

**WHATCOM COUNTY COUNCIL AGENDA BILL**

AB2016-047K

NO.

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Cliff Strong	<i>CS</i>	2/8/2016	<div style="text-align: center;"> <b>RECEIVED</b>   <b>FEB 16 2016</b>   <b>WHATCOM COUNTY COUNCIL</b> </div>	2/23/2016	Natural Resources Committee
Division Head: Mark Personius	<i>MP</i>	2-16-16			
Dept. Head: Sam Ryan	<i>SR</i>	2-16-16			
Prosecutor: Royce Buckingham					
Purchasing/Budget:					
Executive: Jack Louws					

**TITLE OF DOCUMENT:**

 2/23/2016: Briefing and discussion of Comprehensive Plan Chapter 11, Environment, and Appendix G, Water Resources Program and Salmon Recovery Program

 4/5/2016 (additional dates for preliminary direction on this item will be scheduled): Discussion and preliminary Council direction on Comprehensive Plan Chapter 11, Environment, and Appendix G, Water Resources Program and Salmon Recovery Program

**ATTACHMENT:**

- Cover memo

SEPA review required?    ☒ Yes    ☐ NO  
 SEPA review completed?    ☒ Yes    ☐ NO

Should Clerk schedule a hearing?    ☐ Yes    ☐ NO

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

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 present an overview and discuss Comprehensive Plan Chapter 11 (Environment) and Appendix G (Water Resources Program and Salmon Recovery Program) with the Natural Resources Committee.

**COMMITTEE ACTION:**

2/23/2016: Briefed and discussed

**COUNCIL ACTION:**
**Related County Contract #:**
**Related File Numbers:**

AB2016-047

**Ordinance or Resolution Number:**

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

**WHATCOM COUNTY**

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**J.E. "Sam" Ryan**  
Director

**Memorandum**

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

FROM: Cliff Strong, Senior Planner *CS*

THROUGH: Mark Personius, Assistant Director *MP*

DATE: February 23, 2016

SUBJECT: Comp Plan Update/UGA Review – Chapter 11 (Environment)

The Washington State Growth Management Act (GMA) requires Whatcom County to periodically review and revise its comprehensive plan under RCW 36.70A.130(1). The GMA also requires review of urban growth areas (UGAs) under RCW 36.70A.130(3). Therefore, Whatcom County has initiated a multi-year project to update its Comprehensive Plan.

The County Council will review the Comprehensive Plan, including UGA proposals, over a six month period between January and June 2016. This review will include staff briefings, review of Planning Commission recommendations, city presentations, public hearings, and consideration of public input. It is anticipated that the Council will adopt an ordinance relating to the Comprehensive Plan update and UGA review by the June 30, 2016 state deadline.

Today, staff will present an overview of Chapter 11, Environment, and Appendix G.

**Chapter 11, Environment**

Chapter 11 addresses a number of issues relating to the environment, including:

- ❖ Environmental Management
  - Community and Environmental Protection
  - Administration and Regulation
  - The Environment and Property Rights
  - Climate Change
- ❖ Natural Hazards
- ❖ Water Resources
  - Water Resource Programs
  - Groundwater Protection & Management
  - Flood Hazard Management
  - Stormwater Management
  - Marine Resources Management
  - Shoreline Management
- ❖ Natural Systems
  - Native Fish and Wildlife Populations and Habitat



- Salmon Recovery
- Wetlands
- Marine Habitat

General policy themes include:

- ❖ Protect the environment while protecting property rights and promoting economic growth
- ❖ Protect public health and safety
- ❖ Meet state and federal requirements
- ❖ Rely on public education and engagement in mutually solving issues
- ❖ Support multi-jurisdiction approaches and cooperation
- ❖ Use incentives and education as well as regulations

Staff-recommended changes to Chapter 11 are summarized as follows:

- ❖ Simplified text, updated tenses and references, and fixed grammar
- ❖ Revised background text regarding programs
- ❖ Action Plan:
  - Removed items that have been accomplished or addressed elsewhere
  - Converted unaccomplished items into policies
- ❖ Maps updated to current format
- ❖ Updated policies to ensure that they meet current state and federal mandates
- ❖ Added section on climate change
- ❖ Updated geohazard descriptions based on more current understanding
- ❖ Substantially updated Water Resources text and policies to reflect current programs and status
- ❖ Updated marine waters, shellfish protection, and salmon recovery text and policies to reflect current programs and status
- ❖ Add policies on best available science and landscape-based eco-system management

In their review, the Planning Commission made several amendments to the draft Plan. In particular:

Pg 11-9

<b>Goal 11B:</b>	<u><b>Simplify and harmonize regulations</b></u> <del>Ease the burden of excessive and confusing regulations, in instances when they are clearly identified,</del> <b>relating to the identification, delineation, and protection of environmental features.</b>
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Reason for Change: The language of "easing the burden" was felt to be a holdover from the past, when there was more confusion about a lot of new regulations caused by the implementation of the GMA back in the 1990. It was felt that most of that outcry is past, but that rules should still be as simple as possible.
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Pg 11-10

Policy 11C-3:	Emphasize an approach to environmental protection <u>by encouraging with</u> the use of conservation easements, open space taxation, land acquisition, purchase/transfer of
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development rights, and other mechanisms that assist affected property owners. ~~Consider mechanisms to compensate affected property owners in the event that the regulations implementing these Environmental Goals and Policies prohibit or significantly restrict the use of property as otherwise permitted by law. Avoid extreme standards and procedures that are likely to require compensation to property owners or invalidation of such rules.~~

Reason for change: The P/C thought it best to avoid regulations that lead to compensation for takings, rather than build compensation into the regulation framework.

## **Natural Hazards**

### **Issues, Goals, and Policies**

#### Page 11/17

**Volcanos** – A volcanic eruption or mudflow at Mount Baker could potentially severely affect river flow on the Nooksack River or Baker River and cause severe property damage near the volcanoes or along lahar routes. A lahar is an extremely rare and unpredictable occurrence. Evacuation routes should be planned and made public. Development should be regulated according to the Critical Areas Ordinance.

Note: The P/C added this text, modified from language submitted by the BIAWC. The BIAWC had proposed language that would prevent the County from adopting regulations, such as the Critical Areas Ordinance (CAO), that limits development in Lahar Inundation Zones given that their rate of occurrence is every 14,000 years. However, staff pointed out that we have a duty, as well as a GMA requirement, to adopt rules protecting current *and* future property owners from geologic hazards. What those rules will be are currently being reviewed through the COA update.

#### Page 11-19

Policy 11F-9: To address the causes of flooding and avoid expensive and maintenance-intensive bank protection measures, the County should prioritize its floodplain property acquisition program, and emphasize restoring river connectivity to historic side channels and floodplain areas.

Note: The struck out language was proposed by the Marine Resources Committee. However, the P/C thought that emphasizing restoring river connectivity might negatively impact agricultural uses.

#### Page 11-28

Policy 11I-12: Develop and implement comprehensive stormwater management programs and strategies designed to address runoff from all private and public developments and facilities within regulated and sensitive watersheds.

3. Amend subdivision, zoning, and other land use regulations and design standards to requireencourage that land use activities minimize the amount of impervious surface.

#### Page 11-31

Policy 11-K-4: Work cooperatively with the City and Lake Whatcom Water and Sewer District, and applicable associations to identify, review,

and, as appropriate, recommend changes to existing monitoring programs that will address the needs of the various jurisdictions. Place a particular focus on the information needed to evaluate the impacts of additional development and stormwater management measures in the watershed. Include an analysis of the diversion from the Middle Fork of the Nooksack. Coordinate effort with the Lake Whatcom Management Committee process.

Reason for Change: "Applicable associations" added by P/C in response to the Sudden Valley Community Association's request.

## **Appendix G**

Appendix G is new, and comprised of the background text on Whatcom County Water Resource Programs and the Salmon Recovery Program. The Planning Commission had staff remove this text from Chapter 11 and put it into an appendix as they thought it made the chapter too long. It contains no policies.

The only substantive change the Commission made was to include a description of the Planning Unit under the WRIA 1 Watershed Management Project.

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

**Appendix G**

**Whatcom County Water Resource  
and Salmon Recovery Programs**

Note: This is a new appendix describing the County's various water resource and salmon recovery programs and efforts. Originally proposed to be included in Chapter 11 (Environment), the P/C felt it made the chapter too long, and that given that the programs are evolving, it would best be located in an appendix.

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**Whatcom County Water Resource Programs**

Reason for Change: The following text describing County water programs has been added to describe the current environment and activities.

**WRIA 1 Watershed Management Project**

The WRIA 1 Watershed Management Project is the result of the 1998 Washington State Watershed Management Act, which required all participating local governments to address water quantity, with the option of addressing water quality, instream flows, and fish habitat. The WRIA 1 Watershed Management Project has brought together citizens, local governments, tribes, and state and federal agencies to address these issues.

The framework for watershed management in the state is based on geographic areas known as Water Resource Inventory Areas (WRIAs). WRIA 1 includes the

1 Nooksack River basin and several adjoining smaller watersheds, such as the coastal  
2 drainages of Dakota and California Creeks, as well as Lake Whatcom.

3 Watershed planning in WRIA 1 started in 1998 with the signing of a Memorandum  
4 of Agreement (MOA) between the *Initiating Governments*. In the WRIA 1 the  
5 Initiating Governments are Whatcom County, City of Bellingham, Public Utility  
6 District No. 1, Lummi Nation, and Nooksack Tribe (the latter joining slightly later  
7 through a Letter of Agreement). The role of the Initiating Governments was to  
8 review a recommended Watershed Plan and take it to their governments' councils  
9 for adoption.

#### 10 **WRIA 1 Joint Board**

11 In 1999, an Interlocal Agreement further formalized the government-to-  
12 government relationship essential to the tribes' participation in the process by  
13 creating a *Joint Board*. The Joint Board is comprised of the Initiating Governments,  
14 including the mayor of the City of Bellingham, executive for Whatcom County,  
15 manager of Public Utility District No. 1, and designated policy representatives of  
16 Lummi Nation and Nooksack Tribe. The Board manages the project's administrative  
17 functions such as contracts and budgets. Members of the Joint Board also sit on the  
18 Joint Policy Boards.

#### 19 **WRIA 1 Joint Policy Boards**

20 The WRIA 1 Joint Policy Boards are comprised of members of the WRIA 1 Joint  
21 Board and Salmon Recovery Board. This organizational level interacts with federal,  
22 state, and regional organizations at a policy-level and provides policy related  
23 direction to staff for purposes of incorporating regional issues into work plans,  
24 programs, etc. Additionally, the Joint Policy Boards:

- 25 • Endorse programs/actions to forward to Legislative Bodies, as applicable
- 26 • Provide WRIA 1 programs policy direction
- 27 • Meet and discuss watershed and salmon program topics as joint policy
- 28 boards with decision-making of each policy board retained.

#### 29 **Local Integrating Organization (LIO)**

30 The Whatcom Local Integrating Organization (LIO) is a function of the WRIA 1  
31 Watershed Joint Board and WRIA 1 Salmon Recovery Board (Joint Policy Boards).  
32 Local integrating organizations are designated by the Puget Sound Partnership. The  
33 two WRIA 1 Boards accepted the function of the Whatcom LIO in October 2010  
34 under the integrated program structure, and was officially recognized by the Puget  
35 Sound Partnership's Leadership Council in November 2010. The purpose of the  
36 Whatcom LIO is to coordinate implementation of Puget Sound Action Agenda  
37 priorities that are consistent with or complement local priorities. One of its functions  
38 is to provide a local update to the Action Agenda for Puget Sound. Local updates  
39 are intended to identify local priorities in the form of near-term actions (NTAs),  
40 which are priority actions with measurable outcomes that can be implemented in  
41 the next two years and that align with strategies in the Action Agenda for Puget  
42 Sound.

### **WRIA 1 Planning Unit**

The Initiating Governments established the Planning Unit to ensure representation of a broad range of water resource interests. The Planning Unit's role is to recommend actions for a Watershed Plan and to contribute knowledge, interests, technical expertise, and other resources to its development. The Planning Unit is made up of representatives from the Initiating Governments, other governments, and various caucuses. There are 16 total caucuses on the WRIA 1 Planning Unit.

Reason for Change: The P/C felt that the PU deserved mentioning.

Note: Staff does not support the addition of this language. The PU is a subcommittee of the Joint Boards, as are the Watershed Management Team, the Watershed Staff Team, and the Salmon Staff Team. Staff purposefully left all but the highest levels of the organization out. Furthermore, the organization of the WRIA 1 is currently undergoing potential change, and the status of the PU is unknown.

### **WRIA 1 Watershed Management Plan**

The WRIA 1 Watershed Management Plan was completed in 2005 through the cooperation of local stakeholders and governments. It provides a roadmap for addressing water quantity, water quality, instream flow, and fish habitat challenges. The goals of the WRIA 1 Watershed Management Project are to have water of sufficient quantity and quality to meet the needs of current and future human generations, including the restoration of salmon, steelhead, and trout populations to healthy harvestable levels, and the improvement of habitats on which fish and shellfish rely. These goals are addressed more specifically below:

- **Water Quantity** – To assess water supply and use, and develop strategies to meet current and future needs. The strategies should retain or provide adequate amounts of water to protect and restore fish habitat, provide water for future out-of-stream-uses, and ensure that adequate water supplies are available for agriculture, energy production, and population and economic growth under the requirements of the state's Growth Management Act.
- **Water Quality** – To ensure that the quality of our water is sufficient for current and future uses, including restoring and protecting water quality to meet the needs of salmon and shellfish, contact recreational uses, cultural uses, protection of wildlife, providing affordable, safe domestic water supplies, and other beneficial uses. The initial objectives of the water quality management strategy will be to meet the water quality standards.
- **Instream Flow** – To supply water in sufficient quantities to restore salmon, steelhead, and trout populations to healthy and harvestable levels and improve habitats on which fish rely.
- **Fish Habitat** – To protect or enhance fish habitat in the management area and to restore salmon, steelhead, and trout populations to healthy and harvestable levels and improve habitats on which fish rely.

In 2010, the WRIA 1 Joint Board adopted a work plan, budget and financing strategy, called the Lower Nooksack Strategy, to advance a negotiated settlement of Tribal and state in-stream flow water rights on the mainstem of the Nooksack River, while maximizing the economic and environmental benefits of out-of-stream water use in the Lower Nooksack sub-basin. The Joint Board adopted the Lower Nooksack Strategy consistent with WRIA 1 Watershed Management Plan priorities.

**Lower Nooksack Strategy Objectives:**

- Develop and implement a process for negotiating settlement of water rights on the Mainstem Nooksack River.
- Update and verify the Lower Nooksack River sub-basin water budget and develop a groundwater model.
- Determine out-of-stream water user needs:
  - Public water system needs determined by updated the Whatcom County Coordinated Water System Plan (CWSP).
  - Other out-of-stream user needs (e.g., agriculture, private domestic wells, industrial, etc.) determined through a regional water supply planning process.
- Continue and, if appropriate, enhance targeted streamflow and water quality sampling.
- Advance work on tools that foster water resource allocations consistent with long-term economic and environmental land-use goals for implementation in five years.

**Lake Whatcom Watershed Management**

Reason for Change: The below text regarding Lake Whatcom was moved from Chapter 2 to this chapter.

Lake Whatcom is large multi-purpose reservoir that is the source of drinking water for the City of Bellingham, Lake Whatcom Water and Sewer District, several other smaller water districts/associations, and about 250 homes that draw water directly from the lake. All told, the lake provides water to about half the population of Whatcom County.

Lake Whatcom is a multiple use lake and watershed. In addition to providing water for drinking, commercial and industrial uses, the lake is used for boating, swimming, and fishing. The majority of the watershed is forested, mainly surrounding the large southernmost portion of the lake. Other land uses include residential development (approximately 5,0300 homes are located within the watershed), limited agriculture and commercial development, parks, and other public facilities. The on-going management challenge is trying to determine the extent to which these practices can occur while maintaining safe, clean drinking water. The challenge is further complicated by possible requirements related to the

1 Endangered Species Act, tribal water rights, and the potential impact these issues  
2 may have on how the City's diversion from the Nooksack River is operated.

3 The watershed contains four developed areas: the City of Bellingham, which  
4 straddles the upper portion of the northern-most basin of the lake; Geneva, which  
5 is immediately south and east of Bellingham's city limits and is part of the city's  
6 urban growth area; Hillsdale, which is immediately north and east of Bellingham's  
7 city limits and is also part of the city's urban growth areas; and the Sudden Valley  
8 Rural Community. In addition, it includes a variety of other zones, including  
9 resource, rural, and residential rural zones. Over Outside the Bellingham City limits,  
10 approximately 70%75% of the watershed is in Forestry zoning and more than  
11 75%73% of the current land use is forestry.

12 In 2003, there were approximately 2,730 existing dwelling units in the Lake  
13 Whatcom watershed located outside of the Bellingham UGA. Under the zoning  
14 adopted in January 2004, the gross potential build-out in this area is about 6,507  
15 total dwelling units. Therefore, even under the more restrictive zoning adopted in  
16 January of 2004, there could be a significant amount of new development in the  
17 watershed. Water and sewer service are provided by the Lake Whatcom Water and  
18 Sewer District Water District 10. Capacity problems in the district's sewer line,  
19 which serves Geneva and Sudden Valley, have caused overflows into the lake in the  
20 past. An aggressive program to preclude stormwater infiltration has eliminated the  
21 overflow problems to a large extent. In addition, the district has a contractually  
22 limited flow capacity to Bellingham. The Lake Louise Road sewage interceptor was  
23 constructed in January 2003 to carry waste water from Sudden Valley and Geneva  
24 and serves as a complement to the Lake Whatcom Boulevard trunk line. The  
25 interceptor was designed to service full build-out of Sudden Valley and Geneva.

26 The City of Bellingham and Lake Whatcom Water and Sewer District are responsible  
27 for ensuring drinking water standards are met for their customers. To date water  
28 supplies have consistently met standards. The ability to continue to economically  
29 meet drinking water standards requires maintaining source water that requires  
30 minimal treatment. For this reason the City of Bellingham maintains an on-going  
31 source water-monitoring program. Other agencies including Western Washington  
32 University, Department of Natural Resources, Department of Fish and Wildlife,  
33 Department of Ecology, Lake Whatcom Water and Sewer District, and Whatcom  
34 County, have also conducted monitoring, studies, and/or evaluations of the lake  
35 and watershed.

36 Lake Whatcom is the drinking water source for approximately half of Whatcom  
37 County. Recent sStudies on Lake Whatcom conducted over a number of years  
38 indicate water quality in the lake has declined. Oxygen levels in Lake Whatcom are  
39 declining to lower levels, and are declining faster than in the past. In 19971998,  
40 the Washington State Department of Ecology listed Lake Whatcom as an impaired  
41 water body and placed Lake Whatcom on the Federal Clean Water Act 303(d) list  
42 because of low oxygen levels in the Lake and high bacteria levels in streams that  
43 flow into the Lake. The 303(d) listing requires the establishment of a Total  
44 Maximum Daily Loads (TMDLs). that designates loading capacity of the lake such



1 that there will be no measurable change in oxygen levels from natural lake  
2 conditions. The TMDL goals will require a variety of planning, pollution prevention,  
3 pollution reduction and technical approaches. Meeting the TMDL goals will be  
4 required in order to stabilize water quality in Lake Whatcom. The Department of  
5 Ecology issued the "Lake Whatcom Watershed Total Phosphorus and Bacteria Total  
6 Maximum Daily Loads: Volume 1, Water Quality Study Findings" in 2008. This study  
7 documented that Lake Whatcom is impaired for dissolved oxygen due to  
8 phosphorus loading and that streams flowing into Lake Whatcom do not meet fecal  
9 coliform bacteria standards. Loading capacities for total phosphorus and bacteria  
10 reduction targets were set forth in this document. In 2013 The Department of  
11 Ecology issued a draft "Lake Whatcom Watershed Total Phosphorus and Bacteria  
12 Total Maximum Daily Loads: Volume 2, Water Quality Improvement Report and  
13 Implementation Strategy." in 2013. This report identifies how much phosphorus can  
14 be discharged to the Lake and identifies how the bacteria load should be allocated  
15 between the County and City of Bellingham, in order to meet water quality  
16 standards.

17 A significant cause of declining oxygen levels has been from residential  
18 development in the watershed. Past development permitted by the City of  
19 Bellingham and Whatcom County has led to increased phosphorus loading into the  
20 lake, which stimulates algae growth. Bacteria that consume the dying algae deplete  
21 the dissolved oxygen, leading to in turn has led to lower oxygen levels in the lake.  
22 Past poorly managed forest practices may have led to significant increases in  
23 phosphorus loading to the lake.

24 There are several pending subdivisions in the area which are being proposed at less  
25 than full density but which will increase the overall development level outside of  
26 urban areas to a significant degree. Whatcom County has taken a number of actions  
27 to reduce phosphorus and otherwise address Lake Whatcom water quality. These  
28 include rezoning land to allow less development in the watershed, adoption of the  
29 Lake Whatcom Comprehensive Stormwater Management Plan, revising stormwater  
30 management standards for private development to significantly reduce potential  
31 phosphorus runoff, construction of stormwater capital improvement projects and  
32 adoption of regulations that restrict the application of commercial fertilizers.

33 In 2014, approximately 8,800 acres of forest lands around Lake Whatcom were  
34 transferred to Whatcom County from the Washington Department of Natural  
35 Resources through reconveyance. These lands will provide passive recreation  
36 opportunities with hiking and biking trails connecting various communities,  
37 neighborhoods and parks throughout the watershed. Under County ownership, the  
38 forests will be allowed to mature to an older growth environment benefiting the  
39 watershed and helping to stabilize steep slopes that surround the lake. In 2006 the  
40 Whatcom County Council approved funding to study reconveyance of DNR managed  
41 County Forest Board Lands.

42 ~~There are still state forest lands in the Lake Whatcom watershed. In 2004, the~~  
43 ~~Department of Natural Resources (DNR) Board on Natural Resources adopted the~~  
44 ~~Lake Whatcom Landscape Plan. This plan provides additional protections on~~

1 | remaining state managed lands within the Lake Whatcom watershed. The plan  
2 provides additional protections on streams and potentially unstable slopes not  
3 normally included in forest practices in Washington State. If the DNR exchanges  
4 land from the watershed the protections provided by the plan would not be  
5 applicable to the new owner.

## 6 **Lake Whatcom Watershed Management Program**

7 A variety of agencies, organizations, and individuals play a role in managing and  
8 protecting Lake Whatcom. In an effort to coordinate efforts of these various  
9 players, in 1990, the City of Bellingham, Whatcom County, and Water District 10  
10 (now known as the Lake Whatcom Water and Sewer District) began meeting to  
11 develop a joint management strategy for the Lake Whatcom watershed.

12 In November/December 1992, a joint resolution was passed by the Bellingham City  
13 Council, Whatcom County Council, and the Lake Whatcom Water and Sewer District  
14 (formerly Water District 10) Commissioners, which reaffirmed this position with six  
15 general goal statements and a set of specific goal statements in various categories.  
16 The specific goal statements for urbanization were the following:

- 17 • Prevent water quality degradation associated with development within the  
18 watershed.
- 19 • Review and recommend changes in zoning and development potential that  
20 are compatible with a drinking-water reservoir environment.
- 21 • In addition to zoning identify and promote other actions to minimize potential  
22 for increased development in the watershed (i.e. land trust, development  
23 rights, cost incentives, etc.).
- 24 • Develop specific standards which reduce the impacts of urbanization, such as  
25 minimal lot clearing; clustered development to reduce infrastructure;  
26 collection and treatment of stormwater before entering the lake.
- 27 • Develop appropriate interlocal agreements with governing agencies to  
28 prohibit the potential for additional development once an agreed upon level is  
29 set.

30 The joint resolution included goals for watershed management that extended  
31 beyond urbanization. Goals were included for stormwater management, on-site  
32 waste systems, conservation, forest management, spill response, hazardous  
33 materials transport and handling, data/information management, education/public  
34 involvement, and other topics. A joint strategy was agreed to for developing  
35 specific plans to meet the adopted goals. Eight high priority goals were selected  
36 first and plans have been completed and jointly adopted for each of the goals.

37 In 1998, the City, County, and District 10 formalized their joint commitment to  
38 protect and manage the lake through the joint adoption of an interlocal agreement  
39 and allocation of funding toward protection and management efforts in the  
40 watershed. A five-year program plan was developed for ten program areas. Specific  
41 priority was placed on activities related to watershed ownership, stormwater  
42 management, and urbanization/land development.

The resulting Lake Whatcom Management Program guides actions to protect Lake Whatcom as a long-term supply of drinking water for the City of Bellingham and portions of Whatcom County. The program emphasizes protection over treatment in managing Lake Whatcom and its watershed. The structure of the Lake Whatcom Management Program includes legislative bodies, a management team, an interjurisdictional coordinating team, agency staff, and advisory committees.

The Lake Whatcom Watershed Management Program website (<http://www.lakewhatcom.whatcomcounty.org/resources>) contains the management plans, reports, and work programs, as well as the jurisdictions' pertinent regulations and brochures on the different programs aimed at the various efforts to improve water quality.

### **Sudden Valley Recreational Subdivision**

Reason for Change: The following text was moved from Chapter 2, and edited for brevity.

Sudden Valley is a community within the Lake Whatcom Watershed. It was established in the early 1970s as a recreation/resort area located in the Lake Whatcom Watershed. But over the last thirty years it has developed into an urban significant residential area. Sudden Valley has private paved roads, all underground utilities (electricity, gas, cable and telephone), and a public water and sewer system provided by Lake Whatcom Water and Sewer District. Fire District #2, strategically located in Sudden Valley, provides fire and ambulance service. Sudden Valley's 1,724 total acres originally included 4,648 platted single-family lots/condominiums, a limited commercial area, community facilities, a marina, and a golf course. Of the 1,545 acres, 835 acres of open space and 140 acres of golf course (63%) are community association owned. The remaining 749 acres (43%) are private property. 2000 US Census data indicates that approximately 26% of the existing housing in Sudden Valley is either seasonal or vacant.

Sudden Valley contributes to a high volume of vehicle trips on Lake Whatcom Boulevard and Lake Louise Road. Right-of-way and alignment studies have been proposed for the 6-year TIP to study alternatives, cost and location relative to addressing the growing volume of vehicular trips on Lake Whatcom Boulevard and Lake Louise Road. Public transportation services are provided by the Whatcom Transportation Authority (WTA).

Sudden Valley lies within the Lake Whatcom Watershed where limiting development has been identified as desirable. The Sudden Valley Community Association (SVCA) has a Board of Directors mandated lot consolidation program with a targeted density reduction of 1,400 lots, reducing the total lots for development from 4,648 to 3,248. To date approximately 75% (1,047 lots) have been placed into density reduction of which 452 are voluntary private lot consolidation. SVCA funding has been set aside to purchase additional lots for density reduction. In accordance with the 2000 Lake Whatcom Management Program, the County and Lake Whatcom Water and Sewer District have also assisted Sudden Valley with their density reduction program through several joint agreements and exchanges of property and

1 restrictive covenants. To date, the SVCA, County, and Lake Whatcom Water and  
2 Sewer District have acquired 115 undeveloped lots in Sudden Valley at annual tax  
3 foreclosure auctions. The Lot Consolidation Covenant to Bind process has, also,  
4 increased voluntary private lot consolidation. The County Council has exempted  
5 Sudden Valley from the Lake Whatcom Transfer of Development Rights (TDR)  
6 program because Sudden Valley's density reduction plan meets the intent of the  
7 TDR program.

8 Since 1985, Sudden Valley has mandated the use of appropriate stormwater best  
9 management practices through standards for individual stormwater detention for all  
10 new construction. Any new building permits on existing lots must be able to  
11 demonstrate that stormwater detention is included on the plan as a precondition to  
12 issuance of a permit. Sudden Valley is also subject to additional regulatory  
13 protections that apply to the Lake Whatcom watershed under the Water Resource  
14 Protection Overlay District, Stormwater Special District, and Water Resource Special  
15 Management Area requirements. Under the provisions of these special districts,  
16 potential impacts from impervious surfaces, stormwater runoff, and clearing  
17 activities are required to be addressed either on-site or through a community-wide  
18 process.

19 Sudden Valley has implemented a 10-year Forest and Wildlife Stewardship (FAWS)  
20 plan with the State of Washington Department of Natural Resources (DNR). This  
21 plan provides environmental education and guidance to the Sudden Valley  
22 community, on a continuing basis, to assure sound environmental health and safety  
23 for plants, animals, and residents with an emphasis on properly managing flora and  
24 fauna indigenous to the region.

## 25 **Groundwater Protection & Management**

26 Groundwater is contained in aquifers, which are subterranean layers of porous rock  
27 or soil. Most aquifers are replenished by rainwater, though some may contain water  
28 trapped during glacial periods. Aquifers are often integrally linked with surface  
29 water systems and are essential for meeting in-stream and out-of-stream water  
30 needs such as for drinking water, agriculture, and industry. Whatcom County  
31 residents rely heavily on groundwater for drinking water, agriculture, and  
32 commercial and industrial needs. Groundwater also plays an important role in  
33 maintaining stream flows.

34 Many studies have been conducted related to groundwater quality in Whatcom  
35 County documenting water quality issues such as exceedances of standards for  
36 nitrate, ethylene dibromide (EDB) and 1,2-dichloropropane (1,2-D), pesticides, iron  
37 and other agricultural-related contaminants, particularly in the northern portion of  
38 the County. In general, groundwater in Whatcom County is very vulnerable to  
39 contamination because much of the County's groundwater lies within a shallow  
40 unconfined aquifer. Activities that occur on the surface of the ground directly affect  
41 groundwater quality. Shallow wells that draw water from unconfined water table  
42 aquifers are at highest risk.

1 Whatcom County's Critical Areas Regulations protect Critical Aquifer Recharge Areas  
2 (CARAs) during the development process, by precluding certain uses in CARAs  
3 and/or requiring certain precautions be taken in handling certain chemicals.

#### 4 **Flood Hazard Management**

5 A comprehensive approach to flood hazard management planning provides for a  
6 better understanding of the river and floodplain system and ensures that flooding  
7 and channel morphology problems are not simply transferred to another location  
8 within the basin, but are addressed in a comprehensive, basinwide manner. This  
9 approach directs future flood hazard management expenditures in the most  
10 efficient and cost effective manner.

11 Whatcom County Public Works coordinates with the Flood Control Zone District  
12 Advisory Committee (FCZDAC) to identify and characterize flooding problems and  
13 provide recommendations for achieving consistent long-term flood hazard reduction  
14 strategies. Some activities typically involved in developing a Comprehensive Flood  
15 Hazard Management Plan (CFHMP) include data collection, hydraulic modeling,  
16 alternatives analysis, floodplain mapping, and meander limit identification. In  
17 addition to the technical components in comprehensive flood planning, extensive  
18 coordination with the public and other agencies is required throughout the planning  
19 process.

20 Other County flood management programs include:

21 **Early Flood Warning** –Work with the United States Geological Survey (USGS)  
22 to maintain a network of early flood warning stations to help citizens prepare and  
23 take appropriate measures to protect lives and property from flood damages.

24 **Flood Hazard Reduction Program** – Implement projects to reduce future  
25 flood damages and public expenditures to repair damaged areas. Examples include  
26 construction of setback levees and overflow spillways, and designation of overflow  
27 corridors in overbank areas. Two alluvial fan studies have been completed for Jones  
28 Creek and Canyon Creek. For Jones Creek, review of potential mitigation measures  
29 and concept design of a preferred approach has also been completed.

30 **Comprehensive Flood Hazard Management Planning** – Identify flooding  
31 problems and provide recommendations for achieving long-term flood hazard  
32 reduction strategies. The Lower Nooksack River Comprehensive Flood Hazard  
33 Management Plan was adopted in 1999. Implementation of the plan is ongoing.

34 **Preparedness and Response** – Plan for and implement a coordinated  
35 response during flood events to ensure public safety and minimize flood damages.

36 **National Flood Insurance Program** – Participate in the Congress-initiated  
37 National Flood Insurance Program (NFIP) of 1968, to make affordable flood  
38 insurance available to citizens of communities that adopt approved flood  
39 management regulations.

**Repair and Maintenance Program** – Address problem areas with rivers, streams, and coastlines of Whatcom County, and mitigates future flood damages in a proactive and cost-effective manner.

**Technical Assistance** – Provide technical assistance regarding drainage and flood issues to private citizens and businesses located along the many water bodies within Whatcom County.

## **Organization**

### *Flood Control Zone District Advisory Committee (FCZDAC)*

Following the severe floods of 1989 and 1990, in 1992 Whatcom County created the countywide Flood Control Zone District (FCZD), including both incorporated and unincorporated areas of the County. The FCZD is a quasi-municipal corporation that is a separate legal entity from the Whatcom County government. Even though this legal separation exists, the Whatcom County Council and the County Executive (Board of Supervisors) and the Public Works Department (staff) perform the governance and administrative support for the district.

The primary purpose of the FCZD is flood hazard management. Revenue generated to for this purpose is accomplished in two ways: (1) a county-wide uniformly applied service charge; and, (2) supplemental revenue generated within localized Diking Districts and Sub-Flood Districts where specific local project activity is planned.

While the primary purpose of the FCZD is flood hazard management, the district is allowed to address a wide variety of water resource issues. Due to this ability, revenue generated by the district is currently used to finance additional water supply and water quality related improvement projects.

## **Pertinent Documents**

### *Lower Nooksack River Comprehensive Flood Hazard Management Plan (CFHMP)*

In 1999, the county adopted the Lower Nooksack River Comprehensive Flood Hazard Management Plan (CFHMP). The CFHMP identifies projects, programs, and other recommendations aimed at reducing future flood damages along the Lower Nooksack River.

### *Critical Areas Regulations (WCC 16.16)*

Whatcom County's Critical Areas Regulations aim to protect people and property in Frequently Flooded Area (FFAs) by requiring that any development conforms to WCC Title 17, Flood Damage Prevention.

## **Stormwater Management**

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the land surface. The addition of roads, driveways, parking lots, rooftops and other surfaces that prevent water from soaking into the ground to our landscape greatly increases the runoff volume created during storms. This runoff is swiftly carried to our local streams, lakes, wetlands and rivers and can cause flooding and erosion.

Stormwater runoff also picks up and carries with it many different pollutants that are found on paved surfaces such as sediment, nitrogen, phosphorus, bacteria, oil and grease, trash, pesticides and metals.

#### **County Stormwater Management Programs**

##### *National Pollutant Discharge and Elimination System (NPDES) Phase II Permit*

Stormwater runoff picks up pollutants as it travels over our developed landscapes and is a major source of water quality problems. In 1987, the Federal Clean Water Act was amended to address stormwater pollution. As a result, the United States Environmental Protection Agency (EPA) created the National Pollutant Discharge Elimination System (NPDES) to address stormwater runoff. States are then required to administer permits to local jurisdictions to regulate runoff as part of the NPDES Program. The Permit is referred to as the "NPDES Phase II Permit" or "Phase II Municipal Stormwater Permit".

In February of 2007, the Washington State Department of Ecology issued Whatcom County's Phase II Municipal Stormwater Permit. This permit regulates discharges from Small Municipal Separate Storm Sewers, and is part of the National Pollutant Discharge and Elimination System (NPDES) and State Waste Discharge General Permit. It sets forth requirements of municipalities to address stormwater runoff in areas determined to have population densities reaching urban standards. Whatcom County is required to implement various stormwater management strategies to comply with this State permit.

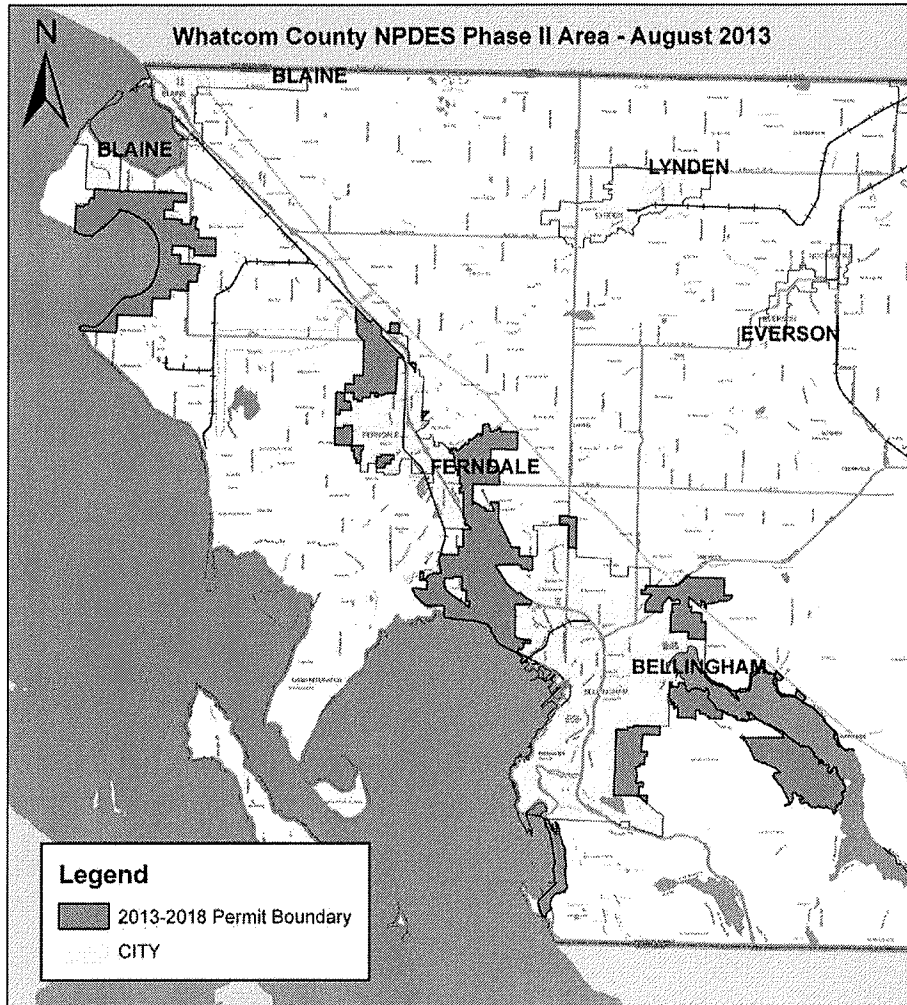
The current Permit boundary covers approximately 15,000 acres and generally includes the following areas (Figure 1):

- Bellingham Urban Growth Area
- Sudden Valley
- Portions of the Hillsdale and Emerald Lake area
- Portions along North Shore Drive on Lake Whatcom and Lake Whatcom Boulevard
- Ferndale Urban Growth Area
- Portions along Chuckanut Drive and Chuckanut Bay
- Birch Bay Urban Growth Area (*Beginning August 1, 2013*)
- The entire Lake Whatcom watershed is subject to illicit discharge detection and elimination requirements of the Permit.

Jurisdictions are allowed to discharge runoff into water bodies of the State (such as rivers, lakes, and streams) as long as they implement programs that protect water quality by reducing pollutants to the maximum extent possible through requirements of the NPDES Phase II Permit. Those requirements are reported and submitted to the Department of Ecology through the Stormwater Management Program (SWMP) and the Annual Compliance Report.

The Western Washington Phase II Municipal Stormwater Permit is required by the State of Washington Water Pollution Control Law Chapter 90.48 RCW, and the

- 1 Federal Water Pollution Control Act Title 33 United States Code (Clean Water Act).
- 2 The Permit is administered by the Washington State Department of Ecology.



**Figure 1. NPDES Phase II Boundaries**

#### *Pollution Identification and Correction (PIC) Program*

Everyone wants clean water to support healthy drinking water, safe recreational uses, quality water for irrigation and livestock, healthy fish, and shellfish that are safe to consume. Currently, many streams in Whatcom County do not meet water quality standards for fecal coliform bacteria. Fecal coliform bacteria are found in the intestinal tract of warm-blooded animals and when found in streams are an indicator of human or animal waste in the water. The higher the bacteria level, the greater the public health risk to people drinking, wading, fishing, or consuming shellfish. The Pollution Identification and Correction (PIC) Program has been created to help implement community solutions to clean water.



**Pollution** – The key potential sources of bacteria that have been identified in Whatcom County coastal drainages are (1) **animal waste** from agricultural operations, domestic pets, waterfowl, and wildlife, and (2) **human sewage** from failing on-site sewage systems (OSS), leaking sewers, or cross-connections.

**Identification** – Whatcom County coordinates a routine water quality monitoring program at approximately 90 stations in watersheds that discharge to marine waters. Samples are collected on at least a monthly basis and analyzed for fecal coliform bacteria. Results are evaluated annually to identify focus areas with the largest bacteria problems. Within the focus areas, stream segments are monitored and potential bacteria sources are identified.

**Correction** – Technical and financial resources are offered to landowners to identify and implement solutions on their property. Residents can help improve the community's water quality by inspecting and maintaining septic systems and by fencing animals out of streams, ditches and swales. By actively managing pastures, creating protected heavy use areas, and covering manure storage areas, residents can prevent manure-contaminated mud from polluting surface water. Planting shrubs and trees along stream banks and picking up after dogs also contributes to better water quality.

## **Salmon Recovery Program**

In the Nooksack basin, abundances of several salmonid stocks have diminished substantially from historical levels. The declines in local salmonid stocks, especially Chinook salmon, have had profound economic, cultural and social impacts on the greater WRIA 1 community. Direct impacts include reduced jobs and income for commercial fisherman, severe curtailment of tribal and subsistence catch, and loss of tourism associated with recreational fishing. In addition, ESA listings impose constraints on the activities of local and tribal governments, businesses, the agricultural community, and citizens, who must seek to avoid or minimize take of listed species. Nonetheless, salmon remain an integral part of the natural and social landscape of Whatcom County and the Nooksack River watershed. Recent watershed recovery planning and restoration efforts by federal, state, local and tribal governments, non-profit organizations, businesses, and private citizens demonstrate a commitment to salmon recovery in WRIA 1.

The WRIA 1 Salmon Recovery Program is a multi-government planning effort with a WRIA-wide scope to address salmon recovery and protection of ESA and non-ESA listed salmonids.

## **WRIA 1 Salmon Recovery Strategy**

The ultimate goal for salmon recovery in WRIA 1 is to recover self-sustaining salmonid runs to harvestable levels through the restoration of healthy rivers and natural stream, river, estuarine, and nearshore marine processes, careful use of hatcheries, and responsible harvest, and with the active participation and support of local landowners, businesses, and the larger community. The purpose of the

WRIA 1 Salmonid Recovery Plan is to identify the actions necessary to recover WRIA 1 salmonid populations, especially listed species, and to outline the framework for implementation of recommended actions that have been agreed to by local, state, tribal, and federal governments and stakeholders in WRIA 1. In the near term, the objectives are to:

(1)Focus and prioritize salmon recovery efforts to maximize benefit to the two Nooksack early chinook populations;

(2)Address late-timed Chinook through adaptive management, focusing in the near-term on identifying hatchery- versus naturally-produced population components;

(3)Facilitate recovery of WRIA 1 bull trout and steelhead by implementing actions with mutual benefit to both early chinook, and bull trout and steelhead and by removing fish passage barriers in presumed bull trout and steelhead spawning and rearing habitats in the upper Nooksack River watershed; and

(4) Address other salmonid populations by (a) protecting and restoring WRIA 1 salmonid habitats and habitat-forming processes through regulatory and incentive based programs; and (b) encouraging and supporting voluntary actions that benefit other WRIA 1 salmonid populations without diverting attention from early chinook recovery.

Focusing efforts on early chinook is consistent with regional salmon recovery – current abundance and productivity for the two populations is very low and recovery of both populations is critical to delisting and recovery of the Puget Sound Evolutionarily Significant Unit (ESU) for Chinook salmon.

#### **Salmon Recovery Board (SRB)**

WRIA 1 Salmon Recovery Board membership includes the County Executive, Bellingham Mayor, Mayors of the Small Cities of Whatcom County, the regional director of the Washington Department of Fish and Wildlife, and policy representatives from Lummi Nation and Nooksack Indian Tribe.

The WRIA 1 Salmonid Recovery Plan (2005), a chapter of the Puget Sound Salmon Recovery Plan, guides restoration in the Nooksack River and adjacent watersheds. This plan was developed in partnership with Nooksack Tribe, Lummi Nation, Washington Department of Fish and Wildlife, Bellingham, and the small cities of Whatcom County. Chinook salmon populations (listed as threatened with extinction under the Federal Endangered Species Act) are prioritized, yet the plan also provides the template for recovery of threatened steelhead and bull trout and the other salmon and trout populations native to Whatcom County.

The salmon plan was developed in parallel with the WRIA 1 Watershed Management Plan. Salmon habitat is intricately linked to watershed management; salmon recovery will be most successful when fish habitat objectives are carefully coordinated with watershed management objectives. Integrating salmon recovery

- 1 | with flood hazard management and restoring fish passage under County roads are
- 2 | two primary areas of focus.

## Proposed Council Changes to Comprehensive Plan

### Chapter 11 – Environment

*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.*

**Items 1 through 17 concern comma usage and may be considered in a single motion.**

- 1) p. 11-4; lines 23-26: Over 2.5 million years ago, during the Ice Ages, glacial ice invaded the Puget Sound lowlands from the north at least four times, with the last major glacial event, the Fraser Glaciation, ending approximately 12,000 years ago. **(Brenner)**
- 2) p. 11-6; lines 5-12: General environmental goals and policies are intended to provide guidance for environmental management that will promote environmental protection and good stewardship practices through a balance of public education; and involvement; incentives, acquisition, and voluntary programs; land use planning and regulations; environmental monitoring; and intergovernmental cooperation. These goals and policies are also intended to provide guidance to County government as it assists its citizens in maintaining a balance between individual property rights, economic development, and environmental protection. **(Brenner)**
- 3) p. 11-6; lines 21-23: At the turn of the 20<sup>th</sup> century, the areas surrounding Lynden, Sumas, and Ferndale were logged, drained, and converted to agricultural land. **(Brenner)**
- 4) p. 11-8; Policy 11A-11: Designate high-value open space and natural areas for acquisition, conservation easements, open space, and other such programs to protect these natural areas upon request or consent of the property owner. **(Brenner)**
- 5) p. 11-8; lines 38-40: There are currently a multitude of regulations and administrative processes at the federal, state, and local level that, together, have become excessive and difficult to understand. **(Brenner)**
- 6) p. 11-11; lines 9-11: Climate change is a global phenomenon that has the potential for significant local impacts to natural resources, ecosystem functions, as well as human health, infrastructure, and the economy. **(Brenner)**
- 7) p. 11-11; lines 14-16: Based on a range of climate change model projections, as well as peer-reviewed scientific publications, the CIG concludes that during the next 20-40 years the Pacific Northwest climate may change significantly. **(Brenner)**

- 8) p. 11-11; lines 39 – p. 11-12, line 2: Agricultural sector concerns include the cost of climate adaptation, development of more climate-resilient technologies, and management and availability of adequate water supplies. Susceptibility to natural hazards is also expected to intensify due to climate change, including increased landslides, erosion, and coastal and riverine flooding due to more winter rainfall, and potential rising sea levels. **(Brenner)**
- 9) p. 11-12; Policy 11D-1: Whatcom County's natural resource-based economic sectors, natural systems, water resources, infrastructure, emergency management, and public health all face potentially noteworthy climate change related risks in the future....  
**(Brenner)**
- 10) p. 11-12; Policy 11D-3: Promote the efficient use, conservation, and protection of water resources.  
**(Brenner)**
- 11) p. 11-14; lines 37-39: Pyroclastic flows, ash flows, and especially volcanic mudflows, {also known as lahars}, are believed to be the greatest dangers to human life and development in Whatcom County. **(Brenner)**
- 12) p. 11-27; Policy 11I-3: Limit the alteration of natural drainage systems and natural water storage sites without mitigating measures. Such measures should not degrade water quality or fish and wildlife habitat, and should not increase hazards to the community. **(Brenner)**
- 13) p. 11-27; Policy 11I-8: Strongly incentivize the use of low impact development strategies. Minimize the amount of impervious surface whenever practicable by using natural engineering design methods, such as the use of open, grassed, street swales and rain gardens instead of curbs and gutters. Where feasible, encourage alternate surfacing options and other techniques associated with low impact development (see Glossary). **(Brenner)**
- 14) p. 11-32; Policy 11K-10: Encourage the location of public services, such as schools, libraries, parks/open space, and post offices within Rural Communities that would likely reduce the vehicle miles traveled within the watershed. **(Brenner)**
- 15) p. 11-34; lines 46 – p. 11-35, line 3: Loss of native vegetation through conversion to ornamental vegetation and non-native species often results in loss of wildlife habitat, increased competition to native wildlife from introduced species, such as starlings, and increased maintenance needs. **(Brenner)**
- 16) p. 11-42; lines 10-12: Loss of wetlands has been due to many factors, including urbanization, and to a large degree to agricultural development and associated drainage projects.  
**(Brenner)**

- 17) p. 11-43; Policy 11N-6: Recognize beneficial wetland uses, functions, and values. Support protection of fish and wildlife habitat, water quality, plant diversity, flood attenuation, and low-flow contribution, and water storage through planning, acquisition, incentive programs, and mitigation. **(Brenner)**

**Items 18 through 61 concern other non-substantive grammatical changes and may be considered in a single motion.**

- 18) p. 11-10; lines 6-15: Prior to the 1970s, growth in Whatcom County was relatively slow and received little management. As a result, private property owners were left to their own resources as they determined how best to use their land. However, as increasing numbers of people ~~have~~ moved to this area and settled, a greater demand ~~has been~~ was placed on Whatcom County's natural resources.

The problems that arise from this situation have caused many to realize ~~that~~ what one person does with his/~~er~~her property may have an impact on the larger environmental system that sustains us as a community and on the rights of other property owners. **(Brenner)**

- 19) p. 11-10; lines 17-19: Land use decisions can no longer be considered exclusively private matters. We are aware ~~that~~ public actions impact every private citizen in Whatcom County and ~~that~~ private actions may have public consequences as well. **(Brenner)**
- 20) p. 11-10; Policy 11C-2: When adopting new environmental protection programs, consider multiple economic parameters including development objectives, and impacts, and the economic benefits of the natural environment as both a resource and an amenity. **(Brenner)**

- 21) p. 11-11; lines 25-32:

- More precipitation falls as rain rather than snowfall in the Cascades due to an increased snow-line elevation;
- Decreased (winter) mountain snowpack and earlier (spring) snowmelt;
- Higher winter streamflow in rivers that depend on snowmelt;
- Higher winter streamflow in rain-fed river basins if winter precipitation increases in the future as projected;
- Earlier peak (spring) streamflow in rivers that depend on snowmelt
- Lower summer streamflow in rivers and streams; and
- Decreased water in summer for irrigation, fish, human consumption and recreational use (more drought-like conditions). **(Brenner)**

- 22) p. 11-13; Policy 11D-5: Establish land use patterns that minimize transportation-related greenhouse gas emissions and encourage ~~the~~ preservation of natural resource lands and the protection of water resources. **(Brenner)**
- 23) p. 11-13; lines 34-35: Various slope failure processes contribute to the mosaic of landslide hazards present in the ~~C~~county and the potential exists for a multitude of impacts ranging from periodic small- to large-scale rockfalls and slides, massive debris slides and avalanches, destructive debris flows, and deep-seated earthflows, slumps, and slides. These landslide processes act on ~~both the~~ large- and small-scale, and though much less catastrophic in nature, smaller landslides occur more frequently and pose a continually hazard to County residents and infrastructure. Certain types of geologic conditions and formations ~~are common culprits in the occurrence of~~ commonly cause landslides, namely the Chuckanut Formation and the Darrington Phyllite, ... **(Brenner)**
- 24) p. 11-14; lines 43-45: The same lahar is now known to have been over 300 feet deep in the upper reaches of the Middle Fork and extended as far west as Nugent's Corner. **(Brenner)**
- 25) p. 11-15; lines 8-10: Mapping over the past decade of other Cascade volcanoes has demonstrated massive mudflows extending from the volcanoes to Puget Sound, and from Mount Rainier and Glacier Peak. **(Brenner)**
- 26) p. 11-15; lines 30-32: Recent research has shown ~~that~~ these crustal faults are capable of generating a magnitude 7 earthquake with an average recurrence interval of 30 to 50 years. **(Brenner)**
- 28) p. 11-17; lines 30-31: The 1990 Nooksack River floods caused over \$20 million dollars ~~of in~~ damage to roads, bridges, buildings, and farmland. **(Brenner)**
- 29) p. 11-19; Policy 11F-9: To address the causes of flooding and avoid expensive and maintenance-intensive bank protection measures, the ~~c~~County should prioritize its floodplain property acquisition program. **(Brenner)**
- 30) p. 11-21; lines 5-8: Water resources of Whatcom County provide: natural beauty; recreation; habitat for fish and wildlife; water for drinking, agriculture, and industry; and other benefits essential to the quality of life and economic health of the community. **(Brenner)**
- 31) p. 11-21; lines 15-21: Whatcom County has 16 major freshwater lakes, 3,012 miles of rivers and streams, over 37,000 acres of wetlands, 134 miles of marine shoreline, and aquifers containing an undetermined amount of groundwater. These water resources serve multiple uses, including providing a source of drinking water for the people of Whatcom County. Surface water sources such as Lake Whatcom, the Nooksack River, and Lake Samish provide water to more than half the

county residents, with the remainder relying on groundwater, either from individual wells or from about 300 public water systems. **(Brenner)**

32) p. 11-21; lines 32-35: Aquifers are often integrally linked with surface water systems and are essential for meeting in-stream and out-of-stream water needs such as for drinking water, agriculture, ~~other~~ industry, and other uses. **(Brenner)**

33) p. 11-22; lines 3-6: The intent of the following goals and policies is to provide guidance to Whatcom County government as it assists its citizens in effectively managing our water resources in a manner that ensures ~~that~~ the benefits of those resources are maintained far into the future. **(Brenner)**

34) p. 11-22; lines 18-22:

- WRIA 1 Watershed Management Project;
  - Lake Whatcom Watershed Management;
  - Groundwater Protection & Management;
  - Flood Hazard Management; and
  - Stormwater Management;
- (Brenner)**

35) p. 11-24; Policy 11G-6: Actively promote and participate in education, research, and information opportunities that ~~better~~ improve our understanding of the county's complex water resource systems. New information should be considered in the development and evaluation of management actions. **(Brenner)**

36) p. 11-25; Policy 11H-3: In conjunction with the public and appropriate local, ~~S~~state, Tribal, and ~~F~~federal jurisdictions, define, ~~and~~ identify and develop management strategies for watershed basins and subbasins that may require special protection. These areas may include aquifers, critical aquifer recharge areas as defined under the Growth Management Act, Groundwater Management Areas, wellhead protection areas, and high priority watersheds such as those specified under WAC 400 (Local Planning and Management of Non-point Source Pollution), WRIA Watershed Management Planning, and under legislative policy direction (e.g. Nooksack Basin, Lake Whatcom, Lake Samish, and Drayton Harbor). **(Brenner)**

37) p. 11-26; Policy 11H-5: Pursue the adoption and implementation of ground and/or surface water management plans and their integration into local comprehensive plans. Designate the Lake Whatcom and Lake Samish Watersheds as ~~a~~ high priorityies in this effort. **(Brenner)**

38) p. 11-27; Policy 11I-4: Support the use by resource industries, such as agriculture, forestry, and mineral resource extraction ~~of~~ by management practices that minimize erosion and sedimentation, and significantly reduce pollutants. **(Brenner)**



- 39 p. 11-31; Policy 11-K-4: Work cooperatively with the ~~Ccity,~~ **and** Lake Whatcom Water and Sewer District, and applicable associations to identify, review, and, as appropriate, recommend changes to existing monitoring programs that will address the needs of the various jurisdictions. Place ~~a~~ particular focus on the information needed to evaluate the impacts of additional development and stormwater management measures in the watershed. Include an analysis of the diversion from the Middle Fork of the Nooksack. Coordinate efforts s with the Lake Whatcom Management Committee process. **(Brenner)**
- 40) p. 11-31; Policy 11-K-7: Work cooperatively with the City and the Lake Whatcom Water and Sewer District to develop benchmarks to determine; the effectiveness of management options; when goals have been achieved; or when additional actions are necessary. **(Brenner)**
- 41) p. 11-33; Policy 11-K-18: Work with all parties to maintain, and appropriately plan for infrastructure, public services, and stormwater retention so ~~that~~ Sudden Valley can develop to its appropriate potential. **(Brenner)**
- 42) p. 11-33; lines 37-40: Natural Systems goals and policies are intended to provide guidance to county government as it assists citizens to effectively manage and enhance these natural systems, and ensures ~~that~~ the benefits of these systems are maintained far into the future. **(Brenner)**
- 43) p. 11-34; lines 6-14:
- wetlands, lakes, and streams;
  - nearshore, intertidal, estuarine habitats, and marine habitats including, but not limited to, kelp and eelgrass beds;
  - riparian areas and other travel corridors;
  - snags and downed logs;
  - forested habitats in a variety of successional stages;
  - caves, cliffs, and talus slopes;
  - grasslands and cultivated fields; and
  - thickets and fence rows.
- (Brenner)**
- 44) p. 11-34; lines 36-37: ...stream beds with abundant logs, step waterfalls, pools, **and** cutbanks, and vegetated marine and estuarine communities. **(Brenner)**
- 45) p. 11-35; lines 28-36: These habitats play a vital role in the health of the local environment, as well as of the broader Puget Sound region. They provide spawning, rearing, and feeding grounds for a wide variety of marine life, as well as refuge for juvenile and adult fish, birds, and shellfish. The vegetation on back-shore marshes and within estuaries buffers adjacent upland areas by absorbing wave energy and slowing erosion.

Symptoms of ecosystem stress include: declining stocks of salmon, bottomfish, and forage fish... **(Brenner)**

46) p. 11-36; lines 7-9: The warm, nutrient-rich tide flats in and around Lummi, Portage, ~~and~~ Birch Bays, ~~and~~ Drayton Harbor, and Eliza and Lummi Islands represent unique water resources in this regard. **(Brenner)**

47) p. 11-36; lines 7-9: Shellfish Recovery Plans

Shellfish Recovery Plans have been created for each of three districts. The plans outline the primary sources of bacteria and actions to improve water quality:

- Drayton Harbor Shellfish Recovery Plan (2007);
- Portage Bay Shellfish Recovery Plan (2014), Portage Bay Initial Closure Response Strategy (1998) ; and
- Birch Bay Initial Closure Response Strategy (2009) ;

Pertinent Documents

- Whatcom Marine Resources Committee 2011-2015 Strategic Plan (2010)

This document outlines the MRC's mission, vision, ~~and~~ values, ~~their~~ goals, ~~and~~ objectives, and strategies for achieving them.

**(adjust formatting as appropriate)**

**(Brenner)**

48) p. 11-37; lines 20-26: The Whatcom County Shoreline Management Program jurisdiction includes:

- More than 130 miles of marine shoreline;
- More than 60 miles of lake shoreline;
- More than 220 miles of stream channels; ~~and~~
- All wetlands and floodways associated with the above shorelines, together with all upland areas within 200-feet of the Ordinary High Water Mark (OHWM).

**(Brenner)**

49) p. 11-37; lines 28-29: Whatcom County and the Washington State Department of Ecology (DOE) share joint authority and responsibility ~~of~~ for the Whatcom County SMP.

**(Brenner)**

50) p. 11-37; lines 37-38: Growth and urbanization of the land base have and may continue to impose a risk to the degradation and reduction ~~of~~ for natural systems. **(Brenner)**

51) p. 11-38; Policy 11L-3: Develop and adopt programs that provide incentives for ~~the~~ protection of environmentally fragile areas or critical wildlife habitats and corridors. **(Brenner)**

52) p. 11-38; Policy 11L-12: Ensure ~~that~~ design and development of residential and industrial development minimizes disturbance to rivers, streams, and functioning riparian areas. **(Brenner)**

- 53) p. 11-41; Policy 11M-14: Actively participate in and support WRIA 1 Salmon Recovery efforts to return self-sustaining salmonid runs to harvestable levels through the restoration of healthy rivers, marine shorelines, ~~and~~ natural processes, careful use of hatcheries, and responsible harvest. **(Brenner)**
- 54) p. 11-41; Policy 11M-11: Formulate and implement a comprehensive, landscape-based, environmental management program to protect fish and wildlife. The program should include the following:
1. Formulate an administrative approach to the review of development and planning proposals that consider natural system policies;
  2. Investigate and develop programs for acquisition and restoration of important fish and wildlife habitat areas;
  3. Develop and enter into cooperative agreements with State and Federal agencies and neighboring jurisdictions for the purpose of identifying and protecting natural systems;
  4. Identify and map important habitat corridors throughout the county; ~~and~~
  5. Support the development of educational materials which lists, describes, and characterizes the appropriate use of native vegetation to enhance natural systems in Whatcom County.
- (Brenner)**
- 55) p. 11-43; Policy 11N-5: Property rights and public services are ~~an~~ essential components of our political and economic system. Where such rights and public services are significantly compromised by the goal of wetland preservation, adverse wetland impacts may be permitted through standardized mitigation. This may include avoidance, impact minimization, restoration, enhancement, creation, or off-site compensation for loss of wetland functions in accordance with mitigation sequencing. **(Brenner)**
- 56) p. 11-43; Policy 11N-7: Development proposals applications should be assessed on a case-by-case basis so that marginal wetlands are not preserved at the expense of upland areas with higher habitat value. **(Brenner)**
- 57) p. 11-44; Policy 11O-1: Support the Whatcom County Marine Resources Committee in ~~their~~ its pursuit of the Northwest Straits Commission benchmarks as follows:
- Broad county participation in MRC's;
  - A net gain in high-value habitat and ecosystem functions;
  - A net reduction in shellfish bed closures;
  - Measurable increases in factors supporting bottomfish recovery;
  - Population increases in other key indicator species;
  - Coordination of scientific data;
  - Successful public education and outreach efforts; ~~and~~
  - The establishment of a regional system of Marine Protected Areas (MPA's).
- (Brenner)**
- 58) p. 11-45; Goal 11P: Protect and enhance shellfish habitat in commercial and recreational areas ~~in order~~ to ensure a productive resource base for long-term use. **(Brenner)**

- 59) p. 11-46; Policy 11P-10: Continue to partner with jurisdictions in British Columbia to minimize impacts on water quality, including ~~that affecting~~ what effects shellfish habitat. **(Brenner)**
- 60) p. 11-47; lines 25-27: Our Marine system supports not only local, critical, and global fisheries resources, but also a myriad of interdependent organisms, the importance of which we lack the capacity to fully grasp. **(Brenner)**
- 61) p. 11-47; lines 31-33: Whatcom County will take steps to halt the practice of treating its streams and rivers as a storm sewer and the marine system as a water treatment facility. **(Brenner)**
- 62) p. 11-2; lines 13-20: This chapter is composed of an introduction and four sections organized by topic heading. The first section, entitled "General Environmental Management," addresses general environmental goals and policies. The remaining three sections deal with Natural Hazards, Water Resources, and Natural Systems. Together, the sections of this chapter provide the direction necessary to ensure/promote long-term sustainability of the environment in Whatcom County. **(Brenner)**
- 63) p. 11-3; lines 13-22: Relative to environmental protection, Whatcom County's County-Wide Planning Policies (CWPP) give the most attention to water issues. They state, "The quality of life and economic health of Whatcom County communities depend on the maintenance of a safe and reliable water supply. All jurisdictions and water purveyors should cooperate to ensure the protection and quality of the area's water resources." Specific policies address water, promoting inter-jurisdictional cooperation in conserving, protecting, and managing the water resource, and in ~~reducing~~ eliminating water pollution. **(Brenner)**
- 64) p. 11-5; lines 6-7: The milky color of the Nooksack River is partially due to the same kind of rock flour, created by glacial activity on the slopes of Mount Baker. **(Brenner)**
- 65) p. 11-6; lines 45-p. 11-7, line 2: They provide important beneficial uses to the community such as: the supply of clean drinking water; management of stormwater run-off and flood hazard management; support for a wide variety of fish and wildlife; fresh

air and a sense of place in which ~~that~~ residents invest ~~in~~, enjoy, and expect.  
(Brenner)

66) p. 11-7; line 13-14 Much of the environmental degradation and destruction to property occurs as a result of a lack of information/understanding rather than willful action.  
(Brenner)

67) p. 11-7; Policy 11A-4: Manage designated Critical Areas (ECAs) ~~as needed~~, to ~~minimize or~~ protect against environmental degradation and reduce the potential for losses to property and human life. (Donovan, Weimer)

68) p. 11-7; Policy 11A-6: ~~Aim to Meet~~ or exceed national, state, and regional air quality standards. Work with the Northwest Clean Air Agency to ensure compliance with applicable air quality standards. (Donovan)

69) p. 11-8; Policy 11A-7: Support efforts using best available science to educate and inform the public as to the benefits of a healthy and viable environment, ecologically fragile areas, and their economic and social value. (Weimer)

70) p. 11-8; Policy 11A-8: Lead and ~~Coordinate~~ efforts with property owners, citizen groups, and governmental and non-governmental agencies in furthering Whatcom County's environmental goals and policies. (Weimer)

71) p. 11-8; Policy 11A-10: Support acquisition, conservation easements, open space, and other such programs to protect high-value natural areas as identified through the GMA planning process such as, the Natural Heritage Plan, the state Priority Habitats and Species (PHS) program, the Lake Whatcom Management Program, and other sources. (Brenner)

72) p. 11-8; Policy 11A-12: Broadly inform the ~~citizens of the county~~ residents of the locations of potential development constraints associated with natural conditions. Information should include known natural hazards, and an assessment of the potential danger to both the property owner and the public. (Brenner)

73) p. 11-8; lines 38 - p.11-9, line 2: There are currently a multitude of regulations and administrative processes at the federal, state and local level that together have become excessive and difficult to understand. Conflicting regulations and complicated administrative processes can create undue hardship on community members and result in reduced levels of environmental protection. Regulatory inspection and enforcement of environmental regulations are currently inconsistent and lack effectiveness. The combination of complex regulations and inadequate enforcement have led to a lack of administrative predictability, widespread violations, and ultimately to environmental deterioration. Thoughtful and efficient regulations play an important part in protecting the environment.  
(Brenner, Weimer)

- 74) p. 11-9; Policy: 11B-1: Develop, as a significant component of a comprehensive environmental management program, non-regulatory measures that include voluntary activity, education, incentives, restoration, acquisition, ~~advanced~~ proactive mitigation (i.e., mitigation done in advance of impacts), and intergovernmental coordination. (Brenner)
- 75) p. 11-9; Policy 11B-7: ~~Keep~~ Ensure regulations are as simple as possible and maintain effective inspection, compliance, and enforcement measures. (Brenner)
- 76a) p. 11-10; Policy 11C-3: Emphasize an approach to environmental protection by encouraging the use of conservation easements, open space taxation, land acquisition, purchase/workable transfer of development rights, and other mechanisms that assist affected property owners. Avoid extreme standards and procedures that are likely to require compensation to property owners or invalidation of such rules. (Brenner)
- 76b) p. 11-10; Policy 11C-3: Emphasize an approach to environmental protection by encouraging the use of conservation easements, open space taxation, land acquisition, purchase/transfer of development rights, and other mechanisms that assist affected property owners. ~~Avoid extreme standards and procedures that are likely to require compensation to property owners or invalidation of such rules.~~ (Donovan)
- 77) p. 11-11; lines 18-21: The CIG confirms that global climate models project mid-21<sup>st</sup> century temperatures in the Pacific Northwest ~~that are~~ will be higher than the natural range of temperature observed in the 20<sup>th</sup> century. (Brenner)
- 78) p. 11-11; lines 29-30:
- Higher winter streamflow in rain-fed river basins resulting in scouring floods that negatively affect salmon populations if winter ~~precipitation~~ rain and snow increases in the future as projected (Donovan)
- 79) p. 11-12; Policy 11D-1: Whatcom County's natural resource-based economic sectors, natural systems, water resources, infrastructure, emergency management and public health all face ~~potentially~~ noteworthy climate change related risks in the future.... (Donovan)
- 80) p. 11-13; **New Policy 11D-6: Convene a climate impact advisory committee by 2017. The advisory committee should consist of (but not be limited to) experts in energy efficiency and carbon emission reduction, representatives from Whatcom County, and interested community members. The committee will be tasked with:**
- Evaluating Whatcom County's compliance with meeting targets set forth in the 2007 Climate Plan;
  - Establishing new targets that meet or exceed state and federal climate

impact goals;

- Updating the Climate Plan, at minimum every five years, or as needed to meet targets; and
- Recommending updates to the Whatcom County Comprehensive Plan in accordance with meeting Whatcom County's emission reduction goals.
- Ensuring that Whatcom County government facilities and operations are designed to meet or exceed goals and standards resolved in the 2007 Climate Protection and Energy Conservation Action Plan and future updates.

(Weimer)

81) p. 11-13; New Policy 11D-7: Encourage sustainability by developing strategies and practices to increase the use of renewable, non-carbon energy in Whatcom County facilities and County vehicles, with a goal of net zero carbon emission by 2050. (Donovan)

82) p. 11-13; New Policy 11D-8: Encourage sustainability by developing strategies and practices to reduce landfill waste from Whatcom County facilities to zero. (Donovan)

83) p. 11-13; lines 16-20: Natural Hazards goals, ~~and~~ policies, and actions are intended to provide guidance to county government as it assists its citizens in effectively managing natural hazards in a manner that minimizes the danger to each member of this community, while continuing to provide for economic opportunities. (Brenner)

84) p. 11-13; lines 25-28: The geologically recent retreat of glaciers from the Whatcom County landscape, succeed by contemporaneous geomorphic processes of erosion, sediment transport, deposition, isostatic rebound, and tectonic uplift, has left many hillsides ~~over-steepened-extremely steep~~ and susceptible to naturally occurring and human-triggered slope failure and erosion. (Brenner)

85) p. 11-16; lines 4-5: All of the formerly active mines are now no longer ~~worked~~ active and are abandoned. (Brenner)

86) p. 11-16; lines 11-12: **Landslides** – Siting human development on or adjacent to known landslide hazard areas can create health and safety risks for ~~humans and their property~~ property damage. (Brenner)

87) p. 11-16; lines 17-20: However, predicting the exact timing, location, or extent of a damaging landslide is difficult, and ~~in~~ particular areas of ~~the C~~ county landslide hazards are not possible to completely mitigate or avoid. (Brenner)

- 88) p. 11-17; lines 1-6: **Volcanos** – A volcanic eruption or mudflow at Mount Baker could potentially severely affect river flow on the Nooksack River or Baker River and cause severe property damage near the volcanoes or along lahar routes. A lahar is an ~~extremely rare and~~ unpredictable occurrence. Evacuation routes should be planned and made public. Development should be regulated according to the Critical Areas Ordinance. **(Donovan)**
- 89) p. 11-18; Policy 11F-3: Broadly inform the ~~citizens of the~~ county residents of the locations of known natural hazards, and the potential for adverse impacts of such natural hazards to the health, safety, and welfare of people and their propertyies. **(Brenner)**
- 90) p. 11-18; Policy 11F-5: Allow permitted uses that do not require human habitation so long as probable adverse off-site impacts to other properties or natural systems (those impacts resulting from the interaction of the natural hazard and the proposed ~~development~~ uses) are minimized or mitigated. Probable adverse impacts should be prevented or avoided in habitats of state or federally listed sensitive plant and animal species. **(Brenner)**
- 91) p. 11-19; Policy 11F-7: Maintain a comprehensive program of regulatory and non-regulatory mechanisms to achieve Natural Hazard goals and policies. This program should include such mechanisms as education, tax incentives, zoning, land use regulations, conservation easements, purchase of development rights, workable transfer of development rights, and public acquisition. **(Brenner)**
- 92) p. 11-19; Policy 11F-8: Be consistent with the Natural Hazard goals, and policies, and actions and consider the locations of Natural Hazard Areas when establishing or changing zoning patterns and densities. **(Brenner)**
- 93) p. 11-19; Policy 11F-11: Require applicants for development permits located in natural hazard areas to provide development plans designed to minimize the potential to exacerbate the natural hazard as well as the risk of damage to property or threats to human health and safety. In natural hazard areas where engineering solutions cannot be designed to withstand the forces expected to occur under the design event of a particular natural hazard, or off-site adverse impacts to adjacent properties or natural systems cannot be adequately mitigated, Whatcom County ~~will~~ may deny development permits intended for permanent or seasonal human habitation where necessary to protect human life.
- 94) p. 11-19; Policy 11F-12: Consider conducting a public process with affected citizens, technical experts, and decision-makers to establish recommended levels of public risk for each of the identified natural hazards. In developing recommended levels of public risk for natural hazards, consider the appropriate variables affecting developments in hazardous areas. These variables may include:
- Specific types of risk associated with the particular hazard area;
  - The gradation of hazards associated with a particular geo-hazard;



- Level of detail necessary to map hazard areas;
- Different levels of risk associated with different ownership classes (e.g. public ownership versus private ownership);
- Different levels of risk associated with different types of land uses; **and**
- Mitigation measures related to specific adverse impacts of development in hazard areas.

Once a set of risk levels have been identified, propose these risk levels for adoption by the ~~C~~county ~~C~~council as the levels to which future development must be designed and **determined** appropriate locations for them. **(Brenner)**

95) p. 11-20; Policy 11F-14: Review the findings and recommendations of alluvial fan hazard evaluations and make appropriate recommendations for land use and zoning regulations to the ~~C~~county ~~C~~council to assist in reducing the hazards posed on these fans. Whatcom County has completed, or nearly completed alluvial fan evaluations of Canyon Creek, Jones Creek, and Glacier-Gallop Creeks. **(Brenner)**

96) p. 11-20; Policy 11F-15: Review the findings and recommendations of the Comprehensive Flood Hazard Management Plan (CFHMP) and make appropriate recommendations for land use and zoning regulations to the ~~C~~county ~~C~~council to assist in the implementation of the CFHMP. **(Brenner)**

97) p. 11-24; Policy 11G-3: Work cooperatively with Federal, State, and local jurisdictions, Tribal governments, municipal corporations, and the public to implement the goals, **and policies, and action items** of the Comprehensive Plan as well as state water resources and water quality laws. **(Brenner)**

98) p. 11-26; Policy 11H-4: **Support Complete** the implementation of local and state Watershed Management Plan, the Lower Nooksack Strategy, the Lake Whatcom Management Program, NPDES Phase II Permitting, and the WRIA Watershed Management Projects. **(Brenner)**

99) p. 11-27; Policy 11I-7: Establish, as a high priority, a stormwater maintenance program that ensures that stormwater systems are adequately maintained and function at or near design ~~capacity~~ **ability**. **(Brenner)**

100) p. 11-28; Policy 11I-11: Place a high priority on integrating impervious surface reduction incentives into policies, regulations, and standards ~~for the Lake Whatcom and Lake Samish watersheds~~. **(Wiemer)**

101) p. 11-28; Policy 11I-12: Develop and implement comprehensive stormwater management programs and strategies designed to address runoff from all private and public developments and facilities within regulated and sensitive watersheds.

- ...
3. Amend subdivision, zoning, and other land use regulations and design standards to **encourage require** that land use activities minimize the amount of impervious surface.

