**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>CLEARANCES</th>
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**TITLE OF DOCUMENT:**

2017-2018 Budget Priorities

**ATTACHMENTS:**

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

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

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

**Requested Date:**

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

Executive Louws' proposed Budget Priorities and Guidelines for the 2017-2018 biennium will be reviewed along with overall budget projects and the Council Budget Retreat scheduled for 9:30 on June 14, 2016 in the Garden Level Conference Room.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

To: Whatcom County Council
From: Jack Louws, County Executive
Date: May 9, 2016
RE: 2017-2018 Budget Priorities and Guidelines

As County Executive, I have the responsibility to present a balanced budget to the County Council that includes prioritization of our most critical capital projects. It is in the best interest of the County that we develop the budget in collaboration with the Council.

Operationally, County revenue is stable, even with the Canadian dollar decline, and expenses are well within budget. Over the last four years, due to our improving economy and our own fiscal restraint the general fund reserves have risen from $9M to approximately $16M. I will likely recommend using some of the fund balance to address the capital infrastructure issues we face in the upcoming biennial budget. As I noted in my annual remarks to Council, other than resolving the capital challenges before us, I believe we will be able to prepare and adopt another biennial budget at the end of this year that serves our community well.

The budget priorities and guidelines outlined below are submitted to you as a framework for developing a balanced and sustainable biennial budget for 2017-2018.

BUDGET PRIORITIES:

1. Prioritize the critical infrastructure issues through committing available funding to maintain and/or improve our existing facilities, and by not acquiring more.
2. Continue the commitment to fund Emergency Medical Services (EMS) through 2017-2018 at the current level of service. If an EMS levy should pass in 2016, prioritize the supplants cash to capital infrastructure and public safety needs.
3. Support the work of the Incarceration Prevention and Reduction Task Force, Criminal Justice professionals, Health Department and behavioral health providers in their efforts to reduce recidivism and incarceration.
4. Continue the commitment for capital construction, including the Birch Bay Drive Pedestrian Facility, the bridge program and Lake Whatcom stormwater improvements.
5. Continue the commitment for the Water Action Plan and water resource programs (National Pollutant Discharge Elimination System (NPDES), Pollution Identification and Correction (PIC)).
6. Continue investing in technologies to increase efficiencies, effectiveness and value to our citizens and employees, including the integrated land and infrastructure and criminal justice case management systems.
7. Ensure Budget Transparency by enhancing project budget reporting to include more relevant information, and to introduce program based budgeting allowing for a better understanding of Departmental mandates, goals, and responsibilities.

BUDGET GUIDELINES:
The Council's review and feedback is requested on the following guidelines proposed for use by the Executive in building the 2017-2018 Biennial Budget.

1. Develop a budget that maintains a sustainable fund balance in the General Fund.
   This fund balance will assist us in maintaining our strong credit rating. Currently the county has a Moody's Aa2 rating. A larger fund balance, alongside its ability to be sustainably sufficient to provide for the funding necessary to operate general government, will enable Whatcom County to preserve a favorable bond rating and attract lower bond interest rates. In addition, fund balances should allow sufficient reserves to:
   - Fund operations without borrowing
   - Cover emergencies

2. Use grant and restricted revenue first to pay for eligible expenditures.
   Revenue supporting the General Fund has the least restrictions applied to its use. A major financial challenge for the county is balancing the unrestricted revenues and the cost of general government. Therefore it is essential that unrestricted revenue be used only to pay costs that are not eligible for other funding sources.

3. Set fees and charges to ensure recovery of the cost of the service where possible.

4. Review and invest in our operations to maximize effectiveness of investments in technology to reduce costs and increase productivity and efficiencies.

5. Review services and service levels and confirm that they address the current needs in the most cost effective and appropriate manner.

6. Maintain staffing at sustainable levels and negotiate contracts within reasonable cost of living adjustments.

REQUESTED ACTION:
With your participation and input of the priorities and guidelines, together we will address our critical infrastructure needs and build a sustainable biennial budget for 2017-2018. I ask the Council to concur with the priorities and guidelines outlined in this memo at the June 14th Council Budget Priorities and Strategic Planning Meeting.
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**TITLE OF DOCUMENT:**

Discussion regarding voters' pamphlet for primary election

**ATTACHMENTS:**

None

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<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
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<td>SEPA review completed?</td>
<td>( ) Yes</td>
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Whatcom County Auditor Debbie Adelstein would like to discuss the voters' pamphlet for the primary election

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

To: Members of County Council

From: Debbie Adelstein, Whatcom County Auditor

Date: June 7, 2016

Re: Publication of Local Voters’ Pamphlet for Primary Election

Four years ago, when a large number of state races with a large number of candidate choices in each category were on the ballot, there was quite a bit of discussion amongst the Council about their discontent that there was not a “paper published” local voters’ pamphlet for the state races. The state chooses only to publish an on-line version of a pamphlet. You asked after that experience that in the future you wanted my office to publish a more comprehensive pamphlet that would include all of the state races as well as the local races which we always cover.

This now is the year where that will come into play and now is the time to make a call on whether to publish that expanded pamphlet or not. There are 99 candidates for all the various races if we are to encompass both the state and local races. Before embarking on printing the more comprehensive pamphlet I want to inform you of the projected costs of the larger pamphlet, as my budget capacity does not include at this time the larger cost. Attached is a cost estimate outlining that a larger pamphlet could likely cost $23,125 as opposed to the $14,300 spent on the 2012 pamphlet. I have estimated on the high side for a page count since we don’t know if further pages may be needed. As I shared with the council in 2012, I would come back to you with the cost estimate and reconfirm that it is your intent to authorize the additional funding.

I will be out of town at the annual Elections Conference on your next meeting day, so I would ask that you discuss it and get back to me with your decision. If you need any additional information, please feel free to contact me in the meantime.

Cc: County Executive Jack Louws
Projected LVP costs for 2016 Statewide Primary Pamphlet
(Utilizing Lynden Tribune)

Propose:
Tabloid Layout (news print)
99 candidates, 5 per page = 20 pages
5 pages general content

Estimating higher page count, just in case:
Printing $11,700 for 32 pager
Graphic 800 @ $25 per page for 32 pages
List Purchase 500
Mail Prep 1,900
$14,900
Postage $8,000 @ $.08 per piece
Color $225
$23,125

Prices above are based on 100,000 pieces.

Price break point on postage is at 32 pages

Cost for 2012 pamphlet without the state races: $14,300
MEETING MINUTES – PREVIOUS DISCUSSIONS ON THIS ISSUE
4. RESOLUTION APPROVING STANDARDS OF CONDUCT FOR COUNTY COUNCIL-APPOINTED CITIZEN BOARDS, COMMITTEES, COMMISSIONS, AND TASK FORCES (AB2012-225) (7:39:49 PM)

(Clerk’s Note: This item is withdrawn from the agenda.)

INTRODUCTION ITEMS

(7:39:59 PM)

Mann moved to accept Introduction Items one, two, three, and five. Item four was withdrawn from the agenda.

The motion carried by the following vote:

Ayes: Kremen, Crawford, Brenner, Knutzen, and Mann (5)
Nays: None (0)
Absent: Carl Weimer and Kathy Kershner (2)

1. ORDINANCE AMENDING WHATCOM COUNTY CODE 12.48, ROADSIDE VEGETATION MANAGEMENT PROGRAM (AB2012-244)

2. ORDINANCE FINALIZING A REVISED SYSTEM OF ASSESSMENT FOR CONSOLIDATED DRAINAGE IMPROVEMENT DISTRICT NO. 20 (AB2012-245)

3. ORDINANCE AMENDING 2012 WHATCOM COUNTY BUDGET, TENTH REQUEST, IN THE AMOUNT OF $40,000 (AB2012-246)


(Clerk’s Note: This item was withdrawn from the agenda.)

5. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR DIVISIONS OF LAND RESULTING IN LOTS SMALLER THAN FIVE ACRES WITHIN THE LAKE WHATCOM WATERSHED (AB2012-040A)

OTHER BUSINESS

(7:40:42 PM)

Mann asked why State and federal offices for the primary were not listed in the voters pamphlet.

Debbie Adelstein, County Auditor, stated the Auditor is required to publish a local voters pamphlet, which is for the local offices based in Whatcom County. The State has not chosen to publish its own voter pamphlet for the primary ballot. She reviewed the cost to add all the additional items to the local pamphlet and the other options people have to get information. She estimated an additional cost of $6,000 to include these State and federal races. They will be in the final voters pamphlet for the general election. She understands
Mr. Burr’s concern that the voters have the opportunity to get that information. However, it’s the State’s obligation to provide that information for the State races. It was not envisioned for the local pamphlet.

Crawford asked if the information in the voters pamphlet is whatever the candidate provides. It’s not edited. Adelstein stated it’s not edited or proofed at all. They have a word limit. The County follows the same State guidelines.

Brenner stated the cost is a good expenditure. She’d like to discuss this in Finance Committee. It’s a good idea. People should know at the primary.

Kremen stated Mr. Burr’s point is valid. The State and federal government continually shift financial burdens to the local level. The County should not pick up the financial burden that the State should pick up. Important issues are decided by the primary election. If every county were to provide the State and federal information, then the State and federal governments will just not provide the information. The concerns should be addressed to the State legislative delegation.

Brenner stated she agrees it’s not fair. However, the County is the most local form of government, where people can actually talk to someone. The County has an obligation to the voters. She would like to discuss it in committee. Adelstein stated they can include it in the budget discussion.

Crawford referenced changes to the contract with CH2M Hill and asked for an update about whether those changes were acceptable. The Executive is checking into it. He also talked to the Executive about the formation of a Forest Advisory Board, which can work on the 2016 Comprehensive Plan update.

**REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

*(7:48:10 PM)*

Mann reported on the birth of his daughter, Phoebe Mann, on June 28.

**ADJOURN**

The meeting adjourned at 7:48 p.m.

The Council approved these minutes on August 7, 2012.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Please contact the Council Office to obtain an official, signed copy:

360-676-6690 or council@co.whatcom.wa.us
WHATCOM COUNTY COUNCIL
Finance and Administrative Services Committee

September 11, 2012

CALL TO ORDER

Committee Chair Ken Mann called the meeting to order at 11:13 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

(11:13:53 AM)

Present: Ken Mann, Sam Crawford and Carl Weimer.
Absent: None.
Also Present: Kathy Kershner, Bill Knutzen and Barbara Brenner.

SPECIAL PRESENTATION

1. PORT OF BELLINGHAM ASSOCIATE DEVELOPMENT ORGANIZATION UPDATE (AB2012-295)

Dodd Snodgrass and John Michener, Port of Bellingham, submitted and read from a presentation (on file).

Knutzen asked and there was discussion of scheduling a joint Port and Council meeting to discuss and remove regulatory barriers.

Mann asked to know more details about regulatory barriers and a list of the companies surveyed.

Jack Louws, County Executive, stated and there was discussion about serving the public better within County departments.

Mann asked and there was discussion of the Northwest Economic Council.

COMMITTEE DISCUSSION

1. DISCUSSION OF WHETHER TO INCLUDE FEDERAL AND STATE RACES IN PRIMARY LOCAL VOTER PAMPHLET FOR FUTURE YEARS (AB2012-280)

Debbie Adelstein, Auditor, gave a staff report and described the background and current system of the State’s publishing of their election candidates. The question is whether publishing the pamphlet makes a difference in voter turnout and whether the County should do what the State does not. The additional cost would be $6,000.
Mann asked and there was discussion of how many people called to ask for a State pamphlet.

Brenner stated it's very important to print the pamphlet to educate people about who they're voting for.

Knutzen asked and there was discussion of how much it costs to print out the State pamphlet and make it available to the libraries and senior centers.

Adelstein stated the Citizen Advisory Committee discussed the question and recommends making the State information available in the local voter pamphlet.

Weimer asked and there was discussion of the information in the pamphlet that is provided by the candidate.

Mann stated he is fine with the current practice.

Brenner stated not all candidates get financial assistance or buy their way into office. They don't have name familiarity.

Knutzen stated he agrees that more information is better, so he would be willing to spend the money to include the State and federal elections in the local voter pamphlet.

2. PRESENTATION ON THE CURRENT STATUS OF THE ACQUISITION OF A NEW RECORDS MANAGEMENT SYSTEM FOR ALL BUREAUS OF THE SHERIFF'S OFFICE (AB2012-281) (11:50:17 AM)

Bill Elfo, Sheriff's Office, gave a staff report and introduced the consultant and presenter, Dr. Ralph Ioimo from Public Safety Consultants, Inc. (PSCI).


Knutzen asked and there was discussion about interoperability with other agencies and the Whatcom Exchange Network (WENET) and the possibility of overloading the County's Department of Information Technology (DoIT) staff, given projects he's interested in taking on.

Jack Louws, County Executive, answered questions.

Brenner asked and there was discussion of the timeline for implementation. A new system is critical and will save the County money.

Mann asked for a copy of the functional requirement document.
Mann asked if there is anything the Council can do to help the State take action to approve the fourth judge. It’s important. Reynolds stated contact Judge Snyder to find out what the State would need. The County pays half the salary for the judge and the cost of staff for the judge. The state pays for all the benefits. The State can authorize a placeholder position if County money isn’t available.

Louws stated the Council budgeted funds to look into the space needed for a fourth judge. He will work with the legislative delegation to let them know that the County is in favor of a fourth judge.

Brenner asked if court commissioners are partly subsidized by the state. She would like to know the County’s cost for a court commissioner versus the county’s cost for another superior court judge. The County can hire another court commissioner if it’s cheaper than half the cost of another Superior Court judge. Reynolds stated the County pays 100 percent of a commissioner salary and benefits, which is about $165,000. The County’s cost for half the salary of a superior court judge is about $80,000, and the State pays all the benefits.

Louws stated the letter identified the actions of the majority of the Council by approving the dollars. He didn’t commit that the Council, on an individual basis, is either for or against a fourth judge. It is a discussion they will have to have in the future.

Kremen stated a commissioner doesn’t have the same purview as a Superior Court judge.

Brenner stated she would like to know what those differences are.

Auditor

Debbie Adelstein, Auditor, stated the office is operating steadily. Licensing revenues are up a small amount. Recording is up a little bit. They are down two staff members, but the number of recording transactions also went down. Now that those transactions are increasing again, she hopes to take advantage of e-recording technology, and won’t need more staff. Elections are steady. Four propositions are on this ballot. A number of petitions have been submitted on a number of issues. ASR’s will be funded from the Auditor O&M fund.

Mann asked for an explanation of the two larger ASR’s for election costs. Adelstein stated they don’t know how much elections will cost. She bases the budget on there being three elections per year. They’ve absorbed some of those costs in the general operating budget, and the ASR is for elections over and above general estimates. She described the specific cost of an election. The ASR estimates recovering $170,000 of the costs. The net effect is an additional cost of $25,000. State and federal governments don’t have to pay for their elections. There is no reimbursement. There are additional costs in even-year elections.

Knutzen asked about the ASR for professional services in the amount of $20,000, and whether the new software is not an ongoing cost. Adelstein stated that is regarding the structure of the recording server. They would like to improve security of document recording system. That is the fee the supplier will charge to solve the problem. It’s a one-time cost. The system was updated a few years ago. Any request of the vendor seems to cost $20,000 to $50,000. These kinds of things are not included in the maintenance contract.
Louws stated the Council had discussed allocating $6,000 to expand the voter pamphlet information. The ASR for that cost came through. The Executive’s budget doesn’t include that ASR, but the Council can formally include it in the budget.

Adelstein stated both candidates running for the Secretary of State position made it a priority for the State to produce a primary voter pamphlet. That position doesn’t guarantee it will happen, because the legislature has turned it down in the past.

Kremen stated that if the legislature sees that counties are willing to pick up the bill, they aren’t going to fund it. It is the State’s obligation. Don’t let the State off the hook for their responsibility. These are statewide positions. It’s bad policy for counties, who don’t have the financial wherewithal to fund even the mandated State requirements.

Brenner stated the people who are hurt by non-publication are the voters. If the State funds it, the County can take that line item out. Only a few counties have funded it. The cost is minor compared to its importance.

Kremen stated that if the public thinks it’s important, they need to pressure the State government to fund it.

Adelstein introduced her new Chief Deputy Diana Bradrick, and described her background in Island County.

Assessor

John Romaker, Chief Deputy Assessor, stated the ASRs are for projected retirements over the next couple of years.

Desler stated they don’t normally include retirement ASRs. The cost is built into a line item for employee separation in the non-departmental section of the budget.

Kershner asked about the staff budgeted in the past for implementation of the new Assessor/Treasurer system (ATS).

Louws stated the ATS final implementation will produce savings in productivity. That increased productivity is timed with the planned retirements. In the future, the Assessor will look at staff efficiencies in the department. He dedicated an Information Technology position in 2013 to push that implementation of software to its final stage. They are at 80 percent of implementation now. Components of the system still must be finalized.

Romaker stated they are wrapping up the third full cycle of assessing valuation using the new system. The first year was difficult. In years two and three, they have taken advantage of the new efficiencies they can gain from the system. They are becoming more efficient.

Mann asked about going to annual assessments. Romaker stated they went to an annual update of evaluations in 2010. They perform physical inspections on one-sixth of the county each year, but they statistically analyze the other areas each year. All parcels are investigated for change each year.

Mann asked if there has been a decrease in the amount of complaints about sudden large changes in valuations. Romaker stated they are now modifying values on the entire
**TITLE OF DOCUMENT:** Economic Development Investment Program – EDI Board recommendation

**ATTACHMENTS:** Memorandum; EDI Program application from City of Bellingham; EDI Board Meeting Notes from 4/7/16; Rural Sales Tax Fund spreadsheet

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

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

The Economic Development Investment Board has reviewed a funding application from the City of Bellingham and is making the following recommendation for adoption by the County Council:

Approval of the City of Bellingham’s request for EDI funding in the amount of $1.1-million in support of the Waterfront project: as a grant in the amount of $1.1-million.

**COMMITTEE ACTION:**  
5/31/2016: Approved

**COUNCIL ACTION:**  
5/31/2016: Held in Council 6-1 Weimer opposed

**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.
SUPPLEMENTARY PAPERWORK PROVIDED FOR JUNE 14, 2016
1) January 29, 2007
Economic Development Council submits City of Bellingham’s EDI funding application to
Whatcom County Executive Office. Application is titled New Whatcom Redevelopment
Project Master Plan & Environmental Impact Study. Funding request is for a $1.1M EDI
grant.

2) February 9, 2007
The City of Bellingham passes resolution #2007-01 to authorize the submission of an EDI
application to the County to partially fund the consulting services cost of the Waterfront
Development Effort. It was further explained that the County Council and then
Executive Kremen encouraged the City to seek funding through the County’s Economic
Development Investment (EDI) program in lieu of the Local Infrastructure Financing Tool
(LIFT) program.

3) February 26, 2007
The EDI Board unanimously voted (11-0) to approve funding to the City of Bellingham in
the amount of a $1.1M grant. The recommendation set aside $1.1 M over the next 5
years to support waterfront development efforts.

Specifically, the EDI board voted to endorse a position that within five years a total of
$1.1 million dollars of EDI funding be granted to the City of Bellingham to support this
project. The County Executive asked that the motion include that the funding will be up
to at least $1.1 million of $100% grant money over five years. He then called for a vote
on the motion, which was taken. The motion passed unanimously 11-0.

4) March 13, 2007
The EDI Board recommendations made during the 02.26.07 EDI meeting are presented
to County Council. Malcolm Fleming, City of Bellingham Chief Finance Officer presented
the Waterfront project to the Finance Committee. At the close of the presentation,
committee discussion ensued related to the overall project. Finance Committee voted
in support of the EDI funding recommendation 2-1 (Crawford opposed).

At the evening council meeting additional questions were raised about the funding
request. Councilman Crawford explained this was the first time they were asked to
designate a set-aside amount of money, subject to further requests from the City. He
then moved to approve the request. The council raised questions about the set-aside
process. It was explained that the Council will approve the expenditure from this
funding, in the form of future applications for activities associated with the waterfront development project. The motion carried 6-1 (Crawford opposed).

5) November 17, 2011
Chief Administrative Officer, David Webster submitted a letter of request to the County Executive asking the County to extend the grant funding commitment for an additional two years through 2014.

6) November 22, 2011
The EDI Board met and after careful deliberation voted to formally approve the City’s request to extend the $1.1 million grant set-aside for three years through February 2015.

The County then submitted a letter to the City on December 2, 2011 formally extending the grant set-aside through February 2015.

7) October 1, 2014
Whatcom County submits letter to Executive Coordinator, Brian Heinrich advising him that the EDI Board voted unanimously in favor of a motion to extend the EDI commitment of $1.1 million to the City of Bellingham through December, 2015. The Board Chair and County Executive also requested that the city of Bellingham be prepared to present a report to the EDI Board at the next meeting and by no later than December 31, 2015. The report was to include details of a project which has been identified which will match the requirement for use of the EDI grant funds.

8) February 22, 2016
The City submits an EDI project application for the Granary/Laurel Street improvements made for the Waterfront Development project.

9) April 7, 2016
The City presents the Granary/Laurel Street project to the EDI Board. A motion was made by Barry Buchanan and seconded by Jack Louws to support the City of Bellingham application in the amount of a $1,100,000 grant and recommendation to the Whatcom County Council. A vote was taken and the motion passed unanimously 10-0.

10) May 31, 2016
The EDI Funding recommendation was presented to County Council for review and consideration. Finance Committee recommended holding the recommendation n committee for further review.
# RURAL SALES TAX FUND (EDI/PUBLIC UTILITIES IMPROVEMENT FUND) as of 5/9/16

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| Uses                         |            |            |            |            |            |            |            |            |              | -                      |            |
|------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------------------|------------|
| Cap Facility Expend & Commit | (1,758,614)| (345,486)  | (1,395,255)| (2,777,427)| (412,648)  | (1,539,891)| (156,430)  | (1,114,751)| (29,567)     | -                      | (12,337,218)|
| Loans & Loan Commitments     | -          | -          | -          | (535,349)  | (1,150,865)| (454,045)  | (49,342)   | (6,557,229)| (4,300,000)  | (417,846)             | (18,161,371)|
| **Total Uses**               | (1,783,814)| (666,417)  | (1,760,585)| (3,646,242)| (2,461,571)| (2,386,909)| (315,030)  | (10,955,222)| (6,468,067)  | (2,979,345)            | (45,694,650)|

| Net Sources/Uses             | 1,455,324  | 2,372,495  | 1,325,499  | (461,377)  | 904,332    | 1,478,398  | 4,076,508  | (7,053,772)| (1,967,344)  | (2,979,345)            | 4,725,397  |

| Projected Cash Balance       | 7,030,004  | 9,402,499  | 10,727,998 | 10,266,621 | 11,170,953 | 12,649,350 | 16,725,858 | 9,672,086  | 7,704,742     |                         | 4,725,397  |
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C:\Jon\tschoef\Documents\Rural Sales with Commitments as of 5-9-16 - council copy.xlsx
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Total: 45,886,286 (45,894,650) 50,000 624,828 3,885,627 (26,674) 4,725,397
## Fund 332 Loan Balances (as of 12/31/15)

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ORIGINAL PAPERWORK FROM MAY 31 COUNCIL PACKET
MEMORANDUM

To: Whatcom County Council Members
From: Jack Louws, County Executive
Subject: Economic Development Investment (EDI) Board – Funding Recommendation
Date: May 13, 2016

In 2007, Whatcom County Council approved a $1.1M EDI grant for the City of Bellingham contingent upon the completion of a Design and Construction Plan. That Plan is now complete and is included in the application for EDI funding. At the April 7 EDI Board meeting there was unanimous support to recommend funding for the City of Bellingham’s Waterfront Granary/Laurel Street project. The following recommendation adopted by the Board is being presented for confirmation by the County Council. If this recommendation of the Board is adopted by the Council, the administration will proceed with the preparation of an agreement and supplemental budget for County Council review and approval.

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</table>

The Administration has confirmed that sufficient fund balances are available for council approval of this request. The EDI funding application is attached for your review as you consider this recommendation at your meeting on September 29th.

If you have any questions on this matter, please feel free to contact me at 778-5200.

Attachments: City of Bellingham’s EDI Program application and
Meeting Notes of EDI Board meeting of 4/7/16
Rural Sales Tax Fund spreadsheet 2/9/16
February 22, 2016

Economic Development Investment Board (EDI Board)
Attn: Jack Louws, Whatcom County Executive
311 Grand Avenue
Bellingham, WA  98225

EDI Board Members:

The City of Bellingham is pleased to submit the Waterfront - Granary/Laurel Street application for Whatcom County's Economic Development Investment (EDI) Program. The Granary/Laurel Street project will be the first and primary arterial street connection through the Waterfront Redevelopment Area. The project will be a multi-modal connection as outlined in the Waterfront District Master Plan adopted by the City of Bellingham and the Port of Bellingham, and will consist of a full street section with, City utilities, structural connection to Roeder, street lighting and private utilities.

EDI funding in the amount of $1.1 million, added to $6.7 million in secured Federal funding, and $2.6 million in City of Bellingham local funding, will ensure this important street connection will be constructed. The project is currently under design and is scheduled to begin construction in late 2017.

Thank you for your consideration and please let me know if you have any questions regarding this application.

Sincerely,

Ted A. Carlson
Public Works Director
City of Bellingham
Whatcom County
Economic Development
Investments Program
Application for Funding

Jack Louws, Whatcom County Executive
Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

Preliminary Information and Application

Note: The intent of this Program is to be consistent with State law, RCW 82.14.370

1. **Who is eligible to apply:** Local general or special-purpose governments and higher education.

2. **What projects are covered:** Construction of publically-owned infrastructure, facilities, and related improvements, which enable or encourage the creation or retention of private sector businesses and jobs in Whatcom County consistent with EDI Program Policy Objectives.

3. **What activities are fundable:** New construction, refurbishment, replacement, rehabilitation, renovation or repair. Demolition is allowable if tied to construction. Soft costs allowed within scope of construction budget. No land acquisition except right-of-way included in a construction project.

4. **What can you use the funds for:** Transportation (roads, bridges, rail), utility services (water, sewer, storm, energy, telecom) and public buildings or structures.

5. **Other Limitations:** Planning/feasibility only projects are not eligible. Minimum local match is 10% of EDI request. EDI Board will make recommendations to the County Council which makes the final decision.

**Preferential Project Types**

**First Preference – “JOBS IN HAND PROJECTS”** – These types of projects will allow for the immediate creation and/or retention of jobs by providing public infrastructure that directly supports jobs. A perfect example would be a private business that will build or move into a facility and hire employees if a road is built or if water/sewer lines are extended to the site. These types of proposals would include a commitment by the private sector employer to create jobs and provide private investment.

**Second Preference – “BUILD IT AND JOBS WILL COME PROJECTS”** – These types of projects will construct public infrastructure but are not associated with a specific commitment from a private business to locate and/or create jobs. A perfect example would be the construction of roads and utility infrastructure to serve a new business park that would benefit multiple businesses.

**Third Preference – COMMUNITY ENHANCEMENT PROJECTS”** – These types of projects generally improve the physical appearance or create community assets to enhance the business climate. Examples would be boardwalk, streetscaping, downtown structures, and other publicly-owned facilities that make a community or region more attractive to existing or future businesses.

Last Updated: 11/18/13
Whatcom County Economic Development Investment (EDI) Program

Rovolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

**Preferential Project Terms**

**First Preference – EDI LOAN** – Due to the preferred revolving nature of EDI funds, proposals that are loan only will receive higher scoring. Loan terms and interest rate structure matches the Public Works Trust Fund program. The county will maintain discretion to modify such as including a deferral period.

**Second Preference – LOAN/GRANT COMBINATION** – The preferred combination of grant funds and loan funds is 1/3 grant, 2/3 loan.

**Third Preference – EDI GRANT** – Due to the “one-shot” nature of grants, projects of equal scoring requesting a grant only will be scored lower than another similar project requesting a loan/grant mix.

**Preferential* Project Amounts (Guidelines)**

**JOBS IN HAND PROJECTS** - $1,000,000 limit if grant only. $2,000,000 limit if combination of grant and loan. $3,000,000 limit if loan only.

**BUILD IT AND JOBS WILL COME PROJECTS** - $500,000 limit if grant only. $1,000,000 limit if combination of grant and loan. $1,500,000 limit if loan only.

**COMMUNITY ENHANCEMENT PROJECTS** - $250,000 limit if grant only. $500,000 limit if combination of grant and loan. $750,000 limit if loan only.

*Based on compelling reasons, the EDI Board and County Council may consider exceptions.

**Past Performance**

Have you received EDI Program funding in the past? 

[ ] X Yes [ ] No

If yes, provide project name and EDI grant/loan awarded: **Depot Market Square, $214k (2004), Bakerview Overpass $750k (2012) and Northwest Regional Stormwater Facility $2.5M (2014).**

If yes, EDI Program staff and/or the EDI Board may conduct an audit to review performance measures against projected outcomes, such as job creation projections.

Has your jurisdiction received any audit findings from the Washington State Auditor in the past 10 years?

[ ] X Yes; [ ] No. If yes, provide details:

Last Updated: 11/18/13
THRESHOLD PROJECT CRITERIA

Evidence of Planning

YES NO
_X__ __________ Project included on an adopted regional economic strategy ("CEDS" list).
_X__ __________ Project included in the applicant’s Comprehensive Plan.
_X__ __________ Project included in the applicant’s Capital Expenditure Plan or adopted budget.

COMMENTS: ____________________________________________

_________________________________________________________________

THRESHOLD PROJECT SCORING

POINTS Preferential Project Type

NOTE: In 2007, Whatcom County Council set-aside funds for the development of an eligible Bellingham waterfront development project in lieu of participating in the Local Infrastructure Financing Tool. The grant amount set-aside is $1.1 M.

_____ Jobs In Hand 10 points
_____ Build It And Jobs Will Come 5 points
_____ Community Enhancement 2 points

Preferential Project Terms

_____ Loan Only 10 points
_____ Loan/Grant 5 points
_____ Grant Only 2 points

Preferential Project Amounts

_____ Within Dollar Limits 5 points
_____ Outside Preferred Dollar Limits 0 points

TOTAL POINTS To proceed to other parts of the application and to receive EDI Board review, a proposed project must score 10 or more points on the above section.
Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

PROJECT APPLICANT

Applicant Name: City of Bellingham

Applicant Address: 104 West Magnolia Street

Applicant Contact Person: Ted Carlson

Applicant Email and Phone Number: tcarlson@cob.org (360) 778-7998

PROJECT TITLE
Waterfront District Arterial Streets

PROJECT AMOUNT REQUESTED

$1,100,000* EDI TOTAL - (Loan $0; Grant $1,100,000)

$2,600,000 Local Match (10% of EDI request minimum)

* The County approved a $1,100,000 EDI grant in 2007 to support the development of a suitable and eligible capital project.

PROJECT TYPE

Jobs In Hand Build It And Jobs Will Come Community Enhancement

PROJECT TERMS

Loan Only Grant/Loan Grant Only If a loan, term requested: _____ (years)

PROJECT LOCATION: Waterfront District in Bellingham's City Center, specifically within the Downtown Waterfront Area. Please see Exhibit A: Project Location.

PROJECT DESCRIPTION
(one page limit)

Last Updated: 11/18/13
Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

Background & Readiness
The City of Bellingham and the Port of Bellingham have made great progress in reaching the community's goal of transitioning Bellingham's waterfront from a heavy industrial abandoned site to a thriving mixed use extension of Bellingham's downtown neighborhood. Major milestones include:

✓ **Entitlements** - The City and the Port adopted the Waterfront District Master Plan, Development Regulations, a Planned Action Ordinance, and Development Agreement.
✓ **Partner Commitments** - The Interlocal Agreement was executed between the City and the Port outlining financial responsibilities for each party.
✓ **Environmental Restoration** - Cleanup of Whatcom Waterway, a $30M undertaking, is currently underway and cleanup of the land within the Downtown Waterfront Area is scheduled for summer of 2016.
✓ **Site Preparation** - The majority of the pulp and tissue plant facility and structures have been demolished.
✓ **Developer** - The Port entered into a Master Development Agreement with Harcourt Developments for the land within the Downtown Waterfront Area.
✓ **Design and Construction of Phase 1 Development** - The City has begun designing Granary and Laurel, Whatcom Waterway Park and Harcourt Development has submitted permits for the Granary building and has begun exploring feasibility of the developing the second building. The City completed a $2.1 million renovation of the Central Avenue pier improving access at the north end of the waterfront site, as well as, the $3.5 million Wharf Street roundabout improving access to the southern portion of the Waterfront site.

Reaching these milestones were important prerequisites to submitting a specific capital project per Whatcom County's direction in 2007. The City, Port and Harcourt are now prepared for implementation of specific public and private development projects.

**Project**
The "Project" is to design and construct the first and primary arterial street connection through the Downtown Waterfront Area site, specifically, construction of Granary Avenue and Laurel Avenue, See EXHIBIT A. The Project will be multi-modal, as outlined in the adopted Waterfront District Master Plan, and designed and built to serve pedestrians, bicyclists, vehicles and transit. The Project will consist of a full road cross section with fill, utilities, structural connection to Roeder, streetscape improvements, lighting and franchise utilities. In addition, utility and road connections to future local access streets in the Downtown Waterfront and the Log Pond area will be accommodated. The Project will meet the City’s arterial street obligations until Phase 3, or until development exceeds 1 million square feet.

**BASIC PROJECT INFORMATION**

1. Complete the public project budget and status of funds below. If EDI funds are approved is funding 100% complete?  **X** Yes  ____No

Last Updated: 11/18/13
Whatcom County Economic Development Investment (EDI) Program
Ripolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Amount</th>
<th>Planned/Applied For</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Dollars</td>
<td>$6,700,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Dollars</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Dollars</td>
<td>$2,600,000</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>EDI Funding</td>
<td>$1,100,000</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$10,400,000</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

2. Describe the amount of outside (private) funding committed to the project (e.g. Plant and equipment).

None. Per the Agreement entered into by the City and Port, the City is responsible for constructing Granary and Laurel arterials. Private funding is being secured by Harcourt to design and construct the buildings, which will utilize the arterial streets.

3. Describe the public infrastructure being proposed. Include engineering estimates and a site map detailing the proposed improvements as Attachments A and B.

The Project includes installation drive lanes, parking areas, bike facilities, sidewalks, street trees, utilities (public and private), signals, future connections and a railroad crossing along the proposed corridor at Laurel Avenue.

4. Describe how these improvements will enhance or encourage community vitality and stimulate other private development in the area.

The Waterfront District provides significant economic opportunities in a key part of Bellingham’s city center. Through our Agreement, the Port and the City recognized the importance in creating conditions within this District, including site cleanup and the construction of this Project, in order to make the area attractive to further investment by private developers, especially during the first phase of redevelopment.

5. List all permits and environmental reviews required for the public project and detail their status (completed, in-process, etc.)

<table>
<thead>
<tr>
<th>Permit/Review</th>
<th>In Process</th>
<th>Date Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering</td>
<td></td>
<td>Dec 2015</td>
</tr>
<tr>
<td>Environmental Review</td>
<td></td>
<td>Prelim Dec 2013</td>
</tr>
<tr>
<td>Design Engineering</td>
<td>X</td>
<td>Oct 2016</td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>X</td>
<td>July 2016</td>
</tr>
<tr>
<td>Construction Permits</td>
<td></td>
<td>Oct 2016</td>
</tr>
<tr>
<td>Environmental Permits</td>
<td></td>
<td>Sept 2016</td>
</tr>
<tr>
<td>Bid Documents</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Award Construction Contract</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Begin Construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Operational</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Last Updated: 11/18/13
Whatcom County Economic Development Investment (EDI) Program
Roving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

6. Are any other public jurisdictions involved in this project? If so, in what way?

**Port of Bellingham** - The Port is the current landowner for much of the area within the Downtown Waterfront Area. The Port has an agreement with Harcourt. The Port is responsible for cleanup activities on site and will be dedicating the right-of-way for this Project.

**WSDOT** - WSDOT is overseeing the City's $6.7M. The Project will be reviewed and approved by WSDOT.

7. Who will maintain the public facility/infrastructure to be completed with EDI funds? Will this project impact utility rates within the jurisdiction?

The City of Bellingham. Utility rates will not be impacted.

8. Will this project directly generate a revenue stream that could be used to repay an EDI loan? Will this project spur indirect revenues that could be used to repay an EDI loan? If no to either question – why?

The City is not seeking an EDI loan. However, by way of background, in order to meet its financial obligations, the City will be relying on the increase in tax revenues and other fees from the development to pay for the City's share of this Project as well as future streets and park infrastructure. The City also expects to rely upon other federal and state grants to help offset its costs.

9. What other revenue sources are available for this project and have they been considered. This includes forming a Local Improvement District (LID or ULID), issuing Councilmanic Bonds, Revenue Bonds, or other source(s).

The City is responsible for several large capital projects within the Waterfront District including site cleanups, parks and other streets totaling over $100M. A variety of funding sources as well as methods for payment have and will be considered. For this specific project, grants and local Street and Real Estate Excise Tax have been determined the most suitable mix of funds. A LID is not being considered given the City and Port Agreements. Bonds as well as the Local Infrastructure Financing Tool are being considered for other City commitments (i.e. site cleanup).

10. Describe the private development project that will be supported by this public facility project. If there is a committed private sector partner include Contingency Agreement (Attachment C).

The Port has entered into a Master Development Agreement with Harcourt May 2015. The agreement can be viewed on the Port website:
http://www.portofbellingham.com/DocumentCenter/View/5409

11. Explain why the private development requires the proposed public improvement(s).

Due to the unique and expensive challenges associated with redeveloping the former industrial waterfront site, including lack of infrastructure and environmental clean-up, public funding is needed to spur private investment. Currently there is no suitable access or utility service within the Downtown Waterfront Area.
Whatcom County Economic Development Investment (EDI) Program
Roving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

12. What is the status of the associated private development review and permits. List all permits required and give the current status (applied for, being reviewed, issued).

Note: Dates inserted are for the FIRST development project within the Downtown Waterfront Area, the Granary building. Tenant improvements will be permitted separately. The building is expected to be open to the public in 2017. Other private development review will be on-going for the next several decades.

<table>
<thead>
<tr>
<th>Environmental Review</th>
<th>In Process</th>
<th>Date Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td>June 2016</td>
</tr>
<tr>
<td>Construction Permits</td>
<td>X</td>
<td>June 2016</td>
</tr>
<tr>
<td>Environmental Permits</td>
<td>X</td>
<td>June 2016</td>
</tr>
</tbody>
</table>

13. Describe the type of industry or economic activity the public development will attract. What is the strategy to attract industry to the project site?

The Downtown Waterfront Area is planned to accommodate up to 2.8 Million sf of commercial and residential development over the next 20-40 years. The Downtown Waterfront Area will be an extension of Downtown Bellingham with a full range of professions and economic sectors. In order to stimulate interest and excitement in this new District and take advantage of the wonderful views, Harcourt is planning to tenant the Granary building (at the corner of Roeder and Granary Avenue) with mix of restaurants, pubs and retail on the ground floor and professional offices on the upper floors. Harcourt is currently looking at the feasibility of redeveloping the Boardmill building (along Laurel Avenue) into a hotel and conference facility. These two buildings will serve as anchors to solicit interest from housing and professional office investors and developers.

In addition, Western Washington University plans to develop up to 450,000 square feet of class rooms, administrative offices or community meeting space within the downtown Waterfront area.

14. List the number of projected jobs, by type, to be retained and/or created by the private entity.

<table>
<thead>
<tr>
<th>Downtown Waterfront Area Jobs</th>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Square footage / jobs</td>
<td>Square footage / jobs</td>
<td>Square footage / jobs</td>
</tr>
<tr>
<td>Office</td>
<td>180,000 / 288</td>
<td>110,000 / 176</td>
<td>100,000 / 160</td>
</tr>
<tr>
<td>Retail</td>
<td>20,000 / 32</td>
<td>40,000 / 64</td>
<td>40,000 / 64</td>
</tr>
<tr>
<td>Residential</td>
<td>300,000 / not included</td>
<td>300,000 / not included</td>
<td>360,000 / not included</td>
</tr>
<tr>
<td>Total Jobs</td>
<td>320</td>
<td>240</td>
<td>224</td>
</tr>
</tbody>
</table>

Today, the Downtown Waterfront Area has zero permanent jobs. Phases 1 through 3 are defined by the pace of development not by years. However, the City anticipates it will take approximately 20 years to build out the square footage outlined in the table above. An additional 1.3 million square feet of development is anticipated within the Downtown Waterfront Area in Phases 4 and 5.

Last Updated: 11/18/13
Whatcom County Economic Development Investment (EDI) Program
Rising Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

15. How does this project support the economy of Whatcom County and how does it fit into a county-wide economic development strategy?

The Waterfront District is a 240 acre brownfield site in Whatcom County's regional center, downtown Bellingham. It is one of the largest underutilized sites in the County with potential to employ thousands of people and generate millions in revenue. The site can serve various sectors within our economy including marine trades and shipping, manufacturing, professional offices, technology, and higher education.

Redevelopment of the Waterfront District achieves the following adopted action items listed in the Whatcom County Comprehensive Economic Development Strategy:

- Identify, preserve and invest in our infrastructure and other physical assets to enhance the economic competitiveness of the region.
- Support the retention, growth and attraction of businesses in the region.
- Foster economic prosperity in a way that promotes the creation of opportunities that align with our shared desire to enjoy and sustain our natural environment.
- Understand that the Regions' environmental resources are important assets that draw people here and are integral to Whatcom County's strong sense of place.
- Advocate for and support the region's educational institutions, especially its university and colleges.

16. What will the effect of this project be on the natural environment – does the project address any issues related to public health, pollution, or quality of life?

The Port and City commitments to the Waterfront District improve public health, pollution and quality of life in a variety of ways. Working with the State of Washington, we are cleaning up all the listed MTCA sites within the District, improving wildlife habitat and creating a healthy and dynamic place to live, work and play.

The Project, construction of roadways and utilities, will better manage area stormwater which will improve water quality for area stormwater discharging to Bellingham Bay. In addition, the roadway construction will complement the current environmental clean-up that is key to the overall site development.

17. Does this project address any existing issues related to public safety and/or does it increase public safety in the future or address a potential future public safety issue?

The installation of the railroad crossing will ensure public safety at the existing railway corridor. In addition, the looped water system will provide more reliable water service (fire flow) to the eventual residents and businesses in the Downtown Waterfront and Log Pond area. The street access through the site will support bicycle and pedestrian facilities and will increase regional connectivity.

18. Describe specific quantifiable measures of the outcomes, other than purely jobs, that will demonstrate project success. Describe how you will measure this and explain what you expect to show as progress toward the outcome.

Last Updated: 11/18/13
Whatcom County Economic Development Investment (EDI) Program
Roving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

Outcomes:

✓ Completion of the project is on time and within budget.
  - Open by December 2017
  - Does not exceed $10.4 million

✓ New pedestrian, bike and vehicle access to Bellingham Bay.
  - Whatcom community has access to a part of Bellingham that has never been available to the public.

✓ Installation of access and utilities serving over 1 million square feet of development.
  - Development exceeds 1 million square feet.

✓ Improved safety at the rail crossing.
  - The new crossing at Laurel will be built to quiet zone requirements and accommodate vehicles, bike and pedestrians in both directions.

✓ High quality infrastructure requiring minimal maintenance.
  - Utilities will be built to City of Bellingham and other relevant standards to be consistent with current maintenance practices. Both public and private systems will be connected to adjacent existing systems and looped where possible.

Application for Funding – Certification

I HEREBY CERTIFY THAT THE INFORMATION GIVEN IN THIS APPLICATION TO WHATCOM COUNTY FOR INVESTMENTS IN ECONOMIC DEVELOPMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Responsible Public Official: [Signature] Date 2/10/10

Last Updated: 11/18/13
Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

EDI Technical Advisory Committee
PROJECT SCORING SHEET

S = Strong
M = Medium
W = Weak

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<tr>
<td>S</td>
<td>M</td>
<td>W</td>
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**ECONOMIC IMPACT**

- Develops economic development infrastructure
- Retains or grows existing businesses
- Spurs additional private sector investment
- Will create new jobs
- Will retain existing jobs
- Provides above average wages
- Promotes community revitalization
- Will have significant local impact
- Will have significant regional impact
- Project will likely result in lasting benefit to the local community
- Project will likely result in lasting benefit to the regional community

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**ENVIRONMENT AND QUALITY OF LIFE**

- Protects and/or improves the natural environment
- Supports the sustainable use of environmental resources
- Provides significant contribution to improved health or quality of life
- Will contribute to public safety, public health, or aesthetic improvements to community
- Reduces pollution – water, wastewater, or storm drainage

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**SAFETY AND PUBLIC SUPPORT**

- Project improves safety
- Project addresses a current safety issue
- Project is supported in approved local plans

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<th>2 pts</th>
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<tr>
<td>S</td>
<td>M</td>
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**FISCAL CONSIDERATIONS**

- Project budget is well thought out and reasonable
- Match funds in hand and sufficient
- Is there a demonstrated need for financing
- Source of loan repayment demonstrated
- Asking for both grant and loan

Last Updated: 11/18/13
Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

PROJECT SCORING

S = Strong  
M = Medium  
W = Weak

<table>
<thead>
<tr>
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<th>3 pts</th>
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</table>

**PROJECT READINESS**

- Level of completion – engineering and design
- Detailed schedule provided
- Extent to which permits, approvals and other authorizations are met
- Time period over which private investment will occur and jobs created

---

**Total Number of Boxes Checked**  

x3  x2  x1  **Multiplied By Associated Points**

---

**TOTAL SCORING POINTS**

---

**TOTAL OF ALL SCORING POINTS (Max 81, Mid 54 and Minimum 27)**

Bonus Points:

- Add: 100 points if Project is “Jobs In Hand”
- Add: 50 points if Project is “Build It and Jobs Will Come”
- Add: 25 points if Project is “Community Enhancement”

---

- Add: 100 points if Request is Loan Only
- Add: 50 points if Request is Loan/Grant Combination
- Add: 25 points if Request is Grant Only

---

**GRAND TOTAL OF ALL SCORING POINTS (Max 281, Mid 154, Minimum 77)**

---

**SCORING ASSESSMENT**

**Scoring Range of Points**

- 281 points to 170 points = Compelling Application – funding should be strongly considered
- 169 points to 125 points = Moderate Application – funding might be considered
- Less than 125 points = Weak Application – funding should not be considered

---

Last Updated: 11/18/13
RESOLUTION NO. 2016-05

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION REQUESTING FUNDING FROM WHATCOM COUNTY’S ECONOMIC DEVELOPMENT INVESTMENT (EDI) PROGRAM TO PARTIALLY FUND THE CONSTRUCTION OF ARTERIAL STREETS IN THE WATERFRONT DISTRICT.

WHEREAS, the City and the Port have been working cooperatively since 2005 to redevelop the Waterfront District into a mixed-use urban waterfront with commercial, industrial, residential, public, and recreational uses; and

WHEREAS, the Waterfront District is a Brownfield site. The upland properties were historically zoned and used for industrial purposes, including marine industrial uses, fish processing, paper and pulp mill uses, two municipal landfills, a deep water shipping terminal, and wood treatment facilities. The aquatic land uses included a process water treatment facility and two federal channels; and

WHEREAS, in 2013 the City and the Port adopted a Sub-Area Plan and a Development Agreement to guide and facilitate redevelopment of the Waterfront District; and

WHEREAS, in 2013 the City adopted Development Regulations, Design Standards, and a Planned Action Ordinance to regulate development within the Waterfront District; and

WHEREAS, in 2013 the City and Port entered into an Interlocal Agreement for Facilities within the Waterfront District to allocate obligations for phased implementation of site cleanup, streets and parks; and

WHEREAS, the redevelopment of the Waterfront District is a long-term effort, requiring a phased implementation and partnerships with other agencies, including Whatcom County and state and federal agencies; and

WHEREAS, both the Port and the City agreed to direct their increased property tax revenue from the Waterfront District and surrounding properties toward meeting the City’s obligations to construct streets and parks through a state-authorized Local Infrastructure Financing Tool (“LIFT”) for a 25-year period; and

WHEREAS, in 2007 Whatcom County Council set aside funds for the development of an eligible Bellingham waterfront development project in lieu of participating in the Local Infrastructure Financing Tool; and

Resolution #2016-05

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 778-8270
WHEREAS, the City is preparing to design and construct the first and primary arterial street connection through the Downtown Waterfront Area site, specifically, the construction of Granary Avenue and Laurel Street; and

WHEREAS, constructing Granary Avenue and Laurel Street will create conditions making the area attractive to private investors and developers and this application will further the objectives of the EDI program;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM THAT:

The Mayor of Bellingham is authorized to submit an application to Whatcom County requesting funding from Whatcom County's Economic Development Investment program to partially fund construction of arterial streets in the Waterfront District.

PASSED by the Council this 8th day of February, 2016.

[Signature]
Council President

APPROVED by me this 14th day of Feb, 2016.

[Signature]
Mayor

ATTEST:

[Signature]
Finance Director

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney

Resolution #2016-05

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 778-8270
## Waterfront Infrastructure Budget

**Freeman Anthony - COB Public Works**  
**Date** 2/16/2016

### GRANARY - ROEDER TO CORNWALL SUMMARY

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>PROJECT COST</th>
<th>NOTES</th>
<th>CONTINGENCY</th>
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<td>3</td>
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CITY OF BELLMINGHAM PUBLIC WORKS
ENGINEERS ESTIMATE OF PROJECT CONSTRUCTION COST

PROJECT: WF-1011 GRANARY BLEODEL

FREEMAN ANTHONY - JULY 2015 - NEW ALIGNMENT

This project consists of Granary-Bleodel Street which connects Roeder to Laurel with a 1300' full type 1B arterial road section. Scope includes a signal at Roeder along with structural enhancements to provide for bike lanes on Roeder southbound.

GRANARY-BLEODEL - SCHEDULE A

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CONSTRUCTION TOTAL: $5,450,126.50

SOFT COSTS

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SOFT COSTS TOTAL: $1,744,199.26
LAUREL - SCHEDULE B
This roadway consists of a 900' type 1B arterial roadway with sidewalk and bike lanes on both sides from Cornwall to Granary. This roadway will be raised an average of 2' from the RR crossing to Interim Bleodel.

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CONSTRUCTION TOTAL

$ 2,362,780.00

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SOFT COSTS TOTAL

$ 236,278.00

GRAND TOTAL - SCHEDULE C

$ 2,599,058.00

LAUREL RR CROSSING - SCHEDULE C

This work includes an at grade crossing at Laurel that meets quite zone requirements.
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Notes of EDI Board Meeting

April 7, 9:00 a.m.

Board Members present at Meeting:
- Jack Louws, County Executive
- Kelli Linville, Mayor, City of Bellingham
- Jim Kyle, Fishing Industry
- David Franklin, At-Large
- Jeff McLure, PUD #1
- Barry Buchanan, County Council Chair
- Scott Korthuis, City of Lynden Mayor
- Bob Bromley, Mayor, City of Sumas
- Aubrey Stargell, Timber Industry
- Stephen A. Jones, Agricultural Industry

Board Members absent:
- Jeff Kochman, NWEC

Staff present:
- Tawni Helms, (Executive Office)

Guests present:
- Brian Heinrich, City of Bellingham
- Bobby Briscoe, Port Commissioner
- Sylvia Goodwin, Port of Bellingham
- Ted Carlson, City of Bellingham
- Dan Robbins, Port Commissioner
- Bob Wilson, WCOG/NWEC

1. Welcome and Introductions
Board Chair, Executive Jack Louws welcomed everyone and called the meeting to order. A review of the agenda took place and round table introductions were made.

2. EDI Fund Review – Status as of 2/29/16
A review of the Public Utilities Improvement/EDI Fund was given as of 2/29/16. Executive Louws briefly went over the revenues, expenditures and commitments noted on the spreadsheet. Total EDI sales tax revenue collected since the Fund’s inception is just under $43 million dollars. Over the life of the fund we have expended $36 million dollars and have a cash balance of $10.5 million dollars.

Of the $10.5 million dollar cash balance, $8.1 million is committed to EDI projects. That leaves a remaining balance of approximately $2.4 million. As a side note, Executive Louws indicated that the commitment to fund the Bellingham Waterfront project on today’s agenda was made years ago in 2007 and that funding is already included in the commitment total.

Executive Louws briefly reviewed the projects that have committed EDI funding. Overall we’re doing well. He reported that we are expending at about the rate we are bringing in funds and emphasized the importance of doing the very best with the fund. The County’s portion of the Fund has a cash balance of $606k. Loan expenditures reflect that we’ve loaned out more than what the allocation shows. There is a cash balance of $937k for grants. Executive Louws expressed confidence with the Fund and the process developed to support EDI projects.

Mayor Linville expressed her appreciation for how the Funds have been managed for the community over the years and is pleased that the $43 million dollars collected is being spent locally.

The question was raised why the Bellingham Waterfront project application was coming forward again when it had already been approved. It was explained that the commitment was earmarked until Bellingham completed a project application at which time they would bring forward to the EDI Board. Mayor Linville is pleased with the project development and indicated
their EDI request is for last dollars in not first dollars in. She also indicated her confidence of the project.

Executive Louws spoke of the County’s current infrastructure challenges. He hasn’t determined how all of the infrastructure projects will be funded. He is working on a capital facilities project list and determining funding for the priorities issues. Although the EDI Fund may not be used directly for criminal justice it can be used for some county capital projects. 3/5th of the County Courthouse is used for Criminal Justice the remaining 2/5 is eligible for EDI funding. As the capital plan is developed he is exploring and considering all funding options. EDI is a component of that. Years ago the EDI funding breakdown was 40% for county projects and the remaining 70% for non-county projects. Five years ago the county portion was reduced to 30%. An adjustment to the current break down is being considered, but not without involvement from the EDI Board.

Mr. Franklin asked about legal recourse for the Courthouse exterior infrastructure challenges. A settlement was made at the end of the courthouse construction work between the architect, builders and the County. We are beyond the warranty period and there is no recourse, we are 22 years beyond that.

Mayor Linville asked if other municipalities are challenged with infrastructure needs. The Port is dealing with infrastructure issues. Because most municipalities are experiencing infrastructure issues she suggested the EDI Fund be used to benefit all of the municipalities. The County Council is ultimately responsible for this Fund and they are faced with several capital challenges and will be exploring all funding options. Executive Louws indicated that the Whatcom County EDI program is very unique and everyone should be proud of the program. He further stated that he has no intention of closing down opportunities, but may be considering a re-adjustment.

3. Review of city of Bellingham’s Application: Waterfront District Arterial Streets Project. The application was not reviewed by the Technical Advisory Council. Currently there are only two private business members. There are not enough TAC members to do a formal review. He is working with Dodd Snodgrass of the Port to re-develop the TAC.

