

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-165

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--------------------|------------|----------|---|-------------|--------------|
| Originator: KB | KB | 5-4-16 | <div style="text-align: center;"> <p>RECEIVED</p> <p>MAY 10 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div> | 5-17-2016 | NR Committee |
| Division Head: MP | MP | 5-4-16 | | 5/17/16 | Council |
| Dept. Head: | MP for SJR | 5-4-16 | | | |
| Prosecutor: | KJ | 5-5-16 | | | |
| Purchasing/Budget: | | | | | |
| Executive: TH | | 05.10.16 | | | |

TITLE OF DOCUMENT: Resolution authorizing submitting applications for farmland preservation grant funding assistance for Washington Wildlife and Recreation Program projects to the Recreation and Conservation Office as provided in Chapter 79A.15 and 79A.25 RCW, Acquisition of habitat conservation and outdoor recreation lands, WAC 286 and other applicable authorities.

ATTACHMENTS: Cover Memo, letter from NRCS, PDR project descriptions, authorizing resolution

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

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

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

This resolution authorizes the Whatcom County Purchase of Development Rights Program Administrator to apply for grant match funding through the Washington State Recreation and Conservation Office for Whatcom County's Purchase of Development Rights Program applications.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

Memorandum

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

FROM: Karin Beringer, Planner *KB*

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

DATE: May 4, 2016

SUBJECT: RCO – WA Wildlife and Recreation Program Resolution

Attached is a resolution authorizing the Purchase of Development Rights Program Administrator to apply for PDR easement purchase match funding to the WA State Recreation Conservation Office, Washington Wildlife and Recreation Program-Farmland Protection Program.

The Purchase of Development Rights Oversight Committee discussed the application for funding to both the USDA-NRCS Farmland Preservation Program and the State WWRP-Farmland Protection Program at their open meetings on January 22, and February 26. The PDR Program has never purchased an easement on farmland without matching funds from the USDA or State RCO, either of which could provide up to 50% of the easement cost, contingent on property characteristics, competition from other programs, and funding availability.

We have received matching funds from the NRCS for four of the properties in this group. They are Cougar Creek Ranch, Matheson, Grubbs, and Williams 1. If we receive match funding through the RCO for any of those properties, the County would not need to pay anything towards purchase price for a conservation easement on those farms.

Please contact Karin Beringer at extension 5956, if you have any questions or concerns regarding this resolution.

SPONSORED BY: _____
PROPOSED BY: _____ Planning
INTRODUCTION DATE: _____

RESOLUTION # _____

WASHINGTON WILDLIFE AND RECREATION PROGRAM AUTHORIZING RESOLUTION

This is a resolution that authorizes submitting applications for farmland preservation grant funding assistance for Washington Wildlife and Recreation Program projects to the Recreation and Conservation Office as provided in Chapter 79A.15 and 79A.25 RCW, Acquisition of habitat conservation and outdoor recreation lands, WAC 286 and other applicable authorities.

WHEREAS, under the provisions of the Washington Wildlife and Recreation Program (WWRP), state grant assistance is requested to aid in financing the cost of Whatcom County Purchase of Development Rights farmland easement acquisitions, and

WHEREAS, Whatcom County considers it in the best public interest to complete the project described in the application(s);

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that:

1. The Purchase of Development Rights Program Administrator is authorized to make formal application to the Recreation and Conservation Office for grant assistance;
2. Whatcom County has reviewed the sample project agreement on the Recreation and Conservation Office's web site at:
<http://www.rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf> and authorizes the County Executive to enter into such a project agreement, if funding is awarded. We understand and acknowledge that the project agreement will contain the indemnification and waiver of sovereign immunity and other terms and conditions that are contained in the sample project agreement. The sample project agreement may be revised periodically by the Recreation and Conservation Office. Whatcom County recognizes that such changes might occur prior to our authorized representative signing the actual project agreement, and we accept the responsibility and the presumption that our authorized representative shall have conferred with us as to any such changes before he/she executes the project agreement on behalf of Whatcom County and so executes with our authorization;
3. Any grant assistance received will be used for direct costs associated with implementation of the project referenced above;

4. Whatcom County expects that our matching share of project funding will be derived from Conservation Futures, a local foundation grant, and/or federal NRCS ACEP funds and that we are responsible for supporting all non-cash commitments to this project should they not materialize;
5. We acknowledge that if the Recreation and Conservation Funding Board approves grant assistance for the project(s), the Recreation and Conservation Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the RCO after we incur eligible and allowable costs and pay them. The RCO may also determine an amount of retainage and hold that amount until the project is complete;
6. We acknowledge that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to by our organization and the Recreation and Conservation Funding Board. We agree to dedicate the property in an "Assignment of Rights" to be recorded on the title of the property with the county auditor;
7. This resolution becomes part of a formal application to the Recreation and Conservation Funding Board for grant assistance;
8. We provided appropriate opportunity for public comment on this application; and
9. We certify that this resolution was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that the person signing as authorized representative is duly authorized to do so.

APPROVED this _____ day of _____, 2016

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED as to form:



Civil Deputy Prosecutor



Natural Resources Conservation Service
316 W. Boone Ave. Suite 450
Spokane WA 99201-2348

phone 509-323-2900
fax 509-323-2909
web site www.wa.nrcs.usda.gov

Subject: ACEP ALE Funding and Agreement Status
Whatcom County 2015-2016 ACEP ALE
Application No. 5405461601HMP

Date: May 2, 2016

To: Whatcom County
5280 Northwest Drive
Bellingham, WA 98226

File Code: 440-528 ACEP

We are writing to inform you of the current status of your ACEP ALE application that was selected for funding in 2015, but where the cooperative agreement was not signed and the funds not obligated. The NRCS intends to fund this agreement as a 2016 agreement. The funds for this agreement are reserved. At this time we are waiting on our national headquarters to finalize the process for approving and signing these agreements.

The NRCS is committed to entering into this agreement and funding the selected parcel(s) as shown below. If you need to ask for an extension of time from a matching fund source we intend that this letter be proof of the availability of the federal matching funds and the continued viability of this application.

| <u>Cooperating Entity Name</u> | <u>NRCS ACEP Application No.</u> | <u>Agreement Total Federal Funds</u> |
|--------------------------------|----------------------------------|--------------------------------------|
| Whatcom County | 5405461601HMP | \$177,500.00 (2015 parcels only) |

| <u>Parcel Name</u> | <u>NRCS ACEP ALE Parcel No.</u> | <u>2015 Parcel Federal Funds</u> |
|-----------------------------|---------------------------------|----------------------------------|
| Constance & Justin Williams | 5405461601K4N | \$127,500.00 |
| Samuel & Donna Grubbs | 5405461601K4R | \$ 50,000.00 |

Additionally, you re-submitted all of your unfunded 2015 parcels for 2016 consideration and added four new parcel applications. We have completed our ranking of all 2016 applications. At this time we have tentatively selected the following parcels for 2016 funding.

| <u>Parcel Name</u> | <u>NRCS ACEP ALE Parcel No.</u> | <u>2016 Parcel Federal Funds</u> |
|---------------------|---------------------------------|----------------------------------|
| Cougar Cr Ranch LLC | 5405461601LJY | \$315,520.00 |
| Sandra Matheson | 5405461601K4T | \$ 50,000.00 |

These two additional parcels will need some additional due diligence work by NRCS and would be part of the overall 2016 cooperative agreement between NRCS and Whatcom County. With the addition of these two parcels the total funding for the new agreement No. 5405461601HMP would be \$540,320.00.

If you have any questions regarding the status of this application please contact NRCS Easement Program Coordinator, Dave Kreft, at (509) 323-2991 or dave.kreft@wa.usda.gov

Sincerely,

A handwritten signature in cursive script that reads "Jeff Harlow".

Jeff Harlow, Assistant State Conservationist-Programs

2016 Purchase of Development Rights

Applicant Properties

Har, Harbinder & Jag ~ Ag Zone
8.1 acres ~ 14 remaining DRs

Sugar Creek Ranch LLC ~ Ag Zone
57.76 acres ~ 3 remaining DRs

Arbee, Harold ~ R5 Zone
3.31 acres ~ 13 remaining DRs

Matheson, Sandra ~ Ag Zone
7.9 acres ~ 3 remaining DRs

Qualicum Ranch Family Partnership ~ Rural Forestry & R5 zones
74.46 acres ~ 7 remaining DRs

Villiams(2), Justin ~ Ag Zone
9.5 acres ~ 1 remaining DR

Ervid-Williams families ~ Ag Zone
4.48 acres ~ 1 remaining DR

Irubbs, Sam and Donna ~ R5 Zone
9.7 acres ~ 3 remaining DRs

Villiams(1), Justin and Constance ~ Ag Zone
6 acres ~ 1 remaining DR



Jacoby, Eric ~ Ag & Rural Forestry zone
100.3 acres ~ 2 DRs

Greenwood, Michael ~ R5 Zone
94.27 acres ~ 16 DRs

Sidhu, Harpreet & Hardev ~ R10 Zone
40 acres ~ 4 remaining DRs

Whatcom County



Whatcom County Planning Department
 1000 North Main Street, Suite 200
 Bellingham, WA 98225
 Phone: 360-863-1234
 Fax: 360-863-1235
 Email: planning@whatcomcounty.org
 Website: www.whatcomcounty.org/planning

PDR Applications PDR Target Areas Rural Study Areas Agriculture Zone



Brar, Harbinder & Jag

Location: Sand Road
Type of Farm: Raspberries
Zone: R5
Property Size: 78.1 acres
Soils: 100% Prime soils
Estimate of Potential
Development Rights: 14
Supports Brar Bros Farm



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Brar



Whatcom County 2015 PDR Program Property
- Proposed Protected Area

☐ Brar Property
APN 390429 142344 - 78.1 ac.



October 2015

THIS MAP WAS PREPARED BY THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES (DNR) FOR THE PURPOSE OF IDENTIFYING PROPERTIES ELIGIBLE FOR THE PROPOSED PROTECTED AREA. THE DNR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTIES AND HAS DETERMINED THAT THEY ARE ELIGIBLE FOR THE PROPOSED PROTECTED AREA. THE DNR HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTIES AND HAS NOT DETERMINED THE EXACT BOUNDARIES OF THE PROPERTIES. THE DNR HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTIES AND HAS NOT DETERMINED THE EXACT BOUNDARIES OF THE PROPERTIES.

0 100 200 Feet

Cougar Creek Ranch, LLC

- Location: West Wiser Lake Road
- Type of Farm: Currently contains pigs, poultry, sheep, corn silage, seed potatoes, and raspberries

- Zone: AG
- Property Size: 157.76 acres

- Soils: 100% Prime soils
- Estimate of Potential Development Rights: 3
- Supports Brittle Barn Farms & Curt Maberry Farms

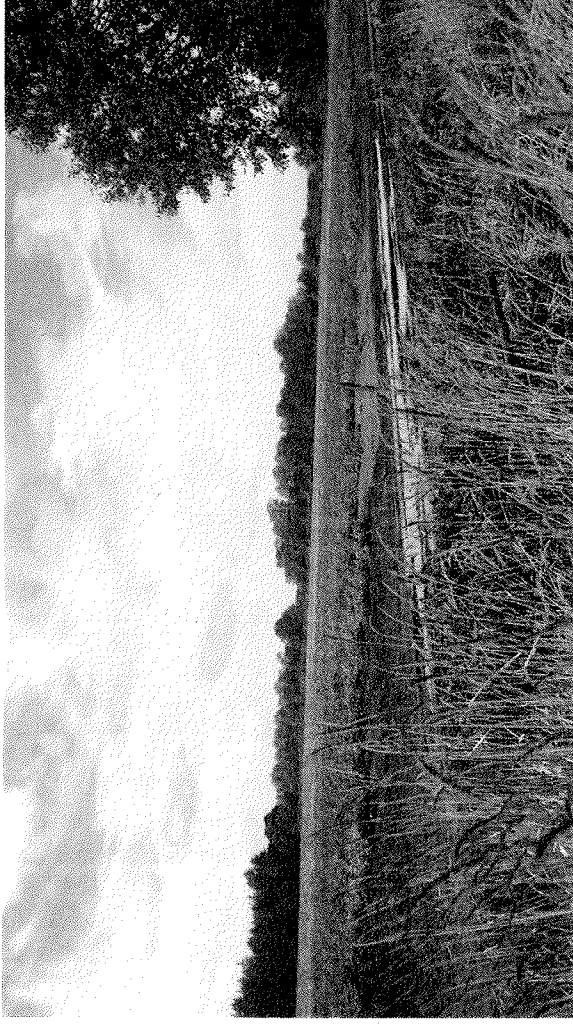


Match Funding
Awarded from
NRCS ACEP-ALE



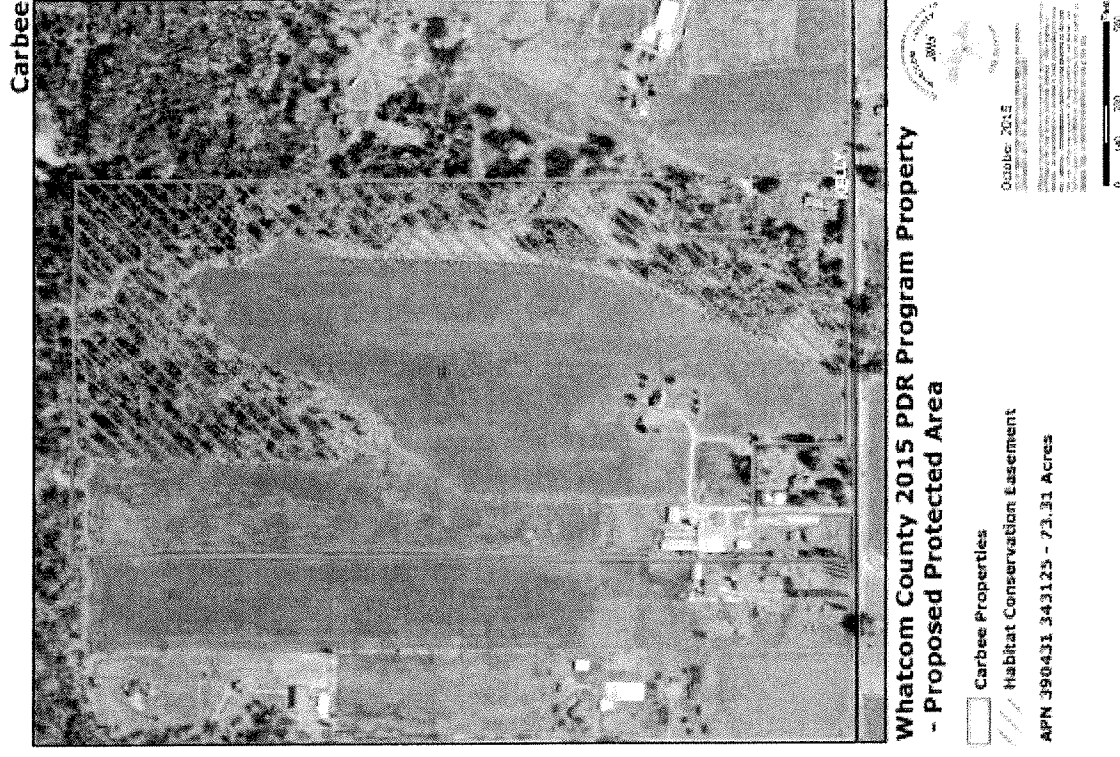
Whatcom County 2015 PDR Program Property
- Proposed Protected Area

☐ Prisk Properties



Carbee, Harold

- Location: Kelly Road
- Type of Farm: Currently supports corn silage production and a replacement heifer operation
- Zoning District: R5
- Property Size: 73.31 acres
- Soils: 100% Prime soils
- Estimate of Potential Development Rights: 13
- Supports the family dairy replacement heifer operation

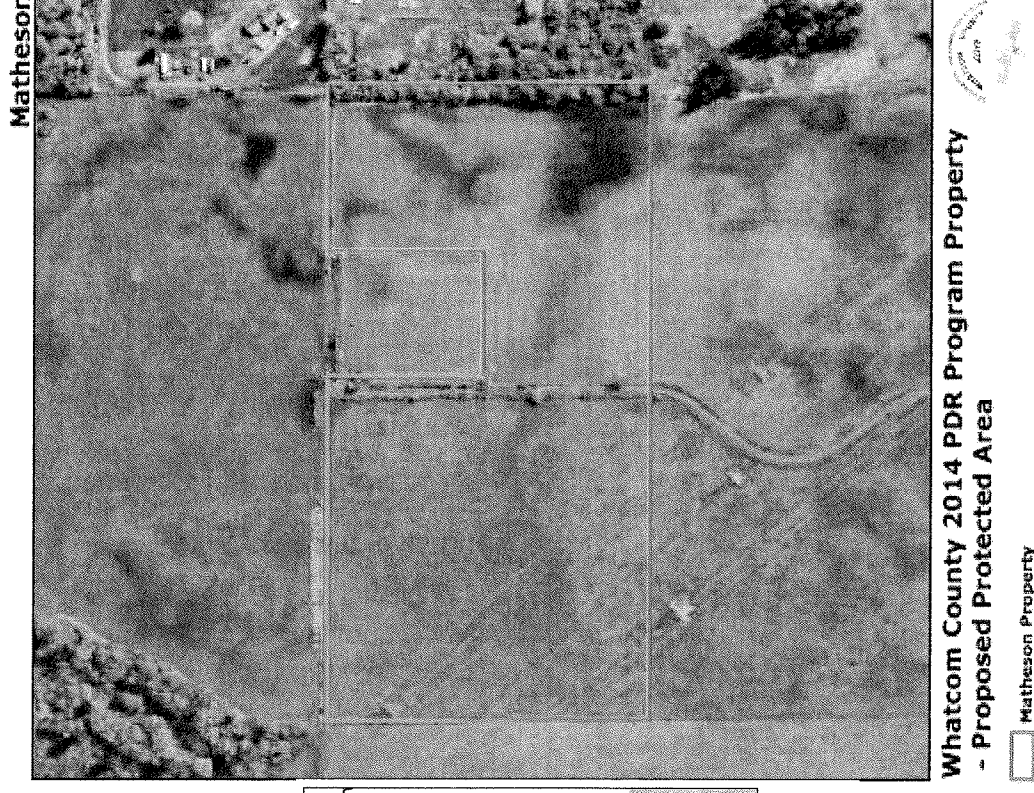
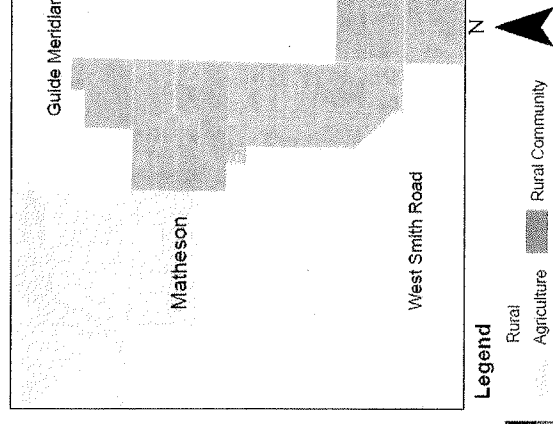


Matheson, Sandra

Match Funding
Awarded from
NRCS ACEP-ALE

- Location: Near intersection of Guide Meridian & Smith Road
- Type of Farm: Currently used for rotationally grazing beef cattle
- Zone: AG
- Property Size: 17.9 acres
- Soils: 100% Prime soils
- Estimate of Potential Development Rights: 3
- Supports Matheson Farms

Matheson Farms
www.mathesonfarms.com



Squalicum Ranch

Location on Mount Baker Highway

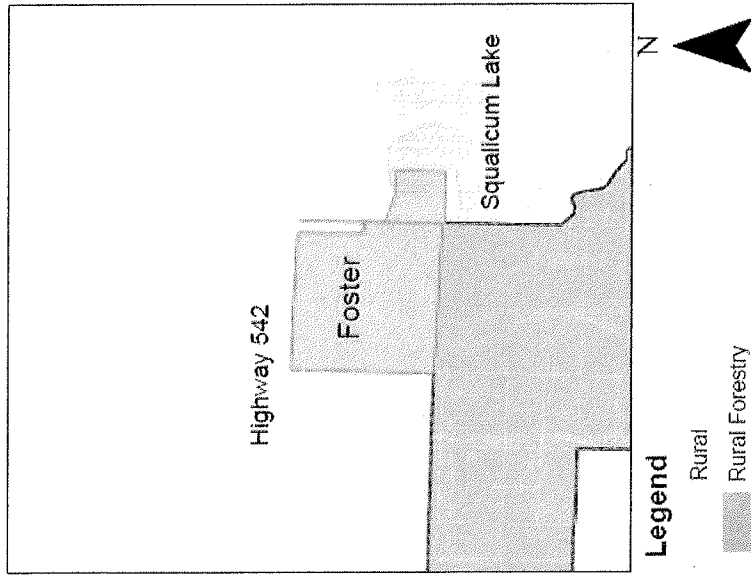
Type of Farm: Supports beef cattle and dairy goats, with pasture and hay ground

Zone: Rural Forestry, R5

Property Size: 172.42 acres

67% Prime Soils, 30% Soils of Statewide Significance

Estimate of Potential Development Rights: 7

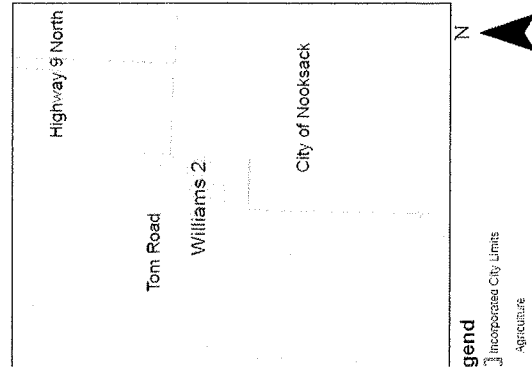


Whatcom County 2015 PDR Program Property
- Proposed Protected Area

□ Foster Properties

Williams (2), Justin

- Location: Tom Road, N of Nooksack
- Type of Farm: Vegetable & Grain
- Zone: Ag
- Property size: 19.4 Acres
- 100% Prime Soils
- Estimate of Potential Development Right: 1
- Supports Hopewell Farms & Broad Leaf Farm
- Certified Organic



Williams 2



Whatcom County 2014 PDR Program Property
- Proposed Protected Area

☐ Williams Property



Servid-Williams

Location: Near Tom Road & Hwy 9 N.

Type of Farm: Grain production, rotated with mixed vegetables

Zone: AG

Property size: 14.48 acres

100% prime soils

Estimate of Potential Development Rights: 1

Immediately adjacent to Williams 2

Supports Broad Leaf Farm, Springtime Farm, Hopewell Farms

Certified Organic

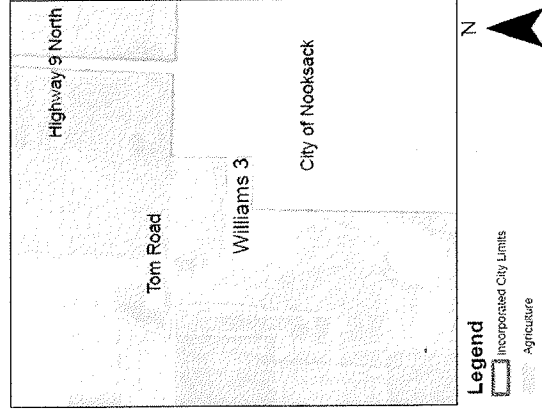


15



Whatcom County 2015 PDR Program Property
- Proposed Protected Area

Williams 3 Property



Grubbs, Sam & Donna

Location: Intersection of Sand & Kelly Roads

☞ Type of farm: Vegetable and cattle

Zone: R5

Property size: 19.7 Acres

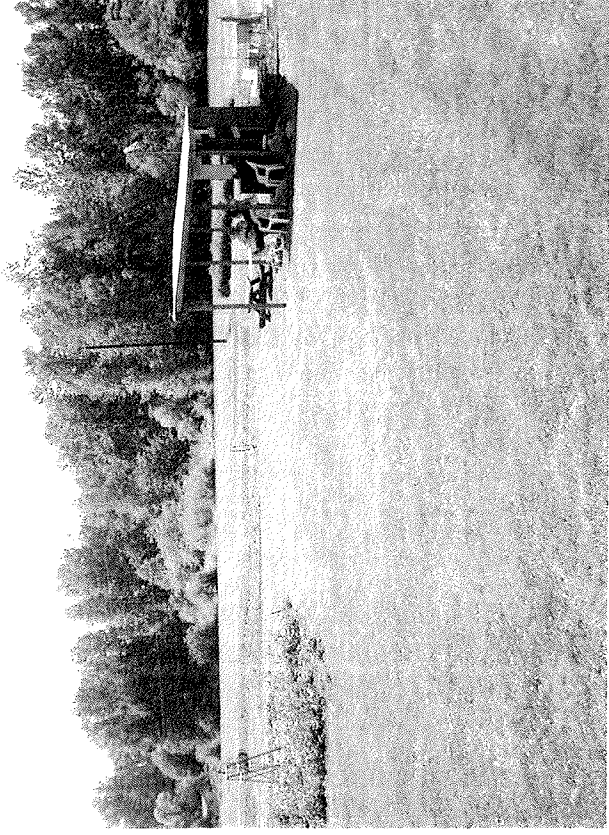
100% prime soils

Estimate of potential development rights: 3

Good wildlife habitat

Supports Bellingham Country Gardens

Borders salmon bearing Anderson Creek



Match Funding
Awarded from
NRCS ACEP-ALE



Williams, Constance & Justin

Location: Robinson Road, Everson

Type of farm: Mixed vegetable production

Zone: Agriculture

Property size: 66.2 Acres

92% Prime Soils

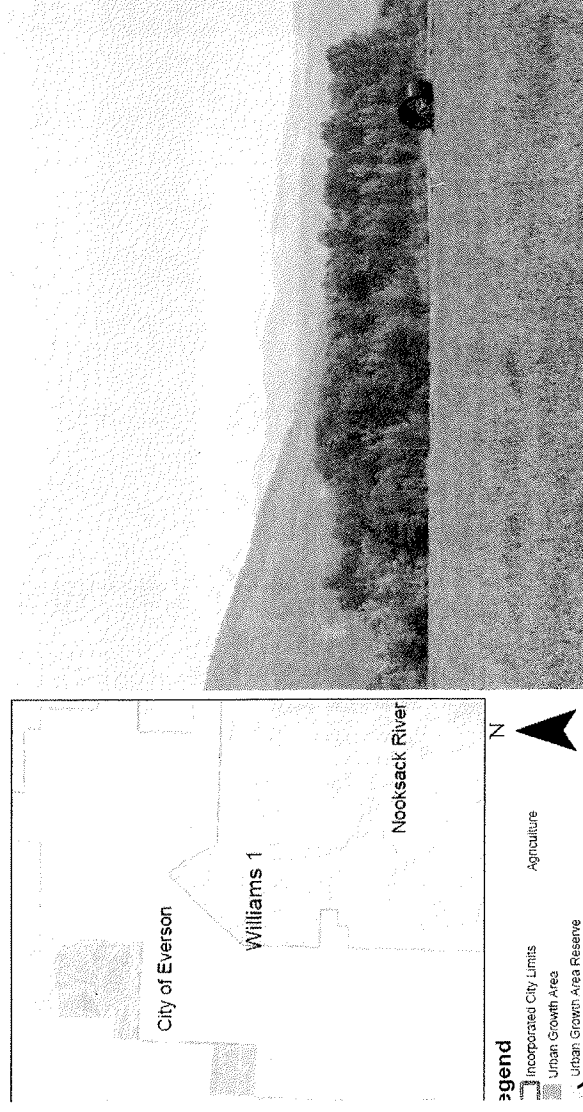
Good wildlife habitat ~ Provides flood protection

Estimate of Potential Development Rights: 1

Currently supports 3 vegetable farms including Broad Leaf Farm, Springtime Farm, Terra Verde Farm

Certified Organic

Match Funding
Awarded from
NRCS ACEP-ALE



Sidhu, Harpreet & Hardev

Location: East Badger Road

¹⁸ Type of farm: Raspberry

Zone: R10

Property size: 40 Acres

Estimate of potential development rights: 4

100% Prime Soils

Raspberry production

Good wildlife habitat

Currently supports family berry farm



Sidhu



Whatcom County 2016 PDR Program Property
- Proposed Protected Area

☐ Sidhu Property

APN 400418 303325 - 40.0 ac.



WHATCOM COUNTY, PENNSYLVANIA
The official seal of Whatcom County, Pennsylvania, is hereby adopted. The seal shall be the emblem of the county and shall be used on all official documents and correspondence. The seal shall be the emblem of the county and shall be used on all official documents and correspondence.



Jacoby, Eric

Location: Mosquito Lake Road, Acme

Type of Farm: Leased to local dairy for grass and silage production

Zone: Agriculture & Rural Forestry

Property Size: 100.3 Acres

Estimate of potential development rights: 2

Approximately 90% prime soils

Forest management plan on forested section



Jacoby



Whatcom County 2016 PDR Program Property - Proposed Protected Area

☐ Jacoby Properties

APN 370505 210090 - 83.82 ac.
APN 370505 371197 - 15.45 ac
APN 370505 123045 - .76 ac.

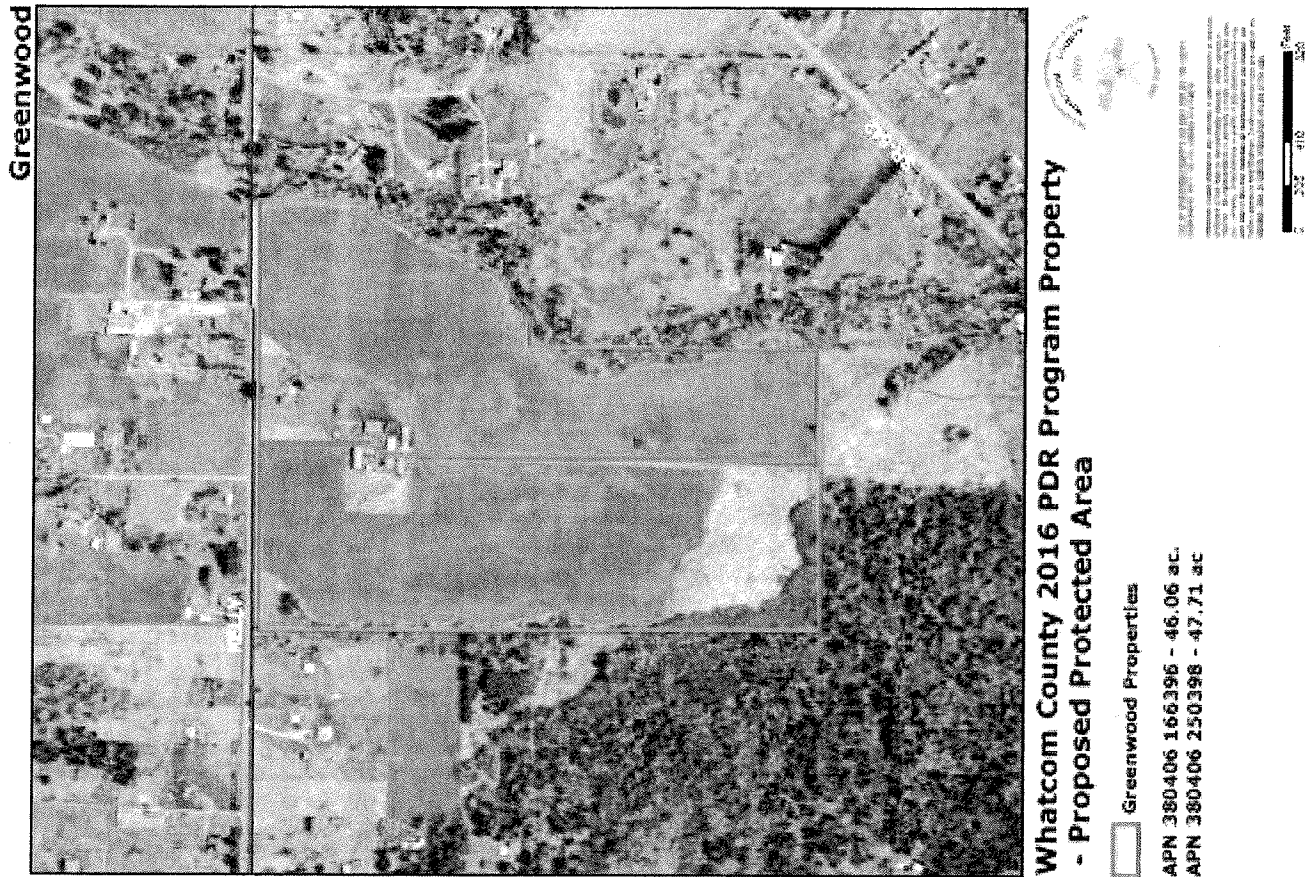


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Greenwood, Michael

- 20 Location: Kelly Road, East of Bellingham
- Type of Farm: Leased to local dairy producer
- Zone: R5
- Property Size: 94.7 Acres
- Estimate of potential development rights: 16
- 100% Prime Soils
- Borders salmon bearing Anderson Creek



2016 PDR Applicant Ranking Summary

| Property/Applicant | Parcel # | Acres | # of DUs | Zoned Area | Final Scale | Notes | Approved Total Cost | Cost per DU | Cost per Acre | PERM Approved | Approval Complete | March Funding Secured | Date of Application |
|---------------------------|--|--------|----------|------------|----------------|--|------------------------|-------------|---------------|------------------|-----------------------------------|---|---------------------|
| Star | | | | | | | | | | | | | |
| | 380420142334 | 75.1 | 14 | No | 85 | 1 house plus 80 buildings | \$312,000 | \$22,314 | \$4,000.00 | Yes | No | Application submitted to Washington NOV 2009/ 2017 | December, 2015 |
| Cougar Creek Ranch | | | | | | | | | | | | | |
| | 380202411182, 380202511185 | 137.76 | 3 | No | AG | 1 house plus 80 buildings | \$630,000 | \$210,000 | \$3,950.41 | Yes | Yes | March secured with MNC's 2018 ACCEPTABLE - Application submitted to Washington NOV 2009/ 2017 | February, 2015 |
| Greenwood | | | | | | | | | | | | | |
| | 380406203086, 380406182366 | 53.37 | 18 | No | 85 | 1 house plus 80 buildings | \$378,000 | \$21,000 | \$4,000.00 | Yes | No | Application submitted to Washington NOV 2009/ 2017 | February, 2015 |
| Jessoby | | | | | | | | | | | | | |
| | 370585210080, 370585120046, 370585371197 | 108.03 | 2 | No | AG, HP | 1 house plus 80 buildings | \$440,000 | \$220,000 | \$4,000.00 | Yes | No | Application submitted to Washington NOV 2009/ 2017 | January, 2015 |
| Carbee | | | | | | | | | | | | | |
| | 380431043125 | 75.25 | 13 | No | 85 | 1 house, several outbuildings related to dairy/eg | \$290,240 | \$22,000 | \$4,000.00 | Yes | No | Application submitted to Washington NOV 2009/ 2017 | October, 2015 |
| Squalicum Ranch | | | | | | | | | | | | | |
| | 380312000466, 380407033118, 380407031288 | 172.41 | 7 | No | HP, 85 | 2 houses, several outbuildings | \$345,000 | \$49,286 | \$3,880.04 | Yes | 8-20-18 | Application submitted to Washington NOV 2009/ 2017 | March, 2015 |
| Matheson | | | | | | | | | | | | | |
| | 380228532214 | 17.93 | 3 | Yes | AG | no development, powerlines | \$225,000 | \$75,000 | \$12,848.80 | Yes | Yes | March secured with MNC's 2018 ACCEPTABLE - Application submitted to Washington NOV 2009/ 2017 | December, 2014 |
| Williams 2 | | | | | | | | | | | | | |
| | 480429071531 | 88.4 | 1 | No | AG | no development | \$80,000 | \$80,000 | \$4,123.73 | Yes | Yes, approved updates required | Application submitted to Washington NOV 2009/ 2017 | May, 2014 |
| 3 erwid-Williams | | | | | | | | | | | | | |
| | 480429072467 | 14.48 | 1 | No | AG | no development | \$85,000 | \$85,000 | \$3,370.17 | Yes | Yes | Application submitted to Washington NOV 2009/ 2017 | January, 2015 |
| Grubbe | | | | | | | | | | | | | |
| | 380431033088 | 88.7 | 3 | No | 85 | house, barn | \$80,000 | \$26,667 | \$4,080.93 | Yes | Yes | March secured with MNC's 2018 ACCEPTABLE - Application submitted to Washington NOV 2009/ 2017 | November, 2014 |
| Williams 1 | | | | | | | | | | | | | |
| | 480431102105 | 88.19 | 1 | No | AG | no development | \$285,000 | \$285,000 | \$3,833.88 | Yes | Yes, approved updates required | March secured with MNC's 2018 ACCEPTABLE - Application submitted to Washington NOV 2009/ 2017 | May, 2014 |
| Sidhu | | | | | | | | | | | | | |
| | 480418001325 | 40 | 4 | 85A | R10 | no development | \$460,000 | \$460,000 | \$4,000.00 | Yes | No | Application submitted to Washington NOV 2009/ 2017 | December, 2015 |

| Category | Weight |
|-------------------------|--------|
| and Evaluation | 0.34 |
| the Evaluation | 0.33 |
| perceived Consideration | 0.32 |
| perceived Satisfaction | 0 |
| Source | 0.32 |
| Total | 1.00 |

ಪ್ರಾಚೀನವಾದುದು ಎಂಬುದಕ್ಕೆ ಸಾಕ್ಷಿ.

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--|------------|------------------------------|---|--|----------------------------|
| Originator: | <i>NDK</i> | 4/25/16 | <div style="text-align: center;"> RECEIVED APR 26 2016 WHATCOM COUNTY COUNCIL </div> | 05/03/16 | Intro |
| Division Head: | | | | 05/17/16 | Finance Committee; Council |
| Dept. Head: | | | | | |
| Prosecutor: | <i>KNE</i> | 4/25/16 | | | |
| Purchasing/Budget: | <i>WDC</i> | 4/25/16 | | | |
| Executive: | <i>TH</i> | 4-26-16 | | | |
| TITLE OF DOCUMENT: 2016 Supplemental Budget Request #9 | | | | | |
| ATTACHMENTS: Ordinance, Memoranda & Budget Modification Requests | | | | | |
| SEPA review required? () Yes (X) NO SEPA review completed? () Yes (X) NO | | | Should Clerk schedule a hearing? () Yes (X) NO Requested Date: | | |
| SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.) Supplemental #9 requests funding from the General Fund: <ol style="list-style-type: none"> To appropriate \$4,370 in Health to fund Strengthening Families Program training from grant proceeds. To appropriate \$71,000 in Health to fund Marijuana Prevention & Education Program from grant proceeds. From Jail Fund: <ol style="list-style-type: none"> To appropriate \$80,518 to fund NWRC Jail Health Program contract increase. From Trial Court Improvement Fund: <ol style="list-style-type: none"> To appropriate \$6,375 to fund Clerk's front counter reconfiguration. | | | | | |
| COMMITTEE ACTION: | | | COUNCIL ACTION: | | |
| | | | 5/3/2016: Introduced 7-0 | | |
| Related County Contract #: | | Related File Numbers: | | Ordinance or Resolution Number: | |
| | | | | | |

PROPOSED BY: Executive
INTRODUCTION DATE: 05/03/16

**ORDINANCE NO.
AMENDMENT NO. 9 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 | | | |
| Health | 75,370 | (75,720) | (350) |
| Total General Fund | 75,370 | (75,720) | (350) |
| Jail Fund | 80,518 | - | 80,518 |
| Trial Court Improvement Fund | 6,375 | - | 6,375 |
| Total Supplemental | 162,263 | (75,720) | 86,543 |

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. 9 | | | | |
| Department/Fund | Description | Increased (Decreased) Expenditure | (Increased) Decreased Revenue | Net Effect to Fund Balance (Increase) Decrease |
| General Fund | | | | |
| Health | To fund Strengthening Families Program training from grant proceeds. | 4,370 | (4,720) | (350) |
| Health | To fund Marijuana Prevention & Education Program from grant proceeds. | 71,000 | (71,000) | - |
| Total General Fund | | 75,370 | (75,720) | (350) |
| Jail Fund | To fund NWRC Jail Health Program contract increase. | 80,518 | - | 80,518 |
| Trial Court Improvement Fund | To fund Clerk's front counter reconfiguration. | 6,375 | - | 6,375 |
| Total Supplemental | | 162,263 | (75,720) | 86,543 |

Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 2150

Fund 1

Cost Center 677260

Originator: Patty Proctor

Expenditure Type: One-Time

Year 2 2016

Add'l FTE ☐

Add'l Space ☐

Priority

1

Name of Request: Training Grant -MJ Fund DBHR

X

Regina Delacruz

Department Head Signature (Required on Hard Copy Submission)

4/12/16

Date

| Costs: | Object | Object Description | Amount Requested |
|--------|----------------------|--------------------|------------------|
| | 4334.04699 | Misc DSHS Grants | (\$4,720) |
| | 7210 | Intergov Prof Svcs | \$4,370 |
| | Request Total | | (\$350) |

1a. Description of request:

Grant funding will be used for Strengthening Families: For Parents and Youth 10-14 (Iowa version) program facilitator training for the Ferndale Community. This funding will be used to provide training in June of 2016.

1b. Primary customers:

Adults in the Ferndale community.

2. Problem to be solved:

Youth who initiate substance use early are more likely to experience issues of addiction as adults, have less academic success while in school, and have more involvement in the criminal justice system. When youth can be connected to essential support services and systems, they have increased ability to exhibit healthy behaviors.

3a. Options / Advantages:

Strengthening Families is an existing program in Whatcom County. The State has granted funding for additional training of facilitators.

3b. Cost savings:

4a. Outcomes:

Primary outcome is the training of additional facilitators for the Strengthening Families Program.

4b. Measures:

Pre and post test evaluation to measure outcomes for both youth and parents in the program.

5a. Other Departments/Agencies:

WSU Extension currently operates the Strengthening Families program with support from the Health Department. This grant award enhances the program.

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

6. Funding Source:

A grant was awarded to the Whatcom County Prevention Program by the State of Washington, Division of Behavioral Health, CPWI Training project funding.

Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 2141

Fund 1

Cost Center

Originator: Patty Proctor

Expenditure Type: One-Time


Year 2 2016

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Marijuana Prevention and Education Program-DOH

X 

4/25/16

Department Head Signature (Required on Hard Copy Submission)

Date

| Costs: | Object | Object Description | Amount Requested |
|--------|----------------------|-----------------------|------------------|
| | 4334.04609 | DSHS-Miscellaneous | (\$71,000) |
| | 6320 | Office & Op Supplies | \$5,000 |
| | 6330 | Printing | \$12,060 |
| | 6630 | Professional Services | \$42,940 |
| | 6780 | Travel-Educ/Training | \$9,000 |
| | 6790 | Travel-Other | \$500 |
| | 7110 | Registration/Tuition | \$1,500 |
| | Request Total | | \$0 |

1a. Description of request:

Substance abuse prevention services will be delivered. Case management services will be provided, as well as community education and outreach for substance abuse. Case management will be provided by Communities In Schools (CIS), which has been evaluated as an effective approach to reduce risk for substance abuse, while increasing academic success.

1b. Primary customers:

Middle School Youth will be the primary recipients of services. Family members, siblings, and the larger public will be secondary recipients.

2. Problem to be solved:

Youth who initiate substance use early are more likely to experience issues of addiction as adults, have less academic success while in school, and have more involvement in the criminal justice system. When youth can be connected to essential support services and systems, they have increased ability to exhibit healthy behaviors. Case management services help to facilitate a connection between student needs with existing resources, improving academic success while reducing risks for unhealthy behaviors.

3a. Options / Advantages:

A list of state-approved services was provided for review. Whatcom County reviewed and selected the options that met local needs and also showed high feasibility for implementation. Case management services met identified needs, as was additional outreach and education for substance abuse prevention.

3b. Cost savings:

Elements of Communities In Schools demonstrate up to as much as an 80% Benefit-Cost Percentage. According to the Washington State Institute on Public Policy, "The statute defining evidence-based practices requires that, when possible, a benefit-cost analysis be conducted. We use Washington State Institute on Public Policy's benefit-cost model to determine whether a program meets this criterion. Programs that do not have at least a 75% chance of a positive net present value do not meet the benefit-cost test. The Washington State Institute on Public Policy model uses Monte Carlo simulation to test the probability that benefits exceed costs. The 75% standard is deemed an appropriate measure of risk aversion."

Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 2141

Fund 1

Cost Center

Originator: Patty Proctor

4a. Outcomes:

The primary outcomes of these services will include staying in school, progressing to the next grade level, and ultimately graduating from high school. The reduction in risk factors to achieve these positive outcomes will also reduce risk for substance abuse, poor mental health, and other negative consequences.

4b. Measures:

Academic success is tracked for recipients of Communities in Schools services. The program will track and report the successful progression of Communities in Schools services participants from one grade to the next, compliance with academic improvement goals, rates of staying in school, and graduation rates. These are built-in measures to the program implementation.

5a. Other Departments/Agencies:

This request will not impact other departments, but will provide additional resources to Communities In Schools (CIS) of Whatcom County. The additional resources will increase their staffing capacity to deliver case management services in targeted locations, allowing more students to be served.

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

Communities In Schools will deliver the service, and the Executive Director will oversee all operations of the staff and programs. Kathryn DeFilippo is the current Executive Director of Communities In Schools. The contract with Communities In Schools will be managed by Health Department staff.

6. Funding Source:

Dedicated marijuana tax funding is from the Washington State Department of Health.

**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

**WHATCOM COUNTY SHERIFF'S OFFICE
MEMORANDUM**

DATE: 04/15/16

TO: Jack Louws, Whatcom County Executive
Council Members, Whatcom County Council

FROM: Sheriff Bill Elfo

RECEIVED

APR 18 2016

JACK LOUWS
COUNTY EXECUTIVE

RE: Supplemental Budget Request #2027 for Nursing Services, 2016

Please allow this memo to serve as a request for approval of the accompanying budget supplemental. This request will provide spending authority to cover an amendment to the existing Nursing and Medical Administration contract with Northwest Regional Council (NWRC). The amendment will provide for an increase in the hourly reimbursement rate for the services for both the County jail facilities and for Juvenile Detention.

The original version of this request would have resulted in an additional expense of \$134,654 to the Corrections Medical budget. NWRC has been willing to continue negotiations and we have been able to reduce the amount for Corrections to the \$80,518 included in this request. This will result in an approximately 7% increase over the original budget estimation. This also resulted in an increase to Juvenile Detention, which was able to be covered under their current budget allocation.

Chief Wendy Jones is overseeing this process and will be happy to answer any question you may have. Thank you,

Supplemental Budget Request

Status: Pending

Jail

Suppl ID # 2027

Fund 118

Cost Center 118160

Originator: Wendy Jones

Expenditure Type: One-Time

Year 2 2016

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: NWRC Increase

X

Department Head Signature (Required on Hard Copy Submission)

Date

| Costs: | Object | Object Description | Amount Requested |
|--------|---------------|-------------------------|------------------|
| | 6635.003 | Visiting Nurse Personal | \$80,518 |
| | Request Total | | \$80,518 |

1a. Description of request:

This supplemental budget request is to increase the funds available for the services provided by Northwest Regional Council for Nursing and Medical Administration. This increase is due to a higher per hour rate for Nursing services. This will result in an approximately 7% increase over the 2015 allocation.

1b. Primary customers:

Adult offenders housed at the Whatcom County Corrections facilities..

2. Problem to be solved:

Northwest Regional Council (NWRC) has requested an increase in their contract amount for 2016. The request is based on the following:

* When the negotiations were occurring for the 2015 contract, NWRC neglected to include the cost of 2 Medical Assistants. These individuals are vital to the running of the medical division as they do all of the chart creation, records dissemination and requesting/scheduling of appointments, coordinating clinic lists, etc. Basically all of the support functions needed to provide health care for the offenders. This request will include those personnel costs.

* An increase in the salary and benefits for the nursing staff. These increases are tied to COLA and step raises (approx. 5%), Retirement benefits (9-11%), small increases in L & I (approx. 2%) and a higher than anticipated rate of unemployment claims.

* Higher salary rates. Qualified nurses are very much in demand throughout the state. This, coupled with the added challenges of finding nurses to work in a Corrections environment, has contributed to the additional costs.

*Some additional costs for both recruiting new Nurses and mandatory training for new personnel.

This supplemental was delayed to allow for some additional, productive, discussion with NWRC to reduce the final dollar amount of the increase.

3a. Options / Advantages:

This service was placed out to bid in 2014. NWRC was the only responsive bidder. They have provided excellent services for the Corrections Bureau., and have been willing to work with us in order to minimize cost increases. The original version of this supplemental was for over \$133,000. NWRC has worked with us to reduce total costs while still providing the level of health care required by case law.

3b. Cost savings:

N/A

Thursday, April 21, 2016

Rpt: Rpt Suppl Regular

Supplemental Budget Request

Status: Pending

Jail

Suppl ID # 2027

Fund 118

Cost Center 118160

Originator: Wendy Jones

4a. Outcomes:

NWRC will continue to provide services for offenders held in both County Corrections Facilities.

4b. Measures:

Monitoring of the monthly invoices.

5a. Other Departments/Agencies:

N/A

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

N/A

6. Funding Source:

Jail Sales Tax Fund

**Whatcom County
Superior Court Administration**

Superior-Juvenile/Clerk
311 Grand Avenue
Bellingham, Washington 98225
(360)778-5565 (Superior/Clerk)
(360)778-5490 (Juvenile)



DAVID L. REYNOLDS
Director

RECEIVED

APR 20 2016

TO: Jack Louws, County Executive

**JACK LOUWS
COUNTY EXECUTIVE**

FROM: David Reynolds, Director of Superior Court Administration

RE: Trial Court Improvement Funds

Please find attached a request to access \$6,375 in trial court improvement funds for use in the Superior Court Clerk's Office.

The purpose of this expenditure is provide a new work center and shelving units within the clerk's office that will provide a more efficient work flow for our front office clerks. The current lay out is inefficient, and at times hazardous. The purchase of this new design will provide for greater efficiency and make much better use of the limited floor space in the office.

Should you have any questions, please feel free to contact me at X 5565.

Supplemental Budget Request

Status: Pending

County Clerk

Suppl ID # 2153 Fund 135 Cost Center 135100 Originator: Dave Reynolds

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

Name of Request: Clerk's Front Counter Reconfiguration

X

Department Head Signature (Required on Hard Copy Submission)

Date

| Costs: | Object | Object Description | Amount Requested |
|--------|---------------|--------------------|------------------|
| | 6510 | Tools & Equip | \$6,375 |
| | Request Total | | \$6,375 |

1a. Description of request:

Purchase of a new work center and storage cabinets in the front work area in Superior Court.

1b. Primary customers:

Superior Court Clerks, as well as customers in the Clerk's as it will provide more efficiency.

2. Problem to be solved:

Current work area is not well designed and does not provide efficient access to needed documents, copier, etc.

3a. Options / Advantages:

We have considered leaving things as are, however, it is not efficient, wastes valuable space, and at times can be a work hazard.

3b. Cost savings:

Use of valuable space and efficiency.

4a. Outcomes:

We should see immediate efficiencies and better service delivery.

4b. Measures:

Feedback from front counter clerks as well as public.

5a. Other Departments/Agencies:

The impact to other departments who are customers in this department should experience the same efficiencies as general public.

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

6. Funding Source:

Trial Court Improvement Funds

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-168

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--------------------|--------------------|----------|---|-------------|-----------------|
| Originator: | MGM | 4/28/16 | <div style="text-align: center;"> RECEIVED MAY 10 2016 WHATCOM COUNTY COUNCIL </div> | 5/17/16 | Finance/Council |
| Division Head: | | | | | |
| Dept. Head: | <i>[Signature]</i> | 4-28-16 | | | |
| Prosecutor: | <i>[Signature]</i> | 5-2-16 | | | |
| Purchasing/Budget: | | | | | |
| Executive: | <i>[Signature]</i> | 05.10.16 | | | |

TITLE OF DOCUMENT: South Fork Park Trail Development 16-2065 LWCF Application and Authorization Resolution

ATTACHMENTS: Authorizing Resolution

| | |
|--|---|
| SEPA review required? () Yes (<input checked="" type="checkbox"/>) NO SEPA review completed? () Yes () NO | Should Clerk schedule a hearing? () Yes (<input checked="" type="checkbox"/>) NO Requested Date: |
|--|---|

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

Request authorization for the County Executive to make application and enter into a grant agreement with the WA State Recreation and Conservation Office for funding through the Land and Water Conservation Fund in the amount of \$209,000 for trail development at South Fork Park.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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

WHATCOM COUNTY
Parks & Recreation
3373 Mount Baker Highway
Bellingham, WA 98226-9097




Michael G. McFarlane, Director
Christ Thomsen, Operations Manager

MEMORANDUM

RECEIVED

TO: Jack Louws, Executive

FROM: Michael McFarlane, Director 

DATE: April 28th, 2016

RE: 2016 Recreation and Conservation Office Authorizing Resolutions

MAY 03 2016

JACK LOUWS
COUNTY EXECUTIVE

Attached are three separate authorizing resolutions for Council action and the corresponding agenda bills your signature.

We are making two applications for grant funding for reimbursement of the 2014 park property acquisition at Birch Bay through the Aquatic Lands Enhancement Program and Washington Wildlife & Recreation Program. An additional application is being made for trail development at South Fork Park through the Land and Water Conservation Fund.

These projects already have funds budgeted or expended that will be used as the County's local match portion. The resolution is a standard format used by the grant programs and will be submitted to the Recreation and Conservation Office (RCO) upon approval as part of the application process.

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

PROPOSED BY: Parks & Recreation

INTRODUCED: _____

RESOLUTION NO. _____

**RECREATION and CONSERVATION OFFICE
LAND and WATER CONSERVATION FUND (LWCF)
APPLICATION RESOLUTION/AUTHORIZATION
Whatcom County- Dev. South Fork Park Trail Development 16-2065**

WHEREAS, this resolution authorizes submitting application for grant funding assistance for Land and Water Conservation Fund (LWCF) project to the Recreation and Conservation Funding Board as provided in Title 54, U.S.C. Section 200305, 79A.25 RCW, WAC 286, and other applicable authorities; and

WHEREAS, Whatcom County has approved a comprehensive parks and recreation or habitat conservation plan that includes this project; and

WHEREAS, under provisions of the LWCF program, state grant assistance is requested to aid in financing the cost of trail development; and

WHEREAS, our organization considers it in the best public interest to complete the project described in the application.

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council:

1. That Michael McFarlane, Whatcom County Parks & Recreation Director is authorized to make formal application to the Recreation and Conservation Funding Board for grant assistance.
2. Our organization has reviewed the sample project agreement on the Recreation and Conservation Office's web site at: <http://www.rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf> and authorizes Jack Louws, Whatcom County Executive to enter into such a project agreement, if funding is awarded. We understand and acknowledge that the project agreement will contain the indemnification and other terms and conditions that are contained in the sample project agreement. The sample project agreement may be revised periodically by the Recreation and Conservation Office. Our organization recognizes that such changes might occur prior to our authorized representative signing the actual project agreement, and we accept the responsibility and the presumption that our authorized representative shall have conferred with us as to any such changes before he/she executes the project agreement on behalf of our organization and so executes with our authorization.
3. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project referenced above.
4. Our organization expects our matching share of project funding will be derived from Real Estate Excise tax, foundation grants and force account and that pursuant to WAC 286-13-040 we must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash commitments to this project should they not materialize.

5. We acknowledge that if the Recreation and Conservation Funding Board approves grant assistance for the project, the Recreation and Conservation Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Recreation and Conservation Office after we incur eligible and allowable costs and pay them. The Recreation and Conservation Office may also determine an amount of retainage and hold that amount until the project is complete.
6. We acknowledge that any property owned by our organization that is developed, renovated or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity after the project is complete unless otherwise provided and agreed to by our organization, the Recreation and Conservation Funding Board, and the National Park Service in the project agreement or an amendment.
7. We acknowledge that any property not owned by our organization that is developed, renovated or restored with grant assistance must be dedicated for the purpose of the grant for at least twenty-five (25) years after the project is complete unless otherwise provided and agreed to by our organization, the Recreation and Conservation Funding Board, and the National Park Service in the project agreement or an amendment thereto.
8. We have read both the federal guidelines and state policies for the LWCF program and agree to abide by those guidelines and policies, and as LWCF grants are federal funds, our organization must comply with all applicable federal laws.
9. This application authorization becomes part of a formal application to the Recreation and Conservation Funding Board for grant assistance.
10. We provided appropriate opportunity for public comment on this application.
11. We certify that this application authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that the person signing as authorized representative is duly authorized to do so.

APPROVED this ____ day of _____, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

APPROVED AS TO FORM:
Washington State Attorney General's Office



Elizabeth Gallery, Civil Deputy Prosecutor

 March 18, 2016

Assistant Attorney General Date

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-169

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--------------------|--------------------|----------|---|-------------|------------------|
| Originator: | MGM | 4/28/16 | <div style="text-align: center;"> <p>RECEIVED</p> <p>MAY 10 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div> | 5/17/16 | Finance /Council |
| Division Head: | | | | | |
| Dept. Head: | <i>[Signature]</i> | 4/28/16 | | | |
| Prosecutor: | <i>[Signature]</i> | 5/3/16 | | | |
| Purchasing/Budget: | | | | | |
| Executive: | <i>[Signature]</i> | 05.10.16 | | | |

TITLE OF DOCUMENT: Birch Bay Park Acquisition 16-2020 ALEA Application and Authorization Resolution

ATTACHMENTS: Authorizing Resolution

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

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

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

Request authorization for the County Executive to make application and enter into a grant agreement with the WA State Recreation and Conservation Office for funding through the Aquatic Lands Enhancement Account in the amount of \$615,884 for the acquisition of the Birch Bay Community Park property.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:


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



MEMORANDUM

RECEIVED

TO: Jack Louws, Executive

FROM: Michael McFarlane, Director 

DATE: April 28th, 2016

RE: 2016 Recreation and Conservation Office Authorizing Resolutions

MAY 03 2016

JACK LOUWS
COUNTY EXECUTIVE

Attached are three separate authorizing resolutions for Council action and the corresponding agenda bills your signature.

We are making two applications for grant funding for reimbursement of the 2014 park property acquisition at Birch Bay through the Aquatic Lands Enhancement Program and Washington Wildlife & Recreation Program. An additional application is being made for trail development at South Fork Park through the Land and Water Conservation Fund.

These projects already have funds budgeted or expended that will be used as the County's local match portion. The resolution is a standard format used by the grant programs and will be submitted to the Recreation and Conservation Office (RCO) upon approval as part of the application process.

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

PROPOSED BY: Parks & Recreation

INTRODUCED: _____

RESOLUTION NO. _____

**RECREATION and CONSERVATION OFFICE
AQUATIC LANDS ENHANCEMENT ACCOUNT (ALEA)
APPLICATION RESOLUTION/AUTHORIZATION
Whatcom County-Birch Bay Park Acquisition 16-2020**

WHEREAS, this resolution authorizes submitting application for grant funding assistance for the Aquatic Lands Enhancement Account (ALEA) project(s) to the Recreation and Conservation Funding Board as provided in RCW 79.105.150, 79A.25 RCW, WAC 286, and other applicable authorities; and

WHEREAS, under provisions of the ALEA program, state grant assistance is requested to aid in financing the cost of the acquisition of Birch Bay Park; and

WHEREAS, our organization considers it in the best public interest to complete the project described in the application.

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council:

1. That Michael McFarlane, Whatcom County Parks & Recreation Director is authorized to make formal application to the Recreation and Conservation Funding Board for grant assistance.
2. Our organization has reviewed the sample project agreement on the Recreation and Conservation Office's web site at: <http://www.rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf> and authorizes Jack Louws, Whatcom County Executive to enter into such a project agreement, if funding is awarded. We understand and acknowledge that the project agreement will contain the indemnification and other terms and conditions that are contained in the sample project agreement. The sample project agreement may be revised periodically by the Recreation and Conservation Office. Our organization recognizes that such changes might occur prior to our authorized representative signing the actual project agreement, and we accept the responsibility and the presumption that our authorized representative shall have conferred with us as to any such changes before he/she executes the project agreement on behalf of our organization and so executes with our authorization.
3. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project referenced above.
4. Our organization expects our matching share of project funding will be derived from Conservation Futures and that pursuant to WAC 286-13-040 we must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash commitments to this project should they not materialize.
5. We acknowledge that if the Recreation and Conservation Funding Board approves grant assistance for the project, the Recreation and Conservation Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Recreation and Conservation Office

after we incur eligible and allowable costs and pay them. The Recreation and Conservation Office may also determine an amount of retainage and hold that amount until the project is complete.

6. We acknowledge that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to by our organization and the Recreation and Conservation Funding Board in the project agreement or an amendment thereto. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon RCO's standard versions of those documents), to be recorded on the title of the property with the county auditor.
7. We acknowledge that any property acquired in fee title must be immediately made available to the public unless the Recreation and Conservation Office director or the Recreation and Conservation Funding Board agrees to other restrictions in the project agreement or an amendment thereto.
8. This application authorization becomes part of a formal application to the Recreation and Conservation Funding Board for grant assistance.
9. We provided appropriate opportunity for public comment on this application.
10. We certify that this application authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that the person signing as authorized representative is duly authorized to do so.

APPROVED this ____ day of _____, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:



Elizabeth Gallery, Civil Deputy Prosecutor

Washington State Attorney General's Office

Approved as to form  _____ March 18, 2016
Assistant Attorney General Date

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-170

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--------------------|--------------------|----------|---|-------------|-----------------|
| Originator: | MGM | 4/28/16 | <div style="text-align: center;"> <p>RECEIVED</p> <p>MAY 10 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div> | 5/17/16 | Finance/Council |
| Division Head: | | | | | |
| Dept. Head: | <i>[Signature]</i> | 4/28/16 | | | |
| Prosecutor: | <i>[Signature]</i> | 5/2/16 | | | |
| Purchasing/Budget: | <i>[Signature]</i> | 6/2/16 | | | |
| Executive: | <i>[Signature]</i> | 05.10.16 | | | |

TITLE OF DOCUMENT: Birch Bay Beach Park Acquisition 16-1993 WWRP Application and Authorization Resolution

ATTACHMENTS: Authorizing Resolution

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

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

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

Request authorization for the County Executive to make application and enter into a grant agreement with the WA State Recreation and Conservation Office for funding through the Washington Wildlife and Recreation Program in the amount of \$615,884 for the acquisition of the Birch Bay Community Park property.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:


Ordinance or Resolution Number:

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



MEMORANDUM

RECEIVED

TO: Jack Louws, Executive
FROM: Michael McFarlane, Director 
DATE: April 28th, 2016
RE: 2016 Recreation and Conservation Office Authorizing Resolutions

MAY 03 2016

JACK LOUWS
COUNTY EXECUTIVE

Attached are three separate authorizing resolutions for Council action and the corresponding agenda bills your signature.

We are making two applications for grant funding for reimbursement of the 2014 park property acquisition at Birch Bay through the Aquatic Lands Enhancement Program and Washington Wildlife & Recreation Program. An additional application is being made for trail development at South Fork Park through the Land and Water Conservation Fund.

These projects already have funds budgeted or expended that will be used as the County's local match portion. The resolution is a standard format used by the grant programs and will be submitted to the Recreation and Conservation Office (RCO) upon approval as part of the application process.

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

PROPOSED BY: Parks & Recreation

INTRODUCED: _____

RESOLUTION NO. _____

**RECREATION and CONSERVATION OFFICE
WASHINGTON WILDLIFE and RECREATION PROGRAM (WWRP)
APPLICATION RESOLUTION/AUTHORIZATION
Whatcom County Birch Bay Beach Park Acquisition 16-1993**

WHEREAS, this resolution authorizes submitting application for grant funding assistance for Washington Wildlife and Recreation Program (WWRP) project to the Recreation and Conservation Funding Board as provided in Chapter 79A.15 and 79A.25 RCW, WAC 286, and other applicable authorities; and

WHEREAS, Whatcom County has approved a comprehensive parks and recreation or habitat conservation plan that includes this project; and

WHEREAS, under provisions of the WWRP program, state grant assistance is requested to aid in financing the cost of acquisition; and

WHEREAS, our organization considers it in the best public interest to complete the project described in the application.

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council:

1. That Michael McFarlane, Whatcom County Parks & Recreation Director is authorized to make formal application to the Recreation and Conservation Funding Board for grant assistance.
2. Our organization has reviewed the sample project agreement on the Recreation and Conservation Office's web site at: <http://www.rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf> and authorizes Jack Louws, Whatcom County Executive to enter into such a project agreement, if funding is awarded. We understand and acknowledge that the project agreement will contain the indemnification and other terms and conditions that are contained in the sample project agreement. The sample project agreement may be revised periodically by the Recreation and Conservation Office. Our organization recognizes that such changes might occur prior to our authorized representative signing the actual project agreement, and we accept the responsibility and the presumption that our authorized representative shall have conferred with us as to any such changes before he/she executes the project agreement on behalf of our organization and so executes with our authorization.
3. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project referenced above.
4. Our organization expects our matching share of project funding will be derived from Conservation Futures and that pursuant to WAC 286-13-040 we must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash commitments to this project should they not materialize.

5. We acknowledge that if the Recreation and Conservation Funding Board approves grant assistance for the project, the Recreation and Conservation Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Recreation and Conservation Office after we incur eligible and allowable costs and pay them. The Recreation and Conservation Office may also determine an amount of retainage and hold that amount until the project is complete.
6. We acknowledge that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to by our organization and the Recreation and Conservation Funding Board in the project agreement or an amendment thereto. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon RCO's standard versions of those documents), to be recorded on the title of the property with the county auditor.
7. We acknowledge that any property acquired in fee title must be immediately made available to the public unless the Recreation and Conservation Office director or the Recreation and Conservation Funding Board agrees to other restrictions in the project agreement or an amendment thereto.
8. This application authorization becomes part of a formal application to the Recreation and Conservation Funding Board for grant assistance.
9. We provided appropriate opportunity for public comment on this application.
10. We certify that this application authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that the person signing as authorized representative is duly authorized to do so.

APPROVED this _____ day of _____, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:



Elizabeth Gallery, Civil Deputy Prosecutor

Washington State Attorney General's Office

Approved as to form  March 18, 2016

Assistant Attorney General

Date

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-171

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--------------------|--------------------|----------|---|-------------|------------------|
| Originator: | LR | 04/15/16 | <div style="text-align: center;"> RECEIVED MAY 10 2016 WHATCOM COUNTY COUNCIL </div> | 5/17/16 | Finance/ Council |
| Division Head: | <i>up</i> | 4/15/16 | | | |
| Dept. Head: | <i>[Signature]</i> | 4/15/16 | | | |
| Prosecutor: | <i>JG</i> | 4/20/16 | | | |
| Purchasing/Budget: | <i>BB</i> | 4/20/16 | | | |
| Executive: | <i>TS</i> | 05.10.16 | | | |

TITLE OF DOCUMENT:**Northwest Regional Council (NWRC) Jail's Nursing Services Contract Amendment****ATTACHMENTS:****Letter to Jack Louws****Northwest Regional Council Contract Amendment**

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

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

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

The Corrections Bureau has an existing contract with NWRC to provide nursing services to offenders at the downtown Jail and Work Center. Last fall we amended the contract to add Juvenile Detention. At that time, we were asked to hold all other conditions constant, pending the outcome of the ballot measure for the new jail. We have now completed negotiations with NWRC, which resulted in a lower per hour rate increase than originally anticipated. This Amendment continues the basic Amendment with an increase in the hourly wage from \$44.98 to \$49.60. The total maximum compensation for this agreement will be \$1,214,902.00.

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

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

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: Jack Louws, County Executive

FROM: Bill Elfo, Sheriff *Bill Elfo*

RE: Contract for Nursing Services with Northwest Regional Council

DATE: April 15, 2016

Enclosed are two (2) originals of Amendment #3 to Whatcom County Nursing Services Contract #201411031 between Whatcom County Jail/Juvenile Detention and Northwest Regional Council (NWRC) for your review and signature.

▪ **Background and Purpose**

The Corrections Bureau has an existing contract with NWRC to provide nursing services to offenders at the downtown Jail and Work Center. Last fall we amended the contract to add Juvenile Detention. At that time, we were asked to hold all other conditions constant, pending the outcome of the ballot measure for the new jail. We have now completed negotiations with NWRC, which resulted in a lower per hour rate increase than originally anticipated. This Amendment continues the basic Amendment with an increase in the hourly wage for both the Jail and Juvenile Detention.

▪ **Funding Amount and Source**

Funding for the Jail and Work Center will come from cost center 118160.6635.003 with a maximum annual compensation of \$1,163,318.00. Juvenile Detention's funding will come from their budget and cost center 1970 with a maximum annual compensation of \$51,584.00 for the year.

