inflation rate to 2016). Included in this cost is $672,000 in structure costs, $6,600 for temporary traffic control and $131,000 for a temporary bridge.
- Contractor staging areas will be located within the existing roadway footprint.

Findings

Temporary Detour
The north section of Roberts Road, between Martin Road and Central Road was closed to traffic approximately 20 years ago. However, the roadway base still exists and is in reasonably good condition, while primitive. This option would require temporarily reopening this section of Roberts Road, along with minor cleanup to make the road usable, in addition to intermittent maintenance during construction. The detour will add time for resident access. However,
based on conversations with the Fire Chief, their dispatch would be modified to come out of Everson, rather than Nugents Corner, therefore minimal to no impacts in emergency response time is expected.

Change in Project Cost: savings of $122,600
- Bridge Construction: None ($0)
- Temporary Bridge: -$131,000 (no temporary bridge required)
- Traffic Control: +$8,400 ($15,000 includes temporary signage and improvements versus $6,600 from 2014 estimate)

Pros:
- Shortest bridge construction duration (single season).
- Existing bridge can be removed at one time, minimizing concerns of completing in-water work within the fish window.
- Allows for unimpeded work for bridge replacement and increased allowable staging areas within the existing roadway footprint.
- Maintains constant traffic flow throughout the duration of construction.
- No known weight restrictions along the detour route.
- Most cost effective option.

Cons:
- A large portion of the detour route will consist of only one lane traffic with occasional pull offs for passing.
- Approximately 10 minute (additional) detour for residents.
- Would require temporary route changes for delivery services to residents.
- Intermittent maintenance may be required during construction.
- Will require initial clean-up to make road usable.

Temporary Bridge
If the north section of Roberts Road is not available to be used as a detour, a temporary bridge could be installed adjacent to the existing bridge. This option would allow the existing bridge to be removed and reconstructed while traffic is carried over the creek on the temporary span. This option would also require the Contractor to conduct all staging/work access in a narrow zone immediately adjacent to traffic. Temporary road closures of short duration may be required in order to move equipment and supplies in and out of the construction area.

Change Project Cost: + $60,400
- Bridge Construction: $0 (cost already included in baseline cost estimate)
- Temporary Bridge: $0 (cost already included in baseline cost estimate)
- Traffic Control: +$28,400 ($35,000 Includes temporary traffic signal, signs and traffic control for setting up, taking down, and the detour to the temporary bridge versus $6,600)
- +$18,000 (Temporary Construction Easement from adjacent Property Owner)
- +$14,000 (Clearing, Grubbing and Tree Re-establishment)
- $0 (Temporary bridge approach fill and removal, assumed to be already included in baseline cost estimate)
MEMO

Pros:
- Unimpeded work for a majority of the bridge construction.
- Minimal impact to drive times for residents and emergency vehicles.
- No effort needs to be made to temporarily reopen the abandoned portion of Roberts Road.

Cons:
- The Contractor will likely need to mobilize in two different seasons in order to install the temporary bridge, remove and construct the new permanent bridge and then remove the temporary bridge while conducting all in-water work during the allowable WDFW fish windows.
- Increased impacted areas within the stream and neighboring vegetation, resulting in greater permit requirements.
- Increased restoration cost.
- Increased impact to access for the properties immediately north of the bridge.
- The highest cost of the three options considered.

Phased Construction
If it was determined that neither of the previous options (detour or temporary bridge) were preferred, it may be feasible to construct the new bridge in the same location as the existing bridge by removing and reconstructing half of the bridge (one lane) at a time. This option could require temporary strengthening of the existing structure (the portion to temporarily remain) to keep only half of the structure in operation and would likely require two construction seasons, since all in-water work will likely need to be completed during the WDFW fish window.

Change in Project Cost: + $51,800
- Temporary Strengthening of Existing Bridge: +$5,000
- New Bridge Construction: +$134,400 (20% increase due to traffic delays and multiple mobilizations for the same components).
- Temporary Bridge: -$131,000 (no temporary bridge required)
- Traffic Control: +$43,400 ($50,000 includes temporary traffic signal, signs and traffic control for setting up, taking down, and the detour to the half bridge)

Pros:
- Little to no impact on surrounding residents
- No effort needs to be made to temporarily reopen the abandoned portion of Roberts Road.

Cons:
- Will likely require the Contractor to mobilize in two different construction seasons to complete each of the construction components (removal of existing timber piles and abutments; installation of new piling/abutments, girder placement and bridge/approach railings).
- A temporary railing will be necessary on the existing structure.
- All work will likely need to be completed from the south approach embankment, since cranes and pile driving equipment may not be able to cross the existing bridge with existing weight restrictions.
MEMO

- Extends the construction duration from 4-6 months to 6-9 months
- Structurally this option is likely feasible without significant improvements to the structure. However, it will result in 10 ft wide temporary travel lanes (concrete barrier to concrete barrier) across the existing structure, therefore is not ideal.
- Extensive traffic control required.
- Increased construction costs.
- Potential increase in permit requirements due to temporary pilings.

Additional Notes
All three of the alternatives presented appear to be constructible, while maintaining a single lane of traffic throughout the duration of construction.

Summary and Recommendation
Based on the information above, the design team recommends the temporary detour alternative. This option will be the most cost effective, while minimizing interferences with construction activities, resulting in a shorter construction duration, and ultimately a reduced impact to the local community.
WHATCOM COUNTY COUNCIL AGENDA BILL

TITLE OF DOCUMENT: Resolution and Public Hearing regarding Community Development Block Grant funding application.

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

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

The Opportunity Council (OC) is on the state Community Development Block Grant (CDBG) list of 2015 Public Services Grant recipients, which is a State formula grant in the amount of $123,078 for distribution to the tri-county area of Whatcom, Skagit and Island Counties. The OC is required to submit an application through their local jurisdiction, Whatcom County. The public services grant funding is intended to fund new or expanded direct services for persons with low- and moderate-incomes in the tri-county area. The OC will act as Subrecipient of the funding, and Whatcom County will be the lead agency in the grant application process. The attached Resolution authorizes the County Executive to sign and submit this grant application.