Ted Carlson handed out the Waterfront District Arterial Streets project plan/blueprint and reviewed the project. The project consists of the primary arterial for the redevelopment project. The project goes all the way through the redevelopment site. In total it is a $10.5 million project. $6.7 million has come through a Federal grant. A portion of the Federal grant was spent on design. The $1.1M EDI contribution will make the project whole. The project includes installation drive lanes, parking areas sidewalks and utilities, signals, future connections and a railroad crossing proposed corridor at Laurel Avenue.

The City expects the project to be out to bid early 2017, construction shortly after and project completion is anticipated by the end of 2017. Several different phases of the waterfront development project are underway. Permits are in with the City to rehabilitate the Granary building. There is a significant amount of private investment served by this arterial. Given the challenges with this site it was

First development phase of this project accounts for approximately 300-320 jobs. Over 200 jobs with the actual construction phase of this project. It does spur a lot of economic development and jobs. It is exciting to have construction on the ground early next year.

The County Executive expressed his enthusiasm for the project.
EDI Board Meeting Notes
4/7/16
Page 3

Dave Franklin inquired about the railroad relocation. The City is still working on it. They are rehabilitating the existing rail crossing. If, and when, the rail is relocated all of the rehabilitation efforts for the existing crossing will be moved to the relocation site. The railway approved the realignment but will not contribute to the construction costs. It was acknowledged that access is a limiting factor for redevelopment until the rail is re-aligned.

Jeff McClure asked if Harcourt is responsible for building the secondary streets. Yes, Harcourt will complete the secondary streets. The City is responsible for constructing the Granary and Laurel arterials. Will the streets be elevated for sea levels? Yes, the highpoint will be close to Roeder.

Projected time of completion? The project may be phased. Construction will begin early next year. Design is 30% complete. The Granary section is to be built first.

The details regarding a signal at the intersection of Laurel and Granary is still being worked out.

Executive Louws then called for a motion. Motion from Barry Buchanan and seconded by Jack Louws to the City of Bellingham in the amount of $1,100,000 as a grant and recommendation to the Whatcom County Council. A vote was taken and the motion passed unanimously 10-0.

4. Application review process of the EDI Technical Advisory Committee (TAC)
Bob Wilson indicated there are only two private sector members left on the TAC. He is working with Dodd Snodgrass to work on reorganizing the TAC. There isn’t a lot of work for the 25 year old group. There is great value in the EDI application review process. The current bylaws do not work with the NWEC because they are constructed as a membership organization. He and Dodd are working on reconstituting the NWEC.

Mayor Linville inquired about any effect/influence on the ADO. Bob Wilson said how the NWEC and the ADO interact could have real value in terms of influence. If there is a way to interact and it is not intrusive to the Port it could have real value. Executive Louws suggested exploring all options. We want private sector thoughts and ideas. He encouraged Bob to have those conversations and report back to the EDI. Bob stated his confidence that the COG can continue facilitating the NWEC’s review of forthcoming applications. Until the re-work of the TAC is completed he encouraged EDI applications to continue going to the COG where they would be reviewed/scored.

Sylvia indicated her support that the COG is reviewing/scoring the EDI applications as it doesn’t fit in the role of the ADO since it is at the Port and they submit EDI applications. She also suggested a more active organization under the Port that could invite input from the Business community. There would be opportunity to convene events that bring businesses and practitioners together to include business opportunities and build from the ChooseWhatcom effort. A brief description of the ChooseWhatcom website unveiling scheduled for April 25 was shared. Bob agreed with the potential to expand the business connections.

Steve Jilk asked who chartered the NWEC and where does the agency live. NWEC is within the Council of Governments. The model it was based upon as well as the bylaws no longer applies. If we keep it going we need to re-craft the bylaws. He suggested having only public sector members with some involvement from government. Funding is the least of their challenges and he emphasized the COG’s ability to support and facilitate the COG. There is no project work. Bob Wilson said that the landscape is a little unclear. Stay tuned for future developments as he’ll come back to the EDI Board with suggestions.
ROUND TABLE

Executive Louws: Point Roberts library foundation requested an EDI grant. Executive Louws suggested they apply for an EDI loan. That application may be coming soon.

Sylvia Goodwin, Port of Bellingham: Reported that the All-American project is moving quickly. I-Tec is expanding and may move downtown waterfront area near Cornwall. Good for downtown core.

Mayor Korthuis: The 4th Street Development which includes water, sewer and additional parking. That project may come through in the future.

Mayor Linville: Scalable projects will likely come up in the future either in the north end or the downtown area, nothing right now.

Jeff McClure: The PUD is looking at installing a water line in the Grandview industrial park. When the PUD acquired the property some years ago, a pond was used for detention and is now used for fire suppression. They are now at the point where it can no longer be used for fire service due to environmental regulations. That may be coming forward.

The Executive expressed his appreciation to the PUD for working on this challenge.

Port Commissioner Dan Robbins thanked the EDI Board for the EDI funding that contributed to the All-American Marine expansion. The Port would not have been able to accomplish that without the EDI support.

There being no further business, the meeting adjourned at 9:55.

NEXT MEETING DATE: TBD

Respectfully Submitted,
Tawni Helms,
Executive Office
Whatcom County Executive Office
Whatcom County
Rural Sales Tax
Report as of 2/29/2016

<table>
<thead>
<tr>
<th>Totals for Years 1999-2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
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<tbody>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>(20,340,564.63)</td>
<td>(2,867,602.33)</td>
<td>(3,048,640.15)</td>
<td>(3,247,487.85)</td>
<td>(3,325,480.78)</td>
<td>(3,484,041.50)</td>
<td>(630,068.16)</td>
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<tr>
<td>Grant Revenue</td>
<td>(50,000.00)</td>
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<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Loan Principal Payments</td>
<td>(569,868.00)</td>
<td>(255,961.00)</td>
<td>(259,801.00)</td>
<td>(609,683.00)</td>
<td>(964,927.00)</td>
<td>(399,913.00)</td>
<td>(141,011.00)</td>
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<td>Interest Earnings</td>
<td>(208,809.00)</td>
<td>(61,302.00)</td>
<td>(57,462.00)</td>
<td>(62,066.00)</td>
<td>(69,207.00)</td>
<td>(52,161.00)</td>
<td>(17,640.00)</td>
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<tr>
<td>Total Revenue</td>
<td>(27,210,261.83)</td>
<td>(3,184,885.33)</td>
<td>(3,365,903.15)</td>
<td>(3,919,236.88)</td>
<td>(4,368,614.78)</td>
<td>(3,906,115.50)</td>
<td>(788,719.16)</td>
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<tr>
<td>Expenditures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Facilities Exp (30%)</td>
<td>6,320,321.25</td>
<td>2,777,427.05</td>
<td>412,647.77</td>
<td>1,539,891.16</td>
<td>156,430.34</td>
<td>1,114,750.63</td>
<td>5,257.44</td>
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<td>Other Agency Loans (35%)</td>
<td>4,696,696.00</td>
<td>536,348.88</td>
<td>1,149,865.00</td>
<td>454,044.75</td>
<td>49,341.70</td>
<td>6,475,000.00</td>
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<td>Grant Expenditures (35%)</td>
<td>5,487,745.56</td>
<td>333,466.56</td>
<td>898,058.59</td>
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<td>109,257.80</td>
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<td>2,460,671.36</td>
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<td>Cash Balance/ Year</td>
<td>(10,705,498.82)</td>
<td>462,377.16</td>
<td>(905,331.79)</td>
<td>(1,632,327.39)</td>
<td>(4,044,584.94)</td>
<td>6,966,877.41</td>
<td>(753,461.72)</td>
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### Cash Balance Allocation

<table>
<thead>
<tr>
<th>Sales Tax Revenue</th>
<th>Expenditures to</th>
<th>Principal/ Interest</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Sales Tax Revenue</td>
<td>Date</td>
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<tr>
<td>Capital Facilities Exp (30%)</td>
<td>12,883,171.62</td>
<td>12,326,725.64</td>
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<td>Other Agency Loans (35%)</td>
<td>15,030,366.89</td>
<td>15,381,296.33</td>
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<td>Grant Expenditures (35%)</td>
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<td>Total</td>
<td>42,943,905.40</td>
<td>36,192,766.31</td>
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### Administration and EDI Proposed Commitments

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<tr>
<th>Project Name</th>
<th>Total Approved</th>
<th>Capital Facilities Fund</th>
<th>EDI Loan</th>
<th>EDI Grant Fund</th>
<th>Total Remaining Commitments</th>
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<td>Ferndale Affordable Housing (332213)</td>
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<td>POS ED Consortium (332219)</td>
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<td>-</td>
<td>267,257.72</td>
<td>267,257.72</td>
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<td>PUD I-Broadband</td>
<td>217,500.00</td>
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<td>-</td>
<td>217,500.00</td>
<td>217,500.00</td>
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<tr>
<td>POS C Street Terminal (332233)</td>
<td>3,000,000.00</td>
<td>-</td>
<td>2,000,000.00</td>
<td>1,000,000.00</td>
<td>3,000,000.00</td>
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<tr>
<td>POS All American Marine (332234)</td>
<td>3,000,000.00</td>
<td>-</td>
<td>2,000,000.00</td>
<td>1,000,000.00</td>
<td>3,000,000.00</td>
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<td>COB Waterfront Project</td>
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<td>-</td>
<td>1,100,000.00</td>
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<tr>
<td><strong>Totals</strong></td>
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<td>-</td>
<td>4,550,074.67</td>
<td>3,588,257.72</td>
<td>8,138,332.39</td>
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# WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tbody>
<tr>
<td>Originator:</td>
<td></td>
<td></td>
<td>AL</td>
<td>05/31/16</td>
<td>Introduction</td>
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<tr>
<td>Division Head:</td>
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<td></td>
<td>06/14/16</td>
<td>Finance/Council</td>
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<td>Dept. Head:</td>
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<tr>
<td>Prosecutor:</td>
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<tr>
<td>Purchasing/Budget:</td>
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</tr>
<tr>
<td>Executive:</td>
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</table>

**TITLE OF DOCUMENT:** Ordinance Amendment for Whatcom County Code Chapter 2.06.09, Medical Examiner Advisory Council

**ATTACHMENTS:** Memorandum, Ordinance Amendment; Exhibit A

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) NO</td>
</tr>
</tbody>
</table>

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

County Executive Jack Louws requests the adoption of an Ordinance Amendment for Whatcom County Code Chapter 2.06.090, Medical Examiner Advisory Council

## COMMITTEE ACTION:

## COUNCIL ACTION:

5/31/2016: Introduced 7-0

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
</table>

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

TO: Whatcom County Council Members
FROM: Jack Louws, County Executive
DATE: May 20, 2016
SUBJECT: Medical Examiner Advisory Committee Code Change Requested

The Medical Examiner Advisory Council was created to include a member of the state death investigation council. The Advisory Council member in this designation has stepped down, and at its annual meeting recently it was decided to request a code change to reflect the change from that designation to "a board-certified forensic pathologist".

Once Council has adopted the change through the amended ordinance attached the ME Advisory Council will be able to more easily fill the board vacancy that currently exists.
ORDINANCE NO. ________

Amending Whatcom County Code Chapter 2.06.090
To Revise Medical Examiner Advisory Council Membership Designation

WHEREAS, Whatcom County Code Section 2.06 sets forth the duties and
administration of the Whatcom County Medical Examiner, and

WHEREAS, Whatcom County Code subsection 2.06.090 sets out the purpose, duties
and membership of the Medical Examiner Advisory Council; and

WHEREAS, an amendment to the Whatcom County Code Section 2.06.090 is
necessary to clarify membership of the board due to the Advisory Council's approval of a
change of composition for one of the designated positions;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
Whatcom County Code Section 2.06.090 is hereby amended as indicated in Exhibit A to this
Ordinance.

ADOPTED this ______ day of __________, 2016.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

(    ) Approved    (    ) Denied

Date Signed: ____________________
EXHIBIT A

2.06.090 Medical examiner advisory council.

A. The Whatcom County Medical Examiner Advisory Council is hereby formed for the following purposes:

1. To review the medical examiner’s policies and procedures;

2. To review the performance of the medical examiner and make annual written reports to the county council and executive;

3. To report to the county and medical examiner, the various jurisdictional needs for the medical examiner function.

B. The advisory council shall be comprised of the following members:

1. Whatcom County executive;

2. Whatcom County prosecuting attorney;

3. Whatcom County sheriff;

4. Whatcom County health officer;

5. Member of the state death investigation council; Board-certified forensic pathologist;

6. City of Bellingham police chief;

7. Police chief of another city in Whatcom County.

C. The state death investigation council member shall be recommended by the medical examiner and approved by the medical examiner advisory council membership. The police chief position from a city other than Bellingham shall be selected by the cities’ police chiefs and rotated periodically.
D. The advisory council shall meet at least once a year to review the medical examiner function. A majority of five members of the council may call for a special meeting, if necessary (Ord. 92-42 (part)).
**TITLE OF DOCUMENT:** Amendment No.1 to Ordinance No. 2011-049 Establishing the Lummi Nation Ferry Lease Fund

**ATTACHMENTS:** Ordinance Amendment, Memo, and Exhibit A Supplemental Budget Request

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

Amendment No 1 to the Lummi Nation Ferry Lease Fund requests establishment of a project budget and appropriation authority of $2,000,000.

---

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**
MEMORANDUM

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

THROUGH: Jon Hutchings, Public Works Director

FROM: Randy Rydel, Financial Services Manager

DATE: May 17, 2016

RE: Supplemental Budget ID #2157
Lummi Nation Uplands Lease Projects

Requested Action
The Public Works Department respectfully requests that the Whatcom County Council and Whatcom County Executive approve Supplemental Budget Request #2157, which approves expenditure authority to fund contract #201111024 with the Lummi Nation for use of the land at the ferry terminal.

Background and Purpose
In 2011 Whatcom County entered into a contract, Uplands Lease Agreement for Lummi Island Ferry Service, which allows use of the land associated with the Lummi Island ferry terminal. As consideration for the land use, Whatcom County agreed to dedicate County funds of $6 million in three installments of $2 million each in 2011, 2017, and 2026. These funds can only be used as matching funds on Lummi Nation road and/or safety improvements projects that are consistent with state law provisions for the expenditure of road funds.

The first $2 million installment was set aside into a project based budget in 2011. This amount remains unused and without expenditure authority pending a request for reimbursement pursuant to the Lease Agreement. The Lummi Nation recently provided Public Works with a list of eligible projects and intends to seek up to $2 million of reimbursements starting in June 2016. In order to provide the requested reimbursements, expenditure authority is needed for the $2 million previously set aside.

All qualified reimbursements will be properly affirmed and booked against the $6 million lease commitment.

Funding Amount and Source
Funds for the first installment were placed in project based budget 338. This request will approve the expenditure of these restricted funds.

Please contact Randy Rydel at extension 6217 if you have any questions or concerns regarding this request.
PROPOSED BY: Executive
INTRODUCTION DATE: 05/31/16

ORDINANCE NO. _________

AMENDMENT NO. 1 TO ORDINANCE NO. 2011-049 ESTABLISHING THE LUMMI NATION FERRY LEASE FUND

WHEREAS, the Lummi Nation Ferry Lease Fund was established through Ordinance 2011-049 and, in accordance with the terms of Uplands Lease Agreement for Lummi Island Ferry Service, was funded with a $2,000,000 transfer from the Road Fund in November 2011, and

WHEREAS, the Lummi Nation, in accordance with the Lease Agreement, recently provided Public Works with a list of eligible projects and intends to seek up to $2,000,000 in reimbursements starting in June 2016, and

WHEREAS, projects will be reimbursed at the rate of one dollar of County funds to one dollar of non-County funds, and

WHEREAS, the projects to be reimbursed include Gooseberry Pedestrian (4 phases), Kwina Pedestrian and Lummi Shore Pedestrian, and

WHEREAS, a project based budget and expenditure authority are needed to accomplish payment of the reimbursements, and

WHEREAS, Section 6.80 of the Whatcom County Home Rule Charter allows for project-based capital budget appropriation ordinances,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a project based budget be established and approved with a project budget of $2,000,000 as described in Exhibit A.

ADOPTED this ___ day of ____________________, 2016.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Chair of the Council

( ) Approved  ( ) Denied

__________________________
Jack Louws, County Executive
Date: ________________________
Supplemental Budget Request

Public Works

Expenditure Type: Ongoing  Year 2  2016  Add'l FTE  [ ]  Add'l Space  [ ]  Priority  1

Name of Request: Lummi Nation Uplands Lease Projects

Department Head Signature (Required on Hard Copy Submission)  Date  5/17/16

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>7220</td>
<td>Intergov Subsidies</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>

| Request Total | $2,000,000 |

1a. Description of request:

On October 27th 2011 Whatcom county entered into a Uplands Lease Agreement (#201111024) with the Lummi Nation. Part of the consideration for this lease is outlined in Section 3b of the lease which dedicated $2 million of funds the first year to be used according to Exhibit C of the lease. Public Works has determined that recently proposed projects from the Lummi Nation satisfy the conditions of eligibility outlined in Exhibit C. Therefore it is expected that the Lummi Nation will begin submitting reimbursement requests that cover up to 50% of the project expenses. In anticipation of these requests, we request expenditure authority to spend the funds set aside per the terms of this lease.

1b. Primary customers:

Lummi Island residents are the primary beneficiary of the Uplands Lease Agreement as it allows continued sailings of the Whatcom Chief and access to Lummi Island.

2. Problem to be solved:

Whatcom County needed access to a convenient ferry terminal for ferry service to Lummi Island. The terminal resides on Lummi Nation land. To address this problem, Whatcom County entered into a lease agreement for access to the terminal.

3a. Options / Advantages:

This contract was already signed and executed. It is now time to make the first round of payments per the terms of the contract.

3b. Cost savings:

None

4a. Outcomes:

Part of the contract will be fulfilled.

4b. Measures:

Payment will be made to reimburse 50% of each project invoice up to an aggregate of $2 million. Invoices will be submitted to Whatcom County Public Works for review before reimbursements will be made.

5a. Other Departments/Agencies:

No

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

6. Funding Source:

Funds were deposited into a Project Based Budget in 2011. This request will draw down on these funds.
EXHIBIT C

The long-term road and traffic safety improvements, and funding for such improvements, for which provision is made in Section 3. b, Consideration for Lease, shall be administered as follows:

i. The County shall make the $6 million available for use in $2 million increments during year 1, at year 6, and at year 15 (the latter installment subject to CPI) of the agreement;

ii. While the money shall be dedicated by the County in the amounts and at the times stated above, expenditure of the dedicated funds shall be contingent upon the commitment and receipt of matching funds from non-County sources at least dollar for dollar with dedicated County funds for each project; and the County and Lummi Nation shall fully cooperate in the effort to obtain non-County matching funds for which the agreed projects are eligible;

iii. The projects to be financed and undertaken with these County funds shall be agreed upon by the parties and agreement by the parties on the projects to be undertaken shall not be unreasonably withheld.

iv. The expenditures of these County funds shall be subject to and consistent with the restrictions placed by state law as contained in RCW 36.82.070 upon the expenditure of road funds as is presently in effect or as hereafter amended;

v. The projects shall be so designed and selected as to maximize their respective value to Lummi Nation as well as to the County consistent with the requirements stated in iv, above;

vi. The projects to be funded with the funds dedicated hereunder shall not include County expenditures for parking or for alterations to the dock itself as may potentially occur

---

3 The receipt of matching funds may not always coordinate precisely with the performance of work. It is the intention of the parties that for any project executed under this Agreement, the non-County funds received shall, by the completion of the project match at least dollar for dollar the expenditure of County funds. The effect of this is that County funds may be advanced to pay for costs incurred on a project upon adequate commitment from a granting agency of match funds in the necessary amount.
pursuant to Section 1.c in the agreement to which this exhibit is appended;

vii. The County shall identify the agreed projects as priority projects on its six-year Transportation Improvement Program project list and reflect the commitment of County funds there in order to compete for grant funding;

viii. County engineering staff shall perform preliminary engineering necessary in order to create a scope of work and budget for the agreed projects so that the projects may effectively compete for matching funds from non-County sources;

ix. If there are instances in which the parties are not able to reach agreement as provided, the parties shall, upon request of either one of the parties, submit the matter to third-party dispute resolution as set forth in Section 13 of the Uplands Lease Agreement, and as provided in the Framework Agreement of which the Uplands Lease Agreement to which this exhibit is appended is a part.

x. The parties agree that for the Year 1 increment of $2 million, the county will prioritize at least the following safety projects on the Transportation Improvement Program (TIP) project list and maintain these projects as priorities on the TIP until they are funded:

a. Pedestrian walkway facilities from Gooseberry Point Ferry to McKenzie Road north along Lummi View Dr (Haxton Way)

b. Pedestrian walkway facilities from Gooseberry Point Ferry to McKenzie Road east along Lummi View Dr

c. Pedestrian walkway facilities from McKenzie Road to Smokehouse Road along Haxton Way

d. Pedestrian walkway facilities from Smokehouse Road to Balch Road along Haxton Way

---

4 "Sidewalk" is the term colloquially used for pedestrian walkways but since it is a term of art in the traffic engineering lexicon with a more limited meaning than what the Parties may choose to apply, a broader term is used here instead. The general intent is to provide safe walking facilities for pedestrians in the above-listed areas, consistent with the availability of the stated funding and matching funds.

Uplands Lease Agreement for Lummi Island Ferry Service
Tim J. Ellis  
Lummi Nation  
Public Works Director  
time@lummi-nsn.gov

March 31, 2016

RE: Upland Lease Agreement for Lummi Island Ferry Service Exhibit C projects

Dear Mr. Ellis,

Whatcom County Public Works has reviewed your March 27, 2016 request for two projects to be considered as described in the Upland Lease Agreement for Lummi Island Ferry Service Exhibit C i (iii and vii). These projects are:

1. Kwina Sidewalk: Pedestrian and Roadway Improvements
2. Lummi Shore: Pedestrian and Roadway Improvements

The projects meet the criteria as an agreed transportation improvement project. Therefore, these two projects, together with the Gooseberry Point projects specifically outlined in Exhibit C, are included in the current Six Year Transportation Improvement Program as project ID# R13 Lummi Transportation Projects.

Please contact Randy Rydel, Financial Services Manager to set up the appropriate billing and reimbursement procedures. Mr. Rydel can be reached by email at: rrydel@co.whatcom.wa.us or by phone at: (360) 778-6217.

Sincerely,

Jon Hutchings,  
Whatcom County Public Works Director
Ordinance Amending WCC 3.08. Purchasing System

**SEPA review required?**

( ) Yes  ( ) NO

**SEPA review completed?**

( ) Yes  ( ) NO

**Should Clerk schedule a hearing?**

( ) Yes  ( ) NO

**Requested Date:**

5/24/16

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.)

Ordinance to amend WCC 3.08 Purchasing System

**COUNCIL ACTION:**

5/31/2016  Introduced
MEMORANDUM

To: Whatcom County Councilmembers
From: Whatcom County Executive Jack Louws
Subject: Whatcom County Code 3.08.100
Date: May 23, 2016

Over the course of my term(s) as Whatcom County Executive, we have worked hard to create efficiencies throughout the organization. As discussed last year, we have increased the transparency through contracts on line and through enhanced project budget reports. With the launch of a new website, on-line access to this information has provided more timely and detailed budget information. We are also developing and introducing program based budgeting as an enhanced tool for use in the 2017-2018 budget process. This will allow all costs associated with a specific program to be more easily identified. This will be discussed in more detail at our June 14 budget retreat.

To further enhance our efficiencies I am again proposing a change to the Whatcom County Code (WCC) as it relates to purchasing authority. When comparing Whatcom County’s Code with several other charter counties (see attached table) and local municipalities, it remains clear to me that presently the Whatcom County legislative branch is focused on contract management, where most other legislative bodies focus more extensively on specific appropriations.

While I remain convinced that per our Charter the Executive Branch has the authority to enter into all contracts for which appropriations by Council have been made, I bring before you a compromise of code revisions that increase the dollar threshold for contracts, bids, and professional services. These code revisions meet our institutional needs for efficiency, while allowing Council oversight of contracts that meet the threshold for review in the revised ordinance. Please find a draft Amended Purchasing Ordinance which reflects the requested changes.

JL/twh

Encl: (1) Ordinance amending WCC 3.08
   (2) Exhibit A to Ordinance WCC 3.08.100 proposed language change
   (3) County Comparable Table
ORDINANCE NO. 2016-__

AN ORDINANCE AMENDING WHATCOM COUNTY CODE 3.08, PURCHASING SYSTEM

WHEREAS, The County wishes to achieve greater administrative efficiencies through clarifying purchasing processes and increasing dollar value of contracts that may be approved administratively; and

WHEREAS, Whatcom County is unique in its limited purchasing thresholds allowed under Executive Authority when compared to other Washington State Charter Counties and local municipalities; and

WHEREAS, Whatcom County has improved transparency and access to contracts and project budget reports by making them available on-line with the launch of a new public website;

WHEREAS, It is essential and in the best interest of Whatcom County Government and its citizens to keep work flow moving particularly during the short and busy construction season,

NOW, THEREFORE, BE IT ORDAINED BY THE WHATCOM COUNTY COUNCIL, Whatcom County Code 3.08 is amended to read in its entirely, as set forth in the attached Exhibit A:

ADOPTED this day of , 2016.

WHATCOM COUNTY COUNCIL

ATTEST:

WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE

APPROVED AS TO FORM:

Jack Louws, County Executive

Civil Deputy Prosecutor

Date Signed: ____________________

( ) Approved  ( ) Denied
3.08.010 Purpose.

It shall be the purpose of this chapter to establish a purchasing system to work with all county departments, agencies, boards and commissions, and other operations of the county to ensure efficiency in procurement of supplies and equipment of the necessary quality at the lowest possible cost; to ensure compliance with purchasing statutes, regulations, policies and procedures; to ensure efficient utilization of county property, new and used; and to minimize employee time devoted to purchasing functions. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.020 Administration.

The director of the administrative services department shall have full authority and responsibility for the operation of the purchasing system under the direction of the county executive. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.030 Authority and functions.

A. The authority to recommend and implement administrative policies and procedures that provide a comprehensive basis for purchasing functions shall fall under the purview of the purchasing system.
B. The following responsibilities shall be coordinated through the purchasing system:
   1. Continue to improve services to departments and agencies in the area of purchasing.
   2. Develop automated requisition and reporting systems.
   3. Improve purchasing productivity and control for all departments.
   4. Standardize high volume purchases.
   5. Develop efficient policies and procedures for acquiring goods and services.
   6. Implement inventory controls and minimize costs of goods and services.
   7. Prepare and make available to all departments standardized forms for requisitions, vouchers,
inventories and any other form required for county operations.
8. Assign purchase order numbers for the acquisition of supplies, materials, equipment, tools, services, rental of personal property, professional services and contracted public works exceeding $2,500.
9. Maintain vendor list pursuant to RCW 39.04.190.
10. Whenever practically possible, contact at least three vendors to assure competitive pricing.
11. Review and approve bid specifications and prepare invitations to bid pursuant to provisions set forth in this chapter.
12. Check bids for accuracy and compliance with specifications and invitation to bid.
13. Make bid recommendations on all awards to the county executive.
14. Perform such other duties as may be required to further the purposes of this chapter. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.040 Price quotations.

Whenever practically possible, price quotations from at least three vendors shall be solicited for the acquisition of materials, supplies, services, tools, equipment or rental of personal property involving amounts greater than $5,000 but not exceeding $25,000 in a single transaction. Three price quotations will also be obtained for all contracted work constituting a public work not exceeding $40,000.
Quotations for architects and engineers are subject to the requirements of Chapter 39.80 RCW. Records of all quotations obtained shall be maintained and shall be open to public inspection. Bids submitted periodically for the roster of rental equipment with operators may be used as the source of quotations for public works projects not exceeding $40,000. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.050 Vendor lists.¹

Whatcom County will maintain a vendor list pursuant to RCW 39.04.190. (Ord. 2013-029 Exh. A).

3.08.060 Bids and proposals required.

Awards of contracts for the acquisition of materials, supplies, services, tools, equipment or rental of personal property and professional services for a nonpublic work involving amounts exceeding $25,000, or for a public work exceeding $40,000, will be based upon bids or proposals received in response to specifications and invitations to bid, except as follows:
A. Sole source purchases shall not be required to go through competitive bidding. A purchase may be determined to be sole source by the county executive or designee when the bidding process would be futile because only one bidder could respond to the invitation.
B. In the event of an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon an order of the county executive declaring the existence of such emergency and certifying the facts constituting same, the requirements governing competitive bids with reference to any purchase or contract may be waived pursuant to RCW 36.32.270.
C. Public works projects involving funds not exceeding the amount allowed in RCW 39.04.155, Small works roster contract procedures – Limited public works process, or any successor statute, may be completed utilizing the small works roster contract award process.
D. Acquisition is from another public entity.
E. Contract does not require use of county funds.
Proposals from architects and engineers are subject to the requirements of Chapter 39.80 RCW. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).
3.08.070 Contractor’s bond required for public works.


3.08.080 Labor and material claims.


3.08.090 Bid specifications, deposits and awards.

A. In developing specifications for bids or proposals, all reasonable efforts shall be made to ensure that a variety of vendors shall be capable of fulfilling the stated requirements of the county. Performance considerations shall be included in the specifications. However, nothing in this section shall be construed to limit the county from pursuing sole source procurement where adequate justification has been presented that such procurement is in the best interests of county operations.
B. When the acquisition of materials, supplies, purchased services, tools, equipment, rental of personal property or professional services involves amounts greater than $25,000 in a single transaction for a nonpublic work award or exceeding $40,000 for a public work award, the administrative services department shall be responsible for the review and approval of specifications and the preparation of invitations to bid pursuant to provisions set forth in this chapter.
C. All bid specifications shall be in writing and placed on file for public inspection.
D. An advertisement that written specifications are on file and available for public inspection shall be published in the official county newspaper. Advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and may be published for as many additional publications as shall be considered in the county’s interest. Such advertisement shall state:
   1. The date after which bids will not be received;
   2. The character of the work to be done, or the materials, equipment or service to be purchased; and
   3. Where the specifications may be seen.
E. No bid shall be considered for public works unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier’s check, or certified check in an amount equal to five percent of the amount of the bid proposed.
F. Should the bidder to whom the contract is awarded fail to enter into the contract or fail to furnish the contractor’s bond within 10 days (exclusive of the date of notice) after notice of the award, the amount of the bid deposit shall be forfeited to the county. Thereafter, the award shall be made to the next lowest responsive bidder. The bid deposit of an unsuccessful bidder (if its bid deposit has not been forfeited) shall be returned after the required contractor’s bond of the successful bidder has been accepted.
G. Bids received shall be opened and read in public on the date named in the advertisement for bids, or on a subsequent date established in a bid addendum.
H. After opening, all bids shall be reviewed and referred to the requisitioning department for recommendation of award. Bids will be forwarded by the director of the administrative services department or designee with a recommendation to the county executive for award.
I. After opening and award, all bids shall be filed for public inspection, and available by telephone inquiry.
J. Any or all bids may be rejected for good cause. If all bids are not rejected, the award shall be to the lowest responsive bidder. In determining which is the lowest responsive bidder, the county may take into consideration the bidder’s responsiveness to the county’s requirements, the quality of the articles to be purchased or leased, availability of parts and service, delivery time, the tax revenue the county would receive from purchasing from a supplier located within its boundaries and prior dealings with the bidder.

K. The county may issue requests for proposals for services, or for technologically complex equipment including but not limited to computers, software, or telephone systems. If all proposals are not rejected, the award shall be to the highest rated proposal, taking into account the selection criteria published in the request for proposals.

L. The county may award to multiple bidders for the same commodity or service when the bid specifications provide for special circumstances in the determination of which vendor is truly the lowest price to the county. Special circumstances may include differences in ability to deliver, delivery time, availability of material, special loading or unloading conditions, total cost including transport or labor if not included with bid item, performance of the delivered material, location of the source, and proximity to the delivery point.

M. Contracts that require county council approval per 3.08.100 entered into by the county, including those which involve externally funded pass-through money, may be administratively amended to a cumulative amount not to exceed $250,000 or 15% of contract amount, whichever is greater, for professional services and $50,000 for bids; larger amounts require council approval. (Ord. 2015-011 Exh. A; Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.095 Small works roster contract award process.

This section may be utilized in the acquisition of contractual services necessary to complete public works projects as allowed under RCW 36.32.250, and consistent with RCW 39.04.155, in order to use a small works roster contract award process in lieu of formal sealed bidding, the county shall:

A. Publish at least twice each year in the official county newspaper a notice of the existence of the roster and solicit the names of contractors that are qualified for the requested categories of work. Notice shall be published at least once in each week for two consecutive weeks prior to the last date upon which response to the notice will be received, and may be published for as many additional publications as shall be considered in the county’s interest.

B. In every case a certain category of work is to be accomplished under this section, all contractors responding to the above notice and indicating their qualification to perform the category of work proposed shall be contacted and provided an invitation to bid.

C. Include in the invitation to bid the date on which bids will be received, the scope and nature of work to be performed, the materials and equipment to be furnished, and, if not provided otherwise in the invitation to bid, where the detailed plans and specifications may be seen and obtained.

D. Otherwise apply the provisions of WCC 3.08.090(B), (E), (F), (G), (H), (I), (J), and (M).


3.08.100 Council approval required.

Contracts for professional services exceeding $20,000 and bids exceeding $250,000, and professional service contracts exceeding $50,000 and all real property leases must be submitted to the county council for approval, except when pursuant to:

A. Exercising an option contained in a contract or lease previously approved by the council.
B. Contract for the design, construction, right-of-way acquisition, professional services, or other capital costs approved by the county council in a capital budget appropriation ordinance;

B.C. Contract or bid award for equipment or supplies approved in a budget ordinance.

B.D. Contract is for technical support and software maintenance from the developer of proprietary software which is currently being used by Whatcom County.

C.E. Contract is for manufacturer's technical support and hardware maintenance of electronic systems.

D.F. Pursuant to and within the scope of a declaration of emergency made by the county executive under WCC 3.08.060(B). The county executive, pursuant to a declaration of emergency, shall submit the contract to the county council for informational purposes at the council's next regular or special meeting. (Ord. 2015-011 Exh. A; Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 2000-025; Ord. 97-034 Exh. A; Ord. 96-034; Ord. 93-042 Exh. H).

3.08.110 Unregistered or unlicensed contractors prohibited.

No contract shall be entered into or executed with any contractor who is not registered or licensed as required by the laws of this state (except only as permitted under RCW 39.06.010 for highway projects for contractors who have been prequalified as required under RCW 47.28.070). (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.120 Joint purchasing.

The county may enter into agreements with the state or with any agency, political subdivision, or unit of local government to purchase goods or services cooperatively. Joint purchasing services are hereby authorized and encouraged with any other municipal corporation in Whatcom County. Assistance to the participating municipal corporation may be given in any way except that a sale or contract shall be between the vendor and the participating municipal corporation and not Whatcom County. Bids and quotes may be obtained jointly based on volume if it is in the county's best interest to do so. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.130 Amendments to chapter.

The county council reserves the exclusive right to alter, amend, rescind, abrogate, delete, supersede or replace the provisions of this chapter, or any part thereof, in any manner not inconsistent with state law. Whether or not the county council takes action, the provisions of this chapter shall be deemed automatically altered, amended, or superseded to conform to any mandatory state administrative ruling or statute, as of the effective date of any such enactment appertaining to the matters covered in this chapter, to the effect that the provisions of this chapter shall at all times conform to, and never conflict with, said state laws and regulations. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

3.08.140 Severability.

If any provision of this chapter is held to be invalid, the remainder of the chapter shall remain in effect. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).

1 Prior legislative history: Ord. 97-034 repealed WCC 3.08.050. Ord. 93-042 was formerly codified in the section.
# COUNTY PURCHASING POLICY COMPARABLES

Executive Contract Authority

<table>
<thead>
<tr>
<th>County</th>
<th>Legislative Authority (Charter)</th>
<th>Executive Authority (Charter)</th>
<th>Goods &amp; Services (Code)</th>
<th>Professional Services (Code)</th>
<th>Public Work (Code)</th>
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<tbody>
<tr>
<td>King Co.</td>
<td>No Contract Authority</td>
<td>All Contracts</td>
<td>Executive Procurement Manager</td>
<td>Executive Procurement Manager</td>
<td>Executive Procurement Manager</td>
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<td>Pierce Co.</td>
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<td>All Contracts</td>
<td>Executive as per Purchasing Policy</td>
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<td>Executive as per Purchasing Policy</td>
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<tr>
<td>Snohomish Co.</td>
<td>Contract Authority</td>
<td>Within threshold limits</td>
<td>Exec. Up to $250,000</td>
<td>Exec. Up to $25,000</td>
<td>Exec. Up to $250,000</td>
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<tr>
<td>Whatcom Co.</td>
<td>No Contract Authority</td>
<td>All Contracts</td>
<td>Executive as per Purchasing Policy</td>
<td>Executive as per Purchasing Policy</td>
<td>Executive as per Purchasing Policy</td>
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<tr>
<td><strong>Whatcom Co. as proposed through Ordinance 2016-XX</strong></td>
<td><strong>Contract Authority</strong></td>
<td><strong>Within threshold limits</strong></td>
<td><strong>Exec. Up to $250,000.</strong></td>
<td><strong>Exec. Up to $50,000</strong></td>
<td><strong>Exec. Up to $250,000.</strong></td>
</tr>
</tbody>
</table>

1 | Source: County Charter/Code
TITTLE OF DOCUMENT:
Interlocal Agreement between Diking District #2 and Whatcom County Flood Control Zone District for Sande-Williams Levee Rehabilitation

ATTACHMENTS:
Cover memo

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
This proposed agreement provides for a 70/30 cost-share between the FCZD and Diking District #2 for the required local sponsor contribution of 20% of the total project cost of levee rehabilitation through the USACE PL 84-99 Program.

COMMITTEE ACTION:
COUNCIL ACTION:

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

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

TO: The Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Jon Hutchings, Public Works Director

FROM: Paula J. Harris, River and Flood Manager
        Gary S. Stoyka, Natural Resources Manager

RE: Interlocal Agreement with Diking District #2 for Sande-Williams Levee Rehabilitation

DATE: June 1, 2016

Enclosed are two (2) originals of an Interlocal Agreement between the Whatcom County Flood Control Zone District and Diking District #2 for your review and signature.

Requested Action
Public Works respectfully requests that the County Executive, and the County Council, acting as the Flood Control Zone District (FCZD) Board of Supervisors, enter into an Interlocal Agreement (ILA) with Diking District #2 (DD#2) to provide cost-share funding in the net amount of $56,000 for the Sande-Williams Levee Rehabilitation.

Background and Purpose
The Sande-Williams Levee is currently eligible for rehabilitation under the US Army Corps of Engineers (USACE) PL 84-99 Program. For most of the Nooksack River levees, the FCZD is the local sponsor for the PL 84-99 Program; however, DD#2 became the PL 84-99 sponsor for the Sande-Williams Levee, at their request in 2008.

The riprap face on the levee was damaged during this winter’s flood events, and DD#2 has requested assistance from the USACE. The USACE intends to implement a rehabilitation project on the damaged section of the levee this summer; the estimated construction cost of the project is $400,000. The PL 84-99 Program requires a 20% cost share from the local sponsor, which is $80,000 for this project. DD#2 requested the FCZD provide financial assistance through the Flood Control Construction Cost Share Program, which would provide for a 70/30 cost-share between the FCZD and DD#2. The FCZD Advisory Committee unanimously supported this request at their May 12, 2016 meeting.

Funding Amount and Source
The proposed ILA includes a 70/30 cost share to be applied to the $80,000 (20% of total cost) local sponsor share, for a net FCZD contribution of 14% of the total project cost up to $56,000. DD#2 hopes to provide some of their share (6% of total project cost) by providing in-kind service. The USACE can only receive one payment for the local sponsor share, so the FCZD will provide the $80,000 upfront payment to the USACE, and be reimbursed by DD#2 for their share.

Please contact Paula Harris at extension 6285, if you have any questions or concerns regarding the terms of this agreement.
<table>
<thead>
<tr>
<th><strong>WHATCOM COUNTY CONTRACT INFORMATION SHEET</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Originating Department:</strong></td>
<td><strong>Public Works</strong></td>
</tr>
<tr>
<td><strong>Contract or Grant Administrator:</strong></td>
<td><strong>Paula Harris</strong></td>
</tr>
<tr>
<td><strong>Contractor's / Agency Name:</strong></td>
<td><strong>Diking District #2</strong></td>
</tr>
</tbody>
</table>

- **Is this a New Contract?** Yes ☒ No ☐
- **If not, is this an Amendment or Renewal to an Existing Contract?** Yes ☐ No ☒
  
  **If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:**

- **Does contract require Council Approval?** Yes ☒ No ☐
  
  **If No, include WCC:**
  
  (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

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

- **CFDA#:**

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

- **Is this contract the result of a RFP or Bid process?** Yes ☐ No ☒
  
  **If yes, RFP and Bid number(s):**

- **Contract Cost Center:**

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

- If YES, indicate exclusion(s) below:
  
  - ☐ Professional services agreement for certified/licensed professional.
  - ☐ Work related subcontract less than $25,000.
  - ☐ Public Works - Local Agency/Federally Funded FHWA.
  - ☐ Contract for Commercial off the shelf items (COTS).
  - ☐ Contract work is for less than $100,000.
  - ☐ Contract work is for less than 120 days.
  - ☒ Interlocal Agreement (between Governments).
  - ☐ 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)

- **Contract Amount:**
  
  **(sum of original contract amount and any prior amendments):**
  
  - $80,000 up-front payment to USACE;
  - Net payment of 6% of total project cost
  - $ not to exceed $56,000

- **This Amendment Amount:**

- **Total Amended Amount:**

- **Summary of Scope:** Interlocal Agreement with Diking District #2 to provide cost-share funding for Sande-Williams Levee Rehabilitation by the US Army Corps of Engineers

<table>
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<th><strong>Term of Contract:</strong></th>
<th><strong>Cost-share</strong></th>
<th><strong>Expiration Date:</strong></th>
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<tr>
<td><strong>Contract Routing:</strong></td>
<td><strong>1. Prepared by:</strong> Paula Harris</td>
<td><strong>Date:</strong> 5-27-16</td>
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<tr>
<td></td>
<td><strong>2. Attorney signoff:</strong> Daniel L. Gibson [Date 06/03/16]</td>
<td><strong>Date:</strong> 5-31-16</td>
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<tr>
<td></td>
<td><strong>3. AS Finance reviewed:</strong> bbennett</td>
<td><strong>Date:</strong> 5-31-16</td>
<td></td>
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<tr>
<td></td>
<td><strong>4. IT reviewed (if IT related):</strong></td>
<td><strong>Date:</strong></td>
<td></td>
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<tr>
<td></td>
<td><strong>5. Contractor signed:</strong> ☒</td>
<td><strong>Date:</strong> 6-1-16</td>
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<tr>
<td></td>
<td><strong>6. Submitted to Exec.:</strong> ☒</td>
<td><strong>Date:</strong> 6/3/16</td>
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<td><strong>7. Council approved (if necessary):</strong></td>
<td><strong>Date:</strong></td>
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<td></td>
<td><strong>8. Executive signed:</strong></td>
<td><strong>Date:</strong></td>
<td></td>
</tr>
</tbody>
</table>
INTERLOCAL AGREEMENT
Between Diking District #2 and Whatcom County Flood Control Zone District
for
Sande-Williams Levee Rehabilitation

WHEREAS, the Whatcom County Flood Control Zone District ("District" or "FCZD") initiated a System-wide Improvement Framework (SWIF) in 2013 to develop a plan to address levee deficiencies identified during the US Army Corps of Engineers (USACE) inspection process; and

WHEREAS, Whatcom County Diking District #2 ("DD #2") has participated actively on the Interagency Coordination Team established for the SWIF and worked collaboratively in the development of those sections of the SWIF that pertain to levees within its district boundaries; and

WHEREAS, DD #2 serves as the local sponsor for the Sande-Williams Levee under the USACE's Public Law (PL) 84-99 Program which provides funding and staffing resources to implement levee rehabilitation projects after levees are damaged during flood events; and

WHEREAS, DD #2 submitted a request for rehabilitation assistance to the USACE after a flood event in early 2015; and

WHEREAS, DD#2 has entered into a cooperative agreement with the USACE that includes an 80% federal – 20% local cost share arrangement to achieve necessary repairs to the Sande-Williams Levee; and

WHEREAS, the cost of the rehabilitation of the Sande-Williams Levee is estimated at $400,000, with $320,000 of that total amount to be borne by the USACE, and the remaining $80,000 to be provided by the local sponsor; and

WHEREAS, the project proposed by the USACE will address three deficiencies in the riprap protection identified during the most recent inspection of the Sande-Williams Levee; and

WHEREAS, this rehabilitation project is included in the SWIF capital project plan as it is necessary to correct these deficiencies for the levee to remain eligible for future assistance under the PL 84-99 Program; and

WHEREAS, the FCZD's Board of Supervisors has adopted a resolution providing that the District will cost share at a ratio of 70% - 30% on approved repair and maintenance projects with local sponsoring agencies such as DD #2; and

WHEREAS, DD #2 has requested that the remaining $80,000 be split between the two parties to this agreement at the 70% - 30% ratio: $56,000 to the District and $24,000 to DD #2; and

WHEREAS, the FCZD Advisory Committee unanimously supported the cost-share arrangement proposed by DD #2 at their May 10, 2016 meeting; and
WHEREAS, DD #2 currently does not have a sufficient fund balance to provide its full share up-front and will need to utilize funds from its 2017 tax assessments to cover its full obligation;

NOW THEREFORE, DD #2 and the District agree as follows:

I. DIKING DISTRICT #2 RESPONSIBILITIES

DD #2 hereby agrees to:

1) Comply with the requirements of the USACE’s PL 84-99 program as necessary to carry out the activities described in the Cooperative Agreement, attached hereto and incorporated herein as Exhibit “A”, the Project Information Report NSK-3-15, attached hereto and incorporated herein as Exhibit “B”, and the Memorandum for Record dated May 12, 2016, attached hereto and incorporated herein as Exhibit “C”.

2) Provide a quarter ($6,000) of its cost-share to the District upon full execution of this agreement.

3) Provide the remainder of its obligation (30% of the 20% local sponsor share of the total project cost), less the value of any in-kind credit DD #2 can negotiate with the USACE, within thirty (30) calendar days of the District invoice submitted to DD #2 after the USACE submits its final accounting for project costs.

DD #2 further agrees that:

1) The work performed pursuant to this agreement on the levee and/or revetment will not raise the elevation of those structures or further encroach into the Nooksack River beyond their previously permitted height and extent;

2) It will accept full responsibility for obtaining required permits from the appropriate regulatory agencies, and will abide by the conditions of those permits;

3) It will perform, without any cost to the District, any and all mitigation that may be required by regulatory agencies in connection with the work covered by this agreement and will hold harmless and indemnify the District from and for such mitigation;

4) Should the USACE not fully expend the total cost estimated for the project and provide a refund to DD #2, it will refund the District an amount of 70% of the refund received, consistent with the cost-share arrangement used for payments; and

5) It will accept and perform all maintenance obligations imposed by the Army Corps of Engineers as a condition of its participation in the work described herein.

II. FLOOD CONTROL ZONE DISTRICT RESPONSIBILITIES

The District hereby agrees to:

1) Upon execution of this interlocal agreement, provide up-front payment to the USACE for 20% share of the total cost of the project described in Exhibits “A” and “B” in an amount not to exceed Eighty Thousand and No/100 Dollars ($80,000.00);

2) Once the USACE provides the final accounting of project costs, calculate the remaining obligation of DD #2 needed to fulfill the 30% of the 20% local sponsor share less the $6,000 up-front payment and less the credit for any in-kind services provided by DD #2, and invoice DD #2 for that remaining amount;

3) To complete a Shoreline Statement of Exemption Application for the proposed project and provide it to DD #2 commissioners for their submission to Whatcom County Planning and Development Services.
III. PAYMENT

Upon execution of this agreement, the District will initiate the process to distribute payment and shall provide payment directly to the USACE no later than twenty (20) calendar days from the date of execution.

DD #2 shall authorize transfer of its $6,000 up-front payment to the District within ten (10) calendar days of its receipt of the fully executed agreement.

DD #2 shall provide payment for the remainder of the obligation within thirty (30) calendar days of the date of the invoice from the District.

IV. TERM

This Agreement shall be effective once fully executed and shall remain in effect until the final cost summary and refund, if applicable, is provided by the USACE, and DD #2 has fulfilled its obligation to refund the portion due to the District. All non-monetary obligations between the parties shall remain in effect and shall survive termination of this agreement.

V. RESPONSIBLE PERSONS

The persons responsible for administration of this Agreement shall be the Chair of DD#2 and the River & Flood Division Manager, or their respective designees.

VI. INDEMNIFICATION

Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to fullest extent required by law, and further agrees to save, indemnify, defend, and hold the other party harmless from any such liability. It is further provided that no liability shall attach to the Parties by reason of entering into this Agreement except as expressly provided herein.

VII. AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the Parties.

VIII. GOVERNANCE

This Agreement is entered into pursuant to and under the authority granted by the laws of the State of Washington and Whatcom County. The provisions of this Agreement shall be construed to conform to those laws.

IX. SEVERABILITY

In the event any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.
X. INTEGRATION OF AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understanding, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto.

XI. RECORDATION

Upon execution by both of the Parties hereto, the District shall record this Agreement in the office of the Whatcom County Auditor, or follow such other requirement as provided pursuant to RCW 39.34.040.
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement this ___ day of _____________ 2016.

WHATCOM COUNTY DIKING DISTRICT #2

By ______________________________
Gene Aarstol, Chair, Diking District #2

Approved as to form:

WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT

By ________________________________
Jack Louws, County Executive, on behalf of FCZD Board of Supervisors

Approved as to form:

____________________________________
Daniel L. Nelson
Whatcom County Chief Civil Deputy Prosecutor

____________________________________
Jon Hutchings, Director of Public Works

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss.

On this _________ day of ________________, 2016, before me personally appeared Jack Louws, to me known to be the County 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 ____________. My commission expires: ____________

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss.

On this __________ day of ________, 2016, before me personally appeared Gene Aarstol, to me known to be the Chair of Whatcom County Diking District #2 and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

____________________________________
NOTARY PUBLIC in and for the State of Washington, residing at ____________. My commission expires: ____________
### TITLE OF DOCUMENT:
Resolution establishing a Jail Stakeholder Workgroup

### ATTACHMENTS:

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

The Jail Stakeholder Workgroup will work to develop a mutually agreeable plan for funding, constructing, and operating a new jail facility in Whatcom County, with the goal of having a funding proposal on the ballot no later than November 2017.

### COMMITTEE ACTION:
5/31/2016: Discussed

### COUNCIL ACTION:

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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
RESOLUTION NO.______

ESTABLISHING A JAIL STAKEHOLDER WORKGROUP

WHEREAS, the Whatcom County Jail is in poor condition and a safer, more secure, and healthier environment for those who work, visit, and are incarcerated within the jail is needed; and

WHEREAS, in November of 2015, Whatcom County voters rejected a ballot measure which would have funded the construction and operations of a new jail; and

WHEREAS, in March and April of 2016, the Whatcom County Council and the Bellingham City Council passed resolutions adopting a Statement of Incarceration Prevention, Criminal Justice, and Jail Planning Principals for Whatcom County’s criminal justice and behavioral health systems; and

WHEREAS, the resolutions confirmed the desire of the Whatcom County Council and Bellingham City Council to work towards having a funding proposal for a new jail on the ballot no later than November, 2017; and

WHEREAS, to address this goal of having a measure on the ballot no later than November 2017, it is necessary for Whatcom County, Bellingham, and other stakeholders to work together to address the concerns of the voters and develop a mutually agreeable plan for funding, constructing, and operating a new jail facility.

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that a Jail Workgroup will be established to address the financial agreements required for development of a new jail, including the size and associated cost of the facility; the funding mechanism; and the allocation and funding of operating expenses.

BE IT FURTHER RESOLVED that the members of workgroup will include the following designated officials or their representatives:

A. Two members of the Whatcom County Council;
B. Two members of the Bellingham City Council;
C. One member of the Lummi Indian Business Council;
D. One member of the Nooksack Tribal Council;
E. The Whatcom County Executive;
F. The Mayor of Bellingham;
G. One official representing the small cities;
H. The Whatcom County Sheriff; and
I. The City of Bellingham Police Chief.

The County Council will also appoint:

A. One resident of the City of Bellingham;
B. One Whatcom County resident who resides outside the City of Bellingham;
C. One member of the Incarceration Prevention and Reduction (IPR) Task Force nominated by the IPR Task Force and not already designated above; and
D. One Whatcom County Corrections Officer nominated by the Whatcom County Sheriff.
BE IT FURTHER RESOLVED that the workgroup will advise the County Council and the County Executive on the development of a new jail ballot measure to be put before the voters no later than November 2017.

BE IT FURTHER RESOLVED that the workgroup will be dissolved upon adoption of a jail ballot measure by the Whatcom County Council.

APPROVED this ____ day of __________, 20__. 

ATTEST: 

______________________________
Dana Brown-Davis, Clerk of the Council

______________________________
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

______________________________
(Name), Civil Deputy Prosecutor
**CLEARANCES**

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**TITLE OF DOCUMENT:**

Memorandum of Agreement Regarding Sudden Valley Community Association Stormwater Management and Phosphorus Mitigation Plan

**ATTACHMENTS:**

1. Staff Memo
2. Memorandum of Agreement
3. Sudden Valley Community Association Stormwater Management and Phosphorus Mitigation Plan

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

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

The Sudden Valley Community Association wishes to enter into a Memorandum of Agreement with Whatcom County to approve the use of the *Sudden Valley Stormwater and Phosphorus Mitigation Plan* to fulfill the requirement of WCC 20.51.420(1)(h). The plan defines the stormwater management requirements for all newly developed parcels within the Association’s boundaries, as well as the Association as a whole.

**COMMITTEE ACTION:**

Reviewed by Council at their 5/24/16 Surface Water Work Session.

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: County Council  
FROM: Cliff Strong, Senior Planner  
THROUGH: Mark Personius, Asst. Director  
DATE: June 1, 2016  
SUBJECT: Sudden Valley Stormwater and Phosphorus Mitigation Plan and Memorandum of Agreement

The Sudden Valley Community Association (SVCA) wishes to enter into a Memorandum of Agreement (MOA, attached) with Whatcom County approving the use of the Sudden Valley Stormwater and Phosphorus Mitigation Plan (SVSPMP, attached) to fulfill the requirement of WCC 20.51.420(1)(h)(ii). Doing so would allow single-family property owners within Sudden Valley to use preapproved mechanisms, standards, and details to develop their stormwater systems, thus saving the homeowner the cost of hiring an engineer to develop individually designed systems.