▪ **Differences from Previous Contract**

The annual maximum compensation for the Jail and Work Center has increased by \$80,518.00. The maximum annual compensation for Juvenile Detention has increased by \$4,804.00. The hourly wage was negotiated from \$44.98 to \$49.60 and the total maximum compensation for this agreement will be \$1,214,902.00.

Please contact Wendy Jones at x6505 if you have any questions or concerns regarding this agreement.

Encl. (2)

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.
201411031-3

| | |
|--|---|
| Originating Department: | Sheriff/Corrections |
| Program/Project: (i.e. Dept. Division and Project) | Jail/Juvenile Detention Nursing Services |
| Contract or Grant Administrator: | Laurie Reid |
| Contractor's / Agency Name: | Northwest Regional Council |
| <p>Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>201411031</u></p> <p>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)</p> <p>Is this a grant agreement? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, grantor agency contract number(s): _____ CFDA#: _____</p> <p>Is this contract grant funded? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, Whatcom County grant contract number(s): _____</p> <p>Is this contract the result of a RFP or Bid process? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, RFP and Bid number(s): <u>14-38</u> Contract <u>118160.6635.003</u> Jail Cost Center: <u>1970 Juvenile Det</u></p> <p>Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If no, include Attachment D Contractor Declaration form.</p> <p>If YES, indicate exclusion(s) below:</p> <p><input checked="" 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 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.</p> | |
| <p>Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>1,129,580.00</u></p> <p>This Amendment Amount: \$ <u>85,322.00</u></p> <p>Total Amended Amount: \$ <u>1,214,902.00</u></p> | <p>Contracts that require Council Approval (incl. agenda bill & memo)</p> <ul style="list-style-type: none"> Professional Services Agreement above \$20,000. Bid is more than \$50,000. Professional Service Contract Amendments that have an increase greater than \$20,000 and other contracts with a cumulative increase greater than \$50,000. <p>RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.</p> |
| <p>Summary of Scope: Northwest Regional Council will provide nursing services to inmates in the Jail and Work Center and detainees in Juvenile Detention. Funds for Jail and Work Center (\$1,163,318.00) to come out of the Jail budget and funds for Juvenile Detention (\$51,584.00) to come out of Juvenile Detention budget.</p> | |
| Term of Contract: 1 year | Expiration Date: 12/31/16 |

| | | |
|-------------------|---|-----------------------|
| Contract Routing: | 1. Prepared by: <u>LR</u> | Date: <u>04/14/16</u> |
| | 2. Attorney signoff: _____ | Date: <u>4/16/16</u> |
| | 3. AS Finance reviewed: <u>Benner</u> | Date: <u>4/22/16</u> |
| | 4. IT reviewed (if IT related): _____ | Date: _____ |
| | 5. Contractor signed: _____ | Date: _____ |
| | 6. Submitted to Exec.: _____ | Date: _____ |
| | 7. Council approved (if necessary): _____ | Date: _____ |
| | 8. Executive signed: _____ | Date: _____ |
| | 9. Original to Council: _____ | Date: _____ |

Whatcom County Contract No.

201411031-3

Amendment No. 3
 Whatcom County Contract No. 201411031
 CONTRACT BETWEEN WHATCOM COUNTY
 AND NORTHWEST REGIONAL COUNCIL (NWRC)

THIS AMENDMENT is to the Contract between Whatcom County and Northwest Regional Council (NWRC), dated December 10, 2014 and designated "Whatcom County Contract No. 201411031". In consideration of the mutual benefits to be derived, the parties agree to the following:

This Amendment changes the following:

Exhibit "A" (Scope of Work) Contractors Responsibilities: Supervise the activities of the Jail Health Program (JHP) and coordinate the delivery of health care to the inmates at the Whatcom County Jail and Work Center for a total of 23,454 hours for the duration of this contract. Provide a team of health care professionals to provide direct nursing services and coordinate other medical care as necessary to detainees at Whatcom County Juvenile Detention for a total of 1040 hours for the duration of this contract. Total number of hours for this contract will be 24,494.

Add to Exhibit "B" (Compensation): The full range of Contractor's services shall be billed at the rate of \$49.60 per hour for each hour worked by each JHP staff member working in both County Jail Facilities (for an annual total of \$1,163,318.00) and Juvenile Detention (for an annual total of \$51,584.00), with a maximum annual compensation under this agreement in the amount of ONE MILLION, TWO HUNDRED AND FOURTEEN, NINE HUNDRED AND TWO (\$1,214,902.00). The Contractor will invoice Whatcom County Jail/Work Center and Juvenile Detention separately as follows:

Whatcom County Sheriff's Office
 ATTN: Laurie Reid
 Jail Administration
 311 Grand Ave.
 Bellingham, WA 98225

Whatcom County Juvenile Detention
 ATTN: Kim Burke
 Whatcom County Courthouse, 6th floor
 311 Grand Ave.
 Bellingham, WA 98225

Unless specifically amended by this agreement, all other terms and conditions of the original contract shall remain in full force and effect.

This Amendment takes effect: January 1, 2016 regardless of the date of signature.

IN WITNESS WHEREOF, Whatcom County and Northwest Regional Council (NWRC) have executed this Amendment on the date and year below written.

DATED this 29th day of April, 2016

CONTRACTOR:

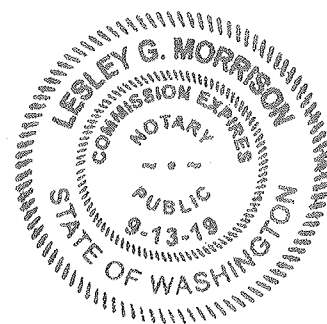
Northwest Regional Council (NWRC)

Dan Murphy, Executive Director

STATE OF WASHINGTON)
) ss.
 COUNTY OF WHATCOM)

On this 29th day of APRIL, 2016, before me personally appeared Dan Murphy to me known to be the Executive Director of Northwest Regional Council (NWRC) and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Lesley G. Morrison
 NOTARY PUBLIC in and for the State of Washington, residing at
Whatcom County My commission expires 9/13/2019



WHATCOM COUNTY:

Recommended for Approval:



Sheriff Bill Elfo



Date

For
4/15/16

Approved as to form:



Prosecuting Attorney

4/16/16

Date

Approved:

Accepted for Whatcom County:

By: _____
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

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

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

CONTRACTOR INFORMATION:

Northwest Regional Council (NWRC)
Dan Murphy, Executive Director

Address:
600 Lakeway Drive, Suite 100
Bellingham, WA 98225

Mailing Address:
Same as above

Contact Phone: 360-676-6749
Contact Fax: 360-738-2451

Contact Email: MurphDK@dshs.wa.gov

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-172

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|---------------------------------------|---------|----------|---|-------------|-----------------|
| Originator: James P. Karcher, P.E. | JPK | 4.28.16 | <div style="text-align: center;"> <p>RECEIVED</p> <p>MAY 10 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div> | 5/17/2016 | Finance/Council |
| Division Head: Joe Rutan, P.E. | JR | 5/2/16 | | | |
| Dept. Head: Jon Hutchings | JH | 5/4/16 | | | |
| Prosecutor: Daniel Gibson | DG | 05/05/16 | | | |
| Purchasing/Budget: Brad Bennett | MB | 5/5/16 | | | |
| Executive: Jack Louws | JL | 05.10.16 | | | |

TITLE OF DOCUMENT:

Local Agency Agreement Supplement No. 1 and updated Project Prospectus for South Pass Road Failure Repair, CRP No. 915018.

ATTACHMENTS:

1. Memo
2. Contract Info Sheet
3. Local Agency Agreement Supplement No. 1
4. Updated Project Prospectus

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

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

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

This Local Agency Agreement Supplement No. 1 and updated Project Prospectus is required to obligate federal, Emergency Relief (ER) construction funds. The permanent repair will consist of excavating the existing roadway and installing roadway stabilizing geogrid wraps, with drainage and guardrail improvements.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

Jon Hutchings
Director



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

MEMORANDUM

RECEIVED

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., County Engineer/Assistant Director *JR*
James P. Karcher, P.E., Engineering Manager

Date: April 29, 2016

Re: **South Pass Road Failure Repair**
CRP No. 915018, ER-WA-1503(004)
Local Agency Agreement Supplement No. 1 & Updated Project Prospectus

MAY 05 2016

**JACK LOUWS
COUNTY EXECUTIVE**

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

Requested Action

After approval by the Whatcom County Council, Public Works respectfully requests that the County Executive sign the attached Local Agency Agreement Supplement No. 1 and Project Prospectus. Please return **both** originals of the Local Agency Agreement Supplement No. 1 and Project Prospectus for further processing. We will return a fully executed original of the Local Agency Agreement and Project Prospectus to you once they are signed by WSDOT.

Background and Purpose

This Local Agency Agreement Supplement No. 1 and updated Project Prospectus is required to obligate federal, Emergency Relief (ER) construction funds. The permanent repair will consist of excavating the existing roadway and installing roadway stabilizing geogrid wraps, with drainage and guardrail improvements. Construction is planned to begin in late summer 2016 and is listed under Item No. 21 on the 2016 Annual Construction Program.

Funding Amount and Source

Whatcom County has been awarded a total of \$782,500 in federal ER funds for preliminary engineering and construction of this project. These funds are reimbursed at 86.5% for construction and require a 13.5% local match, for which there is budget authority.

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.

201508038-1

| | |
|---|--|
| Originating Department: | Whatcom County Public Works |
| Contract or Grant Administrator: | James P. Karcher, P.E., Engineering Manager |
| Contractor's / Agency Name: | Washington State Department of Transportation (WSDOT) |
| 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 #: 201508038 | |
| 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 checked="" type="checkbox"/> No <input type="checkbox"/> If yes, grantor agency contract number(s): N/A CFDA#: 20.205 | |
| Is this contract grant funded? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, Whatcom County grant contract number(s): ER-1503(004) | |
| Is this contract the result of a RFP or Bid process? Contract Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, RFP and Bid number(s): Cost Center: 915018 | |
| 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): \$ 135,200.00 (\$121,700 ER, \$13,500 local) This Amendment Amount: \$ 580,000.00 (\$501,700 ER, \$78,300 local) Total Amended Amount: \$ 715,200.00 | Contracts that require Council Approval (incl. agenda bill & memo) <ul style="list-style-type: none"> Professional Services Agreement above \$20,000. Bid is more than \$50,000. Amendments that have either an increase greater than 10% or provide a \$10,000 increase in amount (whichever is greater) RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract. |
| Summary of Scope: This Local Agency Agreement Supplement No. 1 and updated Project Prospectus is required to obligate federal, Emergency Relief (ER) construction funds. The permanent repair will consist of excavating the existing roadway and installing roadway stabilizing geogrid wraps, with drainage and guardrail improvements. | |
| Term of Contract: | Completion of Work |
| Expiration Date: | N/A |

Contract Routing:

1. Prepared by: K. Thompson

Date: 4/27/16

2. Attorney signoff: Daniel L. Gibson 05/05/16

Date: 04/29/16

3. AS Finance reviewed: bbennett for MDC

Date: 04/30/16 5/5/16

4. IT reviewed (if IT related):

Date:

5. Contractor signed:

Date:

6. Submitted to Exec.:

Date:

7. Council approved (if necessary):

Date:

8. Executive signed:

Date:

9. Original to Council:

Date:



**Washington State
Department of Transportation**

Local Agency Agreement Supplement

| | | |
|--|-----------------------------|--|
| Agency Whatcom County | | Supplement Number 1 |
| Federal Aid Project Number ER-1503(004) | Agreement Number LA 8766 | CFDA No. 20.205 (Catalog of Federal Domestic Assistance) |

The Local Agency requests to supplement the agreement entered into and executed on September 16, 2015

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

The change to the agreement are as follows:

Project Description

Name South Pass Road Failure Repair, CRP No. 915018

Length 0.15 mile (~750-ft)

Termini MP 3.5 - MP 3.65

Description of Work ☒ No Change

Reason for Supplement

Supplementing for construction funds obligation.

Are you claiming indirect cost rate? ☐ Yes ☒ No

Project Agreement End Date July 1, 2017

Does this change require additional Right of Way or Easements? ☐ Yes ☒ No Advertisement Date: May 25, 2016

| Type of Work | | Estimate of Funding | | | | |
|---|--|-------------------------------------|-------------------|---|----------------------------------|-----------------------------------|
| | | (1) Previous Agreement/Suppl. | (2) Supplement | (3) Estimated Total Project Funds | (4) Estimated Agency Funds | (5) Estimated Federal Funds |
| PE | | 95,000.00 | | 95,000.00 | 12,825.00 | 82,175.00 |
| % a. Agency | | | | 0.00 | | |
| b. Other | | | | 0.00 | | |
| Federal Aid Participation Ratio for PE | | | | 0.00 | | |
| c. Other | | | | 0.00 | | |
| d. State | | 5,000.00 | | 5,000.00 | 675.00 | 4,325.00 |
| e. Total PE Cost Estimate (a+b+c+d) | | 100,000.00 | 0.00 | 100,000.00 | 13,500.00 | 86,500.00 |
| Right of Way | | | | 0.00 | | |
| % f. Agency | | | | 0.00 | | |
| g. Other | | | | 0.00 | | |
| Federal Aid Participation Ratio for RW | | | | 0.00 | | |
| h. Other | | | | 0.00 | | |
| i. State | | | | 0.00 | | |
| j. Total R/W Cost Estimate (f+g+h+i) | | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Construction | | | 515,000.00 | 515,000.00 | 69,525.00 | 445,475.00 |
| % k. Contract | | | | | | |
| l. Other Consultant | | | 10,000.00 | 10,000.00 | 1,350.00 | 8,650.00 |
| m. Other Temp. Repair | | 35,200.00 | | 35,200.00 | | 35,200.00 |
| n. Other | | | | 0.00 | | |
| Federal Aid Participation Ratio for CN | | | | | | |
| o. Agency | | | 50,000.00 | 50,000.00 | 6,750.00 | 43,250.00 |
| p. State | | | 5,000.00 | 5,000.00 | 675.00 | 4,325.00 |
| q. Total CN Cost Estimate (k+l+m+n+o+p) | | 35,200.00 | 580,000.00 | 615,200.00 | 78,300.00 | 536,900.00 |
| r. Total Project Cost Estimate (e+j+q) | | 135,200.00 | 580,000.00 | 715,200.00 | 91,800.00 | 623,400.00 |

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

Agency Official

Washington State Department of Transportation

By
Title Whatcom County Executive

By
Director, Local Program
Date Executed

Approved as to form:

Daniel L. Gibson 05/05/16
Daniel L. Gibson
Chief Civil Deputy Prosecutor

| | | |
|--|-----------------------------|--|
| Agency Whatcom County | | Supplement Number 1 |
| Federal Aid Project Number ER-1503(004) | Agreement Number LA 8766 | CFDA No. 20.205 (Catalog of Federal Domestic Assistance) |

VI. Payment and Partial Reimbursement

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

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

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

VII. Audit of Federal Consultant Contracts

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

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

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

IX. Payment of Billing

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

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309).

Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

VIII. Single Audit Act

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

XVII. Assurances

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



| | | | |
|-----------------------------|----------------|------------------|-----|
| | Prefix | Route | () |
| Federal Aid Project Number | ER-1503(004) | V370 | |
| Local Agency Project Number | CRP No. 915018 | (WSDOT Use Only) | |

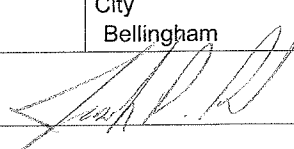
| | |
|--------------------------------|----------------|
| Date | April 22, 2016 |
| DUNS Number | 060044641 |
| Federal Employer Tax ID Number | 916001383 |

| | | | | | |
|---|---|---|---|---------------------|------------------------|
| Agency 100 | CA Agency <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Federal Program Title <input checked="" type="checkbox"/> 20.205 <input type="checkbox"/> Other | | | |
| Project Title South Pass Road Failure Repair, CRP No. 915018 | | Start Latitude N 48-55-57 End Latitude N 48-56-00 | Start Longitude W 122-15-13 End Longitude W 122-15-6 | | |
| Project Termini From - To MP 3.50 to MP 3.65, on South Pass Road | | Nearest City Name Everson, WA | Project Zip Code (+ 4) 98247 | | |
| Begin Mile Post 3.50 | End Mile Post 3.65 | Length of Project ~750 ft. | Award Type <input checked="" type="checkbox"/> Local <input type="checkbox"/> Local Forces <input type="checkbox"/> State <input type="checkbox"/> Railroad | | |
| Route ID N/A | Begin Mile Point 3.50 | End Mile Point 3.65 | City Number N/A | County Number 37 | County Name Whatcom |
| WSDOT Region Northwest | Legislative District(s) 42 | Congressional District(s) 2 | Urban Area Number 34 | | |

| Phase | Total Estimated Cost (Nearest Hundred Dollar) | Local Agency Funding (Nearest Hundred Dollar) | Federal Funds (Nearest Hundred Dollar) | Phase Start Date Month Year |
|--------|--|--|---|--------------------------------|
| P.E. | \$100,000 | \$13,500 | \$86,500 | 8/2015 |
| R/W | 0 | 0 | 0 | 11/2015 |
| Const. | \$615,200 | \$78,300 | \$536,900 | 7/2016 |
| Total | \$715,200 | \$91,800 | \$623,400 | |

| | |
|---|----------------------|
| Description of Existing Facility (Existing Design and Present Condition) | |
| Roadway Width 24 ft | Number of Lanes 2 |
| During the week of February 6-10, 2015, severe winter rains occurred which created large, longitudinal cracks in the pavement with significant settlement over approximately 750 ft of South Pass Road. | |

| |
|---|
| Description of Proposed Work |
| Description of Proposed Work (Attach additional sheet(s) if necessary) |
| This project will consist of excavating the existing roadway to install roadway stabilizing geogrid wraps. Also, guardrail will be installed where warranted and drainage upgrades. |

| | | | |
|---|------------------------------|-----------------------|-------------------|
| Local Agency Contact Person James P. Karcher, P.E. | Title Engineering Manager | Phone 360 778-6271 | |
| Mailing Address 322 N. Commercial Street, Ste 301 | City Bellingham | State WA | Zip Code 98225 |
| By  Project Prospectus Approval | | Approving Authority | |
| Title <u>Co. Engineer</u> | | Date <u>5/2/16</u> | |

| | | |
|--------------------------|---|------------------------|
| Agency Whatcom County | Project Title South Pass Road Failure Repair | Date April 22, 2016 |
|--------------------------|---|------------------------|

| Type of Proposed Work | | | |
|--|--|--------------------------------|---------------|
| Project Type (Check all that Apply) | | | Roadway Width |
| <input type="checkbox"/> New Construction | <input type="checkbox"/> Path / Trail | <input type="checkbox"/> 3-R | 24-ft |
| <input checked="" type="checkbox"/> Reconstruction | <input type="checkbox"/> Pedestrian / Facilities | <input type="checkbox"/> 2-R | 2 |
| <input type="checkbox"/> Railroad | <input type="checkbox"/> Parking | <input type="checkbox"/> Other | |
| <input type="checkbox"/> Bridge | | | |

| Geometric Design Data | | |
|--|---|---|
| Description | Through Route | Crossroad |
| Federal Functional Classification | <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural <input type="checkbox"/> NHS <input type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input checked="" type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Local Access | <input type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> NHS <input type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Local Access |
| Terrain | <input type="checkbox"/> Flat <input checked="" type="checkbox"/> Roll <input type="checkbox"/> Mountain | <input type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain |
| Posted Speed | 35 mph | |
| Design Speed | 35 mph | |
| Existing ADT | 1,700 | |
| Design Year ADT | N/A | |
| Design Year | N/A | |
| Design Hourly Volume (DHV) | N/A | |

| Performance of Work | | |
|--|-------------------|-----------------|
| Preliminary Engineering Will Be Performed By Whatcom County | Others 0 % | Agency 100 % |
| Construction Will Be Performed By | Contract 100 % | Agency 0 % |

| Environmental Classification | |
|---|--|
| <input type="checkbox"/> Class I - Environmental Impact Statement (EIS) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement <input type="checkbox"/> Class III - Environmental Assessment (EA) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement | <input checked="" type="checkbox"/> Class II - Categorical Excluded (CE) <input checked="" type="checkbox"/> Projects Requiring Documentation (Documented CE) |

| |
|--|
| Environmental Considerations Emergency project environmental documentation. |
|--|

| | | |
|--------------------------|---|------------------------|
| Agency Whatcom County | Project Title South Pass Road Failure Repair | Date April 22, 2016 |
|--------------------------|---|------------------------|

Right of Way

| | | |
|---|--|--|
| <input checked="" type="checkbox"/> No Right of Way Needed * All construction required by the contract can be accomplished within the existing right of way. | <input type="checkbox"/> Right of Way Needed <input type="checkbox"/> No Relocation | <input type="checkbox"/> Relocation Required |
|---|--|--|

Utilities

| |
|---|
| <input type="checkbox"/> No utility work required <input checked="" type="checkbox"/> All utility work will be completed prior to the start of the construction contract <input type="checkbox"/> All utility work will be completed in coordination with the construction contract |
|---|

Railroad

| |
|--|
| <input checked="" type="checkbox"/> No railroad work required <input type="checkbox"/> All railroad work will be completed prior to the start of the construction contract <input type="checkbox"/> All railroad work will be completed in coordination with the construction contract |
|--|

Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project
 A utility phone pole will be temporarily held by the affected utility during road excavation. No relocation required.

FAA Involvement

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

Remarks

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

Agency Whatcom County

Date _____

By _____
 Mayor/Chairperson

Approved as to form:

Daniel L. Gibson 05/05/16
 Daniel L. Gibson Date
 Chief Civil Deputy President

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-146B

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|---|---------|------------------------------|---|--|--------------|
| Originator: K. Christensen | KNC | 5/2/16 | <div style="text-align: center;"> <p>RECEIVED</p> <p>MAY 10 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div> | 5/17/16 | Finance |
| Division Head: R. Ney | B | | | 5/17/16 | Council |
| Dept. Head: J. Hutchings | JH | 5/4/16 | | | |
| Prosecutor: D. Gibson | dig | 04/28/16 | | | |
| Purchasing/Budget: B. Bennett | bb | 04/28/16 | | | |
| Executive: J. Louws | JL | 05.10.16 | | | |
| TITLE OF DOCUMENT: Approval for Construction Contract Award to Stremler Gravel, Inc., for the Cedar Hills-Euclid Stormwater Improvements Project (Bid No. 16-22) | | | | | |
| ATTACHMENTS 1. Memo 2. Approval for Contract Award 3. Project Cost Breakdown 4. Bid Tabulation 5. 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.) Approval of contract award to Stremler Gravel, Inc., as low bidder in the amount of \$1,039,477.27 for the Cedar Hills-Euclid Stormwater Improvements project in the Lake Whatcom watershed. | | | | | |
| COMMITTEE ACTION: | | | COUNCIL ACTION: | | |
| Related County Contract #: | | Related File Numbers: | | Ordinance or Resolution Number: 2014-083 | |
| Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council. | | | | | |

WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT

JON HUTCHINGS
DIRECTOR



STORMWATER
322 N. Commercial Street, Suite 301
Bellingham, WA 98225
Phone # (360) 778-6210
Fax # (360) 778-6211
www.co.whatcom.wa.us

RECEIVED

MAY 05 2016

JACK LOUWS
COUNTY EXECUTIVE

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

THROUGH: Jon Hutchings, Public Works Director *for*

FROM: Rob Ney, Special Programs Manager *RN*
Kirk N. Christensen, P.E., Stormwater Manager *KNC*

RE: Cedar Hills-Euclid Stormwater Improvements Project (Bid No. 16-22)
Construction Contract Award to Stremler Gravel, Inc.

DATE: May 4, 2016

Please find attached for your review and signature the Approval for Contract Award and bid tabulation for the Cedar Hills-Euclid Stormwater Improvements project (Bid No. 16-22) in the Lake Whatcom watershed.

▪ **Requested Action**

Public Works requests that the County Executive sign the attached form. A project-based budget was established for this by the Whatcom County Council on November 25, 2014, through Ordinance 2014-083. Public Works will submit the construction contract to the County Executive for execution after the signed Approval for Contract Award is received.

▪ **Background and Purpose**

Whatcom County will construct a new stormwater project in the Cedar Hills-Euclid sub-basin of the Lake Whatcom Watershed to reduce phosphorus loading and treat stormwater runoff. Construction includes installation of bioretention swales, stormfilter vaults, pretreatment structures, utility relocations, stormwater piping, stream stabilization, and native plantings. This is a priority capital project in the Lake Whatcom Comprehensive Stormwater Plan and is listed on the 2016-2021 Six-Year Water Resources Improvement Program. Construction will occur during the 2016 Lake Whatcom Watershed work window.

Bid proposals for this project were opened at 2:30 p.m., Tuesday, April 26, 2016. We received 6 bids with Stremler Gravel, Inc., being the lowest responsible bidder in the amount of \$1,039,477.27.

▪ **Funding Amount and Source**

The total project-based budget for the Cedar Hills-Euclid Stormwater Improvements is \$1,295,586 in local and grant funds. Sufficient budget authority exists to cover this contract (Cost Center 367100). Lake Whatcom Water and Sewer District will reimburse the County \$105,017 for the relocation of the water line per Schedule B.

Please contact Kirk at extension 6297 if you have any questions.

Attachments

In accordance with W.C.C.3.08.230, I concur with this recommendation:

[Signature]
Sara Winger, Purchasing Coordinator

05/05/16
Date



**CEDAR HILLS-EUCLID STORMWATER IMPROVEMENTS
BID NO. 16-22**

APPROVAL FOR CONTRACT AWARD

Approval is hereby granted to award the Contract as follows:

Project: Cedar Hills-Euclid Stormwater Improvements

To: Stremler Gravel, Inc.

in the amount of their bid proposal of \$1,039,477.27 including all taxes.

Jack Louws
Whatcom County Executive
Approving Authority

Date

Daniel L. Gibson

Daniel L. Gibson
Chief Civil Deputy Prosecutor

May 5, 2016

Date



Project Cost Break Down

Cedar Hills-Euclid Stormwater Improvements Bid No. 16-22

| | Whatcom County |
|---|--------------------|
| Design Engineering | \$147,530 |
| Right-of-Way | \$13,000 |
| Construction Contract | \$1,039,477 |
| Reimbursement for Water Line Relocation | (\$105,017) |
| Construction Engineering | \$99,367 |
| Permitting, and Surveying | \$10,000 |
| Testing and Contingency | \$20,000 |
| Total | \$1,224,357 |

| BASE BID ITEMS | | ENGINEER'S ESTIMATE | | STREMLER GRAVEL | | AWARD CONSTRUCTION | |
|--|----------|---------------------|------------|-----------------|-------------|--------------------|--------------|
| Item Description | Quantity | Unit | Unit Price | Amount | Unit Price | Amount | Amount |
| SCHEDULE A: STORMWATER IMPROVEMENTS | | | | | | | |
| A1 Spill Prevention, Control, Countermeasures Plan | 1 | LS | \$ 1,000 | \$ 1,000 | LS | \$ 500.00 | \$ 600.00 |
| A2 Mobilization | 1 | LS | \$ 74,900 | \$ 74,900 | LS | \$ 34,000.00 | \$ 24,000.00 |
| A3 Project Temporary Traffic Control | 1 | LS | \$ 10,000 | \$ 10,000 | LS | \$ 29,000.00 | \$ 12,000.00 |
| A4 Traffic Control Labor | 450 | HR | \$ 40 | \$ 18,000 | \$ 45.00 | \$ 20,250.00 | \$ 24,750.00 |
| A5 Erosion/Water Pollution Control | 1 | FA | \$ 10,000 | \$ 10,000 | FA | \$ 10,000.00 | \$ 10,000.00 |
| A6 Silt Fence | 250 | LF | \$ 5 | \$ 1,250 | \$ 7.00 | \$ 1,750.00 | \$ 1,125.00 |
| A7 Straw Wattle | 200 | LF | \$ 10 | \$ 2,000 | \$ 4.00 | \$ 800.00 | \$ 1,200.00 |
| A8 Clearing and Grubbing | 1 | LS | \$ 3,500 | \$ 3,500 | LS | \$ 8,750.00 | \$ 13,000.00 |
| A9 Potholing | 10 | EA | \$ 500 | \$ 5,000 | \$ 1,000.00 | \$ 10,000.00 | \$ 4,600.00 |
| A10 Removal of Structures and Obstructions | 1 | LS | \$ 10,000 | \$ 10,000 | LS | \$ 5,000.00 | \$ 20,000.00 |
| A11 Saw Cut Asphalt Concrete Pavement | 400 | LF | \$ 6 | \$ 2,400 | \$ 6.05 | \$ 2,420.00 | \$ 1,400.00 |
| A12 Saw Cut Cement Concrete Pavement | 10 | LF | \$ 10 | \$ 100 | \$ 2.30 | \$ 23.00 | \$ 230.00 |
| A13 Excavation, Including Haul | 1500 | CY | \$ 15 | \$ 22,500 | \$ 30.00 | \$ 45,000.00 | \$ 49,500.00 |
| A14 Rock Excavation, Including Haul | 50 | CY | \$ 100 | \$ 5,000 | \$ 150.00 | \$ 7,500.00 | \$ 4,000.00 |
| A15 Geotextile | 1400 | SY | \$ 6 | \$ 8,400 | \$ 1.50 | \$ 2,100.00 | \$ 1,820.00 |
| A16 Erosion Control Coir Blanket | 950 | SY | \$ 5 | \$ 4,750 | \$ 3.95 | \$ 3,752.50 | \$ 4,275.00 |
| A17 Clean 5/8" Chips | 25 | TON | \$ 35 | \$ 875 | \$ 61.15 | \$ 1,528.75 | \$ 1,700.00 |
| A18 Drain Rock | 1300 | TON | \$ 35 | \$ 45,500 | \$ 22.76 | \$ 29,588.00 | \$ 35,100.00 |
| A19 4 In Cobble | 75 | TON | \$ 50 | \$ 3,750 | \$ 38.00 | \$ 2,850.00 | \$ 3,525.00 |
| A20 Sand/Peat Media | 430 | CY | \$ 70 | \$ 30,100 | \$ 125.00 | \$ 53,750.00 | \$ 42,140.00 |
| A21 Pipe Inlet Protection | 3 | EA | \$ 1,500 | \$ 4,500 | \$ 500.00 | \$ 1,500.00 | \$ 2,160.00 |
| A22 Pipe Outlet Protection | 5 | EA | \$ 1,300 | \$ 6,500 | \$ 400.00 | \$ 2,000.00 | \$ 1,550.00 |
| A23 Ditch Berm | 2 | EA | \$ 1,500 | \$ 3,000 | \$ 1,250.00 | \$ 2,500.00 | \$ 2,000.00 |
| A24 Dewatering | 1 | LS | \$ 5,000 | \$ 5,000 | LS | \$ 350.00 | \$ 29,000.00 |
| A25 Quarry Spalls | 50 | TON | \$ 100 | \$ 5,000 | \$ 62.25 | \$ 3,112.50 | \$ 3,050.00 |
| A26 Gravel Base | 25 | TON | \$ 35 | \$ 875 | \$ 41.40 | \$ 1,035.00 | \$ 925.00 |
| A27 Crushed Surface Top Course | 15 | TON | \$ 40 | \$ 600 | \$ 54.05 | \$ 810.75 | \$ 735.00 |
| A28 Hot Mix Asphalt | 15 | TON | \$ 110 | \$ 1,650 | \$ 274.00 | \$ 4,110.00 | \$ 3,525.00 |
| A29 Cement Conc Traffic Curb and Gutter | 60 | LF | \$ 45 | \$ 2,700 | \$ 34.00 | \$ 2,040.00 | \$ 2,760.00 |
| A30 Cement Conc. Sidewalk | 30 | SY | \$ 60 | \$ 1,800 | \$ 60.50 | \$ 1,815.00 | \$ 3,300.00 |
| A31 Concrete Weir Wall | 31 | EA | \$ 3,500 | \$ 108,500 | \$ 2,500.00 | \$ 77,500.00 | \$ 74,400.00 |

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| | | | | | | | | | | | | | | | |
|-----|--|-----|-----|----|--------|----|--------|----|-----------|----------|-----------|----|------------|----|------------|
| A32 | Shoring | 200 | SF | \$ | 5 | \$ | 1,000 | \$ | 52.55 | \$ | 10,510.00 | \$ | 70.00 | \$ | 14,000.00 |
| A33 | Underdrain Pipe, 8" Diam. | 575 | LF | \$ | 55 | \$ | 31,625 | \$ | 15.25 | \$ | 8,768.75 | \$ | 27.00 | \$ | 15,525.00 |
| A34 | Storm Sewer, 8" Diam. | 420 | LF | \$ | 67 | \$ | 28,140 | \$ | 24.00 | \$ | 10,080.00 | \$ | 51.00 | \$ | 21,420.00 |
| A35 | Storm Sewer, 12" Diam. | 240 | LF | \$ | 72 | \$ | 17,280 | \$ | 39.03 | \$ | 9,367.20 | \$ | 62.00 | \$ | 14,880.00 |
| A36 | Storm Sewer, 18" Diam | 110 | LF | \$ | 85 | \$ | 9,350 | \$ | 70.20 | \$ | 7,722.00 | \$ | 150.00 | \$ | 16,500.00 |
| A37 | Culvert, 12" Diam. | 75 | LF | \$ | 50 | \$ | 3,750 | \$ | 20.15 | \$ | 1,511.25 | \$ | 142.00 | \$ | 10,650.00 |
| A38 | Storm Drain Cleanout | 4 | EA | \$ | 500 | \$ | 2,000 | \$ | 275.00 | \$ | 1,100.00 | \$ | 460.00 | \$ | 1,840.00 |
| A39 | Flow Spreader | 7 | EA | \$ | 3,000 | \$ | 21,000 | \$ | 550.00 | \$ | 3,850.00 | \$ | 700.00 | \$ | 4,900.00 |
| A40 | Catch Basin Type 1, With Beehive Grate | 2 | EA | \$ | 1,800 | \$ | 3,600 | \$ | 1,400.00 | \$ | 2,800.00 | \$ | 1,500.00 | \$ | 3,000.00 |
| A41 | Catch Basin Type 1, With Solid Lid | 10 | EA | \$ | 1,800 | \$ | 18,000 | \$ | 1,400.00 | \$ | 14,000.00 | \$ | 1,600.00 | \$ | 16,000.00 |
| A42 | Catch Basin Type2, 48" Diam, Solid Lid | 2 | EA | \$ | 3,500 | \$ | 7,000 | \$ | 4,700.00 | \$ | 9,400.00 | \$ | 3,400.00 | \$ | 6,800.00 |
| A43 | Thru-Curb Inlet | 1 | EA | \$ | 2,500 | \$ | 2,500 | \$ | 1,710.00 | \$ | 1,710.00 | \$ | 1,750.00 | \$ | 1,750.00 |
| A44 | Flow Splitter Manhole, 60" Diam | 1 | EA | \$ | 6,500 | \$ | 6,500 | \$ | 7,000.00 | \$ | 7,000.00 | \$ | 5,400.00 | \$ | 5,400.00 |
| A45 | Pretreatment Unit #1 | 1 | EA | \$ | 13,000 | \$ | 13,000 | \$ | 13,500.00 | \$ | 13,500.00 | \$ | 12,000.00 | \$ | 12,000.00 |
| A46 | Pretreatment Unit #2 | 1 | EA | \$ | 13,000 | \$ | 13,000 | \$ | 14,000.00 | \$ | 14,000.00 | \$ | 12,000.00 | \$ | 12,000.00 |
| A47 | Pretreatment Unit #3 | 1 | EA | \$ | 17,000 | \$ | 17,000 | \$ | 28,700.00 | \$ | 28,700.00 | \$ | 27,000.00 | \$ | 27,000.00 |
| A48 | Pretreatment Unit #4 | 1 | EA | \$ | 13,000 | \$ | 13,000 | \$ | 14,400.00 | \$ | 14,400.00 | \$ | 12,000.00 | \$ | 12,000.00 |
| A49 | Treatment Catch Basin | 2 | EA | \$ | 16,000 | \$ | 32,000 | \$ | 12,250.00 | \$ | 24,500.00 | \$ | 13,000.00 | \$ | 26,000.00 |
| A50 | Treatment Manhole | 1 | EA | \$ | 22,000 | \$ | 22,000 | \$ | 32,175.00 | \$ | 32,175.00 | \$ | 32,000.00 | \$ | 32,000.00 |
| A51 | Stormfilter Vault | 1 | EA | \$ | 96,000 | \$ | 96,000 | \$ | 95,000.00 | \$ | 95,000.00 | \$ | 87,000.00 | \$ | 87,000.00 |
| A52 | Repair Public and Private Facilities | 1 | FA | \$ | 35,000 | \$ | 35,000 | \$ | FA | \$ | 35,000.00 | \$ | FA | \$ | 35,000.00 |
| A53 | Landscaping Restoration | 1 | FA | \$ | 15,000 | \$ | 15,000 | \$ | FA | \$ | 15,000.00 | \$ | FA | \$ | 15,000.00 |
| A54 | 12" Diam Driveway Culvert | 103 | LF | \$ | 75 | \$ | 7,725 | \$ | 25.15 | \$ | 2,590.45 | \$ | 80.00 | \$ | 8,240.00 |
| A55 | Pea Gravel | 120 | TON | \$ | 40 | \$ | 4,800 | \$ | 30.20 | \$ | 3,624.00 | \$ | 37.00 | \$ | 4,440.00 |
| A56 | Monitoring Post | 2 | EA | \$ | 2,000 | \$ | 4,000 | \$ | 800.00 | \$ | 1,600.00 | \$ | 1,400.00 | \$ | 2,800.00 |
| | | | | | | | | | | Subtotal | | \$ | 823,400 | \$ | 784,515.00 |
| | | | | | | | | | | | | \$ | 733,244.15 | \$ | 784,515.00 |

Schedule A Total Construction Cost

| BASE BID ITEMS | | | ENGINEER'S ESTIMATE | | STREMLER GRAVEL | | AWARD CONSTRUCTION | |
|---|----------|------|---------------------|----------|-----------------|-------------|--------------------|-------------|
| Item Description | Quantity | Unit | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount |
| SCHEDULE B: RELOCATE WATER LINE IN CEDAR HILL AVE | | | | | | | | |
| B1 Mobilization | 1 | LS | \$ 9,600 | \$ 9,600 | LS | \$ 5,000.00 | LS | \$ 6,000.00 |
| B2 Project Temporary Traffic Control | 1 | LS | \$ 5,000 | \$ 5,000 | LS | \$ 7,700.00 | LS | \$ 2,800.00 |
| B3 Traffic Control Labor | 80 | HR | \$ 40 | \$ 3,200 | \$ 45.00 | \$ 3,600.00 | \$ 55.00 | \$ 4,400.00 |

| | | | | | | | | | |
|-----|--------------------------------------|-----|-----|---|-----------|-------------------|--------------|----------------------|--------------|
| B4 | Erosion/Water Pollution Control | 1 | FA | \$ 5,000 | \$ 5,000 | FA | \$ 5,000.00 | FA | \$ 5,000.00 |
| B5 | Saw Cut Asphalt Concrete Pavement | 900 | LF | \$ 6 | \$ 5,400 | \$ 6.00 | \$ 5,400.00 | \$ 3.50 | \$ 3,150.00 |
| B6 | Excavation, Including Haul | 250 | CY | \$ 15 | \$ 3,750 | \$ 26.20 | \$ 6,550.00 | \$ 33.00 | \$ 8,250.00 |
| B7 | Rock Excavation, Including Haul | 2 | CY | \$ 500 | \$ 1,000 | \$ 145.00 | \$ 290.00 | \$ 350.00 | \$ 700.00 |
| B8 | Gravel Base | 60 | TON | \$ 35 | \$ 2,100 | \$ 20.65 | \$ 1,239.00 | \$ 37.00 | \$ 2,220.00 |
| B9 | Crushed Surface Top Course | 60 | TON | \$ 40 | \$ 2,400 | \$ 40.00 | \$ 2,400.00 | \$ 49.00 | \$ 2,940.00 |
| B10 | Hot Mix Asphalt | 65 | TON | \$ 110 | \$ 7,150 | \$ 195.00 | \$ 12,675.00 | \$ 170.00 | \$ 11,050.00 |
| B11 | Dewatering | 1 | LS | \$ 5,000 | \$ 5,000 | LS | \$ 500.00 | LS | \$ 500.00 |
| B12 | Water Main, 8" Diam. | 540 | LF | \$ 75 | \$ 40,500 | \$ 82.65 | \$ 44,631.00 | \$ 88.00 | \$ 47,520.00 |
| B13 | Gate Valve | 2 | EA | \$ 2,000 | \$ 4,000 | \$ 1,500.00 | \$ 3,000.00 | \$ 2,000.00 | \$ 4,000.00 |
| B14 | Repair Public and Private Facilities | 1 | FA | \$ 10,000 | \$ 10,000 | FA | \$ 10,000.00 | FA | \$ 10,000.00 |
| B15 | Water Service Line | 4 | EA | \$ 250 | \$ 1,000 | \$ 1,075.00 | \$ 4,300.00 | \$ 1,500.00 | \$ 6,000.00 |
| | | | | Subtotal | | \$ 105,100 | | \$ 112,285.00 | |
| | | | | Tax (8.5%) | | \$ 8,900 | | \$ 9,544.23 | |
| | | | | Schedule B Total Construction Cost | | \$ 114,000 | | \$ 121,829.23 | |
| | | | | | | | | \$ 114,530.00 | |
| | | | | | | | | \$ 9,735.05 | |
| | | | | | | | | \$ 124,265.05 | |

| BASE BID ITEMS | | ENGINEER'S ESTIMATE | | STREMLER GRAVEL | | AWARD CONSTRUCTION | | | |
|--|---------------------------------|---------------------|------------|-----------------|------------|--------------------|--------------|-------------|--------------|
| Item Description | Quantity | Unit | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | |
| SCHEDULE C: STREAM CHANNEL RESTORATION | | | | | | | | | |
| C1 | Mobilization | 1 | LS | \$ 19,100 | \$ 19,100 | LS | \$ 6,625.00 | \$ 6,500.00 | |
| C2 | Erosion/Water Pollution Control | 1 | FA | \$ 5,000 | \$ 5,000 | FA | \$ 5,000.00 | \$ 5,000.00 | |
| C3 | Silt Fence | 50 | LF | \$ 5 | \$ 250 | \$ 6.65 | \$ 332.50 | \$ 4.50 | \$ 225.00 |
| C4 | Straw Wattle | 50 | LF | \$ 10 | \$ 500 | \$ 4.60 | \$ 230.00 | \$ 6.00 | \$ 300.00 |
| C5 | Clearing and Grubbing | 1 | LS | \$ 1,500 | \$ 1,500 | LS | \$ 1,000.00 | LS | \$ 4,100.00 |
| C6 | Excavation, Including Haul | 10 | CY | \$ 15 | \$ 150 | \$ 38.25 | \$ 382.50 | \$ 33.00 | \$ 330.00 |
| C7 | 24" Pipe Outlet Protection | 1 | EA | \$ 2,000 | \$ 2,000 | \$ 400.00 | \$ 400.00 | \$ 300.00 | \$ 300.00 |
| C8 | Quarry Spalls | 150 | TON | \$ 100 | \$ 15,000 | \$ 68.60 | \$ 10,290.00 | \$ 61.00 | \$ 9,150.00 |
| C9 | Riprap | 10 | TON | \$ 150 | \$ 1,500 | \$ 26.00 | \$ 260.00 | \$ 65.00 | \$ 650.00 |
| C10 | Streambed Sediment | 75 | TON | \$ 80 | \$ 6,000 | \$ 42.50 | \$ 3,187.50 | \$ 70.00 | \$ 5,250.00 |
| C11 | Streambed Boulders | 400 | TON | \$ 200 | \$ 80,000 | \$ 170.00 | \$ 68,000.00 | \$ 82.00 | \$ 32,800.00 |
| C12 | Bank Pit Run | 200 | TON | \$ 40 | \$ 8,000 | \$ 47.05 | \$ 9,410.00 | \$ 39.00 | \$ 7,800.00 |
| C13 | Erosion Control Coir Blanket | 100 | SY | \$ 10 | \$ 1,000 | \$ 3.20 | \$ 320.00 | \$ 4.50 | \$ 450.00 |
| C14 | Temporary Creek Bypass | 1 | LS | \$ 8,000 | \$ 8,000 | LS | \$ 4,450.00 | LS | \$ 12,000.00 |
| C15 | Topsoil, Type A | 50 | CY | \$ 80 | \$ 4,000 | \$ 63.50 | \$ 3,175.00 | \$ 51.00 | \$ 2,550.00 |

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|-----|--------------------------------------|----|--------|---|--------|-----------|------------------|-----------|-------|-----------|---------------------|-----------|--------|-----------|---------------------|
| C16 | Mulching | 50 | CY | \$ | 80 | \$ | 4,000 | \$ | 78.90 | \$ | 3,945.00 | \$ | 57.00 | \$ | 2,850.00 |
| C17 | Planting | 1 | LS | \$ | 3,000 | \$ | 3,000 | \$ | LS | \$ | 2,500.00 | \$ | LS | \$ | 2,400.00 |
| C18 | Water | 10 | 000/GA | \$ | 60 | \$ | 600 | \$ | 45.00 | \$ | 450.00 | \$ | 150.00 | \$ | 1,500.00 |
| C19 | Repair Public and Private Facilities | 1 | FA | \$ | 35,000 | \$ | 35,000 | \$ | FA | \$ | 35,000.00 | \$ | FA | \$ | 35,000.00 |
| C20 | Landscaping Restoration | 1 | FA | \$ | 15,000 | \$ | 15,000 | \$ | FA | \$ | 15,000.00 | \$ | FA | \$ | 15,000.00 |
| | | | | Subtotal | | \$ | 209,600 | \$ | | \$ | 169,957.50 | \$ | | \$ | 144,155.00 |
| | | | | Tax (8.5%) | | \$ | 17,800 | \$ | | \$ | 14,446.39 | \$ | | \$ | 12,253.18 |
| | | | | Schedule C Total Construction Cost | | \$ | 227,400 | \$ | | \$ | 184,403.89 | \$ | | \$ | 156,408.18 |
| | | | | Schedule A Total Construction Cost | | \$ | 823,400 | \$ | | \$ | 733,244.15 | \$ | | \$ | 784,515.00 |
| | | | | Schedule B Total Construction Cost | | \$ | 114,000 | \$ | | \$ | 121,829.23 | \$ | | \$ | 124,265.05 |
| | | | | Schedule C Total Construction Cost | | \$ | 227,400 | \$ | | \$ | 184,403.89 | \$ | | \$ | 156,408.18 |
| | | | | Total Construction Cost | | \$ | 1,164,800 | \$ | | \$ | 1,039,477.27 | \$ | | \$ | 1,065,188.23 |

| BASE BID ITEMS | | COLACURCIO BROS | | FABER CONSTRUCTION | | LARRY BROWN CONSTR | | OCEANSIDE CONSTR | |
|--|----------|-----------------|-------------|--------------------|-------------|--------------------|-------------|------------------|-------------|
| Item Description | Quantity | Unit | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | Unit Price |
| SCHEDULE A: STORMWATER IMPROVEMENTS | | | | | | | | | |
| A1 Spill Prevention, Control, Countermeasures Plan | 1 | LS | LS | \$ 600.00 | LS | \$ 1,512.50 | LS | \$ 695.00 | LS |
| A2 Mobilization | 1 | LS | LS | \$ 35,000.00 | LS | \$ 77,006.38 | LS | \$ 80,000.00 | LS |
| A3 Project Temporary Traffic Control | 1 | LS | LS | \$ 3,000.00 | LS | \$ 7,700.00 | LS | \$ 25,000.00 | LS |
| A4 Traffic Control Labor | 450 | HR | \$ 51.00 | \$ 22,950.00 | \$ 55.00 | \$ 24,750.00 | \$ 55.90 | \$ 25,155.00 | \$ 54.00 |
| A5 Erosion/Water Pollution Control | 1 | FA | FA | \$ 10,000.00 | FA | \$ 10,000.00 | FA | \$ 10,000.00 | FA |
| A6 Silt Fence | 250 | LF | \$ 5.00 | \$ 1,250.00 | \$ 9.90 | \$ 2,475.00 | \$ 4.65 | \$ 1,162.50 | \$ 6.00 |
| A7 Straw Wattle | 200 | LF | \$ 5.00 | \$ 1,000.00 | \$ 5.80 | \$ 1,160.00 | \$ 3.90 | \$ 780.00 | \$ 5.00 |
| A8 Clearing and Grubbing | 1 | LS | LS | \$ 17,000.00 | LS | \$ 8,934.75 | LS | \$ 5,000.00 | LS |
| A9 Potholing | 10 | EA | \$ 300.00 | \$ 3,000.00 | \$ 394.68 | \$ 3,946.80 | \$ 425.00 | \$ 4,250.00 | \$ 600.00 |
| A10 Removal of Structures and Obstructions | 1 | LS | LS | \$ 11,000.00 | LS | \$ 7,067.94 | LS | \$ 34,000.00 | LS |
| A11 Saw Cut Asphalt Concrete Pavement | 400 | LF | \$ 3.00 | \$ 1,200.00 | \$ 4.95 | \$ 1,980.00 | \$ 2.40 | \$ 960.00 | \$ 3.00 |
| A12 Saw Cut Cement Concrete Pavement | 10 | LF | \$ 6.00 | \$ 60.00 | \$ 22.00 | \$ 220.00 | \$ 4.00 | \$ 40.00 | \$ 11.00 |
| A13 Excavation, Including Haul | 1500 | CY | \$ 27.50 | \$ 41,250.00 | \$ 21.06 | \$ 31,590.00 | \$ 28.60 | \$ 42,900.00 | \$ 25.00 |
| A14 Rock Excavation, Including Haul | 50 | CY | \$ 57.00 | \$ 2,850.00 | \$ 120.46 | \$ 6,023.00 | \$ 181.00 | \$ 9,050.00 | \$ 260.00 |
| A15 Geotextile | 1400 | SY | \$ 2.60 | \$ 3,640.00 | \$ 1.37 | \$ 1,918.00 | \$ 2.20 | \$ 3,080.00 | \$ 2.00 |
| A16 Erosion Control Coir Blanket | 950 | SY | \$ 4.30 | \$ 4,085.00 | \$ 2.75 | \$ 2,612.50 | \$ 5.25 | \$ 4,987.50 | \$ 4.00 |
| A17 Clean 5/8" Chips | 25 | TON | \$ 123.00 | \$ 3,075.00 | \$ 39.28 | \$ 982.00 | \$ 55.75 | \$ 1,393.75 | \$ 44.00 |
| A18 Drain Rock | 1300 | TON | \$ 28.20 | \$ 36,660.00 | \$ 26.14 | \$ 33,982.00 | \$ 33.55 | \$ 43,615.00 | \$ 20.00 |
| A19 4 In Cobble | 75 | TON | \$ 72.00 | \$ 5,400.00 | \$ 51.10 | \$ 3,832.50 | \$ 59.70 | \$ 4,477.50 | \$ 80.00 |
| A20 Sand/Peat Media | 430 | CY | \$ 69.00 | \$ 29,670.00 | \$ 111.77 | \$ 48,061.10 | \$ 144.45 | \$ 62,113.50 | \$ 62.00 |
| A21 Pipe Inlet Protection | 3 | EA | \$ 770.00 | \$ 2,310.00 | \$ 843.37 | \$ 2,530.11 | \$ 91.60 | \$ 274.80 | \$ 700.00 |
| A22 Pipe Outlet Protection | 5 | EA | \$ 500.00 | \$ 2,500.00 | \$ 1,110.67 | \$ 5,553.35 | \$ 585.00 | \$ 2,925.00 | \$ 400.00 |
| A23 Ditch Berm | 2 | EA | \$ 860.00 | \$ 1,720.00 | \$ 3,295.60 | \$ 6,591.20 | \$ 705.00 | \$ 1,410.00 | \$ 530.00 |
| A24 Dewatering | 1 | LS | LS | \$ 6,400.00 | LS | \$ 33,000.00 | LS | \$ 100.00 | LS |
| A25 Quarry Spalls | 50 | TON | \$ 65.00 | \$ 3,250.00 | \$ 48.90 | \$ 2,445.00 | \$ 57.20 | \$ 2,860.00 | \$ 157.00 |
| A26 Gravel Base | 25 | TON | \$ 53.00 | \$ 1,325.00 | \$ 42.76 | \$ 1,069.00 | \$ 45.30 | \$ 1,132.50 | \$ 32.00 |
| A27 Crushed Surface Top Course | 15 | TON | \$ 94.00 | \$ 1,410.00 | \$ 42.42 | \$ 636.30 | \$ 50.95 | \$ 764.25 | \$ 71.00 |
| A28 Hot Mix Asphalt | 15 | TON | \$ 240.00 | \$ 3,600.00 | \$ 231.00 | \$ 3,465.00 | \$ 456.45 | \$ 6,846.75 | \$ 300.00 |
| A29 Cement Conc Traffic Curb and Gutter | 60 | LF | \$ 45.00 | \$ 2,700.00 | \$ 65.45 | \$ 3,927.00 | \$ 47.90 | \$ 2,874.00 | \$ 58.00 |
| A30 Cement Conc. Sidewalk | 30 | SY | \$ 97.00 | \$ 2,910.00 | \$ 81.67 | \$ 2,450.10 | \$ 100.00 | \$ 3,000.00 | \$ 117.00 |
| A31 Concrete Weir Wall | 31 | EA | \$ 3,460.00 | \$ 107,260.00 | \$ 6,268.62 | \$ 194,327.22 | \$ 3,325.00 | \$ 103,075.00 | \$ 4,300.00 |

| | | | | | | | | | | | | | | | | | | | |
|-----|--|-----|-----|---------------|-----------|----|-----------|---------------|-----------|----|-----------|---------------|-----------|----|-----------|---------------|------------|----|------------|
| A32 | Shoring | 200 | SF | \$ | 2.50 | \$ | 500.00 | \$ | 18.15 | \$ | 3,630.00 | \$ | 27.90 | \$ | 5,580.00 | \$ | 6.00 | \$ | 1,200.00 |
| A33 | Underdrain Pipe, 8" Diam. | 575 | LF | \$ | 30.00 | \$ | 17,250.00 | \$ | 21.13 | \$ | 12,149.75 | \$ | 29.85 | \$ | 17,163.75 | \$ | 20.00 | \$ | 11,500.00 |
| A34 | Storm Sewer, 8" Diam. | 420 | LF | \$ | 45.50 | \$ | 19,110.00 | \$ | 13.18 | \$ | 5,535.60 | \$ | 59.10 | \$ | 24,822.00 | \$ | 52.00 | \$ | 21,840.00 |
| A35 | Storm Sewer, 12" Diam. | 240 | LF | \$ | 91.00 | \$ | 21,840.00 | \$ | 22.21 | \$ | 5,330.40 | \$ | 54.15 | \$ | 12,996.00 | \$ | 59.00 | \$ | 14,160.00 |
| A36 | Storm Sewer, 18" Diam | 110 | LF | \$ | 104.50 | \$ | 11,495.00 | \$ | 44.92 | \$ | 4,941.20 | \$ | 110.90 | \$ | 12,199.00 | \$ | 71.00 | \$ | 7,810.00 |
| A37 | Culvert, 12" Diam. | 75 | LF | \$ | 60.00 | \$ | 4,500.00 | \$ | 33.77 | \$ | 2,532.75 | \$ | 48.30 | \$ | 3,622.50 | \$ | 50.00 | \$ | 3,750.00 |
| A38 | Storm Drain Cleanout | 4 | EA | \$ | 580.00 | \$ | 2,320.00 | \$ | 456.50 | \$ | 1,826.00 | \$ | 440.00 | \$ | 1,760.00 | \$ | 300.00 | \$ | 1,200.00 |
| A39 | Flow Spreader | 7 | EA | \$ | 1,610.00 | \$ | 11,270.00 | \$ | 2,131.36 | \$ | 14,919.52 | \$ | 830.00 | \$ | 5,810.00 | \$ | 1,400.00 | \$ | 9,800.00 |
| A40 | Catch Basin Type 1, With Beehive Grate | 2 | EA | \$ | 2,650.00 | \$ | 5,300.00 | \$ | 1,415.37 | \$ | 2,830.74 | \$ | 1,290.00 | \$ | 2,580.00 | \$ | 1,290.00 | \$ | 2,580.00 |
| A41 | Catch Basin Type 1, With Solid Lid | 10 | EA | \$ | 2,700.00 | \$ | 27,000.00 | \$ | 1,449.25 | \$ | 14,492.50 | \$ | 1,400.00 | \$ | 14,000.00 | \$ | 1,038.00 | \$ | 10,380.00 |
| A42 | Catch Basin Type2, 48" Diam, Solid Lid | 2 | EA | \$ | 4,800.00 | \$ | 9,600.00 | \$ | 2,777.88 | \$ | 5,555.76 | \$ | 3,245.00 | \$ | 6,490.00 | \$ | 2,670.00 | \$ | 5,340.00 |
| A43 | Thru-Curb Inlet | 1 | EA | \$ | 3,000.00 | \$ | 3,000.00 | \$ | 1,443.20 | \$ | 1,443.20 | \$ | 1,640.00 | \$ | 1,640.00 | \$ | 1,118.00 | \$ | 1,118.00 |
| A44 | Flow Splitter Manhole, 60" Diam | 1 | EA | \$ | 7,000.00 | \$ | 7,000.00 | \$ | 4,510.99 | \$ | 4,510.99 | \$ | 5,675.00 | \$ | 5,675.00 | \$ | 5,314.00 | \$ | 5,314.00 |
| A45 | Pretreatment Unit #1 | 1 | EA | \$ | 14,600.00 | \$ | 14,600.00 | \$ | 15,555.10 | \$ | 15,555.10 | \$ | 13,055.00 | \$ | 13,055.00 | \$ | 12,639.00 | \$ | 12,639.00 |
| A46 | Pretreatment Unit #2 | 1 | EA | \$ | 14,600.00 | \$ | 14,600.00 | \$ | 15,671.56 | \$ | 15,671.56 | \$ | 13,055.00 | \$ | 13,055.00 | \$ | 12,639.00 | \$ | 12,639.00 |
| A47 | Pretreatment Unit #3 | 1 | EA | \$ | 30,000.00 | \$ | 30,000.00 | \$ | 27,989.50 | \$ | 27,989.50 | \$ | 29,365.00 | \$ | 29,365.00 | \$ | 27,468.00 | \$ | 27,468.00 |
| A48 | Pretreatment Unit #4 | 1 | EA | \$ | 14,600.00 | \$ | 14,600.00 | \$ | 15,671.56 | \$ | 15,671.56 | \$ | 13,285.00 | \$ | 13,285.00 | \$ | 12,639.00 | \$ | 12,639.00 |
| A49 | Treatment Catch Basin | 2 | EA | \$ | 17,500.00 | \$ | 35,000.00 | \$ | 12,283.06 | \$ | 24,566.12 | \$ | 13,210.00 | \$ | 26,420.00 | \$ | 12,605.00 | \$ | 25,210.00 |
| A50 | Treatment Manhole | 1 | EA | \$ | 35,000.00 | \$ | 35,000.00 | \$ | 28,605.38 | \$ | 28,605.38 | \$ | 30,470.00 | \$ | 30,470.00 | \$ | 31,000.00 | \$ | 31,000.00 |
| A51 | Stormfilter Vault | 1 | EA | \$ | 92,000.00 | \$ | 92,000.00 | \$ | 91,776.30 | \$ | 91,776.30 | \$ | 96,800.00 | \$ | 96,800.00 | \$ | 104,000.00 | \$ | 104,000.00 |
| A52 | Repair Public and Private Facilities | 1 | FA | \$ | FA | \$ | 35,000.00 | \$ | FA | \$ | 35,000.00 | \$ | FA | \$ | 35,000.00 | \$ | FA | \$ | 35,000.00 |
| A53 | Landscaping Restoration | 1 | FA | \$ | FA | \$ | 15,000.00 | \$ | FA | \$ | 15,000.00 | \$ | FA | \$ | 15,000.00 | \$ | FA | \$ | 15,000.00 |
| A54 | 12" Diam Driveway Culvert | 103 | LF | \$ | 47.00 | \$ | 4,841.00 | \$ | 58.66 | \$ | 6,041.98 | \$ | 46.95 | \$ | 4,835.85 | \$ | 46.00 | \$ | 4,738.00 |
| A55 | Pea Gravel | 120 | TON | \$ | 38.00 | \$ | 4,560.00 | \$ | 28.56 | \$ | 3,427.20 | \$ | 33.90 | \$ | 4,068.00 | \$ | 30.00 | \$ | 3,600.00 |
| A56 | Monitoring Post | 2 | EA | \$ | 700.00 | \$ | 1,400.00 | \$ | 510.12 | \$ | 1,020.24 | \$ | 410.00 | \$ | 820.00 | \$ | 300.00 | \$ | 600.00 |
| | | | | \$ 804,861.00 | | | | \$ 891,772.10 | | | | \$ 880,434.15 | | | | \$ 872,160.00 | | | |
| | | | | \$ 804,861.00 | | | | \$ 891,772.10 | | | | \$ 880,434.15 | | | | \$ 872,160.00 | | | |

Schedule A Total Construction Cost

| BASE BID ITEMS | | Quantity | Unit | COLACURCIO BROS | | FABER CONSTRUCTION | | LARRY BROWN CONSTR | | OCEANSIDE CONSTR | |
|---|-----------------------------------|----------|------|-----------------|--------------|--------------------|-------------|--------------------|--------------|------------------|--------------|
| Item Description | | | | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount |
| SCHEDULE B: RELOCATE WATER LINE IN CEDAR HILL A | | | | | | | | | | | |
| B1 | Mobilization | 1 | LS | LS | \$ 12,500.00 | LS | \$ 7,226.97 | \$ 10,000.00 | \$ 10,000.00 | LS | \$ 25,000.00 |
| B2 | Project Temporary Traffic Control | 1 | LS | LS | \$ 4,000.00 | LS | \$ 1,100.00 | \$ 5,000.00 | \$ 5,000.00 | LS | \$ 1,000.00 |
| B3 | Traffic Control Labor | 80 | HR | \$ 51.00 | \$ 4,080.00 | \$ 55.00 | \$ 4,400.00 | \$ 55.90 | \$ 4,472.00 | \$ 54.00 | \$ 4,320.00 |

BID NO. 16-22

| | | | | | | | | | | | | | | | |
|-----|--------------------------------------|-----|-----|----|----------|-----------|------------|-----------|-----------|-----------|------------|----------|-----------|----|------------|
| B4 | Erosion/Water Pollution Control | 1 | FA | FA | \$ | 5,000.00 | FA | \$ | 5,000.00 | FA | \$ | 5,000.00 | FA | \$ | 5,000.00 |
| B5 | Saw Cut Asphalt Concrete Pavement | 900 | LF | \$ | 3.30 | \$ | 2,970.00 | \$ | 3,132.00 | \$ | 1.50 | \$ | 1,350.00 | \$ | 2,700.00 |
| B6 | Excavation, Including Haul | 250 | CY | \$ | 24.00 | \$ | 6,000.00 | \$ | 6,007.50 | \$ | 28.75 | \$ | 7,187.50 | \$ | 7,500.00 |
| B7 | Rock Excavation, Including Haul | 2 | CY | \$ | 400.00 | \$ | 800.00 | \$ | 371.16 | \$ | 390.00 | \$ | 780.00 | \$ | 600.00 |
| B8 | Gravel Base | 60 | TON | \$ | 22.00 | \$ | 1,320.00 | \$ | 1,654.80 | \$ | 32.20 | \$ | 1,932.00 | \$ | 1,920.00 |
| B9 | Crushed Surface Top Course | 60 | TON | \$ | 45.00 | \$ | 2,700.00 | \$ | 2,212.80 | \$ | 42.75 | \$ | 2,565.00 | \$ | 2,700.00 |
| B10 | Hot Mix Asphalt | 65 | TON | \$ | 170.00 | \$ | 11,050.00 | \$ | 10,725.00 | \$ | 266.50 | \$ | 17,322.50 | \$ | 11,700.00 |
| B11 | Dewatering | 1 | LS | LS | \$ | 4,500.00 | \$ | 8,855.00 | \$ | 135.00 | LS | \$ | 1,000.00 | \$ | 1,000.00 |
| B12 | Water Main, 8" Diam. | 540 | LF | \$ | 90.00 | \$ | 48,600.00 | \$ | 29,662.20 | \$ | 81.85 | \$ | 44,199.00 | \$ | 57,240.00 |
| B13 | Gate Valve | 2 | EA | \$ | 1,500.00 | \$ | 3,000.00 | \$ | 2,552.30 | \$ | 1,200.00 | \$ | 2,400.00 | \$ | 2,400.00 |
| B14 | Repair Public and Private Facilities | 1 | FA | FA | \$ | 10,000.00 | \$ | 10,000.00 | \$ | 10,000.00 | FA | \$ | 10,000.00 | \$ | 10,000.00 |
| B15 | Water Service Line | 4 | EA | \$ | 2,500.00 | \$ | 10,000.00 | \$ | 3,890.08 | \$ | 1,595.00 | \$ | 6,380.00 | \$ | 1,600.00 |
| | | | | | | \$ | 126,520.00 | | | \$ | 96,789.81 | | | \$ | 118,723.00 |
| | | | | | | \$ | 10,754.20 | | | \$ | 8,227.13 | | | \$ | 11,447.80 |
| | | | | | | \$ | 137,274.20 | | | \$ | 105,016.94 | | | \$ | 146,127.80 |

Tax (8.5%)

Schedule B Total Construction Cost

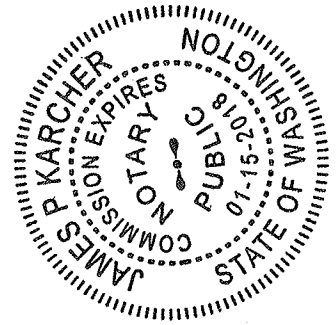
| BASE BID ITEMS | | | COLACURCIO BROS | | FABER CONSTRUCTION | | LARRY BROWN CONSTR | | OCEANSIDE CONSTR | | | |
|--|---------------------------------|-----|-----------------|------|--------------------|--------------|--------------------|--------------|------------------|--------------|--------------|--------------|
| Item Description | | | Quantity | Unit | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | | |
| SCHEDULE C: STREAM CHANNEL RESTORATION | | | | | | | | | | | | |
| C1 | Mobilization | 1 | LS | | LS | \$ 14,000.00 | \$ 15,021.27 | LS | \$ 18,000.00 | LS | \$ 10,000.00 | |
| C2 | Erosion/Water Pollution Control | 1 | FA | | FA | \$ 5,000.00 | \$ 5,000.00 | FA | \$ 5,000.00 | FA | \$ 5,000.00 | |
| C3 | Silt Fence | 50 | LF | | \$ 6.00 | \$ 300.00 | \$ 4.71 | \$ 235.50 | \$ 13.40 | \$ 670.00 | \$ 11.00 | \$ 550.00 |
| C4 | Straw Wattle | 50 | LF | | \$ 10.00 | \$ 500.00 | \$ 4.04 | \$ 202.00 | \$ 5.35 | \$ 267.50 | \$ 9.00 | \$ 450.00 |
| C5 | Clearing and Grubbing | 1 | LS | | LS | \$ 5,500.00 | \$ 8,206.44 | LS | \$ 1,775.00 | LS | \$ 1,000.00 | |
| C6 | Excavation, Including Haul | 10 | CY | | \$ 100.00 | \$ 1,000.00 | \$ 59.67 | \$ 596.70 | \$ 500.00 | \$ 5,000.00 | \$ 130.00 | \$ 1,300.00 |
| C7 | 24" Pipe Outlet Protection | 1 | EA | | \$ 1,000.00 | \$ 1,000.00 | \$ 1,419.22 | \$ 1,419.22 | \$ 1,230.00 | \$ 1,230.00 | \$ 650.00 | \$ 650.00 |
| C8 | Quarry Spalls | 150 | TON | | \$ 66.00 | \$ 9,900.00 | \$ 21.16 | \$ 3,174.00 | \$ 79.10 | \$ 11,865.00 | \$ 157.00 | \$ 23,550.00 |
| C9 | Riprap | 10 | TON | | \$ 112.00 | \$ 1,120.00 | \$ 55.15 | \$ 551.50 | \$ 83.45 | \$ 834.50 | \$ 180.00 | \$ 1,800.00 |
| C10 | Streambed Sediment | 75 | TON | | \$ 55.00 | \$ 4,125.00 | \$ 70.19 | \$ 5,264.25 | \$ 86.80 | \$ 6,510.00 | \$ 170.00 | \$ 12,750.00 |
| C11 | Streambed Boulders | 400 | TON | | \$ 86.00 | \$ 34,400.00 | \$ 114.80 | \$ 45,920.00 | \$ 167.20 | \$ 66,880.00 | \$ 157.00 | \$ 62,800.00 |
| C12 | Bank Pit Run | 200 | TON | | \$ 43.00 | \$ 8,600.00 | \$ 21.29 | \$ 4,258.00 | \$ 48.95 | \$ 9,790.00 | \$ 143.00 | \$ 28,600.00 |
| C13 | Erosion Control Coir Blanket | 100 | SY | | \$ 11.50 | \$ 1,150.00 | \$ 4.87 | \$ 487.00 | \$ 7.75 | \$ 775.00 | \$ 7.00 | \$ 700.00 |
| C14 | Temporary Creek Bypass | 1 | LS | | LS | \$ 12,000.00 | \$ 15,082.76 | LS | \$ 7,630.00 | LS | \$ 11,750.00 | |
| C15 | Topsoil, Type A | 50 | CY | | \$ 66.00 | \$ 3,300.00 | \$ 110.00 | \$ 5,500.00 | \$ 57.25 | \$ 2,862.50 | \$ 70.00 | \$ 3,500.00 |

| | | | | | | | | | | | | | | | | | | | |
|---|--------------------------------------|----|--------|----|--------------|----|--------------|----|--------------|----|--------------|----|--------------|----|--------------|----|--------------|----|--------------|
| C16 | Mulching | 50 | CY | \$ | 69.00 | \$ | 3,450.00 | \$ | 110.00 | \$ | 5,500.00 | \$ | 57.75 | \$ | 2,887.50 | \$ | 72.00 | \$ | 3,600.00 |
| C17 | Planting | 1 | LS | \$ | 2,300.00 | \$ | 2,300.00 | \$ | LS | \$ | 2,277.00 | \$ | 1,825.00 | \$ | 1,825.00 | \$ | LS | \$ | 3,200.00 |
| C18 | Water | 10 | 000/GA | \$ | 100.00 | \$ | 1,000.00 | \$ | 222.20 | \$ | 2,222.00 | \$ | 525.00 | \$ | 5,250.00 | \$ | 65.00 | \$ | 650.00 |
| C19 | Repair Public and Private Facilities | 1 | FA | \$ | 35,000.00 | \$ | 35,000.00 | \$ | FA | \$ | 35,000.00 | \$ | FA | \$ | 35,000.00 | \$ | FA | \$ | 35,000.00 |
| C20 | Landscaping Restoration | 1 | FA | \$ | 15,000.00 | \$ | 15,000.00 | \$ | FA | \$ | 15,000.00 | \$ | FA | \$ | 15,000.00 | \$ | FA | \$ | 15,000.00 |
| | | | | \$ | 158,645.00 | \$ | 170,917.64 | \$ | 199,052.00 | \$ | 221,850.00 | \$ | 199,052.00 | \$ | 221,850.00 | \$ | 221,850.00 | \$ | 221,850.00 |
| Tax (8.5%) | | | | \$ | 13,484.83 | \$ | 14,528.00 | \$ | 16,919.42 | \$ | 18,857.25 | \$ | 16,919.42 | \$ | 18,857.25 | \$ | 18,857.25 | \$ | 18,857.25 |
| Schedule C Total Construction Cost | | | | \$ | 172,129.83 | \$ | 185,445.64 | \$ | 215,971.42 | \$ | 240,707.25 | \$ | 215,971.42 | \$ | 240,707.25 | \$ | 240,707.25 | \$ | 240,707.25 |
| Schedule A Total Construction Cost | | | | \$ | 804,861.00 | \$ | 891,772.10 | \$ | 880,434.15 | \$ | 872,160.00 | \$ | 880,434.15 | \$ | 872,160.00 | \$ | 872,160.00 | \$ | 872,160.00 |
| Schedule B Total Construction Cost | | | | \$ | 137,274.20 | \$ | 105,016.94 | \$ | 128,814.46 | \$ | 146,127.80 | \$ | 128,814.46 | \$ | 146,127.80 | \$ | 146,127.80 | \$ | 146,127.80 |
| Schedule C Total Construction Cost | | | | \$ | 172,129.83 | \$ | 185,445.64 | \$ | 215,971.42 | \$ | 240,707.25 | \$ | 215,971.42 | \$ | 240,707.25 | \$ | 240,707.25 | \$ | 240,707.25 |
| Total Construction Cost | | | | \$ | 1,114,265.03 | \$ | 1,182,234.68 | \$ | 1,225,220.03 | \$ | 1,258,995.05 | \$ | 1,225,220.03 | \$ | 1,258,995.05 | \$ | 1,258,995.05 | \$ | 1,258,995.05 |

I hereby certify that the amounts tabulated herein are correct and accurately represents the amounts contained in the Engineer's estimate and the respective bid proposals opened at 2:30 pm, April 26, 2016, for the Cedar Hills-Euclid Stormwater Improvements project.