Public Hearing Notice language:
NOTICE IS HEREBY GIVEN that a public hearing will be held by the Whatcom County Council in the Council Chambers, Whatcom County Courthouse, 311 Grand Avenue, Bellingham, on Tuesday, March 22, 2016 at 7:00 p.m. The purpose of the public hearing is to review community development and housing needs, inform citizens of the availability of funds and eligible uses of the state Community Development Block Grant (CDBG), and receive comments on proposed activities, particularly from low- and moderate-income persons and persons residing in Whatcom County. Currently up to $123,508 will be available to Whatcom, Skagit and Island Counties, through the Opportunity Council, to fund public service activities that principally benefit low- and moderate-income persons. A Resolution will be reviewed, which would authorize the County Executive to submit an application to the State of Washington for this funding. The draft grant application including an overview of the proposed public services will be available for review at the Whatcom County Executive’s office, Suite 108, 311 Grand Avenue, Bellingham, by March 18, 2016. Comments may also be submitted in writing to the Whatcom County Council until the public hearing has been closed. Comments on the county’s and community action program’s past performance and use of their 2015 CDBG Public Services Grant will also be received.

COMMITTEE ACTION: 

COUNCIL ACTION:
3/8/2016: Introduced 7-0

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

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

To: Whatcom County Council Members
From: Suzanne Mildner, Grant Coordinator
Subject: CDBG Grant Requirement for Public Hearing, including an Application for 2016 Public Services Grant
Date: February 25, 2016

Over the past several years the County has worked closely with the Washington State Department of Commerce's Community Development Block Grant (CDBG) Program. At this time, we are requesting a public hearing to address the following: the closing of the 2015-16 Public Services Grant contract, as well as an application for a new 2016-17 Public Services Grant. These formula grants are offered annually and they support new or expanded direct services for persons with low and moderate incomes in the Whatcom, Skagit and Island County area.

Through a subrecipient agreement with the County, the Opportunity Council will once again administer this grant and oversee the distribution of services. The public services grant amount allocated to the tri-county area is $123,508; attached is a breakdown of the 3-county distribution allocation, as well as a draft scope of work and budget. The County Executive is supporting this application and recommends to the Council that it be submitted to the State Department of Commerce. As part of the application process, we are required to conduct a public hearing in order to receive public input on the use of CDBG funds and to inform the public on the nature of these funding opportunities. As lead agency for this pass-through grant, the County Council is required to sign a Resolution in support of the application. Please note the attached Resolution.

If you have any questions, please don't hesitate to contact me at 778-5211.

/Enclosure
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Attachment #1 – Scope of Work & Budget

SCOPE OF WORK

A. Service Programs

NOTE: List the specific public service activities from the CDBG application’s Project Description & Low-and Moderate-Income Benefit Table, or reference the CDBG application’s Project Description & Low-and Moderate-Income Benefit Table.

CDBG Whatcom Narrative:
In Whatcom County CDBG funds will support services and activities in East Whatcom County, a region of Whatcom County that includes many low-income residents in a geographically remote area that has been underserved over the years. Services will be provided and coordinated by Opportunity Council staff at the East Whatcom Regional Resource Center. The primary activities will be connecting low to moderate income community members with services provided by a wide range of providers including Opportunity Council. Staff will coordinate early childhood education, child dental care, wood stove safety education and provide youth activities. Staff will also coordinate with partner agencies to bring services to this area, including DSHS and LIHEAP energy assistance programs. CDBG funds will support a cost share for a VISTA volunteer position and an information and referral specialist position. This team will be responsible for volunteer recruitment and coordination, and support for the East Whatcom Community Council, which is comprised of local community members that provide guidance related to activities at the resource center and in the community. The volunteer council is elected by the community at an annual meeting and represents citizens in this geographic area.

CDBG Island County Narrative:
Island County will use CDBG Public Service Grant Funds to increase capacity to serve low-income households including Housing Support services. This position would assist current homeless housing and prevention case managers in screening, qualifying and enrolling clients in services such as healthcare, Basic Food and other supportive programs as well as conduct homeless outreach activities. Direct Service Planning would support staff in working within our community to serve underserved or difficult to serve populations and communities. Reduction in funding sources requires rural communities, in particular, the necessity to locate and combine multiple resources to meet the needs of its most vulnerable citizens. The service center, located in Oak Harbor, will engage with other local service providers to serve elderly, homeless, veterans and those with mental health and chemical dependency issues.

CDBG San Juan Narrative:
CDBG Public Services grant will provide support to the three Community Resource Centers on San Juan, Orcas and Lopez Islands in San Juan County. The geography and limited transportation systems in San Juan County create a significant challenge in providing services to low-income households. Opportunity Council will support a service delivery model by working with service providers located in the community. The Family Resource Centers are the conduit that connects people to available services on each of the islands and to services from the mainland as well. Opportunity Council will contract for services and data gathering with each Community Resource Center. The goal is for people to acquire increased access to housing, food, energy assistance, child care and employment opportunities. Besides providing information and referrals services, each resource center will provide Opportunity Council with the number of people contacted each month, the services most requested and assist the agency in developing community needs assessments.
# ANNUAL BUDGET (July – June)

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<td>Staffing</td>
<td>$98,139</td>
<td>Staffing to provide resource information and referral services to LMI individuals in Whatcom and Island counties. Staff will also do outreach to underserved areas. The Whatcom County staffing expense will include resource and referral specialist at the East Whatcom Regional Resource Center. This budget item includes both salary and fringe benefits.</td>
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<td>Goods and services</td>
<td>$11,571</td>
<td>Goods and services include office supplies, office space costs for Island County staff, and recruitment/training expenses for the East Whatcom Regional Resource Center. In San Juan County, contracts will be established with three Community Resource Centers to provide information and referral services.</td>
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<td>TOTAL</td>
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<td>Cannot exceed the total grant amount minus the county administration budget.</td>
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<td>Up to $3,500 per year can be allocated from the total grant amount for county administration costs.</td>
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RESOLUTION NO._______

APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

WHEREAS, Whatcom County is authorized to apply to the state Department of Commerce for a Community Development Block Grant (CDBG); and

WHEREAS, Whatcom County has identified a community development and housing priority need for which to seek CDBG funding; and

WHEREAS, it is necessary that certain conditions be met to receive CDBG funds; and

NOW, THEREFORE, be it resolved that Whatcom County authorizes submission of this application to the state Department of Commerce to request $123,508 and any amended amounts to fund public service activities in coordination with the Opportunity Council, and certifies that, if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws;

Has provided and will provide opportunities for citizen participation that satisfy the CDBG requirements of 24 CFR 570.486;

Will not use assessments against properties owned and occupied by low- and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low- and moderate-income owner-occupants;

Has established or will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;

Has provided technical assistance to citizens and groups representative of low-and moderate-income persons that request assistance in developing proposals;

Will provide opportunities for citizens to review and comment on proposed changes in the funded project and program performance;
Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, will affirmatively further fair housing (Title VIII of the Civil Rights Act of 1968); and

Has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act or 1974, as amended;

Certifies to meeting the National Environmental Policy Act (NEPA) through a determination the CDBG-funded public services will not have a physical impact or result in any physical changes and are exempt under 24 CFR 58.34(a), and are not applicable to the other requirements under 24 CFR 58.6; and are categorically exempt under the State Environmental Policy Act (SEPA) per WAC 197-11-305 (2); and

Whatcom County designates Jack Louws, County Executive, as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with this application and Whatcom County's participation in the Washington State CDBG Program.

APPROVED this _____ day of ______________, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

__________________________
Dana Brown-Davis, Clerk of the Council

__________________________
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

__________________________
Daniel J. Gibson
Civil Deputy Prosecutor
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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Division Head:
Mark Personius
2-16-16

Dept. Head:
Sam Ryan
2-10-16

Prosecutor:
Royce Buckingham

Purchasing/Budget:

Executive:
Jack Louise
2-12-16

TITLE OF DOCUMENT:

Discussion and preliminary Council direction on Comprehensive Plan Chapter 1 (Introduction and Growth Projections).

ATTACHMENT:

1. Cover letter

SEPA review required? ( X ) Yes ( ) NO

SEPA review completed? ( X ) Yes ( ) NO

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to discuss Chapter 1 (Introduction and Growth Projections) and receive preliminary direction from Council.

COMMITTEE ACTION:

1/12/2016: Presented and Discussed
2/23/2016: Amended

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.
Please see current agenda bill for this meeting.
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**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**


**ATTACHMENT:**

1. Cover letter

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<th>SEPA review required? ( ) Yes ( ) Yes ( ) NO</th>
<th>Should Clerk schedule a hearing? ( ) Yes ( ) Yes ( ) 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.)

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to provide an overview relating to the Comprehensive Plan update and Urban Growth Area review process and discuss Comprehensive Plan Chapter 1 (Introduction and Growth Projections).

**COMMITTEE ACTION:**

1/12/2016: Presented and Discussed

**COUNCIL ACTION:**

535
Memorandum

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

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Assistant Director

DATE: February 10, 2016

SUBJECT: Comp Plan Update – Chapter 1 (Introduction and Growth Projections)

As you know, staff made a presentation to the Council’s Committee of the Whole relating to Comprehensive Plan Chapter 1 – Introduction and Growth Projections, on January 12, 2016. We are asking the Council Committee to review and make any preliminary changes to Chapter 1 on February 23, 2016.

The Council has requested a summary of the substantive changes made by the Planning Commission. The Planning Commission considered Chapter 1 on March 12 and October 22, 2015. Planning Commission changes to the staff draft include the following:

**Growth Management Act Goals** – The Planning Commission recommended inserting Growth Management Act (GMA) planning goals in Chapter 1 (pp. 1-1 and 1-2). The GMA goals are currently in the back of the Comprehensive Plan in Appendix C. The Planning Commission wanted to move them to the front of the Comprehensive Plan.

**Growth Management Act Update Requirements** – A reference to the GMA provisions (RCW 36.70A.130) that require the combined Comprehensive Plan update and urban growth area review in 2016 was inserted (p. 1-4).

**Bellingham UGA Population** – The multi-jurisdictional resolution approved by the County Council and Bellingham City Council contained a preliminary population allocation for the Bellingham UGA of 35,918. However, City of Bellingham Resolution 2015-14, approved by the City Council on August 31, 2015, recommended a Bellingham UGA population growth allocation of 28,398 over the planning period. This is the medium allocation from Whatcom County Population and Employment Projections and Urban Growth Area Allocations - Phase I Technical Report (BERK, 2013). The County Planning Commission recommended increasing the population growth allocation for the Bellingham UGA to 35,918 people over the planning period.
The Planning Commission Findings of Fact and Reasons for Action (January 14, 2016) indicated that this would allow more people to live near work, thereby decreasing impacts to the transportation system and the environment. The County Council's Committee of the Whole provided preliminary direction on February 9, 2016 to use a population allocation of 31,050 for Bellingham, which was an alternative in the Final EIS.

**Nooksack UGA Population** – The multi-jurisdictional resolution approved by the County Council and Nooksack City Council contained a preliminary population allocation for the Nooksack UGA of 1,035. The City of Nooksack revised their proposed population allocation to 990 in August 2015. This change would bring the proposed population allocation in balance with the land capacity in the proposed UGA. The Planning Commission concurred with Nooksack’s revised population proposal (p. 1-11).

**Nooksack UGA Employment** – The multi-jurisdictional resolution approved by the County Council and Nooksack City Council contained a preliminary employment allocation for the UGA of 290. The City of Nooksack revised their proposed employment allocation to 115 in August 2015. This change would bring the proposed employment allocation in balance with the land capacity in the proposed UGA. The Planning Commission concurred with Nooksack’s revised employment proposal (p. 1-14).