Background

In 2013, Whatcom County adopted Chapter 20.51 Lake Whatcom Watershed Overlay District, which includes stormwater runoff management and treatment requirements for new developments and certain redevelopment projects in the Lake Whatcom watershed. The purpose of WCC Chapter 20.51 was to limit new sources of phosphorus discharging to Lake Whatcom. One provision within the Chapter (shown below) enables an incorporated homeowner’s association to develop its own stormwater runoff management and phosphorus mitigation plan.

20.51.420 Permanent stormwater management systems.

(1) Exemptions. This section does not apply to any of the following projects, work, or activities (which does not necessarily exempt them from other stormwater related titles and/or standards that might otherwise apply; see WCC 20.51.040(6) and (7) and 20.80.630(3) within the Lake Whatcom Watershed Overlay District:

(h) For a single-family dwelling that meets all of the following:

(i) To be located within the platted boundaries of, and in general belonging to, an incorporated homeowners association; and

(ii) Which association has a stormwater runoff management and phosphorus mitigation plan that provides at least the same level of overall protection from and/or treatment of phosphorus runoff to Lake Whatcom as would the application of subsection (2) of this section to any of the individual parcels therein that may be developed; and
(iii) Which plan is in effect through an ongoing implementation program, applicable to all newly developed parcels within that association’s boundaries, as well as to the association as a whole; and

(iv) Which plan and program have been agreed to by a memorandum of agreement between Whatcom County and the incorporated homeowners association; and

(v) Permanent best management practices shall follow the NPDES standards in WCC 20.80.630.

This SVCA has recently developed such a plan and wishes to enter into a MOA with Whatcom County to be able to use it. The plan defines the stormwater management requirements for all newly developed parcels within the Association’s boundaries, as well as the Association as a whole, and, as required, and in staff’s opinion, provides at least the same level of overall protection from and/or treatment of phosphorus runoff as required by Chapter 20.51. With this Plan and ongoing implementation program in place, agreed to by Whatcom County and the Community Association, new single-family permanent stormwater management systems would be required to meet the standards set forth in the Plan.

This SVSPMP presents Sudden Valley’s policies and procedures for managing stormwater runoff and mitigating phosphorus for properties within its boundaries. Submitted as part of this Plan are standard details and worksheets for developing stormwater management systems for new residential construction within the community’s boundaries. It is the intent that these details will be pre-approved under the Memorandum of Agreement, and will be used by Sudden Valley property owners in their residential stormwater management system design, which will be submitted with their building permit application package for County review.
MEMORANDUM OF AGREEMENT
REGarding SUDDEN VALLEY COMMUNITY
ASSOCIATION STORMWATER MANAGEMENT
AND PHOSPHORUS MITIGATION PLAN

THIS MEMORANDUM OF AGREEMENT REGARDING SUDDEN VALLEY COMMUNITY
ASSOCIATION STORMWATER MANAGEMENT AND PHOSPHORUS MITIGATION PLAN ("Agreement"),
dated this ____ day of June, 2016, is entered into by and between Sudden Valley Community
Association, a Washington nonprofit corporation (the "Association"), and Whatcom County, a
Washington municipality, (the "County").

WHEREAS, County adopted Whatcom County Code ("WCC") Section 20.51 establishing a Lake
Whatcom Watershed Overlay District intended to manage and treat stormwater runoff and reduce the
phosphorus loading into Lake Whatcom in order to preserve and protect Lake Whatcom; and

WHEREAS, certain projects are exempt from Section 20.51 WCC including, but not limited to,
single-family dwellings located within the platted boundaries of and belonging to an incorporated
homeowners association that otherwise meets the criteria set forth in WCC 20.51.420(1)(h); and

WHEREAS, in order for single-family dwellings to be exempt under WCC 20.51.420(1)(h), a
community association must establish a stormwater runoff management and phosphorus mitigation
plan which otherwise meets or exceeds the levels of protection provided for in Section 20.51.420(2)
WCC; and

WHEREAS, Association is the incorporated homeowners association for the Sudden Valley
Community; and

WHEREAS, in consultation with County, Association developed the Sudden Valley Community
Association Stormwater Management and Phosphorus Mitigation Plan (the “Plan”), which is attached
hereto as Exhibit A; and

WHEREAS, Plan provides at least the same level of overall protection from and/or treatment of
phosphorous runoff to Lake Whatcom as the application of WCC 20.51.420(2) would to any individual
parcels within Sudden Valley that may be developed; and

WHEREAS, Association has implemented Plan through an ongoing implementation program
applicable to all newly developed parcels within the Sudden Valley community, as well as to Association
as a whole (the “Program”).

NOW THEREFORE, Association and County agree that:

1. Plan and Program Comply with WCC 20.51.420(1)(h). Plan and Program satisfy the
   requirements for a stormwater runoff management and phosphorus mitigation plan and
   implementation program as set forth in WCC 20.51.420(1)(h). Plan and Program are approved pursuant
to WCC 20.51.420(1)(h)(iv).

2. Reliance on Plan and Program. All applicants seeking to develop new single-family dwellings in
   the Sudden Valley community meeting the requirements set forth in WCC 20.51.420(1)(h), Plan and
   Program, shall be exempt from the requirements of WCC 20.51.420(2), as now enacted or hereinafter
   amended, so long as they comply with the requirements of Plan and Program in designing, permitting,
constructing, installing, and maintaining permanent stormwater management systems for the new single-family dwellings as confirmed by Whatcom County Planning and Development Services through the building permit process.

3. **Term.** Agreement commences upon mutual execution and shall remain in force and effect so long as exemptions of this nature are permitted under WCC 20.51.420(1)(h), as now enacted or hereinafter amended.

4. **Amendment:** No modification, termination, or amendment of Agreement may be made except by written agreement signed by all parties, except as provided herein.

5. **Captions:** The captions of Agreement are for convenience and reference only and in no way define, limit, or describe the scope or intent of Agreement.

6. **Severability:** In case any one or more of the provisions contained in Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

7. **Neutral Authorship:** Each of the provisions of Agreement has been reviewed and negotiated, and represents the combined work product of all parties hereto. No presumption or other rules of construction which would interpret the provisions of Agreement in favor of or against the party preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of Agreement.

8. **Governing Law:** This Agreement and the right of the parties hereto shall be governed by and construed in accordance with the laws of the State of Washington.

9. **Entire Agreement:** The entire agreement between the parties hereto is contained in Agreement, and this Agreement supersedes all of their previous understandings and agreements, written and oral, with respect to this transaction. Agreement may be amended only by written instrument executed by the parties subsequent to the date hereof.

**IN WITNESS WHEREOF,** the undersigned parties hereby execute the above agreement.

**SUDDEN VALLEY COMMUNITY ASSOCIATION:**

By: ____________________________________________

Its: ___________________________________________

Date: __________________________________________

**WHATCOM COUNTY:**

By: ____________________________________________

Whatcom County Council Chair

By: ____________________________________________

Whatcom County Executive

MEMORANDUM OF AGREEMENT REGARDING
SUDDEN VALLEY COMMUNITY ASSOCIATION
STORMWATER MANAGEMENT AND
PHOSPHORUS MITIGATION PLAN - 2
SUDDEN VALLEY COMMUNITY ASSOCIATION

STORMWATER MANAGEMENT AND PHOSPHORUS MITIGATION PLAN

Prepared for
SUDDEN VALLEY COMMUNITY ASSOCIATION
Bellingham, Washington

Prepared by
Wilson
SURVEY/ENGINEERING
Wilson Engineering, L.L.C.
805 Dupont Suite 7 Bellingham, Washington 98225
Tel. (360) 733-6100 Fax. (360) 647-9061

April 2016
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- Appendix B - Golf Practices Memorandum, Jacob Close, Golf Superintendent, August 4, 2015
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## ACRONYMS AND ABBREVIATIONS

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<th>Acronym</th>
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<tr>
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<td>Ecology</td>
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Executive Summary

As it was conceived by Ken Sanwick, the “Sudden Valley Undevelopment” was platted with the intent to preserve the natural surroundings while incorporating homes into the wilderness. All of the Sudden Valley subdivisions have included large parks, greenbelts and trails for the benefit of the whole community. Today, the Sudden Valley Community Association (SVCA) owns about 875 acres, or 56%, of the land in the community, with over 420 acres designated as open space - parks, greenbelts, common areas and trails.

From its inception, the Sudden Valley community has been a good steward of the environment. It started with construction regulations more stringent than any of the surrounding cities or the County. It continued with a stormwater engineering study in the early 1980’s and a member vote to pursue density reduction in 1993 resulting in fully 1/3 of the platted lots have been removed from development. Sudden Valley’s commitment to preserving the environment continues to the present day where our regulations and practices have resulted in phosphorus measurements in Austin Creek – taken by the Watershed Institute (Western Washington University) through ongoing monitoring - that are more consistent with forested land (Smith Creek) than urban development (Silver Beach Creek). The majority of Sudden Valley is open space, parks, trails, forested land, etc., not residences and impervious surfaces.

The Sudden Valley community is located in the Basin 3 drainage of Lake Whatcom, which has measurably better water quality than Basins 1 and 2. Austin Creek, the main stream tributary that drains the Sudden Valley area and includes Beaver Creek, is consistently listed as being within the accepted range of the state’s WAC 173-201A water quality standards for all water quality parameters regularly measured by WWU except fecal coliform (more than 10% of the samples exceeded 100 cfs/100ml in the Lake Whatcom Annual Reports). This is also evident based on Austin Creek closely matching Smith Creek’s water quality parameters (Matthews et al., 2015 and 2013).

In 2013, Whatcom County adopted Chapter 20.51 LAKE WHATCOM WATERSHED OVERLAY DISTRICT, which includes stormwater runoff management and treatment requirements for new developments and certain redevelopment projects in the Lake Whatcom watershed. The purpose of WCC Chapter 20.51 was to limit new sources of phosphorus discharging to Lake Whatcom. One provision within the Chapter enables an incorporated homeowner’s association to develop its own stormwater runoff management and phosphorus mitigation plan.

This document is the Sudden Valley Community Association’s Stormwater Management and Phosphorus Mitigation Plan. It presents a method for future construction in Sudden Valley while

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# Notes


achieving minimal impact on the environment. It adheres to County regulations and describes a collaborative way in which Sudden Valley and Whatcom County can work together.
1 Introduction and Purpose

In 2013, Whatcom County adopted Chapter 20.51 LAKE WHATCOM WATERSHED OVERLAY DISTRICT, which are stormwater runoff management and treatment requirements for new developments and certain redevelopment projects in the Lake Whatcom watershed. The purpose of WCC Chapter 20.51 was to limit new sources of phosphorus discharging to Lake Whatcom. One provision within the Chapter enables an incorporated homeowner’s association to develop its own stormwater runoff management and phosphorus mitigation plan. An excerpt of the relevant Whatcom County Code section is listed below.

20.51.420 Permanent stormwater management systems.
(1) Exemptions. This section does not apply to any of the following projects, work, or activities (which does not necessarily exempt them from other stormwater related titles and/or standards that might otherwise apply; see WCC 20.51.040(6) and (7) and 20.80.630(3) within the Lake Whatcom Watershed Overlay District;...)

h) For a single-family dwelling that meets all of the following:
   (i) To be located within the platted boundaries of, and in general belonging to, an incorporated homeowners association; and
   (ii) Which association has a stormwater runoff management and phosphorus mitigation plan that provides at least the same level of overall protection from and/or treatment of phosphorus runoff to Lake Whatcom as would the application of subsection (2) of this section to any of the individual parcels therein that may be developed; and
   (iii) Which plan is in effect through an ongoing implementation program, applicable to all newly developed parcels within that association’s boundaries, as well as to the association as a whole; and
   (iv) Which plan and program have been agreed to by a memorandum of agreement between Whatcom County and the incorporated homeowners association; and
   (v) Permanent best management practices shall follow the NPDES standards in WCC 20.80.630.

This plan defines the stormwater management requirements for all newly developed parcels within the Association’s boundaries, as well as the Association as a whole, and provides at least the same level of overall protection from and/or treatment of phosphorus runoff as required by Chapter 20.51. With this Plan and ongoing implementation program in place, agreed to by a Memorandum of Agreement between Whatcom County and the Homeowners Association, new single-family permanent stormwater management systems would be required to meet the standards set forth in the Plan.

Sudden Valley Community Association (SVCA) has been at the forefront of watershed protection with policies and procedures to maintain the forested canopy and manage stormwater runoff that have been in place for decades. The result of their long-standing policies is that the quantity of stormwater runoff from Sudden Valley is substantially less than if it had developed in a typical urban fashion. Analysis of the water quality data for Lake Whatcom also indicates that the concentration of phosphorus in the runoff more closely matches that of a forest than that of an urban development.
This Stormwater Management and Phosphorus Mitigation Plan presents Sudden Valley's policies and procedures for managing stormwater runoff and mitigating phosphorus for properties within its boundaries. Submitted as part of this Plan are Standard Details and worksheets for developing stormwater management systems for new residential construction within the community's boundaries. It is the intent that these details will be pre-approved under the Memorandum of Agreement, and will be used by Sudden Valley property owners in their residential stormwater management system design, which will be submitted with their building permit application package for County review.
2 History and Background

The Community Association of Sudden Valley began as "the Ranch". The original owner of the area was Banning Austin. In 1949, Austin sold the land to Glen and Betty Corning, who named it "the Ranch" and lived there with their children until in 1968 when they sold 1,200 acres of property for $1.8 million. The new owner was Ken Sanwick of Sudden Valley Inc. Sanwick envisioned the land as "Sudden Valley Undevelopment" and wanted to preserve the natural surroundings while still incorporating homes into the wilderness. In 1969, the County Commissioners approved the first plat for 158 lots west of Lake Whatcom Boulevard. When the platting process was complete, 4,641 residential lots had been approved.

In the 1970's, the Valley changed ownership a few times. In December of 1976, ownership and control was transferred to the newly named Sudden Valley Community Association (SVCA). SVCA holds the title to about 875 acres (about 56% of the total area) including all the roads, parks, greenbelt, recreation facilities, golf course, marina, airstrip, and the country club. Not including the golf course, about 26% of the SVCA property is open space - parks, greenbelts, and common areas.

2.1 Land Use Summary

Sudden Valley is a Limited Area of More Intense Rural Development (LAMIRD) according to the current Whatcom County Comprehensive Plan. This designation recognizes that Sudden Valley, with its higher than rural density and "urban"-level services (public sewer and water), was in place prior to the adoption of the Growth Management Act in 1990. Sudden Valley Community Association encompasses 1,576 acres, which can be characterized as follows (See also Figure 2-1):

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ACRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks / Green Space / Trails</td>
<td>216.3</td>
</tr>
<tr>
<td>Common Areas (restricted Lots)</td>
<td>121</td>
</tr>
<tr>
<td>Golf Course</td>
<td>139.3</td>
</tr>
<tr>
<td>Roads / Keyways / Parking bays</td>
<td>241.2</td>
</tr>
<tr>
<td>Developed Lots (private ownership)</td>
<td>485</td>
</tr>
<tr>
<td>Undeveloped Lots (private ownership)</td>
<td>114</td>
</tr>
<tr>
<td>Miscellaneous Private Land within SV Boundaries</td>
<td>96.4</td>
</tr>
<tr>
<td>SV Mixed Use</td>
<td></td>
</tr>
<tr>
<td>Campground</td>
<td>31.2</td>
</tr>
<tr>
<td>Area Z (Maintenance yard)</td>
<td>30.24</td>
</tr>
<tr>
<td>Airstrip</td>
<td>28.5</td>
</tr>
<tr>
<td>Marina (land/water)</td>
<td>7.07 / 7.52</td>
</tr>
<tr>
<td>Other</td>
<td>20.5</td>
</tr>
<tr>
<td>Lake Louise</td>
<td>37.8</td>
</tr>
<tr>
<td>Total Area</td>
<td>1,576</td>
</tr>
</tbody>
</table>

There are currently approximately 618 vacant lots within Sudden Valley. At least forty-one (41) of these consist of two or more consolidated lots. Five are restricted as non-buildable. Fifty-nine (59)
of the vacant lots are subject to the 25-year sewer connection / building restriction (ending in 2028). An unknown number of these 25-year restricted lots share ownership with adjacent developed properties and may be consolidated rather than developed.

2.2 Stormwater / Drainage System Master Planning

In 1982, the SVCA Board recognized the need to upgrade and improve the stormwater drainage facilities within Sudden Valley and contracted with BELLTRAN Engineers (aka Bell-Walker Engineers) for a comprehensive Drainage System Master Plan. One of the major findings was that the stormwater runoff in the study area (between Lake Whatcom Boulevard and Beaver Creek) was roughly 1.5 times what it would be if the area was totally undeveloped, and would increase to 3.3 times when fully developed. According to the report, "the increased runoff would result in further erosion of roadside ditches and continued deposition of silt in area streams".

The BELLTRAN studies indicated that requiring on-site retention of stormwater runoff would significantly decrease peak flows in community drainage facilities and area streams - "Peak flow reductions of up to 30% were calculated in many of the subareas studied." The report included development standards for the design and construction of on-site retention facilities. These standards were adopted by SVCA and incorporated into the Architectural Control Guidelines. These standards were enforced by Sudden Valley ACC until Whatcom County stormwater requirements superseded them.

In 2012, SVCA contracted with Wilson Engineering, LLC for a complete assessment of their stormwater management and drainage system. This assessment was performed in two phases and included a physical inspection and condition assessment of all roadway culverts, hydraulic modeling and capacity analysis, creating a priority repair and replacement list, and developing a 10-year Capital Improvement Plan. The resulting reports are the "STORMWATER ASSET INSPECTION AND INVENTORY" (Phase I), Oct 2013, and "PHASE II - STORMWATER MASTER PLAN AND CAPITAL IMPROVEMENT PLAN", December 2014. These reports are incorporated into this Plan by reference. The 10-year Capital Improvement Plan is included in Appendix A for convenience.

2.3 Density Reduction Program

In 1993, SVCA membership approved a Density Reduction Program on the recommendation of the Long Range Planning Committee. The intent was to maintain the character of the "un-development" by adding green space and increasing lot sizes. The goal was to eliminate 1,400 (30%) of the platted lots. Reducing in the total number of buildable lots would be achieved through a combination of measures including:

a. Encouraging private Lot consolidations /Lot line erasures through a reduction in dues
b. Acquiring vacant lots through purchase, donation, foreclosure, tax sales, etc.
c. Selling properties to adjacent owners for lot consolidation,
d. Restricting lots as green space / common area
In about 2000, the City of Bellingham, Whatcom County, and the Whatcom Water District No 10 (now known as Lake Whatcom Water and Sewer District) began participating in Sudden Valley’s Density Reduction Program by providing financial support for the purchase of lots. The goal for their participation was to reduce the number of developable parcels in the Lake Whatcom Watershed. Under this program, SVCA purchased properties at the Whatcom County Tax sales and the City, County and District each reimbursed SVCA for one quarter of the purchase price, such that all four entities contributed to the property acquisition. Sudden Valley then permanently restricted from building the same number of lots as were funded by this joint effort.

In 2001, the District began the process of creating a Utility Local Improvement District (ULID) #18 for the purpose of funding a second sewer interceptor to alleviate sewer capacity issues that severely impacted Sudden Valley. The assessment roll for the ULID was to include all vacant properties that would benefit from increased sewer capacity (e.g. they could build). The assessment process encouraged numerous contiguous property owners to formally consolidate their lots in order to not be assessed, further reducing the inventory of buildable parcels.

In about 2007, the Density Reduction Goal of 1,400 was reached. However, the SVCA membership voted down a proposal to end the program. Although not actively pursuing property purchases, SVCA continues to acquire lots through donations, non-payment of dues, or strategic trades. Since 2011 an additional 32 lots have been permanently restricted from building.

Sudden Valley was a willing and active participant in all of these efforts, even though it meant a substantial loss of dues revenue, which is the major source of funding for the Sudden Valley community. SVCA currently has 746 lots under the Common Area designation. To date, the number of lots that have been rendered non-buildable, either through permanent restriction or consolidation, exceeds 1,445 lots.
SUDDEN VALLEY
Street Address
Land Use Map
Total Acres: 1,576

- Greenbelt/Park
  (270 Parcels/423 acres)
- Developed Lots
  (2,343 Lots/485 acres)
- SVCA Common Area
  (775 Lots/121 acres)
- Vacant Lots
  (618 Lots/114 acres)
- SVCA property
  (Mixed use/111 acres)

Map Created by Sudden Valley Community Association Community and Environmental Services Staff
4 Clubhouse Circle, Bellingham, WA 98226 (360) 671-6430
March 2013 Updated August 2015

Figure 2-1. Sudden Valley Land Use Map
3 Community Stormwater/Phosphorus Management

3.1 Stormwater Facilities Management

Sudden Valley has over 55 miles of roads with a commensurate amount of stormwater ditches and culverts to maintain. It also has several creeks and streams flowing through its property and under its roads. SVCA recently completed a comprehensive survey of the condition of its roadway culverts and a capacity analysis to identify potential problem areas. The result was a 10-year Capital Improvement Plan (CIP) to address the culverts that are most in need of maintenance and repair, and those with significant capacity issues (see “PHASE II - STORMWATER MASTER PLAN AND CAPITAL IMPROVEMENT PLAN”, December 2014). The budget identified in the CIP for these projects is approximately $400,000 to $500,000 per year. The 10-year CIP is attached in Appendix A as a convenient reference.

In addition to addressing this backlog, SVCA is also embarking on a ditch and driveway culvert maintenance program to improve flows, prevent flooding, and reduce erosion. All of these projects are funded by dues from Sudden Valley members.

Sudden Valley is interested in pursuing additional stormwater and phosphorus management projects as funding becomes available. Potential projects include treatment trenches along the shoreline of parks, regrading/reconstruction of the Marina Park and shoreline near the mouth of Austin Creek, and/or incorporating phosphorus treatment in other capital projects as opportunities arise.

3.2 Golf Course Turf / Phosphorus Management

The Sudden Valley Golf Course has long been a target as potential source of phosphorus runoff to Lake Whatcom. For many years, the fertilizer used on the golf course had a minimal amount of phosphorus, calculated and applied strategically to ensure maximum uptake by the turf, with little to no runoff or waste. One of the many reasons for employing this strategy was that fertilizer with lots of phosphorus is expensive, and the golf course has a tight budget.

SVCA’s current Golf Course Superintendent and Turf Care Manager adopted a No-Phosphorus fertilizer policy in 2012 as part of his Best Management Practices for turf management. In addition, he instituted a program to leave a vegetative buffer strip between the edge of the golf course and Lake Whatcom and Austin Creek. These buffer strips range from 30 to 100 feet in width. This eliminated the migration of grass clippings into the lake, and discouraged the geese from coming ashore. He has also implemented several water conservation measures that reduce runoff. The details of the current golf course management processes and policies are presented in a Memorandum attached to this plan in Appendix B.
3.3 Forest Management Plan

Maintaining native vegetation and forested areas is an integral part of reducing stormwater runoff and mitigating phosphorus impacts. SVCA recently contracted with American Forest Management, Inc. to conduct a forest health assessment for community-owned lands. This assessment includes an overview of the forest condition, timber harvest potential, hazard tree identification, fire risk, tree removal and pruning guidelines review, and tree canopy restoration mitigation. The main body of forest management plan is attached as Appendix C. The full report is incorporated by reference.

The forested areas on SVCA property include 304 distinct areas totaling 478 acres. These areas are mostly in the form of narrow buffer strips, vacant lots, parks and larger undeveloped upland areas, as well as the currently unused campground site. The key findings of the forest assessment are:

a. The forest is generally healthy with typical tree vitality and low invasive species presence. However, 89% of the trees are over 50 years old, the time when tree growth and vigor begin to decline.

b. Timber harvest potential is limited by the close quarters in developed areas, steep slopes in upland areas and/or previous timber removal.

c. Hazard trees were identified that had significant visible defects (wood decay) and that are within reach of high use areas.

d. Fire risk abatement is practiced in much of the area by removing lower tree limbs, removing tree debris, community education, and the presence of robust interagency fire suppression capabilities in and nearby Sudden Valley.

The Forest Management Plan includes a discussion of forest health stress factors and recommendations for improving forest health. Some suggestions are as simple as improving drainage around conifer trees. Others, such as replacing asphalt parking areas with pervious paving, will require significant capital investment. The Forest Management Plan recommendations will be incorporated into the ACC Guidelines and into future capital projects and/or restoration activities.

3.4 SVCA Stormwater Modeling Summary

Wilson Engineering created a stormwater model for Sudden Valley, originally intended to analyze the capacity of the existing stormwater collection system. The model area and drainage basins extended beyond the Sudden Valley community boundaries, as shown in Figures 3-1 and 3-2. Much of the land use beyond the Sudden Valley limits is Commercial or Rural Forestry and accounts for 4,779 acres of the total 6,355 acres modeled.

The original model assumed SVCA was developed as a typical urban development with regard to impervious surfaces, but did account for the impact of the residential stormwater “retention systems” that have been required for the last 30 years. The results from this model were used to assess the hydraulic capacity of the existing stormwater infrastructure, and identify culverts that are undersized. The hydraulic model assumptions and details are included in PHASE II - STORMWATER MASTER PLAN AND CAPITAL IMPROVEMENT PLAN, December 2014, prepared for SVCA by Wilson Engineering and incorporated by reference. This model was calibrated to match the lower measured flowrates seen at monitoring stations within the watershed.
Using the same calibration as the original model, two additional models were created and analyzed - one for a pre-development / forested condition scenario, the second incorporated the impact of Sudden Valley’s green belts, open spaces, and retention of 50% of a lot as pervious. The purpose of this was to estimate the impact of using a greater forested area for lots in reducing stormwater flows. The assumption was that half of the residential lot pervious area was landscaping and the other half remained forested. This residential lot land use revision was only applied to the lots west of Lake Whatcom Boulevard. The developed lots to the east remained as typical urban development.

A “2-year storm event” is a storm of a certain size that has a 50 percent chance of occurring at least once in any year. This means it is a frequent storm event as opposed to larger storms, which are not as common (i.e. not every year has a “100-year” storm event). For the modeled 2-year storm, the runoff volume for the pre-developed condition scenario is approximately 50 MG for all 21 of the basins that include Sudden Valley properties. The flow volumes generated by the original culvert-sizing model was approximately 130 MG, or about 2.6 times the pre-developed condition.

With the refinement of the model to account for the canopy retention in the green spaces, common areas, and residential lots west of Lake Whatcom Boulevard, the model flows were reduced to about 100 MG, or about 2 times the pre-developed condition.

Based on these results, the existing ACC land use regulations, which require more “forested” areas than is typical for residential lots, can have a significant impact on the volume of stormwater runoff generated by the “un-development”.
3.5 SVCA Stormwater Phosphorus Load Analysis

The key input to the calculation that determines compliance with WCC 20.51 is the phosphorus loading rates for pervious and impervious surfaces, and native areas. Several sets of values have been developed and used over the last several years. For recent DOE-funded water quality grant projects, the City of Bellingham and Whatcom County are both using phosphorus loading rates based on the DOE Lake Whatcom Watershed Total Phosphorus and Bacteria Total Maximum Daily Loads - Volume 2. Water Quality Improvement Report and Implementation Strategy (DOE Publication No. 13-10-012). The loading rates that have been developed by City / County staff are summarized in Table 3-1.

<table>
<thead>
<tr>
<th>Surface Type</th>
<th>Phosphorus Load Rate (lb/acre/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof / Driveway / Impervious</td>
<td>0.76</td>
</tr>
<tr>
<td>Landscaping / Pervious</td>
<td>1.15</td>
</tr>
<tr>
<td>Forest / Native Vegetation</td>
<td>0.09</td>
</tr>
</tbody>
</table>

These loading rates were determined for more developed areas. Using these values will allow Sudden Valley property owners to get credit for less landscaping and more native vegetation and overall forest preservation that is characteristic of residential development in Sudden Valley.
4 Residential Stormwater/Phosphorus Management

SVCA has been and continues to be good stewards of the Lake Whatcom Watershed with its 30-40 years of enforcement of environmentally-focused community standards including tree retention and stormwater infiltration. The Sections below present a narrative of the revised residential stormwater management practices, which have been updated to meet current Best Management Practices, and provide Standard Details and worksheets for the smaller lots found in Sudden Valley. The SVCA Homeowner Stormwater Workbook, attached as Appendix D, contains the processes, criteria, Standard Details, and worksheets that a typical Sudden Valley lot can use to develop a residential stormwater management system that will meet the stormwater management requirements in the Lake Whatcom watershed.

The Standard Details presented assume that property conditions meet certain criteria, such as soils which can infiltrate and slope limitations. The SVCA Homeowner Stormwater Workbook includes a soils report format to be prepared by a soils professional\(^2\) to determine soil types (i.e. is infiltration feasible) on the lot, and property slopes can be determined from the site plan topographic data required by the ACC. Sudden Valley property owners may use these Details when they meet the criteria, but are not required to do so. They may find that a custom stormwater management system better suits their specific site conditions.

This Plan focuses on three basic stormwater management option categories that derive from WCC 20.51.420(2)(c) "Presumptive BMPs" and WCC 20.51.420(2)(d) "Demonstrative BMPs":

1) Modified Infiltration (based on the WCC 20.51.420(2)(c)(i) Presumptive BMPs of "Full Infiltration" and "Downspout Full Infiltration"), and

2) Full Dispersion (based on the WCC 20.51.420(2)(c)(ii) Presumptive BMP of "Full Dispersion), and


Please note that nothing in this Plan intends to disqualify the use of Full Infiltration or Downspout Full Infiltration BMPs as noted above from property owner consideration as a possible stormwater management solution for development of their property.

Not all options are suitable for all properties - e.g. infiltration only works with granular soils, dispersion needs a large receiving area and both have slope limitations.

4.1 SVCA Architectural Control Guidelines

The Sudden Valley Bylaws and Restrictive Covenants establish and give authority to the Architectural Control Committee to review and approve all residential construction for conformance to the ACC Guidelines. Since the early 1980s, Sudden Valley has required each property owner to install a stormwater retention system to manage peak runoff flows to the SVCA

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\(^2\) A professional soil scientist certified by the Soil Science Society of America (or equivalent), a locally licensed on-site septic sewage designer, or a suitably trained person working under the supervision of a professional engineer, geologist, hydrogeologist, or engineering geologist in the State of Washington.
stormwater collection system. These systems were required for all new residential construction in Sudden Valley until more stringent County regulations were adopted. Sudden Valley staff inspected the installations prior to the responsibility being transferred to County inspectors.

It appears that these requirements have been in effect since the early 1980's and were the result of the Drainage System Master Plan Phase I Report (BELTRAN) recommendations. These same recommendations provided the first standard details for residential stormwater treatment that were incorporated into the ACC Guidelines.

The ACC Guidelines Section 14.5.1 also include the following specific property coverage and open space requirements that are strictly enforced:

**14.5.1 Property Coverage and Open Space Requirements:** Measurements for determining these percentages shall be measured on a horizontal plane.

(a) Property Coverage Rule - The principle building and accessory structure footprint, inclusive of eave projections and exclusive of driveways and decks, shall occupy no more than thirty-five percent (35%) of the lot.

(b) Open Space Rule - At least fifty percent (50%) of the lot shall be kept free of all structures, including but not limited to all areas covered by weather-tight roof, decks, steps, driveways, hard surfacing and parking areas.

(c) The minimum fifty percent (50%) open space as required herein shall be a continuing obligation. Such space shall be maintained with porous ground cover, and no parking or storage of materials shall be permitted in the open space.

(d) Special rules apply to Cluster lots see section 14.5.8.

In addition, removal of trees, shrubs, bushes or other natural growth is also subject to the review and approval of the Committee.

Sudden Valley will continue to enforce these rules, which are an integral part of the success of the Standard Details in achieving the required phosphorus mitigation levels. As shown in the example calculations listed in Tables 4-1 and 4-2, using these maximum coverage requirements and minimizing non-native landscaping will meet the maximum allowable phosphorus discharge of 0.1875 lb/acre/year.
Table 4-1. Example Phosphorus Load Calculations for Modified Infiltration

<table>
<thead>
<tr>
<th></th>
<th>Example 1: Single Lot</th>
<th>Example 2: Double Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size (SF)</td>
<td>6000</td>
<td>12000</td>
</tr>
<tr>
<td>Max House Footprint   - 35% (SF)(^1)</td>
<td>2100</td>
<td>0.0366</td>
</tr>
<tr>
<td>Max Impervious Footprint(^1) - 15% (SF)(^1)</td>
<td>900</td>
<td>0.0157</td>
</tr>
<tr>
<td>Maximum Landscape - 13% (SF)(^2)</td>
<td>780</td>
<td>0.0206</td>
</tr>
<tr>
<td>Native Vegetation - 37% (SF)(^2)</td>
<td>2220</td>
<td>0.0046</td>
</tr>
<tr>
<td>Total Phosphorus Load:</td>
<td></td>
<td>0.0775</td>
</tr>
<tr>
<td>Modified Infiltration of all Impervious Areas (99.5% removal)</td>
<td></td>
<td>-0.0521</td>
</tr>
<tr>
<td>Post Treatment Total</td>
<td>0.0254</td>
<td>0.0509</td>
</tr>
</tbody>
</table>

**Allowable P (at 0.1875 lb/acre)**

|                        | 0.0258                | 0.0517                |

Less than/Equal to Allowance?

|                        | YES                   | YES                   |

Notes:

1) SVCA ACC Rule
2) Derived to ensure P\(_{\text{load}}\) ≤ P\(_{\text{allowed}}\)
3) SVCA ACC Rule is 50% maximum total impervious surface area (house plus driveway/walkways/etc)
Table 4-2. Example Phosphorus Load Calculations for Media Filter Drain

<table>
<thead>
<tr>
<th>Example 1:</th>
<th>Single Lot</th>
<th>Example 2:</th>
<th>Double Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size (SF)</td>
<td>6000</td>
<td>Area (SF)</td>
<td>12000</td>
</tr>
<tr>
<td>Max House Footprint - 35% (SF)</td>
<td>2100</td>
<td>Phosphorus Load (lb/yr)</td>
<td>0.0366</td>
</tr>
<tr>
<td>Max Impervious Footprint - 15% (SF)</td>
<td>900</td>
<td>0.0157</td>
<td>4200</td>
</tr>
<tr>
<td>Maximum Landscape - 6% (SF)</td>
<td>360</td>
<td>0.0095</td>
<td>1800</td>
</tr>
<tr>
<td>Native Vegetation - 44% (SF)</td>
<td>2640</td>
<td>0.0055</td>
<td>720</td>
</tr>
<tr>
<td>Total Phosphorus Load:</td>
<td>0.0673</td>
<td>Total Phosphorus Load:</td>
<td>0.1346</td>
</tr>
<tr>
<td>MFD Treatment - all Impervious Areas (81.4% removal)</td>
<td>0.0426</td>
<td>-0.0852</td>
<td></td>
</tr>
<tr>
<td>Post Treatment Total</td>
<td>0.0247</td>
<td>0.0258</td>
<td>0.0517</td>
</tr>
<tr>
<td>Allowable P (at 0.1875 lb/acre)</td>
<td>YES</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Less than/Equal to Allowance?</td>
<td>YES</td>
<td>YES</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1) SVCA ACC Rule
2) Derived to ensure $P_{load} \leq P_{allowed}$
3) SVCA ACC Rule is 50% maximum total impervious surface area (house plus driveway/walkways/etc)
4) The 81.4% BMP Reduction Factor is based on the 85.7% media efficiency and a WWHM model minimum value of 95% treatment.

4.2 Stormwater System Selection Process

Figure 4-1 provides a decision tree to aid in determining the appropriate stormwater management option for an individual property (see also Appendix D). In nearly all cases, the process begins with a soils report to determine soil types. Given that soils in Sudden Valley are roughly half B-type (well-draining) and half C-type (slower draining), it is expected that about half of the vacant lots will be able to use the modified infiltration standard details.

The soils report described in Appendix D is intended to provide property owners with a simple means to determine if they have soils with sufficient rate of infiltration that a modified infiltration option can be used. The report must be performed and documented by a soils professional.

If the soil report results indicate that a property does not have soils that will support infiltration, the property owner may not use the modified Infiltration Standard Details, and will need to choose another stormwater management option. Stepping through the decision tree in Figure 1, the next option considered is Full Dispersion. Full Dispersion has very specific requirements and conditions that are described in Section 4.4. Implementing Full Dispersion may also require the concurrence of Sudden Valley for the use of Community property.

Those properties that do not meet the criteria for modified Infiltration or Full Dispersion will need an Engineered System. Section 4.5 and 4.6 discuss several options for Engineered Systems that have been developed into Standard Details for this Plan. Section 4.7 presents a Road-side Parking option that may be used for additional treatment, or by existing residents. As mentioned above, these Standard Details are for “average” development in Sudden Valley, and a custom stormwater management system may be more appropriate for specific site conditions or construction plans.
4.3 Modified Infiltration

Full infiltration is one of the presumptive Best Management Practices for residential stormwater management recognized in the Whatcom County Code Section 20.51. The goal of infiltration is to collect the stormwater runoff from the impervious surfaces and treat it by filtering through underground soils. Infiltration requires sandy, granular soils that will readily accept water with a low water table.

This Plan includes two Standard Details for modified infiltration. The first is an update of the original “retention pit” and is installed in an open area. The second detail provides the additional requirements for the infiltration facility to be installed under a washed gravel or permeable pavement driveway. For our details, the emphasis is on treatment, and therefore the infiltration bed areas do not achieve 100% infiltration. This was not pursued as 100% infiltration requires very large infiltration areas when modeled using the stormwater model WWHM (Ecology’s stormwater model). Per Ecology, only 91% of the total stormwater volume would need to be infiltrated to meet treatment requirements. Our design allows 99.5% infiltration, which exceeds standard treatment requirements and provides the highest volume of infiltration while reducing the total infiltration bed size required.

The criteria for using the Modified Infiltration Standard Details are:

1. Field determination of coarse, medium, or fine/loamy sand soil (Hydrologic Groups A and B soils). (For infiltration bed sizing purposes, this equates to a facility design infiltration rate
of 0.4 inches per hour in the WWHM stormwater model used to develop the total infiltration area required for these Standard Details. Model results agree with the infiltration rates described in BMP T5.10A in the 2012 Department of Ecology Stormwater Management Manual for Western Washington for fine/loamy sand soils).

2. When using the tables for sizing the infiltration bed, and the total impervious area falls between two values listed on the table, the larger infiltration bed shall be selected. For instance, if the lot has 1,750 square feet of impervious surface, this is between the 1,500 square feet and 2,000 square feet of impervious surface values for the table. The infiltration area required for the 2,000 square feet impervious surface area would be used as the correct size for the stormwater facility in this example.

3. Lot slope at infiltration bed location is less than 15% (10% for pervious pavement), and setback at least 20 feet from the edge of steep slopes over 20%.

4.4 Full Dispersion

Full Dispersion is one of the presumptive Best Management Practices for residential stormwater management recognized in the Whatcom County Code Section 20.51. The goal of Full Dispersion is to collect the stormwater runoff from the impervious surfaces and disperse it overland through native vegetation. Although an individual lot would be too small to accommodate Full Dispersion, properties consisting of multiple consolidated lots, or properties adjacent to SVCA greenbelts or common areas may meet the criteria for Full Dispersion. The Standard Detail lists all of the criteria and design requirements.

The main criteria for using the Full Dispersion Standard Detail are:

1. The minimum pervious area to impervious area ratio is 10 to 1. Pervious area may include adjacent community property with SVCA approval.

2. Minimum preserved native vegetation or forested area of site is 65%.

3. Dispersion path through native vegetation is a minimum of 100 feet, downhill from residence.

4. Maximum dispersion path slope is 15%.

4.5 Engineered Systems - Individual

The third category of stormwater management options is the “engineered” system. Typically, these systems use a media to remove a percentage of the phosphorus from stormwater runoff. Runoff is collected and piped to the system. The system typically includes a pre-treatment catch basin to catch leaves and sediment, which extends the life of the treatment system.

This Plan includes several Standard Details for engineered systems. These do not represent all of the engineered-solution options that are available, and property owners are not limited to using the Standard Details. These Standard Details were developed to provide a pre-engineered system for most typical residential construction in Sudden Valley.
Standard Details D and E use a layer of Media Filter Drain Mix, a sandy gravel mixed with dolomite, gypsum and perlite, to remove phosphorus from the stormwater runoff. The installation is similar to the modified infiltration system, with the collected stormwater piped to a catch basin to remove debris, and then distributed into the treatment trench. The main difference is the underdrain system at the bottom of the trench, where the treated water is discharged. Standard Detail D has the treatment system installed in an open area. Standard Detail E provides the additional requirements for the treatment system to be installed under a washed gravel or permeable pavement driveway.

4.6 Engineered Systems - Shared

There are several locations with multiple contiguous vacant parcels. If an engineered system is required for one of these parcels, the property owner may contact Sudden Valley Community Association to determine if a shared stormwater management system would be appropriate. If appropriate, SVCA would have a treatment system designed and constructed to accommodate all of the contiguous vacant parcels, and each vacant parcel will be assessed a share of the costs to design, permit and construct the treatment system.

SVCA will only install shared treatment systems. When a shared system is developed, SVCA will contract with a professional engineer for the treatment system design, sized for all future connections. The first property owner will submit the design with their building permit application and once the design is approved by the County, SVCA will contract for its construction and provide Record Drawings upon completion to the County. All subsequent connections to the treatment facility will be provided with the same Record Drawings by SVCA to submit with their building permit application. SVCA will be responsible for the maintenance of the shared systems.

4.7 Engineered Systems - Road-Side Parking Space

SVCA has received numerous requests to add road-side parking spaces adjacent to new and existing residences, especially those with steep driveways. Standard Detail F - Roadside Parking with Phosphorus Treatment is a modification of Standard Detail E, and provides additional treatment opportunities for new development, while eliminating additional impervious area. It also presents the opportunity to provide additional stormwater treatment to existing residences - treating driveway runoff, or improving the functionality of stormwater retention system.
5 Conclusions

Sudden Valley Community Association has long history of environmental stewardship that has resulted in a developed area that looks and acts more like a rural area. The stormwater management practices put in place over thirty years ago provide an ongoing benefit to the whole watershed community.

SVCA is committed to continuing those policies and practices, with improvements to meet current Best Management practices. This Plan documents those improved policies and practices.

SVCA is also committed to working with other members of the Lake Whatcom Management Program to further its goals and projects.
6 Recommendations

6.1 Implementation Program - Residential

The processes and details provided in the SVCA Homeowner Stormwater Workbook (Appendix D) are intended to assist Sudden Valley residents with preparing the stormwater management portion of their building permit application. SVCA does not intend to review or approve the residential stormwater system designs - it is an integral part of the building design and site plan, and should therefore be reviewed and approved by County staff as part of the building permit process.

SVCA, through the Architectural Control Committee, will review the landscape plans, and enforce the native vegetation requirements resulting from the permit process. Any future changes to a property's landscape will also be reviewed and approved by the ACC, offering a level of oversite not currently available to the County.

SVCA also has jurisdiction over the roads and shoulders within the community, and will require any new road-side parking space to be pervious and include a layer of treatment media. A typical parking space would not exceed the 500 square foot threshold of new impervious surface in the WCC 20.51, so again, SVCA offers a level of oversite not currently available to the County.

In accordance with Whatcom County requirements for residential stormwater systems, the Inspection and Maintenance Manual (Appendix D, Attachment 3) will be part of the recorded Declaration of Covenant and Grant of Easement (Appendix D, Attachment 2). The Inspection and Maintenance Manual includes an Annual Inspection Form that is to be filled out each fall by the homeowner and returned to SVCA by December 31. SVCA will collect the annual inspection forms, and provide copies to Whatcom County within a reasonable time frame.

6.2 Implementation Program - Community

SVCA has a 10-year Stormwater Facilities Capital Improvement Plan (CIP) that they are dedicated to completing. Most of these projects are replacing undersized and near-failing culverts to improve drainage, reduce erosion, and, where required, providing fish passage. This CIP has identified approximately $400,000 to $500,000 worth of projects per year for the next 10 years.

As funding becomes available, SVCA will pursue other opportunities to reduce stormwater runoff from community facilities and properties. Potential projects include treatment trenches along the shoreline of parks, regrading / reconstruction of the Marina Park and shoreline near the mouth of Austin Creek, and/or incorporating phosphorus treatment in other capital projects as opportunities arise.
7 Documents Incorporated by Reference

Documents incorporated by Reference:

1. STORMWATER ASSET INSPECTION AND INVENTORY (Phase I), October 2013, prepared for Sudden Valley Community Association by Wilson Engineering, LLC.

2. PHASE II - STORMWATER MASTER PLAN AND CAPITAL IMPROVEMENT PLAN, December 2014, prepared for Sudden Valley Community Association by Wilson Engineering, LLC.

3. FOREST MANAGEMENT PLAN - SUDDEN VALLEY COMMUNITY ASSOCIATION, American Forest Management, May 2015
APPENDIX A

2016-2025 Culvert Capital Improvement Plan
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<td>C-64b</td>
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<td>2062</td>
<td>D</td>
<td>C-23a</td>
<td>Design: Culvert 23, Remove and Replace w/ Bridge</td>
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<td>$306,883</td>
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</table>

**SUBTOTAL**: $5,452,684 | $565,000 | $464,739 | $554,407 | $479,423 | $328,261 | $389,812 | $458,326 | $407,344 | $1,035,156 | $369,256 | $409,959 |
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<td></td>
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<td>Capital Improvement Plan (CIP) 2026-2035</td>
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<td></td>
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<tr>
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<td>SUBTOTAL</td>
<td>$ 204,591</td>
<td>$ 125,000</td>
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<td>$ 26,523</td>
<td>$ 27,318</td>
<td>$ 28,138</td>
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<td>$ 33,988</td>
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<td>Road Improvements</td>
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<tr>
<td>$70,000</td>
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<td>Road Maintenance Plan (coordinated with Stormwater CIP)</td>
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<td>Pavement Overlays (see note 3)</td>
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<td>$ 134,399</td>
<td>$ 138,423</td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>SUBTOTAL</td>
<td>$ 185,102</td>
<td>$ 115,927</td>
<td>$ 119,405</td>
<td>$ 122,987</td>
<td>$ 126,677</td>
<td>$ 130,477</td>
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<td>GRAND TOTAL</td>
<td>$ 5,844,689</td>
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<td>$ 738,199</td>
<td>$ 811,185</td>
<td>$ 894,768</td>
<td>$ 1,197,303</td>
<td>$ 1,303,463</td>
<td>$ 1,472,987</td>
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Notes:
1) Costs listed in the 2015 column are already included in the 2015 budget and are shown for clarity. They are not included in the 10-year CIP.
2) The "unforeseen drainage issues" cost is a contingency for addressing immediate needs and concerns as requested by community members and maintenance personnel.
3) Culverts classified as "C" condition are assumed to be replaced congruent with the pavement overlays and should be included with the overlay costs.
APPENDIX B

Golf Practices Memorandum,

Jacob Close, Golf Superintendent, August 4, 2015
Date: 8/4/15

To: Anthony Cavender, Wilson Engineering

From: Jacob Close, Superintendent

Re: Sudden Valley Golf Course BMP Update

I was hired in March of 2011 as the Superintendent at Sudden Valley Golf & Country Club. The course is owned by the Sudden Valley Community Association. It opened in for business 1971. Since the day I started at Sudden Valley I set a goal of reducing our impact as much as was possible on the surrounding creeks and lakes. Obviously phosphorus levels in Lake Whatcom were and continue to be a great concern. With this in mind I set into place changes to make our impact on the lake as low as possible.

- Course Size: 125 acres
- 18 Holes

Phosphorus restrictions in the state of Washington took effect on January 1st 2013. RCW 15.54.500 defines the restriction and also allows for limited exemptions for application. Based on this law we changed the means by which we fertilized the golf course. First, we changed from granular applications to foliar for a majority of our acreage. When foliar fertilization is conducted a majority of the fertilizer is taken in through the leaf tissue versus having to enter the soil for the roots to uptake into the plant. This method also allows us to mix fertilizers to match our soil tests. Foliar applications happen more often but at a much reduced rate so runoff is virtually eliminated. For example fairway applications dropped from .5 lbs of Nitrogen per 1000 Square Feet to .2 lbs/1000. We also eliminated the use of phosphorus based on the RCW constraints. This is much easier to do with bulk products that are mixed and sprayed out on the plant leaves. Soil tests are completed twice a year on Greens and Tees, and once a year on Fairways. Overall fertilizer use was reduced, but the means by which we apply it has become much more efficient and exact.

Water Conservation within the boundaries of the golf course have increased since 2011. Some examples include:

- Updated irrigation head technology from the installation of new heads.
- Installation of two new Satellite Irrigation Controllers for increased flexibility of single head control so each irrigation head runs for a given amount of time down to the second. Previous versions controlled up to three heads per run time.
- Daily use of evapotranspiration (et) readings from onsite weather station to gauge loss of moisture from the soil.
- Use of a handheld soil moisture meter to schedule water usage based on percent moisture in the soil.
- Use of wetting agents to allow water to penetrate the soil vs run off.
- Reduction of 7 acres of closely mowed and irrigated turf to native stands that are mowed every two years.
- The reduction of water applied to all playing surfaces has resulted in a 12% reduction when averaged over the 5 years since I arrived in comparison to the 5 years before.
- Increase use of hand watering to place water exactly where it is needed versus overwatering.
• Sudden Valley Golf Course draws water from a private lake in Sudden Valley called Lake Louise. We are the only users of this source, and no drinking water comes from this lake. Lake Louise is naturally filled via runoff from the surrounding water shed. It is not filled from subterranean wells.

Since arriving at Sudden Valley Golf Course I have instituted the use of buffer strips around all bodies of water, both for creeks and lakes. The course has 6 man-made lakes that were constructed when the course was built in 1969. All of the man-made lakes have a poly liner. In addition, Austin Creek runs through the golf course on its way to Lake Whatcom. A portion of the course borders Lake Whatcom on holes 5 and 6. Buffer strips range from 30’ to 100’. These areas are now mowed no lower then 18”. Generally they are mowed down to this level when they impede play, otherwise they are allowed to grow. These strips serve to filter any surface water runoff before it enters the water. By maintaining dense turf on the course and buffer strips on the perimeter we hope to filter the water the exits the course from rain events.

In addition our maintenance facility for the golf course employ’s a filtered wash rack. The purpose is to filter out solids, fertilizer, grease, oil, fuel, and pesticides that are washed off our equipment before they enter the sewer system. We use a three stage Landa WaterStax system to complete this process. First all solids are removed from the water by a series of two filters. Then a series of three settling tanks removes any silt or solids that get past filers. It is in these tanks that microbes to break down any synthetic products in the water.

To summarize, these changes were made to not only improve the quality of the golf course but to be the best stewards of the environment that we can be. We will continue to seek changes that allow for our course and property to be an asset to the humans, plants, and animals in Sudden Valley.
APPENDIX C

Forest Management Plan
Forest Management Plan
Sudden Valley Community Association

PREPARED FOR

Wilson Engineering
Bellingham, WA

May 15, 2015
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Addenda

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II. SVCA Maps also Back Cover

III. FLAT Hazard Assessment Method

IV. Forest Health Summary by Management Unit

V. Hazard Tree Summary

VI. Fire Risk

VII. Pruning Guidelines

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Introduction

In April, 2014 American Forest Management, Inc. (AFM) was contacted by the Sudden Valley Community Association (SVCA) to conduct a forest health and management plan. That effort was postponed until February, 2015 when AFM was again contacted, this time by Wilson Engineering, Bellingham, Washington to conduct the same assessment but with an emphasis on the maintenance and improvement of water quality in Lake Whatcom with respect to run-off from SVCA. The following report summarizes that effort.
Executive Summary

1.) The Sudden Valley Residential Development comprises about 1,576 acres with about 7,000 residents. The development is unique in that it is set within a forested area where tree removal and trimming is regulated in order to preserve the environmental and aesthetic features of the site.

2.) Wilson Engineering of Bellingham Washington is conducting an analysis of and implementation supervision of surface water run-off into Lake Whatcom. The objective is to reduce and mitigate for naturally derived phosphorous delivery into the lake that serves as the water source for the City of Bellingham and environs.

3.) Wilson contracted with American Forest Management, Inc. of Kirkland, Washington to conduct a forest health assessment on community owned lands (SVCA) that includes an overview of the forest condition, timber harvest potential, hazard tree identification, fire risk, a review of tree removal and pruning guidelines and tree canopy restoration mitigation.

4.) The forested areas on SVCA lands include 304 distinct areas totaling 478 acres, identified as Management Units (MU’s) on the 701 SVCA owned acres. These MU’s are mostly in the form of narrow buffer strips, vacant lots, parks and larger undeveloped upland areas on steep ground south of the residential area as well as in a developed but currently unused campground site.

5.) AFM utilized an assessment procedure used regionally in urban forest areas known as the Forest Land Assessment Tool (FLAT) that visually ascribes 30 attributes to each MU including tree data, shrub and ground cover data and invasive species presence.

6.) The FLAT process resulted in a generally healthy forest assessment at SVCA with typical tree vitality and low invasive species presence.

7.) Timber harvest potential is limited by the close quarters in developed areas, steep unstable slopes in upland areas and/or previous removal of timber.

8.) The hazard tree identification process, hampered by lack of precise land ownership maps, resulted in locating twenty-eight trees or groups of trees assessed as imminent hazards to human or human developed structures that are recommended for removal. Hazard trees were identified that had visible significant defects (wood decay) and that are within reach of high use areas.

9.) The risk of wildfire at SVCA is present due mostly from the dense residential use that could spread into the natural forest environment. However, fire risk abatement is practiced in much of the area by removal of lower tree limbs, removal of tree debris, community education and the presence of robust interagency fire suppression capabilities in and nearby SVCA.

10.) SVCA has a written policy addressing tree removal and tree pruning practices and debris abatement. The policy is adequate but lacks tree replacement or mitigation plans. This report provides a brief summary of practices to address this item.
11.) Tree pruning and maintenance guidelines are provided as part of this report.