Kirk N. Christensen 5/14/16
Kirk N. Christensen, P.E., Stormwater Manager Date

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)



On this day personally appeared before me Kirk N. Christensen, P.E., to me known to be the individual described herein and who executed the foregoing instrument this 02 day of May, 2016.

James P. Karcher
Notary Public, residing in Bellingham WA
My commission expires 01-15-2018

BID PROPOSAL

CEDAR HILLS/EUCLID STORMWATER IMPROVEMENTS BID No. 16-22

Date: April 26, 2016

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

Gentlepersons:

This certifies that the Undersigned: has examined the location of the project site and the conditions of work; and has carefully read and thoroughly understands the Contract Documents entitled: "CEDAR HILLS/EUCLID STORMWATER IMPROVEMENTS Whatcom County, Washington," including the "Bid Procedures and Conditions," "Specifications and Conditions," "Contract Forms," and "Plans" governing the work embraced in this project, and the method by which payment will be made for said work. The Undersigned hereby proposes to undertake and complete the work embraced in this project in accordance with said contract documents, and agrees to accept as payment for said work, the schedule of lump sum and unit prices as set forth in the "Bids" 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.

**Whatcom County Public Works
Cedar Hills/Euclid Stormwater Improvements Project
Bid Schedule A – Stormwater Improvements:**

| ITEM NO. | UNIT MEASURE | ITEM DESCRIPTION | APPROX. QUANTITY | UNIT PRICE IN FIGURES | EXTENDED PRICE IN FIGURES |
|----------|---------------|--|------------------|----------------------------------|---------------------------|
| A1 | LUMP SUM | SPILL PREVENTION, CONTROL AND COUNTERMEASURES PLAN | 1 | L.S. | <u>500.00</u> |
| A2 | LUMP SUM | MOBILIZATION | 1 | L.S. | <u>34,000.00</u> |
| A3 | LUMP SUM | PROJECT TEMPORARY TRAFFIC CONTROL | 1 | L.S. | <u>29,000.00</u> |
| A4 | HR | TRAFFIC CONTROL LABOR MINIMUM BID \$37.00 | 450 | <u>45⁰⁰</u> per HR | <u>20250.00</u> |
| A5 | FORCE ACCOUNT | EROSION/WATER POLLUTION CONTROL | F.A. | F.A. | <u>\$10,000</u> |
| A6 | LINEAR FEET | SILT FENCE | 250 | <u>7.00</u> per L.F. | <u>1750.00</u> |
| A7 | LINEAR FEET | STRAW WATTLE | 200 | <u>4.00</u> per L.F. | <u>800.00</u> |
| A8 | LUMP SUM | CLEARING AND GRUBBING | 1 | L.S. | <u>8750.00</u> |
| A9 | EACH | POTHOLING | 10 | <u>1000.00</u> per EA | <u>10,000.00</u> |
| A10 | LUMP SUM | REMOVAL OF STRUCTURES AND OBSTRUCTIONS | 1 | L.S. | <u>5000.00</u> |
| A11 | LINEAR FEET | SAWCUT ASPHALT CONCRETE PAVEMENT | 400 | <u>6.05</u> per L.F. | <u>2420.00</u> |
| A12 | LINEAR FEET | SAWCUT CEMENT CONCRETE PAVEMENT | 10 | <u>2.30</u> per L.F. | <u>23.00</u> |

| | | | | | |
|-----|----------------|---------------------------------|------|--------------------|---------------------|
| A13 | CUBIC YARD | EXCAVATION, INCLUDING HAUL | 1500 | 30.00 per C.Y. | 45,000.00 |
| A14 | CUBIC YARD | ROCK EXCAVATION, INCLUDING HAUL | 50 | 150.00 per C.Y. | 7500.00 |
| A15 | SQUARE YARD | GEOTEXTILE | 1400 | 1.50 per S.Y. | 2100.00 |
| A16 | SQUARE YARD | EROSION CONTROL COIR BLANKET | 950 | 3.95 per S.Y. | 3752.50 1,528.75 |
| A17 | TON | CLEAN 5/8" CHIPS | 25 | 61.15 per TON | 1653.75 |
| A18 | TON | DRAIN ROCK | 1300 | 22.76 per TON | 29,588.00 |
| A19 | TON | 4 IN COBBLE | 75 | 38.00 per TON | 2850.00 |
| A20 | CUBIC YARD | SAND/PEAT MEDIA | 430 | 125.00 per C.Y. | 53750.00 |
| A21 | EACH | PIPE INLET PROTECTION | 3 | 500 per EA | 1500.00 |
| A22 | EACH | PIPE OUTLET PROTECTION | 5 | 400.00 per EA | 2000.00 |
| A23 | EACH | DITCH BERM | 2 | 1250.00 per EA | 2500.00 |
| A24 | LUMP SUM | DEWATERING | 1 | L.S. | 350.00 |
| A25 | TON | QUARRY SPALLS | 50 | 62.25 per TON | 3112.50 |
| A26 | TON | GRAVEL BASE | 25 | 41.40 per TON | 1035.00 |

| | | | | | |
|-----|----------------|--|-----|--------------------------|------------------|
| A27 | TON | CRUSHED SURFACING TOP COURSE | 15 | <u>54.65</u> per TON | <u>810.75</u> |
| A28 | TON | HOT MIX ASPHALT | 15 | <u>274.00</u> per TON | <u>4110.00</u> |
| A29 | LINEAR FOOT | CEMENT CONC. TRAFFIC CURB AND GUTTER | 60 | <u>34.00</u> per L.F. | <u>2040.00</u> |
| A30 | SQUARE YARD | CEMENT CONC. SIDEWALK | 30 | <u>60.50</u> per S.Y. | <u>1815.00</u> |
| A31 | EACH | CONCRETE WEIR WALL | 31 | <u>2500.00</u> per EA | <u>77,500.00</u> |
| A32 | SQUARE FOOT | SHORING | 200 | <u>52.55</u> per S.F. | <u>10510.00</u> |
| A33 | LINEAR FEET | UNDERDRAIN PIPE, 8" DIAM. | 575 | <u>15.25</u> per L.F. | <u>8768.75</u> |
| A34 | LINEAR FEET | STORM SEWER, 8" DIAM. | 420 | <u>24.00</u> per L.F. | <u>10,080.00</u> |
| A35 | LINEAR FEET | STORM SEWER, 12" DIAM. | 240 | <u>39.03</u> per LF | <u>9367.20</u> |
| A36 | LINEAR FEET | STORM SEWER, 18" DIAM. | 110 | <u>70.20</u> per L.F. | <u>7722.00</u> |
| A37 | LINEAR FEET | CULVERT, 12" DIAM. | 75 | <u>20.15</u> per L.F. | <u>1511.25</u> |
| A38 | EACH | STORM DRAIN CLEANOUT | 4 | <u>275.00</u> per EA | <u>1100.00</u> |
| A39 | EACH | FLOW SPREADER | 7 | <u>550.00</u> per EA | <u>3850.00</u> |
| A40 | EACH | CATCH BASIN TYPE 1, WITH BEEHIVE GRATE | 2 | <u>1400.00</u> per EA | <u>2800.00</u> |

| | | | | | |
|-----|------------------|--|-----|----------------------------|-----------|
| A41 | EACH | CATCH BASIN TYPE 1, WITH SOLID LID | 10 | <u>1400.00</u> per EA | 14000.00 |
| A42 | EACH | CATCH BASIN TYPE 2, 48" DIAM. WITH SOLID LID | 2 | <u>4700.00</u> per EA | 9400.00 |
| A43 | EACH | THRU-CURB INLET | 1 | <u>1710.00</u> per EA | 1710.00 |
| A44 | EACH | FLOW SPLITTER MANHOLE 60" DIAM. | 1 | <u>7000.00</u> per EA | 7000.00 |
| A45 | EACH | PRETREATMENT UNIT #1 | 1 | <u>13,500.00</u> per EA | 13500.00 |
| A46 | EACH | PRETREATMENT UNIT #2 | 1 | <u>14,000.00</u> per EA | 14,000.00 |
| A47 | EACH | PRETREATMENT UNIT #3 | 1 | <u>28700.00</u> per EA | 28,700.00 |
| A48 | EACH | PRETREATMENT UNIT #4 | 1 | <u>14,400.00</u> per EA | 14,400.00 |
| A49 | EACH | TREATMENT CATCH BASINS | 2 | <u>12250.00</u> per EA | 24500.00 |
| A50 | EACH | TREATMENT MANHOLE | 1 | <u>32175.00</u> per EA | 32175.00 |
| A51 | EACH | STORMFILTER VAULT | 1 | <u>95,000.00</u> per EA | 95,000.00 |
| A52 | FORCE ACCOUNT | REPAIR PUBLIC AND PRIVATE FACILITIES | | F.A. | \$35,000 |
| A53 | FORCE ACCOUNT | LANDSCAPE RESTORATION | | F.A. | \$15,000 |
| A54 | LINEAR FOOT | 12" DIAM DRIVEWAY CULVERT | 103 | <u>25.15</u> per LF | 2590.45 |

A55 TON PEA GRAVEL

120

30.20
per TON

3624.00

A56 EACH MONITORING POST

2

800.00
per EA

1600.00

SCHEDULE A TOTAL (No sales tax)
(Bid Items A1-A56)

~~\$ 733,364.15~~

\$ 733,244.15

Whatcom County Public Works
Cedar Hills/Euclid Stormwater Improvements Project
Bid Schedule B – Relocation of Water Line:

| ITEM NO. | UNIT MEASURE | ITEM DESCRIPTION | APPROX. QUANTITY | UNIT PRICE IN FIGURES | EXTENDED PRICE IN FIGURES |
|----------|---------------|--|------------------|---------------------------|---------------------------|
| B1 | LUMP SUM | MOBILIZATION | 1 | L.S. | <u>5000.00</u> |
| B2 | LUMP SUM | PROJECT TEMPORARY TRAFFIC CONTROL MINIMUM BID \$2,000, L.S. | 1 | L.S. | <u>7700.00</u> |
| B3 | HOURL | TRAFFIC CONTROL LABOR MINIMUM BID \$37.00 | 80 | <u>45.00</u> Per HOUR | <u>3600.00</u> |
| B4 | FORCE ACCOUNT | EROSION/WATER POLLUTION CONTROL | F.A. | F.A. | <u>\$5,000</u> |
| B5 | LINEAR FEET | SAWCUT ASPHALT CONCRETE PAVEMENT | 900 | <u>6.00</u> per L.F. | <u>5400.00</u> |
| B6 | CUBIC YARD | EXCAVATION, INCLUDING HAUL | 250 | <u>26.20</u> per C.Y. | <u>6550.00</u> |
| B7 | CUBIC YARD | ROCK EXCAVATION, INCLUDING HAUL | 2 | <u>145.00</u> per C.Y. | <u>290.00</u> |
| B8 | TON | GRAVEL BASE | 60 | <u>20.65</u> per TON | <u>1239.00</u> |
| B9 | TON | CRUSHED SURFACING TOP COURSE | 60 | <u>40.00</u> per TON | <u>2400.00</u> |
| B10 | TON | HOT MIX ASPHALT | 65 | <u>195.00</u> per TON | <u>12675.00</u> |
| B11 | LUMP SUM | DEWATERING | 1 | L.S. | <u>500.00</u> |

B12 LINEAR WATER MAIN, 8" DIAM.
FEET

540

~~\$8265~~

~~\$44,631.00~~

per L.F.

B13 EACH GATE VALVE

2

~~\$1,500.00~~

~~\$3,000.00~~

per EACH

B14 FORCE REPAIR PUBLIC AND PRIVATE FACILITIES
ACCOUNT

F.A.

F.A.

\$10,000

B15 EACH WATER SERVICE LINE

4

~~\$1,075.00~~

~~\$4,300.00~~

per EACH

Schedule B Sub-Total,
(Bid Items B1-B15)

~~\$112,285.00~~

~~\$103,285.00~~

~~\$9,544.23~~

~~\$8,779.23~~

Sales Tax (8.5%)

~~\$121,829.23~~

SCHEDULE B TOTAL, INCLUDING
TAX
(Bid Items B1-B15)

~~\$112,064.23~~

**Whatcom County Public Works
Cedar Hills/Euclid Stormwater Improvements Project
Bid Schedule C – Stream Channel Restoration:**

| ITEM NO. | UNIT MEASURE | ITEM DESCRIPTION | APPROX. QUANTITY | UNIT PRICE IN FIGURES | EXTENDED PRICE IN FIGURES |
|----------|---------------|---------------------------------|------------------|-----------------------|------------------------------------|
| C1 | LUMP SUM | MOBILIZATION | 1 | L.S. | \$ 6,625 ⁰⁰ |
| C2 | FORCE ACCOUNT | EROSION/WATER POLLUTION CONTROL | F.A. | F.A. | \$5,000 |
| C3 | LINEAR FEET | SILT FENCE | 50 | \$ 6 ⁶⁵ | \$ 332 ⁵⁰ per L.F. |
| C4 | LINEAR FEET | STRAW WATTLE | 50 | \$ 4 ⁶⁰ | \$ 230 ⁰⁰ per L.F. |
| C5 | LUMP SUM | CLEARING AND GRUBBING | 1 | L.S. | \$ 1,000 ⁰⁰ |
| C6 | CUBIC YARD | EXCAVATION, INCLUDING HAUL | 10 | \$ 38 ²⁵ | \$ 382 ⁵⁰ per C.Y. |
| C7 | EACH | 24" PIPE OUTLET PROTECTION | 1 | EACH | \$ 400 ⁰⁰ |
| C8 | TON | QUARRY SPALLS | 150 | \$ 68 ⁶⁰ | \$ 10,290 ⁰⁰ per TON |
| C9 | TON | RIPRAP | 10 | \$ 26 ⁰⁰ | \$ 260 ⁰⁰ per TON |
| C10 | TON | STREAMBED SEDIIMENT | 75 | \$ 42 ⁵⁰ | \$ 3,187 ⁵⁰ per TON |
| C11 | TON | STREAMBED BOULDERS | 400 | \$ 170 ⁰⁰ | \$ 68,000 ⁰⁰ per TON |
| C12 | TON | BANK PIT RUN | 200 | \$ 47 ⁰⁵ | \$ 9,410 ⁰⁰ per TON |

| | | | | | | |
|-----|------------------|--------------------------------------|------|----------|-------------|--------------|
| C13 | SQUARE YARD | EROSION CONTROL COIR BLANKET | 100 | \$ 320 | \$ 320.00 | per S.Y. |
| C14 | LUMP SUM | TEMPORARY CREEK BYPASS | 1 | L.S. | \$ 4,450.00 | |
| C15 | CUBIC YARD | TOPSOIL, TYPE A | 50 | \$ 63.50 | \$ 3,175.00 | per C.Y. |
| C16 | CUBIC YARD | MULCHING | 50 | \$ 78.90 | \$ 3,945.00 | per C.Y. |
| C17 | LUMP SUM | PLANTING | 1 | L.S. | \$ 2,500.00 | |
| C18 | 1000 GALLONS | WATER | 10 | \$ 45.00 | \$ 450.00 | per 1000 GAL |
| C19 | FORCE ACCOUNT | REPAIR PUBLIC AND PRIVATE FACILITIES | F.A. | F.A. | \$35,000 | |
| C20 | FORCE ACCOUNT | LANDSCAPE RESTORATION | F.A. | F.A. | \$15,000 | |

Schedule C Sub-Total,
(Bid Items C1-C20)

\$ 169,957.50

Sales Tax (8.5%)

\$ 14,446.39

SCHEDULE C TOTAL, INCLUDING
TAX
(BID ITEMS C1-C20)

\$ 184,403.89

PROPOSAL SUMMARY FORM

Cedar Hills/Euclid Stormwater Improvements Bid No. 16-22

| | |
|---|--|
| SUBTOTAL BID AMOUNT SCHEDULE A (Bid Items A1 – A56) | 733,244 ¹⁵ \$ <u>733,369.15</u> |
| SUBTOTAL BID AMOUNT SCHEDULE B (Bid Items B1 – B15, Including Tax) | 121,829.23 \$ <u>112,064.23</u> |
| SUBTOTAL BID AMOUNT SCHEDULE C (Bid Items C1 – C20, including Tax) | \$ <u>184,403.89</u> \$ <u>1,039,477.27</u> |
| TOTAL PROJECT BID AMOUNT | \$ <u>1,029,837.26</u> |

NON-COLLUSION DECLARATION

CEDAR HILLS/EUCLID STORMWATER IMPROVEMENTS

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

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

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

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

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

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

BIDDER IDENTIFICATION

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

Firm Name: Stremler Gravel, Inc.

Address: PO Box 527

Lynden, WA 98264

Telephone: (360) 354-8585

Contractor's WA Registration Number: STREMG1106M5

Contractor's WA UBI Number: 601-254-394

Contractor's WA Employment Security Department Number: 699580 00 4

Contractor's WA Excise Tax Registration Number: 601-254-394

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

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

| | |
|-----------------------|-------------------------|
| <u>President</u> | <u>Lane Stremler</u> |
| <u>Vice-President</u> | <u>Vince Stremler</u> |
| <u>Secretary</u> | <u>Lorinda Stremler</u> |
| <u>Treasurer</u> | <u>Virgil Stremler</u> |

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

BID PROPOSAL SIGNATURE AND ADDENDUM ACKNOWLEDGMENT

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

CASHIER'S CHECK ☐ IN THE AMOUNT OF _____

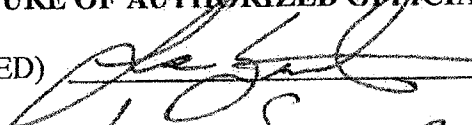
CERTIFIED CHECK ☐ (\$ _____) PAYABLE TO WHATCOM COUNTY

SURETY BOND ☒ IN THE AMOUNT OF 5% OF THE BID.

Receipt is hereby acknowledged by addendum(s) No.(s) 1, _____, & _____

SIGNATURE OF AUTHORIZED OFFICIAL(S)

(PROPOSAL MUST BE SIGNED)


LANE STREMLER, Pres. (Seal)

FIRM NAME: Stremler Gravel, Inc.

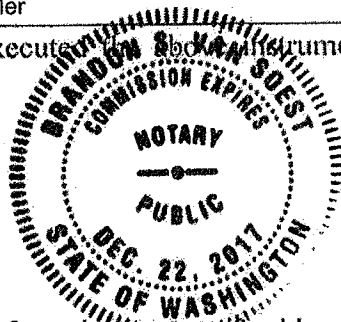
STATE OF WASHINGTON)

) ss.

COUNTY OF WHATCOM)

On this 26th day of, April 2016, before me personally appeared

Lane Stremler to me personally known to be the person described in and who executed the instrument and who acknowledged to me the act of signing thereof




NOTARY PUBLIC, in and for the

State of Washington, residing at: 2650 V. Rd, Lynden, WA

My Commission Expires: 12/22/17

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.

SUBCONTRACTOR LIST

**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: **CEDAR HILLS/EUCLID STORMWATER IMPROVEMENTS BID No. 16-22**

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 - NONE

Work to be Performed _____

Subcontractor Name N/A - NONE

Work to be Performed _____

SIMILAR PROJECT'S REFERENCE FORM

The name of the Agency or Client for which the project was performed, including the address, phone number the name of the project manager:

Project Name: Coronado/Freemont Stormwater Improvements

Agency or Client: Whatcom County

Project Manager's Name: Rhett Winter, PE

Address: 805 Dupont St., Ste #7, Bellingham, WA 98225

Phone Number: 360.733.6100

Project Name: Preferred Freezer Services - Cold Storage Facility

Agency or Client: Victory Unlimited Construction

Project Manager's Name: RJ Burton

Address: 6831 E 32nd Street, Indianapolis, IN 46226

Phone Number: (317) 491-5434

Project Name: Bio-Retention Facilities

Agency or Client: City of Bellingham

Project Manager's Name: Freeman Anthony

Address: 2221 Pacific Street, Bellingham, WA 98229

Phone Number: (360) 778-7924

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, Stremler Gravel, Inc. of _____, as principal, and the Hudson Insurance Company a corporation duly organized under the laws of the State of Delaware and having its principal place of business at 100 William Street, 5th Floor, New York 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 CEDAR HILLS/EUCLID STORMWATER IMPROVEMENTS No. 16-22 bid proposal, by reference thereto, being hereby made a part hereof.

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

SIGNED AND SEALED this 25th day of, April 2016.

Stremler Gravel, Inc.

Principal

By 

(Seal)

Hudson Insurance Company

Surety

By 

Janice Martin Attorney-In-Fact

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.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT Civil Code § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

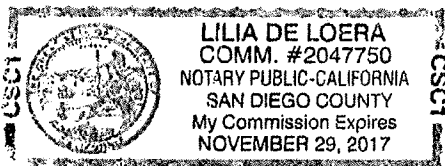
STATE OF CALIFORNIA

County of San Diego

On APR 25 2016 before me, Lilia De Loera, Notary Public,
Date Insert Name of Notary exactly as it appears on the official seal

personally appeared Janice Martin

Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Signature of Notary Public Lilia De Loera

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of the form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner ☐ Limited ☐ General
☒ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer is Representing: _____

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer is Representing: _____



BID BOND POWER OF ATTORNEY


KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

Lawrence F. McMahon, Sarah Myers, Ryan E. Warnock, Janice Martin, Charlotte Aquino
of the State of California

its true and lawful Attorney(s)-in-Fact, at New York City in the State of New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bid bonds for any and all purposes.

Such bid bonds, when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Executive Vice President thereunto authorized, on this 25th day of February, 20 16 at New York, New York.


Dina Daskalakis, Corporate Secretary

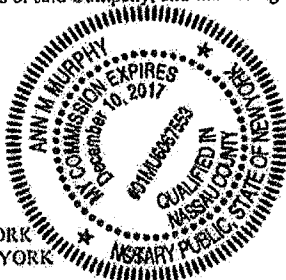
HUDSON INSURANCE COMPANY


By 
Christopher T. Suarez, Executive Vice President

STATE OF NEW YORK
COUNTY OF NEW YORK SS.

On the 25th day of February, 20 16 before me personally came Christopher T. Suarez to me known, who being by me duly sworn did depose and say that he is an Executive Vice President of HUDSON INSURANCE COMPANY, the Company described herein and which executed the above instrument, that he knows the seal of said Company, that the seal affixed to said instrument is the corporate seal of said Company, that it was so affixed by order of the Board of Directors of said Company, and that he signed his name thereto by like order.

(Notarial Seal)




ANN M. MURPHY
Notary Public, State of New York
No. 01MU6067553
Qualified in Nassau County
Commission Expires December 10, 2017

CERTIFICATION

STATE OF NEW YORK
COUNTY OF NEW YORK

The undersigned Dina Daskalakis hereby certifies:

THAT the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27th, 2007, and has not since been revoked, amended or modified:

"RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company's surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company's seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertaking made in the course of this Company's surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOLVED, that the signature of any such Officer of the Company and the Company's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed."

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.



Form Bid 8 2010 (v1)

Witness the hand of the undersigned and the seal of said Company this 25th day of April, 20 16

By 
Dina Daskalakis, Corporate Secretary

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-173

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--|-------------|------------------------------|---|--|-----------------|
| Originator: | pj | 4/14/16 | <div style="text-align: center;"> <p>RECEIVED</p> <p>MAY 10 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div> | 5/17/16 | Finance/Council |
| Division Head: | | | | | |
| Dept. Head: | DAD | 5/2/16 | | | |
| Prosecutor: | [Signature] | 5-2-16 | | | |
| Purchasing/Budget: | bb | 4/22/16 | | | |
| Executive: | TPS | 05.10.16 | | | |
| TITLE OF DOCUMENT: Contract between Whatcom County and Sustainable Connections for implementation of the Commercial Waste Reduction and Recycling Education Program. | | | | | |
| ATTACHMENTS: <ol style="list-style-type: none"> Executive Memo Info Sheet 2 Copies of Contract | | | | | |
| SEPA review required? () Yes (X) NO SEPA review completed? () Yes (X) NO | | | Should Clerk schedule a hearing ? () Yes (X) NO Requested Date: | | |
| SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.) <p>In support of the county objective of achieving a 50% waste reduction and recycling rate, and consistent with recommendations in the Whatcom County Comprehensive Solid and Hazardous Waste Management Plan, the Commercial Waste Reduction Education and Technical Assistance Program will increase countywide waste reduction and recycling rates by providing commercial waste audits and detailed technical waste assessments, action plans and performance evaluations for companies operating in the construction and food industries. The purpose of this contract is to increase participation in commercial organics recovery programs and promote construction and demolition recycling programs.</p> | | | | | |
| 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. | | | | | |



RECEIVED

MAY 05 2016

JACK LOUWS
COUNTY EXECUTIVE

MEMORANDUM

TO: Jack Louws, County Executive
FROM: ^{RAD} Regina A. Delahunt, Director
RE: Sustainable Connections, Contract for Commercial Waste Reduction
Education Services
DATE: April 29, 2016

Enclosed are two (2) originals of a contract between Whatcom County and Sustainable Connections for your review and signature.

▪ **Background and Purpose**

In support of the county objective of achieving a 50% waste reduction and recycling rate, and consistent with recommendations in the Whatcom County Comprehensive Solid and Hazardous Waste Management Plan, the Commercial Waste Reduction Education and Technical Assistance Program will increase countywide waste reduction and recycling rates by providing commercial waste audits and detailed technical waste assessments, action plans and performance evaluations for companies operating in the construction and food industries. The purpose of this contract is to increase participation in commercial organics recovery programs and promote construction and demolition recycling programs.

▪ **Funding Amount and Source**

Funding for this contract, in an amount not to exceed \$35,000, is from the Solid Waste Excise Tax. These funds are in the 2016 budget. County Council approval is required and an agenda bill is attached.

▪ **Differences from Previous Contract**

This is a new contract.

Please contact Jeff Hegedus at extension 6044, if you have any questions or concerns regarding the terms of this agreement.

Encl.

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.

201605003

| | | | |
|---|-------------------------|---|--|
| Originating Department: | Health | | |
| Program/Project: (i.e. Dept. Division and Project) | Environmental Health | | |
| Contract or Grant Administrator: | Jeff Hegedus | | |
| Contractor's / Agency Name: | Sustainable Connections | | |
| <p>Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: _____</p> | | | |
| <p>Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If No, include WCC: _____</p> <p>(see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</p> | | | |
| <p>Is this a grant agreement? If yes, grantor agency contract number(s): _____ CFDA#: _____</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> | | | |
| <p>Is this contract grant funded? If yes, Whatcom County grant contract number(s): _____</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> | | | |
| <p>Is this contract the result of a RFP or Bid process? Contract</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, RFP and Bid number(s): <u>16-16</u> Cost Center: <u>140203</u></p> | | | |
| <p>Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input type="checkbox"/> If no, include Attachment D Contractor Declaration form.</p> | | | |
| <p>If YES, indicate exclusion(s) below:</p> <p><input type="checkbox"/> Professional services agreement for certified/licensed professional.</p> <p><input checked="" type="checkbox"/> Contract work is for less than \$100,000.</p> <p><input type="checkbox"/> Contract work is for less than 120 days.</p> <p><input type="checkbox"/> Interlocal Agreement (between Governments).</p> <p><input type="checkbox"/> Contract for Commercial off the shelf items (COTS).</p> <p><input type="checkbox"/> Work related subcontract less than \$25,000.</p> <p><input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.</p> | | | |
| <p>Contract Amount:(sum of original contract amount and any prior amendments):</p> <p>\$ <u>35,000</u></p> <p>This Amendment Amount:</p> <p>\$ _____</p> <p>Total Amended Amount:</p> <p>\$ _____</p> | | <p>Contracts that require Council Approval (incl. agenda bill & memo)</p> <ul style="list-style-type: none"> Professional Services Agreement above \$20,000. Bid is more than \$50,000. Professional Service Contract Amendments that have an increase greater than \$20,000 and other contracts with a cumulative increase greater than \$50,000. <p>RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.</p> | |
| <p>Summary of Scope:</p> <p>In support of the county objective of achieving a 50% waste reduction and recycling rate, and consistent with recommendations in the Whatcom County Comprehensive Solid and Hazardous Waste Management Plan, the Commercial Waste Reduction Education and Technical Assistance Program will increase countywide waste reduction and recycling rates by providing commercial waste audits and detailed technical waste assessments, action plans and performance evaluations for companies operating in the construction and food industries. The purpose of this contract is to increase participation in commercial organics recovery programs and promote construction and demolition recycling programs.</p> | | | |
| Term of Contract: 7 months | | Expiration Date: 12/31/2016 | |

| | | |
|-------------------|---|----------------------|
| Contract Routing: | 1. Prepared by: <u>PJ</u> | Date: <u>4/14/16</u> |
| | 2. Attorney signoff: <u>[Signature]</u> | Date: <u>5-2-16</u> |
| | 3. AS Finance reviewed: <u>bennett</u> <u>[Signature]</u> | Date: <u>4/22/16</u> |
| | 4. IT reviewed (if IT related): _____ | Date: _____ |
| | 5. Contractor signed: _____ | Date: _____ |
| | 6. Submitted to Exec.: _____ | Date: _____ |
| | 7. Council approved (if necessary): _____ | Date: _____ |
| | 8. Executive signed: _____ | Date: _____ |
| | 9. Original to Council: _____ | Date: _____ |

2016 05003

**CONTRACT FOR SERVICES AGREEMENT
Commercial Waste Reduction and Recycling
Technical Assistance and Education Services**

Sustainable Connections, hereinafter called **Contractor**, and Whatcom County, hereinafter referred to as **County**, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 6,
Exhibit A (Scope of Work), pp. 7 to 8,
Exhibit B (Compensation), p. 9,
Exhibit C (Certificate of Insurance).

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

The term of this Agreement shall commence on the 1st day of June, 2016, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2016.

The general purpose or objective of this Agreement is to **provide technical assistance and education services**, as more fully and definitively described in Exhibit A hereto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed \$ 35,000. The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

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

IN WITNESS WHEREOF, the parties have executed this Agreement this 29 day of April, 2016

CONTRACTOR:

Sustainable Connections

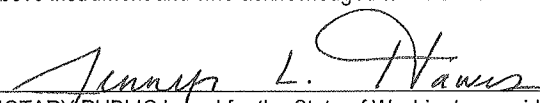


Derek Long, Executive Director

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this 29 day of APRIL, 2016, before me personally appeared Derek Long to me known to be the Executive Director of Sustainable Connections and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.





NOTARY PUBLIC in and for the State of Washington, residing at
BELLINGHAM, WA. My commission expires 11.12.18.

WHATCOM COUNTY:
Recommended for Approval:


John Wolpers, Environmental Health Division Manager
4/29/16
Date


Regina A. Delahunt, Health Department Director
5/2/16
Date

Approved as to form:


Prosecuting Attorney
5-2-16
Date

Approved:

Accepted for Whatcom County:

By: _____
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this _____ day of _____, 2016, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

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

CONTRACTOR INFORMATION:

Sustainable Connections

Derek Long, Executive Director
1701 Ellis St., Suite 221
Bellingham, WA 98225
Phone: 360-647-7093
Email: derek@sustainableconnections.org

GENERAL CONDITIONS

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

0.1 Scope of Services:

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

Series 10-19: Provisions Related to Term and Termination

10.1 Term:

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

10.2 Extension:

The duration of this Agreement may be extended by mutual written consent of the parties, for a period of up to one year, and for a total of no longer than four years.

11.1 Termination for Default:

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

11.2 Termination for Reduction in Funding:

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

11.3 Termination for Public Convenience:

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

Series 20-29: Provisions Related to Consideration and Payments

20.1 Accounting and Payment for Contractor Services:

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

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

21.1 Taxes:

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

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

22.1 Withholding Payment:

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

23.1 Labor Standards:

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

Series 30-39: Provisions Related to Administration of Agreement

30.1 Independent Contractor:

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

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

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

30.2 Assignment and Subcontracting:

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

30.3 No Guarantee of Employment:

The performance of all or part of this contract by the Contractor shall not operate to vest any employment rights whatsoever and shall not be deemed to guarantee any employment of the Contractor or any employee of the Contractor or any subcontractor or any employee of any subcontractor by the County at the present time or in the future.

31.2 Patent/Copyright Infringement: Not Applicable

32.1 Confidentiality: Not Applicable

33.1 Right to Review:

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

34.1 Proof of Insurance:

The Contractor shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums:

Property Damage per occurrence - \$500,000.00

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

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

34.2 Industrial Insurance Waiver:

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

34.3 Defense & Indemnity Agreement:

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

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

35.1 Non-Discrimination in Employment:

The County's policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran

status. The Contractor shall comply with all laws prohibiting discrimination against any employee or applicant for employment on the grounds of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran status, except where such constitutes a bona fide occupational qualification.

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

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

35.2 Non-Discrimination in Client Services:

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

36.1 Waiver of Noncompetition: Not Applicable

36.2 Conflict of Interest:

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

37.1 Administration of Contract:

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

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

Jeff Hegedus, RS, MS, MBA, Environmental Health Supervisor
Whatcom County Health Department
509 Girard St.
Bellingham, WA 98225
(360)778-6044
jhegedus@co.whatcom.wa.us

37.2 Notice:

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

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

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

38.3 E-Verify: Not Applicable

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

40.1 Modifications:

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

40.2 Contractor Commitments, Warranties and Representations: Not Applicable

41.1 Severability:

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

41.2 Waiver:

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

42.1 Disputes:

a. General:

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

b. Notice of Potential Claims:

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

c. Detailed Claim:

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

d. Arbitration: Not Applicable

43.1 Venue and Choice of Law:

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

44.1 Survival:

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

45.1 Entire Agreement:

This written Agreement, comprised of the writings signed or otherwise identified and attached hereto, represents the entire Agreement between the parties and supersedes any prior oral statements, discussions or understandings between the parties.

EXHIBIT "A"
(SCOPE OF WORK)

I. Background

In support of the county objective of achieving a 50% waste reduction and recycling rate, and consistent with recommendations in the Whatcom County Comprehensive Solid and Hazardous Waste Management Plan, the Commercial Waste Reduction Education and Technical Assistance Program will decrease countywide waste by providing commercial waste audits and detailed technical waste assessments, action plans and performance evaluations for companies operating in the construction and food industries. The purpose of this contract is to increase participation in commercial organics recovery programs and promote construction and demolition recycling programs.

II. Statement of Work

The contractor will recruit 40 businesses to participate in the Toward Zero Waste program. Businesses will be those who have not before participated in the program including at least 10 from the construction industry, 20 food service businesses, and 5 to 10 from hospitality/events sector.

For each business participating, contractor will:

1. Facilitate detailed waste assessment and action plans:
 - a. Connect businesses and waste haulers to perform waste assessments; and
 - b. Evaluate waste reduction measures (including recycling, composting, and source reduction), develop action plans; and
 - c. Coordinate peer learning opportunities such as workshops, case studies, tours of model businesses.
2. Support action plan implementation:
 - a. Support businesses' employee engagement activities including workplace signage, presentations;
 - b. Troubleshoot implementation challenges; share best practices and resources; and
 - c. Provide businesses with program decals, posters and other promotional materials.
3. Evaluate business performance:
 - a. Ensure that partner waste haulers and business directors provide quarterly waste/recycling reports to establish a baseline measure and support performance tracking over the grant term; and
 - b. Collect data from participant businesses to include changes in waste generated, participant awareness, attitudes and knowledge of recycling opportunities, barriers and solutions.

III. Program Requirements

Additionally, contractor will:

1. Produce 2 case studies highlighting successful new program participants and industries;
2. Promote program and acknowledge participating businesses in media releases and agency communications;
3. Conduct 2 Toward Zero Waste Workshops targeting 50 total participants;
4. Conduct 1 Integrated Toward Zero Waste and sustainable practices workshop targeting 25 participants;
5. Create a Hospitality Industry Toolkit; and
6. Promote Toward Zero Waste brand county-wide across workplaces, schools and residences.

IV. Reporting Requirements

Contractor shall report to the County on program activities on a quarterly basis during the contract period. Reports should include a list of the businesses recruited, the sector (construction, food, hospitality/events), and quantification of

their baseline and waste reduction goals and achievements. Contractor will describe the additional activities completed and provide a copy of the toolkit. Reports are due on September 15th for the period June 1 – August 31; and by January 15th for the period Sept 1 – December 31.

EXHIBIT "B"
COMPENSATION

- I. **Budget and Source of Funding:** The source of funding for this contract, in the amount not to exceed \$35,000, is solid waste excise tax revenue.

II. **Budget:**

The budget for this cost reimbursement contract is as follows:

| Line Item | Documentation Required with Invoice | Budget |
|---------------------------------|---|------------------|
| Personnel – salaries & benefits | Detailed General Ledger Report | \$ 32,100 |
| Mileage | Mileage Log - Mileage will be billed at the current IRS rate available at http://www.gsa.gov/portal/category/104715 | \$ 400 |
| Printing / Graphics Design | Invoice, receipt or General Ledger Report | \$ 2,500 |
| TOTAL | | \$ 35,000 |

III. **Invoicing:**

1. The Contractor shall submit itemized invoices on a monthly basis in a format approved by the County. Monthly/quarterly invoices must be submitted by the 15th of the month following the month of service. Invoices submitted for payment must include the items identified in the table above.

2. The Contractor shall submit invoices to *(include contract/PO #)*:

HL-BusinessOffice@whatcomcounty.us

or

Attention: Business Office
Whatcom County Health Department
509 Girard Street
Bellingham, WA 98225

3. Payment by the County will be considered timely if it is made within 30 days of the receipt and acceptance of billing information from Contractor. The County may withhold payment of an invoice if the Contractor submits it more than 30 days after the expiration of this contract.
4. Invoices must include the following statement, with an authorized signature and date:

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

5. Duplication of Billed Costs or Payments for Service: The Contractor shall not bill the County for services performed or provided under this contract, and the County shall not pay the Contractor, if the Contractor has been or will be paid by any other source, including grants, for those costs used to perform or provide the services in this contract. The Contractor is responsible for any audit exceptions or disallowed amounts paid as a result of this contract.

EXHIBIT "C"
(Insurance Certificate)

Non Profit Insurance Program

CERTIFICATE OF COVERAGE

Issue Date: 04/28/2016

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

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

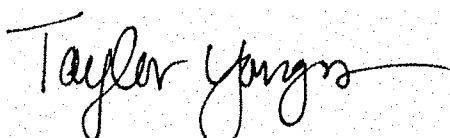
| | |
|---|---|
| PRODUCER | COMPANIES AFFORDING COVERAGE |
| Clear Risk Solutions 451 Diamond Drive Ephrata, WA 98823 | GENERAL LIABILITY American Alternative Insurance Corporation |
| INSURED | AUTOMOBILE LIABILITY American Alternative Insurance Corporation |
| Sustainable Connections 1701 Ellis Street #221 Bellingham WA, 98225 | PROPERTY American Alternative Insurance Corporation, et al. |
| | MISCELLANEOUS PROFESSIONAL LIABILITY |
| COVERAGES | |

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE COVERAGE PERIOD INDICATED, NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| TYPE OF INSURANCE | POLICY NUMBER | POLICY EFF DATE | POLICY EXP DATE | DESCRIPTION | LIMITS |
|--|---------------------|-----------------|-----------------|--|---|
| GENERAL LIABILITY | | | | | |
| COMMERCIAL GENERAL LIABILITY OCCURRENCE FORM INCLUDES STOP GAP | N1-A2-RL-0000013-07 | 06/01/2015 | 06/01/2016 | PER OCCURRENCE PER MEMBER AGGREGATE PRODUCT-COMP/OP PERSONAL & ADV. INJURY ANNUAL POOL AGGREGATE | \$5,000,000 \$10,000,000 \$5,000,000 \$5,000,000 \$50,000,000 |
| (LIABILITY IS SUBJECT TO A \$50,000 SIR PAYABLE FROM PROGRAM FUNDS) | | | | | |
| AUTOMOBILE LIABILITY | | | | | |
| ANY AUTO | N1-A2-RL-0000013-07 | 06/01/2015 | 06/01/2016 | COMBINED SINGLE LIMIT ANNUAL POOL AGGREGATE | \$5,000,000 NONE |
| (LIABILITY IS SUBJECT TO A \$50,000 SIR PAYABLE FROM PROGRAM FUNDS) | | | | | |
| PROPERTY | | | | | |
| | N1-A2-RL-0000013-07 | 06/01/2015 | 06/01/2016 | ALL RISK PER OCC EXCL EQ & FL EARTHQUAKE PER OCC FLOOD PER OCC ANNUAL POOL AGGREGATE | \$75,000,000 \$1,000,000 EXCLUDED NONE |
| (PROPERTY IS SUBJECT TO A \$50,000 SIR PAYABLE FROM PROGRAM FUNDS) | | | | | |
| MISCELLANEOUS PROFESSIONAL LIABILITY | | | | | |
| | | 06/01/2015 | 06/01/2016 | PER CLAIM ANNUAL POOL AGGREGATE | |
| (LIABILITY IS SUBJECT TO A SIR PAYABLE FROM PROGRAM FUNDS) | | | | | |
| DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / SPECIAL ITEMS | | | | | |
| Regarding the "Toward Zero Waste Program" during the period of June 1, 2016 - Dec. 31, 2016. Whatcom County is name Additional Insured in regards to this program only and is subject to policy terms, conditions, and exclusions. Coverage is contingent upon successful renewal of the 2016 - 2017 policy term. The NPIP retained limit is primary and noncontributory. Waiver of Subrogation is attached. | | | | | |

CANCELLATION

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

| | |
|---|--|
| CERTIFICATE HOLDER | AUTHORIZED REPRESENTATIVE |
| Attn: Business Office Whatcom County Health Department 509 Girard St. Bellingham, WA 98225 |  |

**AMERICAN ALTERNATIVE
INSURANCE COMPANY**

**ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION
(GENERAL LIABILITY)**

| | |
|---|-----------------------------------|
| Named Insured Non Profit Insurance Program (NPIP) | |
| Policy Number N1-A2-RL-0000013-07 | Endorsement Effective 6/1/2015 |

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

This endorsement modifies insurance provided under the following:

GENERAL LIABILITY COVERAGE PART

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated above.
Schedule

Person or Organization (Additional **Insured**): As Per Schedule on file with Clear Risk Solutions, Underwriting Administrator

Attn: Business Office
Whatcom County Health Department
509 Girard St.
Bellingham, WA 98225

Regarding the "Toward Zero Waste Program" during the period of June 1, 2016 - Dec. 31, 2016. Whatcom County is name Additional Insured in regards to this program only and is subject to policy terms, conditions, and exclusions. Coverage is contingent upon successful renewal of the 2016 - 2017 policy term. The NPIP retained limit is primary and noncontributory. Waiver of Subrogation is attached.

- A. With respects to the General Liability Coverage Part only, the definition of **Insured** in the Liability Conditions, Definitions and Exclusions section of this policy is amended to include as an **Insured** the Person or Organization shown in the above Schedule. Such Person or Organization is an **Insured** only with respect to liability for **Bodily Injury, Property Damage, or Personal and Advertising Injury** caused in whole or in part by your acts or omissions or the acts or omissions of those acting on your behalf:
1. In performance of your ongoing operations; or
 2. In connection with your premises owned or rented to you.
- B. The Limits of Insurance applicable to the additional **Insured** are those specified in either the:
1. Written contract or written agreement; or
 2. Declarations for this policy,

whichever is less. These Limits of Insurance are inclusive and not in addition to the Limits Of Insurance shown in the Declarations.

All other terms and conditions remain unchanged.

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RL 2163 12/12

3085154

Page 1 of 1

**WAIVER OF TRANSFER OF RIGHTS AND RECOVERY
AGAINST OTHERS TO US**

| | | |
|---|-------------------------|-------------------------------|
| Named Insured Non Profit Insurance Program | | Endorsement Number |
| Policy Symbol and Number | Policy Period | Effective Date of Endorsement |
| N1-A2-RL-0000013-05 | 06/01/2013 - 06/01/2014 | 06/01/2013 |
| Issued By American Alternative Insurance Corp, a member of Munich-American Holding Corporation | | |

Insert the policy number, the remainder of the information is to be completed only when this endorsement is issued subsequent to the preparation of the policy.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the following:

CUSTOM GENERAL LIABILITY POLICY

SCHEDULE

Name of Person or Organization:

Whatcom County Health Department
509 Girard St.
Bellingham, WA 98225

(if no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

The TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US Condition (Section IV - CONDITIONS) is amended by the addition of the following:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the schedule above.



Authorized signature

NF-14082a Includes copyrighted materials of Insurance Services, Inc., with its permission. Page 1 of 1

3085155

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-174

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|---|---------------|------------------------------|---|--|-----------------|
| Originator: | PJ | 04/29/16 | <div style="text-align: center;"> <p>RECEIVED</p> <p>MAY 10 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div> | 05/17/2016 | Finance/Council |
| Division Head: | | | | | |
| Dept. Head: | PAD | 5/4/16 | | | |
| Prosecutor: | TS | 5-4-16 | | | |
| Purchasing/Budget: | AB | 5/4/16 | | | |
| Executive: | TLH | 05.10.16 | | | |
| TITLE OF DOCUMENT: Contract between Whatcom County and Nurse Family Partnership | | | | | |
| ATTACHMENTS: <ol style="list-style-type: none"> 1. Info Sheet 2. Executive Memo 3. 2 copies of contract | | | | | |
| SEPA review required? () Yes (X) NO SEPA review completed? () Yes (X) NO | | | Should Clerk schedule a hearing ? () Yes (X) NO Requested Date: | | |
| SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.) | | | | | |
| <p>The purpose of the agreement is to provide training and implementation support to ensure that Whatcom's implementation of Nurse-Family Partnership maintains model fidelity and delivers program results as expected.</p> | | | | | |
| 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 . | | | | | |



RECEIVED

MAY 06 2016

JACK LOUWS
COUNTY EXECUTIVE

MEMORANDUM

TO: Jack Louws, County Executive
FROM: ^{ADD} Regina A. Delahunt, Director
RE: Nurse-Family Partnership, New Contract for Proprietary Evidence-based Program Support
DATE: May 4, 2016

Enclosed are two (2) originals of a contract between Whatcom County and Nurse-Family Partnership for your review and signature.

▪ **Background and Purpose**

Whatcom County began implementing the Nurse-Family Partnership program in 2012 as an evidence-based model that uses home visiting nurses to support low income first time mothers. The County has recently received grant funding from Thrive Washington to support expansion of the program. Thrive Washington has included funding for required training and support from the Nurse-Family Partnership National Service Office, in order to ensure evidence-based program delivery, reporting, and results.

The purpose of the agreement is to obtain required support and technical training by the Nurse-Family Partnership National Service Office.

▪ **Funding Amount and Source**

The cost of the agreement is \$27,461.00 in 2016 and \$16,752.00 in subsequent years, which is included in grant funds provided by Thrive Washington. Funding is included in the 2016 budget.

Council approval is required because the contract amount is greater than \$20,000 and an agenda bill is attached.

Please contact Judy Ziels at extension 6130, if you have any questions or concerns regarding the terms of this agreement.

Encl.

Whatcom County Contract No.

201605005

| | | | |
|--|--|---|--|
| Originating Department: | | Health | |
| Program/Project: (i.e. Dept. Division and Project) | | Human Services | |
| Contract or Grant Administrator: | | Judy Ziels | |
| Contractor's / Agency Name: | | Nurse-Family Partnership | |
| <p>Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: _____</p> <p>Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If No, include WCC: _____</p> <p>(see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</p> <p>Is this a grant agreement?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, grantor agency contract number(s): _____ CFDA#: _____</p> <p>Is this contract grant funded?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, Whatcom County grant contract number(s): <u>201602040</u></p> <p>Is this contract the result of a RFP or Bid process? Contract</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, RFP and Bid number(s): _____ Cost Center: <u>621210/621225</u></p> <p>Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If no, include Attachment D Contractor Declaration form.</p> <p>If YES, indicate exclusion(s) below:</p> <p><input type="checkbox"/> Professional services agreement for certified/licensed professional.</p> <p><input checked="" type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS).</p> <p><input type="checkbox"/> Contract work is for less than 120 days. <input type="checkbox"/> Work related subcontract less than \$25,000.</p> <p><input type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.</p> | | | |
| <p>Contract Amount:(sum of original contract amount and any prior amendments):</p> <p><i>Services as needed</i></p> | | <p>Contracts that require Council Approval (incl. agenda bill & memo)</p> <ul style="list-style-type: none"> Professional Services Agreement above \$20,000. Bid is more than \$50,000. Professional Service Contract Amendments that have an increase greater than \$20,000 and other contracts with a cumulative increase greater than \$50,000. <p>RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.</p> | |
| <p>Summary of Scope: The purpose of the agreement is to provide training and implementation support to ensure that Whatcom's Nurse Family Partnership program implementation maintains model fidelity and delivers program results as expected.</p> | | | |
| Term of Contract: 3 years | | Expiration Date: 03/31/2019 | |

| | | |
|-------------------|---|----------------------|
| Contract Routing: | 1. Prepared by: <u>pj</u> | Date: <u>4/29/16</u> |
| | 2. Attorney signoff: <u><i>T.B.</i></u> | Date: <u>5-4-16</u> |
| | 3. AS Finance reviewed: <u><i>[Signature]</i></u> | Date: <u>5/6/16</u> |
| | 4. IT reviewed (if IT related): _____ | Date: _____ |
| | 5. Contractor signed: _____ | Date: _____ |
| | 6. Submitted to Exec.: _____ | Date: _____ |
| | 7. Council approved (if necessary): _____ | Date: _____ |
| | 8. Executive signed: _____ | Date: _____ |

NURSE-FAMILY PARTNERSHIP IMPLEMENTATION AGREEMENT

This Agreement ("Agreement"), for the period April 1, 2016, through March 31, 2019, is by and between Whatcom County Health Department ("Agency") and Nurse-Family Partnership, a Colorado nonprofit corporation ("NFP") (together, the "Parties").

RECITALS:

- A. Whereas, the Nurse-Family Partnership® Program (the "Program") is an evidence-based program developed on the basis of randomized controlled trial research to yield certain benefits for low-income, first-time mothers and their children ("Program Benefits").
- B. Whereas, the Program Benefits can be described generally as helping low-income, first-time mothers develop behaviors that enable them to have healthier pregnancies, be better parents, have emotionally and physically healthier children, and attain greater economic self-sufficiency.
- C. Whereas, the Program implementation by Agency must be based upon key parameters ("Model Elements") identified through research and refined based upon the Program's experience since 1997 and attached to this Agreement as Exhibit A, Nurse-Family Partnership Model Elements.
- D. Whereas, Agency desires and intends to implement the Program to serve low-income, first-time mothers in the geographic area it serves and to be known to the public as Nurse-Family Partnership.
- E. Whereas, NFP desires and intends to guide and support the Program implementation process in order to help Agency obtain Program Benefits for the mothers and children that Agency serves.
- F. Accordingly, the Parties wish to enter into this Agreement in order to memorialize the mechanisms and means by which Agency shall implement the Program and NFP shall support such implementation. The Parties intend to remain in a contractual relationship for the period described in Section V herein and thereafter, so long as funding is available to both of the Parties for this purpose.

AGREEMENT:

In consideration of the foregoing recitals, which are incorporated herein, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

I. DEFINITIONS.

- A. Agreement-Specific Definitions. In addition to terms defined above and elsewhere in this Agreement, the following terms shall have the meanings set forth below:
 - 1. "ETO™" means the Efforts to Outcomes™ software system that NFP makes available to Agency, into which designated, NFP-approved Agency personnel enter data collected about Clients and the Program, and from which the Parties can obtain reports to help manage and evaluate program implementation and results.
 - 2. "ETO Website" means the Internet URL through which designated, NFP-approved Agency personnel can access the ETO to enter data and obtain certain reports and other services. ETO software is secured against unauthorized use by VeriSign®

128-bit Security Encryption, the industry standard in Internet site protection. Authorized access to the ETO Website can only be provided by NFP

3. "Administrator" means a person with fiscal and quality oversight, operational coordination responsibilities, and/or evaluation responsibility for the Program's management.
 4. "Client" means a low-income, first-time mother who is enrolled in the Program implemented by Agency.
 5. "Effective Date" means the date first noted above and upon which this Agreement becomes effective.
 6. "Fidelity to the Model" means implementing the Program in a manner consistent with the Model Elements and therefore maximizing the likelihood of achieving results comparable to those measured in research.
 7. "Visit-to-Visit Guidelines®" means a written guide or guides for how a Nurse Home Visitor schedules and conducts visits with Clients during their participation in the Program.
 8. "Location" means the work address of a Program Supervisor.
 9. "Program Supervisor" means a person who supervises up to eight Nurse Home Visitors who implement the Program on behalf of Agency.
 10. "Research" means any activity, including program evaluation and/or quality improvement activities, (i) that would, according to Federal regulations, require review by an Institutional Review Board ("IRB"), or (ii) that could be expected to yield generalizable knowledge that could be shared publicly with the professional, academic, and/or lay communities.
 11. "Team" means a half- to full-time Program Supervisor and up to eight (8) Nurse Home Visitors who report to the Program Supervisor.
- B. "Proprietary Property" means all of (i) the Program, including facilitators and handouts, (ii) the Model Elements, (iii) the name "Nurse-Family Partnership" and the acronym "NFP" when used in connection with the NFP Logo and the goodwill associated therewith, (iv) all NFP Community Website and ETO website content, and (v) the copyrighted materials and other materials used in the Program as of the date hereof that would be designated as protectable intellectual property under applicable law, including, but not limited to, all modifications, additions, updates, and derivative works thereof and all of the rights of NFP and its licensors associated with this property. Proprietary Property shall also include, individually and collectively, all ideas, concepts, designs, methods, inventions, modifications, improvements, new uses, and discoveries which are conceived and/or made in the performance of the responsibilities stated under this Agreement by one or more of Agency, NFP, or its licensors, whether or not they are incorporated into the Program or the Proprietary Property. NFP and its licensors reserve the right to modify the Proprietary Property from time to time in accordance with the data, research, and current modalities of delivery of the Program and for any other reason NFP or its licensors, in their sole and absolute discretion, deem appropriate. NFP will provide Agency with reasonable notice of those modifications. NFP and its licensors shall retain ownership and all rights to all Proprietary Property, whether modified or not by Agency.
- C. General Application. Unless a clear contrary intention appears, words used with initial-capitalized letters shall have the meanings set forth in this Agreement, and (i) the singular includes the plural and vice versa, (ii) reference to any document means such document as amended from time to time, (iii) "include" or "including" means including without limiting the generality of any description preceding such term, and (iv) the term "or" is not exclusive.

II. NFP OBLIGATIONS

- A. NFP grants to Agency a non-exclusive limited right and license to use the Proprietary Property for the purpose of carrying out Agency's obligations under this Agreement in the geographic area within which Agency Nurse Home Visitors serve Clients. Agency shall not use the Proprietary Property in connection with any social impact bond or pay-for-success contract, including responses to solicitations for such agreements, without NFP's prior written consent. NFP reserves the right to modify the Proprietary Property from time to time in accordance with the data, research, and current modalities of delivery of the Program. NFP will provide reasonable notice of those modifications as set forth in the Implementation Agreement. NFP shall retain ownership and all of the rights to any Proprietary Property, whether modified or not by any Agency. In any event, all software and ETO Website content, excluding Agency's and other agencies' data, shall remain the sole property of NFP.
- B. NFP will provide support to help Agency implement the Program as described in Exhibit B, Nurse-Family Partnership Support for an Agency.
- C. NFP shall submit invoices to Agency for services provided to Agency, listing a date of provision, a description of each such service, and amounts based upon the fee schedule provided in Exhibit C, Fees for Nurse-Family Partnership Services.
- D. NFP may, from time to time, request that Agency collect additional data and/or participate in Research initiated by NFP and intended to improve the NFP model or implementation of the model. NFP may provide the public with information about Agency's NFP-related Research, publications, and presentations.
- E. NFP, independently or jointly with Agency, may publish or present NFP-related information or Program results in research reports, books, book chapters, peer-reviewed journal articles, and at academic or professional conferences, always giving due credit to the Parties involved and recognizing the rights of the individuals doing the work.
- F. NFP understands that pursuant to this Agreement, NFP and its employees may have access to Clients' Protected Health Information ("PHI") and Agency's business information. NFP acknowledges that this information has a high level of confidentiality, and NFP and its employees agree to keep all information made available to its employees confidential and not to disclose this information. NFP will instruct its employees/staff/affiliates to follow Agency's policies regarding patient and business confidentiality. Further, NFP acknowledges that Agency is bound by law to have written agreements with its business partners who may have access to patient information requiring compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the rules and regulations promulgated thereunder. Accordingly, NFP warrants and represents that NFP is in compliance with HIPAA and all relevant federal statutes, rules, regulations, and applicable interpretive rulings promulgated under HIPAA, or will become compliant to regulations and requirements effective at future dates according to the applicable timetables. Exhibit D, HIPAA Business Associate Addendum, is hereby incorporated in this Agreement. Failure by NFP to comply with this provision and the provisions of Exhibit D, HIPAA Business Associate Addendum, shall result in immediate and automatic termination of this Agreement without penalty or cost to Agency. NFP will cooperate with any Agency program(s) instituted in the future to bring Agency into compliance with HIPAA.

III. AGENCY OBLIGATIONS

- A. Agency will make best efforts to implement the Program with Fidelity to the Model and will undertake the steps described in Exhibit E, Agency Responsibilities, in order to do so.
- B. Agency will take all appropriate steps to maintain client confidentiality and obtain any necessary written client consents for data analysis or disclosure of protected health information, in accordance with applicable federal and state laws, including, but not limited to, authorizations, data use agreements, business associate agreements, as necessary.
- C. Agency assumes responsibility for knowledge of and compliance with the State Nurse Practice Act of its state, state laws, regulations, and licensing requirements pertaining to nursing practice and state laws and regulations pertaining to mandatory reporting.
- D. Agency will ensure that nurses whom it employs to implement that Program are able to provide care to clients in a manner consistent with the NFP Visit-to-Visit Guidelines.
- E. When requested by NFP, Agency will make reasonable efforts to collect additional data and/or participate in Research intended to improve the NFP model or implementation of the model.
- F. In order to avoid becoming involved in Research that conflicts with implementing the Program with Fidelity to the Model, Agency will request NFP's permission prior to participating in any Research that is (1) initiated by a party other than NFP and (2) that involves Program staff or explicitly targets the families that are enrolled in the Program. NFP will review and approve or disapprove Agency's request for participation in such Research on a timely basis and will not unreasonably withhold such approval.
- G. Agency will inform NFP of Agency proposals to publish or present NFP-related information in research reports, books, book chapters, peer-reviewed journal articles, and at academic or professional conferences. Results of the Program herein outlined may be published by Agency, or jointly by Agency and NFP, always giving due credit to the Parties involved and recognizing the rights of the individuals doing the work.
- H. Agency is authorized to reproduce certain published materials specified below and used in the implementation of the Program so long as (1) this Agreement is in effect, (2) Agency uses the reproductions solely for Program implementation, and (3) Agency does not sell or otherwise distribute the reproductions to any third party not involved in Agency's implementation of the Program.
 - 1. The published materials covered by this authorization are delivered to Nurse Home Visitors as part of the Nurse-Family Partnership Home Visitor education materials in sets referred to as follows:
 - a) Pregnancy Facilitators and Handouts
 - b) Infancy Facilitators and Handouts
 - c) Toddler Facilitators and Handouts
 - 2. The handouts bear notices indicating copyright by any of the following:
 - a) University of Colorado
 - b) University of Colorado Health Sciences Center
 - c) University of Colorado at Denver and Health Sciences Center
 - d) Nurse-Family Partnership

3. NFP has the right to grant permission to reproduce materials specified above and that bear the University copyright notice under the terms of a Memorandum of Understanding ("MOU") dated March 31, 2003, between the University of Colorado Health Sciences Center, now known as University of Colorado at Denver and Health Sciences Center, and NFP. The MOU gives NFP an exclusive, perpetual, royalty-free right and license to use copyrighted materials and other materials used in the Program for the purpose of implementing the Program to serve low-income, first-time mothers and their families.
4. The corresponding Spanish-language versions of these materials are also covered by this authorization.
5. Agency may not authorize any other entity to reproduce the materials without prior written permission from NFP.
- I. Agency understands and agrees that all Proprietary Property is owned exclusively by NFP and its licensors, including all intellectual property rights therein. Agency shall use the Proprietary Property solely for the purpose of carrying out Agency's obligations under this Agreement and shall not modify any Proprietary Property without the prior express written permission of NFP. Agency shall protect all Proprietary Property that belongs to NFP or its licensors. Agency shall not duplicate and shall prohibit distribution of or access to Visit-to-Visit Guidelines and the ETO to any individual or organization not party to the implementation, administration, and operation of the Program, except as authorized by this Agreement. Agency shall not change or alter the ETO software, and shall allow only trained, NFP-authorized users to access the ETO Website. If a person leaves Agency's employ, Agency shall retrieve all Proprietary Property that the person may have in his or her possession.

IV. FEES AND PAYMENT

A. Fees associated with NFP services in support of an implementing agency are as follows:

1. Start-Up Services: Fee is due upon the Effective Date, is charged "per agency" one time, and contributes to covering costs associated with:
 - a) Initial support to help agency staff prepare to implement the Program and successfully move through the initial phase of program start-up.
 - b) Education about and implementation and access to the Nurse-Family Partnership data collection and reporting system.
 - c) Incremental program support and nurse consultation provided during the first two years of implementation.
2. Initial Education Services. NFP provides initial Nurse-Family Partnership education for nurse home visitors, Program Supervisors, and Agency Administrators. This fee applies once for each individual nurse home visitor, nurse supervisor, and administrator at an agency. Fees are due upon completion of the face-to-face session.
 - a) Nurse Home Visitor Initial Education Tuition. Education for nurse home visitors (NHV) consists of one face-to-face education unit supported by distance education components. All Program Supervisors who have never taken NHV

Education or who completed it more than two years prior to being promoted to Supervisor are required to attend NHV Education as well as Supervisor Education.

- b) Supervisor Initial Education Tuition. For Program Supervisors, education consists of Nurse Home Visitor Initial Education plus two face-to-face education units supported by distance education components and nurse consultation.
 - c) Agency Administrator Orientation Tuition. A two day face-to-face session in Denver, required for new administrators and recommended for experienced administrators.
 - d) Nurse-Family Partnership Education Materials Fee. Contributes toward the cost of the following materials :
 - (1) Nurse-Family Partnership Orientation Materials
 - (2) Set of Prenatal, Infancy and Toddler Guidelines
 - (3) A series of additional nursing practice and program management resources tied to implementation of Nurse-Family Partnership.
3. Implementation Support Services. Fees are due on the Effective Date and each anniversary thereof and are based on the number of Program Supervisor Positions (the greater of (1) the number of individuals with supervisory responsibility at the agency or (2) the number of supervisor FTEs that are required to be implementing the model with fidelity (at least one per eight nurse home visitors). Fees are as follows:
- a) Program Support. Fees are per Program Supervisor Position per year and contribute to covering costs associated with the following:
 - (1) Data system (ETO) operation and use, Program Quality System, and Reporting.
 - (2) Ongoing Nurse-Family Partnership nurse home visitor, supervisor, and administrator education; resource library; conference calls; web forums; Nurse-Family Partnership Community resources; and updating of Nurse-Family Partnership Education and Visit-to-Visit Guidelines and supporting materials.
 - (3) Marketing and Communications consultation and support, including marketing and community outreach materials (brochures, posters, Client Referral Kits (with wallet cards, counter display, posters, and other program information); health fair bags, and nurse recruitment packets. The agency, however, is responsible for printing, stamping or affixing labels with their local contact information to the majority of these materials. Client Referral Kits are customized/printed at no additional charge to the agency. Also provided are the NFP marketing and communications resources and guidance and a copy of the NFP Public Awareness Video, as well as updates and regular monthly communications from the NFP National Service Office.
 - (4) Policy and Government Affairs, including advocacy and educational work at federal and state levels.
 - b) Nurse Consultation. The fee is per Program Supervisor Position per year. The full fee is charged for the first Program Supervisor Position at a geographic location and a reduced fee is charged for each additional Program Supervisor Position at that same location. The fees contribute to covering costs associated with a Nurse-Family Partnership Nurse Consultant providing the following support to Program Supervisors:

- (1) Helping each Program Supervisor develop an annual plan for implementation.
 - (2) Monitoring reports based on each Program Supervisor and her/his team's activity and performance.
 - (3) Ongoing email support for each Program Supervisor and periodic regular calls with each Program Supervisor.
 - (4) Periodic visits to each Program Supervisor with potential travel with each Program Supervisor and/or selected nurse home visitors.
 - (5) Clinical and supervisory coaching and consultation with each Program Supervisor.
- c) Program Supervisor Expansion or Replacement Fee. A one-time fixed fee is charged for extra support when a new Program Supervisor Position is added or a vacant position is filled.
- d) Data Transmission and Custom Reports. (Optional) NFP may develop custom reports or supply secure access to a data file upon reasonable request from Agency, as long as Agency provides detailed specifications and agrees to fees quoted in advance by NFP.
- (i) Data Transmission Fees. A one-time Set-Up fee plus an annual Transmission Fee for creating and periodically transmitting a file that contains raw data from the ETO database for State. NFP will not manipulate the data in any way, and any data filtering requests could increase the set-up cost. Data will be provided as delimited text files with variable names and made available via NFP's FTP site for download. Instructions for downloading data will be provided when the data files are ready. The Set-Up Fee is due when State approves NFP undertaking the work. The Transmission Fee is due upon the first transmission (prorated for part years) and on each contract anniversary thereafter for so long as the transmission continues.
 - (ii) Four hours of NFP support are included in the cost of a data file. Any assistance beyond four hours will require a work order and an additional charge to the customer. Please note that data files are provided solely for the benefit of the agency and the NSO cannot support the following:
 1. Reporting and analysis efforts conducted by the agency
 2. Developing an import process for the agency
 3. Customizing the data file for specific agency needs.