**Ferndale UGA Employment** – The multi-jurisdictional resolution approved by the County Council and Ferndale City Council contained a preliminary employment allocation for the UGA of 2,802. The City of Ferndale revised their proposed employment allocation to 4,000 in August 2015. This change would bring the proposed employment allocation into closer balance with the land capacity in the proposed UGA. The Planning Commission concurred with Ferndale’s revised employment proposal (p. 1-14).

Thank you for your consideration of this matter. We look forward to discussing it with you.
Proposed Council Changes to Comprehensive Plan

Chapter 1 - Introduction

p. 1-5, lines 43-45: Approximately 73% of the population growth between 19801960 and 20132000 was due to in-migration of people from outside the area seeking jobs, life styles, and/or amenities found in Whatcom County. (Brenner)

p. 1-15, lines 16-17: Areas most influenced by seasonal residency include Pointer Roberts, Birch Bay, Sudden Valley, and the Foothills Subarea. (Brenner)

p. 1-17, lines 44-45: Resource land uses, which include agriculture, forestry, aquatic and minerals, are the largest category of land use in Whatcom County. (Weimer)
Discussion and preliminary Council direction on Comprehensive Plan Chapter 4 (Capital Facilities).

ATTACHMENT:

1. Cover letter

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to discuss Comprehensive Plan Chapter 4 (Capital Facilities) and receive preliminary direction from Council on February 23, 2016.

COMMITTEE ACTION:

1/26/2016: Briefed and discussed
2/23/2016: Amended

COUNCIL ACTION:

Related County Contract #: AB2016-047
Related File Numbers: AB2016-047
Ordinance or Resolution Number: AB2016-047

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.
Please see current agenda bill for this meeting.
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WHATCOM COUNTY COUNCIL AGENDA BILL

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RECEIVED
JAN 19 2016
WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:
Briefing and discussion on Comprehensive Plan Chapter 4 (Capital Facilities).

ATTACHMENT:
1. Cover letter

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

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to discuss Comprehensive Plan Chapter 4 (Capital Facilities) with the Public Works, Health and Safety Committee.

COMMITTEE ACTION: 540
1/26/2016: Briefed and discussed

COUNCIL ACTION:
Memorandum

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

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Assistant Director

DATE: February 10, 2016

SUBJECT: Comp Plan Update/UGA Review – Chapter 4 (Capital Facilities)

As you know, staff made a presentation to the Council’s Public Works, Health and Safety Committee relating to Comprehensive Plan Chapter 4 – Capital Facilities, on January 26, 2016. We are asking the Council Committee of the Whole to review and make any preliminary changes to Chapter 4 on February 23, 2016.

The Council has requested a summary of the substantive changes made by the Planning Commission. The Planning Commission considered Chapter 4 – Capital Facilities on April 9 and May 14, 2015. Planning Commission changes to goals and policies in the staff draft include the following:

**Goal 4B – (Level of Service or LOS)** – The existing goal is to develop a six-year financing plan to meet the “county’s levels-of-service.” The Planning Commission modified this goal to address the “county’s adopted levels-of-service” (p. 4-5).

**Goal 4D – (Law Enforcement/Corrections)** – Existing Goal 4D addresses “facility expansion” for the County’s law enforcement and corrections functions. The Planning Commission modified this Goal to address “facility improvement and expansion” of these facilities (p. 4-5).

**Policy 4D-2 (Correction Facilities/Sheriff’s Headquarters)** – Staff proposed a new policy relating to development of new adult correction facilities and Sheriff’s headquarters on a single campus. The Planning Commission deleted the words “new” and “on a single campus.” The Commission also added “Existing facilities may be expanded or new facilities developed in response to increasing need.” Additionally, after consultation with the Chief of Corrections, language was added to the policy outlining the multiple factors that are relevant in determining the number of jail beds in adult correction facilities (p. 4-6).
**Policy 4D-3 (Juvenile Detention)** – Staff proposed a new policy relating to juvenile detention facilities. The Planning Commission added “Existing facilities may be expanded or new facilities developed in response to increasing need” (p. 4-6).

**Policy 4D-4 (Emergency Management)** – Staff proposed a new policy relating to emergency management facilities. The Planning Commission added “Existing facilities may be expanded or new facilities developed in response to increasing need” (p. 4-6).

**Policy 4F-1 (Parks and Trails LOS)** – The Planning Commission moved the park and trail LOS standards from Policy 4G-2 to Policy 4F-1 so that these standards appear under Goal 4F, which also addresses park and trail LOS (p. 4-7). The Commission did not change the parks and trails LOS standards. However, we would note that the Planning Commission concurred with the Parks & Recreation Commission’s recommendation of June 19, 2014 to delete the activity center LOS (that was replaced with Policy 4F-5, which is supportive of activity centers).

Thank you for your consideration of this matter. We look forward to discussing it with you.
Proposed Council Changes to Comprehensive Plan

Chapter 4 – Capital Facilities

p. 4-6, Goal 4F: Achieve level of service standard for parks and trails identified in this chapter. *Support objectives and priorities identified in the Comprehensive Parks, Recreation and Open Space Plan, in the Natural Heritage Plan, and in this plan. Support objectives and priorities identified in relevant plans, including this plan.* (Brenner)

p. 4-7, 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 Parks, Recreation and Open Space Plan,* before investing capital in the acquisition and development of new facilities. (Brenner)

p. 4-9, Goal 4H: Coordinate with non-county facility providers such as cities, *school districts,* and special purpose districts to support the future land use pattern promoted by this plan. (Donovan)
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:** In the Matter of a Vacation for the Realignment of an Unnamed Alley Within the Birch Bay West End Estates Plat

**ATTACHMENTS:**
1. Cover Memo
2. Resolution
3. Neighboring Land Owner's Petition
4. Map of Site
5. Engineer's Report
6. Right of Way Deed

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

**Should Clerk schedule a hearing?** ( 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.)

The attached resolution in the matter of a Vacation for the Realignment of an Unnamed Alley Within the Birch Bay West End Estates Plat is submitted per RCW 36.87 and WCC 12-20.

The County Engineer’s report has been prepared and is being submitted in favor of this road vacation. A public hearing will need to be scheduled.