4. Identify and implement a long-term funding source to provide for water resource protection services, including non-point source identification and enforcement of applicable county regulations.
5. Focus on the Lake Whatcom watershed as a high priority in developing a stormwater management program. Develop a stormwater management plan that achieves a uniform level of protection throughout the Lake Whatcom watershed. Ensure coordination and communication with the public and affected jurisdictions, such as the Lake Whatcom Water and Sewer District, the Sudden Valley Community Association, and the City of Bellingham.
6. Ensure ~~that~~ existing stormwater standards are adequately enforced within Stormwater Special Districts, Watershed Protection Districts, and the NPDES areas.  
(Brenner)

102) p. 11-30; Goal 11-J: Support water conservation, reclamation, reuse measures, and education as a means to ~~helping ensure~~ ensuring sufficient water supplies in the future.  
(Brenner)

103) p. 11-30; **New Policy 11J-3: Develop and implement plans for meeting the Department of Ecology's instream flow and water management rules and water resources management programs.** (Donovan)

104) p. 11-31; Goal 11-K: Prioritize the Lake Whatcom watershed as an area in which to minimize development, repair existing stormwater problems (specifically for phosphorus), and ~~ensure forestry practices do not~~ continue forestry practices that do not negatively impact water quality. Provide sufficient funding and support to be successful. (Brenner)

105) p. 11-31; Policy 11-K-5: Evaluate and pursue, as appropriate, the use of incentives to encourage voluntary lot consolidation, workable transfer or purchase of development rights, current use taxation, and participation in open space conservation programs. (Brenner)

106) p. 11-33; Restore Policy 2BB-16 with edits: Work with the community association towards achievement of the density reduction of even more lots within Sudden Valley.  
(Brenner)

107) p. 11-36; lines 26-31: Shellfish Protection Advisory Boards

Whatcom County has three Shellfish Protection Advisory Boards, one for each of the Shellfish Protection Districts: Birch Bay, Drayton Harbor, and Portage Bay. Each advises the County Council on proposed actions and operations relating to the restoration of water quality in their respective watersheds. (Weimer)

- 108) p. 11-37; lines 7-8: The Whatcom County Shoreline Management Program (SMP), WCC Title 23, is the document that implements the goals, ~~and~~ policies, and actions of the SMA at the local level. **(Brenner)**
- 109) p. 11-37; lines 9-11: The goals, ~~and~~ policies, and actions of the Whatcom County Shoreline Management Program also constitute the shoreline component of the Whatcom County Comprehensive Plan. **(Brenner)**
- 110) p. 11-38; lines 9-11: Many stream systems in Whatcom County have been altered by agriculture, forestry, development, and flood control practices, contributing to low stream flows, fisheries loss, water pollution, sedimentation, and other problems. These impacts can directly affect the fisheries resources by depositing silt and debris into spawning beds, by removing trees that shade and cool the water, ~~stabilizing banks~~, interfering with the recruitment and establishment of large woody debris (LWD), by obstructing fish passage with culverts and roads, by altering natural channels through filling, bank hardening, and channelizing. **(Brenner)**
- 111) p. 11-38; Policy 11L-7: Promote voluntary fish and wildlife habitat enhancement projects through educational and incentive programs. These projects, which can be done by individuals, organizations, and businesses, ~~should~~ will buffer and expand fish and wildlife habitat. **(Brenner)**
- 112) p. 11-38; Policy 11L-13: Evaluate the full value of the fishery—including its cultural and economic value—in land use decisions that may impact that fishery. Unavoidable impacts to an individual habitat or fishery ~~should~~ shall be mitigated. **(Brenner)**
- 113) p. 11-40; Policy 11M-3: ~~When possible,~~ ~~E~~establish non-regulatory mechanisms and incentives for development that accommodates the habitat needs of fish and wildlife and encourages good stewardship practices. **(Brenner)**
- 114) p. 11-40; Policy 11M-5: Native vegetation and soils on stream banks and shorelines should be disturbed as little as possible. In situations where re-vegetation is necessary to restore stream bank or shoreline stability and provide shading, site-specific native plants should be used. Retention of vegetated riparian areas on all lake and marine shorelines ~~should~~ shall also be encouraged. **(Brenner)**
- 115) p. 11-41; Policy 11M-13: Diligently work to prevent and reduce the spread of invasive species. **(Brenner)**
- 116) p. 11-42; Policy 11N-3: Biological functions of wetlands are complex and interwoven. Evaluate the full range of potential and immediate economic impacts in land use decisions relating to wetlands, including fisheries, wildlife, recreation, farmlands, sustainable resources, air and water quality, flood hazard management, real estate, cultural attributes, and other ~~entities-uses~~. **(Brenner)**

- 117) p. 11-45; Policy 11P-3: Protect shellfish resources by means of pollution prevention and enforcement when necessary. This should include surface and groundwater monitoring for early detection of pollution ~~that will to~~ minimize the damage and cost of resource restoration. **(Brenner)**
- 118) p. 11-45; Policy 11P-6: Identify and encourage the use of stormwater treatment systems and Best Management Practices ~~that will help to~~ reduce fecal coliform bacteria levels in stormwater discharging directly into shellfish habitat areas. **(Brenner)**
- 119) p. 11-46; Policy 11P-12: Continue to develop programs that ~~help~~ identify potential pollution sources and ensure timely and science-based approaches are used in response to problems as they arise. **(Brenner)**
- 120) p. 11-46; Policy 11P-15: Create a tracking mechanism to document progress made toward improving downgraded shellfish areas. This information will be useful, not only in ~~helping to support supporting~~ an upgrade when water quality shows improvement, but also in ~~helping to prevent preventing~~ degradation in currently approved shellfish areas. **(Brenner)**
- 121) p. 11-46; Policy 11P-16: Work with the ~~C~~county ~~S~~shellfish ~~A~~advisory ~~C~~committees, Marine Resources Committee, Salmon Recovery Fund Board, WRIA Watershed Management Board, and other local, state, federal, and tribal agencies to address issues associated with shellfish, shellfish area closures, and shellfish habitat. **(Brenner)**
- 122) p. 11-47; Policy 11P-17: Consider establishing the Drayton Harbor Watershed as a sending area when considering a workable transfer of development rights (TDR) program-~~in~~. **(Brenner)**

**WHATCOM COUNTY  
Health Department**

*Leading the community in promoting health  
and preventing disease.*



**Regina A. Delahunt**  
Director

**Greg Stern, M.D.**  
Health Officer

## Memorandum

**TO: WHATCOM COUNTY COUNCIL**

**FROM:** <sup>PAT</sup> Regina Delahunt, Director

**DATE: MARCH 29, 2016**

**RE: HEALTH REVIEW OF 2016 COMPREHENSIVE PLAN--HOUSING  
CHAPTER**

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### 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.

### Process:

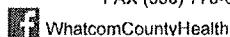
The process for developing and incorporating the recommendations included:

- 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 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.

### Housing Chapter Recommendations:

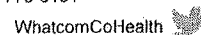
WCHD's 2014 recommendations on the Housing Chapter were concerned with promoting physical activity and promoting access to healthy foods and other services by

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reducing sprawl and connecting housing to transportation options. WCHD commented on only two policies from the 2008 Housing Chapter:

- **Keep Policy 3B-1:** Enable and support housing development opportunities integral with, and near, compatible industrial and commercial activities and transit. ***This policy was retained in the 2016 draft.***
- **Change Action Plan Item 14:** Investigate and enable creative options to reduce or eliminate infrastructure requirements such as road width, sidewalks, curbs and gutters where it is clearly demonstrated that such action does not create a safety hazard and is not contrary to the interests of the health and well-being of county residents. *WCHD was concerned that without a standardized process to determine whether or not reducing infrastructure requirements would create safety or health hazards, it was possible that insufficient pedestrian and bicycle infrastructure would be built. Staff suggested adding more clarity, such as development and consultation of a checklist to determine potential safety and health hazards when deciding to reduce or eliminate requirements. The action item was incorporated into Policy 3C-1. It does not include language about potential safety or health hazards of infrastructure reductions.*

Separately, the Public Health Advisory Board chose to address housing affordability as an important public health issue and provided comment to the Planning Commission on the Housing Chapter in 2015, with the following comments (quoted from PHAB's letter dated September 24, 2015):

- **Goal 3F & subsequent policies:** "These policies provide a guide for creating a mix of affordable housing incentives we can use to make sure that as Whatcom County grows, a healthy home doesn't become beyond the reach of lower income families. We support the decision to move these items from an action plan to policies that can drive an affordable housing strategy for our future." ***This goal and policies are included in the 2016 draft and identify UGAs as the appropriate location.***
- **Policy 3G-5:** "This policy commits the County to considering inclusionary zoning as a tool to expand affordable housing. It provides the opportunity to explore how this affordable housing policy can best be applied in Whatcom County, allowing the County to study and develop inclusionary zoning incentives or requirements that are appropriate to a community of our size. The Housing Chapter states, "Looking ahead, the incomes of working people in Whatcom County will make affordability one of the County's biggest challenges". As part of a comprehensive housing strategy to address this challenge, we urge you to retain this policy that dedicates us to the continued development of tools that best serve the needs of our growing community. ***This policy was removed from the draft provided by PDS staff at the request of the Planning Commission.***

- **Goal 3I and Policies 3I-1 – 3I-4:** “These policies protect our citizens from health hazards without putting undue burden on housing providers. Adding these policies to our Comprehensive Plan demonstrates a commitment to quality housing for all citizens, regardless of their income level and especially for those who are most vulnerable to health hazards. We also suggest considering the following additions, which describe specific actions that can be taken to protect and promote healthy housing:
  - Review, revise, and update zoning and subdivision codes, as well as other plans, laws, procedures, rules, regulations, guidelines, programs, templates, and design manuals, where necessary, in order to promote healthy housing quality.
  - Establish or support abatement assistance programs that help residents eliminate common pollutants from their homes, such as providing free or subsidized supplies to test and monitor indoor air quality and providing grants to remediate indoor air pollution problems in low-income homes or affordable rental units.”

***This section, titled Healthy Housing, was removed from the draft provided by PDS staff at the request of the Planning Commission.***

**WHATCOM COUNTY COUNCIL AGENDA BILL**
**NO.**

2016-132

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	MDC	3/11/16	<div style="border: 1px solid black; padding: 10px; margin: 0 auto; width: 150px;"> RECEIVED   MAR 15 2016   WHATCOM COUNTY COUNCIL </div>	03/22/16	Intro
Division Head:				04/05/16	Finance Committee; Council
Dept. Head:					
Prosecutor:	KNF	3/11/16			
Purchasing/Budget:	MDC	3/11/16			
Executive:	JB	3/14/16			
<b>TITLE OF DOCUMENT:</b> 2016 Supplemental Budget Request #7					
<b>ATTACHMENTS:</b> Ordinance, Memoranda & Budget Modification Requests					
SEPA review required?      (    ) Yes      ( X ) NO SEPA review completed?    (    ) Yes      ( X ) NO			Should Clerk schedule a hearing?    (    ) Yes    ( X ) NO Requested Date:		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> (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.)					
<b>Supplemental #7 requests funding from the General Fund:</b>					
1. To appropriate \$85,749 in Sheriff to fund patrol boat replacement from Vessel Registration Fee Reserve Account.					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b>		
			3/22/2016: Introduced 7-0		
<b>Related County Contract #:</b>		<b>Related File Numbers:</b>		<b>Ordinance or Resolution Number:</b>	



PROPOSED BY: Executive  
INTRODUCTION DATE: 03/22/16

**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:

Fund	Expenditures	Revenues	Net Effect
General Fund			
Sheriff	85,749	-	85,749
Total Supplemental	85,749	-	85,749

**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

  
\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

Date: \_\_\_\_\_

WHATCOM COUNTY				
Summary of the 2016 Supplemental Budget Ordinance No. 7				
Department/Fund	Description	Increased (Decreased) Expenditure	(Increased) Decreased Revenue	Net Effect to Fund Balance (Increase) Decrease
General Fund				
Sheriff	To fund patrol boat replacement from Vessel Registration Fee Reserve Account Funds.	85,749	-	85,749
Total General Fund		85,749	-	85,749
Total Supplemental		85,749	-	85,749

WHATCOM COUNTY  
SHERIFF'S OFFICE

BILL ELFO  
SHERIFF

PUBLIC SAFETY BUILDING  
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JEFF PARKS  
UNDERSHERIFF  
ART EDGE  
CHIEF DEPUTY  
DOUG CHADWICK  
CHIEF DEPUTY  
STEVE COOLEY  
CHIEF INSPECTOR  
WENDY JONES  
CHIEF OF CORRECTIONS

Memorandum

TO: Jack Louws, County Executive  
FROM: Sheriff Bill Elfo *for*  
DATE: March 11, 2016  
SUBJECT: Supplemental Budget ID# 2146  
Sheriff's Office Patrol Boat Replacement 2016

RECEIVED

MAR 11 2016

JACK LOUWS  
COUNTY EXECUTIVE

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**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

Status: Pending

Sheriff

Operations

Suppl ID # 2146

Fund 1

Cost Center 2960

Originator: Kevin Hester / Dawn Pierce

Expenditure Type: One-Time

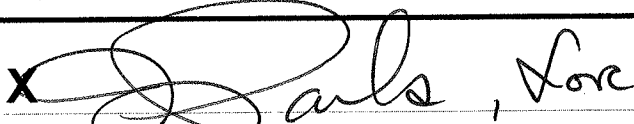
Year 2 2016

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)

3/11/16

Date

Costs:	Object	Object Description	Amount Requested
	7410	Equipment-Capital Outlay	\$85,749
	Request Total		\$85,749

## 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 unseaworthy and unsafe to operate. The hull and transom are stressed from years of use and are rotting 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 it 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)

# Supplemental Budget Request

Status: Pending

Sheriff

Operations

Suppl ID # 2146

Fund 1

Cost Center 2960

Originator: Kevin Hester / Dawn Pierce

## 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 proactive 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

Rpt: Rpt Suppl Regular

## Supplemental Budget Request

Status: Pending

Sheriff

Operations

Suppl ID # 2146

Fund 1

Cost Center 2960

Originator: Kevin Hester / Dawn Pierce

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.

**WHATCOM COUNTY COUNCIL AGENDA BILL**NO. 2016-136

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator: JPK	JPK	3.23.16	<div>RECEIVED</div> <div>MAR 29 2016</div> <div>WHATCOM COUNTY COUNCIL</div>	04/05/16	Finance/Council
Division Head: JR	JR	3.23.16			
Dept. Head: JH	JH	3/24/16			
Prosecutor: DG	DG	03/24/16			
Purchasing/Budget: BB	BB	3/24/16			
Executive: JL	JL	3/28/16			

**TITLE OF DOCUMENT:**

**Local Agency Participating Agreement Supplement No 1 – Washington State Department of Transportation (WSDOT) and Whatcom County – grinding and hot mix asphalt resurfacing on a portion of Birch Bay Lynden Road**

**ATTACHMENTS:**

1. Memo
2. Contract Information Sheet
3. Local Agency Participating Agreement with WSDOT
4. Exhibit A-1 - Cost Estimate

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

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

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

Public Works respectfully requests that the County Executive, upon approval by the Whatcom County Council, execute Supplement No. 1 to the Local Agency Participating Agreement between WSDOT and Whatcom County for grinding and resurfacing with hot mix asphalt on a portion of Birch Bay Lynden Road in the vicinity of the Exit No. 270 overpass. Supplement No. 1 increases the original contract amount by \$20,531 to account for items WSDOT failed to include in the original contract - underestimated quantities and construction engineering. Whatcom County is responsible for the cost of this work per Agreement GM0215 between WSDOT and Whatcom County.

**COMMITTEE ACTION:****COUNCIL ACTION:**

**Related County Contract #:**  
N/A

**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](http://www.co.whatcom.wa.us/council).

WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT

Jon Hutchings  
Director



JOSEPH P. RUTAN, P.E.  
Assistant Director/County Engineer  
322 N. Commercial St., Suite 301  
Bellingham, WA 98225-4042  
Phone: (360) 778-6210  
Fax: (360) 778-6211

RECEIVED

MEMORANDUM

MAR 24 2016

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

**Through:** Jon Hutchings, Director *JH*

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

**Date:** March 23, 2016

**Re:** **Local Agency Participating Agreement - Supplement No. 1**  
Washington State Department of Transportation and Whatcom County  
I-5 NB – Nooksack River to Blaine Paving  
Exit 270 (Birch Bay Lynden Road) Crossroad

JACK LOUWS  
COUNTY EXECUTIVE

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Enclosed are two (2) originals of Supplement No. 1 to a Local Agency Participating Agreement between the Washington State Department of Transportation (WSDOT) and Whatcom County for your review and signature.

**Requested Action**

Public Works respectfully requests that the County Council authorize the County Executive to sign the attached two (2) originals of Supplement No. 1 to the Local Agency Participating Agreement with WSDOT.

**Background and Purpose**

This Supplement No. 1 to the Local Agency Participating Agreement between WSDOT and Whatcom County addresses cost and quantity discrepancies that WSDOT failed to include in the original agreement. Several quantities were low in the cost estimate of the original agreement, and construction engineering and overhead were not included. Supplement No. 1 corrects these oversights, and results in an increase to the contract amount of **\$20,531**. The limits for the agreement remain the portion of Birch Bay Lynden Road in the vicinity of the Exit No. 270 overpass, and construction is still scheduled for 2016. Whatcom County is responsible for the cost of this work per Agreement GM0215 between WSDOT and Whatcom County.

**Funding Amount and Source**

Funding and budget authority for this agreement is provided through local funds under Item No. 42 – Unanticipated Site Improvement in the 2016 Annual Construction Program. The new contract amount is **\$65,631**.

Please contact Kevin Thompson at extension 6278 if you have any questions or concerns regarding the terms of this agreement.



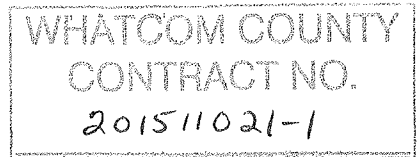
# WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.

201511021-1

Originating Department:	Whatcom County Public Works		
Program/Project: (i.e. Dept. Division and Project)	Design and Construction		
Contract or Grant Administrator:	James P. Karcher, P.E., Engineering Manager		
Contractor's / Agency Name:	Washington State Department of Transportation		
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 201511021			
Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		If No, include WCC: _____ (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, grantor agency contract number(s): _____ CFDA#: _____			
Is this contract grant funded? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, Whatcom County grant contract number(s): _____			
Is this contract the result of a RFP or Bid process? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, RFP and Bid number(s): _____		Contract Cost Center: _____	
Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If no, include Attachment D Contractor Declaration form.			
If YES, indicate exclusion(s) below:			
<input type="checkbox"/> Professional services agreement for certified/licensed professional. <input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract work is for less than 120 days. <input checked="" type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Work related subcontract less than \$25,000. <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.			
Contract Amount:(sum of original contract amount and any prior amendments): \$ 45,100. (Local Funds)		Contracts that require Council Approval (incl. agenda bill & memo) <ul style="list-style-type: none"> <li>Professional Services Agreement above \$20,000.</li> <li>Bid is more than \$50,000.</li> <li>Professional Service Contract Amendments that have an increase greater than \$20,000 and other contracts with a cumulative increase greater than \$50,000.</li> </ul>	
This Amendment Amount: \$ 20,531.(Local Funds)		RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.	
Total Amended Amount: \$ 65,631.(Local Funds)			
Summary of Scope: Public Works respectfully requests that the County Executive, upon approval by the Whatcom County Council, execute Supplement No. 1 to the Local Agency Participating Agreement between WSDOT and Whatcom County for grinding and resurfacing with hot mix asphalt on a portion of Birch Bay Lynden Road in the vicinity of the Exit No. 270 overpass.			
Term of Contract: Project Completion (Est. Dec 2016)		Expiration Date: N/A	

Contract Routing:	1. Prepared by: J. Karcher	Date: 03/23/16
	2. Attorney signoff: Daniel L. Gibson	Date: 03/24/16
	3. AS Finance reviewed: bbennett BB	Date: 03/24/16
	4. IT reviewed (if IT related):	Date:
	5. Contractor signed:	Date:
	6. Submitted to Exec.: ✓	Date: 3/24/16
	7. Council approved (if necessary):	Date:
	8. Executive signed:	Date:
	9. Original to Council:	Date:



**GCB 2250**  
**Amendment Number 1**

THIS Amendment Number 1, to that certain Agreement GCB 2250, is made and entered into between the Washington State, Department of Transportation, hereinafter the "STATE" and the Whatcom County, hereinafter the "COUNTY", collectively the "Parties".

WHEREAS, the Parties hereto entered into Agreement GCB 2250 on December 17, 2015; which provides funding to cover the actual costs for the resurfacing of Birch Bay/Lynden Road, a COUNTY Road, as described in Exhibit A for the Work as described in Exhibit B; and

WHEREAS, the bid amount for the work was over twenty five percent (25%) of the cost estimate, Exhibit A; and

WHEREAS, Section 6.5 of the Agreement requires an amendment be executed if the cost of the Work exceeds twenty five percent (25%) of the cost estimate, Exhibit A.

WHEREAS, Section 10.1 of the Agreement allows the Agreement to be amended or modified by the mutual agreement of the Parties; and

WHEREAS, the COUNTY has agreed to contribute the additional funds required to complete the Work, and

WHEREAS, the STATE and the County agree to amend this Agreement and Exhibit A to reflect the new project estimate,

NOW THEREFORE, pursuant to RCW 47.28.140, RCW 47.24.020, and RCW 47.08.070, the above recitals that are incorporated herein as if fully set forth below, and in consideration of the terms, conditions, covenants; and performance contained herein, or attached and incorporated and made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. Exhibit A is deleted in its entirety and is replaced with Exhibit A-1.
2. Exhibit A-1 is revised to reflect the new estimated amount of Sixty Five Thousand, Six Hundred and Thirty One Dollars (\$65,631) for the Work to be performed by the STATE as part of the STATE Project I-5 Paver—Nooksack to Blaine for work on Birch-Bay Lynden Road, Exit 270, as requested by the COUNTY.

All other terms and conditions of the original Agreement shall remain in full force and effect except as modified by mutual supplemental agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment Number 1 as of the Party's date signed last below.

WHATCOM COUNTY

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION

By: \_\_\_\_\_  
Jack Louws

By: \_\_\_\_\_  
John (Jay) Drye Jr., P.E.

Title: County Executive

Title: Acting Assistant Regional Administrator  
Mount Baker Area

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

Daniel L. Gibson 03/24/16  
Daniel L. Gibson      Date  
Chief Civil Deputy Prosecutor

GCB 2250  
Amendment Number 1  
Exhibit A-1

15 Paver -- Nooksack to Blaine  
Birch-Bay Lynden (Exit 270)  
Revised By: Mikkel Lamay  
Updated: 2/29/16  
Checked By: Jason Koreski

			Total				
Item No.	Std. No.		Unit Price	Unit	Qty	Amount	% of Total
<b>Preparation</b>							
	215	Removing Misc. Traffic Item	\$50.05	LS	1	\$50.05	0.12%
<b>Hot Mix Asphalt</b>							
	5703	Crack Sealing	\$380.00	Est	1	\$380.00	0.87%
	5711	Planing Bituminous Pavement	\$2.40	SY	2,600	\$6,240.00	14.34%
	5767	HMA CI 1/2" PG 64-22	\$77.00	Ton	267	\$20,559.00	47.25%
	5830	Job Mix Compliance Price Adjustment	\$0.03	Calc.	1	\$616.77	1.42%
	5835	Compaction Price Adjustment	\$0.02	Calc.	1	\$411.18	0.95%
	5837	Asphalt Cost Price Adjustment		Calc.	1	\$418.00	0.96%
	6517	Bridge Transverse Joint Seal	\$29.00	LF	60	\$1,740.00	4.00%
	6516	Cyclic Density Price Adjustment	\$1.00	DOL	(1)	(\$1.00)	0.00%
<b>Erosion Control &amp; Planting</b>							
	6490	Erosion /Water Pollution Control	\$160.00	Est	1	\$160.00	0.37%
<b>Traffic</b>							
	6807	Plastic Line	\$0.75	LF	3,510	\$2,632.50	6.05%
	6895	Temporary Pavement Markings	\$0.20	LF	7,020	\$1,404.00	3.23%
	6971	Project Temporary Traffic Control	\$1.00	LS	8,600	\$8,600.00	19.77%
		Reference Existing Pavement Markings	\$300.00	LS	1	\$300.00	0.69%

**Subtotal for Percentages**

	Construction Subtotal:		<b>\$43,511</b>
Mobilization	10%		\$4,351
	Subtotal:		\$47,862
Sales Tax	8.7%		\$4,164
	Subtotal:		\$52,026
Construction Engineering	10%		\$5,203
and contingencies	4%		\$2,081
	Subtotal:		\$59,309
Overhead	10.66%		\$6,322
Construction Total:			<b>\$65,631</b>

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. \_\_\_\_\_ 2016-137

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator: James Lee, P.E.	JEL	3-23-16	<div style="text-align: center;"> <b>RECEIVED</b>   <b>MAR 29 2016</b>   <b>WHATCOM COUNTY COUNCIL</b> </div>	04/05/2016	Finance/Council
Division Head: Joe Rutan, P.E.	JRL	3-23-16			
Dept. Head: Jon Hutchings	JH	3/23/16			
Prosecutor: Daniel Gibson	DG	03/24/16			
Purchasing/Budget: Brad Bennett	BB	3/23/16			
Executive: Jack Louws	TL	3/28/16			

**TITLE OF DOCUMENT:**

Approval for Contract Award of the construction contract for the South Pass Road/Saar Creek Bridge No. 212 Replacement Project to Strider Construction Co., Inc.

**ATTACHMENTS:**

1. Memo
2. Agenda Bill
3. Bid Tabulation
4. Approval for Contract Award
5. Project Narrative
6. Low Bid Proposal

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

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

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

Public Works respectfully requests that the County Council authorize the County Executive to sign the Approval for Contract Award of the construction contract for the South Pass Road/Saar Creek Bridge No. 212 Replacement Project to Strider Construction Co., Inc.

**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).

Jon Hutchings  
Director



Joseph P. Rutan, P. E.  
County Engineer/Assistant Director  
322 N. Commercial Street, Ste 301  
Bellingham, WA 98225-4042  
Phone: (360) 778-6200  
Fax: (360) 778-6201

## Memorandum

RECEIVED

MAR 24 2016

JACK LOUWS  
COUNTY EXECUTIVE

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

**Through:** Jon Hutchings, Director *JH*

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

**Date:** March 23, 2016

**Re:** South Pass Road/Saar Creek Bridge No. 212 Replacement  
CRP No. 911004; Cost Center 370100  
**Construction Contract for Award**

Attached for your review and signature is the standard construction contract award package for the South Pass Road/Saar Creek Bridge No. 212 Replacement Project, CRP 911004.

### Requested Action

Public Works respectfully requests that the County Council authorize the County Executive to sign the Approval for Contract Award and enter into a construction contract with Strider Construction Co., Inc. for the South Pass Road/Saar Creek Bridge No. 212 Replacement Project.

### Background and Purpose

Bid proposals for the project were opened at 2:30 p.m. on Tuesday, March 8, 2016. A total of seven (7) responsive bids were received, with **Strider Construction Co., Inc.** being the lowest responsible bidder in the amount of \$790,787.00. The bid tabulation is attached to this memorandum. The project is listed as Item No. 28 on the 2016 Annual Construction Program.

### Funding Amount and Source

The current project based budget for the South Pass Road/Saar Creek Bridge No. 212 Replacement is \$1,310,000.00, including an estimate for the construction contract of \$964,236.06. The low bid received by Strider Construction Co., Inc. is \$173,449.06 below this estimate.

Please contact James Lee at extension 6264 if you have any questions or concerns regarding this contract.

In accordance with W.C.C. 3.08.100, I concur with this recommendation:

*Braed Bennett*  
Sara Winger, Purchasing Coordinator  
*Braed Bennett* Purchasing Agent

*3/24/16*  
Date

Bid Tabulation for: South Pass Road/Saar Creek Bridge No. 212 Replacement

ITEM NO.	DESCRIPTION	ENGINEER'S ESTIMATE			Stellar J Corporation			Interwest Construction, Inc.			Strider Construction Co., Inc.			Faber Construction Corporation			Ram Construction General Contractors, Inc.			Raz Construction, Inc.			Tiger Construction, Ltd.		
		UNIT PRICE	TOTAL AMOUNT		UNIT PRICE	TOTAL AMOUNT		UNIT PRICE	TOTAL AMOUNT		UNIT PRICE	TOTAL AMOUNT		UNIT PRICE	TOTAL AMOUNT		UNIT PRICE	TOTAL AMOUNT		UNIT PRICE	TOTAL AMOUNT		UNIT PRICE	TOTAL AMOUNT	
A1	SCHEDULE A	L.S.	\$ 87,458.40		\$ 85,000.00		\$ 85,000.00		\$ 85,000.00		\$ 77,500.00		\$ 77,500.00		\$ 134,689.84		\$ 102,000.00		\$ 102,000.00		\$ 77,000.00		\$ 77,000.00		\$ 42,687.89
A2	MOBILIZATION	CALC	\$ 15,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00
A3	MINOR CHANGE	L.S.	\$ 1,000.00		\$ 1,000.00		\$ 1,000.00		\$ 500.00		\$ 1,000.00		\$ 1,000.00		\$ 865.00		\$ 300.00		\$ 300.00		\$ 2,000.00		\$ 2,000.00		\$ 1,151.72
A4	SPCC PLAN	L.S.	\$ 1,000.00		\$ 1,000.00		\$ 1,000.00		\$ 5,000.00		\$ 1,500.00		\$ 1,500.00		\$ 3,200.00		\$ 5,000.00		\$ 5,000.00		\$ 3,000.00		\$ 3,000.00		\$ 3,082.92
A5	TYPE B PROGRESS SCHEDULE	L.S.	\$ 15,000.00		\$ 5,000.00		\$ 5,000.00		\$ 8,000.00		\$ 4,000.00		\$ 4,000.00		\$ 11,500.00		\$ 4,650.00		\$ 4,650.00		\$ 20,000.00		\$ 20,000.00		\$ 5,365.15
A6	PROJECT TEMPORARY TRAFFIC CONTROL	L.S.	\$ 5,700.00		\$ 30.00		\$ 6,840.00		\$ 11.50		\$ 2,622.00		\$ 22.00		\$ 5,016.00		\$ 30.05		\$ 6,853.68		\$ 15.00		\$ 3,420.00		\$ 26.32
A7	CONSTRUCTION SIGNS, CLASS A	SF	\$ 25.00	\$ 5,700.00		\$ 3,000.00	\$ 3,000.00		\$ 3,000.00		\$ 3,000.00		\$ 3,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 5,730.36
A8	CLEARING AND GRUBBING	L.S.	\$ 3,150.00		\$ 3,000.00		\$ 3,130.00		\$ 5,130.00		\$ 2,500.00		\$ 2,500.00		\$ 6,894.25		\$ 4,300.00		\$ 4,300.00		\$ 7,500.00		\$ 7,500.00		\$ 1,286.63
A9	REMOVAL OF STRUCTURE AND OBSTRUCTIONS	L.S.	\$ 19,170.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 23,833.75		\$ 55,000.00		\$ 55,000.00		\$ 30,000.00		\$ 30,000.00		\$ 20,922.26
A10	ROADWAY EXCAVATION INCL. HAUL	CY	\$ 80.00	\$ 15,200.00		\$ 70.00	\$ 13,300.00		\$ 25.50		\$ 4,465.00		\$ 13.00		\$ 2,470.00		\$ 31.67		\$ 6,017.30		\$ 23.00		\$ 4,750.00		\$ 21.87
A11	CHANNEL EXCAVATION INCL. HAUL	CY	\$ 25.00	\$ 12,500.00		\$ 37.00	\$ 18,500.00		\$ 22.00		\$ 11,000.00		\$ 17.00		\$ 8,500.00		\$ 27.49		\$ 13,745.00		\$ 23.00		\$ 11,500.00		\$ 16.02
A12	STRUCTURE EXCAVATION CLASS A INCL. HAUL	CY	\$ 40.00	\$ 5,720.00		\$ 27.00	\$ 3,861.00		\$ 46.00		\$ 6,578.00		\$ 20.00		\$ 2,860.00		\$ 32.00		\$ 4,588.80		\$ 32.00		\$ 4,576.00		\$ 29.34
A13	SHORING OR EXTRA EXCAVATION CLASS A	L.S.	\$ 5,000.00		\$ 3,000.00		\$ 3,000.00		\$ 4,050.00		\$ 4,050.00		\$ 7,500.00		\$ 4,278.00		\$ 5,400.00		\$ 5,400.00		\$ 5,000.00		\$ 5,000.00		\$ 5,912.29
A14	GRAVEL BASE	TON	\$ 25.00	\$ 7,750.00		\$ 22.00	\$ 6,820.00		\$ 26.50		\$ 8,215.00		\$ 27.00		\$ 8,370.00		\$ 53.55		\$ 16,591.50		\$ 27.50		\$ 8,537.50		\$ 33.98
A15	CRUSHED SURFACING BASE COURSE	TON	\$ 20.00	\$ 1,700.00		\$ 170.00	\$ 14,500.00		\$ 135.00		\$ 11,250.00		\$ 130.00		\$ 9,200.00		\$ 152.25		\$ 12,941.25		\$ 137.00		\$ 10,156.00		\$ 135.91
A16	ASPHALT COST PRICE ADJUSTMENT	CALC	\$ 500.00		\$ 500.00		\$ 500.00		\$ 500.00		\$ 500.00		\$ 500.00		\$ 500.00		\$ 500.00		\$ 500.00		\$ 500.00		\$ 500.00		\$ 500.00
A17	CONCRETE CLASS 000	CY	\$ 950.00	\$ 45,600.00		\$ 700.00	\$ 33,600.00		\$ 1,080.00		\$ 51,840.00		\$ 900.00		\$ 43,200.00		\$ 198.37		\$ 9,521.76		\$ 810.00		\$ 38,880.00		\$ 1,203.36
A18	SUPERSTRUCTURE SOUTH PASS ROAD / SAAR CREEK BRIDGE	L.S.	\$ 223,400.00		\$ 240,000.00		\$ 240,000.00		\$ 261,377.00		\$ 261,377.00		\$ 185,000.00		\$ 185,000.00		\$ 185,010.60		\$ 186,010.60		\$ 270,000.00		\$ 270,000.00		\$ 226,390.00
A19	ST. REINF. BAR	LB	\$ 2.00	\$ 21,200.00		\$ 1.25	\$ 13,250.00		\$ 1.20		\$ 13,080.00		\$ 1.35		\$ 14,110.00		\$ 1.56		\$ 20,700.00		\$ 1.20		\$ 12,720.00		\$ 1.26
A20	BEON-COATED ST. REINF. BAR	LB	\$ 2.50	\$ 6,250.00		\$ 1.50	\$ 3,750.00		\$ 1.40		\$ 3,570.00		\$ 1.60		\$ 4,000.00		\$ 3.02		\$ 7,575.00		\$ 1.40		\$ 3,560.00		\$ 1.47
A21	BRIDGE APPROACH SLAB	SF	\$ 250.00	\$ 44,500.00		\$ 250.00	\$ 44,500.00		\$ 280.00		\$ 42,400.00		\$ 250.00		\$ 44,500.00		\$ 20.04		\$ 3,567.12		\$ 288.00		\$ 51,264.00		\$ 281.74
A22	GRAVEL BACKFILL FOR WALL	CY	\$ 50.00	\$ 2,500.00		\$ 50.00	\$ 2,500.00		\$ 60.00		\$ 3,120.00		\$ 48.00		\$ 2,496.00		\$ 56.50		\$ 2,938.00		\$ 38.00		\$ 1,956.00		\$ 41.36
A23	FURNISHING & DRIVING ST. TEST PILE	EACH	\$ 10,000.00		\$ 8,000.00		\$ 8,000.00		\$ 11,479.00		\$ 11,479.00		\$ 10,000.00		\$ 10,000.00		\$ 5,587.25		\$ 5,587.25		\$ 11,000.00		\$ 11,000.00		\$ 11,517.20
A24	FURNISHING ST. PILING	LF	\$ 100.00	\$ 18,300.00		\$ 50.00	\$ 9,150.00		\$ 115.00		\$ 20,955.00		\$ 55.00		\$ 10,050.00		\$ 84.63		\$ 15,474.99		\$ 135.00		\$ 24,750.00		\$ 115.17
A25	DRIVE ST. PILING	EACH	\$ 8,000.00	\$ 24,000.00		\$ 2,500.00	\$ 7,500.00		\$ 2,860.00		\$ 8,580.00		\$ 3,500.00		\$ 10,500.00		\$ 4,369.61		\$ 13,098.83		\$ 2,750.00		\$ 8,250.00		\$ 2,879.30
A26	TRAFFIC BARRIER	LF	\$ 180.00	\$ 37,260.00		\$ 170.00	\$ 35,100.00		\$ 282.00		\$ 58,314.00		\$ 200.00		\$ 41,400.00		\$ 248.22		\$ 51,381.54		\$ 185.00		\$ 35,415.00		\$ 261.76
A27	SHAFT - 30 INCH DIAMETER	LF	\$ 1,500.00	\$ 109,500.00		\$ 570.00	\$ 41,550.00		\$ 65,940.00		\$ 43,158.00		\$ 700.00		\$ 51,000.00		\$ 668.09		\$ 50,011.57		\$ 1,035.00		\$ 75,555.00		\$ 831.00
A28	REMOVING SHAFT OBSTRUCTIONS	EACH	\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00		\$ 30,000.00
A29	EROSION / WATER POLLUTION CONTROL	EACH	\$ 4,500.00		\$ 4,500.00		\$ 4,500.00		\$ 4,500.00		\$ 4,500.00		\$ 4,500.00		\$ 4,500.00		\$ 4,500.00		\$ 4,500.00		\$ 4,500.00		\$ 4,500.00		\$ 4,500.00
A30	SEEDING, FERTILIZING AND MULCHING	EA	\$ 1,000.00		\$ 1,000.00		\$ 1,000.00		\$ 1,000.00		\$ 1,000.00		\$ 1,000.00		\$ 1,000.00		\$ 2,917.25		\$ 2,917.25		\$ 880.00		\$ 880.00		\$ 921.38
A31	EROSION AND SEDIMENT CONTROL LEAD	DAYS	\$ 150.00	\$ 2,100.00		\$ 250.00	\$ 3,500.00		\$ 80.00		\$ 1,120.00		\$ 80.00		\$ 1,120.00		\$ 106.62		\$ 1,408.68		\$ 1.00		\$ 14.00		\$ 93.00
A32	SILT FENCE	LF	\$ 70.00	\$ 2,100.00		\$ 50.00	\$ 1,500.00		\$ 50.00		\$ 1,500.00		\$ 50.00		\$ 1,500.00		\$ 51.7		\$ 1,551.00		\$ 8.75		\$ 262.50		\$ 60.11
A33	HIGH VISIBILITY FENCE	LF	\$ 4.00	\$ 800.00		\$ 3.00	\$ 600.00		\$ 4.00		\$ 800.00		\$ 2.00		\$ 400.00		\$ 2.41		\$ 482.00		\$ 3.00		\$ 600.00		\$ 2.70
A34	CHECK DAM	LF	\$ 300.00	\$ 18,000.00		\$ 35.00	\$ 2,100.00		\$ 15.00		\$ 900.00		\$ 17.00		\$ 1,020.00		\$ 22.44		\$ 1,346.40		\$ 21.00		\$ 1,260.00		\$ 10.59
A35	PLANT SELECTION BLACK THYMBERRY	EACH	\$ 15.00	\$ 135.00		\$ 16.50	\$ 148.50		\$ 23.00		\$ 207.00		\$ 15.00		\$ 135.00		\$ 23.00		\$ 207.00		\$ 16.00		\$ 144.00		\$ 17.28
A36	PLANT SELECTION THIMBLE BERRY	EACH	\$ 15.00	\$ 135.00		\$ 16.50	\$ 148.50		\$ 23.00		\$ 207.00		\$ 15.00		\$ 135.00		\$ 23.00		\$ 207.00		\$ 16.00		\$ 144.00		\$ 17.28
A37	PLANT SELECTION SALMON BERRY	EACH	\$ 15.00	\$ 135.00		\$ 16.50	\$ 148.50		\$ 23.00		\$ 207.00		\$ 15.00		\$ 135.00		\$ 23.00		\$ 207.00		\$ 16.00		\$ 144.00		\$ 17.28
A38	FINE COMPOST	SF	\$ 4.00	\$ 140.00		\$ 6.50	\$ 227.50		\$ 5.00		\$ 175.00		\$ 6.50		\$ 227.50		\$ 11.50		\$ 402.50		\$ 24.00		\$ 840.00		\$ 23.04
A39	BARK OR WOOD CHIP MULCH	SF	\$ 2.00	\$ 70.00		\$ 6.50	\$ 227.50		\$ 5.00		\$ 175.00		\$ 6.50		\$ 227.50		\$ 11.50		\$ 402.50		\$ 24.00		\$ 840.00		\$ 23.04
A40	BEAM GUARDRAIL TRANSITION TYPE 21	EACH	\$ 3,000.00	\$ 12,000.00		\$ 4,719.18	\$ 13,716.72		\$ 4,800.00		\$ 19,200.00		\$ 4,500.00		\$ 18,000.00		\$ 4,905.68		\$ 14,836.72		\$ 4,300.00		\$ 12,900.00		\$ 3,112.22
A41	BEAM GUARDRAIL TYPE 31 NON-FLARED TERMINAL	EACH	\$ 2,700.00	\$ 10,800.00		\$ 2,702.24	\$ 10,809.96		\$ 3,100.00		\$ 12,400.00		\$ 3,000.00		\$ 12,000.00		\$ 3,268.30		\$ 13,073.20		\$ 2,900.00		\$ 11,600.00		\$ 3,112.22
A42	FILTER BLANKET	TON	\$ 60.00	\$ 8,940.00		\$ 57.00	\$ 8,481.00		\$ 51.00		\$ 7,593.00		\$ 25.00		\$ 3,750.00		\$ 51.53		\$ 7,678.07		\$ 37.00		\$ 5,513.00		\$ 29.34
A43	LIGHT LOOSE RIPRAP	TON	\$ 65.00	\$ 23,140.00		\$ 40.00	\$ 14,400.00		\$ 37.00		\$ 13,170.00		\$ 40.00		\$ 14,400.00		\$ 44.89		\$ 15,960.64		\$ 38.00		\$ 13,320.00		\$ 34.95
A44	PAINT LINE	LF	\$ 3.00	\$ 1,719.00		\$ 2.00	\$ 1,140.00		\$ 5.00		\$ 2,865.00														

Big Tabulation for: South Pass Road/Saar Creek Bridge No. 212 Replacement

ITEM NO.	DESCRIPTION	ESTIMATE QUANTITY	ENGINEER'S ESTIMATE			Stellar J Corporation			Interwest Construction, Inc.			Strider Construction Co., Inc.			Faber Construction Corporation			Ram Construction General Contractors, Inc.			Razz Construction, Inc.			Tiger Construction, Ltd.			
			UNIT PRICE	TOTAL AMOUNT		UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT		
SCHEDULE B																											
B1	CLEARING AND GRUBBING	1	L.S.	\$	350.00	\$	4,500.00	\$	4,500.00	\$	2,375.00	\$	2,375.00	\$	1,500.00	\$	1,500.00	\$	2,811.75	\$	2,811.75	\$	500.00	\$	500.00	\$	3,332.24
B2	REMOVAL OF STRUCTURE AND OBSTRUCTIONS	1	L.S.	\$	2,100.00	\$	1,000.00	\$	1,000.00	\$	1,200.00	\$	1,200.00	\$	500.00	\$	500.00	\$	2,811.75	\$	2,811.75	\$	250.00	\$	250.00	\$	1,177.25
B3	CHANNEL EXCAVATION INCL. HAIL	1261	C.Y.	\$	25.00	\$	31,500.00	\$	37.00	\$	4,640.00	\$	22.00	\$	2,740.00	\$	17.00	\$	3,159.60	\$	31.33	\$	24,000.00	\$	21.00	\$	2,520.00
B4	EROSION / WATER POLLUTION CONTROL	1	F.A.	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00
B5	SEEDING, FERTILIZING AND MULCHING	1	L.S.	\$	200.00	\$	1,000.00	\$	1,000.00	\$	2,355.00	\$	2,355.00	\$	1,000.00	\$	1,000.00	\$	1,020.82	\$	1,020.82	\$	350.00	\$	350.00	\$	921.38
B6	EROSION AND SEDIMENT CONTROL LEAD	1	DAYS	\$	150.00	\$	150.00	\$	250.00	\$	250.00	\$	80.00	\$	80.00	\$	60.00	\$	60.00	\$	201.25	\$	201.25	\$	1.00	\$	90.11
B7	SILT FENCE	3201	L.F.	\$	7.00	\$	2,240.00	\$	5.00	\$	1,600.00	\$	8.00	\$	2,560.00	\$	3.00	\$	960.00	\$	5.17	\$	1,654.40	\$	6.00	\$	1,939.20
B8	HIGH VISIBILITY FENCE	1001	L.F.	\$	4.00	\$	400.00	\$	5.00	\$	500.00	\$	4.00	\$	400.00	\$	2.00	\$	200.00	\$	2.41	\$	241.00	\$	4.00	\$	400.00
B9	PLANT SELECTION WESTERN HEMLOCK	12	EACH	\$	35.00	\$	420.00	\$	16.50	\$	198.00	\$	22.00	\$	264.00	\$	15.00	\$	180.00	\$	23.00	\$	276.00	\$	19.00	\$	228.00
B10	PLANT SELECTION BLACK THIMBERY	16	EACH	\$	15.00	\$	240.00	\$	16.50	\$	264.00	\$	22.00	\$	352.00	\$	15.00	\$	240.00	\$	23.00	\$	368.00	\$	19.00	\$	304.00
B11	PLANT SELECTION THIMBLE BERRY	16	EACH	\$	15.00	\$	240.00	\$	16.50	\$	264.00	\$	22.00	\$	352.00	\$	15.00	\$	240.00	\$	23.00	\$	368.00	\$	19.00	\$	304.00
B12	PLANT SELECTION SALMON BERRY	16	EACH	\$	15.00	\$	240.00	\$	16.50	\$	264.00	\$	22.00	\$	352.00	\$	15.00	\$	240.00	\$	23.00	\$	368.00	\$	19.00	\$	304.00
B13	FINE COMPOST	81	S.Y.	\$	4.00	\$	324.00	\$	6.50	\$	526.50	\$	20.00	\$	1,620.00	\$	30.00	\$	2,430.00	\$	20.70	\$	1,676.70	\$	10.00	\$	810.00
B14	BARK OR WOOD CHIP MULCH	81	S.Y.	\$	2.00	\$	162.00	\$	6.50	\$	526.50	\$	20.00	\$	1,620.00	\$	30.00	\$	2,430.00	\$	20.70	\$	1,676.70	\$	10.00	\$	810.00
B15	TEMPORARY STREAM FLOW BYPASS SYSTEM	1	L.S.	\$	1,500.00	\$	2,500.00	\$	2,500.00	\$	183.00	\$	183.00	\$	2,000.00	\$	2,000.00	\$	3,363.75	\$	3,363.75	\$	2,500.00	\$	2,500.00	\$	1,773.00
B16	FISH EXCLUSION	1	F.A.	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00
B17	STREAMBED MATERIAL	52	TON	\$	75.00	\$	3,900.00	\$	45.00	\$	2,340.00	\$	77.00	\$	4,004.00	\$	50.00	\$	2,600.00	\$	45.75	\$	2,379.00	\$	36.00	\$	1,872.00
B18	UNANTICIPATED SITE WORK	1	F.A.	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00	\$	5,000.00
SUBTOTAL SCHEDULE B					\$25,965.00		\$30,673.00		\$25,857.00		\$25,857.00		\$25,857.00		\$25,857.00		\$25,857.00		\$25,857.00		\$25,857.00		\$25,857.00		\$25,857.00		\$25,857.00
8.5% SALES TAX					\$2,208.66		\$2,607.21		\$2,148.35		\$2,148.35		\$2,148.35		\$2,148.35		\$2,148.35		\$2,148.35		\$2,148.35		\$2,148.35		\$2,148.35		\$2,148.35
TOTAL SCHEDULE B (INCLUDING TAXES)					\$28,173.66		\$33,280.21		\$27,995.35		\$27,995.35		\$27,995.35		\$27,995.35		\$27,995.35		\$27,995.35		\$27,995.35		\$27,995.35		\$27,995.35		\$27,995.35
TOTAL BID - SCHEDULE A & B (WITH TAXES)					\$664,226.06		\$861,746.59		\$664,226.06		\$664,226.06		\$664,226.06		\$664,226.06		\$664,226.06		\$664,226.06		\$664,226.06		\$664,226.06		\$664,226.06		\$664,226.06

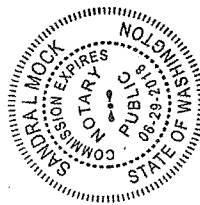
\*Bold and italic indicates Corrected Amounts

I hereby certify that the amounts tabulated herein are correct and accurately represent the amounts contained in the Engineer's estimate and the respective bid proposals opened at 2:30 P.M., March 8, 2016 for South Pass Road / Saar Creek Bridge No. 212 Replacement, CRP No. 911004.

STATE OF WASHINGTON )  
COUNTY OF WHATCOM ) ss.

On this day personally appeared before me, Joseph P. Ruan, P.E., known to me to be the County Engineer and the person described herein and who executed the within and foregoing instrument this 31st day of March, 2016

Joseph P. Ruan, P.E.  
County Engineer  
Date 3/21/16



Sandra L. Mock  
NOTARY PUBLIC  
Residing At Bellingham  
My commission expires: 06/28/2018



Jon Hutchings  
Director



Joseph P. Rutan, P. E.  
County Engineer/Assistant Director  
322 N. Commercial Street, Ste 301  
Bellingham, WA 98225-4042  
Phone: (360) 778-6200  
Fax: (360) 778-6201

**South Pass Road/Saar Creek Bridge No. 212 Replacement**

**CRP No. 911004  
Cost Center 370100**

**APPROVAL FOR CONTRACT AWARD**

Approval is hereby granted to award the Contract as follows:

Project: South Pass Road/Saar Creek Bridge No. 212 Replacement

To: Strider Construction Co., Inc.

In the amount of their bid proposal \$790,787.00 including all taxes.

\_\_\_\_\_  
Whatcom County Executive  
Approving Authority

Daniel L. Gibson  
Daniel L. Gibson  
Chief Civil Deputy Prosecutor

\_\_\_\_\_  
Date

03/24/16  
Date

## South Pass Road / Saar Creek - Bridge No. 212 Replacement CRP #911004

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

**Project Narrative:**

This project is located southeast of Sumas in Section 17, T40N, R5E. This is a project to replace the existing 31 foot structurally deficient bridge with a 50 foot bridge. This project is listed as **#B4** on the 2016-2021 Six Year Transportation Improvement Program.

**Project Status:**

Design and permitting to be completed in 2015 with construction in 2016.

**Total Estimated Project Cost:** \$1,410,000

**Expenditures to Date:** \$ 100,000

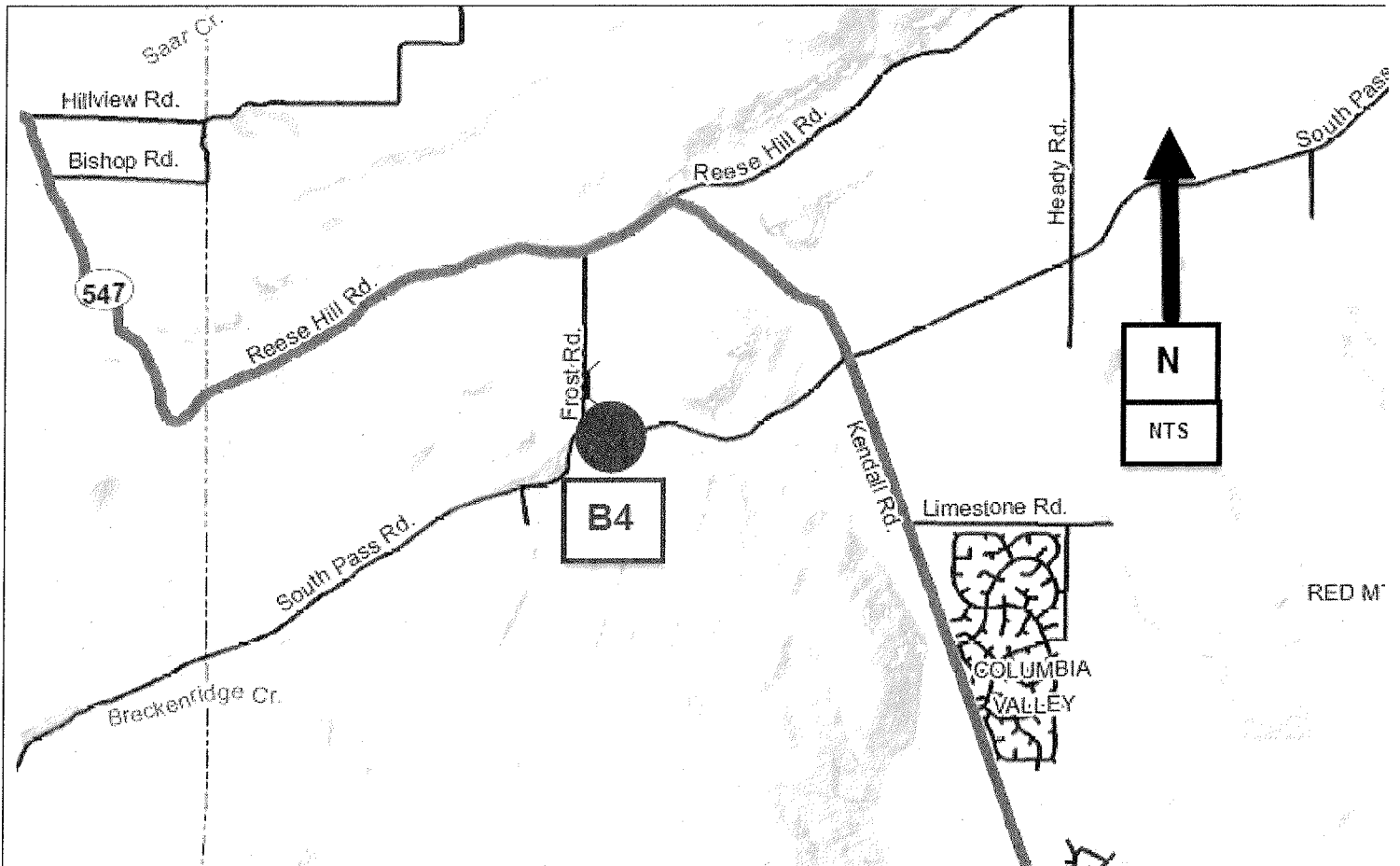
**Funding Sources:**

Federal	\$
State	\$
Local	\$1,410,000

<b>Environmental Permitting</b>	HPA, SEPA, SEC 404, County Shorelines
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<b>Right-of-Way Acquisition (Estimate)</b>	None Required
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<b>County Forces (Estimate)</b>	N/A
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## BID PROPOSAL FOR

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### SOUTH PASS ROAD/ SAAR CREEK BRIDGE NO. 212 REPLACEMENT

CRP NO. 911004

DATE: March 8, 2016

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

Gentlepersons:

This certified 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: **"South Pass Road/ Saar Creek Bridge No. 212 Replacement, CRP No. 911004"** Whatcom County, Washington, including the "Bid Procedures and Conditions," "Specifications and Conditions," "Contract Forms," "Construction Plans," and "Appendices," 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.

The Undersigned certifies that it is not currently disqualified from bidding on any public works contract under RCW 39.06.010 or RCW 39.12.065(3).

South Pass Road/ Saar Creek  
Bridge No. 212 Replacement  
CRP 911004

SCHEDULE A (Work Performed on County right-of-way)					
ITEM NO.	UNIT MEASURE	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT PRICE IN FIGURES	EXTENDED PRICE IN FIGURES
A1	LUMP SUM	MOBILIZATION	L.S.	L.S.	\$ <u>77,500.00</u>
A2	DOLLAR	MINOR CHANGE	CALC	CALC	\$15,000.00
A3	LUMP SUM	SPCC PLAN	1	L.S.	\$ <u>1,000.00</u>
A4	LUMP SUM	TYPE B PROGRESS SCHEDULE	1	L.S.	\$ <u>1,500.00</u>
A5	LUMP SUM	PROJECT TEMPORARY TRAFFIC CONTROL	1	L.S.	\$ <u>4,000.00</u>
A6	SQUARE FEET	CONSTRUCTION SIGNS, CLASS A	228	\$ <u>22.00</u> per S.F.	\$ <u>5,016.00</u>
A7	LUMP SUM	CLEARING AND GRUBBING	1	L.S.	\$ <u>2,500.00</u>
A8	LUMP SUM	REMOVAL OF STRUCTURE AND OBSTRUCTIONS	1	L.S.	\$ <u>30,000.00</u>
A9	CUBIC YARD	ROADWAY EXCAVATION INCL. HAUL	190	\$ <u>13.00</u> per C.Y.	\$ <u>2,470.00</u>
A10	CUBIC YARD	CHANNEL EXCAVATION INCL. HAUL	500	\$ <u>17.00</u> per C.Y.	\$ <u>8,500.00</u>
A11	CUBIC YARD	STRUCTURE EXCAVATION CLASS A INCL. HAUL	143	\$ <u>20.00</u> per C.Y.	\$ <u>2,860.00</u>
A12	LUMP SUM	SHORING OR EXTRA EXCAVATION CLASS A	1	L.S.	\$ <u>7,500.00</u>
A13	TON	GRAVEL BASE	310	\$ <u>17.50</u> per TON	\$ <u>5,425.00</u>
A14	TON	CRUSHED SURFACING BASE COURSE	85	\$ <u>27.00</u> per TON	\$ <u>2,295.00</u>
A15	TON	COMMERCIAL HMA	74	\$ <u>130.00</u> per TON	\$ <u>9,620.00</u>
A16	DOLLAR	ASPHALT COST PRICE ADJUSTMENT	CALC	CALC	\$500.00
A17	CUBIC YARD	CONCRETE CLASS 4000	48	\$ <u>900.00</u> per C.Y.	\$ <u>43,200.00</u>
A18	LUMP SUM	SUPERSTRUCTURE SOUTH PASS ROAD / SAAR CREEK BRIDGE	1	L.S.	\$ <u>185,000.00</u>
A19	POUNDS	ST. REINF. BAR	10600	\$ <u>1.35</u> per LB	\$ <u>14,310.00</u>
A20	POUNDS	EPOXY-COATED ST. REINF. BAR	2500	\$ <u>1.60</u> per LB	\$ <u>4,000.00</u>
A21	SQUARE YARD	BRIDGE APPROACH SLAB	178	\$ <u>250.00</u> per S.Y.	\$ <u>44,500.00</u>

ITEM NO.	UNIT MEASURE	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT PRICE IN FIGURES	EXTENDED PRICE IN FIGURES
A22	CUBIC YARD	GRAVEL BACKFILL FOR WALL	52	\$ <u>48.00</u> per C.Y.	\$ <u>2,496.00</u>
A23	EACH	FURNISHING & DRIVING ST. TEST PILE	1	\$ <u>10,000.00</u> per EACH	\$ <u>10,000.00</u>
A24	LINEAR FEET	FURNISHING ST. PILING	183	\$ <u>55.00</u> per L.F.	\$ <u>10,065.00</u>
A25	EACH	DRIVE ST. PILING	3	\$ <u>3,500.00</u> per EACH	\$ <u>10,500.00</u>
A26	LINEAR FEET	TRAFFIC BARRIER	207	\$ <u>200.00</u> per L.F.	\$ <u>41,400.00</u>
A27	LINEAR FEET	SHAFT - 30 INCH DIAMETER	73	\$ <u>700.00</u> per L.F.	\$ <u>51,100.00</u>
A28	DOLLAR	REMOVING SHAFT OBSTRUCTIONS	EST.	EST.	\$30,000.00
A29	FORCE ACCOUNT	EROSION / WATER POLLUTION CONTROL	F.A.	\$4,500	\$4,500.00
A30	LUMP SUM	SEEDING, FERTILIZING AND MULCHING	1	L.S.	\$ <u>1,000.00</u>
A31	DAYS	EROSION AND SEDIMENT CONTROL LEAD	14	\$ <u>80.00</u> per DAY	\$ <u>1,120.00</u>
A32	LINEAR FEET	SILT FENCE	30	\$ <u>3.00</u> per L.F.	\$ <u>90.00</u>
A33	LINEAR FEET	HIGH VISIBILITY FENCE	200	\$ <u>2.70</u> per L.F.	\$ <u>540.00</u>
A34	LINEAR FEET	CHECK DAM	60	\$ <u>17.00</u> per L.F.	\$ <u>1,020.00</u>
A35	EACH	PLANT SELECTION BLACK TWINBERRY	9	\$ <u>15.00</u> per EACH	\$ <u>135.00</u>
A36	EACH	PLANT SELECTION THIMBLE BERRY	9	\$ <u>15.00</u> per EACH	\$ <u>135.00</u>
A37	EACH	PLANT SELECTION SALMON BERRY	9	\$ <u>15.00</u> per EACH	\$ <u>135.00</u>
A38	SQUARE YARD	FINE COMPOST	35	\$ <u>35.00</u> per S.Y.	\$ <u>1,225.00</u>
A39	SQUARE YARD	BARK OR WOOD CHIP MULCH	35	\$ <u>25.00</u> per S.Y.	\$ <u>875.00</u>
A40	EACH	BEAM GUARDRAIL TRANSITION TYPE 21	4	\$ <u>4,500.00</u> per EACH	\$ <u>18,000.00</u>
A41	EACH	BEAM GUARDRAIL TYPE 31 NON-FLARED TERMINAL	4	\$ <u>3,000.00</u> per EACH	\$ <u>12,000.00</u>
A42	TON	FILTER BLANKET	149	\$ <u>25.00</u> per TON	\$ <u>3,725.00</u>
A43	TON	LIGHT LOOSE RIPRAP	356	\$ <u>40.00</u> per TON	\$ <u>14,240.00</u>

SOUTH PASS ROAD / SAAR CREEK  
 BRIDGE 212 REPLACEMENT  
 CRP No. 911004

BID PROPOSAL FORM

BIDDER Strider Construction Co., Inc.

A44	LINEAR FEET	PAINT LINE	573	<u>\$ 2.00</u> per L.F.	<u>\$ 1,146.00</u>
A45	LUMP SUM	TEMPORARY STREAM FLOW BYPASS SYSTEM	1	L.S.	<u>\$ 15,000.00</u>
A46	FORCE ACCOUNT	FISH EXCLUSION	F.A.	\$10,000	\$10,000.00
A47	TON	STREAMBED MATERIAL	200	<u>\$ 50.00</u> per TON	<u>\$ 10,000.00</u>
A48	FORCE ACCOUNT	UNANTICIPATED SITE WORK	F.A.	\$45,000	\$45,000.00
Subtotal Schedule A: (Bid Items A1-A48)				<u>\$ 762,143.00</u>	

SCHEDULE B (Work performed on private property)					
ITEM NO.	UNIT MEASURE	ITEM DESCRIPTION	APPROX. QUANTITY	UNIT PRICE IN FIGURES	EXTENDED PRICE IN FIGURES
B1	LUMP SUM	CLEARING AND GRUBBING	1	L.S.	\$ <u>1,500.00</u>
B2	LUMP SUM	REMOVAL OF STRUCTURE AND OBSTRUCTIONS	1	L.S.	\$ <u>500.00</u>
B3	CUBIC YARD	CHANNEL EXCAVATION INCL. HAUL	120	\$ <u>17.00</u> per C.Y.	\$ <u>2,040.00</u>
B4	FORCE ACCOUNT	EROSION / WATER POLLUTION CONTROL	F.A.	\$500	\$500.00
B5	LUMP SUM	SEEDING, FERTILIZING AND MULCHING	1.0	L.S.	\$ <u>1,000.00</u>
B6	DAYS	EROSION AND SEDIMENT CONTROL LEAD	1	\$ <u>80.00</u> per DAY	\$ <u>80.00</u>
B7	LINEAR FEET	SILT FENCE	320	\$ <u>3.00</u> per L.F.	\$ <u>960.00</u>
B8	LINEAR FEET	HIGH VISIBILITY FENCE	100	\$ <u>2.70</u> per L.F.	\$ <u>270.00</u>
B9	EACH	PLANT SELECTION WESTERN HEMLOCK	12	\$ <u>15.00</u> per EACH	\$ <u>180.00</u>
B10	EACH	PLANT SELECTION BLACK TWINBERRY	16	\$ <u>15.00</u> per EACH	\$ <u>240.00</u>
B11	EACH	PLANT SELECTION THIMBLE BERRY	16	\$ <u>15.00</u> per EACH	\$ <u>240.00</u>
B12	EACH	PLANT SELECTION SALMON BERRY	16	\$ <u>15.00</u> per EACH	\$ <u>240.00</u>
B13	SQUARE YARD	FINE COMPOST	81	\$ <u>30.00</u> per S.Y.	\$ <u>2,430.00</u>
B14	SQUARE YARD	BARK OR WOOD CHIP MULCH	81	\$ <u>20.00</u> per S.Y.	\$ <u>1,620.00</u>
B15	LUMP SUM	TEMPORARY STREAM FLOW BYPASS SYSTEM	1	L.S.	\$ <u>2,000.00</u>
B16	FORCE ACCOUNT	FISH EXCLUSION	F.A.	\$5,000	\$5,000.00
B17	TON	STREAMBED MATERIAL	52	\$ <u>50.00</u> per TON	\$ <u>2,600.00</u>
B18	FORCE ACCOUNT	UNANTICIPATED SITE WORK	F.A.	\$5,000	\$5,000.00
Subtotal Schedule B (Bid Items B1-B18):				\$ <u>26,400.00</u>	
State Sales Tax @ 8.5%:				\$ <u>2,244.00</u>	
Schedule B Total:				\$ <u>28,644.00</u>	

SOUTH PASS ROAD / SAAR CREEK  
BRIDGE 212 REPLACEMENT  
CRP No. 911004

BID PROPOSAL FORM

BIDDER Strider Construction Co., Inc.

	BID SUMMARY
Schedule A Total:	\$ <u>762,143.00</u>
Schedule B Total:	\$ <u>28,644.00</u>
TOTAL BID AMOUNT (SCH. A + SCH. B):	\$ <u>790,787.00</u>





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**Proposal for Incorporating Recycled Materials into the Project**

In compliance with a new law that went into effect January 1, 2016 (SHB1695), the Bidder shall propose below, the total percent of construction aggregate and concrete materials to be incorporated into the Project that are recycled materials. Calculated percentages must be within the amounts allowed in Section 9-03.21(1)E, Table on Maximum Allowable Percent (By Weight) of Recycled Material, of the Standard Specifications.

Proposed total percentage: 0 percent.

*Note: Use of recycled materials is highly encouraged within the limits shown above, but does not constitute a Bidder Preference, and will not affect the determination of award, unless two or more lowest responsive Bid totals are exactly equal, in which case proposed recycling percentages will be used as a tie-breaker, per the APWA GSP in Section 1-02.6 of the Special Provisions. Regardless, the Bidder's stated proposed percentages will become a goal the Contractor should do its best to accomplish. Bidders will be required to report on recycled materials actually incorporated into the Project, in accordance with the APWA GSP in Section 1-06.6 of the Special Provisions.*

Bidder:

Strider Construction Co., Inc.

Signature of Authorized Official:

James A. Gebhardt, P.E., President

Date:

3/8/16



WHATCOM COUNTY  
DEPARTMENT OF PUBLIC WORKS

SUBCONTRACTOR LIST

Prepared in Compliance with RCW 39.30.060 as amended.

To be Submitted with the Bid Proposal

Project Name: **South Pass Road / Saar Creek Bridge No. 212 Replacement**

Failure to list subcontractors who are proposed to perform 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 nonresponsive and therefore void.

**Subcontractor(s) that are proposed to perform 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.

Subcontractor Name

N/A

Work to be Performed

\_\_\_\_\_  
\_\_\_\_\_

Subcontractor Name

\_\_\_\_\_

Work to be Performed

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **NON-COLLUSION DECLARATION**

### **SOUTH PASS ROAD/ SAAR CREEK BRIDGE NO. 212 REPLACEMENT**

**CRP NO. 911004**

**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 a.m. to 5:00 p.m. Eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

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

Figure 1. Schematic representation of the experimental design. The figure shows a sequence of events: a stimulus (a word) is presented, followed by a response (a word), and then a feedback (a word). The response is either correct or incorrect, and the feedback is either positive or negative. The sequence of events is repeated for multiple trials.

\_\_\_\_\_

\_\_\_\_\_

[illegible]

\_\_\_\_\_

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<https://doi.org/10.1016/j.jmb.2019.05.005>

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The firm submitting this proposal is a:

<u>          </u>	Sole Proprietorship
<u>          </u>	Partnership
<u>  X  </u>	Corporation

\_\_\_\_\_

5. <https://www.irs.gov/efile/efile-1041-1041e-1041ez-1041ez-ez>

\_\_\_\_\_

1

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.

PROPOSAL BOND ☒ IN THE AMOUNT OF 5% OF THE BID

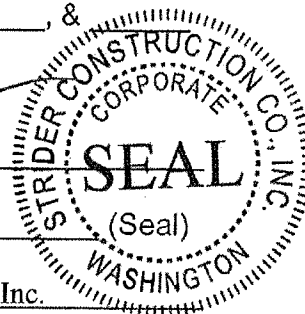
Receipt is hereby acknowledged by Addendum(s) No.(s) \_\_\_\_\_, \_\_\_\_\_, & \_\_\_\_\_.

**SIGNATURE OF AUTHORIZED OFFICIAL(S)**

(PROPOSAL MUST BE SIGNED)

~~James A. Gebhardt, P.E., President~~

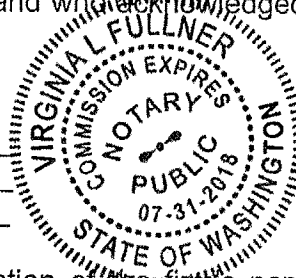
FIRM NAME: Strider Construction Co., Inc



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF WHATCOM )

On this 8th day of March, 2016, before me personally appeared James A. Gebhardt, P.E. 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.

NOTARY PUBLIC, in and for the County of Whatcom  
State of Washington, residing at: Bellingham, WA  
My Commission Expires: 7/31/2018



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.

South Pass Road/ Saar Creek  
Bridge No. 212 Replacement  
CRP 911004

## BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, Strider Construction Co., Inc.

of Bellingham, WA, as principal, and the Travelers Casualty and Surety Company of America  
a corporation duly organized under the laws of the State of CT  
and having its principal place of business at Seattle

In the State of Washington, as Surety, are held and firmly bound unto Whatcom County, a Municipal Corporation in the State of Washington, in the full and penal sum of five percent (5%) of the total bid amount appearing on the bid proposal of said principal for the work hereinafter described, for the payment of which, well, and truly to be made, we bind our heirs, executors, administrators and assigns, and successors and assigns, jointly and severally, firmly by these presents.

The condition of this bond is such that, whereas, the principal herein is herewith submitting his or its bid proposal for South Pass Road/ Saar Creek Bridge No. 212 Replacement, CRP No. 911004 bid proposal, by reference thereto, being hereby made a part thereof.

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, the 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 8th day of March, 2016.

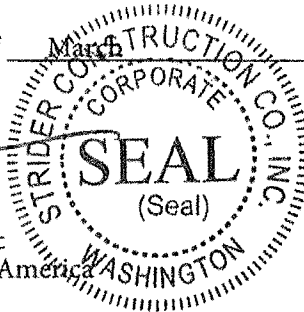
Strider Construction Co., Inc.  
Principal

By

James A. Gebhardt, P.E., President  
Travelers Casualty and Surety Company of America  
Surety

By

Darlene Jakielski  
Attorney-in-Fact Darlene Jakielski



The Attorney-in-fact who executes this bond on behalf of the surety company, must attach a copy of his power-of-attorney as evidence of his authority.

South Pass Road/ Saar Creek  
Bridge No. 212 Replacement  
CRP 911004



## POWER OF ATTORNEY

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

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

Attorney-In Fact No. 230041

Certificate No. 006513532

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

Darlene Jakielski, Julie M. Glover, S.M. Scott, Michael A. Murphy, Jim W. Doyle, Andy D. Prill, Jim S. Kuich, Chad M. Epple, Steve Wagner, Theresa A. Lamb, Ted Baran, Carol Lowell, and Ashley Hartshorn

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

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 14th day of October, 2015.

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

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



State of Connecticut  
City of Hartford ss.

By:

Robert L. Raney, Senior Vice President

On this the 14th day of October, 2015, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.  
My Commission expires the 30th day of June, 2016.



Marie C. Tetreault, Notary Public

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

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

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

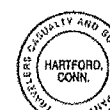
**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice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

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 24th day of March, 2016

Kevin E. Hughes  
Kevin E. Hughes, Assistant Secretary





To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.travelersbond.com](http://www.travelersbond.com). Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.



**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. \_\_\_\_\_

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	SW	03/24/16	<div style="text-align: center;"> <b>RECEIVED</b>   <b>MAR 29 2016</b>   <b>WHATCOM COUNTY COUNCIL</b> </div>	04/05/16	Finance/Council
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:		3/24/16			
Executive:		3/28/16			
<b>TITLE OF DOCUMENT:</b> Award Bid 16-05 Patrol Boat					
<b>ATTACHMENTS:</b> Memos from Finance and Sheriff's Office					
<b>SEPA review required?</b> (    ) Yes ( <input checked="" type="checkbox"/> ) NO <b>SEPA review completed?</b> (    ) Yes (    ) NO			<b>Should Clerk schedule a hearing ?</b> (    ) Yes ( <input checked="" type="checkbox"/> ) NO <b>Requested Date:</b>		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> (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.)  <p>The Sheriff's Office is requesting approval to award bid 16-05 for the supply of a replacement patrol boat to the lowest bidder, Munson Boats, located in Burlington. The total cost is \$85,748.16. This approval request is subject to approval of Supplemental Budget #2149, scheduled for Council Action on April 5, 2016.</p>					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b>		
<b>Related County Contract #:</b>		<b>Related File Numbers:</b>		<b>Ordinance or Resolution Number:</b>	
<b>Please Note:</b> Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: <a href="http://www.co.whatcom.wa.us/council">www.co.whatcom.wa.us/council</a> .					



**DATE:** March 24, 2016  
**TO:** Jack Louws, County Executive  
**FROM:** Brad Bennett, AS Finance Manager  
**SUBJECT:** Award of Bid #16-05 Patrol Boat for Sheriff's Office

- **Background & Purpose**


Bids were duly advertised for a replacement patrol boat for the Sheriff's Office. This patrol boat will be used by the Sheriff's Office Marine Services Unit, and used primarily on Lake Samish. Bid packets were sent to two (2) plan centers, and 10 boat dealerships/fabricators. Two responses were received on Tuesday February 23, 2016, and are noted below.

Bidder	Make/Model	Base Price	Sales Tax	Total Bid Amount
Munson Boats	Munson 19' Packman	\$76,862.00	\$6,225.82 (8.1%)	\$83,087.82
Hard Drive Marine	(Not Specified)	\$89,400.00	\$7,599.00 (8.5%)	\$96,999.00

The Sheriff's Office is requesting approval to award to the lowest bidder, Munson Boats, in the amount of \$85,748.16, including an option for power assisted hydraulic steering (total for option including sales tax is \$2,660.34).

- **Funding**

Funding for this purchase has been requested on Supplemental Budget #2149, which was introduced at the Whatcom County Council meeting on March 22, 2016, and is scheduled for Council action on April 5, 2016. Subject to Council approval of this supplemental budget, I concur with this request.

  
AS Finance Manager

Approved as recommended:

\_\_\_\_\_  
County Executive

Date of Council Action \_\_\_\_\_

WHATCOM COUNTY  
SHERIFF'S OFFICE

BILL ELFO  
SHERIFF

PUBLIC SAFETY BUILDING  
311 Grand Avenue  
Bellingham, WA 98225-4078  
(360) 676-6650



JEFF PARKS  
UNDERSHERIFF  
ART EDGE  
CHIEF DEPUTY  
DOUG CHADWICK  
CHIEF DEPUTY  
STEVE COOLEY  
CHIEF INSPECTOR  
WENDY JONES  
CHIEF OF CORRECTIONS

**MEMORANDUM**

**TO:** Brad Bennett, AS Finance Manager  
**FROM:** Sheriff Bill Elfo  
**DATE:** March 23, 2016  
**SUBJECT:** Bid Award  
Bid #16-05 Patrol Boat

---

The Sheriff's Office recommends approval of Bid #16-05 Patrol Boat award to Munson Boats, as low bidder, in the amount of \$85,748.16, which includes \$83,087.82 total bid amount plus \$2,660.34 for optional hydraulic TFX power steering including applicable tax. Whatcom County Bid Opening Results attached.