12.) Canopy restoration opportunities and mitigation areas are found at tree removal sites and the marina park area.
Figure 1

SVCA Vicinity Map

[Map of SVCA Vicinity Map showing the location of the area in Whatcom County, WA.]
I. Current Forest Health and Condition

Overview and History of Sudden Valley
Sudden Valley is a community of about 7,000 residents on 1,576 acres on the southwest shore of Lake Whatcom in Whatcom County Washington. The lake is the water source for some 80,000 residents in the City of Bellingham area. Development of a former farm and forest area began in the late 1960s with construction of an 18-hole golf course and community infrastructure. Residential development has continued since that time, however some lots have been acquired by the community as being unbuildable or have reverted for other reasons. Community activities are regulated by written governing documents including Architectural Control Guidelines (ACC) which address home-site development and the preservation of environmental and aesthetic resources within the forested setting.

According to the ACC Guidelines at least 50-percent of each residential lot must remain in open space with no structural encroachment. Additional undisturbed areas are required to buffer sensitive areas around water features. Native vegetation, including trees is to be preserved to the greatest extent possible and tree and tree limb removal are governed by the guidelines. It is the unique setting, the health of the forest and the effect of forest changes on the environment and water quality that are the subject of this report. The focus herein is on Sudden Valley Community Association (SVCA) owned properties.

Community goals include the maintenance of healthy forests, to provide an aesthetically unique environment for the residents, to provide fire protection and to maintain and improve water quality in Lake Whatcom. AFM set about to assess the health of the forest, to identify individuals and groups of trees with potential to fail and cause harm, to assess wildfire risk, and to plan for vegetative mitigations.

Methodology
Wilson Engineering provided a GIS (electronic maps provided from Whatcom County) parcel layer for SVCA that contained a land-use / ownership designation for each tax parcel. This was used to determine the survey area. A high resolution, leaf off, orthophoto dated 2010 was also provided. The parcel layer has significant positional errors when compared with the orthophoto. (The parcel boundaries are not correct) A certain amount of interpolation is required to estimate where the project area boundaries fall on the imagery. No attempt was made to correct parcel boundaries.

The parcels that comprise the project area were dissolved using GIS to remove any interior parcel boundaries. The resulting map or management units, (MU) were then broken into smaller units or polygons based on forest canopy cover type as viewed on the orthophoto. They were assigned a land-cover type of forest, natural, landscape, hardscape, or water. The minimum size for an MU is typically 5 acres, unless the type is surrounded by distinct non-forest types or property boundaries. Significant and distinct non-forest areas may be delineated down to 0.1 acre. Many very small MUs were delineated in this process due to their separation by roads or other features. Each MU was assigned a unique identification number which was used to identify it during the field data collection phase. Please refer to the fold out map, back cover.
A total of 304 individual forested polygons on the 701 acre SVCA ownership were identified. Those polygons total 478 acres. Land cover designations are based on forest canopy cover. In summary, those areas with more than 25% canopy cover are considered forested. Natural areas have less than 25% cover and the other categories, water, landscape and hardscape are non-forest or are affected by human processes. Table 1, based on the 701 SVCA acres summarizes the forest cover findings.

The ownership is summarized in Table 1 by land class.

Table 1

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<thead>
<tr>
<th>Land Cover</th>
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<tr>
<td>Forest</td>
<td>67%</td>
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<td>Natural</td>
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<td>Water</td>
<td>4%</td>
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<td>Landscape</td>
<td>28%</td>
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<tr>
<td>Hardscape</td>
<td>Trace</td>
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</tbody>
</table>

Please refer to Addendum II, Forest Landscape Assessment Tool (FLAT). This manual developed by the Green Cities Research Alliance allows land managers to rapidly assess landscape conditions and prioritize activities in order to begin the process of forest restoration. The MUs were then inspected by forester/arborists and data was gathered with reference to forest health. Upon completion of the field survey, GIS data from the survey crew was merged, compiled, and edited. A threat matrix number was calculated based on canopy cover percentage and invasive plant ratings determined in the field for each map unit. The final Map Unit GIS dataset contains the spatial polygon data along with the entire associated field observations collected in the field.

The field assessment includes identifying 30 attributes of each MU. In summary, those attributes include the primary, secondary and tertiary tree species, their size age and vigor. Then regenerating tree species are noted by species and size. Woody and herbaceous vegetation is briefly examined. Throughout the process, disease, insect and the presence of tree failure is noted. Once the data is collected, a Tree-iage Matrix is developed. Identifying and prioritizing areas in need of management is a key output of the FLAT process. Attributes assessed in the field are used to produce a qualitative value for two axes of a matrix. At SVCA, forest composition (y-axis) and forest threats (x-axis) were used. The matrix combines the attribute information to produce a classification value for each MU.

The result of the analysis is a “Tree-iage” table ranking the MUs on a scale of 1-9 from low to high priority for restoration activities. Forested areas, growing naturally without significant health or invasion by non-native species are graded low and those areas in poor health, with high percentages of hardwood trees and non-native invasive species rank high, meaning that corrective action should be taken to maintain forest health.

Identifying and prioritizing areas in need of management is a key output of the FLAT process. Attributes assessed in the field are used to produce a qualitative value for two axes of a matrix. At SVCA forest composition (y-axis) and forest threats (x-axis) were used. The matrix combines the attribute information to produce a classification value for each MU.
Figure 2

Triage Matrix

In the figure at the right, values 1-3 represent MUs with a tree composition that has high ecological value, and so are important to protect and maintain. Values 2 and 3 also represent the presence of a forest health threat and could be prioritized for restoration or maintenance. On the other end of the spectrum, a MU with a value of 9 has a high threat presence and a lower tree composition, and therefore may not be as high a priority for management actions.

How the results of the matrix analysis are used in subsequent land management decisions is up to each FLAT user. FLAT provides an ecological input for land management decision-making. The combination of field data collection, flow chart processing, and classification of MUs using the matrix can be used to prioritize future management actions and monitoring.

Summary of Findings

Addendum III contains the detail showing the attributes for each MU. The following table summarizes the SVCA forest overall.

Table 2

<table>
<thead>
<tr>
<th>Canopy Cover</th>
<th>SVCA Forest Summary</th>
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<tr>
<td>Species</td>
<td>Age Class</td>
<td>Size Class</td>
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</tr>
<tr>
<td>Douglas-fir</td>
<td>46%</td>
<td>5%</td>
<td>&lt;10%</td>
</tr>
<tr>
<td>Cedar</td>
<td>33%</td>
<td>12%</td>
<td>10-39%</td>
</tr>
<tr>
<td>Alder</td>
<td>14%</td>
<td>51%</td>
<td>40-69%</td>
</tr>
<tr>
<td>Cottonwood</td>
<td>5%</td>
<td>29%</td>
<td>&gt;70%</td>
</tr>
<tr>
<td>other</td>
<td>2%</td>
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</tr>
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</table>

The forest areas are generally described as Douglas-fir and/or cedar, 50-99 years in age, ranging from 11-inches to well over 20-inches in diameter, well stocked with a canopy cover exceeding 70% closure 82-percent of the time. This describes a mature forest.
Figure 3

Threat Matrix

A larger version of this map is provided in the back cover. However in a nutshell, the natural processes of the SVCA forest are interrupted. The presence of the dense residential development, removal of small understory trees, removal of dead and dying trees, fire suppression, and debris removal as per
ACC guidelines have all disturbed natural processes. Exceptions occur in inner portions of the larger MUs such as #, 277, 278 and 283 which are largely undisturbed since timber harvest some 80 years ago. The forest composition, mostly Douglas-fir and western red cedar represent trees with the demonstrated the vitality found in many undisturbed forests, but vigor has been compromised by the environment at SVCA. At the same time there is very little indication of invasive species presence.

Without disturbance the SVCA forest would have continued on its course toward an “old growth” forest or late seral stage condition. Old-growth features include complex and diverse tree-related structures that provide diverse wildlife habitat that increases the bio-diversity of the forested ecosystem. The concept of diverse tree structure includes multi-layered canopies and canopy gaps, greatly varying tree heights and diameters, and diverse tree species and classes and sizes of woody debris. Old-growth forests tend to have large trees and standing dead trees, multi-layered canopies with gaps that result from the deaths of individual trees, and coarse woody debris on the forest floor. (Naturally Wood, British Columbia’s Forest Diversity, British Columbia Forest Facts) With disturbance, for instance removal of dead limbs, hazard trees and woody shrubs, then the total components of the forest will not exist, rather we have only large trees. With no disturbance, the predominately Douglas-fir forest now existing would convert to western hemlock and western red cedar, shade tolerant species (Oregon Conservation Strategy, Oregon Fish and Wildlife). That process is now interrupted.

That said the FLAT assessment which relies heavily on conifer composition and invasive species presence to categorize forest health, finds a healthy but simple forest....just not a totally natural one.

Section III, Hazard Tree Summary which follows, points out how residential use affects the forest and the ensuing development of hazard tree situations and high risk conditions.
Late Seral Forest with multi-layer components (complex structure)

Typical managed-single layer forest (simple structure)
II. Forest Management Action Items

Suggested Actions
We found no items requiring urgent action with respect to forest health. Exceptions are noted in the Hazard Tree Summary which follows.

We were asked to consider timber harvest potentials aside from forest health tree removals. In particular we looked at the “Gate Five” area, MU # 283, and in the Austin Creek Area, MUs #277, 278 and 285 as well as MUs 120 and 122 at the Campground. The following Table summarizes our thoughts on these areas.

Table 3
Timber Harvest Potentials

<table>
<thead>
<tr>
<th>MU</th>
<th>Harvest Comment</th>
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<tbody>
<tr>
<td>#283</td>
<td>Landslide Hazard Zone—Limited Access Above Lake Whatcom Blvd</td>
</tr>
<tr>
<td>#277, #278</td>
<td>Limited Access at Woodruss Ct and Loganberry Ct. —Sensitive areas above Austin Creek</td>
</tr>
<tr>
<td>#120</td>
<td>Difficult Access--- Sensitive Area above fish bearing stream</td>
</tr>
<tr>
<td>#122</td>
<td>Previous partial harvest for campground development</td>
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For these reasons we find no commercial timber harvest options compatible with the overall objectives of the SVCA.

Future Condition
The most striking statistic in Table 2, above is found in the Age Class Column where 89-percent of the trees at SVCA are 50 years or older. This generally reflects the vitality of the Douglas-fir and cedar components which can live hundreds of years. However, tree growth rate and vigor tend to decline after 50 years. The obvious conflict then is that as forest debris is removed, houses built and other man-caused activities take place, the forest does not continue on its natural path. Instead, the forest grows into a one dimensional stand and as it matures it causes additional problems with the residential use underneath.

With disturbance, for instance hazard tree removal and additional residential construction, mitigation replanting that we recommend in Section V will likely result in a second growth Douglas-fir and/or western red cedar forest. By the standards of the FLAT process, this is still a healthy forest—just different than a natural one.
III. Hazard Tree Summary

Methodology
The sheer numbers of trees as well as the difficulty in determining precise tree ownerships has hampered hazard tree identification on the SVCA property. We did identify twenty-eight trees or groups of trees as high risk hazards and those are marked with pink ribbon. (We note that upon re-inspection, some ribbons had been removed) In addition we identified groves of trees with significant defects and have indicated those on maps and in tables in Addendum IV and in the back cover. These areas would need on the ground property line identification in order to determine ownership.

Tree hazards include dead or dying trees, dead parts of live trees, or unstable live trees (due to structural defects or other factors) that are within striking distance of people or property (a target). Hazard trees are those with defects that have the potential to cause property damage, personal injury or fatality in the event of a failure. (Hazard Tree Guidelines for Forest Service Facilities, USDA Report #RO-12-01). In a nutshell, a tree with a defect (decay, mechanical failure, etc.) that is likely to cause failure of all or part of the tree that is within striking distance of a man made structure or human use area is a hazard.

The standard process for assessing risk is termed Visual Tree Assessment (VTA). This process is a visual inspection that looks for obvious indications of defect and targets.

The tree assessment process involves the examination of many factors:

- The **crown** of the tree is examined for current vigor. This is comprised of inspecting the crown (foliage, buds and branches) for color, density, form, and annual shoot growth, limb **dieback** and disease.

- The **bole** or main stem of the tree is inspected for decay, which includes cavities, wounds, fruiting bodies of decay (conks or mushrooms), seams, insects, bleeding, callus development, broken or dead tops, structural defects and unnatural leans. Structural defects include crooks, forks with V-shaped crotches, multiple attachments, and excessive sweep.

- The **root collar** and roots are inspected for the presence of decay, insects and/or damage, as well as if they have been injured, undermined or exposed, or original grade has been altered.

- The vicinity of human occupations or use, and potential property damage.

Inspection methods included examining the trees from ground level that may include binoculars and sounding trunks with a mallet. At SVCA, no invasive methods were utilized to assess defects in trees.

Defects are indicators of potential failure and can include mechanical (leaning trees, broken limbs, splintered trunks, heaving root systems) or the presence or disease that affect the structural integrity of wood (wood decaying fungus).
Risk Assessment

Tree Risk Assessment is a complex undertaking. It involves a stepwise process similar to that shown in the following flow chart. Risk is defined as "...the probability that an undesirable event will or will not occur. It is the product of the probability of the event taking place, the probability of being exposed to the event, and the probability of certain outcomes occurring if exposure did take place. Risk can be statistically quantified in a risk assessment. Acknowledgement for the foregoing to: (Dunster and Dunster in Tree Risk Assessment in Urban Areas and Urban/Rural Interface—Course Manual. PNW International Society of Arboriculture.)

Risk Assessment steps are demonstrated by the following Chart.

Figure 4

Tree Risk Assessment

**STEP 1**
Review overall Site conditions

**STEP 2**
Assess site for targets No Target = No hazard

**STEP 3A**
Detailed assessment if required

**STEP 3**
Assess each tree of concern Visual Tree Assessment

**STEP 4**
Document risk factors & mitigation measures

**STEP 5**
Prioritize risk reduction activities

**STEP 6**
Submit your report
Risk Assessment typically considers:

- The size of the tree component that might fail
- The probability of it failing
- The probability of a target being hit in the event of failure
- The damage/harm likely to result to the target.

Risk Assessment is undertaken to:

- Limit the amount of risk to people
- Limit the amount of risk to property
- Limit the amount of risk to tree owners
- Identify the highest risk trees
- Prescribe actions to reduce risk (Risk Management)

A hazard tree exists when the sum of the risk factors assessed equals or exceeds a predetermined threshold of risk. In its simplest terms, trees with defects and near targets are higher risk than healthy trees away from targets. Risk Assessment attempts to quantify risk even though the uncertainty factor requires judgement on the part of the assessor. The key concepts of assessing risk besides uncertainty are probability and significance. Risk assessment is not hard and fast—nor is the level of risk one would tolerate. Much of the risk assessment process is driven not only by biomechanics, but also by litigation. Importantly, risk assessment is dependent on that seen or predicted at the time of the assessment.

Risk Assessment is used to determine which trees are actively failing (extreme), which will fail soon (high) and which might fail soon (moderate). There are no guarantees in risk assessment and no "for sure" categories of safe or unsafe. Risk assessment is a subjective process, based on an understanding of biological and mechanical factors. The task of the risk manager (entity responsible for the tree) is to balance tree risk issues against economic, social, political and regulatory requirements.

Most assessment protocols are ordinal—factors that might lead to tree collapse and damage to humans or structures are assigned numbers. For instance the International Society of Arboriculture Tree Risk Rating System "scores" trees as summarized following.

Table 4

<table>
<thead>
<tr>
<th>Size of Part</th>
<th>Potential to Fail</th>
<th>Target</th>
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<tbody>
<tr>
<td>Score</td>
<td>Range</td>
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<tr>
<td>1</td>
<td>1-6&quot;</td>
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<tr>
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<td>6-18&quot;</td>
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<tr>
<td>3</td>
<td>18-30&quot;</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>&gt;30&quot;</td>
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</tbody>
</table>

Scores are totaled for each tree. Scores above 9 are considered "high risk" and those ranging toward 12 are those in imminent danger of failing.

At SVCA we focused on those trees totaling 9 and above recognizing that lower ranked trees could fail as well. (An interesting feature of the system is that although there are many more tree limbs in a forest
under 6" in diameter, those limbs are ranked lower than large limbs even though the probability of failure is greater based solely on their frequency.)

Rather than describe each tree and target in detail, we simply noted the tree size and defect indicator with the understanding that targets were in obvious reach for each. The majority of the hazard trees we noted are over 18-inches in diameter, had a high to severe failure potential and had high to severe targets (ranges 9-12). We abbreviated the reporting procedures and developed the Hazard Tree Summary table in Addendum V.

Hazard trees were located and mapped using GPS tools. See Addendum V.

Summary of Findings
At SVCA we located twenty-eight hazard trees or small groups of trees defective and within striking distance of human activities or structures. We also noted several areas or groups of hazard trees where ownership was undetermined. The primary defects are root and bole decay as evidenced by fruiting bodies, known as conks and/or dead and declining tops and crowns. In Addendum V we have provided visual aids that describe the decay diseases found. Those major diseases are categorized as affecting either roots or the bole or stem of the trees. They are further categorized as white, brown or soft decays. In each case, the structural integrity of the wood is affected, decreasing the ability of the tree to stand. The most common fungi noted are those following.

Root Diseases:

**Red-Brown Cubical Rot:** Affects Douglas-fir by destroying the connective tissue (lignin) of root wood. It enters through root or lower stem wounds. It is often exacerbated by hoofed animals, root zone soil compaction. It affects the center of the tree (heartwood) first and trees infected may stand for many years. The fungal conk is found on the ground and looks somewhat like a cow-pie.
Laminated Root Rot (yellow ring rot): Affects Douglas-fir by destroying the cell walls (cellulose) of root wood and lower bole. It is typically transmitted tree to tree underground. Initial identification is often the appearance of a dead and dying tree top. Fungal conks are inconspicuous, often underground, when found look like a white mat. Identification is often made by the presence of thin tree crowns.

Armillaria Root Rot breaks down both the lignin and cellulose in plant tissue, particularly tree roots. It is often first noticed by thinning or dying tree crowns. The fungal fruiting body is sometimes called “honey mushroom”.
Stem or bole diseases:

**Red Ring Rot:** Affects Douglas-fir by destroying the lignin in the bole or stem of the trees. It often lives in trees for many years without detection---as it runs out of healthy wood to live on it produces a conk on the stem of the tree. The conk is shelf-like.

All of these diseases are exacerbated by stress---changes in micro climate or root disturbance. Cultural control measures are limited generally to removal of the diseased trees and their stumps. Chemical fumigation has had limited results.
Action Items

As discussed, risk assessment includes an element of tolerance. An aggressive strategy at SVCA would reduce risk by removing all hazardous trees. A more passive strategy would take a wait and see approach, removing only those trees identified as imminent failure risks. As stated above, biomechanics and litigation play an important part in risk management.

The most prominent and highest risk trees are found around the parking lot at the Administration and Clubhouse area. Large trees with high amounts of decayed bole dominate the area. To a lesser extent we noted similar trees in the divider strip on Marigold Drive. Furthermore, trees on the northern end of Marigold are afflicted with root disease. We would take a less aggressive approach to the root diseased trees as these seem to stand for longer periods.

In any event, a yearly assessment of the noted hazard tree areas is highly recommended.

We noted the occurrence of obviously diseased trees, apparently on private ownership, throughout the developed area of Sudden Valley.
IV. Tree Removal Guidelines

Current Regulations

SVCA Architectural Control Guidelines (ACC) section 14.10.1, Tree Removal and Limbing Criteria were reviewed. Guidelines adequately summarize the criteria that residents and SVCA may use to remove and maintain trees. However, the ACC does not provide guidance on tree replacement. It does not address the removal of trees in wetland, lake or stream buffer areas.

According to the Whatcom County Code, removal of hazard trees outside of regulated critical areas, shoreline management areas or protected native growth protection areas does not require a permit as long as the stump is left in place. Within regulated areas tree removal may be allowed with notification. (Whatcom County Code 16.16.235)

The Washington Department of Natural Resources (DNR) was contacted with respect to their jurisdictional authority regarding hazard tree removal. Generally, a defective tree within one and a half tree lengths of a target can be removed, regardless of whether or not the tree is within a regulated sensitive area. However, in non-forest areas, such as SV, DNR passes jurisdiction to Whatcom County.

Suggested Regulatory Modifications

One of the greater concerns at Sudden Valley is the maintenance of the forest cover in order to modify water runoff and phosphorous delivery into Lake Whatcom. According to Rhett Winter, PE, LEED, APND at Wilson Engineering, “The primary driver of phosphorus in runoff as it relates to forest canopy cover is with regard to the amount of runoff that is generated once the trees are removed. Forests are said to have less than 1% of the rainfall runoff from them. Once these trees are removed, the evapotranspiration, infiltration and uptake are eliminated or drastically reduced. Surface runoff increases to about 30% in urban environments. Two sources of phosphorus are the soil that is carried downstream due to erosion or other processes and and particulate vegetation (leaves, etc.). The forest condition attenuates much of the particulate vegetation and its function to reduce runoff and are the two main drivers to maximize canopy retention and the amount of phosphorus entering our surface waters.”

Removal of trees at SVCA is inevitable in order to reduce the hazard risk from defective trees. Other activities including continued clearing for residential development will lead to tree removal as well. We are recommending that the loss of forest canopy be mitigated by planting suitable trees to replace that loss. Tree removal leading to forest gaps, but with no development (i.e. hazard trees) can be mitigated by planting at the same spot. We recommend shade tolerant species such as western red cedar that are generally not susceptible to Douglas-fir root diseases. In very wet areas, native willows should be considered.
V. Forest Health Improvement

Older trees are biologically different from younger trees. Trees slow in growth as they approach "old" age and become more vulnerable to disease, wind and other causes of death. It has been observed that older trees need greater energy stores and photosynthetic capacity to fend off disease or environmental changes. Urban (or suburban) trees are subjected to environmental forces including shade disruption, root compaction, root damage or simply root zone coverage. These disruptions lead to physical functionality losses and susceptibility to disease, primarily root and butt rots. Reduction of stress, damage or environmental degradation is essential to maintaining a healthy forest.

Development of a stable environment involves the minimizing of change and disturbance to the tree's growing space, both above and below ground. An example of environmental change, for instance occurs when native plants that are naturally adapted to summer drought as is often experienced in the Pacific Northwest are subjected to irrigation. Root diseases can thrive in these damp environments.

Another stress factor is more obvious when one considers mechanical damage, chemical injury, low soil aeration (under asphalt for instance or the use of "engineered soils") and nutrient deficiencies (when forest debris is removed without allowing natural decay on the ground).

Managing the forest in a residential setting obviously presents multiple challenges. On one hand, fire safety and appearance lead to debris removal which affects soil nutrition and surface water flow. Access for ingress and egress, fire safety (again) and house maintenance require pruning and root disturbance which affect the trees ability to produce and absorb nutrients and sunlight.

Tree health must consider the application of external treatments such as pruning, fertilizing, irrigation and debris removal against the natural processes required to keep a tree and its surrounding forest healthy. Tree death is generally attributed to multiple processes—- a single treatment or event may not be the ultimate cause of failure, but, and especially with older trees, a variety of stresses can accumulate to shorten the trees life span.

An unintended consequence occurs when trees in dense forest conditions are removed for whatever reason. In young forests, this typically promotes growth by providing greater root and crown space. However, in older forests, the trees do not respond as well, if at all due to increased stress, loss of support from neighboring trees or increased sunlight to the bole.

At Risk Areas
Areas at SVCA most at risk to tree failure are categorized as:

- Areas of greatest asphalt coverage over roots
  - The Club House and Marigold Avenue area
- Areas of greatest mechanical damage
  - The Club House and Marigold Avenue area
- Areas of recent house foundation construction
• Areas where soil moisture has changed
• Areas where trees are the oldest

Mitigation Actions

Mitigation actions to maintain forest health are generally those that return the environment to its natural vigorous state. They might include:

• Asphalt replacement with porous paving products—Use of engineered soils
• Expansion of building sites to reduce root disturbance (larger lots)
• Controlled water runoff—drainage of swales where conifer trees grow
• Erosion control—Use of biodegradable mats on exposed earth—planting shrubs and ground covers
• Removal of diseased trees and stumps to slow root disease transfer
• Chip and retain on site, forest debris (limbs, small trees, brush)

The other, and a primary focus of this report, is retention of the forest canopy whether or not at the same location as a removed tree; in other words, planting trees somewhere else on SVCA property. We have identified the following areas as canopy loss mitigation areas. An advantage of this procedure is that new trees and shrubs could be planted outside of root diseased soil areas.

• The location of removed hazard trees (assumes the likelihood that shady areas remain)
  • Suggest 3 6-foot tall western red cedar per removed tree
  • 1-gallon salal on 3’ x 3’ spacing
  • 1-gallon vine maple on 5’ x 5’ spacing
  • Other tree and shrub species as site-specific conditions suggest

• Marina Park Perimeter
  • Suggest 4-foot tall native willow on 6’ x 6’ spacing
  • 1-gallon spirea on 3’x3’ spacing
  • 1-gallon Salmonberry on 3’ x 3’ spacing
  • 1-gallon slough sedge on 3’ x 3’ spacing

• Campground (Assumes land is to be restored, not used as campground)
  • Remove camping pads, underground utilities
  • Rip compacted soils
  • Plant shade tolerant tree and shrub species
    • Suggest 3 6-foot tall western red cedar per removed tree
    • 1-gallon salal on 3’ x 3’ spacing
    • 1-gallon vine maple on 5’ x 5’ spacing

• Beaver Creek Corridor
  • Suggest 3 6-foot tall western red cedar per removed tree
  • 1-gallon salal on 3’ x 3’ spacing
  • 1-gallon vine maple on 5’ x 5’ spacing
  • Other tree and shrub species as site-specific conditions suggest
All plantings should be protected from deer browse by use of bio-degradable netting. All plantings except those in the wetter areas should be hand watered for the first summer season.
VI. Fire Hazard Abatement

A. Community Fire Plan

The Sudden Valley Community is a dense residential area within a native forest. The properties rise up from near the lakes into the forest above at from 10-percent to nearly 70-percent slopes through a variety of forest fuel densities. This combination can provide a desirable pathway for fire into the forest. Of course extremely dry conditions can exacerbate the potential.

Fire History

Fire history in the forest is unknown but no evidence was noted during the field reconnaissance. A check with the Washington Department of Natural Resources and local fire departments (including the South Whatcom Fire Authority and the SVCA Fire Chief) found little or no incidence of fire on or near the properties in recent years.

Fire Risk

The Washington Department of Natural Resources has prepared a “Wildland Urban Interface (WUI) Communities at Risk for Fire” map. The map includes the Lake Whatcom Valley and specifically, Sudden Valley is identified as a “Landscape of Like Risk”. Whatcom County Natural Hazards Mitigation Plan, Whatcom County Division of Emergency Management and Anchor QEA LLC, August 2011) A portion of the study, including maps is reproduced in Addendum V. The study undertook a Fire Vulnerability Assessment based on the following criteria:

- Spatial Characteristics
- Fuel Hazards
- Protection Capability
- Ignition Risk
- Fire History
- Catastrophic Fire Potential
- Values (Recreation, private property, forests, fish, etc.)
- Wildland-Urban Interface Hazards

The Lake Whatcom area, including Sudden Valley is identified as a “Community at Risk” but it is important to note the following points regarding fire risk at SVCA more distinctly describe the situation.

1. The majority of large wildfires occur east of the Cascade Crest. This is due to hotter and drier summers and fuel loads comprised of standing dead trees and shrubs under un-managed forests. Many of these trees and shrubs contain volatile oils that ignite easily. Eastern Washington forests are physically and biologically distinct from western Washington forests and are often un-even-aged, meaning tall and short trees grow nearby each other.

2. Those large fires were started in remote areas by lightning or are man-caused by campers in remote areas where quick suppression response does not exist. (I noted a lightning strike tree just east of Marigold Drive near Lake Louise, by the way—— it did not catch fire.)
3. The article points out the evidence of historic fires—true, they occurred—sometimes as a forest regeneration practice, sometimes due to intentional forestry practices that got away, and sometimes due to natural causes when modern fire suppression capabilities were not available.

4. At Sudden Valley the ground level shrubs are primarily herbaceous (full of non-flammable liquid) and are not particularly volatile. The tree spacing is dense, so lower limbs naturally fall off in the shade and/or are removed by pruning practices.

5. The Sudden Valley Community Fire Chief points out that risk is limited and there is little or no wildfire history in the community. A primary concern however, is access to homes particularly in the Gate Five neighborhood.

6. Finally (for now), the current weather cycle is affecting vegetative growth and climate, either in the short or long term, and is an unknown.

The WUI study suggests the following Mitigation Strategies:
1. Inter-Agency Cooperation
2. County-wide wildland fire prevention
3. WUI Communities at Risk

The South Whatcom Fire Authority includes the fire stations at Sudden Valley, Geneva, Chuckanut, Lake Samish and Yew Street. These local fire stations in cooperation with the Washington Department of Natural Resources form the Inter-Agency Cooperative that comprises the Sudden Valley fire Suppression network.

County-wide, fire prevention activities include:
1. Public Awareness Education
2. Press Releases
3. Education via media
4. Burn bans
5. Smokey Bear prevention programs
6. Inter-agency fire prevention teams

WUI Communities are encouraged to:
1. Join the Firewise Communities Program (www.firewise.org)
2. Conduct Firewise workshops
3. Increase homeowner awareness
4. Facilitate media involvement

Firewise education is important and the community should be made aware of precautions and hazards when it comes to fire prevention. I will encourage Sudden Valley to complete a Community Wildfire Protection Plan. The Washington Department of Natural Resources provides fire prevention training assistance to communities. See www.dnr.wa.gov.RecreationEducation/Topics/Prevention

Homeowner Fire Reduction Activities can include:

- Adherence to Building Codes
- Visible Address Signs
- Improving Fire Department Access
- Creating defensible space
  - Removal of vegetative debris on owned and non-owned property
  - Use of fire retardant building materials
- Firewise Landscaping
- Planting fire resistant plants (Oregon State University “Fire Resistant Plants for Home Landscapes)

Fire Resistant Plants Include

<table>
<thead>
<tr>
<th>Pacific Rhododendron</th>
<th>Tall Oregon Grape</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vine Maple</td>
<td>Mock Orange</td>
</tr>
<tr>
<td>Big leaf Maple</td>
<td>Flowering Dogwood</td>
</tr>
<tr>
<td>Ice Plant</td>
<td>Wild Strawberry</td>
</tr>
<tr>
<td>Hosta</td>
<td>Salvia</td>
</tr>
</tbody>
</table>
Figure 6

Fire Suppression Facilities
VI. Tree Pruning Guidelines

SVCA is nestled within native forest. Trees typically and naturally self-prune. Branches and leaves lower down on the bole shed when they are no longer useful (due to shading) in the photosynthetic process. Eventually dead lower limbs fall off. Pruning lower limbs emulates that natural process, and if properly done is not a detriment to tree health. Various reports suggest that trees with 50-percent or more live green crown (crown coverage to total height) ratio are unaffected by pruning. Some sources consider a ratio down to 30-percent.

Pruning involves removing offending limbs; those that encroach living space, impede sight lines, contribute to debris fall. The resultant wound does not “heal” but rather seals when pitch and then new wood and bark grows over the cut. Trees tend to compartmentalize wounds---that is, they seal off the cut internally to prevent the spread of disease from airborne pathogens. In its simplest form, pruning emulates natural limb discard—the difference being a natural discard begins with sealing off the limb connection at the bole, whereas mechanical pruning creates the wound, followed, hopefully by compartmentalization and sealing.

In a nutshell proper pruning includes:

- Making the pruning cut at the natural “collar” of the limb
- Avoiding cutting the limb flush with the bole
- Avoiding leaving “stubs” or branch remnants
- Not using paint or other sealants to cover the wound
  - These simply interfere with the trees natural sealing process

Pruning does not include topping or removal of the central upper bole of the tree. This practice, often seen is not recommended as trees will tend to recover by sending up limbs to emulate the lost stem. This results in a fast growing, poorly attached tree portion. Often several tops will form, all with poor or “knuckled) connections to the main stem.

SVCA is embarking on a street-side pruning program to enhance visibility, ease road maintenance issues and improve air flow around homes. We recommend maintenance training by an International Society of Arboriculture, Certified Arborist.

Addendum VI includes pruning guidelines developed by ANSI (American National Standards Institute) and a tree pruning guide developed by King County, the USDA Forest Service, The City of Seattle and Washington Department of Natural Resources.
ADDENDUM I

GLOSSARY OF TERMS
**Glossary of Terms**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bole</td>
<td>The main stem or trunk of a tree</td>
</tr>
<tr>
<td>Conk</td>
<td>The fruiting body of a fungus—reproductive spores emanate from these.</td>
</tr>
<tr>
<td>Crown</td>
<td>The live green portion of the tree including leaves and needles.</td>
</tr>
<tr>
<td>Dieback</td>
<td>Dead limb tips</td>
</tr>
<tr>
<td>DBH</td>
<td>Diameter in inches at 4.5 feet above ground level; the standard measure point for trees.</td>
</tr>
<tr>
<td>GIS</td>
<td>Geographic Information System used to capture, store, manipulate and analyze spatial and geographic data.</td>
</tr>
<tr>
<td>Invasive Plant</td>
<td>Plants not native to a particular area that tend to spread and cause damage.</td>
</tr>
<tr>
<td>MU</td>
<td>Map Unit or forest cover area distinguished by tree species, density and size.</td>
</tr>
<tr>
<td>Orthophotograph</td>
<td>Aerial photograph corrected for distortion.</td>
</tr>
<tr>
<td>Root Collar</td>
<td>The portion of the bole at ground level: often a rapidly tapering portion of the bole where roots connect.</td>
</tr>
<tr>
<td>Seral Stage</td>
<td>Intermediate state in the ecological process, leading to old growth or climax forest</td>
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### Scientific Names

#### Plants

<table>
<thead>
<tr>
<th>Plant</th>
<th>Scientific Name</th>
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<td>Douglas-fir</td>
<td><em>Psuedotsuga menziesii</em></td>
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<td>Western hemlock</td>
<td><em>Tsuga heterophylla</em></td>
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<td>Western red cedar</td>
<td><em>Thuja plicata</em></td>
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<td>Red alder</td>
<td><em>Alnus rubra</em></td>
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<td>Bigleaf maple</td>
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<td>Vine maple</td>
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<td><em>Aizoaceae sp.</em></td>
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<td><em>Hosta</em></td>
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<td>Tall Oregon Grape</td>
<td><em>Mahonia aquifolium</em></td>
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<td>Mock Orange</td>
<td><em>Philadelphus sp.</em></td>
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<td><em>Cornus nuttali</em></td>
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<td>Wild Strawberry</td>
<td><em>Fragaria virginiana</em></td>
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#### Fungus

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<tr>
<td>Laminated Root rot</td>
<td><em>Phellinus sulphurascens</em></td>
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<tr>
<td>Armillara Root rot</td>
<td><em>Armillare solidipes</em></td>
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<tr>
<td>Red Ring rot</td>
<td><em>Fomitopsis pinicola</em></td>
</tr>
</tbody>
</table>
**Seral Stage:** Intermediate state in the ecological process, leading to old-growth or climax forest.

**Vigor:** Refers to tree health and growth rate.

**Vitality:** Refers to tree life and suitability

<table>
<thead>
<tr>
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<tr>
<td>Douglas-fir:</td>
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APPENDIX D

SVCA Homeowner Stormwater Workbook
SVCA Homeowner Stormwater Workbook

Purpose
This workbook is being provided to help you determine what stormwater management facilities you need for your lot. Every house, building, or other activity that disturbs soil (development) in Western Washington must provide stormwater management to protect the health of local streams, lakes and marine waters. Stormwater is water from rain or melting snow. In natural landscaping, such as forests or meadows, stormwater soaks (infiltrates) into the ground and filters through the soils. When natural landscaping is disturbed (e.g. you build a house), these soils are covered by impervious surfaces such as buildings, roads, sidewalks and asphalt driveways. Impervious surfaces do not allow for any infiltration creating stormwater runoff. More stormwater runoff is created from impervious surfaces, and the more stormwater runoff that is created, the more this runoff can pick up and carry pollution such as phosphates and fecal coliform – two forms of pollution that are detrimentally affecting Lake Whatcom.

This workbook will provide you with information for determining what type and size of an infiltration or stormwater management facility you can build at your site. Please note that you are not required to use these specific details, but they have been prepared to provide a set of pre-approved standard details to simplify the design process for residential stormwater management systems for the property owners in Sudden Valley. If you choose to not use the details provided in this workbook, you will need to work with a professional engineer to design your stormwater facility.

How to Use This Workbook

Step 1: Does your site have areas with slopes less than 15 percent that are not part of the proposed house footprint AND is the site NOT in or within 50 feet of a geological hazardous area (the slopes and geological hazardous areas - if any - for your site can be determined from the topographic site plan and critical area designations required as part of the ACC review package)?

If YES, go to Step 2.

If NO, and there is at least one vacant, buildable lot next to you, you may be able to use a shared engineered treatment system. A shared engineered treatment system is a stormwater management facility that is built to serve several houses, with all the houses sharing the costs of design and construction. Contact SVCA regarding this option.

If a buildable, vacant lot is NOT available to you, you cannot use this workbook and will need to work with a professional engineer to design your stormwater facility.

Step 2: Determine the type of facility you can build on your site. Use the flowchart “Stormwater System Selection Flowchart” (page 5). Beginning at “START”, the first step is to determine the infiltration (soak) rate of the soils on your site. Select a place to test where you could build an underground stormwater facility with an approximately 20 feet by 20 feet footprint. The area can be located under a driveway or deck, but must be at least 15 feet from the house (20 feet if the house has a basement). Go to Step 3.
Step 3: Hire a soils professional to prepare a soils report (see Attachment 1). After selecting a suitable area (as discussed in Step 2 above), the soils professional will excavate one or more test holes and prepare and stamp a soils report that will be submitted as part of your housing permit package. Go to Step 4.

Step 4: If the site has coarse sand, medium sand, or fine sand/loamy sand (as stated in the soils report) and the groundwater depth is at least 5 feet below the existing ground surface, then you can design your stormwater facility using Detail A (page/sheet 10) or Detail B (page/sheet 12) in this Workbook. Go to Step 6.

If your site has sandy loam or loam soils (as determined by the soils report), go to Step 5.

Step 5: If your site has sandy loam or loam soils (as determined by the soils report), AND/OR the groundwater depth is less than 5 feet, you must use the “Stormwater System Selection Flowchart” to determine which facility you can build:

A. If you are next to a large greenbelt area with slopes less than 15 percent, contact SVCA to determine if you may use the green belt for your stormwater management. If so, you may use Standard Detail C (page/sheet 14) in this Workbook.
B. If there is one or more vacant, buildable lot next to you, you may be able to use a shared engineered treatment system. A shared engineered treatment system is a stormwater management facility that is built to serve several houses, with all the future houses sharing the costs of construction. Contact SVCA regarding this option.
C. If the above options do not apply to your property, or you would prefer an individual system, you can use Standard Details D (page/sheet 16) and E (page/sheet 18). Go to Step 6.

NOTE: If these Standard Details do not fit your site, or you choose to not use the details provided in this Workbook, you will need to work with a professional engineer to design your stormwater facility. Go to Step 10 if you will be hiring a professional engineer.

Step 6: Select the Phosphorus Reduction Worksheet associated with your selected Standard Detail. Enter the total lot area and calculate the maximum allowed phosphorus for your lot. Enter the areas for each of the various building and site components. Multiply each area by its phosphorus loading rate and add to determine total phosphorus load for the lot. If the total phosphorus load is less than the maximum phosphorus allowed, you are done. If not, adjust the amount of impervious (house footprint, driveway, or hardscape), landscape and native areas until the total amount of phosphorus is less than the maximum allowance. For sample calculations, see Page 6. Go to Step 7. If additional treatment capacity is required (i.e. the total phosphorus for the lot exceeds the maximum allowable phosphorus for the lot), go to Step 8.

Step 7: Determine the total impervious surface area for the lot by adding together the following areas: house, driveway, and hardscape. Using this total impervious area, look up the minimum required stormwater facility area from the sizing tables on your selected Standard Detail sheet. This is the minimum footprint area required for your stormwater management facility. Show the location and size (footprint) of this facility on your site plan. Submit the site plan, Standard Detail you used, the phosphorous reduction worksheet and infiltration test data sheets with your Whatcom County building permit, and with your SVCA ACC review packet.
Step 8: Additional phosphorus treatment can be achieved by constructing a roadside parking area if conditions are suitable and permission is obtained from SVCA. See Detail F (page/sheet 21) for more information. This detail design will also be required by SVCA for any new roadside parking area constructed.

Step 9: Prepare a Landscape / Native Vegetation Plan that conforms with SVCA ACC guidelines and shows the landscape and native vegetation areas used in the Phosphorus Reduction Worksheet. A map showing the location of all newly planted and/or retained native landscaping areas used in phosphorus calculations will need to be recorded with the Declaration of Covenant and Grant of Easement (See Attachment 2). Native Plant guidance and resource information is included on pages 7-8.

Step 10: The stormwater facility will need to be inspected by Whatcom County during its construction. Confirm that the construction contractor schedules the required inspections to ensure you are in compliance.

Step 11: Prepare and Record the Declaration of Covenant and Grant of Easement including Exhibits A and B (See Attachment 2). Include in Exhibit A the design details, figures, and maintenance instructions. Exhibit B includes a map (from the Landscape Plan) of the location of all newly and/or retained native landscaping used in determining total phosphorus loads.

Step 12: Perform annual maintenance in the Fall on stormwater facilities as described in Attachment 3. Complete the Inspection form and return to SVCA by the end of the calendar year.
SVCA Homeowner Stormwater Workbook

Residential Stormwater Management System Checklist

☐ Procure a topographic survey of property.
☐ Determine candidate location for stormwater facility based on slopes.
☐ Have a soils professional prepare a soils report.
☐ Use Stormwater System Selection Flowchart to determine which stormwater facility is appropriate.
☐ Fill-in the Phosphorus Reduction Worksheet associated with your selected Standard Detail.
☐ Calculate the total impervious surface (house, driveway, and hardscape) from the Worksheet.
☐ Look up the required stormwater facility area from the sizing tables on your selected Standard Detail.
☐ Show the location and size (footprint) of the stormwater facility on your site plan.
☐ Submit the site plan, Standard Detail, the Phosphorus Reduction Worksheet and soils report with your Whatcom County Natural Resource Assessment submittal checklist
☐ Submit the site plan, Standard Detail, the Phosphorus Reduction Worksheet, soils report, and Landscape/Native Vegetation Plan with your SVCA ACC review packet.
☐ Schedule required inspections with Whatcom County Inspector when the stormwater facility is being constructed.
☐ Record Declaration of Covenant and Grant of Easement
☐ Complete Annual Inspection and Maintenance activities
START

1. Obtain soil report

2. Are soils coarse, medium or fine / loamy sand?
   - Yes: Use standard detail A or B for infiltration
   - No: Is lot large and/or adjacent to SVCA Greenbelt?

3. Are the slopes present on the Greenbelt lot less than 15%?
   - Yes: Receive concurrence from SVCA for Greenbelt use?
     - Yes: Use standard detail C for full dispersion
     - No: Contact SVCA regarding a shared engineered treatment system
       - SV install
       - All vacant properties pay share
   - No: Is lot adjacent to other vacant lots?

4. Contact SVCA regarding a shared engineered treatment system
   - SV install
   - All vacant properties pay share

See standard details D & E for individual engineered treatment systems

NOTE: For additional treatment capacity and/or addition of roadside parking, use detail F.
*GREENBELT = ANY SVCA PROPERTY MAINTAINED IN NATIVE VEGETATION.
**Phosphorus Reduction Worksheet Sample Calculations**

**Sample Calculation 1: Under-yard Infiltration without capturing Driveway Runoff:**

*Homeowner Phosphorus Reduction Worksheet for Under-Yard Infiltration*

Calculation of Maximum Allowable Phosphorus Load

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C = A * B/43,560</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (SF)</td>
<td>Allowable Phosphorus Loading (lb/acre/yr)</td>
<td>Maximum Allowable Phosphorus from Lot (lb/yr)</td>
</tr>
<tr>
<td>6000</td>
<td>0.1875</td>
<td>0.0258</td>
</tr>
</tbody>
</table>

Calculation of Phosphorus Load Generation

<table>
<thead>
<tr>
<th>Under-Yard Infiltration</th>
<th>A</th>
<th>B</th>
<th>C = A * B/43,560</th>
<th>D</th>
<th>E = C * D</th>
<th>F = C – E</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area (SF)</td>
<td>Phosphorus Loading Rate (lb/acre/yr)</td>
<td>Unmitigated Annual Phosphorus Loading (lb/yr)</td>
<td>BMP Reduction Factor</td>
<td>Phosphorus Removed by BMP's (lb/yr)</td>
<td>Phosphorus Loading After BMP's (lb/yr)</td>
</tr>
<tr>
<td>House</td>
<td>2100</td>
<td>0.76</td>
<td>0.0366</td>
<td>0.995</td>
<td>0.0356</td>
<td>0.0002</td>
</tr>
<tr>
<td>Driveway/Hardscape*</td>
<td>500</td>
<td>0.76</td>
<td>0.0087</td>
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<tr>
<td>Landscaping</td>
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<td>1.15</td>
<td>0.0106</td>
<td>0</td>
<td>0.0000</td>
<td>0.0106</td>
</tr>
<tr>
<td>Native Vegetation</td>
<td>3000</td>
<td>0.09</td>
<td>0.0062</td>
<td>0</td>
<td>0.0000</td>
<td>0.0062</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0257</td>
<td></td>
</tr>
</tbody>
</table>

* - if driveway stormwater is captured and treated use 0.995. If driveway stormwater is not captured and treated use 0.

**Sample Calculation 2: Under-Driveway treatment with capturing Driveway Runoff:**

*Homeowner Phosphorus Reduction Worksheet for Under Yard Infiltration*

Calculation of Maximum Allowable Phosphorus Load

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C = A * B/43,560</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (SF)</td>
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<td>Maximum Allowable Phosphorus from Lot (lb/yr)</td>
</tr>
<tr>
<td>6000</td>
<td>0.1875</td>
<td>0.0258</td>
</tr>
</tbody>
</table>

Calculation of Phosphorus Load Generation

<table>
<thead>
<tr>
<th>Under-Yard Infiltration</th>
<th>A</th>
<th>B</th>
<th>C = A * B/43,560</th>
<th>D</th>
<th>E = C * D</th>
<th>F = C – E</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area (SF)</td>
<td>Phosphorus Loading Rate (lb/acre/yr)</td>
<td>Unmitigated Annual Phosphorus Loading (lb/yr)</td>
<td>BMP Reduction Factor</td>
<td>Phosphorus Removed by BMP's (lb/yr)</td>
<td>Phosphorus Loading After BMP's (lb/yr)</td>
</tr>
<tr>
<td>House</td>
<td>2100</td>
<td>0.76</td>
<td>0.0366</td>
<td>0.814</td>
<td>0.0298</td>
<td>0.0068</td>
</tr>
<tr>
<td>Driveway/Hardscape*</td>
<td>500</td>
<td>0.76</td>
<td>0.0087</td>
<td>0.814</td>
<td>0.0071</td>
<td>0.0016</td>
</tr>
<tr>
<td>Landscaping</td>
<td>400</td>
<td>1.15</td>
<td>0.0106</td>
<td>0</td>
<td>0.0000</td>
<td>0.0106</td>
</tr>
<tr>
<td>Native Vegetation</td>
<td>3000</td>
<td>0.09</td>
<td>0.0062</td>
<td>0</td>
<td>0.0000</td>
<td>0.0062</td>
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<tr>
<td>Total</td>
<td></td>
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<td></td>
<td></td>
<td>0.0252</td>
<td></td>
</tr>
</tbody>
</table>

* - if driveway stormwater is captured and treated use 0.814. If driveway stormwater is not captured and treated use 0.
Landscape / Native Vegetation Plan Guidance and Resources

Existing native vegetation shall be retained as much as possible, as native vegetation provides the best stormwater management benefit for the lot. Areas which are designated as “native vegetation that must be replanted” must only be planted with plants native to the Pacific Northwest, and preferably native to Whatcom County. To provide you with information regarding which plants are considered native, attached is a list of resources for determining appropriate plants. Links are provided to find suitable plants based on plant color, location of plantings (sun vs. shade), moisture tolerance, and habitat (garden area, forest understory, riparian or stream-side vegetation, etc.). The following list includes examples of native plants are also considered fire resistant plants (Oregon State University “Fire-Resistant Plants for Home Landscape”). Please note that Fire-Resistant does not mean Fireproof - and plants must be properly maintained and healthy to retain their fire-resistant properties.

<table>
<thead>
<tr>
<th>Pacific Rhododendron</th>
<th>Oregon Grape</th>
<th>Mock Orange</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vine Maple</td>
<td>Red Osier Dogwood</td>
<td>Flowering Dogwood</td>
</tr>
<tr>
<td>Kinnikinnick</td>
<td>Flowering Currant</td>
<td>Oceanspray</td>
</tr>
<tr>
<td>Snowberry</td>
<td>Western Azalea</td>
<td>Mountain Ash</td>
</tr>
<tr>
<td>Wild Strawberry</td>
<td>Native Columbine</td>
<td>Wood’s Rose</td>
</tr>
</tbody>
</table>

Native Plant Resources:

Washington Native Plant Society:
- Lists of Native Plants by color, growth, season, moisture preference, sun/shade tolerance, specific habitats, wildlife attracting, and soil preference:  
- List of Native Plants Specific to Whatcom County:  

Public Native Plant Sales:
- Whatcom Conservation District Annual Plant Sale (Early Spring)  
  [http://www.whatcomcd.org/plant-sale](http://www.whatcomcd.org/plant-sale)
- Washington Native Plant Society Plant Sales (Puget Sound Area, Spring and Fall Plant Sales)  
  [http://www.wnps.org/chapter_info/chapter_sales.html](http://www.wnps.org/chapter_info/chapter_sales.html)

In addition to native plants, there are plants which are considered noxious weeds, or sometimes referred to as invasive plants. These plants should NOT be planted or used in landscaping. Noxious weeds are invasive plants which can escape from gardens or other planted areas into the wild. In the wild, these plants harm local ecosystems or disrupt agricultural production. Noxious weeds crowd out the native species which feed and provide shelter for wildlife and fish. Some noxious weeds can be detrimental to humans, such as the giant hogweed, which has a sap that can blister skin. Washington
State has a “weed law” (RCW 17.10) establishing all property owner’s responsibility for helping to prevent and control the spread of noxious weeds. A list of common noxious weeds and prohibited plants is provided to help you avoid planting these plants in your landscaping.

**Noxious/Nuisance Weeds (Plants that should NOT be planted/used):**
- Whatcom County Noxious Weed Program
  [http://www.co.whatcom.wa.us/914/Weeds](http://www.co.whatcom.wa.us/914/Weeds)
- Garden Wise – Non-Invasive Plants for your Garden

**Media Filter Drain Media Source**

For Details D, E, and F, the phosphorus treatment media is Media Filter Drain Media. The specification for this media follows this page.

Local suppliers of Media Filter Drain Media are as follows:

**Windwood Landscaping**
(360) 380-4000

For the sand treatment layer below infiltration facilities receiving driveway runoff, the sand must meet the following gradation (per Department of Ecology Stormwater Management Manual for Western Washington, Vol V, page 8-6, Sand Medium for sand filters):

<table>
<thead>
<tr>
<th>U.S. Sieve Number</th>
<th>Percent Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>95-100</td>
</tr>
<tr>
<td>8</td>
<td>70-100</td>
</tr>
<tr>
<td>16</td>
<td>40-90</td>
</tr>
<tr>
<td>30</td>
<td>25-75</td>
</tr>
<tr>
<td>50</td>
<td>2-25</td>
</tr>
<tr>
<td>100</td>
<td>&lt;4</td>
</tr>
<tr>
<td>200</td>
<td>&lt;2</td>
</tr>
</tbody>
</table>

*Source: King County Surface Water Design Manual, September*
### Table 5-7 Media filter drain mix.

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mineral aggregate: Crushed screenings 3/8-inch to #10 sieve</td>
<td>3 cubic yards</td>
</tr>
</tbody>
</table>

#### Aggregate for Media Filter Drain Mix

Aggregate for Media Filter Drain Mix shall be manufactured from ledge rock, talus, or gravel, in accordance with Section 3-01 of the *Standard Specifications for Road, Bridge, and Municipal Construction*, and shall meet the following test requirements for quality. The use of recycled material is not permitted.

- **Los Angeles Wear, 500 Revolutions**: 35% max.
- **Degradation Factor**: 30 min.

Aggregate for the Media Filter Drain Mix shall conform to the following requirements for grading and quality:

<table>
<thead>
<tr>
<th>Sieve Size</th>
<th>Percent Passing (by weight)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/2&quot; square</td>
<td>100</td>
</tr>
<tr>
<td>3/8&quot; square</td>
<td>90-100</td>
</tr>
<tr>
<td>U.S. No. 4</td>
<td>30-56</td>
</tr>
<tr>
<td>U.S. No. 10</td>
<td>0-10</td>
</tr>
<tr>
<td>U.S. No. 200</td>
<td>0-1.5</td>
</tr>
<tr>
<td>% fracture, by weight, min.</td>
<td>75</td>
</tr>
</tbody>
</table>

The fracture requirement shall be at least two fractured faces and will apply to material retained on the U.S. No. 4.

Aggregate for the Media Filter Drain shall be substantially free from adherent coatings. The presence of a thin, firmly adhering film of weathered rock shall not be considered as coating unless it exists on more than 50% of the surface area of any size between successive laboratory sieves.