**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 County Executive Jack Louws and Honorable Members of the County Council

Through: Jon Hutchings, Director

From: Andrew Hester, Real Estate Coordinator

Date: March 8, 2016

Re: A Resolution in the Matter of a Vacation for the Realignment of an Unnamed Alley within the Birch Bay West End Estates Plat

The attached petition asks for vacation of a portion of an unnamed alley in exchange for replacement of the vacated portion with a new alignment of equal value, within the Birch Bay West End Estates Plat.

Recommended Action
The County Engineer’s report has been prepared and is being submitted in favor of this road vacation. It is recommended that the County Council set a hearing date for the requested vacation, publish the vacation request, and direct County staff to post the appropriate public notices..

Please contact me at extension 6216 if you have any questions regarding this action.

Encl.
RESOLUTION NO. ______

IN THE MATTER OF A VACATION FOR THE REALIGNMENT OF AN UNNAMED
ALLEY WITHIN THE BIRCH BAY WEST END ESTATES PLAT

WHEREAS, on April 2, 2015, Brian Southwick and Linda Kiens submitted a petition for the
vacation of a portion of an unnamed alley in exchange for replacement of the vacated portion
with a new alignment of equal value, within the Birch Bay West End Estates Plat lying
within the unincorporated area of Whatcom County, accompanied by the penal sum of
$790.00, and,

WHEREAS, as described in RCW 36.87.010, when a county road or any part thereof is
considered useless, the Whatcom County Council may declare its intention to formally
consider vacation, by resolution.

WHEREAS, the County Council voted 4-0 on October 13, 2015, to consider this vacation
request and direct the County Engineer's office to report; and

WHEREAS, the County Engineer's office has reviewed the portion of the street which is a
Class B-2,6 right-of-way, wherein no public expenditures were made or they are non-
ascertainable from records, and part or all lies within a platted subdivision, and in the
exercise of his judgment has determined the public will benefit from said vacation; and

WHEREAS, public utilities are located within the portion of the right-of-way to be vacated
and an easement for said utilities will be retained by the County; and

WHEREAS, the amount of right-of-way to be vacated will be equal to the amount of right-
of-way to be dedicated so no compensation is required for the vacation; and

WHEREAS, the petitioner has met all of the petition requirements, as set forth by Chapter
12.20 Whatcom County Code, and all other applicable laws; and

WHEREAS, the applicant has six calendar months from the date of the Preliminary Order of
Vacation to pay any remaining fees to the Whatcom County Council office, which checks
should be made payable to the Whatcom County Treasurer, prior to the vacation becoming
effective; and

WHEREAS, this vacation does not become effective until the fees are paid, and until
applicant executes a Right of Way Deed for the required right of way dedication area, and the
Final Order and Resolution area recorded with the County Auditor;

NOW, THEREFORE, BE IT RESOLVED that it is the intention of the Whatcom
County Council to vacate, in conjunction with dedication of a similar amount of
right-of-way nearby, the following described right of way:
That portion of Lot 19, "Plat of Birch Bay West End Estates", Whatcom County, Washington, according to the plat thereof, recorded in Volume 8 of Plats, Page 76, records of said County and State more particularly described as follows:

Commencing at the Southeast corner of said Lot 19; thence North 34°42’40” East along the Easterly line of said lot, 125.00 feet to the Northeast corner of said lot; thence South 25°55’49” West, 45.54 feet; thence South 47°51’12” West, 14.09 feet; thence South 24°02’41” West, 25.04 feet; thence South 32°15’23” West, 37.70 feet to intersect the northerly right of way margin of Birch Bay Drive; thence North 77°10’00” West along said margin, 10.77 feet to the Point of Beginning.

SUBJECT TO and/or together with all easements, covenants, restrictions and/or agreements of record or otherwise.

SUBJECT TO an easement retained by the County in respect to the vacated portion of right-of-way for the construction, repair, and maintenance of any and all public utilities and services, now located on or in the vacated portion.

BE IT FURTHER RESOLVED that upon applicants’ completion of payment of all fees, and execution of a right-of-way deed for the area required by the County to be dedicated, a Final Order of Vacation shall be prepared by Council Staff, signed by the appropriate parties, and recorded with the County Auditor; and

BE IT FURTHER RESOLVED that upon applicants’ completion of payment of all fees, and execution of a right-of-way deed for the area required by the County to be dedicated, the Right of Way Deed for that portion to be dedicated by applicant will be recorded with the County Auditor; and

BE IT FURTHER RESOLVED that if the conditions set forth above are not fulfilled within six months from the date of the passage of this Resolution, the Preliminary Order of Vacation which is hereby authorized shall be withdrawn, and the right-of-way shall not be deemed to have been vacated.

APPROVED this ___ day of ________________, 2016

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

____________________________
Dana Brown-Davis, County Clerk

____________________________
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

____________________________
Daniel L. Jackson
Chief Civil Deputy Prosecutor
BEFORE THE WHATCOM COUNTY COUNCIL

IN THE MATTER OF VACATION OF THE COUNTY ROAD KNOWN AS

BIRCH BAY WEST END ESTATES ALLEY

PETITION FOR VACATION OF PLATTED ROAD

(RCW 58.17 AND 36.87)

Petitioned for by:

BRIAN J. SOUTHWICK
LISA D. KIENS
et.al.

Pursuant to Whatcom County Ordinance No. 1-72, dated February 14, 1972, the undersigned and those signing attached petition, which bears signatures and property descriptions of five land owners residing in the vicinity of said road, request vacation of the county road hereinafter described, and agree with the statements below:

1. Petitioners are residents of Whatcom County and owners of real property in the vicinity of the road sought to be vacated.

2. The road sought to be vacated is legally described as follows: 

3. The pertinent facts in support of this petition are: 

4. The road to be vacated is useless as a part of the County road system and the public will benefit by its vacation and abandonment.

5. Petitioners will pay all costs and expenses incurred by the Count in examination, report, notice and proceedings pertaining to this petition.

6. A bond in the penal sum of $790.00, payable to Whatcom County Treasurer, accompanies this petition.

7. The application fee accompanies this petition.

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and that an order be entered vacating and abandoning said road.