**Background and Purpose**

The Sheriff's Office is in need of a new patrol boat. The 1988 17 foot Boston Whaler owned by the Sheriff's Office 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 of this aging vessel, investing in 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 Sheriff's Office state approved boating safety program.

Supplemental Budget #2146 was introduced at Whatcom County Council meeting on 03/22/16 and is scheduled for Council action on 04/05/16.

Due to the time involved in obtaining and making ready a new boat for operational use during the 2016 boating season, the Sheriff's Office requests the bid award to Munson Boats also be considered at the County Council meeting on 04/05/16.

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

Thank you.

# WHATCOM COUNTY BID OPENING RESULTS

The following information is a record of bidders and their bid totals as received at the time of the bid opening. All bids are subject to review by the requesting department and approval by the County Executive and the County Council. A formal award or rejection notice and tabulation will be issued to all participants or to any interested people once the bid has been awarded.

**BID 16-05 Patrol Boat**

**Sheriff's Office**

**2:30 PM Tuesday February 23, 2016**

BIDDER	Make/Model	Base Price	Sales Tax	Total Bid Amount
Munson Boats	Munson 19' Packman	76,862.00	6,225.82 (8.1%)	83,087.82
Hard Drive Marine	(Not Noted)	89,400.00	7,599.00 (8.5%)	96,999.00

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	tw	03.22.16	<div style="text-align: center;"> <b>RECEIVED</b>   MAR 29 2016   WHATCOM COUNTY  COUNCIL </div>	04/05/16	COTW
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive: <i>TL</i>	<i>[Signature]</i>	<i>3/28/16</i>			
<b>TITLE OF DOCUMENT:</b> Presentation of the EMS Funding Work Group Recommendations					
<b>ATTACHMENTS:</b> Memo and Presentation handout					
SEPA review required? ( ) Yes ( ) NO SEPA review completed? ( ) Yes ( ) NO			Should Clerk schedule a hearing? ( ) Yes ( ) NO Requested Date:		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> (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.)					
<p>Executive Louws respectfully requests the opportunity to present to Council the EMS Funding Work Group recommendations.</p>					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b>		
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: <a href="http://www.co.whatcom.wa.us/council">www.co.whatcom.wa.us/council</a> .					



# MEMORANDUM

**To:** Whatcom County Council Members  
**From:** Tyler Schroeder, Deputy Executive *TRS*  
**Subject:** EMS Funding Work Group Recommendations  
**Date:** March 25, 2016

---

## BACKGROUND

On April 7, 2015 the Whatcom County Emergency Medical System Oversight Board (EOB) confirmed the EMS Funding Work Group representing EMS Stakeholders. Their mission was to recommend a funding strategy and mechanism that will support and sustain a countywide EMS System.

The Funding Work Group divided their overall mission into four subcommittees and challenged each to research, study, analyze and produce recommendations specific to their assignment. The subcommittees were defined as: 1) EMS Administration 2) ALS/BLS 3) Finance 4) communications and Messaging. The first three subcommittees met regularly, gathered and researched data and debated their findings. The results of those efforts and their recommendations were captured in a final report, <http://www.whatcomcounty.us/DocumentCenter/Home/View/16789>

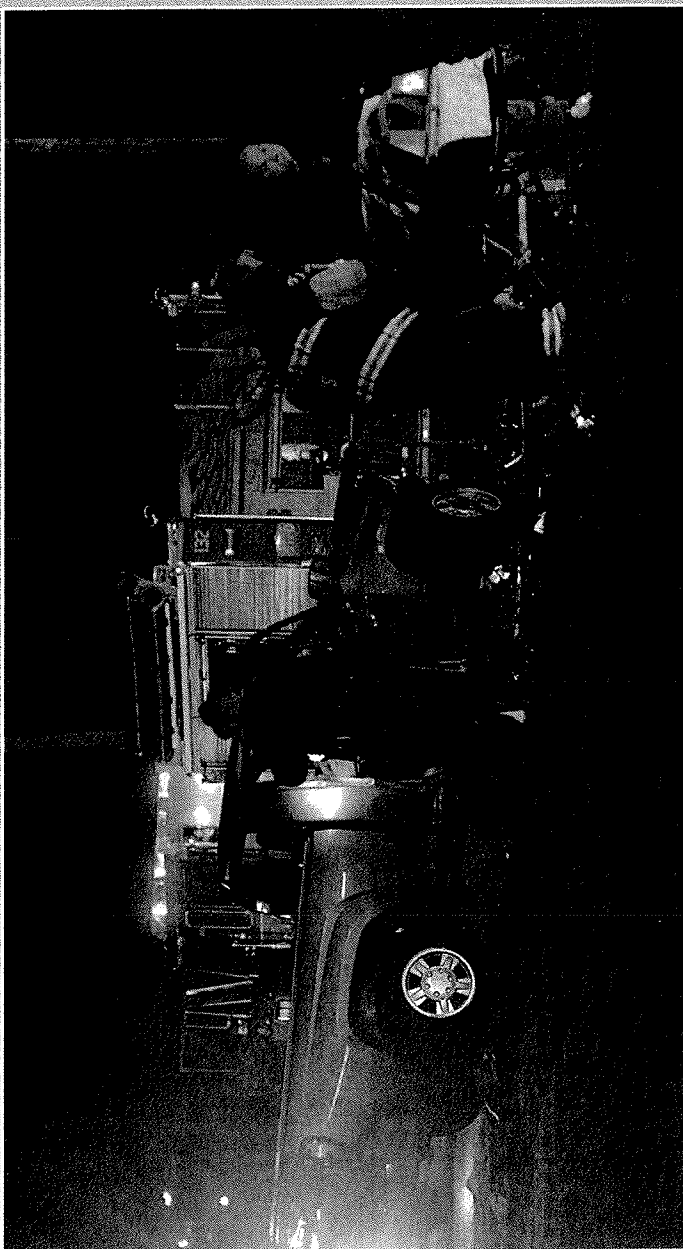
The final report analyzes resources required to continue providing Whatcom County's Emergency Medical Services including Advanced Life Support (ALS) system and support fire agencies' Basic Life Support (BLS) systems. Costs, funding options, service, efficiencies and potential savings were analyzed for recommendation. Without additional funding the ALS system will be reduced below the current level of service. Efficiencies must be realized through dispatch, community paramedic programs, and other programs to reduce the long-term cost of the system. A successful EMS levy and centralized oversight under the leadership of the EOB, full-time EMS Administrator, and continued cooperation between the EMS agencies are needed to sustain the system.

## PRESENTATION:

The County Executive would like to present to Council a summary of the recommendations endorsed by the Funding Work Group.

# Whatcom County EMS Funding Work Group RECOMMENDATIONS

*March, 2016*  
Prepared and Submitted to:  
EMS Oversight Board



# Funding Work Group

## Funding Work Group Confirmation

- The Whatcom County Emergency Medical System Oversight Board (EOB) confirmed the EMS Funding Work Group at the April 7, 2015 meeting.

## Mission











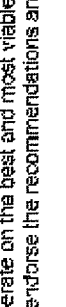





- To recommend a funding strategy and mechanism that will support and sustain a countywide EMS System.



# Funding Work Group Endorsement of Recommendations

## Funding Work Group Endorsement of Recommendations

These individuals, as members of the Funding Work Group, formally endorse the attached EMS funding strategy and mechanism to support and sustain a countywide EMS System. *"Working together for the future of EMS in Whatcom County."*

Tyler Schroeder, Chair	Whatcom County Administration	
Chief Bill Newbold	Bellingham Fire Department	
Chief Gary Russell	Fire Protection District #7	
Chief Gary Bear	Lynden FD, EMS Council	
Chief Jerry DeBruin	Fire Chief's Association	
Chief Duncan McLane	Fire District #11	
Mayor Scott Korthuis	Small Cities	
Councilor Terry Bommennann	Bellingham City Council	
Councilor Barry Buchanan	Whatcom County Council	
Brian Heinrich	Bellingham Administration	
Commissioner Rob Graham	Fire Commissioner	
Patricia Dunn, CPA, CGMA,	Financial/Citizen Representative	
Rich Kittinger	Bellingham Fire Department - Labor	
Robert Glorioso	Bellingham Fire Department - Labor	
Ben Boyko	Fire Protection District #7 - Labor	
Jeff Sluys	Fire Protection District #7 - Labor	

Members of the Funding Work Group met monthly to research and deliberate on the best and most viable funding option to sustain our high quality county wide EMS System. The above signed members endorse the recommendations and proposed levy rate included in this report.

# Whatcom County EMS History

Since 1974, EMS has been provided in Whatcom County when Whatcom Medic One was formed. The EMS system in Whatcom County has evolved over the years, including transitioning to a tiered level of service in the early 2000's. The Whatcom County fire districts and cities fund and provide first responder emergency medical services and basic life services (BLS). Bellingham Fire Department and Fire District 7 provide ALS services with highly educated and train paramedics.

- 2005**      Whatcom County voters approve 1/10<sup>th</sup> EMS Sales Tax. Sales tax was expected to sustain system through 2011. While the deficit has been extended by several years there has been operational and financial burden.
- 2011**      The Medic One Planning Committee is formed to address EMS Service.
- 2012**      Bellingham and Whatcom County adopt joint resolutions adopting a countywide EMS model.
- 2013**      Whatcom County adopt ordinance 2013-074 establishing role of both the EMS Oversight and Technical Advisory Boards.

# Executive Summary

- This report analyzes resources required to continue providing Whatcom County's Emergency Medical Services.
- Including Advanced Life Support (ALS) system and support fire agencies' Basic Life Support (BLS) systems.
- Costs, funding options, service, efficiencies and potential savings were analyzed for recommendation.

# Executive Summary, Cont.

- Without additional funding the ALS system will be reduced below the current level of service.
- Efficiencies must be realized through dispatch, community paramedic programs, and other programs to reduce the long-term cost of the system.
- A successful EMS levy and centralized oversight under the leadership of the EOB, full-time EMS Administrator, and continued cooperation between the EMS agencies are needed to sustain the system.

# The Funding Work Group Endorses:

- The pursuit of an 6 yr. EMS levy pursuant to RCW 84.52.069.
- A levy rate of 29.5 cents/\$1,000 assessed Valuation (AV); and
- Placement of the levy on the ballot in 2016 general election.

# The Funding Work Group Endorses:

- **Stable funding while maintaining sales tax and transport fees.**
- **Appointment of a full-time system-wide EMS Administrator.**
- **Responsible level of financial reserves.**
- **Sustainable financial policies and procedures.**
- **Enhance system-wide data collection and implement programs that provide support and encourage efficiencies.**



# The Funding Work Group Endorses:

- Use \$1.82 M per ALS Unit Cost to develop the levy rate.
- EMS Levy includes reserve sufficient enough for implementation of a 5th unit.
- Pay for all EMS dispatch fees, including ALS and BLS.
- Provide support to BLS through:
  - Equipment Exchange program, BLS Training Programs and EPCR (Electronic Patient Care Reporting) software for all EMS agencies

## 90

Levy Rate 0.295

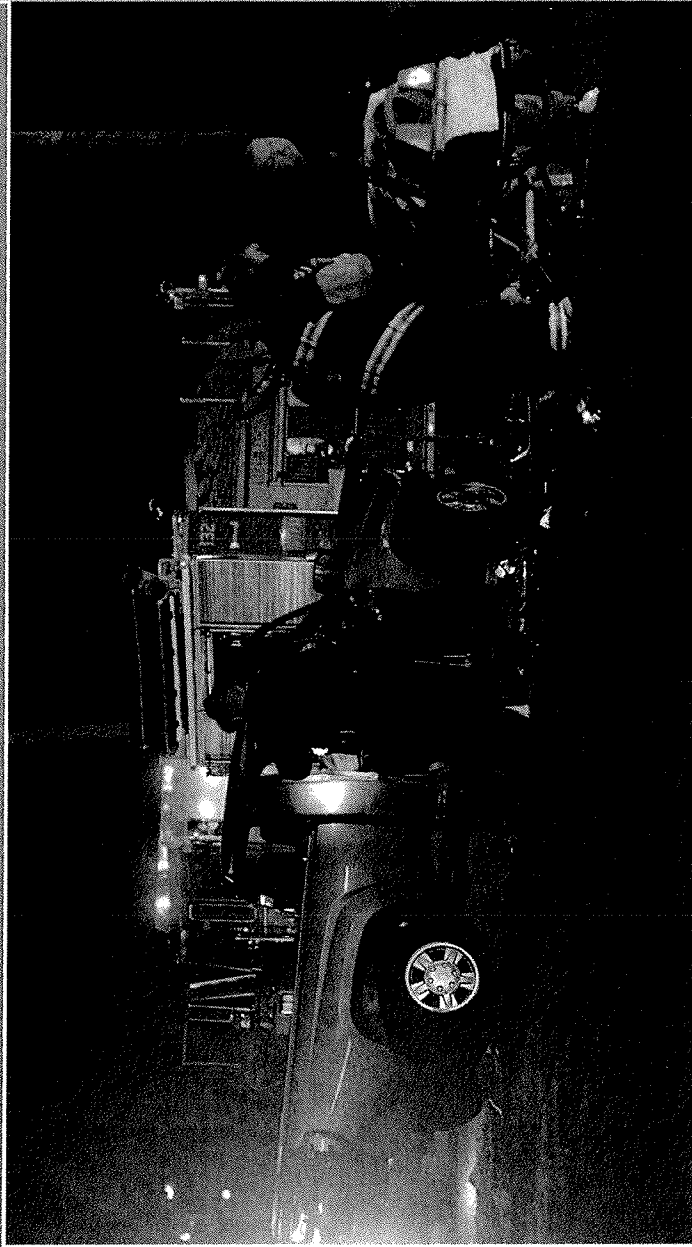


# EMS Levy Timeline

No.	Task Name	Duration	Deadline	Finish	Facilitator
<b>Finance Committee Recommendations</b>					
1	Complete Levy/Option Scenarios	January - February	29-Feb-16		Finance Committee
2	Compile and Finalize FWG recommendations	February - March	9-Mar-16		Funding Work Group
3	Present Final recommendations to EOB		16-Mar-16		Funding Work Group
<b>Funding Work Group Recommendations</b>					
4	Present Levy Options to COB and County				Tyler Schroeder/Chief Newbold
5	Review/Refine Scenarios per Electeds				Tyler Schroeder/Chief Newbold
6	Present Levy Proposal to Chiefs/Commissioners				Tyler Schroeder/Chief Newbold
<b>Communications - Public Messaging</b>					
7	Develop Consistent Communications Message	Ongoing	8-Nov-16		COB/County/Fire Dept./Agencies
8	Messaging Outreach Fire Chiefs/Commissioners	Ongoing			
	Chief Meetings	4th Thurs. of the Mo.			where: 7 pm Station 12, Britton Loop
	Commissioner Meetings	2nd Wed. EoM			where: 7 pm Station 12, Britton Loop
<b>Levy Development - Council Approval</b>					
9	Build County Wide Support and Consensus	Ongoing	8-Nov-16		Chiefs/Commissioners/Electeds
	Small Cities Support	Ongoing	May		
	City of Bellingham Council		11-Apr-16		
	Whatcom County Council		5-Apr-16		
	Chief and Commissioners Meeting		20-Apr-16		
	EOB Recommendation		4-May-16		
10	Seek Council(s) Approval for Ballot Measure		May-June-16		EMS Administration/Executive Office
	City of Bellingham - July 11 or 25th Council	November Ballot	25-Jul-16		Chief Newbold
	Whatcom County - July 12 or 26 Council	November Ballot	15-Jul-16		Tyler Schroeder
<b>Levy Submission</b>					
11	Submit Ballot Measure to Auditor				
		November Ballot	2-Aug-16		

# THANK YOU

*Working together for the future of EMS to reduce the long-term costs and create stable funding to continue EMS service for Whatcom County.*



# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-047I

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Matt W. Aamot	M.A.	3/23/2016	<div style="text-align: center;"> <p>RECEIVED</p> <p>MAR 29 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	4/5/2016	Pub. Wks. Committee
Division Head: Mark Personius	MP	3-24-16			
Dept. Head: Sam Ryan	SR	3-25-16			
Prosecutor: Royce Buckingham					
Purchasing/Budget:					
Executive: Jack Louws	JL	3/28/16			

## TITLE OF DOCUMENT:

Briefing and discussion on Comprehensive Plan Chapter 9 (Recreation).

## ATTACHMENT:

- Cover letter

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

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

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

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 9 (Recreation) with the Public Works, Health and Safety Committee.

## COMMITTEE ACTION:

## COUNCIL ACTION:

Related County Contract #:

Related File Numbers:  
AB2016-047

Ordinance or Resolution Number:

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

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-5901 Fax



**J.E. "Sam" Ryan**  
Director

### Memorandum

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

FROM: Matt Aamot, Senior Planner *MA*

THROUGH: Mark Personius, Assistant Director *MP*

DATE: March 23, 2016

SUBJECT: Comp Plan Update – Chapter 9 (Recreation)

---

As you know, Whatcom County has initiated a multi-year project to update the Whatcom County Comprehensive Plan and conduct the urban growth area (UGA) review by June 30, 2016, as required by the Growth Management Act. Review of Comprehensive Plan Chapter 9 – Recreation was conducted in coordination with the Whatcom County Parks & Recreation Department and the Parks & Recreation Commission. Staff is requesting to make a presentation to the Council's Public Works, Health and Safety Committee relating to Chapter 9 on April 5, 2016.

The Council has requested a summary of the substantive changes made by the Planning Commission. The Planning Commission considered Chapter 9 – Recreation on August 13, 2015, September 10, 2015, December 10, 2015 and January 14, 2016. Planning Commission changes to policies and maps in the staff draft include the following:

**Policy 9C-23** – The Planning Commission recommended modifying proposed Policy 9C-23 as follows: "Provide bike lanes or wide shoulders where appropriate for trail corridor connection in conjunction with major road improvements" (p. 9-12).

**Map 9-2 (Conceptual Trail Corridors)** – The Planning Commission recommended modifying proposed Map 9-2 as follows:

- Identify the trails that have already been built;
- Identify proposed trails where routing is conceptual; and
- Add the Bellingham/Mt. Baker Trail to the map.

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

**WHATCOM COUNTY  
Health Department**

*Leading the community in promoting health  
and preventing disease.*



**Regina A. Delahunt**  
Director

**Greg Stern, M.D.**  
Health Officer

**Memorandum**

**TO: WHATCOM COUNTY COUNCIL**

**FROM:** <sup>RAD</sup> Regina Delahunt, Director

**DATE: MARCH 29, 2016**

**RE: HEALTH REVIEW OF 2016 COMPREHENSIVE PLAN--RECREATION  
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.

**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 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.

**Recreation Chapter Recommendations:**

Whatcom County Health Department (WCHD) staff did not review or make recommendations on Recreation Chapter in our 2014 review of the Comprehensive Plan. However, priorities from the 2014 Healthy Planning Workshop include supporting access to parks and community gathering spaces, particularly in Urban Growth Areas

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FAX (360) 778-6001

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1500 North State Street  
Bellingham, WA 98225-4551  
(360) 778-6100  
FAX (360) 778-6101

WhatcomCoHealth 

not associated with cities or other more densely populated rural communities. Several policies in the Recreation Chapter support this priority:

- *Policy 9C-16:* Implementing goals and policies of the Whatcom County Pedestrian and Bicycle Plan.
- *Policy 9C-17:* Promoting integration of trails in new developments to provide internal circulation and to connect to nearby recreation opportunities.
- *Policy 9C-18:* Encouraging the acquisition and planning of trail corridors in new developments, where the trail has been identified in existing plans adopted by the County.
- *Policy 9D-2:* Exploring the need for community parks as undeveloped areas increase in density.
- *Policy 9D-2:* Promoting integration of recreation and open spaces in subarea planning and other development proposals.
- *Policy 9I-5:* Exploring mechanisms, such as community associations and park districts, in UGAs and rural communities to acquire, develop and maintain community parks.

**WHATCOM COUNTY COUNCIL AGENDA BILL****NO.**

2016-047C

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator: Karin Beringer	KB	3/23/2016	<div style="text-align: center;"> <b>RECEIVED</b>   <b>MAR 29 2016</b>   <b>WHATCOM COUNTY COUNCIL</b> </div>	4/5/2016	P&D Committee
Division Head: Mark Personius	MP	3-24-16			
Dept. Head: Sam Ryan	SR	3-25-16			
Prosecutor: Royce Buckingham					
Purchasing/Budget:					
Executive: TRS Jack Louws		3/28/16			

**TITLE OF DOCUMENT:**

Briefing and discussion on Comprehensive Plan Chapter 3 (Housing).

**ATTACHMENT:**

1. Cover memo, Whatcom County Housing Analysis 2015

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

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

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

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 present an overview and discuss Comprehensive Plan Chapter 3 (Housing) with the Planning and Development Committee.

**COMMITTEE ACTION:****COUNCIL ACTION:****Related County Contract #:****Related File Numbers:****Ordinance or Resolution Number:**

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

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-5901 Fax



**J.E. "Sam" Ryan**  
Director

### Memorandum

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

**FROM:** Karin Beringer, Planner 1 *KB*

**THROUGH:** Mark Personius, Assistant Director *MP*

**DATE:** March 23, 2016

**SUBJECT:** Comp Plan Update – Chapter 3 (Housing)

---

As you know, Whatcom County has initiated a multi-year project to update the Whatcom County Comprehensive Plan and conduct the urban growth area (UGA) review by June 30, 2016, as required by the Growth Management Act. Review of Comprehensive Plan Chapter 3 – Housing was conducted in coordination with the Whatcom County Housing Advisory Committee. The County also hired a consultant (Beckwith) to create a Housing Analysis and demographic study to inform Chapter 3- Housing (see attached). Staff is requesting to make a presentation to the Council's Planning and Development Committee relating to Chapter 3 on April 5, 2016.

The Council has requested a summary of the substantive changes made by the Planning Commission. The Planning Commission considered Chapter 3 – Housing on May 14, 2015 and September 24, 2015. Planning Commission changes to policies in the staff draft include the following:

**Policy 3A-1** was modified to read: *Streamline and simplify existing and proposed permitting processes. and review any changes to county regulations affecting the provision of housing that increase costs and/or permit processing time.*

The Planning Commission thought it would be unrealistic to review any changes to county regulations.

**Policy 3D-4** was deleted by Planning Commission. It read: *Consider establishing a housing development fund, accessible to individuals qualified for affordable housing assistance who are legal residents of the county, administered by an agency and funded by contributions from developers wishing to utilize affordable housing incentives and bonuses, but not wishing to include affordable housing in their own projects.*

The proposed policy had originally been an action item at the end of the chapter that was consolidated into policy. The Planning Commission thought that this policy did not fit well for an unincorporated Whatcom County comprehensive plan, but might fit better in a city comprehensive plan.



**Policy 3F-5** was deleted by Planning Commission. It read: *Explore and consider various financial incentives and funds to support affordable housing including but not limited to:*

- *Tax credits for low-income households.*
- *Creation of a "housing trust fund" to provide dedicated funding for housing priorities set by the jurisdictions involved.*
- *"Housing levy" that funds affordable housing development.*
- *Using a "Real Estate Excise Tax" or a "Real Estate Transfer Tax" a County-wide tax or levy to provide a revenue stream for the local housing trust fund for affordable housing.*

The proposed policy had originally been several action items at the end of the chapter that were consolidated into policy. The Planning Commission voted to remove it.

**Healthy Housing Goal and Policies** were deleted by Planning Commission. The Healthy Housing Section read:  
Healthy Housing

*The 1949 Federal Housing Act established the goal of "a decent home and suitable living environment for every American family." As rents rise and affordable housing options are sparse, low-income populations are more likely to select lower-quality housing that they can afford. As a consequence, low-income families and individuals may be more likely to live in housing subject to rodents, mold, lead and asbestos, or structural problems. Not only does this environment jeopardize the health, safety, and welfare of residents, it poses an especially acute risk to sensitive populations like young children and seniors.*

*Goal 3I: All housing is designed and built in a way that facilitates health, sustainability, and efficiency.*

*Policy 3I-1: Ensure that all new housing is constructed from materials that do not contain known hazardous elements.*

*Policy 3I-2: Encourage departments to support pollutant-free homes. For example, consider encouraging the fire department to provide households with free or low-cost smoke detectors and carbon monoxide detectors.*

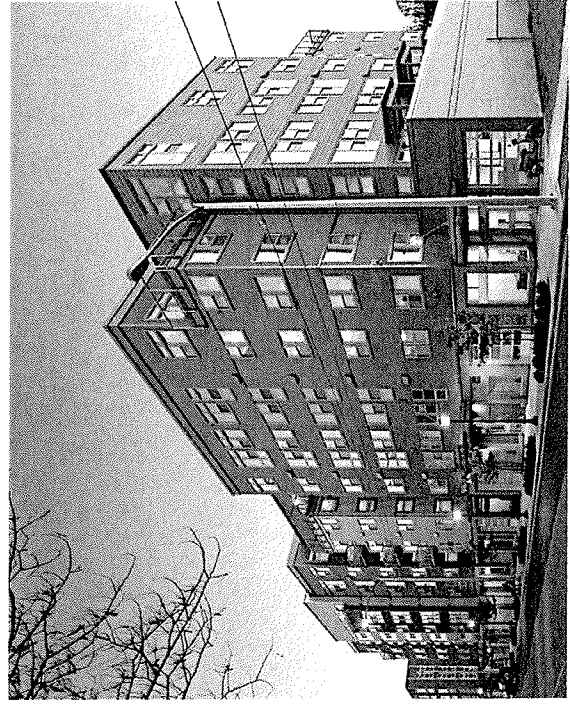
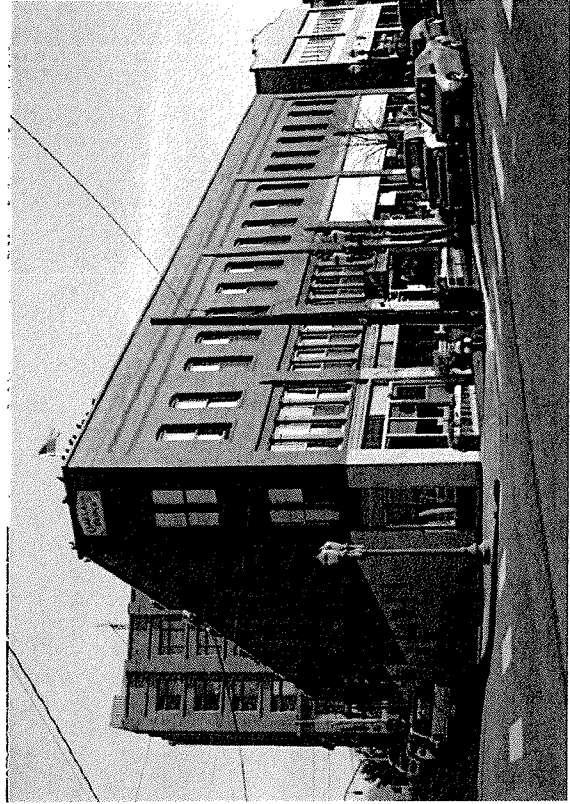
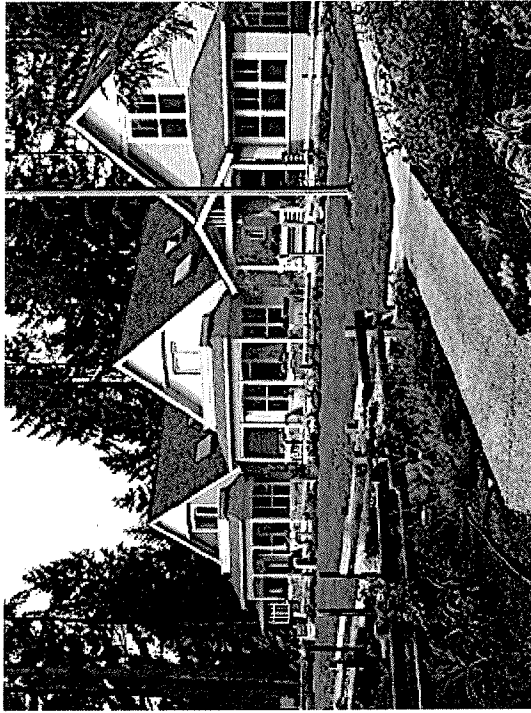
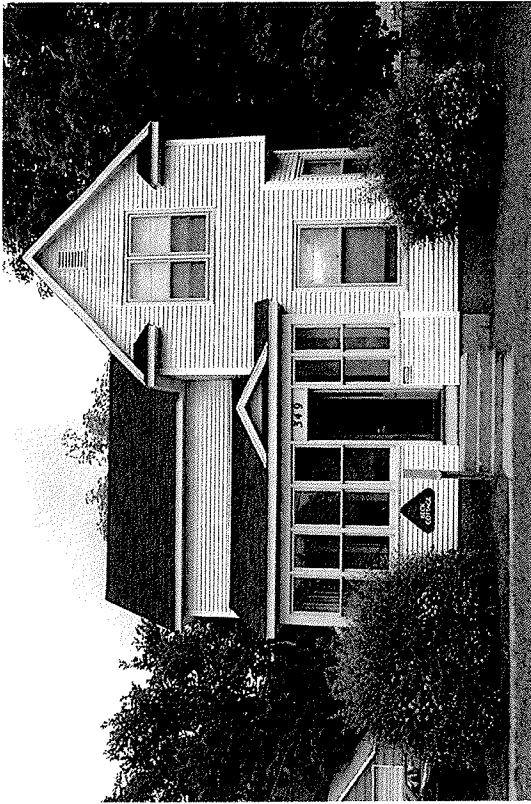
*Policy 3I-3: Work with developers and other agencies to prioritize health in planned construction.*

*Policy 3I-4: Encourage sustainable and "green building" practices.*

This section was added in by the Whatcom County Housing Advisory Committee. The Planning Commission thought that most of the issues covered in the proposed section were already covered in building code. The Planning Commission stated that the intent of the section was good, but that building codes should adequately cover these issues. The section was deleted.

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

# Whatcom County Housing Analysis October 2015



**Prepared by:**  
Tom Beckwith FAICP, Beckwith Consulting Group

**Assistance provided by:**  
Whatcom County Planning and Development Services

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## Introduction

This Whatcom County Housing Analysis 2015 was prepared to support the County's 2016-2036 Comprehensive Plan Update in accordance with the Washington State Growth Management Act (GMA). In accordance with GMA requirements, this analysis includes an analysis of:

- Population trends in Whatcom County and its municipal jurisdictions
- Demographic characteristics including age, household status, employment, income, housing tenure, and housing costs
- Housing market trends in Whatcom County compared with the surrounding areas and Washington State including housing affordability
- Housing capability of critical skill occupations within Whatcom County
- Housing cost burdens of all income groups including extremely low, lower, and low income
- Publicly assisted housing inventory including numbers and key sponsors
- Demographic characteristics of occupants of publicly assisted housing units
- Homelessness populations including provisions for shelter
- Population projections and allocations for the 20-year planning period
- National trends in household formations and characteristics of impact on housing needs
- Housing policy implications for Whatcom County including the impact of various incentives

The statistics quoted in this analysis were taken from a variety of sources including the Washington State Office of Financial Management (OFM) and Employment Security Department (ESD), US Bureau of Census American Community Survey (ACS), US Housing & Urban Development (HUD) Comprehensive Housing Affordability Statistics (CHAS), Washington Center Real Estate Research (WCER), Whatcom County Homeless Count 2014, among others. The time periods for which data is available varies for each source and is

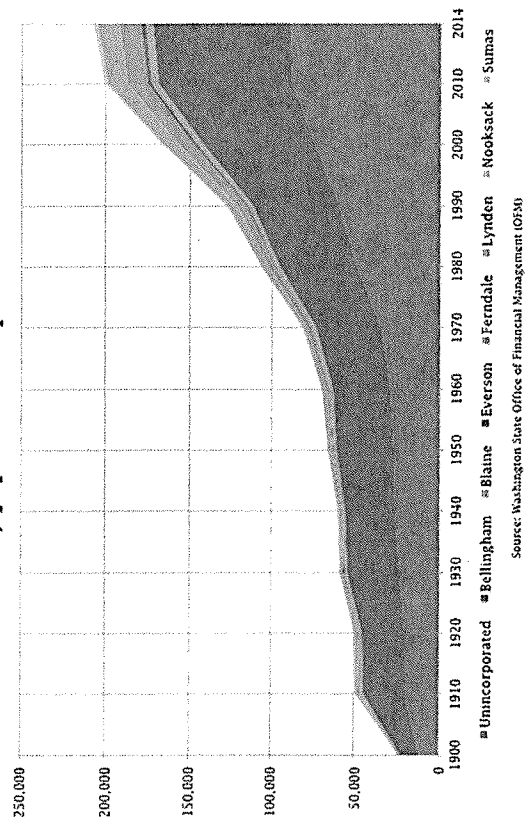
noted in the text and charts, and in the detailed spreadsheets included in the Appendices.

## Population trends 1900-2014

**Whatcom County population** - increased from 24,116 persons in 1900 to 207,600 persons by the year 2014 with the lowest annual average growth rate occurring between 1910-1920 of 0.2% and the highest annual average rate growth rate between 1990-2000 of 2.7% (see **Chart 1 and Appendix B**).

**Chart 1**

**Whatcom County population composition 1900-2014**

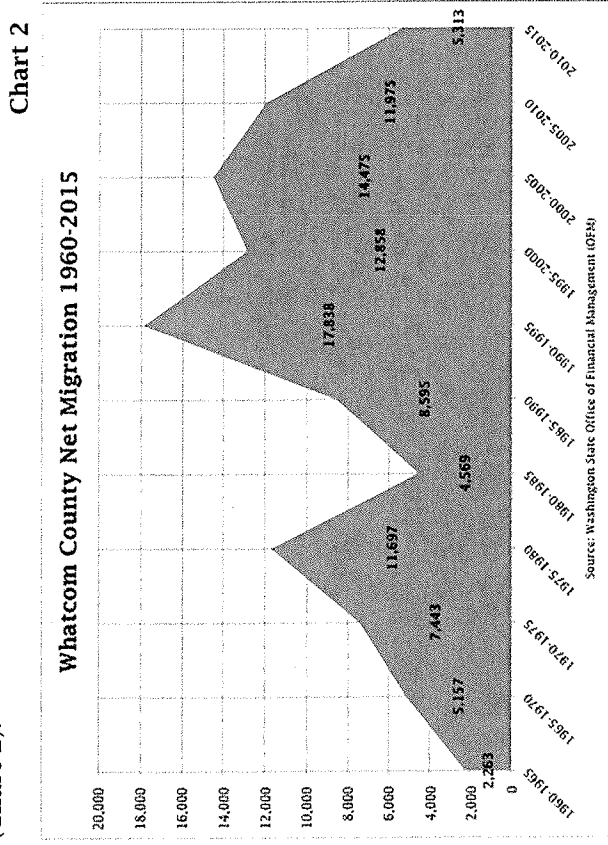


Whatcom County's annual average growth rate was higher between 1990-2000 and 2000-2010 (2.7% and 1.9% respectively) than Washington State (1.9% and 1.3%) and Puget Sound (King, Kitsap, Pierce, and Snohomish Counties at 1.8% and 1.2%).

Whatcom County's annual average growth rate between 2010-2014 (0.8%), however, was slightly lower than Washington State (0.9%) and Puget Sound (1.0%).

A significant portion of Whatcom County's population increase has been affected by net migration or the difference between people moving out and people moving into the county (see **Appendix A**).

**Net migration volumes** - were lowest into the county between 1980-1985 (4,569 persons) and highest between 1990-1995 (17,838 persons). Annual volumes declined significantly between 2010-2015 (5,313 persons) that may be a result of the economic recession (**Chart 2**).



Whatcom County's future population trends may be affected significantly by the attraction(s) the county may have to in-migrant persons particularly for specific age groups.

**Whatcom County jurisdiction populations** - increased from 1900-2014 with the largest concentrations in Bellingham (82,810 persons in 2014), Lynden (12,920 persons in 2014), and Ferndale (12,710 persons in 2014) and the lowest concentrations in Nooksack (1,435 persons in 2014) and Sumas (1,468 persons in 2014).

Unincorporated Whatcom County population remains a significant portion of the county total representing 45% of the county in 1900 and 43% in 2014.

**Table 1: Whatcom County population 2000-2014**

Incorporated areas	2000	2010	2014
Bellingham	67,171	80,855	82,810
Blaine	3,770	4,684	4,865
Everson	2,035	2,483	2,570
Ferndale	8,758	11,415	12,710
Lynden	9,020	11,951	12,920
Nooksack	851	1,338	1,435
Sumas	978	1,319	1,468
Unincorporated	74,231	87,065	88,822
<b>Total</b>	<b>166,814</b>	<b>207,600</b>	<b>275,921</b>

Source: Washington State Office of Financial Management (OFM)

### Demographic composition 2009-2013

**The American Community Survey (ACS)** - is an ongoing statistical survey by the US Census Bureau, sent to approximately 250,000 addresses monthly (or 3,000,000 per year). The ACS regularly gathers information previously contained only in the long form of the decennial census. It is the largest survey other than the decennial census that the Census Bureau administers.

The following demographic characteristics are taken from the ACS's most current compilations for the combined 2009 to 2013 years for Whatcom County in total and each municipal jurisdiction including Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas.

The ACS also collects data for unincorporated census designated places (CDPs) that include Birch Bay, Kendall, and Peaceful Valley that include Whatcom County urban growth areas (UGAs) though the ACS boundaries do not coincide with the County's UGA boundaries (see **Appendix C**). Data for other unincorporated Whatcom County was determined by subtracting the subtotals for municipal

jurisdictions and CDPs from the Whatcom County totals and is depicted in the charts as (other) unincorporated.

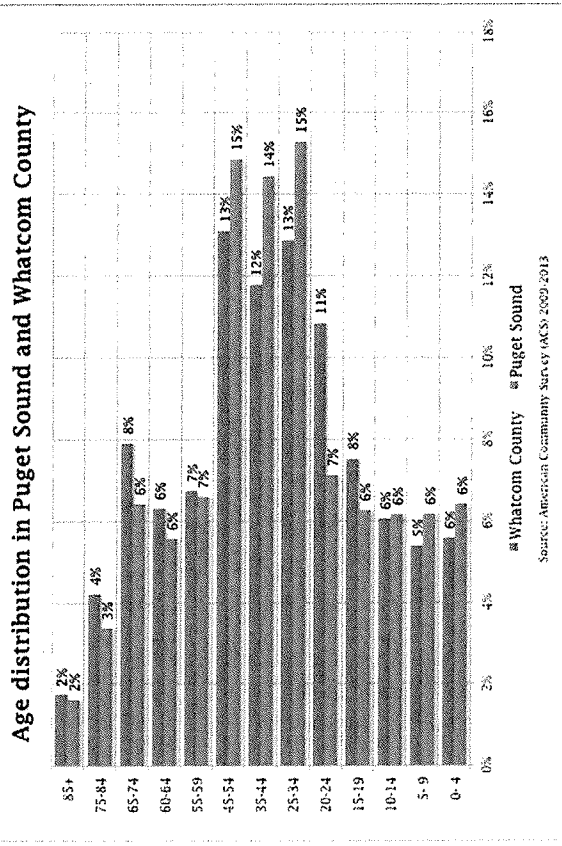
**Age distribution** - before World War II, the nation's population was distributed within a triangle (pyramid if male and female are arrayed side by side) where the greatest proportion of the population was in the youngest age group (0-5 years) that gradually declined in proportion into the older years due to age-related attrition until it reached zero or no living persons.

The war, however, displaced men from the home front putting off normal family rearing and fertility. When the war ended, and men returned, births were concentrated in the post-war years creating a "baby boom" or bulge in the age distribution.

Births, or the birth rate, declined after the "baby boom", however, due to a number of post-war factors including an increasing divorce and marriage dissolution rate, a higher percentage of working mothers, and a desire for smaller families including an increasing proportion who do not desire having children. Health advances also increased life expectancies extending the proportion of the population that lives into advanced years.

Age distribution charts reflect a "bell-jar" rather than a pyramid as the "baby boom" ages into the upper age brackets and the following population is proportionally smaller (**Chart 3**).

Chart 3

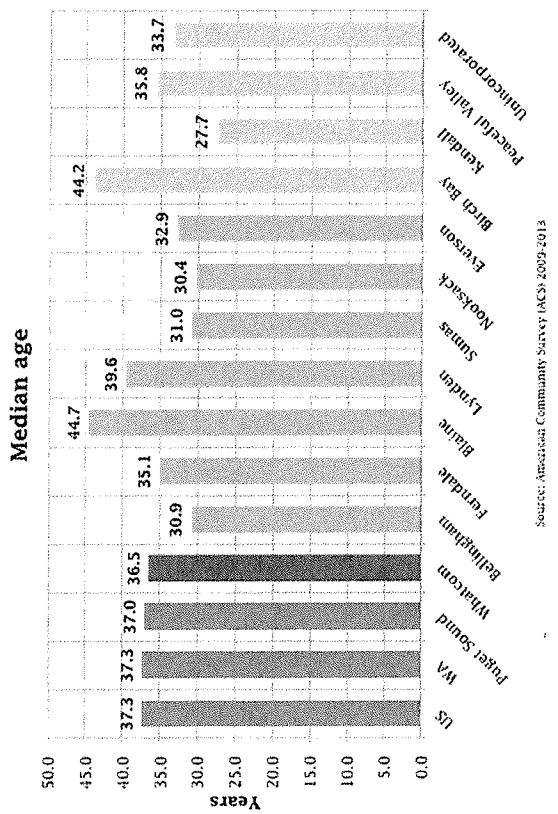


**Whatcom County's 2013 age distribution** - reflects these factors as well as the unique attractions the county has for select age-related populations. Compared with Puget Sound, Whatcom County has a slightly lower percentage of its population 0-14 years and 25-54 years and a slightly higher percentage concentration 55-85+ years. The County has a significant concentration in 20-24 years due to the student population at Western Washington University, Whatcom Community College, and Bellingham Technical College (**Chart 3**).

**Median age** - in Whatcom County (36.5 years) is slightly lower than Puget Sound (37.0), Washington State (37.3), and the US (37.3). Within Whatcom County, Blaine (44.7) and Birch Bay (44.2) have the highest median ages and Kendall (27.7), Nooksack (30.4), Bellingham (30.9), and Sumas (31.0) the lowest reflecting the age-specific attractions each community has developed (**Chart 4**).

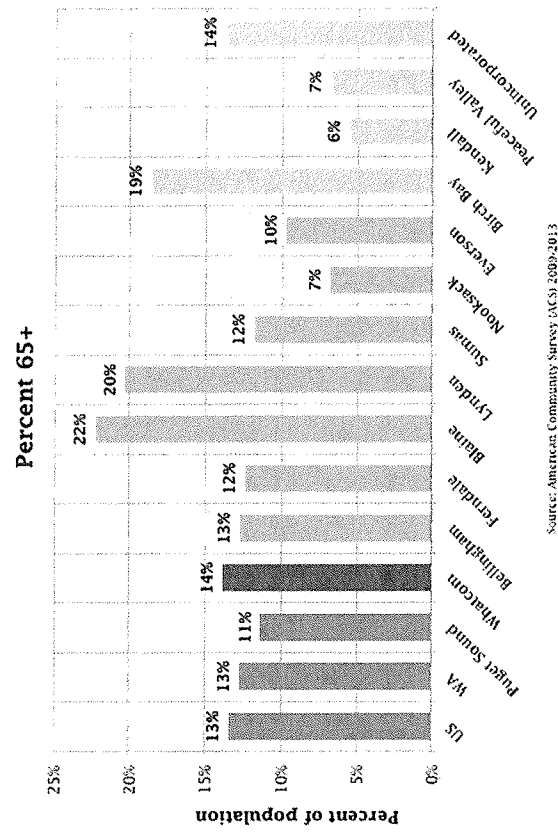


Chart 4



**Percent of the population 65 years and older** - is higher in Whatcom County (14%) than Puget Sound (11%), Washington State (13%), and the US (13%). Within Whatcom County, Blaine (22%), Lynden (20%), and Birch Bay (19%) have the highest percentage 65 years and older and Kendall (6%), Nooksack (7%), and Peaceful Valley (7%) the lowest due to age-specific attractions (Chart 5).

Chart 5



**Average household size** - is slightly lower in Whatcom County (2.50 persons per household) than in Puget Sound (2.56), Washington State (2.54), and the US (2.63). Within Whatcom County, Nooksack has the highest average household size (3.19) and Blaine (2.22), Birch Bay (2.27, and Bellingham (2.28) the lowest (Chart 6).

Chart 6



Average household sizes have declined in general due to the same factors affecting age distribution as well as the increasing numbers of all age groups who are choosing to live alone due to age or preference.

Differences in household size in Whatcom County are also due to select differences each community has in attracting and supporting different household types with Nooksack attracting families with children, Blaine and Birch Bay empty-nester households whose children have likely grown and left home, and Bellingham a high college student population.

**Household types** - include a slightly lower percentage in families in Whatcom County (62%) than Puget Sound (63%), Washington State (65%), and the US (66%). Within Whatcom County, Nooksack has the highest percentage of family households (87%) and Bellingham the lowest (48%) (Chart 7).

Chart 7

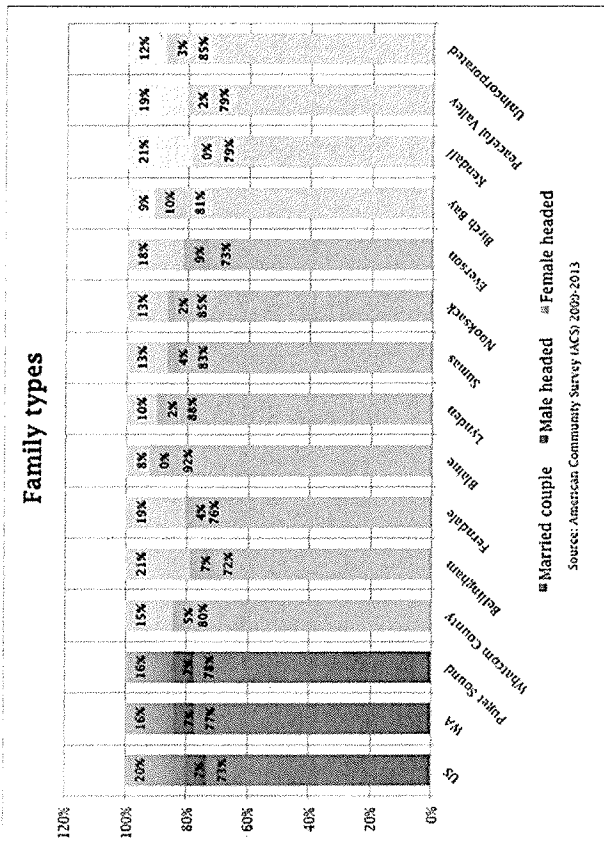


**Married couple families** - constitute a slightly higher percentage of all families in Whatcom County (80%) than Puget Sound (78%), Washington State (77%), and the US (73%). Within Whatcom County, Blaine has the highest percentage of married couples (92%) and Bellingham (72%) and Everett (73%) the lowest (Chart 8).

**Male-headed families** - constitute a lower percentage of all families in Whatcom County (5%) than Puget Sound (7%), Washington State (7%), and the US (7%). Within Whatcom County, Birch Bay has the highest percentage of male-headed families and Blaine (0%) and Kendall (0%) the lowest (Chart 8).

**Female-headed families** - constitute a slightly lower percentage of all families in Whatcom County (15%) than Puget Sound (16%), Washington State (16%), and the US (16%). Within Whatcom County, Bellingham (21%) and Kendall (21%) have the highest percentage and Blaine (8%) and Birch Bay (9%) the lowest (Chart 8).

Chart 8



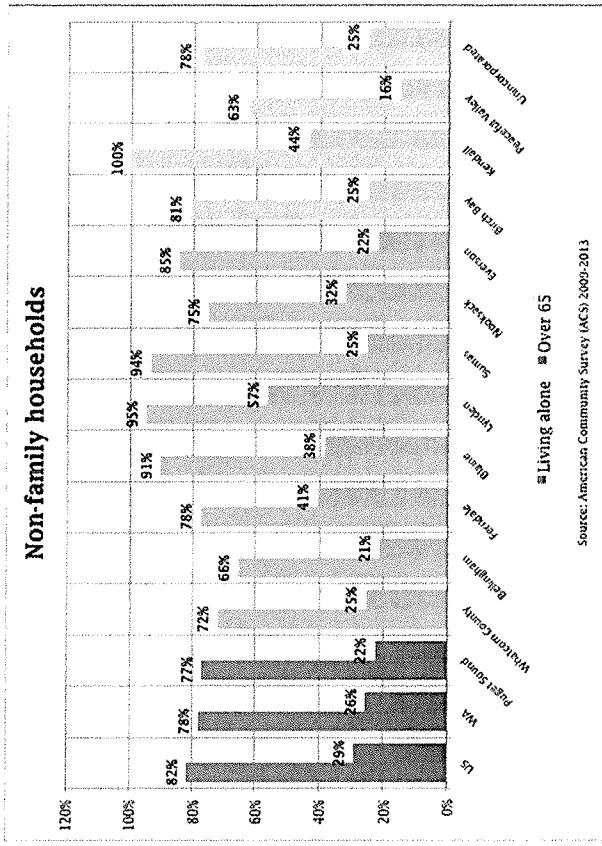
**Single-parent (male and female-headed) households** - are proportionally more sensitive than two-parent households to factors contributing to poverty and sub-standard living conditions such as housing costs, health care costs, and other increases in the cost of living. The number of such households is increasing at a faster rate than households with two parents. Shifts in proportions of various groups comprising county population also shift the need for various types and sizes of housing. Some families require larger homes to accommodate larger extended families. Some groups, such as single-parent households, require smaller and more efficient housing due to lower incomes resulting from a single working parent.

**Percent of non-family households living alone** - of all nonfamily households is lower in Whatcom County (72%) than Puget Sound (77%), Washington State (78%), and the US (82%). Within Whatcom County, Kendall (100%), Lynden (95%), Sumas (94%), and Blaine (91%)

have the highest percentage and Peaceful Valley (63%) and Bellingham (66%) the lowest (Chart 9).

**Non-family households living alone over the age 65** - is higher in Whatcom County (25%) than Puget Sound (22%) but lower than Washington State (26%), and the US (29%). Within Whatcom County, Lynden (57%) and Kendall (44%) have the highest percentage and Peaceful Valley (16%) the lowest (Chart 9).

Chart 9



**Percent civilians employed in the labor force** - is slightly lower in Whatcom County (58%) than Puget Sound (61%) but similar with Washington State (58%), and the US (58%). Within Whatcom County, Nooksack and Peaceful Valley (48%) have the highest percentage and Peaceful Valley (48%) and Blaine (51%) the lowest (Chart 10).

Chart 10

Percent civilian employed in labor force

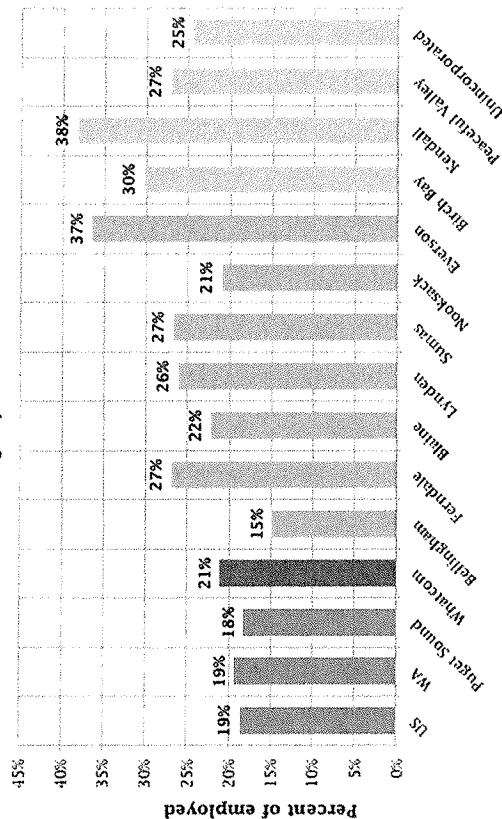


Source: American Community Survey (ACS) 2009-2013

Percent civilians employed in base industries (agriculture, mining, manufacturing) - is slightly higher in Whatcom County (21%) than Puget Sound (18%), Washington State (19%), and the US (19%). Within Whatcom County, Kendall (38%) and Everson (37%) have the highest and Bellingham (15%) the lowest (Chart 11).

Chart 11

Percent employed in base industries

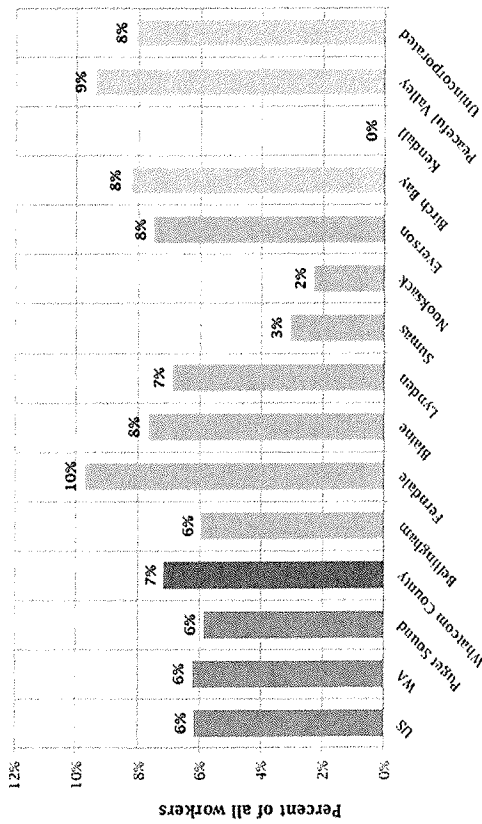


Source: American Community Survey (ACS) 2009-2013

Percent self-employed in own business - is slightly higher in Whatcom County (7%) than Puget Sound (6%), Washington State (6%), and the US (6%). Within Whatcom County, Ferndale (10%) and Peaceful Valley (9%) have the highest percentage and Kendall (0%), Nooksack (2%), and Sumas (3%) the lowest (Chart 12).

Chart 12

Workers - self-employed in own business

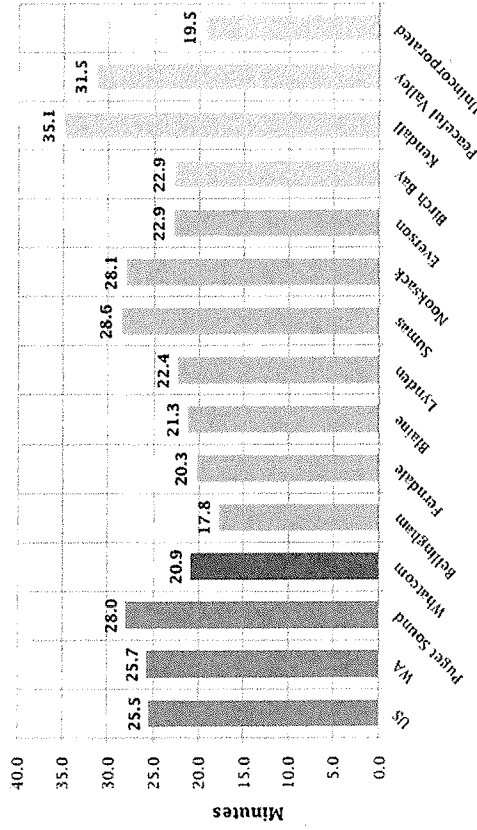


Source: American Community Survey (ACS) 2009-2013

**Mean travel time to work in minutes** - is lower in Whatcom County (20.9 minutes) than Puget Sound (28.0), Washington State (25.7), and the US (25.5). Within Whatcom County, Kendall (35.1) and Peaceful Valley (31.5) have the longest commute and Bellingham (17.8) the shortest (Chart 13).

Chart 13

Mean travel time to work in minutes

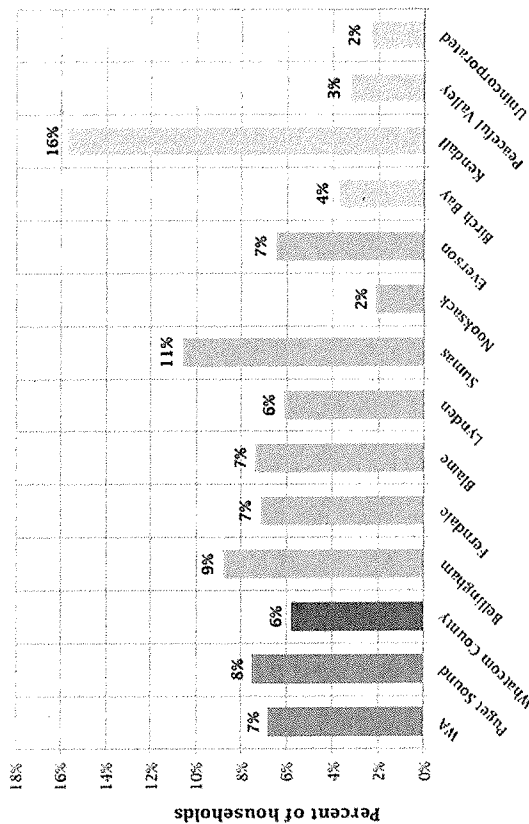


Source: American Community Survey (ACS) 2009-2013

**No vehicles available to household** - is slightly higher in Whatcom County (9%) than Puget Sound (6%), Washington State (8%), and the US (7%). Within Whatcom County, Kendall (16%) has the highest percentage without a vehicle and Nooksack (2%) and unincorporated (2%) the lowest (Chart 14).

Chart 14

No vehicles available to household

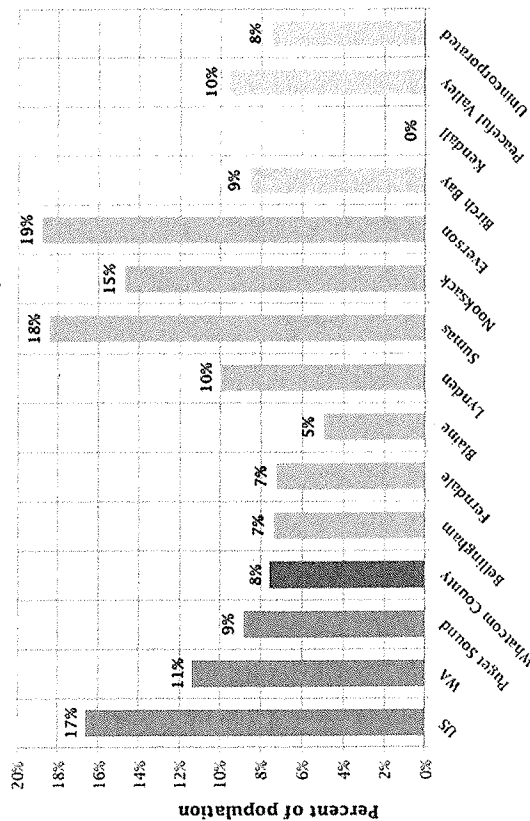


Source: American Community Survey (ACS) 2009-2013

Hispanic or Latino of any race - is lower in Whatcom County (8%) than Puget Sound (9%), Washington State (11%), and the US (17%). Within Whatcom County, Everson (19%) and Sumas (18%) have the highest percentage and Kendall (0%) the lowest (Chart 15).

Chart 15

Hispanic or Latino of any race

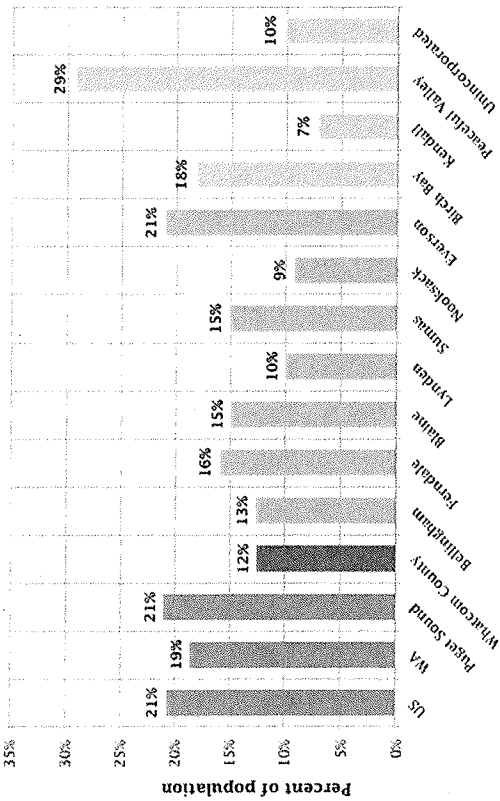


Source: American Community Survey (ACS) 2009-2013

Primary language other than English - is lower in Whatcom County (12%) than Puget Sound (21%), Washington State (19%), and the US (21%). Within Whatcom County, Peaceful Valley (29%) has the highest percentage and Kendall (7%) the lowest (Chart 16).

Chart 16

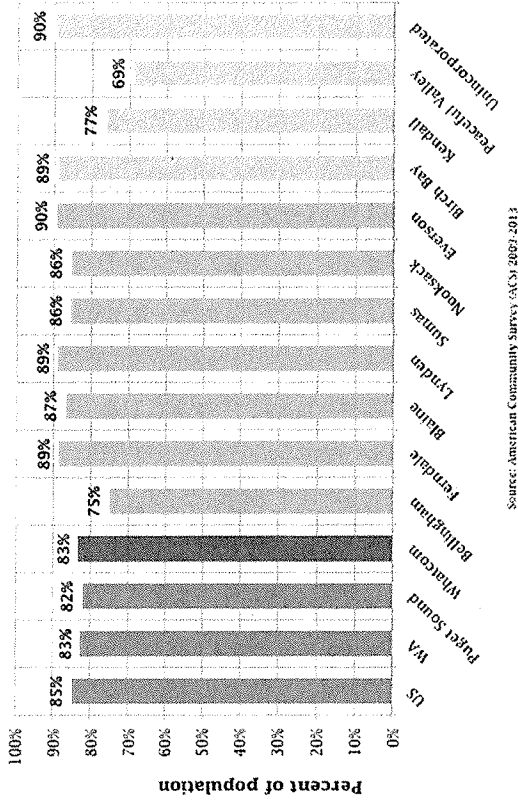
Language other than English



**Resided in same house 1 year ago** - is about the same in Whatcom County (83%) and Puget Sound (82%), Washington State (83%), and the US (85%). Within Whatcom County, Everson (90%), unincorporated (90%), Ferndale (89%), Lynden (89%), and Birch Bay (89%) have the highest percentage and Peaceful Valley (69%) the lowest (Chart 17).

Chart 17

Resided in same house 1 year ago



**Percent in detached single-family units** - which does not include mobile homes, is about the same in Whatcom County (63%) and Puget Sound (60%), Washington State (63%), and the US (62%). Within Whatcom County, Nooksack (85%) has the highest percentage and Bellingham (47%) and Peaceful Valley (52%) the lowest (Chart 18).

Chart 18

Percent in detached single family units

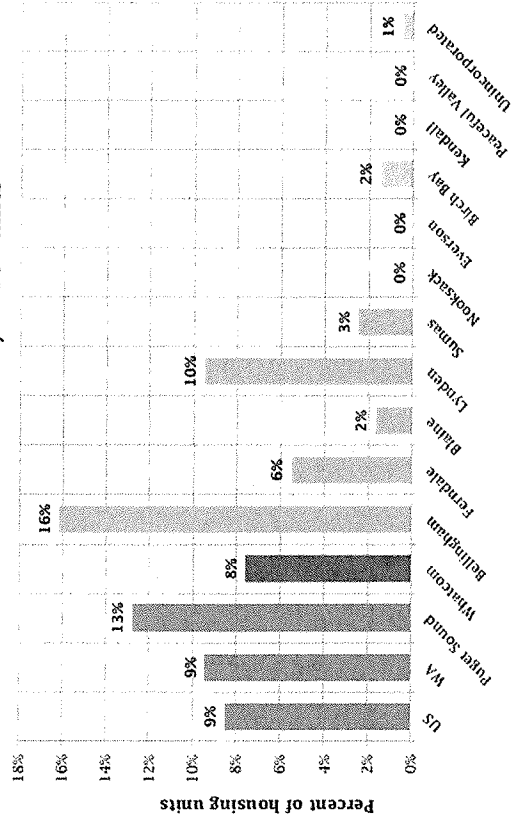


Source: American Community Survey (ACS) 2009-2013

**Percent in multifamily of more than 20+ units** - is lower in Whatcom County (8%) than Puget Sound (13%), Washington State (9%), and the US (9%). Within Whatcom County, Bellingham (16%) has the highest percentage and Nooksack (0%), Everson (0%), Kendall (0%), and Peaceful Valley (0%) the lowest (**Chart 19**).

Chart 19

Percent in multifamily of 20+ units

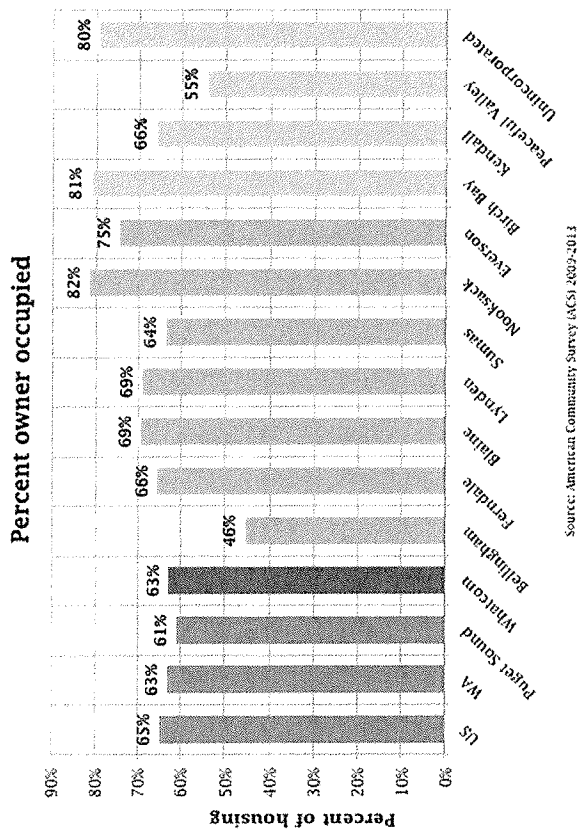


Source: American Community Survey (ACS) 2009-2013

**Percent owner occupied** - is slightly higher in Whatcom County (63%) than Puget Sound (61%) but comparable to Washington State (63%) and lower than the US (65%). Within Whatcom County, Nooksack (82%), Birch Bay (81%), and unincorporated (80%) have the highest percentage and Bellingham (46%) and Peaceful Valley (55%) the lowest (**Chart 20**).

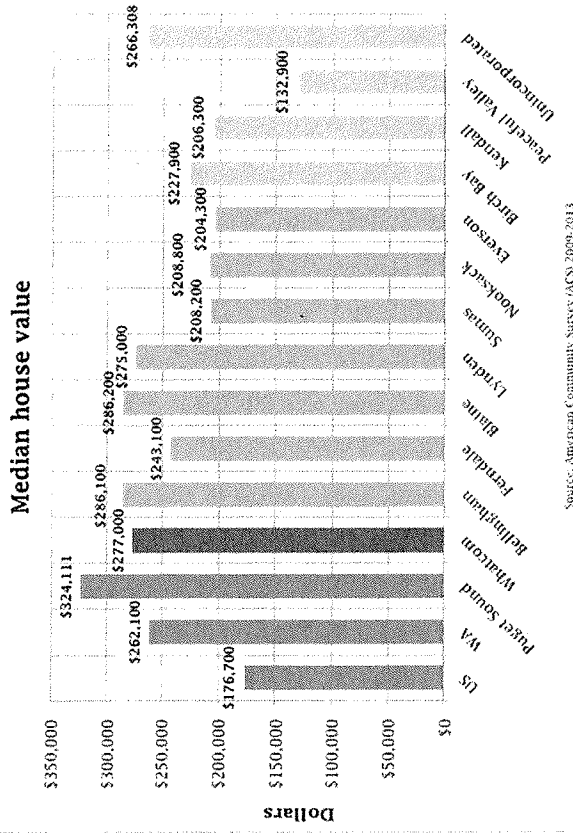


Chart 20



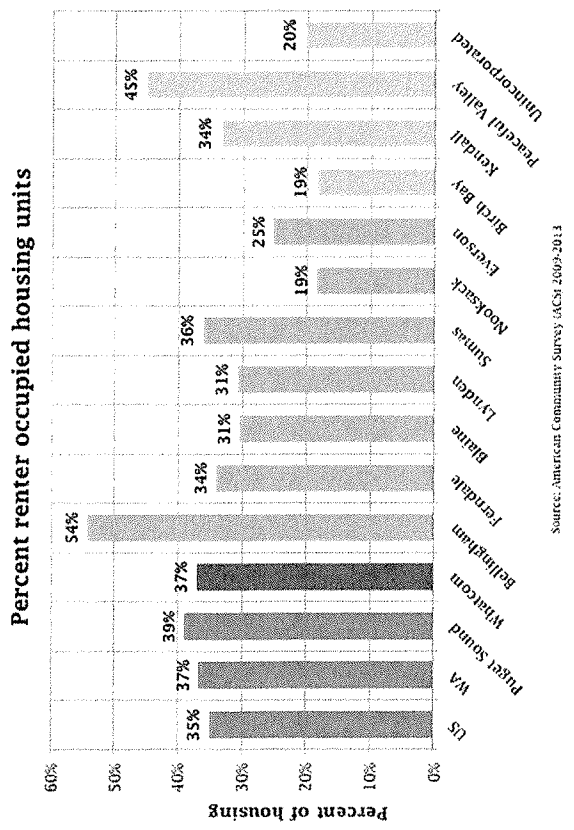
**Median house value in 2013** - is lower in Whatcom County (\$277,000) than Puget Sound (\$324,111) but higher than Washington State (\$262,100) and the US (\$176,700). Within Whatcom County, Blaine (\$286,200) and Bellingham (\$286,100) have the highest and Peaceful Valley (\$132,900) the lowest (**Chart 21**).

Chart 21



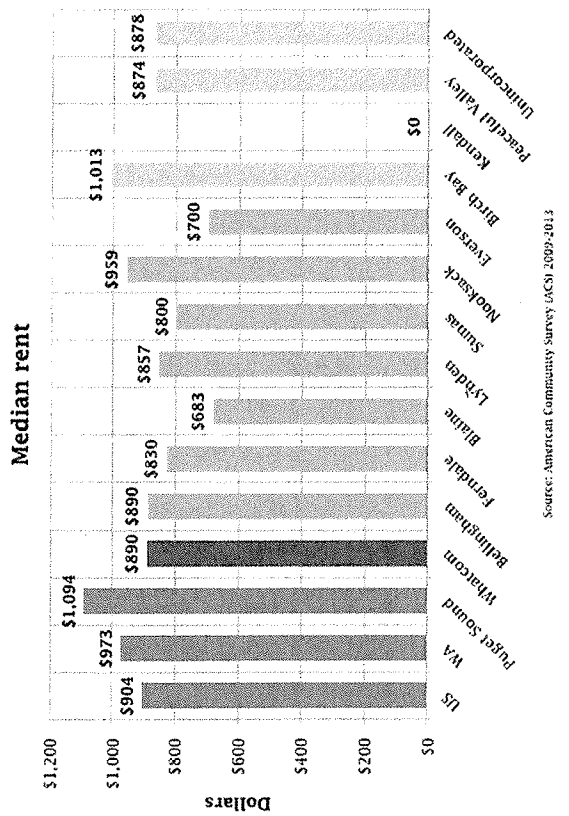
**Percent renter occupied** - is slightly lower in Whatcom County (37%) than Puget Sound (39%) but comparable to Washington State (37%) and higher than the US (35%). Within Whatcom County, Bellingham (54%) and Peaceful Valley (45%) have the highest percentage and Nooksack (19%), Birch Bay (19%), and unincorporated (20%) the lowest (**Chart 22**).

Chart 22



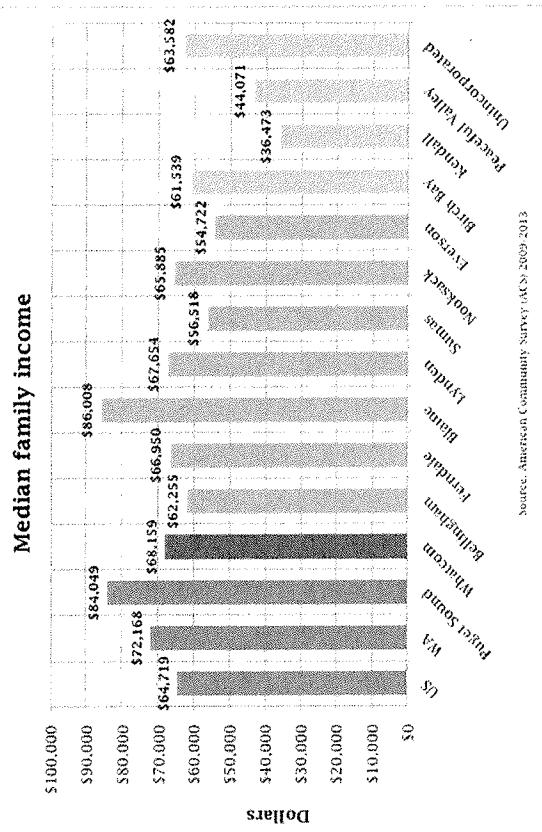
**Median rent in 2013** - for all rental units is lower in Whatcom County (\$890) than Puget Sound (\$1,094), Washington State (\$973), and the US (\$904). Within Whatcom County, Birch Bay (\$1,013) and Nooksack (\$959) have the highest and Blaine (\$683) and Everson (\$700) the lowest (Chart 23).

Chart 23



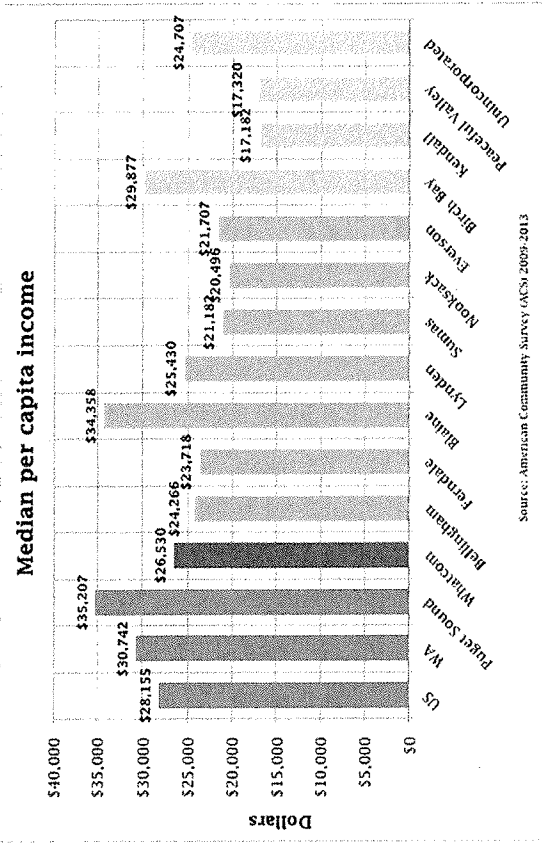
**Median family income** - is lower in Whatcom County (\$68,159) than Puget Sound (\$84,049) and Washington State (\$72,168) but higher than the US (\$64,719). Within Whatcom County, Blaine (\$86,008) has the highest income and Kendall (\$36,473) and Peaceful Valley (\$44,071) the lowest (Chart 24).