#### Perlite:

- Horticultural grade, free of any toxic materials
- 100% passing U.S. No. 4 Sieve
- 0-30% passing U.S. No. 18 Sieve
- 0-10% passing U.S. No. 30 Sieve

1 cubic yard per 3 cubic yards of mineral aggregate

#### Dolomite: CaMg(CO₃)₂ (calcium magnesium carbonate)

- Agricultural grade, free of any toxic materials
- ASTM C 602 Class Designation E

40 pounds per cubic yard of perlite

#### Gypsum: Noncalcined, agricultural gypsum CaSO₄·2H₂O (hydrated calcium sulfate)

- Agricultural grade, free of any toxic materials
- 100% passing ¼ -inch Sieve
- 20% passing U.S. No. 20 Sieve

12 pounds per cubic yard of perlite
Detail A. Under-Landscaping Infiltration  
**Homeowner Phosphorus Reduction Worksheet**

Calculation of Maximum Allowable Phosphorus Load

<table>
<thead>
<tr>
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<th>B</th>
<th>C = A * B / 43,560</th>
</tr>
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<tbody>
<tr>
<td>Lot Area</td>
<td>Maximum Allowable Phosphorus Loading (lb/acre/Yr)</td>
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</tr>
<tr>
<td>6000</td>
<td>0.1875</td>
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Calculation of Phosphorus Load Generation

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<th>D</th>
<th>E = C * D</th>
<th>F = C - E</th>
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<tbody>
<tr>
<td></td>
<td>Area (SF)</td>
<td>Phosphorus Loading Rate (lb/acre/Yr)</td>
<td>Unmitigated Annual Phosphorus Loading (lb/Yr)</td>
<td>BMP Reduction Factor</td>
<td>Phosphorus Removed by BMP’s (lb/Yr)</td>
<td>Phosphorus Loading After BMP’s (lb/Yr)</td>
</tr>
<tr>
<td>House</td>
<td>2500</td>
<td>0.76</td>
<td>0.0436</td>
<td>0.995</td>
<td>0.0434</td>
<td>0.0002</td>
</tr>
<tr>
<td>Driveway</td>
<td>400</td>
<td>0.76</td>
<td>0.0070</td>
<td>0</td>
<td>0.0000</td>
<td>0.0070</td>
</tr>
<tr>
<td>Hardscape*</td>
<td>400</td>
<td>0.76</td>
<td>0.0070</td>
<td>0</td>
<td>0.0000</td>
<td>0.0070</td>
</tr>
<tr>
<td>Landscaping</td>
<td>200</td>
<td>1.15</td>
<td>0.0053</td>
<td>0</td>
<td>0.0000</td>
<td>0.0053</td>
</tr>
<tr>
<td>Native Vegetation</td>
<td>2500</td>
<td>0.09</td>
<td>0.0052</td>
<td>0</td>
<td>0.0000</td>
<td>0.0052</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0247</td>
<td></td>
</tr>
</tbody>
</table>

* - If hardscape stormwater is captured and treated, use 0.995. If hardscape stormwater is not captured and treated, use 0.
**Detail B. Under-Driveway Infiltration**

**Homeowner Phosphorus Reduction Worksheet**

**Calculation of Maximum Allowable Phosphorus Load**

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C = A * B/43,560</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (SF)</td>
<td>Maximum Allowable Phosphorus Loading (lb/acre/yr)</td>
<td>Maximum Allowable Phosphorus from Lot (lb/yr)</td>
</tr>
<tr>
<td>0.1875</td>
<td>0.0000</td>
<td></td>
</tr>
</tbody>
</table>

**Calculation of Phosphorus Load Generation**

<table>
<thead>
<tr>
<th>Under-Driveway Infiltration</th>
<th>A</th>
<th>B</th>
<th>C = A * B/43,560</th>
<th>D</th>
<th>E = C * D</th>
<th>F = C - E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area (SF)</td>
<td>Phosphorus Loading Rate (lb/acre/yr)</td>
<td>Unmitigated Annual Phosphorus Loading (lb/yr)</td>
<td>BMP Reduction Factor</td>
<td>Phosphorus Removed by BMP's (lb/yr)</td>
<td>Phosphorus Loading After BMP's (lb/yr)</td>
<td></td>
</tr>
<tr>
<td>House</td>
<td>0.76</td>
<td>0.0000</td>
<td>0.995</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
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<tr>
<td>Driveway</td>
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<td>0.0000</td>
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</tr>
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<td>0.995</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Landscaping</td>
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<td>0</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Native Vegetation</td>
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<td>0.0000</td>
<td>0</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0000</td>
<td></td>
</tr>
</tbody>
</table>

* - If hardscape stormwater is captured and treated, use 0.995. If hardscape stormwater is not captured and treated, use 0.
FULL DISPERSION AREA REQUIREMENT

NOT TO SCALE

TOTAL NATIVE VEGETATED AREA REQUIRED IS EQUAL TO TEN TIMES THE TOTAL IMPERVIOUS AREA ON THE LOT.

FOR EXAMPLE:

IF A LOT HAS 5,000 Sq. Ft. OF IMPERVIOUS SURFACE, THE REQUIRED AREA OF NATIVE VEGETATION IS 50,000 Sq. Ft.

CANNOT USE FULL DISPERSION WITHIN 50 FT. OF A GEOLOGICALLY HAZARDOUS AREA, NOR WITHIN A CRITICAL AREA BUFFER.
### Detail C. Full Dispersion

**Homeowner Phosphorus Reduction Worksheet**

#### Calculation of Maximum Allowable Phosphorus Load

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>( C = A \times B/43,560 )</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (SF)</td>
<td>Maximum Allowable Phosphorus Loading (lb/acre/Yr)</td>
<td>Maximum Allowable Phosphorus from Lot (lb/Yr)</td>
</tr>
<tr>
<td>0.1875</td>
<td>0.0000</td>
<td></td>
</tr>
</tbody>
</table>

#### Calculation of Phosphorus Load Generation

<table>
<thead>
<tr>
<th>Under-Driveway Infiltration</th>
<th>A</th>
<th>B</th>
<th>( C = A \times B/43,560 )</th>
<th>D</th>
<th>E</th>
<th>F = C – E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area (SF)</td>
<td>Phosphorus Loading Rate (lb/acre/Yr)</td>
<td>Unmitigated Annual Phosphorus Loading (lb/Yr)</td>
<td>BMP Reduction Factor</td>
<td>Phosphorus Removed by BMP’s (lb/Yr)</td>
<td>Phosphorus Loading After BMP’s (lb/Yr)</td>
<td></td>
</tr>
<tr>
<td>House</td>
<td>0.76</td>
<td>0.0000</td>
<td>1.00</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Driveway</td>
<td>0.76</td>
<td>0.0000</td>
<td>1.00</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Hardscape</td>
<td>0.76</td>
<td>0.0000</td>
<td>1.00</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Landscaping</td>
<td>1.15</td>
<td>0.0000</td>
<td>1.00</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Native Vegetation</td>
<td>0</td>
<td>0.09</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0000</td>
<td></td>
</tr>
</tbody>
</table>

* - If hardscape stormwater is captured and treated, use 1.0. If driveway stormwater is not captured and treated, use 0.
### Detail D. Under-Landscape Treatment

**Homeowner Phosphorus Reduction Worksheet for Under-Yard Treatment**

#### Calculation of Maximum Allowable Phosphorus Load

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C = A * B / 43,560</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (SF)</td>
<td>Maximum Allowable Phosphorus Loading (lb/acre/Yr)</td>
<td>Maximum Allowable Phosphorus from Lot (lb/Yr)</td>
</tr>
<tr>
<td>0.1875</td>
<td>0.0000</td>
<td></td>
</tr>
</tbody>
</table>

#### Calculation of Phosphorus Load Generation

<table>
<thead>
<tr>
<th>Under-Yard Treatment</th>
<th>A</th>
<th>B</th>
<th>C = A * B / 43,560</th>
<th>D</th>
<th>E = C * D</th>
<th>F = C - E</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>0.76</td>
<td>0.0000</td>
<td>0.814</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Driveway</td>
<td>0.76</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hardscape</td>
<td>0.76</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping</td>
<td>1.15</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Vegetation</td>
<td>0</td>
<td>0.09</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0000</td>
</tr>
</tbody>
</table>

* - if hardscape runoff is captured and treated, use 0.814. If it is not captured and treated, use 0.

The 0.814 BMP Reduction Factor is based on the 85.7% media efficiency and a WWHM model minimum value of 95% treatment.
### Detail E. Under-Driveway Treatment

#### Homeowner Phosphorus Reduction Worksheet for Under-Driveway Treatment

#### Calculation of Maximum Allowable Phosphorus Load

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C = A * B / 43,560</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot Area (SF)</td>
<td>Maximum Allowable Phosphorus Loading (lb/acre/Yr)</td>
<td>Maximum Allowable Phosphorus from Lot (lb/Yr)</td>
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<td></td>
<td></td>
<td></td>
<td>0.1875</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>0.0000</td>
</tr>
</tbody>
</table>

#### Calculation of Phosphorus Load Generation

<table>
<thead>
<tr>
<th>Under-Driveway Treatment</th>
<th>A</th>
<th>B</th>
<th>C = A * B / 43,560</th>
<th>D</th>
<th>E = C * D</th>
<th>F = C - E</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area (SF)</td>
<td>Phosphorus Loading Rate (lb/acre/Yr)</td>
<td>Unmitigated Annual Phosphorus Loading (lb/Yr)</td>
<td>BMP Reduction Factor</td>
<td>Phosphorus Removed by BMP’s (lb/Yr)</td>
<td>Phosphorus Loading After BMP’s (lb/Yr)</td>
</tr>
<tr>
<td>House</td>
<td>0.76</td>
<td>0.0000</td>
<td>0.814</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
</tr>
<tr>
<td>Driveway</td>
<td>0.76</td>
<td>0.0000</td>
<td>0.814</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
</tr>
<tr>
<td>Hardscape</td>
<td>0.76</td>
<td>0.0000</td>
<td>0.814</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
</tr>
<tr>
<td>Landscaping</td>
<td>1.15</td>
<td>0.0000</td>
<td>0</td>
<td>0.0000</td>
<td>0.0000</td>
<td>0.0000</td>
</tr>
<tr>
<td>Native Vegetation</td>
<td>0</td>
<td>0.09</td>
<td>0.0000</td>
<td>0</td>
<td>0.0000</td>
<td>0.0000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0000</td>
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</tr>
</tbody>
</table>

* - If hardscape runoff is captured and treated, use 0.814. If it is not captured and treated, use 0.

The 0.814 BMP Reduction Factor is based on the 85.7% media efficiency and a WWIM model minimum value of 95% treatment.
TREATMENT TRENCH BELOW ROADSIDE PARKING

NOTE:
1. DETAIL ONLY FOR AREAS WITH ROADSIDE DITCHES

LINE TOP SURFACE OF TRENCH DAM AND BOTTOM SURFACE OF TRENCH WITH 15 FT FILTER FABRIC. KEY IN FABRIC AT BOTH ENDS.

EXTEND CULVERT PROTECTION 15 FT BEYOND INLET AND OUTLET OF CULVERT

1 PROVIDE 2 IN. TO 4 IN. QUARRY SPALLS PER WSDOT STANDARD SPEC 9-13.63 FOR OUTFALL PROTECTION
2 CLEANOUT WITH CAST IRON OR BRASS RING AND COVER, TRAFFIC RATED.

12 IN. RIDD CORRUGATED POLYETHYLENE CULVERT STORM CULVERT

15 IN RIDD CORRUGATED POLYETHYLENE CULVERT CONTINUES THROUGH TRENCH

4 IN. RIDD PERFORATED PIPE MEETING ASTM F798, MAXIMUM PERFORATION WIDTH = 0.570 IN; MINIMUM WIDTH = 0.12 IN.; 3 HOLE, 35Q, MINIMUM INLET AREA OF 1 IN²/FT.

4 IN SOLID DRAIN PIPE

BLACK ROAD FILTER FABRIC

INFERMABLE TRENCH DAM, TO BE MADE OF BENTONITE, CLAY OR CONCRETE, WITH 1 FT TOP WIDTH AND 2:1 SIDE SLOPES AT CULVERT INLET AND OUTLET

10 TO 20 FT

SECTION C-C

194
### Detail F. Road-side Treatment

**Homeowner Phosphorus Reduction Worksheet**

#### Calculation of Phosphorus Load Generation

<table>
<thead>
<tr>
<th>Under-Driveway Treatment</th>
<th>A</th>
<th>B</th>
<th>C = A * B / 43,560</th>
<th>D</th>
<th>E = C * D</th>
<th>F = C - E</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area (SF)</td>
<td>Phosphorus Loading Rate (lb/acre/Yr)</td>
<td>Unmitigated Annual Phosphorus Loading (lb/Yr)</td>
<td>BMP Reduction Factor</td>
<td>Phosphorus Removed by BMP's (lb/Yr)</td>
<td>Phosphorus Loading After BMP's (lb/y)</td>
</tr>
<tr>
<td>House</td>
<td>0.76</td>
<td>0.0000</td>
<td>0.814</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Driveway</td>
<td>0.76</td>
<td>0.0000</td>
<td>0.814</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Hardscape</td>
<td>0.76</td>
<td>0.0000</td>
<td>0.814</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Landscaping</td>
<td>1.15</td>
<td>0.0000</td>
<td>0</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td>Native Vegetation</td>
<td>0.09</td>
<td>0.0000</td>
<td>0</td>
<td>0.0000</td>
<td>0.0000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>0.0000</strong></td>
<td></td>
</tr>
</tbody>
</table>

* If hardscape runoff is captured and treated use 0.814. If it is not captured and treated use 0.

The 0.814 BMP Reduction Factor is based on the 85.7% media efficiency and a WWHM model minimum value of 95% treatment.
Attachment 1

Soils Report Requirements
SOILS REPORT FOR DETERMINING SOIL TYPE FOR INFILTRATION

The soils report for determining soil type for infiltration is from the 2012 Department of Ecology Stormwater Management Manual for Western Washington, BMP T5.10A.

Have one of the following prepare a soils report to determine if soils suitable for infiltration are present on the site:

- A professional soil scientist certified by the Soil Science Society of America (or an equivalent national program)
- A locally licensed on-site sewage designer
- A suitably trained person working under the supervision of a professional engineer, geologist, hydrogeologist, or engineering geologist registered in the State of Washington.

The report shall reference a sufficient number of soils logs to establish the type and limits of soils on the project site. The report should at a minimum identify the limits of any outwash type soils (i.e., those meeting USDA soil texture classes ranging from coarse sand and cobbles to medium sand) versus other soil types and include an inventory of topsoil depth.

Individual lot or site tests must consist of at least one soils log at the location of the infiltration system, a minimum of 4 feet in depth from the proposed grade and at least 1 foot below the expected bottom elevation of the infiltration bed.

Identify the NRCS series of the soil and the USDA textural class of the soil horizon through the depth of the log, and note any evidence of high ground water level, such as mottling. At least 1-foot of clearance from the expected bottom elevation of the infiltration bed to the high ground water table must be present.

The NRCS soils shall be categorized as one of the following soil types: Coarse sands and cobbles, medium sand, fine sand/loamy sand, sandy loam, or loam. Coarse sands and cobbles, medium sand and fine sand/loamy sand soils are acceptable soils for using Details A or B for infiltration. Sandy loam and loam soils cannot use Details A or B for infiltration.
Attachment 2

Declaration of Covenant and Grant of Easement

- Stormwater Facilities On Served Parcel
- Stormwater Facilities Off Served Parcel
RETURN DOCUMENT TO:
Whatcom County
Public Works Department
Engineering Services - Development
5280 Northwest Drive
Bellingham, WA 98226-9098

Declaration of Covenant and Grant of Easement
For
Existing Parcel Sited Private Party Operated and Maintained Stormwater Management Facilities That Serve Development on the Existing Parcel

<table>
<thead>
<tr>
<th>Grantor:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whatcom County</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grantee(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Full Legal Description;</td>
</tr>
<tr>
<td>OR</td>
</tr>
<tr>
<td>[ ] Abbreviated Legal Description: (Insert Lot, Block, &amp; Plat;</td>
</tr>
<tr>
<td>OR</td>
</tr>
<tr>
<td>Quarter/Quarter, Section, Township, &amp; Range;</td>
</tr>
<tr>
<td>OR</td>
</tr>
<tr>
<td>Unit, Building, Phase, &amp; Condo Name)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assessor's 16-digit parcel number(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>
1. **Declaration Effective Date**: <Month Day, Year>.

2. **Declaration Expiration Date**: Indefinite.

3. **Parties**: The Parties to this Declaration are:

   (1) The Grantor and Grantor’s subsequent successors, heirs, and/or assigns, and

   (2) The Grantee and any jurisdiction that annexes said parcel in the future.

WHEREAS, as of the Declaration Effective Date above, the following stormwater management facilities exist on subject parcel (check all that apply):

- [ ] Flow conveyance and/or control,
- [ ] Treatment,
- [x] On-site best management practices (OSBMP),

...to serve development on subject parcel; and

WHEREAS, Grantee has approved said facilities; and

WHEREAS, the 2012 Washington State Department of Ecology *Stormwater Management Manual for Western Washington* (2012 WSDOE SWMMWW) applies to said facilities’ design; and

WHEREAS, 2012 WSDOE SWMMWW Volume I on page 3-16 states, in part, the following:

“**Declaration of Covenant for Privately Maintained Flow Control and Treatment Facilities**
To ensure future maintenance and allow access for inspection by the local government, any flow control [and/or conveyance per 2012 WSDOE SWMMWW Minimum Requirement No. 7] and treatment [per 2012 WSDOE SWMMWW Minimum

Stormwater Facilities On Served Parcel for Sudden Valley
Requirement No. 6] facilities for which the applicant identifies operation and maintenance to be the responsibility of a private party must have a declaration of covenant and grant of easement. After approval by the local government, the declaration of covenant and grant of easement must be signed and recorded at the appropriate records office of the local government.

**Declaration of Covenant for Privately Maintained On-site Stormwater Management BMPs [OSBMPs]**

To ensure future maintenance and allow access for inspection by the local government, any On-site Stormwater Management BMPs [per 2012 WSDOE SWMMWW Volume I Glossary definition and 2012 WSDOE SWMMWW Minimum Requirement No. 5] for which the applicant identifies operation and maintenance to be the responsibility of a private party must have a declaration of covenant and grant of easement. Design details, figures, and maintenance instructions for each On-site Stormwater Management BMP shall be attached. A map showing the location of newly planted and retained trees claimed as flow reduction credits shall also be attached. This applies to every lot within a subdivision on which an On-site Stormwater Management BMP is proposed. After approval by the local government, the declaration of covenant and grant of easement must be signed and recorded at the appropriate records office of the local government.

WHEREAS, for the purposes of this Declaration, 2012 WSDOE SWMMWW Minimum Requirement No. 5 applies to OSBMPs; and

WHEREAS, for the purposes of this Declaration, 2012 WSDOE SWMMWW Minimum Requirement No. 6 applies to stormwater “treatment” facilities; and

WHEREAS, for the purposes of this Declaration, 2012 WSDOE SWMMWW Minimum Requirement No. 7 applies to stormwater “flow control and/or conveyance” facilities; and

WHEREAS, if OSBMPs exist on subject parcel, Exhibit A to this Declaration reflects the design details, figures, and maintenance instructions for each OSBMP; and

WHEREAS, if Grantee has claimed OSBMP-related flow reduction credits for newly planted and/or retained trees, Exhibit B map to this Declaration shows the location of all newly planted and/or retained trees that Grantee has claimed as OSBMP-related flow reduction credits;

NOW THEREFORE,

1. Grantor hereby declares as follows:
   1.1. The routine operation and maintenance of said facilities will be the responsibility of a private party.
   1.2. For on-parcel stormwater flow control and/or conveyance facilities, and/or stormwater treatment facilities, Grantor or Grantor’s duly appointed agent shall operate and

Stormwater Facilities On Served Parcel for Sudden Valley
maintain said facilities in accordance with the Sudden Valley Community Association Stormwater Management and Phosphorous Mitigation Plan Attachment 3 SVCA Residential Stormwater Management System Inspection and Maintenance Manual.

1.3. For OSBMPs, Grantor or Grantor’s duly appointed agent shall operate and maintain said facilities in accordance with Exhibit A.

1.4. Grantor authorizes Grantee or Grantee’s duly appointed agent(s) to periodically enter onto said parcel to inspect and assess said facilities’ physical condition and functionality, and to determine if Grantor or Grantor’s duly appointed agent has accomplished any Grantee or Grantee’s duly appointed agent(s)’ directed maintenance and/or repair of said facilities as determined per paragraph no. 1.5 below. Paragraph no. 2.1 advance visitation notice provisions below also apply.

1.5. If, after conducting physical condition inspection and assessment of said facilities, Grantee or Grantee’s duly appointed agent(s) determines that said facilities’ maintenance and/or repair is necessary, Grantor or Grantor’s duly appointed agent will accomplish same within thirty (30) calendar days after receipt of a formal corrective action notice from Grantee or Grantee’s duly appointed agent(s).

1.6. If Grantor or Grantor’s duly appointed agent fails to timely accomplish said facility maintenance and/or repair in accordance with said formal corrective action notice, Grantor authorizes Grantee or Grantee’s duly appointed agent(s) to access onto said parcel to accomplish said facility maintenance and/or repair. Paragraph no. 2.1 advance visitation notice provisions below also apply.

1.7. If at any time that Grantee or Grantee’s duly appointed agent(s) reasonably determines that said facilities pose an immediate hazard to life and limb, or endanger property, or adversely affect the safety and operations of a public way, due to failure of, damage to, or non-maintenance of said facilities, and that the situation is so adverse as to preclude advance visitation notice to Grantor, Grantor authorizes Grantee or Grantee’s duly appointed agent(s), without prior advance visitation notice to Grantor by Grantee or by Grantee’s duly appointed agent(s), to access onto said parcel to take any mitigation or preservative actions that Grantee or Grantee’s duly appointed agent(s) determine necessary.

1.8. Grantor will reimburse Grantee for Grantee’s costs to accomplish maintenance and/or repair of said facilities per paragraph no. 1.6 above, and for emergency response mitigation or preservation actions per paragraph no. 1.7 above.

2. Grantee hereby declares as follows:

2.1. Unless circumstances described in paragraph no. 1.7 above exist, Grantee or Grantee’s duly appointed agent(s) shall provide to Grantor a minimum of two work days advance notice of any visit.

3. The Parties further agree that this Declaration:

Stormwater Facilities On Served Parcel for Sudden Valley
3.1. Shall run with said parcel and be binding upon the Parties, and
3.2. May not be amended or abrogated, in part or entirely, without the express written consent of the Parties, and
3.3. Shall survive and apply to any subsequent divisions of subject parcel.

Approved as to form:

______________________________
Daniel L. Gibson
Chief Civil Deputy Prosecuting Attorney

GRANTOR(S)

______________________________
Signature

______________________________
Signature

State of Washington  )
                     ) ss
County of Whatcom   )

I certify that I know, or have satisfactory evidence, that <name(s)> <is/are> the person<s> who appeared before me, and said person<s> acknowledged that <he/she/they> signed this instrument, on oath stated that <he/she/they> <was/were> authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

______________________________
Dated

______________________________
(Seal or Stamp)

______________________________
Signature
Notary Public in and for the State of Washington

My appointment expires

Stormwater Facilities On Served Parcel for Sudden Valley
GRANTEE

Signature

State of Washington  )
 ) ss
County of Whatcom  )

I certify that I know, or have satisfactory evidence, that Joseph P Rutan, PE is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument as the County Engineer of Whatcom County, and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated

Signature
Notary Public in and for the State of Washington

(Seal or Stamp)

My appointment expires

Copies:
• Grantor w/ Exhibits
• Master Public Works Department Hard Copy Agreement File w/ Exhibits
• Master Public Works Department Electronic Agreement File w/ Exhibits
• Public Works Department Ferry/Special Programs Manager

Stormwater Facilities On Served Parcel for Sudden Valley
RETURN DOCUMENT TO:
Whatcom County
Public Works Department
Engineering Services - Development
5280 Northwest Drive
Bellingham, WA 98226-9098

Declaration of Covenant and Grant of Easement
For
Existing Parcel Sited Private Party Operated and Maintained Stormwater Management Facilities That Serve Development on Other Existing Parcel(s)

<table>
<thead>
<tr>
<th>Grantor:</th>
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<tbody>
<tr>
<td>Whatcom County</td>
</tr>
</tbody>
</table>

- [ ] Full Legal Description;
- OR
- [ ] Abbreviated Legal Description:
  (Insert Lot, Block, & Plat;
  OR
  Quarter/Quarter, Section, Township, & Range;
  OR
  Unit, Building, Phase, & Condo Name)

Stormwater Facilities Off Served Parcel for Sudden Valley
Assessor's 16-digit parcel number(s):  
<Insert parcel no of parcel where stormwater management facilities are located>

Full Legal Description (complete only if cover page reflects abbreviated legal description, otherwise leave blank):

1. Declaration Effective Date:  <date>.

2. Declaration Expiration Date:  Indefinite.

3. Parties:  The Parties to this Declaration are:

   (1) The Grantor and its subsequent successors, heirs, and/or assigns, and

   (2) The Grantee and any jurisdiction that annexes the above listed parcel, or any subsequent respective derivative parcels that successfully result from a Grantor land division action, in the future.

WHEREAS, for purposes of this document, the parcel noted on the first page is the “Serving Parcel”; and

WHEREAS, as of the Declaration Effective Date above, the following stormwater management facilities exist on the Serving Parcel as indicated by the corresponding checked boxes to serve existing development on the Served Parcels also noted below:

Stormwater Facilities Off Served Parcel for Sudden Valley

206
<table>
<thead>
<tr>
<th>Served Parcel No(s)</th>
<th>Stormwater Management Facility Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Flow Conveyance and/or Control</td>
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<td>☐</td>
</tr>
<tr>
<td>NNNNNN NNNNNN NNNN, NNNNNN NNNNNN NNNN</td>
<td>☐</td>
</tr>
<tr>
<td>NNNNNN NNNNNN NNNN, NNNNNN NNNNNN NNNN</td>
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<td>; and</td>
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</table>

WHEREAS, Grantee has approved said facilities; and

WHEREAS, the 2012 Washington State Department of Ecology *Stormwater Management Manual for Western Washington* (2012 WSDOE SWMMWW) applies to said facilities design; and

WHEREAS, 2012 WSDOE SWMMWW Volume I on page 3-16 states, in part, the following:

*Declaration of Covenant for Privately Maintained Flow Control and Treatment Facilities*
To ensure future maintenance and allow access for inspection by the local government, any flow control [and/or conveyance per 2012 WSDOE SWMMWW Minimum Requirement No. 7] and treatment [per 2012 WSDOE SWMMWW Minimum Requirement No. 6] facilities for which the applicant identifies operation and maintenance to be the responsibility of a private party must have a declaration of covenant and grant of easement. After approval by the local government, the declaration of covenant and grant of easement must be signed and recorded at the appropriate records office of the local government.

*Declaration of Covenant for Privately Maintained On-site Stormwater Management BMPs [OSBMPs]*
To ensure future maintenance and allow access for inspection by the local government, any On-site Stormwater Management BMPs [per 2012 WSDOE SWMMWW Volume I Glossary definition and 2012 WSDOE SWMMWW Minimum Requirement No. 5] for which the applicant identifies operation and maintenance to be the responsibility of a Stormwater Facilities Off Served Parcel for Sudden Valley
private party must have a declaration of covenant and grant of easement. Design details, figures, and maintenance instructions for each On-site Stormwater Management BMP shall be attached. A map showing the location of newly planted and retained trees claimed as flow reduction credits shall also be attached. This applies to every lot within a subdivision on which an On-site Stormwater Management BMP is proposed. After approval by the local government, the declaration of covenant and grant of easement must be signed and recorded at the appropriate records office of the local government.

WHEREAS, for the purposes of this Declaration, 2012 WSDOE SWMMWW Minimum Requirement No. 5 applies to OSBMPs; and

WHEREAS, for the purposes of this Declaration, 2012 WSDOE SWMMWW Minimum Requirement No. 6 applies to stormwater “treatment” facilities; and

WHEREAS, for the purposes of this Declaration, 2012 WSDOE SWMMWW Minimum Requirement No. 7 applies to stormwater “flow control and/or conveyance” facilities; and

WHEREAS, if OSBMPs exist on subject parcel, Exhibit A to this Declaration reflects the design details, figures, and maintenance instructions for each OSBMP; and

WHEREAS, if Grantee has claimed OSBMP-related flow reduction credits for newly planted and/or retained trees, Exhibit B map to this Declaration shows the location of all newly planted and/or retained trees that Grantee has claimed as OSBMP-related flow reduction credits;

NOW THEREFORE,

1. Grantor hereby declares as follows:

   1.1. The routine operation and maintenance of said facilities will be the responsibility of a private party.

   1.2. For all stormwater flow control and/or conveyance facilities and/or stormwater treatment facilities, Grantor or Grantor’s duly appointed agent shall operate and maintain said facilities in accordance with the Sudden Valley Community Association Stormwater Management and Phosphorous Mitigation Plan Attachment 3 SVCA Residential Stormwater Management System Inspection and Maintenance Manual.

   1.3. For all stormwater OSBMP facilities, Grantor or Grantor’s duly appointed agent shall operate and maintain said facilities in accordance with Exhibit A.

   1.4. Grantor authorizes Grantee or Grantee’s duly appointed agent(s) to periodically enter onto the Serving Parcel to inspect and assess said facilities’ physical condition and functionality, and to determine if Grantor or Grantor’s duly appointed agent has accomplished any Grantee or Grantee’s duly appointed agent(s)’ directed maintenance

Stormwater Facilities Off Served Parcel for Sudden Valley
and/or repair of said facilities as determined per paragraph no. 1.5 below. Paragraph no. 2.1 advance visitation notice provisions below also apply.

1.5. If, after conducting physical condition inspection and assessment of said facilities, Grantee or Grantee’s duly appointed agent(s) determines that said facilities’ maintenance and/or repair is necessary, Grantor or Grantor’s duly appointed agent will accomplish the same within thirty (30) calendar days after receipt of a formal corrective action notice from Grantee or Grantee’s duly appointed agent(s).

1.6. If Grantor or Grantor’s duly appointed agent fails to timely accomplish said facility maintenance and/or repair in accordance with said formal corrective action notice, Grantor authorizes Grantee or Grantee’s duly appointed agent(s) to access onto said serving parcel to accomplish said facility maintenance and/or repair. Paragraph no. 2.1 advance visitation notice provisions below also apply.

1.7. If at any time that Grantee or Grantee’s duly appointed agent(s) reasonably determines that said facilities pose an immediate hazard to life and limb, or endanger property, or adversely affect the safety and operations of a public way, due to failure of, damage to, or non-maintenance of said facilities, and that the situation is so adverse as to preclude advance visitation notice to Grantor, Grantor authorizes Grantee or Grantee’s duly appointed agent(s), without prior advance visitation notice to Grantor by Grantee or by Grantee’s duly appointed agent(s), to access onto said parcel to take any mitigation or preservative actions that Grantee or Grantee’s duly appointed agent(s) determine necessary.

1.8. Grantor will reimburse Grantee for Grantee’s costs to accomplish maintenance and/or repair of said facilities per paragraph no. 1.6 above, and for emergency response mitigation or preservation actions per paragraph no. 1.7 above.

2. Grantee hereby declares as follows:

2.1. Unless circumstances described in paragraph no. 1.7 above exist, Grantee or Grantee’s duly appointed agent(s) shall provide to Grantor a minimum of two work days advance notice of any visit onto the Serving Parcel.

3. The Parties further agree that this Declaration:

3.1. Shall run with the Serving Parcel and be binding upon the Parties, and

3.2. May not be amended or abrogated, in part or entirely, without the express written consent of the Parties, and

3.3. Shall survive and apply to any subsequent divisions of the Serving Parcel.

Stormwater Facilities Off Served Parcel for Sudden Valley
Approved as to form:

Daniel L. Gibson
Chief Civil Deputy Prosecuting Attorney

GRANTOR(S)

Signature

Signature

State of Washington )
) ss
County of Whatcom )

I certify that I know, or have satisfactory evidence, that <name(s)> <is/are> the person<s> who appeared before me, and said person<s> acknowledged that <he/she/they> signed this instrument, on oath stated that <he/she/they> <was/were> authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated

(Seal or Stamp)

Notary Public in and for the State of Washington

My appointment expires

Stormwater Facilities Off Served Parcel for Sudden Valley
GRANTEE

___________________________________
Signature

State of Washington  )
                  ) ss
County of Whatcom   )

I certify that I know, or have satisfactory evidence, that Joseph P. Rutan, PE is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument as the County Engineer of Whatcom County, and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

___________________________________  _______________________________________
Dated                                           Signature

(Seal or Stamp)

Notary Public in and for the State of Washington

My appointment expires

Copies:
- Grantor w/ Exhibits
- Master Public Works Department Hard Copy Agreement File w/ Exhibits
- Master Public Works Department Electronic Agreement File w/ Exhibits
- Public Works Department Ferry/Special Programs Manager

Stormwater Facilities Off Served Parcel for Sudden Valley
Attachment 3
SVCA Residential Stormwater Management System
Inspection and Maintenance Manual
SVCA Residential Stormwater Management System

Inspection and Maintenance Manual

Maintenance and Inspection Actions:

The stormwater facilities shall be inspected at least once a year, preferably at the end of summer/early fall in preparation for the wet season.

Every facility shall be maintained and inspected as follows (if present):

- Cleaning leaves and other debris out of the pretreatment catch basin (the basin that receives water from the roof)
- Cleaning leaves, weeds, and other debris away from any overflow/outlet pipe to allow the pipe to flow freely. Ensure nothing is blocking the pipe and thus preventing it from draining.
- Areas where the gravel top layer of the facility has been rutted or otherwise physically damaged and needs to be replaced or repaired.
- Water should readily drain to and through the facility. Stormwater should not pond or otherwise be unable to drain.
- For permeable pavement areas, ensure sediment is not flowing into the pavement from surrounding land areas. Stabilize any nearby erosion with watershed appropriate mulch and/or plantings. Hand held pressure washers may be used to clean permeable pavement surfaces and to restore areas where surface debris is inhibiting infiltration through the pavement surface.
  o If using GravelPave (or other approved loose aggregate permeable pavement grid system), remove and replace top course aggregate if it becomes clogged with sediment or contaminated. Remove and replace grid segments if three or more rings are broken or damaged.

During the wet season, observe the system during heavy rainstorms to ensure it is draining properly. Signs that the stormwater is not draining properly are water ponding on the surface of an infiltration/filteration facility, water surfacing out of or next to the stormwater system through the ground, or stormwater flooding out of the pretreatment catch basin. If the facility is not draining properly, please notify SCVA.

Facilities with media filter drain media will require the media to be replaced when it will not readily filter stormwater anymore (water ponds, doesn’t drain or drains very slowly through the media). Typical filtration flowrates for the media are 10 inches per hour, meaning there should be no visible water remaining on the surface of a stormwater facility after a storm. For reference, “100 year” storm events for Whatcom County are usually less than 6 inches per 24 hours.
SVCA Residential Stormwater Management System

Annual Inspection Form

Owner Name: ________________________________  Date: ________________

Property Address: ________________________________  Parcel ID: __________

SVCA Acct: ________________________________

Name of Inspector: ________________________________

<table>
<thead>
<tr>
<th>Maintenance Component</th>
<th>Not Applicable</th>
<th>Yes</th>
<th>No</th>
<th>If “No”, Date Repaired or Corrected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the pretreatment catch basin free of leaves and is there less than 6 inches of sediment/debris in the sump?</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Are all outlet pipes or other pipes that drain to the drainage ditch free of weeds or other obstructions that would prevent water from flowing out of the pipe?</td>
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</tr>
<tr>
<td>If facility has a gravel top layer, is this gravel area free of ruts, low spots, or is otherwise free of physical damage (this includes permeable pavement plastic grids, if present)?</td>
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<tr>
<td>If facility has a gravel top or is a permeable pavement, when it rains is all water draining through the gravel/pavement surface in less than an hour?</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>When it rains, does all stormwater stay within the pipes and doesn’t come out the sides or top of the stormwater facility either through the ground or the catch basin?</td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

* If “No”, facility will need to be cleaned or repaired to fix the issue. Contact SVCA for guidance if unsure how to address any maintenance or repairs.

Submit completed form by December 31 to:

SVCA - Architectural Control Committee
4 Clubhouse Circle
Bellingham, WA 98229
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to:
---|---|---|---|---|---
Originator: James P. Karcher, P.E. | GPK | 6/1/16 | | 06/14/16 | Finance, Council
Division Head: Joe Rutan, P.E. | | | | |
Dept. Head: Jon Hutchings | | | | |
Prosecutor: Daniel L. Gibson | | | | |
Purchasing/Budget: Brad Bennett | Bb | 6/01/16 | | |
Executive: Jack Louws | Tm | | | |

TITLE OF DOCUMENT:
Local Agency Professional Services Negotiated Hourly Rate Consultant Agreement between Whatcom County and GeoTest Services, Inc.

ATTACHMENTS:
1. Cover Memo
2. Contract Information Sheet
3. Local Agency Professional Services Negotiated Hourly Rate Consultant Agreement
4. Insurance Certificate and Endorsements

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

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

The contract will cover material sample collection, on-site material inspection, on-site construction inspection, the testing of concrete, hot mix asphalt (HMA), aggregates and other construction materials for various Whatcom County Public Works Projects in the 2016-2017 program years.

COMMITTEE ACTION: COUNCIL ACTION:

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

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

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

Through: Jon Hutchings, Director

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

Date: June 1, 2016

Re: Materials Testing, Material Inspection and Construction Inspection Services
    Local Agency Professional Services Consultant Agreement
    GeoTest Services, Inc.

Enclosed for your review and signature are two (2) originals each of the above referenced contract between GeoTest Services Inc. and Whatcom County.

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to enter into a contract with the selected consultant in the amount of $300,000.

Background and Purpose
The contract will cover material sample collection, on-site material inspection, on-site construction inspection, the testing of concrete, hot mix asphalt (HMA), aggregates and other construction materials for various Whatcom County Public Works Projects in the 2016-2017 program years.

GeoTest was determined by the selection committee as the most qualified of the five (5) firms that responded to the Request for Qualifications (RFQ No. 16-08) and subsequent interviews.

Funding Amount and Source
Sufficient Local Road Funds exist within the budget to cover all anticipated material testing, material inspection and construction inspection services to be performed under this contract.

Please contact Jim Karcher at extension 6271 with any questions regarding this contract.
WHATCOM COUNTY CONTRACT INFORMATION SHEET

Originating Department: Public Works
Contract or Grant Administrator: James P. Karcher, P.E., Engineering Manager
Contractor’s / Agency Name: GeoTest Services, Inc.

Is this a New Contract? Yes ☒ No ☐ If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No ☒
If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:

Does contract require Council Approval? Yes ☒ No ☐ If No, include WCC:
(see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

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

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

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

Is this agreement excluded from E-Verify? No ☐ Yes ☒ If no, include Attachment D Contractor Declaration form.

If YES, indicate exclusion(s) below:
☒ Professional services agreement for certified/licensed professional.
☐ Contract work is for less than $100,000.
☐ Contract work is for less than 120 days.
☐ Interlocal Agreement (between Governments).
☐ Contract for Commercial off the shelf items (COTS).
☐ Work related subcontract less than $25,000.
☐ Public Works - Local Agency/Federally Funded FHWA.

Contract Amount: (sum of original contract amount and any prior amendments):
$ 300,000. (100% Local Funds)

This Amendment Amount:
$

Total Amended Amount:
$

Contracts that require Council Approval (incl. agenda bill & memo)
- Professional Services Agreement above $20,000.
- Bid is more than $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:
The contract will cover material sample collection, on-site material inspection, on-site construction inspection, the testing of concrete, hot mix asphalt (HMA), aggregates and other construction materials for various Whatcom County Public Works Projects in the 2016-2017 program years.

Term of Contract: Not to Exceed Expiration Date: 12/31/2017

Contract Routing: 1. Prepared by: M. Jones Date: 05/25/16
2. Attorney signoff: Daniel L. Gibson Date: 05/25/16
3. AS Finance reviewed: bbennett Date: 06/01/16
4. IT reviewed (if IT related):
5. Contractor signed: Date: 5-24-16
6. Submitted to Exec.: Date: 6-3-16
7. Council approved (if necessary):
8. Executive signed:
9. Original to Council:

Last Edited 060414
Local Agency Professional Services
Negotiated Hourly Rate Consultant Agreement

Agreement Number:

Does this Require DES filing? ☐ Yes ☑ No

<table>
<thead>
<tr>
<th>Firm/Organization Legal Name (do not use dba's):</th>
<th>Federal Aid Number</th>
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<tr>
<td>GeoTest Services, Inc.</td>
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<table>
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<tr>
<th>Address</th>
<th>Federal TIN or SSN Number</th>
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<tr>
<td>741 Marine Drive, Bellingham WA 98225</td>
<td>91-1583617</td>
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<th>Completion Date</th>
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<td>601 442 744</td>
<td>12/31/2017</td>
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<tr>
<th>1099 Form Required</th>
<th>Federal Participation</th>
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<tbody>
<tr>
<td>☑ Yes</td>
<td>☐ Yes ☑ No</td>
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<table>
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<tr>
<th>Project Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016 / 2017 Material Testing, Material Inspection and Construction Inspection Contract</td>
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</tbody>
</table>

Description of Work

This on call contract will provide for on-site construction inspection, material sample collection, on-site material inspection and testing of concrete, hot mix asphalt (HMA), aggregates and other construction materials for Whatcom County Public Works Projects.

<table>
<thead>
<tr>
<th>Yes</th>
<th>%</th>
<th>☑ No DBE Participation</th>
<th>Maximum Amount Payable: $300,000.00</th>
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<td>☑ No MBE Participation</td>
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</tr>
<tr>
<td>Yes</td>
<td>%</td>
<td>☑ No SBE Participation</td>
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</table>

Index of Exhibits

- Exhibit A: Scope of Work
- Exhibit B: DBE Participation
- Exhibit C: Preparation and Delivery of Electronic Engineering and Other Data
- Exhibit D: Prime Consultant Cost Computations
- Exhibit E: Sub-consultant Cost Computations
- Exhibit F: Title VI Assurances
- Exhibit G: Certification Documents
- Exhibit H: Liability Insurance Increase
- Exhibit I: Alleged Consultant Design Error Procedures
- Exhibit J: Consultant Claim Procedures
THIS AGREEMENT, made and entered into as shown in the “Execution Date” box on page one (1) of this AGREEMENT, between the County of Whatcom hereinafter called the “AGENCY,” and the “Firm/Organization Name” referenced on page one (1) of this AGREEMENT, hereinafter called the “CONSULTANT.”

WHEREAS, the AGENCY desires to accomplish the work referenced in “Description of Work” on page one (1) of this AGREEMENT and hereafter called the “SERVICES;” and does not have sufficient staff to meet the required commitment and therefore deems it advisable and desirable to engage the assistance of a CONSULTANT to provide the necessary SERVICES; and

WHEREAS, the CONSULTANT represents that they comply with the Washington State Statutes relating to professional registration, if applicable, and has signified a willingness to furnish consulting services to the AGENCY.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof, the parties hereto agree as follows:

I. General Description of Work

The work under this AGREEMENT shall consist of the above-described SERVICES as herein defined, and necessary to accomplish the completed work for this project. The CONSULTANT shall furnish all services, labor, and related equipment and, if applicable, sub-consultants and subcontractors necessary to conduct and complete the SERVICES as designated elsewhere in this AGREEMENT.

II. Scope of Work

The Scope of Work and projected level of effort required for these SERVICES is described in Exhibit “A” attached hereto and by this reference made a part of this AGREEMENT. The Scope of Work was developed utilizing performance based contracting methodologies.

III. General Requirements

All aspects of coordination of the work of this AGREEMENT with outside agencies, groups, or individuals shall receive advance approval by the AGENCY. Necessary contacts and meetings with agencies, groups, and/or individuals shall be coordinated through the AGENCY. The CONSULTANT shall attend coordination, progress, and presentation meetings with the AGENCY and/or such State, Federal, Community, City, or County officials, groups or individuals as may be requested by the AGENCY. The AGENCY will provide the CONSULTANT sufficient notice prior to meetings requiring CONSULTANT participation. The minimum required hours or days’ notice shall be agreed to between the AGENCY and the CONSULTANT and shown in Exhibit “A.”

The CONSULTANT shall prepare a monthly progress report, in a form approved by the AGENCY, which will outline in written and graphical form the various phases and the order of performance of the SERVICES in sufficient detail so that the progress of the SERVICES can easily be evaluated.

The CONSULTANT, any sub-consultants, and the AGENCY shall comply with all Federal, State, and local laws, rules, codes, regulations, and all AGENCY policies and directives, applicable to the work to be performed under this AGREEMENT. This AGREEMENT shall be interpreted and construed in accordance with the laws of the State of Washington.

Agreement Number:
Participation for Disadvantaged Business Enterprises (DBE) or Small Business Enterprises (SBE), if required, per 49 CFR Part 26 shall be shown on the heading of this AGREEMENT. If DBE firms are utilized at the commencement of this AGREEMENT, the amounts authorized to each firm and their certification number will be shown on Exhibit “B” attached hereto and by this reference made part of this AGREEMENT. If the Prime CONSULTANT is a DBE certified firm they must comply with the Commercial Useful Function (CUF) regulation outlined in the AGENCY’s “DBE Program Participation Plan” and perform a minimum of 30% of the total amount of this AGREEMENT. It is recommended, but not required, that non-DBE Prime CONSULTANTS perform a minimum of 30% of the total amount of this AGREEMENT.

The CONSULTANT, on a monthly basis, is required to submit DBE Participation of the amounts paid to all DBE firms invoiced for this AGREEMENT.

All Reports, PS&E materials, and other data furnished to the CONSULTANT by the AGENCY shall be returned. All electronic files, prepared by the CONSULTANT, must meet the requirements as outlined in Exhibit “C – Preparation and Delivery of Electronic Engineering and other Data.”

All designs, drawings, specifications, documents, and other work products, including all electronic files, prepared by the CONSULTANT prior to completion or termination of this AGREEMENT are instruments of service for these SERVICES, and are the property of the AGENCY. Reuse by the AGENCY or by others, acting through or on behalf of the AGENCY of any such instruments of service, not occurring as a part of this SERVICE, shall be without liability or legal exposure to the CONSULTANT.

Any and all notices or requests required under this AGREEMENT shall be made in writing and sent to the other party by (i) certified mail, return receipt requested, or (ii) by email or facsimile, to the address set forth below:

If to AGENCY:
  Name: Marti Jones
  Agency: Whatcom County
  Address: 322 N. Commercial St., Suite 301
  City: Bellingham State: WA Zip: 98225
  Email: mjones@co.whatcom.wa.us
  Phone: (360) 778-6262
  Facsimile: (360) 778-6211

If to CONSULTANT:
  Name: Jeremy Wolf
  Agency: GeoTest Services, Inc.
  Address: 741 Marine Dr
  City: Bellingham State: WA Zip: 98225
  Email: jeremyw@geotest-inc.com
  Phone: (360) 733-7318
  Facsimile: (360) 733-7418

IV. Time for Beginning and Completion

The CONSULTANT shall not begin any work under the terms of this AGREEMENT until authorized in writing by the AGENCY. This AGREEMENT may require filing with the Department of Enterprise Services (DES) pursuant to RCW 39.26.140. If such approval is required by DES, this AGREEMENT shall not bind the AGENCY until approved by DES. If the AGREEMENT must be approved by DES, work cannot begin, nor payment made until ten (10) or more working days following the date of filing, and until approved by DES. Any subsequent SUPPLEMENTAL AGREEMENT may also be subject to filing and/or approval from DES. All work under this AGREEMENT shall be completed by the date shown in the heading of this AGREEMENT titled “Completion Date.”

The established completion time shall not be extended because of any delays attributable to the CONSULTANT, but may be extended by the AGENCY in the event of a delay attributable to the AGENCY, or because of unavoidable delays caused by an act of GOD, governmental actions, or other conditions beyond the control of the CONSULTANT. A prior supplemental AGREEMENT issued by the AGENCY is required to extend the established completion time.
V. Payment Provisions

The CONSULTANT shall be paid by the AGENCY for completed SERVICES rendered under this AGREEMENT as provided hereinafter. Such payment shall be full compensation for SERVICES performed or SERVICES rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete SERVICES. The CONSULTANT shall conform to all applicable portions of 48 CFR Part 31 (www.ecfr.gov).

A. Hourly Rates: Hourly rates are comprised of the following elements - Direct (Raw) Labor, Indirect Cost Rate, and Fixed Fee (Profit). The CONSULTANT shall be paid by the AGENCY for work done, based upon the negotiated hourly rates shown in Exhibits “D” and “E” attached hereto and by reference made part of this AGREEMENT. These negotiated hourly rates will be accepted based on a review of the CONSULTANT’s direct labor rates and indirect cost rate computations and agreed upon fixed fee. The accepted negotiated rates shall be memorialized in a final written acknowledgement between the parties. Such final written acknowledgement shall be incorporated into, and become a part of, this AGREEMENT. The initially accepted negotiated rates shall be applicable from the approval date, as memorialized in a final written acknowledgement, to 180 days following the CONSULTANT’s fiscal year end (FYE) date.

The direct (raw) labor rates and classifications, as shown on Exhibits “D” and “E” shall be subject to renegotiations for each subsequent twelve (12) month period (180 days following FYE date to 180 days following FYE date) upon written request of the CONSULTANT or the AGENCY. The written request must be made to the other party within ninety (90) days following the CONSULTANT’s FYE date. If no such written request is made, the current direct (raw) labor rates and classifications as shown on Exhibits “D” and “E”, will remain in effect for the twelve (12) month period.

Conversely, if a timely request is made in the manner set forth above, the parties will commence negotiations to determine the new direct (raw) labor rates and classifications that will be applicable for the twelve (12) month period. Any agreed to renegotiated rates shall be memorialized in a final written acknowledgment between the parties. Such final written acknowledgment shall be incorporated into, and become a part of, this AGREEMENT. If requested, the CONSULTANT shall provide current payroll register and classifications to aid in negotiations. If the parties cannot reach an agreement on the direct (raw) labor rates and classifications, the AGENCY shall perform an audit of the CONSULTANT’s books and records to determine the CONSULTANT’s actual costs. The audit findings will establish the direct (raw) labor rates and classifications that will be applicable for the twelve (12) month period.

The fixed fee as identified in Exhibits “D” and “E” shall represent a value to be applied throughout the life of the AGREEMENT.

The CONSULTANT shall submit annually to the AGENCY an updated indirect cost rate within 180 days of the close of its fiscal year. An approved updated indirect cost rate shall be included in the current fiscal year rates under this AGREEMENT, even if/when other components of the hourly rate are not renegotiated. These rates will be applicable for the twelve (12) month period. At the AGENCY’s option, a provisional and/or conditional indirect cost rate may be negotiated. This provisional or conditional indirect rate shall remain in effect until the updated indirect cost rate is completed and approved. Indirect cost rate costs incurred during the provisional or conditional period will not be adjusted. The CONSULTANT may request an extension of the last approved indirect cost rate for the twelve (12) month period. These requests for provisional indirect cost rate and/or extension will be considered on a case-by-case basis, and if granted, will be memorialized in a final written acknowledgement.

The CONSULTANT shall maintain and have accessible support data for verification of the components of the hourly rates, i.e., direct (raw) labor, indirect cost rate, and fixed fee (profit) percentage. The CONSULTANT shall bill each employee’s actual classification, and actual salary plus indirect cost rate plus fixed fee.

Agreement Number:
B. Direct Non-Salary Costs: Direct Non-Salary Costs will be reimbursed at the actual cost to the CONSULTANT. These charges may include, but are not limited to, the following items: travel, printing, long distance telephone, supplies, computer charges. The CONSULTANT shall comply with the rules and regulations regarding travel costs (excluding air, train, and rental car costs) in accordance with the WSDOT'S Accounting Manual M 13-82, Chapter 10 – Travel Rules and Procedures, and all revisions thereto. Air, train and rental car costs shall be reimbursed in accordance with 48 Code of Federal Regulations (CFR) Part 31.205-46 “Travel Costs.” The billing for direct non-salary costs shall include an itemized listing of the charges directly identifiable with these SERVICES. The CONSULTANT shall maintain the original supporting documents in their office. Copies of the original supporting documents shall be supplied to the AGENCY upon request. All above charges must be necessary for the SERVICES provided under this AGREEMENT.

C. Maximum Amount Payable: The Maximum Amount Payable by the AGENCY to the CONSULTANT under this AGREEMENT shall not exceed the amount shown in the heading of this AGREEMENT on page one (1.) The Maximum Amount Payable does not include payment for extra work as stipulated in section XIII, “Extra Work.” No minimum amount payable is guaranteed under this AGREEMENT.

D. Monthly Progress Payments: Progress payments may be claimed on a monthly basis for all costs authorized in A and B above. The monthly billings shall be supported by detailed statements for hours expended at the rates established in Exhibit “D,” including names and classifications of all employees, and billings for all direct non-salary expenses. To provide a means of verifying the billed salary costs for the CONSULTANT’s employees, the AGENCY may conduct employee interviews. These interviews may consist of recording the names, titles, salary rates, and present duties of those employees performing work on the SERVICES at the time of the interview.

E. Final Payment: Final Payment of any balance due the CONSULTANT of the gross amount earned will be made promptly upon its verification by the AGENCY after the completion of the SERVICES under this AGREEMENT, contingent upon receipt of all PS&E, plans, maps, notes, reports, electronic data, and other related documents which are required to be furnished under this AGREEMENT. Acceptance of such Final Payment by the CONSULTANT shall constitute a release of all claims for payment, which the CONSULTANT may have against the AGENCY unless such claims are specifically reserved in writing and transmitted to the AGENCY by the CONSULTANT prior to its acceptance. Said Final Payment shall not, however, be a bar to any claims that the AGENCY may have against the CONSULTANT or to any remedies the AGENCY may pursue with respect to such claims.

The payment of any billing will not constitute agreement as to the appropriateness of any item and at the time of final audit all required adjustments will be made and reflected in a final payment. In the event that such final audit reveals an overpayment to the CONSULTANT, the CONSULTANT will refund such overpayment to the AGENCY within thirty (30) calendar days of notice of the overpayment. Such refund shall not constitute a waiver by the CONSULTANT for any claims relating to the validity of a finding by the AGENCY of overpayment. Per the WSDOT’s “Audit Guide for Consultants,” Chapter 23 “Resolution Procedures,” the CONSULTANT has twenty (20) working days after receipt of the final Post Audit to begin the appeal process to the AGENCY for audit findings.

F. Inspection of Cost Records: The CONSULTANT and their sub-consultants shall keep available for inspection by representatives of the AGENCY and the United States, for a period of six (6) years after receipt of final payment, the cost records and accounts pertaining to this AGREEMENT and all items related to or bearing upon these records with the following exception: if any litigation, claim or audit arising out of, in connection with, or related to this AGREEMENT is initiated before the expiration of the six (6) year period, the cost records and accounts shall be retained until such litigation, claim, or audit involving the records is completed.

An interim or post audit may be performed on this AGREEMENT. The audit, if any, will be performed by the State Auditor, WSDOT’s Internal Audit Office and /or at the request of the AGENCY’s Project Manager.
VI. Sub-Contracting

The AGENCY permits subcontracts for those items of SERVICES as shown in Exhibit “A” attached hereto and by this reference made part of this AGREEMENT.

The CONSULTANT shall not subcontract for the performance of any SERVICE under this AGREEMENT without prior written permission of the AGENCY. No permission for subcontracting shall create, between the AGENCY and sub-consultant, any contract or any other relationship.