CONTACT PERSON:

JAY TODD

702 KENTUCKY ST. #707

BELLINGHAM WA 98225

(360) 410-6745

Signed this 2nd day of April, 2015.
WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

PETITIONERS’ NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP, (Blk) Range):

1. LINDA KIEWS /s/ 11/26/16 405 124 0622 2390 0000
   BRIAN SOUTHWICK /s/ 11/26/16 405 124 068 235 0000
   405 124 0582 240 0000

2. JUDY HESKETH 3019 Readers 405 124 0628 417 0000
   HESKETH

3. CAROL ANNE 8350 Green Crest Dr., Blaine WA 98230 405 124 0603 5580

4. JAMIE ANNE 8344 Black Bay Dr., Blaine WA 98230 405 124 0682 334 0000

5. MARCE WERNER 8324 Green Crest Dr., Blaine WA 98230 405 124 0913 920000

6. BRAD KAMERLING 5177 Searcy Dr., Blaine WA 98230 405 124 161 227 0000

A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.
EXHIBIT

OLD ALLEY LINE (TYP.)

DENOTES ORIGINAL PLATTED LOT LINE (TYP.)

FUTURE ALIGNMENT OF WLY ALLEY R-O-W

ACCESS EASEMENT RETAINED OVER FORMER ALLEY FOR WCDW #8 MAINTENANCE OF SANITARY SEWER AND APPURTENANCES

LANDSCAPING

AREA OF DEDICATION

P.O.B.

BIRCH BAY DR.
(CON. RD. NO. 46)

LANDSCAPING

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</tr>
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<td>L3</td>
<td>23.65</td>
<td>S24°02'41&quot;W</td>
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<tr>
<td>L4</td>
<td>34.89</td>
<td>S32°15'23&quot;W</td>
</tr>
<tr>
<td>L5</td>
<td>10.69</td>
<td>N77°10'00&quot;W</td>
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JOB NO. 201309184
Exhibit_Dedication_Rev1.dwg
AREA OF DEDICATION FROM LOT 20

THAT PORTION OF LOT 20, "PLAT OF BIRCH BAY WEST END ESTATES", WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 8 OF PLATS, PAGE 76, RECORDS OF SAID COUNTY AND STATE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 20; THENCE NORTH 34°42'40" EAST ALONG THE WESTERLY LINE OF SAID LOT, 121.77 FEET; THENCE SOUTH 25°55'49" WEST, 46.72 FEET; THENCE SOUTH 47°51'12" WEST, 13.92 FEET; THENCE SOUTH 24°02'41" WEST, 23.65 FEET; THENCE SOUTH 32°15'23" WEST, 34.89 FEET TO INTERSECT THE NORtherLY RIGHT OF WAY MARGIN OF BIRCH BAY DRIVE; THENCE NORTH 77°10'00" WEST ALONG SAID MARGIN, 10.60 FEET TO THE POINT OF BEGINNING.
PATHWAY PORTION TO BE VACATED

THAT PORTION OF LOT 19, "PLAT OF BIRCH BAY WEST END ESTATES", WHATCOM COUNTY, WASHINGTON, ACCORDING TO THE PLAT THEREOF,Recorded in Volume 8 of Plats, Page 76, Records of Said County and State More Particularly Described as Follows:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 19; THENCE NORTH 34°42'40" EAST ALONG THE EASTERLY LINE OF SAID LOT, 125.00 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 25°55'49" WEST, 45.54 FEET; THENCE SOUTH 47°51'12" WEST, 14.09 FEET; THENCE SOUTH 24°02'41" WEST, 25.04 FEET; THENCE SOUTH 32°15'23" WEST, 37.70 FEET TO INTERSECT THE NORTHERLY RIGHT OF WAY MARGIN OF BIRCH BAY DRIVE; THENCE NORTH 77°10'00" WEST ALONG SAID MARGIN, 10.77 FEET TO THE POINT OF BEGINNING.
Pertinent facts supporting the case for Southwick/Kiens vacation:

The slight relocation of the public right-of-way will create a more functional and usable route to Birch Bay Dr. The home located at 8352 Birch Bay Dr. currently owned by Brian Southwick and Lisa Kiens is in very close proximity to the right-of-way. This is not uncommon as the home was built in 1970 according to Whatcom County Assessor’s records, at a time when a physical survey of property would not have been a requirement for approval a building permit. The proposed relocation will have no measurable impact or effect on the public’s use of the right-of-way or safety of the persons using it (see attached exhibit drawings showing the relocation).
REPORT OF THE COUNTY ENGINEER
(Whatcom County Code 12.20.050)

IN THE MATTER OF THE VACATION OF A COUNTY ROAD Portion of Un-named Alley in Birch Bay West End Estates

PETITIONED BY Brian Southwick and Linda Kiens et al.

COUNTY ENGINEER'S REPORT

I, the undersigned County Engineer of Whatcom County, State of Washington, being duly directed by the Whatcom County Council to examine and report on County Road Un-named alley in Birch Bay West Estates, Birch Bay, Washington proposed for vacation by the petition of: Brian Southwick and Linda Kiens et al.

did examine said road and report as follows:

IN FAVOR __ X __

Said road should be vacated.