Chart 24



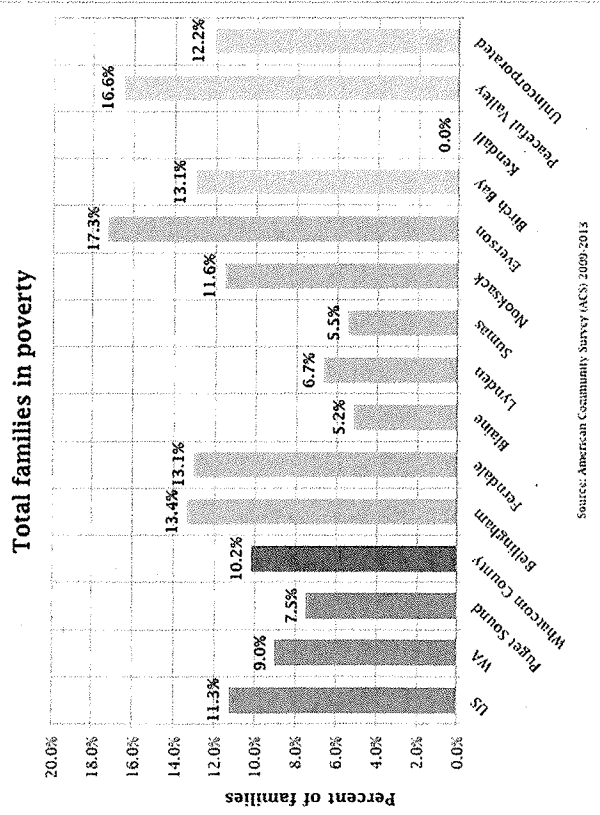
**Per capita income** - is lower in Whatcom County (\$26,530) than Puget Sound (\$35,207), Washington State (\$30,742), and the US (\$28,155). Within Whatcom County, Blaine (\$34,358) has the highest income and Kendall (\$17,182) and Peaceful Valley (\$17,320) the lowest (Chart 25).

Chart 25



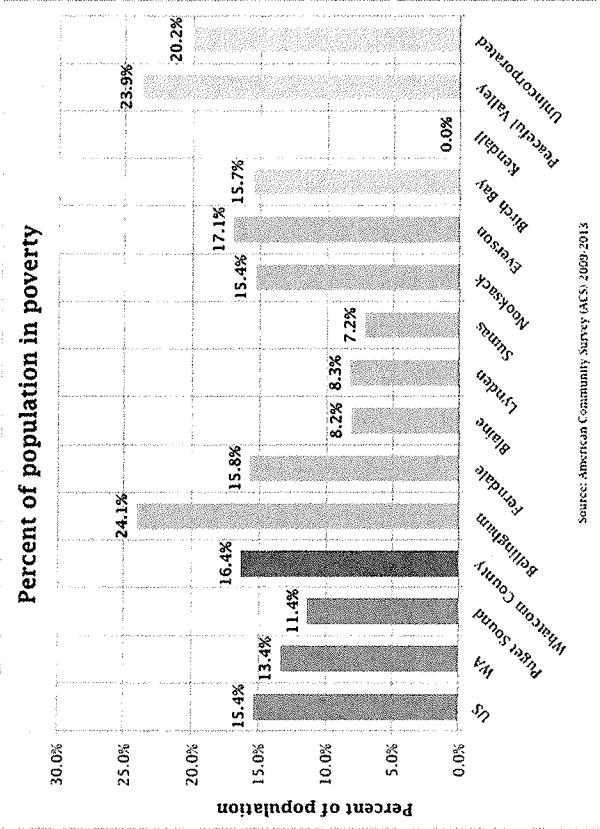
**Percent of families in poverty** - is higher in Whatcom County (10.2%) than Puget Sound (7.5%) and Washington State (9.0%) but lower than the US (11.3%). Within Whatcom County, Everson (17.3%) and Peaceful Valley (16.6%) have the highest percentages and Blaine (5.2%) the lowest (Chart 26).

Chart 26



**Percent of the population in poverty** - is higher in Whatcom County (16.4%) than Puget Sound (11.4%), Washington State (13.4%), and the US (15.4%). Within Whatcom County, Bellingham (24.1%) is the highest and Sumas (7.2%) the lowest (Chart 27).

Chart 27



### Implications

**Whatcom County demographics in general** - are similar to Puget Sound within the municipal jurisdictions, Bellingham in particular, reflecting the county's continuing urbanization along the I-5 corridor. Western Washington University (WWU), Port of Bellingham, Cherry Point, and other major regional enterprises have influenced employment, housing, services, and other facilities that have attracted age-specific populations and households.

Even so, Whatcom County in total is less urban than Puget Sound with more base industry (agriculture, forestry, and manufacturing) employment, lower incomes, lower housing costs, and less ethnic, non-English speaking populations.

**Specific jurisdictions within Whatcom County** - reflect the iterative influence of age and household-specific relationships to employment, housing, and services where Nooksack, for example, is

predominantly married couple family, single-family housing stock, owner occupied, car commuting compared with Bellingham which includes more non-family households, multifamily housing stock, renter occupied, and bike and transit commuting.

Whatcom County's future demographics, particularly the composite social characteristics of each municipal jurisdiction, will largely depend on how specific demographics groups are attracted to each municipal jurisdiction by each jurisdiction's unique economic, land use, transportation, and housing conditions and public policies.

## Housing market trends 2000-2014

Washington Center for Real Estate Research (WCRER) - is an industry-focused unit within the Runstad Center for Real Estate Studies housed within the College of Built Environments at the University of Washington (UW). The Board of Regents at Washington State University (WSU) initially established the WCRER to provide a bridge between academic study and research on real estate topics and the professional real estate industries. It served that mission at WSU until merging with the Runstad Center at the beginning of 2012.

Much of the work at WCRER is driven by the legislation (RCW 18.85.741) that created the real estate research fund surcharge on new real estate licensees and renewals. The purpose of a real estate research center in Washington State is to provide credible research, value-added information, education services and project-oriented research to real estate licensees, real estate consumers, real estate service providers, institutional customers, public agencies, and communities in Washington State and the Pacific Northwest region. The center may:

- Conduct studies and research on affordable housing and strategies to meet the affordable housing needs of the state;
- Conduct studies in all areas directly or indirectly related to real estate and urban or rural economics and economically isolated communities;

- Disseminate finding and results of real estate research conducted at or by the center or elsewhere, using a variety of dissemination media;
- Supply research results and educational expertise to the Washington state real estate commission to support its regulatory functions, as requested;
- Prepare information of interest to real estate consumers and make the information available to the general public, universities, or colleges, and appropriate state agencies;
- Encourage economic growth and development within the state of Washington;
- Prepare information of interest to real estate consumers and make the information available to the general public, universities, or colleges, and appropriate state agencies;
- Encourage economic growth and development within the state of Washington;
- Support the professional development and continuing education of real estate licensees in Washington;
- Study and recommend changes in state statutes relating to real estate; and
- Develop a vacancy rate standard for low-income housing in the state.

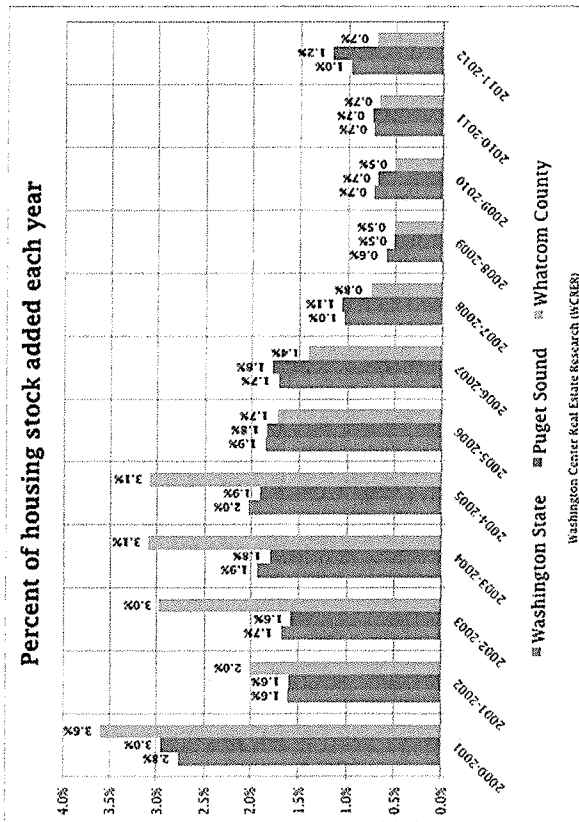
WCRER collates real estate data and trends including building permits, construction, sales, and vacancies on a county and statewide basis. The most recent data available from WCRER is for the 2000-2014 years (see **Appendix D**).

Whatcom County Real Estate Research Committee - is a non-profit organization whose sole purpose is to provide current real estate market information through its publication, The Whatcom County Real Estate Research Report. The Research Report is published once a year (June) covering the commercial and residential real estate markets, as well as data on interest rates, employment, and population, augmenting the information available from WCRER.

Percent of housing stock added to the total inventory each year - were higher in Whatcom County in the years 2000-2005 (3.6% to 3.1%) than Puget Sound (3.0% to 1.9%) and Washington State (2.8% to

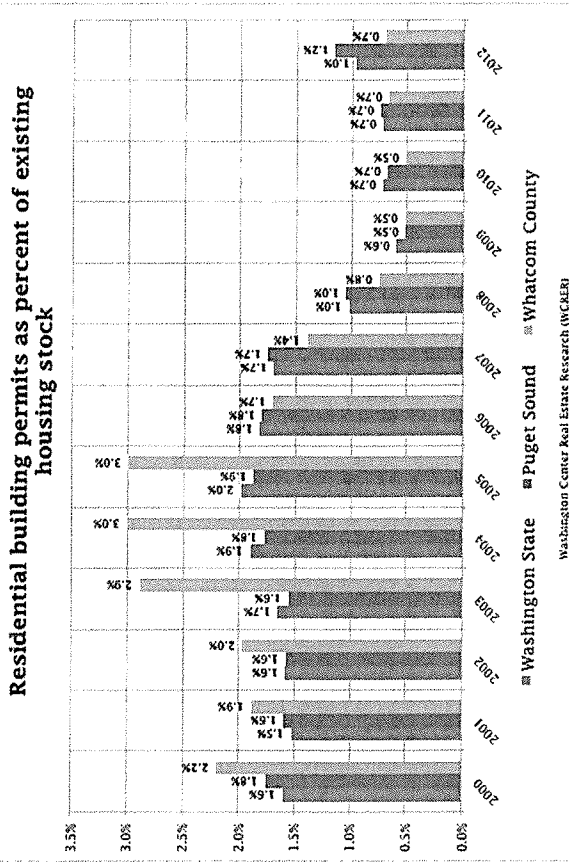
2.0%) based on the annual housing construction data WCRER collected from each and all counties in the state. Conversely, the percent of housing stock added to the total inventory was lower in Whatcom County in the years 2006-2012 (1.7% to 0.7%) than Puget Sound (1.8% to 1.2%) and Washington State (1.9% to 1.0%) (Chart 28).

Chart 28



**Residential building permits as percent of existing housing stock** - were higher in Whatcom County in the years 2000-2005 (2.2% to 3.0%) than Puget Sound (1.8% to 1.9%) and Washington State (1.6% to 2.0%). Conversely, the percent residential building permits were of housing stock added to the existing inventory was lower in Whatcom County in the years 2006-2012 (1.7% to 0.7%) than Puget Sound (1.8% to 1.2%) and Washington State (1.8% to 1.0%) (Chart 29).

Chart 29

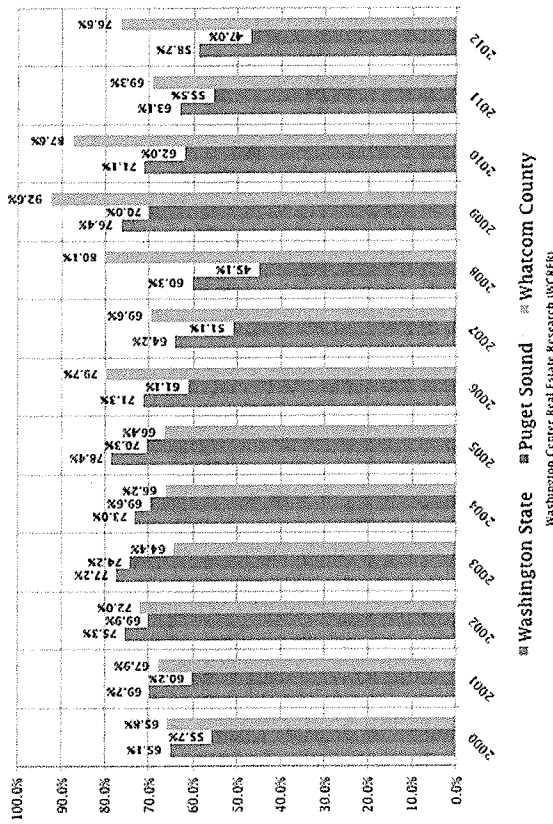


The trends indicate the recent economic recession may have had a greater impact on Whatcom County's economy and homebuilding industry in particular.

**Percent single-family units are of all residential building permits** - were higher in Whatcom County in the years 2000-2002 (65.1% to 72.0%) than Puget Sound (55.7% to 69.9%) then lower from 2003-2005 (64.4% to 60.4%) than Puget Sound (74.2% to 70.3%) then significantly higher from 2006 to 2012 (79.7% to a peak of 92.6% in 2009 then down to 76.6% in 2012) than Puget Sound (61.1% to a peak of 70.0% in 2009 then down to 47.0% in 2012) and Washington State (74.3% to a peak of 76.4% in 2009 then down to 58.7% in 2012) (Chart 30).

Chart 30

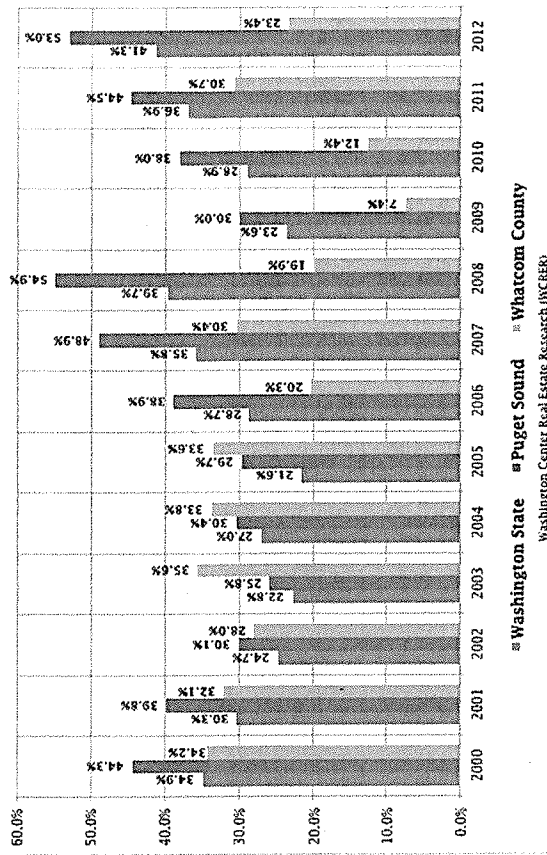
Percent single family are of residential building permits



**Percent multifamily units are of all residential building permits** - were lower in Whatcom County in the years 2000-2002 (34.2% to 28.0%) than Puget Sound from 2000-2002 (44.3% to 30.1%) but higher from 2003-2005 (35.6% to 33.6%) and Washington State 2000-2005 (34.9% to 21.6%) but higher than Washington State (1.6% to 2.0%). Conversely, the percent multifamily were of all building permits were lower in Whatcom County in the years 2006-2012 (20.3% to 23.4%) than Puget Sound (38.9% to 53.0%) and Washington State (28.7% to 41.3%) (Chart 31).

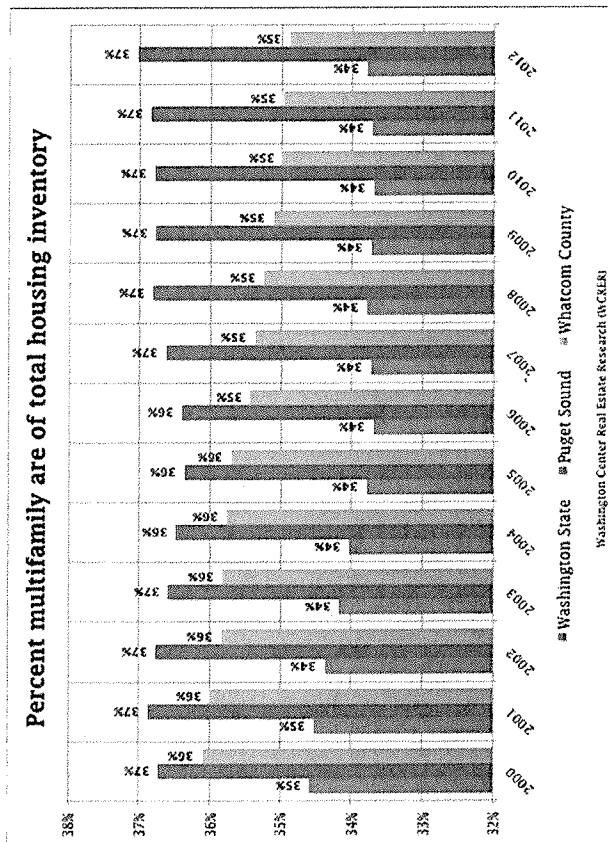
Chart 31

Percent multifamily of all residential permits



**Percent multifamily of total housing inventory** - was lower and slightly declined in Whatcom County from 2000-2012 (36% to 35%) than Puget Sound (37% to 37%), but higher than Washington State (35% to 34%) (Chart 32).

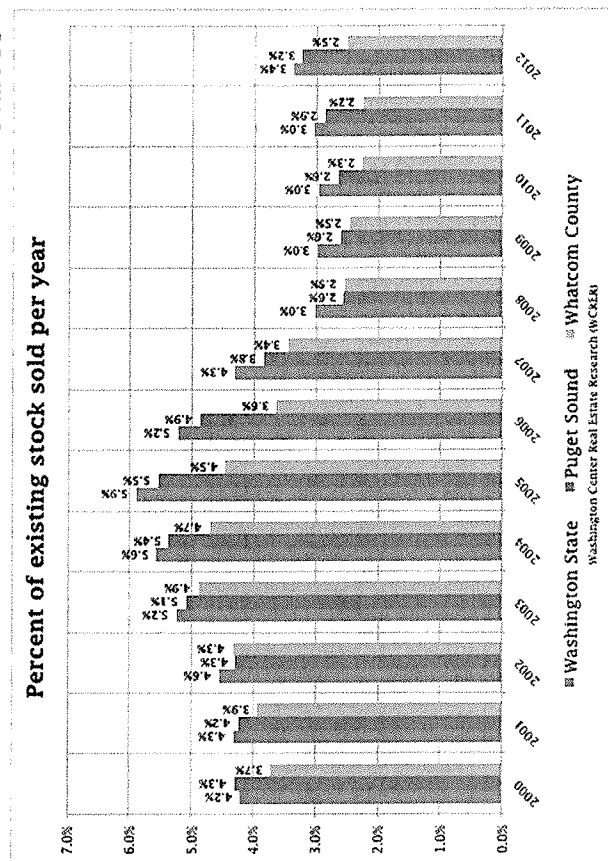
Chart 32



The trends indicate the recent economic recession may have had a greater impact on Whatcom County's multifamily homebuilding than single-family homebuilding industry products than was evident in Puget Sound and Washington State.

**Percent of existing stock sold per year** – was lower in Whatcom County from 2000-2012 (3.7% to 2.5%) than Puget Sound (4.3% to 3.2%) and Washington State (4.2% to 3.4%) (Chart 33).

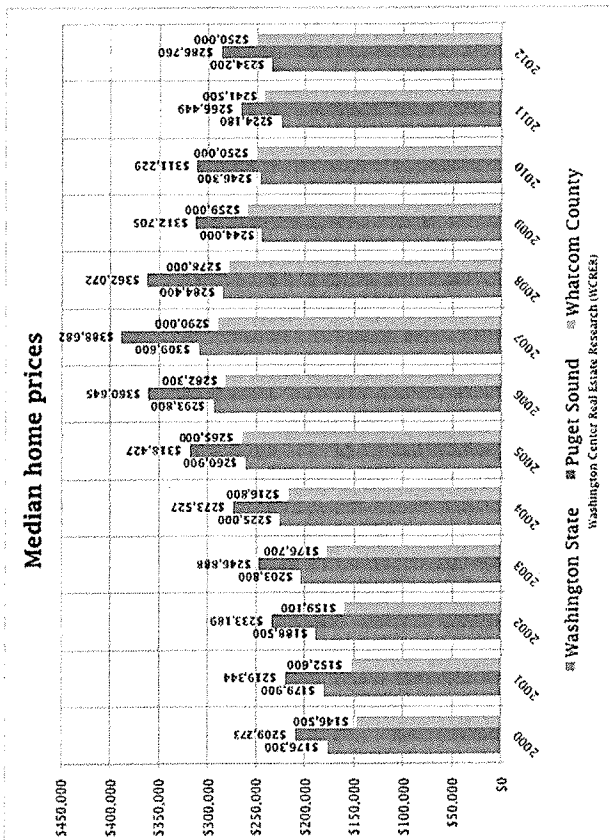
Chart 33



**Median home prices** – increased in Whatcom County from 2000 (\$146,500) to peak in 2007 (\$290,000) at the height of the housing bubble but were below Puget Sound in 2000 (\$209,273) and 2007 (\$388,682) and Washington State in 2000 (\$176,300) and 2007 (\$309,600). Whatcom County home prices declined from the 2007 peak (\$290,000) but have recovered slightly by 2012 (\$250,000) consistent with the trends in Puget Sound from 2007 (\$388,682) to 2012 (\$286,760) and Washington State from 2007 (\$309,600) to 2012 (\$234,200) though Whatcom County home prices have now surpassed the prices in Washington State (Chart 34).

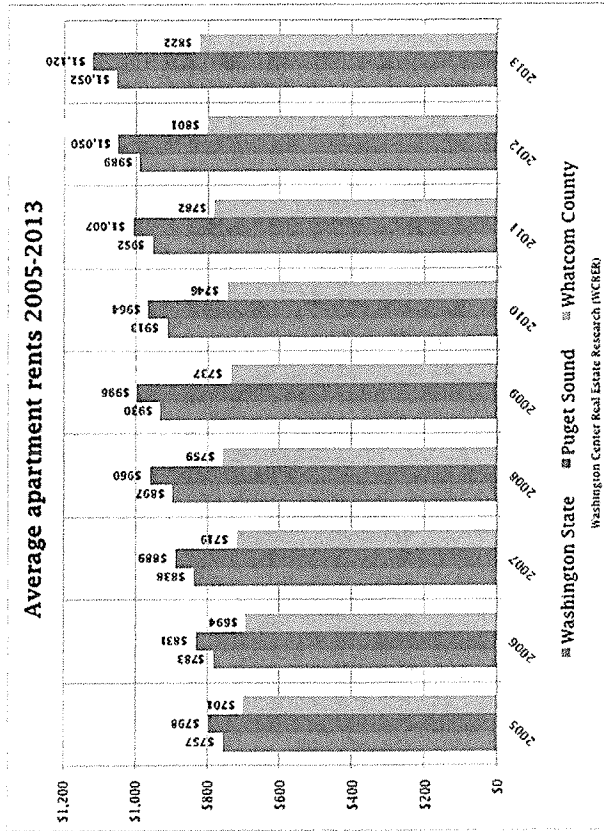


Chart 34



**Average apartment rents 2005-2013** - increased in Whatcom County from 2005 (the dates collected by WCRER) to 2013 (\$701 to \$822) but significantly below Puget Sound from 2005-2013 (\$798 to \$1,120) and Washington State (\$757 to \$1,052) (Chart 35).

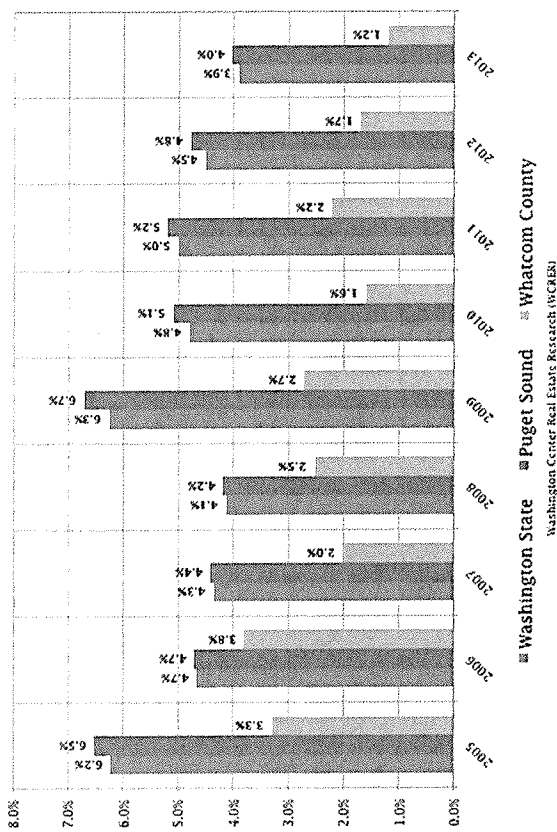
Chart 35



**Apartments vacancy rates 2005-2013** - were considerably lower in Whatcom County from 2005-2013 (3.3% to 1.2%) than Puget Sound (6.5% to 4.0%) and Washington State (6.2% to 3.9%) (Chart 36).

Chart 36

Apartment vacancy rate 2005-2013

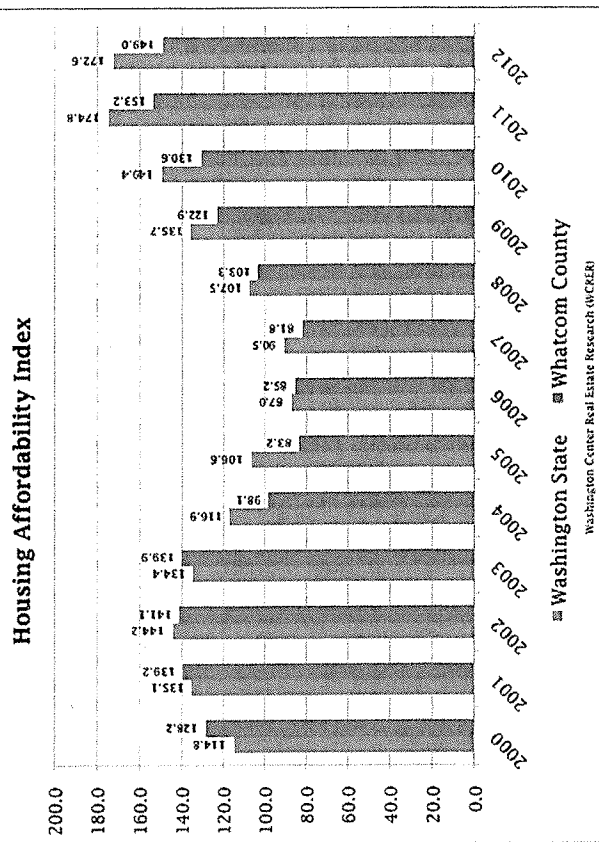


Normally apartment rents would increase as vacancies tighten in the market indicating other factors may have caused Whatcom County apartment rents to remain relatively unaffected possibly including the age and location of the units and the inability of the occupants to pay more, particularly if Western Washington University students.

**WCRER's Housing Affordability Index (HAI)** - is based on the ability of a middle income family to acquire a median price home under typical market rate down payment requirements (20%) and mortgage terms (30-year) and interest rates assuming lending institutions will not underwrite a home loan with monthly payments that exceed 25% of the buyer's income. An index of 100 reflects a balance between a family's ability to pay and the cost of housing. An index above 100 indicates housing is more affordable while an index below 100 indicates housing is less affordable.

**Whatcom County's HAI** - reflected market conditions indicating a good balance between household income and home prices from 2000-2004 (128.2 to 98.1 HAI) that declined from 2005-2007 (83.2 to 81.8) and during the housing recession than improved from 2008-2012 (103.3 to 149.0). Whatcom County's HAI, however, has generally been consistently lower than Washington State as home prices have risen more in Whatcom County than the state as a whole (Chart 37).

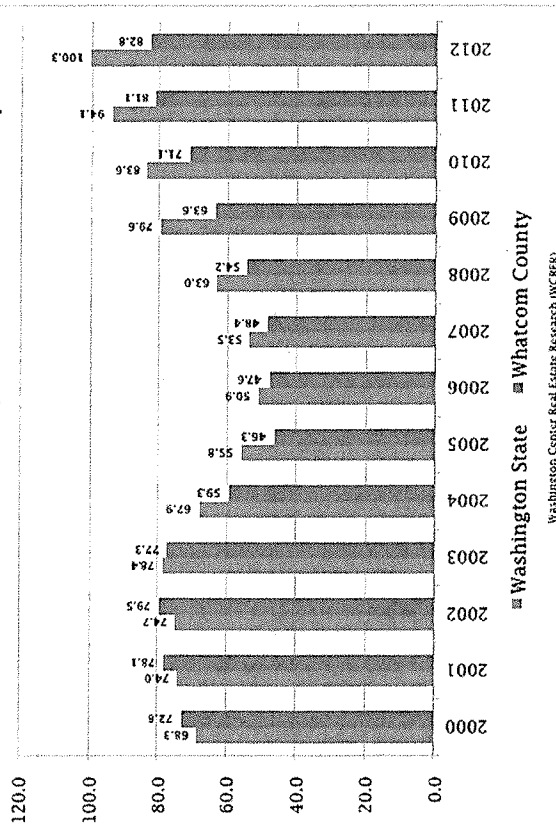
Chart 37



**WCRER's First Time HAI** - assumes the first time buying family has an income 70% of the median household income buying a home 85% of the area's median home prices with lesser down payment requirements (typically 10%) but the same 25% limit on the buyer's income for housing costs (Chart 38).

Chart 38

### Housing Affordability Index - First Time Buyer



**Whatcom County's First Time HAI** - reflects trends in the overall HAI and the impacts of the housing recession from 2005-2007. However, Whatcom County's HAI has never reach an index of 100.0 indicating there is a negative relationship between first time buyer income and their ability to find housing at a suitable price and keep monthly mortgage payments below 25% of their monthly income. Whatcom County's First Time HAI has also dropped considerably below Washington State by 2012 (82.8 compared to 100.3) indicating Whatcom County First Time Buyers are more adversely affected than First Time Buyers in the state as a whole.

### Implications

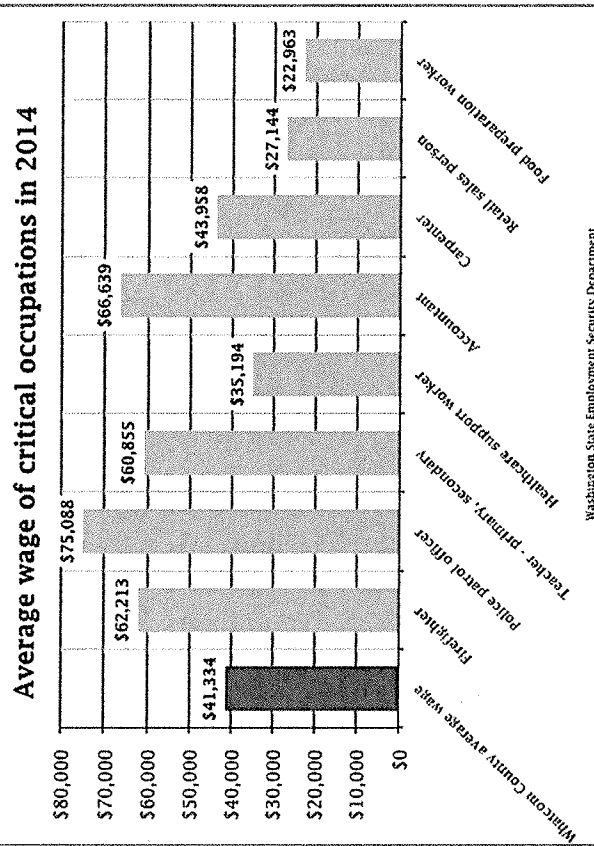
The trends analyzed by WCRER indicate recent economic recession and burst housing bubble had a more pronounced effect in Whatcom County than in Puget Sound and Washington State resulting in a loss of residential building activity, particularly for multifamily housing products, a decline in home prices that has not recovered to the peak levels, and a negative ability for First Time Buyers to obtain housing at a cost within 25% of their income.

## Critical skill housing capabilities

Washington State Employment Security Department (ESD) - publishes Occupational Employment & Wage Estimates for occupations in Washington State and for major metropolitan statistical areas (MSAs) like the Bellingham MSA that includes all of Whatcom County. A sample of critical public and private skill occupations was taken from the 2014 ESD to compare they ability to pay for housing (see [Appendix E](#)).

Whatcom County critical skills comparisons - were made for firefighters (\$62,213 average annual income), police patrol officers (\$75,088), primary and secondary teachers (\$60,855), healthcare support workers (\$35,194), accountants (\$66,639), carpenters (\$43,958), retail sales persons (\$27,144), and food preparation works (\$22,963) - compared with the Whatcom County average wage (\$41,332) ([Chart 39](#)).

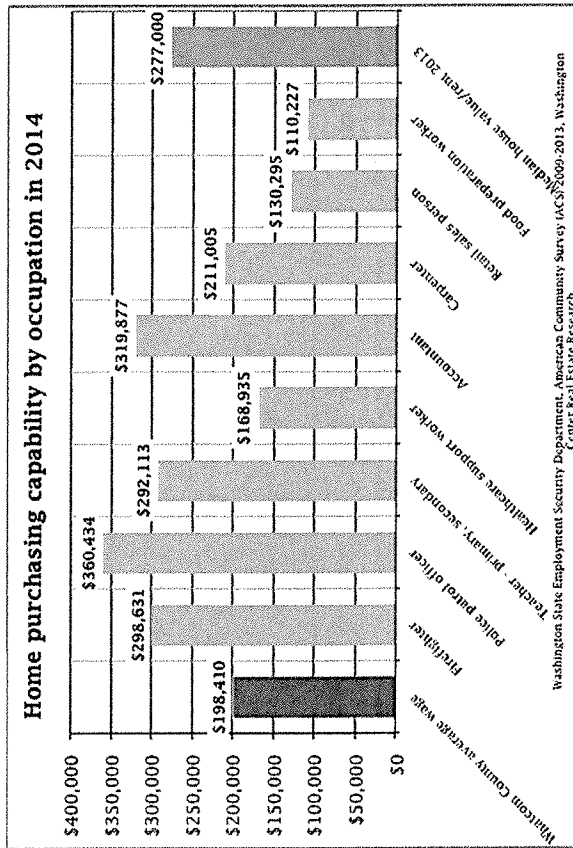
Chart 39



**Housing capabilities** - were calculated for each skill assuming buyers could spend 25% of household income for mortgage payment exclusive of utilities, taxes, insurance, and maintenance for a 30-year loan with 10% down and an interest rate of 4.00%, and renters 30% of household income for rent exclusive of utilities.

**Critical skills buying capability** - in 2013 all types of sale housing (\$277,000) was above what could be financed with 25% of income by a food preparation worker (\$110,227), retail sales person (\$130,295), healthcare support worker (\$168,935), carpenter (\$211,005), or the average wage earner in Whatcom County (\$198,410). All public employees, including teachers, firefighters, and police officers, and accountants could afford to purchase a median value house for 25% of their income (Chart 40).

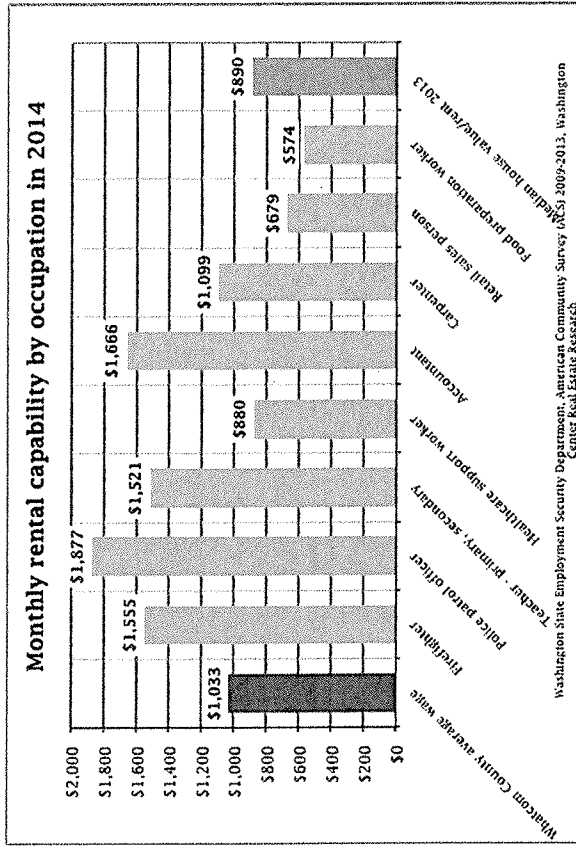
Chart 40



**Critical skills renting capability** - in 2013 all types of rental units (\$890) was above what could be financed with 30% of income by a food preparation worker (\$574), retail sales person (\$679), or healthcare support worker (\$880) but within the capability of the

average wage earner in Whatcom County (\$1,033). All public employees, including teachers, firefighters, and police officers, and accountants and carpenters could afford to rent a median value apartment for 30% of their income (Chart 41).

Chart 41



### Implications

Median house values and apartment rents in Whatcom County are beyond the ability of the example retail sales, food preparation, and healthcare workers to be able to afford within 25% of income for purchase and 30% of income for rent. These example households must either have 2 or more working members to be able to reasonably afford housing in Whatcom County or be paying beyond the 25-30% allowance considered financial viable and solvent.

### Housing cost burden by income group

**Publicly assisted housing income ranges** - are established by the US Housing & Urban Development Department (HUD) for each community in the nation based on the income and housing cost





factors within each community. HUD income range classifications include:

- **Extremely Low Income** - a family's annual income must not exceed approximately 30% of the Area Median Income (note - this limit is often higher than 30% of the AMI because the limit must be greater than state poverty guidelines).
- **Very Low Income** - a family's annual income must not exceed approximately 50% of the Area Median Income (AMI).
- **Low Income** - a family's annual income must not exceed approximately 80% of the Area Median Income (AMI).

The percentages are approximations and vary by family size as published by HUD for Whatcom County:

Table 2

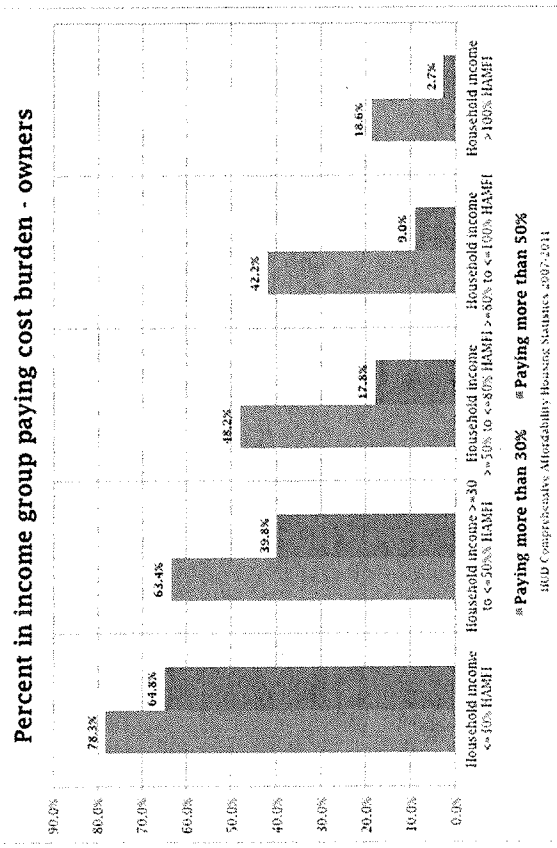
Household size	Extremely Low Income	Very Low Income	Low Income
1 person	\$14,250	\$23,700	\$37,900
2 persons	\$16,250	\$27,050	\$43,300
3 persons	\$20,090	\$30,450	\$48,700
4 persons	\$24,250	\$33,800	\$54,100
5 persons	\$28,410	\$36,550	\$58,450
6 persons	\$32,570	\$39,250	\$62,800
7 persons	\$36,730	\$41,950	\$67,100
8 persons	\$40,890	\$44,650	\$71,450

Source: HUD, Income Eligibility Limits by Household Size, Whatcom County 2014

**HUD's affordable housing cost standards** - indicate a household should not pay more than 25% for direct housing costs (rent or mortgage) or 30% for all costs including utilities, maintenance, insurance, and other incidentals. HUD's Comprehensive Housing Affordability Statistics (CHAS) data correlates what income groups are actually paying for mortgages or rents in relation to a percentage of income compared with HUD's Annual Median Family Income (HAMFI) ranges for municipal jurisdictions (see Appendix F).

**Whatcom County owner households** - include 49,675 according to CHAS's ACS 2007-2011 data (most recently available) of which 2,840 households or 5.7% were extremely low income (equal to or below 30% of HUD's Average Median Family Income (HAMFI)), 3,770 or 7.6% very low income (30-50% of HAMFI), 7,195 or 14.5% low income (50-80% of HAMFI), 5,515 or 11.1% low-middle income (80-100% of HAMFI), and 30,355 or 61.1% middle income (Chart 42).

Chart 42

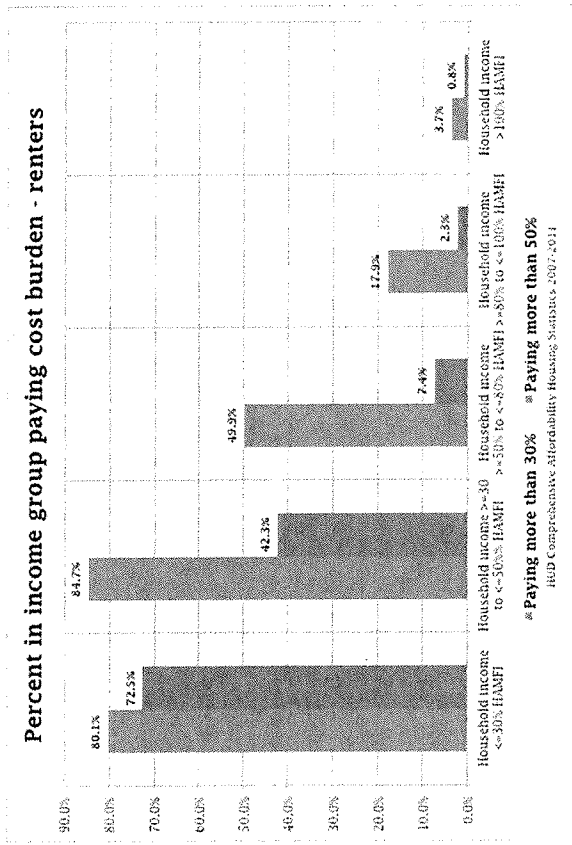


**Percent of owner households paying more than 30% for housing by income group** - was significant in 2007-2011 for extremely low income (76.3%), very low income (63.4%), low income (48.2%), low-middle income (42.2%), and middle income (18.6%) ranges.

**Percent of owner households paying more than 50% for housing by income group** - remained significant in 2007-2011 for extremely low income (64.8%), very low income (39.8%), low income (17.8%), low-middle income (9.0%), and middle income (2.7%) ranges.

**Whatcom County total renter households** - include 29,325 of which 7,555 households or 25.8% were extremely low income, 5,060 or 17.3% very low income, 6,730 or 22.9% low income, 2,845 or 9.7% low-middle income, and 7,130 or 24.3% middle income (Chart 43).

Chart 43



**Percent of renter households paying more than 30% for housing by income group** - was significant in 2007-2011 for extremely low income (80.1%), very low income (84.7%), low income (49.9%), low-middle income (17.9%), and middle-upper income (3.7%) ranges.

**Percent of renter households paying more than 50% for housing by income group** - remained significant in 2007-2011 for extremely low income (72.5%), very low income (42.3%), low income (7.4%), low-middle income (2.3%), and middle income (0.8%) ranges.

Table 3

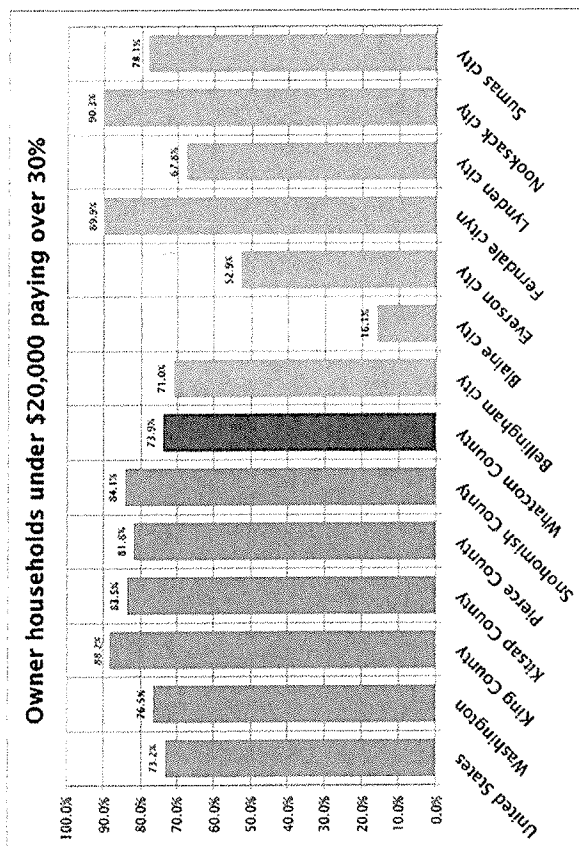
Owner household income	>30%	>50%	Total
<=30% HAMFI	2,225	1,840	2,840
>=30% to <=50% HAMFI	2,390	1,500	3,770
>=50% to <=80% HAMFI	3,470	1,280	7,195
>=80% to <=100% HAMFI	2,325	495	5,515
>100% HAMFI	5,655	825	30,355
<b>Total</b>	<b>16,065</b>	<b>5,940</b>	<b>49,675</b>
Renter household income	>30%	>50%	Total
<=30% HAMFI	6,055	5,480	7,555
>=30% to <=50% HAMFI	4,285	2,140	5,060
>=50% to <=80% HAMFI	3,360	495	6,730
>=80% to <=100% HAMFI	510	65	2,845
>100% HAMFI	265	60	7,130
<b>Total</b>	<b>14,475</b>	<b>8,240</b>	<b>29,325</b>

Source: HUD Cost Burden by Income Group, ACS 2007-2011

**The percentage of Whatcom County owner households with incomes below \$20,000 paying more than 30% of income for housing costs** - was significant but lower in Whatcom County (73.9%) than Puget Sound counties (Snohomish County (84.1%), Pierce County (81.8%), Kitsap County (83.5%), King County (88.2%), Washington State (76.5%), and the US (73.2%). Within Whatcom County, the percentage of owner households with income below \$20,000 paying more than 30% was highest in Nooksack (90.3%) and Ferndale (89.9%) and lowest in Blaine (16.1%) (Chart 44).

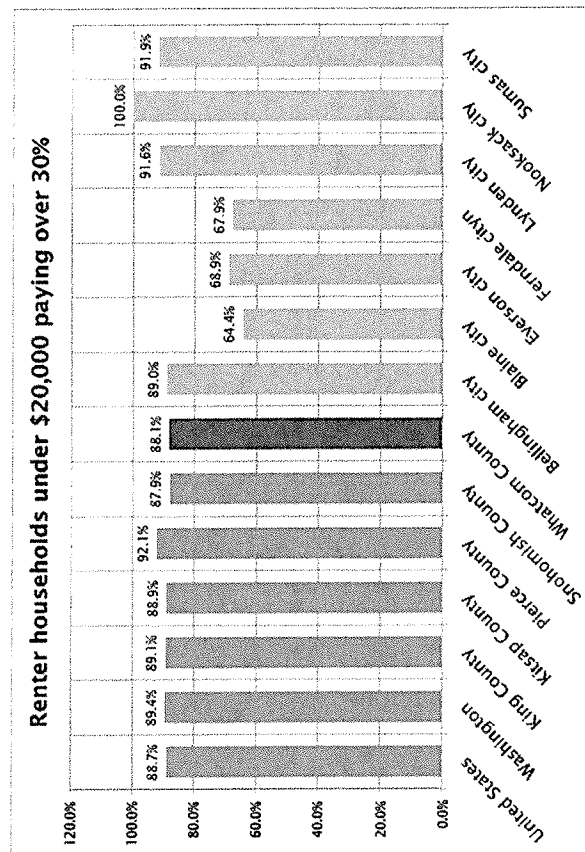


Chart 44



**The percentage of Whatcom County renter households with incomes below \$20,000 paying more than 30% of income for rental housing costs** - was significant but comparable in Whatcom County (88.1%) with Puget Sound counties (Snohomish County (87.9%), Pierce County (92.1%), Kitsap County (88.9%), King County (89.1%), Washington State (89.4%), and the US (88.7%). Within Whatcom County, the percentage of renter households with income below \$20,000 paying more than 30% was highest in Nooksack (100.0%) and lowest in Blaine (64.4%) (Chart 45).

Chart 45



### Implications

Significant percentages of extremely low, very low, and low-income households in Whatcom County are paying more for ownership and rent than they can feasibly afford to pay and still have sufficient income for transportation, health care, clothing, food, and the like. Housing cost burdened households is most prevalent in the lowest income groups but remains a problem in all income groups, particularly those paying more than 50% of income for housing.

### Publicly assisted housing

**Assisted and subsidized housing** - has been developed in Whatcom County by a wide variety of sponsors including:

- **Bellingham/Whatcom Housing Authority** - own and/or manages 1,712 subsidized units that house families, the elderly, and disabled people. The Authority also has 1,891 Shelter Plus Care and Section 8 rental assistance vouchers distributed throughout the County. Although the Bellingham/Whatcom Housing Authority

facilitates the provision of a total of 3,603 subsidized housing units, they do not receive sufficient funding to provide housing assistance to all of the families in need in the County. Most of the funding they do receive cannot be recaptured.

- **Whatcom/Skagit Homes Program** - funded by the US Department of Agriculture (USDA) Rural Development in rural parts of the County.
- **Habitat for Humanity of Whatcom County** - building single-family homes affordable to very low-income homebuyers.
- **Kulshan Community Land Trust (CLT)** - providing affordable homeownership opportunities that remain affordable for each successive owner of the CLT homes.
- **Archdiocesan Housing Authority and Intercommunity Mercy Housing** - own and manage nonprofit rental housing affordable to low-income households.
- **City of Bellingham's housing programs** - use federal funds to rehabilitate existing housing units, acquire housing units or land for housing, new construction, assistance to homebuyers, rental assistance to tenants, and assistance to homeless households and those at risk of becoming homeless.
- **Mobile and manufactured homes** - are allowed throughout the County where single-family housing units are allowed and often provide housing to low-income populations.

The Whatcom County Health Department conducted a detailed inventory of affordable housing resources and determined the total number of assisted public and nonprofit affordable housing units included 4,901 housing units equal to 9,877 bedrooms.

**Table 4**  
**Public housing inventory 2007**

Housing type	Bedrooms	Units
Rental housing units	5,229	2,861
Permanent rental assistance-housing vouchers	3,511	1,620
Homeownership assistance	175	89
Permanent supportive housing	219	185
Emergency shelter and transitional housing	743	146
<b>Total</b>	<b>9,877</b>	<b>4,901</b>

Source: Bellingham/Whatcom County Housing Action Plan 2008

**Publicly assisted housing occupant characteristics**

**HUD's Pictures (demographic characteristics) of Subsidized Households** - is compiled using extrapolated statistical samples from the American Community Survey (ACS) for 2009-2013 of the assisted housing inventory in Whatcom County (see Appendix G).

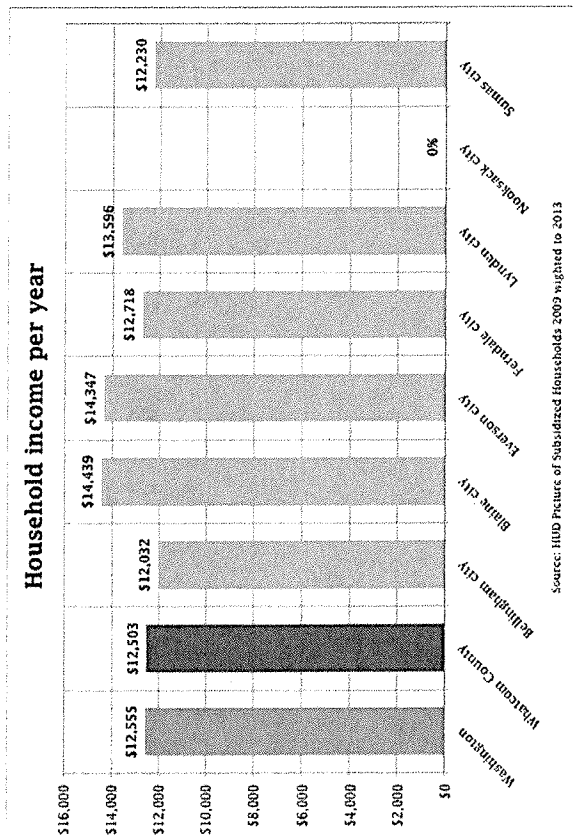
**Table 5**  
**HUD assisted housing inventory 2013**

Location	Units
Bellingham	1,900
Blaine	137
Everson	17
Ferndale	171
Lynden	41
Nooksack	2
Sumas	22
<b>Total</b>	<b>2,537</b>

Source: HUD Pictures of Subsidized Households

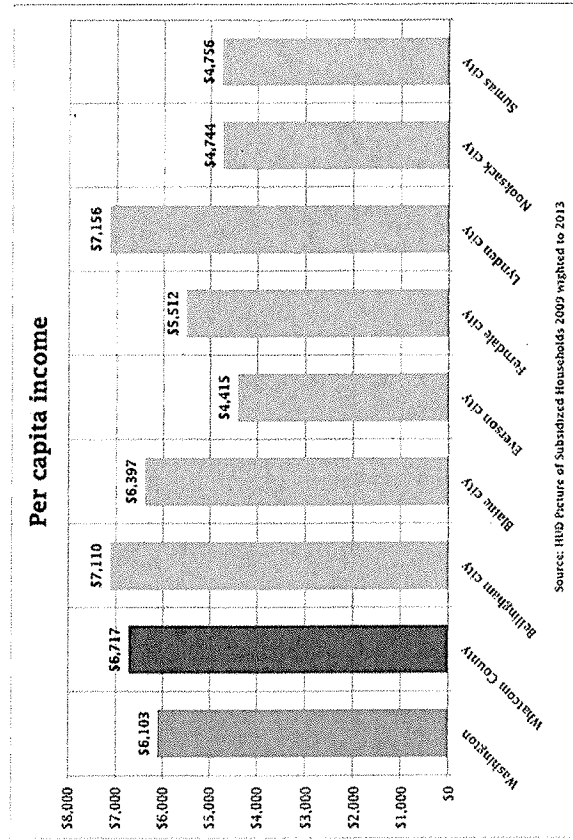
**Median income of households in assisted housing units** - in Whatcom County (\$12,503) were slightly lower than Washington State (\$12,555). Within Whatcom County, Blaine (\$14,439) and Everson (\$14,347) had the highest median and Bellingham (\$12,032) and Sumas (\$12,230) the lowest (Chart 46).

Chart 46



Per capita income of households in assisted housing units - in Whatcom County (\$6,717) were slightly higher than Washington State (\$6,103). Within Whatcom County, per capita household income is highest for residents of assisted units in Lynden (\$7,156) and Bellingham (\$7,110) had the highest per capita incomes and Everson (\$4,415) the lowest (Chart 47).

Chart 47



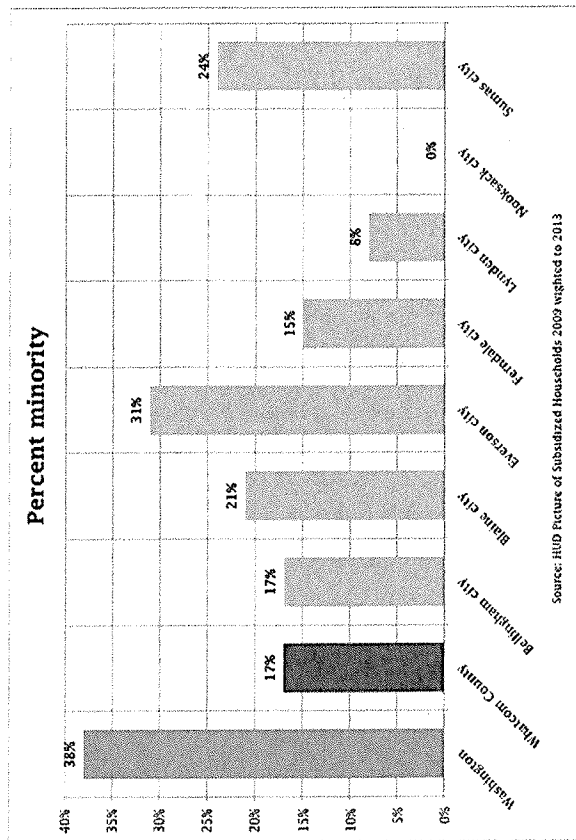
Average monthly rents based on ability to pay - were slightly lower in Whatcom County (\$320) than Washington State (\$322) but vary by Whatcom County locality from the highest in Lynden (\$377) and lowest in Sumas (\$296) (Chart 48).

Chart 48



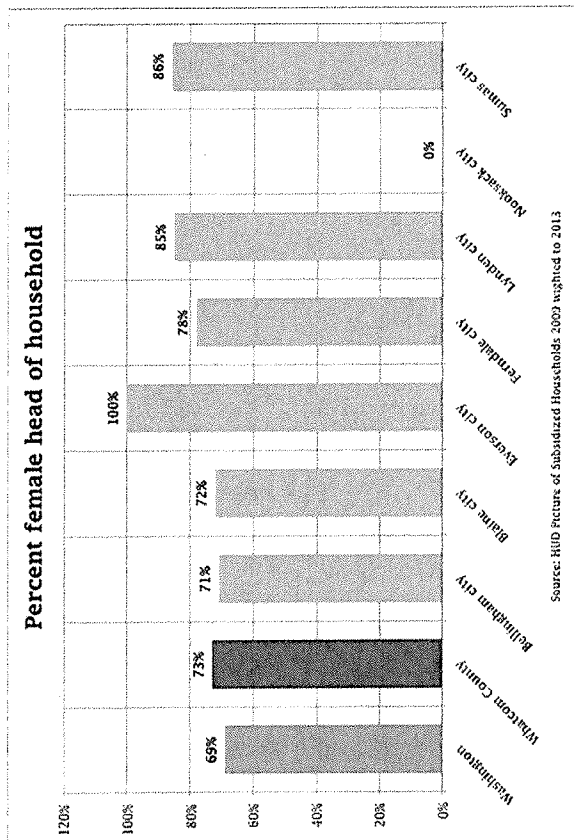
The percent of publicly assisted households that are minority - in Whatcom County (17%) is significantly lower than Washington State (38%). Within Whatcom County, the percent of housing assisted households that are minority is highest in Everson (31%) and lowest in Lynden (8%) (Chart 49).

Chart 49



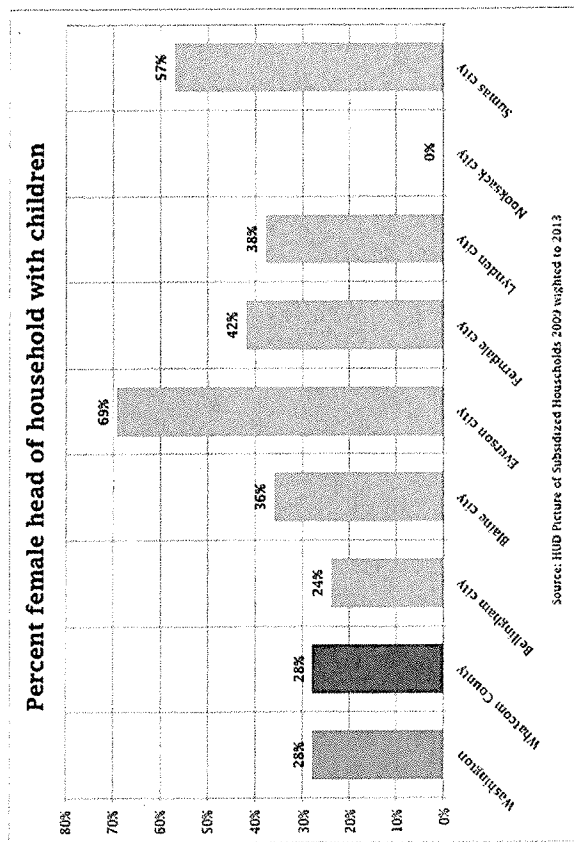
The percent of housing assisted households that are headed by a female - in Whatcom County (73%) is slightly higher than Washington State (69%). Within Whatcom County, the percent of housing assisted households that are headed by a female is highest in Everson (100%) and lowest in Bellingham (71%) (Chart 50).

Chart 50



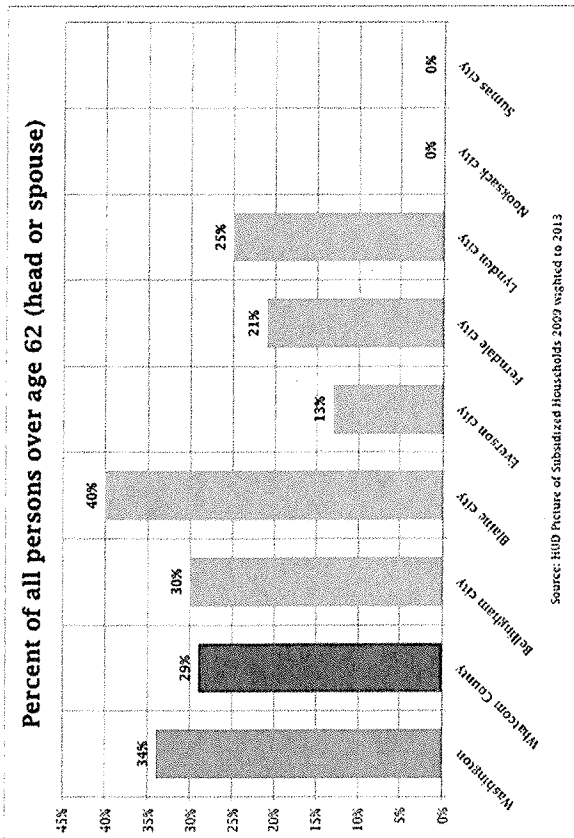
The percent of housing assisted households that are headed by a female with children - under the age of 18 in Whatcom County (28%) is the same as Washington State (28%). Within Whatcom County, the percent of housing assisted households that are headed by a female with children is highest in Everson (69%) and lowest in Bellingham (24%) (Chart 51).

Chart 51



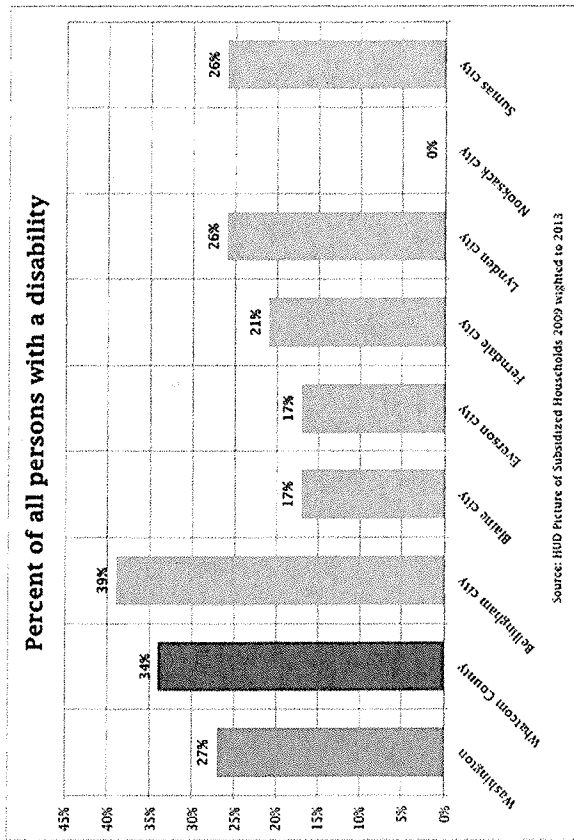
The percent of housing assisted households whose head or spouse is over age 62 - in Whatcom County (29%) is lower than Washington State (34%). Within Whatcom County, the percent of housing assisted households whose head or spouse is over age 62 is highest in Blaine (40%) and lowest in Everson (13%) (Chart 52).

Chart 52



**The percent of housing assisted households with a disability - in** Whatcom County (34%) is higher than Washington State (27%). Within Whatcom County, the percent of housing assisted households with a disability is highest in Bellingham (39%) and lowest in Blaine (17%) and Everson (17%) (Chart 53).

Chart 53



### Implications

Characteristics of the occupants of publicly assisted housing units in Whatcom County mirror the characteristics of lower-income households, particularly those paying more than 30% and 50% of income for housing. Female-headed households, female-headed households with children, and persons with disabilities constitute a significant proportion of the assisted housing population in Whatcom County.

## Homelessness in 2014

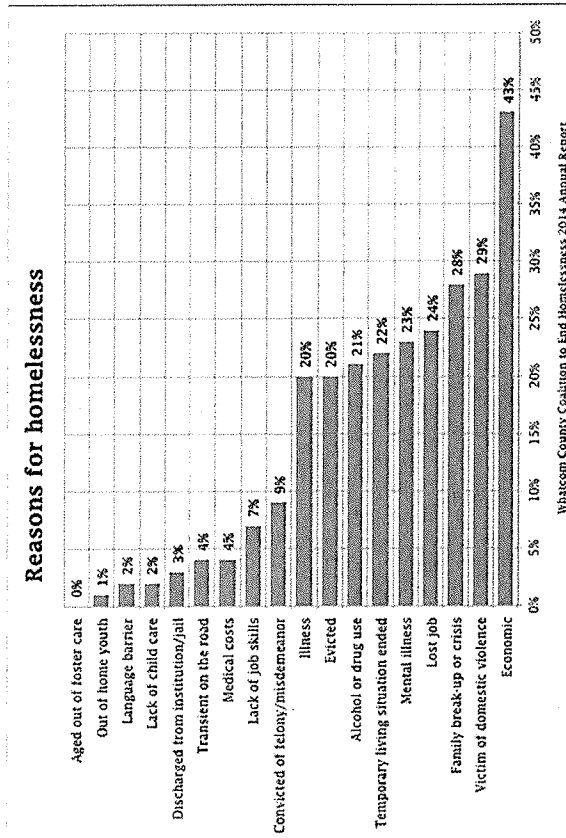
**A Home for Everyone: Whatcom County's Coalition to End Homelessness 2014 Annual Report** - was sponsored by the Whatcom County Health Department, City of Bellingham, Whatcom County Coalition to End Homelessness, and the Whatcom Homeless Service Center at Opportunity Council. The annual homeless count is conducted in January of each year to gather information on homeless persons, homeless youth, public school students and

their families, and coordinated homeless housing services (see **Appendix H**).

The “Point-in-Time” counts are a snapshot and may not capture all who cycle in and out of homelessness over the course of a year. The counts are approximate as it is difficult to find where all unsheltered people may reside in unconventional shelter including tents, abandoned cars, and other means for the night of the count.

**Reasons for homelessness in Whatcom County** - is a result of multiple factors principally including economic (43%), domestic violence (29%), job loss (24%), mental illness (23%), end of temporary living situation (22%), alcohol or drug use (21%), eviction (20%), illness (20%), and other factors (**Chart 54**).

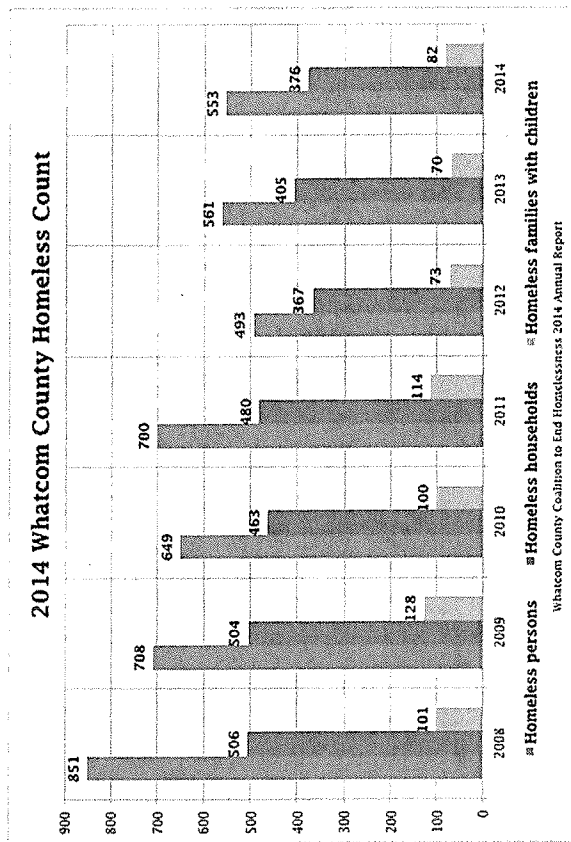
**Chart 54**



**Homeless persons** - gradually declined in number from 2008 (851 persons) to 2014 (553 persons); as have homeless households from 2008 (506 households) to 2014 (376 households); as have homeless

families with children from 2008 (101 families with children) to 2014 (82 families with children) (**Chart 55**).

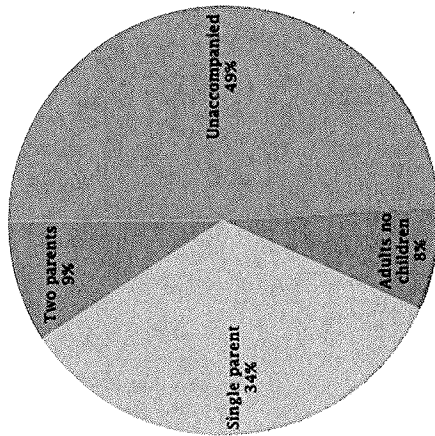
**Chart 55**



**Homeless persons were characterized by family type** - as unaccompanied (49%), adults with no children (8%), single parent (34%), and two-parent (9%) (**Chart 56**).

Chart 56

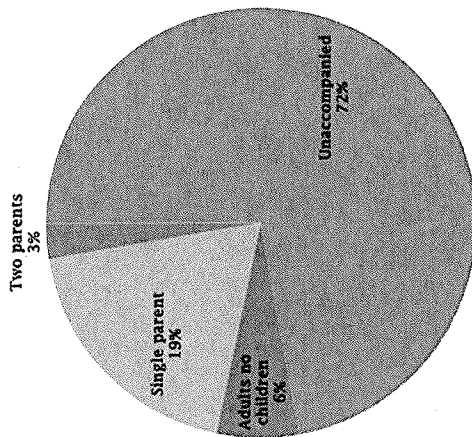
Homeless persons by family type



Unsheltered homeless households - were principally adults with no children (70% of this group), unaccompanied (48%), two-parent households (20%), and single parent households (17%) (Chart 57).

Chart 57

Homeless households by family type

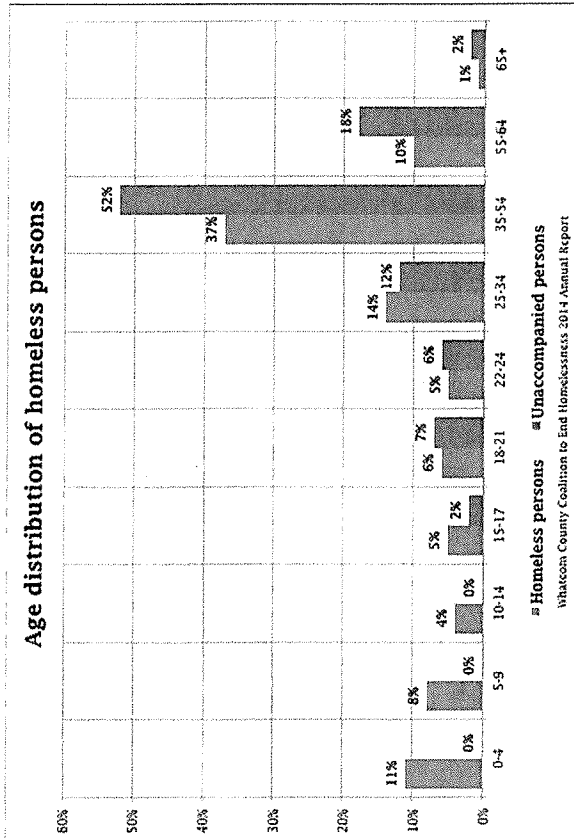


Age distribution of homeless persons - were composed of children age 0-14 (23%), teens and young adults 15-21 (11%), adults 22-34 (19%), adults 35-64 (47%), and seniors 65+ (1%) (Chart 58).

Age distribution of unaccompanied persons - were composed of teens and young adults 15-21 (9%), adults 22-34 (18%), adults 35-64 (70%), and seniors 65+ (2%) (Chart 58).



Chart 58

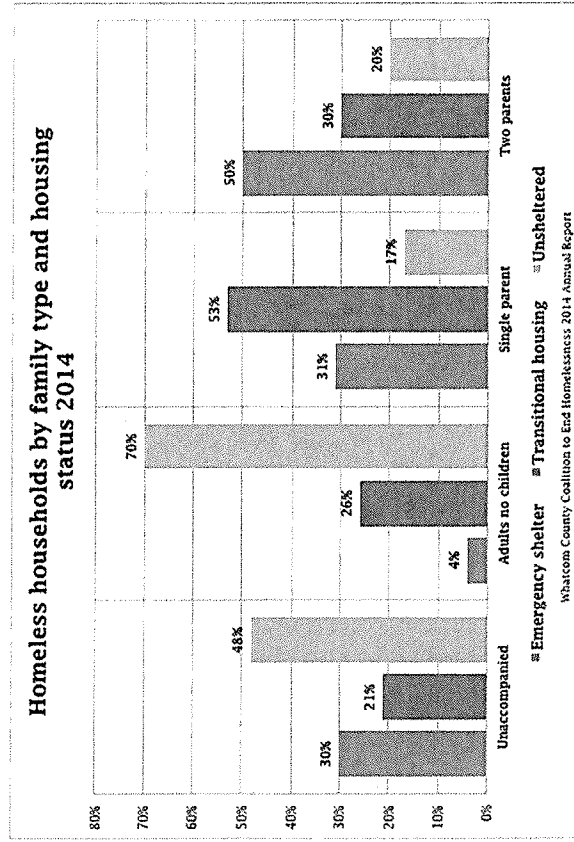


**Unaccompanied households were housed** - in emergency shelters (30%), transitional housing (21%), and without shelter (48%); adults with no children in emergency shelters (4%), transitional housing (26%), and without shelter (70%); single parent households in emergency shelters (31%), transitional housing (53%), and without shelter (17%); two-parent households in emergency shelters (50%), transitional housing (30%), and without shelter (20%) (Chart 59).

**Emergency shelters** - were able to more accommodate or be occupied by homeless two-parent household (50% of the occupants), single parent (31%), and unaccompanied households (30%) than adults with no children (4%) (Chart 59).

**Transitional housing shelters** - were more able to accommodate or be occupied by single parent households (53% of the occupants), two-parent households (30%), adults with no children (26%), and unaccompanied (21%) (Chart 59).

Chart 59



### Implications

There are multiple reasons for homelessness that are not likely to be ameliorated by a single program or housing focus. Whatcom County homeless include a significant percentage of one and two-parent households with children as well as teens/young adults who have different and special housing needs than unaccompanied adults. While emergency shelters and transitional housing meet some homeless requirements a significant population remains unsheltered even as the total numbers of homeless have declined in Whatcom County the past couple of years.