B. Prices are subject to change in accordance with Section IV D below.

C. All fees are based upon NFP's standard terms of invoicing and payment, as follows:

1. Start-Up Services Fees are invoiced on the Effective Date and are due in 30 days.
2. Education Fees are invoiced when individuals attend in-person education sessions. No special reporting or documentation is provided with the invoice(s).
3. Program Support and Nurse Consultation Fees are invoiced on the Effective Date and each anniversary thereof to cover each ensuing year and are due in 30 days. No special reporting or documentation is provided with the invoice(s).
4. Program Supervisor Expansion or Replacement Fees are invoiced when the new supervisor is hired. No special reporting or documentation is provided with the invoice(s).

D. NFP shall invoice, without limitation, for services provided to Agency based upon the fee schedule set forth in Exhibit C, Fees for Nurse-Family Partnership Services. NFP reserves the right to change the fees set forth in Exhibit C during the term of this Agreement but not more often than annually. NFP will notify Agency at least one year prior to any such change becoming effective.

E. Invoices will be sent to:

Agency: Whatcom County Health Department
Attention: Patricia Proctor
Address: 509 Girard St.
Bellingham, WA 98225
Telephone: 360-778-6015
Email: pproctor@co.whatcom.wa.us

F. Agency will send payments, identifying the NFP invoice, within 30 days of invoice to:
Nurse-Family Partnership
Attention: Finance Department
1900 Grant Street, Suite 400
Denver, CO 80203

V. TERM AND DEFAULT

- A. Term of Agreement. This Agreement shall remain in full force and effect through March 31, 2019 (the "Initial Term"), unless it is terminated by mutual agreement of the Parties or as otherwise provided below.
- B. Term Extension. Upon April 1, 2019, and each anniversary of that date, this Agreement shall automatically extend for an additional year unless either party has provided not less than sixty (60) days' notice to the other of its intention to terminate the Agreement on the upcoming anniversary date.
- C. Early Termination. The Parties agree that they intend to and will engage in mutual efforts to keep this Agreement in force for the Initial Term, because it requires approximately three years for the initial group of Clients to complete the Program. Recognizing, however, that circumstances beyond the control of the Parties may compel one Party to desire termination before completion of the Initial Term or an extension thereof, either Agency or NFP may terminate this Agreement at any time by giving the other party written notice of not less than sixty (60) days.
- D. Default. A party shall be in default under this Agreement if a party (i) breaches a material provision of this Agreement, which breach is not cured to the non-breaching party's reasonable satisfaction within thirty (30) days of written notice given to the breaching party by the non-breaching party or (ii) the bankruptcy of a party.
- E. Remedies upon Default. The Parties shall use commercially reasonable efforts to take steps necessary to cause the breaching party to cure the applicable default. If such default is not cured to the reasonable satisfaction of the other party, and both of the Parties do not agree to terminate this Agreement, the Parties shall proceed in accordance with the dispute resolution process set forth in Section VI.

F. Effect of Termination.

1. If this Agreement is terminated by notice of one party to the other, Agency will pay NFP for all work performed up to the date of termination and all non-cancelable obligations incurred in accordance with this Agreement. Payment shall be due within thirty (30) days of termination.
2. If this Agreement is terminated through the dispute resolution process, the rights and obligations of each of the Parties upon termination shall be spelled out in the dispute resolution process.
3. Upon termination of this Agreement, regardless of the timing, cause, or mechanism of such termination:
 - a) Agency will no longer have access to ETO or the ETO Website;
 - b) All software and ETO Website content, excluding data which has been collected by Agency in the course of implementing the Program, shall remain the sole property of NFP;
 - c) NFP may retain a record of all data which has been collected by Agency in the course of implementing the Program and may use that data and reports derived from it to evaluate the overall progress in national replication of the Program;
 - d) Agency and NFP will continue to comply with all relevant state, federal laws and all other provisions of this Agreement with respect to maintaining Client confidentiality;
 - e) All materials in Agency's possession that utilize the Nurse-Family Partnership logo, tag line, or other protected marks must be returned to NFP or destroyed;
 - f) All copies of Proprietary Property that have been provided to Agency by NFP or that have come into Agency's possession from other sources must be returned to NFP or destroyed; and
 - g) Agency will cease to implement the Program and will cease to represent that it is implementing the Program.

VI. DISPUTE RESOLUTION. If a dispute arises relating to this Agreement, the Parties shall attempt to resolve that dispute at the lowest possible level. If the dispute cannot be resolved at that level, the dispute shall be elevated to the Director, Program Development, of NFP and the Program Supervisor. If these persons cannot resolve the dispute, it shall be elevated to the next organizational level of NFP and Agency. If the dispute is not resolved through the foregoing process within a reasonable period of time, not to exceed any period of time that could reasonably be deemed to have a detrimental impact on the implementation of the Program by Agency, either party may initiate dispute resolution through any avenue permitted in law or in equity.

VII. LIABILITY.

- A. Each party hereto agrees to be responsible and assume liability for its own wrongful or negligent acts or omissions, or those of its officers, agents, or employees to the full extent allowed by law.
- B. No liability hereunder shall result to a party by reason of delay in performance caused by force majeure, that is, circumstances beyond the reasonable control of the party.

VIII. ASSIGNMENT; SUBCONTRACTING. Except as provided herein, this Agreement and the rights, obligations, interests and benefits hereunder shall not be assigned, transferred, pledged or hypothecated in any way to any third party, including financing institutions, without the prior written consent of NFP. Agency shall not respond to social impact bond or "pay for success" solicitations or enter into contracts or funding arrangements that link Program implementation performance to repayment of funding and name the Program as the targeted service without NFP's prior written consent. Agency shall not engage or utilize

the services of any subcontractor to perform any of Agency's services hereunder without the prior written consent of NFP.

IX. MISCELLANEOUS PROVISIONS.

- A. Consents. Whenever a Party's consent or approval is required under this Agreement, such consent or approval shall not be unreasonably withheld. If consent or approval is required by an employee of a Party, the Party who employs such employee shall cause the employee to give or withhold such consent or approval in accordance with this paragraph. If no response is received by the requesting Party within ten business days after delivery of the applicable request, consent shall be deemed given.
- B. Notices. All notices and other communications that are required or permitted to be given to the Parties under this Agreement shall be sufficient in all respects if given in writing and delivered by overnight courier or certified mail, postage prepaid, return receipt requested, to the receiving party at the following address:

For NFP:

Original to:

Nurse-Family Partnership
1900 Grant Street, Suite400
Denver, CO 80203
Attention: Chief Executive Officer
Telephone: 303-327-4274
Facsimile: 303-327-4260
Email:

Roxane.white@NurseFamilyPartnership.org

With a copy to:

Nurse-Family Partnership
1900 Grant Street, Suite400
Denver, CO 80203
Attention: Dir., Legal & Compliance
Telephone: 303-327-4271
Facsimile: 303-327-4260
Email:

Elizabeth.Jasper@NurseFamilyPartnership.org

For Agency:

Original to: Polly Jones
Agency: Whatcom County Health Dept.
Attention: 509 Girard St.
Address: Bellingham, WA 98225

Telephone: 360-778-6018
Facsimile: 360-778-6001

Email: pjones@co.whatcom.wa.us

With a copy to: Judy Ziels
Agency: Whatcom County Health Dept.
Attention: 1500 North State St.
Address: Bellingham, WA 98225

Telephone: 360-778-6130
Facsimile: 360-778-6104

Email: jziels@co.whatcom.wa.us

or to such other address as such party may have given to the other by notice pursuant to this Paragraph. Notice shall be deemed given on the delivery or refusal date, as specified on the return receipt in the case of certified mail or on the tracking report in the case of overnight courier.

- C. Binding Upon Successors and Assigns. This Agreement, and all covenants, terms, provisions, and agreements contained herein, shall be binding upon and shall inure to the benefit of the Parties' respective successors and permitted assigns.
- D. Waivers. No covenant, term, or condition, or the breach thereof, shall be deemed waived, except by written consent of the party against whom the waiver is claimed; and any waiver of the breach of any covenant, term, or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term, or condition.

- E. Responsibility for Debts and Obligations. Neither party shall be responsible either directly or indirectly for any of the debts or obligations of the other party except as provided under this Agreement.
- F. No Third Party Beneficiary. This Agreement does not create any third party beneficiary rights in any person or entity, including without limitation, financing institutions.
- G. Authority to Contract. The undersigned individuals represent that they are fully authorized to execute this Agreement on behalf of the respective Parties and make all representations, warranties, and covenants set forth herein. The Parties represent and warrant that the execution, delivery, and performance of this Agreement have been duly authorized by all necessary corporate actions of the Parties and do not violate any laws or any provisions of any agreement to which the Parties are bound.
- H. No Joint Venture. Nothing contained in this Agreement shall be deemed or construed as creating a joint venture or partnership among the Parties. No party shall have the power to control the activities or operations of another party and their status is, and at all times shall continue to be, that of independent contractors with respect to each other. No party shall hold itself out as having authority or relationship in contravention of this Paragraph.
- I. Attorneys' Fees. If a party shall commence any action or proceeding against another party in order to enforce the provisions of this Agreement, or to recover damages as a result of the alleged breach of any of the provisions of this Agreement, the prevailing party shall be entitled to recover all reasonable costs in connection therewith, including reasonable attorneys' fees.
- J. Further Assurances. The Parties shall cooperate fully with each other and execute such further instruments, documents, and agreements, and shall give such further written assurances, as may be reasonably requested by another party to better evidence and reflect the transactions described herein and contemplated hereby, and to carry into effect the intent and purposes of this Agreement.
- K. Entire Agreement. This Agreement (together with Exhibits hereto, which are hereby incorporated by this reference) constitutes the entire agreement between the Parties relating to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, among themselves or their agents and representatives relating to the subject hereof. This Agreement may be altered, amended, or revoked only by an instrument in writing signed by all the Parties hereto.
- L. Severability. If any term or provision of this Agreement shall, to any extent, be determined to be invalid or unenforceable by a court or body of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- M. Applicable Law. This Agreement shall be governed by and construed according to the internal laws of the State of Colorado. By execution of this Agreement, each party submits and irrevocably waives any objection to in personam jurisdiction in the State of Colorado and the forum and convenience of the state and federal courts thereof.

- N. Survival. The terms and conditions of this Agreement shall survive the expiration or termination of this Agreement to the full extent necessary for their enforcement and for the protection of the party in whose favor they operate.
- O. Counterparts and Facsimile Signatures. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one agreement. A facsimile signature to this Agreement shall be deemed an original and binding upon the party against whom enforcement is sought.
- P. Social Impact Bonds. The Parties acknowledge and agree that, because of nature of the outcome payments associated with social impact bonds and other "pay for success" arrangements, investors will be more likely to select programs with proven records and evaluation techniques that maximize the chances of demonstrating positive outcomes, such as the Program. Recognizing that investors may want to have more control over Program implementation to shore up investment, Agency shall request NFP's prior written consent before entering into any such agreements, including responses to solicitations for such agreements.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the date set forth herein by their duly authorized representatives.

For NFP:

Nurse-Family Partnership

By: Roxane White
Signature

ROXANE WHITE, CEO
Printed Name & Title

Date: 4/22/16

Federal EIN: 20-0234163

For Agency:

Whatcom County

By: Regina A Delahunt
Signature

Regina A. Delahunt, Director

Date: 5/4/16

PROGRAM APPROVAL

Astrid M. Newell
Astrid Newell, CH Manager

5/2/16
Date

WHATCOM COUNTY

JACK LOUWS
County Executive

STATE OF WASHINGTON)
COUNTY OF WHATCOM)

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

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

My Commission expires: _____

APPROVED AS TO FORM:

[Signature] 5-4-16
Deputy Prosecuting Attorney Date

EXHIBIT A. NURSE-FAMILY PARTNERSHIP MODEL ELEMENTS

When the Program is implemented in accordance with these Model Elements, the Parties can reasonably have a high level of confidence that results will be comparable to those measured in research. Conversely, if implementation does not incorporate these Model Elements, results may be different from research results.

Element 1 Client participates voluntarily in the Nurse-Family Partnership program.

Element 2 Client is a first-time mother.

Element 3 Client meets low- income criteria at intake.

Element 4 Client is enrolled in the program early in her pregnancy and receives her first home visit by no later than the end of the 28th week of pregnancy.

Element 5 Client is visited one to one, one Nurse Home Visitor to one first-time mother/ family.

Element 6 Client is visited in her home.

Element 7 Client is visited throughout her pregnancy and the first two years of her child's life in accordance with the current Nurse-Family Partnership Guidelines.

Element 8 Nurse Home Visitors and Nursing Supervisors are registered professional nurses with a minimum of a Baccalaureate degree in nursing.

Element 9 Nurse Home Visitors and Nursing Supervisors complete educational sessions required by NFP NSO and deliver the intervention with fidelity to the NFP Model.

Element 10 Nurse Home Visitors, using professional knowledge, judgment, and skill, apply the Nurse-Family Partnership Visit-to-Visit Guidelines individualizing them to the strengths and challenges of each family and apportioning time across defined program domains.

Element 11 Nurse Home Visitors apply the theoretical frameworks that underpin the program, emphasizing Self-Efficacy, Human Ecology, and Attachment theories, through current clinical methods

Element 12 A full time Nurse Home Visitor carries a case load of no more than 25 active clients.

Element 13 A full-time Nursing Supervisor provides supervision to no more than 8 individual Nurse Home Visitors

Element 14 Nursing Supervisors provide Nurse Home Visitors clinical supervision with reflection, demonstrate integration of the theories, and facilitate professional development essential to the Nurse Home Visitor role through specific supervisory activities including 1:1 clinical supervision, case conferences, team meetings and field supervision.

Element 15 Nurse Home Visitor and Supervisors collect data as specified by the NFP NSO and use NFP Reports to guide their practice, assess and guide program implementation, inform clinical supervision, enhance program quality, and demonstrate program fidelity.

Element 16 Nurse-Family Partnership Implementing Agency is located in and operated by an organization known in the community for being a successful provider of prevention services to low-income families.

Element 17 Nurse-Family Partnership Implementing Agency convenes a long-term Community Advisory Board that meets at least quarterly to promote a community support system to the program and to promote program quality and sustainability.

Element 18 Adequate support and structure shall be in place to support Nurse Home Visitors and Nursing Supervisors to implement the program and to assure that data is accurately entered into the data base in a timely manner.

EXHIBIT B. NURSE-FAMILY PARTNERSHIP SUPPORT FOR AN AGENCY

To help Agency implement the Program with Fidelity to the Model, NFP provides the following support to Agency:

- I. NFP provides support to help Agency prepare to implement the Program including:
 - A. Materials to help Agency:
 1. Select and set up Agency's work space;
 2. Establish telecommunications and computer capabilities;
 3. Recruit and hire Program Supervisors, Nurse Home Visitors, and administrative support staff;
 4. Establish a network of sources who may refer low-income, first-time mothers to Agency;
 5. Facilitate enrollment of Clients;
 6. Establish a network of social services that can provide support to Agency's Clients;
 7. Work with media;
 8. Inform the community and build support for Agency, the Program, and Program Benefits;
 9. Establish strong, stable, and sustainable funding for Agency operations.
 - B. An ETO users' manual, which provides instructions describing what data must be collected for ETO by Agency staff, how that data must be entered into ETO, and how reports can be obtained. NFP may modify the ETO users' manual from time to time and will provide Agency with updated versions on a timely basis.
 - C. Access to an Internet-based discussion forum with other entities that are implementing the Program.
 - D. A visit to Agency by a member of NFP staff to offer direct consultation on Program implementation.
- II. NFP provides ongoing support to Agency via telephone and email during Program implementation and operation, including:
 - A. Consultation with respect to topics such as human resources, developing community support, keeping interested constituencies informed about progress and results, planning and implementing expansion, and sustaining and increasing funding;
 - B. Clinical consultation for Program Supervisors and Nurse Home Visitors;
 - C. Consultation regarding data collection, entry, management, and interpretation.
 - D. On-site consultation as is mutually deemed necessary and appropriate.
- III. NFP provides a description of education programs, both required and optional, and a schedule of upcoming education events and locations. NFP may modify the specific names, descriptions, and content of education programs, as well as their schedule and locations from time to time and will inform Agency of such modifications on a timely basis.
- IV. NFP provides education to Program Supervisors and Nurse Home Visitors at dates and locations to be determined by NFP. Education will cover the following topics:
 - A. The Program, Program Benefits, and Model Elements;
 - B. Use of ETO, including data collection, entry, management, and interpretation;
 - C. Implementation of the Program using the NFP Visit-to-Visit Guidelines and associated tools and materials;
 - D. Knowledge and skills needed by the NFP Program Supervisor; and
 - E. Other aspects of the Program that NFP believes are warranted for successful Program implementation by the staff at Agency.
- V. NFP provides Visit-to-Visit Guidelines and other materials to help Program Supervisors and Nurse Home Visitors implement the Program with Fidelity to the Model Elements. NFP may

modify the Visit-to-Visit Guidelines from time to time and will provide Agency with updated versions on a timely basis.

- VI. NFP provides support for Agency's use of ETO, including:
 - A. Monitoring the Agency's data collection and entry activity and quality and providing feedback to Agency as appropriate;
 - B. Maintaining and supporting ETO software;
 - C. Upgrading ETO software when deemed necessary by NFP; and
 - D. Technical assistance via telephone or e-mail to support Agency's use of ETO.
- VII. NFP provides implementation reports and evaluation reports at such times as NFP deems commercially reasonable and necessary to meet the needs of Agency and entities to which Agency may be obligated to provide such information. Subject to applicable federal and state laws, if any, such reports cover:
 - A. Agency activity. Reports designed primarily for Program Supervisors and Nurse Home Visitors to help them manage Nurse Home Visitor activity.
 - B. Quality improvement. Reports aimed to help Agency improve Fidelity to the Model including reports designed (i) to assist Program Supervisors and Nurse Home Visitors identify and prioritize actions for improving Program outcomes, and (ii) to help NFP staff assess how Agencies are performing with respect to Fidelity to the Model.
 - C. Program outcomes. Reports designed to help Program Supervisors and funding decision makers assess the effectiveness of the Program as applied to Agency's particular circumstances.
 - D. These reports are available on a pre-defined schedule or from the ETO Website on demand. NFP may modify the Program Reports from time to time.
- VIII. NFP will provide art work and color and usage guidelines to help Agency develop and produce communications materials that properly use the NFP trademark, logo, tag lines, and other copyrighted or otherwise protected language, images, and materials controlled by NFP.
- IX. From time to time, NFP may engage either internal or external auditors to evaluate the performance of the Agency. Agency will cooperate fully with any quality audit that is undertaken by or on behalf of NFP.

EXHIBIT C. FEES FOR NURSE-FAMILY PARTNERSHIP SERVICES

NFP fees for services provided under this Agreement will be as follows, subject to change in accordance with Section IV D:

| | | | |
|--|-----------|-------------|---|
| Start-Up Fees (Invoiced on the Effective Date of this Agreement) | | | |
| Description | | Unit Price | Unit of Measure |
| Start-Up Services | | \$27,461.00 | One time per Location |
| Nurse Home Visitor Education Fee (Invoiced upon completion of the face-to-face session) | | | |
| Price Effective Date | End Date | Unit Price | Unit of Measure |
| 4/1/2016 | 3/31/2017 | \$4,400.00 | One time per NHV or Supervisor |
| 4/1/2017 | 3/31/2018 | \$4,532.00 | |
| 4/1/2018 | 3/31/2019 | \$4,668.00 | |
| NFP Program Supervisor Education Fee (Invoiced upon completion of the first face-to-face session) | | | |
| Price Effective Date | End Date | Unit Price | Unit of Measure |
| 4/1/2016 | 3/31/2017 | \$794.00 | One time per Supervisor |
| 4/1/2017 | 3/31/2018 | \$818.00 | |
| 4/1/2018 | 3/31/2019 | \$843.00 | |
| NFP Agency Administrator Education Fee (Invoiced upon completion of the first face-to-face session) | | | |
| Price Effective Date | End Date | Unit Price | Unit of Measure |
| 4/1/2016 | 3/31/2017 | \$519.00 | One time per Administrator |
| 4/1/2017 | 3/31/2018 | \$535.00 | |
| 4/1/2018 | 3/31/2019 | \$551.00 | |
| NHV Educational Materials Fee (Invoiced upon completion of the face-to-face NHV Education session) | | | |
| Price Effective Date | End Date | Unit Price | Unit of Measure |
| 4/1/2016 | 3/31/2017 | \$559.00 | One time per NHV Trainee |
| 4/1/2017 | 3/31/2018 | \$576.00 | |
| 4/1/2018 | 3/31/2019 | \$593.00 | |
| Annual Program Support Fee (Invoiced annually on the Price Effective Date) | | | |
| Price Effective Date | End Date | Unit Price | Unit of Measure |
| 4/1/2016 | 3/31/2017 | \$7,620.00 | Per Program Supervisor Position per Year |
| 4/1/2017 | 3/31/2018 | \$7,848.00 | |
| 4/1/2018 | 3/31/2019 | \$8,088.00 | |
| Annual Nurse Consultation Fee for Each First Program Supervisor at a Location (Invoiced annually on the Price Effective Date) | | | |
| Price Effective Date | End Date | Unit Price | Unit of Measure |
| 4/1/2016 | 3/31/2017 | \$9,132.00 | Per Program Supervisor Position per Year |
| 4/1/2017 | 3/31/2018 | \$9,408.00 | |
| 4/1/2018 | 3/31/2019 | \$9,696.00 | |
| Annual Nurse Consultation Fee for Each Additional Program Supervisor at a Location (Invoiced annually on the Price Effective Date) | | | |
| Price Effective Date | End Date | Unit Price | Unit of Measure |
| 4/1/2016 | 3/31/2017 | \$5,484.00 | Per Program Supervisor Position per Year |
| 4/1/2017 | 3/31/2018 | \$5,640.00 | |
| 4/1/2018 | 3/31/2019 | \$5,820.00 | |
| Program Supervisor Expansion or Replacement Fee (Invoiced at the time of hire) | | | |
| Price Effective Date | End Date | Unit Price | Unit of Measure |
| 4/1/2016 | 3/31/2017 | \$2,988.00 | One time per Expansion or Replacement Program Supervisor per Year |
| 4/1/2017 | 3/31/2018 | \$3,078.00 | |
| 4/1/2018 | 3/31/2019 | \$3,174.00 | |
| Data Transmission is an optional service (Invoiced on the Price Effective Date) | | | |
| Price Effective Date | End Date | Unit Price | Unit of Measure |
| 4/1/2016 | 3/31/2017 | \$3,542.00 | Data Transfer Set-Up Fee |
| 4/1/2016 | 3/31/2017 | \$588.00 | Quarterly transmission |
| 4/1/2017 | 3/31/2018 | \$612.00 | Quarterly transmission |
| 4/1/2018 | 3/31/2019 | \$624.00 | Quarterly transmission |

EXHIBIT D. HIPAA BUSINESS ASSOCIATE ADDENDUM

- I. NFP is considered a Business Associate of Agency, as NFP either: (A) performs certain functions on behalf of or for Agency that may involve the use or disclosure of protected individually identifiable health information by Agency to NFP, or the creation or receipt of PHI by NFP on behalf of Agency; or (B) provides legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, financial or social services for Agency involving the disclosure of PHI.
- II. Agency and NFP mutually agree to incorporate the terms of this Exhibit into the Agreement to comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and HIPAA's implementing regulations, Title 45, Parts 160 and 164 of the Code of Federal Regulations ("Security and Privacy Rule"), as amended by HITECH. If any conflict exists between the terms of the Agreement and this Exhibit, the terms of this Exhibit shall govern.
- III. This Exhibit is specific to those services and programs included in the Agreement where it has been concluded that NFP is performing specific functions on behalf of Agency that have been determined to be covered under the HIPAA Security and Privacy Rule. NFP's activities within the Agreement may include, but are not limited to the following: (i) data analysis, processing or administration, (ii) quality assurance, (iii), billing, and (iv) other management or administrative functions where NFP may not otherwise be subject to the HIPAA Security and Privacy Rule, including also health services functions.
- IV. Definitions:
 - A. Protected Health Information (PHI) means any information, whether oral or recorded in any form or medium, including Electronic Health Records (EHR), that: (i) relates to the past, present or future physical or mental condition of any Individual; the provision of health care to an Individual; or the past, present or future payment of the provision of health care to an Individual; and (ii) identifies the Individual, or with respect to which there is a reasonable basis to believe the information can be used to identify the Individual. PHI includes demographic information unless such information is de-identified according to the Security and Privacy Rule.
 - B. Individual means the person who is the subject of PHI, and shall include a person who qualifies under the Security and Privacy Rule as a personal representative of the Individual.
- V. Capitalized terms used in this Exhibit, but not otherwise defined, shall have the same meaning as those terms in the Security and Privacy Rule, as amended from time to time.
- VI. Prohibition on Unauthorized Use or Disclosure of PHI: NFP shall not use or disclose any PHI received from or on behalf of Agency except as permitted by the Security or Privacy Rule, or as required by law, or as otherwise authorized in writing by Agency.
- VII. Use and Disclosure of Protected Health Information: Except as described in Section IV, NFP may use or disclose PHI only for the following purpose(s):
 - A. For the proper management and administration of the functions and activities related to the provision of healthcare services specified within the Agreement.
 - B. For meeting its obligations as set forth in any agreements between the parties evidencing their business relationship.
 - C. As would be permitted by the HIPAA Security and Privacy Rule if such use or disclosure were made by Agency or as required by applicable law, rule or regulation.
 - D. For Data Aggregation purposes for the Health Care Operations of Agency.
 - E. For use in NFP's operations as described in the Agreement.

- VIII. Disclosures of PHI shall, to the extent practicable, be limited to the applicable limited data set and to the minimum necessary information to accomplish the intended purpose of the use, disclosure or request unless otherwise determined by guidance of the Secretary of the U.S. Department of Health and Human Services ("Secretary").
- IX. Use of PHI for Certain of NFP's Operations: NFP may use and/or disclose PHI it creates for, or receives from, Agency to the extent necessary for NFP's proper management and administration, or to carry out NFP's legal responsibilities, only if:
- A. The disclosure is required by law.
 - B. NFP obtains reasonable assurances, evidenced by written contract, from any person or organization to which NFP shall disclose such PHI that such person or organization shall:
 - 1. Hold such PHI in confidence and use or further disclose it only for the purpose for which NFP disclosed it to the person or organization, or as required by law; and
 - 2. Notify NFP, who shall in turn promptly notify Agency, of any instance which the person or organization becomes aware of in which the confidentiality of such PHI was breached.
- X. Safeguarding of PHI: NFP shall develop, implement, maintain, and use appropriate administrative, technical, and physical safeguards to prevent the improper use or disclosure of all PHI, in any form or media, received from or created or received by Agency on behalf of, Agency. NFP shall document and keep these security measures current, consistent with HIPAA Security regulations. NFP shall cooperate and respond in good faith to any reasonable request from Agency to discuss and review NFP's safeguards.
- XI. Subcontractors and Agents: If NFP provides any PHI which was received from, or created for Agency, to a subcontractor or agent, then NFP shall require such subcontractor or agent to agree to the same restrictions and conditions as are imposed on NFP by this Exhibit and by sections 164.502 and 164.504(e) of Title 45 of the Code of Federal Regulation, as amended from time to time. NFP shall keep Agency informed of the identities of all subcontractors having access to PHI created, received, maintained or transmitted on behalf of Agency.
- XII. Access to PHI: At the direction of Agency, NFP agrees to provide access to any PHI held by NFP which Agency has determined to be part of Agency's Designated Record Set, in the time and manner designated by Agency. This access will be provided to Agency or, as directed by Agency, to an Individual, in order to meet the requirements under the Security and Privacy Rule.
- XIII. Reporting of Unauthorized Disclosures or Misuse of PHI: NFP shall report to Agency any unauthorized acquisition, access, use or disclosure of PHI. NFP shall make the report to Agency not less than three (3) business days after NFP learns of such use or disclosure. NFP's report shall identify: (i) each individual protected by this Exhibit whose PHI has been, or is reasonably believed by NFP to have been, accessed, acquired or disclosed, (ii) the nature of the unauthorized use or disclosure, (iii) the PHI used or disclosed, (iv) who made the unauthorized use or received the unauthorized disclosure, (v) what NFP has done or shall do to mitigate any deleterious effect of the unauthorized use or disclosure, and (vi) what corrective action NFP has taken or shall take to prevent future similar unauthorized use or disclosure. NFP shall provide such other information, including a written report, as reasonably requested by Agency.
- XIV. Mitigating Effect of Unauthorized Disclosure or Misuse of PHI: NFP agrees to mitigate, to the extent practicable, any harmful effect that is known to NFP of a misuse or unauthorized disclosure of PHI by NFP in violation of the requirements of this Exhibit.

- XV. Notification Requirements In the event of Unauthorized Disclosure or Misuse of PHI. In the event of a Breach, NFP agrees to take the following steps within 60 days:
- A. Provide written notice by first-class mail to the Individual or next of kin if the Individual is deceased, at the last known address of the Individual or next of kin, or if specified as a preference by the Individual, by electronic mail.
 - B. If contact information is insufficient to provide notice to an individual, provide a substitute form of notice; and, where there are 10 or more Individuals with insufficient contact information, make a conspicuous posting as required by the Secretary as provided on the Secretary's official web site.
 - C. If the Breach involves the PHI of more than 500 Individual residents of the state, notify prominent media outlets.
 - D. Include in notice to individuals: (i) a brief description of what happened; (ii) a description of the type of information involved; (iii) steps Individuals should take to protect themselves from potential harm resulting from the Breach; a description of what is being done to investigate the Breach, mitigate losses and protect against further breaches; and (iv) contact procedures for Individuals to obtain further information.
 - E. Comply with any other notice requirements of the Security and Privacy Rule, the ARRA of 2009 or guidance statements of the Secretary, as amended from time to time.
- XVI. Log of Unauthorized Disclosure or Misuse of PHI: NFP shall maintain a log of any Breach covered by this Exhibit and shall annually submit such log to the Secretary of the U.S. Department of Health and Human Services as required by section 13400 of the ARRA of 2009 and to Agency. NFP shall provide immediate notice to the Secretary and Agency of any breach of the PHI of 500 or more Individuals.
- XVII. Accounting to Agency and to Government Agencies: NFP shall make its internal practices, books, and records relating to the use and disclosure of PHI available to Agency, or at the request of Agency, to the Secretary or his/her designee, in a time and manner designated by Agency or the Secretary or his/her designee, for the purpose of determining NFP's compliance with the Security and Privacy Rule. NFP shall promptly notify Agency of communications with the Secretary regarding PHI provided by or created by Agency and shall provide Agency with copies of any information NFP has made available to the Secretary under this provision.
- XVIII. Prohibition on Sale of Electronic Health Records or Protected Health Information: NFP shall not receive remuneration in exchange for any EHR or PHI of an Individual received from or on behalf of Agency.
- XIX. Term and Termination: In addition to the rights of the parties established by the Agreement, if Agency reasonably determines in good faith that NFP has materially breached any of its obligations under this Addendum, Agency, in its sole discretion, shall have the right to:
- A. exercise any of its rights to reports, access and inspection under this Exhibit; and/or
 - B. require NFP to submit to a plan of monitoring and reporting, as Agency may determine necessary to maintain compliance with this Exhibit, and/or
 - C. provide NFP with a 30 day period to cure the breach; or
 - D. terminate the Agreement immediately.
- XX. Before exercising any of these options, Agency shall provide written notice to NFP describing the violation and the action it intends to take.
- XXI. Return or Destruction of PHI: The Parties agree that the return or destruction of PHI or Health Information is not feasible, due to data integrity and ongoing Program evaluation.

Therefore, NFP shall extend the protections of this Exhibit to PHI and Health Information received from or created on behalf of Agency, and limit further uses and disclosures of such PHI, for so long as NFP maintains the PHI.

XXII. Miscellaneous:

- A. Automatic Amendment: Upon the effective date of any amendment to the regulations promulgated by the Secretary with regard to PHI, this Exhibit shall automatically amend so that the obligations imposed on NFP remain in compliance with such regulations.
- B. Interpretation: Any ambiguity in this Exhibit shall be resolved in favor of a meaning that permits Agency to comply with the Security and Privacy Rule.

XXIII. The Parties acknowledge that, in the course of providing the services to Agency under the terms of the Agreement, NFP will be enabling the Prevention Research Center for Family and Child Health ("PRC"), an organization which is part of the University of Colorado at Denver and Health Sciences Center, to access data that may be PHI for the purposes of research, analysis, and reporting. NFP will ensure that PRC and its employees and NFP's agents, employees, subcontractors or others to whom it provides PHI received by or created by NFP on behalf of Agency agree to the same restrictions and conditions that apply to NFP with respect to such information. NFP also agrees to take all reasonable steps to ensure that its employees', agents', or subcontractors' actions or omissions do not cause NFP to breach the terms of this Addendum. NFP will use all appropriate safeguards to prevent the use or disclosure of PHI other than pursuant to the terms and conditions of this Agreement and Exhibit.

EXHIBIT E. AGENCY RESPONSIBILITIES

To ensure that the Nurse-Family Partnership Program is implemented with Fidelity to the Model, Agency will undertake the following actions during initial implementation and ongoing operation:

I. Agency will:

- A. Set up and maintain an appropriate work space for staff who are to implement the Program;
- B. Establish and maintain appropriate telecommunications and computer capabilities for staff;
- C. Recruit, hire, and retain Program Supervisors, Nurse Home Visitors, and administrative support staff;
- D. Establish, maintain, and improve a network of referral sources who may refer low-income, first-time mothers to Agency;
- E. Enroll clients that meet the criteria specified in the Model Elements.
- F. Establish, maintain, and improve a network of social services that can provide support to Agency's Clients;
- G. Work with media to ensure timely and accurate communication to the public about the Program and its implementation by Agency;
- H. Inform the community and build support for Agency, the Program, and Program Benefits;
- I. Establish and maintain strong, stable, and sustainable funding for Agency operations.
- J. Utilize NFP's Internet-based discussion forum to share learning with other entities that are implementing the Program.

II. Agency will keep NFP informed of implementation issues that arise.

III. Agency will ensure that all Program Supervisors, nurses, and administrative staff attend, participate in, and/or complete education programs required by NFP, do so on a timely basis, and, upon completion, demonstrate a level of competence deemed satisfactory by NFP.

IV. Agency will ensure that no Nurse Home Visitor is assigned a case load or makes a Client visit (except in the company of an NFP-educated Nurse Home Visitor) until after she/he has completed education on the Program, Program Benefits, Model Elements, use of the ETO, and implementation of the Program for mothers who are pregnant.

V. Agency will implement the Program in accordance with Visit-to-Visit Guidelines including:

- A. Ensure enrollment of 25 first-time mothers per full-time Nurse Home Visitor within nine months of beginning implementation and make best efforts to maintain that level of enrollment on an ongoing basis. Agency NHVs must maintain caseloads equal or greater to 85% of the Agency's funded capacity in accordance with Agency's NFP implementation plan;
- B. Ensure that each full-time Nurse Home Visitor carries a caseload of not more than 25 active families;
- C. Maintain the established visit schedule; and
- D. Ensure that the essential Program content as described in the Visit-to-Visit Guidelines is covered with Clients by Nurse Home Visitors.

VI. Agency will ensure the availability of appropriate, fully functioning computer systems and software at Agency for use of ETO and for communication with NFP by email.

VII. Agency will ensure that Program Supervisors and Nurse Home Visitors (a) collect required data on client visits and enter it in ETO completely and accurately within one week of each client visit and (b) enter any other data for ETO completely and accurately on or before the last day of each calendar month, taking all appropriate steps to maintain client confidentiality and obtain any necessary written permissions or agreements for data analysis or disclosure of protected health information, in accordance with HIPAA (Health Insurance Portability and Accountability Act of 1996) regulations, including, but not limited to, authorizations, data use agreements, business associate agreements, as necessary. Failure of Agency to comply with any applicable provision of HIPAA will constitute a breach of this Agreement.

VIII. Agency will ensure that Program Supervisors:

A. Aim to develop a supportive relationship with the Nurse Home Visitors she/he supervises;

B. Meet one-on-one with each Nurse Home Visitor at least weekly to provide clinical supervision using reflection, preferably in person but by telephone where travel constraints limit nurse or Program Supervisor mobility;

C. Run activity reports and quality improvement reports from the ETO Website on a timely basis (typically monthly); use such reports to assess areas where systems, organizational, or operational changes are needed in order to enhance the overall quality of program operations; and develop and implement action plans based on such assessments.

IX. Agency will develop a Community Advisory Board with diverse representation (for example, health, mental health, education, criminal justice, youth, business, social services, faith-based leaders, other prominent community organization leaders) to ensure broad-based community support for Agency's implementation of the Program.

X. NFP will periodically assess the extent to which Agency is implementing the Program with Fidelity to the Model. When such assessment indicates opportunities for Agency to improve its results by strengthening Fidelity to the Model, NFP staff will meet with Agency supervision and mutually develop a plan to do so.

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|---|---------|-----------------------|---|---------------------------------|--------------|
| Originator: | tw | 05/06/16 | <div style="text-align: center;"> RECEIVED MAY 10 2016 WHATCOM COUNTY COUNCIL </div> | 05/17/16 | Finance |
| Division Head: | | | | 05/17/16 | Intro |
| Dept. Head: | | | | 5/31/16 | Hearing |
| Prosecutor: | | | | | |
| Purchasing/Budget: | | | | | |
| Executive: | | 05.10.16 | | | |
| TITLE OF DOCUMENT: EMS Levy Ordinance | | | | | |
| ATTACHMENTS: Memo and Ordinance | | | | | |
| 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.) | | | | | |
| Per request of the Council on May 3 rd Executive Louws has submitted a proposed EMS Levy Ordinance for introduction and Council consideration of placement on the November 8 ballot. Executive Louws is available for discussion of the EMS Levy Ordinance. | | | | | |
| COMMITTEE ACTION: | | | COUNCIL ACTION: | | |
| Related County Contract #: | | Related File Numbers: | | Ordinance or Resolution Number: | |
| Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council . | | | | | |

**WHATCOM COUNTY
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: Tyler Schroeder, Deputy Executive
Subject: EMS Levy Ordinance Discussion
Date: May 6, 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 that will support and sustain a countywide EMS System. The EMS Funding Recommendations identified an EMS levy to be the most stable funding mechanism to sustain a county wide EMS system.

On May 3rd Council requested an EMS Levy Ordinance be prepared for introduction to Council at the May 17th Council meeting. That Ordinance is submitted for review and consideration of the Council for placement on the November 8 ballot.

Discussion:

The County Executive is available to discuss the EMS Levy Ordinance as introduced for council action and placement on the November 8 ballot.

ORDINANCE NO. _____

PROVIDING FOR SUBMISSION TO THE QUALIFIED VOTERS OF WHATCOM COUNTY A PROPOSITION IMPOSING THE LEVY OF A REGULAR PROPERTY TAX EACH YEAR FOR SIX YEARS, COLLECTION BEGINNING IN 2017, AT A RATE OF \$.295 OR LESS PER \$1000 OF ASSESSED VALUATION TO CONTINUE TO PROVIDE EMERGENCY MEDICAL SERVICES, IN THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016. .

WHEREAS, Emergency Medical Services (EMS) is a complex, coordinated response and emergency medical care system, that requires people and agencies, to perform an essential role as part of a coordinated, tiered, and seamless system of emergency medical care; and

WHEREAS, Whatcom County's EMS system has evolved over 40 years, and has transitioned into a tiered level of service; and

WHEREAS, fire districts and agencies provide first responder services and Basic Life Support (BLS) ambulance service and Bellingham Fire Department and Fire District 7 provide Advanced Life Support (ALS) ambulance service; and

WHEREAS, the Countywide Emergency Medical Service system serves all of Whatcom County including Bellingham, Ferndale, Lynden, Blaine, Everson, Nooksack, and Sumas; and

WHEREAS, the existing funding sources dedicated to EMS are not sufficient and revenue has decreased due to changes in the Federal Medical reimbursement; and

WHEREAS, due to the impact of increased costs, limited dedicated funds and decreased revenue, the current funding for the countywide EMS system will not sustain the present EMS service levels; and

WHEREAS, emergency medical services are essential to the people in our community and stable funding is a practical solution to continue providing EMS services at current levels of service, meet future demands and sustain the system into the future; and

WHEREAS, the EMS system also includes regional support programs and services that provide administration, medical oversight and direction, citizen and emergency personnel training, planning, education of the public, and other support programs and services; and

WHEREAS, The EMS Funding Work Group confirmed by the Whatcom County Emergency Medical System Oversight Board (EOB) recommended a funding strategy and levy rate that will support and sustain a countywide EMS system; and

WHEREAS, the state legislature, through RCW 84.52.069, has recognized the needs and concerns described above, and has provided the mechanism for achieving a stable funding source for the provision of such emergency medical services through a voter approved levy; and

WHEREAS, the EMS Funding Work Group and EMS Oversight Board recommends instituting an emergency medical services levy to provide a stable funding source that will sustain the system for the next 6 years; and

WHEREAS, in order to assure such a provision of services, it is both necessary and appropriate that an additional regular property tax of \$.295 or less per \$1000 of assessed valuation be levied as provided for in this ordinance;

NOW, THEREFORE, THE COUNCIL OF WHATCOM COUNTY DOES ORDAIN:

Section 1. Approval of cities over 50,000 population. Pursuant to RCW 84.52.069, approval to place this county-wide levy proposal on the ballot will be obtained from the legislative body of the City of Bellingham, which is presently the only city in the county having a population over 50,000, before it is submitted to the electorate of Whatcom County for an election.

Section 2. Deposit of levy proceeds and eligible expenditures. All levy proceeds shall be deposited into the county Emergency Medical Services Fund. If approved by the qualified electors of the county, all levy proceeds authorized in the ordinance shall be used in accordance with RCW 84.52.069.

Section 3. Type of Levy. Pursuant to the authorization in RCW 84.52.069, this levy is a regular property tax levy on all taxable property located in Whatcom County and is in addition to the statutory tax rate limit of RCW 84.52.043.

Section 4. Levy Rate. The rate at which this proposed levy shall be submitted to the voters shall be the rate of \$.295 or less per \$1000 of assessed valuation each year, for six consecutive years, beginning in 2017. The collection of the taxes will begin in 2017. Taxes will be based upon the previous year's assessment.

Section 5. Ratification by the Electorate. The proposal for this levy shall be submitted to and approved by the voters in accordance with RCW 84.52.069.

Section 6. Call for Election. A ballot measure shall be submitted to the qualified voters of Whatcom County at the general election to be held on November 8, 2016, of a proposition authorizing the previously described six-year levy for emergency medical services. The Whatcom County Auditor shall cause notice to be given of this ordinance in accordance with the state constitution and general law and to submit to the registered voters of the county, at the said special county election, the proposition hereinafter set forth. The County Executive is hereby authorized and requested to initiate the appropriate action necessary to ensure a proposition in substantially the following form shall be submitted to the voters of Whatcom County::

Whatcom County, Washington

Proposition _____: Regular Property Tax
Levy for Emergency Medical Services

The Whatcom County Council passed Ordinance 2016-_____ concerning funding for the countywide Emergency Medical Services system. Will Whatcom County be authorized to impose regular property tax levies of \$ 0.295 or less per thousand dollars of assessed valuation for each of six consecutive years, with collection beginning in 2017, for the continued provision of emergency medical services?

Yes

No

Section 7. Authorization for Interlocal Agreements. The County Executive is hereby authorized and requested to negotiate interlocal agreements: 1) with the City of Bellingham and Fire District #7 for EMS services consistent with the recommendations of the EMS Funding Work Group and the EMS Oversight Board; 2) with Fire Districts #4, #11, and #16, where current levy collections may be reduced consistent with RCW 84.52.069 (6); and 3) with the fire agencies that provide first response, for Council approval relating to the provision of emergency medical services over the length of time the levy is imposed.

Section 8. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Whatcom County Council
Whatcom County, Washington

Barry Buchanan, Chair

Attest:

Dana Brown-Davis, Clerk of the Council

APPROVED this ____ day of June, 2016.

Jack Louws, County Executive

Approved as to form:

Daniel L. Gibson
Whatcom County Deputy Prosecuting Attorney

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|---|---------|-----------------------|---|---------------------------------|-------------------|
| Originator: | twh | 05/06/16 | <div style="text-align: center;"> RECEIVED MAY 10 2016 WHATCOM COUNTY COUNCIL </div> | 05/17/16 | Finance & Council |
| Division Head: | | | | | |
| Dept. Head: | | | | | |
| Prosecutor: | | | | | |
| Purchasing/Budget: | | | | | |
| Executive: | | | | | |
| TITLE OF DOCUMENT: Capital Improvement Plan Overview | | | | | |
| ATTACHMENTS: Memo | | | | | |
| 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.) | | | | | |
| <p>Executive Louws requests the opportunity to provide a brief overview of the Capital Improvement Plan to Council for consideration of the challenges we will be addressing.</p> | | | | | |
| COMMITTEE ACTION: | | | COUNCIL ACTION: | | |
| Related County Contract #: | | Related File Numbers: | | Ordinance or Resolution Number: | |
| Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council . | | | | | |

**WHATCOM COUNTY
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: Tyler Schroeder, Deputy Executive
Subject: Capital Facilities Improvement Overview
Date: May 6, 2016

The full 6-year Capital Facilities Improvement Plan will be presented to Council on May 31, 2016. In advance of the full presentation, Executive Louws would like to provide a brief overview of that plan for consideration of the challenges we will be addressing in the 2017-2018 biennium budget.

With several critical infrastructure projects (new jail, courthouse exterior) on the horizon we will be developing budget priorities to address those issues. We plan to prioritize the critical infrastructure issues through committing available funding to maintain and/or improve our existing facilities, and not acquire more. You will see those interim solutions presented in the Capital Facilities Improvement Plan and eventually as part of the 2017-2018 proposed budget.

Thank you for the opportunity to present these infrastructure challenges and opportunities to you. We look forward to working together to develop a sustainable and long term plan for addressing these critical needs.

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-017

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--------------------|---------|----------|--|-------------|-----------------|
| Originator: | GS | 05/16/16 | <div>RECEIVED</div> <div>MAY 10 2016</div> <div>WHATCOM COUNTY COUNCIL</div> | 05/17/16 | PW/HS Committee |
| Division Head: | | | | | |
| Dept. Head: | Red | 5/9/16 | | | |
| Prosecutor: | | | | | |
| Purchasing/Budget: | | | | | |
| Executive: | TS | 05.10.16 | | | |

TITLE OF DOCUMENT:

Lead exposure, prevention, and response

ATTACHMENTS:

Directive of the Governor 16-06 – Assisting community and agency responses to lead in water systems
WTN Lead Exposure Risk Map

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

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

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

This documentation is in response to a request by the Whatcom County Health Board for the Whatcom County Health Department to provide information on lead exposure, prevention, and response to exposure in Whatcom County.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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



WHATCOM COUNTY HEALTH DEPARTMENT
PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE PRESENTATION

DATE: May 17, 2016
TOPIC: Lead exposure, prevention, and response
PRESENTER: Greg Stern MD, Health Officer

BACKGROUND: Recent awareness of elevated lead levels in drinking water in Flint MI and in Tacoma schools have brought lead exposure prevention and response to the attention of the public and public agencies. Members of the Whatcom County Health Board have asked the Whatcom County Health Department (WCHD) to provide information on lead exposure in Whatcom and what is being done to prevent and respond to exposures.

The major concern is that low levels of blood lead (<10 mcg/dl) can affect the developing nervous system in children, resulting in IQ loss, learning difficulties, poor school performance, decreased attention span, and inappropriate behavior. In Washington State old paint, folk medicines, and occupations employing lead are more common sources of exposure to lead than is contaminated drinking water.

Sources of lead exposure: In the past, lead was widely used in paint for houses. It was also used as a gasoline anti-knock additive, in ceramic glazes, and in water pipes, solder, and fixtures. It is used in fishing weights, in ammunition, and in traditional medicines used in many cultures. Potential exposure remains from old lead pipe, solder, and fixtures in water distribution systems, in old houses from paint and fixtures, from contaminated soil (e.g. Airborne from lead smelters, old leaded fuel spills and dumps, lead paint and pipe), lead shot and weights, and in some products (e.g. traditional medicines, wrappers of imported candy). Poverty and old housing are primary risk factors for children's exposure to lead, primarily to leaded-paint dust and chips. The Washington Tracking Network of the Washington State Department of Health (DOH) posts maps showing lead exposure risk by census track, based on poverty levels and age of housing (see attachment and references below).

Source reduction: Regulations have eliminated lead from cookware, gasoline, and from paint and plumbing in new construction, markedly reducing exposure to the public.

Real Estate (rental and purchase) disclosure: Before selling or renting housing built before 1978, the seller or landlord is required by federal law to provide information on lead and disclosure of known lead-based paint or paint hazards. See <https://www.epa.gov/lead/real-estate-disclosure>

LEAD AND DRINKING WATER: Large (Group A) water systems are required to test drinking water at the tap. Sampling and testing protocols are described in federal code (CRF § 141.86 Monitoring requirements for lead and copper in tap water.) The DOH regulates these systems.

Schools: Schools are not required at this time to test for lead in drinking water, unless they operate their own water system. Washington State Board of Health adopted new school rules that would require such testing, but the legislature has not funded implementation. The Governor has made funding the rules a priority (see attachments and references below).

BLOOD LEAD LEVEL SCREENING AND TESTING: Blood lead levels reflect current and recent exposure, as lead remains in the body, incorporated into bone and other tissues. Iron-deficiency and low calcium and phosphorus intake increase the uptake of lead. Elevated blood levels indicate exposure to lead and trigger investigations to eliminate possible sources and ongoing exposure. DOH recently released guidelines to clinicians on whom to screen and how to test. Clinical labs report all blood lead tests to DOH monthly, with elevated levels reported within 2 days. DOH notifies local health departments of elevated levels in children (5 mcg/dl and higher), and WCHD contacts the parents and visits the home

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to identify potential sources. DOH reports elevated levels in adults (10 mcg/dl and higher) to L&I, and they investigate for occupational exposure.

DOH received reports of 1277 blood lead level tests in children 2004-2012. Of these tests, 17 were 10 mcg/dl or higher (the highest was 21), and 61 were 5 mcg/dl or higher. In investigating cases of elevated blood lead levels in children in Whatcom County, lead-based paint was the most common source of exposure.

References

DOH Lead in Washington State

<http://www.doh.wa.gov/YouandYourFamily/HealthyHome/Contaminants/Lead>

Lead Poisoning in Children - Washington Tracking Network (WTN)

<http://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/LeadRiskandExposure>

Blood Lead Testing and Reporting

<http://www.doh.wa.gov/ForPublicHealthandHealthcareProviders/HealthcareProfessionsandFacilities/ProfessionalResources/BloodLeadTestingandReporting>

L&I Adult Blood Lead Levels

<http://www.lni.wa.gov/safety/research/occhealth/lead/>

History of WAC revision regarding School Environmental Health and Safety rules

[http://sboh.wa.gov/OurWork/Rulemaking/EH.htm#Primary and Secondary School Environmental Health and Safety](http://sboh.wa.gov/OurWork/Rulemaking/EH.htm#Primary_and_Secondary_School_Environmental_Health_and_Safety)

WAC 246-366A-130 Water quality monitoring—Lead

<http://app.leg.wa.gov/wac/default.aspx?cite=246-366A-130>

EPA Lead and Copper Rule

<https://www.epa.gov/dwreginfo/lead-and-copper-rule>

CRF § 141.86 Monitoring requirements for lead and copper in tap water.

[http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?SID=531617f923c3de2cbf5d12ae4663f56d&mc=true&node=sp40.23.141.i&rqn=div6#se40.23.141.186)

[idx?SID=531617f923c3de2cbf5d12ae4663f56d&mc=true&node=sp40.23.141.i&rqn=div6#se40.23.141.186](http://www.ecfr.gov/cgi-bin/text-idx?SID=531617f923c3de2cbf5d12ae4663f56d&mc=true&node=sp40.23.141.i&rqn=div6#se40.23.141.186)

Attachments

Directive of the Governor 16-06: Assisting community and agency responses to lead in water systems.

WTN Lead Exposure Risk Map (Western Whatcom County)

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**DIRECTIVE OF THE GOVERNOR
16-06**

May 2, 2016

To: Washington State Department of Health and Other Agencies as Needed

From: Governor Jay Inslee

Subject: Assisting community and agency responses to lead in water systems.

Recent detections of lead in drinking water systems have raised public awareness of the importance of safe drinking water as a foundational service of water utilities, school water systems, and our public health departments.

While everyone in Washington has some exposure to lead ([click here for more information about lead](#)), one common source is our water infrastructure. Fortunately, the State, utilities, schools, and others have resources dedicated to water sampling, testing, repairs, and for necessary health care measures; but, due to the deteriorating nature of our drinking water systems, we need further investments and funding for foundational public health services and infrastructure.

Therefore, I am directing the Department of Health (DOH) to continue to provide technical assistance and guidance regarding voluntary water quality tests that school districts may perform to ensure those tests meet water sample collection protocol standards. The DOH will partner with local officials, utilities, the Office of Superintendent of Public Instruction, schools, and other agencies as necessary, and it will hold workshops for schools to raise water quality awareness and advise how to correctly test and remediate any identified drinking water issues.

I further direct:

1. DOH, the State Board of Health (BOH) and the Office of Financial Management (OFM) shall review and, if necessary, update WAC 246-366A, known as the “School Rule,” which promotes healthy and safe school environments. As part of this review, DOH in coordination with BOH shall prepare a decision package to implement the School Rule, with an emphasis, if necessary, on implementation of the portion of rules related to lead exposure.

2. DOH shall determine the viability and potential policy changes associated with developing a Lead Rental Inspection and Registry Program, to require residential rental properties built before 1978 to register and complete a lead inspection and demonstrate safety at each change of occupancy.
3. The Department of Early Learning, in collaboration with DOH and OFM, shall assess the need for, and viability of, policy changes that would require child care providers located in buildings constructed in whole or in part before 1978 to complete an evaluation for sources of lead exposure including the testing of drinking water.
4. DOH shall work with stakeholders to improve the efficiency of the blood level monitoring system and ensure full implementation of local public health outreach activities to families having children with blood lead levels meeting action levels. DOH shall develop a decision package and explore financing means, as part of a larger foundational public health system improvement package, for consideration next biennium. This should include:
 - transitioning the Child Blood Lead Registry to a fully electronic reporting system, which would be more efficient and effective for lab and clinic reporting; and
 - assessing the funding needs for local public health programs to fully implement lead investigations and remediation work for children who have blood level test results requiring action.
5. DOH shall work with the Health Care Authority to improve lead screening rates among children at the highest risk who are on Medicaid, and provide case management services to children with elevated blood lead levels and their families. DOH shall also work with the Office of the Insurance Commissioner to determine whether private payers provide for lead screening and case management services and whether any further coverage policy change may be necessary.
6. DOH shall prioritize the removal of lead service lines and other lead components in water distribution systems when considering a funding proposal through the Drinking Water State Revolving Fund, which provides low-interest loans to eligible public water systems to address public health concerns. As part of this effort, DOH shall work with stakeholder groups to develop policy and budgetary proposals with a goal of removing all lead service lines and lead components in Group A Public Water drinking systems within 15 years. DOH shall work with each Group A Public Water system to identify all lead service lines and lead components within two years.

7. DOH shall work with the Department of Ecology and the Environmental Protection Agency to seek additional federal assistance on these issues, including but not limited to:
 - Requesting additional funds to assist communities in expediting removal of lead in drinking water systems;
 - Supporting revisions to the Federal Lead and Copper Rule;
 - Considering regulatory requirements for testing in child care settings; and
 - Seeking funding for drinking water distribution line improvement.

DOH shall take necessary action immediately and, by no later than October 2016, report to me potential budget and policy recommendations regarding the various items listed above, while ensuring other affected parties and legislative leadership are also fully informed.



The rankings help to compare health and social factors that may contribute to disparities in a community. You should not interpret rankings as absolute values. Do not use them to diagnose a community health issue or to label a community.

Lead Risk Exposure: Much of our exposure comes from the use of lead-based paint in homes prior to 1978. Deteriorating lead based paint can be toxic to people, especially young children. Children in low-income families, and that live in older housing, are at the greatest risk for lead exposure.

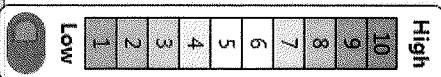
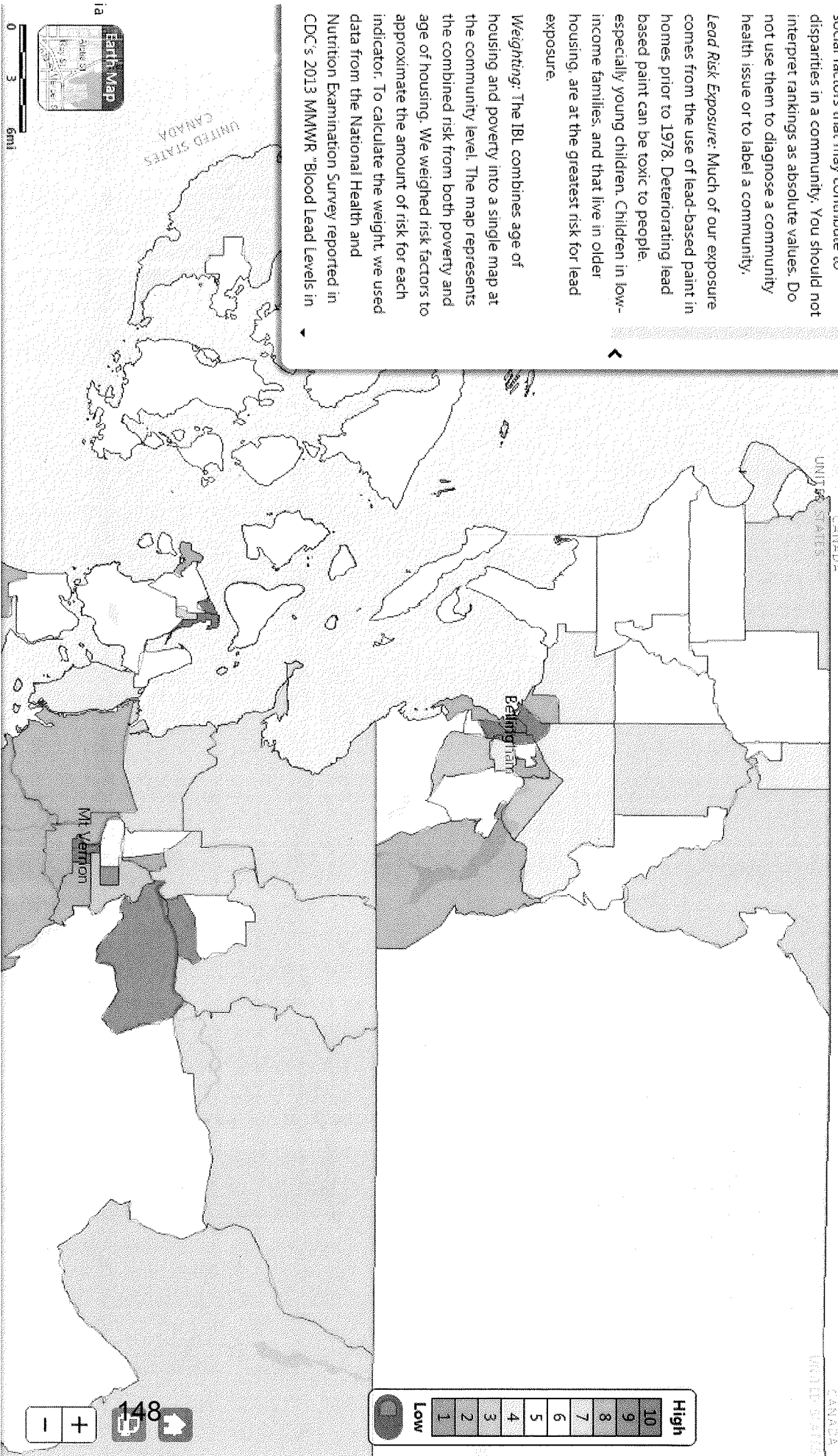
Weighting: The IBL combines age of housing and poverty into a single map at the community level. The map represents the combined risk from both poverty and age of housing. We weighed risk factors to approximate the amount of risk for each indicator. To calculate the weight, we used data from the National Health and Nutrition Examination Survey reported in CDC's 2013 MMWR. Blood Lead Levels in

Surrey

Langley

Abbotsford

White
Rodr



| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|---|---------|-----------|---|-------------|-----------------------|
| 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 | MAP | 2-10-16 | | 2/23/2016 | COTW |
| Dept. Head: Sam Ryan | MAP | 2-10-16 | | 3/22/16 | SCOTW |
| Prosecutor: Royce Buckingham | | | | 3/29/2016 | SCOTW |
| Purchasing/Budget: | | | | 4/5/2016 | SCOTW |
| Executive: Jack Louws | | 2-12-16 | | 4/19/2016 | SCOTW |
| | | | | 5/3/2016 | SCOTW/ Public Hearing |
| TITLE OF DOCUMENT: Discussion regarding Whatcom County Comprehensive Plan Chapter 2, Land Use | | | | 5/10/2016 | SCOTW |
| | | | | 5/17/2016 | SCOTW |
| ATTACHMENT: Related paperwork can be found at: www.co.whatcom.wa.us/2346/Comprehensive-Plan-Update-Process | | | | | |
| 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.) <p>The Council is conducting the Whatcom County Comprehensive Plan and urban growth area (UGA) review as 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.</p> | | | | | |
| 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 4/5/2016: Discussed and provided preliminary direction 4/19/2016: Comments Received 4/19/2016: Discussed and provided preliminary direction 5/3/2016: Comments Received and prelim. direction given 5/10/2016: Comments Received and prelim. direction given | | | COUNCIL ACTION: 5/3/2016: Public Testimony Received | | |
| Related County Contract # | | | Ordinance or Resolution Number: | | |
| Related File #: AB2016-047 | | | | | |
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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>RECEIVED</div> <div>MAR 29 2016</div> <div>WHATCOM COUNTY COUNCIL</div> | 4/5/2016 | Pub. Wks. Committee |
| Division Head: Mark Personius | WUP | 3-24-16 | | 5/3/2016 | SCOTW |
| Dept. Head: Sam Ryan | SR | 3-25-16 | | | |
| Prosecutor: Royce Buckingham | | | | | |
| Purchasing/Budget: | | | | | |
| Executive: Jack Louws | TLS | 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:

4/5/2016: Briefed and discussed
5/3/2016: Comments received
5/3/2016: 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.

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: ^{RAD} 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

509 Girard Street
Bellingham, WA 98225-4005
(360) 778-6000
FAX (360) 778-6001

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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.

Proposed Council Changes to Comprehensive Plan

Chapter 9 – Recreation

Page and line numbers reflect Planning Commission Recommended Draft dated 1/14/16 (<http://wa-whatcomcounty.civicplus.com/DocumentCenter/View/15156>). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.