Fair Market Value (12.20.060 E)

0 acres @ $__________ $

2. Classification (12.20.060 F)

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<td>B</td>
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<td>1</td>
<td>No part thereof lies in any plat</td>
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<tr>
<td>2</td>
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<td>3</td>
<td>Did not remain unopened for public use for five or more years after the order made or authority granted for opening it.</td>
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<tr>
<td>4</td>
<td>Remained unopened for public use for five or more years after the order made or authority granted for opening it.</td>
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<tr>
<td>5</td>
<td>Is contained within that portion of a plat which is to be replatted</td>
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<tr>
<td>6</td>
<td>X</td>
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<tr>
<td>7</td>
<td>Informalities exist in the records of title which are construed to invalidate and divest the public of any right, title, or interest in the right-of-way.</td>
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The public will be benefited by this vacation. yes _X_ no ___

Joe Rutan, P.E.
Whatcom County Engineer

Date 3/8/16
After recording return document to:

Whatcom County Public Works
Real Estate Coordinator
322 N. Commercial, Suite 210
Bellingham, WA  98225

Document Title: RIGHT-OF-WAY DEED
Reference Number of Related Documents: None
Grantors: Brian J. Southwick and Linda D. Kiens
Grantee: Whatcom County
Legal Description: Ptn Lot 20 Birch Bay West End Estates, S24, T40N, R1W
Additional Legal Description is on Page 3 of Document.
Assessor's Tax Parcel Number: 405124 068237 0000

RIGHT-OF-WAY DEED

The Grantors, BRIAN J. SOUTHWICK AND LINDA D. KIENS, both unmarried individuals, for and in consideration of a requirement imposed for County Road Vacation of other property, do grant, bargain, sell and convey as right-of-way, and for all purposes and uses consistent therewith, to WHATCOM COUNTY, A WASHINGTON MUNICIPAL CORPORATION, the following described real property, and any after acquired interest therein, situated in Whatcom County, in the State of Washington:

For legal description and additional conditions
See Exhibit A attached hereto and made a part hereof.

Also, the undersigned hereby request the Assessor and Treasurer of said County to set-over to the remainder of the herein described Parcel "A" the lien of all unpaid taxes, if any, affecting the property hereby conveyed, as provided by RCW 84.60.070.

It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon Whatcom County unless and until accepted and approved hereon in writing for the County by the County Executive.
RIGHT-OF-WAY DEED

Grantors: ___________________________ Date: ________________

Brian J. Southwick

Accepted and Approved

Linda D. Kiens

WHATCOM COUNTY

By: ___________________________

Jack Louws, County Executive

Approved as to form:
Prosecuting Attorney’s Office

Date: ________________

Daniel Gibson, Chief Civil Deputy Prosecutor

Date: ________________

STATE OF WASHINGTON  

: ss
County of ____________ 

On this __________________ day of __________________ 2016, before me personally appeared Brian J. Southwick and Linda D. Kiens, to me known to be the individuals described herein and who executed the foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

__________________________
Notary Public in and for the State of Washington,
residing at _______________________
My commission expires ________________

Page 2 of 3 Pages Parcel No. 4051240682370000
EXHIBIT A

That portion of Lot 20, “Plat of Birch Bay West End Estates”, Whatcom County, Washington, according to the plat thereof, recorded in Volume 8 of Plats, Page 76, records of said County and State more particularly described as follows:

Commencing at the southwest corner of said Lot 20; thence north 34°42’40” east along the westerly line of said lot, 121.77 feet; thence south 25°55’49” west, 46.72 feet; thence south 47°51’12” west, 13.92 feet; thence south 24°02’41” west, 23.65 feet; thence south 32°15’23” west, 34.89 feet to intersect the northerly right of way margin of Birch Bay Drive; thence north 77°10’00” west along said margin, 10.60 feet to the point of beginning.
### WHATCOM COUNTY COUNCIL AGENDA BILL

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**TITLE OF DOCUMENT**: 2016 Supplemental Budget Request #7

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

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

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

Supplemental #7 requests funding from the General Fund:

1. To appropriate $85,749 in Sheriff to fund patrol boat replacement from Vessel Registration Fee Reserve Account.

---

**COMMITTEE ACTION**:  

**COUNCIL ACTION**:  

| Related County Contract #: | Related File Numbers: | Ordinance or Resolution Number: |
ORDINANCE NO.
AMENDMENT NO. 7 OF THE 2016 BUDGET

WHEREAS, the 2015-2016 budget was adopted November 25, 2014; and,
WHEREAS, changing circumstances require modifications to the approved 2015-2016 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 2015-2016 Whatcom County Budget Ordinance #2014-065 is hereby amended by adding the following additional amounts to the 2016 budget included therein:

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<td>Total Supplemental</td>
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ADOPTED this ___ day of _________________, 2016.

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

Karen J. Banks, Civil Deputy Prosecutor

( ) Approved    ( ) Denied

Jack Louws, County Executive

Date: _____________________________
## WHATCOM COUNTY

### Summary of the 2016 Supplemental Budget Ordinance No. 7

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<th>Description</th>
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<th>(Increased) Decreased Revenue</th>
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<td>Sheriff</td>
<td>To fund patrol boat replacement from Vessel Registration Fee Reserve Account Funds.</td>
<td>85,749</td>
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<td>Total General Fund</td>
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<td>Total Supplemental</td>
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Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: March 11, 2016
SUBJECT: Supplemental Budget ID# 2146
Sheriff’s Office Patrol Boat Replacement 2016

The Sheriff’s Office requests this supplemental budget be considered outside the normal cycle for supplemental budgets due to the time involved in awarding a bid, obtaining and making ready a boat for operational use during the 2016 boating season.

The attached Supplemental Budget requests budget authority for replacement of Sheriff’s Office Patrol boat in 2016.

Background and Purpose
The 1988 17 foot Boston Whaler owned by the Sheriff’s Office and used on Lake Samish is in dire need of replacement. This vessel is 28 years old and has been in constant law enforcement use for over 25 years. It is well beyond the end of its life cycle, is in need of a number of repairs and is not safe to operate as a patrol vessel. Given the current repairs needed and the likelihood of future on-going repairs, replacing this aging vessel with a new patrol boat would be a more prudent use of resources.

Funding Amount and Source
Funding of $85,749 will be from the Vessel Registration Fee (VRF) Reserve Account. Funds in this account are dedicated solely for the operational and capital needs of the jurisdiction’s approved boating safety program.

Please contact Undersheriff Jeff Parks at extension 6610 if you have any questions.