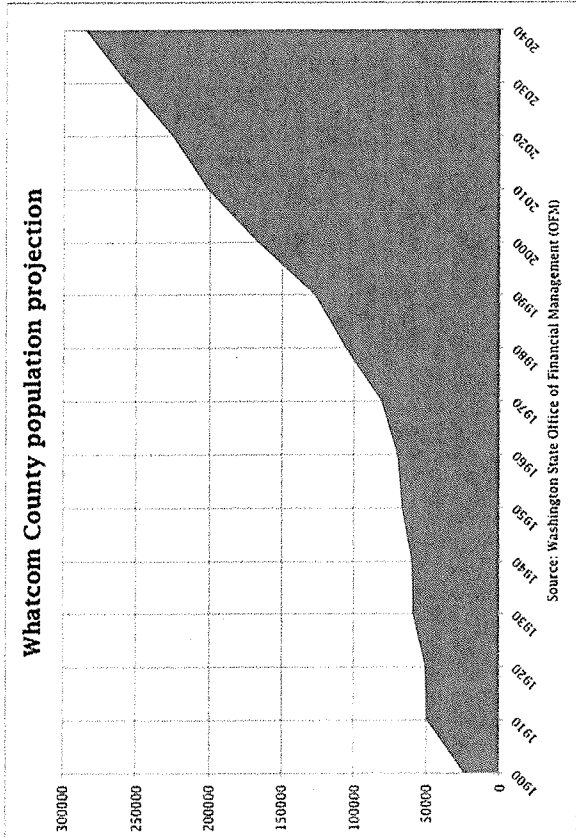
### Population projections and allocations

**Washington State Office of Financial Management (OFM)** - projects Washington State populations by state and county in annual and 5 year increments accounting for the differential affects

of births, deaths, and net migrations unique to the state as a whole and each county therein.

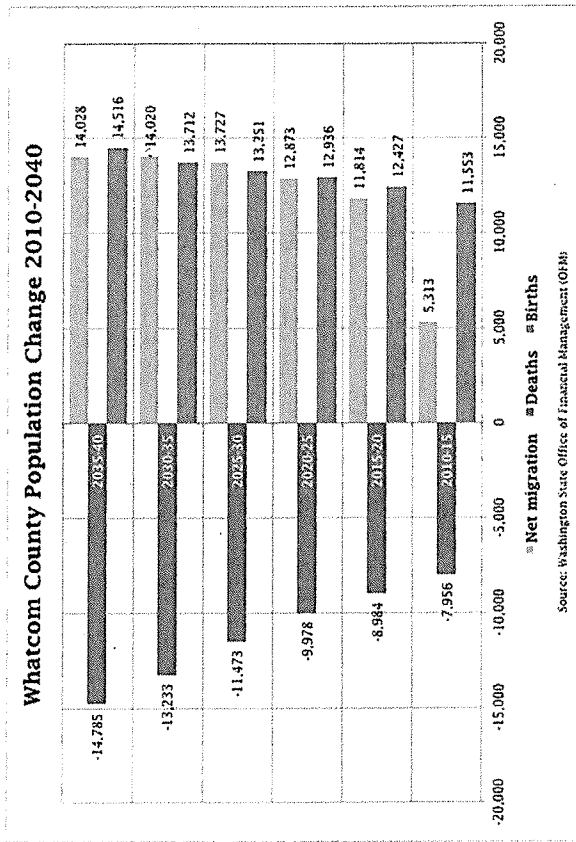
**OFM's medium projection of Whatcom County's population** - will reach 284,901 persons or increase at an average annual rate of 1.4% from 2015 to 2025 then by 1.3% from 2025-2030 then by 1.1% from 2030 to 2035 and then by 1.0% from 2035 to 2040 (Chart 60).

Chart 60



**OFM's population projection** - for Whatcom County will gradually increase due to net migration or the difference between persons moving in and out of the county rather than natural increase or the difference between births and deaths. OFM projects the number of net migrants into the county will increase from 5,313 persons between 2010-2015 to 14,028 persons 2035-2040 (Chart 61).

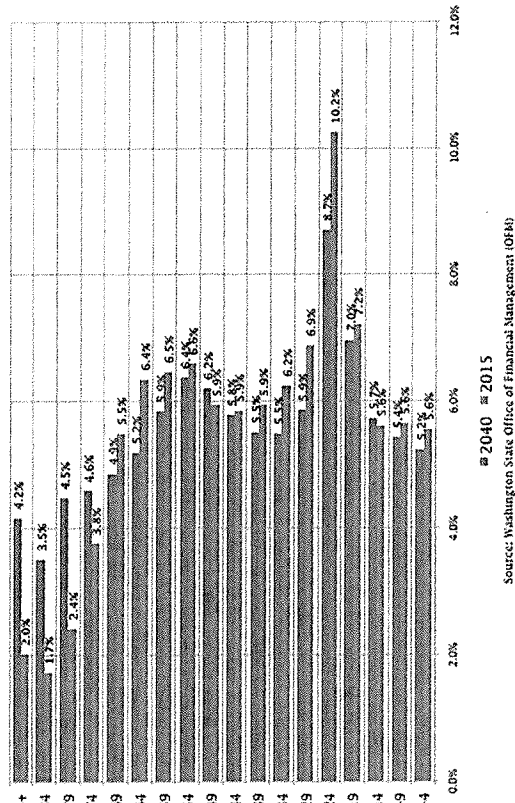
Chart 61



**Age distribution** - in Whatcom County will be affected by age-specific attractions that have and will develop through the forecast years including a continuation of the student population at Western Washington University in the 20-24 age group (though declining in proportion from 10.2% to 8.7%), the aging of the current "baby boom" population into age 74+ years (increasing from 9.9% to 16.8%), and the increasing attractiveness of Whatcom County and Bellingham to retiring and empty nester households in the upper age groups (Chart 62).

Chart 62

Whatcom County age distribution 2010 and 2040



**Population allocations within Whatcom County UGAs and the remaining non-urban areas** - have been established based on the capacity available for growth within each jurisdiction's urban growth area (UGA), each jurisdiction's population and employment development trends, and each jurisdiction's desire for growth subject to the population total for the county established by OFM. 83% of countywide growth is allocated to the UGA's, with 42% of countywide growth allocated to the Bellingham UGA. Smaller percentages are allocated to the remaining UGA's. See Table 6.

Table 6  
Whatcom County population allocations 2013-2036

Urban Growth Area (UGA)	2013	2036	Projected Growth	% of Co. Growth
Bellingham	93,107	121,505	31,050	42.2%
Birch Bay	7,737	13,237	5,500	8.2%
Blaine	5,177	9,591	4,414	6.6%
Columbia Valley	3,204	4,549	1,345	2.0%
Everson	2,670	3,912	1,242	1.8%
Ferndale	12,778	19,611	6,833	10.2%
Lynden	12,879	19,282	6,403	9.5%
Nooksack	1,436	2,426	990	1.5%
Sumas	1,449	2,323	874	1.3%
Non-UGA	65,318	76,535	11,217	16.7%
<b>Total</b>	<b>205,800</b>	<b>273,016</b>	<b>69,868</b>	<b>100.0%</b>

Sources: 2013 Berk Phase I Technical Report and 2015 proposed population allocations. 2013 and 2036 totals include existing population in the Cherry Point Major Port Industrial UGA, to which no population growth is allocated.

**Land Capacity** - As part of the 2016 Comprehensive Plan update, Whatcom County conducted a land capacity analysis (LCA) which estimated each UGA's capacity to accommodate population and employment growth during the plan's 20-year planning period. Chart 63 shows population capacity for each UGA, while Chart 64 shows the calculated capacity for dwelling units, both single family and multi-family.

Chart 65 shows the projected housing needs by type for each of the UGA's. This chart is based on OFM statistics for population growth occurring by housing type between 2000 and 2013, applying the proportion of growth by housing type to the 2013-2036 growth projections. Those population projections were then divided by the household size and occupancy rate statistics used in the County's land capacity analysis, resulting in the projected need for total dwelling units by type during the planning period. Comparing Chart 65 with the estimated dwelling unit capacity in Chart 64, it appears that the planned capacity of single- and multi-family housing in the UGA's is consistent with anticipated housing needs.

Chart 63

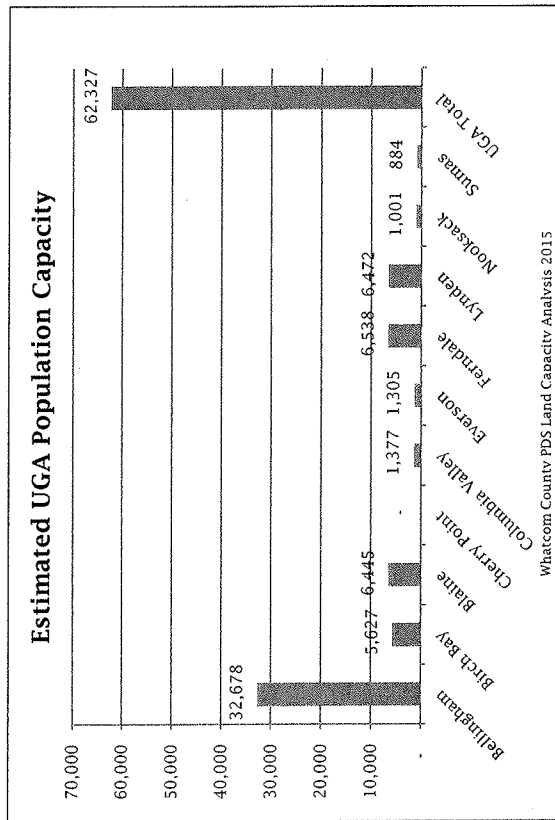


Chart 65

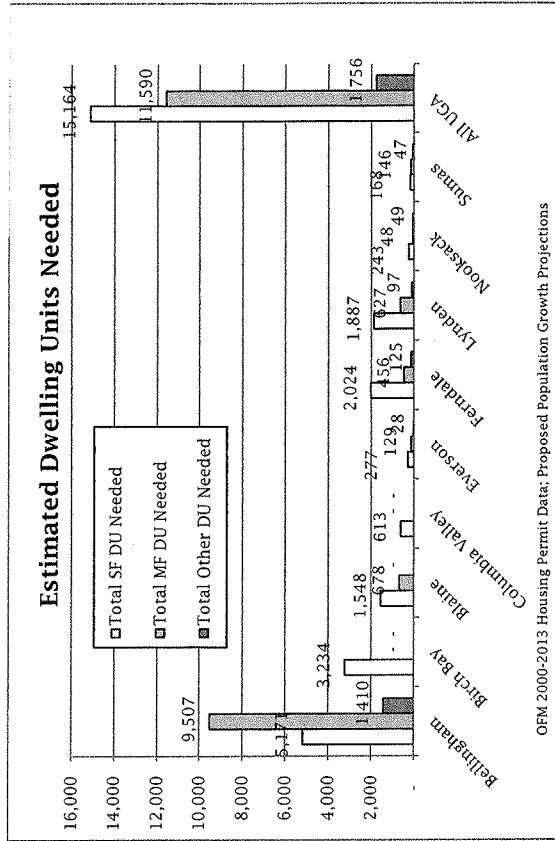
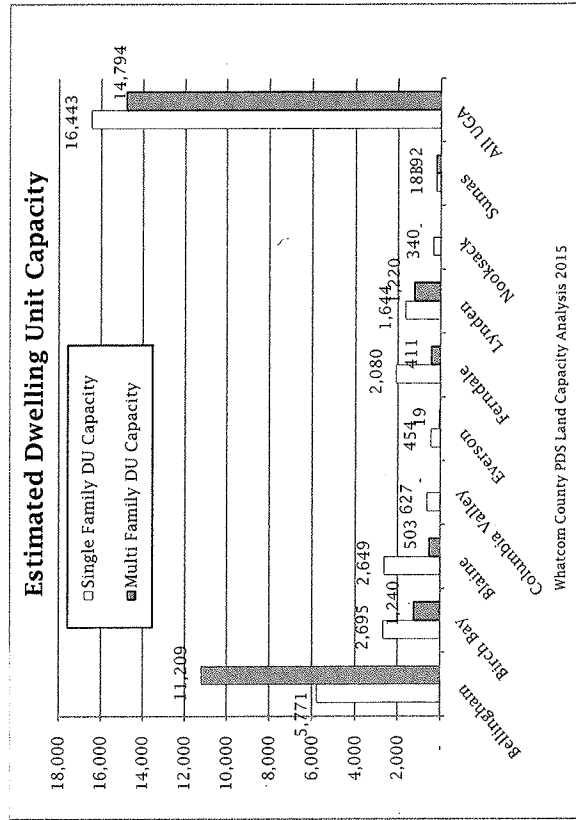


Chart 64



### Implications

It is important to address population growth impacts and housing requirements in Whatcom County over the next 20-year planning period. Comparing the planned (allocated) growth in Table 6 with the UGA population capacities in Chart 63, and comparing the supply of single- and multi-family dwellings in Chart 64 with the projected housing needs in Chart 65, it appears Whatcom County's UGAs can accommodate both the number and types of dwellings needed in the next 20 years. It is important to note that the projected housing needs shown in Chart 65 are based on the assumption that the 2000-2013 growth distribution among housing types will continue. That distribution may change significantly as a result of changing market conditions or jurisdictions' land use planning policy choices.

## National trends and housing implications

US Bureau of the Census Demographic Trends in the 20th Century - compiled data on age distribution, household type, 1-person household, and percent of households renter occupied that has implications for the nation and Whatcom County housing expectations and policies.

Percent of the national population over age 65 - has increased steadily since 1900 as a factor of the baby boom from 1950 on and of improvements in health and life expectancy. By 2010 13% of the national population was over age 65 and 1.7% over age 85+. This aging trend will continue nationally, and as shown previously, especially in Whatcom County (Chart 66).

Chart 66

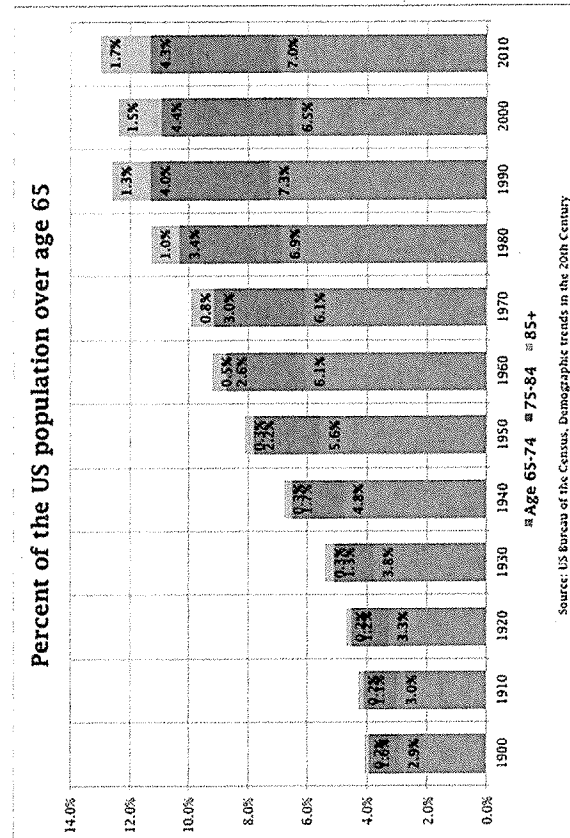
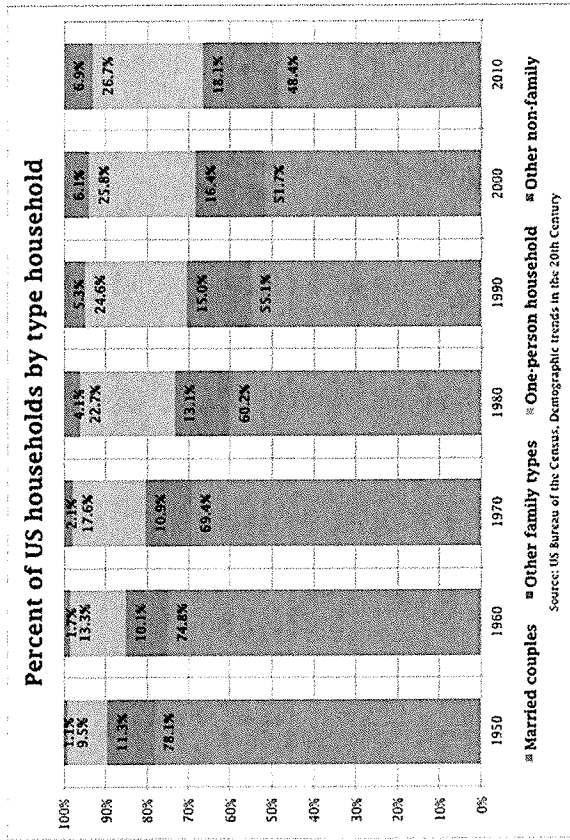


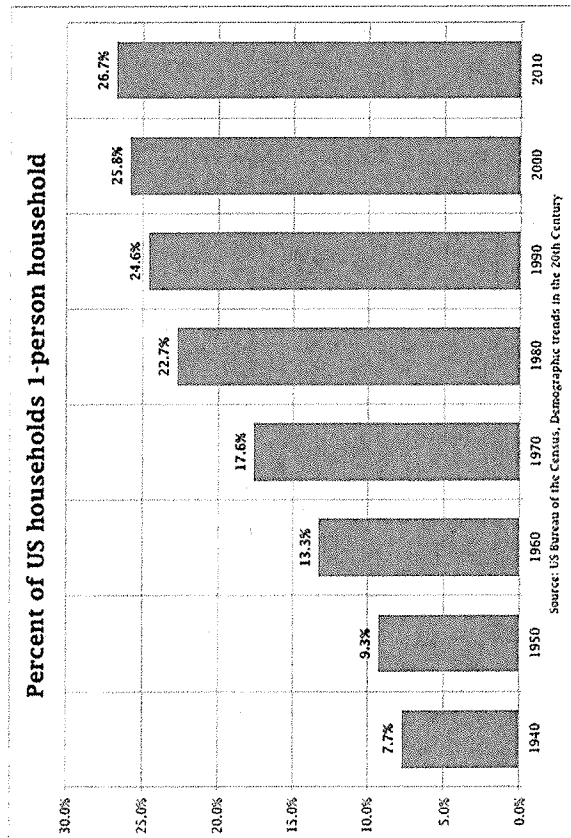
Chart 67



These trends are apparent in Whatcom County but vary by jurisdiction with some, such as Nooksack, attracting a higher percentage of married couples and others, such as Bellingham, attracting other family household types as well as non-family and one-person households.

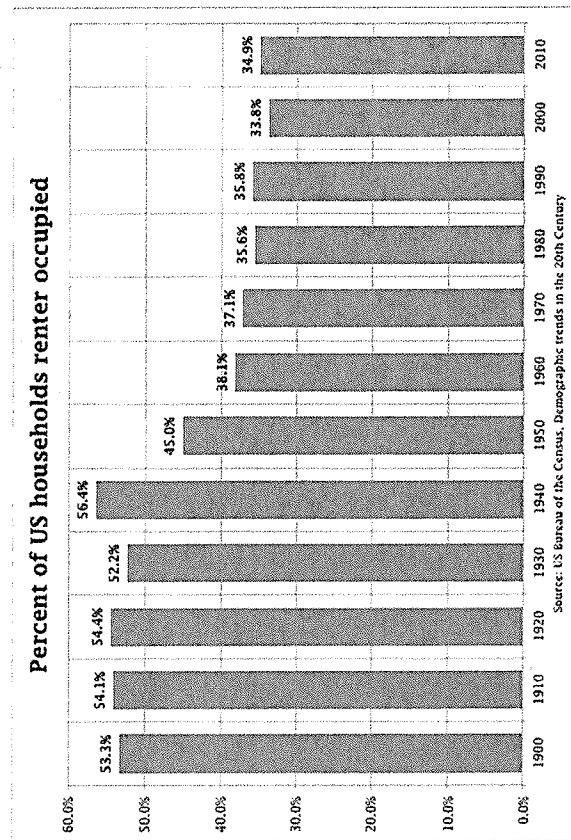
**One-person households** – has increased steadily since 1950 (7.7%) to 2010 (26.7%) due to the same factors affecting household type formations. The housing result is a demand and need for smaller units oriented to one-person household interests (Chart 68).

Chart 68



**Percent of households renter occupied** – peaked in 1940 (56.4%) due partly to the effects of World War II then declined significantly from 1950 to 2000 as housing and investment policies promoted homeownership. The percent of households renting stabilized somewhat in 2010 likely due to the effects of the housing bubble and burst (Chart 69).

Chart 69



Millennials, however, are more likely to rent as are one-person households due partly to the housing choices available in the marketplace as well as financial capability, and possibly preference.

## Housing policy implications

### Housing an aging population

Aging in Place - according to the American Association of Retired People (AARP), nearly 90% of people over age 65 indicate they want to stay in their home as long as possible and 80% in that age bracket believe their current home is where they will always live. However, unsupportive community design, unaffordable and inaccessible housing, and a lack of transportation access to needed services can thwart this desire.

A number of models provide services and support so older residents can remain in their homes instead of moving to assisted living or retirement centers:

- Naturally Occurring Retirement Community (NORC) - are housing complexes or neighborhoods that were not planned specifically for older people, but have organically evolved to house a population of older residents.
- Communities for a Lifetime - helps create neighborhoods that support aging in place and more rigorously involves older adults in social and community life.

Implications - an aging population in Whatcom County will create a greater proportion of all households consisting of older empty nester couples and living alone elderly individuals. Aging in Place, however, raises the following policy questions:

- How can medical, transportation, and social services be made economically feasible to provide low-density settlements particularly in some of the smaller, rural Whatcom County jurisdictions?
- How can older households be able to keep older housing stock in sound condition so that it will not deteriorate beyond the ability

or interest of the market to buy, upgrade, and occupy once the aged household leaves?

- How will the retention of older, affordable housing off the market in the developed and serviceable neighborhoods of Whatcom County's more urban municipal jurisdictions not imbalance demand and needs for younger, family-starter households resulting in the development of a greater proportion of new single-family product than the market needs?

Aging in Transitional-Age-Appropriate Housing - proposes developing age-appropriate housing, including smaller, denser single-family products such as accessory dwelling units, cottage housing, as well as townhouse and mixed-use housing projects in rural and urban centers where social interactions and services can be more feasibly and desirably provided.

The approach assumes older adults will move out of their original houses and into new purchase or rental units if the new units better meet their social, transportation, services, and other desires.

Implications - of transitioning an aging population into age-appropriate housing in Whatcom County, and in some smaller, rural municipal jurisdictions in particular, however, raises the following policy questions:

- How can the Whatcom County housing market provide suitable age-appropriate new housing stock at an affordable price or rent - i.e., accessory dwelling units, cottage housing, and mixed-use infill?
- How can the Whatcom County financial/mortgage markets underwrite housing purchases by older households and of innovative housing products?
- How can older households be encouraged to sell and buy or rent transitional-age-appropriate housing in rural and urban town centers?
- How can younger households be enabled to buy, upgrade, and occupy older single-family housing in older urban neighborhoods?

### Housing nonfamily households

Nonfamily households are an increasing population within Whatcom County and include younger individuals (married or

cohabitating), childless couples (including never having children), and single individuals (not elderly). Traditional single-family, suburban housing products do not meet the needs or interests of these households yet they constitute a significant and growing proportion of all households in Whatcom County, particularly in the more urban municipal jurisdictions.

Increasingly, these households are being housed and seek housing in mixed-use developments in urban settings that provide social, service, employment, and other needs and interests within the developments or accessible within urban core areas by walking, biking, or taking transit transportation alternatives.

**Implications** - of developing housing for an increasing number and proportion of nonfamily households in Whatcom County, and in the more urban municipal jurisdiction centers in particular, raises the following policy questions:

- How can the Whatcom County housing market provide appropriate new nonfamily oriented housing stock at affordable prices or rents within the urban municipal jurisdiction's centers?
- How can urban municipal jurisdictions within Whatcom County provide amenities appropriate to this housing market segment - pedestrian/bike/no-car friendly transportation, streetscape activities, live/work housing options, and other services?
- How can Whatcom County financial/mortgage markets underwrite housing purchases by an increasing number of younger households or single individuals?

### **Low-income family households**

Traditionally, low-income family households, particularly male and female-only headed households and family-starters, have procured housing by "driving-to-qualify", meaning driving out from the urban areas until housing costs are low enough for the household to be able to afford to purchase or rent.

Transportation costs are the second largest expense for the typical household - almost \$9,000 a year or about 17.6% of household budgets and continuing to increase. Driving-to-qualify becomes an increasingly difficult proposition during an economic recession

where employment is cutback or curtailed and other household budget items increase including transportation. Some of the nation's highest foreclosures occur in the outer urban/suburban edges.

A "location efficient" community provides various transportation options, services, and workplaces close by, increasing access and reducing the need to "drive-to-qualify" to obtain housing.

**Implications** - of developing housing for an increasing number and proportion of low-income family households in Whatcom County, and within location efficient urban neighborhoods, raises the following policy questions:

- How can the Whatcom County housing market provide appropriate new housing stock within location efficient urban neighborhoods at affordable prices or rents for these households - i.e., traditional stick-built as well as manufactured accessory dwelling units, cottage housing, and townhouses?
- How can Whatcom County location efficient urban neighborhoods provide services appropriate to this housing market segment including public transportation, childcare, medical services, education, and employment?
- How can Whatcom County financial/mortgage markets underwrite housing purchases by low-income single-headed/single wage-earner family households of innovative housing products?

### **Housing cost reduction**

**Housing cost analysis** - was completed for an urban 5-story mixed-use structure and suburban townhouse development by the Bellingham/Whatcom County Housing Action Plan in 2008 using information provided by the Bellingham/Whatcom County Housing (BWCHA) for the purpose of determining which factors most affected final development costs - and which cash and non-cash offsets affected the final project outcomes (see **Appendix I**).

Note - the purpose of the analysis was to determine impacts possible for a real project rather than by a theoretical analysis and used public housing projects because the data was publicly available and not disclosing of a private project developer's



information. While the analysis was accomplished in 2008 the major implications of the analysis remain true today.

**Laurel Village** - is a "green build" structure located on a 0.5 acre site at 210 East Laurel Street in downtown Bellingham consisting of a single floor underground parking deck with 52 stalls, and 5 floors of 45,578 square feet of residential units for families, disabled individuals, and supportive homeless earning between 30-50% Average Median Income (AMI). The structure was completed in 2006 to provide 50 low-income units and 1 manager unit in 24 one-bedroom units ranging from 606-630 square feet.

**Meadow Wood Townhomes Phase 1** - is a master planned project located at Bakerview Road and Northwest Avenue in Bellingham. The first phase was completed in 2007 to include 3 buildings totaling 63,750 square feet providing 50 low-income 1, 2, and 3-bedroom rental units and 1 manager unit with surface parking, a playground, play area, picnic, and barbeque amenity for families, disabled individuals, and supportive homeless earning between 30-50% AMI.

**Four cost and cash offsets were analyzed** - for both projects for their impact on overall development costs:

- **Option 1: cash offsets** - eliminated all building permits, fees, and hook-ups, utility connection fees, and traffic, parking, and school impact fees, and the developer's fees. However, these cash offsets must still be paid from some other source, if not from the project and developer, as the city, utilities, schools, and developers still incur these costs in support of the development project. Cash offsets, when used in other jurisdictions, have usually been repaid from General Funds, special property tax levies, real estate excise taxes, and other special financing. The costs and payments still apply, but are repaid from a source other than the project.

- **Option 2: density offset** - allowed the project to include more units as a noncash incentive to develop affordable housing. The option assumed, however, that the same height, parking, and other development regulations would still apply and therefore, realized the added density bonus by reducing the average size of the units.

The cost of the structure and site improvements remained the same as the original project. The parking deck and surface parking lot cost, however, was increased for parking for the additional units.

- **Option 3: pre-manufactured offset** - used pre-assembled manufactured units instead of on-site traditional stick-built construction and more dwelling units since manufactured units would be smaller than typical stick-built units. Like option 2, this option assumed that the same height, parking, and other development regulations would still apply and therefore, realized the added density bonus by reducing the average size of the units - and also because manufactured units are typically more compact. The cost of the structure remained the same but interim financing costs were reduced to reflect the shorter construction time saving provided by manufacturing off-site. The parking deck and surface parking lot cost, however, was increased again to provide parking for the additional units.

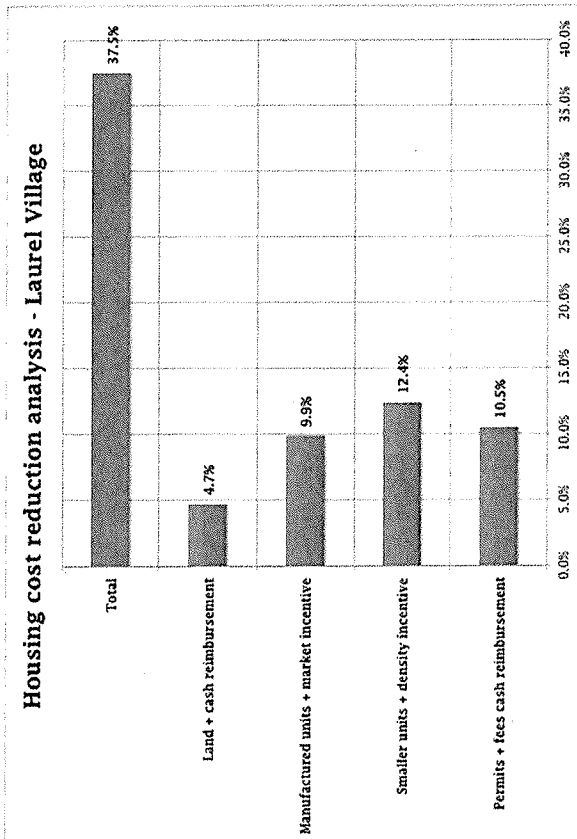
- **Option 4: land lease offset** - used a land trust instead of a fee simple sale of the property occupied by the project structures. Typically, land trusts charge lease fees included in the unit rent that is amortized to recapture the initial land cost over a long term (typically 50-99 years) even as the trust retains the title and value of the land. On owned units, the owner is charged a similarly amortized lease fee where the trust retains title to the land though the owner may build equity in the increasing value of the structure.

### **Implications**

All of the variables considered including cash, density, technology, and land offsets reduce the total development cost and cost per unit significantly although the extent of cost reduction varies by the type of development.

**In Laurel Village** - the 5-story mixed-use structure in downtown Bellingham, density offsets were more significant reducing total development costs by 12.4% compared with 10.5% for cash, 9.9% for technology, and 4.7% for land off-sets (**Chart 70**).

Chart 70



- **Parking requirements** - be reduced or at least reflect the likelihood that occupants of mixed-use structures in downtown locations, especially elderly, homeless, and other nonfamily households may not require cars and/or walk, bike, or use transit more heavily.
- **Design and development regulations** - allow variances from the maximum site height, coverage, and other particulars where the units are to provide affordable housing using density offsets where the resulting design and development characteristics can be made to fit the surrounding neighborhood.
- **BWCHA and other nonprofit groups** - be encouraged to buy and/or lease affordable units created with offsets in order to achieve even greater cost reduction, and therefore, housing for very low income groups on a perpetual basis.

- **In Meadow Wood Townhomes** - the infill project in north Bellingham, cash offsets, particularly developer fees, however, reduced the cost the most at 16.0% compared with 8.4% for technology, 6.6% for density, and 4.0% for land off-sets.

However, the cash and land offsets must still be paid from some other public monies, whereas the density and technology offsets are of no direct monetary cost in comparison.

**When all offsets are applied in combination** - however, the overall cost reductions are significant ranging from 35.0% for the **townhome infill project** to 37.6% for the 5-story mixed-use project in the downtown area. Further proportional cost reductions are possible, depending on site particulars, if:

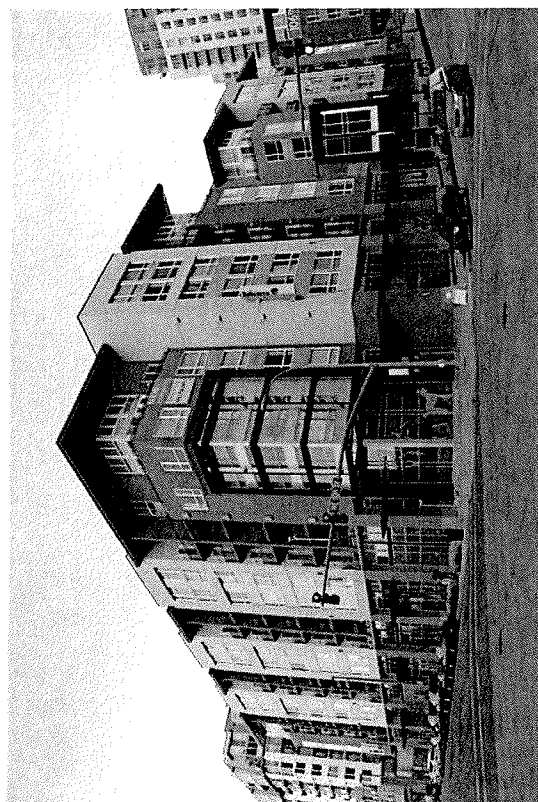
- **Mixed-use structures in downtown cores** - particularly 5-story and up be composed of smaller studio, 1, and some 2-bedroom units to reflect the higher costs associated with this building construction and the type households most suited to live in this type of structure and urban environment.

### Innovative affordable housing solutions

August Wilson Place - is a 57-unit apartment project developed by the Low Income Housing Institute as tax credit housing in downtown Bellevue named for the Pulitzer Prize winning African-American playwright.

The apartment units are studio, studio-plus, two-bedroom, and three bedroom ranging from 349 to 1,059 square feet. 12 units are for homeless people, 8 for veterans, 3 are for families with developmental disabilities, and the balance for workforce housing. The apartments are available to people making at or below 60% of the area median income (AMI) and range from \$400 to \$900 per month.

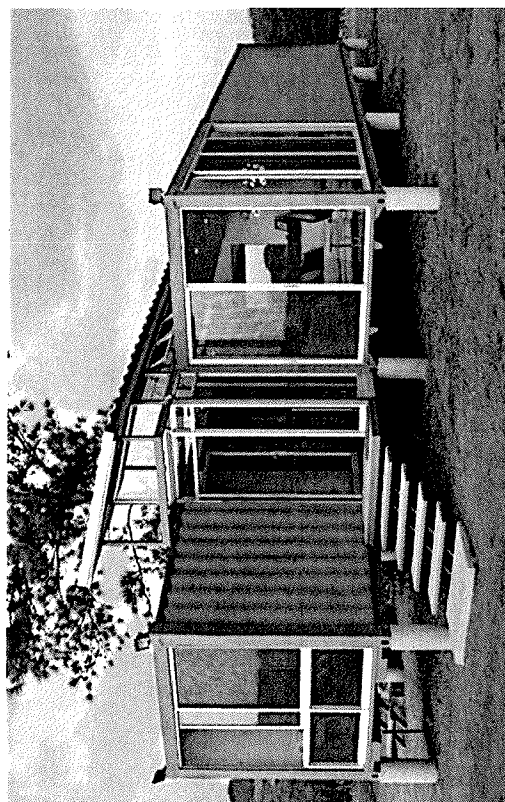
The project has a community room, computer lab, gathering space, and 23 parking stalls of underground parking at a ratio of 0.40 parking stall per unit.



### Innovative affordable housing solutions

Container housing - pre-fabricated

manufacturers are building modular homes by using up-cycled shipping containers or by using shipping containers as a model for designing modular structures that are easily transportable. A container house can be retrofitted for as little as \$36,000 (not including land or utility connections) or much higher in cost as multiple units are combined or more elaborately finished. Container housing is becoming popular as accessory dwelling units in urban neighborhoods and for migrant, seasonal, and recreation homes in a wide variety of settings.



## Appendix A: Glossary

The following definitions are abstracted from the US Census glossary of definitions for those terms of most interest to this housing analysis - a complete glossary of all Census definitions is available from the US Department of Commerce website.

### Age

Age is generally derived from date of birth information, and is based on the age of the person in complete years.

### American FactFinder (AFF)

An electronic system for access and dissemination of Census Bureau data on the internet. The system offers prepackaged data products and user-selected data tables and maps from Census 2000, the 1990 Census of Population and Housing, the 1997 Economic Census, and the American Community Survey. The system was formerly known as the Data Access and Dissemination System (DADS).

### Average

The number found by dividing the sum of all quantities by the total number of quantities. Related terms: Mean, Median

### Average family size

A measure obtained by dividing the number of members of families by the total number of families. Related term: Family

### Average household size

A measure obtained by dividing the number of people in households by the total number of households. Related term: Household

### Average household size of owner-occupied units

A measure obtained by dividing the number of people living in owner-occupied housing units by the number of owner-occupied housing units. Related term: Owner-occupied housing unit

### Average household size of renter-occupied units

A measure obtained by dividing the number of people living in renter-occupied housing units by the number of renter-occupied housing units. Related term: Renter-occupied housing unit

### Census

A complete enumeration, usually of a population, but also of businesses and commercial establishments, farms, governments, and so forth.

### Census (decennial)

The census of population and housing, taken by the Census Bureau in years ending in 0 (zero). Article I of the Constitution requires that a census be taken every ten years for the purpose of reapportioning the U.S. House of Representatives.

### Census county division (CCD)

A subdivision of a county that is a relatively permanent statistical area established cooperatively by the Census Bureau and state and local government authorities. Used for presenting decennial census statistics in those states that do not have well-defined and stable minor civil divisions that serve as local governments.

### Census designated place (CDP)

A statistical entity, defined for each decennial census according to Census Bureau guidelines, comprising a densely settled concentration of population that is not within an incorporated place, but is locally identified by a name. CDPs are delineated cooperatively by state and local officials and the Census Bureau, following Census Bureau guidelines. Beginning with Census 2000 there are no size limits. Related term: Incorporated place

### Child

A son or a daughter by birth, an adopted child, or a stepchild, regardless of the child's age or marital status. Related terms: Own children, Related children,

### City

A type of incorporated place in 49 states and the District of Columbia. In 23 states and the District of Columbia, some or all cities are not part of any Minor Civil Division (MCD), and the Census Bureau also treats these as county subdivisions, statistically equivalent to MCDs. Related terms: Incorporated place, Minor civil division (MCD)

### Class of worker

All people over the age of 15 who have been employed at any time are asked to designate the type of work normally done or the work performed most regularly. Occupations and types of work are then broken down into the following 5 classes:

- **Private Wage and Salary Workers**--Includes people who worked for wages, salary, commission, tips, pay-in-kind, or piece rates for a private-for-profit employer or a private-not-for-profit, tax-exempt, or charitable organization.
- **Self-employed people** whose business was incorporated are included with private wage and salary workers because they are paid employees of their own companies. Some tabulations present data separately for these subcategories: "For profit," "Not-for-profit," and "Own business incorporated."
- **Government Workers**--Includes people who are employees of any local, state, or federal governmental unit, regardless of the activity of the particular agency. For some tabulations, the data are presented separately for the three levels of government.
- **Employees of foreign governments**, the United Nations, or other formal international organizations controlled by governments should be classified as "Federal Government employee."
- **Self-Employed Workers**--Includes people who worked for profit or fees in their own unincorporated business, profession, or trade, or who operated a farm.
- **Unpaid Family Workers**--Includes people who worked 15 hours or more without pay in a business or on a farm operated by a relative.
- **Salaries/Self-Employed**--In tabulations that categorize persons as either salaried or self-employed, the salaried category includes private and government wage and salary workers; self-employed includes self-employed people and unpaid family workers.

### Contract rent

The monthly rent agreed to or contracted for, regardless of any furnishings, utilities, fees, meals, or services that may be included. For vacant units, it is the monthly rent asked for the rental unit at the time of interview. Related term: Gross rent

### County subdivision

A legal or statistical division of a county recognized by the Census Bureau for data presentation. The two major types of county subdivisions are census county divisions and minor civil divisions. Related terms: Minor civil division (MCD)

### Demographic profile

A profile includes tables that provide various demographic, social, economic, and housing characteristics for the U.S., regions, divisions, states, counties, minor civil divisions in selected states, places, metropolitan areas, American Indian and Alaska Native areas, Hawaiian home lands and congressional districts. It includes 100-percent and sample data from the decennial censuses. It also is available on CD-ROM. There are five tables in the Demographic Profile, labeled (DP-1 thru DP-5). For Census 2000 data, the DP-1 table will be available as part of the Summary File 1, and the other four tables will be available as part of the Summary File 3 data set.

### Disability

A long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

### Earnings

Earnings is defined as the algebraic sum of wage or salary income and net income from self-employment. Earnings represent the amount of income received regularly before deductions for personal income taxes, Social Security, bond purchases, union dues, Medicare deductions, etc. Related term: Income

### Educational attainment

Refers to the highest level of education completed in terms of the

highest degree or the highest level of schooling completed.

#### **Employed**

Employed includes all civilians 16 years old and over who were either (1) "at work" -- those who did any work at all during the reference week as paid employees, worked in their own business or profession, worked on their own farm, or worked 15 hours or more as unpaid workers on a family farm or in a family business; or (2) were "with a job but not at work" -- those who did not work during the reference week but had jobs or businesses from which they were temporarily absent due to illness, bad weather, industrial dispute, vacation, or other personal reasons. Excluded from the employed are people whose only activity consisted of work around the house or unpaid volunteer work for religious, charitable, and similar organizations; also excluded are people on active duty in the United States Armed Forces. The reference week is the calendar week preceding the date on which the respondents completed their questionnaires or were interviewed. This week may not be the same for all respondents. Related terms: Labor force, Unemployed, Worker.

#### **Experienced civilian labor force**

Consists of the employed and the experienced unemployed. Related term: Unemployed

#### **Family**

A group of two or more people who reside together and who are related by birth, marriage, or adoption.

#### **Family household (Family)**

A family includes a householder and one or more people living in the same household who are related to the householder by birth, marriage, or adoption. All people in a household who are related to the householder are regarded as members of his or her family. A family household may contain people not related to the householder, but those people are not included as part of the householder's family in census tabulations. Thus, the number of family households is equal to the number of families, but family households may include more members than do families. A household can contain only one family for purposes of census

tabulations. Not all households contain families since a household may comprise a group of unrelated people or one person living alone. Related terms: Household, Householder

#### **Family size**

Refers to the number of people in a family.

#### **Family type**

Refers to how the members of a family are related to one another and the householder. Families may be a "Married Couple Family," "Single Parent Family," "Stepfamily," or "Subfamily."

#### **Female householder, no husband present**

A female maintaining a household with no husband of the householder present.

#### **Gross rent**

The amount of the contract rent plus the estimated average monthly cost of utilities (electricity, gas, and water and sewer) and fuels (oil, coal, kerosene, wood, etc.) if these are paid for by the renter (or paid for the renter by someone else). Gross rent is intended to eliminate differentials that result from varying practices with respect to the inclusion of utilities and fuels as part of the rental payment. Related term: Contract rent

#### **Group quarters (GO)**

The Census Bureau classifies all people not living in households as living in group quarters. There are two types of group quarters: institutional (for example, correctional facilities, nursing homes, and mental hospitals) and non-institutional (for example, college dormitories, military barracks, group homes, missions, and shelters). Related term: Household

#### **Group quarters population**

Those people residing in group quarters as of the date on which a particular survey was conducted. The Census Bureau recognizes two general categories of people in group quarters: (1) institutionalized population and (2) non-institutionalized population. The institutionalized population includes people under formally authorized supervised care or custody in institutions at

the time of enumeration. Such people are classified as "patients or inmates" of an institution regardless of the availability of nursing or medical care, the length of stay, or the number of people in the institution. Generally, the institutionalized population is restricted to the institutional buildings and grounds (or must have passes or escorts to leave) and thus have limited interaction with the surrounding community. Also, they are generally under the care of trained staff who have responsibility for their safekeeping and supervision. The non-institutionalized population includes all people who live in group quarters other than institutions. Related terms: Institutionalized population, Noninstitutionalized population

#### **Homeowner vacancy rate**

The homeowner vacancy rate is the proportion of the homeowner housing inventory which is vacant for sale. It is computed by dividing the number of vacant units for sale only by the sum of owner-occupied units and vacant units that are for sale only, and then multiplying by 100. Related terms: Owner-occupied housing unit, Rental vacancy rate

#### **Household**

A household includes all the people who occupy a housing unit as their usual place of residence.

#### **Household size**

The total number of people living in a housing unit.

#### **Household type and relationship**

Households are classified by type according to the sex of the householder and the presence of relatives. Examples include: married-couple family; male householder, no wife present; female householder, no husband present; spouse (husband/wife); child; and other relatives.

#### **Householder**

The person, or one of the people, in whose name the home is owned, being bought, or rented. If there is no such person present, any household member 15 years old and over can serve as the householder for the purposes of the census. Two types of householders are distinguished: a family householder and a

nonfamily householder. A family householder is a householder living with one or more people related to him or her by birth, marriage, or adoption. The householder and all people in the household related to him are family members. A nonfamily householder is a householder living alone or with nonrelatives only.

#### **Housing unit**

A house, an apartment, a mobile home or trailer, a group of rooms, or a single room occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and which have direct access from outside the building or through a common hall. For vacant units, the criteria of separateness and direct access are applied to the intended occupants whenever possible.

#### **Income**

"Total income" is the sum of the amounts reported separately for wages, salary, commissions, bonuses, or tips; self-employment income from own nonfarm or farm businesses, including proprietorships and partnerships; interest, dividends, net rental income, royalty income, or income from estates and trusts; Social Security or Railroad Retirement income; Supplemental Security Income (SSI); any public assistance or welfare payments from the state or local welfare office; retirement, survivor, or disability pensions; and any other sources of income received regularly such as Veterans' (VA) payments, unemployment compensation, child support, or alimony. Related term: Earnings

#### **Industrial Classification**

The Economic Census classifies establishments according to the new North American Industry Classification System (NAICS). NAICS codes replace the Standard Industrial Classification (SIC) codes used in previous censuses. NAICS classifies industries using 2-, 3-, 4-, 5-, and 6-digit levels of detail. 2-digit codes represent sectors, the broadest classifications. 6-digit codes represent individual industries in the U.S. Related terms: Economic census, North American Industry Classification System (NAICS)

### **Industry (economic)**

In the 1997 economic census data, U.S. industries are classified using a 5- or 6- digit NAICS code. Industry groups are represented by classification using a 4 digit NAICS code. Related term: North American Industry Classification System (NAICS)

### **Industry (population data)**

Information on industry relates to the kind of business conducted by a person's employing organization. For employed people the data refer to the person's job during the reference week. For those who worked at two or more jobs, the data refer to the job at which the person worked the greatest number of hours. Some examples of industrial groups shown in products include agriculture, forestry, and fisheries; construction; manufacturing; wholesale or retail trade; transportation and communication; personal, professional and entertainment services; and public administration. Related terms: Economic census, Employed

### **Journey to work**

Includes data on where people work, how they get to work, how long it takes to get from their home to their usual workplace, when they leave home to go to their usual workplace, and carpooling. Related terms: Employed, Worker

### **Labor force**

The labor force includes all people classified in the civilian labor force, plus members of the U.S. Armed Forces (people on active duty with the United States Army, Air Force, Navy, Marine Corps, or Coast Guard). The Civilian Labor Force consists of people classified as employed or unemployed. Related terms: Employed, Unemployed

### **Language spoken at home**

The language currently used by respondents at home, either "English only" or a non-English language which is used in addition to English or in place of English.

### **Living quarters**

A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms or a single room occupied as separate living quarters or, if vacant, intended for occupancy as separate living

quarters. Separate living quarters are those in which the occupants live separately from any people in the building and which have direct access from outside the building or through a common hall. Related term: Housing unit

### **Marital status**

Adults are generally classified by marital status as being married, never married, separated, divorced or widowed.

### **Mean**

This measure represents an arithmetic average of a set of numbers. It is derived by dividing the sum of a group of numerical items by the total number of items in that group. For example, mean family income is obtained by dividing the total of all income reported by people 15 years and over in families by the total number of families. Related term: Derived measures

### **Mean income**

Mean income is the amount obtained by dividing the total income of a particular statistical universe by the number of units in that universe. Thus, mean household income is obtained by dividing total household income by the total number of households. For the various types of income, the means are based on households having those types of income. Related term: Income

### **Median**

This measure represents the middle value (if n is odd) or the average of the two middle values (if n is even) in an ordered list of data values. The median divides the total frequency distribution into two equal parts: one-half of the cases fall below the median and one-half of the cases exceed the median. Related term: Derived measures

### **Median age**

This measure divides the age distribution in a stated area into two equal parts: one-half of the population falling below the median value and one-half above the median value. Related term: Age

### **Median income**

The median income divides the income distribution into two equal



groups, one having incomes above the median, and other having incomes below the median. Related term: Income

#### Metropolitan statistical area (MSA)

A geographic entity defined by the federal Office of Management and Budget for use by federal statistical agencies, based on the concept of a core area with a large population nucleus, plus adjacent communities having a high degree of economic and social integration with that core. Qualification of an MSA requires the presence of a city with 50,000 or more inhabitants, or the presence of an Urbanized Area (UA) and a total population of at least 100,000 (75,000 in New England). The county or counties containing the largest city and surrounding densely settled territory are central counties of the MSA. Additional outlying counties qualify to be included in the MSA by meeting certain other criteria of metropolitan character, such as a specified minimum population density or percentage of the population that is urban. MSAs in New England are defined in terms of minor civil divisions, following rules concerning commuting and population density. Related terms: Consolidated metropolitan statistical area (CMSA), Primary metropolitan statistical area (PMSA)

#### Migration

Migration includes all changes of residence including moving into, out of, or within a given area. Foreign country, or state, county and city of previous residence is collected and coded. In 12 states, minor civil division (MCD) is also coded.

#### Mortgage status

"Mortgage" refers to all forms of debt where the property is pledged as security for repayment of the debt, including deeds of trust, trust deed, contracts to purchase, land contracts, junior mortgages, and home equity loans.

#### Multi-unit structure

A building that contains more than one housing unit (for example, an apartment building).

#### Noninstitutionalized population

Includes all people who live in group quarters other than

institutions. Examples: college dormitories, rooming houses, religious group homes, communes, and halfway houses. Related terms: Group quarters (GQ), Group quarters population, Institutionalized population

#### Nonrelatives

Any household member, including foster children, living in the housing unit but not related to the householder by birth, marriage, or adoption. Related terms: Family, Foster children, Household,

#### North American Industry Classification System (NAICS)

NAICS classifies industries using 2-, 3-, 4-, 5-, and 6- digit levels of detail. Two-digit codes represent sectors, the broadest classifications. Six-digit codes represent individual industries in the U.S. The North American Industry Classification System was developed by representatives from the United States, Canada, and Mexico, and replaces each country's separate classification system with one uniform system for classifying industries. In the United States, NAICS replaces the Standard Industrial Classification, a system that federal, state, and local governments, the business community, and the general public have used since the 1930s. Related term: Economic census

#### Not in labor force

Not in labor force includes all people 16 years old and over who are not classified as members of the labor force. This category consists mainly of students, housewives, retired workers, seasonal workers interviewed in an off season who were not looking for work, institutionalized people, and people doing only incidental unpaid family work (less than 15 hours during the reference week). Related term: Labor force

#### Occupation

Occupation describes the kind of work the person does on the job. For employed people, the data refer to the person's job during the reference week. For those who worked at two or more jobs, the data refer to the job at which the person worked the greatest number of hours. Some examples of occupational groups shown in this product include managerial occupations; business and financial specialists; scientists and technicians; entertainment; healthcare;

food service; personal services; sales; office and administrative support; farming; maintenance and repair; and production workers. Related term: Employed

**Occupied housing unit**

A housing unit is classified as occupied if it is the usual place of residence of the person or group of people living in it at the time of enumeration. Related terms: Housing unit, Vacancy status

**Other relative**

Any household member related to the householder by birth, marriage, or adoption, but not specifically included in any other relationship category. Can include grandchildren, parents, in-laws, cousins, etc.

**Own children**

A child under 18 years old who is a son or daughter by birth, marriage (a stepchild), or adoption. For 100-percent tabulations, own children consist of all sons/daughters of householders who are under 18 years of age. For sample data, own children consist of sons/daughters of householders who are under 18 years of age and who have never been married, therefore, numbers of own children of householders may be different in these two tabulations. Related terms: Child, Related children

**Owner-occupied housing unit**

A housing unit is owner occupied if the owner or co-owner lives in the unit even if it is mortgaged or not fully paid for. Related term: Housing unit, Renter-occupied housing unit

**People in family**

Total number of people living in one household and related to the householder. Related terms: Family, Household

**People in household**

Total number of people living in one housing unit. Related terms: Household, Housing unit

**Per capita income**

Average obtained by dividing aggregate income by total population

of an area.

**Population**

All people, male and female, child and adult, living in a given geographic area.

**Population Estimates**

The Census Bureau's Population Estimates Program publishes population numbers between censuses. Estimates usually are for the past, while projections are estimates of the population for future dates. July 1 estimates are published for years after the last decennial census (2000), as well as those for past decades. Data for births, deaths, and domestic and international migration are used to update the decennial census base counts. These estimates are used in federal funding allocations; as inputs to other federal agencies' statistics and per capita time series; as survey controls; and in monitoring recent demographic changes. With each new issue of July 1 estimates, the estimates for the years since the last census are revised. Additional population estimates that include components of change and rankings, are available at <http://www.census.gov/popest/>.

**Poverty**

Following the Office of Management and Budget's (OMB's) Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to detect who is poor. If the total income for a family or unrelated individual falls below the relevant poverty threshold, then the family or unrelated individual is classified as being "below the poverty level." Related term: Income

**Race**

Race is a self-identification data item in which respondents choose the race or races with which they most closely identify.

**Related children**

Includes all people in a household under the age of 18, regardless of marital status, who are related to the householder. Does not include householder's spouse or foster children, regardless of age. Related terms: Child, Own children

### **Rental vacancy rate**

The proportion of the rental inventory which is vacant for rent. It is computed by dividing the number of vacant units for rent by the sum of the renter-occupied units and the number of vacant units for rent, and then multiplying by 100. Related term: Homeowner vacancy rate, Renter-occupied housing unit

### **Renter-occupied housing unit**

All occupied units which are not owner occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter-occupied. Related term: Owner-occupied housing unit

### **Residence 5 years ago**

Indicates the area of residence 5 years prior to the reference date for those who reported that they lived in a different housing unit. Related term: Migration

### **Resident population**

An area's resident population consists of those persons "usually resident" in that particular area (where they live and sleep most of the time).

### **Rural**

Territory, population and housing units not classified as urban. "Rural" classification cuts across other hierarchies and can be in metropolitan or non-metropolitan areas. Related terms: Metropolitan, Urban



**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2016-047B

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator: Matt W. Aamot	M.A.	2/10/2016	<div style="text-align: center;"> RECEIVED   FEB 16 2016   WHATCOM COUNTY COUNCIL </div>	2/9/2016	COTW
Division Head: Mark Personius	MP	2-10-16		2/23/2016	COTW
Dept. Head: Sam Ryan	MP	2-10-16		3/22/16	SCOTW
Prosecutor: Royce Buckingham				3/29/2016	SCOTW
Purchasing/Budget:					
Executive: Jack Louws		2.12.16			

**TITLE OF DOCUMENT:**

Briefing and discussion on Comprehensive Plan Chapter 2 (Land Use).

**ATTACHMENT:**

- 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  
3/22/2016: Briefly discussed. Committee voted to affirm previous decision to support the proposed Birch Bay UGA  
3/29/2016: Discussed and provided preliminary direction

**COUNCIL ACTION:****Related County Contract #:****Related File Numbers:**

AB2016-047

**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).

**Please see current agenda bill for this meeting.**

**This older version of the agenda bill is for history reference.**

**WHATCOM COUNTY COUNCIL AGENDA BILL**

**NO.** 2016-047B

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator: Matt W. Aamot	M.A.	1/27/2016	<div>RECEIVED FEB 02 2016 WHATCOM COUNTY COUNCIL</div>	2/9/2016	Committee of the Whole
Division Head: Mark Personius	MP	1-27-16			
Dept. Head: Sam Ryan	SR	1-28-16			
Prosecutor: Royce Buckingham					
Purchasing/Budget:					
Executive: Jack Louws		2/1/16			

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

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

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:**

Please see current agenda bill for this meeting.

This older version of the agenda bill is for history reference.

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2016-047B

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Matt W. Aamot	M.A.	1/11/2016	<div style="text-align: center;"> <p>RECEIVED</p> <p>JAN 19 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	1/26/2016	Committee of the Whole
Division Head: Mark Personius	MP	1-11-16			
Dept. Head: Sam Ryan	SR	1-12-16			
Prosecutor: Royce Buckingham					
Purchasing/Budget:					
Executive: Jack Louws		1.15.16			

**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:**

- 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:**

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-5901 Fax



**J.E. "Sam" Ryan**  
Director

### Memorandum

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

FROM: Matt Aamot, Senior Planner *MA*

THROUGH: Mark Personius, Assistant Director *MP*

DATE: February 10, 2016

SUBJECT: Comp Plan Update/UGA Review – Chapter 2 (Land Use)

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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.

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-2525 Fax



**J.E. "Sam" Ryan**  
Director

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

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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.

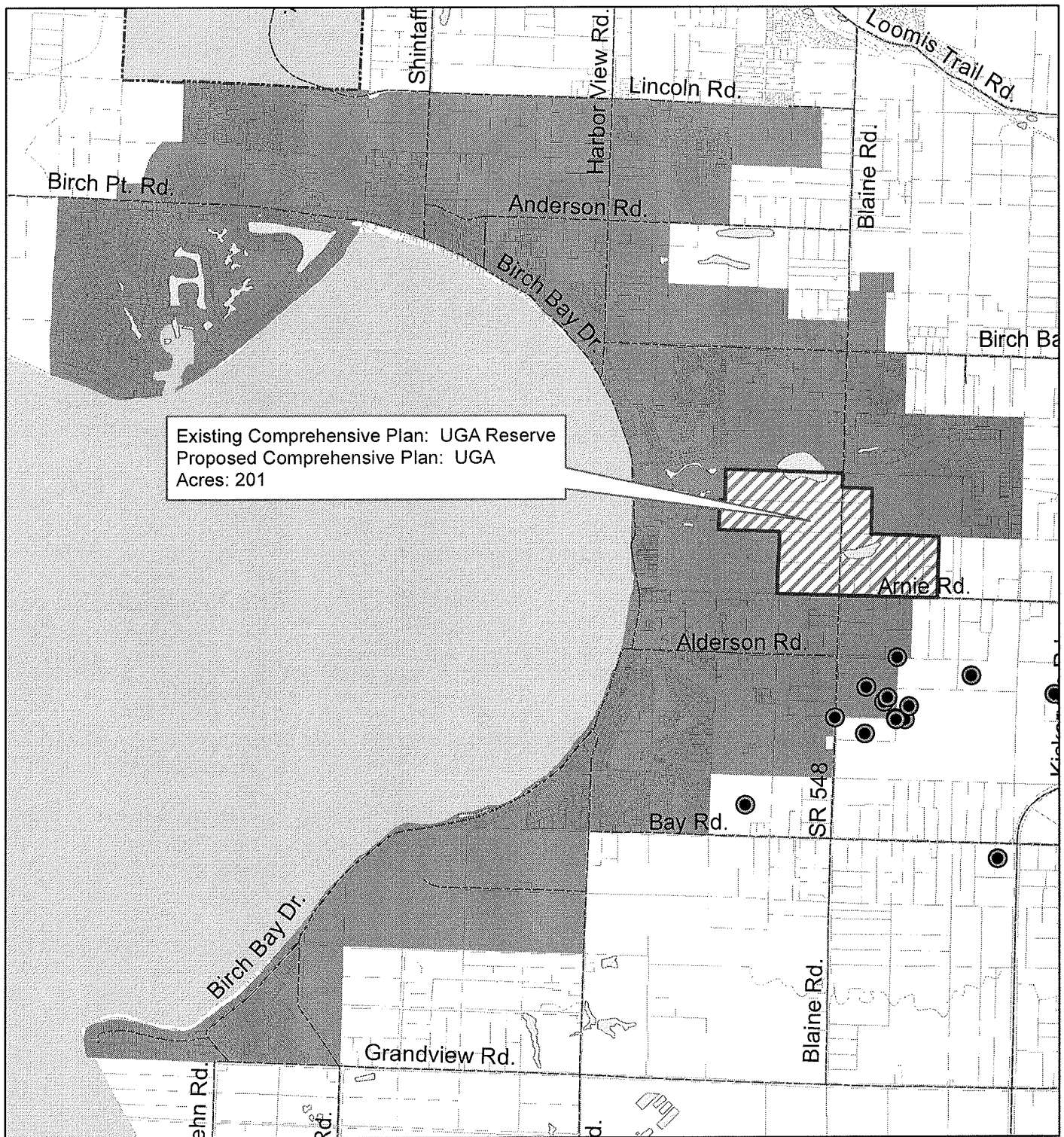
Another point made by Dave Norman is that uncapped or broken water or irrigation wells may expel gas, typically methane exsolving from groundwater that emanates from organic deposits in the subsurface and accumulates in the annular space of the well. He has personally seen one of the wells in the Birch 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 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.



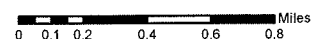
## -Birch Bay Urban Growth Area Proposal

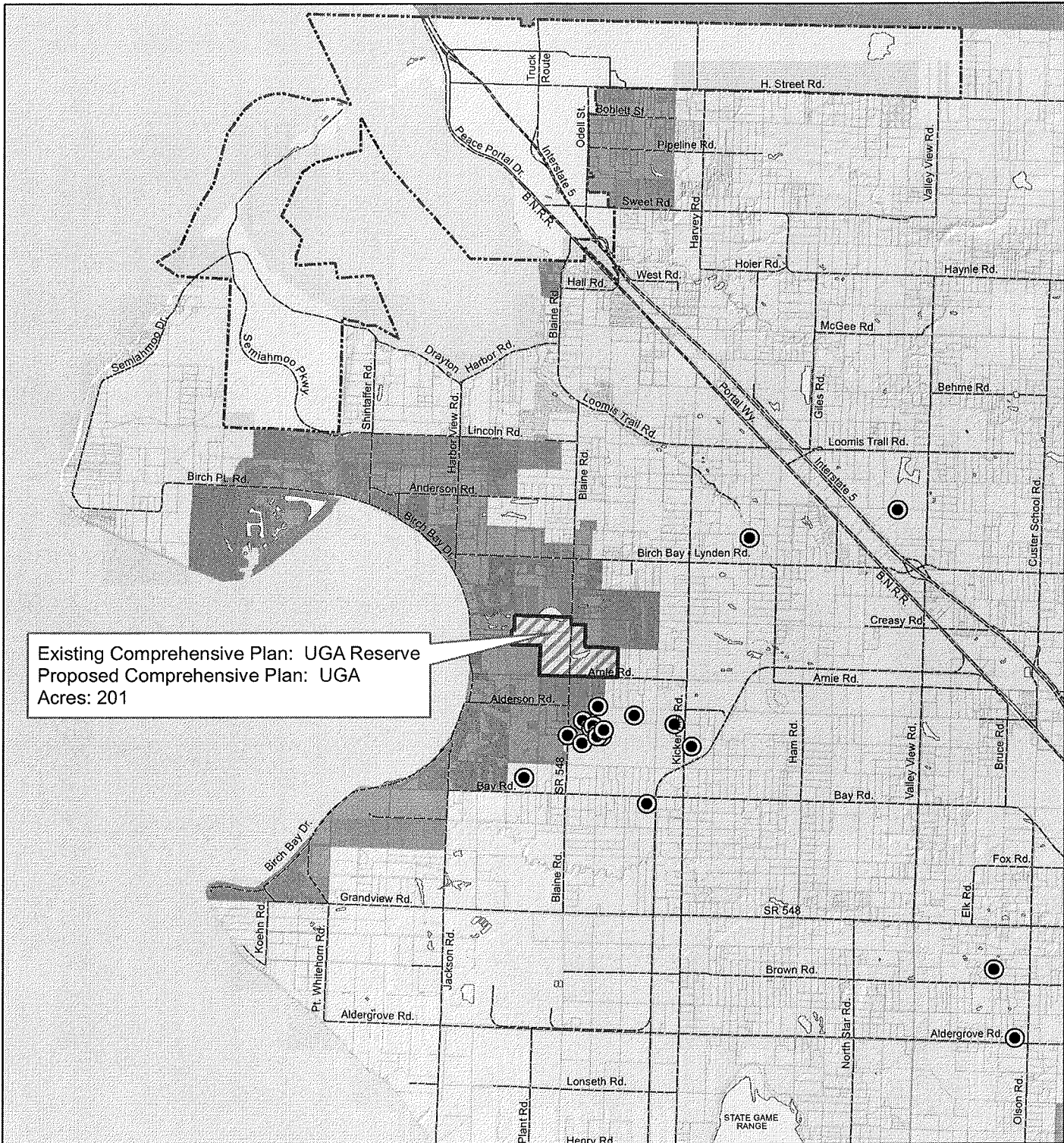
### Legend

- Oil and Gas Wells
- ▭ Proposed Changes to UGA
- ▨ Incorporated City
- Urban Growth Area
- ▤ Urban Growth Area Reserve

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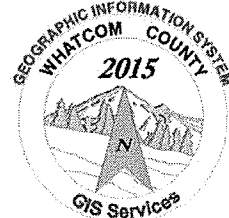
## **-Birch Bay Urban Growth Area Proposal**

### Legend

-  Oil and Gas Wells  
 Proposed Changes to UGA  
 Incorporated City  
 Urban Growth Area  
 Urban Growth Area Reserve

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## **Memorandum**

**TO: WHATCOM COUNTY COUNCIL**

*RAD*

**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.



## WCCHD Recommendations - 2016 Comprehensive Plan Update

Land Use Chapter Recommendations						
Goal/ Policy	2008 Comp Plan Goal language	Recommendation Change? Add? Keep?	Priority Ranking (High- Medium- Low)	Status in Planning Commission Recommended Draft	Associated Health Impacts*	2014 Notes to PDS:  2016 Notes:
2A-1	Policy 2A-1: Concentrate urban levels of development within designated urban growth areas.	Keep.	High	✓ Retained	A, G, K	
2A	GOAL 2A: Ensure provision of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the qualities that make the county a desirable place to live.	Keep.	Low	✓ Retained	A, G, K	Rated low by stakeholder because unclear if "desirable place to live" includes public health interests.
2F-4	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.	Keep.	Medium	✓ Retained	A, G, K	Rated medium since overall this supports health priorities, but there was some uncertainty from stakeholder groups.
2H-1	Policy 2H-1: Review and retain regulations that serve to protect the public welfare, health, and safety.	Keep.	High	✓ Retained	A, C, D, E, F, G, J, K	
2V-2	Policy 2V-2: Ensure that Blaine adopts measures to implement in-fill policies in the proposed Blaine Comprehensive Plan.	Keep.	Medium	✓ Retained, with ensure changed to encourage	A, G, K	

**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 disease, such as type-2 diabetes.  
H: Local food production increases access to healthy foods.  
I: The types of stores available in a neighborhood affect food access.  
**Social Connectedness**  
J: 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.



Goal/ Policy	2008 Comp Plan Goal Language	Recommendation Change? Add? Keep?	Priority Ranking (High- Medium- Low)	Status in Planning Commission Recommended Draft	Associated Health Impacts	2014 Notes to PDS:	2016 Notes:
2X	GOAL 2X: Provide a sufficient Urban Growth Area for Ferndale to retain existing character and attain Growth Management Act and county land use goals.	Keep.	High	✓ Retained	A, G, K		
2X-1	Policy 2X-1: Support City of Ferndale planning efforts for in-fill development within the existing city limits and development of its UGA.	Keep.	High	✓ Retained	A, G, K		
28B-13	Policy 28B-13: Recognize the Columbia Valley UGA as a developing urban community with potential to establish a viable town center, which includes commercial uses, a variety of residential housing types, and institutional uses.	Keep.	High	✓ Retained, now 28B-15	A, G, K		
28B-19	Policy 28B-19: Explore alternatives for traffic impact mitigation including: <ul style="list-style-type: none"> <li>enhanced bus service to Sudden Valley</li> <li>consideration of some additional commercial and limited light industrial development within existing Neighborhood Commercial and Resort Commercial zones to create a fuller service community to limit shopping and journey to work trips</li> </ul>	Keep.	High	Removed.	A, G, K	Aligns with policy priorities re: social connectedness - <ul style="list-style-type: none"> <li>Balance commercial and residential development (jobs and housing) within county to reduce the number of people who must commute a long distance to work; prioritize commercial/economic development strategies that match jobs to existing residents' skills and employment needs.</li> </ul>	Reason for change: Policy concerning enhanced bus service to Sudden Valley modified and moved to Chapter 6, Transportation. The second bullet on additional commercial and light industrial development was deleted, as Sudden Valley is now a Rural Community Type I LAMIRD and subject to limitations in Policy 2J1-1 through 29 8.

Goal/ Policy	2008 Comp Plan Goal Language	Recommendation Change? Add? Keep?	Priority Ranking (High- Medium- Low)	Status in Planning Commission Recommended Draft	Associated Health Impacts	2014 Notes to PDS:	2016 Notes:
2RR	GOAL 2RR: Identify and protect open space corridors within and between urban growth areas. These corridors should include trails and other lands useful for recreation, while emphasizing wildlife habitat, and connection of critical areas, where feasible.	Keep.	Medium	✓ Retained	A, C, D, J, K		
2RR-5	Policy 2RR-5: Plan greenway corridors within urban growth areas. Ensure development is consistent with these corridors through the permit process and incentive programs.	Keep.	High	✓ Retained	A, C, D, J, K		Existing Comp Plan Policy 9D-4 is to "Promote the integration of recreational and open space opportunities in subarea planning, subdivisions and other development proposals." Additionally, the existing Whatcom County Land Division Regulations (Title 21) include criteria for approval of long plats (generally 5 lots or more). These approval criteria already require review of provisions for open space, parks & recreational facilities and playgrounds (WCC 21.05.037).
2RR-6	Policy 2RR-6: Include common open space in which pedestrian and bicycle pathways may be integrated in new developments.	Change.	High	✓ Retained, parks and common gathering areas not included. <i>This is addressed through other mechanisms, including Policy 9D-4.</i>	A, C, D, J, K	Add parks or common gathering areas as common open spaces to be integrated in new developments.	Regarding public parks, the County

							<p>Parks and Recreation Department stated, in an e-mail of 2/12/2016, that "The County is primarily the provider of regional parks. We have assisted in helping some areas of the County establish community parks, but do not get involved in neighborhood parks. These are provided through the neighborhood associations or via the incorporated areas."</p>
2SS-1	Policy 2SS-1: Encourage all jurisdictions to provide adequate neighborhood parks and play areas within safe walking and bicycling distances of residential neighborhoods.	Change.	High	✓ Policy retained, walkability standard not included	C, D, J	<p>Add explicit walkability standard (1/4 - 1/2 mile = safe walking and bicycling distance of residential neighborhoods) Include UGAs in this walkability standard.</p>	<p>The County Parks and Recreation Department stated, in an e-mail of 2/12/2016, that "The ¼ to ½ mile is a standard generally used for neighborhood parks. Community parks use a standard of a 5 mile service area and regional parks 25 miles which is where our focus is."</p>
2SS-2	Policy 2SS-2: Link county open space corridors with those of adjacent jurisdictions where viable.	Keep.	Medium	✓ Retained	C, D, J	Existing policy, supportive of active recreation.	Cities will determine their own standards.

Goal/ Policy	2008 Comp Plan Goal Language	Recommendation Change? Add? Keep?	Priority Ranking (High- Medium- Low)	Status in Planning Commission Recommended Draft	Associated Health Impacts	2014 Notes to PDS:	2016 Notes:
2TT-4	Policy 2TT-4: Support the retention of open space and open space corridors through the use of education and incentives, such as purchase or transfer of development rights, density bonuses within UGAs, cluster development, and acquisition of easements.	Keep.	Medium	✓ Retained	A, C, D, J, K		
2UU	GOAL 2UU: Utilize the established process for siting essential public facilities.	Keep.	High	✓ Retained	A, G, K		
2UU-2	Policy 2UU-2: Where possible, use essential public facilities sites jointly for public benefit; trails or open space, for example, could share a corridor or site used primarily for transportation.	Keep.	High	✓ Retained	C, D, G, J	Explicitly include farmers markets here? Markets could take place at parks, school grounds, libraries, community centers, etc.	
2VV-1	Policy 2VV-1: Locate essential public facilities that generate traffic equal to or greater than similar-sized residential or commercial development near major transportation corridors.	Keep. Existing policy, supportive of active recreation.	Low	✓ Retained	A, B, F, K		

Possible additions: (some specific to UGAs)							
Goal/ Policy	Sample Language	Recommendation Change? Add? Keep?	Priority Ranking (High- Medium- Low)	Status in Planning Commission Recommended Draft	Associated Health Impacts	2014 Notes to PDS:	2016 Notes:
n/a	Adopt mixed-use residential, commercial, and office zoning where appropriate to encourage walkability.	Add	High	✓ Added in Policy 2N-7	A, D, K		
n/a	Balance commercial and residential development (jobs and housing) within county to reduce the number of people who must commute a long distance to work; prioritize commercial/economic development strategies that match jobs to existing residents' skills and employment needs.	Add	High	Not included. ✓ These policy suggestions are addressed in transportation and economics chapters.	K		
n/a	Develop an integrated mix of land uses with the goal of all residential parcels being ½ mile of daily retail needs and ¼ mile of transit stops.	Add	High	Not included. ✓ Not suited for rural residential areas.	A, D, K		Whatcom Transportation Authority (WTA) route maps are available at <a href="http://www.ridewta.com/">http://www.ridewta.com/</a> . There are residential parcels throughout the County in rural areas that WTA does not serve. Additionally, WTA does not serve all residential areas within urban growth areas.
n/a	Encourage mixed-use neighborhood design and redevelopment to include small and mid-size grocery stores, seasonal or permanent farmers' markets, and/or mobile healthy food vendors.	Add	High	Not included. ✓ Mixed-use zoning addressed in Policy 2N-7. ✓ Economics chapter also includes a policy that supports development of healthy food retail in underserved areas.	G		Proposed Policy 2N-7 is to "Consider mixed-use zoning, where appropriate, to encourage walkability."

Goal/ Policy	Sample Language	Recommendation Change? Add? Keep?	Priority Ranking (High- Medium- Low)	Status in Planning Commission Recommended Draft	Associated Health Impacts	2014 Notes to PDS:	2016 Notes:
n/a	Ensure that small-scale healthy food retail has an appropriate zone and definition.	Add	High	<p>Not included.</p> <p>✓ Addressed in zoning code.</p> <p>✓ <i>Economics chapter also includes a policy that supports development of healthy food retail in underserved areas.</i></p>	G		Existing commercial zoning districts already allow retail uses. These include: Rural General Commercial (WCC 20.59.051), Neighborhood Commercial Center (WCC 20.60.051), Small Town Commercial (WCC 20.61.051), General Commercial (WCC 20.62.059) and Resort Commercial (WCC 20.64.051).
n/a	Encourage farm stands. Recognize farm/garden stands and farmers' markets as desirable civic uses in neighborhoods, and provide sufficient space, infrastructure, and intermodal transportation access for such uses.	Add	High	<p>Not included.</p> <p>✓ Can be addressed outside of comprehensive plan.</p>	G, H		

Goal/ Policy	Sample Language	Recommendation Change? Add? Keep?	Priority Ranking (High- Medium- Low)	Status in Planning Commission Recommended Draft	Associated Health Impacts	2014 Notes to PDS:	2016 Notes:
n/a	Allow agriculture on publicly owned lands, where appropriate. Examples include possible community garden or community farm sites on public property, including parks, surplus property or public easements.	Add	High	Not included. Outside scope of comprehensive plan.	H		Whatcom County has entered into lease agreements with individuals to farm public property. These agreements have included hold harmless provisions and requirements for insurance.
n/a	Prioritize the development of such sites in low-income and underserved neighborhoods, if doing so promotes equitable access to food-growing opportunities, based on identification process.						Agricultural (gardening) uses on publicly owned property can be addressed outside of the comprehensive plan.
n/a	Provide an easily accessible inventory of all vacant public/private lots and open space which could be used for non-rural agriculture	Add	High	Not included. Addressed outside of comprehensive plan.	H		The County already has maps of land with prime agricultural soils that could be reviewed by people interested in farming.