Tabled Item

1) p. 9-15; Restore Section: Recreation Resource Management Areas

These open space areas are identified as large undeveloped parcels of land having unique or attractive natural features. Often they will also contain extensive trail systems. They lack distinct boundaries and are intended to emphasize open space and recreation values. The land may or may not be in public ownership. It is not intended for Whatcom County to acquire these parcels of land but rather to secure conservation and access easements to ensure that public access is maintained and unique scenic areas preserved.
(Browne)

- 1a) Restore Goal 9F: Identify large undeveloped parcels of land with unique or attractive features and with the cooperation/coordination of public agencies and private landowners provide conservation opportunities and, where possible, public access. (Browne)
- 1b) Restore Policy 9F-1: Thoroughly study each of the Recreation Resource Management Areas (RRMA) identified in the *Comprehensive Park and Recreation Open Space Plan* to identify their unique features, scenic quality, and open space value. Studies should then be made to determine how these qualities can be preserved for future generations. (Browne)
- 1c) Restore Policy 9F-2: Trail systems within the RRMA's should be used for non-motorized trail activities only. (Browne)
- 1d) Restore Policy 9F-3: While Whatcom County will probably not own the land within the RRMA's, it should take on a major management role to ensure that its recreation and open space value are maintained. (Browne)
- 1e) Restore Policy 9F-4: A special advisory committee should be formed of users and land owners of the RRMA's. Their role will be to inventory, plan, and prepare recommendations regarding the management of these areas. (Browne)

- 1f) **New Policy 9F-5: Demonstrate respect for private property rights throughout the process by recognizing that any participation by private landowners must be on a completely voluntary basis. (Browne)**

Changes Approved May 3

- 1) p. 9-2; lines 13-17: Recreation provides health and social benefits, while contributing to the economics of the community supporting tourism, hospitality businesses, equipment manufacturers, and retailers, and area outfitters. Recreational opportunities and abundance of parks and trails is often used as a recruitment tool by area businesses and institutions. **(Brenner)**
- 2) p. 9-7; Policy 9A-7: The parks should be designed to accommodate a range of age groups, accessibility, and interests. **(Brenner)**
- 3) p. 9-7; Policy 9B-5: Most large camping areas should be designed to a high standard with full-service hookups, flush toilets and rest rooms, showers, laundry, and other support facilities. **(Brenner)**
- 4) p. 9-8; lines 7-8: Trail systems include unpaved foot trails, paved and unpaved multi-use trails, and paved bike paths. **(Brenner)**
- 5) p. 9-8; lines 28-30: In addition, trails, loops, or alternate routes should be designated for ~~the~~ horseback and mountain bike rider groups where conditions warrant. **(Brenner)**
- 6) p. 9-8; lines 45 – p. 9-9, line 2: On private timber land, access is normally permitted in most areas on an informal basis with the understanding that closures may occur due to logging, fire danger, or other circumstances. **(Brenner)**
- 7) p. 9-9; lines 8-10: Concerns range from vandalism, fire, and nuisances to liability and invasion of privacy. In most cases, trail design, careful facility planning, and public education will help avoid these problems. **(Brenner)**
- 8) p. 9-9; lines 33-35: The plan makes recommendations with regard to facility type, primary and secondary routes, design guidelines, safety, and education. Additionally the plan includes strategies for implementation that address priority projects, acquisition, development, maintenance, and administration of bicycle routes. **(Brenner)**
- 9) p. 9-10; Policy 9C-5: Bicycle trails should provide opportunities for ~~the~~ recreational riders, as well as ~~the~~ touring and commuter bicyclists. **(Brenner)**
- 10) p. 9-10; Policy 9C-7: Hiking trails should have a variety of lengths and grades for ~~the~~ casual strollers, as well as ~~the~~ serious hikers, and when practicable, be accessible. **(Brenner)**

- 11) p. 9-11; Policy 9C-8: Hiking trails should reach areas of natural beauty with the purpose of permitting ~~the hikers~~ to seek areas of solitude and get away from the built environment. **(Brenner)**
- 12) p. 9-11; Policy 9C-11: Where public funds are used to construct or maintain dikes, levees, or revetments, public access should be encouraged for trail purposes, where appropriate. **(Brenner)**
- 13) p. 9-11; Policy 9C-15: Sharing of corridors for major utilities, trails, and other transportation rights-of-way is encouraged when not in conflict with goals to protect wildlife, public health, and safety. **(Brenner)**
- 14) p. 9-11; Policy 9C-17: Promote the integration of trails within subdivisions, planned unit developments, and other development proposals that provide internal circulation and connect to nearby recreational opportunities. **(Brenner)**
- 15) p. 9-12; Policy 9C-18: Acquisition of and planning for trail corridors should be encouraged as new subdivisions and development occurs, if the trail has been identified in a park, trail, open space, or other plan adopted by Whatcom County. **(Brenner)**
- 16) p. 9-12; Policy 9C-20: Continue to support the County's long range parks and recreation vision of developing a county-wide trail network, while respecting property rights, and working collaboratively with willing landowners to acquire easements or property for public trails, when opportunities exist. **(Brenner)**
- 17) p. 9-13; Policy 9C-27: Nooksack River Trail - Develop and implement a plan to acquire Rights of Way for a trail corridor and picnic areas along the Nooksack River between Ferndale and Glacier, to provide recreation opportunities, inter-community transportation, and tourism development. **(Brenner)**
- 18) p. 9-13; Policy 9C-28: Continue to collaborate with other organizations, groups, or individuals consistent with the goals identified in the Natural Heritage Plan for Whatcom County, and the Whatcom County Pedestrian and Bicycle Plan. **(Brenner)**
- 19) p. 9-17; Policy 9D-4: Promote the integration of recreational and open space opportunities in subarea planning, subdivisions, and other development proposals. **(Brenner)**
- 20) p. 9-14; lines 31-36: An excellent source of information about existing and proposed ~~future~~ recreational opportunities featuring shorelines is the Whatcom County Comprehensive Parks, Recreation, and Open Space Plan (CPROS Plan). The CPROS Plan contains detailed information and maps which identify waterfront and shoreline recreational opportunities on both public and private shorelines across the county. **(Brenner)**

- 21) p. 9-15; Policy 9E-2: Continue to review the Nooksack River Plan (Jones and Jones, 1973) and implement those elements which are beneficial, appropriate, and economically feasible. **(Brenner)**
- 22) p. 9-15; Policy 9E-3: Provide pedestrian, interpretative, and small boat access sites for a diversity of public shoreline. **(Brenner)**
- 23) p. 9-17; lines 4-7: The eight senior/community centers are located in Bellingham, Ferndale, Blaine, Everson, Lynden, Sumas, Welcome, and Point Roberts. **(Brenner)**
- 24) p. 9-17; lines 13-21: The Plantation Rifle Range includes two outdoor ranges, a trap field, an indoor range, and a meeting room. It is a unique facility which receives use from law enforcement agencies, educational activities, and recreation.
- The Roeder Home, donated to the County and on the National Historic Register, is a unique facility which provides space for meetings, wedding receptions, special events, and classes. **(Brenner)**
- 25) p. 9-17; Goal 9H: Encourage multi-use indoor activity centers to meet the needs of the population, using public and private partnerships where possible. **(Brenner)**
- 26) p. 9-18; Policy 9H-6: Continue to utilize the Roeder Home for cultural arts activities, community events, and gatherings, while utilizing partnerships, leased space, or creative opportunities to accommodate program expansion. **(Brenner)**
- 27) p. 9-19; Policy 9I-5: In keeping with policies in other chapters of this plan, consider strategies for ensuring the provision of community parks in accordance with appropriate standards. In the residential UGAs not associated with cities and in Rural Communities, mechanisms are needed for acquisition, development, and subsequent maintenance and operations. Community Associations and Park Districts are options to be explored. **(Brenner)**
- 28) p. 9-20; Policy 9J-3: Consider joint ventures with private clubs, public agencies, commercial operations, and other groups to build and maintain facilities. **(Brenner)**
- 29) p. 9-1; line 6-11: Recreational opportunities in Whatcom County are abundant. The County's geography and its natural features contribute greatly to opportunities for recreation. Bounded by sea and forested mountains, with wide open vistas, and

vibrant flowing rivers, streams, and tranquil lakes, Whatcom County is a perfect spot for residents and visitors alike who seek a wide variety of outdoor recreational experiences as well as entrepreneurs looking for a great place to locate a business, attract employees, and grow recreation based and other types of businesses. (Browne)

- 30) p. 9-3; lines 15-17: Existing Parks and Recreation facilities and services are responsive to an increasing resident population, and must also serve an increasing visitor population as Whatcom County increasingly becomes ~~more and more~~ a regional and world class recreation destination. (Browne)
- 31) p. 9-2; lines 8-11: Recreation has always played an important role in the quality of life for Whatcom County residents. Choices to ~~play~~ recreate abound with three national wilderness areas, a national forest, one national park, two national recreation areas, three state parks and multitude of county and local parks and trails all located within the County. (Brenner)
- 32) p. 9-3; lines 27-33: A joint planning effort between Whatcom County Parks and Recreation Department and Whatcom County Planning & Development Services Department ensures that Parks & Recreation capital facilities improvement projects that are identified in the CPROS Plan, are consistent with Whatcom County Comprehensive Plan Parks & Recreation Level of Service (LOS) standards (adopted in WCCP Chapter 4), along with a six year financing plan for improvement projects, including senior centers, addressed as part of the WCCP Capital Facilities Element. (Brenner)
- 33) p. 9-3; lines 35-39: Whatcom County Parks and Recreation Department plays an essential role in providing recreation, senior services, and facilities to county residents and visitors, and in the long range planning that is needed to accommodate future parks, senior centers, recreation, and open space needs in the county during the next 20 years of growth that this chapter of the WCCP seeks to guide and support. (Brenner)
- 34) p. 9-4; lines 6-15: This chapter supports fulfillment of several Growth Management Act (GMA) goals, including: Goal #9, Open Space and Recreation, GMA Goal #12, Public Facilities and Services, and Goal # 13, Historic Preservation by directly addressing parks, senior centers and recreation services and facility needs. Habitat and other open space resources are briefly considered in this chapter, but are more completely addressed in the land use and environment chapters of this plan, in Chapter 2 and Chapter 11, respectively. Similarly, this chapter addresses Section H, Open Space/Greenbelt Corridors of the County-wide Planning Policies (CWPP). It also partially addresses CWPP Policy K (1) by identifying needs for recreation facilities, including senior centers. (Brenner)

- 35) p. 9-4; lines 28-32: This chapter is coordinated and consistent with other GMA Comprehensive Plan elements such as the Land Use element which includes Open Space & Environment; Capital Facilities **(including senior centers)**; Transportation; and Economics. It is responsive to, informs, and relies on the Whatcom County Parks, Recreation, and Open Space (CPROS Plan). **(Brenner)**
- 36) p. 9-5; lines 37-40: The following policies and design standards apply to the acquisition and/or development of regional parks, multi-use camping areas, trail systems, specialized facilities, **senior centers**, and shoreline access areas (Maps 9-1 and 9-2). **(Brenner)**
- 37) p. 9-6; Policy 9A-2: Because of the unique features of the site, location within the county is not ~~too~~ **as** important ~~although they must have~~ **as** good road access. **(Browne)**
- 38) p. 9-6; Policy 9A-6: If possible, regional parks should be located on existing or proposed trail routes **and ideally should enhance countywide trail system connectivity**. **(Browne)**
- 39) p. 9-7; Policy 9B-2: Because camping parks will attract many non-county residents, they should be recognized for their tourism value but at the same time county residents should not subsidize the cost of camping. **Camping fees should pay for camp-site expenses**. **(Brenner)**
- 40) p. 9-8; lines 13-16: While essentially all trails are suitable for foot traffic, bicyclists and horseback riders find many trails not adequately maintained or built to appropriate construction standards. Poorly built or maintained trails are less enjoyable to travel and can induce safety hazards and damage to the environment. **(Brenner)**
- 41) p. 9-8; lines 41-43: The difficulties in obtaining continuous access through private lands is a major issue in trail development that can discourage ~~citizens-residents~~, planners, and administrators from pursuing what might otherwise be a worthwhile project. **(Brenner)**
- 42) p. 9-9; lines 10-13: An existing statute (RCW 4.24.210) offers some protections to landowners from liability where they allow public access to their land without charge. Where access is denied, alternatives ~~should~~ **need to** be considered. **(Brenner)**
- 43) p. 9-10; Policy 9C-1: Trails should be **interesting and** attractive. Trails which follow natural water courses, pass significant natural resources, traverse interesting scenery, or cross areas of outstanding beauty provide interesting and enjoyable experiences for the trail user. **(Brenner)**
- 44) p. 9-10; Policy 9C-4: The wet climate of Whatcom County may preclude extensive multi-use of some trails or require seasonal limitations ~~on their use~~. Trail routes should take into

account soil conditions, steep slopes, surface drainage, and other physical limitations that could impact the areas from over-use. **(Brenner)**

- 45) p. 9-11; Policy 9C-8: Hiking trails should reach areas of natural beauty with the purpose of permitting the hiker to seek areas of solitude and get away from the built environment, **especially noise and other pollution.** **(Browne)**
- 46) p. 9-11; Policy 9C-17: Promote the integration of trails within subdivisions, planned unit developments and other development proposals that provide internal circulation and connect to nearby recreational opportunities **and ideally enhance countywide trail system connectivity.** **(Browne)**
- 47) p. 9-12; Policy 9C-23: Provide bike lanes or wide shoulders where appropriate ~~for trail corridor connection~~ in conjunction with major road improvements. **(Donovan)**
- 48) p. 9-13; Policy 9C-25: Hertz North Lake Whatcom Trail Extension - Develop and implement a plan to either acquire Rights of Way for a trail corridor along the abandoned RR R/W between the existing North Shore Trail and Blue Canyon Road or ~~pursue~~ **consider** an alternative route to link these points. **(Brenner)**
- 50) p. 9-18; Policy 9H-4: Expand the Plantation Rifle Range to meet the needs of ~~citizens~~ **residents, organizations,** and law enforcement agencies. **(Brenner)**
- 51) p. 9-20; Policy 9I-9: Galbraith/Lookout Mt. - Develop and implement a plan **cooperatively** to acquire Rights of Way for trail corridors and **for the purchase or lease** of additional acreage, along with pursuit of formal usage **and mitigation** agreements with private **individuals or** land owners, to preserve **or expand** the recreational values for residents and tourists **with reasonably limited impact on both local residents and the environment.** **(Brenner)**
- 53) p. 9-21; **New Policy 9J-6: Experiment with novel public-private partnerships to provide facilities that will provide a quality experience to draw tourists to Whatcom County's parks. Some examples would be privately operated zip-line facilities and strategically located seasonal food trucks. Part or all of the "rent" provided could be by the provision of privately funded public use facilities such as toilets and shuttle buses used to service these private facilities.** **(Browne)**
- p. 9-2; line 18: Access to recreation areas **provides significant economic benefits through tourism, and retail sales, and business retention and recruitment. In Whatcom County, recreation expenditures annually amount to \$705 million in spending. This spending supports over 6,500 jobs in a variety of industries. The recreation industry itself supports 279 businesses employing 3,728 persons with \$508 million in revenues. County residents spend an average of 78.1 days a year recreating compared to the state average of 59 days annually (Source:**

**2015: Economic Contribution of Outdoor Recreation to Whatcom County,
Earth Economics). (Staff)**

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|----------------------------------|---------|---------|---|-------------|---------------------------------|
| Originator: Gary Davis | GD | 3-9-16 | <div style="text-align: center;"> RECEIVED MAR 15 2016 WHATCOM COUNTY COUNCIL </div> | 3/22/2016 | Public Works, Health and Safety |
| Division Head: Mark Personius | MP | 3-9-16 | | 4/19/16 | SCOTW |
| Dept. Head: Sam Ryan | SR | 3-9-16 | | 5/3/16 | Public Hearing |
| Prosecutor: Royce Buckingham | | | | 5/10/2016 | SCOTW |
| Purchasing/Budget: | | | | | |
| Executive: Jack Louws | TL | 3/14/16 | | | |

TITLE OF DOCUMENT:

Discussion and preliminary Council direction on Comprehensive Plan Chapter 6, Transportation

ATTACHMENT:

Related paperwork can be found at:

www.co.whatcom.wa.us/2346/Comprehensive-Plan-Update-Process

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.)

The Council is conducting the Whatcom County Comprehensive Plan and urban growth area (UGA) review as 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:

3/22/2016: Briefed and discussed
4/19/2016: Comment received
4/19/2016: Discussed and provided preliminary direction
5/10/2016: Comments received
5/10/2016: Discussed and provided preliminary direction

COUNCIL ACTION:

5/3/2016: Public Testimony Received

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.

Proposed Council Changes to Comprehensive Plan

Chapter 6 – Transportation

Page and line numbers reflect Planning Commission Recommended Draft dated 1/14/16 (<http://wa-whatcomcounty.civicplus.com/DocumentCenter/View/15155>). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.

- 1) p. 6-18; **New Policy 6E-4: Work with Bellingham Whatcom County Tourism and the cities to develop and implement a common Countywide Way-Finding system that encourages people traveling between Vancouver BC and Seattle on the I5 corridor to detour and easily find the many tourist attractions that Whatcom County has to offer. (Browne)**
- 2) p. 6-18; Goal 6F: Develop a system of bicycle and pedestrian facilities that encourages enhanced community access, promotes healthy lifestyles **and supports the recreational segments of our economy.** (Browne)
- 3) p. 6-19; Policy 6F-4: **Identify, analyze and Prioritize** pedestrian and bicycle projects based on the following criteria: (Browne)
- 4) p. 6-20; Policy 6F-5: **Develop a six-year Non-Motorized Transportation Improvement Plan (NMTIP) along the lines of the existing process the County employs for motorized vehicle transportation planning.** Give priority to construction of pedestrian and bicycle facilities on streets within and between urban growth areas and rural communities where practical, ~~and~~ give priority to Walkways along roadways within a one-mile radius of schools, **as well as facilities that support the local recreation and tourism needs.** (Browne)
- 5) p. 6-20; **New Policy 6F-8: Develop plans and prioritize facilities for the County to become internationally recognized as a “Trail-Town” tourist destination (one that offers 100 miles or more of contiguous walking/hiking trails) by 2027.** (Browne)
- 6) p. 6-32; Restore Section: **Commercial Transportation**

In addition to the commercial traffic that serves Whatcom County industries and residents themselves the county’s transportation system carries heavy cross border truck traffic between the United States and Canada. Freight vehicles’ access to industrial and commercial areas, safety on roads shared

with private vehicles, efficient long-distance movement of goods, and coordination of commercial transportation with rural land uses are all issues for Whatcom County. Trucks make up the bulk of the commercial traffic, but rail, air, and ship transportation are involved as well. (Browne)

6a) p. 6-32; Restore Goal 6P: Provide for safe, efficient movement of commercial vehicles in Whatcom County. (Browne)

6b) p. 6-32; New Policy 6P-1: Give priority to maintaining service levels for existing commercial/industrial areas. New commercial/industrial developments shall not materially diminish the transportation service levels to/from previously established commercial/industrial developments. (Browne)

6c) p. 6-32; New Policy 6P-2: Any new commercial/industrial development must not materially impact the safe, efficient movement of existing residential, commercial, public safety or emergency response traffic within Whatcom County. (Browne)

6d) p. 6-32; Restore Policy 6P-4 as 6P-3: Support commercial and industrial development adjacent to major transportation corridors, including I-5 and rail and air facilities within urban growth areas, as long as such facilities do not reduce safe, efficient movement of vehicles in Whatcom County. (Browne)

Passed April 19

- 1) p. 6-2; lines 29-32: This chapter supports County-Wide Planning Policies by encouraging alternative modes of transportation through goals, ~~and policies, and actions~~. It includes policies on demand management strategies and considers inter-county and international transportation links. **(Brenner)**
- 2) p. 6-4; lines 16-20: The Port of Bellingham owns and operates three seaport facilities within the city of Bellingham, (Bellingham Shipping Terminal, Squalicum Harbor, and Bellingham Cruise Terminal) and one in the city of Blaine (Blaine Harbor). The Bellingham Cruise Terminal acts as the southern terminus of the Alaska ~~s~~State ~~f~~Ferry ~~s~~System and host to private cruise vendors. **(Brenner)**
- 3) p. 6-4; lines 34-36: Privately owned and operated airports exist in Whatcom County, including Point Roberts (Point Roberts Airpark), ~~and~~ on Lake Whatcom (Floathaven SPB), near Custer (Meadow Mist), and Eliza Island. **(Brenner)**
- 4) p. 6-5; lines 4-6: The transit system includes transit stations in Bellingham, Ferndale, and Lynden, three of which include park and ride lots. There are currently a total of nine park and ride lots in Whatcom County. **(Brenner)**
- 5) p. 6-6; lines 19-22: GMA requires counties to adopt level of service (LOS) standards for arterials For purposes of concurrency management, Whatcom County adopts level of service (LOS) standards for motor vehicle travel on county-owned arterials and major collectors per GMA requirements. In addition, it is appropriate to include concurrency for the county-owned ferry service (see Policy 6A-1 and Map 6-2). **(Brenner)**
- 6) p. 6-7; lines 16-22: GMA also requires counties to include a level of service for transit routes in the transportation element. Whatcom Transit Authority, the only public transit agency in the County, establishes its levels of service in its Strategic Plan document; this chapter references those adopted standards. For modes of transportation other than motor vehicles, ~~and~~ transit, and ferry, Whatcom County does not establish levels of service based on volumes, but instead focuses on the *quality* of service through planning and design (see Goals 6D and 6E below). **(Brenner)**
- 7) p. 6-9; Policy 6A-1: Establish the following levels of service (LOS) for purposes of maintaining transportation concurrency:
 - Ferry LOS standard is currently 513 ferry passenger trips annually per capita Lummi Island population. Note: The Lummi Island Ferry Advisory Committee (LIFAC) is cooperating with Public Works to

develop an updated LOS standard. LIFAC will present a revision to this section when that work is complete. (Brenner)

- 9) p. 6-12; lines 9-12: The segments where County-owned roadways classified as arterials fall below the adopted LOS standards in 2036 are Hannegan Road between Van Wyck Road and Kelly Road (1.01 mile), and Lakeway Drive between the Bellingham City Limits and Terrace Avenue (0.63 mile). **(Brenner)**
- 10) p. 6-12; lines 38-40: Accordingly, in deciding how best to use its finite resources, the County must prioritize among many competing items, including new projects as well as preservation, operation, and maintenance of existing facilities. **(Brenner)**
- 11) p. 6-14; Policy 6B-1: Programming of transportation programs and improvements should prioritize upgrading of unsafe and/or structurally deficient facilities and preservation and maintenance of the existing transportation system over new capital improvements. Exception to this policy should be allowed when a cost/benefit analysis indicates that the public interest is better served by new capital expenditures over preservation of existing infrastructure, or when capacity-increasing improvements are necessary to correct level of service deficiencies on County-owned roads and ferries to meet GMA concurrency requirements. **(Brenner)**
- 12) p. 6-14; Policy 6B-2: Use a fair and equitable formula to assess development for transportation improvements, including but not limited to transit, pedestrian facilities, bikeways, ferry, and roadways that are considered reasonably necessary as a direct result of proposed developments in Whatcom County. **(Brenner, Weimer)**
- 13) p. 6-15; lines 31-35: Whatcom County's program of arterial and collector improvements addresses the following elements: uncongested traffic flow; sound engineering and construction; safety; mobility; facilities for public transit, bicycles, and pedestrians; access to air, rail, ferry, and other forms of transportation; and cost effectiveness. **(Brenner, Weimer)**
- 14) p. 6-15; Policy 6C-1: For road classifications higher than local access roads, ~~D~~develop access control plans which may include joint driveways, and require new developments to minimize the number of access points. **(Brenner)**
- 16) p. 6-17; lines 25-30: Whatcom County's transportation facilities must accommodate a variety of transportation modes including automobiles, bicycles, pedestrians, buses, ferries, emergency vehicles, commercial vehicles, and agricultural equipment. In the planning, design, and construction of these facilities, the County must balance the needs of all users in all modes, and make the improvements appropriate to the context of the area. **(Brenner, Weimer)**

- 18) p. 6-18; lines 24-29: Level of service for pedestrians and bicyclists involves different characteristics than capacity and speed. Design should maximize the quality of the service rather than quantifiable measures of usage. Walkways serve pedestrians well when they provide a safe and convenient route. Pedestrians are well served by adequate crosswalks. Bicyclists may be well served by a low speed and traffic shared roadway lane in an urban location but may benefit from a wide shoulder on a rural higher speed road. **(Brenner)**
- 19) p. 6-20; Policy 6F-5: Give priority to construction of pedestrian and bicycle facilities on streets within and between urban growth areas and rural communities where practical, and give priority to walkways and crosswalks along roadways within a one-mile radius of schools. **(Brenner)**
- 20) p. 6-20; Policy 6F-6: For commercial and residential developments within urban growth areas and rural communities, developers shall fund on-street walkways, paths, crosswalks, and other pedestrian accommodations, along with internal walkways or paths for on-site circulation that are necessary to provide pedestrian access from public streets to building entrances and within and between buildings. **(Brenner)**
- 21) p. 6-20 lines 32-34: Whatcom County ~~c~~Council ~~m~~Members are part of the WCOG's Whatcom Transportation Policy Board and the WTA Board of Directors. **(Brenner)**
- 22) p. 6-23; Policy 6H-1: Maintain and restore fish passage when constructing new transportation systems. Where existing transportation systems have fragmented habitat, such as where culverts prevent fish from migrating upstream, strive to restore fish passage at every opportunity. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program, and the County budget. **(Brenner)**
- 23) p. 6-24; Policy 6H-8: Promote designs to preserve mature trees, unique wildlife habitats, water quality, and other elements of the natural environment, including environmentally sensitive areas and shorelines, during the design and construction of road improvement projects. **(Brenner)**
- 25) p. 6-24; Policy 6J-1: Develop programs that reduce single-occupant vehicle use and vehicle miles traveled, minimizing trip length and reducing travel during peak periods, in order to minimize fuel consumption and the emission of greenhouse gases. These programs include, but are not limited to, trip reduction programs in coordination with major employers, and other jurisdictions, and the WTA. **(Brenner)**

- 26) p. 6-25; Policy 6J-4: Coordinate with Whatcom Transportation Authority and Washington State Department of Transportation to provide park-and-ride lots along major corridors and provide necessary and adequate services to encourage their use. (Brenner)

Passed May 10

- 1) p. 6-9; Policy 6A-1 (reconsideration): Establish the following levels of service (LOS) for purposes of maintaining transportation concurrency:

Ferry LOS standard is currently 513 ferry passenger trips annually per capita Lummi Island population. Note: The Lummi Island Ferry Advisory Committee (LIFAC) is cooperating with Public Works to develop an updated LOS standard. LIFAC will present a revision to this section when that work is complete. The interim LOS is calculated using the scheduled trips, the estimated car units of the ferry and the Small Area Estimates Program (SAEP) population figure. The interim standard is established at 439 (LOS = (Scheduled one way trips X estimated car units for the boat) X 2/ Small Area Estimates Program Population figure from OFM for Lummi Island (Lummi Island Ferry Advisory Committee/Staff)

- 2) p. 6-16; **New Policy 6C-8:** Conduct a ferry feasibility study to inform the next annual Comprehensive Plan update so that sufficient planning, engineering, design and cost detail is available to use in competing for grants and other sources of funding for a replacement ferry. LIFAC should provide input on the scope of work and any consultants or vendors retained, as well as reviewing and providing input on key milestones. (Lummi Island Ferry Advisory Committee)

- 3) p. 6-29; **New Policy 6J-9:** Encourage the development and installation of a comprehensive electric vehicle rapid charging network, including the following opportunities:

- Allow rapid charging stations in commercial parking lots and other convenient locations;
- Provide a streamlined and expedited permitting process for rapid charging stations;
- Provide incentives to developers, employers, and organizations that provide rapid charging stations;
- Consider requirements to include infrastructure for rapid charging stations in multi-family and commercial developments; and
- Pursue partnerships with Puget Sound Energy to consider voluntary development of rapid charging stations to reduce costs. (Mann)

- p. 6-21; Policy 6G-3: ~~Consistent with county land use planning, coordinate identification of new arterial routes with adjacent city jurisdictions. Coordinate with adjacent jurisdictions to identify, design, and strategically implement needed system improvements in locations where jurisdictional interests overlap. Such locations include unincorporated urban growth areas adjacent to cities, and non-urban areas where existing or proposed facilities serve regional interests. Improvements should be designed to standards appropriate to the planned land uses served by the facilities. In unincorporated urban growth areas adjacent to cities, design should meet the appropriate city design standards.~~
(Staff)

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-047G

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|----------------------------------|---------|----------|---|-------------|----------------------------------|
| Originator: Matt W. Aamot | M.A. | 4/5/2016 | <div style="text-align: center;"> <p>RECEIVED</p> <p>APR 12 2016</p> <p>WHATCOM COUNTY COUNCIL</p> </div> | 4/19/2016 | Planning & Development Committee |
| Division Head: Mark Personius | MP | 4-5-16 | | 5/17/16 | SCOTW |
| Dept. Head: Sam Ryan | SR | 4-5-16 | | | |
| Prosecutor: Royce Buckingham | RZ | 4-7-16 | | | |
| Purchasing/Budget: | | | | | |
| Executive: Jack Louws | JL | 4/12/16 | | | |

TITLE OF DOCUMENT:

Briefing and discussion on Comprehensive Plan Chapter 7 (Economics).

ATTACHMENT:

- Cover 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 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 7 (Economics) with the Council's Planning and Development Committee.

COMMITTEE ACTION:

4/19/2016: 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.

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: April 5, 2016

SUBJECT: Comp Plan Update – Chapter 7 (Economics)

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. Staff is requesting to make a presentation to the Council's Planning and Development Committee relating to Chapter 7 - Economics on April 19, 2016.

The Council has requested a summary of the substantive changes made by the Planning Commission. The Planning Commission considered Chapter 7 – Economics on June 11 and July 9, 2015. Planning Commission changes to the staff draft include the following:

Goal 7A-5 (Training/Technology Partnerships) – The existing policy discusses public and private partnerships relating to training and technology. The policy lists certain educational institutions that should be included in these partnerships. The Planning Commission added the Northwest Indian College to the list, as shown below.

Support a joint venture between the public and private sector in a training and technology partnership with local education resource providers to ~~develop in the interest of supporting the development of an educated work force as a key factor for economic success.~~ Such partnerships should include Western Washington University, Whatcom Community College, Bellingham Technical College, Northwest Indian College, ~~NW Northwest Workforce Development Council~~, and businesses and industries.

Infrastructure Section Text – The Planning Commission changed “Caucuses” to “Planning Unit” in the paragraph below, which appears in the “Infrastructure” section of the Economics Chapter.

Water quantity and quality and the distribution system needed to supply water are all elements of the water supply problem. In addition, the complex legal issues regarding rights to water are being considered relative to planning for future growth (see Utilities and Environment Chapters). Future water withdrawals from the region's rivers and aquifers will be considered relative to the need to provide adequate water for both in-stream and out-of-stream other users. In 1998, through the enactment of state legislation, the boundaries of the Water Resource Inventory Area No. 1 (WRIA 1) were established. ~~Caucuses~~ The Planning Unit representing various stakeholders ~~is~~ were designated to address, through local government, water resource planning needs from a watershed perspective. The WRIA 1 Watershed Management Plan was completed in 2005. This plan addresses water quantity, water quality, instream flow, and fish habitat. This process is currently underway and is expected to provide technical tools to aid future local planning for sustainable economic development.

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: ^{PJD} Regina Delahunt, Director
DATE: APRIL 12, 2016
**RE: HEALTH REVIEW OF 2016 COMPREHENSIVE PLAN--ECONOMICS
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:

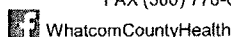
The process for developing and incorporating the recommendations included:

- 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), Planning and Development Services (PDS) staff, Whatcom County Health Department (WCHD) 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

Economics Chapter Recommendations:

All of WCHD's policy recommendations were either included in the 2016 draft or otherwise adequately addressed.

509 Girard Street
Bellingham, WA 98225-4005
(360) 778-6000
FAX (360) 778-6001



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Bellingham, WA 98225-4551
(360) 778-6100
FAX (360) 778-6101

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Separately from 2014 recommendations made to PDS, WCHD signed on to a recommendation from the Whatcom Food Network's (WFN) Steering Committee, dated January 25, 2016, suggesting a new section to the Economics Chapter (a proposed Goal 7L) that encourages support for the value and needs of Whatcom County's food system. WCHD supports this recommendation in light of the potential for local food systems efforts to improve environmental health, access to healthy foods, and the health and safety of all those who work in the food system. National organizations, such as the American Public Health Association (APHA) and American Planning Association, also encourage policies similar to those proposed by the WFN Steering Committee. A policy statement from the APHA "(e)ncourages cooperative efforts in local food systems, with governmental support, to—a. Improve local food marketing, distribution, and processing capacity and infrastructure, b. Establish and promote food policy councils to enable evaluating food systems and recommend changes, c. Reduce barriers to obtaining sustainable, locally produced, fair trade and healthy foods, d. Increase state and local cooperative extension program activities targeted to small farms and those producing fruits and vegetables."¹ Additionally, a review of public health literature conducted by staff in 2014 indicated that policies that promote local food production show some evidence of improving access to healthy foods, as well as improvements to other determinants of health, such as economic status and environmental health.²

¹ American Public Health Association. Policy Statement Number 200712: *Toward a Healthy Sustainable Food System*. November 6, 2007. Retrieved April 7, 2016 from <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/29/12/34/toward-a-healthy-sustainable-food-system>.

² Whatcom County Health Department. *Literature Review: Access to Healthy Foods*. March 2014.

Local Food System

Whatcom County is home to a robust agricultural production industry, marine harvest industry, as well as an associated local consumption industry. To maintain and advance the quality and quantity of food produced in Whatcom County, consideration must be given to interconnected sectors which support a thriving food system, including land, water, fishing, farming, labor, processing, transportation, consumption, aquaculture and waste. A vibrant local food system is a community asset to be protected, strengthened, planned for and celebrated.

Goal 7L: Strengthen the local food system and take steps to improve conditions for a healthy, resilient, and prosperous food economy.

Policy 7L-1: Encourage government, institutions, and local businesses to purchase food produced within Whatcom County when available.

Policy 7L-2: Encourage local farmers and producers to sell their products to local markets.

Policy 7L-3: Support development plans and zoning changes that increase access to healthy and locally grown food products

Policy 7L-4: Support food outlets such as grocery stores, convenience stores, and local food markets that provide healthy foods in underserved areas.

Policy 7L-5: Support efforts and/or organizations seeking to achieve economic diversity within the food system such as:

- Niche markets for local agricultural products
- Farmer's markets
- Value-added or innovative agricultural products or services
- Farm-to-school and farm-to-institution
- Agricultural diversity
- Food access and affordability
- Community gardens

Policy 7L-6: Support efforts to protect water quality and quantity, soil health, and best management practices as related to the food system.

- 1 Policy 7L-7: Encourage communication and collaboration across and within
2 all sectors of the food system and support efforts/organizations
3 working to build common understanding and to facilitate better
4 collaborative effort toward an equitable, sustainable, and
5 healthy food system for all.
- 6 Policy 7L-8: Support establishment of community-wide food system
7 development plans.
- 8 Policy 7L-9: Support healthy and safe working conditions as well as healthy
9 and safe living conditions for farmworkers.
- 10
- 11 Policy 7L-10: Work towards a fair and equitable food system that honors and
12 supports the people working within it.
- 13
- 14 Policy 7L-11: Support organizations that provide technical assistance,
15 educational programs, and general support to people and
16 businesses within the local food system.
- 17
- 18 Policy 7L-12: Consider food waste systems that reduce food waste and
19 capture food waste nutrients.
20

WCHD Recommendations - 2016 Comprehensive Plan Update

Economics 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: |
|-----------------|--|--------------------------------------|---|---|----------------------------------|---|---|
| 7K | GOAL 7K: Enable a geographic balance for economic growth within the capacities of the county's natural resources, natural systems, public services, and public facilities. | Keep/Strengthen | High | Retained | H, K | Policy priority from workshop: <i>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.</i> We're not sure how/if the language should be changed, but the above priority policy seems to apply here. | Policy priority from workshop is addressed in new Policy 7K-9 |
| 7K1 | Policy 7K-1: Support small and cottage businesses in rural areas that minimally impact productive agricultural, forest, or mineral resource land. | Keep. | Low | Retained | H, K | | |

| 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: |
|-----------------|--|--------------------------------------|---|--|---------------------------------|---|---|
| 7K2 | Policy 7K-2: Designate adequate zoning to allow business and industrial development where it is needed and most appropriate. | Keep. | High | Retained | K | Community stakeholders advocated for "complete neighborhoods" that include residential, services, and employment opportunities. | Stakeholder concern also addressed in Policy 7K-9 |
| 7K7 | Policy 7K-7: Support efforts and/or organizations trying to achieve agricultural diversity such as: -niche markets for local products -technical assistance or educational programs -farmers' markets -value-added or innovative ag products or services -other product outlets -community education and information dissemination | Keep. | High | Retained | H | | |

| Possible additions: | | | | | | | |
|---------------------|--|--------------------------------------|--|--|---------------------------------|--------------------|--------------------------------|
| 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: |
| | Utilize existing economic development incentives and/or create new incentives to encourage stores to sell fresh, healthy foods such as produce in underserved areas (e.g. tax breaks, grants and loans, conditional use zoning, dedicated assistance funds for infrastructure improvements such as refrigeration and signage). | Add | High | | H | | Addressed in new Policy 7K-10. |
| | Identify and prioritize areas that lack access to healthy food, and grocery stores in particular | Add | High | | H | | |
| | Support affordable local food markets by encouraging programs that increase the use of federal, state and local food assistance programs, such as SNAP, WIC, and local matching funds. | Add | High | | H | | |

Physical Activity

- A: Walkable neighborhood design encourages physical activity.
- B: Transit is associated with increased levels of physical activity.
- C: Well-designed and accessible parks provide a space to be active, and are correlated with increased rates of physical activity.

Mental Health

- D: Places that encourage or enable physical activity can help prevent and treat depression.
- E: Neighborhood characteristics, including aspects of the built environment, are associated with mental health outcomes.

Injury & Safety:

- F: Roadway design affects pedestrian, bicyclist, and motor vehicle safety.

Healthy Food Access

- G: Proximity to a healthy food retail source is associated with better individual eating habits and reduced risk for obesity and diet-related diseases, such as type-2 diabetes.
- H: Local food production increases access to healthy foods.
- 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.

Proposed Council Changes to Comprehensive Plan

Chapter 7 - Economics

Page and line numbers reflect Planning Commission Recommended Draft dated 1/14/16 (<http://wa-whatcomcounty.civicplus.com/DocumentCenter/View/15156>). 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 47 concern comma use and other non-substantive grammatical changes and may be considered in a single motion.

- 1) p. 7-1; lines 17-20: Economic vitality depends on job retention, job creation, job training programs, public and private capital investment, and business and community capacity-building to allow businesses or community groups to do the job themselves. **(Brenner)**
- 2) p. 7-2; line 19-23: Examples include; recognition of the need for a healthy economy; the emphasis on coordination and cooperation among jurisdictions and public/private partnering; coordination with environmental quality; and the desire to maintain the resource-based industries and recreation as we move toward a more diversified economy. **(Brenner)**
- 3) p. 7-8; lines 24-39: The CEDS incorporates three vision statements relating to the County's preferred economic future:
 - Whatcom County values its business community, which is principally responsible for the continued growth in jobs and incomes in the region;
 - Whatcom County and its constituent communities have vibrant and dynamic economies where the region's abundant natural resources are cherished and protected; **and**
 - Whatcom County has an outstanding quality of life where all residents have opportunities to thrive and the support they need to seize those opportunities.The CEDS also identifies infrastructure and other projects that support economic development, and includes economic data. **(Brenner)**
- 4) p. 7-9; lines 33-36: A fundamental aspect of "quality of life" characteristics is a strong and diversified economy that remains resilient through business cycles, and ~~that~~ can provide family-wage employment, affordable housing, discretionary income, tax base, and sponsors for worthy causes. **(Brenner)**

- 5) p. 7-11; Policy 7A-4: In addition to stimulating family-wage jobs and jobs in diverse sectors, plan for service-related jobs such as those necessary to support tourism, recreation, and retailing, as well as those that relate to industry. **(Brenner)**
- 6) p. 7-11; Policy 7A-8: Enhance the environment for resource-based industries and the growing service industry with an emphasis on ~~the~~ communities in eastern Whatcom County. **(Brenner)**
- 7) p. 7-11; Policy 7A-10: Establish a competitiveness review of policies, taxes/fees, processes, and other influences that impact county businesses. **(Brenner)**
- 8) p. 7-11; lines 37-39: Cooperation and coordination by businesses, jurisdictions, and other entities are essential components to achieve a strong economy. The CEDS states that one of its purposes is communication and outreach that encourages local goal setting, public engagement, and a commitment to cooperation among the different levels of government, the business community, and the not-for-profit sector. **(Brenner)**
- 9) p. 7-11; line 46 - p. 7-12 line 3: The Port of Bellingham was designated as the Associate Development Organization (ADO) in Whatcom County by the County Executive in 2012. An ADO is intended to serve as a point of contact for local economic development activities, by supporting business retention, expansion of existing businesses, and new business development. **(Brenner)**
- 10) p. 7-12; Policy 7B-1: The Port of Bellingham, serving as the ADO, will work with the cities, the County, Chambers of Commerce, educational institutions, and other groups to assist retention and expansion of existing local businesses and to attract appropriate businesses to Whatcom County. **(Brenner)**
- 11) p. 7-13; Policy 7B-5: Encourage utilization of current technology and efficient communications tools to disseminate information. **(Brenner)**
- 12) p. 7-14; Policy 7C-2: Encourage the provision of adequate transportation infrastructure, including roads to all industrial sites. **(Brenner)**
- 13) p. 7-14; Policy 7C-4: Encourage location of industrial areas, especially where sewer and water service and all weather access can be readily provided when necessary. **(Brenner)**
- 14) p. 7-14; Policy 7C-5: Support the efforts of ~~the~~ PUD #1 and area communication and cable companies to get a fiber optic network throughout Whatcom County. **(Brenner)**
- 15) p. 7-14; Policy 7C-6: Participate in the ongoing, implementation and operation of the countywide water resources management body (WRIA #1) for Whatcom County. **(Brenner)**

- 16) p. 7-15; lines 8-11: Ample land is needed with proper zoning to ensure a wide range of choices and preclude excessive land prices. Such lands should be located in areas suitable for development, thus minimizing the need for regulatory controls. **(Brenner)**
- 17) p. 7-15; lines 16-20: One step toward addressing this issue is a land capacity analysis, which includes an inventory of the supply and availability of industrial and commercial properties in the county and a forecast of future demands. **(Brenner)**
- 18) p. 7-15; Goal 7D: Consistent with other goals of the county, strive for balanced, clear, and predictable overall policies, practices and regulations which do not unnecessarily or inadvertently prevent, confuse, delay, or create costly hurdles restricting effective and desirable economic development. **(Brenner)**
- 19) p. 7-16; Policy 7D-7: Use information technology and improve the Internet web sites so the public can receive information on the status of projects, latest drafts of documents, and access to general resources via the Internet. **(Brenner)**
- 20) p. 7-16; lines 28-30: The large Canadian consumer population has created a large retail sector in Whatcom County, increasing jobs, retail sales, taxes, and traffic. Over time, the impacts of Canadian consumer activity ~~has~~ have fluctuated greatly, primarily in relationship to the value of the Canadian dollar and increased security issues. **(Brenner)**
- 21) p. 7-16; line 39: Retail jobs tend to be low-wage, frequently part-time, and without benefits. **(Brenner)**
- 22) p. 7-17; lines 1-3: A more positive aspect of the proximity to Canada is the opportunity to provide for Canadian companies who want to expand or relocate in the United States to broaden their markets or enjoy other economic advantages. **(Brenner)**
- 23) p. 7-17; Goal 7E: Enhance the economic trade, tourism, and industrial siting advantages of the county's location adjacent to the Canadian border. **(Brenner)**
- 24) p. 7-17; Policy 7E-2: Work cooperatively with jurisdictions in the Lower Mainland of British Columbia, along with US and Canadian national governments, to facilitate the development of economic, transportation, and environmental initiatives. **(Brenner)**
- 25) p. 7-17; Policy 7E-4: Continue to provide assistance and ~~the~~ opportunities for Canadian companies to relocate or set up a second plant in Whatcom County, while at the same time encouraging our companies to explore and develop markets in Canada. **(Brenner)**

- 26) p. 7-18; lines 6-8: A local company with national or international interests, or a national firm with major local investment can provide substantial support to local causes, ~~and~~ educational and cultural activities, and the tax base. **(Brenner)**
- 27) p. 7-18; Policy 7F-3: Encourage firms to contribute financially as a partners with the public sector in sharing ~~the~~ costs for civic and cultural needs of the community-at-large. **(Brenner)**
- 28) p. 7-18; Policy 7F-4: Enhance opportunities for increased resource-based (agricultural, forest, fisheries, and mining products) value added industries. **(Brenner)**
- 29) p. 7-18; Policy 7F-5: Encourage utilization of existing and future resources available through local agencies, entities, and organizations, such as information from the Western Washington University Center for Economic and Business Research. **(Brenner)**
- 30) p. 7-19; lines 13-14: Conversely a strong economy that provides ~~wellgood~~-paying jobs allows the leisure time and the resources to focus on environmental protection. **(Brenner)**
- 31) p. 7-19; Goal 7G: Coordinate economic development with environmental, resources, and other comprehensive plan land use and open space policies and measures to enhance the community's overall quality of life. **(Brenner)**
- 32) p. 7-19; Policy 7G-4: Encourage sustainability by:
- Supporting waste reduction, re-use, recycling, and the processing of used and waste resources into economically viable products; ~~and~~
 - Supporting renewable energy, state-of-the-art technology, and conservation techniques to minimize demands on resources such as water, energy, and other natural and developed resources. **(Brenner)**
- 33) p. 7-19; Policy 7G-6: Address environmental issues on a county-wide basis so that areas like the Cherry Point Industrial ~~aArea~~ or public access areas such as marinas or the airport can expand as necessary using mitigation banking or other appropriate mitigation measures. **(Brenner)**
- 34) p. 7-19; lines 12-14: Additionally, almost \$11 million was paid to fishermen for salmon, ground-fish, and shellfish at Whatcom County ports in 2012 (Washington Department of Fish and Wildlife). Farming, forestry, fishing, and mining are important to the economic health of the County. **(Brenner)**
- 35) p. 7-21; Goal 7H: To promote economic diversity, continue to support ~~the~~ resource industries as significant elements of the local economy including the employment base. **(Brenner)**
- 36) p. 7-21; Policy 7H-1: Ensure ~~that~~ sufficient agricultural land, support services, and skills are available to encourage a healthy and diversified agricultural economy. **(Brenner)**

- 37) p. 7-21; Policy 7H-4: As part of a broad-based economy, foster productive timber, agriculture, and fisheries industries in a sustainable manner. **(Brenner)**
- 38) p. 7-21; Policy 7H-5: Support mining, which is compatible with other land use and environmental policies, including surface mining of sand, gravel, and rock and subsurface mining of other minerals found in Whatcom County, such as gold and silver. **(Brenner)**
- 39) p. 7-21; Policy 7H-7: Encourage growth of tourism, and recreational activities, and businesses that provide for diversity of the natural resource industry, provided ~~that~~ they comply with County regulations and, when located in a rural area, preserve the rural character. **(Brenner)**
- 40) p. 7-22; lines 17-23: Measurable statistics are not available to monitor this issue but should be considered as the employment base of Whatcom County shifts from being a resource-based economy to one of services-producing employment. Cottage industry and home-based businesses, also minimally measured, have an impact on the employment base. Graduates from Western Washington University, area high schools, and the community and technical colleges desiring to remain in the area are another sector of the population that is underutilized. **(Brenner)**
- 41) p. 7-23; Policy 7J-2: Support economic development that recognizes and respects the needs, concerns, rights, and resources of a diversity of cultural groups, and allow them every opportunity to participate and benefit in this process in full partnership with the community-at-large. **(Brenner)**
- 42) p. 7-23; lines 19-21: This is where the majority of the population lives and works, and the infrastructure is available, and where most of the jobs should continue to be located. ~~However, p~~People from smaller communities located throughout the County generally have longer commutes, creating greater impacts on the road system. Also, ~~there is it creates~~ additional need for more income for travel costs. **(Brenner)**
- 43) p. 7-23; lines 19-21: These and other area-specific issues have spurred three communities to focus efforts on economic development: Point Roberts, Birch Bay, and East County. Each has successfully developed an area Economic Development Plan and has a ~~Ssub-A~~area plan. The ongoing work of these groups is crucial to addressing the most urgent and long-range planning needs in these areas, such as loss of family-wage jobs and tax-base revenues, and ~~the~~ increased demand for services by a growing residential population. **(Brenner)**
- 44) p. 7-24; Policy 7K-5: Support the implementation of land use concepts as defined in Chapter Two by seeking grants to provide technical support and complete necessary

programmatic environmental analysis to facilitate reduced time frames and duplication in the SEPA process. **(Brenner)**

45) p. 7-24; Policy 7K-6: Support long-term employment efforts in the unincorporated areas of the county, such as those stated in the Point Roberts, Birch Bay, and east County Economic Development Plans and Sub-Area Plans. **(Brenner)**

46) p. 7-24; Policy 7K-7: Support efforts and/or organizations trying to achieve agricultural diversity, such as:

- niche markets for local products;
- technical assistance or educational programs;
- farmers' markets;
- value-added or innovative ag products or services;
- other product outlets; **and**
- community education and information dissemination. **(Brenner)**

47) p. 7-24; Policy 7K-8: Support agriculture, agricultural processing, and manufacturing as a high priority in future allocations of water rights. **(Brenner)**

48) p. 7-2; lines 15-23: This chapter specifically addresses Goal #5 of the Growth Management Act, which encourages economic development and economic opportunity for all citizens of the state. The County-Wide Planning Policies also have a section on economic development, which this chapter specifically addresses. Examples include recognition of the need for a healthy economy; the emphasis on coordination and cooperation among jurisdictions and public/private partnering; coordination with environmental quality; and the desire to maintain the resource based industries and recreation as we move toward a more diversified economy. **This chapter also recognizes that the quickest, easiest and most certain path towards economic prosperity will likely be found through the promotion of the County's many existing strengths; such as our unique position to accommodate Canadian companies looking to expand and access the US market, our extensive recreational infrastructure, and the skilled workforce produced by our excellent educational institutions.** **(Browne)**

49) p. 7-8; line 20, new subheadings:

Community wide strategic planning efforts

Whatcom County Comprehensive Economic Development Strategy (Browne)

50) p. 7-8; lines 21-25: The Whatcom County Comprehensive Economic Development Strategy (CEDS) was most recently updated in 2014-2015. The principal purpose of the CEDS is to facilitate the retention and creation of living-wage jobs and to foster a stable and diversified regional economy, thereby improving the quality of life in the region. Its intent is to bring together the public and private sectors in the creation of an “economic roadmap” to diversify and strengthen the regional economy by integrating the Region’s human resources and its capital-improvements planning in the service of economic development. The CEDS incorporates three vision statements relating to the County’s preferred economic future. (Browne)

51) p. 7-8; lines 38-39: ~~The CEDS also identifies infrastructure and other projects that support economic development, and includes economic data.~~ Historically the CEDS report has primarily directed that the sales tax revenue collected under RCW 82.14.370 be used to fund infrastructure. (Browne)

52) p. 7-8; line 41, new subsection: Whatcom Futures

In 2012, more than 90 leaders and representatives from businesses, local governments, not-for-profit organizations and the public helped shape the visions that constitute Whatcom Futures which compliments and is partially incorporated within the CEDS report. Its purpose is to help capture the economic vision and values of various segments of the community.

Whatcom Futures includes many thoughtful observations, including:

“Whatcom County’s lower commercial real estate costs compared to those in B.C. – as well as the enhanced access to the U.S. market that a Canadian company enjoys with a U.S. location – has resulted in significant Canadian business investment in the County.”

“Bellingham Technical College’s Engineering and Advance Manufacturing programs offer degrees that are in demand by industries in Whatcom – and nationwide – with starting salaries for new graduates in excess of \$50,000 a year”. (Browne)

53) p. 7-9; line 27, new subsection: Current County Economic Development Activities

In recent years the Whatcom County government has delegated job creation activities to the Port of Bellingham which serves as the County’s “Associate Development Organization” (ADO). The primary role of the Port is to ensure that the community has the critical air and sea transportation infrastructure that it needs to thrive. The ADO designation enables the County/Port to receive a small amount of funding annually from the WA State Department of Commerce. (Browne)

- 54) p. 7-9; lines 32-40: Quality of life is an essential component in many people's choice to live in Whatcom County. A fundamental aspect of "quality of life" characteristics is a strong and diversified economy that remains resilient through business cycles, and that can provide family-wage employment, affordable housing, discretionary income, tax base, and sponsors for worthy causes. Such an economy should provide for all segments of society with a geographic distribution that, in accordance with the land use plan, spreads the jobs and tax base throughout the area.

The wage and job prospects in the service sector vary widely based on the nature of the employment. Retail positions offer relatively low wages and limited prospects for job growth in part due to the trend of retail sales shifting away from traditional storefronts to the internet. Conversely computer programming and cyber-security positions offer entry level wages that are typically well above the national average with some Artificial Intelligence positions are now attracting stratospheric starting salaries in other areas of the country.

As the developed world evolves away from a resource based and high-volume/low-value-added manufacturing economy most of the new generation of family wage jobs will likely come from knowledge intensive industries such as computer software and high-value-added specialty manufacturing.

The CEDS and Whatcom Futures reports are valuable contributions to the challenge of the improving the Whatcom County economy and Whatcom County has much to offer prospective employers as indicated by our latest informational resource www.ChooseWhatcom.com. But in business it is not enough to have a great vision, product or service. These must be augmented with a professional sales and marketing plan that identifies competitive advantages, target markets and the likely profile of prospective customers. The successful execution of any such plan largely depends on the entrepreneurial skills of the organization's leadership and the professional sales staff employed. (Browne)

- 55) p. 7-11; Policy 7A-3: Employ innovative techniques to attract a mix of diversified industries for a broader economic base starting with the creation of a new economic development organization to be funded at a minimum rate of \$5 per head of population per year. Ideally with monies collected under RCW 82.14.370. (Browne)
- 56) p. 7-11; Policy 7A-3: In addition to stimulating family-wage **jobs employment** and jobs in diverse sectors, plan for ensure we retain entry level and service-related jobs such as those necessary to support tourism, recreation, **and** retailing **as well as those that relate to and other industries.** (Browne)
- 57) p. 7-11; Policy 7A-7: Foster an adequate amount of preferred housing supply for all income levels as a prerequisite for a healthy economy. (Brenner)

58) p. 7-11; Policy 7A-8: Enhance the environment for resource-based and knowledge-based industries ~~and the growing service industry~~ with an emphasis on attracting employment to the communities in eastern Whatcom County. (Browne)

59) p. 7-11; New Policy 7A-11: Through the development of a forward focused marketing strategy and an professional outbound sales program target and solicit investment from businesses from industry the sectors that are forecast to provide growth in the next generation of family wage jobs. (Browne)

60) p. 7-11; line 46 – p. 7-12, line 3: ~~Cooperation and coordination by businesses, jurisdictions and other entities are essential components to achieve a strong economy. The CEDS states that one of its purposes is communication and outreach that encourages local goal setting, public engagement and a commitment to cooperation among the different levels of government, the business community and the not-for-profit sector.~~

~~The Port of Bellingham was designated as the Associate Development Organization (ADO) in Whatcom County by the County Executive in 2012. An ADO is intended to serve as a point of contact for local economic development activities, supporting business retention, expansion of existing businesses, and new business development.~~

In the late 1970's Whatcom County and its communities were suffering economically. Reliance on natural resource harvesting and export to drive employment growth was insufficient to generate the jobs that were required. A work group of community leaders, local governments and the private sector was convened and the Stanford Research Institute was hired to assess opportunities. Their report emphasized:

- a. Selling the State of Alaska on relocating the southern terminus of its ferry from Seattle to Bellingham
- b. Marketing to B.C. businesses interested in a foothold in the U.S. market
- c. Promoting Whatcom County's potential as a regional service center for Northwest Washington and the lower B.C. mainland, including retail, healthcare and manufacturing entrepreneurs

The result was the Alaska Ferry terminal was relocated to Bellingham and more than 3,000 primarily manufacturing jobs were added at a time when the County's population was about half of what it is today.

While both the global and local economy has changed significantly since the Stanford report was commissioned in the 70's the community remains confident that with an intelligent focused approach we can again bring much needed family wage jobs to our community. Our success will depend on our leveraging the significant expertise of our business community and our

willingness to allocate sufficient financial resources for our economic development initiatives to have a meaningful impact.

New employers have traditionally emerged from three primary sources:

- i. Canadians looking for skilled labor and cheaper industrial land than can be found in BC and/or access to the US market
- ii. Home grown entrepreneurs who have chosen to remain headquartered in the County as their businesses have grown.
- iii. Established business owners who have relocated because they are attracted to the County's superior quality of life.

Recognizing that in order to attract jobs a new market research and outbound sales element will be needed to augment our economic outreach initiatives the County shall create a new Whatcom County Economic Development Organization (WEDO) inspired in part after the very successful Economic Development Association of Skagit County (EDASC).

WEDO shall be governed by a 17 member board 11 of whom shall be members of the business community, preferably either entrepreneurs or who people who have held senior management positions within companies that either relocated to or were founded in Whatcom County and therefore understand firsthand what would motivate others to do the same. The remaining 6 members shall consist of one unelected, senior representative from each of the following; the Whatcom County government, the City of Bellingham, the Port of Bellingham, the Small Cities Caucus, Western Washington University and one of the local colleges.

(Browne)

61) p. 7-12; Policy 7B-1: The Port of Bellingham, serving as the ADO, will work with the cities, the County, Chambers of Commerce, educational institutions and other groups to assist retention and expansion of existing local businesses and to attract appropriate businesses to Whatcom County. Work with the Partnership for a Sustainable Economy, Chambers of Commerce, the Port of Bellingham, the ECD, and the Convention and Visitor Bureau and other groups to attract sustainable industry to Whatcom County and to assist expansion and retention of local businesses. **Once the current ADO contract with the Port expires in July 2017 WEDO would assume the functions of serving as the County's official ADO and (with the approval of the Port), would offer the existing Port ADO staff positions within WEDO.** (Browne)

62) p. 7-12; Policy 7B-2: Continue to work ~~in informal meetings of~~ **informally meeting with** staff from all ~~the~~ entities and jurisdictions involved with economic development to discuss issues of interest on a periodic basis. **(Brenner)**

63) p. 7-12; Policy 7B-4: Identify, develop, and match funding opportunities with the economic development projects contained within the CEDS. Funding sources could include

the Economic Development Administration (EDA), Community Development Block Grants (CDBG), Community Economic Revitalization Board (CERB), Rural Sales Tax (also known as the Economic Development Initiative or EDI fund), USDA Rural Development, and other types of grants, ~~and~~ loans, private investment, local match, and many other federal, state, and local sources. (Brenner)

64) p. 7-13; lines 24-26: The Planning Unit, representing various stakeholders, is designated to address, ~~through local government,~~ water resource planning needs from a watershed perspective through local government. (Brenner)

65) p. 7-15; Policy 7D-3: Integrate and simplify regulations using the "Federal Plain Language Guidelines" available at www.plainlanguage.gov to make them more understandable and user-friendly. (Browne)

66) p. 7-16; Policy 7D-6: Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting. Benchmark the County's regulatory and permitting performance against itself and other comparable jurisdictions. Develop and publish quarterly reports on these key performance metrics. (Browne)

67) p. 7-16; Policy 7D-8: Use ~~information~~ technology ~~and improve the Internet web site~~ so the public can receive information on the status of projects, latest drafts of documents, and access to general resources via the Internet. (Browne)

68) p. 7-17; lines 1-3: A more positive aspect of the proximity to Canada is the opportunity for job creation through British Columbian ~~to provide for Canadian~~ companies ~~who want to~~ looking for a great location to expand or relocate in the United States ~~to broaden their market~~ or enjoy other economic advantages. (Browne)

69) p. 7-17; Policy 7E-1: Support attractions for Canadians and other visitors so they will remain in the ~~community county~~ longer and distribute their spending throughout the community. Some of the examples would include support for such items as the following:

- Events such as the "Ski to Sea" race and festival;
- The Whatcom Museum, Mount Baker Theater, other historic and cultural centers, and community revitalization efforts;
- Parks and open spaces;
- The Bellingham Festival of Music;
- The Mount Baker outdoor recreation area;
- Farmers markets and other natural resource based activities; and
- Projects, events, and activities of unincorporated areas such as Point Roberts, Birch Bay and East County. (Brenner)

- 70) p. 7-18; Policy 7F-1: Support existing businesses ~~in the community~~ locally as the major contributors of job creation and regeneration and afford them every opportunity to continue their success in the community. (Brenner)
- 71) p. 7-19; lines 8-9: The fishing and shellfishing industries are particularly dependent on ~~water~~, good water quality, and habitat. (Brenner)
- 72) p. 7-19; Policy 7G-1: Recognize the natural environment as a major asset and manage environmental resources accordingly. Always mindful that we must have both economic prosperity and environmental sustainability or we will have neither. (Browne)
- 73) p. 7-20; lines 6-8: Natural resource based industries are agriculture, forestry, fishing, and mining. While accounting for less than 5% of the total county employment, resource based industries are still major components of the economy. (Brenner)
- 74) p. 7-21; Policy 7H-2: Work with ~~other~~ agencies, Tribal governments, and other groups to improve the condition of the fishery resource, including habitat maintenance and enhancement, especially for habitats utilized by threatened and endangered fish species. (Brenner)
- 75) p. 7-22; Goal 7J: ~~In an economic strategy for Whatcom County,~~ Address unemployment and underemployment as important issues and continue the effort to increase family wage jobs. (Brenner)
- 76) p. 7-23; Policy 7J-3: Focus on absorbing and retraining displaced and discouraged workers and addressing the skills gap through grants, training by the Northwest Workforce Development Through grants, training by the Northwest Workforce Development Council, Bellingham Technical College, Whatcom Community College, and Northwest Indian College, and other opportunities ~~focus on absorbing and retraining displaced and discouraged workers and addressing the skills gap.~~ (Brenner)
- 77) p. 7-24; New Policy 7K-11: Recognize that high speed Internet and Cellular coverage are essential for all regions of our economy to succeed. (Browne)
- 78) p. 7-24; New Policy 7K-12: Encourage, and if necessary provide incentives, for high speed Internet and Cellular infrastructure to be deployed in areas of the County such as the Columbia Valley that are likely better suited for communications based businesses rather than transportation intensive industries. (Browne)
- 79) p. 7-24; New Section: Local Food System
- Whatcom County is home to a robust agricultural production industry, marine harvest industry, as well as an associated local consumption industry. To

maintain and advance the quality and quantity of food produced in Whatcom County, consideration must be given to interconnected sectors which support a thriving food system, including land, water, fishing, farming, labor, processing, transportation, consumption, aquaculture and waste. A vibrant local food system is a community asset to be protected, strengthened, planned for and celebrated. (Weimer)

79a) New Goal 7L: Strengthen the local food system and take steps to improve conditions for a healthy, resilient, and prosperous food economy. (Weimer)

79b) New Policy 7L-1: Encourage government, institutions, and local businesses to purchase food produced within Whatcom County when available. (Weimer)

79c) New Policy 7L-2: Encourage local farmers and producers to sell their products to local markets. (Weimer)

79d) New Policy 7L-3: Support development plans and zoning changes that increase access to healthy and locally grown food products. (Weimer)

79e) Move and renumber Policy 7K-10 as Policy 7L-4: Support food outlets such as grocery stores, convenience stores, and local food markets that provide fresh, healthy foods in underserved areas. (Weimer)

79f) Move and edit Policy 7K-7 as 7L-5: Support efforts and/or organizations seeking to achieve economic ~~agricultural~~ diversity within the food system such as:

- Niche markets for local agricultural products;
 - ~~Technical assistance or educational programs.~~
 - Farmer's markets;
 - Value-added or innovative agricultural products or services;
 - ~~Other product outlets~~
 - Farm-to-school and farm-to-institution;
 - Agricultural diversity;
 - Food access and affordability; and
 - Community ~~education and information dissemination~~ gardens.
- (Weimer)

79g) New Policy 7L-6: Support efforts to protect water quality and quantity, soil health, and best management practices as related to the food system. (Weimer)

79h) New Policy 7L-7: Encourage communication and collaboration across and within all sectors of the food system and support efforts/organizations working to build common understanding and to facilitate better collaborative effort toward an equitable, sustainable, and healthy food system for all. (Weimer)

79i) New Policy 7L-8: Support establishment of community-wide food system development plans. (Weimer)

- 79j) New Policy 7L-9: Support healthy and safe working conditions as well as healthy and safe living conditions for farmworkers. (Weimer)
- 79k) New Policy 7L-10: Work towards a fair and equitable food system that honors and supports the people working within it. (Weimer)
- 79l) New Policy 7L-11: Support organizations that provide technical assistance, educational programs, and general support to people and businesses within the local food system. (Weimer)
- 79m) New Policy 7L-12: Consider food waste systems that reduce food waste and capture food waste nutrients. (Weimer)

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WHATCOM COUNTY COUNCIL
Regular County Council Meeting

April 5, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

SPECIAL PRESENTATION

1. COUNTY EXECUTIVE JACK LOUWS TO PRESENT THE "STATE OF THE COUNTY" ADDRESS (AB2016-140)

Jack Louws, County Executive, presented the State of the County address (*on file*).

MINUTES CONSENT

1. SPECIAL COMMITTEE OF THE WHOLE FOR FEBRUARY 23, 2016

Brenner moved to approve the minutes, including the substitute page. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

PUBLIC HEARINGS

1. ORDINANCE ADOPTING VARIOUS MINOR AMENDMENTS TO WHATCOM COUNTY CODE TITLE 20 ZONING (AB2016-114)

Gary Davis, Planning and Development Services Department, gave a staff report.

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Buchanan opened the public hearing, and the following person spoke:

John Lesow submitted and read from a handout (*on file*) and stated he supports Exhibit K regarding radio broadcast towers as written by staff.

Hearing no one else, Buchanan closed the public hearing.

Browne moved to adopt the ordinance. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

2. WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 5, UTILITIES (AB2016-047E)

Buchanan opened the public hearing, and the following person spoke:

Wendy Harris stated she supports changes regarding health and safety. The chapter neglects wildlife issues. Don't site utilities in critical areas. Protect species according to local, State, and federal laws. Analyze and review species and habitat. The chapter neglects to address the use of chemicals in utility corridors.

Hearing no one else, Buchanan closed the public hearing and stated the Council will continue to accept written public testimony on this chapter.

OPEN SESSION

The following people spoke:

- Bob Frisk spoke on the proposed new jail.
- Christopher Deile submitted a handout (*on file*) and spoke about court-ordered Alcoholics Anonymous (AA) and reintroducing grizzly bears to the North Cascades.
- Leslie McRoberts submitted and read from a handout (*on file*) and spoke on allegations of civil rights violations in Sudden Valley.

Brenner asked how Sudden Valley officers determine a violation. McRoberts stated they use the same radar guns that police do.

- Ray Baribeau spoke on the State of the County address and future challenges and plans for a triage center and jail.
- Wendy Harris spoke about the State of the County address and water and air quality problems in Whatcom County.

CONSENT AGENDA

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1 **Browne** reported for the Finance and Administrative Services Committee and
2 **moved** to approve Consent Agenda items one through three.

3
4 The motion carried by the following vote:

5 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

6 **Nays:** None (0)
7

- 8 1. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
9 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND WASHINGTON**
10 **STATE DEPARTMENT OF TRANSPORTATION FOR GRINDING AND**
11 **RESURFACING A PORTION OF BIRCH BAY LYNDEN ROAD, IN THE AMOUNT**
12 **OF \$65,631 (AB2016-136)**
13
14 2. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #16-11**
15 **AND ENTER INTO A CONTRACT FOR THE SOUTH PASS ROAD/SAAR CREEK**
16 **BRIDGE NO. 212 REPLACEMENT PROJECT TO THE LOWEST BIDDER, STRIDER**
17 **CONSTRUCTION CO., INC., IN THE AMOUNT OF \$790,787 (AB2016-137)**
18
19 3. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #16-05**
20 **FOR PURCHASE OF REPLACEMENT PATROL BOAT TO THE LOWEST BIDDER,**
21 **MUNSON BOATS, IN THE AMOUNT OF \$85,748.16 (AB2016-138)**
22

23
24 **OTHER ITEMS**

- 25
26 1. **ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, SEVENTH**
27 **REQUEST, IN THE AMOUNT OF \$85,749 (AB2016-132)**
28

29 **Browne** reported for the Finance and Administrative Services Committee and
30 **moved** to adopt the ordinance.

31
32 The motion carried by the following vote:

33 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

34 **Nays:** None (0)
35

- 36 2. **NOMINATION AND APPOINTMENT TO FILL VACANCY ON SPECIAL DIKING**
37 **DISTRICTS AND SPECIAL DRAINAGE DISTRICTS - APPLICANTS: FRED**
38 **VANDER VEEN FOR CONSOLIDATED DRAINAGE IMPROVEMENT DISTRICT #1**
39 **POSITION 1; JASON VANDER VEEN FOR DRAINAGE DISTRICT #3, POSITION**
40 **3 (AB2016-134)**
41

42 **Donovan moved** to appoint Fred Vander Veen and Jason VanderVeen. The motion
43 was seconded.

44
45 The motion carried by the following vote:

46 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

47 **Nays:** None (0)
48
49

50 **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

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1
2 **1. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
3 **ROBERT HENDRICKS TO THE BICYCLE/PEDESTRIAN ADVISORY COMMITTEE**
4 **(AB2016-141)**

5
6 ***Brenner moved*** to confirm the appointment. The motion was seconded.

7
8 The motion carried by the following vote:

9 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

10 **Nays:** None (0)

11
12 **2. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
13 **JODI SIPES TO THE NORTHWEST SENIOR SERVICES BOARD (AB2016-142)**

14
15 ***Donovan moved*** to confirm the appointment. The motion was seconded.

16
17 The motion carried by the following vote:

18 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

19 **Nays:** None (0)

20
21 **3. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF RANDY**
22 **AXELSSON TO THE LODGING TAX ADVISORY COMMITTEE (AB2016-150)**

23
24 ***Brenner moved*** to confirm the appointment. The motion was seconded.

25
26 The motion carried by the following vote:

27 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

28 **Nays:** None (0)

29
30
31 **INTRODUCTION ITEMS**

32
33 ***Brenner moved*** to accept the Introduction Items. The motion was seconded.

34
35 The motion carried by the following vote:

36 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

37 **Nays:** None (0)

38
39 **1. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, EIGHTH**
40 **REQUEST, IN THE AMOUNT OF \$234,633 (AB2016-143)**

41
42 **2. RESOLUTION AMENDING THE 2016 FLOOD CONTROL ZONE DISTRICT AND**
43 **SUBZONE BUDGETS, SECOND REQUEST, IN THE AMOUNT OF \$200,000**
44 **(AB2016-144) (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD**
45 **CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**

46
47 **3. RESOLUTION AMENDING THE 2016 FLOOD CONTROL ZONE DISTRICT AND**
48 **SUBZONE BUDGETS, THIRD REQUEST, IN THE AMOUNT OF \$85,000**
49 **(AB2016-145) (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD**
50 **CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**

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4. ORDINANCE AMENDING 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 (AB2016-146)
5. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 2.130 TO REVISE ECONOMIC DEVELOPMENT INVESTMENT BOARD MEMBERSHIP (AB2016-147)
6. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 2.34 TO REVISE AGRICULTURAL ADVISORY COMMITTEE MEMBERSHIP (AB2016-148)
7. RESOLUTION AND PUBLIC HEARING REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING APPLICATION (AB2016-149)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Buchanan announced the Council will have a public hearing on Chapter 8 of the Comprehensive Plan proposed changes at its meeting on April 19, 2016.

Brenner reported for the Public Works, Health, and Safety Committee.

Weimer reported for the Planning and Development and Natural Resources Committees.

Councilmembers gave updates on recent activities and upcoming events.

ADJOURN

The meeting adjourned at 7:58 p.m.

The County Council approved these minutes on _____, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Jill Nixon, Minutes Transcription

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WHATCOM COUNTY COUNCIL
Special Committee of the Whole

April 19, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 9:30 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.

Absent: None.

COMPREHENSIVE PLAN CHAPTER 11 AND APPENDIX G

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTER 11, ENVIRONMENT, AND APPENDIX G, WATER RESOURCES PROGRAM AND SALMON RECOVERY PROGRAM (AB2016-047K)

The following people spoke:

Larry Brown, Sudden Valley Community Association, referenced the comments he submitted on this chapter. They would like to cooperate with the Council on any Sudden Valley stormwater projects on Sudden Valley property.

Karlee Deatherage, ReSources for Sustainable Communities, stated she supports proposed amendments from Councilmember Browne regarding gas wells. She also supports proposed amendments from Councilmember Mann opposing hydraulic fracking and completing implementation of the various water quality and quantity plans, as proposed by Councilmember Brenner.