Thank you.
Supplemental Budget Request

Sheriff Operations

SuppTD # 2146 | Fund 1 | Cost Center 2960 | Originator: Kevin Hester / Dawn Pierce

Expenditure Type: One-Time
Year 2 2016
Add'l FTE □
Add'l Space □
Priority 1

Name of Request: Sheriff's Office Patrol Boat Replacement 2016

Department Head Signature (Required on Hard Copy Submission)

Date 3/11/16

1a. Description of request:

Replacement of Sheriff's Office patrol boat. Cost of proposed new patrol boat includes $76,862 min bid specs + $2,461 optional hydraulic TFX power steering + $6,426 (8.1%) sales tax for total cost of $85,749.

The 1988 17 foot Boston Whaler currently owned by the Sheriff's Office and used on Lake Samish is in need of replacement. This vessel is 28 years old and has been in constant law enforcement use for over 25 years. It is well beyond the end of its life cycle and all recommendations for the past several years indicate that it should be replaced.

The Sheriff's Office has sought to replace this vessel since 2013. Although the boat was able to make it through the 2015 boating season, the Sheriff's Office has concerns regarding seaworthiness, safety, and environmental issues surrounding this boat. The vessel has significant problems with hull leakage that render it unserviceable and unsafe to operate. The hull and transom are stressed from years of use and are rotted and filling with moisture. The deck is "crazing" and cracked, allowing water/moisture to seep into the hull. The center console needs repair. This would require removal of the console so that is could be repaired and the wood subsequently would need to be re-attached to the hull. Estimated cost of repairs is approximately $20,000. Given the current repairs needed and the likelihood of future on-going repairs, replacing this aging vessel with a new patrol boat would be a more prudent use of resources.

Based on past experience and the current mission of the Marine Services Unit, the minimum specifications for a new patrol boat should be:

- Length: 17' 19'. This boat will primarily be used on Lake Samish, but this length will allow it to be used as a back-up boat for Lake Whatcom when needed.
- Mono hull of either marine fiberglass or aluminum construction/aluminum would be preferred for longevity and durability but would need built in fendering for contact with public boats.
- Bow door-"landing craft design"/preferred option for Lake Samish to access boat launch area where there is no dock. Would also be of service for search and rescue dive operations in all Whatcom County waterways.
- Four stroke Mercury or equivalent single motor
- Equipped with emergency equipment (lights, siren, PA, radios)
- Center console with "T" top or other cover for vessel operators
- Electronics to include Marine VHF radio, Hummingbird 900 series GPS and depth finder/side/down sonar.
- Storage to keep items off deck
- Rear Sampson post for towing
(see Whatcom County Bid 16-05 for full specifications on equipment)
1b. Primary customers:
Whatcom County citizens and visitors

2. Problem to be solved:
The Sheriff's Office is currently the only law enforcement agency in Whatcom County that operates an Approved Boating Safety Program under WAC 352-65. To comply with program requirements, patrols and enforcement of boating under the influence violations are performed on a regular basis on a number of navigable waterways in Whatcom County. In addition, the Sheriff's Office has primary responsibility for criminal investigations as well as search and rescue operations within unincorporated areas of the county and is often called to assist the municipalities with boating fatalities and missing person investigations. The approved boating safety program is but one element of the overall operational requirements for having adequate platforms from which to carry out the mission of the Sheriff's Office.

Vessels other than the aging 17 foot Boston Whaler in the current Sheriff's Office marine fleet include a 27 foot Donzi, a 22 foot aluminum jet boat, and one personal watercraft (PWC). This flotilla is barely sufficient to cover all areas of responsibility and the varied duties required for maritime enforcement. The Donzi primarily operates on Lake Whatcom during the boating season, but it is also pressed into duty in Bellingham Bay, the Puget Sound, and up to Pt. Roberts. The requested new boat could patrol on Lake Whatcom when the Donzi is deployed elsewhere, and it could also operate under some circumstances in Bellingham Bay as well. The jet boat is primarily dedicated as a rapid response asset and used in the rivers, on Baker Lake, and at Newhalem (Ross/Gorge/Diablo). The PWC can be used in the rivers or for pro-active enforcement, contacts, and surveillance. However, it is not sufficient to detain or transport persons other than the PWC operator.

3a. Options / Advantages:
Repair of existing boat. Repair of the existing boat would be costly, and industry professionals who have looked at the boat do not recommend continuing repairs.

Not replacing the boat. If the vessel is not replaced, patrols on Lake Samish and other areas will be affected and the overall safety of boating activities will decline. There would also be reduced capability for other marine operations conducted by the Sheriff’s Office due to the shifting of resources to compensate for the loss of the boat.

Reassignment of other assets. There is very limited ability to reassign other assets with the current Sheriff's Office marine fleet. The 27 foot Donzi is the primary boat for Lake Whatcom and it is too large to regularly shift between Lake Samish and Lake Whatcom. The 22 foot jet boat could be used in certain areas of Lake Samish, but the tower on this boat will not allow it to pass under the Roy Road Bridge; therefore, a very active part of the lake (near the county park and swim area) would not be accessible for patrols. The personal water craft (PWC) is functional for the lake and has been utilized there, but it requires a spotter boat with operator for deployment.

Procurement of less expensive boat. Purchase of a less expensive boat (determined by cost rather than established operational requirements) would be of concern in a maritime environment as the equipment may be inadequate or of poor quality.

Purchase of the proposed platform is based on industry standards, personnel safety, and operational requirements and is the preferred option.

3b. Cost savings:

4a. Outcomes:
Continued and improved boating safety on Lake Samish and other waterways in Whatcom County.
Sustainability of our capabilities with regard to vessel inspections, boating safety, search and rescue, investigations, and emergency response.

4b. Measures:

Thursday, March 10, 2016
### Supplemental Budget Request

**Sheriff**

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<th>Supp't ID #</th>
<th>Fund</th>
<th>Cost Center</th>
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<tr>
<td>2146</td>
<td>1</td>
<td>2960</td>
<td>Kevin Hester / Dawn Pierce</td>
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**Operations**

New patrol boat will be on Lake Samish conducting patrols as well as safety inspections. Asset in place and in a ready state for missions described above.

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

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

6. **Funding Source:**

Vessel Registration Fee (VRF) Reserve Account. In accordance with State law, funds in this account are dedicated solely for the operational and capital needs of the jurisdiction's approved boating safety program.