AB2016-47B

**The following documents are available at  
the Whatcom County Council Office.**



# WHATCOM COUNTY, WA COMPREHENSIVE PLAN REVIEW

## ACTIVE LIVING AND HEALTHY FOOD ACCESS POLICY ANALYSIS MEMORANDUM

SEPTEMBER 2012

PREPARED BY:  
ALTA PLANNING + DESIGN AND  
CHANGLAB SOLUTIONS



**ChangeLab Solutions**  
Law & policy innovation for the common good.

2014

*Health Impact Review of the  
Whatcom County  
Comprehensive Plan*

## Literature Summary: Access to Healthy Food

2014

*Health Impact Review of the  
Whatcom County  
Comprehensive Plan*

## Literature Summary: Physical Activity

2014

*Health Impact Review of the  
Whatcom County  
Comprehensive Plan*

## Literature Summary: Mental Health

2014

*Health Impact Review of the  
Whatcom County  
Comprehensive Plan*

## Literature Summary: Social Context

2014

*Health Impact Review of the  
Whatcom County  
Comprehensive Plan*

## Literature Summary: Injury & Safety

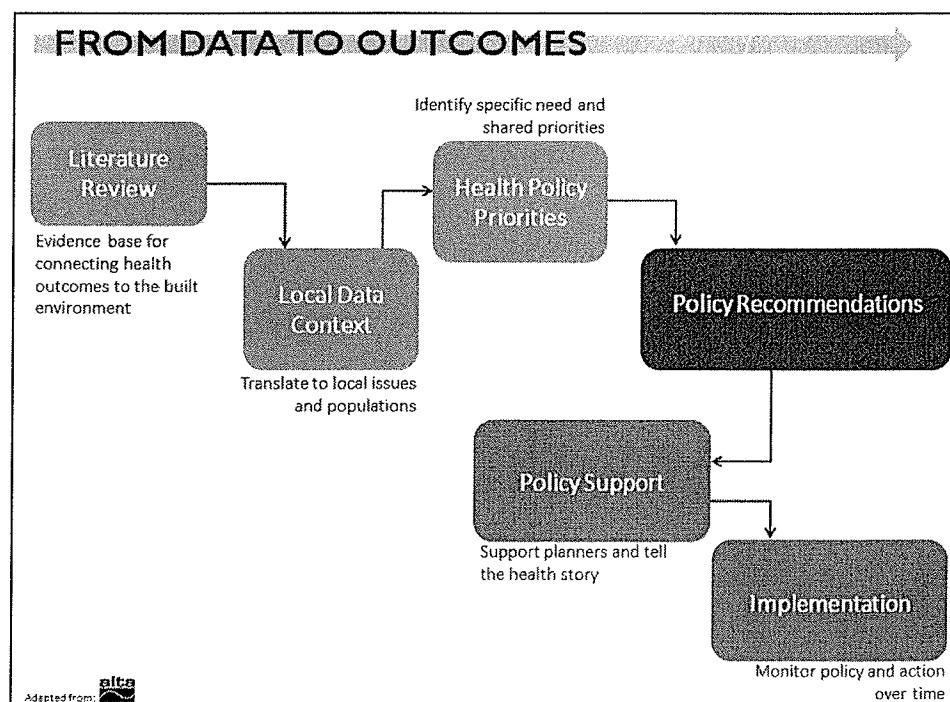
# Healthy Planning Workshop: Summary Report



## 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.





## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

210 Lottie Street, Bellingham, WA 98225  
Telephone: (360) 778-8300 Fax: (360) 778-8302 TTY: (360) 778-8382

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 9<sup>th</sup>, 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 22<sup>nd</sup>, 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 9<sup>th</sup> 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

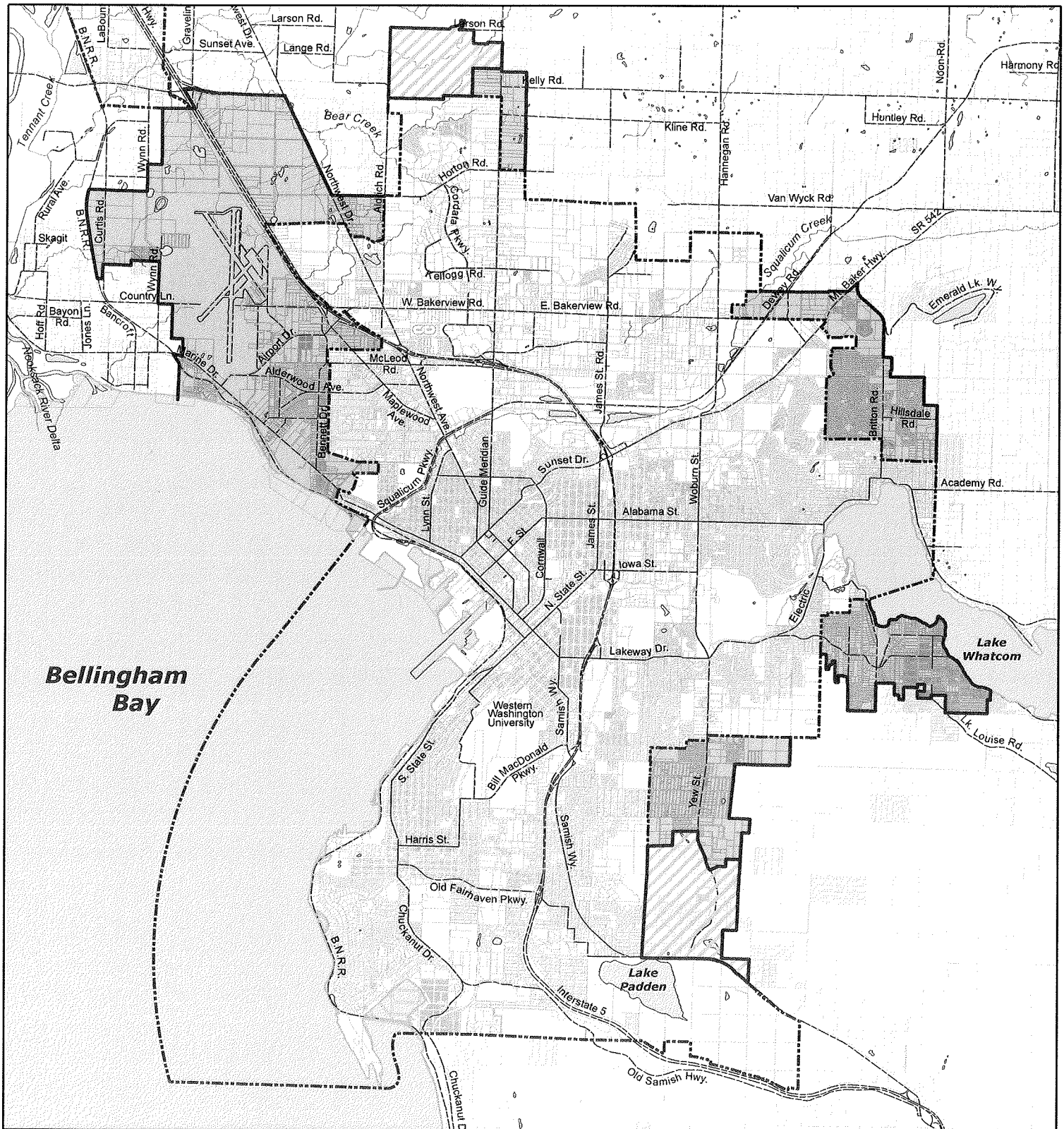
*Proposed language change to Chapter 2 – Land Use  
(pages 2-102 and 2-103)*

**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.



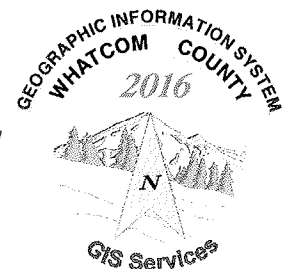
## - Bellingham Urban Growth Area

-  Incorporated City
-  Urban Growth Area
-  Urban Growth Area Reserve

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0 0.375 0.75 1.5 Miles



## 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. 2-8; 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)**
- 2) p.2-10; Policy 2D-2: ~~Eliminate regulations that could be more effectively achieved through incentive or education programs.~~ **(Donovan)**
- 3) p. 2-11; Policy 2D-9 (ln. 34): ...or zone 6 (traffic pattern zone) as shown ~~on~~ in the Safety Compatibility Zone Examples... **(Brenner)**
- 4) 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)**
- 5) 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)**
- 6) 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)**
- 7) 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~~ does not adequately serve the needs of different regions of the county. **(Brenner)**
- 8) p. 2-18; Goal 2M: Protect and encourage restoration of habitat for fish and wildlife populations including adequate in-stream flows. **(Weimer)**
- 9) 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)

- 10a) 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)
- 10b) 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)
- 11) 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)
- 12) p.2-25; Policy 2Q-5: Encourage and assist the citizens of Birch Bay and Columbia Valley Urban Growth Areas with ~~the requirements to~~ incorporate when appropriate. (Brenner)
- 13) 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)
- 14) p. 2-35: Bellingham UGA Map: Amend map to show South Caiac 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.***

- 15) 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)

16) 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)

17) 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)

18) 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)

19) p. 2-48; Policy 2X-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)

20) 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)

21) 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)

22) 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)

23) **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)**

24) 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)**

25) 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)**

26) 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)**

27) p. 2-77; **New Policy 2CC-2** (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)**

28) p. 2-77; Policy 2CC-7: ~~Resist inclusion of~~ **Exclude** Cherry Point as part of any future incorporation of Birch Bay. **(Brenner)**

29a) 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)**

29b) 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*)

30) 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)

31) 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)

32) p. 2-128; Policy 2VV-7: Correctional facilities... New facilities should be located: ...

- At least one quarter mile from public and private schools.

(Weimer)

33a) New Goal 2xyz: Administer a Transfer of Development Rights program. (Donovan)

33b) New Policy 2xyz-1:Identify and establish sending areas in the Agricultural Zone and Agricultural Study Areas. (Donovan)

33c) New Policy 2xyz-2:Identify and establish receiving areas within existing UGAs. (Donovan)

## Changes Approved March 29

- 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, and 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 considered in land use decisions. **(Weimer)**
- 2) 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)**
- 3) 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)**
- 4) 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)**
- 5) p. 2-6; Policy 2A-8: Include business/industry parks, tourist/resort areas, ~~and~~ allowance for existing crossroads commercial areas ... **(Brenner)**
- 6) p. 2-6; Policy 2A-12: Adoption of residential, industrial, ~~and~~ commercial comprehensive plan... **(Brenner)**
- 7) 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)**
- 8) 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. Many potential industrial employers seeking to locate in Whatcom County require large tracts of land where the infrastructure and site improvements are already in place. **(Weimer)**
- 9) 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)**

- 10) 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, legally available water, and goals and policies of all chapters of this plan. (Weimer)
- 11) p. 2-6; New Policy 2A-14: Strive to establish by December 2017, a clear, predictable, and fair process for allowing expansion of urban growth areas that considers reasonable measures to mitigate the impacts of growth. This process should include:

Convening a multi-stakeholder work group, including the Cities, tasked with:

- Reviewing the current TDR and PDR programs.
- Identifying political, financial, and regulatory barriers to effective TDR and PDR programs.
- Identifying opportunities and solutions for creating a workable TDR program.
- Identifying mechanisms to create a PDR fund that could be used to protect important agricultural and rural lands.
- Recommending policy and regulatory amendments necessary to implement the above policy.
- Identifying proposed sending areas in critical areas, the Agricultural Zone, and the Rural Study Areas.
- Identifying receiving areas.
- Identifying other factors and/or growth management tools.

Based upon the findings of the multi-stakeholder work group, consider strategies that could require purchase, transfer or otherwise incentivize removal of potential development rights from rural or resource lands.

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. \_\_\_\_\_

2016-018

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Paula J. Harris	<i>PH</i>	3/24/16	<div style="text-align: center;"> RECEIVED   MAR 29 2016   WHATCOM COUNTY COUNCIL </div>	4-5-16	Executive Session
Division Head: Gary Stoyka	<i>GS</i>	3/24/16			
Dept. Head: Jon Hutchings	<i>JH</i>	3/24/16			
Chief Civil Deputy Prosecutor: Dan Gibson	<i>DG</i>	03/24/16			
Purchasing/Budget:					
Executive: <i>TV</i>		3/28/16			

## TITLE OF DOCUMENT:

*Discussion regarding potential litigation regarding Rutsatz Road Emergency Project*

**ATTACHMENTS:** None

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.)

**COMMITTEE ACTION:**


**COUNCIL ACTION:**

Related County Contract #:

Related File Numbers:

Ordinance or Resolution  
Number:

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

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	AL	3/21/16	<div style="text-align: center;"> RECEIVED   MAR 29 2016   WHATCOM COUNTY  COUNCIL </div>	4/5/2016	Special Presentation
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:		3/28/16			
<b>TITLE OF DOCUMENT:</b> Executive Louws to present "State of the County"					
<b>ATTACHMENTS:</b> No attachments					
SEPA review required? ( ) Yes ( x ) NO SEPA review completed? ( ) Yes ( x ) NO			Should Clerk schedule a hearing? ( ) Yes ( x ) NO Requested Date:		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)					
County Executive Jack Louws to present the "State of the County" address					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b>		
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: <a href="http://www.co.whatcom.wa.us/council">www.co.whatcom.wa.us/council</a> .					

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WHATCOM COUNTY COUNCIL  
**Special Committee of the Whole**

February 23, 2016

**CALL TO ORDER**

Council Chair Barry Buchanan called the meeting to order at 3:28 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.

**COMMITTEE DISCUSSION**

**1. BRIEFING AND DISCUSSION ON COMPREHENSIVE PLAN CHAPTER 2, LAND USE (AB2016-047B)**

Matt Aamot, Planning and Development Services Department, stated his presentation on the Land Use Chapter will be divided into three parts: the Growth Management Act (GMA) and countywide planning policies (CWPPs), an overview of the current content in Chapter 2, and several proposed amendments to Chapter 2. He submitted and read from a presentation (*on file*) and described the history of the GMA requirements and elements and the countywide planning policies.

Aamot referenced Comprehensive Plan page 2-1 regarding the vision statement. The vision statement has not been changed since 1997. It has guided Whatcom County's planning efforts. He continued the presentation.

Last summer, the City of Bellingham recommended maintaining the existing Bellingham UGA boundaries. Preliminary direction from the County Council on February 9, 2016 was to concur. The Bellingham City Council also recommended creating a UGA reserve area on the north side of the city called the South Caitac area. He would like direction on whether the County Council wants to maintain the Caitac urban growth area (UGA) reserve area.

Brenner asked if the Caitac property leaves out the Larson Road area. Aamot stated it does.

Aamot continued the presentation with the Comprehensive Plan designations and open space.

Brenner asked if designated forestland is a combination of what used to be Open Space/Forestry and designated forestry land. Aamot stated it is.

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1  
2 Aamot continued the presentation on essential public facilities and on historic and  
3 cultural resources, and he began the portion of the presentation on proposed amendments  
4 to Chapter 2.  
5

6 Brenner asked at what point in the process the County Council can say no. Aamot  
7 stated the GMA encourages growth in UGAs. The GMA mandates protection of rural  
8 character, but there are many existing lots that have already been created. A lot of land  
9 has been downzoned through the rural update. Transfers of development rights (TDRs) and  
10 purchases of development rights (PDRs) are other possible tools for rural areas. The issue  
11 of water provisions in rural areas is before the State Supreme Court.  
12

13 Brenner stated the City of Bellingham seems to be growing less and less. She would  
14 like to know what the balance is.  
15

16 Aamot continued the presentation.  
17

18 Brenner asked if combining the Open Space/Forestry and designated forestry land  
19 and reducing the number of acres to five caused a run on getting that category. Aamot  
20 stated it is now five acres. That is a question for the County Assessor.  
21

22 He concluded the presentation and then referenced policy 2GG-3. Text in that policy  
23 was inserted in 2012 in response to a Hearings Board order. Council should consider  
24 whether or not to leave that language in. Other language is similar, but this is in the  
25 context of rezoning land.  
26

27 Gary Davis, Planning and Development Services Department, described the history  
28 of Policy 2GG-3 to address the ease with which someone could rezone from rural, one unit  
29 per ten acres (R10A) to rural, one unit per five acres (R5A). The language in Goal 2GG is  
30 similar to the first sentence of the policy, which the Planning Commission recommends  
31 removing. Leaving the sentence in the policy won't hurt and adds context to the rezoning  
32 policy.  
33

34 Greg Aucutt, City of Bellingham, stated include the South Caitac property in the UGA  
35 reserve. The area is suitable for future urban development.  
36

37 Brenner stated she hears that people want to live in Bellingham, but can't afford it.  
38 She asked how the City decides to expand. There is not much available affordable housing  
39 in Bellingham. Aucutt stated it's too expensive for the City to extend services to the Caitac  
40 area.  
41

42 Brenner stated she thought Caitac agreed to pay for a lot of the infrastructure. She  
43 asked if the City could negotiate for Caitac to pay some of the City's infrastructure costs.  
44 Aucutt stated they didn't discuss it. He doesn't know if the City would fast-track a  
45 development if the developer offered to pay for the infrastructure.  
46

47 Browne stated he likes the direction of Councilmember Brenner's question. He asked  
48 the cost per unit to install the infrastructure for Caitac. Aucutt stated the estimate may be  
49 \$30 million to \$40 million.  
50



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1 Browne asked if the City would be amenable to incorporating the Caitac area if Caitac  
2 were to offer to pay all or a significant portion of the City's infrastructure cost. Aucutt  
3 stated he doesn't know what the City Council would approve. The population growth  
4 forecast must support additional land. The County Comprehensive Plan requires criteria for  
5 an area to meet to go from reserve to UGA. If there is a plan to provide the services and  
6 financing, and all the criteria are met, they can talk about converting the land to UGA and  
7 eventual annexation.

8  
9 Browne stated the lack of affordable housing impacts the ability of business to attract  
10 talented and qualified employees to the community. He would like to have a discussion on  
11 how to make a meaningful difference to the occupancy rate, which is unreasonably low, and  
12 the housing inventory. That may include a proposal for the developer to absorb the cost of  
13 infrastructure now in exchange for bringing forward their right to develop a project sooner.  
14 Aucutt stated the infrastructure requirements at Caitac and at Yew Street are significant.  
15 There is a question about how affordable that housing would be, especially if the developer  
16 were to pay for all the improvements.

17  
18 Browne stated that's driven by the allowed density and the original land acquisition  
19 cost. Aucutt stated a benefit of putting a property in a reserve is that it designates the area  
20 for a future urban growth area.

21  
22 Donovan asked Councilmember Browne how the original land acquisition cost would  
23 affect housing affordability.

24  
25 Browne stated that when the land was originally purchased by the developer, it could  
26 have been priced based on whether it was rural or urban land. On top of the purchase  
27 price, there may be impact fees. Several different expenses contribute to the cost of the  
28 raw land before anything is built on it. If that amount is acceptable, the developer will build  
29 on the property.

30  
31 Brenner stated the City could loosen its development rules to allow a developer to  
32 help the City pay for its infrastructure costs. Aucutt stated the City would consider it.

33  
34 Browne stated that to pay for infrastructure in an urban growth area, the City would  
35 finance the work with a bond and pay off the bond with impact fees. Aucutt stated impact  
36 fees pay a portion of the cost, in the amount of 15 or 20 percent. The rest of the cost is  
37 paid from street funds, grants, or other sources. Stormwater fees would pay for operating  
38 costs and to pay down the bond.

39  
40 Browne stated the developer should have the opportunity to take care of the cost of  
41 the bond, since they have to pay the impact fees anyway.

42  
43 Donovan asked if the County Council voted to approve something other than the  
44 Planning Commission recommendation. Aucutt stated the County Council voted in favor of  
45 the staff's recommendation of a growth allocation of approximately 31,000.

46  
47 Donovan asked if the Caitac areas was previously a UGA reserve. Aucutt stated it  
48 was not.

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1 Donovan asked what being a UGA reserve area allows, in practice. He asked if it's  
2 easier to be annexed. Aamot stated reserves cannot be annexed. Only UGAs can be  
3 annexed. Being a UGA reserve area means that the area will be first to be considered for  
4 expansion of the UGA in the future. There is no guarantee.

5  
6 Weimer asked what the development regulations in UGA reserve areas are and if the  
7 County precludes development in a reserve so it's not broken up into small chunks. Aamot  
8 stated that is correct. There is a ten-acre minimum.

9  
10 Weimer asked if the area can be divided up according to the underlying zoning if it's  
11 left out of the UGA reserve area. Aamot stated it can.

12  
13 Darcy Jones, Jones Engineers and Caitac USA Representative, stated the City Council  
14 recommends that Caitac be in the UGA reserve area. The Planning Commission  
15 recommends that the Caitac area be in the UGA. Caitac was told that it would not be  
16 brought in to the UGA because of population allocation and land capacity. The land capacity  
17 of the city is significantly less than the City's estimate. The FEIS alternative allocation is  
18 3,000 people less than the multi-jurisdictional resolution, which would allow Caitac to be in  
19 the UGA, based on land capacity and population. He understands there is an overriding  
20 budget issue. The GMA math has to do with population and land capacity. The city needs  
21 Caitac to meet these population and capacity levels.

22  
23 He's looked into the City's existing deficiencies. Of the \$32 million assigned to  
24 Caitac, over \$10 million was actually for the King Mountain project. It was mis-allocated to  
25 the Caitac project in the fiscal model. There are similar inconsistencies attributed to South  
26 Yew Street that should be shared with other areas. The real cost is closer to \$20 million.  
27 The City's cost to build a water tank for \$4.5 million would be much less for the private  
28 sector. There is a significant difference between what the private sector can deliver and the  
29 amount the City assigns to the project. Caitac is open to any discussion the City and  
30 County would like to have.

31  
32 Browne asked if it would make sense financially if the Caitac developer paid for the  
33 City's existing deficiencies in exchange for developing now instead of in ten years. Jones  
34 stated their fiscal impact analysis considers some contribution to the City's costs at a certain  
35 level. There are many mechanisms to promote housing at the north end of the city. He will  
36 look into this option and talk to his client.

37  
38 Clayton Petree stated his clients in the South Yew Street UGA reserve area have had  
39 discussions with the City and County about the infrastructure that would be paid for. The  
40 development was eventually stopped and the area was removed from the UGA and put in  
41 the UGA reserve. It's a very different situation. He encourages councilmembers to look  
42 through that situation.

43  
44 Aucutt stated he disagrees with Mr. Jones' comments. He will provide a response in  
45 writing.

46  
47 Mark Personius, Planning and Development Services Department, stated the cost of  
48 financing public improvements to urbanize these areas is a big issue. They are considering  
49 cost sharing, financing, and alternative options for financing capital improvements in the  
50 future. It's not something they can solve today, but they are aware of the issue. He will

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work with the City to develop language that designates the South Caitac area as a UGA reserve. He will bring forward that language at a future meeting.

Weimer asked if there was public outreach and involvement about the Comprehensive Plan language in the Birch Bay and Columbia Valley UGAs. Aamot stated no formal committees were involved. They had discussion with some folks in the area, but nothing formal. There was an extensive process with the Foothills Subarea Plan on the urban growth area boundary, which isn't changing.

## **COMMITTEE DISCUSSION AND PRELIMINARY DIRECTION**

### **1. DISCUSSION AND PRELIMINARY DIRECTION ON COMPREHENSIVE PLAN CHAPTER 1, INTRODUCTION AND GROWTH PROJECTIONS (AB2016-047A)**

Forrest Longman, Council Office, referenced the councilmembers' proposed amendments on Council packet page 263.

**Brenner moved** to amend Comprehensive Plan page 1-5, lines 43-45, "Approximately 73% of the population growth between 1980 and 2013 was due to immigration of people from outside the area seeking jobs, life styles, and/or amenities found in Whatcom County." 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)

**Brenner moved** to amend Comprehensive Plan page 1-15, lines 16-17, "Areas most influenced by seasonal residency include Point Roberts, Birch Bay, Sudden Valley, and the Foothills Subarea." The motion was seconded.

Weimer asked if there are seasonal residents in Sudden Valley. The Sudden Valley representative indicates that there aren't.

Brenner stated she assumes that the community is influenced by seasonal residency.

Mann asked if there is data instead of anecdotes.

Brenner asked if there is data that shows most people live in the Foothills area all year long.

Matt Aamot, Planning and Development Services Department, stated data was gathered during the Foothills Subarea Plan process. There is a higher percentage of seasonal residency than the countywide percentage.

Donovan stated the information on the locations of the vacation rentals by owner (VRBOs) may provide some data on seasonal residency in Sudden Valley.

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1 Browne asked why the private gated communities at Black Mountain Ranch and Cain  
2 Lake aren't included.

3  
4 Mark Personius, Planning and Development Services Department, stated Black  
5 Mountain Ranch and Lakewood at South Lake Whatcom are self-contained recreational  
6 vehicle (RV) parks.

7  
8 **Brenner withdrew** her motion.

9  
10 **Weimer moved** to amend Comprehensive Plan page p. 1-17, lines 44-45, "Resource  
11 land uses, which include agriculture, forestry, aquatic and minerals, are the largest category  
12 of land use in Whatcom County." The motion was seconded.

13  
14 Brenner stated the definition of aquatic means anything in water, but the list is for  
15 productive resource lands. She prefers they use the term "fishing." Aamot stated the  
16 Revised Code of Washington (RCW) 36.70A.020 is the industrial policy, which includes  
17 fisheries. However the RCW list of resource lands doesn't include fisheries resources.

18  
19 Weimer stated it's not required to designate it, but there are many community  
20 members who would like it recognized. It's the term the Department of Natural Resources  
21 (DNR) uses when it talks about aquatic resource lands. He likes the term "aquatic" better  
22 than "fishing" because it fits the vision. Chapter 8 addresses the use of aquatic resource  
23 lands being better than fishing areas.

24  
25 The motion carried by the following vote:

26 **Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)

27 **Nays:** None (0)

28 **Absent:** Sidhu (1)

29  
30 Aamot submitted a substitute for Table 4 in Chapter 1 (*on file*).

31  
32 **Brenner moved** to include the new Table 4. The motion was seconded.

33  
34 The motion carried by the following vote:

35 **Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)

36 **Nays:** None (0)

37 **Absent:** Sidhu (1)

38  
39 **2. DISCUSSION AND PRELIMINARY DIRECTION ON COMPREHENSIVE PLAN**  
40 **CHAPTER 4, CAPITAL FACILITIES (AB2016-047D)**

41  
42 **Brenner moved** to amend Comprehensive Plan page 4-6, Goal 4F, "Achieve level of  
43 service standard for parks and trails identified in this chapter. ~~Support objectives and~~  
44 ~~priorities identified in the Comprehensive Parks, Recreation and Open Space Plan, in the~~  
45 ~~Natural Heritage Plan, and in this plan.~~ Support objectives and priorities identified in  
46 relevant plans, including this plan." The motion was seconded.

47  
48 Weimer asked if they have to identify specific plans. Aamot stated it provides some  
49 specificity and detail. It's discretionary.

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

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1 Browne stated be specific about the external documents they are referring to.

2  
3 Brenner stated there are other relevant plans.

4  
5 Browne stated they must be specifically identified.

6  
7 Brenner stated relevant plans may come forward in the future. Keep it broad.

8  
9 Browne stated he doesn't have a problem with future plans. He is concerned about  
10 an open-ended statement that allows anyone to say they found a plan that should be  
11 included. It's the Council's job to define the governing documents.

12  
13 The motion failed by the following vote:

14 **Ayes:** Brenner (1)

15 **Nays:** Mann, Browne, Buchanan, Weimer and Donovan (5)

16 **Absent:** Sidhu (1)

17  
18 ***Brenner moved*** to amend Comprehensive Plan page 4-7, Policy 4F-4, "Place a high  
19 priority on improvements to existing county recreational sites and facilities and using them  
20 to their full potential, ~~including those outlined in the Whatcom County Comprehensive Parks,~~  
21 ~~Recreation and Open Space Plan,~~ before investing capital in the acquisition and  
22 development of new facilities." Don't include the Parks Plan in case the Council doesn't vote  
23 for it. The motion was not seconded.

24  
25 ***Donovan moved*** to amend Comprehensive Plan page 4-9, Goal 4H, "Coordinate  
26 with non-county facility providers such as cities, school districts, and other special purpose  
27 districts to support the future land use pattern promoted by this plan." It adds greater  
28 clarity. There are references to the capital facility plans for the school districts. Those  
29 purchases drive development. The motion was seconded.

30  
31 The motion carried by the following vote:

32 **Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)

33 **Nays:** None (0)

34 **Absent:** Sidhu (1)

35  
36 Aamot stated the Lynden School District and Fire District 7 approved capital plans,  
37 which will be incorporated into the Comprehensive Plan.

38  
39  
40 **OTHER BUSINESS**

41  
42 There was no other business.

43  
44  
45 **ADJOURN**

46  
47 The meeting adjourned at 4:53 p.m.

48  
49 The Council approved these minutes on \_\_\_\_\_, 2016.

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

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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 AGENDA BILL

NO. 2016-114

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	GD	2/24/16	<div style="text-align: center;"> RECEIVED   MAR 01 2016   WHATCOM COUNTY COUNCIL </div>	3/8/2016	Introduction
Division Head: Mark Personius	MP	2-24-16		3/22/2016	P&D Committee; Intro
Dept. Head: Sam Ryan	SR	2-24-16		4/5/2016	Public Hearing
Prosecutor: Royce Buckingham	RB	2-25-16			
Purchasing/Budget:					
Executive: Jack Louws	AL	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
4. Planning Commission minutes for January 28, and February 11, 2016

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

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

<sup>1</sup> 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:

3/22/2016: Amended and forwarded to Introduction

## COUNCIL ACTION:

3/8/2016: Introduced 7-0  
3/22/2016: Introduced 7-0

Related County Contract #:

Related File Numbers:

PLN2014-00008

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).



## **M E M O R A N D U M**

**TO:** County Council  
Jack Louws, County Executive

**THROUGH:** Mark Personius, AICP, Assistant Director *MP*

**FROM:** Gary Davis, AICP, Senior Planner *GD*

**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)

SPONSORED BY: \_\_\_\_\_  
PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

**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 it 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 in 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 Q.

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:

☐ Approved      ☐ Denied

\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, Executive

Date: \_\_\_\_\_

**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 and paid for 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 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 20.80.970~~20.84.150~~.

.....

**.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 20.80.970~~20.84.150~~.

.....

**.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 ~~20.80.970~~20.84.150.

.....

**.105** Family day care homes subject to the requirements of WCC 20.84.150 for home occupations.

.....

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**Chapter 20.32**  
**RESIDENTIAL RURAL (RR) DISTRICT**

.....

**20.32.100 Accessory uses.**

**.101** Home occupations pursuant to WCC ~~20.80.970~~20.84.150.

.....

**.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 ~~20.80.980~~20.97.089:

(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 20.80.970~~20.84.150~~.

.....

**.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 20.80.980~~20.97.089~~:

(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.

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## **Chapter 20.36 RURAL (R) DISTRICT**

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### **20.36.100 Accessory uses.**

**.101** Home occupations pursuant to WCC ~~20.80.970~~20.84.150.

.....

**.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 20.80.980~~20.97.089~~:

(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 "\*" 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.

.....

**.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 20.80.980~~20.97.089~~:

(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.

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**Chapter 20.37**  
**POINT ROBERTS TRANSITIONAL ZONE (TZ) DISTRICT**

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**20.37.100 Accessory uses.**

**.101** Home occupations pursuant to WCC 20.80.970~~20.84.150~~.

.....

**.106** Family day care homes ~~subject to the requirements of WCC 20.84.150 for~~ home occupations.

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**Chapter 20.40**  
**AGRICULTURE (AG) DISTRICT**

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**20.40.100 Accessory uses.\***

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**.110** Home occupations pursuant to WCC 20.80.970~~20.84.150~~.

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**.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 20.80.980~~20.97.089~~;

.....

**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 20.80.980~~20.97.089~~, the hearing examiner shall find that the cottage industry satisfies the criteria of WCC 20.36.161(1) through (5).

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**Chapter 20.42**  
**RURAL FORESTRY (RF) DISTRICT**

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**20.42.100 Accessory uses.**

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**.105** Home occupations pursuant to WCC 20.80.97020.84.150.

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**20.42.130 Administrative approval uses.**

The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

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**.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).

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**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).

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**Chapter 20.59**  
**RURAL GENERAL COMMERCIAL (RGC) DISTRICT**

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**20.59.100 Accessory uses.**

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**.104** Family day care homes and mini-day care homes; ~~provided, that such uses~~mini-day care homes shall conform to the definition of home occupation, WCC ~~20.80.970~~20.84.150.

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**Chapter 20.60**  
**NEIGHBORHOOD COMMERCIAL CENTER (NC) DISTRICT**

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**20.60.100 Accessory uses.**

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**.104** Family day care homes and mini-day care homes; provided, that such ~~uses~~mini-day care homes conform to the definition of home occupation, WCC ~~20.80.970~~20.84.150; and further provided, that the single-family residence is a legally nonconforming use.

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**Chapter 20.61**  
**SMALL TOWN COMMERCIAL (STC) DISTRICT**

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**20.61.100 Accessory uses.**

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**.102** Home occupation pursuant to WCC ~~20.80.97020.84.150~~.

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**.108** Family day care homes and mini-day care homes; provided, that such ~~uses~~mini-day care homes shall conform to the requirements of home occupation, WCC ~~20.80.97020.84.150~~.

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**Chapter 20.62  
GENERAL COMMERCIAL (GC) DISTRICT**

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**20.62.100 Accessory uses.**

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**.104** Family day care homes and mini-day care homes; provided, that such ~~uses~~min-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.

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**Chapter 20.63  
TOURIST COMMERCIAL (TC) DISTRICT**

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**20.63.100 Accessory uses.**

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**.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.

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**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~~.

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**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~~.

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## **Chapter 20.80 Supplementary Requirements**

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### **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.

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**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.~~

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**Chapter 20.97**  
**DEFINITIONS**

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**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**

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**20.80.210 Minimum Setbacks.**

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<b>Industrial Setbacks</b>							
<b>Heavy Impact Industrial (HII)</b>							
<i>Road Type</i>						<i>Other</i>	
<b>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</b>	<b>Collector Arterials or Major Collectors</b>	<b>Minor Collectors</b>	<b>Local Access Streets</b>	<b>Neighborhood Collector</b>	<b>Minor Access Streets</b>	<b>Side Yard</b>	<b>Rear Yard</b>
100'	100'	100'	100'	100'	30'	30'	30'
1. All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 50 feet. .....							
<b>Light Impact Industrial (LII)</b>							
<i>Road Type</i>						<i>Other</i>	
<b>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</b>	<b>Collector Arterials or Major Collectors</b>	<b>Minor Collectors</b>	<b>Local Access Streets</b>	<b>Neighborhood Collector</b>	<b>Minor Access Streets</b>	<b>Side Yard</b>	<b>Rear Yard</b>
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.

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**EXHIBIT F  
(LUMMI ISLAND LOT CONSOLIDATION REFERENCE)**

**Chapter 20.34  
RURAL-RESIDENTIAL-ISLAND DISTRICT**

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**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 ~~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.

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**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~~ 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.

**20.83.072** 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.

**20.83.073** 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.

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**EXHIBIT G  
(LUMMI ISLAND PLAN SLOPE REFERENCE)**

**Chapter 20.34  
RURAL-RESIDENTIAL-ISLAND DISTRICT**

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**~~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).~~

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**EXHIBIT H  
(MAJOR PROJECT PERMIT PROCEDURES)**

**Chapter 20.88  
MAJOR PROJECT PERMITS**

**20.88.200 Procedure.**

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**.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.

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**.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.~~

~~(32) 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, ~~T~~the county council's shall issue a final written decision ~~including~~ may include conditions when the project is approved and shall stateing the findings of fact upon which the decision is based.

~~.260~~ Deliberation at aAny public hearing meeting 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 The 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).

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## **Chapter 20.92**

### **HEARING EXAMINER**

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#### **20.92.430 Time limitation on decision.**

Except for major project permits, eEach 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**

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**20.36.050 Permitted uses.**

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**.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.

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**20.36.130 Administrative approval uses.**

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~~**.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.

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## **Chapter 20.80 Supplementary Requirements**

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### **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.

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## **Chapter 20.97 Definitions.**

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### **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.

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**EXHIBIT J**  
**(NONCONFORMING USE REFERENCE)**

**Chapter 20.83**  
**NONCONFORMING USES AND PARCELS**

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**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)~~.

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**20.83.070 Lot consolidation.**

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**.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:

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(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.

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**EXHIBIT K  
(APPLYING DEVELOPMENT STANDARDS TO PUBLIC UTILITIES)**

**Chapter 20.82  
PUBLIC UTILITIES**

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**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.

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**EXHIBIT L  
(PROHIBITED USES)**

**Chapter 20.20  
URBAN RESIDENTIAL (UR) DISTRICT**

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**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~~Reserved.
- .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.

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**Chapter 20.22  
URBAN RESIDENTIAL – MEDIUM DENSITY (URM) DISTRICT**

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**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 ~~Reserved~~All other uses.

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**Chapter 20.24  
URBAN RESIDENTIAL MIXED (UR-MX) DISTRICT**

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**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.

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### **Chapter 20.32 RESIDENTIAL RURAL (RR) DISTRICT**

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#### **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.

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### **Chapter 20.34 RESIDENTIAL RURAL-ISLAND (RR-I) DISTRICT**

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#### **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.

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### **Chapter 20.35 ELIZA ISLAND (EI) DISTRICT**

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#### **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.

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### **Chapter 20.36 RURAL (R) DISTRICT**

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#### **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 ~~Reserved~~ All other uses.
- .202 Adult businesses.
- .210 Secure community transition facilities for sex offenders.

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**Chapter 20.37**  
**POINT ROBERTS TRANSITIONAL ZONE (TZ) DISTRICT**

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**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 ~~Reserved~~All other uses.

.202 Adult businesses.

.210 Secure community transition facilities for sex offenders.

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**Chapter 20.40**  
**AGRICULTURE (AG) DISTRICT**

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**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 ~~Reserved~~All other uses.

.202 Adult businesses.

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**Chapter 20.42**  
**RURAL FORESTRY (RF) DISTRICT**

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**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 ~~Reserved~~All other uses.

.202 Adult businesses.

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**Chapter 20.43  
COMMERCIAL FORESTRY (CF) DISTRICT**

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**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 ~~Reserved~~All other uses.
- .202 Adult businesses.

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**Chapter 20.44  
RECREATION AND OPEN SPACE (ROS) DISTRICT**

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**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 ~~Reserved~~All other uses.
- .202 Adult businesses.

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**Chapter 20.59  
RURAL GENERAL COMMERCIAL (RGC) DISTRICT**

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**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 ~~Reserved~~All other uses.
- .252 Adult businesses.

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**Chapter 20.60  
NEIGHBORHOOD COMMERCIAL CENTER (NC) DISTRICT**

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**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.

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**Chapter 20.61  
SMALL TOWN COMMERCIAL (STC) DISTRICT**

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**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.

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**Chapter 20.62  
GENERAL COMMERCIAL (GC) DISTRICT**

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**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.

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**Chapter 20.63  
TOURIST COMMERCIAL (TC) DISTRICT**

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**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.

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**Chapter 20.64  
RESORT COMMERCIAL (RC) DISTRICT**

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**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.

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**Chapter 20.65  
GATEWAY INDUSTRIAL (GI) DISTRICT**

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**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 ~~Reserved~~All other uses.

.202 Adult businesses.

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## **Chapter 20.66 LIGHT IMPACT INDUSTRIAL (LII) DISTRICT**

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### **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 ~~Reserved~~All 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~~of rubber, plastics, chemicals, paper, asbestos and products derived thereof, and primary metal industries.

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## **Chapter 20.67 GENERAL MANUFACTURING (GM) DISTRICT**

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### **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 ~~Reserved~~All other uses.

.202 Adult businesses.

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**Chapter 20.68**  
**HEAVY IMPACT INDUSTRIAL (HII) DISTRICT**

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**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 Reserved~~All 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.

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**EXHIBIT M**  
**(RESIDENTIAL RURAL LOT SIZE)**

**Chapter 20.32**  
**Residential Rural (RR) District**

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**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.

District	Gross Density	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	
RR-1, RR-2, RR-3, RR-2A, RR-5A: without public water	1 dwelling unit/5 acres	5 acres	N/A	N/A
RR-10A without public water	1 dwelling unit/10 acres	10 acres	N/A	N/A
With public water, and stormwater detention and collection facilities:				
RR-1	1 dwelling unit/1 acre	36,000 sq. ft.	15,000 sq.ft.	30%
RR-2	2 dwelling units/1 acre	18,000 sq. ft.	15,000 sq.ft.	10%

RR-3	3 dwelling units/1 acre	12,000 sq. ft.	8,000 sq.ft.	25%
RR-2A	1 dwelling unit/2 acres	2 acres	15,000 sq.ft.	30%
RR-5A	1 dwelling unit/5 acres	5 acres	15,000 sq.ft.	30%
RR-10A	1 dwelling unit/10 acres	10 acres	15,000 sq.ft.	30%
RR-5A and RR-2A subject to rural residential density overlay	Maximum: 1 dwelling unit/ 1 acre per WCC 20.32.252(2)	See WCC 20.32.252	15,000 sq.ft.	30%

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**EXHIBIT N**  
**(RURAL FORESTRY SETBACKS REFERENCE)**

**Chapter 20.80**  
**Supplementary Requirements**

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**20.80.256 Forestry districts. (Adopted by reference in WCCP Chapter 2.)**

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(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**

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**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.

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**Chapter 20.71**  
**WATER RESOURCE PROTECTION OVERLAY DISTRICT**

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**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**

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**20.80.200 Setback requirements** (Adopted by reference in WCCP Chapter 2)

**20.80.210 Minimum Setbacks.**

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(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.

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### Rural Residential Setbacks

Residential Rural (RR)							
Road Type						Other	
<b>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</b>	<b>Collector Arterials or Major Collectors</b>	<b>Minor Collectors</b>	<b>Local Access Streets</b>	<b>Neighborhood Collector</b>	<b>Minor Access Streets</b>	<b>Side Yard</b>	<b>Rear Yard</b>
45'	35'	25'	25'	25'	20'	5' <sup>1,2</sup>	5' <sup>1</sup>
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
<p>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.</p> <p>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.</p>							
<p><sup>1</sup>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</p>							



will they extend more than one-half the depth of the front yard setback.

<sup>2</sup>Zero 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.

**Rural Residential-Island (RR-I)**

<i>Road Type</i>						<i>Other</i>	
<b><u>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</u></b>	<b><u>Collector Arterials or Major Collectors</u></b>	<b><u>Minor Collectors</u></b>	<b><u>Local Access Streets</u></b>	<b><u>Neighborhood Collector</u></b>	<b><u>Minor Access Streets</u></b>	<b><u>Side Yard</u></b>	<b><u>Rear Yard</u></b>
-	-	25'	25'	25'	20'	5'	5'

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)**

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**EXHIBIT Q**  
**(SHORT TERM PLANNING AREA REFERENCES)**

**Chapter 20.20**  
**URBAN RESIDENTIAL (UR) DISTRICT**

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**~~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.~~

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**20.20.050 Permitted uses.**

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**.052** ~~In short term planning areas only s~~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.

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**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.~~

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**.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.

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**20.20.252 Maximum density, minimum lot size and maximum lot size.**

District	Maximum Gross Density	Minimum Lot Size		Maximum Lot Size	Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	Cluster Lots	
UR: all densities without public sewer and water**	Maximum gross density: 1 dwelling unit/10 acres	N/A*	8,000 sq. ft.	22,000 sq. ft.	80%

UR: in Lake Whatcom Watershed with public sewer and water, and stormwater collection and detention facilities	Maximum density: 1 dwelling unit/5 acres	5 acres	N/A	N/A	N/A
<del>UR: all densities outside short-term planning areas**</del>	Maximum gross density: 1 dwelling unit/10 acres	N/A*	<del>8,000 sq. ft.</del>	<del>22,000 sq. ft.</del>	<del>80%</del>
UR: all densities with public sewer or water**	Maximum gross density: 1 dwelling unit/10 acres	N/A*	8,000 sq. ft.	22,000 sq. ft.	80%
<del>UR-3: in short-term planning areas with public sewer and water, and stormwater collection and detention facilities</del>	Maximum gross density: 3 dwelling units/1 acre	12,000 sq. ft.	8,000 sq. ft.	N/A	25%
<del>UR-4: in short-term planning areas with public sewer and water, and stormwater collection and detention facilities</del>	Maximum gross density: 4 dwelling units/1 acre  Minimum net density: 4 dwelling units/1 acre**	8,000 sq. ft.	6,000 sq. ft.	N/A	20%
<del>UR-6: in short-term planning areas with public</del>	Maximum gross density: 6	5,500 sq. ft.	4,000 sq. ft.	N/A	20%

sewer and water, and stormwater collection and detention facilities	dwelling units/1 acre  Minimum net density: 6 dwelling units/1 acre**				
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\* 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.

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#### **20.20.255 Minimum lot width and depth.**

District	Width at Street Line		Width at Bldg. Line	Minimum Mean Depth
	Conventional	Cluster		
UR: all districts without public sewer and water and all districts outside short-term planning areas	300'	70'*	80'	100'
UR: with public sewer and water, and stormwater collection and detention facilities:				
3 units per acre	30'	30'	70'	80'
4 units per acre	30'	30'	60'	70'
*30' on a cul-de-sac only				

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#### **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 w~~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 p~~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**

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#### **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.

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**~~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.~~

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**20.22.050 Permitted uses.**

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**.051** ~~(1) In short-term planning areas only,~~ Single-family dwellings, duplexes, and multifamily dwellings consistent with the density requirements of the district; provided, that if the total number of dwelling units per lot is greater than four, the site plan shall be reviewed by the technical committee for consistency with the general development criteria of this district as set forth in WCC 20.22.650. Adequate right-of-way and street improvements may also be required so that adjacent public roadways will conform with the road standards section of the county development standards. In the Bellingham Urban Growth Area, roads must also conform with the city of Bellingham's road standards.

~~(2) Outside short-term planning areas, single-family dwellings only.~~

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**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.\*



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**.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.\*

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## **20.22.252 Maximum/minimum density and minimum lot size – General.**

(1)

<b>District</b>	<b>Gross Density</b>	<b>Minimum Lot Size – Conventional</b>	<b>Minimum Lot Size – Cluster</b>	<b>Maximum Lot Size</b>	<b>Minimum Reserve Area (Cluster Divisions)</b>
				<b>Clustered Lots</b>	
URM: all densities without public sewer and water	Maximum density: 1 dwelling unit/10 acres	N/A*	7,200 sq. ft.	22,000 sq. ft.	80%
URM: all densities outside short-term planning areas	Maximum density: 1 dwelling unit/10 acres	N/A*	7,200 sq. ft.	22,000 sq. ft.	80%
URM: all densities with public sewer or water	Maximum density: 1 dwelling unit/10 acres	N/A*	7,200 sq. ft.	22,000 sq. ft.	80%
URM-6: with public sewer and water, and stormwater collection and detention facilities	Maximum density: 6 dwelling units/acre	7,200 sq. ft.	N/A	N/A	N/A
URM-12: with public sewer and water, and stormwater collection and detention facilities	Maximum density: 12 dwelling units/acre	7,200 sq. ft.	N/A	N/A	N/A

URM-18: with public sewer and water, and stormwater collection and detention facilities	Maximum density: 18 dwelling units/acre	7,200 sq. ft.	N/A	N/A	N/A
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 <u>20.89</u> WCC and subsection (4) of this section	Minimum net density: 10 dwelling units/acre  Maximum density: 24 dwelling units/gross acre	N/A	N/A	N/A	N/A

- \* For the purpose of administering the lot consolidation provisions of WCC 20.83.070, the conventional minimum lot size shall be 10 acres.

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### **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~~

~~(b) The property is located within a long-term planning area. (Ord. 2007-048 § 2 Exh. B, 2007; Ord. 2005-041 § 1 Exh. A, 2005).~~

### **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 w~~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 w~~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 p~~Public water and sewer serve the proposed development on the reserve tract.

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## **Chapter 20.24**

### **URBAN RESIDENTIAL MIXED (UR-MX) DISTRICT**

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#### **~~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.~~

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#### **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.

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#### **20.24.050 Permitted uses.**

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**.052** ~~In short-term planning areas only, s~~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.

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#### **20.24.252 Density and minimum lot size.**

<b>District</b>	<b>Gross Density</b>	<b>Minimum Lot Size – Conventional</b>	<b>Minimum Lot Size – Cluster</b>	<b>Maximum Lot Size</b>	<b>Minimum Reserve Area (Cluster Divisions)</b>
				<b>Clustered Lots</b>	
URMX: all densities without public sewer and water	Maximum density: 1 dwelling unit/10 acres	N/A	4,000 sq. ft.	22,000 sq. ft.	80%
<del>URMX: all densities outside short-term planning areas</del>	<del>Maximum density: 1 dwelling unit/10 acres</del>	<del>N/A</del>	<del>4,000 sq. ft.</del>	<del>22,000 sq. ft.</del>	<del>80%</del>
URMX: all densities with public sewer or water	Maximum density: 1 dwelling unit/10 acres	N/A	4,000 sq. ft.	22,000 sq. ft.	80%
URMX: with public sewer and water, and stormwater collection and detention facilities	Maximum gross density: 10 dwelling units/1 acre Minimum net density: 6 dwelling units/1 acre	4,000 sq. ft.	N/A	N/A	N/A
URMX (6 – 10): with public sewer and water, and	Maximum gross density: 10	4,000 sq. ft.	N/A	N/A	N/A

stormwater collection and detention facilities	dwelling units/1 acre Minimum net density: 6 units/1 acre				
URMX (6 – 12): with public sewer and water, and stormwater collection and detention facilities	Maximum gross density: 12 dwelling units/1 acre Minimum net density: 6 units/1 acre	N/A	N/A	N/A	N/A
URMX (10 – 24): with public sewer and water, and stormwater collection and detention facilities	Maximum gross density: 24 dwelling units/1 acre Minimum net density: 10 units/1 acre	N/A	N/A	N/A	N/A

(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.

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#### **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 w~~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 p~~Public water and sewer serve the proposed development on the reserve tract.

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**Chapter 20.32  
RESIDENTIAL RURAL (RR) DISTRICT**

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**20.32.050 Permitted uses.**

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**.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.~~

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**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.\*

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**.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.\*

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**.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.\*

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**Chapter 20.36**  
**RURAL (R) DISTRICT**

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**20.36.050 Permitted uses.**

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**.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.

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**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.\*

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**.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.\*

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**.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.

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**.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.\*

**.192** Mental health facilities that provide crisis care.\*

**.193** Substance abuse facilities that provide crisis care.\*

**.194** Outpatient mental health facilities.\*

**.195** Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.\*

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**Chapter 20.62**  
**GENERAL COMMERCIAL (GC) DISTRICT**

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**20.62.200 Prohibited uses.**

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**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.

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**Chapter 20.66  
LIGHT IMPACT INDUSTRIAL  
(LII) DISTRICT**

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**20.66.200 Prohibited uses.**

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**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.

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**Chapter 20.85  
PLANNED UNIT DEVELOPMENT (PUD)**

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**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.

. . . . .

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 28, 2016**

Regular Meeting

1

1 **Call To Order:** The meeting was called to order, by Whatcom County Planning  
2 Commission Chair, Natalie McClendon, in the Whatcom County Council Chambers at  
3 6:30 p.m.  
4

5 **Roll Call**

6 Present: Natalie McClendon, Jerry Vekved, Gary Honcoop, Nicole Oliver, Mary Beth  
7 Teigrob, Michael Knapp, David Hunter, Kelvin Barton, Andy Rowson  
8 Absent:  
9

10 **Staff Present:** Mark Personius, Gary Davis, Amy Keenan, Nick Smith, Royce  
11 Buckingham-Prosecutor's Office, Becky Boxx  
12

13 **Department Update**

14  
15 Mark Personius updated the commission on the following:

- 16 • Update on the Comprehensive Plan revisions at County Council
- 17 • The Planning Commission schedule
- 18 • A Short Course on Local Planning will be held on March 31, 2016  
19

20 Becky Boxx presented Commissioner Teigrob with a certificate and thanked her for her  
21 work on the Planning Commission.  
22

23 **Open Session for Public Comment**

24  
25 Larry Brown, Sudden Valley Community Association: Would like outreach to Sudden  
26 Valley to continue.  
27

28 Max Perry, Whatcom County: At the recent County Council meeting he attended he  
29 heard Councilmembers state they would like to have some members of the Planning  
30 Commission present so they can ask them questions about the Comprehensive Plan  
31 process as it went through the commission. He thought this was a good idea.  
32

33 Greg Brown, Whatcom County: Thanked Commissioner Teigrob for her time served on  
34 the commission.  
35

36 Carol Perry, Whatcom County: Thanked the commission members for their work.  
37 Repeated the comments made by Max Perry. Encouraged commission members to  
38 attend council meetings.  
39

40 **Commissioner Comments**

41  
42 Commissioner Honcoop thanked Commissioner Teigrob for her time on the  
43 commission.  
44

45 Commissioner Oliver stated she is going to be on *The Whatcom Report* on KGMI,  
46 Sunday at 8:00 am. discussing the Comprehensive Plan.  
47



**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 28, 2016**

Regular Meeting

2

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)

**RECORD OF PROCEEDINGS OF THE  
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3

1 This proposal clarifies under what circumstances a structure is outright permitted and  
2 when it would require a conditional use. It also deals with the heights of some of these  
3 structures. Currently, powerline towers and water tanks have no flexibility to exceed  
4 the code's height limits because a height variance is not possible unless there is a  
5 physical hardship associated with the property. The amendment also increases the size  
6 of an outright-permitted utility structure from the current 100 square feet to 200  
7 square feet. Structures larger than 200 square feet would require a conditional use  
8 permit. 200 square feet is consistent with the size of accessory storage buildings that  
9 are allowed as accessory uses in most zones. A comment was received with suggested  
10 language which staff is supportive of.

11  
12 Home Occupations and Cottage Industries (Exhibit D)

13  
14 This proposal is for clarity. Performance standards for particular types of uses are  
15 typically put in 20.80, which are the supplemental requirements. Somehow the Home  
16 Occupation and Cottage Industries standards were placed in 20.84 and 20.97. This  
17 proposal would move the standards to 20.60. Also, the code permits family day care  
18 homes as an accessory use subject to the home occupation standards. Because of  
19 possible inconsistency with state law, staff proposes an amendment to remove the  
20 requirement that they be subject to the home occupation standards.

21  
22 Light Impact Industrial (LII) Setbacks (Exhibit E)

23  
24 This is a correction to the note in the setback table for LII. That note currently reads,  
25 "All setbacks shall be increased by one foot of building height which exceeds 35 feet."  
26 The meaning of this note is unclear. Staff believes the intent was to have the note read  
27 like Note 1 under the High Impact Industrial (HII) setbacks: "All setbacks shall be  
28 increased by one foot for each foot of building height, excluding tanks and similar  
29 structures, which exceeds 50 feet." (emphasis added) Staff proposes revising the LII  
30 standards consistent with the HII standards, the only difference being the 35 foot  
31 height for LII.

32  
33 Lummi Island Plan Lot Consolidation Reference (Exhibit F)

34  
35 The RRI zone currently has an outdated reference to the old Lummi Island Plan. This  
36 amendment would correct that. This applies to lots that are subject to lot  
37 consolidation.

38  
39 Lummi Island Plan Slope Reference (Exhibit G)

40  
41 The RRI zone currently contains restrictions on development activity in areas with  
42 unstable slopes, and references two maps in the Lummi Island Comprehensive Plan  
43 (LICP). That plan has been replaced by the Lummi Island Subarea plan, which does not  
44 have the slope maps. Staff has confirmed that the current critical areas ordinance  
45 would address the slope concerns and proposes deleting the redundant code section.  
46  
47

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 28, 2016**

Regular Meeting

4

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.

**RECORD OF PROCEEDINGS OF THE  
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January 28, 2016**

Regular Meeting

5

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 it 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.

Commissioner 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?

**RECORD OF PROCEEDINGS OF THE  
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January 28, 2016**

Regular Meeting

6

1 Staff did not know the answer to that.

2  
3 Commissioner Honcoop asked for the definition of a major project.

4  
5 Staff read the definition.

6  
7 Commissioner Honcoop felt some aspects of the requirements were outdated,  
8 specifically the cost of the development.

9  
10 Mr. Personius stated they very rarely happen.

11  
12 Commissioner McClendon addressed Exhibit K-Point Roberts Broadcast Towers. What is  
13 the height limit for wireless communication facilities?

14  
15 Mr. Smith stated 150 feet.

16  
17 Commissioner Vekved addressed Exhibit H-Major Project Permit Procedures. He stated  
18 some concern with the increase in time limitations.

19  
20 The hearing was opened to the public.

21  
22 Armene Belless, Whatcom County: Spoke in favor of Exhibit K-Point Roberts Broadcast  
23 Towers. She supported the height limit and the definition. Ham/Amateur radio  
24 operators are important during emergencies. Point Roberts has been designated as an  
25 inundation zone by NOAA. The State of Washington and the Whatcom Unified  
26 Emergency Management Department have deemed Point Roberts as a community at  
27 risk due to likely damages from earthquakes and tsunamis.

28  
29 John Lesow, Whatcom County: Supported Exhibit K-Point Roberts Broadcast Towers.  
30 He supported the height limit and the definition. The prohibitions regarding a 25 foot  
31 maximum building height have been consistently validated by the Whatcom County  
32 Hearing Examiner, the Whatcom County Council and Skagit County Superior Court in  
33 their decision of October 7, 2015. Staff's recommendations have a broad base of  
34 support in the Point Roberts community. He urged passage of the proposal.

35  
36 Judson Meraw, Whatcom County: Supported Exhibit K-Point Roberts Broadcast Towers.  
37 He is a ham radio operator in Point Roberts. He is one of 20 FCC ham radio operators  
38 in Point Roberts and is a member of the Point Roberts Emergency Preparedness Group.  
39 The 25 foot height limit will protect ham radio transmissions from blanketing  
40 interference due to high wattage broadcasting from tall towers that can adversely  
41 affect ham radio transmissions. The ham operators play an important role in the  
42 community. It is crucial that locally focused emergency communications services are  
43 permitted to operate freely and efficiently. The clarification and strengthening of the  
44 definitions and prohibitions set forth in the staff report are a welcome addition to the  
45 code and one that is supported.

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 28, 2016**

Regular Meeting

7

1 Dannon Traxler, Whatcom County: Requested the record be kept open until the next  
2 commission meeting in order to have more time to review the material.

3  
4 Bob Carmichael, Whatcom County: Addressed Exhibit C-Water tanks and utility  
5 structures. He submitted alternative language. The comments are on behalf of the  
6 Lake Whatcom Water and Sewer District. The Birch Bay Water and Sewer District also  
7 supports the language. These districts need to have the ability to put up water tanks  
8 without having to get a height variance. The proposal is reasonable from both the  
9 county and the applicants.

10  
11 The hearing was closed to the public.

12  
13 Mr. Davis stated that staff would support the changes proposed by Mr. Carmichael. It  
14 does seem like a better approach. It would read: (6) Water storage reservoirs with  
15 volumes exceeding 50,000 gallons, those with height in excess of 12 feet above the  
16 ground level measured within 20 feet in all directions of the tank. The following height  
17 standards shall apply: (a) The height limit on the water storage reservoir shall be the  
18 minimum necessary to accomplish its intended purpose. The applicant shall provide  
19 technical documentation that the height proposed is the minimum necessary. (b) The  
20 height of the water storage reservoir may exceed the height limit of the underlying  
21 zone, provided that all other criteria in WCC 20.84.220 are satisfied.

22  
23 In section 20.82.030 (9) the only change would now be to read: (9) Electrical  
24 substations and new electrical powerlines operating at voltages greater than 55 kV  
25 (55,000 volts); provided, applications for such substations and power lines shall be  
26 processed as a major development permit (pursuant to Chapter 20.88 WCC);  
27 provided, that no further major development permit shall be granted for such lines  
28 which:...

29  
30 A new section (10) would read: Electrical substations and new electrical powerlines  
31 with height in excess of the zoning district's height limitations. The following height  
32 standards shall apply: (a) The height limit on the substation or powerline shall be the  
33 minimum necessary to accomplish its intended purpose. The applicant shall provide  
34 technical documentation that the height proposed is the minimum necessary. (b) The  
35 height of the substation or powerline may exceed the height limit of the underlying  
36 zone, provided that all other criteria in WCC 20.84.220 are satisfied.

37  
38 Mr. Davis stated that in regards to Exhibit P, the setback tables, they are referenced in  
39 the Comprehensive Plan so if the commission forwards this item on to the council they  
40 would then probably hold off on adopting Exhibit P until it can be done at the same  
41 time as the Comprehensive Plan so it can be advertised as part of those amendments.

42  
43 Mr. Honcoop addressed Exhibit C- Electric Powerlines, Water Tanks, and Utility  
44 Structures. This addresses public utilities. How are private tanks, etc. addressed?  
45 Mr. Smith stated they would be treated as accessory uses to the primary permitted  
46 use.

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 28, 2016**

Regular Meeting

8

1 Commissioner Honcoop asked why public utilities have to have a conditional use  
2 starting at such a low level.

3  
4 Mr. Smith stated that historically public utilities have had larger tanks because they  
5 serve such a large population.

6  
7 Commissioner Honcoop asked if the height, volume, etc. could be proposed to be  
8 changed. The current language is very restrictive for public utilities.

9  
10 Mr. Davis stated yes, they could make changes, but it would be useful to have  
11 something it is based on. Perhaps it could be considered during future amendments so  
12 there is time to collect data.

13  
14 Commissioner Teigrob moved to hold the written record open until the next meeting on  
15 February 11, 2016. Commissioner Honcoop seconded. The motion carried.

16  
17 Commissioner Review of exhibits:

18  
19 Exhibit A-Administrative Permit Revisions

20  
21 Commissioner Hunter asked if there is a significant difference between the  
22 administrative approval process and the conditional use approval process.

23  
24 Mr. Davis stated a conditional use permit goes through the Hearing Examiner and  
25 public hearing while the administrative approval goes only through staff.

26  
27 The commission recommended approval of the proposal as written.

28  
29 Exhibit B-Docketing Procedures

30  
31 Commissioner Vekved stated he did not understand the need for the proposed  
32 language if the council can reject them.

33  
34 Mr. Davis stated that one of the ways an amendment can come forward is a citizen can  
35 pay a fee to have their item automatically on the docket. That should not be easily  
36 taken away from them.

37  
38 Commissioner Vekved stated his concern was an item be removed unfairly or in a  
39 hostile manner.

40  
41 Commissioner Honcoop asked what the time table would be for removal. It is not clear.

42  
43 Mr. Davis stated the department has to give 30 days' notice. If the amendment was  
44 initiated by a citizen it would not be removed unless it did not comply with the law.  
45 Commissioner Honcoop gave examples of instances when a citizen may walk away  
46 from a paid application. Does the council still have some ability to remove that?  
47

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 28, 2016**

Regular Meeting

9

1 Mr. Davis stated that if the applicant does not take any further action or provide the  
2 information needed then it could potentially be removed.

3  
4 Commissioner Honcoop asked if a time table needs to be associated with that.

5  
6 Mr. Davis stated there is a notice of additional requirements which would come into  
7 play. It does have a time line.

8  
9 Commissioner Vekved wanted more time to consider the proposal.

10  
11 The commission agreed to revisit this proposal at its next meeting.

12  
13 Exhibit C-Electric Powerlines, Water Tanks, and Utility Structures

14  
15 Commissioner Honcoop wanted to re-examine this language at the next meeting.

16  
17 The commission agreed to revisit this proposal at its next meeting.

18  
19 Exhibit D-Home Occupations and Cottage Industries

20  
21 The commission recommended approval of the proposal as written.

22  
23 Exhibit E-Light Impact Industrial Setbacks

24  
25 The commission recommended approval of the proposal as written.

26  
27 Exhibit F-Lummi Island Lot Consolidation Reference

28  
29 The commission recommended approval of the proposal as written.

30  
31 Exhibit G-Lummi Island Plan Slope Reference

32  
33 The commission recommended approval of the proposal as written.

34  
35 Commissioner H-Major Project Permit Procedures

36  
37 Commissioner Honcoop wanted staff to review the language of what a Major Project  
38 Permit is in their future zoning updates.

39  
40 Commissioner Oliver stated she does not support the proposed language. If a major  
41 project has wide interest and impact it should be able to have a hearing before County  
42 Council.

43  
44 Commissioner Hunter stated state law only allows one hearing.

45 Commissioner Oliver agreed but why does it have to be the Hearing Examiner that  
46 holds the hearing?



**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 28, 2016**

Regular Meeting

10

1 Commissioner Hunter stated the code states that the Hearing Examiner is the one that  
2 holds public hearings.

3  
4 Mr. Davis stated the Hearing Examiner would hold the hearing. The County Council  
5 could hold a public meeting and consider the record but not consider new testimony.

6  
7 Commissioner Oliver was ok with that.

8  
9 Commissioner Vekved was concerned with the changes that lengthen the timeframe.  
10 What is the reason for it?

11  
12 Mr. Personius stated the time changes were suggested by the County Council. In some  
13 cases much more time is needed to get things done.

14  
15 Commissioner Honcoop stated these timeframes are working days so it does make it a  
16 very long period of time. It seems excessive.

17  
18 Commissioner Rowson asked what the timeframes are based on.

19  
20 Mr. Davis stated the timeframes are from council and he did not know what they were  
21 based on.

22  
23 Commissioner Hunter stated he was ambivalent about it because these types of  
24 permits do not happen very often. He suggested using calendar days rather than  
25 working days.

26  
27 Mr. Smith stated that an example of a timeframe is for a conditional use permit, it is  
28 120 days under state law. It does not state calendar or working days.

29  
30 The commission agreed to revisit this proposal at its next meeting.

31  
32 Exhibit I-Marijuana Production and Processing

33  
34 The commission recommended approval of the proposal as written.

35  
36 Exhibit J-Nonconforming Use Reference

37  
38 The commission recommended approval of the proposal as written.

39  
40 Exhibit K-Point Roberts Broadcast Towers

41  
42 Commissioner McClendon asked why is it good public policy to limit broadcast towers  
43 to 25 feet but not limit other towers. What is the justification?

44  
45 Mr. Davis stated staff is only proposing to put in the code the Hearing Examiner  
46 decision.

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 28, 2016**

Regular Meeting

11

1 Commissioner Hunter stated he could see the reasoning behind the Hearing Examiner's  
2 decision. It was in part based on interference to other types of broadcasting.

3  
4 Commissioner McClendon stated we could change the code to allow taller towers. Why  
5 are they limited to 25 feet in Point Roberts and not the rest of the county?  
6

7 Commissioner Hunter stated that is not what is being addressed in this proposal.  
8

9 Mr. Buckingham stated they are limited to 25 feet in Point Roberts because the  
10 interpretation of the current law is that the underlying height limit in that zone applies,  
11 which is 25 feet.  
12

13 The commission recommended approval of the proposal as written.  
14

15 Exhibit L-Prohibited Uses  
16

17 The commission recommended approval of the proposal as written.  
18

19 Exhibit M-Residential Rural Lot Size  
20

21 The commission recommended approval of the proposal as written.  
22

23 Exhibit N-Rural Forestry Setbacks Reference  
24

25 The commission recommended approval of the proposal as written.  
26

27 Exhibit O-Watershed Road Setbacks  
28

29 The commission recommended approval of the proposal as written.  
30

31 Exhibit P-Setback Tables  
32

33 The commission recommended approval of the proposal as written.  
34

35 Exhibit Q-Short Term Planning Area References  
36

37 The commission recommended approval of the proposal as written.  
38

39 At the February 11, 2016 meeting the commission will further address Exhibits B, C  
40 and H.  
41

42 The meeting was adjourned at 8:55 p.m.  
43

44 Minutes prepared by Becky Boxx.  
45  
46  
47

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
January 28, 2016**

Regular Meeting

12

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

Natalie McClendon, Chair

Becky Boxx, Secretary

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
February 11, 2016**

Regular Meeting

1

1 **Call To Order:** The meeting was called to order, by Whatcom County Planning  
2 Commission Chair, Natalie McClendon, in the Whatcom County Council Chambers at  
3 6:33 p.m.  
4

5 **Roll Call**

6 Present: Natalie McClendon, Jerry Vekved, Gary Honcoop, David Hunter, Kelvin Barton,  
7 Andy Rowson, Atul Deshmane

8 Absent: Nicole Oliver, Michael Knapp  
9

10 **Staff Present:** Mark Personius, Gary Davis, Amy Keenan, Royce Buckingham-  
11 Prosecutor's Office, Becky Boxx and Jessie Roberts  
12

13 **Department Update**

14  
15 Mark Personius updated the commission on the following:  
16

- 17 • Welcomed the new commissioner-Atul Deshmane
- 18 • Updated the commission on their upcoming schedule
- 19 • Update on PDS staffing
- 20 • Upcoming Short Course on Local Planning  
21

22 **Open Session for Public Comment**  
23

24 Daniel Probst, Whatcom County: Founder of Cascade Mountain Runners. Thanked the  
25 commission for recommending the addition of the Bellingham/Mount Baker Trail map  
26 to the Comprehensive Plan. The City of Bellingham will be adding the trail to their  
27 parks plan. He commented on riding his bike to school every day when he was young.  
28 Hopefully the Bellingham/Mount Baker Trail will get more people outside. A run is  
29 already planned for the trail.  
30

31 **Commissioner Comments**  
32

33 Commissioner Deshmane introduced himself and said a few words about his  
34 background.  
35

36 **Approval of Minutes**  
37

38 January 14, 2016:

39 Commissioner Vekved moved to approve as written. Commissioner Barton seconded.  
40 The motion carried.  
41

42 January 28, 2016:

43 Commissioner Rowson moved to approve as written. Commissioner Honcoop  
44 seconded. The motion carried.  
45

46 **Annual Business Meeting**

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
February 11, 2016**

Regular Meeting

2

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.

**RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION  
February 11, 2016**

Regular Meeting

3

1 Commission Honcoop stated he disagreed with Commissioner Hunter. He stated it is  
2 important to get comment and to hear the concerns of people in his district. Their  
3 comments will not affect his decisions.

4  
5 Commissioner Hunter asked why written information would be forwarded to all of the  
6 commissioners but not oral information. There should be no difference.

7  
8 Commissioner Rowilson noted the word discretion is used in the business rules.

9  
10 Commissioner McClendon felt that if a person wrote out something rather than just  
11 discuss it it is a more formal request.

12  
13 Commissioner Barton stated trying to put into writing what someone has said may be  
14 considered hearsay. Also it may be difficult to accurately describe what a person has  
15 said.

16  
17 Commission Hunter moved to reword Section 7, paragraph three to read:

18  
19 If a commission member personally receives written or oral information from a citizen  
20 or group regarding an upcoming agenda item, they shall immediately mail, fax or in  
21 some other manner deliver that ~~item~~ information, or a complete copy thereof, to the  
22 Planning and Development Services Department for inclusion into the record of public  
23 testimony.

24  
25 The motion failed for lack of a second.

26  
27 The Business Rules were adopted as presented.

28  
29 Other Concerns/Comments

30  
31 Commissioner Rowilson moved to add an item to the agenda, titled *Pending Agenda*  
32 *Items*, regarding issues brought up by the commission to be reviewed/discussed at a  
33 later date. The addition of these items would be by consensus. Commissioner Hunter  
34 seconded. The motion carried.

35  
36 **Work Session**

37  
38 File #PLN2014-00009: Various proposed amendments to Whatcom County Code Title  
39 20 (Zoning) regarding: a) revising procedures for administrative approval permits, b)  
40 revising application docketing procedures, c) clarifying development regulations for  
41 electric powerlines and water tanks, d) relocating approval criteria and performance  
42 standards for home occupation and cottage industry, e) clarifying building heights in  
43 the Light Impact Industrial zone, f) updating references regarding development on  
44 slopes in the Rural Residential Island zone, g) updating and clarifying lot consolidation  
45 requirements, h) revising major project permit procedures, i) revising regulations for  
46 marijuana production and marijuana processing, j) updating a reference regarding

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1 nonconforming use expansion, k) prohibiting broadcast towers exceeding 25 feet in  
2 height in the Point Roberts Special District, l) clarifying prohibited uses, m) clarifying  
3 lot size and density in the Residential Rural zone, n) clarifying provisions for lots  
4 previously created under the clustering provision in the Rural Forestry zone, o)  
5 clarifying minimum setback requirements in the Lake Whatcom Watershed Overlay  
6 District and the Water Resource Protection Overlay District, p) restoring setback tables  
7 that were inadvertently deleted and defining minor access streets for purposes of  
8 setback calculation, and q) correcting outdated references to long-term and short-term  
9 planning areas.

10  
11 Gary Davis reviewed the three items from the last meeting the commission wanted to  
12 further address.

13  
14 The three items were:

15 Exhibit B – Docketing Procedure

16 Exhibit C – Electric Powerlines, Water Tanks, and Utility Structures

17 Exhibit H – Major Project Permit Procedures

18  
19 There was interest in revisiting items:

20 Exhibit K – Point Roberts Broadcast Towers

21 Exhibit Q – Short Term Planning Area References

22  
23 Exhibit B – Docketing Procedure

24  
25 Commissioner Vekved distributed copies of his suggested language.

26  
27 Commissioner Vekved stated there are a number of things in the original language he  
28 does not agree with. It appears to give the Council permission to wait and not act.  
29 There is no verbiage instructing them to wait and not act. To add that would be odd.  
30 The text that was added is all related to the dispensation of docketed items not  
31 necessarily related to the docket itself. The dispensation of docketed items is clearly, in  
32 20.90.050, tied in processing of initiated amendments. He proposed moving the  
33 proposed new text in Exhibit B and adding parts of it to 20.90.

34  
35 Mr. Davis stated that 20.90.050 is processing amendments once they are docketed.  
36 20.90.041 specifically addresses the docket and how it is kept. It could go in either  
37 place but staff felt the revised language was better suited in 20.90.041.

38  
39 Mr. Personius stated that these items languishing on the docket will not even get to  
40 the processing stage which is 20.90.050. This is why language is needed in the docket  
41 section rather than processing.

42  
43 Commissioner Hunter stated the language, other than (2)(b) is not needed.  
44

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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



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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

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1 in the language is not that big. There should be some flexibility for public utilities to  
2 not go through such an arduous process.

3  
4 **Commissioner Honcoop moved to reword 20.82.030(6) to read:**

5  
6 Water storage reservoirs with volumes exceeding ~~50,000~~ 125,000 gallons, or those  
7 with height in excess of ~~12~~ 20 feet above the ground level measured within 20 feet in  
8 all directions of the tank. The following height standards shall apply:

9 (a) The height limit on the water storage reservoir shall be the minimum necessary to  
10 accomplish its intended purpose. The applicant shall provide technical documentation  
11 that the height proposed is the minimum necessary.

12 (b) The height of the water storage reservoir may exceed the height limit of the  
13 underlying zone, provided that all other criteria in WCC 20.84.220 are satisfied.