Compensation for this sub-consultant SERVICES shall be based on the cost factors shown on Exhibit “E” attached hereto and by this reference made part of this AGREEMENT.

The SERVICES of the sub-consultant shall not exceed its maximum amount payable identified in each Task Order unless a prior written approval has been issued by the AGENCY.

All reimbursable direct labor, indirect cost rate, direct non-salary costs and fixed fee costs for the sub-consultant shall be negotiated and substantiated in accordance with section V “Payment Provisions” herein and shall be memorialized in a final written acknowledgement between the parties.

All subcontracts shall contain all applicable provisions of this AGREEMENT, and the CONSULTANT shall require each sub-consultant or subcontractor, of any tier, to abide by the terms and conditions of this AGREEMENT. With respect to sub-consultant payment, the CONSULTANT shall comply with all applicable sections of the STATE’s Prompt Payment laws as set forth in RCW 39.04.250 and RCW 39.76.011.

The CONSULTANT, sub-recipient, or sub-consultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this AGREEMENT. The CONSULTANT shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the CONSULTANT to carry out these requirements is a material breach of this AGREEMENT, which may result in the termination of this AGREEMENT or such other remedy as the recipient deems appropriate.

VII. Employment and Organizational Conflict of Interest

The CONSULTANT warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT, to solicit or secure this contract, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warrant, the AGENCY shall have the right to annul this AGREEMENT without liability or, in its discretion, to deduct from this AGREEMENT price or consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

Any and all employees of the CONSULTANT or other persons while engaged in the performance of any work or services required of the CONSULTANT under this AGREEMENT, shall be considered employees of the CONSULTANT only and not of the AGENCY, and any and all claims that may arise under any Workmen’s Compensation Act on behalf of said employees or other persons while so engaged, and any and all claims made by a third party as a consequence of any act or omission on the part of the CONSULTANT’s employees or other persons while so engaged on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the CONSULTANT.

The CONSULTANT shall not engage, on a full- or part-time basis, or other basis, during the period of this AGREEMENT, any professional or technical personnel who are, or have been, at any time during the period of this AGREEMENT, in the employ of the United States Department of Transportation or the AGENCY, except regularly retired employees, without written consent of the public employer of such person if he/she will be working on this AGREEMENT for the CONSULTANT.

Agreement Number:
VIII. Non-discrimination

During the performance of this AGREEMENT, the CONSULTANT, for itself, its assignees, sub-consultants, subcontractors and successors in interest, agrees to comply with the following laws and regulations:

- Title VI of the Civil Rights Act of 1964
  (42 U.S.C. Chapter 21 Subchapter V § 2000d through 2000d-4a)
- Federal-aid Highway Act of 1973
  (23 U.S.C. Chapter 3 § 324)
- Rehabilitation Act of 1973
  (29 U.S.C. Chapter 16 Subchapter V § 794)
- Age Discrimination Act of 1975
  (42 U.S.C. Chapter 76 § 6101 et. seq.)
- Civil Rights Restoration Act of 1987
  (Public Law 100-259)
- American with Disabilities Act of 1990
  (42 U.S.C. Chapter 126 § 12101 et. seq.)
- 23 CFR Part 200
- 49 CFR Part 21
- 49 CFR Part 26
- RCW 49.60.180

In relation to Title VI of the Civil Rights Act of 1964, the CONSULTANT is bound by the provisions of Exhibit “F” attached hereto and by this reference made part of this AGREEMENT, and shall include the attached Exhibit “F” in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

IX. Termination of Agreement

The right is reserved by the AGENCY to terminate this AGREEMENT at any time with or without cause upon ten (10) days written notice to the CONSULTANT.

In the event this AGREEMENT is terminated by the AGENCY, other than for default on the part of the CONSULTANT, a final payment shall be made to the CONSULTANT for actual hours charged at the time of termination of this AGREEMENT, plus any direct non-salary costs incurred up to the time of termination of this AGREEMENT.

No payment shall be made for any SERVICES completed after ten (10) days following receipt by the CONSULTANT of the notice to terminate. If the accumulated payment made to the CONSULTANT prior to Notice of Termination exceeds the total amount that would be due when computed as set forth in paragraph two (2) of this section, then no final payment shall be due and the CONSULTANT shall immediately reimburse the AGENCY for any excess paid.

If the services of the CONSULTANT are terminated by the AGENCY for default on the part of the CONSULTANT, the above formula for payment shall not apply.

In the event of a termination for default, the amount to be paid to the CONSULTANT shall be determined by the AGENCY with consideration given to the actual costs incurred by the CONSULTANT in performing SERVICES to the date of termination, the amount of SERVICES originally required which was satisfactorily completed to date of termination, whether that SERVICE is in a form or a type which is usable to the AGENCY at the time of termination, the cost to the AGENCY of employing another firm to complete the SERVICES required and the time which may be required to do so, and other factors which affect the value to the AGENCY of the SERVICES performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount, which would have been made using the formula set forth in paragraph two (2) of this section.

If it is determined for any reason that the CONSULTANT was not in default or that the CONSULTANT's failure to perform is without the CONSULTANT's or its employee's fault or negligence, the termination shall be deemed to be a termination for the convenience of the AGENCY. In such an event, the CONSULTANT would be reimbursed for actual costs in accordance with the termination for other than default clauses listed previously.

Agreement Number:
The CONSULTANT shall, within 15 days, notify the AGENCY in writing, in the event of the death of any member, partner, or officer of the CONSULTANT or the death or change of any of the CONSULTANT’s supervisory and/or other key personnel assigned to the project or disaffiliation of any principally involved CONSULTANT employee. The CONSULTANT shall also notify the AGENCY, in writing, in the event of the sale or transfer of 50% or more of the beneficial ownership of the CONSULTANT within 15 days of such sale or transfer occurring. The CONSULTANT shall continue to be obligated to complete the SERVICES under the terms of this AGREEMENT unless the AGENCY chooses to terminate this AGREEMENT for convenience or chooses to renegotiate any term(s) of this AGREEMENT. If termination for convenience occurs, final payment will be made to the CONSULTANT as set forth in the second and third paragraphs of this section.

Payment for any part of the SERVICES by the AGENCY shall not constitute a waiver by the AGENCY of any remedies of any type it may have against the CONSULTANT for any breach of this AGREEMENT by the CONSULTANT, or for failure of the CONSULTANT to perform SERVICES required of it by the AGENCY. Forbearance of any rights under the AGREEMENT will not constitute waiver of entitlement to exercise those rights with respect to any future act or omission by the CONSULTANT.

X. Changes of Work

The CONSULTANT shall make such changes and revisions in the completed work of this AGREEMENT as necessary to correct errors appearing therein, without additional compensation thereof. Should the AGENCY find it desirable for its own purposes to have previously satisfactorily completed SERVICES or parts thereof changed or revised, the CONSULTANT shall make such revisions as directed by the AGENCY. This work shall be considered as Extra Work and will be paid for as herein provided under section XIII “Extra Work.”

XI. Disputes

Any disputed issue not resolved pursuant to the terms of this AGREEMENT shall be submitted in writing within 10 days to the Director of Public Works or AGENCY Engineer, whose decision in the matter shall be final and binding on the parties of this AGREEMENT; provided however, that if an action is brought challenging the Director of Public Works or AGENCY Engineer’s decision, that decision shall be subject to judicial review. If the parties to this AGREEMENT mutually agree, disputes concerning alleged design errors will be conducted under the procedures found in Exhibit “J”. In the event that either party deem it necessary to institute legal action or proceeding to enforce any right or obligation under this AGREEMENT, this action shall be initiated in the Superior Court of the State of Washington, situated in the county in which the AGENCY is located. The parties hereto agree that all questions shall be resolved by application of Washington law and that the parties have the right of appeal from such decisions of the Superior Court in accordance with the laws of the State of Washington. The CONSULTANT hereby consents to the personal jurisdiction of the Superior Court of the State of Washington, situated in the county in which the AGENCY is located.

XII. Legal Relations

The CONSULTANT, any sub-consultants, and the AGENCY shall comply with all Federal, State, and local laws, rules, codes, regulations and all AGENCY policies and directives, applicable to the work to be performed under this AGREEMENT. This AGREEMENT shall be interpreted and construed in accordance with the laws of the State of Washington.

The CONSULTANT shall defend, indemnify, and hold the State of Washington (STATE), the AGENCY and their officers and employees harmless from all claims, demands, or suits at law or equity arising in whole or in part from the negligence of, or the breach of any obligation under this AGREEMENT by, the CONSULTANT or the CONSULTANT’s agents, employees, sub consultants, subcontractors or vendors, of any tier, or any other persons for whom the CONSULTANT may be legally liable; provided that nothing herein shall require a CONSULTANT
to defend or indemnify the STATE and the AGENCY and their officers and employees against and hold harmless the STATE and the AGENCY and their officers and employees from claims, demands or suits based solely upon the negligence of, or breach of any obligation under this AGREEMENT by the STATE and/or the AGENCY, their agents, officers, employees, sub-consultants, subcontractors or vendors, of any tier, or any other persons for whom the STATE and/or the AGENCY may be legally liable; and provided further that if the claims or suits are caused by or result from the concurrent negligence of (a) the CONSULTANT or the CONSULTANT’s agents, employees, sub-consultants, subcontractors or vendors, of any tier, or any other persons for whom the CONSULTANT is legally liable, and (b) the STATE and/or the AGENCY, its agents, officers, employees, sub-consultants, subcontractors and or vendors, of any tier, or any other persons for whom the STATE and/or the AGENCY may be legally liable, the defense and indemnity obligation shall be valid and enforceable only to the extent of the CONSULTANT’s negligence or the negligence of the CONSULTANT’s agents, employees, sub-consultants, subcontractors or vendors, of any tier, or any other persons for whom the CONSULTANT may be legally liable. This provision shall be included in any AGREEMENT between CONSULTANT and any sub-consultant, subcontractor and vendor, of any tier.

The CONSULTANT shall also defend, indemnify, and hold the STATE and the AGENCY and their officers and employees harmless from all claims, demands, or suits at law or equity arising in whole or in part from the alleged patent or copyright infringement or other allegedly improper appropriation or use of trade secrets, patents, proprietary information, know-how, copyright rights or inventions by the CONSULTANT or the CONSULTANT’s agents, employees, sub-consultants, subcontractors or vendors, of any tier, or any other persons for whom the CONSULTANT may be legally liable, in performance of the work under this AGREEMENT or arising out of any use in connection with the AGREEMENT of methods, processes, designs, information or other items furnished or communicated to STATE and/or the AGENCY, its agents, officers and employees pursuant to the AGREEMENT, provided that this indemnity shall not apply to any alleged patent or copyright infringement or other allegedly improper appropriation or use of trade secrets, patents, proprietary information, know-how, copyright rights or inventions resulting from STATE’s and/or the AGENCY’s, their agents’, officers’ and employees’ failure to comply with specific written instructions regarding use provided to STATE and/or the AGENCY, their agents, officers and employees by the CONSULTANT, its agents, employees, sub-consultants, subcontractors or vendors, of any tier, or any other persons for whom the CONSULTANT may be legally liable.

The CONSULTANT’s relation to the AGENCY shall be at all times as an independent contractor.

Notwithstanding any determination by the Executive Ethics Board or other tribunal, the AGENCY may, in its sole discretion, by written notice to the CONSULTANT terminate this AGREEMENT if it is found after due notice and examination by the AGENCY that there is a violation of the Ethics in Public Service Act, Chapter 42.52 RCW; or any similar statute involving the CONSULTANT in the procurement of, or performance under, this AGREEMENT.

The CONSULTANT specifically assumes potential liability for actions brought by the CONSULTANT’s own employees or its agents against the STATE and/or the AGENCY and, solely for the purpose of this indemnification and defense, the CONSULTANT specifically waives any immunity under the state industrial insurance law, Title 51 RCW. This waiver has been mutually negotiated by the Parties.

Unless otherwise specified in this AGREEMENT, the AGENCY shall be responsible for administration of construction contracts, if any, on the project. Subject to the processing of a new sole source, or an acceptable supplemental AGREEMENT, the CONSULTANT shall provide On-Call assistance to the AGENCY during contract administration. By providing such assistance, the CONSULTANT shall assume no responsibility for: proper construction techniques, job site safety, or any construction contractor’s failure to perform its work in accordance with the contract documents.

The CONSULTANT shall obtain and keep in force during the terms of this AGREEMENT, or as otherwise required, the following insurance with companies or through sources approved by the State Insurance Commissioner pursuant to Title 48 RCW.

Agreement Number:
Insurance Coverage

A. Worker’s compensation and employer’s liability insurance as required by the STATE.

B. Commercial general liability insurance written under ISO Form CG 00 01 12 04 or its equivalent with minimum limits of one million dollars ($1,000,000.00) per occurrence and two million dollars ($2,000,000.00) in the aggregate for each policy period.

C. Business auto liability insurance written under ISO Form CG 00 01 10 01 or equivalent providing coverage for any “Auto” (Symbol 1) used in an amount not less than a one million dollar ($1,000,000.00) combined single limit for each occurrence.

Excepting the Worker’s Compensation Insurance and any Professional Liability Insurance, the STATE and AGENCY, their officers, employees, and agents will be named on all policies of CONSULTANT and any sub-consultant and/or subcontractor as an additional insured (the “AIs”), with no restrictions or limitations concerning products and completed operations coverage. This coverage shall be primary coverage and non-contributory and any coverage maintained by the AIs shall be excess over, and shall not contribute with, the additional insured coverage required hereunder. The CONSULTANT’s and the sub-consultant’s and/or subcontractor’s insurer shall waive any and all rights of subrogation against the AIs. The CONSULTANT shall furnish the AGENCY with verification of insurance and endorsements required by this AGREEMENT. The AGENCY reserves the right to require complete, certified copies of all required insurance policies at any time.

All insurance shall be obtained from an insurance company authorized to do business in the State of Washington. The CONSULTANT shall submit a verification of insurance as outlined above within fourteen (14) days of the execution of this AGREEMENT to:

Name: Marti Jones
Agency: Whatcom County
Address: 322 N. Commercial St., Suite 301
City: Bellingham State: WA Zip: 98225
Email: mjones@co.whatcom.wa.us
Phone: (360) 778-6262
Facsimile: (360) 778-6211

No cancellation of the foregoing policies shall be effective without thirty (30) days prior notice to the AGENCY.

The CONSULTANT’s professional liability to the AGENCY, including that which may arise in reference to section IX “Termination of Agreement” of this AGREEMENT, shall be limited to the accumulative amount of the authorized AGREEMENT or one million dollars ($1,000,000.00), whichever is greater, unless the limit of liability is increased by the AGENCY pursuant to Exhibit H. In no case shall the CONSULTANT’s professional liability to third parties be limited in any way.

The parties enter into this AGREEMENT for the sole benefit of the parties, and to the exclusion of any third party, and no third party beneficiary is intended or created by the execution of this AGREEMENT.

The AGENCY will pay no progress payments under section V “Payment Provisions” until the CONSULTANT has fully complied with this section. This remedy is not exclusive; and the AGENCY may take such other action as is available to it under other provisions of this AGREEMENT, or otherwise in law.

Agreement Number:
XIII. Extra Work

A. The AGENCY may at any time, by written order, make changes within the general scope of this AGREEMENT in the SERVICES to be performed.

B. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of any part of the SERVICES under this AGREEMENT, whether or not changed by the order, or otherwise affects any other terms and conditions of this AGREEMENT, the AGENCY shall make an equitable adjustment in the: (1) maximum amount payable; (2) delivery or completion schedule, or both; and (3) other affected terms and shall modify this AGREEMENT accordingly.

C. The CONSULTANT must submit any “request for equitable adjustment,” hereafter referred to as “CLAIM,” under this clause within thirty (30) days from the date of receipt of the written order. However, if the AGENCY decides that the facts justify it, the AGENCY may receive and act upon a CLAIM submitted before final payment of this AGREEMENT.

D. Failure to agree to any adjustment shall be a dispute under the section XI “Disputes” clause. However, nothing in this clause shall excuse the CONSULTANT from proceeding with the AGREEMENT as changed.

E. Notwithstanding the terms and conditions of paragraphs (A.) and (B.) above, the maximum amount payable for this AGREEMENT, shall not be increased or considered to be increased except by specific written supplement to this AGREEMENT.

XIV. Endorsement of Plans

If applicable, the CONSULTANT shall place their endorsement on all plans, estimates, or any other engineering data furnished by them.

XV. Federal Review

The Federal Highway Administration shall have the right to participate in the review or examination of the SERVICES in progress.

XVI. Certification of the Consultant and the AGENCY

Attached hereto as Exhibit “G-1(a and b)” are the Certifications of the CONSULTANT and the AGENCY, Exhibit “G-2” Certification Regarding Debarment, Suspension and Other Responsibility Matters - Primary Covered Transactions, Exhibit “G-3” Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying and Exhibit “G-4” Certificate of Current Cost or Pricing Data. Exhibit “G-3” is required only in AGREEMENT’s over one hundred thousand dollars ($100,000.00) and Exhibit “G-4” is required only in AGREEMENT’s over five hundred thousand dollars ($500,000.00.) These Exhibits must be executed by the CONSULTANT, and submitted with the master AGREEMENT, and returned to the AGENCY at the address listed in section III “General Requirements” prior to its performance of any SERVICES under this AGREEMENT.

XVII. Complete Agreement

This document and referenced attachments contain all covenants, stipulations, and provisions agreed upon by the parties. No agent, or representative of either party has authority to make, and the parties shall not be bound by or be liable for, any statement, representation, promise or agreement not set forth herein. No changes, amendments, or modifications of the terms hereof shall be valid unless reduced to writing and signed by the parties as a supplement to this AGREEMENT.
XVIII. Execution and Acceptance

This AGREEMENT may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The CONSULTANT does hereby ratify and adopt all statements, representations, warranties, covenants, and AGREEMENT’s contained in the proposal, and the supporting material submitted by the CONSULTANT, and does hereby accept this AGREEMENT and agrees to all of the terms and conditions thereof.

XIX. Protection of Confidential Information

The CONSULTANT acknowledges that some of the material and information that may come into its possession or knowledge in connection with this AGREEMENT or its performance may consist of information that is exempt from disclosure to the public or other unauthorized persons under either chapter 42.56 RCW or other local, state or federal statutes (“State’s Confidential Information”). The “State’s Confidential Information” includes, but is not limited to, names, addresses, Social Security numbers, e-mail addresses, telephone numbers, financial profiles, credit card information, driver’s license numbers, medical data, law enforcement records (or any other information identifiable to an individual), STATE and AGENCY source code or object code, STATE and AGENCY security data, non-public Specifications, STATE and AGENCY non-publicly available data, proprietary software, STATE and AGENCY security data, or information which may jeopardize any part of the project that relates to any of these types of information. The CONSULTANT agrees to hold the State’s Confidential Information in strictest confidence and not to make use of the State’s Confidential Information for any purpose other than the performance of this AGREEMENT, to release it only to authorized employees, sub-consultants or subcontractors requiring such information for the purposes of carrying out this AGREEMENT, and not to release, divulge, publish, transfer, sell, disclose, or otherwise make it known to any other party without the AGENCY’S express written consent or as provided by law. The CONSULTANT agrees to release such information or material only to employees, sub-consultants or subcontractors who have signed a nondisclosure AGREEMENT, the terms of which have been previously approved by the AGENCY. The CONSULTANT agrees to implement physical, electronic, and managerial safeguards to prevent unauthorized access to the State’s Confidential Information.

Immediately upon expiration or termination of this AGREEMENT, the CONSULTANT shall, at the AGENCY’s option: (i) certify to the AGENCY that the CONSULTANT has destroyed all of the State’s Confidential Information; or (ii) returned all of the State’s Confidential Information to the AGENCY; or (iii) take whatever other steps the AGENCY requires of the CONSULTANT to protect the State’s Confidential Information.

As required under Executive Order 00-03, the CONSULTANT shall maintain a log documenting the following: the State’s Confidential Information received in the performance of this AGREEMENT; the purpose(s) for which the State’s Confidential Information was received; who received, maintained and used the State’s Confidential Information; and the final disposition of the State’s Confidential Information. The CONSULTANT’s records shall be subject to inspection, review, or audit upon reasonable notice from the AGENCY.

The AGENCY reserves the right to monitor, audit, or investigate the use of the State’s Confidential Information collected, used, or acquired by the CONSULTANT through this AGREEMENT. The monitoring, auditing, or investigating may include, but is not limited to, salting databases.

Violation of this section by the CONSULTANT or its sub-consultants or subcontractors may result in termination of this AGREEMENT and demand for return of all State’s Confidential Information, monetary damages, or penalties.

It is understood and acknowledged that the CONSULTANT may provide the AGENCY with information which is proprietary and/or confidential during the term of this AGREEMENT. The parties agree to maintain the confidentiality of such information during the term of this AGREEMENT and afterwards. All materials containing such proprietary and/or confidential information shall be clearly identified and marked as “Confidential” and shall be returned to the disclosing party at the conclusion of the SERVICES under this AGREEMENT.

Agreement Number:
The CONSULTANT shall provide the AGENCY with a list of all information and materials it considers confidential and/or proprietary in nature: (a) at the commencement of the term of this AGREEMENT; or (b) as soon as such confidential or proprietary material is developed. “Proprietary and/or confidential information” is not meant to include any information which, at the time of its disclosure: (i) is already known to the other party; (ii) is rightfully disclosed to one of the parties by a third party that is not acting as an agent or representative for the other party; (iii) is independently developed by or for the other party; (iv) is publicly known; or (v) is generally utilized by unaffiliated third parties engaged in the same business or businesses as the CONSULTANT.

The parties also acknowledge that the AGENCY is subject to Washington State and federal public disclosure laws. As such, the AGENCY shall maintain the confidentiality of all such information marked proprietary and/or confidential or otherwise exempt, unless such disclosure is required under applicable state or federal law. If a public disclosure request is made to view materials identified as “Proprietary and/or confidential information” or otherwise exempt information, the AGENCY will notify the CONSULTANT of the request and of the date that such records will be released to the requester unless the CONSULTANT obtains a court order from a court of competent jurisdiction enjoining that disclosure. If the CONSULTANT fails to obtain the court order enjoining disclosure, the AGENCY will release the requested information on the date specified.

The CONSULTANT agrees to notify the sub-consultant of any AGENCY communication regarding disclosure that may include a sub-consultant’s proprietary and/or confidential information. The CONSULTANT notification to the sub-consultant will include the date that such records will be released by the AGENCY to the requester and state that unless the sub-consultant obtains a court order from a court of competent jurisdiction enjoining that disclosure the AGENCY will release the requested information. If the CONSULTANT and/or sub-consultant fail to obtain a court order or other judicial relief enjoining the AGENCY by the release date, the CONSULTANT shall waive and release and shall hold harmless and indemnify the AGENCY from all claims of actual or alleged damages, liabilities, or costs associated with the AGENCY’s said disclosure of sub-consultants’ information.

XIX. Records Maintenance

During the progress of the Work and SERVICES provided hereunder and for a period of not less than six (6) years from the date of final payment to the CONSULTANT, the CONSULTANT shall keep, retain and maintain all “documents” pertaining to the SERVICES provided pursuant to this AGREEMENT. Copies of all “documents” pertaining to the SERVICES provided hereunder shall be made available for review at the CONSULTANT’s place of business during normal working hours. If any litigation, claim or audit is commenced, the CONSULTANT shall cooperate with AGENCY and assist in the production of all such documents. “Documents” shall be retained until all litigation, claims or audit findings have been resolved even though such litigation, claim or audit continues past the six (6) year retention period.

For purposes of this AGREEMENT, “documents” means every writing or record of every type and description, including electronically stored information (“ESI”), that is in the possession, control, or custody of the CONSULTANT, including, without limitation, any and all correspondences, contracts, AGREEMENT’s, appraisals, plans, designs, data, surveys, maps, spreadsheets, memoranda, stenographic or handwritten notes, reports, records, telegrams, schedules, diaries, notebooks, logbooks, invoices, accounting records, work sheets, charts, notes, drafts, scribblings, recordings, visual displays, photographs, minutes of meetings, tabulations, computations, summaries, inventories, and writings regarding conferences, conversations or telephone conversations, and any and all other taped, recorded, written, printed or typed matters of any kind or description; every copy of the foregoing whether or not the original is in the possession, custody, or control of the CONSULTANT, and every copy of any of the foregoing, whether or not such copy is a copy identical to an original, or whether or not such copy contains any commentary or notation whatsoever that does not appear on the original.
For purposes of this AGREEMENT, “ESI” means any and all computer data or electronic recorded media of any kind, including “Native Files”, that are stored in any medium from which it can be retrieved and examined, either directly or after translation into a reasonably useable form. ESI may include information and/or documentation stored in various software programs such as: Email, Outlook, Word, Excel, Access, Publisher, PowerPoint, Adobe Acrobat, SQL databases, or any other software or electronic communication programs or databases that the CONSULTANT may use in the performance of its operations. ESI may be located on network servers, backup tapes, smart phones, thumb drives, CDs, DVDs, floppy disks, work computers, cell phones, laptops or any other electronic device that CONSULTANT uses in the performance of its Work or SERVICES hereunder, including any personal devices used by the CONSULTANT or any sub-consultant at home.

“Native files” are a subset of ESI and refer to the electronic format of the application in which such ESI is normally created, viewed, and/or modified.

The CONSULTANT shall include this section XX “Records Maintenance” in every subcontract it enters into in relation to this AGREEMENT and bind the sub-consultant to its terms, unless expressly agreed to otherwise in writing by the AGENCY prior to the execution of such subcontract.

In witness whereof, the parties hereto have executed this AGREEMENT as of the day and year shown in the “Execution Date” box on page one (1) of this AGREEMENT.

[Signature]

Date: 5-24-16

See attached signature sheet

[Signature]

Date

Any modification, change, or reformation of this AGREEMENT shall require approval as to form by the Office of the Attorney General.
WHATCOM COUNTY:
Recommended for Approval:

[Signature]
6/2/16
Jon Hutchings
Department Director

Approved as to form:

[Signature]
06/03/16
Daniel L. Gibson
Chief Civil Deputy Prosecutor

Approved:
Accepted for Whatcom County:

Jack Louws
Whatcom County Executive

STATE OF WASHINGTON  )
COUNTY OF WHATCOM ) ss

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

NOTARY PUBLIC in and for the State of
Washington, residing at _______________________
My commission expires _____________________
Exhibit A
Scope of Work

Project No.

Agreement Number:

233
Exhibit “A” – Scope of Work

GeoTest Services Inc – 2016 / 2017 Material Testing, Material Inspection and Construction Inspection Contract

The contract will cover on-site construction inspection, material sample collection, on-site material inspection, and testing of concrete, hot mix asphalt (HMA), aggregates and other construction materials for Whatcom County Public Works Projects. Consultant must have a lab meeting the AASHTO Materials Reference Laboratory’s (AMRL) accreditation of “AASHTO R 18” through the life of the Contract.

Material Testing (with associated material sample collection as required):

1. All test procedures shall be in accordance with applicable ASTM, IBC, WSDOT, AASHTO or other procedures as required in projects adhering to the current Washington State Department of Transportation’s (WSDOT’s) Standard Specifications for Road, Bridge and Municipal Construction, as well as the WSDOT Construction Manual and Whatcom County Road Standards. County will supply or indicate target material specifications to Consultant for each test, and Consultant shall show the target specification on the test result.

2. Initial test results for aggregate gradations, sand equivalents (SE), and fracture shall be available within 48 hours from receipt of materials, unless the County is notified and agrees to a different schedule. Notification shall be primarily via email and telephone call, and secondarily via fax if email is down.

3. HMA oil content initial results shall be available within 8 business operation hours from receipt of material at the testing lab. This test result is critical to verify the quality of material used in the paving operation; therefore, the County requests notification as soon as test is complete via a telephone call. Formal Notification shall follow primarily via email and secondarily via fax if email is down.

4. HMA Rice Density initial results shall be available as soon as possible, and not more than 3 hours from receipt of materials at the testing lab (provided that Consultant receives a hot sample). This test result is critical to verify the quality of material used in the paving operation; therefore, the County requests notification as soon as test is complete via a telephone call. Formal Notification shall follow primarily via email and secondarily via fax if email is down. This schedule will be adjusted if sample is delivered within 3 hours of close of normal business hours.

5. For 7-Day compressive strength concrete cylinder breaks, County requests early notification (via telephone call) by Contractor if lab technicians or professionals see potential problem with predicted strength of material meeting specifications. Formal Notification shall follow primarily via email and secondarily via fax if email is down.
6. Testing will be performed by qualified technicians and professionals, having certifications to perform the range of tests required by road, bridge and municipal construction projects per testing procedures in the WSDOT Construction Manual.

**Material Inspection:** On a specific project, Consultant may be requested to provide material inspection of field installed materials at the project site. Consultant will provide personnel with appropriate qualifications and expertise in the material(s) being inspected and shall be compensated per the contract’s fee schedule for the specific tests and classification of personnel involved.

**Administration:**

1. Consultant shall utilize a reporting system that will:
   a) Supply the County with all test results in electronic format where a PDF document of the test result is attached or linked to an email sent to project team members. For each CRP (County Road Project), the County will supply email addresses, telephone numbers and a fax number associated with notification. Consultant will maintain this data, segregated by CRP No. for the life of the contract.
   b) Segregate test results by project, display all tests conducted per project and indicate clearly which tests meet or fail project specifications. Each test result or report shall have an identifying number that is distinct from other test results/reports on the same project.
   c) Track contract budget by providing both project expended to date and overall contract amount expended to date.

2. Consultant will provide the County with a monthly Statement on the contract dollar amount expended to date during periods of contract activity. The Statement shall summarize, by Project, each invoice number, date and amount. This information shall be emailed to the County’s administration officer(s) listed in the contract. Consultant shall reference the Whatcom County Contract No. (WCC#) on all correspondence related to this contract.

3. All initial test results and final test reports shall have the project name and identifying County Project Number (CRP No.) on them. The Consultant will insure this information is obtained when samples are delivered or picked-up at the project site.

4. Tasks, tests and personnel listed on invoices shall use the exact description as they appear on the Consultant’s Fee Schedule for the services involved. All mileage distances claimed for reimbursement shall include some backup; mileage reimbursement rate shall match the current federal reimbursement rate ($/mile).
5. Invoices shall be segregated by project CRP No. and all tests being billed for on the invoice should indicate the identifying test report number.

**Construction Inspection Services:**

On a specific project, Consultant may be requested to provide construction inspection services associated with Whatcom County’s Public Works Contracts. Consultant will provide personnel with appropriate qualifications and expertise and shall be compensated per the contract’s fee schedule for the classification of personnel involved.

Construction Field Inspector will report to a specific Whatcom County Public Works’ Project Engineer on each assigned project. The duties of both Engineer and Inspector shall conform to responsibilities detailed in the current edition of the WSDOT Standard Specifications and WSDOT Construction Manual.

The Project Engineer (County) will formalize in writing, the scope of services required for each assigned project, which may include some or all of the following:

**Daily Field Documentation – Inspector’s Daily Report**

- Weather Conditions
- Description of Construction Activities – Include Prime Contractor and Subcontractors.
- Contractor and Subcontractor Equipment / Personnel.
- Inspections performed and results – Include any corrective actions taken.
- Type, location, and results of all tests performed – Reference test reports generated and general statement of results.
- Description of materials utilized – Include placement location, quantity, manufacturer or source, and RAM Number.
- Communications – Document conversations with Superintendent, Foreman, Engineer of Record, etc which occurred during the shift.
- Document all force account activities, noting personnel, equipment and material used.
- Delays encountered – Include time of occurrence, duration and cause.
- Document erosion and sediment control BMP’s – Use the construction plan set to locate all installed BMP’s; document any inspections or corrective action taken.
- Any safety related problems and corrective action taken.
- All non-conforming work and the corrective action taken (if any).
- Photos

**Daily Documents Obtained from Outside Sources**

- Traffic Control Reports (from TCS)
• Gravel/Aggregate Scale Tickets (for quantity tracking)
• Concrete Batch Tickets (required for acceptance as well as quantity tracking)
• Scalesman’s Daily Reports (if gravel was imported - required for acceptance)
• Material Invoices (if material was delivered)

Documents Generated by Field Inspector
• Field Test Reports (concrete, field density, etc.)
• Wage Rate Interview Documentation
• Weekly Statement of Working Days
• Field Note Records (County supplied Excel format for tabulating bid items) to generate monthly pay estimates
• DBE On-site Reviews
• Pre-Activity Meeting Documentation (Prior to commencement of new construction activity) - Examples:
  1. Clearing and Grubbing
  2. Drainage Installation
  3. Excavation and Embankment
  4. Electrical Installation – Illumination, Signalization, ITS
  5. Concrete Placement
  6. Paving

Document/Material Acceptance Responsibilities
A. Request for Approval of Material Source (RAMS)
   • Ensure compliance with approval codes or Qualified Products List (QPL) numbers referenced on the RAM cover sheet by Whatcom County Project Engineer.
   • Ensure RAM approved before material installation.

B. Materials Acceptance
   • Field inspectors are responsible for acceptance of materials utilized on the project.
     The following documents/information may be required for acceptance prior to installation:
     1. Manufacturer’s Certificate of Compliance (MCC)
     2. Qualified Products List Cover Sheet (QPL)
     3. Catalog Cut
     4. Certificate of Materials Origin (CMO)
     5. Satisfactory Test Report (either provided by manufacturer or tested by GeoTest)
     6. Mill Reports
     7. Concrete Batch Tickets
8. Scalesman Daily Report (gravel/aggregate import)
9. Lot or Roll Numbers
10. “WSDOT Inspected” Stamp (typically pre-cast concrete structures or luminaire poles)

It is important to note that some of the above reference documents/information will be included in the RAM submittal while others will be gathered in the field.

C. Record of Materials (ROM)
   • Ensure ongoing compliance with required construction documentation during the entire life of the project, with the ROM being the primary guiding document. Whatcom County Project Engineer will modify and make all changes to the ROM.
   • Field Inspectors will be need to be knowledgeable of the ROM, and with direction from the Project Engineer, ensure compliance with needed material tests and documentation.
Not Used
Exhibit C

Preparation and Delivery of Electronic Engineering and Other Data

In this Exhibit the agency, as applicable, is to provide a description of the format and standards the consultant is to use in preparing electronic files for transmission to the agency. The format and standards to be provided may include, but are not limited to, the following:

I. Surveying, Roadway Design & Plans Preparation Section
   A. Survey Data
      N/A

   B. Roadway Design Files
      N/A

   C. Computer Aided Drafting Files
      N/A
D. Specify the Agency's Right to Review Product with the Consultant

Test results or inspection services and corresponding reports subject to full review by Whatcom County.

E. Specify the Electronic Deliverables to Be Provided to the Agency

.pdf of Test Results, Invoices, Monthly Statements.

F. Specify What Agency Furnished Services and Information Is to Be Provided

See Scope of Work (Exhibit A) for additional details.
II. Any Other Electronic Files to Be Provided

See Scope of Work (Exhibit A) for additional details.

III. Methods to Electronically Exchange Data

See Scope of Work (Exhibit A) for additional details.
A. Agency Software Suite
   Microsoft Office 2010

B. Electronic Messaging System
   Microsoft Outlook

C. File Transfers Format
   See Scope of Work (Exhibit A) for additional details.
See Attached
# FEE SCHEDULE
## 2016-2017 Whatcom County Public Works

## ENGINEERING, GEOLOGICAL & ENVIRONMENTAL SERVICES
- Senior Geotechnical Engineer: 180.00 hour
- Professional Engineer: 140.00 hour
- Geotechnical Engineer: 140.00 hour
- Technical Director: 125.00 hour
- Staff Engineer: 95.00 hour
- Engineering Geologist: 95.00 hour
- Environmental Professional: 95.00 hour
- Project Manager: 85.00 hour
- Geotechnical Technician: 80.00 hour
- Geologist: 80.00 hour
- CESCL (Certified Erosion & Sediment Control Lead): 80.00 hour

## CONSTRUCTION INSPECTION SERVICES
- Concrete Inspection: 60.00 hour
- Prestressed Concrete Inspection: 60.00 hour
- Masonry Inspection: 60.00 hour
- Grout Inspection: 60.00 hour
- Fireproofing Inspection: 60.00 hour
- Lateral Framing Inspection (Wood & Steel): 60.00 hour
- Proprietary Anchor Inspection: 60.00 hour
- Structural Steel Welding and Bolting Inspection: 65.00 hour
- In-Place Density - Nuclear Gauge, Soils & Asphalt: 65.00 hour
- Soils Observation: 65.00 hour

## CONSTRUCTION SUPPORT SERVICES
- QA/QC Inspection Engineer: 75.00 hour
- Field Sampling: 60.00 hour
- Field Technician: 60.00 hour
- Laboratory Technician: 60.00 hour
- Technical Review/Reporting: 70.00 hour

## SPECIALTY SERVICES
- Bolt Pull-out Tests: 90.00 hour
- Ground Penetrating Radar (GPR): 150.00 hour
- Pachometer (Magnetic) Rebar Location: 90.00 hour
- Concrete & Asphalt Coring: 90.00 hour
- Schmidt Hammer: 90.00 hour
- Windsor Probe: 90.00 hour
- Brick Shear Testing (2 man crew): 175.00 hour
- Floor Flatness Testing (Dipstick): 120.00 hour
- Moisture Emission Testing: 90.00 hour
# FEE SCHEDULE
## 2016-2017 Whatcom County Public Works

## MATERIALS TESTING

### CONCRETE

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compressive Strength - Concrete</td>
<td>24.00 ea</td>
</tr>
<tr>
<td>Compressive Strength – Concrete (cast by others)</td>
<td>30.00 ea</td>
</tr>
<tr>
<td>Compressive Strength - Drilled Cores (includes trimming and testing)</td>
<td>60.00 ea</td>
</tr>
<tr>
<td>Compressive Strength - Sawed Specimens (includes trimming and testing)</td>
<td>60.00 ea</td>
</tr>
<tr>
<td>Shotcrete Panel - 3 Cores Per Panel</td>
<td>200.00 ea</td>
</tr>
<tr>
<td>Additional Shotcrete Cores</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Flexural Strength - 6&quot; x 6&quot; Beams</td>
<td>55.00 ea</td>
</tr>
<tr>
<td>Air Dry Unit Weight</td>
<td>35.00 ea</td>
</tr>
<tr>
<td>Trimming Specimens – Per End (when required)</td>
<td>15.00 ea</td>
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### MASONRY

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compressive Strength - Mortar, 2&quot; x 4&quot; Cylinder</td>
<td>24.00 ea</td>
</tr>
<tr>
<td>Compressive Strength - Grout, 4&quot; x 4&quot; x 8&quot; Prism</td>
<td>24.00 ea</td>
</tr>
<tr>
<td>Compressive Strength - 2&quot; x 2&quot; Cubes (Cementitious Grout)</td>
<td>24.00 ea</td>
</tr>
<tr>
<td>Compressive Strength - 2&quot; x 2&quot; Cubes (Epoxy Grout)</td>
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</tr>
<tr>
<td>Compressive Strength - Composite Prism</td>
<td>100.00 ea</td>
</tr>
<tr>
<td>Compressive Strength – Masonry Units</td>
<td>100.00 ea</td>
</tr>
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### AGGREGATE

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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Sieve Analysis, with Wet Wash</td>
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</tr>
<tr>
<td>Sieve Analysis, Dry Only</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Sieve Analysis, % Passing #200 Sieve</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Specific Gravity and Absorption - Fine Aggregate</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Specific Gravity and Absorption - Coarse Aggregate</td>
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<tr>
<td>Uncompacted Voids – Fine Aggregate</td>
<td>150.00 ea</td>
</tr>
<tr>
<td>Unit Weight and Voids</td>
<td>40.00 ea</td>
</tr>
<tr>
<td>Sand Equivalent</td>
<td>80.00 ea</td>
</tr>
<tr>
<td>Moisture Content</td>
<td>80.00 ea</td>
</tr>
<tr>
<td>Percent Fracture</td>
<td>80.00 ea</td>
</tr>
<tr>
<td>Organic Impurities Test</td>
<td>80.00 ea</td>
</tr>
<tr>
<td>Clay Lumps and Friable Particles</td>
<td>80.00 ea</td>
</tr>
<tr>
<td>Lightweight Pieces</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Flat/Elongated Particles</td>
<td>80.00 ea</td>
</tr>
</tbody>
</table>

### ASPHALT

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asphalt Content &amp; Gradation (Ignition Furnace)</td>
<td>235.00 ea</td>
</tr>
<tr>
<td>Maximum Specific Gravity (Rice Density)</td>
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<tr>
<td>Asphalt Core Density/Thickness</td>
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<tr>
<td>Marshall Method Test - Flow, Stability, Density &amp; Voids</td>
<td></td>
</tr>
<tr>
<td>Hot Mix Furnished, Set of 3</td>
<td>300.00 ea</td>
</tr>
<tr>
<td>Lab Mixed, Set of 3</td>
<td>350.00 ea</td>
</tr>
</tbody>
</table>

741 Marine Drive, Bellingham, WA 98225 • phone: 360.733.7318 • fax: 360.733.7418
20611 – 67th Ave. NE, Unit A, Arlington, WA 98223 • phone: 360.435.1141 • fax: 360.435.1124
840 SE 8th Ave. – Ste 102, Oak Harbor, WA 98277 • phone: 888.251.8276 • fax: 300.733.7418

Page 2 of 3
# FEE SCHEDULE

**2016-2017 Whatcom County Public Works**

<table>
<thead>
<tr>
<th>SOILS</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sieve Analysis, with Wet Sieve</td>
<td>125.00 ea</td>
</tr>
<tr>
<td>Sieve Analysis, Dry Only</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Sieve Analysis, % Passing #200 Sieve</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Sieve Analysis w/ Hydrometer</td>
<td>200.00 ea</td>
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<tr>
<td>Moisture Density Relationship (Proctor)</td>
<td>175.00 ea</td>
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<tr>
<td>Moisture Density Relationship (Proctor) w/ Sieve</td>
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<tr>
<td>Check Point</td>
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<tr>
<td>Moisture Content</td>
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<tr>
<td>Atterberg Limits (3 points)</td>
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<tr>
<td>Specific Gravity</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Consolidation - 5 Loads</td>
<td>350.00 ea</td>
</tr>
<tr>
<td>Permeability - Constant Head or Falling Head (each point)</td>
<td>250.00 ea</td>
</tr>
<tr>
<td>Organic Content</td>
<td>80.00 ea</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MISCELLANEOUS</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fireproofing Density Test</td>
<td>60.00 ea</td>
</tr>
<tr>
<td>Floor Moisture Test Kit</td>
<td>35.00 ea</td>
</tr>
<tr>
<td>Windsor Probe Pin (Set of 3)</td>
<td>40.00 ea</td>
</tr>
</tbody>
</table>

- GeoTest requests 24 hours advance notice for scheduling field services.
- All GeoTest Services, Inc. (GTS) construction inspection services, construction support services & specialty services are billed portal to portal. A daily four hour minimum charge applies to construction inspection & specialty services. Same day cancelations will incur a two-hour minimum charge.
- Engineering, Geological, and Environmental Services will be billed in accordance with a project specific proposal.
- GeoTest standard operating hours are 7 AM to 5 PM, Monday through Friday, with the exception of holidays. A premium rate of 1.5 times the standard rate will be charged for all work in excess of 8 hours per day and Saturdays. Double-time rates will be applied to services provided on Sundays & legal Holidays.
- A one-hour minimum laboratory technician fee will be applied on Saturdays, Sundays & legal Holidays at 1.5 times the regular rate for any laboratory testing services.
- Night shift (work outside standard operating hours): An eight (8) hour minimum charge at 1.5 times the standard rate may apply to such work including same day cancellations. A four (4) hour minimum charge at 1.5 times the regular rate applies to lab night work.
- Mileage charge shall be invoiced at the current Federal per mile rate, portal to portal.
- Field testing equipment expenses are included in the hourly rates except where specifically noted on the fee schedule or a project specific proposal.
- Laboratory rush samples (less than 48hr turn-around time) will be invoiced at 1.5 times the standard test rate.
- Rental equipment, reimbursable expenses and subcontractor fees will be invoiced at cost plus 15%.
- Unless otherwise agreed, test specimens or samples will be disposed of immediately upon completion of the test.
- The ordering of work from GTS shall constitute acceptance of the Fee Schedule, General Conditions, and any project specific proposal.

**GeoTest provides inter-lab delivery of materials for Federally Funded projects, as needed, free of charge.**
Exhibit E
Sub-consultant Cost Computations

There isn't any sub-consultant participation at this time. The CONSULTANT shall not sub-contract for
the performance of any work under this AGREEMENT without prior written permission of the AGENCY.
Refer to section VI “Sub-Contracting” of this AGREEMENT.

Not Used
During the performance of this AGREEMENT, the CONSULTANT, for itself, its assignees, and successors in interest agrees as follows:

1. Compliance with Regulations: The CONSULTANT shall comply with the Regulations relative to non-discrimination in federally assisted programs of the AGENCY, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the “REGULATIONS”), which are herein incorporated by reference and made a part of this AGREEMENT.

2. Non-discrimination: The CONSULTANT, with regard to the work performed during this AGREEMENT, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-consultants, including procurement of materials and leases of equipment. The CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the REGULATIONS, including employment practices when this AGREEMENT covers a program set forth in Appendix B of the REGULATIONS.

3. Solicitations for Sub-consultants, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiations made by the CONSULTANT for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-consultant or supplier shall be notified by the CONSULTANT of the CONSULTANT’s obligations under this AGREEMENT and the REGULATIONS relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports: The CONSULTANT shall provide all information and reports required by the REGULATIONS or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the AGENCY, the STATE, or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with such REGULATIONS, orders and instructions. Where any information required of a CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information, the CONSULTANT shall so certify to the AGENCY, the STATE, or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance: In the event of the CONSULTANT’s non-compliance with the non-discrimination provisions of this AGREEMENT, the AGENCY shall impose such AGREEMENT sanctions as it, the STATE, or the FHWA may determine to be appropriate, including, but not limited to:
   - Withholding of payments to the CONSULTANT under this AGREEMENT until the CONSULTANT complies, and/or;
   - Cancellation, termination, or suspension of this AGREEMENT, in whole or in part.

6. Incorporation of Provisions: The CONSULTANT shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the REGULATIONS, or directives issued pursuant thereto. The CONSULTANT shall take such action with respect to any sub-consultant or procurement as the STATE, the AGENCY, or FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a CONSULTANT becomes involved in, or is threatened with, litigation with a sub-consultant or supplier as a result of such direction, the CONSULTANT may request the AGENCY enter into such litigation to protect the interests of the STATE and/or the AGENCY and, in addition, the CONSULTANT may request the United States enter into such litigation to protect the interests of the United States.
Exhibit G
Certification Documents

Exhibit G-1(a) Certification of Consultant
Exhibit G-1(b) Certification of _______________________
Exhibit G-2 Certification Regarding Debarment, Suspension and Other Responsibility Matters - Primary Covered Transactions
Exhibit G-3 Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying
Exhibit G-4 Certificate of Current Cost or Pricing Data
Exhibit G-1(a) Certification of Consultant

I hereby certify that I am the duly authorized representative of the firm of

whose address is

and that neither the above firm nor I have:

a) Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above CONSULTANT) to solicit or secure this AGREEMENT;

b) Agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out this AGREEMENT; or

c) Paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above CONSULTANT) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out this AGREEMENT; except as hereby expressly stated (if any);

I acknowledge that this certificate is to be furnished to the and the Federal Highway Administration, U.S. Department of Transportation in connection with this AGREEMENT involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

GEOTEST SERVICES INC.

Consultant (Firm Name)

Signature (Authorized Official of Consultant)

5-24-16

Date
Exhibit G-1(b)  Certification of

I hereby certify that I am the:

☐

☑ Other

of the , and

or its representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this AGREEMENT to:

a) Employ or retain, or agree to employ to retain, any firm or person; or

b) Pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind; except as hereby expressly stated (if any):

I acknowledge that this certificate is to be furnished to the

and the Federal Highway Administration, U.S. Department of Transportation, in connection with this AGREEMENT involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

________________________________________  ____________________________
Signature                                      Date

Not Used
Exhibit G-2  Certification Regarding Debarment, Suspension and Other Responsibility Matters - Primary Covered Transactions

I. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

B. Have not within a three (3) year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State anti-trust statues or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

C. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 1(b) of this certification; and

D. Have not within a three (3) year period preceding this application / proposal had one or more public transactions (Federal, State and local) terminated for cause or default.

II. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

[Signature]
Consultant (Firm Name)

[Signature]
Authorized Official of Consultant

5-24-16
Date
Exhibit G-3  Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative AGREEMENT, and the extension, continuation, renewal, amendment, or modification of Federal contract, grant, loan or cooperative AGREEMENT.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative AGREEMENT, the undersigned shall complete and submit Standard Form - LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000.00, and not more than $100,000.00, for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier sub-contracts, which exceed $100,000, and that all such sub-recipients shall certify and disclose accordingly.

GEOEST SERVICES, INC.

Consultant (Firm Name)

Signature (Authorized Official of Consultant)

5-24-16

Date

Agreement Number:

WSDOT Form 140-089 EF Exhibit G

ed 10/30/2014
Exhibit G-4  Certificate of Current Cost or Pricing Data

This is to certify that, to the best of my knowledge and belief, the cost or pricing data (as defined in section 2.101 of the Federal Acquisition Regulation (FAR) and required under FAR subsection 15.403-4) submitted, either actually or by specific identification in writing, to the Contracting Officer or to the Contracting Officer’s representative in support of ** are accurate, complete, and current as of **.

This certification includes the cost or pricing data supporting any advance AGREEMENT’s and forward pricing rate AGREEMENT’s between the offer or and the Government that are part of the proposal.

Firm: NOT USED

______________________________  ______________________________
Signature                                      Title

Date of Execution***: NOT USED

*Identify the proposal, quotation, request for pricing adjustment, or other submission involved, giving the appropriate identifying number (e.g. project title.)

**Insert the day, month, and year, when price negotiations were concluded and price AGREEMENT was reached.

***Insert the day, month, and year, of signing, which should be as close as practicable to the date when the price negotiations were concluded and the contract price was agreed to.

Agreement Number:
Exhibit H

Liability Insurance Increase

To Be Used Only If Insurance Requirements Are Increased

The professional liability limit of the CONSULTANT to the AGENCY identified in Section XIII, Legal Relations and Insurance of this Agreement is amended to $1,000,000.

The CONSULTANT shall provide Professional Liability insurance with minimum per occurrence limits in the amount of $1,000,000.

Such insurance coverage shall be evidenced by one of the following methods:
  • Certificate of Insurance.
  • Self-insurance through an irrevocable Letter of Credit from a qualified financial institution.

Self-insurance through documentation of a separate fund established exclusively for the payment of professional liability claims, including claim amounts already reserved against the fund, safeguards established for payment from the fund, a copy of the latest annual financial statements, and disclosure of the investment portfolio for those funds.

Should the minimum Professional Liability insurance limit required by the AGENCY as specified above exceed $1 million per occurrence or the value of the contract, whichever is greater, then justification shall be submitted to the Federal Highway Administration (FHWA) for approval to increase the minimum insurance limit.

If FHWA approval is obtained, the AGENCY may, at its own cost, reimburse the CONSULTANT for the additional professional liability insurance required.

Notes: Cost of added insurance requirements: $
  • Include all costs, fee increase, premiums.
  • This cost shall not be billed against an FHWA funded project.
  • For final contracts, include this exhibit.

Agreement Number:

WSDOT Form 140-089 EF Exhibit H

Page 1 of 1
Exhibit I

Alleged Consultant Design Error Procedures

The purpose of this exhibit is to establish a procedure to determine if a consultant’s alleged design error is of a nature that exceeds the accepted standard of care. In addition, it will establish a uniform method for the resolution and/or cost recovery procedures in those instances where the agency believes it has suffered some material damage due to the alleged error by the consultant.

Step 1 Potential Consultant Design Error(s) is Identified by Agency’s Project Manager
   At the first indication of potential consultant design error(s), the first step in the process is for the Agency’s project manager to notify the Director of Public Works or Agency Engineer regarding the potential design error(s). For federally funded projects, the Region Local Programs Engineer should be informed and involved in these procedures. (Note: The Director of Public Works or Agency Engineer may appoint an agency staff person other than the project manager, who has not been as directly involved in the project, to be responsible for the remaining steps in these procedures.)

Step 2 Project Manager Documents the Alleged Consultant Design Error(s)
   After discussion of the alleged design error(s) and the magnitude of the alleged error(s), and with the Director of Public Works or Agency Engineer’s concurrence, the project manager obtains more detailed documentation than is normally required on the project. Examples include: all decisions and descriptions of work; photographs, records of labor, materials and equipment.

Step 3 Contact the Consultant Regarding the Alleged Design Error(s)
   If it is determined that there is a need to proceed further, the next step in the process is for the project manager to contact the consultant regarding the alleged design error(s) and the magnitude of the alleged error(s). The project manager and other appropriate agency staff should represent the agency and the consultant should be represented by their project manager and any personnel (including sub-consultants) deemed appropriate for the alleged design error(s) issue.

Step 4 Attempt to Resolve Alleged Design Error with Consultant
   After the meeting(s) with the consultant have been completed regarding the consultant’s alleged design error(s), there are three possible scenarios:

   • It is determined via mutual agreement that there is not a consultant design error(s). If this is the case, then the process will not proceed beyond this point.

   • It is determined via mutual agreement that a consultant design error(s) occurred. If this is the case, then the Director of Public Works or Agency Engineer, or their representatives, negotiate a settlement with the consultant. The settlement would be paid to the agency or the amount would be reduced from the consultant’s agreement with the agency for the services on the project in which the design error took place. The agency is to provide LP, through the Region Local Programs Engineer, a summary of the settlement for review and to make adjustments, if any, as to how the settlement affects federal reimbursements. No further action is required.

   • There is not a mutual agreement regarding the alleged consultant design error(s). The consultant may request that the alleged design error(s) issue be forwarded to the Director of Public Works or Agency Engineer for review. If the Director of Public Works or Agency Engineer, after review with their legal counsel, is not able to reach mutual agreement with the consultant, proceed to Step 5.
Step 5 Forward Documents to Local Programs
For federally funded projects all available information, including costs, should be forwarded through the Region Local Programs Engineer to LP for their review and consultation with the FHWA. LP will meet with representatives of the agency and the consultant to review the alleged design error(s), and attempt to find a resolution to the issue. If necessary, LP will request assistance from the Attorney General’s Office for legal interpretation. LP will also identify how the alleged error(s) affects eligibility of project costs for federal reimbursement.