Roger Almskaar submitted and read from handouts (*on file*) and stated consider the information on regulatory takings and substantive due process takings. Whatcom County should work with the cities to create more than one municipal wetland habitat mitigation bank in the county. He referenced Goal 11B and stated development regulations should be reasonable, clear, concise, avoid conflict, and be effective in protecting the environment. All the chapters seem to have a lot of repetition. He hopes staff will eliminate redundancy and repetition.

Carole Perry stated the process is too difficult and confusing. Also, don't get rid of the Planning Unit.

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1 Jim Hanson stated he approves of the proposed amendments. Today people have
2 nostalgia for a past they can't go back to and fear of an uncertain future. Sometimes people
3 think that fewer regulations will result in more prosperity. However, Chapter 11 is about the
4 environment, which is the future for the children. He supports changes proposed by
5 ReSources and the environmental caucus.

6
7 Linda Twitchell, Building Industry Association, stated make the Council packet pages
8 on Comprehensive Plan proposed changes a different color to make them easier to find. The
9 Planning Unit role is defined by State law. It's more than a subcommittee of the Joint Board.

10
11 **2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE**
12 **PLAN CHAPTER 11, ENVIRONMENT, AND APPENDIX G, WATER RESOURCES**
13 **PROGRAM AND SALMON RECOVERY PROGRAM (AB2016-047K)**
14

15 **Browne** referenced item one in the Proposed Council Changes to Comprehensive
16 Plan Chapter 11 beginning on Council packet page 22, and **moved** to amend
17 Comprehensive Plan page 11-12, beginning on line four, "In 2007, Whatcom County
18 completed a Climate Protection and Energy Conservation Action Plan that laid out specific
19 actions and targets for reducing greenhouse gas emissions and increasing energy
20 conservation efforts in response to potential climate change. In addition many insurance
21 industry experts are now factoring in the costs of climate change into insurance premiums
22 as the increase in the frequency and severity of extreme weather events around the world
23 results in a corresponding increase in claims costs."

24 Local government, residents and business must anticipate that as the climate
25 changes, more frequent and severe damage to private and public infrastructure will occur.
26 Maintenance costs and insurance premiums can be expected to increase accordingly."
27

28 The motion was seconded.

29
30 Brenner stated she has no information supporting the insurance industry experts.
31 She's not convinced climate change will result in more damage to infrastructure. These are
32 opinions of certain interests.

33
34 Browne stated he's seen information from insurance industry experts, including a
35 presentation he attended at an industry conference by someone who represents the
36 International Insurance Industry. It's not opinion.

37
38 Brenner stated she doesn't like the word "many," which implies more than half. She
39 isn't familiar with these professionals. She would have to see the background information.
40 Increased claim costs could be due to other factors.

41
42 Donovan stated these are statements of fact that he supports. It goes in the narrative
43 section.

44
45 Sidhu stated this language informs citizens that these maintenance costs will increase.
46 There are more severe changes and events that they must recognize.

47
48 Mann stated the insurance industry is changing its projections, models, and premiums
49 to account for climate change, regardless of the cause of that climate change. The industry is
50 an unbiased business source.

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1
2 The motion carried by the following vote:

3 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

4 **Nays:** Brenner (1)
5

6 **Browne** referenced item two in the Proposed Council Changes to Comprehensive Plan
7 Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan
8 page 11-13 to create a new policy, "11D-6: Identify and properly seal and/or burn methane
9 that is escaping into the atmosphere from wells, landfills and industry."
10

11 The motion was seconded.
12

13 **Weimer suggested a friendly amendment**, "...Identify the responsible parties and
14 agencies and encourage them to use efforts to properly seal..." The County doesn't have any
15 authority to seal a well.
16

17 **Browne accepted** the friendly amendment, "11D-6: Identify wells, landfills, and
18 industrial sites and the responsible parties, and encourage them to properly seal and/or burn
19 methane that is escaping into the atmosphere from wells, landfills, and industrial sites."
20

21 Weimer asked if the intent is that the County would identify the wells, landfills, and
22 industrial sites.
23

24 Browne stated it would, in the case of the wells. They don't want to approve houses
25 to be built on top of them.
26

27 Weimer stated he is concerned about the inclusion of industry. The Cascade Natural
28 Gas pipeline system through Bellingham leaks all over. They could spend millions of dollars
29 in identifying those leaks. Possibly focus only on the wells. Leaking methane from landfills
30 and industry is a big deal, but he's not sure the County wants to get into the business of
31 identifying and enforcing.
32

33 Sidhu stated the language should indicate other sources, not just industry, "wells,
34 landfills, and industrial sites other sources...." Even with landfills, it's the responsibility of the
35 landfill owners to manage the methane, not the County. The County should not be in the
36 business of identifying, controlling, and capping wells and reducing methane. The County
37 should just find the responsible party and enforce the regulation, or encourage them to limit
38 that methane leak.
39

40 **Weimer suggested a friendly amendment**, "11D-6: Identify responsible parties
41 and agencies, and encourage them to identify wells and other sources, and use efforts to
42 properly seal and/or burn methane that is escaping into the atmosphere."
43

44 Donovan stated he's concerned about identifying other sources. Every single cow is a
45 source of methane.
46

47 **Browne accepted** the friendly amendment and **restated the motion** to amend
48 Comprehensive Plan page 11-13 to create a new policy, with an additional change, "11D-6:
49 Identify responsible parties and agencies, and encourage them to identify and properly seal
50 and/or burn methane that is escaping into the atmosphere from wells."

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The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Browne referenced item three in the Proposed Council Changes to Comprehensive Plan Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan page 11-17, line 22, to insert new paragraphs:

Gas wells - Several exploratory oil & gas wells have been drilled around the county over the last 70+ years. Some of these present potential environmental hazards due to ongoing leakage of gas.

Old Landfills - There are several known abandoned landfills in the County and possibly some that are unknown. There are also sites around the County that contain large numbers of abandoned vehicles and other debris. As with most landfills these locations pose some degree of risk of hazardous substances leaking into local aquifers.

The motion was seconded.

Brenner stated she would like to specify the number of known landfills.

Mark Personius, Planning and Development Services Department, stated he doesn't know that number.

Brenner suggested a friendly amendment, "...several known abandoned landfills...."

Browne accepted the friendly amendment.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Browne referenced item four in the Proposed Council Changes to Comprehensive Plan Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan page 11-17, Goal 11F, "Minimize potential loss of life, damage to property, the expenditure of public funds, and degradation of natural systems resulting from development in hazardous areas such as floodplains, landslide-prone areas, seismic hazards areas, volcanic impact areas, abandoned mine and exploratory gas well locations, potentially dangerous alluvial fans, and other known natural hazards by advocating the use of land acquisition, open space taxation, conservation easements, growth planning, regulations, and other options to discourage or minimize development, or prohibit inappropriate development in such areas."

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

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1
2 **Brenner** referenced item five in the Proposed Council Changes to Comprehensive
3 Plan Chapter 11 beginning on Council packet page 22, and **moved** to amend
4 Comprehensive Plan page 11-19, Policy 11F-12, "Consider conducting a public process with
5 affected citizens, technical experts, and decision-makers to establish recommended levels of
6 public risk for each of the identified natural hazards. In developing recommended levels of
7 public risk for natural hazards, consider the appropriate variables affecting developments in
8 hazardous areas. These variables may include:

- 9 • Specific types of risk associated with the particular hazard area-;
- 10 • The gradation of hazards associated with a particular geo-hazard-;
- 11 • Level of detail necessary to map hazard areas-;
- 12 • Different levels of risk associated with different ownership classes (e.g. public
13 ownership versus private ownership)-;
- 14 • Different levels of risk associated with different types of land uses-; and
- 15 • Mitigation measures related to specific adverse impacts of development in hazard
16 areas.
- 17

18 Once a set of risk levels have been identified, propose these risk levels for
19 adoption by the County Council as the levels to which future development must
20 be designed and the determined appropriate locations for them."

21

22 The motion was seconded.

23

24 The motion carried by the following vote:

25 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

26 **Nays:** None (0)

27

28 **Browne** referenced item six in the Proposed Council Changes to Comprehensive Plan
29 Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan
30 page 11-20 to create a new policy, "11F-16: Identify known locations of abandoned mines
31 and wells that could produce methane and/or other hazardous substances and where danger
32 exists, prevent construction from occurring above them." Don't allow houses to be built
33 above the mines and wells, which should be on file with the Department of Ecology.

34

35 The motion was seconded.

36

37 The committee discussed likely versus known locations of mines and wells and
38 whether the County will have to do the analysis of where those locations are.

39

40 Personius stated there is a map from the State Department of Natural Resources
41 (DNR) of known locations of those abandoned wells. Staff doesn't have regulations over
42 those wells. If there were a development proposal over abandoned gas wells, the staff could
43 use the State Environmental Policy Act (SEPA) to condition the closure of those wells as part
44 of the development approval process.

45

46 Cliff Strong, Planning and Development Services Department, answered questions.

47

48 The councilmembers discussed the County's role, beyond education, in preventing
49 people from building on top of old and unsafe mines and wells.

50

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1 **Browne** stated he's primarily interested in areas where danger exists. He **amended**
2 **his motion** to create a new policy, "11F-16: Identify known locations of abandoned mines
3 and wells that could produce methane and/or other hazardous substances, and where
4 **immediate** danger **of methane and hazardous substance leaking** exists, prevent construction
5 from occurring above them."

6
7 **Brenner moved** to hold this motion in Committee and allow staff to review it.

8
9 The motion to hold was seconded.

10
11 The motion to hold in Committee carried by the following vote:

12 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

13 **Nays:** None (0)

14
15 **Brenner** referenced item seven in the Proposed Council Changes to Comprehensive
16 Plan Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive
17 Plan page 11-26, Policy 11H-4, "**Support Complete** the implementation of local and state
18 Watershed Management Plans, the Lower Nooksack Strategy, the Lake Whatcom
19 Management Program, NPDES Phase II Permitting, and the WRIA Watershed Management
20 Projects." She would like to get something done.

21
22 The motion was seconded.

23
24 Gary Stoyka, Public Works Department, stated some plans have other entities that are
25 responsible for completion, or there is out-of-date information that can't be implemented.

26
27 Weimer stated many of these things will never be complete, such as the national
28 pollution discharge elimination system (NPDES) permit. Even the watershed management
29 plan includes processes that require periodic plan reviews and reassessments.

30
31 **Brenner withdrew** her motion.

32
33 **Mann** referenced item eight in the Proposed Council Changes to Comprehensive Plan
34 Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan
35 page 11-26 to create a new policy, "**11H-6: Oppose the use of hydraulic fracturing in oil and**
36 **gas wells (also known as "fracking") to avoid the associated degradation of water quality in**
37 **aquifers and other ground water.**"

38
39 The motion was seconded.

40
41 Mann stated the County doesn't have legal authority to prohibit fracking. The County
42 can only comment on the SEPA process. The County can have a policy to oppose fracking in
43 the SEPA process, if it's legally supportable. It's possible that they could include more
44 language, such as a list of very tight conditions. He's open to that option, especially if it
45 strengthens their legal position. However, he would rather keep it simple.

46
47 Weimer stated most of the studies done to this point show there is a connection
48 between water problems and some fracking. The word "associated" makes it seem water
49 quality problems are a foregone conclusion. In reality, it's some portion of that. In the

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majority of places, there have been no studies showing water problems. He supports opposing fracking because of possible degradation.

Mann amended and restated his motion, "11H-6: Oppose the use of hydraulic fracturing in oil and gas wells (also known as "fracking") to avoid the potential degradation of water quality in aquifers and other ground water."

The councilmembers discussed whether this policy opposes any federal laws.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Brenner referenced item nine in the Proposed Council Changes to Comprehensive Plan Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan page 11-27, Policy 11I-1, "Manage stormwater runoff to minimize surface water quality and quantity impacts, and downstream impacts on channel morphology, property owners, and aquatic species and habitats."

The motion was seconded.

Linda Twitchell, Building Industry Association, stated the motion makes it sound like they will manage stormwater runoff to minimize property owners and aquatic species and habitats. That doesn't make sense.

Brenner withdrew her motion to amend item nine. She referenced item seven in the Proposed Council Changes to Comprehensive Plan Chapter 11 beginning on Council packet page 22, and **moved**, "...Watershed Management Plans, the Lower Nooksack...."

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)

Nays: None (0)

Absent: Browne (out of the room)(1)

Brenner referenced item ten in the Proposed Council Changes to Comprehensive Plan Chapter 11 beginning on Council packet page 22, and stated she withdraws her proposed motion.

Weimer referenced item 11 in the Proposed Council Changes to Comprehensive Plan Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan page 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."

The motion was seconded.

The councilmembers discussed whether the amendment would weaken the priority for Lake Whatcom.

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The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Brenner referenced item 12 in the Proposed Council Changes to Comprehensive Plan Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan page 11-28, Policy 11I-12, item six, "6. Ensure ~~that~~ existing stormwater standards are adequately enforced within Stormwater Special Districts, Watershed Protection Districts, and the NPDES areas."

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Brenner referenced item 13 in the Proposed Council Changes to Comprehensive Plan Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan page 11-30, Goal 11-J, "Support water conservation, reclamation, reuse measures, and education as a means to ~~helping~~ ensure sufficient water supplies in the future."

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Donovan referenced item 14 in the Proposed Council Changes to Comprehensive Plan Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan page 11-30 to create a new policy, "11J-3: Develop and implement plans for meeting to comply with the Department of Ecology's instream flow and water management rules and water resources management programs."

The motion was seconded.

Mann asked what the plans say about measuring water use by various users.

Stoyka stated the flow levels are currently set at the median flow, which means the flow is naturally met half the time. The intent of instream flow is to protect the low flow when it falls below the minimum level. Regarding measuring water, they are talking about writing a water supply plan to find ways to meet the water needs of the farmers while protecting instream flow. The water resource inventory area (WRIA) 1 watershed management plan has plans for data collection, data management, and stream gauges.

Mann stated add a new policy under Goal 11J that talks about measuring and recording water use by different water users.

Browne stated metering agricultural water uses could be counterproductive. Be cautious about forcing agricultural users to use the maximum amount of water under their

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1 water rights in order to maintain those water rights. If water use is not metered, energy
2 costs will encourage them to conserve water instead.
3

4 Sidhu stated he agrees with Councilmember Browne. All they want to do is quantify
5 the agriculturally used water. Metering is not a necessary option. It's expensive. The value
6 they will get is miniscule. They know per acre how many inches of water is needed each year
7 for each crop. It's simple math. Metering is counterproductive and scares people. People
8 will increase the amount of water they use because they are afraid of losing the water right.
9 If they need to know how much water agriculture uses, they can easily do the math.

10
11 Donovan stated Chapter 2 addresses metering or measuring water.

12
13 Weimer stated the bigger issue is who is using legal water versus illegal water.

14
15 Browne asked what plans the County would implement, in terms of instream flow and
16 water management rules. The County doesn't hold the water rights or consume the water.

17
18 Donovan stated assume the Department of Ecology will set the standards and plans,
19 and the County should strive to work with those standards and plans.

20
21 Browne asked the process by which the County would get involved in water rights,
22 allocation, distribution, or stream flows. Stoyka stated the County would be involved in
23 trying to manage its water overall through the watershed management plan and other water
24 management activities. The County doesn't directly regulate water rights, but it is indirectly
25 involved in finding solutions.

26
27 Browne asked if staff understands how to use this policy, if the Council approves it.
28 Stoyka stated they could, through the County's land use authority and when issuing building
29 permits based on wells. They have to comply with all the water rights and instream flow
30 requirements when they do that. To some degree, they would look at that when adopting the
31 Coordinated Water System Plan and other water system plans. The County has a role to
32 make sure its actions are in compliance. The policy does provide guidance to staff.

33
34 Donovan stated it's a conservation policy. The County would think about how to
35 encourage conservation.

36
37 Sidhu stated the language is saying that the County will comply with Ecology's rules.

38
39 Personius stated that if adopted as proposed, it won't change the staff's approach to
40 how they work with Ecology or other partners and stakeholders in the WRIA 1 process. They
41 are already doing these things. The policy just affirms what they're already doing.

42
43 The motion carried by the following vote:

44 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

45 **Nays:** None (0)

46
47 **Brenner** referenced item 15 in the Proposed Council Changes to Comprehensive Plan
48 Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan
49 page 11-31, Goal 11-K, "Prioritize the Lake Whatcom watershed as an area in which to
50 minimize development, repair existing stormwater problems (specifically for phosphorus),

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1 and ~~ensure forestry practices do not~~ continue forestry practices that do not negatively impact
2 water quality. Provide sufficient funding and support to be successful.” Make the language
3 more positive.

4
5 The motion was seconded.

6
7 Browne stated he is opposed to the motion. The language implies that the County will
8 be actively involved in continuing forestry, which is not the County's role. The County can
9 provide the opportunity, and let the industry decide if they want to do it.

10
11 Brenner stated ensuring something makes the County actively involved.

12
13 The motion failed by the following vote:

14 **Ayes:** Brenner (1)

15 **Nays:** Mann, Sidhu, Browne, Buchanan, and Weimer (5)

16 **Absent:** Donovan (out of the room) (1)
17

18 Brenner referenced item 16 in the Proposed Council Changes to Comprehensive Plan
19 Chapter 11 beginning on Council packet page 22, and moved to amend Comprehensive Plan
20 page 11-31, Policy 11-K-5, “Evaluate and pursue, as appropriate, the use of incentives to
21 encourage voluntary lot consolidation voluntary and workable transfer or purchase of
22 development rights, current use taxation, and participation in open space conservation
23 programs.” Transfers of development rights should be voluntary and workable. Until there is
24 a program that works well, it should be voluntary.

25
26 The motion was not seconded.

27
28 **Brenner** referenced item 17 in the Proposed Council Changes to Comprehensive Plan
29 Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan
30 page 11-33, to Restore Policy 2K-16 with edits, “Work with the community association
31 towards voluntary achievement of the density reduction of even more lots within Sudden
32 Valley.”

33
34 The motion was seconded.

35
36 Brenner stated continue working toward achieving more reductions in density. They
37 are talking about potentially buying up foreclosure lots in Sudden Valley to remove the
38 development rights. People in Sudden Valley may want to buy a lot next door to expand the
39 size of their property.

40
41 Weimer asked how the Sudden Valley representative feels about it.

42
43 Larry Brown, Sudden Valley Community Association Board, stated this particular
44 density reduction program started many years ago and was finalized. If the Council is
45 suggesting that the community association further give up the ability to support its
46 infrastructure through dues by preventing development of the remaining 200 lots, they would
47 have to object. The reduced dues they collect from the density reduction they've done
48 already total about \$1 million per year. That cost has to be borne by the existing
49 homeowners. There is simply no money left in their pockets to pay more.

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1 Brenner stated no one can prohibit the County from purchasing lots that go into
2 foreclosure. This doesn't need approval from Sudden Valley.
3

4 Brown stated it's unlikely that those 200 vacant lots will go into foreclosure, given how
5 long they've been owned and how long taxes have been paid on them. The County does
6 have the right to purchase them and resell them without their building right, but he hopes
7 the County would sell them under the normal process and put them back on the market for
8 potential building and potential income.
9

10 Mann stated the program is voluntary, and the language is benign.

11
12 Browne stated it would be done in concert with the community association.
13

14 **Donovan** stated that to be voluntary, the County may come up with an incentive for
15 the community association to approve of the density reduction. The policy would allow for
16 those types of incentives. He **suggested a friendly amendment**, "...reduction of ~~even more~~
17 **additional** lots within Sudden Valley."
18

19 **Brenner accepted** the friendly amendment, "Work with the community association
20 towards voluntary achievement of the density reduction of ~~even more~~ additional lots within
21 Sudden Valley."
22

23 The motion carried by the following vote:

24 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

25 **Nays:** None (0)
26

27 **Browne** referenced item 18 in the Proposed Council Changes to Comprehensive Plan
28 Chapter 11 beginning on Council packet page 22, and **moved** to amend Comprehensive Plan
29 page 11-33, Policy 11K-16, "~~If the county acquires lots through tax foreclosure, consider~~
30 ~~selling them as non-buildable lots.~~ If lots in the Lake Whatcom watershed come available due
31 to a tax foreclosure the County should acquire them, remove the developments rights and
32 then place them back on the market through the public auction process to recover any
33 residual value." The County and City of Bellingham have worked to purchase lots in the
34 watershed to reduce phosphorus loading. One opportunity to do that is when lots in the
35 watershed come up for tax foreclosure.
36

37 The motion was seconded.
38

39 Donovan asked if this will obligate the County to bid on everything that is foreclosed,
40 regardless of the value. He asked if the County would have to acquire an expensive,
41 waterfront lot, for example.
42

43 Browne stated it would have to be a vacant lot. He's not aware of any vacant lots that
44 have been sold for more than a few thousand dollars.
45

46 Donovan stated someone could get the County into a bidding war if the County is
47 obligated to acquire the lot. They might need to modify that language.
48

49 Browne stated his intention is to acquire lots that are passed up in an auction. He
50 would like to hold this item to work on the language.

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1
2
3 **OTHER BUSINESS**
4

5 There was no other business.
6
7

8 **ADJOURN**
9

10 The meeting adjourned at 11:30 p.m.
11

12 The Council approved these minutes on _____, 2016.
13

14 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

15
16
17
18
19 _____
20 Dana Brown-Davis, Council Clerk
21

Barry Buchanan, Council Chair
22
23
24
25

Jill Nixon, Minutes Transcription

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WHATCOM COUNTY COUNCIL
Special Committee of the Whole

April 19, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:40 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.

Absent: None.

COMPREHENSIVE PLAN CHAPTER 7

1. BRIEFING AND DISCUSSION ON COMPREHENSIVE PLAN CHAPTER 7, ECONOMICS (AB2016-047G)

Matt Aamot, Planning and Development Services Department, submitted and read from a presentation (*on file*) and gave a staff report. He answered questions on unemployment statistics that refer to people who are actively looking for jobs, calculating for the higher population rate of retired and students,

John Michener, Port of Bellingham, reported on the background, purpose, and function of the associate development organization (ADO) and answered questions about apprenticeship programs at Bellingham Technical College (BTC).

Browne stated he would like to receive the Port's quarterly reports to the Department of Commerce and information on the Port's outreach activities and their results.

Aamot continued the presentation beginning with Policy 7C-6 and answered questions about the information on employment by industry.

Brenner stated include a larger square footage for grocery stores in the Foothills area.

Sidhu stated information on the agriculture sector should be divided to show how many jobs the agriculture sector provides and what is their impact. The technology industry should also be tracked so they know how many technology jobs are created, since they will have a big economic impact in the future. Last, identify education versus non-education government employment.

Browne stated define which industries need improvement. Specify areas that have a competitive advantage that should be improving every year. Divide the resources section

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1 into agriculture, timber, and fishing. Also include the recreation industry and technology
2 manufacturing. Regarding the policy about grocery stores in Policy 7K-10, ask existing
3 grocery stores about the economically-viable size footprint.
4

5 Mann stated include the tourism industry in addition to the recreation industry. He
6 asked if there is any mention about planning for job training in terms of retraining workers
7 for another industry. Michener stated job training through a community college is
8 something they can plan for when looking forward into the future.
9

10 Mann stated make sure there is a way to retrain folks who need it. Turnover in
11 existing industries happens rapidly. Michener stated the Northwest Workforce Council is a
12 regional agency located in Bellingham that is on top of training and retraining issues.
13

14 Aamot referenced Comprehensive Plan page 7-23, Policy 7J-3, which addresses
15 retraining displaced workers.
16
17

18 **COMPREHENSIVE PLAN CHAPTER 6**

19 20 **1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON** 21 **WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTER 6, TRANSPORTATION** 22 **(AB2016-047F)** 23

24 Beth Walukas Louis, Protect Lummi Island Community (PLIC), submitted and read
25 from a handout (*on file*) and stated she supports the recommendations from the Lummi
26 Island Ferry Advisory Committee (LIFAC) for changes to the chapter. Three areas of
27 concern include keeping the concurrency requirement, the ferry plan, and allowing LIFAC
28 time to develop a level of service and a plan for replacing the ferry.
29

30 **2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE** 31 **PLAN CHAPTER 6, TRANSPORTATION (AB2016-047F)** 32

33 **Brenner** referenced item one in Proposed Council Changes to Comprehensive Plan
34 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
35 page 6-2, lines 29-32, "This chapter supports County-Wide Planning Policies by encouraging
36 alternative modes of transportation through goals, **and** policies, ~~and actions~~. It includes
37 policies on demand management strategies and considers inter-county and international
38 transportation links." Action items will not be in the Comprehensive Plan. They will be in
39 the countywide planning policies.
40

41 The motion was seconded.
42

43 Gary Davis, Planning and Development Services Department, stated the action items
44 at the end of each chapter were revised to become policies or were removed because they
45 were already accomplished. Staff agrees with the motion.
46

47 The motion carried by the following vote:

48 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

49 **Nays:** None (0)
50

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1 **Brenner** referenced item two in Proposed Council Changes to Comprehensive Plan
2 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
3 page 6-4, lines 16-20, "The Port of Bellingham owns and operates three seaport facilities
4 within the city of Bellingham, (Bellingham Shipping Terminal, Squalicum Harbor, and
5 Bellingham Cruise Terminal) and one in the city of Blaine (Blaine Harbor). The Bellingham
6 Cruise Terminal acts as the southern terminus of the Alaska sState fFerry sSystem and host
7 to private cruise vendors."

8
9 The motion was seconded.

10
11 The motion carried by the following vote:

12 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

13 **Nays:** None (0)
14

15 **Brenner** referenced item three in Proposed Council Changes to Comprehensive Plan
16 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
17 page 6-4, lines 34-36, "Privately owned and operated airports exist in Whatcom County,
18 including Point Roberts (Point Roberts Airpark), and on Lake Whatcom (Floathaven SPB),
19 near Custer (Meadow Mist), and Eliza Island."

20
21 The motion was seconded.

22
23 The motion carried by the following vote:

24 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

25 **Nays:** None (0)
26

27 **Brenner** referenced item four in Proposed Council Changes to Comprehensive Plan
28 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
29 page 6-5, lines 4-6, "The transit system includes transit stations in Bellingham, Ferndale,
30 and Lynden, three of which include park and ride lots. Currently there are a total of nine
31 park and ride lots in Whatcom County."

32
33 The motion was seconded.

34
35 The motion carried by the following vote:

36 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

37 **Nays:** None (0)
38

39 Brenner referenced item five in Proposed Council Changes to Comprehensive Plan
40 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
41 page 6-7, lines 16-22, "GMA also requires... For modes of transportation other than motor
42 vehicles, and transit, and the Lummi Island ferry, Whatcom County does not establish levels
43 of service based on volumes, but instead focuses on the *quality* of service through planning
44 and design (see Goals 6D and 6E below)."

45
46 The motion was seconded.

47
48 Weimer stated the Growth Management Act (GMA) doesn't require them to develop a
49 level of service for the ferry.
50

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1 Forrest Longman, Council Office, stated the Lummi Island Ferry Advisory Committee
2 suggested alternative language to address this issue.
3

4 **Brenner amended and restated the motion** to amend page 6-6, lines 19-22, for
5 Level of Service-Motor Vehicles, "In addition it is appropriate to include concurrency for the
6 county-owned ferry service. (See Policy 6A-1 and Map 6-2)."
7

8 The motion was seconded.
9

10 The motion carried by the following vote:

11 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

12 **Nays:** None (0)
13

14 **Brenner** referenced item six in Proposed Council Changes to Comprehensive Plan
15 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
16 page 6-7, line 19, as recommended by the LIFAC, "For modes of transportation other than
17 motor vehicles, and transit, and ferry,..."
18

19 The motion was seconded.
20

21 The motion carried by the following vote:

22 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

23 **Nays:** None (0)
24

25 **Brenner** referenced item seven in Proposed Council Changes to Comprehensive Plan
26 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
27 page 6-9, Policy 6A-1, "Establish the following levels of service (LOS) for purposes of
28 maintaining transportation concurrency:

- 29 • Ferry LOS standard is currently 513 ferry passenger trips annually per capita
30 Lummi Island population. Note: The Lummi Island Ferry Advisory Committee
31 (LIFAC) is cooperating with Public Works to develop an updated LOS
32 standard. LIFAC will present a revision to this section when that work is
33 complete."
34

35 The motion was seconded.
36

37 The motion carried by the following vote:

38 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

39 **Nays:** None (0)
40

41 **Brenner** referenced item eight in Proposed Council Changes to Comprehensive Plan
42 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
43 page 6-11, line 3-6, "For the roadways classified as arterials, and ferries providing sole
44 public transportation to Lummi Island, the GMA requires the County to prohibit development
45 approval – or assure needed improvements concurrent with development -- if the
46 development causes the level of service to fall below adopted standards."
47

48 The motion was seconded.
49

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1 Davis stated the committee asked that it be removed, because it refers to GMA
2 requirements, and the GMA doesn't require it.

3
4 Brenner withdrew her motion.

5
6 **Browne** referenced items nine, ten, and 14 in Proposed Council Changes to
7 Comprehensive Plan Chapter 6 beginning on Council packet page 199 and **moved** to:

- 8 • Amend Comprehensive Plan page 6-12, lines 9-12, "The segments where County-
9 owned roadways classified as arterials fall below the adopted LOS standards in 2036
10 are Hannegan Road between Van Wyck Road and Kelly Road (1.01 mile), and
11 Lakeway Drive between the Bellingham City Limits and Terrace Avenue (0.63
12 mile)."
- 13 • Amend Comprehensive Plan page 6-12, lines 38-40, "Accordingly, in deciding how
14 best to use its finite resources, the County must prioritize among many competing
15 items, including new projects as well as preservation, operation, and maintenance of
16 existing facilities."
- 17 • Amend Comprehensive Plan page 6-15, Policy 6C-1, "For road classifications higher
18 than local access roads, develop access control plans which may include joint
19 driveways, and require new developments to minimize the number of access
20 points."

21
22 The motion was seconded.

23
24 The motion carried by the following vote:

25 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

26 **Nays:** None (0)

27
28 **Brenner** referenced item 11 in Proposed Council Changes to Comprehensive Plan
29 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
30 page 6-14, Policy 6B-1, "Programming of transportation programs...correct level of service
31 deficiencies on County-owned roads and ferries to meet GMA concurrency requirements."

32
33 The motion was seconded.

34
35 Weimer stated this section also references GMA concurrency requirements.

36
37 Roland Middleton, Public Works Department, stated they are including a level of
38 service for the ferry. The GMA does not require the County to establish a level of service.
39 The motion is fine.

40
41 The motion carried by the following vote:

42 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

43 **Nays:** None (0)

44
45 **Weimer** referenced item 12 in Proposed Council Changes to Comprehensive Plan
46 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
47 page 6-14, Policy 6B-2, "Use a fair and equitable formula...bikeways, ferry, and roadways
48 that are considered reasonably necessary as a direct result of proposed developments in
49 Whatcom County."

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1 The motion was seconded.

2
3 The motion carried by the following vote:

4 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

5 **Nays:** None (0)

6
7 **Weimer** referenced item 13 in Proposed Council Changes to Comprehensive Plan
8 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
9 page 6-15, lines 31-35, "Whatcom County's program of arterial and collector
10 improvements addresses the following elements: uncongested traffic flow; sound
11 engineering and construction; safety; mobility; facilities for public transit, bicycles, and
12 pedestrians; access to air, rail, **ferry**, and other forms of transportation; and cost
13 effectiveness."

14
15 The motion was seconded.

16
17 The motion carried by the following vote:

18 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

19 **Nays:** None (0)

20
21 **Weimer** referenced item 15 in Proposed Council Changes to Comprehensive Plan
22 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
23 page 6-16 to create a new policy, "Policy 6C-1: Conduct a ferry feasibility study to inform
24 the next Comprehensive Plan update so that sufficient planning, engineering, design and
25 cost detail is available to use in competing for grants and other sources of funding for a
26 replacement ferry. The ferry feasibility study should determine type of boat, dock and other
27 amenities that will be needed for a replacement ferry; estimate sea level rises over the next
28 50-70 years; and address elements such as, but not limited to, future demand and use
29 based on projected demographics, boat size, boat technology, service plan, dock and other
30 amenities, safety, and costs, including operating and maintenance costs, a timeline for
31 implementation, a funding strategy and a public review process. LIFAC should provide input
32 on the scope of work and any consultants or vendors retained, as well as reviewing and
33 providing input on key milestones."

34
35 The motion was seconded.

36
37 Middleton stated simplify the policy. The feasibility study needs to go forward, but
38 this language is very specific. He appreciates parameters, but this outlines what the
39 feasibility study will accomplish. Make the language more generalized.

40
41 **Brenner moved** to hold to come up with better language. She asked Mr. Middleton
42 to create better language.

43
44 Mann stated he likes the language in the current motion.

45
46 Sidhu stated the motion includes too much information. When they sanction the
47 study, they will define the terms of the study. That's not a policy.

48
49 The motion to hold in committee was seconded.

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1 The motion to hold in committee carried by the following vote:

2 **Ayes:** Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

3 **Nays:** Mann (1)

4
5 Donovan referenced Comprehensive Plan page 6-13 and asked about language
6 regarding potential additional transportation revenue that was amended and moved to a
7 different page. Davis stated they moved financing specifics from the policy chapter to the
8 capital facilities appendix E, which is updated more often.

9
10 **Browne** referenced item 16 in Proposed Council Changes to Comprehensive Plan
11 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
12 page 6-17, lines 25-30, "Whatcom County's transportation facilities must accommodate a
13 variety of transportation modes including automobiles, bicycles, pedestrians, buses, ferries,
14 emergency vehicles, commercial vehicles, and agricultural equipment. In the planning,
15 design, and construction of these facilities, the County must balance the needs of all users
16 in all modes, and make the improvements appropriate to the context of the area."

17
18 The motion was seconded.

19
20 The motion carried by the following vote:

21 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

22 **Nays:** None (0)

23
24 **Brenner** referenced item 17 in Proposed Council Changes to Comprehensive Plan
25 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
26 page 6-17, Policy 6E-1, "Adopt and use design standards...budgetary constraints. This shall
27 include an efficient and effective number of bus trips per day to adequately serve existing
28 communities outside cities and UGAs." They promoted and pushed for more bus service to
29 Sudden Valley, but it was cut back.

30
31 The motion was seconded.

32
33 **Weimer** stated the County isn't responsible for providing bus service. Bus service
34 was cut back because the rural community didn't support greater funding for the transit
35 system. He **suggested a friendly amendment**, "This shall include Encourage...."

36
37 **Brenner accepted** the friendly amendment.

38
39 Mann stated he supports transit alternatives, but don't single out bus service. There
40 are many other different types of transportation. He asked why this service is added.

41
42 Brenner stated bus service isn't mentioned in the language.

43
44 Mann stated language in that section does include buses.

45
46 Brenner stated she wants it to be about more than balancing needs. Most of the
47 other types of transportation listed aren't as good for the environment. Better bus service
48 to the rural communities is necessary.

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1 Mann stated he would like to see better bus service also. However, don't prioritize
2 this specific mode of transportation. He would like to see electric charging stations all over
3 the county.
4

5 Davis stated this policy 6E-1 is about design standards. It is a policy supporting
6 public services when they're developing new projects to adopt and use design standards
7 that follow the current best practices. It's not making policies on any individual particular
8 mode of transportation. Policy 6J-3 is about coordinating with the Whatcom Transit
9 Authority to establish rural transit service. That would be the place to address inadequate
10 bus service.
11

12 Brenner stated Policy 6E-1 talks about achieving the best balance possible. This is
13 talking about accommodation, not design.
14

15 Sidhu stated the WTA Board has the public responsibility for bus service. They know
16 what is efficient and effective. Don't force something that isn't necessary. The motion is
17 superfluous. Let WTA decide on bus service.
18

19 Weimer stated he agrees with staff that the language is more appropriate in Policy
20 6J-3. He rescinded his second to the motion.
21

22 The motion died for lack of a second.
23

24 **Brenner** referenced item 18 in Proposed Council Changes to Comprehensive Plan
25 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
26 page 6-18, lines 24-29, "Level of service...safe and convenient route. Pedestrians are also
27 well served by adequate crosswalks. Bicyclists may be well served by a low speed and traffic
28 shared roadway lane in an urban location but may benefit from a wide shoulder on a rural
29 higher speed road."
30

31 The motion was seconded.
32

33 The motion carried by the following vote:

34 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

35 **Nays:** None (0)
36

37 **Brenner** referenced item 19 in Proposed Council Changes to Comprehensive Plan
38 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
39 page 6-20, Policy 6F-5, "Give priority to...walkways and crosswalks along roadways within a
40 one-mile radius of schools."
41

42 The motion was seconded.
43

44 The motion carried by the following vote:

45 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

46 **Nays:** None (0)
47

48 **Brenner** referenced item 20 in Proposed Council Changes to Comprehensive Plan
49 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan

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page 6-20, Policy 6F-6, "For commercial and residential...paths, crosswalks, and other...between buildings."

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Browne referenced items 21 through 23 in Proposed Council Changes to Comprehensive Plan Chapter 6 beginning on Council packet page 199 and **moved** to:

- Amend Comprehensive Plan page 6-20, lines 32-34, "Whatcom County eCouncil mMembers are part of the WCOG's Whatcom Transportation Policy Board and the WTA Board of Directors."
- Amend Comprehensive Plan page 6-23, Policy 6H-1, "Maintain and restore fish passage...the annual road construction program, and the County budget."
- Amend Comprehensive Plan page 6-24, Policy 6H-8, "Promote designs to preserve mature trees, unique wildlife habitats, water quality, and other...."

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Brenner referenced item 24 in Proposed Council Changes to Comprehensive Plan Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan page 6-24, Policy 6H-10, "Minimize the amount of impervious surface ~~whenever practicable~~ by using natural engineering design methods such as the use of open, shallow, grassed street swales instead of curbs and gutters and, ~~where feasible~~, encouraging alternate surfacing options."

The motion was seconded.

Davis stated there are no new changes to this policy, which is current in the Comprehensive Plan. Staff is concerned that the alternate methods would be used instead of curbs and gutters. If a phrase such as "where applicable" is not included, the County will be required to do these everywhere, regardless of whether or not it's appropriate.

Brenner withdrew the motion. She referenced item 25 in Proposed Council Changes to Comprehensive Plan Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan page 6-24, Policy 6J-1, "Develop programs that reduce...These programs include, but are not limited to, trip reduction programs in coordination with major employers, and other jurisdictions, and the WTA."

The motion was seconded.

Sidhu asked what they're trying to achieve by adding the reference to the Whatcom Transportation Authority (WTA).

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1 Brenner stated the WTA has many programs that reduce single-occupancy vehicle
2 use and vehicle miles traveled.
3

4 The motion carried by the following vote:

5 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

6 **Nays:** None (0)
7

8 **Brenner** referenced item 26 in Proposed Council Changes to Comprehensive Plan
9 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
10 page 6-25, Policy 6J-4, "Coordinate with Whatcom Transportation Authority...provide
11 necessary **and adequate** services to encourage their use." Necessary services are about the
12 types of services. Adequate services are about the amount of services.
13

14 The motion was seconded.
15

16 The motion carried by the following vote:

17 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

18 **Nays:** None (0)
19

20 **Brenner** referenced item 27 in Proposed Council Changes to Comprehensive Plan
21 Chapter 6 beginning on Council packet page 199 and **moved** to amend Comprehensive Plan
22 page 6-25, Policy 6J-8, "Explore enhanced bus service to Sudden Valley to reduce traffic in
23 the Lake Whatcom watershed. **Also encourage enhanced bus service to Lummi Island and**
24 **Columbia Valley to reduce single-car emissions.**"
25

26 The motion was seconded.
27

28 Brenner stated Lummi Island used to have small buses that served the island well.
29

30 Mann stated the WTA makes its decisions based on demand and cost-effectiveness.
31 Sudden Valley and Columbia Valley have thousands of people. Lummi Island has 800 or
32 900. He asked how Councilmember Brenner determined which community deserves this
33 encouragement.
34

35 Brenner stated Lummi Island lost a lot of parking, so it's better for more people to
36 get out of the cars.
37

38 Browne stated have a broader view of all technologies besides bus service, such as
39 computer-assisted ride share programs, on demand ride programs such as Uber, vehicle
40 sharing, and automated vehicles. Add language recognizing these other services.
41

42 Sidhu stated the purpose of this section is to increase service to Sudden Valley to
43 protect the Lake Whatcom watershed. This has nothing to do with level of service to rural
44 communities. The WTA has recently talked about a publicly run on-demand ride program.
45

46 The motion failed by the following vote:

47 **Ayes:** Brenner and Buchanan (2)

48 **Nays:** Mann, Sidhu, Browne, Weimer and Donovan (5)
49
50

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COMPREHENSIVE PLAN CHAPTER 2

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTER 2, LAND USE (AB2016-047B)

Larry Brown stated the comments from the Sudden Valley Community Association have nothing to do with becoming an urban growth area (UGA) in order to grow. They are a request for some mechanism for the Sudden Valley community to be regularly consulted with on issues such as transportation and environmental protection and enhancement. There must be Sudden Valley community participation in the important decisions the County makes to deal with its very large population.

Forrest Longman, Council Office, stated he is drafting a proposed policy for councilmembers about how to include Sudden Valley.

Clayton Petree stated Staff used the Countywide Planning Policies to justify many things in the Economic Chapter. He referenced and read Countywide Planning Policy D-2 from Appendix C, which has not yet come to the Council. The Yew Street UGA reserve has water, sewer, gutters and curbs, sidewalks, Whatcom Transportation Authority (WTA) bus service, pedestrian crosswalks, a public school, and a fire station. This is an area that will be in the city. The Countywide Planning Policy says it shall be in the UGA. Consider that when going through the Bellingham section of Chapter 2.

He referenced Goal 2A about designating sufficient water and land to accommodate the growth needs of Whatcom County. Bellingham has an inventory problem for single-family houses. Growth is pushed to Sudden Valley and Mt. Baker rural areas. Actual rural growth is higher than projected and allocated. When problems push extra growth into the rural area, it violates Policy 2DD-1.

Brenner stated there was a newspaper article about a deficit of affordable single-family housing in Bellingham.

Matt Aamot, Planning and Development Services, stated cities want autonomy to plan for how they want their communities to develop. If there is a lower supply of single-family housing, the demand will go elsewhere. The City of Bellingham doesn't want to expand, and wants to focus on the urban village idea.

Karlee Deatherage, ReSources for Sustainable Communities, stated she supports the revised Policy 2A-14 from Councilmember Weimer, which ties land use decisions to water availability. There is a fixed amount of available water resources, especially in the summer. Goal 10 of the Growth Management Act (GMA) requires that they protect the environment and enhance the State's high quality of life, which includes air and water quality and the availability of water.

Linda Twitchell, Building Industry Association, referenced the fifth bullet point in the proposed new Policy 2A-14 regarding working with the Department of Ecology (DOE) to better undertake its responsibilities by encouraging creation of a permitting system for exempt wells. This Committee passed language earlier today suggesting that the County will comply with DOE water programs. The DOE water program allows exempt wells in

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1 these closed areas. This morning's vote was to support the DOE policies. Encouraging
2 them to create a separate permitting process for exempt wells is the opposite of what the
3 Committee did this morning. Do not add extra permitting systems. Whatcom County has
4 the fourth or fifth highest housing prices in the state. More requirements and permitting
5 systems add \$20,000 to the price of every home. They already have incredibly high prices.
6 The current median housing price in Whatcom County and Bellingham does not match
7 income levels.

8
9 She referenced proposed changes to Policy 2DD-1 about monitoring residential
10 development activity outside UGAs, which shall require the County to take action to address
11 any discrepancies. She asked if the County plans to also take action if the Cities do not
12 meet their growth expectations. If they are going to monitor growth projections, they
13 should do it countywide.

14
15 She referenced the proposed new goal about administering a transfer of
16 development rights (TDR) program and stated make sure it's voluntary, because they don't
17 know all the unintended consequences. Consider how it will affect the price of housing.

18
19 Mann asked if the Cities are already monitoring their building activity annually. He
20 recalls getting that report annually. Davis stated the County gets population reports from
21 the Office of Financial Management (OFM) for incorporated areas and the overall UGA,
22 based on the permit reports sent to OFM.

23
24 Twitchell stated that if the County is going to take action to deal with inconsistencies
25 in the rural lands, there is a connection with what goes on in the cities.

26
27 Mann stated the County doesn't have jurisdiction over the cities. Twitchell stated
28 they're related.

29
30 Kane Hall stated he supports processes that provide adequate water to agriculture,
31 within the context of protecting treaty rights, instream flows, and water quality. Impose
32 development fees in the county to limit taxpayers from subsidizing rural sprawl. Use
33 conservative growth estimates consistent with the county's environmental carrying capacity.
34 The OFM lists Bellingham as 49th in the state in density and 12th in population with 28.5
35 square miles. Ferndale is 112th in density and 69th in population with eight square miles.
36 Blaine is 120th in density and 205th in population with 5.7 square miles. Renton has a
37 population of 98,000 in 24 square miles, making them 8th in population and 15th in density.
38 Yakima has a population of 93,000 in 27 square miles, making them 10th in population and
39 30th in density. Bellevue has a population of 135,000 in 33.6 square miles, making them 5th
40 in population and 17th in density. Bellevue is approximately the size of Bellingham, yet it is
41 twice as dense. Its growth is managed within the urban growth boundary. There are 37
42 smaller communities in the state that have more density per square mile than Bellingham.
43 Bellingham has enough land in the current UGA to accommodate at least 20 years of future
44 growth. Promote infill in the urban growth boundaries.

45
46 Sidhu stated he asks the real estate industry what they would do for a young realtor,
47 since the policy for the last 50 years is to annex, build, and move on. All their testimony
48 says they should annex more land, there is no land for single-family homes, and single-
49 family homes are the only type of home that people want. There will continue to be these
50 problems in 50 years if they continue the same policies. There has been zero innovation

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1 and no new ideas from the industry whose future depends on it. People in the industry only
2 insist that they need more land, they need to build more, and they need to expand cities.
3 Every industry has only one interest. The County must be the counterweight. He asked the
4 industry to come up with and present some kind of innovation. Expanding the cities won't
5 be feasible in 10 or 50 years into the future.

6
7 Brenner stated the County can't get a certain City to do enough infill. No one wants
8 urban sprawl, but no one wants infill in their backyard, either. The responsibility is not on
9 the real estate or building industry. The government is responsible.

10
11 **2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE**
12 **PLAN CHAPTER 2, LAND USE (AB2016-047B)**
13

14 Donovan stated he wants to revisit the Birch Bay Urban Growth Area (UGA).

15
16 Weimer referenced item one in Proposed Council Changes to Comprehensive Plan
17 Chapter 2 beginning on Council packet page 232. It was a recommendation from a number
18 of groups to incorporate water into the consideration.

19
20 Matt Aamot, Planning and Development Service Department, asked if this would
21 require groundwater studies in rural areas so they have some method of groundwater
22 availability. Also, Lynden's water rights are unclear, according to the Department of
23 Ecology (DOE). He asked if they would have to side with Lynden or the DOE.

24
25 Karen Frakes, Prosecutor's Office, stated some of the proposed changes are
26 inconsistent with the County's position on water litigation. The County is waiting for a
27 decision from the court case. It's inconsistent to say the County will ensure sufficient water.
28 It's the Department of Ecology's job to determine whether a basin will be closed to exempt
29 wells. She is also concerned about the last bullet of item two, which is inconsistent with the
30 County's position during litigation, that this area is not closed to exempt wells. Right now,
31 there is no authority for the Department of Ecology to create a permit system for exempt
32 wells because they are exempt from permitting. Don't include those provisions in the
33 Comprehensive Plan.

34
35 Mann stated that the proposed amendment to Goal 2A, which is not a policy, would
36 be okay if they removed the word "ensure." Frakes stated that's better.

37
38 Mann stated that as they create the Comprehensive Plan, addressing the land only is
39 somewhat naïve and unwise. Water is half the equation. Frakes stated make sure it's
40 understood that it's not the County's job to determine whether or not there is sufficient
41 water when someone wants to put in an exempt well. She infers from the language
42 proposed for Goal 2A that the goal is a preamble to the policy that is inconsistent with the
43 County's position.

44
45 Weimer stated new proposed Policy 2A-14 was meant to address concerns from Ms.
46 Frakes and the Planning staff to define the goal. He tried to write the goal and policy so the
47 County would not take on the responsibility for DOE's job, but to make it clear that it is
48 DOE's job, and the DOE ought to be doing it to help clarify people's water rights. Frakes
49 stated her big concern is with the word "ensure," which implies the County will take on that
50 responsibility. She doesn't have a problem with Councilmember Weimer's approach, with

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1 the understanding it's not the County's job to ensure sufficient water in the context of
2 exempt wells.
3

4 Browne stated defer a decision on these two proposed amendments until the court
5 case is done. The decision will give the County guidance on its parameters. Water is
6 important in rural areas for domestic consumption and for fire flow. They have different
7 sets of rules. The DOE allows unrestricted water use in the act of suppressing a fire. The
8 community should strive to encourage water conservation in all cases. There is more work
9 to be done on this item.
10

11 **Brenner moved** to hold in Committee for two weeks items one and two in Proposed
12 Council Changes to Comprehensive Plan Chapter 2 beginning on Council packet page 232,
13 to amend Comprehensive Plan page 2-5, Goal 2A.
14

15 The motion to hold was seconded.
16

17 Browne stated he's concerned about the bullet point that encourages the DOE to
18 better commit to their responsibilities to enforce water rights to protect instream flows. At
19 least half the agriculture community has no legal water right. He's reluctant for the County
20 to take a position, which could be construed as effectively shutting down half the agriculture
21 industry. The better solution is a State-level solution that deals with the issue of water
22 rights and water allocation.
23

24 Weimer stated that's what the third bullet does.
25

26 Brenner stated the third bullet point may be a problem legally.
27

28 The motion to hold carried by the following vote:

29 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)

30 **Nays:** Weimer (1)
31

32 **Browne** referenced item three in Proposed Council Changes to Comprehensive Plan
33 Chapter 2 beginning on Council packet page 232 and **moved** to amend Comprehensive Plan
34 page 2-18, Policy 2M-6, "Engage the Wildlife Advisory Committee to develop
35 recommendations of critical habitat and species protection areas, and for a system to
36 monitor the status of fish and wildlife habitat function."
37

38 The motion was seconded.
39

40 The motion carried by the following vote:

41 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

42 **Nays:** None (0)
43

44 Browne withdrew items four through eight.
45

46 Weimer stated he likes item six if they remove "urban growth." It could incorporate
47 Sudden Valley's ideas. Establish some kind of advisory group for those more developed
48 rural areas. Aamot stated this is the section on the urban growth area. Mr. Longman can
49 present it at the next meeting.
50

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1 **Browne** referenced item nine in Proposed Council Changes to Comprehensive Plan
2 Chapter 2 beginning on Council packet page 232 and **moved** to hold this motion in
3 Committee until he gets more information from the Lynden Airport Advisory Committee.

4
5 The motion to hold was seconded.

6
7 The motion to hold carried by the following vote:

8 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

9 **Nays:** None (0)

10
11 **Donovan** referenced item ten in Proposed Council Changes to Comprehensive Plan
12 Chapter 2 beginning on Council packet page 232 and **moved** to amend Comprehensive Plan
13 page 2-73, lines 31-34, "In 2010, the DNR recognized the need to "protect the significant
14 environmental resource of aquatic lands at Cherry Point" (CPAR Management Plan p. 1), and
15 completed the Cherry Point Environmental Aquatic Reserve Management Plan, and
16 designated the Cherry Point Aquatic Reserve to ensure long-term environmental protection
17 of the area." Acknowledge that the area is designated as an aquatic reserve.

18
19 The motion was seconded.

20
21 The motion carried by the following vote:

22 **Ayes:** Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)

23 **Nays:** None (0)

24 **Absent:** Browne (out of the room) (1)

25
26 **Donovan** referenced item 11 in Proposed Council Changes to Comprehensive Plan
27 Chapter 2 beginning on Council packet page 232 and **moved** to amend Comprehensive Plan
28 page 2-73, lines 37-41, "The reserve extends from the southern boundary of Birch Bay
29 State Park to the northern border of the Lummi Indian Nation Reservation. The site
30 excludes three existing aquatic land leases (BP, Intalco, Phillips 66 shipping piers) and one
31 proposed aquatic land lease (~~Gateway Pacific Terminal site~~)."

32
33 The motion was seconded.

34
35 Donovan asked if it matters whether they reference the Gateway Pacific Terminal.
36 He asked if including the reference to the project gives the appearance that the County
37 Council favors the project, and if removing the language gives the appearance that the
38 County Council is opposed to the project. He asked if the Council is not doing its job
39 updating the Comprehensive Plan by not acting on it. Aamot stated he can't answer those
40 questions. The language is a reflection of what is in the Department of Natural Resources
41 (DNR) plan. He doesn't think it matters.

42
43 Brenner stated she asked legal counsel the question. Ms. Frakes specifically said
44 there shouldn't be a reference to a specific project because of the Council's quasi-judicial
45 responsibility.

46
47 Sidhu asked if another site is possible for an exemption. Aamot stated the DNR
48 environmental reserve has a cut-out for this site, along with the existing piers. This is just
49 a reflection of what is in the DNR plan.

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1 Tyler Schroeder, Executive's Office, read from page 52 of the Cherry Point Aquatic
2 Reserve Management Plan of 2010, which recognizes new over-water structures.

3
4 **Brenner moved** to hold in Committee until they hear from legal counsel.

5
6 The motion was seconded.

7
8 The motion carried by the following vote:

9 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)

10 **Nays:** Donovan (1)

11
12 **Weimer** referenced item 12 in Proposed Council Changes to Comprehensive Plan
13 Chapter 2 beginning on Council packet page 232 and **moved** to amend Comprehensive Plan
14 page 2-74, lines 6-13, "The Management Plan acknowledges that the existing industries,
15 complying with laws and regulations, do not conflict with the Aquatic Reserve although their
16 activities may pose risks for the Aquatic Reserve. Indeed, the industries' need for buffer
17 space and their compliance with shoreline management requirements means that much of
18 the Aquatic Reserve shoreline is in substantially natural riparian vegetation and bluff
19 processes proceed without interference. Existing industries can serve the Aquatic Reserve's
20 objectives so long as they are managed according to the Plan and so long as the lessees
21 actively work to further goals for the Reserve (CPAR MP p. 2)."

22
23 The motion was seconded.

24
25 The motion carried by the following vote:

26 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

27 **Nays:** None (0)

28
29 **Donovan** referenced item 13 in Proposed Council Changes to Comprehensive Plan
30 Chapter 2 beginning on Council packet page 232 and **moved** to amend Comprehensive Plan
31 page 2-77 to create a new policy and renumber existing Policy 2CC-2 and subsequent 2CC
32 policies, "Policy 2CC-2: Ensure that developments in the Cherry Point UGA maintain
33 management plans to accomplish the goals of the Aquatic Reserve Management Plan."

34
35 The motion was seconded.

36
37 The motion carried by the following vote:

38 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

39 **Nays:** None (0)

40
41 **Brenner** referenced item 14 in Proposed Council Changes to Comprehensive Plan
42 Chapter 2 beginning on Council packet page 232 and **moved** to amend Comprehensive Plan
43 page 2-77, Policy 2CC-7, "~~Resist inclusion of~~ **Exclude** Cherry Point as part of any future
44 incorporation of Birch Bay."

45
46 The motion was seconded.

47
48 The motion carried by the following vote:

49 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

50 **Nays:** None (0)

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1
2 **Weimer** referenced item 15 in Proposed Council Changes to Comprehensive Plan
3 Chapter 62 beginning on Council packet page 232.

4
5 Davis stated staff recommends that this policy and Policy 2S-5 be coordinated so
6 they can do one report.

7
8 **Weimer moved** to amend Comprehensive Plan page 2-82, Policy 2DD-1 as
9 suggested by staff and distributed earlier, "Concentrate growth in urban areas per the
10 population projections in Chapter 1 of this plan, and recognize rural lands as an important
11 transition area between urban areas and resource areas. ~~By February 1 of each year the~~
12 ~~department will publish a report that monitors residential development activity outside the~~
13 ~~urban growth areas during the previous year and compare that data with the adopted~~
14 ~~population growth projection for those areas. If it is apparent that growth occurring outside~~
15 ~~the urban growth areas is inconsistent with~~ As part of the population growth monitoring
16 report required in Policy 2S-5, compare non-urban population growth trends with the
17 adopted non-urban population growth projection. If the trend over several five years
18 indicates that non-urban growth is significantly higher than adopted projections, the County
19 shall take action to address the discrepancy...."

20
21 The motion was seconded.

22
23 The motion carried by the following vote:

24 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

25 **Nays:** None (0)
26

27 **Donovan** referenced item 16 in Proposed Council Changes to Comprehensive Plan
28 Chapter 2 beginning on Council packet page 232 and **moved** to amend Comprehensive Plan
29 page 2-92, Policy 2GG-3, "In general, uses and densities within the Rural designation should
30 reflect established rural character. Rezones within the Rural designation should be
31 consistent with the established rural character and densities. Land in the R10A district may
32 be rezoned to a rural zone that allows a higher density only if: ..."

33
34 The motion was seconded.

35
36 Mann stated the second sentence says what the first sentence says.

37
38 Brenner stated uses and densities may not always reflect established rural character.
39 For example, a cluster of development at a lower density may change the zoning in a little
40 area.

41
42 **Donovan** asked if there is a functional difference between the original sentence and
43 the second sentence. He **moved** to hold in Committee.

44
45 The motion to hold in Committee was seconded.

46
47 The motion to hold carried by the following vote:

48 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

49 **Nays:** None (0)
50

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1 **Weimer** referenced item 17 in Proposed Council Changes to Comprehensive Plan
2 Chapter 2 beginning on Council packet page 232 and **moved** to amend Comprehensive Plan
3 page 2-128, Policy 2VV-7, "Correctional facilities... New facilities should be located: ...

- 4 • At least one **quarter** mile from public and private schools."

5
6 The motion was seconded.

7
8 Brenner stated she doesn't want a jail to be within viewing distance of a school. It
9 should be at least a half mile away.

10
11 The motion carried by the following vote:

12 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

13 **Nays:** Brenner (1)

14
15 Donovan referenced items 18a-c regarding a new goal and policies for a transfer of
16 development rights (TDR) program, in Proposed Council Changes to Comprehensive Plan
17 Chapter 2 beginning on Council packet page 232. He asked where in the Comprehensive
18 Plan they want to put this language.

19
20 Longman stated the Committee created a new Policy 2A-14 on March 29 that
21 references TDRs.

22
23 Donovan stated he withdraws from consideration items 18a-c in Proposed Council
24 Changes to Comprehensive Plan Chapter 2 beginning on Council packet page 232.

25
26 Aamot referenced Goal 2P in the document dated and submitted today suggesting
27 wording for this goal. He gave a staff report.

28
29 **Donovan moved** to approve pages two and three in the handout to change the
30 density to four to six units per net developable acre in text on pages 2-43, 2-57, and 2-62.
31 Further, add language to change the density to six to ten units per developable acre on
32 pages 2-47 and 2-51, and add the following language:

33
34 Whatcom County seeks to support and encourage the cities in
35 efforts to increase residential densities within their jurisdictions
36 throughout the planning period, as a way to increase vitality, reduce the
37 cost of services, manage outward growth, and protect the environment.
38 The County encourages cities to approve new residential developments at
39 city-wide average net densities as shown below, while respecting unique
40 characteristics of each city:

- 41 • Bellingham - six to 24 units per net acre
 - 42 • Ferndale - six to 10 units per net acre
 - 43 • Lynden - six to 10 units per net acre
 - 44 • Blaine- four to six units per net acre
 - 45 • Everson - four to six units per net acre
 - 46 • Nooksack - four to six units per net acre
 - 47 • Sumas - four to six units per net acre
- 48

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The County should approve new residential developments at overall average net densities as shown below, while respecting unique characteristics of each community:

- Birch Bay - five to ten units per net acre
- Columbia Valley - four to six units per net acre

The motion was seconded.

Weimer asked the purpose of a range instead of a minimum. Aamot stated it's harder to achieve one specific number rather than a range.

Mann stated the goal is to increase densities in the cities. If they allow the same minimum, there's no incentive. Aamot stated the County doesn't allow or not allow city densities.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

Donovan referenced the Birch Bay urban growth area (UGA) map and stated the total proposed area is 201 acres. There is language in the Comprehensive Plan that encourages possible annexation areas to develop at city densities. The Comprehensive Plan goals want logical and efficient expansions. However, those acres don't seem logical. The area is wetland in a flood plain. The zone has to stay rural, one unit per ten acres (R10A). Birch Bay won't be incorporating soon. He questions whether they should add anything to Birch Bay. It's not a city, but the County is going to run it as a city at the County's cost. The city right next to it has a capacity for 2,000 people and almost 6,000 jobs. There is a history of this area being frequently rezoned. For all of those reasons, don't keep adding to its UGA.

Brenner stated she would love for this area to grow and incorporate. She doesn't know if that will ever happen. She recalled including it to make the boundary more even.

Aamot stated this area has grown rapidly since 2000. They lowered the growth rate for the next 20 years, and there is a land capacity deficit. Including the area in the UGA makes a more logical boundary. Net densities don't consider wetlands and flood plains anyway. Staff recommends adding the 201 acres to address the land capacity issue.

Donovan stated the area won't incorporate as a city, and they will keep planning for the expansion of something that will never be a city.

Aamot stated the County funded an incorporation study in 2009. It was found to be feasible to incorporate the Birch Bay area. They haven't had a vote on it.

Brenner stated there is no perfect solution for Birch Bay.

Sidhu stated his solution is to allow cities with noncontiguous boundaries. Allow Blaine or Ferndale to annex the entire Birch Bay UGA although they are not contiguous. There is no reason to make them contiguous. People have said it's a State requirement, but no one has shown him that law. He would rather work to change that law. Empower the

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1 current cities to have more revenue, fewer expenses and infrastructure, and work more
2 efficiently for the residents.
3

4 Browne stated they also need to consider removing or downzoning areas within the
5 existing Birch Bay UGA that have oil and gas wells.
6
7

8 **OTHER BUSINESS**
9

10 There was no other business.
11
12

13 **ADJOURN**
14

15 The meeting adjourned at 4:29 p.m.
16

17 The Council approved these minutes on _____, 2016.
18

19 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

20
21
22
23
24 _____
25 Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

26
27
28
29 _____
30 Jill Nixon, Minutes Transcription
31
32

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WHATCOM COUNTY COUNCIL
Regular County Council Meeting

April 19, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

Donovan moved to approve Minutes Consent items one through eight. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

1. **SPECIAL COMMITTEE OF THE WHOLE (10:30 A.M.) FOR MARCH 8, 2016**
2. **SPECIAL COMMITTEE OF THE WHOLE (3:45 P.M.) FOR MARCH 8, 2016**
3. **REGULAR COUNTY COUNCIL FOR MARCH 8, 2016**
4. **SURFACE WATER WORK SESSION FOR MARCH 15, 2016**
5. **SPECIAL COMMITTEE OF THE WHOLE (9:30 A.M.) FOR MARCH 22, 2016**
6. **SPECIAL COMMITTEE OF THE WHOLE (4:05 P.M.) FOR MARCH 22, 2016**
7. **COMMITTEE OF THE WHOLE FOR MARCH 22, 2016**
8. **REGULAR COUNTY COUNCIL FOR MARCH 22, 2016**

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1 **PUBLIC HEARINGS**

2
3 **1. RESOLUTION REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT**
4 **FUNDING APPLICATION (UNITY CARE) (AB2016-149)**

5
6 *(Clerk's Note: The CDBG required handouts were included in the Council's packet*
7 *and available to the public at the public hearing.)*
8

9 Buchanan opened the public hearing, and the following person spoke:

10
11 Shannon Hardy, Community Care Northwest Chief Executive Officer, described her
12 agency and their plans for an expanded facility and services. She answered questions
13 about access to public transportation.
14

15 Hearing no one else, Buchanan closed the public hearing.

16
17 **Browne moved** to approve the resolution. The motion was seconded.

18
19 Mann thanked Ms. Hardy and her organization for the work they do.

20
21 The motion carried by the following vote:

22 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

23 **Nays:** None (0)
24

25 **2. WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 8, RESOURCE LANDS**
26 **(AB2016-047H)**

27
28 Mark Personius, Planning and Development Services Department, gave a staff
29 report.
30

31 Buchanan opened the public hearing, and the following people spoke:

32
33 Christopher Deile spoke about protecting habitat of threatened and endangered
34 species and reintroduction of grizzly bears into the Cascade Mountains.
35

36 Pam Borso stated accept the proposed Aquatic Lands section. Support a no net loss
37 policy for agricultural and forestry lands. Revise Policy 8A-2 to secure a sustainable supply
38 of water for the farmers and Nooksack instream flow, within the context of treaty rights.
39 Don't allow river bar scalping.
40

41 Eleanor Hines stated she represents the Northwest Straits Chapter of Surfrider
42 Foundation, Marine Resources Committee, and ReSources for Sustainable Communities.
43 She agrees with the previous speaker. Support cleaner water and healthier aquatic
44 resources. Recognize the value of upland protections. She supports no net loss policies for
45 agriculture and forestry. Remove references to river bar scalping. Include the proposed
46 Aquatic Lands section. Provide water for agriculture within the context of treaty rights and
47 instream flows.
48

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1 Karlee Deatherage, ReSources for Sustainable Communities, stated she agrees with
2 the previous two speakers. Include the Aquatic Resources section. Remove references to
3 river bar scalping. Consider the impact of upland activities.

4
5 Bob Aegerter stated don't allow river bar scalping. Ensure water is available for
6 instream flow. He spoke about the reintroduction of grizzly bears.

7
8 Dannon Traxlor spoke on behalf of the Farm Bureau and other groups, which are
9 preparing a letter to the Council regarding Chapter 8.

10
11 Pam Brady, BP Cherry Point Refinery, submitted and read from a handout (*on file*)
12 and described their efforts to protect water quality and aquatic habitat. She questions the
13 need for additional aquatic resources text amendments, because the proposed aquatic lands
14 section amendment refers to other agency plans, which may conflict and cause confusion.

15
16 Wendy Harris stated remove the policy on river bar scalping. Remove the language
17 about integrated pest management control policies that improve water quality. Don't make
18 tradeoffs when protecting critical areas. The Growth Management Act (GMA) goals aren't
19 equal and don't need to be balanced.

20
21 Hearing no one else, Buchanan closed the public hearing and stated the Council will
22 continue to accept written testimony on this item.

23 24 25 **OPEN SESSION**

26
27 The following people spoke:

- 28 • Wendy Harris spoke about the Comprehensive Plan Environment Chapter and air
29 quality issues.
- 30 • Christopher Deile spoke about the reintroduction of grizzly bears to the Cascade
31 Mountains.
- 32 • William Blais spoke about various social issues.
- 33 • Brooks Anderson spoke about free speech and delaying the emergency medical
34 services (EMS) funding request.

35 36 37 **CONSENT AGENDA**

38
39 **Browne** reported for the Finance and Administrative Services Committee and
40 **moved** to approve Consent Agenda items one and two.

41
42 Karen Frakes, Prosecutor's Office, answered questions about Consent Agenda item
43 two and whether the County can enter into a contract in perpetuity.