14  
15 **Commissioner Vekved seconded.**

16  
17 Commissioner Honcoop stated 20 feet is not excessively tall and provides greater  
18 flexibility.

19  
20 Commissioner Rowson stated this is too substantial a change to make at this time.  
21 There needs to be an opportunity for public comment and more information on the  
22 potential impacts.

23  
24 Commissioner Hunter stated he needs more information before making the change.

25  
26 **The vote on the motion failed.**

27  
28 The commission reached consensus to recommend approval of Exhibit C as written.

29  
30 Exhibit H – Major Project Permit Procedures

31  
32 Mr. Davis stated that at their previous meeting the commission showed interest in  
33 rewording some of the time frames from 45 working days to 45 calendar days. The  
34 Council Office and staff did not have any objections to that.

35  
36 **Commissioner Hunter moved to change all references of working days or days  
37 to calendar days. Commissioner Barton seconded.**

38  
39 Commissioner Honcoop stated that in some instances the time frame may become too  
40 short.

41  
42 **The vote on the motion carried.**

43  
44 **The commission reached consensus to recommend approval of Exhibit H as  
45 amended.**

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1 Commissioner McClendon addressed changes she wanted made to Exhibit K – Point  
2 Roberts Broadcast Towers Definitions. She discussed the changes with county legal  
3 staff and John Lesow.

4  
5 **Commission McClendon moved to read:**

6  
7 20.97.034 Broadcast tower.

8  
9 "Broadcast tower" shall mean any electronic communications structure or  
10 telecommunication tower or antenna transmitting radio or television signals. Excluded  
11 from this definition are: structures associated with: wireless communication facilities  
12 as regulated in Chapter 20.13 WCC; citizen band antennas or antennas operated by  
13 federally licensed amateur ("ham") radio operators; and military, federal, state, or  
14 local government communications facilities used for emergency preparedness and  
15 public safety purposes and FCC Class L1 and L2 broadcast licenses.

16  
17 **Commissioner Vekved seconded.**

18  
19 Commissioner McClendon stated the language proposed by staff would not entirely  
20 protect the Point Roberts community as they are wanting. The edits she proposed  
21 would take care of that.

22  
23 Mr. Davis stated staff has been concerned about the county getting into FCC  
24 regulations and regulation of wattage. Commissioner McClendon's addition of FCC  
25 Class L1 and L2 licenses goes about it a little differently by stating broadcast purpose.

26  
27 Mr. Buckingham stated that in his opinion the county can't regulate what sort of radio  
28 stations we allow to broadcast. That is content regulation which is illegal. We are  
29 preempted from regulating wattage. His advice was to not adopt the suggest  
30 amendments. We are getting into doing exacting what the judge said we could not do  
31 in the court case involving this issue.

32  
33 Commissioner Vekved asked how tall cell towers are allowed to be.

34  
35 Mr. Personius stated they are regulated under a different code chapter.

36  
37 Commissioner Vekved asked if co-location of antennas is allowed on cell towers.

38  
39 Commissioner McClendon stated they can be.

40  
41 Commissioner Vekved asked if that is being prohibited in this section.

42  
43 Commissioner McClendon said no. That is a loophole if the intent is to eliminate any  
44 possibility of medium to high power FM radio.

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1 Commissioner Rowson asked if a FM signal on a cell tower is it now a broadcast tower  
2 also.

3  
4 Commissioner McClendon stated it would not be because of the way the language is  
5 written. If defines it as excluded from the definition.

6  
7 Commission Rowson asked for Mr. Buckingham's opinion on the addition of FCC Class  
8 L1 and L2.

9  
10 Mr. Buckingham stated it was his understanding those are distinguished by the type of  
11 content, programming or wattage which the county can't regulate.

12  
13 Commissioner McClendon disagreed with the statement that it regulates content or  
14 wattage. They are strictly licensing categories.

15 Commissioner Honcoop asked if it is important to have language that states cell towers  
16 area addressed in a different section of the code.

17  
18 Mr. Buckingham stated it is important.

19  
20 Commissioner McClendon stated she is concerned about the height limit. It has to be  
21 more than 25 feet for a station to broadcast. It is a bad idea to try and regulate radio  
22 stations by tower height.

23  
24 Commissioner Honcoop asked for clarification of the maximum height.

25  
26 Mr. Buckingham stated it was 25 feet for any structure, including broadcast towers,  
27 with the option of a variance to 35 feet.

28  
29 Commissioner McClendon noted the variance option is being removed in staff's  
30 proposed language.

31  
32 Commissioner Hunter stated that after examining the language further he wondered if  
33 there was any reason to add any of the language to the existing code.

34  
35 **The vote on the motion failed.**

36  
37 **Commissioner Honcoop moved to remove all of the language changes**  
38 **proposed by staff (denial of Exhibit K). Commissioner Barton seconded. The**  
39 **vote on the motion carried.**

40  
41 Mr. Davis addressed Exhibit Q-Short Term Planning Area References. Staff realized  
42 that GC and LII zones could only exist in UGAs so it is redundant to say retail  
43 establishments within the GC zone of an UGA. Staff suggested rewording to read:

44  
45 20.62.251 Large commercial retail.

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1 Retail establishments with a floor area less than 35,000 square feet are allowed in the  
2 General Commercial (GC) Zone. Retail establishments within the General Commercial  
3 Zone of a short-term planning area of an urban growth area are allowed up to 65,000  
4 square feet; provided, that:

5  
6 20.66.251 Large commercial retail.

7 Retail establishments with a floor area less than 35,000 square feet are allowed in the  
8 Light Impact Industrial (LII) Zone. Retail establishments within the Light Impact  
9 Industrial Zone of a short-term planning area of an urban growth area are allowed up  
10 to 65,000 square feet; provided, that:

11  
12 **Commissioner Honcoop moved to reword as suggested by staff. Commissioner**  
13 **Rowlson seconded. The motion carried.**

14  
15 **Commissioner Barton moved to recommend approval of File #PLN2014-**  
16 **00009, as amended, along with the findings. Commissioner Vekved seconded.**  
17 **Roll Call Vote: Ayes-Barton, Deshmane, Honcoop, Hunter, McClendon,**  
18 **Rowlson, Vekved; Nays-0; Abstain-0; Absent-Knapp, Oliver. The motion**  
19 **carried.**

20  
21 **Unfinished Business**

22  
23 Commissioner Rowlson requested Water Storage Reservoirs be added to the list of  
24 Pending Business Items. The commission agreed to the addition.



25  
26 The meeting was adjourned at 9:55 p.m.

27  
28 Minutes prepared by Becky Boxx.

29  
30 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

31  
32  
33  
34  
35 \_\_\_\_\_  
Natalie McClendon, Acting Chair

\_\_\_\_\_  
Becky Boxx, Secretary

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Cliff Strong		2/24/2016	<div style="text-align: center;"> RECEIVED   MAR 01 2016   WHATCOM COUNTY COUNCIL </div>	3/8/16	Committee of the Whole
Division Head: Mark Personius				4/5/2016	Public Hearing
Dept. Head: Sam Ryan	SR	2/26/16			
Prosecutor: Royce Buckingham					
Purchasing/Budget:					
Executive: Jack Louws		3/1/16			

**TITLE OF DOCUMENT:**

Public hearing on County Council preliminary draft of Comprehensive Plan Chapter 5, Utilities.

**ATTACHMENT:**

Preliminary draft, Comprehensive Plan Chapter 5, Utilities

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.)

The Whatcom County Council will hold a public hearing on April 5, 2016, regarding the periodic update of Whatcom County Comprehensive Plan Chapter 5, Utilities (AB2016-047E). This hearing will give the public an opportunity to provide comments to the County Council related specifically to Chapter 5, Utilities.

The Council is conducting the periodic update of the Whatcom County Comprehensive Plan and review of urban growth areas (UGAs), which are both required by the Growth Management Act under RCW 36.70A.130. It is anticipated that the County Council will adopt an ordinance amending the Whatcom County Comprehensive Plan and UGAs by the end of June 2016.

**COMMITTEE ACTION:**

3/8/2016: Amended

**COUNCIL ACTION:**

Related County Contract #:

Related File Numbers:  
AB2016-047

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).

**Please see current agenda bill for this meeting.**

**This older version of the agenda bill is for history reference.**

**WHATCOM COUNTY COUNCIL AGENDA BILL**

**NO.**

2016-047 E

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Cliff Strong	CS	1/27/2016	<div style="text-align: center;"> <p>RECEIVED</p> <p>FEB 02 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	2/09/2016	Public Works Committee
Division Head: Mark Personius	MP				
Dept. Head: Sam Ryan	SR	1-28-16			
Prosecutor: Royce Buckingham					
Purchasing/Budget:					
Executive: Jack Louws	JL	2/2/16			

**TITLE OF DOCUMENT:**

Briefing and discussion on Comprehensive Plan Chapter 5 (Utilities).

**ATTACHMENT:**

- 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 present an overview and discuss Comprehensive Plan Chapter 5 (Utilities) with Public Works Committee.

**COMMITTEE ACTION:**

2/9/2016: Briefed and discussed

**COUNCIL ACTION:**

## Chapter Five Utilities

### Introduction

Utilities, as defined herein and for purposes of the plan, include all lines and facilities used to distribute, collect, transmit, or control electric power, natural gas, petroleum products, information (telecommunications), water, and sewage. Most utilities in Whatcom County are operated by special-purpose districts, and private companies, or are extended by cities. The County's responsibility for utilities provided by other agencies ranges from regulating land their use of land to managing their activities in public rights-of-way.

Electricity power, natural gas, petroleum, and some other utilities treated herein are inherently regional and are regulated directly and indirectly at several levels, including by the Washington Utilities and Transportation Commission (WUTC) and the Federal Energy Regulatory Commission (FERC). ~~Changing regulations at~~ every level, changing regulations affect the way utilities will be managed through the planning period. Changes in the utility marketplace, together with new and varying utility needs, can be expected to affect the way other utilities are marketed, transmitted, and used.

### Purpose

This section contains policies to guide Whatcom County in reviewing private utility development proposals and, regional transmission proposals, and in reviewing and regulating utility services and facilities provided by other public agencies and the private sector. This section also provides a general framework for utility-specific comprehensive plans including those prepared by entities other than Whatcom County. The cities, Puget Sound Energy, Cascade Natural Gas, Public Utility District No. 1 (Whatcom PUD) and other special-purpose districts are encouraged to use the Whatcom County Comprehensive Plan in preparing their own plans and capital improvement programs.

It is the intent of this plan to support providers of electricity power, natural gas, petroleum, telecommunications, and other utilities providers in fulfilling their "public service obligations" required by state law to provide service on demand to existing and future customers. It is also the intent of this plan to minimize any negative effects resulting from the provision of that service on the residents, infrastructure, and the environment of the county.

### Consistency with Process

~~In March 1991, a Utilities Planning and Advisory Committee (UPAC) was formed in response to the requirements of GMA to address utility issues with the exception of water, sewer, and solid waste issues. The committee was comprised of representatives from electric power purveyors, Cascade Natural Gas, Whatcom PUD, Whatcom County Planning Division, City of Bellingham, the small cities, and~~



citizen groups. A list of UPAC members and their represented groups is located at the beginning of this plan.

Unlike most other GMA committees, members were not appointed by the County Executive; instead they are appointed by the County Council. The committee is comprised of a mix of utility industry professionals and private citizens who have conscientiously attended meetings whenever called. The first meeting of the UPAC was in April 1991. The committee met monthly for approximately one and one-half years, then directed county staff to prepare a draft utility chapter for the GMA Comprehensive Plan. Since then, the UPAC members have met when called together for review of subsequent drafts of the chapter, and have been consulted individually on industry-specific issues and questions. Regulations imposed at the state and federal levels and their impact on local jurisdictions' ability to plan were, perhaps, the most difficult issues the committee had to deal with. Of recent note, UPAC was reconvened in 2000 from a request by County Council to look at transmission pipeline siting issues, and has been actively involved in the 2002 update to the utility chapter.

The coordination requirements of the GMA were complied with in the process of producing this chapter. Many of the main purveyors of utilities as defined in this chapter contributed to the process by providing information and sample plans and by participation in the process itself.

Documents submitted by Cascade Natural Gas, Puget Sound Energy, (formerly Puget Sound Power & Light), and Qwest (formerly US West) as models for this chapter were used in preparing this document; these and other references consulted are listed in the bibliography for this chapter. The *Draft GMA Electrical Facilities Plan*, Puget Sound Power & Light Company Inc., September 1992, and the *Natural Gas and Hazardous Liquid Pipeline Background Report*, October 2001, were particularly useful.

Reason for change: Omitting outdated information.
---

### **GMA Goals and Countywide Planning Policies, and Visioning Community Value Statements**

The goals, policies, and action plans in this chapter contribute to achievement of several of the GMA planning goals, including those considering urban growth, reduction of sprawl, open space and recreation, and public facilities and services. The chapter has been written to satisfy those goals while also meeting the intent and requirements of the Countywide Planning Policies (CWPP) and general guidelines of Visioning Community Value Statements.

Although CWPPs do not address all utilities as defined in this chapter as a separate category, various types of utilities are addressed within a number of sections. Specifically, the policies encourage sharing of corridors for utilities, trails, and other transportation rights-of-way. The CWPPs also call for cities to develop plans, in cooperation with existing water purveyors and other municipal corporations providing water or sewer services, affording urban-level water and sewer services

within their Urban Growth Areas (UGAs). The interlocal agreements specified in the policies must address reasonable criteria for annexation and ensure adequate services including water and sewer utilities. ~~Within Urban Growth Areas this will comply with what has been adopted.~~ The CWPPs specify that cities will not extend water and sewer utilities without an adopted program for annexation and an adopted Capital Facilities Plan. Exceptions may be made in cases where human health is threatened. The CWPPs require that if water extensions are made, they must be consistent with the service area boundaries and other provisions of the *Coordinated Water System Plan*. Outside of Urban Growth Areas, cities and other public and private utilities may extend water only at rural levels of service. If rural levels of service are extended, availability of pipeline capacity to meet local supply needs shall not be used to justify development counter to county-wide land development patterns and shall not be considered in conversions of agriculture land, forestry, or rural lands. These and other water quantity and quality issues covered in the CWPPs are addressed directly and supported in the goals, policies, and action plans of this chapter.

The Growth Management Act, in conjunction with CWPPs, ~~as presently adopted,~~ clearly ~~identify~~identifies the County in a decision-making role when it comes to utility provisions. This is implemented through the County's ~~power authority to set~~ urban growth boundaries granted by the Growth Management Act and can be specified through the Interlocal Agreements assigned in the CWPPs. It should be noted that the CWPPs are locally adopted and could be subject to change in the future.

~~Visioning Community Value Statements do not directly or indirectly address or identify the importance of utilities of any kind. Growth Management goals and County Wide Planning Policies will be served by adoption of this chapter and implementation of its goals, policies, and action plans.~~

Reason for change: Omitting outdated information.

## **GMA Requirements**

The Growth Management Act mandates that counties required to plan under the act adopt comprehensive plans including "a utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines." The utilities element will include maps illustrating existing and proposed facilities and define goals and policies concerning those facilities and future proposed locations for utility facilities and corridors. By future proposed locations, it is the interpretation of Whatcom County that "proposed" means projects that have been submitted to the appropriate Whatcom County agency seeking permits or approval. See **Map 115-1**, which shows existing and planned electrical facilities; **Map 125-2**, natural gas facilities; and **Map 135-3**, communications facilities.

This plan does not address all the issues regarding energy or energy policy. As required by GMA, this plan addresses only those issues that are considered utility issues of Whatcom County. Therefore, this document does not address coal,

automotive-oriented, or other non-utility energy issues except with regard to transmission corridors.

Whatcom County is not a municipal purveyor of electric power or water. While this chapter of the comprehensive plan does thoroughly addresses provision of electric power and other utilities by private and public purveyors, the chapter does not address water supply other than as might be provided by Whatcom PUD or through other various water districts, associations, or private wells with one or more connections. Water supply and coordination affected by these organizations or parties is largely addressed in the *Whatcom County Coordinated Water System Plan (CWSP)*. Maps showing locations of water purveyors' pipelines and service areas, of ~~water purveyors and locations of existing sewer system areas~~, are adopted as they presently exist or are modified.

### **Background Summary**

Whatcom County is in a special situation due to its unique location between Canada and major utility users of utility services to the south. This creates a situation where utility services move through Whatcom County for their products to reach from the source to the destination. Whatcom County can be viewed as a gateway for utilities entering from Canada to reach demand elsewhere. This is especially true for natural gas, petroleum products, and electricity.

Utility services in Whatcom County are provided by a number of private and public utility operators. The main purveyor of electrical power within Whatcom County is Puget Sound Energy, but there are other providers as well, notably Whatcom PUD, and the cities of Blaine and Sumas. Cascade Natural Gas provides natural gas for the county; however, there are locations throughout the county where natural gas is not available. Such locations have to rely on electricity, propane, or other means to meet their energy needs. Telecommunications are provided by multiple telephone, cable television, internet, and carriers (telephone), AT&T Broadband (cable television), and a number of wireless communication companies. Water is obtained from private and public systems. Sewage treatment is primarily by septic system in the unincorporated areas of the County. There are areas of the County where consumers have the choice between multiple providers of the same utility service. Whatcom County supports free market competition for services, when such competition benefits the County consumers.

Whatcom County strongly encourages utilities to develop in a safe and rational manner based on the demand requirements of development consistent with the County Comprehensive Plan.

The 20-Year Capital Facilities Plan (Appendix E) provides additional information relating to water systems, sewer systems, and solid waste management.

## 1 **Issues, Goals, and Policies**

### 2 **Locational Criteria for Siting Utilities**

3 | County-Wide Planning Policies, the Visioning Process, open space, greenways, the  
4 | environment, zoning, existing development patterns, Growth Management urban  
5 | growth areas, and other physical, political, business, economic, and geographical  
6 | constraints, and plans will demarcate both the need for and the locations available  
7 | for any new electric power and/or natural gas corridors. Electric power,  
8 | communications and natural gas purveyors are part of regional systems that are  
9 | demand-driven and are regulated at the State and, to some degree, at the Federal  
10 | levels. This chapter provides for general locations of utility facilities needed in the  
11 | future. Precise locations will be determined in the future and will be evaluated  
12 | through existing regulatory and review processes including conditional use and  
13 | environmental review.

14 | It is the County's preference that utility corridors must be located in areas of least  
15 | impact to the public and environment of Whatcom County as measured by  
16 | proximity to populous and environmentally sensitive areas.

17 | While it is in the best interest of the Whatcom County citizens of Whatcom County  
18 | to plan for the location of utility services in future growth areas, every effort must  
19 | be made to avoid undesirable effects of locating those facilities in areas where the  
20 | health or safety of Whatcom County residents may be adversely affected, where  
21 | the development is prohibitively expensive, or where environmental costs may be  
22 | too high. Utility corridors shall be shared by compatible utilities when safely  
23 | possible.

24 | **Goal 5A: Specify a clear process for determining appropriate locations**  
25 | **for future needed utility facilities, including electric power**  
26 | **facilities greater than 55 kV.**

27 | Policy 5A-1: Use the existing conditional use, major project permit, and  
28 | environmental review processes to evaluate and determine the  
29 | suitability of proposed suitable locations for any new utility facilities  
30 | above the distribution level during the planning period.

31 | Policy 5A-2: When expansion or improvements of utility systems are being  
32 | considered, Whatcom County prefers the following in the order  
33 | provided:  
34 | • upgrading of existing facilities in existing corridors;  
35 | • replacing facilities in existing corridors where appropriate;  
36 | • sharing existing corridors.

37 | Policy 5A-3: Encourage utility purveyors to consider underground installation of  
38 | distribution facilities consistent with WUTC rates and tariffs.

39 | Policy 5A-4: To the extent that installation of utility facilities affects growth  
40 | patterns, utility services should be located and designed appropriate  
41 | to the land use designation, reflect designated growth areas.

Policy 5A-5: Discourage siting utility facilities in known natural hazard areas unless public benefit outweighs the risk.

Policy 5A-6: Ensure that utilities and power generating facilities are sited where they will not adversely impact the ecological flow-regime needed for fish, including threatened and endangered fish-species.

Reason for change: Expand to include all Threatened & Endangered species, not just fish.

### **Trends in Utility Technology**

Changing technology will affect the costs and types of utility services and systems available. Technologies can evolve very rapidly, particularly when breakthrough discoveries occur. ~~Fiber optics are a good example; it is generally accepted that fiber optics technology is changing the way we communicate, and is doing so rapidly and in a widespread manner. It is likely that new technologies will emerge and existing technologies will evolve within this the planning period.~~

Reason for change: Removing outdated information.

### **Goal 5B: Support the development and use of new utility and information technologies.**

Policy 5B-1: Facilitate the use of ~~future~~ new technologies by allowing flexibility in regulations and policies affecting utility facilities when it can be shown that a net benefit to the public is likely to result.

Policy 5B-2: Support development and use of new technologies.

Policy 5B-3: Recognize the economic opportunities and benefits communication services access provides to the community.

Policy 5B-4: Support development regulations that are flexible and receptive to innovations and advances in communication technologies technology and that recognize the positive impact of moving information rather than people.

Policy 5B-5: Work closely with major utility providers to enhance the eCounty and private geographic information systems (GIS) data-bases.

### **Electric Power, Natural Gas, Petroleum, and Telecommunications**

All Whatcom County residents should have access to utilities as defined in this section. The WUTC requires equitable availability and controls the price of electric power and natural gas services provided by investor-owned utilities. FERC does so for electric, natural gas and petroleum facilities crossing state lines. Additionally, the Energy Facility Site Evaluation Council (EFSEC), the Department of Labor and Industries (DLI), and the US Department of Energy (DOE) regulate utility siting and operations. Goals relating exclusively to natural gas and hazardous liquid lines are addressed separately.

Changes in the utilities marketplace will probably create a need for recognition of a variety of service needs and for new models of how energy is distributed, stored, and used. Regulations concerning provision of utility services to consumers should remain flexible and offer opportunities for review with respect to changes in utility industry dynamics dictated by market forces and regulations at the state and federal levels.

**Goal 5C: Facilitate accessibility of utilities.**

Policy 5C-1: Support user access to natural gas, electric, and communications utilities.

Policy 5C-2: Review the policies in this chapter as necessary in order to keep them current with market and regulatory changes.

Policy 5C-3: ~~Include~~ Encourage the processing of utility permits in concurrent with the processing of Major Development Permit and Planned Unit Development permit applications, when applicable.

Reason for change: Revised for clarity – utility installation and projects don't always coincide.

Policy 5C-4: Make use of advanced technology to assist government operations and enhance public accessibility.

Policy 5C-5: Encourage regional planning of public facilities and utilities which ~~that~~ will facilitate coordinated land-use management and capital facility construction.

Policy 5C-6: Support capital facilities to correct existing deficiencies, and to accommodate new growth in an efficient, cost effective, and timely fashion.

Policy 5C-7: Public facilities and utilities will be designed and located in a manner which ~~that~~ protects the integrity of planned land uses, existing land forms, drainage ways, natural systems, critical areas, and resource lands.

Policy 5C-8: Extension of urban utility services shall be limited to areas designated for urban development. ~~will be carefully staged in order to discourage new development in areas that are premature in terms of planning, timing and funding.~~

Policy 5C-9: ~~Extension of urban governmental services and utilities will be confined to areas planned for urban development and be consistent with the optimal land use and urban growth area plan.~~

Reason for change: Consolidating two similar policies – urban governmental services policies are contained in Chapters 2 and 4.

Policy 5C-10: ~~Appropriately scale~~ Public utility systems will be appropriately scaled to accommodate anticipated population growth.

**Permitting Process Efficiency**

Time required for permitting processes can increase development costs and can impede the timely provision of electric power and other utilities to residential, commercial, and business users. Any new utility installation requires precisely designed and selected components to complete and bring a facility on line. Careful planning is necessary to ensure the proper components are available as needed. Delays in obtaining permits can disrupt planning cycles and can result in utility services not being available when needed. Local permit processing should not interfere with or cause long delays for the provision of utilities to residents, industry, or business.

**Goal 5D: Minimize the time required for processing utilities permits.**

Policy 5D-1: ~~Maintain~~ sStreamlined and ~~simplified~~ permitting processes relating to installation of utility facilities designed to serve existing or approved development.

Policy 5D-2: ~~Eliminate~~ Avoid duplication of criteria in permits.

**Goal 5E: Reduce unnecessary obstacles to land use development applications.**

Policy 5E-1: County Planning and Development Services will notify and seek comment from utility operators concerning land use development applications adjacent to existing major utility facilities and will take comments received under advisement.

Policy 5E2: Require evidence of compliance by the applicant with all relevant easement provisions as a condition of all discretionary and non-discretionary land use approvals.

Policy 5E3: Utility companies shall provide notification of proposed projects to abutting landowners consistent with when required by County code.

**Impediments to the Provision of Utilities**

The ability of utility purveyors to meet the mandates of WUTC and FERC could be affected by all of the following: GMA regulations, goals, and policies; plat covenants, conditions, and restrictions; infrastructure requirements; zoning (~~how much? where?~~); Countyw-Wide Planning Policies; ~~Visioning Community Value Statement~~ scenarios; and environmentally sensitive areas.

**Goal 5F: Identify and remove impediments to effective siting of necessary utility facilities.**

Policy 5F-1: Periodically review existing regulations to identify and eliminate unintended or unreasonable constraints on the provision of necessary utilities as defined in this section.

## **Regulatory Controls Encouraging Energy Conservation**

Conservation is considered a substantial contributor to regional and local energy supplies. Generally, there are two components of conservation: *regulatory issues* and *infrastructure*. Regulatory issues include the efficiencies created by zoning density, development standards, establishing minimum energy efficiency standards, and energy code enforcement. Infrastructure issues include existing utility facilities and privately owned equipment ranging from purveyor-owned hardware to consumer-owned appliances. While energy demand increases as a result of growth, conservation plays a large role in limiting the quantity of that new demand.

### **Goal 5G: Support cost-effective conservation as a significant supply factor and implement policies that promote energy conservation measures.**

Policy 5G-1: ~~Review and revise existing and proposed~~Land use regulations ~~should~~shall be for consistency with the conservation and the other goals in this chapter.

Policy 5G-2: Encourage and support the use of conservation-based methods and technologies.

Policy 5G-3: Support energy conservation and energy efficiency in all proposed residential, commercial, and industrial projects by improving the energy efficiency of new construction and the existing building stock through building codes and practices, and support refurbishing and remodeling projects to include energy efficient components via expedited permitting and assistance.

Policy 5G-4 Facilitate and encourage conservation of resources, in order to delay the need for additional facilities for electrical energy and water resources, and to achieve ~~improved~~maintain adopted air quality standards.

Policy 5G-5: ~~The County should~~shall consider funding and promoting energy education services in order to inform citizens on energy conservation and the use of renewable energy sources.

Policy 5G-6: ~~Consider use of renewable energy sources in County facilities. Improve energy efficiency in County facilities, vehicle fleets, and equipment consistent with the measures identified in the Whatcom County Climate Protection and Energy Conservation Plan (2007).~~

### **Goal 5H: Support cost-effective renewable energy projects and implement policies that promote renewable energy projects.**

Policy 5H-1: ~~Land use~~ Review and revise existing and proposed regulations ~~should~~shall be for consistency with the renewable energy goals and the other goals in this chapter.

Policy 5H-2: Encourage and support the development of renewable energy projects and technologies, including pursuing renewable energy



supply portfolios for the County from power suppliers as well as small local renewable energy projects such as anaerobic digesters and solar and wind energy, where applicable.

Policy 5H-3: Support renewable energy incentives to businesses and groups for comprehensive renewable energy efforts.

Policy 5H-4: Locate solar energy generation equipment on County facilities where cost/benefit analyses prove advantageous over the life cycle of the facilities.

### Utility Corridors

Where feasible, multiple land uses in utility corridors should be encouraged. The potential for shared use of utility corridors should be realized to the greatest practical extent. While some corridor uses have proven incompatible, others work well. Some uses are clearly mutually exclusive, but others are unaffected, and in some cases enhanced, by proximity to other uses thereby serving multiple needs.

Questions have been raised concerning potential for long-term, adverse health effects associated with exposure to 60Hz electric and magnetic fields. Many studies have been conducted concerning those effects and many are in process; results are mixed.

**Goal 5J: Facilitate maintenance and rehabilitation of existing utility systems and facilities and encourage use of existing utility corridors.**

Policy 5J-1: Encourage utility providers to explore expanded and/or joint use of existing utility corridors before seeking sites for new rights-of-way.

Policy 5J-2: Promote, when reasonable and feasible, the co-location of new public and private utility distribution facilities in shared trenches/corridors, as well as coordination of construction timing.

Policy 5J-3: Allow for recreational use of utility corridors where practical.

Policy 5J-4: ~~Require~~ Encourage utility companies to notify impacted residents of vegetation control measures.

Reason for change: Code does not have requirements for notification of vegetation control measures.

**Goal 5K: Be responsive to new information on electric and magnetic field (EMF) research progress.**

Policy 5K-1: As new information regarding EMF becomes available, consider the need for new standards.

Policy 5K-2: Educate the public with regard to any new information concerning possible EMF health effects.

**Goal 5L: Support direct and indirect economic benefits to Whatcom County originating with energy or utilities in general.**

Policy 5L-1: Recognize economic benefits derived from coordination of utilities with established and projected residential, commercial, and industrial growth patterns in the County.

Policy 5L-2: Require a utility proponent to show how the proposal provides local or regional benefit.

**Natural Gas and Hazardous Liquid Transmission Pipelines**

Transmission of hazardous liquids and gases by pipeline is an efficient and convenient ~~essential~~ transportation mode for transporting these products. ~~While pipelines offer an efficient and convenient method of transport~~ However, pipelines pose a risk of potential for ruptures and uncontrolled leaks of products which are highly flammable, explosive, or toxic and therefore requires careful consideration of pipeline siting, nearby land uses, and protection of pipelines from excavation third party damage.

The goals of Whatcom County regarding pipelines are: to protect the health, safety and welfare of provide safety for County residents; and to provide predictability for future pipeline siting; and to encourage communication and coordination with pipeline operators, landowners, and county, state and federal agencies.

The County is not able to control all issues regarding pipelines, as there are other agencies with jurisdictional authority (such as the EFSEC Energy Facility Site Evaluation Council and the FERCFederal Energy Regulatory Commission), as well as demand from areas outside of Whatcom County, which preclude the County from having the ultimate authority. Nonetheless, goals and policies for the County are appropriate and incorporated herein.

The following goals and policies shall apply to all natural gas and hazardous liquid transmission pipelines as defined by state and federal regulations. ~~This shall include pipelines which operate at a hoop stress of twenty percent or more of the specified minimum yield strength or as may be amended hereafter by federal regulations. Such a pipeline would by federal, state, and local definition be classified as a transmission line.~~ The goals and policies presented herein should be interpreted in conjunction with the general utility policies of this chapter where applicable, with priority and deference given to these policies which are specific to natural gas and hazardous liquid pipelines where they appear contradictory. *The Natural Gas and Hazardous Liquid Pipelines Background Report* contains more detailed information regarding pipelines and related issues ~~and is adopted by reference.~~ The Utilities Committee ~~concluded notification was the most appropriate method to meet the County's goals, as opposed to imposing setbacks or other restrictions which would limit landowners' use of land on the remote possibility an event would occur.~~ Map 12-5-2 indicates a notification area of 1,000320 feet (66500 feet from each side ~~from of~~ the pipeline) for natural gas and hazardous liquid transmission pipelines, which may be of value to the public.

Reason for Change: We only adopt by reference though policies, not in narrative.

**Goal 5M: Protect the citizens and the environment of Whatcom County through informational, educational, and regulatory measures.**

Policy 5M-1: Seek intervenor status on all pipeline proposals which may not be within the County's regulatory authority, so as to preserve the County's legal right to retain a voice in the proposal. The County will review a pipeline proponent's application materials—and file comments with the reviewing bodies according to the appropriate procedure and within the timelines provided. Staff shall engage in continual and ongoing communication with the regulatory authorities regarding the project as the need or occasion arises.

Policy 5M-2: Carefully scrutinize new or updated franchise agreements. Review and evaluate model franchise agreements, if available, for provisions to be incorporated into negotiation discussions regarding proposed provisions in future franchise agreements. Consider the adoption of a franchise agreement ordinance for consistency and guidance if multiple new agreements are anticipated.

Policy 5M-3: ~~Develop~~ Provide information, ~~education,~~ and notification programs to alert the public of pipeline location and safety considerations when making land purchase or development decisions adjacent to transmission pipelines.

Policy 5M-4: Require transmission pipeline operators to provide accurate 'as-built' pipeline maps as a condition of approval for any county development permit. In addition to scaled plan maps which shall be accurate to the parcel level, pipeline information (pipe size, allowable pressure, fuel type, etc.) shall also be ~~provided~~ required. Whatcom County's GIS department ~~staff~~ is to provide update copies of all major pipeline routes to Whatcom County's Division of Emergency Management.

Policy 5M-5: Require, early in the transmission pipeline permitting process, that the proponent provide funds to the County, adequate to cover the cost of an informational session which will be conducted by an independent third-party to be selected by the County on the topics of eminent domain and right-of-way acquisition. Pipeline proponents shall also be required to conduct "open house" and "town hall" style public meetings as a part of ~~County any~~ land use development permit process for a new or major transmission pipeline expansion.

Policy 5M-6: Require transmission pipeline proponents to notify all fire ~~districts,~~ water, and sewer districts, and jurisdictions with urban growth areas where the siting of new pipelines crosses those service areas.

Policy 5M-7: Monitor transmission pipeline construction to ensure pipelines are installed in accordance with all applicable critical area regulations.

Policy 5M-8: Encourage the Office of Pipeline Safety to enact stronger safety measures for transmission pipelines, and to encourage pipeline applicants to voluntarily enact stronger safety measures than required by federal law in Whatcom County.

Policy 5M-9: Require land division and land use applicants to show transmission pipelines on application maps when any part of the property involved in the application is located within 500 feet of the centerline of the pipeline corridor.

Policy 5M-10: Encourage communication between property owners and transmission pipeline operators to minimize the risk of inadvertent damage to transmission pipelines and to provide guidance to property owners about minimizing further risk through site design or construction. Require notification of transmission pipeline operators at the earliest possible stage of application review (at least concurrent with other land use application notifications).

Policy 5M-11: Require protection of the pipeline corridor by prohibiting land disturbance and construction within defined rights-of-way except by express written consent from the pipeline operator.

Policy 5M-12: Verify the applicant's use of one-call locator services in accordance with state law prior to issuing any land disturbance or construction permits abutting pipeline rights-of-way, and require physical protection of the pipeline corridor during construction.

Policy 5M-13: Encourage ongoing coordination and communication between pipeline operators and the emergency response community including the Local Emergency Planning Committee, Health Department, Fire Districts, and Sheriff Department to promote education, awareness, emergency response and evacuation planning with regard to the environmental and health impacts of potential spills or leaks. Require pipeline operators to share detailed specifications about their pipelines and products transported with the emergency response community to facilitate better emergency preparedness.

**Goal 5N: Develop locational siting criteria specific to special conditions regarding transmission and large distribution pipelines.**

Policy 5N-1: Utilize ~~Use~~ a GIS-based siting criteria for evaluating transmission pipelines which is consistent with the comprehensive plan policies for transmission pipelines and the recommendations in the *Natural Gas and Hazardous Liquid Pipeline Background Report*.

Policy 5N-2: Encourage transmission pipelines to follow ~~locate~~ adjacent to established corridors where possible. Require applicant justification for proposed deviations.

Policy 5N-3: Transmission pipelines are inappropriate and discouraged in urban growth areas and areas of intense rural development ~~which would render such pipeline siting inappropriate.~~

Policy 5N-4: No transmission pipeline facilities should be constructed or located in critical areas without fully mitigating the project impact.

Policy 5N-5: Designated agricultural and forestry lands ~~in the Comprehensive Plan~~ are preferred locations for transmission pipelines, provided special attention is paid to facilitating and not impeding agricultural drainage.

Policy 5N-6: Restrict the location of transmission pipelines in high-risk landslide areas where evidence of instability could be ascertained by recent events, or verifiable geological conditions.

Policy 5N-7: Prohibit new land uses with high on-site populations that are difficult to evacuate or new essential public facilities from being located nearer than 500 feet from the centerline of a transmission pipeline. ~~For natural gas transmission pipelines, encourage siting of critical facilities and high occupancy facilities pursuant to the regulations of WAC 480-93-020, and 480-93-030 (not closer than 500' from a 500 psi pressure or greater pipeline, not closer than 100' from a pipeline with a pressure between 250 and 499 psi) and as hereafter amended.~~

Policy 5N-8: Require expanded land uses and facilities located nearer than 500 feet from the centerline of a transmission pipeline to not increase the level of risk from a pipeline failure and use site design, building, technological, and/or operational techniques to reduce or minimize risk.

Policy 5N-9 To allow continued use of property, especially agriculture, pipelines must be installed and maintained deep enough and in a manner that maximizes the ongoing use of the land consistent with the zoning in place at the time the pipeline was approved.

Note: The first clause was not in the Council's motion and has not been seen by Council. It is a staff suggested amendment based on Council's discussion as to the purpose of this policy.

## **Water Supply**

Whatcom County residents obtain domestic water from public and private water systems. For the purpose of this discussion, the term "public" refers to the State Department of Health (Health) definition, and not to ownership of the system. This distinction is important and can often be confusing. Public systems, as defined by the State Health Department, must comply with specific regulations designed to protect the health of people using the supply. Private systems do not have to meet these same requirements. However, the County Council, acting as the Board of

Health, adopted the Whatcom County Drinking Water Ordinance in 2002, which established standards for private water systems used for new land development. This ordinance includes siting criteria, such as setbacks from septic tanks, and initial water quality sampling requirements. It does not impose on-going water quality monitoring on private water systems.

The complete definition of a public water system can be referenced is found in WAC 246-290 and WAC 246-291. In general, State Health regulations define a public water system as all systems *except* those serving only one single family residence and/or a system with four or fewer connections all of which serve residences on the same farm. However, the regulations do allow systems with only two connections to be exempted from State Health rules at the discretion of local/State Health. Whatcom County has taken advantage of this allowance and, in certain circumstances, does not require residential systems with two services to meet public systems requirements. However, these two-party wells that are exempt from state rules must still comply with the County's Drinking Water Ordinance.

~~As of 1998, 29,196 people (almost 20% of the county's population) were served by individual wells. Additionally, 128,304 people (over 80% of the population) were served by public drinking water systems (Whatcom County Coordinated Water System Plan, Feb. 2000, p. 3-6).~~

Over 80 percent of Most Whatcom County residents obtain potable water from a municipality or district public water systems. There are, however, many people who The rest obtain their drinking water from private water supplies including wells, surface water, and rainwater catchment. water from one of the over 350 smaller, privately owned public water systems individual wells. Water is critical to Whatcom County agriculture; irrigation is necessary for all high-value crops. Livestock must be watered year round, and dairy equipment and facility cleanup also go on all year. Some industries are also large-scale water users, and they may need both potable and non-potable water.

Four major water systems, Whatcom County PUD #1, City of Bellingham, Lake Whatcom Water and Sewer District and City of Lynden, draw surface water from the Nooksack River and Lake Whatcom. Most of the rest rely on groundwater as their source. This is not as distinct a difference as it seems, since Whatcom County water resources are an interconnected system. Water supply for public water systems in the county is identified in the *Coordinated Water System Plan*. The current Whatcom County Coordinated Water System Plan (CWSP) coordinates the plans of the county's public water purveyors (e.g., forecasting demand, identifying supplies and service areas) with the objective of ensuring the County has an adequate supply of potable water to serve planned domestic, commercial, and industrial uses, provided by public water systems. The CWSP must be consistent with this Comprehensive Plan, including land use designations, permitted densities, and related growth management policies, including identifying sufficient water supplies to accommodate projected growth for the next 20 years.

The largest purveyor in the county is the City of Bellingham. Bellingham directly supplies water to about 76,000 people, relying primarily on water from Lake

Whatcom and the Middle Fork of the Nooksack River via a diversion pipeline. However, Bellingham also sells water to Water District 2, Water District 7, Water District 10 and the Lummi Water & Sewer District. If water sold to these districts were included, Bellingham provides water to approximately 88,000 people. The City also has the largest collection of water rights of all purveyors in the county. This large water right portfolio could enable it to continue its role as a major purveyor in the future. ~~Bellingham has indicated concerns about stormwater in the Geneva area and the County fully supports creation of a stormwater district, even in the absence of annexation.~~

The Public Utility District No. 1 (PUD), which obtains water from the Nooksack River, has the second largest collection of rights in the county. The PUD is a public water utility authorized under RCW Chapter 54 which provides retail service within its designated service boundary and has the potential to provide wholesale water on a county-wide basis. The PUD currently provides both direct retail and wholesale water supplies to customers within the county. The PUD holds water rights for municipal water supply purposes – including residential, commercial, industrial, and agricultural use. Pursuant to state law, the PUD develops and provides water supply within its service area in accordance with authoritative demand and/or population projections.

The PUD will consider petitions for service or assistance from all areas in Whatcom County which are not presently claimed by cities, water districts, or other purveyors operating within the county. The level of service to be provided to PUD customers requesting service or new supply will be consistent with their water rights and relevant capital facility and/or land use plans and policies in existence at the time of service extension.

Regardless of size, public or private, many water purveyors in Whatcom County face common challenges in meeting existing and future demands. Water quality concerns which have been identified include nitrates, arsenic, bacteria, iron/manganese, sea water intrusion, and pesticides/VOCs. Quantity concerns include legal limitations on supplies and questions regarding actual amounts and depletion of water. Regulatory requirements under the Safe Drinking Water Act, for example, further challenge the ability of purveyors to meet new demands.

Reason for Change: Text updated and moved from Chapter 1. CWSP plan is in the process of being updated, with an expected completion date of 2016. That document will contain additional updated and detailed information.

Meeting existing and future water demands throughout the county will require careful integration of land use and water resource planning. The County's strategy to meet existing and future water demands throughout the county include:

- Periodically updating the Coordinated Water System Plan to identify future supply, demand, and delivery requirements for the public water systems that supply the majority of potable water supplies in the County;
- Implementing the Water Resource Inventory Area (WRIA) 1 Watershed Management Project's 2005 WRIA 1 Watershed Management Plan, the 2007

~~WRIA 1 Detailed Implementation Strategy, and the 2010 Lower Nooksack Strategy, including pursuing water rights negotiations, developing a groundwater model to better understand groundwater supply potential and continuity with surface waters, and identifying future non-public water system needs such as agriculture and private well owners, including the WRIA 1 Watershed Management Plan (due in 2003) and the computer-based Decision Support System model that can aid in evaluating different scenarios associated with water quantity, water quality, fish habitat and in-stream flow conditions;~~

- ~~• Adhering to the various protection and management strategies discussed in the *Chapter Eleven: Environment, Water Resource Section*;~~
- ~~• Incorporating the updated comprehensive water plans that have been developed by some of the water purveyors; and~~
- ~~• Implementing the Capital Facilities Plans and Interlocal Agreements developed by the Cities and County under the *Growth Management Act* to facilitate delivery of water to urban growth areas;~~
- ~~• the use of short term planning area boundaries within urban growth areas; and~~

Reason for Change: Remove or edited outdated information.

~~The Coordinated Water System Plan was completed in February 2000 and was adopted by the State Department of Health in August 2000. The plan, written by some of the local water purveyors, agencies, and others, was intended to help ensure more efficient planning for water supplies throughout the county. It identifies recommendations and requirements related to system design and planning, joint facilities and interties, system service areas, satellite system management, conservation, and general resource management.~~

~~Although the various tools noted above will assist in helping to meet water demands, there is work to be done in both completing the specific elements and ensuring their consistency with each other.~~

~~With so many uncertainties and so few clear answers, caution is necessary in making water-related decisions. It is likely that much dialogue, coordination, and clear understanding will be necessary to work through a myriad of water-related issues and decisions. Changing priorities, organization, and regulations at state and federal levels make comprehensive decision-making yet more arduous. County staff and elected officials must participate in all processes aimed at quantifying, regulating, or controlling managing water in any way to protect the best interests of the our citizens of Whatcom County. Specifically, the WRIA 1 Watershed Management Plan, WRIA 1 Detailed Implementation Plan, and Lower Nooksack Strategy were developed. Project has been initiated to address issues of water quantity, water quality, fish habitat, and in-stream flows. Additionally, Whatcom County created the Water Resources Division of the Public Works Department in 1999 to address water issues.~~



This plan is based on the assumption that agriculture is important to the County as identified in the Visioning Process, and that water will be available to serve the agricultural community. The plan also assumes that adequate water will be available to serve the proposed Urban Growth Areas. It is recognized that certain actions are needed to ensure supplies to those areas. These actions will be pursued and the Urban Growth Area boundaries will be periodically reviewed as part of the seven year review Comprehensive Plan update process to determine if the boundaries are consistent with water availability.

Reason for Change: Water availability issues are discussed in Chapter 11.

Identified urban growth areas are served by public water either within an approved water service area or logical service boundary. Where gaps or shortfalls exist in planning or capital facilities, the County will use short term planning area boundaries to assure adequate levels of urban services. Water rights are a significant always an issue in planning for adequate facilities. Treaty rights with the tribes, minimum instream flows for adequate protection of fish, and use and protection pursuant to state water laws, all affect the ability of the issuance of new water rights purveyors to meet service objectives. It is not the intent of the County to second guess a projection in an approved or pending plan. The County will review plans periodically to ensure consistency with the growth and population projections of this plan, and changes in the availability of water or permits which that may affect the ability to serve.

Because of concerns about water supply, and requirements of state law, development will be contingent on providing evidence of adequate water supplies.

**Goal 5P: Resolve county water issues through pro-active participation in processes leading to a solution of water-related conflicts including the WRIA 1 Watershed Management Project.**

Policy 5P-1: Plan for interlocal agreements with other agencies to manage failing water associations that fall into receivership.

Policy 5P-2: Encourage and actively participate actively in forums, workshops, and other water-related planning activities.

Policy 5P-3: Discourage extension of urban levels of water service to areas not designated as urban growth areas or Rural Communities, 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.

Policy 5P-4: The County should periodically examine its role as a potential purveyor of water and sewer service in order to determine if increased involvement may be needed to help solve some of the utility problems in the county.

Policy 5P-5: Investigate the opportunity for multiple solutions to other issues such as flood management, when looking towards acquiring additional water supplies/rights.

Policy 5P-6: Evaluate and, where feasible, support alternative supplies of water such as desalinization, re-use of treated wastewater, and storage of flood water. Investigate reservoir holding ponds that take advantage of flood water when needed for beneficial uses such as fisheries, agriculture, domestic and industrial water supplies.

Reason for Change: Moved from Chapter 5 Action Plan item 26, which was not addressed previously in policies.

**Goal 5Q: Work with ~~Whatcom County PUD~~ and other water purveyors to provide service to all existing and designated urban growth or industrial areas.**

Policy 5Q-1: Work with the PUD, Birch Bay Water and Sewer District, Blaine, Ferndale, Ecology, and other appropriate jurisdictions as appropriate, to ensure adequate water rights and supplies to the Urban Growth Areas and designated industrial areas in northwest Whatcom County. Consider all options, including but not limited to, extension of water service areas, extending a water transmission pipeline from Ferndale to the District, to convey water from the PUD's and /or Ferndale's water rights, conjunctive management of surface and groundwater, artificial storage and recovery and reclamation of wastewater.

Policy 5Q-2: Ensure provision of urban levels of water service to urban growth within areas designated for urban growth.

Policy 5Q-3: Periodically rReview Urban Growth Areas to ensure appropriate actions have occurred to provide adequate water supplies.

Policy 5Q-4: Encourage annexation of areas zoned for urban densities concurrent with extension of urban level services.

Policy 5Q-5: The County should work closely with purveyors and the State Department of Health in the development and review of Comprehensive Water Plans to ensure consistency with land use and urban growth area needs.

Policy 5Q-6: ~~Where necessary, to protect public health or the environment, utility extensions may be made.~~

Reason for Change: GMA, case law governs this.

Policy 5Q-7~~6~~ The County will work with the Department of Ecology, City of Bellingham, the Port of Bellingham, the PUD, and local, regional, and state economic development agencies to ensure an adequate water supply to areas planned for industrial development.

**Goal 5R: Ensure that potable water supplies required to serve development are available at the time the development is available for occupancy and use.**

Policy 5R-1: Building permit applicants, new subdivisions, short plats, and binding site plans will be required to provide evidence that adequate and legal (in consultation with the Department of Ecology) supplies of water are available prior to their approval by the County.

Policy 5R-2: Work with purveyors to assist them in modifying their systems as required to support the land use element of the comprehensive plan.

## **Sewage Treatment**

Whatcom County does not currently own, operate, or maintain a sewage treatment facility, or associated pumping stations or pipelines. Sewage treatment in the unincorporated county is primarily by septic system. While adequately designed and installed on-site septic systems can be appropriate for rural-level development, maintenance of such systems varies from excellent to none-at-all. Poorly maintained septic systems are a source of ground and surface water pollution and have been identified at both the state and the local level as significant contributors to high nitrate levels in soil and coliform bacteria in surface water. Some systems can be in a failure mode for years before being noticed. "Package" sewage treatment systems and multiple-user septic systems may be a desirable alternative to the single-user, on-site system. Larger sewage treatment facilities are more appropriate for urban levels of growth. Whatever type of system is used, adequate maintenance is the best deterrent to system failure and to pollution of ground and surface water.

**Goal 5S: Reduce the incidence of on-site sewage treatment system failure through system management and enforcement of standards.**

Policy 5S-1: Support state on-site sewage system regulations (WAC 246-272) which requires that local health departments implement a program ensuring proper maintenance and operation for all on-site systems.

Policy 5S-2: The maintenance and operation program should be phased in beginning with high priority areas designated by the County Council. In implementing this policy, Lake Whatcom and Drayton Harbor are high priority areas.

Policy 5S-3: The development and implementation of the maintenance and operation program should consider use of the private sector where possible.

**Goal 5T: Support development of new sewage treatment facilities, including new pipelines and extensions of existing pipelines, to areas designated for urban-level growth.**

- 1 Policy 5T-1: Discourage extension of sewer lines in areas not designated as urban  
2 growth areas or Rural Communities, except in those limited  
3 circumstances shown to be necessary to protect basic public health  
4 and safety and the environment and when such services are  
5 financially supportable at rural densities and do not permit urban  
6 development.
- 7 Policy 5T-2: For those areas designated as Rural Communities and wishing to  
8 infill, work with the communities to create sewer and water districts  
9 as necessary to manage both utilities. Public water and sewer service  
10 shall be limited to areas where existing lot sizes and development  
11 patterns make public water and sewer appropriate and shall not be  
12 extended outside of the Rural Community.
- 13 Policy 5T-3: Assist sewer and water districts in environmental review and  
14 mitigation and in preparing grant applications to obtain package  
15 sewer services that can be developed in a phased and cost-effective  
16 manner to serve designated Rural Communities.
- 17 Policy 5T-4: Support the development of new technology and alternative sewage  
18 disposal methods as an alternative to expensive sanitary sewer  
19 systems to assure ground water quality is maintained.

## 20 **Solid Waste Management**

21 ~~Whatcom County is responsible for managing solid waste generated by any~~  
22 ~~activities in the county. Over 44% of the county's solid waste stream is recycled~~  
23 ~~through public and private efforts. Two privately operated facilities process~~  
24 ~~unseparated county solid waste. This product will is then be delivered to a private~~  
25 ~~landfill located outside Whatcom County. Local landfill options are limited to~~  
26 ~~construction waste and demolition debris at a private site on Hemmi Road. No solid~~  
27 ~~waste is deposited at the county owned Cedarville landfill site which was closed in~~  
28 ~~1990. A private organization leases a portion of the Cedarville site for a solid waste~~  
29 ~~drop box location for "self-haulers." There are three other drop box locations in the~~  
30 ~~county; Birch Bay, Point Roberts, and Lynden drop boxes are privately operated~~  
31 ~~(two of these drop boxes, at Birch Bay and Point Roberts, are on land leased to the~~  
32 ~~operators by Whatcom County). The county will continue to use a private waste~~  
33 ~~disposal system within the GMA planning period assuming no unforeseen and/or~~  
34 ~~uncontrollable circumstances.~~

35 ~~All solid waste management background information, goals, policies, and action~~  
36 ~~plans in this chapter have been extracted directly, or interpreted from, the~~  
37 ~~Whatcom County Comprehensive Solid Waste Management Plan, 1999~~

38 State law (RCW 70.95.010) requires counties to plan an integrated solid waste  
39 management system that emphasizes waste reduction and recycling. Management  
40 of solid waste that cannot be recycled can be incinerated or placed in a landfill.  
41 Whatcom County Health Department is the lead planning agency for solid waste  
42 planning in the County as of January 1, 2015, taking on the responsibility formerly

with the Public Works Department. The County prepared a Comprehensive Solid and Hazardous Waste Management Plan in 2008 and began the process of updating the plan in 2014. That plan has been prepared to meet the requirements of RCW 70.95.

Private collection, processing, and disposal services managed in accordance with the provisions of county ordinances and city contracts constitute Whatcom County's solid waste management system. Adopted Disposal and Collection Districts, and a Service Level Ordinance serve as the foundation for county waste management. The Lummi and Nooksack Reservations and the Newhalem area are not included in the eCounty's waste management plan.

Generally, eCounty waste management system priorities are met by waste prevention, recycling and source-separated composting, market development to increase local use of recycle-ables, collection, transfer, export, and land-filling.

The county includes several waste-prevention programs as part of its highest waste management priority, including waste reduction and re-use, education, legislation, and governmental waste-prevention activities. Education is directed at school-age children through in-school programs; at shoppers; and at the general public through awareness programs, videos, demonstration sites, and awards programs.

Whatcom County and the City of Bellingham jointly provide a hazardous waste management program including education, technical assistance, and operation of a moderate risk waste (MRW) facility. The MRW facility receives household hazardous waste and small quantities of commercial hazardous waste and prepares the waste for re-use or transport to a hazardous waste landfill/off-site treatment, in Oregon. The County and City also jointly maintain a clean green yard waste facility open to all County residents.

Reason for Change: Remove outdated information.

**Goal 5U: Support waste prevention for both solid waste and hazardous substances—waste as a primary focus prior to waste management.**

**Policy 5U-1:** Support solid waste source reduction activities including conservation education programs, source reduction programs for county agencies, a waste exchange and materials re-use clearinghouse, and home composting and other activities related to yard debris.

**Goal 5V: The County's waste diversion goal is to reach 50 percent source-separated recycling, with additional diversion potentially available through waste processing of non-source-separated recyclables.**

**Goal 5W: Using existing and future technologies, mMake available safe, effective, economical, and environmentally sound techniques for solid and hazardous waste disposal available using existing and future technologies.**

Policy 5W-1: Support best -management practices for disposal of household, commercial, and industrial solid and hazardous wastes.

Policy 5W-2: ~~Establish~~ Maintain and enforce standards for disposal of bio-solids, including management of the amount of heavy metals and other pollutants, and management of impacts to sensitive areas.

## **Stormwater Management**

Stormwater management is treated in *Chapter 11: Environment* and is not included in this Utilities Chapter.

### ~~Utilities Action Plan~~

~~1. Provide a mechanism for the county and utility providers to cooperatively support education programs for both citizens and government officials on conservation issues, and promote awareness regarding location of all types of utility facilities.~~

Reason for change: This item is already addressed by Policies 5M-3 and 5U-1.

~~2. Support conservation efforts within county government.~~

Reason for change: See Policy 5G-6.

~~3. Directly support communities to work with utility providers in promoting utility conservation.~~

Reason for change: This item is already addressed by Goal 5-G and implementing policies.

~~4. Work with state utility regulators to facilitate energy conservation efforts.~~

Reason for Change: This item is already addressed by Goal 5-G and implementing policies.

~~5. Review and enforce existing energy codes.~~

Reason for change: Energy codes are part of IBC, which the County has adopted. IBC is reviewed regularly at the state level.

~~6. Work with utility purveyors to define ways for conservation to positively influence Whatcom County's economic development through specific conservation efforts and economic savings obtained through conservation.~~

Reason for Change: This item is addressed Goal 5-G and implementing policies.

~~7. Adopt land use implementation strategies such as development standards and incentives, and investigate multiple problem solving aimed at conserving water and energy.~~

Reason for change: This item is addressed Goal 5-G and implementing policies.

~~8. Adopt conservation standards for new construction.~~

Reason for change: Energy codes are part of IBC, which the County has adopted.

### **Alternative Energy Sources**

~~9. Adopt solar access ordinances such as solar orientation and solar design standards.~~

Reason for Change: See Goal 5H and implementing polices, and Policy 6G-3.

~~10. Adopt ordinances enabling and facilitating alternative sources of energy.~~

Reason for change: This item was addressed by adoption of ordinances on wind energy systems and electric vehicle charging.

### **Permitting Process**

~~11. Expedite utility-oriented permitting processes.~~

Reason for change: This item is already addressed by Policies 5D-1 and 5D-2.

~~12. Establish screening and landscaping standards for utility facilities.~~

Reason for change: screening is required between unlike zones, WCC 20.80.300.

~~13. Direct growth and appropriate utility facilities to designated urban growth areas.~~

Reason for change: This item is already addressed by Policy 5C-8

~~14. Map existing and proposed utility corridors and establish appropriate notification zone for each type of corridor. Notify applicants for development permits of proximity to utility corridors.~~

Reason for change: This item already addressed in WCC 20.81.050.

### **Task Forces**

~~15. Direct the county Health Department to do the following concerning EMF:~~

- ~~• monitor research;~~
- ~~• plan and accomplish public education concerning EMF; and~~
- ~~• review regulations and policy.~~

Reason for change: This item is already addressed by Policies 5K-1 and 5K-2.

### **Education and Information**

~~16. Develop and implement a notice to use the "one-call" system place conspicuously on County land use development permits requiring excavation. Provide "one-call" brochure to applicant with permit materials.~~

Reason for change: Information on "one call" is currently provided with permit materials.

~~17. Design an educational program and handouts which explain the importance of using the "one-call" system.~~

Reason for change: Need to review administratively and prioritize on work plan.

~~18. Enhance the County's permitting system by developing a standard procedure to provide copies of project plans to utility companies for opportunity to review and comments.~~

Reason for change: Need to review administratively and prioritize on work plan.

~~19. Educate the public with regard to landowner rights that are applicable to utilities, including information about eminent domain.~~

Reason for change: Need to review administratively and prioritize on work plan.

### **~~Transmission Pipelines~~**

~~20. Develop GIS data linked to county permitting system to allow, at a minimum, for permits requiring excavation within 100 feet of a pipeline are to be flagged. The permit applicant can be informed to the existence of the pipeline with a notice place conspicuously on the permit and "one-call" materials are to be included with permits.~~

~~21. Apply GIS-based siting criteria for evaluating pipelines to any and all future pipeline proposals.~~

Reason for change: This item is already addressed under Goal 5N.

### **~~Water Supply~~**

~~22. Encourage implementation of the Coordinated Water System Plan.~~

Reason for change: County already supports CWSP – intent unclear.

~~23. Develop interlocal agreements with local surface and groundwater management agencies to ensure adequate water supplies in urban areas.~~

Reason for change: This item is addressed in WRIA 1 and CWSP.

~~24. Establish an interlocal agreement with Whatcom County PUD, Water District 10, and other interested Satellite System Management Agency (SSMA) candidates, consistent with the recommendation from the CWSP, to manage failing water associations that fall into receivership.~~

Reason for change: This item already addressed in Policy 5P-1.

~~25. Actively participate in all appropriate water-related meetings, forums, and coalitions.~~

Reason for change: This item already addressed in Policy 5P-2 and in Chapter 11.

~~26. Evaluate and, where feasible, support alternative supplies of water such as desalinization, re-use of treated wastewater, and storage of flood water.~~



~~Investigate reservoir holding ponds that take advantage of flood water when needed for beneficial uses such as fisheries, agriculture, domestic and industrial water supplies.~~

Reason for change: This item moved to new Policy 5P-6.

~~27. Review urban growth areas to ensure adequate water supplies are available and revise boundaries accordingly.~~

Reason for change: This is already addressed by Policies 5U-1 and 5Q-3.

~~28. The county shall review new residential projects requiring land use or construction permit approval for the availability of an adequate water supply.~~

Reason for change: This is already required.

~~29. The county shall notify purveyors of potential inconsistencies between their water system plans and the comprehensive plan, and shall work with them to find acceptable solutions.~~

Reason for change: This is already part of CWSP process.

~~30. The county shall work with rural water system operators to achieve level of service and construction standards for rural systems that are consistent with rural densities and service expectations.~~

Reason for change: This item already addressed in Policy 5R-2.

### **~~Sewage Treatment~~**

~~31. Establish a maintenance management program for all new and existing septic treatment systems.~~

Reason for change: This item already addressed in Policies 5S-1, 2, and 3.

~~32. Require no protest agreements from all developers for sewer service LIDs.~~

Reason for change: This is not currently being required – policy discussion may be warranted prior to inclusion in comprehensive plan as policy.

### **~~Solid Waste Management~~**

~~33. Monitor changes in technology and in the marketplace that could change the economics of solid waste management and waste-to-energy projects.~~

Reason for change: This item already addressed in Policy 5W-1.

~~34. Implement the recommendations of the Whatcom County 1999 Comprehensive Solid Waste Management Plan.~~

Reason for change: CSWMP is currently being updated, Health Department is charged with implementation.

**WHATCOM COUNTY COUNCIL AGENDA BILL****NO. 2016 134**

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	County Cou	3/23/2016		4/5/2016	County Council
Division Head:					
Dept. Head:	<i>DBD</i>	<i>03-29-16</i>			
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Appointments to special district vancancies

**ATTACHMENTS:**

Memo from Auditor, applications

<b>SEPA review required?</b> (      ) Yes      (      ) NO	<b>Should Clerk schedule a hearing ?</b> (      ) Yes      ( <input checked="" type="checkbox"/> ) NO <b>Requested Date:</b>
<b>SEPA review completed?</b> (      ) 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.)

Five special district commissioner/supervisor positions are vacant because no one filed for office at the special election in February 2016. When positions become vacant because no one files for the election, the County Council may appoint someone to the vacant position until the next special election.

**COMMITTEE ACTION:****COUNCIL ACTION:****Related County Contract #:****Related File Numbers:****Ordinance or Resolution  
Number:**

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

**Whatcom County  
Auditor's Office**

Whatcom County Courthouse  
311 Grand Avenue, Suite 103  
Bellingham, WA 98225-4038



**Debbie Adelstein**

County Auditor

**Diana Bradrick**

Chief Deputy Auditor

**Phone:** (360) 778-5100

**Fax:** (360) 778-5101

**Email:** [auditor@co.whatcom.wa.us](mailto:auditor@co.whatcom.wa.us)

**Internet:** [www.whatcomcounty.us/auditor](http://www.whatcomcounty.us/auditor)

**To:** Dana Brown-Davis, Clerk of County Council

**From:** Debbie Adelstein, County Auditor

**Re:** **Special District General Election Position Vacancies**

**Date:** February 18, 2016

Enclosed is a list of position vacancies created as a result of the February 2, 2016 Special District General Election. These positions need to have appointments made by County Council. In order for an individual to serve they must be a property owner in the district and a registered voter in the State of Washington.

Please call me with any questions.

cc: Lonni Cummings, Public Works  
Jill Nixon, County Council

**Licensing**

[Licensing@co.whatcom.wa.us](mailto:Licensing@co.whatcom.wa.us)  
360-778-5100

**Recording**

[Recording@co.whatcom.wa.us](mailto:Recording@co.whatcom.wa.us)  
360-778-5100

**Elections**

[Elections@co.whatcom.wa.us](mailto:Elections@co.whatcom.wa.us)  
360-778-5102

**Administration**

[Auditor@co.whatcom.wa.us](mailto:Auditor@co.whatcom.wa.us)  
360-778-5105

We gladly accept  
relay calls.

**Position Vacancies up for Appointment by County Council  
as a result of the February 2, 2016 Special District General Election**

<b>District</b>	<b>Position Number</b>	<b>Last Held By</b>	<b>If Appointed in 2016, Term will Expire</b>	<b>Up for Election in 2018</b>
Consolidated Drainage Improvement District #1	Supervisor Position 1	Fred VanderVeen	2018	4-year unexpired term
Consolidated Drainage Improvement District #20	Supervisor Position 3	Richard A. Roebuck	2020 – Council to appoint for a 4-yr. unexpired term	N/A
Drainage District #3	Commissioner Position 1	Roger J. Blok	2018	4-year unexpired term
Drainage District #3	Commissioner Position 3	Jason VanderVeen	2020 – Council to appoint for a 4-yr. unexpired term	N/A
Drainage Improvement District #6	Supervisor Position 1	Dave Burgess (ineligible to hold position; sold property on 6/15/15)	2018	4-year unexpired term
Drainage Improvement District #7	Supervisor Position 1	Mark Steven Douglas	2018	4-year unexpired term



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MAR 23 2016

WHATCOM COUNTY  
COUNCIL

COUNCILMEMBERS:  
Barbara E. Brenner  
Satpal Sidhu  
Barry Buchanan  
Todd Donovan  
Rud Browne  
Ken Mann  
Carl Weimer

**APPLICATION FOR APPOINTMENT TO SPECIAL DISTRICT BOARDS AND COMMISSIONS**

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Return application to: Whatcom County Council Office, 311 Grand Ave., Suite 105, Bellingham, WA 98225 or  
council@co.whatcom.wa.us

Name: Fred Vander Veen Date: 3-17-16  
Street Address: 610 River Rd  
City: Lynden WA. Zip Code: 98264  
Mailing Address (if different from street address): \_\_\_\_\_  
Day Telephone: 360-354-4244 Evening Telephone: Same Cell Phone: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

1. Name of Diking or Drainage District Board/Commission: Consolidated Drainage Improvement District #1
2. Which position number are you applying for (choose one)? (x) 1 ( ) 2 ( ) 3
3. Do you own property in this District? \_\_\_\_\_ ☒ yes ( ) no
4. Are you a registered voter in the State of Washington? \_\_\_\_\_ ☒ yes ( ) no
5. Have you ever been a member of this Board/Commission? \_\_\_\_\_ ☒ yes ( ) no  
If yes, dates: 1980? — 2016
6. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? \_\_\_\_\_ ( ) yes ☒ no  
If yes, please explain: \_\_\_\_\_

7. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.  
I have lived at this address since 1969,  
retired, I raised heifers for 23 years raise  
hay for a number of years. Since then  
I have rented my property for corn  
potatoes & etc.

8. Please describe why you're interested in serving on this board or commission: many years  
of experience.

References (please include daytime telephone number): \_\_\_\_\_

Signature of applicant: Fred Vander Veen

**THIS IS A PUBLIC DOCUMENT:** As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.



# APPLICATION FOR APPOINTMENT TO SPECIAL DISTRICT BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Return application to: Whatcom County Council Office, 311 Grand Ave., Suite 105, Bellingham, WA 98225 or  
council@co.whatcom.wa.us

Name: Jason Vander Veen Date: 3-26-16  
Street Address: 1428 E. Pole Rd.  
City: Everson Zip Code: 98247  
Mailing Address (if different from street address): \_\_\_\_\_  
Day Telephone: 360 815 0734 Evening Telephone: 360-354-1194 Cell Phone: 360 815-0734  
E-mail address: veenteam@gmail.com

1. Name of Diking or Drainage District Board/Commission: Drainage District #3
2. Which position number are you applying for (choose one)? ( ) 1 ( ) 2 (x) 3
3. Do you own property in this District? ~~(x)~~ yes ( ) no
4. Are you a registered voter in the State of Washington? ~~(x)~~ yes ( ) no
5. Have you ever been a member of this Board/Commission? ~~(x)~~ yes ( ) no  
If yes, dates: Many Years -
6. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ~~(x)~~ no  
If yes, please explain: \_\_\_\_\_
7. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Dairy + Crop Farmer

Dairy Federation

What. Co Farm Bureau

ITT Peterson School of Business

Ag Preservation Board

WC Cattlemen member (past)

8. Please describe why you're interested in serving on this board or commission: It is an important position to be filled. I have served in this position many years and enjoyed working with the other commissioners making progress,

References (please include daytime telephone number): Bill Irving 354-4044 where possible.

Roger Blok 393-2954

Roger Eytzen 360-961-5681

Signature of applicant: Jan Van

**THIS IS A PUBLIC DOCUMENT:** As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-141

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	SM	3/22/16	<div>RECEIVED</div> <div>MAR 29 2016</div> <div>WHATCOM COUNTY COUNCIL</div>	April 5, 2016	Council
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive: <i>KL</i>	<i>[Signature]</i>	3/28/16			

**TITLE OF DOCUMENT:** *Appointment to the Bicycle/Pedestrian Advisory Committee*

**ATTACHMENTS:** *Application for appointment.*

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

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

*County Executive Jack Louws requests the confirmation of his appointment of Robert Hendricks to the Bicycle/Pedestrian Advisory Committee.*

**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).*



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COUNCIL MEMBERS:  
 Barbara E. Brenner  
 Satpal Sidhu  
 Barry Buchanan  
 Rud Browne  
 Pete Kremen  
 Ken Mann  
 Carl Weimer

JACK LOUWS  
 COUNTY EXECUTIVE

# APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Robert L. Hendricks Date: 3/2/16  
 Street Address: 2501 E St #411  
 City: Bellingham Zip Code: 98225  
 Mailing Address (if different from street address): \_\_\_\_\_  
 Day Telephone: 360 733-5936 Evening Telephone: Same Cell Phone: N/A  
 E-mail address: Trippleoneniner@hotmail.com

- Name of board or committee-**please see reverse:** Bicycle/Pedestrian Advisory
- You must specify which position you are applying for.  
**Please refer to vacancy list.** \_\_\_\_\_
- Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?  
**(If applicable, please refer to vacancy list.)** \_\_\_\_\_ ( ) yes ( ) no
- Which Council district do you live in? \_\_\_\_\_ ( ) One ( ) Two ( ) Three
- Are you a US citizen? \_\_\_\_\_ ( ) yes ( ) no
- Are you registered to vote in Whatcom County? \_\_\_\_\_ ( ) yes ( ) no
- Have you ever been a member of this Board/Commission? \_\_\_\_\_ ( ) yes ( ) no  
 If yes, dates: \_\_\_\_\_
- Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? \_\_\_\_\_ ( ) yes ( ) no  
 If yes, please explain: \_\_\_\_\_

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

- Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.  
Retired, during which I've engaged in WSU Extension serv.  
Volunteer programs including Master Composter and Carbon Master.  
This about environment and alternatives to cars for transit.
  - Please describe why you're interested in serving on this board or commission: A life long bicycle  
Rider, my age precludes riding while advocate them.  
No longer driving, a bus & pedestrian senior, I'm hoping  
to contribute my experiences as helpful.
- References (please include daytime telephone number): Maureen McArthur WTA, 360 527 4718  
Mary Anderson, COG, 360 676 6974,
- Signature of applicant: R. Hendricks

**THIS IS A PUBLIC DOCUMENT:** As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.



**WHATCOM COUNTY COUNCIL AGENDA BILL**NO. 2016-142

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	SM	3/29/16	<div>RECEIVED</div> <div>MAR 29 2016</div> <div>WHATCOM COUNTY COUNCIL</div>	April 5, 2016	Council
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:		3/29/16			
<b>TITLE OF DOCUMENT:</b> <i>Appointment to the Northwest Senior Services Board</i>					
<b>ATTACHMENTS:</b> <i>NWRC Executive Director correspondence with appointment recommendation; New candidate application.</i>					
SEPA review required? ( ) Yes ( X ) NO			Should Clerk schedule a hearing ? ( ) Yes ( X ) NO		
SEPA review completed? ( ) Yes ( X ) NO			Requested Date:		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> <i>(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.)</i>  <i>County Executive Jack Louws requests confirmation of his appointment of Jodi Sipes to the Northwest Senior Services Board.</i>					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b>		
<b>Related County Contract #:</b>		<b>Related File Numbers:</b>		<b>Ordinance or Resolution Number:</b>	
<b>Please Note:</b> <i>Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: <a href="http://www.co.whatcom.wa.us/council">www.co.whatcom.wa.us/council</a>.</i>					



NORTHWEST REGIONAL COUNCIL

RECEIVED

MAR 28 2016

JACK LOUWS  
COUNTY EXECUTIVE

March 16, 2016

TO: County Executive Louws

FROM: Dan Murphy, Executive Director

SUBJECT: Recommendation to the NWSSB

Currently, there is one opening on the Northwest Senior Services Board (NWSSB) for Whatcom County. Recently we heard from an interested community member, Jodi Sipes, who would like to serve on the board. She learned about the opening on the county website.

Ms. Sipes has an extensive volunteer and employment history. In the past she has worked at the Whatcom Volunteer Center as the Retired Senior Volunteer Program Director. She is currently working at the Blaine Senior Center. She is knowledgeable regarding the issues that our aging community members face.

On Monday, the Board's Interview Committee met with Ms. Sipes and unanimously decided to recommend her for appointment to the NWSSB. Her term would be effective immediately and expire June 30, 2017.

Attached is a copy of the candidate's application materials including her Whatcom County Application for Appointment to Boards and Commissions. Should Ms. Sipes be appointed, Whatcom County would not have any vacancies on the NWSSB.

If I can be of further assistance, please do not hesitate to contact me.

Enclosures

An Association of County Governments  
Serving the People of Island, San Juan, Skagit and Whatcom Counties

600 Lakeway Drive, Suite 100 • Bellingham, WA 98225 • (360) 676-6749 • FAX: (360) 738-2451



RECEIVED

MAR 29 2016

JACK LOUWS  
COUNTY EXECUTIVE

COUNCIL MEMBERS:  
Barbara E. Brenner  
Satpal Sidhu  
Barry Buchanan  
Rud Browne  
Todd Donovan  
Ken Mann  
Carl Welmer

**APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS**

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Jodi Sipes Date: 2-18-16  
Street Address: 8471 Fir Way  
City: Blaine Zip Code: 98230  
Mailing Address (if different from street address): \_\_\_\_\_  
Day Telephone: \_\_\_\_\_ Evening Telephone: (one phone) Cell Phone: 360-739-3559  
E-mail address: jodi.sipes@comcast.net

1. Name of board or committee—**please see reverse:** Northwest Senior Services Board
2. You must specify which position you are applying for.  
**Please refer to vacancy list.** Board Member
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?  
**(If applicable, please refer to vacancy list.)** \_\_\_\_\_ ( ☒ ) yes ( ) no
4. Which Council district do you live in? \_\_\_\_\_ ( ) One ( ) Two ( ☒ ) Three
5. Are you a US citizen? \_\_\_\_\_ ( ☒ ) yes ( ) no
6. Are you registered to vote in Whatcom County? \_\_\_\_\_ ( ☒ ) yes ( ) no
7. Have you ever been a member of this Board/Commission? \_\_\_\_\_ ( ) yes ( ☒ ) no  
If yes, dates: \_\_\_\_\_
8. Do you or your spouse have a financial interest in or are you an employee or officer of any  
business or agency that does business with Whatcom County? \_\_\_\_\_ ( ) yes ( ☒ ) no  
If yes, please explain: \_\_\_\_\_

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

Resume attached

10. Please describe why you're interested in serving on this board or commission: I would like to be a part of creating solutions for our senior population. I believe my skills, experience and background will be useful and valuable to the NWSSB.