- If mutual agreement is reached, the agency and consultant adjust the scope of work and costs to reflect the agreed upon resolution. LP, in consultation with FHWA, will identify the amount of federal participation in the agreed upon resolution of the issue.

- If mutual agreement is not reached, the agency and consultant may seek settlement by arbitration or by litigation.
Exhibit J
Consultant Claim Procedures

The purpose of this exhibit is to describe a procedure regarding claim(s) on a consultant agreement. The following procedures should only be utilized on consultant claims greater than $1,000. If the consultant’s claim(s) are a total of $1,000 or less, it would not be cost effective to proceed through the outlined steps. It is suggested that the Director of Public Works or Agency Engineer negotiate a fair and reasonable price for the consultant’s claim(s) that total $1,000 or less.

This exhibit will outline the procedures to be followed by the consultant and the agency to consider a potential claim by the consultant.

Step 1 Consultant Files a Claim with the Agency Project Manager

If the consultant determines that they were requested to perform additional services that were outside of the agreement’s scope of work, they may be entitled to a claim. The first step that must be completed is the request for consideration of the claim to the Agency’s project manager.

The consultant’s claim must outline the following:

- Summation of hours by classification for each firm that is included in the claim;
- Any correspondence that directed the consultant to perform the additional work;
- Timeframe of the additional work that was outside of the project scope;
- Summary of direct labor dollars, overhead costs, profit and reimbursable costs associated with the additional work; and
- Explanation as to why the consultant believes the additional work was outside of the agreement scope of work.

Step 2 Review by Agency Personnel Regarding the Consultant’s Claim for Additional Compensation

After the consultant has completed step 1, the next step in the process is to forward the request to the Agency’s project manager. The project manager will review the consultant’s claim and will meet with the Director of Public Works or Agency Engineer to determine if the Agency agrees with the claim. If the FHWA is participating in the project’s funding, forward a copy of the consultant’s claim and the Agency’s recommendation for federal participation in the claim to the WSDOT Local Programs through the Region Local Programs Engineer. If the claim is not eligible for federal participation, payment will need to be from agency funds.

If the Agency project manager, Director of Public Works or Agency Engineer, WSDOT Local Programs (if applicable), and FHWA (if applicable) agree with the consultant’s claim, send a request memo, including backup documentation to the consultant to either supplement the agreement, or create a new agreement for the claim. After the request has been approved, the Agency shall write the supplement and/or new agreement and pay the consultant the amount of the claim. Inform the consultant that the final payment for the agreement is subject to audit. No further action in needed regarding the claim procedures.

If the Agency does not agree with the consultant’s claim, proceed to step 3 of the procedures.
Step 3 Preparation of Support Documentation Regarding Consultant's Claim(s)

If the Agency does not agree with the consultant's claim, the project manager shall prepare a summary for the Director of Public Works or Agency Engineer that included the following:

- Copy of information supplied by the consultant regarding the claim;
- Agency's summation of hours by classification for each firm that should be included in the claim;
- Any correspondence that directed the consultant to perform the additional work;
- Agency's summary of direct labor dollars, overhead costs, profit and reimbursable costs associated with the additional work;
- Explanation regarding those areas in which the Agency does/does not agree with the consultant's claim(s);
- Explanation to describe what has been instituted to preclude future consultant claim(s); and
- Recommendations to resolve the claim.

Step 4 Director of Public Works or Agency Engineer Reviews Consultant Claim and Agency Documentation

The Director of Public Works or Agency Engineer shall review and administratively approve or disapprove the claim, or portions thereof, which may include getting Agency Council or Commission approval (as appropriate to agency dispute resolution procedures). If the project involves federal participation, obtain concurrence from WSDOT Local Programs and FHWA regarding final settlement of the claim. If the claim is not eligible for federal participation, payment will need to be from agency funds.

Step 5 Informing Consultant of Decision Regarding the Claim

The Director of Public Works or Agency Engineer shall notify (in writing) the consultant of their final decision regarding the consultant's claim(s). Include the final dollar amount of the accepted claim(s) and rationale utilized for the decision.

Step 6 Preparation of Supplement or New Agreement for the Consultant's Claim(s)

The agency shall write the supplement and/or new agreement and pay the consultant the amount of the claim. Inform the consultant that the final payment for the agreement is subject to audit.
# Certificate of Liability Insurance

**Certificate Holder:**
Whatcom County
322 N Commercial St Ste 301
Bellingham, WA 98225

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

**Authorized Representative:**
Troy Haskell/SAN

---

## Certificate Information

**Date (MM/DD/YYYY):** 5/23/2016

**Producer:**
Rice Insurance LLC
1400 Broadway
P.O. Box 639
Bellingham, WA 98227

**Insured:**
GeoTest Services, Inc.
741 Marine Dr
Bellingham, WA 98225

**Certificate Number:** CL16333954

**Revision Number:**

**Incept/Limit Type of Insurance**

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**Description of Operations / Locations / Vehicles (ACORD 101):**

- Certificate Holder is Additional Insured as respects to occurred form SS00090405 for General Liability.
- Coverage is Primary and Non Contributory and the Waiver of Subrogation is included.
- Professional/Pollution additional insured form ESB-COM-1108-279 is included and the Waiver of Subrogation form ESB-COM-1108-228. Auto additional insured per form HA9916 0312: Primary/Non Contributory applies.
- Waiver of Subrogation per form HA9913 0187. Pollution/Professional Addtional Insured form EMO111 attached along with the Primary and Non Contributory form EMO1189.

**Certification Holder:**
mjones@co.whatcom.wa.us

**Cancellation:**

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

**Authorized Representative:**
Troy Haskell/SAN

©1988-2014 ACORD CORPORATION. All rights reserved.
TITLE OF DOCUMENT: Addendum to Advanced Life Support Agreement (#201302009) with City of Bellingham

ATTACHMENTS: Memo and Contract Addendum

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.)

Request authorization for the County Executive to amend the Advanced Life Support (ALS) Agreement between Whatcom County and the City of Bellingham specifically for the purpose of increasing the annual service fee in 2017 should the EMS Levy not pass. The increase is consistent with CPI-U inflation multiplied by 1.15 as outlined in section 5(c) of the ALS agreement.

COMMITTEE ACTION:

COUNCIL ACTION:

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

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

To: Whatcom County Council Members
From: Tyler Schroeder, Deputy Executive
Subject: Addendum to Advanced Life Support Agreement with City of Bellingham
Date: June 1, 2016

BACKGROUND

The Interlocal Agreement for Advanced Life Support Services (contract #201312009), through which the City of Bellingham provides paramedic services in Whatcom County with three medic units and one EMS Supervisor, is effective through calendar year 2018.

Originally a three-year contract for the period 2014-2016, the contract has a provision for automatic renewal for successive one year periods, continuing a three-year rolling term. The original contract had a specified ALS service fee amount for calendar years 2014, 2015 and 2016 and a provision for determining the fee for successive years beyond 2016, should the contract be extended.

The current contract requires the City Mayor and County Executive to begin meeting in April of 2016 to determine an ALS service fee amount for successive years. The jointly recommended ALS service fee amount for 2017 is set forth in a proposed addendum to the contract, which requires approval by both the City Council and County Council; see the accompanying Addendum to Interlocal Agreement for Advanced Life Support Services.

It is recognized that through separate resolutions the City and County have confirmed support for placement of the EMS Levy on November 16 general election ballot. If the levy is passed by the voters, the 2017 ALS service fee for ALS services will be modified and incorporated into a successor contract that will be developed following the election. The successor contract will be based upon the funding model and provisions of the EMS Funding Work Group recommendations. Approval of the recommended ALS service fee amount for 2017 is a good faith measure in accordance with the existing contract and will be necessary should voters not approve the levy.
ADDENDUM TO

Interlocal Agreement for Advanced Life Support Services,
City of Bellingham Contract #2013-0604, and
Whatcom County Contract #201312009

Pursuant to the Interlocal Agreement for Advanced Life Support Services ("Agreement"), Section 5.c, the County Executive and the Mayor of the City shall formulate a joint recommendation to their respective councils for the ALS Service Fee for 2017.

The recommendation is for the annual ALS Service Fee to be adjusted on January 01, 2017 by the same percentage increase as the increase in the Seattle-Tacoma-Bremerton CPI-U inflation adjusted index multiplied by one point one five (1.15). The last available December to December CPI-U will be used, providing:

December 2014 - December 2015 Seattle-Tacoma-Bremerton CPI-U = 2.18%
2017 Annual Service Fee Increase = (1.15) x (2.18%) = 2.50%
2017 increase = $124,417

The ALS Service Fee for calendar year 2017 shall be: $5,101,095

The City of Bellingham and Whatcom County hereby agree to the ALS Service Fee of $5,101,095 for the calendar year 2017.

Executed this ____ day of ______________, 2016 for WHATCOM COUNTY.

Jack Louws, County Executive

Approved as to form:

[Signature]
County Civil Prosecuting Attorney

264
Executed this ___ day of __________, 2016 for CITY OF BELLINGHAM.

______________________________________________
Kelli Linville, Mayor

Attest:

______________________________
Brian Henshaw, Finance Director

Departmental Approval:

______________________________
Department Head

Approved as to form:

______________________________
City Attorney
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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266

EXECUTIVE:  Jack Lounsbury

TITLE OF DOCUMENT:

Briefing and discussion on the Comprehensive Plan Appendices.

ATTACHMENT:

1. Cover letter
2. Draft Planning Commission Findings

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

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas in 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to discuss Comprehensive Plan Appendices with Council. The Appendices are:


COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: AB2016-047 Ordinance or Resolution Number:

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

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

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Assistant Director

DATE: June 1, 2016

SUBJECT: Comp Plan Update/UGA Review – Appendices

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, as required by the Growth Management Act. The Comprehensive Plan update and UGA review is being conducted in coordination with the seven cities in Whatcom County. It is anticipated that the Council will adopt an ordinance relating to the Comprehensive Plan update and UGA review in July 2016.

Staff would like to discuss Comprehensive Plan Appendices with the Council on June 14, 2016. The Appendices are:

- Appendix A – Glossary;
- Appendix B - List of Acronyms;
- Appendix C – GMA Goals, County-Wide Planning Policies and Visioning Value Statements;
- Appendix D – Bibliography;
- Appendix E - Whatcom County 20-Year Capital Facilities Plan;
- Appendix F – Six Year Capital Improvement Program for Whatcom County Facilities;
- Appendix G - Transportation Impact Fee Background Information (proposed for deletion);
- Appendix H - Airport Overlay Zones; and
- Appendix I – Airport FAR Part-77 Imaginary Surfaces.
The Council has requested a summary of the substantive changes made by the Planning Commission. The Planning Commission considered the Appendices on May 26, 2015. Planning Commission changes to the staff recommendations include the following:

**Appendix F (Six-Year Capital Improvement Program)** – Add the following note under the inventory of existing parks: “Pursuant to RCW 36.87.130, there are also public access properties on right-of-way ends that intersect shorelines.”

The proposed amendments to the Appendices will be posted on the County’s website at: [http://www.whatcomcounty.us/1170/Comprehensive-Plan-Updates](http://www.whatcomcounty.us/1170/Comprehensive-Plan-Updates).

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

2016
Comprehensive Plan Periodic Update
Appendices

FINDINGS OF FACT AND REASONS FOR ACTION

1. The Planning Commission held a public hearing regarding these amendments on May 26, 2016. Notification of the public hearing was published on May 13, 2016.

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on May 27, 2016.

3. Notice of the proposed amendments was submitted to the Washington State Department of Commerce on April 28, 2016.

4. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the Planning Commission and County Council must find all of the following:
   A. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
   B. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
   C. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
      1) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
      2) The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
      3) Anticipated impact upon designated agricultural, forest and mineral resource lands.
   D. The amendment does not include or facilitate spot zoning.
E. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

5. **WCCP Appendix A - Glossary of Terms.** The proposed amendments add certain definitions from other WCCP appendices to ensure the definitions are consistent with state law, state administrative code, County codes, and pertinent technical documents.

6. **WCCP Appendix B - Acronyms.** The proposed amendments to Appendix B add several acronyms that are used repeatedly in the document but were not already included. The amendments also remove acronyms that are listed in the appendix but do not appear – or appear only once – in the WCCP document.

7. **WCCP Appendix C – Countywide Planning Policies.** Currently this appendix contains the Growth Management Act Goals, Visioning Value Statements, and the Countywide Planning Policies, with a Glossary for the latter. Appendix C will be amended to contain only the Countywide Planning Policies. The proposed WCCP Chapter 1 contains the GMA Planning Goals, along with a discussion of the goals. The community value statements were developed in 1994 to assist in creation of the original 1997 Comprehensive Plan. Today, there are many advisory committees and commissions that are specifically focused on many of these issues and concerns. These committees and commissions fill a void that was present during the comprehensive plan visioning process. These value statements will be preserved as part of the historical record of comprehensive planning in Whatcom County. The proposed amendments delete the glossary to the Countywide Planning Policies to avoid duplication with the glossary in Appendix A. Terms from this glossary that were not already in Appendix A are proposed to be moved to that appendix.

8. **WCCP Appendix D – Bibliography.** The proposed amendments to Appendix D add references to reports the County used when preparing the current periodic update.

9. **WCCP Appendix E – Whatcom County 20-Year Capital Facilities Plan and WCCP Appendix F – 6-Year Capital Improvements Program.**

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

   C. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:
1) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

2) A forecast of the future needs for such capital facilities.

3) The proposed locations and capacities of expanded or new capital facilities.

4) At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

5) A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

D. The updated Whatcom County 20-Year Capital Facilities Plan (CFP) and the updated Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities contain inventories of existing public facilities, a forecast of future needs, proposed expanded or new capital facilities, costs and funding sources. The existing 20-year CFP and existing Six-Year CIP will be repealed.

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

10. **WCCP Appendix G – Transportation Impact Fee Background Information.** In 2005 the County added transportation impact fee background information to Appendix G. However, the County has not enacted impact fees. Therefore the existing appendix is not needed. The proposed amendments delete the existing Appendix G in its entirety and replace it with a description of the County’s water resource and salmon recovery programs. This new material has been reviewed as part of the Planning Commission and County Council public hearings on WCCP Chapter 11 amendments.

11. **WCCP Appendix H – Airport Overlay and WCCP Appendix I – Airport Surfaces.**

A. RCW 36.70.547 requires “Every county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport. Such plans and regulations may only be adopted or amended after formal consultation with: Airport owners and managers, private airport operators, general aviation pilots, ports, and the aviation division of the department of transportation. . .”
B. The Whatcom County Council created an Airport/Land Use Compatibility Advisory Committee in 2003 (Resolution 2003-058).

C. The Airport/Land Use Compatibility Advisory Committee issued final recommendations in 2004.

D. The County Council adopted Comprehensive Plan amendments relating to airport/land use compatibility in 2005 (Ordinance 2005-004). This ordinance included an “Airport Overlay Zones” map (relating to land use near an airport) in Appendix H for the Bellingham International Airport. It also included “Imaginary Surfaces” maps (relating to height of structures near an airport) in Appendix I for the Bellingham International Airport and the Blaine Municipal Airport.

E. The Blaine Municipal Airport closed in 2008. Therefore, the proposed amendments delete the “Imaginary Surfaces” map for Blaine from Appendix I.

CONCLUSIONS

1. The subject amendments are consistent with and implement the GMA planning goals. The proposed amendments conform to applicable requirements of the GMA.

2. The proposed amendments satisfy the approval criteria of WCC 2.160.080.

RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends approval of the proposed amendments to the Whatcom County Comprehensive Plan.
WHATCOM COUNTY PLANNING COMMISSION

Nicole Oliver, Chair

Becky Boxx, Secretary

Date

Date

Commissioners present at the May 26, 2016 meeting when the vote was taken: Kelvin Barton, Atul Deshmane, Gary Honcoop, David Hunter, Natalie McClendon, Nicole Oliver, Andy Rowlson, Gerald Vekved.

Vote: Ayes: 7, Nays: 0, Abstain: 1, Absent: 1. Motion carried to adopt the above amendments.
Glossary


Affordable housing: Residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household’s monthly income. (WAC 365-1965-210) The definition of “affordable housing” is to be developed by individual jurisdictions as part of their Comprehensive Plan Process.

Agricultural land: Land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production. (RCW 36.70A.030(2))

Alluvial fan: A fan-shaped deposit of sediment and organic debris formed where a stream flows or has flowed out of a mountainous upland onto a level plain or valley floor.

Annexation: The act of incorporating an area into the domain of a city.

Aquifer: A geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. (WAC 173-160)

Built environment: Elements of the environment developed by humans, including land uses, transportation systems, and public services and utilities.

Capital Facilities Plan: A required element of the Comprehensive Plan designed to form a better match between development and provision of services. It must include an inventory of existing facilities, forecast of future needs and a six-year financing plan.

Cluster Development: Cluster Development provides the flexibility to maintain open space and plan around distinctive site features or constraints by clustering development on smaller lots than conventional development. As a result, an undeveloped tract is created, while maintaining the same overall density.

Compatible: Capable of existing together in harmony (as distinguished from "identical").

Compensation: Something given or received as an equivalent for services, debt, loss injury, etc.
Comprehensive plan: An integrated policy planning document designed to guide land use decisions, including the designation of urban growth areas, based on a consideration of land use alternatives, likely impacts, and possible mitigating measures.

Conditional use: A use permitted only after public review and approved by the Hearing Examiner, and to which special conditions may be attached by the Hearing Examiner. (Whatcom County Zoning Code 20.97.075)

Cottage industry: Small industrial, commercial, or service operations, on a parcel where the operator resides; frequently with an art or craft orientation or related to information processing or to the natural resources of the area. However, it may be of any type, so long as the scale of the operation is in keeping with the surrounding area and off-site impacts are comparable in intensity to those generated by residential uses allowed in the zone. (Whatcom County Zoning Code 20.97.087), which meets all of the criteria in Whatcom County Code 20.80.980.

County-Wide Planning Policies (CWPP): As required by GMA, the County Council and the City Councils of all the cities adopted a set of policies, which embody a vision for the future of Whatcom County. They are a framework intended to guide the development of comprehensive plans for each jurisdiction in the county.

Critical Areas: As defined by each jurisdiction, including at least the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

Critical facilities: As defined in the Whatcom County Critical Areas Ordinance means buildings and other structures that are intended to remain operational in the event of extreme environmental loading from flood, wind, snow, volcanic activities, or earthquakes pursuant to the most current International Building Code (IBC). the definition in Whatcom County’s Critical Areas Ordinance 16.16.800(19). (Ord. 97-956). These include:

a. Emergency Facilities
   i. Fire and police stations;
   ii. Tanks or other structures containing, housing or supporting water or other fire suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures;
   iii. Emergency vehicle shelters and garages;
   iv. Structures and equipment in emergency-preparedness centers;
   v. Stand-by power-generating equipment for essential facilities;
   vi. Structures and equipment in government communication centers and other facilities required for emergency response.

b. Hazardous Facilities: Structures supporting or containing sufficient quantities of toxic or explosive substances dangerous to the safety of the general public if released.
e. Special Occupancy Structures
   i. Covered structures where primary occupancy is public assembly;
   ii. Buildings for schools, colleges, adult education or day care centers;
   iii. Hospitals and other medical facilities;
   iv. Jails and other detention facilities.

Current-use taxation: Taxing farm and forest lands under their current use, instead of at the higher rate appropriate to lands available for development.

Density: A measure of the intensity of development, generally expressed in terms of dwelling units per acre. It can also be expressed in terms of population density (people per acre).

Density transfer: See "transfer of development rights."

Development: Any activity that requires federal, state, or local approval for the use or modification of land or its resource. These activities include, but are not limited to, subdivisions and short subdivisions, binding site plans, planned unit developments, variances, shoreline substantial development, clearing activity, excavation, embankment, fill and grade work, activity conditionally allowed, building or construction, revocable encroachment permits, and septic approval.

Distribution pipeline: Means a pipeline other than a gathering or transmission line or as defined at 49 CFR 192.3, as if amended.

Downzone: Reclassification from the current zone designation to one where the density of permitted development is lower.

Easement: The right, privilege, or interest that one party has in the land of another. (Dictionary of Real Estate Terms)

Essential State or Regional Transportation Facilities: The interstate highway system, interregional state principal arterials including ferry connections that serve state-wide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015.


FERC: Is a common abbreviation to refer to the Federal Energy Regulatory Commission.

Forest land: Land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for
such production, including Christmas trees subject to the excise tax imposed under
RCW 84.33.100 through 84.33.140, and that has long-term commercial
significance. In determining whether forest land is primarily devoted to growing
trees for long-term commercial timber production on land that can be economically
and practically managed for such production, the following factors shall be
considered: (a) The proximity of the land to urban, suburban, and rural
settlements; (b) surrounding parcel size and the compatibility and intensity of
adjacent and nearby land uses; (c) long-term local economic conditions that affect
the ability to manage for timber production; and (d) the availability of public
facilities and services conducive to conversion of forest land to other uses. (RCW
36.70A.030(8))

**Gathering Pipeline:** Means a pipeline that transport gas from a current production
facility to a transmission or main or as defined at 49 CFR 192.3, as amended.

**General aviation airport:** A facility where airplanes can take off and land that is
publicly owned or privately owned but used by the public. It can include a terminal,
hangers and refueling facilities and other accessory uses. Aircraft landing areas
used solely for personal use, agricultural use, forest management, or to serve the
Eliza Island community are not general aviation airports. Airports used solely for
commercial service or military use are not general aviation airports.

**Geographic Information System (GIS):** An automated or manual system
capable of organizing, storing, analyzing and retrieving geographically related
(mapped) information. It is intended to support sound decision-making regarding
the management of a community’s resources. Increasingly, the term is applied to
computerized systems which combine digital mapping with automated land use
data files.

**Greenbelts/Greenways:** These are undeveloped open space, natural areas,
including agricultural lands, recreational lands, **golf courses and other recreational
uses,** wildlife corridors and other similar uses.

**Groundwaters:** All waters that exists beneath the land surface or beneath the bed
of any stream, lake or reservoir, or other body of surface water within the
boundaries of this state, whatever may be the geological formation or structure in
which such water stands or flows, percolates or otherwise moves. There is a
recognized distinction between natural groundwater and artificially stored
groundwater (RCW 90.44)

**Group Home:** A residence that is licensed by the state as either a boarding home
or an adult family home.

**Growth management:** A method to guide development in order to minimize
adverse environmental and fiscal impacts and to maximize the health, safety, and
welfare of the community.
**Growth Management Act (GMA):** State law requiring jurisdictions with certain projected growth rates to prepare a comprehensive land use plan.

**Impact/Mitigation fee:** A payment of money imposed upon new development as a condition of approval, as defined and provided by RCW 82.02 and/or 43.21c. This fee must be used exclusively to finance improvements in capital facilities that are necessitated by the development. (CWPP)

**Inclusionary Zoning:** Zoning that requires developers to provide a portion of housing units in a specific project or area to meet the needs of low and moderate income people.

**Incompatible:** Not capable of existing together in harmony.

**Incorporated area:** Area inside city limits.

**In-fill:** The practice of using developable land that lies within a city, UGA, or developed area outside resource lands, where services are available rather than passing over such parcels in favor of land farther out or farther from available services. (CWPP)

**Infrastructure:** Streets, water and sewer lines, and other public facilities basic and necessary to the functioning of an urban area.

**In-patient facilities:** Buildings and accessory uses primarily utilized to provide health care service or medical attention, care or treatment that requires at least one overnight stay.

**Interlocal agreement:** An agreement intended to apply within designated Urban Growth Areas to set clear and reasonable criteria for orderly annexations, including guidelines on size and timing of annexations and urban levels of development, appropriate development standards and tax revenue sharing provisions. Participants in the agreement could include the county, any adjacent city, affected fire districts, (if applicable) and any other utility provider. (CWPP)

**Level of service (LOS):** An established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need. Level of service standards are synonymous with locally established minimum standards. (WAC 365-1956-210) Level of service for transportation is usually expressed as a proportion derived by comparing a roadway’s current volume to its capacity. For example, the level of service of a road segment is expressed by a declining letter scale ("A" is free-flowing traffic; "F" is a traffic jam). For most other facilities, the standard is units of the facility (i.e. acres of park land; number of jail beds; square-feet of office space) per 1,000 people.
Local Improvement District (LID): A defined geographical area or special district set up by ordinance to finance streets, sewers, and other public improvements that directly benefit properties in the district. The improvements are paid for by the benefited property owners over a period of time, usually 10 to 20 years.

Long-term commercial significance: Includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land. (RCW 36.70A.030(10))

Low Impact Development: A stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation and use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. LID strategies can be applied to new development, urban retrofits, infrastructure improvements and revitalization projects to protect aquatic resources.

Low Income Housing: The federal government defines low-income housing as housing provided for individuals earning 50% or less of the average family wage of the local jurisdiction.

Master planned resort: A self contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A master planned resort may include other residential uses within its boundaries, if the residential uses are integrated into and support the on-site recreational nature of the resort.

Mineral resource land: Land primarily devoted to, or with the documented presence of and/or potential for, the long-term and commercially significant extraction of minerals such as precious metals, coal, sand and gravel, etc.

Mitigation: Measures taken to avoid, minimize, or compensate for adverse environmental impacts associated with a (project or non-project) land use action.

Natural Resource Lands: Natural Resource Lands include agricultural, forestry, and mineral resource lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products, for the commercial production of timber, and that have long-term significance for the extraction of minerals.

New fully-contained community: A development proposed for location outside of the existing designated urban growth areas, which is characterized by urban densities, uses and services and meets the criteria of RCW 36.70A.350. (WAC 365-
1956-210) The criteria include new infrastructure, traffic demand management programs, buffers, a mix of uses, affordable housing, environmental protection, development regulations, mitigation of impacts on resource lands, and protection of critical areas.

**Non-compatible:** See "Incompatible."

**Nonconforming use:** A building or premises—land occupied by a legally established use that does not conform with the regulations of the zoning use district in which it is situated located. (Whatcom County Zoning Code 20.97.270)

**Non-federal land:** The areas of Whatcom County not under federal management (i.e., the areas not included in the Mt. Baker National Forest or North Cascades National Park).

**One-number locator service (one-call):** Means a service through which a person can notify utilities and request field marking of underground facilities.

**Open space:** Any parcel or area of land or water not covered by structures, hard-surfacing, parking areas and other impervious surfaces except for pedestrian or bicycle pathways.

**Parcel:** With regard to the agricultural protection zone, a parcel is defined as contiguous land held in the same ownership but without regard for segregation made for tax purposes. To be contiguous the land must share a common boundary on at least one side. Land is not a contiguous parcel if bisected by a public right-of-way, a Category 1 stream or a Category 1 or 2 wetland, or divided as part of a subdivision or exempt land division approved pursuant to Chapter 58.17 RCW or Title 21 Whatcom County Code or created after 1959 or created as a legal lot of record.

**Plat:** A detailed drawing of a land subdivision, recorded with the county. Along with the property lines, it may include notations of easements, rights, and restrictions.

**Potable:** Potable describes water that is suitable for drinking by the public. (WAC 246-290)

**Productive:** Capable of economically producing wood fiber or food products.

**Private Utilities:** Water and/or sewer service owned and operated by an entity other than a political subdivision of the federal, state or tribal governments.

**Public Utilities:** Water and/or sewer services owned and operated by a political subdivision of federal, state or tribal governments (includes water and sewer districts and public utility districts).
Recreation Resource Management Areas: Large undeveloped parcels with unique or attractive features where public access is maintained and unique scenic areas preserved through public ownership or private easements.

Regional Transportation Planning Organization: An organization created by the Growth Management Act to coordinate regional transportation efforts and to foster cooperation among state and local jurisdictions. The Whatcom Council of Governments has been designated as the Regional Transportation Planning Organization for Whatcom County.

Resource Based Industry: A business or industry that has a direct relationship to natural resources such as agriculture, minerals, forestry, fishing and aquaculture. This type of industry is generally located in close proximity to the resource or resource land.

Restoration: Bringing back into existence the natural functions and aesthetic character of a site, including the integrity of its surficial geology, topography, soils, hydrology, and/or vegetative regime. Within the context of threatened and endangered species goals and policies, restore or restoration means an action that improves habitat of threatened and endangered species that is:
   a. Undertaken voluntarily by the landowner; or
   b. Undertaken voluntarily by the County on county property or right-of-way, in accordance with the goals and policies of the comprehensive plan; or
   c. Undertaken as a condition of a permit when the condition has been imposed pursuant to adopted regulations and there is a nexus between new development or new clearing activity and the required restoration.

Rezone: Reclassification of an area from its current zoning to a different use.

Right-of-way: A recorded right to use or travel over a specified area or strip of land. Most commonly it refers to land on which a street, sidewalk, or railroad is located. It can also be occupied by utilities, transmission lines, oil or gas pipelines, drainageways, or similar facilities, although pathways for these facilities are more commonly referred to as easements.

Rural lands: All lands which are not within an urban growth area and are not designated as natural resource lands having long-term commercial significance for production of agricultural products, timber, or the extraction of minerals. (WAC 365-1965-210)

Short-Term Planning Area: Short Term Planning Areas are used as a tool for facilitating provision of urban levels of services and preventing sprawl.

State Environmental Policy Act (SEPA): 1971 state law paralleling the National Environmental Policy Act (NEPA), which requires state and local agencies to consider environmental impacts in the decision-making process. A determination of environmental significance must be made for all non-exempt projects or actions which require a permit, license or decision from a government agency. If the action
does not have significant adverse environmental impacts, a Declaration of Non-
Significance is issued. If the action or project could have major impacts, an
Environmental Impact Statement is required. SEPA requires consideration of
alternatives and mitigation of environmental impacts for major public and private
projects and programs.

Sprawl: Low-density development unfolding from the edges of cities and towns. It
is unplanned, land-consumptive, automobile-oriented, and designed without
attention to its surroundings.

Subarea: A geographic division of the county, created for planning purposes.
There are ten subareas in Whatcom County.

Subdivision: Division of a lot, tract, or parcel of land into two or more lots, tracts,
or parcels or other divisions of land for sale or development. (Black's Law
Dictionary)

Sustainable: Sustainability is an economic state where the demands placed upon
the environment by people and commerce can be met without reducing the
capacity of the environment to provide for future generations. (Paul Hawken, The
Ecology of Commerce)

Third-party damage: Means damage caused by a party other than the
owner/operator of a utility facility or a contractor working for such owner/operator.

Title 20: Whatcom County Zoning Code.

Transfer of development rights (TDR): A program in which the unused portion
of a "sending" property's zoned capacity--one of the separable rights of property--is
sold to the developer of a "receiving" site, who is allowed to add the capacity to the
zoned limit of that site. TDRs can be used to prevent the demolition of affordable
housing units, especially in downtowns, or to protect historically significant property
or open space.

Transmission pipeline: Means a natural gas or hazardous liquid pipeline that
transports within a storage field, or transports from an interstate pipeline or storage
facility to a distribution main or a large volume user, or operates at a hoop stress of
twenty percent or more of the specified minimum yield strength or as defined at 40
CRF 192.3, as amended.

Transportation analysis zone (TAZ): Geographic area defined for transportation
modeling purposes. (COG, 1996)

Unincorporated area: Area of the county outside city limits.

Urban Fringe Subarea Plan: A plan pertaining to the Bellingham Urban Growth
Area and a portion of Whatcom County surrounding Bellingham. It is a plan
designating the interface between urban and rural land uses. Part of the Urban
Fringe Area is included in an Urban Growth Area. Some of the area already lies within Bellingham’s Urban Service Area.

**Urban growth**: growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170.

**Urban growth area (UGA)**: An area designated, within which urban growth will be encouraged and outside of which growth can only occur if it is not urban in nature. Urban growth areas around cities are designated by the county in consultation with the cities; urban growth areas not associated with cities are designated by the county.

**Urban Growth Area Reserves**: These are areas that are adjacent and contiguous to Urban Growth Areas which appear to be suitable for future inclusion of the respective Urban Growth Area. These lands are held in reserve until it is demonstrated that they are needed for urban growth, and that consideration is given to ensuring adequate public facilities and services, reduction of sprawl, economic development, open space corridors and natural resource conservation.

**Urban Level of Service**: The minimum level of urban facilities and services, including sanitary sewer, water service, police protection, fire protection and emergency medical services, parks and recreation programs, solid waste management, electric service, land use controls, communication facilities and public schools, to support urban levels of development. A full range of services would add urban public transit, natural gas, storm drainage facilities, street lighting, libraries, local parks, local recreation facilities and services, and health services.

**Utility corridor**: Means an area where an existing utility transmission line is situated, which includes the right-of-way occupied by the existing line and areas immediately adjacent to such rights-of-way in which siting additional utility transmission lines could potentially be considered appropriate.

**Visioning**: A process of citizen involvement to determine values and ideals for the future of a community and to transform those values and ideals into manageable and feasible community goals. (WAC 365-1965-210)

**Water association**: A private corporation which distributes potable water to residential customers.

**Watershed**: A geographic region within which water drains into a particular river, stream or body of water.

**WUTC**: Is a common abbreviation to refer to the Washington Utilities and Transportation Commission.
Zoning: A measure by which the community is divided up into districts or zones. In each zone there are permitted uses and special uses, as well as regulations governing lot size, building bulk, placement, and other development standards.
Appendix B

List of Acronyms

Note: (0x) and (1x) represent number of times the acronym is used in the proposed 2016 Comprehensive Plan. Because the acronym is either not used or is only used once in conjunction with the full spelling, they are proposed for removal from Appendix B.

AAC Agricultural Advisory Committee
ADO Associate Development Organization
ADU Accessory Dwelling Unit (1x)
AG Agricultural zone (0x)
APO Agriculture Protection Overlay
ARCO Atlantic Richfield Oil Company (0x)
BMP Best Management Practices
CDBG Community Development Block Grant (1x)
CEDS Comprehensive Economic Development Strategy
CERB Community Economic Revitalization Board (1x)
GF Commercial Forestry zone (0x)
CFHMP Comprehensive Flood Hazard Management Plan
CFR Code of Federal Regulations
CIG Climate Impacts Group
CIP Capital Improvement Plan Program
CPROS Comprehensive Parks, Recreation and Open Space Plan
CTAC Citizens’ Transportation Advisory Committee (0x)
CTR Community Trip Reduction (0x)
CWPP County-Wide Planning Policies
CWSP Whatcom County Coordinated Water System Plan
CZM Coastal Zone Management (0x)
DLI Washington State Department of Labor and Industries (1x)
DNL Day Night Average Sound Level
DNR Washington State Department of Natural Resources
DOC Department of Corrections (0x)
DOE Washington State Department of Ecology or US Department of Energy
DUI Driving under the influence (0x)
EGA Environmentally Critical Area (0x)
EDA Economic Development Administration (1x)
EDTF Economic Development Task Force (0x)
EFSEC Energy Facility Site Evaluation Committee (1x)
EIS Environmental impact statement (0x)
EMF Electromagnetic field
EPFAC Essential Public Facility Advisory Committee (0x)
ESA Endangered Species Act
ETF Environmental Task Force (0x)
FAWS Forest And Wildlife Stewardship (0x)
FERC Federal Energy Regulatory Commission
GC General Commercial zone (0x)
GI — Gateway Industrial zone (0x)
GIS — Geographic Information System
GM — General Manufacturing zone (0x)
GMA — Growth Management Act
G-P — Georgia Pacific (0x)
HII — Heavy Impact Industrial zone (0x)
HUD — US Department of Housing and Urban Development (1x)
HPA — Hydraulic Project Approval (0x)
I-5 — Interstate-5 (north-south freeway)
ITS — Intelligent Transportation Systems (1x)
JRA — Junior Rehabilitation Administration (0x)
Kv — Kilovolt (1x)
LAMIRD — Limited Areas of More Intensive Rural Development
LID — Low Impact Development (1x) Local improvement district (0x)
LII — Light Impact Industrial zone (0x)
LMII — Low to Moderate Income (1x)
LOS — Level of service
LWD — Large Woody Debris
mbf — Thousand board-feet (0x)
MRC — Marine Resources Committee
MRL — Mineral Resource Land
MVA — Megavoltampere (0x)
MW — Megawatt (0x)
NC — Neighborhood Commercial zone (0x)
NPDES — National Pollutant Discharge Elimination System
NRCS — Natural Resources Conservation Service
NSEA — Nooksack Salmon Enhancement Association (0x)
OCD — Office of Community Development (0x)
OEDP — Overall Economic Development Program (1x)
OFM — Washington State Office of Financial Management
ORV — Off-road vehicle
PHS — Priority habitats and species (1x)
PSE — Partnership for Sustainable-Economy (0x)
PUD — Public utility district OR-Planned unit development (0x)
PUGA — Provisional Urban Growth Area (0x)
R — Rural zone (0x)
RC — Resort Commercial zone (0x)
RCW — Revised Code of Washington
RF — Rural Forestry zone (on the Lummi Reservation, Rural-Farm) (0x)
RHAC — Residents’ Housing Advisory Committee (0x)
RR R/W — Rail Road Right of Way
RRI — Rural Residential Island zone (0x)
RRMA — Recreation Resource Management Area
RR1 — Residential Rural zone (1 dwelling-per acre) (0x)
RR2 — Residential Rural zone (2 dwellings per acre) (0x)
RR3 — Residential Rural zone (3 dwellings per acre) (0x)
RTPO — Regional Transportation Planning Organization (1x)
RV  Recreational vehicle
R2A  Rural zone (1 dwelling per 2 acres) (0x)
R5A  Rural zone (1 dwelling per 5 acres) (0x)
R10A Rural zone (1 dwelling per 10 acres)
SGTF Secure community Transition Facilities (0x)
SEPA State Environmental Protection Act
SMA Shoreline Management Act
SMAC Surface Mining Advisory Committee (0x)
SMP Shoreline Management Program
SPB Seaplane Base
SR State Route
SR9 State Route 9
SR547 State Route 547
STB Surface Transportation Board (0x)
SVCA Sudden Valley Community Association (0x)
TZC Tourist-Commercial zone (0x)
TDM Traffic Demand Management
TDR Transfer of development rights (1x)
TTAC Technical Transportation Advisory Committee (0x)
UGA Urban growth area
UPAC Utilities Planning and Advisory Committee (0x)
UR Urban Residential zone (0x)
UR4 Urban Residential zone (4 dwellings per acre) (0x)
USDA United States Department of Agriculture
VOC Volatile Organic Compound
WAC Washington Administrative Code
WA-CERT Washington State Community Economic Revitalization Team (0x)
WCC Whatcom County Code
WCCP Whatcom County Comprehensive Plan
WCCOG Whatcom County Council of Governments
WDFW Washington State Department of Fish and Wildlife
WRIA#1 Water Resource Inventory Area #1
WSDOT Washington State Department of Transportation
WSRB Washington Surveying and Rating Bureau
WTA Whatcom Transportation Authority
WUTC Washington Utilities and Transportation Commission
WWU Western Washington University (0x)
APPENDIX C
Appendix C

Growth-Management Act Planning Goals
Countywide Planning Policies
Visioning Value Statements

Growth Management Act Planning Goals
(RCW 36.70A.020)

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

1. **Urban Growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

2. **Reduce Sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

3. **Transportation.** Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

4. **Housing.** Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

5. **Economic Development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

6. **Property Rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

7. **Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

8. **Natural Resource Industries.** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

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9. **Open Space and Recreation.** Encourage the retention of Retain open space and development of enhancement of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

10. **Environment.** Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

11. **Citizen Participation and Coordination.** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

12. **Public Facilities and Services.** Ensure that public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

13. **Historic Preservation.** Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

14. **Shoreline Management.** Per RCW 36.70A.480 Shorelines of the State, the goals and policies of the Shoreline Management Act, as set forth in RCW 90.58.020, are added as one of the goals of the Growth Management Act.
Whatcom County
Countywide Planning Policies
Adopted April 1993
(Revised March 11, 1997 & January 25, 2005)

A. Citizen Involvement

1. The county and the cities shall cooperate to provide public education on the requirements of the Growth Management Act.

2. The county and the cities shall provide opportunities for citizens to become involved in the growth management planning process through various mechanisms, such as surveys, public workshops, meetings, hearings, and advisory committees. The method of citizen involvement may vary based on the needs and constituents in various communities and shall include representation of both rural and urban interests on those issues that affect both urban and rural areas.

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

4. Citizen comments and viewpoints shall be incorporated into the decision-making process in development of draft plans and regulations. Consideration of citizen comments shall be evident in the decision-making process.

5. The county and the cities shall establish a system for subarea, community and neighborhood liaison to foster communication between the respective government and its neighborhoods. This system would also provide a point of contact for issues that may affect subareas, the community, or neighborhoods.

6. Various planning techniques, such as overlay maps and Geographic Information Systems, shall be utilized to allow citizens and public officials the ability to make accurate comparison of issues so appropriate trade-offs can be consciously made.

B. Urban Versus Rural Distinctions

1. Whatcom County shall primarily become a government of rural areas in land use matters directed towards agriculture, forestry and other natural resources and natural resource based industries. The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas. This Section shall not preclude county
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governance of large urban industrial areas outside of the city UGA's (see Cherry Point below), developed urban areas within urban growth areas not yet annexed, and developed rural areas where the "urban" designation is inappropriate.

2. The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently characterized by a development threshold greater than a rural development density.

3. Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial, industrial and intensive residential development greater than a rural development density. These areas should be clearly delineated, and not expanded beyond logical outer boundaries in accordance with RCW 36.70.070(5). Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.

4. In the next 20 years, Whatcom County should discourage "new fully contained communities" (as defined and authorized by RCW 36.70A.350) outside designated Urban Growth Areas.

5. Whatcom County should undertake a public process to define rural areas and rural growth as distinct from urban areas and urban growth.

C. Urban Growth Areas

1. Urban growth needs shall be met by a combination of in-fill within cities and by growth within designated municipal and non-municipal Urban Growth Areas.

2. The size and location of Urban Growth Areas shall be consistent with adopted local policies and with the capital facilities plans.

3a. The most current, accurate population projections based on a range provided for Whatcom County by the Office of Financial Management shall be used as the basis for determining that Urban Growth Areas shall include sufficient area to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period.

3b. The County and Cities shall develop a consistent approach to calculating the land supply needed within an urban growth area. This approach shall consider limitations imposed by critical area regulations, infrastructure needs, open space, existing uses, local market factors and the ability of the jurisdiction to provide services. It is recognized that the above limitations may vary by jurisdiction, but the method for applying them shall be consistent. Urban growth areas shall permit a range of densities and uses; however, in recognition of community character, these uses and densities may vary among jurisdictions.

4. Urban Growth Areas shall be evaluated at least every ten years to determine if they contain sufficient area to accommodate the urban growth that is projected for the succeeding twenty-year period. The market factor for each
Urban Growth Area shall also be evaluated to determine whether the land supply is adequate to meet the needs of the community or whether the land supply is excessive and contributing to sprawl.

5. Urban Growth areas should be established in a way that preserves agricultural land, forestry, mineral resources, water resources, and critical areas. Urban growth shall maintain proper buffers from natural resource areas to minimize conflicts with natural resources and industries based on them.

D. City Urban Growth Areas

1. The Urban Growth Areas for the small cities shall be of an adequate size to allow them to become viable economic centers with a balance of jobs and housing. The small cities shall do appropriate planning to ensure adequate distribution of land uses and services at a range of urban densities and zoning classifications.

2. Urban Growth Areas for cities shall include those areas contiguous to cities and with urban characteristics as defined by the Act. The Geneva area in Bellingham's UGA is characterized by urban development, but is also identified by the city and county as a Water Resource Protection UGA because of its location in the Lake Whatcom Watershed. Lake Whatcom is the drinking water source for much of the Bellingham urban area. Geneva is appropriate to include in an urban growth area, but is not an area where additional urban development is desirable.

3. Cities shall develop a plan to provide urban level water and sewer services within their Urban Growth Areas. This plan should be developed in cooperation with existing water purveyors and other municipal corporations providing water or sewer services within each city's Urban Area, and should be implemented through interlocal agreements. Short term and long term boundaries may be used to facilitate provision of urban levels of service and to not preclude future urban densities as defined within the Whatcom County Comprehensive Plan.

4. Existing cities should absorb additional population at a range of densities appropriately responsive to the city's community vision before extending city Urban Growth Areas into areas where growth would adversely impact critical areas and resource lands. In those small cities entirely surrounded by flood plains, critical area and resource lands or within Shellfish Protection Districts, the county and the city shall seek to negotiate a balance between protection of resources and the allocation of adequate land area to meet the growth needs of the city and to maintain the desired character of the community.

5. All cities should grow in an efficient manner while maintaining their character and, where reasonable, shall provide for adequate open space between cities to prevent strip development.

6. Cities should be encouraged to provide positive incentives for in-fill.

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E. Non-City Urban Growth Areas

1. Urban Growth Areas may also be established in areas that are not contiguous to existing cities, and are already characterized by urban growth where adequate facilities and services can be provided and which are intended to meet needs not met by cities and their Urban Growth Areas.

2. Non-city urban growth areas, for already urbanized unincorporated residential areas shall be encouraged to infill in a way that will facilitate efficient provision of facilities and services consistent with the scale of development.

3. Cherry Point shall be designated as an unincorporated industrial urban growth area in recognition of existing large scale industrial land uses. Additional large scale development shall be encouraged consistent with the ability to provide needed services and consistent with protecting critical areas along with other environmental protection considerations. The Cherry Point industrial area is an important and appropriate area for industry due to its access to deep water shipping, rail, all-weather roads, its location near the Canadian border, and its contribution to the County's goal of providing family wage jobs.

4. The County shall assure that there are plans to provide appropriate levels of urban facilities and services within non-city Urban Growth Areas. These plans should be developed by special purpose districts, water associations and private service providers within each of these Areas, and should be implemented, where appropriate, through interlocal agreements. Short term and long term boundaries may be used to facilitate provision of urban levels of service.

F. Contiguous, Orderly Development and Planning in Urban Growth Areas

1. Cities, the county and special districts shall execute interlocal agreements to coordinate plans for and manage growth in Urban Growth Areas prior to annexations. Interlocal agreements shall acknowledge and implement the Countywide Planning Policies.

2. Interlocal agreements shall incorporate clear and reasonable criteria for orderly annexation. The county and the cities shall establish a process to incorporate representative citizen input into interlocal agreement and encourage appropriate districts to participate. If adequate procedures are developed to replace it, the Boundary Review Board may be replaced.

3. All urbanized areas currently within urban growth boundaries associated with cities should be encouraged to annex to cities. Orderly annexations with logical boundaries shall be encouraged. Interlocal agreements shall specify guidelines on size, timing of annexations and urban levels of development, and tax revenue sharing when appropriate.

4. Within Urban Growth Areas, cities shall not extend water and sewer utilities without an adopted program for annexation and an adopted Capital Facilities Plan. Exceptions may be made in cases where human health is threatened as
determined by the County Health Department. If water extensions are made, they shall be consistent with the service area boundaries and other provisions within the adopted Coordinated Water System Plan.

5. In the areas where utilities presently extend beyond city limits, but are within Urban Growth Areas, the city, county, and the existing water purveyors for the area should jointly plan with the county. The County shall adopt zoning which reflects this joint planning.

6. Unless specifically provided for by state statutes, Cities, other municipal corporations, and other public and private utilities shall not extend urban levels of water service to serve urban uses outside Urban Growth Areas. If legally allowed water extensions are made outside of Urban Growth Areas, the maximum number of connections shall not exceed the density allowed under the associated zoning. The number of connections shall be specified in a legally binding document at the time the extension is approved. Property contiguous to extension of utilities necessary to solve existing water deficiencies, but which cannot benefit from them because of zoning constraints, shall not be assessed for those improvements.

7. The availability of pipeline capacity required to meet local needs and/or supply shall not be used to justify development counter to the countywide land development pattern and shall not be considered in conversions of agricultural land, forestry, and rural areas.

8. The cities, other municipal corporations, public utilities, and the county shall cooperate to identify and balance the needs of each jurisdiction and entity when planning for transition of services and annexation within Urban Growth Areas. This intergovernmental cooperation and coordination should be reflected in revenue agreements, work programs for joint projects, and regional solutions adopted by the affected parties.

9. Major transportation, utility and greenway corridors shall be planned within Urban Growth Areas. Development shall be consistent with these corridors. The county shall ensure conformance through the permit process and incentive programs.

10. Interlocal agreements shall include provisions for agreed upon development standards within Urban Growth Areas. Unless a different standard is negotiated, the more rigorous of the standards shall be enforced by the county.

11. The county and the City of Bellingham shall establish, through the Urban Fringe Subarea Plan update, the policies, zoning and criteria to comply with current state Growth Management law.

12. To encourage contiguous, orderly development and annexation in Urban Growth Areas around cities, the county shall designate Urban Residential zones limiting density to a maximum of one dwelling unit per five acres in undeveloped areas until urban level utilities are provided. Developed or partially developed areas presently zoned Residential-Rural shall retain that zoning. In the Bellingham Urban Growth Area, substantial development and
subdivisions already have occurred without annexation. The revised Urban
Fringe Subarea Plan and a new Interlocal Agreement between the City of
Bellingham and the county will address sequence and timing for annexations,
subdivisions, and urban levels of development.

13. In Urban Growth Areas where development is occurring based on the
presence of utilities, urban development shall meet common urban standards
including fire flow requirements and supply. The county and the cities will
work together to develop reasonable standards over time.

14. The County and the cities shall coordinate drainage, stormwater
management and flood control in Urban Growth Areas and work toward the
development of common standards.

G. Affordable Housing

1. The county and the cities shall take actions to ensure a balance of housing
and economic growth consistent with each jurisdiction’s employment base
and diverse income levels and to reduce commuting times and traffic
congestion.

2. The county and the cities shall plan for a range of housing types and costs
commensurate with their affordable housing needs.

3. Affordable housing should be convenient to major employment centers and
public services or be designed to accommodate public transportation.

4. The county and the cities shall promote innovative techniques and develop
strategies to provide for affordable housing with design, density, lot sizes and
development standards that provide for a variety of housing types.

5. The county and the cities shall review existing regulations and policies that
exclude or discourage affordable housing in their communities and shall not
adopt regulations and policies which do so. Mobile, modular, and
manufactured homes on individual lots, mobile home parks, accessory units,
inclusionary zoning, mixed use, and increased densities shall be reviewed as
affordable housing alternatives.

6. The county and the cities should work with the private sector, other public
and non-profit agencies, citizen groups, and trade representatives to assure
that there is an adequate supply of sites available for affordable housing and
to encourage housing design that is compatible with the surrounding
neighborhoods.

7. Low income housing shall not be concentrated in only a few communities or
neighborhoods.

8. The county and the cities shall consider reducing impact and/or mitigation
fees for affordable housing provided in a proposed development.

9. Each jurisdiction should explore options for providing shelter for the
homeless.
H. Open Space/Greenbelt Corridors

1. Adequate open space is vital to the quality of life and sense of place in Whatcom County. The county, cities, Port of Bellingham, and other appropriate jurisdictions should coordinate protection of linked greenbelts, within and between Urban Growth Areas, parks, and open space to protect wildlife corridors and to enhance recreational opportunities, public access and trail development.

2. The county and the cities shall plan for greenbelts and open space in their Comprehensive Planning processes and coordinate with each other. Open space systems should include lands which contain natural areas, habitat lands, natural drainage features, and/or other environmental, cultural and scenic resources. With increased residential densities, jurisdictions also should ensure provision of adequate neighborhood parks and play areas within safe bicycling and walking distance for children.

3. The county and the cities shall encourage, to the extent it is feasible, separation of Urban Growth Areas through planning, zoning, development regulations, open space purchase, conservation easements and other mechanisms which may be appropriate. Also, an array of incentives such as density bonuses, design flexibility and transferable development rights shall be offered to affected land owners.

4. The County and Cities should work cooperatively to protect and restore stream corridors within Urban Growth Areas that support anadromous fish.

I. Economic Development and Employment

1. Whatcom County recognizes that a healthy economy, which provides opportunity for diverse segments of the community, is important to the quality of life in the area. The Greater Whatcom Comprehensive Economic Development Strategy (CEDS) “is intended to put forth economic development alternatives for Whatcom County that will support jobs creation, with an emphasis on higher wage jobs and diversification”

2. New business development and expansion of existing businesses are key factors in providing “family wage” jobs and a strong tax base. Economic development that pays family wage rates should be encouraged. Industrial land designations must be sufficient to permit the concentration of industry in appropriate locations beyond 20 years. In order to attract new industry and provide for expansion of existing industries, the county and the cities will designate land supply of sufficient size and diversity to provide a range of suitable locations for industrial development. The designation of this land shall be established in a way that preserves natural resource based industries and critical areas.

3. To provide sufficient land supply for industrial growth and development, industrial designations must not only include lands suitable for development, but also lands suitably zoned to provide adequate buffers. It is also important that these lands and buffers be conserved with appropriate land use and zoning provisions to ensure that they will be available for future use.
4. Encourage business location, retention, and expansion according to city and county comprehensive plans in order to meet current and future demand for diverse business and industry. Work with funding agencies and the private sector to facilitate extension of adequate sewer, water, telecommunications and road access to existing commercial and industrial-zoned properties, creating shovel-ready sites. Cities and county may utilize the "Quick Sites" economic development program through OTED, which links strategic elements of planning, zoning, environmental review, and permitting with the business-siting effort.

5. The county and the cities should include an economic development element in their Comprehensive Plans. Economic development elements should be consistent with the CEDS. Economic development shall be coordinated with environmental concerns to protect the quality of life. Planning efforts should address economic sustainability. As part of the comprehensive planning process and through implementation of the comprehensive plan, the County shall develop and adopt goals, policies and regulations that protect resource land industries and support and encourage resource-based industries.

6. The county and the cities should continue to cooperate through the Partnership for a Sustainable Economy to maintain the CEDS for infrastructure funding. Other appropriate organizations, businesses, and individuals should be involved in the process.

7. Economic vitality and job development shall be encouraged in all the cities and in designated areas of the county consistent with community growth policies, particularly addressing adequacy of transportation corridors, public transportation, impacts on the environment, and the ability of the area to provide urban services.

8. Economic development should be encouraged that:
   a. Does not adversely impact the environment;
   b. Is consistent with community values stated in local comprehensive plans;
   c. Encourages development that provides jobs to county residents;
   d. Addresses unemployment problems in the county and seeks innovative techniques to attract different industries for a more diversified economic base;
   e. Promotes reinvestment in the local economy;
   f. Supports retention and expansion of existing businesses.