44
45 The motion to approve Consent Agenda items one and two carried by the following
46 vote:

47 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

48 **Nays:** None (0)
49

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1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A COST-SHARE AGREEMENT BETWEEN WHATCOM COUNTY AND NORTHWEST PIPELINE, LLC TO COVER THE COST OF EMERGENCY MEASURES TO STABILIZE THE BANK OF THE NORTH FORK NOOKSACK RIVER NEAR RUTSATZ ROAD AND ASSOCIATED MITIGATION MEASURES IN THE AMOUNT OF \$700,000 (AB2016-155)
2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT FOR SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM LAND TRUST FOR MONITORING AND EASEMENT ENFORCEMENT OF PROPERTIES IN THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM IN PERPETUITY IN THE AMOUNT OF \$12,000 PER EASEMENT OR A 5% FEE ON THE EASEMENT PRICE, WHICHEVER IS GREATER, NOT TO EXCEED \$24,000 PER EASEMENT (AB2016-156)

OTHER ITEMS

1. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, EIGHTH REQUEST, IN THE AMOUNT OF \$234,633 (AB2016-143)

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

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

2. RESOLUTION AMENDING THE 2016 FLOOD CONTROL ZONE DISTRICT AND SUBZONE BUDGETS, SECOND REQUEST, IN THE AMOUNT OF \$200,000 (AB2016-144)

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

Browne reported for the Finance and Administrative Services Committee and **moved** to approve the resolution.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

3. RESOLUTION AMENDING THE 2016 FLOOD CONTROL ZONE DISTRICT AND SUBZONE BUDGETS, THIRD REQUEST, IN THE AMOUNT OF \$85,000 (AB2016-145)

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

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1 **Browne** reported for the Finance and Administrative Services Committee and
2 **moved** to approve the resolution.
3

4 The motion carried by the following vote:

5 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

6 **Nays:** None (0)
7

8 4. **ORDINANCE AMENDING ORDINANCE NO. 2014-083 ESTABLISHING THE**
9 **CEDAR HILLS/EUCLID STORM WATER IMPROVEMENTS FUND AND**
10 **ESTABLISHING A PROJECT BASED BUDGET FOR CEDAR HILLS/EUCLID STORM**
11 **WATER IMPROVEMENTS (AB2016-146)**
12

13 **Browne** reported for the Finance and Administrative Services Committee and
14 **moved** to approve the resolution.
15

16 The motion carried by the following vote:

17 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

18 **Nays:** None (0)
19

20 5. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
21 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY FLOOD CONTROL**
22 **ZONE DISTRICT AND THE WHATCOM CONSERVATION DISTRICT TO PROVIDE**
23 **OUTREACH TO THE AGRICULTURAL COMMUNITY IN POLLUTION**
24 **IDENTIFICATION AND CORRECTION (PIC) FOCUS AREAS IN THE AMOUNT OF**
25 **\$45,000 (AB2016-153)**
26

27 *(Council acting as the Whatcom County Flood Control Zone District Board of*
28 *Supervisors.)*
29

30 **Browne** reported for the Finance and Administrative Services Committee and
31 **moved** to approve the request.
32

33 The motion carried by the following vote:

34 **Ayes:** Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)

35 **Nays:** None (0)

36 **Abstains:** Browne (1)
37

38 6. **RESOLUTION OF THE WHATCOM COUNTY COUNCIL UPDATING THE APPENDIX**
39 **OF THE 2015 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY**
40 **(AB2016-154)**
41

42 **Browne** reported for the Finance and Administrative Services Committee and
43 **moved** to approve the resolution.
44

45 **Brenner** referenced Council packet page 78 and **moved** to amend to remove the
46 State Street remodel. They have to stop buying facilities that need significant remodeling
47 and improvements. The motion was seconded.
48

49 Councilmembers discussed the benefits of the State Street building, the frequency of
50 remodeling projects in County facilities, the purpose of the Comprehensive Economic

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1 Development Strategy (CEDS) project list, the projects not being related to economic
2 development, and whether motions are recorded in the minutes when they don't receive a
3 second.

4
5 The motion to amend failed by the following vote:

6 **Ayes:** Brenner (1)

7 **Nays:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

8
9 Brenner moved to amend to remove the Civic Center remodel from the list. There is
10 no end to the remodeling projects that have occurred to this building. The motion was not
11 seconded.

12
13 **Brenner moved** to amend to remove the West Horton Road project from the list.
14 This improvement is for Costco and will not help the level of service.

15
16 Councilmembers discussed outside funding for this project and whether or not the
17 jail project should specifically say the jail location is on LaBounty Road.

18
19 The motion to amend failed by the following vote:

20 **Ayes:** Brenner (1)

21 **Nays:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

22
23 **Donovan** referenced the New Jail project and the New Sheriff's Office project and
24 **moved** to amend the location from LaBounty Road to Whatcom County. The motion was
25 seconded.

26
27 Tyler Schroeder, Executive's Office, answered questions about the differences
28 between this list and the six-year capital improvement program from the Public Works
29 Department and how these projects are prioritized.

30
31 The motion to amend carried by the following vote:

32 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

33 **Nays:** Brenner (1)

34
35 **Browne moved** to amend to remove Economic Development Investment (EDI)
36 funds as a potential funding source until they decide how they are going to use the EDI
37 funds in a way that will best assist economic development. The motion was seconded.

38
39 Councilmembers discussed whether the EDI fund is misnamed and can be used for
40 projects other than economic development projects.

41
42 The motion to amend carried by the following vote:

43 **Ayes:** Sidhu, Browne, Buchanan and Donovan (4)

44 **Nays:** Brenner, Mann, and Weimer (3)

45
46 **Weimer moved** to remove all the projects that have EDI funding as the only
47 potential funding source. The motion was seconded.

48
49 Schroeder described the history and purpose of the EDI fund and the rural sales tax.
50

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1 **Weimer withdrew** the motion to amend. The EDI fund can be used for public
2 facilities.
3

4 **Buchanan moved** to reconsider Councilmember Browne's motion to remove EDI
5 funds as a potential funding source. The motion was seconded.
6

7 The motion to reconsider carried by the following vote:

8 **Ayes:** Brenner, Mann, Sidhu, Buchanan, and Weimer (5)

9 **Nays:** Donovan and Browne (2)
10

11 **Buchanan restated the motion** to remove EDI funds from the potential funding
12 sources column of the table.
13

14 The motion to amend failed by the following vote:

15 **Ayes:** Sidhu, Browne and Donovan (3)

16 **Nays:** Brenner, Mann, Buchanan, and Weimer (4)
17

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

19 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

20 **Nays:** Brenner (1)
21

22 **7. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 2.130 TO**
23 **REVISE ECONOMIC DEVELOPMENT INVESTMENT BOARD MEMBERSHIP**
24 **(AB2016-147)**
25

26 **Browne moved** to adopt the ordinance. The motion was seconded.
27

28 The motion carried by the following vote:

29 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

30 **Nays:** None (0)
31

32 **8. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 2.34 TO REVISE**
33 **AGRICULTURAL ADVISORY COMMITTEE MEMBERSHIP (AB2016-148)**
34

35 **Brenner moved** to adopt the ordinance. The motion was seconded.
36

37 The motion carried by the following vote:

38 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

39 **Nays:** None (0)
40

41 **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**
42

43 **1. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
44 **JEN GLYZINSKI TO THE PURCHASE OF DEVELOPMENT RIGHTS OVERSIGHT**
45 **COMMITTEE (AB2016-158)**
46

47 **Mann moved** to confirm the appointment. The motion was seconded.
48

49 The motion carried by the following vote:

50 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

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1 **Nays:** None (0)

2
3
4 **INTRODUCTION ITEMS**

5
6 **1. RECEIPT OF APPLICATIONS FOR THE LAW AND JUSTICE COUNCIL,**
7 **APPLICANTS: ROBERT HINES, JAMES HULBERT (AB2016-151)**

8
9 ***Brenner moved*** to accept the Introduction Item. The motion was seconded.

10
11 The motion carried by the following vote:

12 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

13 **Nays:** None (0)

14
15 ***Brenner*** reported for the Public Works, Health, and Safety Committee and ***moved***
16 to Introduce the **ordinance amending Whatcom County Code 12.60, Road Naming**
17 **System, to include honorary road naming (AB2016-157).** The motion was seconded.

18
19 The motion carried by the following vote:

20 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

21 **Nays:** None (0)

22
23
24 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

25
26 Weimer stated the Council must discuss the timing of and making decisions on
27 emergency medical services (EMS) and jail funding issues.

28
29 Buchanan stated he is working to create a jail planning workgroup.

30
31 Mann stated he supports going forward with an EMS funding vote before a jail
32 funding vote.

33
34 Brenner stated she won't support a property tax increase, because it's more
35 regressive than a sales tax.

36
37 Donovan stated the Council must have conversations about an EMS tax levy, jail tax
38 levy, property tax, and the budget all together, not separately.

39
40 Mann stated schedule a presentation in committee from Fire Chief Bill Newbold, who
41 also gave a presentation to the City of Bellingham.

42
43 Browne stated have the presentation at the evening Council meeting, for the benefit
44 of the public.

45
46 Buchanan stated the Council will have a presentation from Chief Newbold at the next
47 evening Council meeting.

48
49 ***The Council concurred.***

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1 Mann stated include the County Auditor or County Treasurer in the conversation, so
2 they know what steps to take to put it on the ballot and the tax implications countywide.
3 He doesn't know if they are limited in the number of levy requests that can be on the ballot.

4
5 Donovan stated he would like information on the relationship between the money
6 being raised and the "extra" money from EMS and how that money can be obligated to be
7 spent on capital.

8
9 Sidhu stated they must consider reducing jail operating costs by ten percent, which
10 will effectively pay for the jail.

11
12 Councilmembers gave updates on recent activities and upcoming events.

13
14
15 **ADJOURN**

16
17 The meeting adjourned at 8:44 p.m.

18
19 The County Council approved these minutes on _____, 2016.

20
21
22 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

23
24
25
26
27 _____
28 Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

29
30
31
32 _____
33 Jill Nixon, Minutes Transcription

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WHATCOM COUNTY COUNCIL
Regular County Council Meeting

May 3, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

1. CONSIDERATION OF A MOTION TO DISMISS THE APPEAL OF HEARING EXAMINER'S DECISION ON APL2015-0006, FILED BY ROBERT LA ROCCO ON BEHALF OF DANIEL BROCKER (AB2016-121)

Brenner moved to dismiss the appeal. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

SPECIAL ORDER OF BUSINESS

1. DISCUSSION WITH BELLINGHAM FIRE CHIEF BILL NEWBOLD REGARDING EMS FUNDING WORK GROUP RECOMMENDATIONS (AB2016-017)

Bill Newbold, Bellingham Fire Chief, submitted and read from handouts (*on file*) on an emergency medical service (EMS) Funding Summary, the Funding Work Group Endorsement of Recommendations, and a draft fact sheet. He answered questions from councilmembers about the capacity of the existing system, funding model, and the need for a fifth unit. He described what the levy amount would pay for.

Brenner stated she feels rushed to put this on the November 2016 ballot. She approves of a fifth unit, but not all the expenditures.

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1 Brian Heinrich, City of Bellingham Deputy Administrator, answered questions on the
2 City's intent for addressing the funding deficit with the funds from the levy to maintain
3 existing services.
4

5 Donovan asked how they ask the voters to vote for EMS and to solve the City's
6 operating deficit. Heinrich stated they are asking the voters to create an EMS system that
7 is sustainable countywide.
8

9 Newbold stated the proposed funding model will assure stable funding through any
10 potential economic changes that may adversely affect the current contributions from either
11 the City or County. The Revised Code of Washington (RCW) explicitly states that money
12 collected under an EMS levy can only be used for EMS services.
13

14 Sidhu stated the City and County will no longer fund EMS from their general funds if
15 this levy were passed. It's not fair for the City or the County to backfill its deficits with the
16 levy. The City and County should commit those funds to a new jail to reduce the burden on
17 the public.
18

19 Heinrich stated the impact to voters doesn't go away if this levy weren't on the
20 ballot. The levy won't solve the City's budget problem. It helps address it, but it mostly
21 creates a sustainable EMS system into the future.
22

23 Mann stated the last EMS levy was ten years ago, and it was supposed to last only
24 five years. In the last five years, the City has subsidized EMS from the general fund. He
25 asked if the City is asking to be paid back.
26

27 Newbold stated the EMS service has been supplementing its costs from its reserves
28 in the amount of about \$1 million, but that's no longer there. It is not common for counties
29 to fund EMS from the general fund. A successful system is wholly supported by an EMS
30 levy.
31

32 Donovan stated he supports the levy on the November 2016 ballot, but wants to
33 know how to send that message to the voters and explain what the general fund monies will
34 be spent on. Newbold stated that message is up to the councils.
35

36 Browne stated the City and County Councils should meet to discuss how to fund
37 EMS, a new jail, the City's budget deficit, and the County's significant capital facilities
38 needs.
39

40 Brenner stated she does not support an increased property tax, which is regressive.
41 It should be a sales tax. Don't put it on the November 2016 ballot, because there hasn't
42 been enough public engagement, and she hasn't had a chance to consider other options.
43

44 Newbold stated a sales tax is insufficient for sustaining EMS. The EMS levy can only
45 be used for EMS, but a sales tax has broader applications.
46

47 Mann stated he supports putting the levy on the ballot because all the stakeholders
48 agreed to the funding model. The work group did stellar work.
49

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1 Buchanan stated he agrees with Councilmember Mann about all the stakeholders
2 agreeing.
3

4 Sidhu stated an idea is to work with St. Joseph Hospital to have a remote emergency
5 room located in the north county area. It will save money in the long term and provide
6 better service to people in the more remote areas of the county.
7

8 Donovan stated he supports putting the levy on the ballot in November. Have a
9 bigger conversation with the City and County about how they both tell the voters how the
10 levy funds will be allocated.
11

12 Browne stated the number one priority for him is EMS service, but they must look at
13 all the spending demands in the future and the appropriate funding sources.
14
15

16 **MINUTES CONSENT**

17
18 Browne withdrew item five.
19

20 ***Brenner moved*** to approve Minutes Consent items one through four. The motion
21 was seconded.
22

23 The motion to approve Minutes Consent items one through four carried by the
24 following vote:

25 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
26 **Nays:** None (0)
27

- 28 1. **SPECIAL COMMITTEE OF THE WHOLE FOR MARCH 29, 2016**
- 29
- 30 2. **SPECIAL COMMITTEE OF THE WHOLE (9:30 A.M.) FOR APRIL 5, 2016**
- 31
- 32 3. **SPECIAL COMMITTEE OF THE WHOLE (3:40 P.M.) FOR APRIL 5, 2016**
- 33
- 34 4. **COMMITTEE OF THE WHOLE FOR APRIL 5, 2016**
- 35
- 36 5. **SURFACE WATER WORK SESSION FOR APRIL 12, 2016**
- 37

38 ***Brenner moved*** to approve Minutes Consent five. The motion was seconded.
39

40 The motion carried by the following vote:

41 **Ayes:** Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)
42 **Nays:** None (0)
43 **Abstains:** Browne (1)
44
45

46 **OTHER BUSINESS**

47
48 Debbie Adelstein, County Auditor, submitted a handout (*on file*) and stated this is
49 the one election in which a voter must state his or her party affiliation and vote only for one
50 of the candidates in that declared party. This is a party election, and the election rules are

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1 determined by the State party. The Democratic Party is part of the election, but has chosen
2 to use the results of the caucuses instead of the election. She answered questions about
3 the party declaration language and who pays for the election.
4

5
6 **PUBLIC HEARINGS**
7

8 **1. RESOLUTION APPROVING A VACATION FOR THE REALIGNMENT OF AN**
9 **UNNAMED ALLEY WITHIN THE BIRCH BAY WEST END ESTATES PLAT**
10 **(AB2015-304A)**
11

12 Joe Rutan, Public Works Department, gave a staff report. Staff recommends
13 approving the resolution.
14

15 Buchanan opened the public hearing, and the following people spoke:
16

17 Brian Hirschy stated he supports the relocation of the alley. Maintain the ten-foot
18 width and make the path more defined.
19

20 Harry Skinner stated he supports the resolution. Work with the owners to delineate
21 the specific path.
22

23 Katherine Hirschy stated she supports the resolution. She agrees with making the
24 path more defined.
25

26 Patrick Alesse stated he does not support the resolution. Similar vacations have
27 resulted in closed alleys that should have remained open to public access.
28

29 Alan Finston stated he supports the resolution. Maintain the ten-foot public access.
30

31 Brian Southwick described the history of the alley and this vacation. He supports the
32 resolution.
33

34 Hearing no one else, Buchanan closed the public hearing.
35

36 ***Brenner moved*** to approve the resolution. The motion was seconded.
37

38 Joe Rutan, Public Works Department, described the area, the history of the trail, and
39 the right-of-way. There is a ten-foot easement, but there won't be a ten-foot trail. He
40 submitted photos of the area (*on file*). He answered questions about the request to
41 demarcate the path, what right-of-way access allows, and whether the landowner is allowed
42 to do plantings and other work. If the Council wants to designate that trail, it can direct
43 staff to use capital road funds to demarcate the trail within the ten-foot easement.
44

45 Southwick stated that as the property owner, they plan to make sure the trail is
46 well-defined.
47

48 ***Browne moved*** to call the question. The motion was seconded.
49

50 The motion to call the question carried by the following vote:

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Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

The motion to approve the resolution carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

2. ORDINANCE AMENDING WHATCOM COUNTY CODE 12.60, ROAD NAMING SYSTEM, TO INCLUDE HONORARY ROAD NAMING (AB2016-157A)

Buchanan opened the public hearing, and hearing no one, closed the public hearing.

Brenner moved to approve the resolution. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)
Nays: None (0)
Absent: Donovan (out of the room)(6)

3. WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 2, LAND USE (AB2016-047B)

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

Abe Jacobson stated there never should have been development around Lake Whatcom. Honor the Lummi Nation's request for a ban on crude oil export from Cherry Point.

Warren Sheay stated don't allow development in rural areas if no legal water is available. Support the Lummi Nation's request for a ban on fossil fuel and crude oil exports from Cherry Point.

Frank James stated he is a doctor. Fossil fuel transportation and storage have substantial negative health impacts. He described specific health problems that will result. Review the existing data.

Sandra Randall submitted and read from a handout (*on file*) and stated prevent fossil fuel exports from Cherry Point. Promote sustainable energy.

Charis Weathers stated prohibit coal and oil from being shipped from Cherry Point in the future. She described the history of the Lummi Nation on this land. Support the Lummi Nation's request.

Andronetta Douglas stated she agrees with the previous speakers. She is concerned about the environment, global warming, and water use. Respect the Lummi Nation's request.

Alden Ramel stated he is opposed to the export of fossil fuels. Support the proposed amendment from ReSources.

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1 Alex Ramel stated prohibit future export of fossil fuels and other raw materials from
2 Cherry Point.

3
4 Matt Krogh stated he supports amending rules about directing new permitting in the
5 Cherry Point industrial zone. He is opposed to future export of fossil fuels.

6
7 Pam Bosch stated she supports energy alternatives.

8
9 Carole Jacobson stated honor the Lummi Nation's request to disallow the maritime
10 export of crude oil and natural gas from Whatcom County.

11
12 Judith Akins, Mt. Baker Sierra Club, stated she agrees with the previous speakers.
13 Don't allow fossil fuel exports. Update zoning restrictions at Cherry Point to prevent such
14 projects.

15
16 Ken Kaliher submitted and read from a handout (*on file*) and stated he supports the
17 Lummi Nation's request to not allow fossil fuel exports. Use renewable energy resources.
18 Plan for a sustainable future. He supports policy 2A-14.

19
20 Dena Jensen stated do not approve the Birch Bay urban growth area (UGA)
21 expansion. Protect the wetlands in the 201 acres proposed for the UGA.

22
23 Sandy Robson stated don't plan for more heavy industry at Cherry Point. She is
24 opposed to exports of coal or crude oil. She supports the Lummi Nation's request to
25 prohibit the export of crude oil from Cherry Point.

26
27 Edward Ury stated adopt a policy prohibiting the outbound shipping of coal, crude oil,
28 or liquefied natural gas from Cherry Point. Don't remove language referencing the Cherry
29 Point aquatic reserve lands, as requested by British Petroleum (BP).

30
31 Paul Beckel stated protect local waters and protect future generations.

32
33 David Kershner stated prohibit new facilities for coal, oil, and gas export and
34 retrofitting of existing facilities at Cherry Point. Honor the Lummi Nation request and
35 protect treaty rights.

36
37 Craig Keyes stated prohibit the export of fossil fuels overseas. Invest in renewable
38 resources. He agrees with previous speakers.

39
40 Wendy Bartlett stated protect future generations. Honor the request of the Lummi
41 Nation by rejecting the export of fossil fuels.

42
43 Jonathan Riopelle stated he agrees with the previous speakers. Reject the export of
44 all fossil fuels from Cherry Point and all locations in Whatcom County.

45
46 Mike Sennett stated do not include the Birch Bay reserve UGA into the Birch Bay
47 UGA. Mandated growth for the Birch Bay UGA is flawed. Ban future export of natural gas in
48 addition to coal and crude oil.

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1 David MacLeod stated update zoning restrictions at Cherry Point to prevent the
2 export of unrefined fossil fuels from Cherry Point. Support policy 2A-14 about ensuring an
3 adequate supply of clean water.
4

5 LaBelle Upbanec stated people are expressing support of the treaty, but should also
6 support the water, land, and habitat. Plan ahead for three generations.
7

8 Brooks Anderson stated she supports Policy 2A-14 from Councilmember Weimer
9 regarding legal water use and development. Support the Lummi Nation's recommendation
10 for a ban on fossil fuels export from Cherry Point. Also, the Council should not have
11 changed the Council agenda schedule regarding Open Session and public hearings.
12

13 Ronald Colson stated preclude further fossil fuel investment at Cherry Point. Lift the
14 moratorium on wind energy.
15

16 Barbara Lewis stated laws protect companies who damage the environment. Look at
17 the risks from increased exports.
18

19 Rodd Pemble submitted and read from his testimony (*on file*) and stated protect
20 future generations and rely more on renewable energy.
21

22 Eleanor Day stated she supports proposed Policy 2A-14. Don't allow Cherry Point to
23 export fossil fuels in the future. Protect the local ecosystems and treaty rights.
24

25 Brian Carey stated he supports policies to prohibit future fossil fuel projects.
26

27 Seth Fleetwood stated he supports the proposed language that prevents coal and oil
28 export from Cherry Point. He supports the previous speakers and a clean energy economy.
29 Create a plan for transforming from fossil fuels to clean energy.
30

31 Paul McAbee stated reallocate the taxes from the export terminal to generate a
32 sustainable energy solution. The transition from fossil fuel dependence will take time. It's
33 not appropriate to use the Lummi Nation in this instance.
34

35 Bob Gay stated support the language as written for the Cherry Point industrial area.
36 Protect the jobs.
37

38 Adam Schaefer stated prohibit the export of coal, crude oil, and natural gas from
39 Cherry Point.
40

41 Julianna Fischer, Students for Renewable Energy, stated prohibit the export of coal,
42 crude oil, and natural gas from Cherry Point. Plan for a future shift in the economy from
43 fossil fuels to clean energy.
44

45 Jan Dank stated he is a doctor and supports earlier comments by Dr. Frank James.
46 Protect people's health by protecting clean water and air, which will have big benefits to
47 health.
48

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1 Connor Culver stated honor the Lummi Nation request to deny all future fossil fuel
2 exports. Listen to the local indigenous voices. Change the system that relies on fossil
3 fuels.

4
5 Chris Johnson stated he agrees with previous speakers about getting away from
6 fossil fuel dependence, developing clean energy, and exporting unrefined fuels. However,
7 the County Council may deny a project permit, but it cannot ban the export of a legal
8 commodity. Protect the heavy industrial zone at Cherry Point as it's written in the
9 Comprehensive Plan now.

10
11 Tim Douglas stated focus on the economic development aspects of the plan. Look at
12 what they have to create a new future for Whatcom County.

13
14 Judy Hopkinson, League of Women Voters, stated the League has a policy that land
15 use should consider water availability. She supports the proposed new Policy 2A-14.

16
17 Alissa French stated she supports the request to ban future export of fossil fuels
18 from Cherry Point. She supports proposed Policy 2A-14.

19
20 Yoshe Revelle stated ban the export of fossil fuels. Everyone must live simpler lives
21 and stop consuming so much.

22
23 Patrick Alesse stated Birch Bay has water rights to support growth.

24
25 Cheryl Crooks stated the Lummi Nation has been working for decades to protect
26 their lands.

27
28 Karlee Deatherage, ReSources for Sustainable Communities, stated she supports the
29 proposed Policy 2A-15. Tie land use with legal water availability.

30
31 Wendy Harris stated she supports water and wildlife, including Policy 2A-15.
32 Coordinate the Comprehensive Plan update with the critical areas ordinance (CAO).
33 Regarding Policy 2D, don't provide incentives to affluent developers and farmers.

34
35 Gene Marx, Veterans for Peace Chapter 111, stated develop clean and sustainable
36 energy resources. Honor the Lummi Nation request to prohibit future fossil fuel exports
37 from Cherry Point.

38
39 Tiana Malquist stated consider the impact of fault lines on the West Coast, which
40 may compound the disaster if a fossil fuel export facility were developed.

41
42 Chiara Rose D'Angelo stated protect the sea life from potential oil spills due to
43 increased export of fossil fuels.

44
45 Daryl Lambert stated increased traffic out of Cherry Point will increase the rate of oil
46 spills.

47
48 Jan Holstein stated the Point Elliot Treaty gives the Lummi Nation jurisdiction over
49 Cherry Point.

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1 Rita Jefferson, Lummi Indian Business Council, stated think about the health risks to
2 the people of the community and future generations. The Lummi Indian Business Council
3 Planning Director requests a new language prohibiting the export of crude oil from Cherry
4 Point. People's health is as important as having living wage jobs.
5

6 Jack (*inaudible*) stated don't allow coal and oil trains in the future.
7

8 Stephanie Truitt stated prohibit export of fossil fuels from Cherry Point, which will
9 contribute to global impacts of climate change.
10

11 Devon Kaufman stated he supports renewable energy investment.
12

13 Ann Barrett stated she supports tribal rights. People want social change.
14

15 Matt Petryni, Resources for Sustainable Communities, stated he agrees with previous
16 speakers. He supports including the language from the Lummi Nation in the
17 Comprehensive Plan.
18

19 Hearing no one else, Buchanan closed the public hearing and stated the Council will
20 continue to accept public comment during the update process.
21

22 (*Clerk's Note: The Council took a 10-minute break at 10:37 p.m.*)
23

24 **4. WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 6, TRANSPORTATION**
25 **(AB2016-047F)**
26

27 Buchanan opened the public hearing, and the following person spoke:
28

29 Wendy Harris stated she's happy with the improvements. Consider level of service
30 for transportation within the context of air quality. They will need to consider bigger
31 setbacks from the trains to avoid noise and air quality impacts.
32

33 Hearing no one else, Buchanan closed the public hearing and stated the Council will
34 continue to accept comments.
35

36
37 **OPEN SESSION**
38

39 The following people spoke:

- 40 • Colin Lowin spoke on a funding source for the emergency medical system
41 (EMS).
- 42 • Todd Lagestee, Bellingham Firefighter Union Board Member, spoke on EMS
43 funding.
- 44 • Patrick Alesse spoke about informing people of the cost to deliver public
45 services to rural areas.
- 46 • Robert Glorioso, Firefighter Local 106 President, spoke on EMS funding.
- 47 • Wendy Harris spoke about EMS funding and wildlife protection in the
48 recreation plan.
- 49 • Carol Perry spoke on making decisions.
50

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1 **Buchanan moved** to request the administration to draft a resolution by the May 17
2 Council packet deadline to put the EMS levy on the November 2016 ballot.

3
4 The motion was seconded.

5
6 Brenner stated she's not comfortable with the language from the City's resolution.
7 This resolution is just to put the question on the ballot, which she always supports doing.

8
9 Mann stated get the process started.

10
11 Donovan stated start the process so they can begin working on budgeting issues and
12 other things linked to funding.

13
14 Browne stated begin a joint Councils discussion to talk about all the financial
15 challenges and develop a coordinated solution.

16
17 Sidhu stated he supports sustainable funding for EMS. Have a discussion now about
18 the total dollars, which they will have to deal with soon.

19
20 The motion carried by the following vote:

21 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

22 **Nays:** None (0)

23 24 25 **CONSENT AGENDA**

26
27 **Browne** reported for the Finance and Administrative Services Committee and
28 **moved** to approve Consent Agenda items one through six.

29
30 The motion carried by the following vote:

31 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

32 **Nays:** None (0)

- 33
34 1. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
35 **LOCAL AGENCY AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
36 **WASHINGTON STATE DEPARTMENT OF TRANSPORTATION FOR THE LUMMI**
37 **ISLAND DOLPHIN AND BREAKWATER REPLACEMENT, IN THE AMOUNT OF**
38 **\$50,000 (AB2016-160)**
39
40 2. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
41 **LOCAL AGENCY AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
42 **WASHINGTON STATE DEPARTMENT OF TRANSPORTATION FOR DESIGN AND**
43 **PERMITTING FEES FOR THE REPLACEMENT OF THE TEN MILE CREEK BRIDGE**
44 **NO. 236 ON HANNAGAN ROAD, IN THE AMOUNT OF \$130,000 (AB2016-161)**
45
46 3. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**
47 **AMENDED LOCAL AGENCY AGREEMENT BETWEEN WHATCOM COUNTY AND**
48 **THE CITY OF BELLINGHAM FOR JOINT USAGE OF THE VACTOR WASTE SITE**
49 **FACILITY, IN AN AMOUNT NOT TO EXCEED \$50,000 (AB2016-094A)**
50

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4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT FOR SERVICES BETWEEN WHATCOM COUNTY AND WILSON ENGINEERING, LLC FOR CEDAR HILLS-EUCLID STORMWATER IMPROVEMENTS, IN THE AMOUNT OF \$99,367 (AB2016-146A)
5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND ENVIRONMENTAL SCIENCE ASSOCIATES, INC. RELATED TO FURTHER ARCHAEOLOGICAL FIELD INVESTIGATION REQUIRED BY PERMITTING AGENCIES, RIGHT-OF-WAY PLAN MODIFICATIONS DUE TO PROPERTY OWNERSHIP CHANGES, AND ASSOCIATED PROJECT MANAGEMENT FOR THE BIRCH BAY DRIVE & PEDESTRIAN FACILITY IN THE AMOUNT OF \$48,666 (AB2016-162)
6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO AWARD BID #16-17 FOR RENTAL RATES FOR MAINTENANCE AND CONSTRUCTION EQUIPMENT, TO ALL BIDDERS, WITH SELECTION FROM THE LIST BASED ON EQUIPMENT AVAILABILITY AND SUITABILITY, WITH PREFERENCE TO LOW BIDDERS, IN AN AMOUNT NOT TO EXCEED \$100,000 PER VENDOR (AB2016-163)

OTHER ITEMS

1. NOMINATION AND APPOINTMENT TO FILL A VACANCY ON THE LAW AND JUSTICE COUNCIL- APPLICANT(S): ROBERT HINES AND JAMES HULBERT (AB2016-151)

This item was withdrawn from the agenda

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Sidhu referenced the additional information submitted earlier and **moved** to send a letter to the State Department of Transportation to reduce the speed limit on approximately 600 feet of State Route (SR) 544 at the Guide Meridian.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

Nays: None (0)

INTRODUCTION ITEMS

1. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, NINTH REQUEST, IN THE AMOUNT OF \$162,263 (AB2016-164)

Brenner moved to accept the Introduction Item. The motion was seconded.

The motion carried by the following vote:

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Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Mann updated the Council on the status of the Incarceration Prevention and Reduction Task Force and filling the facilitator role.

The motion was seconded.

Brenner stated facilitation services should be done by County staff.

Mann moved for the Council to assign the role of technical writing for the Incarceration Prevention and Reduction Task Force to Council Legislative Analyst Forrest Longman, including playing a lead role in producing reports and recommendations that are a result of the Task Force's work.

Forrest Longman, Council Office, answered questions about how much time will be required for this project.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Browne reported for the Finance and Administrative Services Committee.

Councilmembers gave updates on recent activities and upcoming events.

ADJOURN

The meeting adjourned at 11:30 p.m.

The County Council approved these minutes on _____, 2016.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

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1 Jill Nixon, Minutes Transcription

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|----------------------------------|---------|-----------|---|-------------|----------------|
| Originator: Karin Beringer | KB | 3/23/2016 | <div style="text-align: center;"> RECEIVED MAR 29 2016 WHATCOM COUNTY COUNCIL </div> | 4/5/2016 | P&D Committee |
| Division Head: Mark Personius | MP | 3-24-16 | | 5/3/16 | SCOTW |
| Dept. Head: Sam Ryan | SR | 3-25-16 | | 5/17/16 | Public Hearing |
| Prosecutor: Royce Buckingham | | | | | |
| Purchasing/Budget: | | | | | |
| Executive: TRS Jack Louws | | 3/28/16 | | | |

TITLE OF DOCUMENT:

Public hearing on County Council preliminary draft of Comprehensive Plan Chapter 3, Housing

ATTACHMENT:

Preliminary draft, Comprehensive Plan Chapter 3, Housing

Related paperwork can be found at:

<http://www.co.whatcom.wa.us/2346/Comprehensive-Plan-Update-Process>

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

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

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

The Whatcom County Council will hold a public hearing on May 17, 2016, regarding the periodic update of the Whatcom County Comprehensive Plan, Chapter 3, Housing (AB2016-047C). This hearing will give the public an opportunity to provide comments to the County Council relating specifically to Chapter 3.

The Council is conducting the Whatcom County Comprehensive Plan and urban growth area (UGA) review as 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:

4/5/2016: Briefed and discussed
5/3/2016: Comments not taken and item not discussed

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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

WHATCOM COUNTY COUNCIL AGENDA BILL

AB2016-047K

NO.

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|----------------------------------|---------|----------|---|-------------|-----------------------------|
| Originator: Cliff Strong | CS | 2/8/2016 | <div style="text-align: center;"> RECEIVED FEB 16 2016 WHATCOM COUNTY COUNCIL </div> | 2/23/2016 | Natural Resources Committee |
| Division Head: Mark Personius | MP | 2-16-16 | | 4/5/2016 | SCOTW |
| Dept. Head: Sam Ryan | MP | 2-16-16 | | 4/19/2016 | SCOTW |
| Prosecutor: Royce Buckingham | | | | 5/3/2016 | SCOTW |
| Purchasing/Budget: | | | | 5/17/2016 | Public Hearing |
| Executive: Jack Louws | | | | | |

TITLE OF DOCUMENT:

Public hearing on County Council preliminary draft of Comprehensive Plan Chapter 11, Environment

ATTACHMENT: Preliminary draft, Comprehensive Plan Chapter 11, Environment

Related paperwork can be found at:

www.co.whatcom.wa.us/2346/Comprehensive-Plan-Update-Process

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.)

The Whatcom County Council will hold a public hearing on May 17, 2016, regarding the periodic update of the Whatcom County Comprehensive Plan, Chapter 11, Environment (AB2016-047K). This hearing will give the public an opportunity to provide comments to the County Council relating specifically to Chapter 11.

The Council is conducting the Whatcom County Comprehensive Plan and urban growth area (UGA) review as 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:

2/23/2016: Briefed and discussed
4/5/2016: Discussed and provided preliminary direction
4/19/2016: Comments received
4/19/2016: Discussed and provided preliminary direction
5/3/2016: Comments received
5/3/2016: 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.

**Chapter Eleven
Environment**

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Introduction

Each person in Whatcom County has a fundamental right to a healthful and safe environment in which to live and grow. With this right comes a responsibility to contribute to the protection and enhancement of our natural environment. Consequently, an important goal of the Whatcom County Comprehensive Plan is to protect or enhance the county's environmental quality. This means that, individually and collectively, we have the obligation to protect these resources for our children and their children. Essential to this is the establishment of safe development practices and patterns that do not significantly disrupt natural systems and that ensure the continuation of ample amounts of clean water, natural areas, farmlands, forest lands, and fish and wildlife habitat.

Chapter Organization

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. ~~An Action Plan at the end of the chapter recommends specific actions to implement these goals and policies. Together, the elements sections of this chapter provide the direction necessary to ensure and promote long-term sustainability of the environment in Whatcom County.~~

Reason for Change: Action plan has been deleted, and unaccomplished actions added to the policies.

Purpose

Whatcom County's natural environment, with its seasonally abundant supply of water, its beauty, and its other natural resources, has attracted people to our community for generations. This setting is important to our sense of well-beingspirit, to our health, to our economic well-being, and to our future. Yet ~~s~~Sustaining these assets in the face of increasingly intense human activity has ~~becomes~~ more difficult ~~over the~~each years. The challenge of protecting this environment while accommodating growth ~~will requires~~ maintaining guidelines for development ~~a blueprint that can help guide development so that it growth does~~

not ultimately overrun the very assets that brought most of us here. The purpose of this chapter is to create such a ~~blueprint~~guidelines.

Process

This chapter was first ~~originally~~ produced by the Citizens' Environmental Task Force (ETF). The ETF began its task with fourteen members from diverse backgrounds, who were selected by the County Executive in October 1993. The ETF's objectives were divided into two tasks: develop an Environmental chapter for the ~~c~~Comprehensive plan, and develop regulatory and non-regulatory tools to implement the provisions of the ~~c~~Comprehensive plan.

Members of the ETF participated in the county's Visioning Process by attending town hall meetings to explain the committee's activities and to gather additional public input regarding the environment. The values and alternatives gathered through the Visioning Process are reflected in this chapter.

GMA Goals, and County-Wide Planning Policies, and Visioning Community Value Statements

GMA Planning Goal 10, "Environment," provides the directive for much of this chapter. It requires Whatcom County to "protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water." In addition, some of the goals and policies of this chapter support Planning Goal 9, "Open Space and Recreation," which directs the county to "conserve fish and wildlife habitat."

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." ~~Five s~~Specific policies address water, promoting inter-jurisdictional cooperation in conserving, protecting, and managing the water resource, and in reducing water pollution. The CWPP also support protecting wildlife habitat and corridors, natural drainage features, and "other environmental, cultural and scenic resources."

GMA Requirements

The GMA ~~also~~ requires Whatcom County to identify and manage critical areas in such a manner as to prevent destruction of the resource base and reduce potential losses to property and human life. The GMA has identified Critical Areas to include the following areas and ecosystems:

- Wetlands
- ~~Areas with a critical recharging effect on aquifers used for potable water~~Critical Aquifer Recharge Areas
- Fish and wildlife habitat conservation areas

- Frequently flooded areas
- Geologically hazardous areas: (GMA Definition)

Background Sources

The background information contained in this chapter incorporates background information from the following documents:

- Whatcom County Environmental Resources Report Series: Alluvial Fan Hazard Areas. Whatcom County Planning Department, August 1992.
- Whatcom County Environmental Resources Report Series: Category I Wetlands. Whatcom County Planning Department, April 1992.
- Whatcom County Environmental Resources Report Series: Wetlands in the Nooksack River Floodplain. Whatcom County Planning Department, December 1992.
- Whatcom County Environmental Resources Report Series: Depressional Areas in the Nooksack River Floodplain. Whatcom County Planning Department, December 1992.
- Whatcom County Environmental Resources Report Series: Hydrologic and Fishery Resources of Whatcom County. Whatcom County Planning Department, December 1994.

Reason for Deletion: These references are old. Newer, pertinent documents are referenced below and in the bibliography.

Environmental Setting

Whatcom County bedrock geology can be divided into five bedrock geologic provinces. From east to west these provinces are the Methow terrain, the Cascade Crystalline Core, the Northwest Cascades System, the Fraser Lowland, and the San Juan Island system. Tectonic activity over the past 15 million years has created the present North Cascades and the formation of Mount Baker, a 10,000-foot high composite volcano.

The mountains of Whatcom County, as well as the streams, lakes, valleys, and hills, and shoreline features are the result of millions of years of geologic events. 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. A minor advance of glacial ice, the Sumas Advance, ended approximately 10,000 years ago. The ice formed from the accumulation of snow in the British Columbia Coast Range and interior of British Columbia. Numerous glaciers are still present within the mountains of Whatcom County, and some of these mountain glaciers formerly extended far down the mountain valleys of the County. The underlying bedrock was deeply eroded during these glacial events creating very steep mountainsides, and in some areas, particularly in northwestern Whatcom County, a thick sequence of glacial related sediments was deposited. The glacial ice was approximately 6,000 feet thick in the vicinity of Bellingham.

Two main glacial advances are the most important to our area, the Salmon Springs glaciation and the later Vashon glaciation. Each time the massive glacier advanced, it dammed up the Puget lowlands to form a huge lake. As the floating ice melted, sand, gravel, clay and occasional boulders would melt out of the ice and fall to the sea floor. This deposit, the Bellingham Drift, covers the ground surface over a large area of western Whatcom County. Each time the Ice Age glacier advanced, it also compacted underlying sediments with its great weight. It created a concrete-like material called "till" (also known as "hardpan") beneath it. Because the Bellingham Drift consists primarily of clay and silt, it is relatively impermeable; water tends to accumulate on the ground surface. Wetlands are common on the Bellingham Drift.

On the bottom of the lake, "rock flour"—the finely ground remains of rocks pulverized by glacial action—settled out. These deposits became the familiar "blue clays" of the Puget lowland. The milky color of the Nooksack River is due to the same kind of rock flour, created by glacial activity on the slopes of Mount Baker.

Additionally, each time the glacier retreated, water from the melting ice deposited thick layers of sand and gravel known as "outwash." The outwash areas are typically where we find our most productive aquifers, since these loose sands and gravel are porous and drain rapidly. While these areas absorb rainwater for our later use from wells, they are also vulnerable to contamination. An example of this phenomenon is found in the outwash sands and gravels resulting from the Sumas Advance. Large melt water streams and rivers flowed from this glacier depositing the Sumas Outwash sands and gravels. The Sumas Outwash sands and gravels make up the best non-floodplain farmland in the County and some of the highest quality construction gravel deposits as well. Abandoned outwash channels were formerly used as sources of peat.

Each of these glacial sediments—lake bed deposits, till and outwash—is present in various places from place to place and in varied combinations in Whatcom County. These sediments provide both the formations that hold the groundwater for many of the area's wells, and the parent material for most of the different soils.

Out of these long physical processes a complex natural ecology has emerged that supports a diversity of wildlife. Many of our lakes, rivers, and streams support fish including, but not limited to, native species such as the five pacific salmon (Chinook, Coho, Sockeye, Chum, Pink) as well as Steelhead, Rainbow Trout, Cutthroat (coastal and resident), Bull Trout, and Dolly Varden. Every year salmon return to spawn in the streams and rivers of Whatcom County. Bufflehead and goldeneye ducks winter here. Additionally, numerous bird species including scoters, snow geese, trumpeter swans, canvasbacks, cormorants, grebes, loons, and other migrating waterfowl pass through every spring and fall as they travel between their breeding grounds in Alaska and Canada and their wintering grounds in California and Mexico. Mallards, Canada geese, great blue herons, and numerous songbirds live in the county year-round. Maintaining these unique resources is a high priority for both present and future county residents. Whatcom County is home to a distinct subspecies of the Great Blue Heron, which is the third largest colony in the Puget Sound area. The wetlands, fields, streams, and nearshore habitat in the county

support many birds of special concern, such as the bald eagle (ESA threatened), the pileated woodpecker (candidate for State threatened list), and the peregrine falcon (ESA monitored). The National Audubon Society has designated Semiahmoo, Drayton Harbor, and Birch Bay as "important Bird Areas."

Environmental Management

Introduction

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.

~~GMA Requirements~~

~~See Appendix C.~~

Background Summary

Development in the last 100 years has had a significant impact on the natural environment in Whatcom County. At the turn of the 20th century, the areas surrounding Lynden, Sumas, and Ferndale were logged, drained, and converted to agricultural land. In the intervening years, many of the remaining forests were logged, many streams re-routed and channelized, and much of the native vegetation removed and replaced with a wide variety of introduced vegetative types. Roads now crisscross most areas, with homes, farms, businesses, and industries scattered throughout the county.

Issue, Goals, and Policies

There are designated ~~many~~ lands in Whatcom County that can still accommodate extensive development. ~~The Whatcom e~~County also has areas that are sensitive to human activity (wetlands, streams, lakes, marine shorelines) and lands that can pose a hazard to the community (floodplains and unstable slopes). In these ~~These~~ are the areas where development must be carefully planned or limited to maintain environmental quality and public safety. This can be done through the creation and implementation of goals and policies that seek to reduce hazards and prevent adverse environmental impacts.

Community and Environmental Protection

The elements of the natural environment—water, air, soil, plants, and animals—are interconnected and interdependent, functioning as one dynamic ecosystem. Environmental resources within this ecosystem are extensive and, in some cases,

irreplaceable. 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 that in which residents invest in, enjoy, and expect.

Some of these same resources result in serious environmental constraints or pose a hazard to development and a danger to the community. Flooding in the Nooksack River is frequent and impacts much of the valley floor. There are numerous wetlands and hydric soils throughout the lowlands that provide critical wetland functions but and are generally unsuitable for inhibit development. The steep gradient and geologic structure of the mountain ranges in conjunction with heavy annual precipitation can contribute to slope instability and flood-prone drainage basins.

Much of the environmental degradation and destruction to property occurs as a result of a lack of information or understanding knowledge rather than willful action. Natural systems are subtle and complex. Too often both their benefits and hazards are not readily apparent to the community. Additionally, baseline information is not always available to help identify project the real costs or hazards of building in Whatcom County. There is may be a need for further research and education.

Goal 11A: Protect natural resources and systems, life, and property from potential hazards.

Policy 11A-1: Support good stewardship of Whatcom County lands, and apply this principle to the management of public lands.

Policy 11A-2: Protect the environment through a comprehensive program that includes voluntary activity, education, incentives, regulation, enforcement, restoration, monitoring, acquisition, mitigation, and intergovernmental coordination.

Policy 11A-3: Continue to identify, and designate, and protect Environmentally Critical Areas and other important environmental features.

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

Policy 11A-5: Actively pursue voluntary, cooperative, and mutually beneficial efforts aimed at advancing county environmental goals.

Policy 11A-6: Aim to meet or exceed Adopt in accordance with national, state, and regional regulations the required air quality standards. Work with the Northwest Clean Air Agency to ensure compliance with applicable air quality standards. Develop and implement programs to monitor and assure compliance with those standards.

Reason for change: No individual jurisdiction adopts its own air monitoring programs; the Northwest Clean Air Agency performs this role.

Policy 11A-7: ~~S~~Using Best Available Science, support efforts to educate and inform the public as to the benefits of a healthy and viable environment, their ecologically fragile areas, and their economic and social value.

Policy 11A-8: ~~E~~Lead and/or coordinate efforts with property owners, citizen groups, and governmental and non-governmental agencies in furthering Whatcom County's environmental goals and policies.

Policy 11A-9: Cooperate with state and federal agencies and neighboring jurisdictions to identify and protect threatened and endangered fish and wildlife species and their habitats.

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, the Natural Heritage Plan, the state Priority Habitats and Species (PHS) program, the Lake Whatcom Management Program, and other sources.

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.

Policy 11A-12: Broadly inform the citizens ~~people~~ of the ~~Whatcom~~ County 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.

Administration and Regulation

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. 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.

Reason for Change: Amended by the P/C because they thought the language too negative.

Goal 11B: ~~Simplify and harmonize regulations~~ ~~Ease the burden of excessive and confusing regulations, in instances when they are clearly identified,~~ **relating to the identification, delineation, and protection of environmental features.**

Policy: 11B-1: Develop, as a ~~significant primary~~ component of a comprehensive environmental management program, non-regulatory measures that include voluntary activity, education, incentives, restoration, acquisition, advanced mitigation (i.e., mitigation done in advance of impacts), and intergovernmental coordination.

Policy 11B-2: Provide incentives for good stewardship of the land through the use of non-regulatory and innovative land use management techniques.

Policy 11B-3: Support education as an important tool in developing public appreciation for the value of natural systems and provide the public with informational materials and presentations relating to natural system functions, regulations, and issues.

Policy 11B-4: Promote cooperation and coordination among involved government agencies when multiple agencies have jurisdiction over aspects of a single project.

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

Policy 11B-6: Provide clear, timely, appropriate, and understandable direction to citizens, developers, and property owners.

Policy 11B-7: ~~Simplify~~ ~~Keep~~ Ensure regulations as as simple as possible and establish ~~maintain~~ effective inspection, compliance, and enforcement measures.

Policy 11B-8: Recognize the policies of the Whatcom County Shoreline Management Program as constituting a "Shoreline Element" of this plan. The shoreline program regulations and policies shall be considered to be consistent with this plan ~~until such time as any necessary amendments are made.~~

The Environment and Property Rights

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 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 or her property may have an impact on the larger environmental system that sustains us as a community and on the property rights of other property owners.

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. To that end, the law must protect the public good from detrimental private actions. Nevertheless, the right of the individual to use his or her property, within the bounds permitted by law, is a value supported by law and the community and must be recognized when making land use decisions in Whatcom County.

Goal 11C: In implementing Whatcom County environmental policies, provide for protection of private property rights, economic opportunities, and plan appropriately for growth.

Policy 11C-1: Actively pursue voluntary and cooperative efforts that advance Whatcom County's goals in a mutually beneficial manner.

Policy 11C-2: ~~Review current comprehensive~~ When adopting new environmental protection programs, ~~to ensure that they consider multiple economic parameters including development objectives, and impacts, and the economic benefits of the natural environment as both a resource and an amenity.~~

Policy 11C-3: Emphasize an approach to environmental protection ~~by encouraging with~~ the use of conservation easements, open space taxation, land acquisition, purchase/voluntary, workable transfer of development rights, and other mechanisms ~~to 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.~~

Policy 11C-4 ~~Avoid standards and procedures likely to require compensation to property owners or invalidation of such rules. 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 leading to compensation for takings, rather than build compensation into the system.

Climate Change

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. In Washington State, the Climate Impacts Group (CIG), a consortium of scientists at the University of Washington, has done the most extensive analysis of potential local climate change impacts in the Pacific Northwest. 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. See *Climate Change Impacts and Adaptation in Washington State: Technical Summaries for Decision Makers*, Climate Impacts Group, University of Washington, December 2013. The CIG confirms that global climate models project mid-21st century temperatures in the Pacific Northwest that are higher than the natural range of temperature observed in the 20th century. The CIG reports that as a result of likely climate change—causing slightly higher average annual temperature—impacts to the Pacific Northwest will likely affect a broad spectrum of the natural environment, but most notably changes to water resources, including:

- 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 resulting in scouring floods that negatively affect salmon populations if winter precipitation and rain-on-snow events 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).

Climate change impacts are likely to include longer-term shifts in forest types and species, potentially increasing wildfire risk and greater exposure to insects and disease. Nearshore and riverine fisheries may be subjected to increased stress due to even lower average summer stream flows (and higher summer stream temperatures) and increased acidity in Puget Sound. 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.

In 2007, Whatcom County completed a Climate Protection and Energy Conservation Action Plan that laid out specific actions and targets for reducing greenhouse gas

emissions and increasing energy conservation efforts in response to potential climate change.

In addition many insurance industry experts are now factoring in the costs of climate change into insurance premiums as the increase in the frequency and severity of extreme weather events around the world results in a corresponding increase in claims costs.

Local government, residents and business must anticipate that as the climate changes, more frequent and severe damage to private and public infrastructure will occur. Maintenance costs and insurance premiums can be expected to increase accordingly. (Browne)

Reason for Change: Climate change was not addressed in the Comprehensive Plan

Goal 11D **Strengthen the sustainability of Whatcom County's economy, natural environment, and built communities by responding and adapting to the impacts of climate change.**

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. The County should consider potential long-range climate change implications into its on-going functional planning and implementation actions. The County should:

1. Study the resilience of its natural and built environments to the potential impacts of climate change;
2. Identify the relative vulnerability of these sectors to climate change; and,
- 1:3. Examine the adaptive capacity of these sectors to cope with or mitigate climate change and take advantage of any beneficial opportunities.

Policy 11D-32 Develop strategies that encourage a diversified and sustainable economy that is resilient to the impacts of climate change.

Policy 11D-43 Promote the efficient use, conservation, and protection of water resources.

Policy 11D-54 Pursue strategies to reduce the vehicle miles traveled (VMT) in the county by encouraging expanded availability and use of public transportation, carpooling, and non-vehicular modes of transportation.

Policy 11D-75 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.

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;
- Recommending updates to the Whatcom County Comprehensive Plan in accordance with meeting Whatcom County's emission reduction goals; and
- Ensuring that Whatcom County government facilities and operations are designed to meet or exceed goals and standards resolved in the current Climate Protection and Energy Conservation Action Plan.

Policy 11D-7: Encourage sustainability by developing strategies and practices to increase the use of renewable, net-neutral carbon energy in Whatcom County facilities and County vehicles, with a goal of net zero man-made carbon emission by 2050.

Policy 11D-8: Encourage sustainability by developing strategies and practices to reduce landfill waste from Whatcom County government facilities to near zero.

Policy 11D-9: Identify responsible parties and agencies and encourage them to identify and properly seal and/or burn methane that is escaping into the atmosphere from wells.

Reason for Change: Address most current scientific assessments of potential, local climate change impacts.

Natural Hazards

Introduction

The location, climate, and geology of Whatcom County combine to create many natural hazards to people and their developments. Earthquakes, volcanoes, landslides, and flooding streams and rivers are some of the major natural hazards found in our region. Additionally, old mines are scattered around the county that could be dangerous to the community. Natural Hazards goals and policies are intended to provide guidance to county government as it assists its citizens in effectively managing natural hazards in a manner which that minimizes the danger

to each member of this community, while continuing to provide for economic opportunities.

Background Summary

Natural Hazards include the following (**Map 2711-4**):

Landslide Hazards – 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 and susceptible to naturally occurring and human-triggered slope failure landslides and erosion earth movements. Several large, well-known landslides are presently active exist in Whatcom County, such as the Swift Creek Slide on Sumas Mountain and the Darrington Slide located in the upper Jones Creek Watershed. In addition, numerous large-scale, pre-historic slope failure deposits have been mapped by past workers and are readily identified in more recently available LiDar imagery. Various slope failure processes contribute to the mosaic of landslide hazards present in the Ecounty the large slide on Slide Mountain south of Maple Falls. These larger land slides affect significant areas with and the potential exists for a multitude of impacts ranging from periodic small- to large-scale rockfall and slides, as well as the potential for massive debris slides and /avalanches, destructive debris flows, and deep-seated earthflows, slumps and slides. deposits. Numerous smaller These landslides 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 also exist in the county, affecting smaller areas. In addition, the presence of eCertain types of geologic conditions and formations are commonly cause culprits in the occurrence of landslides, namely the Chuckanut Formation and the Darrington Phyllite, but are also frequently observed in unconsolidated glacial sediments, in the presence of day-lighting groundwater seams and springs, on slopes in excess of 35 percent, along coastal bluffs, and in areas of fluvial erosion are susceptible to land sliding under certain conditions. In the 1970s, a portion of Interstate 5 south of Bellingham collapsed where the freeway crossed portions of unstable Chuckanut Formation.

Reason for Change: Updated due to updated knowledge.

Alluvial Fan Hazards – Alluvial fan hazards areas exist where steep mountain streams flow onto floodplains or into lakes and deposit debris and sediment. Because these streams are steep and flow in confined canyons, they can carry more sediment and debris than a similar-sized stream flowing over flat land. During a large storm, streams on alluvial fans can create catastrophic flooding and debris floods, such as were experienced in 1983 in the Lake Whatcom area. During this storm event, the Sudden Valley development on Lake Whatcom incurred significant damage to property from flooding and debris flows on the Austin Creek alluvial fan.

Flood Hazards – Heavy winter rains and a transient snowpack combined with the steep and sometimes unstable slopes of Whatcom County's foothills create

conditions ideal for flooding and debris flows along many of our rivers and streams. The Nooksack River floodplain alone covers 38,000 acres in Whatcom County. In 1989 and 1990, the Nooksack River overflowed and flooded lowland Whatcom County causing millions of dollars of damage. During some extreme floods, the Nooksack River overflows near Everson and adversely impacts residents along Johnson Creek in Sumas, and in the Abbotsford area of British Columbia. It is predicted that climate change will exacerbate flooding, due to increased sea level and changes in rainfall patterns. Significant damage may result from these ~~such~~ floods. In 1991, Whatcom County formed a countywide Flood Control Zone District to address the major flooding issues in the county.

Volcanic Hazards – The presence of Mt. Baker is an asset to our region. Its 10,778-foot peak is one of the dominant features of Whatcom County's landscape. However, Mt. Baker is also considered one of the most potentially active volcanoes in the Cascade Range, and of the six major volcanoes in the range, Mt. Baker is considered by geologists to be very hazardous during and after an eruption. ~~The frequency of Mt. Baker volcanic events averages once every 200 years. The last recorded significant event was about 200 years ago. Pyroclastic flows, ash flows, and especially volcanic mudflows, (also called known as lahars,) are believed to be the greatest dangers to human life and development in Whatcom County. Geologic evidence indicates that an eruption on Mt. Baker caused a major mudflow-lahar about 6,000-6,600 years ago which that inundated the Middle Fork Nooksack Valley from its headwaters downstream past the confluence with the North Fork at Welcome. The same mudflow, or-lahar is now known to have been over 300 feet deep in the upper reaches of the Middle Fork and extended as far east-west as Nugent's Corner, and likely traveled to the Puget Sound. A major mudflow-lahar along the Nooksack would divert the river from its channel and cause mass flooding. Fortunately, volcanic eruptions are infrequent with periods of hundreds and thousands of years between events, but this infrequency also makes forecasting a volcanic eruption extremely difficult. However, a major eruption of Mt. Baker would pose a serious threat to human life and property. The deeply weathered nature of the rocks forming Mt. Baker may also fail, triggering a mudflow that would travel rapidly down the stream channels ringing the volcano and result in damage similar to that from a volcanic eruption trigger. 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.~~

Reason for Change: According to web research, the event frequency doesn't appear to be true; in fact there doesn't appear to be a frequency to the known events.

Earthquake Hazards – Whatcom County lies within the influence of the convergent plate margin between the Pacific and North American Plate termed the Cascadia Subduction Zone. Regionally-extensive and damaging, a major earthquakes, termed mega-thrusts, are possible when stress generated between the subducting Pacific Plate and over-riding North American Plate is released. fault area off the coast of western North America. The Cascadia subduction zone has the

potential for A mega-thrust earthquake is capable of generating an earthquake of magnitude 9, eight or greater, and research has indicated an approximate recurrence interval of earthquakes every 500-600 years. Associated with the stresses generated at the convergent plate margin are shallow, crustal faults that are mapped. This type of earthquake is called a great interplate earthquake. throughout Whatcom County. Earthquake activity on these fault systems is much more frequent than that observed at the Cascadia Subduction Zone, and the has recently experienced much smaller interplate earthquakes near Deming area is considered one, fortunately with little damage to property. Deming is one of the most seismically active areas in Washington. Recent research has shown that these crustal faults are capable of generating a magnitude 7 earthquake with an average recurrence interval of These types occur more frequently (30 to 50 years) than the great interplate earthquakes. While all buildings are susceptible to damage from seismic-shaking earthquakes, structures built on peat soils, and large areas of non-structural fill, or liquefiable soils are prone to more severe shaking during an earthquake. If the shaking is strong enough, or of sufficient duration, structures may collapse or become damaged due to building fatigue, ground settlement/liquefaction, and/or lateral spreading. In addition to seismic hazards posed by the Cascadia Subduction Zone, a significant mega-thrust earthquake has the potential to generate a large and destructive tsunami that has the potential to affect most low-bank areas of the County.

Reason for Change: Updated due to updated knowledge.

Mine Hazards – Mine hazard areas are sites of abandoned underground mine shafts, adits, and mine tailings. Coal mining was a major industry in Whatcom County in the early part of the 20th century, and several major mines were developed in various parts of the county. All of the formerly active mines are now no longer worked and are abandoned. For the most part these mine locations are known and mapped, such as the extensive coal mines under the northern part of the City of Bellingham and in the Blue Canyon area of South Lake Whatcom.

Issues, Goals, and Policies

Landslides – Siting human development on or adjacent to known landslide hazard areas can create health and safety risks for humans and their property. on and around these hazards, especially during The risks can be elevated due to extreme weather events and earthquakes, but may also occur with little or no warning. or In the case of the Swift Creek Landslide Sumas Mountain, the release of asbestos-laden sediment poses an additional risk to public health. Development activity can also de-stabilize naturally unstable slopes and impact natural systems. However, Predicting the exact timing, location, or extent of a damaging landslide is difficult, and in particular areas of the County landslide hazards are not possible to completely mitigate or avoid. In some circumstances, the development of upland properties may place While upslope landowners may develop their properties with little or no on-site impacts, downslope neighbors and natural systems may be placed at risk from rockfall or landslides as a result of the upslope land

development. A similar relationship holds true for development at the toe of a potentially unstable slope. In either event, development in proximity to landslide hazards must proceed in consideration of potential impacts in order to ensure life safety and preserve and protect public and private infrastructure.

Reason for Change: Updated due to updated knowledge.

Alluvial Fans – Because alluvial fan areas are associated with streams, are generally gently sloping and elevated above the adjacent floodplain, and are located at the base of mountains, they have historically been popular places to develop. However, once every 10-25 years, a large storm event occurs in our area and creeks-streams flood homes and developments, causing damage to property, natural systems, and sometimes loss of lives.

Flooding – Floodwaters from the Nooksack River can damage rural-homes, agricultural areas, businesses, and industries in the small cities situated along the river; fish and wildlife habitat and other natural systems; and disrupt transportation and utility corridors. Storm tides can flood homes and roads along low, exposed marine shorelines in the Birch Bay, Sandy Point, Point Roberts, and Gooseberry Point areas. Homes along Lake Whatcom, Lake Samish, and Cain/Reed Lakes have also been impacted by flooding during extreme storm events. Property and public safety are also impacted by rapid channel morphology events.

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 mudflow-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.

Earthquakes – A major earthquake could-may likely and significantly affect Whatcom County. If the shaking is strong enough, buildings may collapse, roads could be damaged, and/or communications, power, and utilities could be severely disrupted, mud and rock slides could occur on unstable slopes, and local sea levels may change as shorelines assume altered post-quake elevations.

Reason for Change: Recommended changes by the Marine Resources Committee.

Mines – Some abandoned mine areas may pose a risk of ground subsidence from the collapse of abandoned mine shafts. Air and water pollution may also be hazards associated with abandoned mine tailings and trapped toxic gases. Development on or near mine hazards could be adversely impacted.

Gas wells – Several exploratory oil & gas wells have been drilled around the county over the last 70+ years. Some of these present potential environmental hazards due to ongoing leakage of gas.

Old Landfills – There are known abandoned landfills in the County and possibly some that are unknown. There are also several sites around the County that contain large numbers of abandoned vehicles and other debris. As with most landfills these locations pose some degree of risk of hazardous substances leaking into local aquifers.

Balanced Management – A central issue common to all development in natural hazard areas is the need for Whatcom County to balance the responsibility of local government to protect the public interest and provide for a safe and healthy environment while safeguarding the rights of private property owners.

Economic Impact – Damage to private and public property resulting from the siting of human development in areas of natural hazards is significant to the people of Whatcom County. The 1990 Nooksack River floods caused over \$20 million dollars of damage to roads, bridges, buildings, and farmland. Disaster relief efforts are expensive and dangerous to conduct during an emergency. Public efforts to reduce hazards, such as the establishment of the Flood Control Zone District, are also expensive.

Goal 11Df: Minimize potential loss of life, damage to property, the expenditure of public funds, and degradation of natural systems resulting from development in hazardous areas such as floodplains, landslide-prone areas, seismic hazards areas, volcanic impact areas, abandoned mine and exploratory gas well locations, potentially dangerous alluvial fans, and other known natural hazards by advocating the use of land acquisition, open space taxation, conservation easements, growth planning, regulations, and other options to discourage, or minimize development, or prohibit inappropriate development in such areas.

Reason for change: We do use regulations as well as these other measures to achieve this.

Policy 11Df-1: Avoid or minimize public investments for future infrastructure development on known natural hazard areas.

Policy 11Df-2: Utilize the Best Available Science to research and investigate the nature and extent of known natural hazards in the county and make this information available to the general public and policy makers in an accessible and understandable form.

Policy 11Df-3: Broadly inform the people of Whatcom citizens of the County 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 properties.

Policy 11Df-4: Establish acceptable levels of public risk for development in known natural hazard areas based upon the

nature of the natural hazard, and levels of public risk, and
establish ~~maintain~~ regulatory criteria for approving,
disapproving, conditioning, or mitigating development activity.

~~Policy 11DF-5: Allow all permitted uses that do not require human habitation as
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) are
minimized or mitigated. Probable adverse impacts should be
prevented or avoided in habitats of state sensitive or federally
listed sensitive plant and animal species.~~

~~Policy 11DF-65: Prohibit the siting of critical public facilities in known natural
hazard areas unless the siting of the facility can be shown to
have a public benefit which ~~that~~ outweighs the risk of siting in
the particular hazard area.~~

~~Policy 11D-7: Develop a comprehensive land use management program
consistent with the findings and recommendations of the
Comprehensive Flood Hazard Management Plan.~~

Reason for Change: Similar to and redundant with new policy 11F-15.

~~Policy 11DF-876: Maintain~~ Develop 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,
transfer of development rights, and public acquisition.

~~Policy 11DF-987: Review and revise~~ Be consistent with the Natural Hazard goals
and policies and consider the locations of Natural Hazard Areas
when establishing or changing zoning patterns and densities.

Reason for Change: Policies 11F-9 – 15, below, were moved from the Action Items
section which is being deleted.

~~Policy 11DF-1098: To address the causes of flooding and avoid expensive and
maintenance-intensive bank protection measures, the County
shall should prioritize its floodplain property acquisition program.
and add an emphasis of and emphasize restoring river
connectivity to historic side channels and floodplain areas. This
approach addresses the causes of flooding in contrast to
expensive and maintenance intensive bank protection measures.~~

~~Policy 11DF-109: Take steps to dDiscourage additional new floodplain development
in the floodplain.~~

~~Policy 11DF-110: 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 may deny development permits intended for permanent or seasonal human habitation.

Policy 11DF-121: 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 County Council as the level to which future development must be designed and appropriate locations for them.

Policy 11DF-132: ~~Formally~~ Consider establishing acceptable levels of public risk for use in approving and conditioning development activity in known natural hazard areas. The established level of risk may be expressed as the potential hazard posed as determined by scientific and historical methods applicable to each specific natural hazard.

Policy 11DF-143: Review the findings and recommendations of alluvial fan hazard evaluations and make appropriate recommendations for land use and zoning regulations to the County 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.

Policy 11DF-154: 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 County Council to assist in the implementation of the CFHMP.

Policy 11F-15: Identify known locations of abandoned wells that could produce methane and/or other hazardous substances and where immediate danger of methane and hazardous substance leaking exists, condition development approvals on affected parcels to mitigate those impacts.

Reason for Change: Policies 11F-9 – 15, above, were moved from the Action Items section which is being deleted.

Water Resources

Introduction

Water resources refer to the numerous surface waters such as lakes, streams, wetlands; groundwater; aquifers, estuaries; and marine waterbodies within Whatcom County (**Map 2411-1**). These waterbodies are often integrally linked through the complex network referred to as the water cycle. The water cycle describes the series of transformations that occur in the circulation of water from the atmosphere onto the surface and into the subsurface regions of the earth, and then back from the surface to the atmosphere. 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. The quality of life and economic health of our county's communities depend on the maintenance of a safe and reliable water supply. Decisions affecting any element of the water environment must be based on consideration of the effects on other elements.

Background Summary

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. Agriculture relies on both ground and surface water for irrigation, drinking water for livestock, and facility wash down. Businesses and industries may also require water, sometimes in substantial quantities, ~~from~~ non-

potable as well as and potable supplies. Water is also essential to meet many of what are referred to as "in-stream" uses, such as for recreation, shellfish growing and harvesting, habitat for fish and wildlife habitat, aesthetics, and other uses and benefits.

Groundwater is contained in aquifers, which are subterranean layers of porous rock or soil. Most of the surficial aquifers in Whatcom County are replenished by rainwater, though some may contain water trapped during glacial periods. 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 and industry, and other uses.

Rainfall that does not soak into the ground or evaporate is regarded as surface water and runs into drainage courses such as ditches, streams, wetlands, rivers, lakes, and the Strait of Georgia supports local surface and marine waters. Natural and manmade drainage systems have many important functions, including storing excess water flow, purifying surface water, recharging groundwater, conveying water, and supporting important biological activities. As more areas in Whatcom County are being urbanized, natural water resource systems are being replaced with built systems, leading to permanent changes in hydrology.

Whatcom County government has a major role in helping to maintain these benefits through its many responsibilities and programs, particularly in the areas of health, safety, land use, and development. 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. The water resource section focuses primarily on groundwater and surface water management. Surface water management relates generally to watershed protection and stormwater/drainage systems. However, some policy direction may indirectly be provided for areas such as wetlands, estuaries, streams, and marine waterbodies within the Water Resource section. Some of these areas are covered in more detail in other sections within the Environment Chapter.

Whatcom County Water Resource Programs

Whatcom County has and/or participates in numerous water resource programs aimed at protecting and enhancing water quality and quantity, including:

- WRIA 1 Watershed Management Project;
- Lake Whatcom Watershed Management;
- Groundwater Protection & Management;
- Flood Hazard Management; and,
- Stormwater Management.

These programs are described in Appendix G.

Reason for Change: The Planning Commission felt that the descriptions of the County's water resource and salmon recovery programs should be in an appendix

rather than the body of this chapter, mostly for brevity's sake, but also because their organization may be changing soon.

Issues, Goals, and Policies

Watershed Planning and Management

General

~~Problems exist which affect water resources in Whatcom County. Surface and groundwater quality problems can be found in many areas of Whatcom County and are described in various chapters of the Comprehensive Plan. There are significant legal limitations in obtaining new consumptive water rights in a majority of the County. Management actions between and within jurisdictions are not always well coordinated or consistent. Additionally, there is much to learn about the physical characteristics and availability of the resource, since water resources are heavily linked in complex systems that are only understood in varying degrees. Sound technical data upon which to base a thorough understanding of these complex systems is still continuously being developed. Other issues, In the last 10 years, there have been many updated regulations, and policies such as the Clean Water Act, Endangered Species Act, and State water code, and tribal actions act to further exacerbate which come into play more and more, aimed at solving and rationalizing and lend unpredictability to the problems associated with water.~~

~~These problems and issues have already led to many impacts on the community. The impacts include health concerns associated with drinking contaminated water; fisheries depletion and closure of shellfish harvesting areas and other in-stream problems; a lack of adequate water storage and delivery systems to meet the requirements of growth and development; concerns with the availability of water to meet existing agricultural and public water supply demands; potential difficulties and additional costs associated with obtaining building permits and subdivision approvals; and other related increasing financial costs to the community.~~

~~Long-term resolution of the numerous, complex, and changing water issues requires actions in many areas. Sound technical data and a better understanding of the water systems isare needed, including the recognition that water resources must be managed as an integrated system. Cooperation and coordination among the various users, jurisdictions, and those who impact the resource is necessary. Creative solutions should be pursued which extend beyond regulatory action to include education and, technical and financial assistance.~~

Reason for Change: Much of the above text was incorporated into Appendix G.