References (please include daytime telephone number): Attached

Signature of applicant: \_\_\_\_\_

Jodi Sipes

**THIS IS A PUBLIC DOCUMENT:** As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

**Jodi Sipes, M.Ed.**

8471 Fir Way, Blaine, WA 98230 360-739-3559 jodi.sipes@comcast.net

***Collaborative community leader with strong management, fundraising, events, and marketing expertise—delivered with a friendly, service-oriented style.***

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- **Effective manager of programs, people, events, and offices**
  - **L.E.A.N. certified and experienced manager--continually improves quality by measuring outcomes against objectives**
  - **Solves problems with creativity, flexibility and good humor**
  - **Builds strong community connections that benefit internal and external customers**
  - **Expertise in program planning, public speaking, training, grant-writing, budgeting, networking, marketing and public relations**
- 

**Education**

- M.Ed., Adult Education, Woodring College, Western Washington University, Bellingham, WA, June 2002, GPA 3.96.
- B.A., Management and Supervision, Fairhaven College, Western Washington University, Bellingham, WA, June 2000, GPA 3.74. Advanced level concentrations in marketing, public relations and computer science.
- A.S., Management and Supervision, Whatcom Community College, Bellingham, WA March, 1990, GPA 3.85.

**Skills****People Management:**

- Natural inspirational leadership—especially toward community solutions to help others in need and encourage sustainability of local programs. Natural ability to convince and motivate others toward causes.
- Developed and managed successful volunteer programs and united diverse volunteers.
- Implements Myers/Briggs and DISC behavioral expertise to facilitate healthy communication and to help all types with successful achievement of personal & professional goals.
- Aware, trained, and experienced in working with people where they are in life—no matter their age, background, abilities, or life experience—able to see the possibilities in everyone.
- Strong ability to help others discover their own levels of commitment, ability, and barriers so they can set goals based on reality, and on growing their own skills to sustain their success.
- Ability to match candidates to help needed with strategic questioning, active listening, and strong experience in behavioral styles.

## **Program Development:**

- Fundraising background in volunteer leadership positions for 20 years.
- Experienced and successful grant-writing experience.
- Leveraging and organizing resources and community-building toward common goals.
- 30+ years experience in management, marketing and public relations.
- Strong networking history and skills in Whatcom County for 28+ years.
- Ability and experience in developing programs and plans which address the needs of a diverse client-base. Experience with people from many cultures and every walk of life.
- Successful project planning, coordinating, budgeting, marketing, and implementing of training workshops, conferences, large regional meetings, and other events—often involving multiple agencies, businesses, community resources, and diverse participants.
- Highly effective development, follow-up, and maintenance of relationships with clients, customers, affiliated businesses, and community partners.
- Developed teaching/learning curriculum and teaching materials such as student workbooks, PowerPoint presentations, and evaluations.
- Created two large-scale, national and regional orientation/procedural training manuals.
- Achieving customer satisfaction with thoughtful attention to creating agreed-upon mutual expectations and then over-delivering—not over-promising.

## **Team Player and Office Administrator:**

- Initiative and can-do attitude—will find a way to get it done! Strong self-management.
- Team building skills and experience as a leader and as a member. Strong belief in utilizing the best skills for the right job, and not attached to ego rewards, but more to achieving the desired outcome through the entire team.
- Highly effective professional and inter-personal communicating. Strong writing skills.
- Ability to shift directions and focus constantly to be available to clients, while effectively managing time and duties to complete required reports and communications.
- Fastidious written communications, record-keeping, budgeting, and reporting.
- Strong skills in objective analysis of programs and budgets. Implements research, benchmarks and scheduled review to anticipate changes or issues before they are problems.
- Creating, leading, and participating in productive meetings and maintaining focus on strategic goals of the organization. Skilled and experienced facilitator of workshops and retreats.
- **Professional Computing:** advanced MS Office Suite skills, advanced Outlook skills including a high level of experience with scheduling and managing contacts with several types of data-bases. Advanced skills in Power Point and Publisher. Experience/certified training in Adobe applications. Experience with Web-site creation and management, on-line social media networking, Survey Monkey, Mail Chimp, and various contact management software.

## **Work History**

- Currently **Administrative Assistant to the Executive Director** of Blaine Senior Center, Blaine, WA, since February 2015

Marketing, Program Management, Event Coordinator, heavily involved with members in daily operation of Center, responsible to open and close facility and manage when E.D. is not there, Logo Committee, Membership sales & updates, class organization, and volunteer management

- Currently also a **Business Coach, Trainer, Business, Marketing, & Events Consultant**
- **Conferences Services Manager**, Semiahmoo Resort, Blaine, WA, during management transition from August 2014-January 2015

- **National Trainer, Coach and Presenter**, Carla Cross Coaching, Issaquah, WA, January 2002-present

Teaching, mentoring and coaching groups and individuals via phone conferencing. Arranging, teaching, and facilitating classroom-based workshops and skill-developing seminars

- **Account Executive**, Comcast Spotlight, Bellingham, WA, December 2011-July 2013

Advertising Sales, prospecting, customer set-up and service, ad scheduling, account development and community connections. Strong networking and tourism development

- **Retired Senior Volunteer Program Director**, Whatcom Volunteer Center, Bellingham, WA, January 2009-September 2010

Responsible for program management, grant-writing, budget management, event coordination, newsletter creation, volunteer management, training, networking and facilitating community partnerships. Leadership in WA State RSVP Association and local Whatcom Council of Non Profits, as well as Senior ENCORE Committee.

- **Assistant Manager/Trainer and Career Development Manager**, Keller Williams Realty Bellingham, WA, March 2004-May 2006

Responsible for selection, orientation, training, and coaching toward quick production of all new agents at Keller Williams Realty—taking total agent count from 65 to 145 within 2 years. Office management, contract review to avoid legal problems, public relations, event-planning.

- **Regional Director of Training**, Keller Williams NW Region, WA, September 2003-March 2004

Researched, analyzed, created training systems, participated in strategic planning, and trained managers in implementation for 17 offices in 3 states in a fast-growing National company

- **Certified Trainer**, WA State Department of Licensing-real estate division, Olympia, WA, November 2003-present. Teaching classroom-based courses and Train-The-Trainer workshops

- **WWU BA & Graduate Program Field Projects**, Bellingham, WA, 1999-2002

Extensive 6-month quality control review of volunteer programs & creation of procedure manual for Alternative Therapy Groups at St. Joseph Hospital

Comprehensive 9-month Marketing Director project. Developed marketing and promotional materials, office management, membership, including hiring, training, scheduling employees and tracking statistics. Greatly improved public relations with City.

- **Previous Career as Designated Broker and Owner/Manager/Trainer**, Dominion Realty, Bellingham, WA

***\*Extensive current references and testimonials available upon request***

## **Volunteer Positions**

- Wish-Granter and events volunteer, Make-A-Wish, Seattle, WA, 2003-Present
- Historical Fairhaven Association Board Member, Bellingham, WA 2013-2015
- Fairhaven Girls Night Out Cancer Care Center Fundraising Event Committee, Bellingham, WA 2011-2015 Participated as Volunteer Management Chair, Fun & Fashion Show Chair
- Steering Committee member, Whatcom Council of Non Profits 2008-2014  
Participated as Committee Chair, Co-Chair, and Chair of Peer Ed Workgroup
- Whatcom County Parks Steward, Whatcom Falls Park, Bellingham, WA, 2001-2014
- Ambassador, Bellingham Chamber of Commerce, Bellingham, WA 2009-2015
- Event Committee & Event Developer, Whatcom-Give-A-Thon multi-agency holiday alternative giving event, Bellingham, WA 2008 to 2012
- Volunteer builder, Habitat for Humanity, Bellingham, WA, 1996-2005
- Volunteer and fund-raiser, Blue Skies For Children, Bellingham, WA 2002-2005
- Volunteer, Whatcom Volunteer Center, Bellingham, WA 2000-2010
- Volunteer—programs and marketing, Women Care Shelter, Bellingham, WA 1998-2000
- Volunteer and fund-raiser, Red Cross, Bellingham, WA 1995-1998
- Member, Kulshan Kiwanis, Bellingham, WA, 1991-1994 President 1993-1994
- Committee Member—various committees including Land Development, Whatcom County Association of Realtors, Bellingham, WA, 1990-1994
- Volunteer Firefighter, District 2, Bellingham, WA 1987—1990 Trained First Responder
- Volunteer and fund-raiser, Whatcom County Humane Society, Bellingham, WA, 1986—1994
- I have also assisted with many other events over the years, including creating a "Katrina" fundraiser after the flood, various fund-raisers, collection of items for benefit auctions, roadside clean-up, and participating in many Make A Difference days.

## Jodi Sipes References

**Katherine Freimund**, Whatcom Literacy Council Exec. Director, [director@whatcomliteracy.org](mailto:director@whatcomliteracy.org) 360-752-8678

Katherine and I worked on the Whatcom Council of Non Profits Steering Committee and Peer Education Work Group for together for several years. She knows my ability to organize events such as WCN Schmoozefests, and work as part of a volunteer team to accomplish goals. She also knows my heart, character and talents.

**Joan Hilmoie**, Super-Senior Community Volunteer, 360-393-8512

Joan is a retired K-12 Principal, and is now a community volunteer. I met her at the Whatcom Volunteer Center years ago and she has become my best friend. She is a great judge of character and heart—so I am proud to be trusted and loved by her.

**Chris McCartan**, Business Manager of The Bellingham Chamber [chris@bellingham.com](mailto:chris@bellingham.com) 360-734-1330

Chris has known me as an active community member and Chamber Ambassador. She can speak to my abilities to connect with diverse membership, my volunteer involvement, and my passion for my community.

This is an older reference, but pertinent:

**Carol Findley**, Retired Senior Volunteer Program of Kittitas County Project Director, [rsvp@fairpoint.net](mailto:rsvp@fairpoint.net) 509-962-4311

Carol will most likely remember me most for developing a RSVP Director's Manual for the State RSVP Association. She was my Mentor while I was a new RSVP Director at the Whatcom Volunteer Center. She saw my drive to help other Directors and my passion for the Seniors we all served. She could also speak to the quality of training on senior issues I received through this Association, as well as the National Conferences on Volunteerism I attended.



## **Northwest Senior Services Board Application**

2-18-16

Jodi Sipes, M.Ed.

### **Northwest Senior Services Board**

#### **Membership Application**

(Pages 1-4 contained in this document. Page 5, Demographic Information, scanned and attached separately)

**Jodi Sipes**

**8471 Fir Way, Blaine, WA 98230 Whatcom County**

**360-739-3559**

**Jodi.sipes@comcast.net**

#### **Questionnaire:**

Educational background and employment experience for most recent five years of work

Please see attached resume.

List membership in organizations, boards of directors, advisory councils

Please see attached Volunteer Positions list.

List concerns you have about services to older people, minorities, and people with disabilities/discuss how my participation on the NWSSB might impact these concerns.

I see two things happening as the large Boomer population ages into the current senior population. One is that they bring their energy and optimism, as well as high expectations and disdain for the concept of "Senior." This brings the other thing I see—a lack of reality in planning for the challenges that many of them will face. We don't feel old, and we still think we won't be like other older seniors. However, I see the evidence everyday at work of the reality—we have more in common that we want to admit. We are slowing down, getting aches and pains, and realizing that knee replacements don't put you back how you were at 30 years old. After losing his spouse of 60 years I have seen my father lose interest in many of his hobbies—and even his will to care for himself. As an educator of adults, I feel I can contribute effective ways to connect seniors of all ages with the information and sense of community they need, while keeping activities fun and interesting.

Another outcome of all this is the mixing of generations—it's not just an issue in the workforce—it is now an issue for retirees. Our Senior Center offers activities for all abilities, but interests and behaviors change with generations, as well. Senior Activity Centers are adjusting, but slowly. For example—we offer a gym that serves the 70+ population well, but cannot serve our 50-year-old members who still work and cannot

attend the 6-week class that is only offered on weekdays. With my strong networking and events experience, I believe I can help with ideas for connecting people and bridging gaps in our multi-generational society.

It's not just an age-related thing, either—what about my 89-year-old best friend who has recently discovered she has a heart condition? She still wants to be active and involved in education and politics, but her heart slows her down. She moved to another state, so I can no longer be her runner and do-er. She would love a program that specifically matches people by interest and need—and not by age.

How could my experience and personal interest benefit seniors, minorities, and adults with disability? Who do I best represent?

My experience, interest and training are all centered on seniors, so I'm sure I can offer the best help to that population. However—ideas to benefit seniors who face physical and mental challenges, limitations, isolation, depression, and exclusion would benefit all these folks. Finding common ground can be the link to solutions for all.

Willingness to serve and time commitments

Since this is a subject of interest for me already, willingness is not a problem. The time commitment is something I could not offer until recently. I have been heavily involved in other volunteer activities for many years in Whatcom County. I took a break from most of my volunteerism for a year, moved to Birch Bay to be closer to my aging father, and took a part-time job at the Blaine Senior Center. I work about 30 hours a week, plus about 10 hours a week with independent clients of mine. This is the lightest work load I can ever remember having. Without all the other volunteer, Steering Committee, and Chamber activities I have time to add something meaningful now.

Since I work in the field, anything I contribute to this Board will most certainly enrich my own life and career, so it is not just a passion but an investment in my own future. I am hoping to grow professionally in this field over time, but am not in a rush to do so. I love working with seniors, and enjoy time with my father—and that is my priority. I have no dependants other than a cat and dog—and I have great family support to help with them if needed, too.

My biggest motivator to getting involved at this time is that I am excited at the thought of working with a dynamic, professional group of people who share my passions. I have been missing this in my life ever since leaving the Council of Nonprofits. It is so invigorating to work with service and solution-oriented people!

3 References:

Please see attached page of references.

Additional Comments:

Since joining the “working poor” I have new experiences to work from, as well. There are challenges of being under-insured for medical, a job that has no safety net of paid sick leave, budgeting for food—and even the issue of wanting the great benefits that pets bring but not being able to pay for their emergency needs. This is an issue I have never heard discussed in relation to seniors, but one I hear about regularly at the Senior Center.

Some issues I have experienced with members include homelessness, self care, dementia, depression, lack of transportation, undiagnosed mental illness, loneliness, and long waits for social service help and then too little arrives. I see many seniors (my mother was one) who withdraw and won’t get the help they need due to embarrassment over their conditions.

I also have experience as a caregiver, as well as a caregiver support person for my father. Both can be very difficult and lonely. You can lose your own quality of life as a love one’s deteriorates. Some caregivers are doing almost more than they can—sandwiched in between parents, children and grandchildren who all need them. Many still need to work, as well. I had to walk away from career aspirations just to survive helping my mother during her last years. Now those active connections are cooled off, and many opportunities were missed. Losing my mother caused a deep grief that surprised me with its intensity. I feel I have just now emerged to start re-building my own life.

Trying to figure out what help your parents need, and which agencies can help, and where to get it, and how it will get paid for is confusing and much more difficult than it should be. If you are the senior in need and don’t have a child navigating this for you, it is even harder. I can relate in many ways, and not just from helping my parents. I have also suffered through seriously disabling injuries, and had to navigate the medical and insurance labyrinths on my own—often while on pain medication, and while recovering from trauma to my brain. With memory problems, inability to sit upright for more than 15 minutes at a time, recovering from surgeries—self care was a big enough issue. Trying to fight for my rights and get the help I needed was almost too much—and I was in my early 30’s—much more resilient than I might be later in life. I can only imagine how difficult this must be when you are 80 years old and on your own.

When I first started answering these questions I didn’t know if I would have enough to offer. I am beginning to realize that could not be farther from the truth. This may end up being the best use of my volunteer efforts ever. I am concerned for the rights and dignity of everyone—but especially for those who cannot stand up for themselves. Life has lead me though much, and I have first-hand experience that drives my passion to help, and empowers my compassion for those who face challenges.

**Northwest Senior Services Board**  
**MEMBERSHIP APPLICATION**
Name: Jodi SipesDate: 2-18-16

**Demographic Information:** (Note: State and Federal governments require that we gather this information. It will be held in complete confidence.)

Age 60 or above?

☐ Yes☒ No

Gender:

☐ Male☒ Female

Individual income below \$1,316 per month or \$15,792 per year?

☐ Yes☒ No

Member of ethnic minority group?

☐ Yes☒ No

If yes, please specify: \_\_\_\_\_

Elected official?

☐ Yes☒ No

Functional disability?

☐ Yes☒ No

Caregiver of a person with a disability?

☐ Yes☒ No

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 NWSSB representation must include:

- At least one representative from each county within the PSA
- Key "senior advocate" groups
- At least one local elective official
- At least one member of a primary racial minority group who is a participant or is eligible to participate in an AAA service program
- At least one member must be a person with a disability who is a participant or is eligible to participate in an AAA service program
- At least 50 percent of persons must be age 60+
- At least one member of a health care provider organization, including providers of veterans' health care (if appropriate)
- At least one member with leadership experience in the private and voluntary sectors
- At least one member of a supportive services provider organization
- A reasonable male/female mix that matches that for the population served by the AAA
- Older persons in greatest economic or social need

**WHATCOM COUNTY COUNCIL AGENDA BILL**
**NO.**

2016-143

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	MDC	3/24/16	<div style="border: 1px solid black; padding: 10px; margin: 0 auto; width: 150px;"> <b>RECEIVED</b>   <b>MAR 29 2016</b>   <b>WHATCOM COUNTY COUNCIL</b> </div>	04/05/16	Intro
Division Head:				04/19/16	Finance Committee; Council
Dept. Head:					
Prosecutor:	KPF	3/24/16			
Purchasing/Budget:	MDC	3/24/16			
Executive: TRS		3/28/16			
<b>TITLE OF DOCUMENT:</b> 2016 Supplemental Budget Request #8					
<b>ATTACHMENTS:</b> Ordinance, Memoranda & Budget Modification Requests					
SEPA review required?    (    ) Yes    ( X ) NO SEPA review completed?    (    ) Yes    ( X ) NO			Should Clerk schedule a hearing?    (    ) Yes    ( X ) NO Requested Date:		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> (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.)					
<b>Supplemental #8 requests funding from the General Fund:</b>					
<ol style="list-style-type: none"> <li>1. To appropriate \$3,000 in Parks to fund youth shooting program from donation proceeds.</li> <li>2. To appropriate \$13,942 in the Sheriff's Office to fund boating safety program overtime patrols from vessel registration fee reserves.</li> <li>3. To appropriate 17,691 in the Sheriff's Office to fund recreational boating safety patrols from grant proceeds.</li> </ol>					
<b>From the Real Estate Excise Tax II fund:</b>					
<ol style="list-style-type: none"> <li>4. To appropriate \$200,000 to fund transfer in support of Birch Point drainage repair project.</li> </ol>					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b>		
<b>Related County Contract #:</b>		<b>Related File Numbers:</b>		<b>Ordinance or Resolution Number:</b>	

PROPOSED BY: Executive  
INTRODUCTION DATE: 04/05/16

**ORDINANCE NO.  
AMENDMENT NO. 8 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:

Fund	Expenditures	Revenues	Net Effect
General Fund			
Parks	3,000	(3,000)	-
Sheriff	31,633	(17,691)	13,942
Total General Fund	34,633	(20,691)	13,942
Real Estate Excise Tax II	200,000	-	200,000
Total Supplemental	234,633	(20,691)	213,942

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

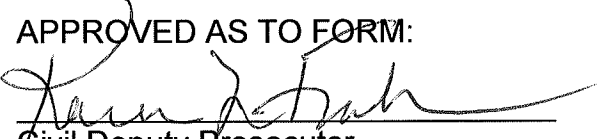
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

Date: \_\_\_\_\_

WHATCOM COUNTY				
Summary of the 2016 Supplemental Budget Ordinance No. 8				
Department/Fund	Description	Increased (Decreased) Expenditure	(Increased) Decreased Revenue	Net Effect to Fund Balance (Increase) Decrease
General Fund				
Parks	To fund youth shooting program from donation proceeds.	3,000	(3,000)	-
Sheriff	To fund boating safety program overtime patrols from vessel registration fee reserves.	13,942	-	13,942
Sheriff	To fund recreational boating safety patrols from grant proceeds.	17,691	(17,691)	-
Total General Fund		34,633	(20,691)	13,942
Real Estate Excise Tax II	To fund transfer in support of Birch Point drainage repair project.	200,000	-	200,000
Total Supplemental		234,633	(20,691)	213,942




RECEIVED

MAR 21 2016

JACK LOUWS  
COUNTY EXECUTIVE

MEMORANDUM

TO: Jack Louws, County Executive  
FROM: Michael McFarlane   
RE: Youth Shooting Program Grant Supplemental Budget Request  
DATE: March 18, 2016

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Enclosed is one (1) copy of the Youth Shooting Program Grant Supplemental Budget Request.

▪ **Background and Purpose**

The Whatcom Community Foundation granted funding for the Department's 2016 Youth Shooting Program at the Plantation Rifle Range. This program offers an opportunity for youth to learn shooting skills. Grant funds offset program costs, allowing the Department to offer the program at no cost to participants.

▪ **Funding Amount and Source**

\$3000 is to be provided by the Whatcom Community Foundation, awarded through a complete grant process.

Please contact Christ Thomsen, Park Operations Manager at extension 5865, if you have any questions or concerns regarding this matter.

Encl. Supplemental Budget Request



## Supplemental Budget Request

### Parks & Recreation

Suppl ID # 2149

Fund 1

Cost Center 6335

Originator: Christ Thomsen

Expenditure Type: One-Time

Year 2 2016

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Youth Shooting Program Grant

X

Department Head Signature (Required on Hard Copy Submission)

Date

3-18-16

Costs:	Object	Object Description	Amount Requested
	4367.1000	Donations	(\$3,000)
	6120	Extra Help	\$2,000
	6320	Office & Op Supplies	\$1,000
	<b>Request Total</b>		<b>\$0</b>

#### 1a. Description of request:

The Whatcom Community Foundation granted funding for the Youth Shooting Program at the Plantation Rifle Range. This program offers an opportunity for youth to learn shooting skills. The long standing program is offered on Saturdays during different times of the year. The program has been funded by grants and/or modest user fees. The grant will assist with the cost of ammunition, targets and supervision of the program participants.

#### 1b. Primary customers:

This public education program targets young shooters ages ten to fifteen years of age. Shooters must be accompanied by a responsible adult.

#### 2. Problem to be solved:

This program introduces safe firearm handling, shooting skills and competitive shooting. This grant allows the Range to provide this popular program free of charge to users. If grant funding is not utilized participants will be charged fees in order to cover program costs.

#### 3a. Options / Advantages:

This program has been offered as a fee based program in years when private funding was not available. The grant funding allows the program to be accessible by more users.

#### 3b. Cost savings:

#### 4a. Outcomes:

The program will be provided on nine Saturdays in 2016.

#### 4b. Measures:

Costs and participants will be tracked for reporting purposes to ensure the grant is fully utilized.

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

Not applicable

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

Not applicable

#### 6. Funding Source:

Whatcom Community Foundation Competitive Grant award.

WHATCOM COUNTY  
SHERIFF'S OFFICE

BILL ELFO  
SHERIFF

PUBLIC SAFETY BUILDING  
311 Grand Avenue  
Bellingham, WA 98225-4078  
(360) 676-6650



JEFF PARKS  
UNDERSHERIFF  
ART EDGE  
CHIEF DEPUTY  
DOUG CHADWICK  
CHIEF DEPUTY  
STEVE COOLEY  
CHIEF INSPECTOR  
WENDY JONES  
CHIEF OF CORRECTIONS

MEMORANDUM

RECEIVED

TO: Jack Louws, County Executive *for*  
FROM: Sheriff Bill Elfo *[Signature]*  
DATE: March 15, 2016  
SUBJECT: Supplemental Budget ID# 2145  
Boating Safety Program Patrols - 2016

MAR 16 2016

JACK LOUWS  
COUNTY EXECUTIVE

The attached Supplemental Budget requests budget authority for Boating Safety Program Patrols in 2016.

**Background and Purpose**

The Sheriff's Office is currently the only law enforcement agency in Whatcom County that operates a state approved boating safety program under WAC 352-65. State approved boating safety programs require that certified deputies patrol the waterways during peak recreational boating periods. The Sheriff's Office provides recreational boating safety patrols and enforcement of both county code and state law, and VRF Reserve Accounts funds are needed for water patrols in 2016.

**Funding Amount and Source**

\$13,942 from the Vessel Registration Fee (VRF) Reserve Account.

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

Thank you.

# Supplemental Budget Request

Status: Pending

Sheriff

Operations

Suppl ID # 2145

Fund 1

Cost Center 2960

Originator: Dawn Pierce

Expenditure Type: One-Time

Year 2 2016

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Boating Safety Program OT Patrols - 2016

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	6110	Regular Salaries & Wages	\$266
	6140	Overtime	\$11,784
	6210	Retirement	\$630
	6230	Social Security	\$922
	6259	Worker's Comp-Interfund	\$340
	<b>Request Total</b>		<b>\$13,942</b>

## 1a. Description of request:

The Sheriff's Office operates a state approved boating safety program under WAC 352-65 and provides recreational boating safety patrols and enforcement of both county code and state law.

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

## 1b. Primary customers:

Whatcom County citizens and visitors

## 2. Problem to be solved:

State approved boating safety programs require that certified officers patrol the waterways during peak recreational boating periods. The Sheriff's Office schedules water patrols during the boating season from Memorial Day weekend through Labor Day weekend on extra-duty overtime so as not to adversely impact the regular patrol schedule. VRF Reserve Account funds are needed to conduct water patrols in 2016.

## 3a. Options / Advantages:

## 3b. Cost savings:

## 4a. Outcomes:

Water patrols will be conducted as required by state approved Boating Safety Program.

## 4b. Measures:

The Sheriff's Office will provide marine patrols and enforcement of boating laws and regulations.

## 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

Tuesday, March 15, 2016

Rpt: Rpt Suppl Regular

365

WHATCOM COUNTY  
SHERIFF'S OFFICE

BILL ELFO  
SHERIFF

PUBLIC SAFETY BUILDING  
311 Grand Avenue  
Bellingham, WA 98225-4078  
(360) 676-6650



JEFF PARKS  
UNDERSHERIFF  
ART EDGE  
CHIEF DEPUTY  
DOUG CHADWICK  
CHIEF DEPUTY  
STEVE COOLEY  
CHIEF INSPECTOR  
WENDY JONES  
CHIEF OF CORRECTIONS

MEMORANDUM

RECEIVED

TO: Jack Louws, County Executive  
FROM: Sheriff Bill Elfo *[Signature]*  
DATE: March 15, 2016  
SUBJECT: Supplemental Budget ID# 2144  
Recreational Boating Safety Grant - 2016

MAR 16 2016

JACK LOUWS  
COUNTY EXECUTIVE

The attached Supplemental Budget requests budget authority for the 2016 Recreational Boating Safety Grant.

**Background and Purpose**

The Sheriff's Office received a Recreational Boating Safety Grant Letter of Award from Washington State Parks and Recreation Commission dated February 25, 2016 for the period March 1 through September 30, 2016. This is an annual grant awarded to the Sheriff's Office to conduct on the water patrols during the peak boating period.

**Funding Amount and Source**

\$17,690.70 provided by Washington State Parks and Recreation Commission, Recreational Boating Safety Federal Financial Assistance Grant, CFDA No. 97.012.

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

Thank you.

# Supplemental Budget Request

Status: Pending

Sheriff

Operations

Suppl ID # 2144

Fund 1

Cost Center 1003512006

Originator: Dawn Pierce

Expenditure Type: One-Time

Year 2 2016

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Recreational Boating Safety Grant - 2016

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4333.8701	Boating Safety	(\$17,691)
	6110	Regular Salaries & Wages	\$338
	6140	Overtime	\$14,952
	6210	Retirement	\$800
	6230	Social Security	\$1,170
	6259	Worker's Comp-Interfund	\$431
	<b>Request Total</b>		<b>\$0</b>

## 1a. Description of request:

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

## 1b. Primary customers:

Whatcom County citizens and visitors

## 2. Problem to be solved:

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

## 3a. Options / Advantages:

Grant funds are awarded specifically for boating safety education, assistance, and enforcement activities.

## 3b. Cost savings:

Cost savings of \$17,691.

## 4a. Outcomes:

Marine patrols will be conducted during the peak boating period from May to September 2016.

## 4b. Measures:

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

## 5a. Other Departments/Agencies:

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

## 6. Funding Source:

Washington State Parks and Recreation Commission, Recreational Boating Safety (RBS) Federal Financial Assistance Grant. Funds originate from Department of Homeland Security, Boating Safety Financial Assistance Program, CFDA No. 97.012.

# Supplemental Budget Request

Status: Pending

## Non-Departmental

Suppl ID # 2151

Fund 324

Cost Center 32400

Originator: Marianne Caldwell

Expenditure Type: One-Time

Year 2 2016

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Trf to Fund Birch Point Drainage Repair

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	<b>Object</b>	<b>Object Description</b>	<b>Amount Requested</b>
	8351	Operating Transfer Out	\$200,000
	<b>Request Total</b>		<b>\$200,000</b>

### 1a. Description of request:

Public Works returned \$460,000 of unused REET II funds from the Academy Rd Stormwater Project after obtaining grant funding. They are requesting to use \$200,000 of the returned monies for the Birch Point DNR Outfall Project. See related Supplement Budget Request ID #2147

### 1b. Primary customers:

### 2. Problem to be solved:

### 3a. Options / Advantages:

### 3b. Cost savings:

### 4a. Outcomes:

### 4b. Measures:

### 5a. Other Departments/Agencies:

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

### 6. Funding Source:

REET II funds returned from the Academy Rd Stormwater Project.

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-144

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	<i>MR</i>	3/23/16	<div style="text-align: center;"> <p>RECEIVED</p> <p>MAR 29 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	4/5/16	Intro
Division Head:				4/19/16	Finance Comm.; Board of Supervisors
Dept. Head:					
Prosecutor:	<i>KAF</i>	3/23/16			
Purchasing/Budget:	<i>MR</i>	3/23/16			
Executive: <i>TL</i>	<i>TL</i>	3/28/16			

**TITLE OF DOCUMENT:** Flood Control Zone District and Subzones Budgets 2016 Supplemental Budget Request #2

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

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

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

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

**Supplemental #2 requests funding from the Birch Bay Watershed and Aquatic Resources Management Fund:**

- To appropriate \$200,000 to fund collaborative drainage system repair at Birch Point from REET II funds.

**COMMITTEE ACTION:**

**BOARD OF SUPERVISORS ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

PROPOSED BY: Executive  
INTRODUCTION DATE: 4/5/16

**RESOLUTION NO. \_\_\_\_\_**

(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

**AMENDMENT NO. 2 OF THE 2016 BUDGET**

**WHEREAS**, the 2016 budget for the Whatcom County Flood Control Zone District and Subzones was adopted November 24, 2015; and,

**WHEREAS**, changing circumstances require modifications to the approved 2016 budget; and,

**WHEREAS**, the modifications to the budget have been assembled here for deliberation by the Board of Supervisors,

**NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Flood Control Zone District Board of Supervisors that the 2016 budget as approved in Resolution 2015-047 is hereby amended by adding the following additional amounts to the budgets included therein:

	Expenditures	Revenues	Net Effect
<b>Birch Bay Watershed and Aquatic Resources Management Fund</b>	<u>200,000</u>	<u>(200,000)</u>	<u>-</u>
<b>Total Supplemental</b>	<u>200,000</u>	<u>(200,000)</u>	<u>-</u>

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016

ATTEST:

WHATCOM COUNTY FCZD  
BOARD OF SUPERVISORS  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Chair of the Board of Supervisors

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Civil Deputy Prosecutor



Flood Control Zone District and Subzones Budgets Amendment #2		Expenditures	Revenues	Fund Balance
Birch Bay Watershed and Aquatic Resources Management Fund	To fund collaborative drainage system repair at Birch Point from REET II funds.	200,000	(200,000)	-
Total Supplemental		200,000	(200,000)	-

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

**JON HUTCHINGS  
DIRECTOR**



**STORMWATER**  
322 N. Commercial Street, Suite 301  
Bellingham, WA 98225  
Telephone: (360) 778-6210  
FAX: (360) 778-6211  
[www.whatcomcounty.us](http://www.whatcomcounty.us)

**RECEIVED**

**MEMORANDUM**

MAR 18 2016

**TO:** The Honorable Jack Louws, Whatcom County Executive, and  
Honorable Members of the Whatcom County Flood Control Zone District

**THROUGH:** Jon Hutchings, Public Works Director *JH*

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

**cc:** Brad Bennett, Manager, AS-Finance  
Randy Rydel, Financial Services Manager Supervisor, Public Works-Admin

**DATE:** March 14, 2016

**RE:** 2016 Budget Supplemental #2147 – Collaborative Drainage System Repair - Birch Point

---

Please find attached for approval a supplemental budget request from Public Works-Stormwater to allocate REET funds for the Birch Point Dept. of Natural Resources (DNR) Outfall.

▪ **Background and Purpose**

A drainage system upgrade is being designed to improve safety and reduce maintenance associated with a marine outfall on Birch Point. The Collaborative Drainage System Repair – Birch Point project was listed for construction in 2016 on the Six Year Water Resources Improvement Program. Final design is currently at the 90% stage with construction slated for mid-August 2016. To date BBWARM, Countywide Flood Control Zone District and Road Funds have contributed to pre-design and final design of this project. REET funds are requested to supplement BBWARM funds to construct this \$300,000 project.

▪ **Funding Amount and Source**

In 2015, the Academy Road Stormwater Improvements project received multiple grants from Washington State Dept. of Ecology resulting in a surplus of revenue from REET funds. This supplemental budget request for the Birch Point DNR Outfall project in the amount of \$200,000 will be allocated from the Academy project's unspent REET funds.

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

Attachment

# Supplemental Budget Request

Status: Pending

## Public Works

## Stormwater

Suppl ID # 2147

Fund 2E+0 Cost Center 169250

Originator: Kraig Olason

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

Name of Request: Birch Point DNR Outfall

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	7380	Other Improvements	\$200,000
	8301.324	Operating Transfer In	(\$200,000)
	Request Total		\$0

### 1a. Description of request:

The project will replace the current failing conveyance system from east of Semiahmoo Drive to the beach at Semiahmoo Bay.

### 1b. Primary customers:

Whatcom County including adjacent landowners and coastal residents on Semiahmoo Drive who have sustained damage from major storms overwhelming the existing system, Washington State Department of Natural Resources (the underlying property owner), and upland landowners (primarily Jun Yu Development) who contribute the majority of the water to the system. This project will provide an outlet for a significant stretch of the county's road ditch along this portion of Semiahmoo Drive,

### 2. Problem to be solved:

The cross culvert under Semiahmoo Drive is undersized as is the conveyance pipe from the top of the bluff to the beach. Heavy rains overwhelm the existing conveyance system resulting in flooding and damage to adjacent properties. The beach bluff in this area is 60 feet above the beach and is subject to natural and flood-induced landslides.

### 3a. Options / Advantages:

Whatcom County contracted 2020 Engineering, a local engineering firm, to conduct a pre-design study to evaluate several options to address this drainage problem. An initial report Stormwater Site Plan for Birch Point, done in January 2015, evaluated the drainage areas, different routing options for the individual drainage basins, volume of runoff, and alternative outlet options.

The Preliminary Engineers Report for Birch Point done in January 2015 by 2020 Engineering evaluated two sites--a vacant site south of the current site, and the current site and 3 design options. The report provides an analysis of each. The current proposal was selected based on cost of construction, natural features (that being the low point in the area), and perceived likelihood that the project could be constructed in a timely manner.

### 3b. Cost savings:

Costs of the proposed options varied from over \$2 million plus price of the alternative site's lot, to the project that we are now proposing which is closer to an estimated \$300,000 to construct.

Cost considerations for the long-term include the potential costs for road replacement, property damage, plus a new outfall if this project isn't constructed.

### 4a. Outcomes:

The project is being designed to safely convey the estimated 100-year storm event from east of Semiahmoo Drive to the beach. The project is scheduled for construction in August 2016.

## Supplemental Budget Request

Status: Pending

### Public Works

### Stormwater

Suppl ID # 2147

Fund 2E+0 Cost Center 169250

Originator: Kraig Olason

#### 4b. Measures:

The project will convey major storm events safely to the beach without plugging at the inlet, will require minimal maintenance, and will no longer flood across Semiahmoo Drive.

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

This project will reduce the need to provide maintenance staff to monitor and maintain a free-flowing culvert throughout major storm events.

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

N/A

#### 6. Funding Source:

Construction funds will be provided by BBWARM District, County Road funds, and REET funds that were unspent from the Academy Road Stormwater Improvements project due to the receipt of multiple grants from Washington State Dept. of Ecology.

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. \_\_\_\_\_

2016-145

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	<i>WDC</i>	3/28/16	<div style="text-align: center;"> <b>RECEIVED</b>   <b>MAR 29 2016</b>   <b>WHATCOM COUNTY COUNCIL</b> </div>	4/05/16	<b>Intro</b>
Division Head:				4/19/16	<b>Finance Comm.; Board of Supervisors</b>
Dept. Head:					
Prosecutor:	<i>KNF</i>	3/28/16			
Purchasing/Budget:	<i>WDC</i>	3/28/16			
Executive: <i>KLS</i>	<i>[Signature]</i>	3/28/16			

**TITLE OF DOCUMENT:** Flood Control Zone District and Subzones 2016 Supplemental Budget Request #3

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

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.)

**Supplemental #3 requests funding from the Flood Control Zone District Fund:**

1. To appropriate \$85,000 in Natural Resources to fund Department of Natural Resources/ Public Works LIDAR (light detection and ranging) project.

**COMMITTEE ACTION:**

**BOARD OF SUPERVISORS ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

PROPOSED BY: Executive  
INTRODUCTION DATE: 4/05/16

**RESOLUTION NO. \_\_\_\_\_**

(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

**AMENDMENT NO. 3 OF THE 2016 BUDGET**

**WHEREAS**, the 2016 budget for the Whatcom County Flood Control Zone District and Subzones was adopted November 24, 2015; and,

**WHEREAS**, changing circumstances require modifications to the approved 2016 budget; and,

**WHEREAS**, the modifications to the budget have been assembled here for deliberation by the Board of Supervisors,

**NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Flood Control Zone District Board of Supervisors that the 2016 budget as approved in Resolution 2015-047 is hereby amended by adding the following additional amounts to the budgets included therein:

	Expenditures	Revenues	Net Effect
<b>Flood Control Zone District - Natural Resources</b>	<u><b>85,000</b></u>	<u><b>(63,750)</b></u>	<u><b>21,250</b></u>
<b>Total Supplemental</b>	<u><b>85,000</b></u>	<u><b>(63,750)</b></u>	<u><b>21,250</b></u>

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016


ATTEST:

WHATCOM COUNTY FCZD  
BOARD OF SUPERVISORS  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Chair of the Board of Supervisors

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Civil Deputy Prosecutor

Flood Control Zone District and Subzones Supplemental #3		Expenditures	Revenues	Fund Balance
Flood Control Zone District - Natural Resources	To fund DNR/Public Works LIDAR project.	85,000	(63,750)	21,250
Total Supplemental		85,000	(63,750)	21,250

# Supplemental Budget Request

Status: Pending

## Public Works

## Natural Resources

Suppl ID # 2136

Fund 169

Cost Center 169119

Originator: Gary Stoyka

Expenditure Type: One-Time

Year 2 2016

Add'l FTE ■

Add'l Space ■

Priority 1

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

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	7210	Intergov Prof Svcs	\$85,000
	8301.001	Operating Transfer In	(\$42,500)
	8301.108	Operating Transfer In	(\$21,250)
	<b>Request Total</b>		<b>\$21,250</b>

### 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 the 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 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



## Supplemental Budget Request

Status: Pending

### Public Works

### Natural Resources

Suppl ID # 2136

Fund 169

Cost Center 169119

Originator: Gary Stoyka

Elevation Program (3DEP) mapping data quality standards.

#### **4b. Measures:**

The LIDAR 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 FCZD Fund Balance (Fund 169)

Transfers in from other funds:

\$21,250 from Road Fund (Fund 108)

\$42,500 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.

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. \_\_\_\_\_

2016-146

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	MDC	3/23/16	<div style="text-align: center;"> <p>RECEIVED</p> <p>MAR 29 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	04/05/16	Intro
Division Head:				04/19/16	Finance Committee; Council
Dept. Head:					
Prosecutor:	KPF	3/23/16			
Purchasing/Budget:	AS	3/23/16			
Executive:	TAS	3/28/16			
<b>TITLE OF DOCUMENT:</b> Amendment No.1 to Ordinance No. 2014-083 Establishing the Cedar Hills/Euclid Storm Water Improvements Fund and Establishing a Project Based Budget for Cedar Hills/Euclid Storm Water Improvements					
<b>ATTACHMENTS:</b> Ordinance Amendment, Exhibit A, Supplemental Budget Request, and Memorandum					
SEPA review required? ( ) Yes ( X ) NO SEPA review completed? ( ) Yes ( X ) NO			Should Clerk schedule a hearing ? ( ) Yes ( X ) NO Requested Date:		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)					
Amendment No 1 to the Cedar Hills/Euclid Storm Water Improvements Fund Project Budget requests additional appropriation authority of \$665,586 for a new Project Based Budget total of \$1,295,586.					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b>		
<b>Related County Contract #:</b>		<b>Related File Numbers:</b>		<b>Ordinance or Resolution Number:</b>	

PROPOSED BY: Executive  
INTRODUCTION DATE: April 5, 2016

ORDINANCE NO. \_\_\_\_\_

**AMENDMENT NO. 1 TO ORDINANCE NO. 2014-083 ESTABLISHING THE CEDAR HILLS/EUCLID STORM WATER IMPROVEMENTS FUND AND ESTABLISHING A PROJECT BASED BUDGET FOR CEDAR HILLS/EUCLID STORM WATER IMPROVEMENTS**

**WHEREAS**, the Lake Whatcom Comprehensive Stormwater Management Plan identified the Cedar Hills/Euclid Natural Drainage Retrofit as a high priority capital improvement project, and

**WHEREAS**, design work is currently underway for this project through a contract with Wilson Engineering, and

**WHEREAS**, the Stormwater Division was successful in obtaining a Combined Water Quality Financial Assistance grant from the Department of Ecology to aid in funding the design and construction of this stormwater retrofit, and

**WHEREAS**, this Ecology funding, in addition to the allocated REET II funding, will allow for the expansion of the scope of work to maximize the water quality benefit by constructing additional stormwater facilities and including a channel stabilization element as part of the project, and

**WHEREAS**, the budget expenditure authority for the Ecology funding is now being requested in this project-based budget fund,

**NOW THEREFORE BE IT ORDAINED** by the Whatcom County Council that Ordinance No. 2014-083 is hereby amended adding \$665,586 of expenditure authority, as described in Exhibit A, to the original project budget of \$630,000, for a total amended project budget of \$1,295,586.

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

  
\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, Executive

Date: \_\_\_\_\_

## EXHIBIT A

### CEDAR HILLS/EUCLID STORMWATER IMPROVEMENTS

Project Budget		Current project budget	Amendment #1	Total Amended
Expenditures	Account Description	<u>Ord. 2014-083</u>	<u>to Ord. 2014-083</u>	<u>Project Budget</u>
	7380 Other Improvements	<u>\$630,000.00</u>	<u>\$665,586.00</u>	<u>\$1,295,586.00</u>
Revenues				
	4334.0311 Dept of Ecology Grant	\$0.00	\$665,586.00	\$665,586.00
	8301.169 Flood Fund Transfer	\$10,000.00	\$0.00	\$10,000.00
	8301.324 REET II Transfer	\$620,000.00	\$0.00	\$620,000.00
		<u>\$630,000.00</u>	<u>\$665,586.00</u>	<u>\$1,295,586.00</u>

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

**JON HUTCHINGS  
DIRECTOR**



**STORMWATER**  
322 N. Commercial Street, Suite 301  
Bellingham, WA 98225  
Telephone: (360) 778-6210  
FAX: (360) 778-6211  
[www.whatcomcounty.us](http://www.whatcomcounty.us)

**RECEIVED**

MAR 18 2016

**JACK LOUWS  
COUNTY EXECUTIVE**

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

**THROUGH:** Jon Hutchings, Public Works Director *JH*

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

**cc:** Brad Bennett, Manager, AS-Finance  
Randy Rydel, Financial Services Manager Supervisor, Public Works-Admin

**DATE:** March 14, 2016

**RE:** 2016 Budget Supplemental #2148 - Cedar Hills-Euclid Stormwater  
Improvements

---

Please find attached for approval a supplemental budget request from Public Works-Stormwater for the Cedar Hills-Euclid Stormwater Improvements project.

▪ **Background and Purpose**

The Lake Whatcom Comprehensive Stormwater Management Plan identified high priority Capital Improvement Projects (CIPs) to address water quality. CIP-10 Natural Drainage Retrofits Cedar Hills/Euclid is one these CIPs. Design work is currently underway for this CIP through a contract with Wilson Engineering (WC Contract #201410003).

The Stormwater Division was successful in obtaining a Combined Water Quality Financial Assistance grant from the Department of Ecology to aid in funding the design and construction of the stormwater retrofits. This Ecology funding, in addition to the allocated REET funding, will allow for the expansion of the scope of work to maximize the water quality benefit by constructing additional stormwater facilities and including a channel stabilization element as part of the project.

▪ **Funding Amount and Source**

This request in the amount of \$665,586 will be funded by a grant from Washington State Dept. of Ecology (WQC-2016-WhCoPW-00046, Whatcom County Contract No. 201511024) of which a match of \$221,000 will be funded by existing allocated REET funds.

Please contact Melissa at extension 6302 if you have any questions regarding this request.

Attachment

# Supplemental Budget Request

Status: Pending

Public Works

Stormwater

Suppl ID # 2148 Fund 123 Cost Center 367100 Originator: R McConnell

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

Name of Request: Cedar Hills-Euclid Stormwater Improvements

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4334.0311	CZM-FCCAP Grant	(\$665,586)
	7380	Other Improvements	\$665,586
	Request Total		\$0

## 1a. Description of request:

This is a water quality improvement project that will design and construct low impact development (LID) stormwater control facilities and stormwater treatment facilities specifically designed to remove phosphorus in urban runoff draining to Euclid Creek which flows to Lake Whatcom. The principal method of treatment and flow control will be street-side bioretention interspersed along residential streets and between driveways. Stormwater filter vaults will also be installed where site conditions allow. This project will also address an eroded channel that flows to Euclid Creek by stabilizing and restoring banks. Sediment that enters waterways carries excess phosphorus into Lake Whatcom. By stabilizing the channel and preventing erosion, phosphorus loading via sediment transport will be reduced.

## 1b. Primary customers:

The primary customers of this project are the citizens of Whatcom County, residents of the City of Bellingham and anyone who benefits from recreational use of Lake Whatcom.

## 2. Problem to be solved:

This project addresses the problem of water quality. Lake Whatcom supplies drinking water to approximately 100,000 residents in the Bellingham area. Elevated levels of phosphorus have caused Lake Whatcom to be placed on Washington State's 303(d) listing as an impaired waterbody. This project will treat and infiltrate stormwater runoff to reduce phosphorus loading to Lake Whatcom. It will also reduce peak flows and pollutant loading to Euclid Creek.

## 3a. Options / Advantages:

As part of the engineering analysis several approved treatment methods for phosphorus were considered. These included infiltration, large sand filters, large wet ponds, linear modular wetlands, Filterra systems, FloGard perk filters and media filter drains. Given the site constraints and the goal to provide the highest levels of phosphorus treatment, retrofitting the road side ditches and installing Stormfilter vaults at strategic locations were the best options for this project. The channel restoration will provide stabilization of an eroding channel and prevent sediment transport into Lake Whatcom and was, therefore, also included as a best management practice as part of this project.

## 3b. Cost savings:

The failure to reduce phosphorus loading to Lake Whatcom can result in costly removal /treatment of excessive algae blooms, increased costs for maintaining drinking water filters, reduced use of Lake Whatcom as fishing and recreational facility, and the overall deterioration of the biological function of the watershed. This project is expected to remove 24 pounds of phosphorus per year from the 53.2 acre contributing area. This project will contribute to the overall goal of water quality and assist with meeting the TMDL requirements of retrofitting development to mimic the phosphorus loading of a forested watershed.

# Supplemental Budget Request

Status: Pending

## Public Works

## Stormwater

Suppl ID # 2148

Fund 123

Cost Center 367100

Originator: R McConnell

### 4a. Outcomes:

The construction of the bioretention facilities, the installation of the Stormwater Filter vaults and the channel stabilization work will be completed by the end of the 2016 Lake Whatcom work window. At this time the facilities will be on-line and will begin to treat stormwater entering Euclid Creek and Lake Whatcom.

### 4b. Measures:

The construction and installation of the stormwater facilities will indicate that the project outcomes have been met. In addition, the Stormwater division intends to fit one of the bioretention facilities for effectiveness monitoring. This monitoring will assist the Stormwater division in quantifying in-field phosphorus reduction and provide information for the continuing improvement of water quality design work in the Lake Whatcom watershed.

### 5a. Other Departments/Agencies:

This project installs stormwater facilities that will require future maintenance. Maintenance staff will be responsible for replacing filter cartridges and regular inspections of the bioretention facilities.

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

N/A

### 6. Funding Source:

This project will be partially funded by a Water Quality Combined Financial Assistance grant from the Department of Ecology with a match of \$221,000 to come from existing REET funds that have been allocated.

*No.* 2016-147

386



**WHATCOM COUNTY  
EXECUTIVE'S OFFICE**

County Courthouse  
311 Grand Avenue, Suite #108  
Bellingham, WA 98225-4082



**Jack Louws**  
County Executive

**MEMORANDUM**

**TO:** Whatcom County Council members

**FROM:** Jack Louws, County Executive

**RE:** Whatcom County Code amendment to revise membership of  
Economic Development Investment (EDI) Board

**DATE:** March 22, 2016

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Please find attached an Ordinance amendment regarding Whatcom County Code Chapter 2.130. This amendment is being proposed as a basic housekeeping matter to correct the wording in Whatcom County Code Chapter 2.130, revising the EDI Board membership roster.

Membership of this board originally included the "Director of Whatcom County Administrative Services." Since that position no longer exists, we are proposing a text amendment to reflect a similar position (county department head or official). Please refer to the redlined text in Exhibit A to the Ordinance amendment.

If you should have any questions, please feel free to contact me at 778-5200.

PROPOSED BY: \_County Executive\_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**Amending Whatcom County Code Chapter 2.130  
To Revise Economic Development Investment Board Membership**

**WHEREAS**, Whatcom County Code Section 2.130 sets forth the establishment, purpose, function and membership of the Whatcom County Economic Development Investment Board; and

**WHEREAS**, an amendment to the Whatcom County Code Section 2.130.040 is necessary to clarify membership of the board due to a change in one of the designated positions; and

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code Section 2.130.040 is hereby amended as indicated in Exhibit A to this Ordinance.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

*Daniel L. Gibson*  
\_\_\_\_\_  
Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Jack Louws, County Executive

(    ) Approved      (    ) Denied

Date Signed: \_\_\_\_\_

EXHIBIT A

**2.130.040 Membership – Term of office.**

A. The EDI board will consist of 14 members, which include:

1. The county executive;
2. The mayor of Bellingham;
3. Two mayors of small cities, designated by the Small Cities Caucus;
4. Chair of the county council;
5. ~~Director of Whatcom County administrative services~~ County department head or official appointed by the County Executive;
6. One member at large, appointed by the county executive;
7. One member of the agricultural community, appointed by the county executive;
8. One member of the timber community, appointed by the county executive;
9. One member of the fishing community, appointed by the county executive;
10. One member representing each of the following:
  - a. Bellingham/Whatcom County Chamber of Commerce;
  - b. Bellingham/Whatcom County economic development council;
  - c. Port of Bellingham;
  - d. Public utility district.

B. The chairperson of the board shall be the Whatcom County executive.

C. Due to the composition of this board, it is not subject to Charter Section 3.23. (Ord. 2003-046 Exh. A; Ord. 2000-022).

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-148

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	SM	3/25/16	<div style="text-align: center;"> <b>RECEIVED</b>   <b>MAR 29 2016</b>   <b>WHATCOM COUNTY COUNCIL</b> </div>	April 5, 2016	Introduction
Division Head:				April 19, 2016	Council
Dept. Head:					
Prosecutor:	DG	03/28/16			
Purchasing/Budget:					
Executive:	TM	3/28/16			

**TITLE OF DOCUMENT:** Ordinance Amendment for Whatcom County Code Chapter 2.34

**ATTACHMENTS:** Memorandum, Ordinance Amendment

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

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

County Executive Jack Louws requests the adoption of an Ordinance Amendment for Whatcom County Code Chapter 2.34.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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

**WHATCOM COUNTY**

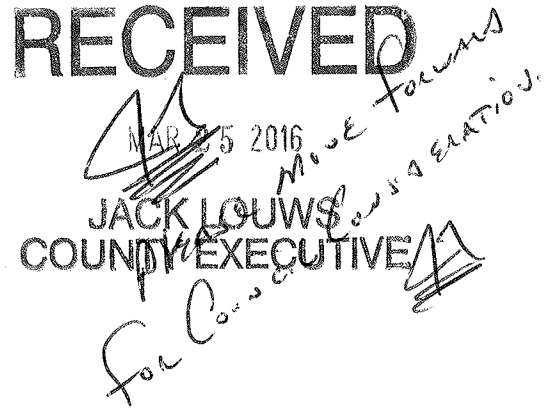
Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-5901 Fax



**J.E. "Sam" Ryan**  
Director

**Memorandum**

**TO:** The Honorable Executive Louws  
**FROM:** Karin Beringer, Planner 1  
**DATE:** 03/25/2016  
**SUBJECT:** Agricultural Advisory Committee



The Agricultural Advisory Committee (AAC) was created with a designated spot on the committee for a representative from Whatcom Farm Friends. In October 2015, the representative from Farm Friends resigned from the committee due to other commitments. Around that same time we were informed that Whatcom Farm Friends had changed its name to Whatcom Family Farmers. Since the ordinance says "Farm Friends," there have been some questions as to whether or not the County needs to change the name in the ordinance, or if the AAC would like a representative from a different group to sit on the committee.

The AAC discussed this at their meeting on March 9. The committee recommended to change Farm Friends to Whatcom Family Farmers in the ordinance, and to have a representative from Whatcom Family Farmers sit on their committee.

PROPOSED BY: \_County Executive\_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**Amending Whatcom County Code Chapter 2.34  
To Revise Agricultural Advisory Committee Membership**

**WHEREAS**, Whatcom County Code Section 2.34 sets forth the establishment, purpose, function and membership of the Whatcom County Agricultural Advisory Committee; and

**WHEREAS**, Whatcom County Code subsection 2.34.040 sets out the membership and terms of office for the committee; and

**WHEREAS**, an amendment to the Whatcom County Code Section 2.34.040 is necessary to clarify membership of the board due to a change in name for one of the designated positions;

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code Section 2.34.040 is hereby amended as indicated in Exhibit A to this Ordinance.

**ADOPTED** 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:

  
\_\_\_\_\_  
Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Jack Louws, County Executive

(    ) Approved      (    ) Denied

Date Signed: \_\_\_\_\_

EXHIBIT A

2.34.040 Membership – Term of office.

A. The committee shall consist of no more than 13 voting members consisting of one member from the Whatcom County conservation district board, one representative from Whatcom Family Farmers~~Farm Friends~~, one representative from the agricultural processing industry, one citizen representing consumers of agricultural products, and one citizen with expertise in agricultural programs.

The remaining voting positions are to include agricultural producers representing both large and small scale producers of the various agricultural commodities produced in Whatcom County. A quorum shall consist of at least half of the appointed voting members. In addition to the voting members, a representative of Washington State University Extension, Natural Resource Conservation Service, Whatcom County conservation district, FFA youth, and Whatcom County department of planning and development services will serve on the committee in an ex officio capacity.

B. The county executive will appoint the voting citizen committee members with final confirmation by the county council. Citizen member terms will be four years. (Ord. 2009-002, Exh. A; Ord. 2001-036).

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-149

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	SM	3/24/16	<div style="text-align: center;"> <p>RECEIVED</p> <p>MAR 29 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	April 5, 2016	Introduction
Division Head:				April 19, 2016	Public Hearing
Dept. Head:					
Prosecutor:	<i>[Signature]</i>	03/29/16			
Purchasing/Budget:					
Executive: <i>[Signature]</i>		3/29/16			
<b>TITLE OF DOCUMENT:</b> Resolution and Public Hearing regarding Community Development Block Grant funding application.					
<b>ATTACHMENTS:</b> Memo from County Executive; 3/22/16 Memorandum from Unity Care NW; CDBG Public Hearing handout; Resolution and Certification of Compliance					
SEPA review required? ( ) Yes ( X ) NO SEPA review completed? ( ) Yes ( X ) NO			Should Clerk schedule a hearing ? ( X ) Yes ( ) NO Requested Date: April 19, 2016		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> (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.)					
<p>Public participation is a Community Development Block Grant (CDBG) requirement, and a Public Hearing meets that requirement. A CDBG applicant must inform residents and decision-makers of the availability of CDBG funds and provide an opportunity for community members to present potential projects and offer input on proposed projects.</p> <p>Unity Care Northwest is seeking the county's support as a CDBG Applicant for a pass-through grant from the Washington State Department of Commerce CDBG Program for a 2016 grant for up to \$750,000 in CDBG funding. Unity Care Northwest proposes the use of a CDBG in the construction of a nonprofit health care facility that will provide integrated medical, dental, pharmacy and behavioral health services for low-income residents in Ferndale, Lynden, Blaine and other parts of Northern Whatcom County. Unity Care Northwest will act as CDBG Subrecipient or subgrantee, and Whatcom County will be the lead agency in the CDBG application process. The attached Resolution authorizes the County Executive to sign and submit this CDBG application.</p> <p><b>Public Hearing Notice language:</b></p> <p>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, April 19, 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 \$750,000 may be available to Whatcom County on a statewide competitive basis for funding public facility, community facility, economic development, planning and affordable housing projects that principally benefit low- and moderate-income persons. After the Public Hearing, 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 project will be available for review at the Whatcom County Executive's office, Suite 108, 311 Grand Avenue, Bellingham, by April 14, 2016. Comments may also be submitted in writing to the Whatcom County Council until the public hearing has been closed. The council chambers are handicap accessible. Arrangements to reasonably accommodate special needs, including handicap accessibility or interpreter, will be made upon receiving 96 hours advance notice.</p>					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b>		
<b>Related County Contract #:</b>		<b>Related File Numbers:</b>		<b>Ordinance or Resolution Number:</b>	
<b>Please Note:</b> Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: <a href="http://www.co.whatcom.wa.us/council">www.co.whatcom.wa.us/council</a> .					



**WHATCOM COUNTY  
EXECUTIVE'S OFFICE**

County Courthouse  
311 Grand Avenue, Suite #108  
Bellingham, WA 98225-4082



**Jack Louws**  
County Executive

# MEMORANDUM

**To:** Whatcom County Council Members  
**From:** Jack Louws, County Executive  
**Subject:** Unity Care Northwest – CDBG Grant Application for the construction of an expanded health care facility in Ferndale  
**Date:** March 25, 2016

---

We have been contacted by Unity Care Northwest regarding a proposed project that focuses on the construction of a health care facility that will provide integrated medical services to citizens of Ferndale, Lynden, Blaine and other parts of northern Whatcom County. They wish to apply for a CDBG General Purposes block grant, through Whatcom County, that will support the new construction of a facility that will replace the former clinic and add additional capacity and services including medical, dental, pharmacy and behavioral health services.

They are requesting that Whatcom County act as the lead agency in the Community Development Block Grant application process. Through a subrecipient agreement with the County, they will administer the grant and oversee the project (up to \$750,000 grant request). I am attaching a memorandum from the Unity Care NW Director as well as the proposed clinic drawings and plans.

I am supporting this application and recommending to the Council its submission. 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 this project. 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.

Thank you for your consideration of this matter. If you have any questions, please don't hesitate to contact me.

/Enclosures

MAR 25 2016

To: Jack Louws, Whatcom County Executive  
 From: Desmond Skubi, Unity Care Northwest Executive Director  
 Date: March 22, 2016  
 Subject: Request for assistance pursuing a Community Development Block Grant

**JACK LOUWS**  
**COUNTY EXECUTIVE**

On behalf of Unity Care Northwest, I request Whatcom County's assistance in the pursuit of a federal grant to assist with the construction of a new health care facility in Ferndale.

**Project Overview:** In response to large and growing needs for primary care health services among people with low-incomes in Ferndale, Lynden, Blaine, and other parts of Northern Whatcom County, Unity Care Northwest asks that Whatcom County help Unity Care Northwest secure a federal grant for the construction of a health care facility that will provide integrated medical, dental, pharmacy, and behavioral health services.

**Grant Opportunity:** This year, a grant of up to \$750,000 may be available for the capital costs of construction from the Washington State Department of Commerce Community Development Block Grant (CDBG) General Purpose Grant Program.

**County Council Action Requested:** Unity Care Northwest would like to request that County Council adopt a Resolution authorizing the Whatcom County Executive to apply for up to \$750,000 in CDBG capital grant funding. If Council approves, Unity Care Northwest can work with the County Executive's Office to prepare a CDBG application for the June 1, 2016, submittal deadline.

**North Whatcom County Health Center concept:** The proposed integrated medical, dental, pharmacy and behavioral health facility would replace and expand Unity Care Northwest's current Ferndale clinic facilities, located on 3<sup>rd</sup> Street in Ferndale, that have reached their capacity. In 2015 Unity Care Northwest's Ferndale Health Center provided medical care for 2,276 people, dental care for 2,292 people, and mental health services for 51 people, in a total of 12,847 patient visits. The expanded health center will significantly increase the agency's capacity, and will add on-site pharmacy services for patients. The total project budget is \$11,591,000.

Architectural planning suggests the need for 23,393 square feet to meet the growing need for services in North Whatcom County. When fully staffed in 2021, the new clinic will serve 9,500 patients, providing 42,875 visits and 64 full-time equivalent jobs. The Program for the new health center is reflected below, along with the staffing levels by full-time equivalent or FTE.

Program: Areas of Care	Provider FTE in Current Ferndale Facility	Provider FTE in New Ferndale Facility	Total FTE by Program in New Ferndale Facility	Service Volume in Patient Visits Per Year
Medical	1.0 MD 1.0 ARNP	3.0 MD 2.0 ARNP	17	18,250 Visits
Dental	2.0 Dentist 0.5 Hygiene	5.5 Dentists 3.0 Hygiene	19	18,125 Visits
Behavioral Health	1.0 IBH 0.1 Prescriber	2.0 IBH 4.0 Counselor 0.8 Prescriber	11	6,500 Visits
Pharmacy		1.2 Pharmacist	3	34,000 Scripts
Administration			14	
<b>Total</b>	<b>5.6 FTE</b>	<b>21.5 FTE</b>	<b>64 FTE</b>	<b>42,875 Visits</b>



In addition to expanding medical, dental, and behavioral health services, Unity Care Northwest will build a pharmacy that will provide low-cost prescriptions to qualifying patients. Unity Care Northwest will be the largest state-of-the-art, high-quality medical facility in North Whatcom County. Unity Care Northwest will provide services for anyone in need - the uninsured, or those on commercial insurance, Medicaid or Medicare.

#### **North Whatcom County Health Center Project Objectives:**

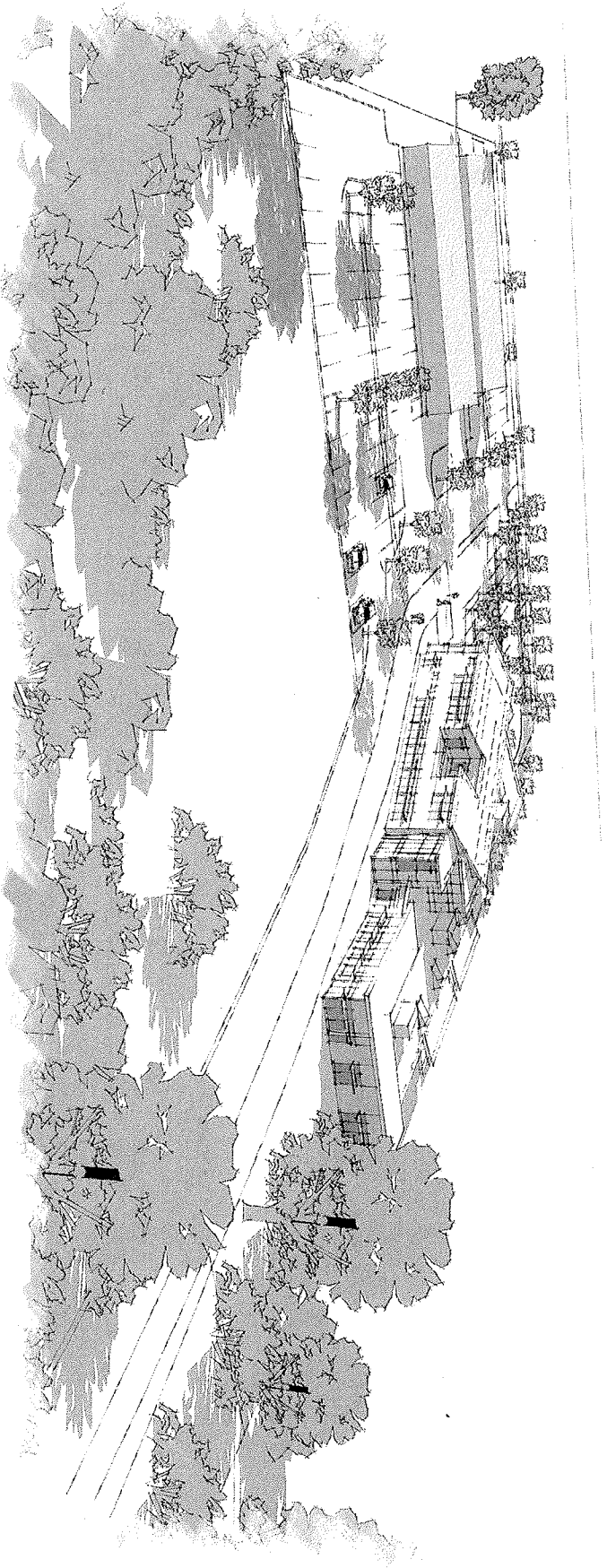
1. Expand access to primary health care and dental services, including the addition of a pharmacy and lab.
2. Provide care for the whole person through a Patient Centered Medical Home (PCMH) model. The PCMH is a way of organizing primary care that emphasizes care coordination and communication to transform primary care into what patients want it to be. Medical homes can lead to higher quality and lower costs, and can improve patients' and providers' experience of care. The PCMH inspires quality of care, cultivates engaging patient relationships, and captures savings through expanded access and improved outcomes, reducing preventable hospital and emergency room use.
3. Improve dental outcomes and deliver cost savings by focusing on prevention to stop the cycle that causes dental disease, educate the next generation about preventive care, and move the community from treating urgent and chronic dental conditions towards prevention and maintenance. These efforts improve the lives of patients and families while reducing costs.
4. Become an essential partner in North Whatcom County. Unity Care Northwest will not only meet community health care needs, but it will also identify and help address other social service needs such as substance abuse and homelessness. Unity Care Northwest understands partnerships are essential and partners with public and private health entities to meet patient needs. Unity Care Northwest works with other non-profits, businesses, and governmental partners to solve community problems. Finally, this new health facility will vitalize Portal Way, leading to a new era of growth and prosperity.

**Agency Background:** Unity Care Northwest is a non-profit provider of primary medical, dental, behavioral health, and pharmacy services governed by a Board of Directors whose majority use its services. Unity Care Northwest provides a sliding fee scale to assure that services are available regardless of the ability to pay. Unity Care's purpose is to increase the years of healthy life in the communities and people that it serves. Understanding community needs is at the heart of its work and its mission.

Unity Care Northwest conducts exhaustive needs assessments every three years, and develops a Strategic Plan in response to the findings of the assessments. In 2014, Unity Care Northwest completed a strategic plan and identified the relocation and expansion of its Ferndale Health Center to be a strategic priority, with the goal a strategically located health center sized to serve northern Whatcom County. A site was selected close to the Portal Way I-5 freeway exit to facilitate access from communities to the north. Unity Care Northwest hired RMC Architects to complete architectural planning by May 2016. Construction is anticipated to begin the summer of 2017, after the required financing is assembled.

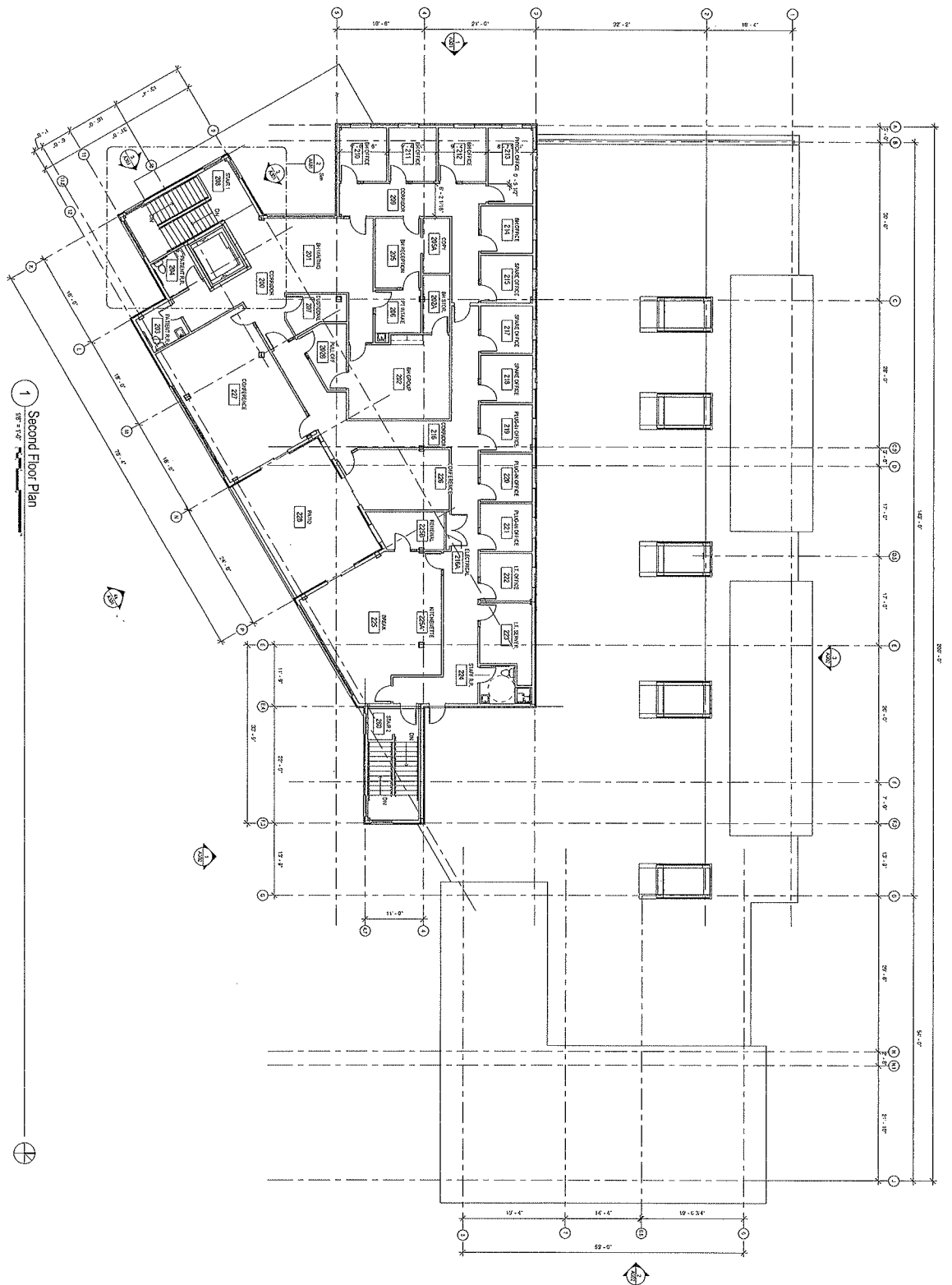
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Attachments: North Whatcom Clinic drawings and plans



Aerial Perspective - SE





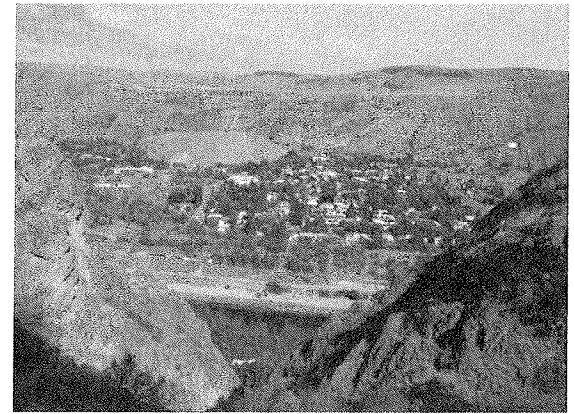
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**Department of Commerce**  
Innovation is in our nature.

## Community Development Block Grant Program (CDBG)

*Helping rural communities with projects that benefit  
low- and moderate-income persons*



2016 Program Year

**The Washington State CDBG Program offers five grant funds:**

**General Purpose Grants** \$9,000,000

For planning or construction of public infrastructure, community facility, affordable housing, and economic development projects. Application available in March and due in June.

**Economic Opportunity Grants** \$2,700,000

For state and local priority economic development projects that promote vibrant rural communities. Applications accepted while funds are available.

**Housing Enhancement Grants** \$200,000

For off-site infrastructure or the community facility component of a state Housing Trust Fund project. Applications accepted while funds are available.

**Imminent Threat Grants** \$100,000

For unanticipated emergencies posing a serious immediate threat to public health and safety. Applications accepted while funds are available.

**Public Services Grants** \$1,500,000

For county and community action agencies to fund new or expanded services for lower income persons. Application available in February and due in April.

*Funding contingent on the*

***US Dept of Housing & Urban Development approval of the  
state's 2016 Action Plan and CDBG allocation***

### CONTACT INFORMATION:

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Eligibility information on reverse side

[www.commerce.wa.gov/cdbg](http://www.commerce.wa.gov/cdbg)



### **HUD National Objectives**

CDBG project activities must meet one of three HUD National Objectives:

- Principally benefits low-and moderate-income persons
- Aids in the prevention or elimination of slums or blight
- Addresses imminent threat to public health or safety

### **CDBG Eligibility Guidelines**

Eligible applicants are Washington State cities/towns with less than 50,000 in population and not participating in a CDBG entitlement urban county consortium; and counties with less than 200,000 in population. Eligible cities/towns and counties are listed on the CDBG website.

Special purpose districts, public housing authorities, community action agencies, economic development councils, other non-profit organizations, and Indian tribes are not eligible to apply directly to the state CDBG Program for funding, but may be a partner in projects and subrecipient of funding with an eligible city/town or county applicant.

Application materials, due dates and income limits are on the CDBG website at: [www.commerce.wa.gov/CDBG](http://www.commerce.wa.gov/CDBG)



## Federal Citizen Participation Requirements For Local Government Applicants to the State CDBG Program

### Federal Regulations 24 CFR 570.486 (a)

- (a) *Citizen participation requirements of a unit of general local government.* Each unit of general local government shall meet the following requirements as required by the state at Sec. 91.115(e) of this title.
- (1) Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
  - (2) Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the unit of local government's proposed and actual use of CDBG funds;
  - (3) Furnish citizens information, including but not limited to:
    - (i) The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
    - (ii) The range of activities that may be undertaken with the CDBG funds;
    - (iii) The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
    - (iv) The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under Sec. 570.488.
  - (4) Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with the procedures developed by the state. Such assistance need not include providing funds to such groups;
  - (5) Provide for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining citizens' views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. The public hearings to cover community development and housing needs must be held before submission of an application to the state. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;
  - (6) Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the unit of general local government's application to the state. *Substantially changed* means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state.
  - (7) Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

SPONSORED BY: Consent

PROPOSED BY: Executive

INTRODUCTION DATE: 4/5/16

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 up to \$750,000 from the CDBG General Purposes Grant Program to support the construction of a health care facility that will provide integrated medical, dental, pharmacy and behavioral health services to low-income residents in Whatcom County, 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 adopted or will adopt a policy(s) to reduce greenhouse gas emissions in accordance with RCW 70.235.070 and certifies this project will adhere to this policy(s);

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 and enforces a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act of 1974, as amended;

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 April, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

*Daniel T. Gibson*

Civil Deputy Prosecutor