Goal 11EG: Protect and enhance water quantity and quality and promote sustainable and efficient use of water resources.

Policy 11EG-21: Maintain as a high priority the protection of water quality and quantity, and associated features like watersheds and aquifers.

Policy 11EG-2: ~~Actively participate in and support WRIA 1 Watershed Planning efforts associated with the coordination of local, federal, tribal, and state agencies to achieve integration or consistency between the various levels of environmental regulations relating to the County. In conjunction with the cities, other municipal corporations, tribal governments, federal and state agencies, public and private utilities, and the public, develop programs, such as WRIA Watershed Management Planning, which promote sustainable and efficient use of water resources.~~

Policy 11E-12: ~~Actively participate in the development of WRIA Watershed Management Plannings efforts and the process to establish a county wide water resources management body.~~

Reason for Change: Policies 11G-2 & 3 were combined.

Policy 11EG-83: ~~Work cooperatively with Federal, State, and local jurisdictions, Tribal governments, municipal corporations, and the public to implement the goals and, policies, and action items contained in of this the chapter Comprehensive pPlan as well as state water resources and water quality laws.~~

Policy 11EG-4: ~~Participate in the coordination of all local water and land management efforts, plans, and data to ensure adequate oversight of water quantity and quality issues.~~

Policy 11EG-5: ~~Manage and prioritize water resources for multiple instream and out-of-stream beneficial uses, including commensurate with instream flows set by the State Department of Ecology.~~

Reason for Change: Recommended change by Dept. of Ecology. When issuing water rights, the state's surface water & groundwater codes specifically do **not** prioritize one beneficial use above another. Also, in-stream flows and water rights are all by priority date.

Policy 11EG-16: ~~Actively promote and participate in education, research, and information opportunities which 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.~~

Policy 11EG-37: ~~Pursue the most effective methods for protecting water quantity and quality, through both regulatory (e.g. zoning, enforcement, fines) and non-regulatory approaches (education, incentives, and technical/financial assistance). Emphasis should be placed on non-regulatory approaches where possible and effective.~~

Policy 11EG-98: ~~Track the development of policies and regulations at the local, state, and federal level. Provide input to those regulations and~~

- 1 policies as necessary to ensure that the interests of Whatcom
2 County are considered.
- 3 | Policy 11FG-69: In conjunction with all jurisdictions, develop and adopt
4 programs to protect water quality and quantity within
5 | watersheds, aquifers, and marine waterbodies that which cross
6 jurisdictional boundaries.
- 7 | Policy 11EG-1110: Promote awareness and participation in management and
8 protection efforts by individual citizens and the community as a
9 whole.

10 **Surface Water and Groundwater**

11 ~~Surface water systems face sediment, nutrient, bacteria, petroleum, metals, and~~
12 ~~other contamination from a variety of point and non-point sources. Groundwater~~
13 ~~supplies in some areas are also vulnerable to contamination. Nitrates, arsenic,~~
14 ~~bacteria, elevated chlorine levels, EDB, 1,2-DCP, and other contaminants have been~~
15 ~~found in some groundwater supplies at levels that exceed those considered safe for~~
16 ~~drinking water.~~

17 Reason for Change: Background information is now provided in Appendix G.

18 | **Goal 11FH:** **Protect and enhance Whatcom County's surface water**
19 **and groundwater quality and quantity for current and**
20 **future generations.**

21 | Policy 11FH-1: Manage surface water systems, ~~where appropriate,~~ on a
22 watershed basis.

23 | Policy 11H-2: ~~Coordinate efforts to bring all water users in Whatcom County~~
24 ~~into compliance with state and federal water laws in a way that~~
25 ~~enhances stream flows, water quality, and fish and wildlife~~
26 ~~habitat.~~

27 RFC: The P/C felt that the County should be coordinating such efforts with other
28 agencies.

29 | Policy 11FH-23: In conjunction with the public and appropriate local, ~~S~~state,
30 ~~T~~tribal, and ~~F~~federal jurisdictions, define, ~~and identify,~~ and
31 ~~develop management strategies for watershed basins and~~
32 ~~subbasins which that~~ may require special protection. These
33 areas may include aquifers, critical aquifer recharge areas as
34 defined under the Growth Management Act, Groundwater
35 Management Areas, wellhead protection areas, and high priority
36 watersheds such as those specified under WAC 400 (Local
37 Planning and Management of Non-point Source Pollution), WRIA
38 Watershed Management Planning, and under legislative policy
39 direction (e.g. Nooksack Basin, Lake Whatcom, Lake Samish
40 and Drayton Harbor).

~~Policy 11F-7: Continue identifying areas that require special protection such as wellhead protection areas, aquifers, and high-priority watersheds, and incorporate that knowledge into management actions, including dissemination of the information to the general public.~~

~~Policy 11F-3: In conjunction with the public and appropriate local, State, Tribal, and Federal jurisdictions, develop management strategies for those areas requiring special protection. Management efforts should consider both water quality and quantity. Water quality efforts should help reduce the likelihood that potential contaminant sources will pollute water supplies. Water quantity efforts should include consideration and protection of recharge areas as appropriate and potential effects on stream flow.~~

Reason for Change: The above three policies were similar, so combined into one.

~~Policy 11FH-4: Support the completion and implementation of local and /state Watershed Action Management Plans, the Lower Nooksack Strategy, the Lake Whatcom Management Program, NPDES Phase II Permitting, and the WRIA Watershed Management Projects as some of the means of addressing non-point source pollution.~~

~~Policy 11FH-5: Pursue the adoption and implementation of ground and/or surface water management plans and their integration e the plans into local comprehensive plans. Designate the Lake Whatcom and Lake Samish Watersheds as a high priorityies in this effort.~~

~~Policy 11H-6: Oppose the use of hydraulic fracturing in oil and gas wells (also known as "fracking") to avoid the potential degradation of water quality in aquifers and other ground water.~~

Stormwater and Drainage

~~Stormwater is that portion of rainwater that does not naturally percolate into the ground or evaporate, but flows overland or through pipes, gullies, or channels into a defined channel, or a constructed infiltration facility. In many cases, stormwater is associated with impervious surface in areas where development has taken place. In these areas, replacement of natural drainage systems with built systems results in short and long-term public costs and can lead to environmental degradation, including flooding, erosion, sedimentation, habitat loss, and degradation of water quality.~~

~~Various land uses can have significant effects on water flow. Sedimentation from ground disturbed by grading, new development, farming, and logging can reduce river or stream channel capacity, fill small lakes, and smother aquatic life and habitat. Surface water runoff from developed areas can carry pollutants such as~~

~~petroleum productsoil, heavy metals, garden chemicals, and animal wastes into the water system; runoff from farms and forests can bring pollutants including fertilizers and pesticides.~~

Reason for Change: Background information is now provided in Appendix G.

Goal 11GI: Protect water resources and natural drainage systems by controlling the quality and quantity of stormwater runoff.

Policy 11GI-1: Manage stormwater runoff to minimize surface water quality and quantity impacts and downstream impacts on channel morphology, property owners, and aquatic species and habitats.

Policy 11GI-2: Maintain or enhance, when appropriate, natural drainage systems and natural water storage sites in order to better protect water quality, moderate water quantity, minimize environmental degradation, and reduce public costs.

Policy 11GI-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.

Policy 11GI-4: Support the use by resource industries, ~~—such as agriculture, forestry, and mineral resource extraction—~~of management practices that minimize erosion and sedimentation, and significantly reduce pollutants.

Policy 11GI-5: Evaluate the role of watersheds in the maintenance of water quality and quantity and determine what cumulative impacts development activity may have on watershed hydrology.

Policy 11GI-6: Develop specific stormwater management programs for each drainage basin within the county's jurisdiction ~~which that~~ may be impacted by urban levels of development. Recognize the Lake Whatcom Watershed, Lake Samish, and Drayton Harbor as high priorities in this effort. Coordinate efforts with the Lake Whatcom Management Committee ~~Policy Group~~ program, the various shellfish protection districts, and other watershed management plansentities.

Policy 11GI-7: Establish, as a high priority, a stormwater maintenance program ~~which that~~ asensures that stormwater systems are adequately maintained and function at or near design capacity.

Policy 11GI-8: ~~Strongly incentivize~~ Encourage 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).

Policy 11GI-9: Develop and administer stormwater management standards as required by the NPDES Phase II Permit.

Policy 11GI-10: Develop and administer regulations and incentives such that there is no net loss of ecological functions and values of regulated wetlands and fish and wildlife habitats.

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.

Reason for Change: Policy 11I-11 comes from the Action Plan that was removed from this chapter.

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.

1. Implement the Western Washington Phase II Municipal Stormwater Permit as part of the National Pollutant Discharge Elimination System (NPDES) Program. Incorporate watershed considerations into the development of a comprehensive stormwater management strategy for designated areas.

2. Review Stormwater Special Districts Standards, Watershed Protection Districts, and other related codes that address runoff treatment from potentially polluting surfaces for their applicability to other sensitive watersheds with the Technical Advisory Committee and other appropriate agencies. Coordinate efforts for ongoing monitoring and evaluation within the sensitive watersheds and NPDES areas.

3. Amend subdivision, zoning, and other land use regulations and design standards to require encourage 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.

1 Ensure coordination and communication with the public and
2 affected jurisdictions, such as the Lake Whatcom Water and
3 Sewer District, the Sudden Valley Community Association,
4 and the City of Bellingham.

5 2.6. Ensure that existing stormwater standards are adequately
6 enforced within Stormwater Special Districts, Watershed
7 Protection Districts, and the NPDES areas.

8 Develop a comprehensive stormwater management program
9 designed to manage runoff from public facilities and
10 industrial, commercial, and urban residential areas including
11 streets and roads in compliance with NPDES requirements.
12 Establish a stormwater management plan for rural roads.
13 Each component of the program shall cover both new and
14 existing developments. Emphasis should be placed on
15 controlling stormwater through source controls and Best
16 Management Practices. Establish a long term goal of minimal
17 pollutant discharge into surface water resources.

18 At a minimum, the components of this program shall include:

- 19 • Identification of potentially significant pollutant
20 sources and their relationship to the drainage system
21 and water bodies.
- 22 • Investigation of problem drains, including sampling.
- 23 • Programs for operation and maintenance of storm
24 drains, detention systems, ditches, and culverts.
- 25 • A water quality response program to investigate
26 sources of pollutants, spills, fish kills, illegal hookups,
27 dumping, and other water quality problems. These
28 investigations should be used to support
29 compliance/enforcement efforts.
- 30 • Assurance of adequate local funding for the
31 stormwater program through surface water utilities,
32 sewer charges, fees, or other revenue generating
33 sources.
- 34 • Local coordination arrangement such as interlocal
35 agreements, joint programs, consistent standards, or
36 regional boards or committees.
- 37 • Regulations requiring implementation of stormwater
38 control for new development.
- 39 • A public stormwater educational program aimed at
40 residents, businesses, and industries in the urban
41 area.
- 42 • Strong inspection, compliance, and enforcement
43 measures.

- ~~• An implementation schedule.~~
- ~~• Adequate design specifications and construction practices to ensure minimal on-site erosion and sedimentation during and after construction.~~
3. Incorporate watershed considerations into the development of a comprehensive stormwater management strategy. This should include the identification of priority watersheds relative to stormwater management and the application of Action Item 1 to each watershed in the order of their priority.
4. Review Stormwater Special Districts Standards that address runoff treatment from potentially polluting surfaces for their applicability to other sensitive watersheds.
5. Amend subdivision, zoning, and other land use regulations and design standards to require that land use activities minimize the amount of impervious surface. Low impact surfacing options should be encouraged wherever possible.
6. 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.
7. 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.
8. Work with the Technical Advisory Committee and other appropriate agencies in revising or developing standards necessary to ensure watershed protection and then coordinate the effort within sensitive watersheds for ongoing monitoring and evaluation.
9. Develop and implement a stormwater maintenance program for the Lake Whatcom Watershed that would ensure that existing systems are adequately maintained.
10. 7. Ensure that existing stormwater standards are adequately enforced within Stormwater Special Districts.

Reason for Change: The double underlined and struck out policy was an action item. The new language (underlined) is a rewrite of the policy by Public Works.

Water Conservation

Goal 11-J: ~~Policy 11E-4:~~ **Support water conservation, reclamation, and reuse measures, and education as a means to helping ensure sufficient water supplies in the future.**

Policy 11EJ-71: Support and assist water users in the development of cost-effective means of improving efficiency of water use.

Policy 11EJ-82: Support efforts to establish and protect sustainable water supplies to meet existing and future demands for water in the county.

Policy 11J-3: Develop and implement plans to comply with the Department of Ecology's instream flow and water management rules and water resources management programs.

Lake Whatcom Watershed

Goal 2MM11-K: ~~Prioritize the Lake Whatcom watershed area as an area in which to minimize development, repair existing stormwater problems (specifically for phosphorus), and ensure forestry practices do not negatively impact water quality. Provide sufficient funding and support to be successful.~~

Policy 2MM11-K-1: Work with property owners to find acceptable development solutions at lower overall densities than the present zoning allows.

Policy 2MM11-K-2: Develop a storm drainage utility district or other funding mechanism to deal with the unique problems of development in a drinking water watershed.

Policy 2MM11-K-3: Recognize that all users of Lake Whatcom water have an interest in the resource and should share in the cost of its protection.

Policy 2MM11-K-4: Work cooperatively with the City of Bellingham, and the Lake Whatcom Water and Sewer District, District 10, 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 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.

Policy 2MM11-K-5: Evaluate and pursue, as appropriate, the use of incentives to encourage voluntary lot consolidation, transfer or purchase of development rights, current use taxation, and participation in open space conservation programs.

Policy 2MM11-K-6: Do not allow density bonuses within the Lake Whatcom Watershed.

Policy 2MM11-K-7: Work cooperatively with the City of Bellingham 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.

Policy 2MM11-K-8: Continue to develop and refine structural and non-structural best management practices (BMPs), both voluntary and required, to minimize development impacts within the Lake Whatcom watershed.

Policy 2MM11-K-9: Work to keep state-owned forest lands within the Lake Whatcom watershed in public ownership, and support managing forestry on these lands in a manner that minimizes sediment and phosphorus yields from streams.

Policy 2MM11-K-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.

Reason for change: This change was recommended by the County Health Department.

Policy 2MM11-K-11: Continue to work with Bellingham and Lake Whatcom Water and Sewer District to protect and manage the Lake Whatcom watershed in accordance with the 1998 jointly adopted interlocal agreement. Focus on continued implementation of the 5-Year Work Plans of the Lake Whatcom Management Program. In addition, work with the affected jurisdictions and secure funding for programs.

Reason for change: This text was moved from the action plan items in Chapter 2.

Policy 2MM11-K-12 Review and modify (as needed) the current development review process for projects in the Lake Whatcom Watershed to ensure coordination with other jurisdictions.

Reason for change: This text was moved from the action plan items in Chapter 2.

Policy ~~2MM11-K-13~~The existence of sewer lines in the Rural and Rural Forestry comprehensive plan designations will not be utilized to justify rezoning property in the Lake Whatcom watershed to allow higher density land uses.

Reason for change: This text was moved from the action plan items in Chapter 2.

Note: Policies 11-K-14 through 21 were moved from Chapter 2.

Policy ~~2BB11-K-14~~:Facilitate meeting the unique needs of Sudden Valley due to its location within the Lake Whatcom Watershed.

Policy ~~2BB11-K-15~~:Recognize the existing parcelization and the commitment for development of the remaining multi-family parcels in Sudden Valley.

Policy ~~2BB11-K-16~~: Work with the Community Association towards voluntary achievement of the density reduction target of 1,400of additional lots within Sudden Valley.

Reason for change: According to Public Works, the density reduction program has been completed; thus, this policy is no longer needed.

Policy ~~2BB11-K-17~~: If vacant lots in the Lake Whatcom watershed come available due to a tax foreclosure the County may acquire them, remove the developments rights and then place them back on the market through the public auction process to recover any residual value.If the county acquires lots through tax foreclosure, consider selling them as non-buildable lots.

Policy ~~2BB11-K-18~~: Support Lake Whatcom Water and Sewer District's effort to maintain adequate sewer capacity and control stormwater run-off in keeping with appropriate environmental controls and the Sudden Valley Community Association's density reduction goal.

Policy ~~2BB11-K-21~~~~19~~: 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.

Note: Policies 11-K-14 through 21 were moved from Chapter

Natural Systems

Introduction

"Natural systems" refers to the complex biological ecosystem that has grown~~developed~~ from the geologic setting of Whatcom County. It includes fish and wildlife, as well as diverse vegetation that has adapted to a variety of physical and climatic conditions (**Map 2511-2, Map 2611-3**). 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.

Background Summary

Whatcom County provides a wide variety of natural habitats ~~which~~that support and shelter a diverse array of fish and wildlife species. The county's wildlife is particularly varied and abundant when compared to many other areas of Washington State. There are a number of factors that have contributed to this: abundant water resources, rich soils, mild climate conditions, and a moderate degree of urbanization are among the most important. Among the habitats of importance to fish and wildlife are the following:

- wetlands, lakes, and streams;
- nearshore, intertidal, and—estuarinees 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.

Aquatic habitats include rivers, streams, ponds, lakes, and their riparian borders. Together, these habitats are essential to Whatcom County's fish and wildlife. Twenty-six species of fish—including twelve economically important stocks of salmon and trout—inhabit fresh water in Whatcom County for all or part of their life cycles. Healthy flowing streams and rivers, as well as off-channel wetland habitats, are essential to the survival of the majority of these fish. Wetland ponds, especially beaver ponds, provide optimal habitats for rearing and over-wintering of young fish, particularly Coho salmon and cutthroat trout juveniles.

Most regional wildlife species regularly use aquatic and riparian habitats for breeding, feeding, shelter, and migratory activities. Of this large grouping, over half are dependent upon wetland habitats at some point in their life cycles, and would decline or disappear in the absence of wetlands. Wetlands also contain unique vegetative communities that harbor many species of rare and unusual plants.

~~Native~~ Fish and Wildlife Populations and Habitat

Optimum habitat for Pacific Northwest salmon and other fish is one that resembles the riparian landscape of pre-settlement times: braided streams wandering freely through nearly continuous forest; trees overhanging and partly fallen into streams; stream beds with abundant logs, step waterfalls, pools, and cutbanks, ~~—;~~ and vegetated marine and estuarine communities. In most cases, it is not realistic to return to that state. However, measures can be taken to retain or regain those features ~~which~~that provide the minimum requirements of a viable fishery.

The best habitat for native wildlife includes native plants, ~~which that have evolved and occur naturally in the county.~~ Native plants are more closely matched to local soils, climate, and wildlife. They provide the right kinds of food, shelter, and diversity needed by wildlife. Native plants frequently need less watering, spraying, pruning, fertilizing, ~~and or~~ other maintenance than do exotic or imported plants. 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. Loss of native vegetation also can occur through invasions such as the spread of *Spartina*, which can drastically displace important native eelgrass communities.

Salmon Recovery Program

The decline of salmonids throughout Washington and the Pacific Northwest over the past century is well established. Since 1991, numerous evolutionarily significant units (ESUs) of Pacific salmonids have been listed as endangered or threatened under the Endangered Species Act (ESA), including those of chinook, coho, chum, sockeye, and steelhead. Decline in salmonid abundances have been attributed to widespread loss and degradation of habitat, due to hydropower, residential and urban development, agriculture, and forestry. Fishing and hatchery production have also contributed to declines.

Whatcom County participates in the WRIA 1 Salmon Recovery Program aimed at protecting and enhancing native salmon stock, which is described in Appendix G.

Reason for Change: The Planning Commission felt that the descriptions of the County's water resource and salmon recovery programs should be in an appendix rather than the body of this chapter, mostly for brevity's sake, but also because their organization may be changing soon.

Marine Resources Management

Marine habitats include all salt water bodies and their shorelines, kelp beds, eelgrass meadows, salt marshes, beaches, and mudflats. 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; closures of recreational and commercial shellfish beds; degradation and losses of eelgrass beds, kelp forests, and other marine habitats; and dwindling populations of seabirds and marine mammals.

The Northwest Straits Marine Conservation Initiative was authorized by Congress in 1998. The Initiative established the Northwest Straits Commission and Marine Resources Committees (MRCs) in seven western Washington counties, including

Whatcom County. The MRCs' main purpose is to guide local communities, using up-to-date information and scientific expertise, to achieve the important goals of resource conservation and habitat protection within the Northwest Straits. The Whatcom County MRC acts as an advisory committee to the Whatcom County Council.

Shellfish Recovery

Many of the marine waterbodies in Whatcom County support natural and cultured bivalve shellfish, including oysters and many species of clams. 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. Commercial shellfish growers, recreational clam and oyster harvesters, and Native Americans have used this resource for many years. It is an important part of our community's heritage.

Our ability to grow and harvest shellfish that is safe for human consumption is directly linked to surface water quality and the influence it has on marine waters. The primary measure of water quality for shellfish harvesting is bacterial contamination associated with human sewage and animal wastes. Potential sources of fecal bacteria include municipal sewage treatment plants, on-site sewage systems, boat waste, farm animals, pets, and wildlife. Since 1995, valuable shellfish beds in Portage Bay and Drayton Harbor have been downgraded (harvest prohibited) due to non-point pollution impacting recreational, tribal, and commercial harvesting. In 2014, Portage Bay was identified as a threatened Shellfish Growing Area by the Washington Department of Health. (Washington Department of Health, 2014)

Shellfish Protection Advisory Boards

Whatcom County has three Shellfish Protection District Advisory Boards/Committees, 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.

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.

Shoreline Management Program

The State Legislature passed the Washington State Shoreline Management Act (SMA) in June 1971. The SMA was overwhelmingly passed by public initiative in 1972. Under the SMA, each county and city was required to prepare a shoreline “master program” in accordance with the shoreline guidelines issued by the State Department of Ecology in 1972.

The Whatcom County Shoreline Management Program (SMP), WCC Title 23, is the document that implements the goals and policies of the SMA at the local level. It was adopted in 1976 in accordance with RCW 90.58. The goals and policies of the Whatcom County Shoreline Management Program also constitute the shoreline component of the Whatcom County Comprehensive Plan.

Under the provisions of the SMA, all development along shorelines of the state is required to comply with the provisions of local shoreline master programs. The Whatcom County Shoreline Management Program works with other chapters of the Whatcom County Code to protect and preserve saltwater and freshwater shorelines throughout the county by managing natural resources and directing development and land use suitable for the shoreline environment.

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).

Whatcom County and the Washington State Department of Ecology (DOE) share joint authority and responsibility for the Whatcom County SMP. Whatcom County Planning and Development Services is the primary agency responsible for implementation of the Whatcom County Shoreline Management Program.

Issues, Goals, and Policies

General – Natural Systems

Growth and urbanization of the land base have and may continue to impose a risk to the degradation and reduction of natural systems. Wetlands and estuaries continue to be lost incrementally. Streams and their adjacent riparian habitat are affected by land clearing, ditching, erosion, and road building. Lakeshore development degrades the foreshore environment for waterfowl and other species, as well as negatively affecting water quality. It is estimated that Washington has also lost approximately one-third of its historic eelgrass beds from a variety of causes, including dredging, shading, and filling. Large-diameter snags and downed logs, an essential feature for dozens of wildlife species, are lost during clearing or intensive forest management. Forested habitats are lost to a number of development processes including urbanization, agriculture, increased rural/

suburban housing density, and timber harvesting. The delicate environment of cliffs and caves may be affected by housing development, mining, and other activities. Conversely, grasslands, thickets, fields, and fence rows are habitats largely provided and enhanced by human activities, and are thus fairly abundant and stable within the developing county. The existence of farms, in particular, has contributed to an abundance of these more open, pastoral habitats.

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, bank armoring ~~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. In addition, the physical processes that create functional habitats for fish life stages are altered by increasing flows through stormwater runoff or consuming water volume for other out-of-stream uses.

Finally, the cultural value of functioning habitats, including wetlands and the fish and wildlife they harbor, has often been ignored in land use decisions. The gathering of fish, game, and other natural resources forms a central aspect of many cultures in this region. Also, the mere presence of these natural resources constitutes a community amenity that is a substantial part of our local economic base.

Goal 11HL: **Protect and enhance natural systems, which provide economic, ecological, aesthetic, and cultural benefit.**

Policy 11HL-1: Define and identify habitats and habitat features important to a balanced and sustainable web of life that supports fish and wildlife.

Policy 11HL-2: Develop and adopt programs ~~which~~ that protect habitats that ~~are~~ essential to the conservation of species that have been identified as endangered, threatened, or sensitive by the state or federal government. These programs should maintain and encourage restoration of habitat conditions for ~~threatened~~ listed species.

Policy 11HL-3: Develop and adopt programs ~~which~~ that provide incentives for ~~the~~ protection of environmentally fragile areas or critical wildlife habitats and corridors.

Policy 11HL-4: Where feasible, incorporate fish and wildlife habitats into public capital improvement projects, ~~and consider for incorporation into a mitigation banking program.~~

- 1 | Policy 11HL-5: Provide measures to mitigate negative water quality and
2 | quantity impacts from both public and private alterations of
3 | natural drainage systems.
- 4 | Policy 11HL-6: Consider sensitive fish, shellfish, and wildlife species and their
5 | habitats when establishing zoning densities and patterns.
- 6 | Policy 11HL-7: Promote voluntary fish and wildlife habitat enhancement
7 | projects through educational and incentive programs. These
8 | projects, which can be done by individuals, organizations, and
9 | businesses, ~~should~~ will buffer and expand fish and wildlife
10 | habitat.
- 11 | Policy 11HL-8: Give careful consideration to the siting of industrial, commercial,
12 | residential, and other land use designations when located near
13 | important marine habitats.
- 14 | Policy 11HL-9: Protect, retain, and enhance the beneficial uses and functions of
15 | streams and rivers. Define and identify the beneficial uses and
16 | functions of streams and rivers, ~~which including~~ ge wildlife and
17 | fisheries habitat, water quality, open space, aesthetics, and
18 | recreation.
- 19 | Policy 11HL-10: Protect and enhance natural systems when flood hazard
20 | management ~~control~~ measures are ~~utilized~~ used.
- 21 | Policy 11HL-11: Regulate the operation of river gravel extraction activities in
22 | such a manner so as to provide long-term protection of fish and
23 | wildlife habitat and water quality.
- 24 | Policy 11HL-12: ~~Support~~ Ensure that design and development of residential and
25 | industrial development ~~that~~ minimizes disturbance to rivers,
26 | streams, and functioning riparian areas.
- 27 | Policy 11HL-13: Evaluate the full value of the fishery—including its cultural and
28 | economic value—in land use decisions that may impact that
29 | fishery. Unavoidable impacts to an individual habitat or fishery
30 | ~~should~~ shall be mitigated.

31 | **Fish and Wildlife Populations and Habitat**

- 32 | **Goal 11JM:** **Protect and enhance natural systems that support native**
33 | **fish and wildlife populations and habitat.**
- 34 | Policy 11JM-1: Strongly discourage any activity that might cause significant
35 | degradation of the fishery resource or habitat.
- 36 | Policy 11JM-2: ~~Protect and enhance~~ Support the protection and enhancement
37 | of significant fish spawning and rearing habitat, food resources,
38 | refugia (shelter), and travel passages.

- 1 | Policy 11JM-3: ~~When possible,~~ Establish non-regulatory mechanisms and
2 | incentives for development that accommodates the habitat
3 | needs of fish and wildlife and encourages good stewardship
4 | practices.
- 5 | Policy 11JM-4: Support protection and enhancement of fish and wildlife habitat
6 | through site design in new development.
- 7 | Policy 11JM-5: Native vegetation and soils on stream-banks and shorelines
8 | should be disturbed as little as possible. In situations where re-
9 | vegetation is necessary to restore stream bank or shoreline
10 | stability and provide shading, site-specific native plants should
11 | be used. Retention of vegetated riparian areas on all lake and
12 | marine shorelines ~~should~~ shall also be encouraged.
- 13 | Policy 11JM-6: ~~Discourage shoreline armoring. Instead, E~~encourage natural or
14 | bio-engineering solutions such as planting native vegetation,
15 | engineered log jams/LWD, and beach nourishment along
16 | eroding banks to address stream and shoreline bank erosion
17 | problems. Riparian buffers should be replanted with suitable
18 | native vegetation as a part of all bank stabilization projects.
- 19 | Policy 11JM-7: Encourage native vegetation and soils retention and plantings
20 | ~~which that~~ provide or maintain the beneficial uses and functions
21 | of streams, rivers, lakes, and marine shorelines.
- 22 | Policy 11JM-8: Maintain and encourage restoration of habitat functions for
23 | threatened and endangered fish species.
- 24 | Policy 11M-9: Use Best Available Science to inform the creation of regulations
25 | to mitigate adverse impacts of development adjacent to rivers,
26 | streams, and marine shorelines.
- 27 | Policy 11M-10: Encourage landowners to protect surface water quality with filter
28 | strips or other appropriate water cleansing mechanisms installed
29 | between lawns, landscaping, livestock pens, or agricultural fields
30 | and waterbodies.
- 31 | Reason for Change: Proposed policies 11M-9 and 11M-10 were proposed by the
32 | Marine Resources Committee.
- 33 | Policy 11M-11: Formulate and implement a comprehensive, watershed
34 | landscape-based, environmental management program to
35 | protect fish and wildlife. The program will~~should~~ include the
36 | following:
- 37 | 1. Formulate an administrative approach to the review of
38 | development and planning proposals that consider natural
39 | 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,
- 1.5. Support the development of an educational booklet materials which lists, describes, and characterizes the appropriate use of native vegetation to enhance natural systems in Whatcom County.

Reason for Change: Proposed policy 11M-11 comes from the Action Plan that was removed from this chapter.

Policy 11M-12: Consider establishing formal meander limits for the Nooksack River, precluding additional development within this zone, and promote the River and Flood property acquisition program within these areas.

Reason for Change: Proposed policy 11M-12 comes from the Action Plan that was removed from this chapter.

Policy 11M-13: Diligently work to prevent and reduce the spread of invasive species.

Reason for Change: New policy suggested by Dept. of Ecology.

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; the careful use of hatcheries; and responsible harvest.

Reason for Change: There were no policies acknowledging the County's position regarding salmon recovery or its work with the Salmon Recovery Board.

Wetlands

Wetlands are crucial environmental features in Whatcom County. Once thought of as waste areas and unproductive lands, it is now known that wetlands provide invaluable functions in aquifer recharge, groundwater storage, floodwater detention, pollutant removal and purification of water supplies, as well as provision of fish and wildlife habitat. Loss of wetlands has been due to many factors, including urbanization, and to a large degree to agricultural development and associated drainage projects.

A plethora of complex and often confusing laws govern the definition, delineation, and protection of wetlands. These laws originate at national, state, and county levels. Land managers and private citizens often experience difficulty in interpreting, synthesizing, and applying wetland regulations. In general, however, state regulations must comply with federal standards and local regulations must comply with both federal and state standards.

Goal 11KN: Conserve and enhance ~~important-regulated~~ wetlands.

Policy 11KN-1: Recognize natural wetlands such as swamps, bogs, saltwater marshes, and ponds for their value in cleaning water, reducing flood damage, providing valuable habitat for plants, fish and wildlife, and as sites for groundwater recharge.

Policy 11KN-2: Develop and adopt criteria to identify and evaluate wetland functions that meet the Best Available Science standard and that are consistent with state and federal guidelines.

Policy 11KN-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-control, real estate, cultural attributes, and other entitiesuses.

Policy 11KN-4: Encourage land development to avoid ~~or mitigate~~ wetland impacts. Impacts to ~~important-regulated~~ wetlands should be contingent upon full mitigation measures that equitably compensate for wetlands impacts, on a case-by-case basis. Approved mitigation measures shall include resources for long-term monitoring and adaptive management of mitigation outcomes to assure effectiveness. Strongly discourage alteration of land that results in the degradation of type 1 and 2 significant wetlands.

Reason for Change: The P/C felt that mitigation monitoring should last longer than 5 years, and that the applicant should pay for it. They also agreed that "significant" should be replaced with "type 1 and 2," as it better defines what the County would consider significant.

Policy 11KN-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.

Policy 11KN-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.

Policy 11KN-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.

Marine Habitat

~~Marine habitats include all salt water bodies and their shorelines, kelp beds, eelgrass meadows, salt marshes, beaches, and mudflats. 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; closures of recreational and commercial shellfish beds; degradation and losses of eelgrass beds, kelp forests, and other marine habitats; and dwindling populations of seabirds and marine mammals.~~

~~The Northwest Straits Marine Conservation Initiative was authorized by Congress in 1998. The Initiative established the Northwest Straits Commission and Marine Resources Committees (MRCs) in seven western Washington counties, including Whatcom County. The MRCs' main purpose is to guide local communities, using up-to-date information and scientific expertise, to achieve the important goals of resource conservation and habitat protection within the Northwest Straits. The Whatcom County MRC acts as an advisory committee to the Whatcom County Council.~~

Reason for Change: This text was moved to an earlier section of this chapter.

Goal 11LO: Protect and enhance marine resources in Whatcom County.

Policy 11LO-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).

Policy 11O-3: Promote naturalized shoreline buffers and restoration of riparian vegetation.

Reason for Change: Policy 11O-3 was added by the P/C.

Shellfish Habitat

Many of the marine water bodies in Whatcom County support natural and cultured bivalve shellfish, including oysters and many of species of clams. The warm, nutrient-rich tideflats in and around Lummi, Portage, and Birch Bay, and Drayton Harbor, and Eliza and Lummi Islands represent unique water resources in this regard. Commercial shellfish growers, recreational clam and oyster harvesters, and Native Americans have utilized this resource for many years. It is an important part of our community's heritage.

Our ability to grow and harvest shellfish that is safe for human consumption is directly linked to surface water quality and the influence it has on marine waters. The primary measure of water quality for shellfish harvesting is bacterial contamination associated with human sewage and animal wastes. Potential sources of fecal bacteria include municipal sewage treatment plants, on-site sewage systems, boatwaste, farm animals, pets, and wildlife. Since 1995, valuable shellfish beds in Portage Bay and Drayton Harbor have been downgraded (harvest prohibited) due to non-point pollution impacting recreational, tribal, and commercial harvesting. In July 2003, Birch Portage Bay was added identified as a threatened Shellfish Growing Area by the Washington Department of Health to the Washington State list of threatened shellfish harvesting areas. (Washington Department of Health, 2014)

Reason for Change: This text was moved to an earlier section of this chapter.

Goal 11MP: Protect and enhance shellfish habitat in commercial and recreational areas in order to ensure a productive resource base for long-term use.

Policy 11MP-1: Identify and designate marine shellfish habitat for commercial and recreational uses.

Policy 11MP-2: Restore degraded waters within the drainage basins of shellfish growing areas to a level that allows/supports shellfish harvesting by work with the Department of Ecology, Tribes, Department of Health, and affected property owners to improve water quality.

Reason for Change: Suggestion by Dept. of Ecology.

Policy 11MP-3: Protect shellfish resources by means of pollution prevention and enforcement when necessary. This should include surface and

- 1 groundwater monitoring for early detection of pollution which
2 ~~that will to~~ minimize the damage and cost of resource
3 restoration.
- 4 Policy 11MP-4: Improve knowledge of the importance of protecting, preserving,
5 and improving the quality of shellfish habitat within the County.
6 Seek out valuable partnerships that will raise awareness,
7 provide education, and enhance shellfish habitat.
- 8 Policy 11MP-5: Develop Low Impact Development standards in shellfish habitat
9 areas.
- 10 Policy 11MP-6: Identify and encourage the use of stormwater treatment
11 systems and Best Management Practices that will help to reduce
12 fecal coliform bacteria levels in stormwater ~~that discharges~~
13 ~~directly into shellfish habitat areas and encourage their use and~~
14 ~~construction.~~
- 15 Policy 11MP-7: Solicit input from the ~~Puget Sound Action Team staff and~~
16 ~~Shellfish Protection District advisory committees and appropriate~~
17 ~~state, federal, and tribal agencies~~ when considering updates to
18 the Comprehensive Plan that relate to shellfish protection.
- 19 Policy 11MP-8: Identify and restore functions, selected through best available
20 landscape-based science, of key wetland areas, which are
21 ~~selected through best available landscape-based science.~~
- 22 Policy 11MP-9: Modify county roadside ditch maintenance procedures to protect
23 water quality.
- 24 Policy 11MP-10: Continue to partner with jurisdictions in ~~British Columbia~~ to
25 minimize impacts on water quality, including what affecting
26 shellfish habitat.
- 27 Reason for change: Proposed Policies 11P-11 through 16 were moved from Action
28 Plan, which has been deleted.
- 29 Policy 11MP-11: Work within the structure of County programs such as the WRIA
30 Watershed Management Planning process to achieve
31 improvements in land use Best Management Practices that will
32 positively affect change in marine water quality.
- 33 Policy 11MP-12: Continue to develop programs that help identify potential
34 pollution sources and ensure timely and science-based
35 approaches are used in response to problems as they arise.
- 36 Policy 11MP-13: Develop educational tools and opportunities to raise public
37 awareness of marine issues and to inform them of how they can
38 have a positive impact by helping preserve these marine
39 resources.

Policy 11MP-14: Identify areas (such as wetlands and the nearshore environment) that are important to shellfish habitat preservation. Also identify river and stream processes that adversely impact shellfish habitat. Use this information when making land use management and preservation decisions.

Policy 11MP-15: Create a tracking mechanism to document progress made toward improving downgraded shellfish areas. This information will be useful not only in helping to supporting an upgrade when water quality shows improvement, but also in helping to preventing degradation in currently approved shellfish areas.

Policy 11MP-16: Work with otherthe County Shellfish Advisory Boards eCommittees, programs, or processes, such as MRCMarine Resources Committee, Salmon Recovery Fund Board, and WRIA Watershed Management Board, and other local, state, federal, and tribal agencies Planning to address issues associated with shellfish, shellfish area closures, and shellfish habitat.

Reason for change: Proposed Policies 11P-11 through 16 were moved from Action Plan, which has been deleted.

Policy 11MP-17: EConsider establishing the Drayton Harbor Watershed as a sending area when considering a transferrable transfer of development rights (TDR) program sending area in the Drayton Harbor Watershed.

Reason for change: Policy 11P-17 was moved from Policy 2F-7 and edited. It was tabled by Council over the wording “voluntary, workable” added by Brenner throughout Ch. 11 wherever TDR was used.

Policy 11P-18 Support the Department of Health’s On-Site Sewage System (OSS) Program as a means to lower degradation of our waterways.

Reason for Change: Monitoring septic systems is an important component of helping keep our waters clean.

Other Marine and Marine Dependent Organisms and Systems

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. The Marine ecosystem is a complex web of life that is increasingly affected by anthropogenic impacts. Toxics, hormones, heavy metals, and other harmful substances flushed into nearshore and marine environments with storm water have been shown to have deleterious cumulative impacts on a range of aquatic and marine dependent organisms. 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.

Policy 11-Q: Promote Best Management Practices, land use, and stormwater policies that result in a minimal release of harmful chemicals and metallic substances into surface water and the marine environment.

Reason for Change: Recommended addition by the Marine Resources Committee.

Environment—Action Plan

Note: The Action Plans in each of the Comprehensive Plan elements is proposed for deletion, as many of the items have been accomplished. Those that have not been accomplished are being considered for adding into the policies, above.

Environmental Management

Community Protection and Environmental Preservation

- Work with the community to develop and implement a comprehensive environmental management strategy. The result of these efforts should be a Comprehensive Environmental Management Program that identifies both regulatory and non-regulatory elements. These elements should be organized, developed, and implemented consistent with the three sections of the Environmental chapter. They include Water Resources, Natural Systems, and Natural Hazards.
- Explore and develop a funding source for environmental management efforts. The development of a management strategy should include evaluation of resource availability to ensure realistic goals and efficiency in implementation.

Reason for deletion: This work has been accomplished through the adoption of the Critical Areas Regulations, participation in the WRIA 1 planning process and development of the Watershed Plan, participation in the Salmon Recovery planning process and development of the Salmon Recovery Plan, and other similar plans.

Environmental Management Program Development

- Regulatory Action
 - Ensure that local regulations are not in conflict with one another, are in compliance with the comprehensive plan, meet the GMA requirements, and are capable of being administered in an efficient and fair manner. Successful integration of Whatcom County environmental regulations must include the following:
 - Whatcom County Code
 - Title 16 Environment
 - Critical Areas Regulations
 - SEPA Regulations
 - Agriculture Nutrient Management Plan
 - Title 17 Flood Damage Prevention

- ~~○ Flood Hazard Management~~
- ~~○ Title 20 Zoning~~
- ~~○ Water Resource Protection Overlay Districts~~
- ~~○ Stormwater Special Districts~~
- ~~○ Water Resource Special Management Areas~~
- ~~○ Clearing Regulations~~
- ~~○ Title 21 Land Division Regulations~~
- ~~○ Title 23 Shoreline Management Program~~
- ~~○ Title 15 Building and Construction~~
- ~~○ Whatcom County Comprehensive Plan (agriculture, forestry, mining)~~
- ~~○ Whatcom County Coordinated Water System Plan~~
- ~~○ Other Local Environmental Regulations or Standards~~

Reason for deletion: This action has been accomplished.

- ~~• Development Standards: As a subset of regulations, update the existing development standards to provide the detailed specifications to implement the necessary regulatory and non-regulatory environmental programs in Whatcom County. At a minimum, these should include or compliment the following:~~

- ~~• Whatcom County Road Standards~~
- ~~• Chapter 2: Stormwater Management~~
- ~~• Chapter 3: Land Clearing~~
- ~~• Low Impact Development Standards~~

~~Because standards only provide the technical guidance for implementation of those activities allowed by regulatory authority, the development of these standards must follow both comprehensive plan and regulatory development.~~

Reason for deletion: This action has been accomplished.

- ~~• Continue to participate and support WRIA Watershed Planning efforts associated with the coordination of local, federal, tribal, and state agencies to achieve integration or consistency between federal, tribal, state, and local environmental regulations relating to the county. The objective should be to reduce confusion, conflicts, and duplication in administrative interpretation and at the counter during the permitting process.~~

Reason for deletion: This action item has been moved to Policy 11E-5.

- ~~• Take steps to discourage additional floodplain development.~~

Reason for deletion: This has been largely accomplished through the adoption of the Critical Areas Regulations, WCC Chapter 17 (Flood Damage Prevention), and the Comprehensive Flood Hazard Management Plan. Additionally, it has been included to Policy 11D-11.

• ~~Non-regulatory Action~~

- ~~Develop a comprehensive and streamlined system of permitting and approval of building and land development projects which incorporates environmental protection. All effort should be made to make the permitting process accessible and understandable to the public. To this end, the application and permitting process should be housed in one accessible location. Additionally, a uniform, step by step procedure should be developed for the permitting process. This procedure should be available as a printed handout to prospective applicants and other interested parties.~~

Reason for deletion: This action item has been accomplished.

- ~~Develop systems for tracking development in sensitive areas such as the Lake Whatcom, Lake Samish, Drayton Harbor, and Birch Bay watersheds or priority areas containing habitats used by federally listed threatened or endangered species.~~

Reason for deletion: This action item has been accomplished.

- ~~Maintain a working relationship with a local Land Trust and/or other similar organizations. In doing so, Whatcom County should seek assistance in the development and implementation of such non-regulatory elements as education, acquisition, mitigation and mitigation banking, conservation easements, and other non-regulatory tools.~~

Reason for deletion: This action item has been accomplished.

- ~~Develop non-regulatory programs for consideration of adoption by the County Council. In achieving these non-regulatory elements, Whatcom County should endeavor to reach cooperative arrangements with landowners, jurisdictions, and other interests. The programs will be comprised of a number of elements, including:~~

~~Education~~

~~Free Market Mechanisms~~

~~Technical Assistance~~

~~Restoration and Preservation~~

~~Acquisition~~

~~Innovative Development Alternatives~~

~~Incentives such as Development Rights Transfer, Tax Deferrals, etc.~~

~~Mitigation Banking~~

~~A technical committee should be established to develop these options and offer further recommendations to the County Council. Additionally, consideration should be given to the~~

merits of using other sources of expertise in developing a non-regulatory program of this type.

Reason for deletion: This action item has been accomplished.

- ~~Administrative Procedure~~

- ~~Improve existing administrative procedures as follows:~~

- ~~Enforcement: Establish strong education inspection, compliance, and enforcement measures for each of the three programs (Natural Hazards, Water Resources, and Natural Systems). An analysis of existing enforcement effectiveness should establish the requirements for additional enforcement needs.~~

- ~~Staffing: Provide adequate staffing to administer and enforce the programs outlined above. The county should analyze staffing needs and provide adequate staffing to meet these needs.~~

- ~~Permits: Develop a streamlined permit process so that the applicant can readily understand what is required (in simple, straightforward language), can fill out the application without expending large amounts of time and money, and does not have to wait unacceptable periods of time. In meeting this objective, the county should pursue the following:~~

- ~~One stop service.~~

- ~~Clear permit information and instructions.~~

- ~~Well thought out and reasonable permit requirements.~~

- ~~Acceptable permit processing time.~~

- ~~Code flexibility when necessary to provide for a reasonable use of property while still protecting environmental values.~~

- ~~Review by pre-approved, private sector professionals, where appropriate, to provide choice of reviewing options for applications.~~

- ~~Accountability: Review and modify existing policies, regulations, and administrative processes to ensure efficiency, effective service to the community, and implementation of the environmental goals of the Comprehensive Plan. Provide a timetable for the environmental review portion of permits to ensure predictable and expeditious processing of permits.~~

Reason for deletion: This action item has been accomplished.

~~The Environment and Private Rights~~

- ~~Develop working relationships with development, environmental protection, and property rights organizations, with a clear vision of promoting the greatest public good and environmental health.~~

Reason for deletion: This action item has been accomplished.

~~Natural Hazards~~

- ~~Require applicants for development permits located in identified 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 according to the following ordered preference:

- Avoid the identified hazard area if possible.

If not,

- Provide a qualified professional assessment of the hazard, type, frequency, potential magnitude, and adequate mitigation.
- Provide an engineered structural design to withstand calculated forces associated with the design event applicable to a specific natural hazard while creating no off-site impacts to adjacent property owners or natural systems.
- If off-site impacts are likely to occur as a result of the engineered design, provide mitigation plans for identified adverse off-site impacts to adjacent property owners and natural systems along with the above engineered structural design.
- 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 may deny development permits intended for permanent or seasonal human habitation.

Reason for deletion: This action item has been moved to Policy 11D-12.

Reason for deletion: Moved to policies.

- Include identified natural hazard areas in areas designated for density reduction.

Reason for deletion: In considering any density changes, natural hazard areas are always considered.

Water Resources

- Promote and participate in efforts to protect and manage water quality and quantity through non-regulatory actions such as education, incentives, and technical/financial assistance. Particular emphasis should be placed on efforts that increase and enhance efficiency among existing programs. Programs that emphasize multiple solutions to water resource questions should receive top priority.
- Use processes such as the WRIA Watershed Management Planning and the Lake Whatcom Management Program to actively promote and participate in education, research, and information opportunities that better our understanding of the county's complex water resource systems. New information should be considered in the development and evaluation of management actions.

- ~~• Promote more efficient use of resources by supporting and/or participating in efforts of the Countywide Conservation Committee, the Whatcom Water Utilities Committee (WWUC), WRIA Watershed Management Planning, and other avenues as they may arise.~~

Reason for deletion: These items are similar to policies already included above.

- ~~• Continue identifying areas that require special protection such as wellhead protection areas, aquifers, and high-priority watersheds, and incorporate that knowledge into management actions, including dissemination of the information to the general public.~~

Reason for deletion: This item has been moved to Policy 11F-7.

- ~~• Pursue adoption and implementation of ground and/or surface water management plans and protection efforts, and integrate the plans into local comprehensive plans.~~

- ~~• Support existing and pending programs such as those directed at Lake Whatcom, the Nooksack Basin, Abbotsford/Sumas Aquifer, Blaine Groundwater Management Area, Drayton Harbor and Portage Bay Shellfish Protection Districts, Samish Bay Watershed, Critical Aquifer Recharge Areas, WRIA Watershed Management Planning, and Wellhead Protection (Sumas, Blaine and Everson are currently under development). The level of support for these programs must be consistent with County budgeting priorities.~~

Reason for deletion: These items are similar to policies already included above.

- ~~• Support/build upon the implementation and completion of local/state Watershed Action Plans, the Lake Whatcom Management Program, and WRIA Watershed Management Planning as some of the means of addressing non-point source pollution.~~

Reason for deletion: This item has been moved to Policy 11F-8.

- ~~• Identify critical aquifer recharge areas and develop management options for review by the County Council.~~
- ~~• Develop criteria for establishing water resource protection areas, and adopt measures to protect those areas.~~
- ~~• Encourage metering of public water systems with Urban Growth Areas.~~
- ~~• Actively participate in the current process to establish a countywide water resources management body.~~

Reason for deletion: These items are similar to policies already included above.

Stormwater

- ~~• Develop a comprehensive stormwater management program designed to manage runoff from public facilities and industrial, commercial, and~~

~~urban residential areas including streets and roads in compliance with NPDES requirements. Establish a stormwater management plan for rural roads. Each component of the program shall cover both new and existing developments. Emphasis should be placed on controlling stormwater through source controls and Best Management Practices. Establish a long term goal of minimal pollutant discharge into surface water resources.~~

- ~~• At a minimum, the components of this program shall include:~~
- ~~• Identification of potentially significant pollutant sources and their relationship to the drainage system and water bodies.~~
- ~~• Investigation of problem drains, including sampling.~~
- ~~• Programs for operation and maintenance of storm drains, detention systems, ditches, and culverts.~~
- ~~• A water quality response program to investigate sources of pollutants, spills, fish kills, illegal hookups, dumping, and other water quality problems. These investigations should be used to support compliance/enforcement efforts.~~
- ~~• Assurance of adequate local funding for the stormwater program through surface water utilities, sewer charges, fees, or other revenue-generating sources.~~
- ~~• Local coordination arrangement such as interlocal agreements, joint programs, consistent standards, or regional boards or committees.~~
- ~~• Regulations requiring implementation of stormwater control for new development.~~
- ~~• A public stormwater educational program aimed at residents, businesses, and industries in the urban area.~~
- ~~• Strong inspection, compliance, and enforcement measures.~~
- ~~• An implementation schedule.~~
- ~~• Adequate design specifications and construction practices to ensure minimal on-site erosion and sedimentation during and after construction.~~
- ~~• Incorporate watershed considerations into the development of a comprehensive stormwater management strategy. This should include the identification of priority watersheds relative to stormwater management and the application of Action Item 1 to each watershed in the order of their priority.~~
- ~~• Review Stormwater Special Districts Standards that address runoff treatment from potentially polluting surfaces for their applicability to other sensitive watersheds.~~
- ~~• Amend subdivision, zoning, and other land use regulations and design standards to require that land use activities minimize the amount of impervious surface. Low impact surfacing options should be encouraged wherever possible.~~
- ~~• 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.~~

- ~~• 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.~~
- ~~• Work with the Technical Advisory Committee and other appropriate agencies in revising or developing standards necessary to ensure watershed protection and then coordinate the effort within sensitive watersheds for ongoing monitoring and evaluation.~~
- ~~• Develop and implement a stormwater maintenance program for the Lake Whatcom Watershed that would ensure that existing systems are adequately maintained.~~
- ~~• Ensure that existing stormwater standards are adequately enforced within Stormwater Special Districts.~~

Reason for deletion: This item has been moved to Policy 11G-12.

- ~~• Place a high priority on integrating impervious surface reduction incentives into policies, regulations, and standards for the Lake Whatcom and Lake Samish watersheds.~~

Reason for deletion: This item has been moved to Policy 11G-11.

- ~~• Prioritize project review in the Lake Whatcom, Lake Samish and Drayton Harbor watersheds. Continue to implement an administrative review process for new development projects within the Lake Whatcom, Lake Samish, and Drayton Harbor watersheds to clearly resolve potential stormwater problems prior to construction.~~

Reason for deletion: This action has already been incorporated into PDS procedures.

Natural Systems

General

- ~~• Formulate and implement a comprehensive watershed-based environmental management program to protect fish and wildlife. The program will include the remaining action items.~~

Reason for deletion: This item has been moved to Policy 11J-11.

- ~~• Formulate an administrative approach to the review of development and planning proposals that consider natural system policies.~~
- ~~• Investigate and develop programs for acquisition and restoration of important fish and wildlife habitat areas.~~

- Develop and enter into cooperative agreements with State and Federal agencies and neighboring jurisdictions for the purpose of identifying and protecting natural systems.

Reason for deletion: These items have been accomplished via other means.

- Identify and map important habitat corridors throughout the county.
- Support the development of an educational booklet which lists, describes, and characterizes the appropriate use of native vegetation to enhance natural systems in Whatcom County.

Reason for deletion: This action item has been accomplished.

Fish and Wildlife

- Update the County fish and wildlife folio.
- Develop an outreach program with landowners and citizens for the purpose of further identifying, understanding, and supporting stewardship of wildlife species and their habitats. This program may include open space tax incentives, cooperative arrangements, volunteer stewardship programs, site-specific management plans, conservation easements, and provision of educational materials.
- Support the development of educational programs to reduce adverse cumulative impacts to fish and wildlife from incremental riparian vegetation removal on marine and freshwater shorelines, especially in areas of higher density development.
- Develop geographically-based wildlife management plans for important habitat conservation areas. These plans should take into full account the unique environmental qualities of the area as well as the existing or planned surrounding land use activities and constraints. These plans should be used as a basis for both the formulation and administration of regulations that address fish and wildlife protection.
- Amend the existing Whatcom County Development Standards to provide design standards and specifications for the passage of fish through culverts where necessary and feasible. Implement a program that corrects existing obstructions to fish passage.

Reason for deletion: These action items have been accomplished.

- Develop and distribute educational materials to the public that describe the characteristics of healthy and viable fish and wildlife habitats.

Reason for deletion: This action item has been accomplished.

- 1 • Identify existing and historically important fish habitats. Include a
2 component that seeks to protect and restore these habitats and to
3 mitigate future impacts to fish habitats.
- 4 Reason for deletion: This action item has been accomplished.
- 5 • Determine appropriate stream and river buffer widths, based upon
6 Best Available Science that will optimize fish and wildlife habitat and
7 water quality.
- 8 Reason for deletion: This action item has been accomplished.
- 9 • Coordinate the various jurisdictional interests and the responsibilities
10 of Whatcom County.
- 11 Reason for deletion: This action item has been accomplished.
- 12 • Amend the Whatcom County Shoreline Management Program to
13 protect threatened and endangered species, consistent with RCW
14 90.58 and Department of Ecology rules (WAC 173-26).
- 15 Reason for deletion: This action item has been accomplished.
- 16 • Amend the Critical Areas regulations to protect threatened and
17 endangered species, consistent with RCW 36.70A.172, which calls for
18 giving special consideration to conservation or protection measures
19 necessary to preserve or enhance anadromous fisheries, and
20 Department of Ecology rules relating to Best Available Science (WAC
21 365-195, Part IX).
- 22 Reason for deletion: This action item has been accomplished.
- 23 • Amend the Whatcom County Land Division Regulations approval
24 criteria to require subdivisions and short plats to be designed in a
25 manner to protect fish habitat and water quality when a fish bearing
26 stream or river passes through the site.
- 27 Reason for deletion: This action item has been accomplished.
- 28 • Review and consider amendments to the Whatcom County
29 Development Standards, Stormwater Management chapter, to protect
30 threatened and endangered species. Review and consider amendments
31 to the Stormwater Management chapter consistent with the
32 Department of Ecology's new manual.
- 33 Reason for deletion: This action item has been accomplished.
- 34 • Review and consider amendments to the Whatcom County
35 Development Standards, Land Clearing chapter, to protect threatened
36 and endangered species.
- 37 Reason for deletion: This action item has been accomplished.

- Establish formal meander limits for the Nooksack River, preclude additional development within this zone, and promote the River and Flood property acquisition program within these areas.

Reason for deletion: This item has been moved to Policy 11J-12.

Wetlands

- Consider rezoning of areas of the County that are largely comprised of critical areas.
- Develop a system of classifying wetlands, assigning buffers, and addressing riparian wetlands and habitat for listed species that follows state guidelines.
- Incorporate Best Available Science to support criteria for buffer reductions and mitigation.

Reason for deletion: These items have been accomplished.

- Formulate a comprehensive watershed-based wetlands protection component of the management program that incorporates both regulatory and non-regulatory elements in order to protect wetlands in Whatcom County. This component will include the remaining action statements.
- Describe, inventory, and categorize wetland systems in Whatcom County. Assess the functions and values of these systems as they relate to fish, wildlife, water quality, and water quantity.

Reason for deletion: These action items have been accomplished.

- Synthesize the myriad federal, state and local regulations relating to wetlands into a single, unified local policy document that meets the intent and direction of the comprehensive plan. This document should be as brief and concise as possible.

Reason for deletion: This action item has been accomplished.

- Develop a mitigation program that will allow for full build-out of designated Industrial and Commercial zoning districts. The program should include provisions for the creation of off-site wetland mitigation and for the creation and use of mitigation banking.

Reason for Change: There are other options for achieving this.

Marine

- Work within the structure of County programs such as the WRIA Watershed Management Planning process to achieve improvements in land use Best Management Practices that will positively affect change in marine water quality.

- 1 ~~• Continue to develop programs that help identify potential pollution~~
- 2 ~~sources and ensure timely and science-based approaches are used in~~
- 3 ~~response to problems as they arise.~~
- 4 ~~• Develop educational tools and opportunities to raise public awareness~~
- 5 ~~of marine issues and to inform them of how they can have a positive~~
- 6 ~~impact by helping preserve these marine resources.~~
- 7 ~~• Identify areas (such as wetlands and the nearshore environment) that~~
- 8 ~~are important to shellfish habitat preservation. Also identify river and~~
- 9 ~~stream processes that adversely impact shellfish habitat. Use this~~
- 10 ~~information when making land use management and preservation~~
- 11 ~~decisions.~~
- 12 ~~• Create a tracking mechanism to document progress made toward~~
- 13 ~~improving downgraded shellfish areas. This information will be useful~~
- 14 ~~not only in helping to support an upgrade when water quality shows~~
- 15 ~~improvement, but also in helping to prevent degradation in currently~~
- 16 ~~approved shellfish areas.~~

17 Reason for deletion: Moved to policies Policy 11M-11 through 11M-16.

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2016-176

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--|----------------|------------------------------|--|--|---------------------|
| Originator: | SK | 5/11/16 | <div>RECEIVED</div> <div>MAY 11 2016</div> <div>WHATCOM COUNTY COUNCIL</div> | May 17, 2016 | Council |
| Division Head: | | | | | |
| Dept. Head: | | | | | |
| Prosecutor: | | | | | |
| Purchasing/Budget: | | | | | |
| Executive: | | 5/11/16 | | | |
| TITLE OF DOCUMENT: Appointment to the Whatcom County Agricultural Advisory Committee. | | | | | |
| ATTACHMENTS: Application for Appointment from Ashton Beanblossom | | | | | |
| SEPA review required? () Yes () NO | | | Should Clerk schedule a hearing? () Yes () NO | | |
| SEPA review completed? () Yes () NO | | | Requested Date: | | |
| SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.) County Executive Jack Louws requests confirmation of his appointment of Ashton Beanblossom to the Whatcom County Agricultural 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 . | | | | | |



Darryl Buchanan
Rud Browne
Todd Donovan
Ken Mann
Carl Weimer

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Ashton Beanblossom Date: March 29, 2016
Street Address: 9118 Delta Line Rd.
City: Custer Zip Code: 98240
Mailing Address (if different from street address): same as above
Day Telephone: cell phone → Evening Telephone: cell phone → Cell Phone: (360) 815-2961
E-mail address: ashtonbeanblossom@hotmail.com

1. Name of board or committee-please see reverse: Agricultural Advisory Committee
2. You must specify which position you are applying for.
Please refer to vacancy list. Whatcom Family Farmers
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
(If applicable, please refer to vacancy list.) (X) yes () no
4. Which Council district do you live in? () One () Two (X) Three
5. Are you a US citizen? (X) yes () no
6. Are you registered to vote in Whatcom County? (X) yes () no
7. Have you ever been a member of this Board/Commission? () yes (X) no
If yes, dates: _____
8. Do you or your spouse have a financial interest in or are you an employee or officer of any
business or agency that does business with Whatcom County? () yes (X) no
If yes, please explain: _____

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.
I am the fourth generation to work on my family's dairy farm in Whatcom County. I am the herd's "woman" on this farm and I take great pride in the dairy industry. I am aware of the current challenges that the agricultural industry faces in this county and have attended several meetings on the issues we face today.
10. Please describe why you're interested in serving on this board or commission:
My family has made a great life dairy farming in Whatcom County. I would like to be the next generation to continue providing our community with dairy products. To ensure that there will be a future for the farms, we need to stay active in helping with committees and informing on agricultural issues.

References (please include daytime telephone number):

Debbie VanderVeen (360) 319-9310

Signature of applicant: Ashton Beanblossom

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.

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|---|---------|-----------------------|---|---------------------------------|--------------|
| Originator: | tw | 05/06/16 | <div style="text-align: center;"> RECEIVED MAY 10 2016 WHATCOM COUNTY COUNCIL </div> | 05/17/16 | Finance |
| Division Head: | | | | 05/17/16 | Intro |
| Dept. Head: | | | | 5/31/16 | Hearing |
| Prosecutor: | | | | | |
| Purchasing/Budget: | | | | | |
| Executive: | | 05.10.16 | | | |
| TITLE OF DOCUMENT: EMS Levy Ordinance | | | | | |
| ATTACHMENTS: Memo and Ordinance | | | | | |
| 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.) | | | | | |
| Per request of the Council on May 3 rd Executive Louws has submitted a proposed EMS Levy Ordinance for introduction and Council consideration of placement on the November 8 ballot. Executive Louws is available for discussion of the EMS Levy Ordinance. | | | | | |
| COMMITTEE ACTION: | | | COUNCIL ACTION: | | |
| Related County Contract #: | | Related File Numbers: | | Ordinance or Resolution Number: | |
| Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council . | | | | | |

**WHATCOM COUNTY
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: Tyler Schroeder, Deputy Executive
Subject: EMS Levy Ordinance Discussion
Date: May 6, 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 that will support and sustain a countywide EMS System. The EMS Funding Recommendations identified an EMS levy to be the most stable funding mechanism to sustain a county wide EMS system.

On May 3rd Council requested an EMS Levy Ordinance be prepared for introduction to Council at the May 17th Council meeting. That Ordinance is submitted for review and consideration of the Council for placement on the November 8 ballot.

Discussion:

The County Executive is available to discuss the EMS Levy Ordinance as introduced for council action and placement on the November 8 ballot.

ORDINANCE NO. _____

PROVIDING FOR SUBMISSION TO THE QUALIFIED VOTERS OF WHATCOM COUNTY A PROPOSITION IMPOSING THE LEVY OF A REGULAR PROPERTY TAX EACH YEAR FOR SIX YEARS, COLLECTION BEGINNING IN 2017, AT A RATE OF \$.295 OR LESS PER \$1000 OF ASSESSED VALUATION TO CONTINUE TO PROVIDE EMERGENCY MEDICAL SERVICES, IN THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016. .

WHEREAS, Emergency Medical Services (EMS) is a complex, coordinated response and emergency medical care system, that requires people and agencies, to perform an essential role as part of a coordinated, tiered, and seamless system of emergency medical care; and

WHEREAS, Whatcom County's EMS system has evolved over 40 years, and has transitioned into a tiered level of service; and

WHEREAS, fire districts and agencies provide first responder services and Basic Life Support (BLS) ambulance service and Bellingham Fire Department and Fire District 7 provide Advanced Life Support (ALS) ambulance service; and

WHEREAS, the Countywide Emergency Medical Service system serves all of Whatcom County including Bellingham, Ferndale, Lynden, Blaine, Everson, Nooksack, and Sumas; and

WHEREAS, the existing funding sources dedicated to EMS are not sufficient and revenue has decreased due to changes in the Federal Medical reimbursement; and

WHEREAS, due to the impact of increased costs, limited dedicated funds and decreased revenue, the current funding for the countywide EMS system will not sustain the present EMS service levels; and

WHEREAS, emergency medical services are essential to the people in our community and stable funding is a practical solution to continue providing EMS services at current levels of service, meet future demands and sustain the system into the future; and

WHEREAS, the EMS system also includes regional support programs and services that provide administration, medical oversight and direction, citizen and emergency personnel training, planning, education of the public, and other support programs and services; and

WHEREAS, The EMS Funding Work Group confirmed by the Whatcom County Emergency Medical System Oversight Board (EOB) recommended a funding strategy and levy rate that will support and sustain a countywide EMS system; and

WHEREAS, the state legislature, through RCW 84.52.069, has recognized the needs and concerns described above, and has provided the mechanism for achieving a stable funding source for the provision of such emergency medical services through a voter approved levy; and

WHEREAS, the EMS Funding Work Group and EMS Oversight Board recommends instituting an emergency medical services levy to provide a stable funding source that will sustain the system for the next 6 years; and

WHEREAS, in order to assure such a provision of services, it is both necessary and appropriate that an additional regular property tax of \$.295 or less per \$1000 of assessed valuation be levied as provided for in this ordinance;

NOW, THEREFORE, THE COUNCIL OF WHATCOM COUNTY DOES ORDAIN:

Section 1. Approval of cities over 50,000 population. Pursuant to RCW 84.52.069, approval to place this county-wide levy proposal on the ballot will be obtained from the legislative body of the City of Bellingham, which is presently the only city in the county having a population over 50,000, before it is submitted to the electorate of Whatcom County for an election.

Section 2. Deposit of levy proceeds and eligible expenditures. All levy proceeds shall be deposited into the county Emergency Medical Services Fund. If approved by the qualified electors of the county, all levy proceeds authorized in the ordinance shall be used in accordance with RCW 84.52.069.

Section 3. Type of Levy. Pursuant to the authorization in RCW 84.52.069, this levy is a regular property tax levy on all taxable property located in Whatcom County and is in addition to the statutory tax rate limit of RCW 84.52.043.

Section 4. Levy Rate. The rate at which this proposed levy shall be submitted to the voters shall be the rate of \$.295 or less per \$1000 of assessed valuation each year, for six consecutive years, beginning in 2017. The collection of the taxes will begin in 2017. Taxes will be based upon the previous year's assessment.

Section 5. Ratification by the Electorate. The proposal for this levy shall be submitted to and approved by the voters in accordance with RCW 84.52.069.

Section 6. Call for Election. A ballot measure shall be submitted to the qualified voters of Whatcom County at the general election to be held on November 8, 2016, of a proposition authorizing the previously described six-year levy for emergency medical services. The Whatcom County Auditor shall cause notice to be given of this ordinance in accordance with the state constitution and general law and to submit to the registered voters of the county, at the said special county election, the proposition hereinafter set forth. The County Executive is hereby authorized and requested to initiate the appropriate action necessary to ensure a proposition in substantially the following form shall be submitted to the voters of Whatcom County::

Whatcom County, Washington

Proposition _____: Regular Property Tax
Levy for Emergency Medical Services

The Whatcom County Council passed Ordinance 2016-_____ concerning funding for the countywide Emergency Medical Services system. Will Whatcom County be authorized to impose regular property tax levies of \$ 0.295 or less per thousand dollars of assessed valuation for each of six consecutive years, with collection beginning in 2017, for the continued provision of emergency medical services?

Yes

No

Section 7. Authorization for Interlocal Agreements. The County Executive is hereby authorized and requested to negotiate interlocal agreements: 1) with the City of Bellingham and Fire District #7 for EMS services consistent with the recommendations of the EMS Funding Work Group and the EMS Oversight Board; 2) with Fire Districts #4, #11, and #16, where current levy collections may be reduced consistent with RCW 84.52.069 (6); and 3) with the fire agencies that provide first response, for Council approval relating to the provision of emergency medical services over the length of time the levy is imposed.

Section 8. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Whatcom County Council
Whatcom County, Washington

Barry Buchanan, Chair

Attest:

Dana Brown-Davis, Clerk of the Council

APPROVED this ____ day of June, 2016.

Jack Louws, County Executive

Approved as to form:

Daniel L. Gibson
Whatcom County Deputy Prosecuting Attorney