9. The County and the cities recognize the need for the protection and utilization of natural resources and resource lands including agricultural, mineral, forestry and fishing. As part of a broad based economy, productive timber, agriculture and fisheries industries should be supported in a sustainable manner.
10. The cities and county agree to set policies for approving proposals to authorize siting of Major Industrial Developments for large or resource-based industries outside of Urban Growth Areas (as per RCW 36.70A.365). The master planning process for specific manufacturing, industrial, or commercial businesses shall address infrastructure, buffers, environmental protection, sprawl, resource lands, critical areas, and land supply.

11. Whatcom County encourages siting of industrial uses in proximity to and to further utilization of our access to deep water and port facilities for shipping, rail, airports, roadways, utility corridors and the international border.

J. Countywide Transportation Facilities and Strategies

1. A Regional Transportation Planning Organization (RTPO) has been established in Whatcom County to conduct regional, cooperative transportation planning. The RTPO has completed a Regional Transportation Plan (RTP) including countywide transportation policies. The RTP has been approved by a regional transportation Policy Board consisting of elected representatives of most area jurisdictions. The Transportation Chapter of the Whatcom County Comprehensive Plan and the Comprehensive Plans for each of the City's must be consistent with the RTP as it is amended. The county and the cities will continue to support the RTPO on an on-going basis to coordinate transportation planning across Whatcom County.

2. Whatcom County jurisdictions shall encourage alternative modes of transportation to the single occupancy vehicle. Each jurisdiction shall encourage:

   a. Use of public transportation;
   b. Development of liked on-street bicycle routes and pedestrian and bicycle trail corridors;
   c. Adequate pedestrian facilities;
   d. Connections between different modes of transportation;
   e. Intermodal connection of freight transportation.

3. To encourage use of single occupant vehicle alternatives and development of pedestrian scale neighborhoods, high density residential development shall be encouraged in urban growth areas with particular attention to those locations within cities and in close proximity to arterials and main transit routes.

4. Cities are particularly encouraged to support transit and pedestrian friendly mixed use developments within their UGAs to help achieve the goals supported in these policies.

5. Where the roadway level of service (LOS) adopted in local comprehensive plans cannot be maintained as a result of proposed new development, that development shall be denied, unless the proponents agree to pay a proportionate share of the cost of maintaining the LOS.
6. Strategies for maintaining established levels of service may include transportation demand management techniques, project impact mitigation fees, enhanced access to public transportation service, and/or other steps to reduce or limit traffic congestion.

7. Priorities shall be established and expenditures coordinated for countywide bicycle and trail corridors. Bicycle and pedestrian-specific trails and other facilities shall be included during project planning and review. Coordinated corridors and cost sharing should be explored among all responsible and interested parties.

8. Whatcom County should work cooperatively with the Whatcom County Council of Governments, Cities, Whatcom Transit Authority and other agencies with jurisdiction to plan for inter-county and international transportation links, such as airports, border crossings, passenger rail, freight rail, transit, ferries, and other transportation facilities.

K. Siting of Public Facilities

1. As part of the comprehensive planning process, the county and the cities shall identify appropriate land for public facilities which meets the needs of the community, such as schools, recreation, transportation and utility corridors, human service facilities, and airport and other port facilities. In order to reduce land use conflicts, policies related to a design component shall be incorporated in the comprehensive plans.

2. The county and the cities will implement a cooperative and structured process, which includes early and continuous public involvement, to consider siting of essential public facilities of a regional and statewide nature. State facilities shall conform to local siting procedures.

3. Public facilities that generate substantial travel demand should be sited along or near major transportation and public transit corridors, where available.

4. The county and the cities shall work with their respective school district to encourage siting of schools in conjunction with areas where substantial development exists or is projected and near public transportation corridors.

5. 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.

L. Impact Fees

1. The county and the cities are encouraged to adopt fair and reasonable impact and/or mitigation fee ordinances to ensure that new growth pays its fair share of the cost of capital facilities, such as transportation improvements, parks, and schools.

2. The county and cities shall work with their school districts to develop impact fee formulas as appropriate to the district’s capital needs.
M. Intergovernmental Cooperation

1. To adequately plan for growth and implement the policies of the Growth Management Act, the governmental jurisdictions in Whatcom County, including the Lummi Nation and Nooksack Tribe, and the Port of Bellingham shall work together to establish on-going mechanisms to improve communication, information sharing and coordinated approaches to common problems.

2. Whatcom County governments should communicate with neighboring counties and governments in British Columbia and work cooperatively on growth management issues that cross county and national borders.

N. Water Quality and Quantity

1. The cities, and the county, in cooperation with other municipal corporations, tribal governments, federal and state agencies, and public and private utilities shall cooperate in the protection of water resources and in drawing upon said water to support growth.

2. The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations required by the Growth Management Act, such as natural resource lands and critical areas, water resource protection shall generally have priority.

3. Jurisdictions shall cooperate to protect and restore water resources and fish habitat within UGA’s and across jurisdictional boundaries to maintain quality of life and economic health in Whatcom County.

4. Jurisdictions involved in the development of ground and/or surface water management plans shall pursue the adoption and implementation of the plans, as well as coordination and integration of the plans into local comprehensive plans as appropriate. Examples of such plans include the Lake Whatcom Management Plan, WRIA 1 Watershed Management Plan, Shellfish Protection District Plans and drinking water source protection plans.

5. All jurisdictions should participate in the process to establish a countywide water resource management body in accordance with the Watershed Management Act and other applicable federal, state and local regulations to inform GMA planning efforts.

6. All jurisdictions shall maximize reduction of water pollutants from stormwater runoff and combined sewer overflows.

O. Fiscal Impact

1. It is recognized that if the Growth Management Act and these policies are implemented to their maximum extent, county government may eventually lose the tax base needed to operate essential services, including the criminal justice function and the Offices of Treasurer, Assessor, and Auditor, which
serve all jurisdictions in the area. Revenue-sharing shall be addressed in
inter-local agreements between Cities and the County.

P. Private Property Rights

1. As required in the Growth Management Act, private property shall not be
taken for public use without just compensation having been made. It is not
the purpose of this paragraph to expand or reduce the scope of private
property already provided in local, state and federal law.

2. The county as required by Whatcom County Home Rule Charter Section 1.11,
and cities should establish a pro-active process to anticipate potential takings
and other private property issues and resolve them out of court.
Glossary

Affordable Housing: In this document the definition of “affordable housing” is to be developed by each community as part of the Comprehensive Planning process.

Capital Facilities Plan: A required element of the Comprehensive Plan designed to form a better match between development and provision of services. It must include an inventory of existing facilities, forecast of future needs and a six-year financing plan.

Critical Areas: As defined by each jurisdiction, including at least the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

Greenbelts/Greenways: These are undeveloped open space, natural areas, including agricultural lands, golf courses, and other recreational uses, wildlife corridors and similar uses.

Impact/Mitigation Fees: A payment of money imposed upon new development as a condition of approval as defined and provided by RCW 82.02 and/or 43.21c. This fee must be used exclusively to finance improvements in capital facilities that are necessitated by the development.

Inclusionary Zoning: Zoning that requires developers to provide a portion of housing units in a specific project or area to meet the needs of low and moderate income people.

In-fill: The practice of using developable land that lies within a city, UGA, or developed area outside resource lands, where services are available rather than passing over such parcels in favor of land farther out or farther from available services.

Interlocal Agreements: An agreement intended to apply within designated Urban Growth Areas to set clear and reasonable criteria for orderly annexations including guidelines on size and timing of annexations and urban levels of development, appropriate development standards and tax revenue-sharing provisions. Participants in the agreement could include the county, any adjacent city, affected fire districts (if applicable) and any other utility provider.

Level of Service (LOS): An established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need. Level of Service for transportation is usually expressed as a proportion derived by comparing a roadway's current volume to its capacity.

Low Income Housing: The federal government defines low income housing as housing provided for individuals earning 50% or less of the average family wage of the local jurisdiction.

Natural Resource Lands: Natural Resource Lands include agricultural, forestry, and mineral resource lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products, for the commercial production of timber, and that have long-term significance for the extraction of minerals.
Private Utilities: Water and/or sewer service owned and operated by an entity other than a political subdivision of the federal, state or tribal governments.

Public Utilities: Water and/or sewer services owned and operated by a political subdivision of federal, state or tribal governments (includes water and sewer districts and public utility districts).

Regional Transportation Planning Organization: An organization created by the Growth Management Act to coordinate regional transportation efforts and to foster cooperation among state and local jurisdictions. The Whatcom Council of Governments has been designated as the Regional Transportation Planning Organization for Whatcom County.

Resource-Based Industry: A business or industry that has a direct relationship to natural resources such as agriculture, minerals, forestry and fishing. This type of industry is generally located in close proximity to the resource or resource land.

Short Term/Long Term Boundaries: Short Term boundaries are used as a tool for facilitating provision of urban levels of services and preventing sprawl. The Long Term boundary includes the Short term boundary as well as areas that have unresolved issues within the identified 20 year Urban Growth Boundary.

Urban Fringe Subarea Plan: A plan pertaining to the Bellingham Urban Growth Area and a portion of Whatcom County immediately north of Bellingham and containing most of Bellingham’s suburban growth. It is a plan designating the interface between urban and rural land uses. Some part of the Urban Fringe Area will be included in an Urban Growth Area. Some of the area already lies within Bellingham’s Urban Service Area.

Urban growth: growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170.

Urban Growth Area: An area designated within which urban growth will be encouraged and outside of which growth can occur only if it is not urban in nature.

Urban Level of Service: The minimum level of urban facilities and services, including sanitary sewer, water service, police protection, fire protection and emergency medical services, parks and recreation programs, solid waste management, electric service, land use controls, communication facilities and public schools, to support urban levels of development. A full range of services would add urban public transit, natural gas, storm drainage facilities, street lighting, libraries, local parks, local recreation facilities and services, and health services.

*These headings with an asterisk (*) are the elements required by the Growth Management Act. The title was expanded for the first required category (Urban Growth Areas) to better reflect the content as the policies developed.

Whatcom County Comprehensive Plan C-16
Community Value Statements
As derived from Visioning Public Process by Visioning Committee February 1994

Transportation
1. More lanes on major roads and more frequent public transit service with additional routes are the most important transportation issues for Whatcom County. The following transportation issues are of secondary importance:
   a. Need for bike lanes and footpaths.
   b. Enhancement of safety measures along County roads, for example; wider shoulders and signals at busy intersections.
   c. The desire for carpooling.
   d. Integration of various transportation modes (i.e.: ferry/bus link).
2. Financing transportation improvements need to be addressed because the public is only somewhat willing to pay additional taxes for roads and transit.

Urban Growth
1. Given that roughly 75% - 90% of the land base in Whatcom County (excluding public land) should be designated for rural, agricultural and forestry uses, urban sprawl should be discouraged. To prevent sprawl, we should infill where possible, allow for growth where the infrastructure exists (sewer, water, etc) and encourage upward not outward growth, particularly in Bellingham. Cluster housing should be allowed in rural areas. The objective is to increase housing densities in urban areas so that the elements which contribute to a rural lifestyle, including privacy, peace and quiet, open space, and little or no traffic are preserved.
2. Urban growth should not pollute or deplete water supplies and should not be allowed to encroach on lands needed to sustain our natural resource based industries, including agriculture, forestry, mining and fishing. Infill should occur in existing urban areas before annexation is considered. Both annexations and infilling should be subject to local citizen review and input. The costs of urban growth, including infrastructure and services (fire, sewer, schools, roads, etc.) should be paid for primarily by developers and secondarily by cities and public agencies (which are funded by taxpayers).
3. As Whatcom County continues to grow it is important to retain individual town and community character.

Property Rights
1. Preserving private property rights and protecting Whatcom County’s natural environment and resources need not conflict with one another. Private property rights go hand-in-hand with private property responsibilities. People should be allowed to utilize their land as they wish, so long as their actions do not unduly impact affected property owners. The interests of the community outweigh a single individual’s property rights; however, in instances where property rights are infringed upon through public action, some form of compensation should be available to the landowner.

Historic Preservation
1. Whatcom County should preserve and maintain historical sites and artifacts.
2. As the County population continues to grow, the cultural composition of the County will become more diverse. Accepting these cultures in coming years will be important.

Public Facilities and Services

1. In the social services sector, first priority should be given to providing quality basic education and vocational training. Law enforcement, crime prevention, and other social services are also, although to a lesser extent, services which the community is willing to support.
2. While there was general consensus that expanding our county parks system is a worthwhile investment, financing such expansion through additional taxes should be approved by a vote of the people.

Housing

1. The ability to purchase or rent affordable housing (Mean price: $90,000) is important.
2. While affordable housing should be located in urban areas, it should also exist throughout the County and there should be latitude and flexibility in zoning to allow for affordable housing in rural areas.
3. There was support for a mix of housing types that reflect different income and age levels.

Natural Resource Industries

1. Productive resource-based industries like agriculture, forestry, and fisheries should be encouraged and protected.
2. Gravel mining was a contentious issue, with some people supporting and others opposing gravel mining.
3. Agriculture, forestry, and fisheries industries should be sustained through good conservation practices.
4. Farmers should be given first priority when allocating water supplies, even if this has an impact on the volume of water available to future residential and industrial users.

Permits

Many residents in the County believe that they are over-regulated. A comprehensive review of the building permit process needs to be undertaken to ensure that the rules and regulations imposed are simpler to understand, less redundant, and above all, more flexible and more user-friendly. Government agencies need to be more responsive to the public and more efficient and consistent in the processing of building permit applications. Wherever possible economic incentives rather than additional regulations should be used. There also needs to be better coordination between the regulatory requirements of federal, state and local agencies so that building permit applications are not unduly delayed.
Moreover, there needs to be greater, uniform enforcement of existing land-use rules and regulations.

Fewer building restrictions should apply to those property owners who want to build or enhance a single primary residence or accessory buildings on land zoned rural.

Rural residents should not be constrained by unnecessary and inflexible urban regulations, including land-use regulations, dog-leash laws, and burn bans.

**Citizen Participation and Coordination**

1. Respondents felt that government needs to be more responsive to its citizens and that people want to be able to exercise local control (i.e. neighborhoods/subareas) in all land-use decisions.

2. Property owners want personal notification prior to land-use decisions which impact them.

3. People want more opportunity for public input prior to passage of regulations, taxes, etc.

4. More issues should be subject to a vote of the people.

**Economic Development**

1. Allow free market solutions to economic development problems.

2. Business and industrial development should be encouraged.

3. Attracting high-paying jobs is more important than the quantity of jobs, but the County should, nonetheless, plan for service-related jobs such as tourism and recreation.

4. Allow for small and cottage businesses in rural areas that don’t remove productive agricultural and forest land.

5. Business and industrial development should occur primarily in designated areas including the I-5 corridor.

6. Maintaining water quality and quantity take priority over economic development.

7. Resource jobs should be encouraged.

8. Commercial development should occur along the Guide-Meridian corridor at key intersections.

**Sprawl**

1. New growth should be located in existing business and residential areas, so that we can prevent urban sprawl.

2. Urban sprawl should be discouraged in Whatcom County. As a means to prevent sprawl we should infill where possible, grow where infrastructure is available, encourage growth to go up, not out, encourage clustering in rural areas, and 75-90% of the land area in Whatcom County designated for rural, agricultural, and forestry use in 50 years.

**Environment**

*Whatcom County Comprehensive Plan*
1. Protecting water quality and quantity and associated natural features like
watersheds and aquifers is extremely important.
2. It is essential to protect Whatcom County’s rivers, streams and natural
beauty.
3. Our natural environment should be protected while at the same time
ensuring our natural resource industries remain an important segment of our
economy.
4. Residential, industrial, and commercial development should be discouraged
on-productive agricultural and forested lands.

Open Space and Recreation

1. Encourage open space designation, retention/development of recreational
opportunities and conservation of fish and wildlife habitat.
2. Land purchased for open space or greenbelts should be purchased with
existing County and state funds and other sources as appropriate.
3. Purchase of park land, greenbelts, and open space should be imposed only
upon vote of the people.

Land Use/Zoning

1. Zoning should provide consistency and predictability for property owners. At
the same time, however, zoning designations are subject to change because
the variables that dictate zoning designations are dynamic (population
increase, building restrictions, transitions in the economy, etc.) and not
static.
2. Clearly, zoning should conform to the best use of the land and allow for
flexibility, latitude, and creativity in its application (cluster housing, accessory
housing, etc.).
3. Citizens want to exercise more control in determining how their community
will develop and grow including review of large-scale commercial, industrial,
and residential projects.
4. 75% – 90% of our land supply (excluding National Forest and Park land)
should be designated as rural, agricultural, and forestry land in the year
2040.
5. Residents want to maintain the rural character of Whatcom County and
protect agriculture and forest lands. However, they also want greater
self-determination on their property.
6. Three units or more per acre should be located only in urban areas.
7. New development should be prohibited in areas prone to flooding and
discouraged on productive agricultural and forest lands.

Rural Lifestyle

1. Maintaining rural character is very important to County residents. The
elements making up a rural lifestyle include:

Whatcom County Comprehensive Plan
Rank 1: Open Space
Rank 2: Quiet Areas/Private Crossroads/gathering places
Rank 3: Largely agriculture and forestry oriented Enjoy natural features of landscape
Rank 4: Low-density population Freedom

2. Open space is an important element of rural lifestyle

Taxes
1. Current taxes are high. Spend tax money wisely and eliminate government waste.
2. If money must be spent to preserve land that provides significant public benefit, then current local funds should be used to compensate property owners.
3. People are more willing to be taxed for schools than for other services.
4. Some rural areas should have greater revenue generating tax bases.
5. Use tax breaks to encourage positive stewardship of land, protect critical areas and resource lands, and provide relief to residents on a fixed income.
6. New taxes should be imposed only upon the vote of the people.
7. County residents do not want city residents to control the amount of taxes levied on them.
Appendix D

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Whatcom County Comprehensive Plan


Recreation


Land Use
APPENDIX E
[Note: this appendix is proposed to be deleted and replaced in its entirety]
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Chapter 1 - Introduction

Capital facilities, such as parks & recreation facilities, County buildings, law enforcement & criminal justice facilities, transportation, stormwater, water, sewer, school, and fire protection facilities are important because they support the growth envisioned in the Whatcom County Comprehensive Plan. Capital facilities generally have very long useful lives, significant costs, and are not mobile.

The focus of this 20-Year Capital Facilities Plan (CFP) is supporting the County’s review of urban growth areas and planning needed public facilities for the County’s population. County facility plans, city plans, special district plans, population, adopted level of service (LOS) standards and other demand indicators are the principal factors considered in the CFP. This CFP addresses both the six year period from 2017-2022 and, more generally, the seven to twenty year planning period from 2023-2036.

Growth Management Act

Growth Management Act (GMA) Planning Goal # 12 is to:

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

The CFP is required by the GMA under RCW 36.70A.070. The GMA requires the CFP to identify facilities, include a realistic financing plan, and make adjustment to the plan if funding is inadequate. Specifically, RCW 36.70A.070(3) requires the capital facilities plan to include:

(a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;

(b) a forecast of the future needs for such capital facilities;

(c) the proposed locations and capacities of expanded or new capital facilities;

(d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and

(e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.
CFP Purpose

In 2016, the County completed the required urban growth area (UGA) review in which the County considered growth forecasts and allocations, urban growth boundaries, and comprehensive plan designations. Projected population and employment growth to 2036 is a key assumption of this CFP. The purpose of the CFP is to plan adequate public facilities consistent with the Comprehensive Plan's land use element, including UGA planning.

CFP Assumptions

This CFP is based on the following sources of information and assumptions:

- **County Facility Plans**: The County updates the *Six-Year Capital Improvement Program for Whatcom County Facilities* every other year and this six-year plan informs the 20-Year CFP. The County updates this 20-Year CFP, which also includes information relating to capital improvements in years 7-20, at least every eight years at the state-required periodic update of the Comprehensive Plan.

- **Service Provider Plans**: The capital plans of cities, special purpose districts, and other service providers, particularly those serving UGAs, were collected and reviewed including inventories, forecast of future needs, planned facilities, growth forecasts, and potential funding.

- **Growth Forecasts**: Forecasts of population and job growth were allocated to each UGA and the rural areas. The 2013 population and employment and the 2036 growth for each capital facility service provider were then estimated by special district boundary.

- **Revenue Forecasts**: Forecasts of revenues for County facilities were prepared out to the 2036 horizon year (Chapter 16). The revenue sources for city and special district service providers are summarized from available plans.

Special Purpose District Plans

Special purpose districts provide a number of facilities addressed by this CFP, including water, sewer, schools, and fire protection. Some of these special districts have prepared their own capital plans that provide information for these facilities. Specifically, with regard to special purpose district plans, Washington Administrative Code 365-196-415(4) indicates that the County should:

(a) Summarize the information within the capital facilities element;

(b) Synthesize the information from the various providers to show that the actions, taken together, provide adequate public facilities; and

(c) Conclude that the capital facilities element shows how the area will be provided with adequate public facilities.
Special districts play an important role in supporting the County’s land use plans. Information from special district plans, when available, has been summarized in this CFP.

**CFP Organization**

The CFP contains the inventory of existing facilities and presents a summary of capital improvement projects and financing to pay for these projects.

Each type of public facility is presented in a separate chapter, which generally follows the format shown below.

- **Inventory of Current Facilities**: A summary of existing capital facilities.
- **Forecast of Future Needs**: A forecast of future capital facility needs, which may include review of the County or service provider level of service (LOS) or design standards if applicable, is presented for each type of public facility.
- **Capital Projects and Funding**: A summary of capital improvements proposed through the planning period. A more detailed plan for County facilities is provided in the *Six-Year Capital Improvement Program for Whatcom County Facilities 2017-2022*, while generalized County capital improvements and funding for the remainder of the planning period (2023-2036) are identified in this 20-year CFP. For non-County providers, capital projects identified in the service providers’ most recent plans are summarized.
Chapter 2 – Parks, Trails and Activity Centers

The Whatcom County Parks and Recreation Department mission statement is to enrich the quality of life for the community and preserve the natural and cultural heritage of the County through provision of outstanding parks and trails, open space and natural areas, as well as recreational activities and senior services. Whatcom County government accomplishes this mission by providing a variety of recreational facilities, services and programs to residents and visitors.

In addition, there are three special parks districts that include land in unincorporated portions of the County. These parks and recreation districts are presented after County facilities.

Inventory of Current Facilities – County Facilities

County Parks, Trails and Activity Centers

The 2016 inventory of Whatcom County recreation facilities includes approximately 14,700 acres of park and open space area, 65 miles of trails, and 13 activity centers, as shown in more detail in the Six-Year Capital Improvement Program for Whatcom County Facilities.

Future Needs – County Facilities

Whatcom County Comprehensive Plan Policy 4F-1 (in Chapter 4) establishes level of service standards for developed parks and trails, as shown below.

<table>
<thead>
<tr>
<th>Parks and Trail Level of Service (LOS) Standards</th>
<th>LOS Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developed Parks</td>
<td>9.6 acres per 1,000 population</td>
</tr>
<tr>
<td>Trails</td>
<td>0.60 of a mile per 1,000 population</td>
</tr>
</tbody>
</table>

Developed Parks - Forecast of Future Needs

A level of service of 9.6 acres of developed parkland for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With a projected county-wide population of 275,450 in the year 2036, the County’s existing parks will meet the adopted level of service over the 20-year planning period. However, the County is proposing park improvement projects to increase quality of existing park facilities and develop the Birch Bay Community Park to meet the longer term needs of a growing population.

Trails - Forecast of Future Needs

A level of service of 0.60 miles of trails for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With a projected county-wide population of 275,450 in
the year 2036, almost 100 additional miles of trails would be needed over the 20-year planning period to serve the people of Whatcom County.

**Activity Center - Forecast of Future Needs**

The Whatcom County Comprehensive Plan does not contain a level of service standard for activity centers. Rather, the Comprehensive Plan Policy 4F-5 states:

> Continue to provide and support activity centers, including senior centers, to serve the growing population of Whatcom County by the following methods, as needed, which are listed in priority order: (1) implementing programming changes, (2) adding space to existing centers, and/or (3) establishing new centers.

**Capital Projects and Funding – County Facilities**

**Developed Parks**

Park projects anticipated in the six-year planning period include approximately $2.2 million in improvements. These projects, and their associated funding sources, are shown in the *Six-Year Capital Improvement Program for Whatcom County Facilities*. It is anticipated that approximately $500,000 would be spent annually on various park projects throughout the 7 to 20 year planning period. These costs would be paid from Real Estate Excise Tax (REET), grants, and foundation funds. The County will also monitor the adequacy of County park facilities throughout the planning period and consider other capital improvements and maintenance projects if warranted in the future.

**Trail Improvements**

Trail projects anticipated in the six-year planning period include approximately $3.5 million in improvements. These projects, and their associated funding sources, are shown in the *Six-Year Capital Improvement Program for Whatcom County Facilities*. It is anticipated that approximately $326,000 would be spent annually on various trail projects throughout the 7 to 20 year planning period. These costs would be paid from REET and grant funds. The County will also monitor the adequacy of County trail facilities throughout the planning period and consider other capital improvements and maintenance projects if warranted in the future.

**Activity Centers**

Activity Center projects anticipated in the six-year planning period include approximately $125,000 in improvements. These projects, and their associated funding sources, are shown in the *Six-Year Capital Improvement Program for Whatcom County Facilities*. It is anticipated that approximately $23,000 would be spent annually on various activity center projects throughout the 7 to 20 year planning period. These costs would be paid from REET and grant funds. The County will also monitor the adequacy of activity centers throughout the planning period and consider other capital improvements and maintenance projects if warranted in the future.
Regional Parks Districts

There are three regional park districts that include land area in unincorporated Whatcom County:

- Point Roberts Park & Recreation District 1;
- Blaine-Birch Bay Park & Recreation District 2; and
- Lynden Regional Parks & Recreation District 3.

Point Roberts Park & Recreation District 1

The Point Roberts Park and Recreation District does not have a capital facilities plan or master plan. However, the voters of the District approved a proposition on November 5, 2013 for Community Center Capital Improvements General Obligation Bonds in the amount of $250,000. This proposition authorized the District to replace the roof and HVAC systems of the community center, improve drainage on the site, and make other capital improvements to maintain and improve the safety and structural soundness of the center. The proposition authorized the District to issue $250,000 of general obligation bonds maturing within a maximum 10 years and to levy property taxes annually, in addition to regular tax levies, to repay the bonds.

Blaine-Birch Bay Park & Recreation District 2

The Blaine-Birch Bay Park & Recreation District 2 Master Plan Document was adopted by the Blaine-Birch Bay Park and Recreation District 2 Commissioners on February 9, 2016 (Resolution # 2016-1). The Master Plan states:

... The Blaine-Birch Park and Recreation District 2 (Formerly Northwest Park and Recreation District 2) has been in existence since 1979. From the time of the original inception of the District, the area has gone through significant change and growth. New homes, businesses and residents have come to the area over the past twenty years. Residents with a wide range of ages and interests now live in the District. Park, recreation and trail needs are becoming very important to the livability of the region. ... (p. 18).

The Master Plan contains a facility inventory identifying park and recreation facilities within the District (pp. 24-34), recommended LOS standards (pp. 20-21), funding options and methods (p. 35), and a six-year capital improvement program that includes $1.5 million in trail connection improvement projects in 2016-2017 (pp. 36-37).

The voters of the District approved a proposition on November 5, 2013 to assess a regular property tax levy for a four year period (2014-17) of $0.10 per $1,000.00 of assessed valuation to fund staffing, operations, maintenance, and capital improvements to improve recreation and leisure time activities and opportunities for people of all ages in the greater Blaine-Birch Bay area.
Lynden Regional Parks and Recreation District 3

The Lynden Regional Parks and Recreation District is currently in the process of updating their master plan. The voters of the District did not approve a proposition on November 6, 2012 that would have authorized the District to purchase an indoor recreation facility, to issue $9,500,000 of general obligation bonds maturing within a maximum term of 30 years to finance acquisition of such facility, and to levy property taxes annually in excess of regular property tax levies to repay such bonds.
Chapter 3 – Maintenance & Operations

Inventory of Current Facilities

The 2016 inventory of County maintenance and operations/facilities management space is 44,411 square feet located at 901 W. Smith Rd. (the Central Shop), 316 Lottie St. and 2030 Division Street, as shown in more detail in the Six-Year Capital Improvement Program for Whatcom County Facilities.

Future Needs

Chapter 4 of the Whatcom County Comprehensive Plan does not contain LOS standards for maintenance and operations facilities. Rather, it contains goals and policies supportive of providing adequate County facilities.

Capital Projects and Funding

The following capital improvement projects are anticipated in the six-year planning period: A new vector truck garage and the Central Shop exhaust system. These improvements will cost approximately $400,000, which will be paid with the funding sources shown in the Six-Year Capital Improvement Program for Whatcom County Facilities.

There are no capital improvement projects currently identified that would add maintenance and operations space within the 7 to 20 year planning period. However, the County will monitor the adequacy of maintenance and operation facilities throughout the planning period and consider capital improvements if warranted in the future. Maintenance projects will be undertaken as needed.
Chapter 4 – General Government Office Buildings and Sites

Inventory of Current Facilities

The 2016 inventory of County general government office buildings and sites is 306,691 square feet at eight locations, as shown in more detail in the *Six-Year Capital Improvement Program for Whatcom County Facilities*.

Future Needs

Chapter 4 of the Whatcom County Comprehensive Plan does not contain LOS standards for maintenance and operations facilities. Rather, it contains goals and policies supportive of providing adequate County facilities. Specifically, Comprehensive Plan Policy 4A-1 is to “Plan appropriate county facilities commensurate with the ability of the county to fund them.”

Capital Projects and Funding

Capital improvement projects anticipated in the six-year planning period include improvements to the Whatcom County Courthouse (311 Grand Ave.), 509 Girard St., 1500 N. State St., the Civic Center (322 North Commercial), Northwest Annex (5280 Northwest Dr.) and multiple other locations. Additionally, a new mental health triage center is planned. These improvements will cost approximately $23.2 million, which will be paid with the funding sources shown in the *Six-Year Capital Improvement Program for Whatcom County Facilities*.

Capital improvement projects in the 7 to 20 year planning period include a $34 million dollar Courthouse exterior project, which would be paid with bond proceeds that would be repaid from the General Fund, Real Estate Excise Tax (REET I) and/or Economic Development Initiative (EDI) program funds. Additionally, approximately $700,000 to $1,000,000 would be spent annually on various general maintenance projects. These costs would be paid from REET I and/or EDI funds.

The County will also monitor the adequacy of County buildings throughout the planning period and consider capital improvements and maintenance projects if warranted in the future.
Chapter 5 – Sheriff’s Office

Inventory of Current Facilities

The 2016 inventory of Sheriff’s Office space is 23,326 square feet at six locations, as shown in more detail in the Six-Year Capital Improvement Program for Whatcom County Facilities.

Future Needs

Chapter 4 of the Whatcom County Comprehensive Plan does not contain LOS standards for Sheriff’s Office space. Rather, it contains goals and policies supportive of providing adequate Sheriff’s Office facilities. Specifically, Comprehensive Plan Policy 4D-2 is to:

Maintain Sheriff’s Office adult corrections facilities and headquarters to provide a safe environment for the community, staff and inmates... Existing facilities may be expanded or new facilities developed in response to increasing need.

Most Sheriff’s Office functions are currently based in the Public Safety Building adjacent to the Courthouse and are remote from the majority of Sheriff’s Office Bureau of Law Enforcement and Investigative Services functions that take place in unincorporated Whatcom County. This results in inefficiencies and delays. Space and design factors in current facilities preclude consolidating various functions performed throughout the agency (reception, finance, etc.) and result in redundancies. Because of these issues, existing Sheriff’s Office facilities and associated functions will be consolidated (except for “Resident Deputy” program facilities), and co-located on the site of the proposed new jail.

Capital Projects and Funding

A new Sheriff’s Headquarters facility, co-located with the proposed new jail on LaBounty Rd. in Ferndale, is proposed within the six-year planning period. The Sheriff’s Headquarters facility would cost approximately $19 million, paid with bond proceeds that would be repaid from the General Fund.

There are no capital improvement projects currently identified that would add Sheriff’s Office space within the 7 to 20 year planning period. However, the County will monitor the adequacy of Sheriff’s Office facilities throughout the planning period and consider capital improvements if warranted in the future. Maintenance projects will be undertaken as needed.
Chapter 6 – Emergency Management

Inventory of Current Facilities

The 2016 inventory of Sheriff’s Office, Division of Emergency Management space is 24,000 square feet, located at the Whatcom Unified Emergency Coordination Center (WUECC). Rented by and shared between both Whatcom County and the City of Bellingham, the WUECC is comprised of 2,000 square feet of office space and an additional 22,000 square feet of support facilities (used for meetings, training, exercises, and during emergencies). The WUECC serves as the Emergency Operations Center for both the County and the City.

Future Needs

Chapter 4 of the Whatcom County Comprehensive Plan does not contain LOS standards for emergency management space. Rather, it contains goals and policies supportive of providing adequate emergency management facilities. Specifically, Comprehensive Plan Policy 4D-4 is to:

Maintain adequate facilities for daily emergency management activities and, during an emergency or disaster, for the emergency operations center. The facilities will provide sufficient space for activities relating to emergency/disaster planning, mitigation, response and recovery. Existing facilities may be expanded or new facilities developed in response to increasing need.

Capital Projects and Funding

There are no capital improvement projects currently identified that would add usable emergency management space within the 20 year planning period. However, the County will monitor the adequacy of emergency management facilities throughout the planning period and consider capital improvements if warranted in the future. Maintenance projects will be undertaken as needed.
Chapter 7 – Adult Corrections

Inventory of Current Facilities

The County’s Main Jail was designed for 148 beds, although it currently has 283 beds due to double bunking, internal remodeling and use of temporary beds. Additionally, the jail is currently not in compliance with the Building/Fire Codes for double bunking, although a plan has been approved to bring it into compliance. Whatcom County completed construction of a 150 bed minimum security correction facility on Division St. in 2006. The Main Jail is located in the Public Safety Building next to the County Courthouse in downtown Bellingham and the Minimum Security Correction Facility is located in the Bakerview Rd. industrial area.

Future Needs

Chapter 4 of the Whatcom County Comprehensive Plan does not contain LOS standards for adult corrections facilities. Rather, it contains goals and policies supportive of providing adequate corrections facilities. Specifically, Comprehensive Plan Policy 4D-2 is to:

Maintain Sheriff’s Office adult corrections facilities and headquarters to provide a safe environment for the community, staff and inmates. The number of jail beds in adult corrections facilities will be determined after review of multiple factors, including projected population growth, State sentencing laws, alternative programs, treatment diversion programs, early release programs, the need to separate violent inmates, the need to separate inmates by gender, the need to separate inmates by other classification considerations, average length of stay, peak inmate populations and available funding. Existing facilities may be expanded or new facilities developed in response to increasing need.

There are serious concerns among law and justice officials relating to jail facility needs in the community. This need has been documented by recommendations from the Whatcom County Law and Justice Plan Phase II Report (June 2000), in a report entitled Operational Review of the Whatcom County, Washington Jail (March 2004), in the Whatcom County Jail Planning Task Force Recommendations (Dec. 2011 and March 2012), and in the Whatcom County Adult Corrections Facilities & Sheriff’s Headquarters Pre-Design Report (Sept. 2013).

Capital Projects and Funding

In an effort to meet the community need, the County plans to construct a new Adult Corrections Facility on LaBounty Rd. in Ferndale, tentatively scheduled to open with 521 beds within the six-year planning period. At the time this new jail is opened, the offenders at the minimum-security
corrections facility would be relocated to the new facility. The cost of the proposed new jail is approximately $112,000,000, which would be paid with bond proceeds that would be repaid with new sales tax.

As an interim measure, existing correction facility improvements are planned so that these buildings can continue to function until the new jail is completed. The cost of the improvements to the existing jail facilities is approximately $3,000,000, which would be paid from the Jail Improvement Fund and the General Fund.

There are no capital improvement projects currently identified that would add jail facilities within the 7 to 20 year planning period. However, the County will monitor the adequacy of jail facilities throughout the planning period and consider capital improvements if warranted in the future. Maintenance projects will be undertaken as needed.
Chapter 8 – Juvenile Detention

Inventory of Current Facilities

The 2016 inventory of County juvenile detention facilities includes 32 beds serving the county-wide population. The juvenile detention facility is located on the sixth floor of the County Courthouse at 311 Grand Avenue.

Future Needs

Chapter 4 of the Whatcom County Comprehensive Plan does not contain LOS standards for juvenile detention. Rather, it contains goals and policies supportive of providing adequate juvenile facilities. Specifically, Comprehensive Plan Policy 4D-3 is to:

- Maintain juvenile detention facilities and alternative corrections programs to provide safe and secure methods to provide accountability and support for minors who break the law. Existing facilities may be expanded or new facilities developed in response to increasing need.

Capital Projects and Funding

There are no capital improvement projects currently identified that would add juvenile detention space within the 20 year planning period. However, the County will monitor the adequacy of juvenile detention facilities and alternative correction methods throughout the planning period and consider capital improvements if warranted in the future. Maintenance projects will be undertaken as needed.
Chapter 9 – Transportation

Transportation (Countywide)

Overview
Whatcom County's roadway network is principally made up of County roads as well as state highways, such as I-5 and SR-9, which provide intercity and interstate connections. In addition to the roadway network, Whatcom County also operates a daily ferry service between Gooseberry Point and Lummi Island.

Inventory of Current Facilities
The 2014 inventory of County transportation facilities shows a total of 939 miles of County roads (approximately 358 miles are classified as an arterial or collector roadways). Table 9-1 shows the existing miles of countywide arterial roadways by federal functional classification.

Table 9-1. Inventory of County Roadways by Functional Classification

<table>
<thead>
<tr>
<th>Functional Classification</th>
<th>Total Miles of Roadway (centerline miles)</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Major Collector</td>
<td>134.1</td>
<td>14%</td>
</tr>
<tr>
<td>Rural Minor Collector</td>
<td>154.2</td>
<td>16%</td>
</tr>
<tr>
<td>Rural Local Access</td>
<td>455.8</td>
<td>49%</td>
</tr>
<tr>
<td>Urban Principal Arterial</td>
<td>0.3</td>
<td>0%</td>
</tr>
<tr>
<td>Urban Minor Arterial</td>
<td>25.5</td>
<td>3%</td>
</tr>
<tr>
<td>Urban Collector</td>
<td>37.8</td>
<td>4%</td>
</tr>
<tr>
<td>Urban Minor Collector</td>
<td>6.4</td>
<td>1%</td>
</tr>
<tr>
<td>Urban Local Access</td>
<td>125.5</td>
<td>13%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>939.5</td>
<td>100%</td>
</tr>
</tbody>
</table>


In addition to the roadway network discussed above, the County owns one ferry vessel which it uses to provide its Lummi Island ferry service.
Future Needs

County LOS Standards

The Whatcom County Comprehensive Plan’s Chapter Six establishes LOS standards for transportation facilities. Motor vehicle LOS for roadway segments is based on a volume/capacity (V/C) ratio, the estimated peak-hour volume of a roadway segment divided by the estimated hourly capacity of that segment, as categorized in Table 9-2.

Table 9-2. Level of Service Designations by Volume/Capacity

<table>
<thead>
<tr>
<th>LOS Designation</th>
<th>V/C Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>0-0.59</td>
</tr>
<tr>
<td>B</td>
<td>0.60-0.69</td>
</tr>
<tr>
<td>C</td>
<td>0.70-0.79</td>
</tr>
<tr>
<td>D</td>
<td>0.80-0.89</td>
</tr>
<tr>
<td>E</td>
<td>0.90-0.99</td>
</tr>
<tr>
<td>F</td>
<td>&gt;1.00</td>
</tr>
</tbody>
</table>

Whatcom County’s adopted transportation LOS standards for roadway segments are set in Comprehensive Plan Policies 6A-1 through 6A-4. For county arterials and major collectors located outside of urban growth areas during weekday p.m.-peak hours, the adopted LOS is C or better, except for specified primary routes as shown on Map 6-2, which have a LOS of D or better. The LOS standard for county arterials and major collectors within urban growth areas during weekday p.m. peak hours is D or better.

LOS Analysis

The Transportation LOS analysis is taken from an analysis prepared for the Final EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Areas Review (November 2015). Using the Whatcom Council of Governments regional model, the projected population and employment growth was used to estimate the number of trips that will be generated in 2036. These trips were then distributed among transportation analysis zones and assigned to the street network. The result is a model of projected future traffic conditions based on the land use assumptions for each of the studied alternatives. The future transportation network reflects future improvement projects for which funding has been committed.
After the future 2036 traffic volume on each analysis road segment was projected, it was divided by the road’s capacity to calculate the volume to capacity (V/C) ratio. For any segments on which projected V/C would exceed the adopted LOS standard for that road a potential adverse impact was identified, and mitigation identified that would lower V/C to a level within adopted standards.

Table 9-3 lists the county roads with projected 2036 V/C ratios that exceed LOS standards under the Final EIS preferred alternative. A total of 1.64 miles of County roadways are projected to be deficient, or about 0.5% of the total 358 miles of County arterial and collector roads.

Table 9-3. Roadways with Deficient Segments by 2036

<table>
<thead>
<tr>
<th>Analysis ID</th>
<th>Road Name</th>
<th>Location</th>
<th>Length (mi.)</th>
<th>LOS Standard V/C</th>
<th>Projected 2036 LOS V/C</th>
</tr>
</thead>
<tbody>
<tr>
<td>162</td>
<td>Hannegan Rd</td>
<td>Van Wyck Rd to Kelly Rd</td>
<td>1.01</td>
<td>0.9 (LOS D)</td>
<td>0.93 (LOS E)</td>
</tr>
<tr>
<td>243</td>
<td>Lakeway Dr</td>
<td>Bellingham City Limits to Lowe Ave</td>
<td>0.42</td>
<td>0.9 (LOS D)</td>
<td>1.10 (LOS F)</td>
</tr>
<tr>
<td>244</td>
<td>Lakeway Dr</td>
<td>Lowe Ave to Terrace Ave</td>
<td>0.21</td>
<td>0.9 (LOS D)</td>
<td>0.97 (LOS E)</td>
</tr>
<tr>
<td></td>
<td>Total Deficient Roadway Segments</td>
<td></td>
<td></td>
<td>Total: 1.64</td>
<td></td>
</tr>
</tbody>
</table>


Capital Projects and Funding

Table 9-4 identifies the roadway locations that have been identified for improvement over the next 20 years, with planning-level cost estimates. Based on this list and a review of current safety and system preservation needs, the County annually prepares and adopts a Six-Year Transportation Improvement Program (TIP), which programs the implementation of needed improvements over the next six years. Funding sources for transportation improvement projects are identified in Chapter 16.

Projects to increase capacity on roadway segments that are projected to fall below adopted LOS (listed in Table 9-3) are included in the 20-year plan. If sufficient capacity cannot be achieved through these projects, or funding is insufficient to implement the needed capacity increase, the County can consider adjusting the adopted LOS.

Only a few new roadway alignments are included among the 20-year projects: Lincoln Road between Shintaffer Road and Blaine Road, Horton Road between Northwest Drive and Aldrich Road, and Slater Road between Northwest Drive and Hannegan. These projects are intended to provide additional east-west connectivity north of Birch Bay and northwest of Bellingham.
<table>
<thead>
<tr>
<th>ID</th>
<th>Portion of project in 6-Year Plan</th>
<th>Project Name</th>
<th>Location/Project Limits</th>
<th>Proposed Improvement</th>
<th>Estimated Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-3</td>
<td>X</td>
<td>Birch Bay-Lynden Road/ Harborview Road</td>
<td>Intersection</td>
<td>Construct intersection improvements to include turn lanes and install traffic signal when warranted</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>R-4</td>
<td>X</td>
<td>Lincoln Road Extension and Improvement</td>
<td>Harborview Road to Blaine Road (SR 548)</td>
<td>Reconstruct existing road and construct 2-lane urban arterial to Blaine Road with non-motorized enhancement including construction of roundabouts at intersections with Blaine Road and Harborview Road.</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>S-15</td>
<td>X</td>
<td>Birch Bay-Lynden Road/Blaine Road (SR-548)</td>
<td>Intersection</td>
<td>Construct intersection improvements to include roundabout or install turn lanes and traffic signal, when warranted</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>S-17</td>
<td></td>
<td>Grandview Road (SR 548)/ Vista Drive</td>
<td>Intersection</td>
<td>Construct intersection improvements to include roundabout or install turn lanes and traffic signal when warranted</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>EIS-3</td>
<td></td>
<td>Hannegan Road</td>
<td>Bellingham City Limits - Van Wyck Road</td>
<td>Add left-turn lanes at intersections and driveways and widen the road to meet the urban minor arterial standard.</td>
<td>$3,868,000</td>
</tr>
<tr>
<td>EIS-4</td>
<td></td>
<td>Hannegan Road</td>
<td>Van Wyck Road - SR 544</td>
<td>Add left-turn lanes at intersections and driveways and widen the road to meet the rural major collector standard.</td>
<td>$9,673,000</td>
</tr>
<tr>
<td>WC-7</td>
<td></td>
<td>Lake Louise Rd.</td>
<td>Sudden Valley Gate 13 to Austin St.</td>
<td>Reconstruct to Major Collector standards including non-motorized facilities</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>WC-8</td>
<td></td>
<td>Lake Louise Rd.</td>
<td>Sudden Valley Gate to Whatcom Blvd.</td>
<td>Reconstruct to Major Collector standards including non-motorized facilities</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>WC-10</td>
<td>X</td>
<td>Marine Drive</td>
<td>McAlpine Road to BNSFRR Overpass.</td>
<td>Reconstruct to Urban Minor Arterial standards with non-motorized facilities</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>WC-14</td>
<td></td>
<td>Slater Rd.</td>
<td>Hannegan Rd. to Northwest Dr.</td>
<td>Construct 2-lane extension road to Kelly Rd. at Collector standards with non-motorized facilities</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>ID</td>
<td>Portion of project in 6-Year Plan</td>
<td>Project Name</td>
<td>Location/ Project Limits</td>
<td>Proposed Improvement</td>
<td>Estimated Project Cost</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------------</td>
<td>-------------------------------</td>
<td>------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>EIS-10</td>
<td>X</td>
<td>Slater Road/Ferndale Road</td>
<td>Intersection</td>
<td>Install traffic signal when warranted</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>I-2</td>
<td></td>
<td>Birch Bay-Lynden Rd/ Kickerville Rd.</td>
<td>Intersection</td>
<td>Construct intersection improvements to include roundabout or install lanes and traffic signal, when warranted</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>I-4</td>
<td></td>
<td>Birch Bay Drive/ Harborview Rd</td>
<td>Intersection</td>
<td>Improve/ redesign the intersection with turn lanes, and install traffic signal, when warranted</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>R-6</td>
<td></td>
<td>Harborview Road</td>
<td>Birch Bay Drive to Birch Bay-Lynden Road</td>
<td>Improve roadway to urban principal arterial standards including non-motorized facilities</td>
<td>$200,000</td>
</tr>
<tr>
<td>R-7</td>
<td></td>
<td>Harborview Road</td>
<td>Birch Bay-Lynden Road to Drayton Harbor Rd</td>
<td>Improve roadway to major collector standards including non-motorized facilities</td>
<td>$200,000</td>
</tr>
<tr>
<td>M-1</td>
<td>X</td>
<td>Birch Bay Drive</td>
<td>Alderson Road to Shintaffer Road</td>
<td>Improve roadway to urban minor arterial standards including non-motorized facilities</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>M-2</td>
<td>X</td>
<td>Birch Bay Drive</td>
<td>Alderson Road to Point Whitehorn Road</td>
<td>Improve to urban minor arterial standards including non-motorized facilities</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>M-8</td>
<td></td>
<td>Portal Way</td>
<td>Birch Bay - Lynden Road to Loomis Trail Road</td>
<td>Reconstruct to rural collector standards including paved shoulders for non-motorized travel.</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>M-13</td>
<td></td>
<td>Jackson Road</td>
<td>Birch Bay Drive to Grandview Road</td>
<td>Reconstruct to rural collector standards including paved shoulders for non-motorized facilities</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>S-5</td>
<td></td>
<td>Blaine Road (SR 548)/ Drayton Harbor Road</td>
<td>Intersection</td>
<td>Improve / redesign the intersection with turn lanes and install traffic signal when warranted</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>S-6</td>
<td></td>
<td>Blaine Road (SR 548) / Loomis Trail Road</td>
<td>Intersection</td>
<td>Improve/redesign the intersection with turn lanes and install traffic signal when warranted</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>WC-11</td>
<td>X</td>
<td>North Shore Rd.</td>
<td>Bellingham City limits to Y Rd.</td>
<td>Reconstruct to Minor Arterial standards with non-motorized facilities enhancement (bike lane), clear zones</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>WC-12</td>
<td>X</td>
<td>Siper Rd.</td>
<td>SR 9 (Nooksack Rd.) to Hopewell Rd.</td>
<td>Reconstruct to Collector Standards including drainage system and non-motorized facilities</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>ID</td>
<td>Portion of project in 6-Year Plan</td>
<td>Project Name</td>
<td>Location/ Project Limits</td>
<td>Proposed Improvement</td>
<td>Estimated Project Cost</td>
</tr>
<tr>
<td>---------</td>
<td>----------------------------------</td>
<td>-----------------------------</td>
<td>------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>WC-13</td>
<td></td>
<td>Slater Rd. (along Kelly)</td>
<td>Hannegan to SR 542 (Mt. Baker Highway)</td>
<td>Upgrade from Local to Collector class and reconstruct at Collector standards including drainage system and nonmotorized facilities</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>M-6</td>
<td></td>
<td>Drayton Harbor Road</td>
<td>Harborview Road to Blaine Road</td>
<td>Improve to rural collector standards with shoulders for non-motorized travel.</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>M-10</td>
<td></td>
<td>Birch Point Road</td>
<td>Semiahmoo Drive to Shintaffer Road</td>
<td>Reconstruct to urban minor arterial standards including non-motorized facilities</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>M-14</td>
<td></td>
<td>Loomis Trail Road</td>
<td>Blaine Road to Portal Way</td>
<td>Reconstruct to rural collector standards including paved shoulders for non-motorized travel.</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>M-15</td>
<td></td>
<td>Semiahmoo Drive</td>
<td>Blaine city limits to Birch Point Road</td>
<td>Reconstruct to rural collector standards including paved shoulders for non-motorized travel.</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>M-16</td>
<td></td>
<td>Shintaffer Road</td>
<td>Lincoln Road to Birch Bay Dr.</td>
<td>Reconstruct to rural collector standards including paved shoulders for non-motorized travel.</td>
<td>$600,000</td>
</tr>
<tr>
<td>M-17</td>
<td></td>
<td>Vista Drive</td>
<td>Bay Road to Grandview Road</td>
<td>Reconstruct to rural collector standards including paved shoulders for non-motorized travel.</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>M-18</td>
<td></td>
<td>Bay Road</td>
<td>Blaine Road to Vista Road</td>
<td>Reconstruct to rural collector standards including paved shoulders for non-motorized travel.</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>M-19</td>
<td></td>
<td>Alderson Road</td>
<td>Birch Bay Drive to Blaine Road</td>
<td>Reconstruct to rural collector standards including paved shoulders for non-motorized travel.</td>
<td>$600,000</td>
</tr>
<tr>
<td>WC-1</td>
<td></td>
<td>Bakerview Rd.</td>
<td>E Bakerview to Aldrich Rd</td>
<td>Reconstruct to urban arterial, standards including non-motorized facilities</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>WC-21</td>
<td></td>
<td>San Juan Blvd.</td>
<td>40th St. to 48th St.</td>
<td>Construction and extension of new Urban Arterial (2 phases) with non-motorized facilities</td>
<td>$7,700,000</td>
</tr>
<tr>
<td>EIS-1</td>
<td>X</td>
<td>Lakeway Drive/ Terrace Avenue N/</td>
<td>Bellingham City Limits - Lake Whatcom</td>
<td>Widen to 4 lanes at urban minor arterial</td>
<td>$12,402,000</td>
</tr>
<tr>
<td>ID</td>
<td>Project Name</td>
<td>Location/ Project Limits</td>
<td>Proposed Improvement</td>
<td>Estimated Project Cost</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------</td>
<td>----------------------------------------------------------------</td>
<td>----------------------------------------------------------</td>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td>EIS-2</td>
<td>Cable Street</td>
<td>Boulevard</td>
<td>standards; add left turn lanes.</td>
<td>$7,993,000</td>
<td></td>
</tr>
<tr>
<td>EIS-6</td>
<td>Everson Goshen Road</td>
<td>SR 542 - SR 544</td>
<td>Add left-turn lanes at rural major collector standards.</td>
<td>$1,833,000</td>
<td></td>
</tr>
<tr>
<td>EIS-7</td>
<td>Marine Drive</td>
<td>Lummi Shore Drive (North of Cagey Road) - Country Lane</td>
<td>Add left-turn lanes at rural major collector standards.</td>
<td>$3,157,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marine Drive</td>
<td>Bancroft Road - Alderwood Avenue</td>
<td>Add left-turn lanes at urban minor arterial standards.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>W. Smith Road/ Northwest Drive</td>
<td>Intersection</td>
<td>Construct roundabout when warranted.</td>
<td>$4,000,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>E. Smith Road/ Hannegan Road</td>
<td>Intersection</td>
<td>Improve/redesign intersection or build roundabout when warranted</td>
<td>$3,000,000</td>
<td></td>
</tr>
<tr>
<td>EIS-8</td>
<td>Northwest Drive</td>
<td>Bellingham City Limits - Smith Road W</td>
<td>Add left-turn lanes at rural minor arterial standards.</td>
<td>$5,526,000</td>
<td></td>
</tr>
<tr>
<td>EIS-9</td>
<td>Slater Road</td>
<td>Lake Terrell Road - 0.70 mile west of Haxton Way (1.8 miles)</td>
<td>Add left-turn lanes at rural major collector standards.</td>
<td>$2,140,000</td>
<td></td>
</tr>
</tbody>
</table>
Transit

Overview

Whatcom Transportation Authority (WTA) is the primary provider of public transportation services in Whatcom County. WTA provides fixed-route bus service in Bellingham and throughout Whatcom County. Complementary paratransit service is offered in conjunction with broader senior and disabled service under the Specialized Transportation program. WTA also offers vanpool leasing, ride matching and commuter van service from selected markets.

Inventory of Current Facilities

The WTA operates 30 fixed routes with 59 transit coaches (primarily 35- and 40-foot Gillig buses). Paratransit service is provided by 34 mini-buses with a capacity to carry 16 passengers each. WTA owns and manages a fleet of 39 vans for its two commuter van services. Table 9-5 below summarizes the park & ride facilities that WTA serves along with routes that serve them.

Table 9-5. Whatcom Transportation Authority Park & Ride Facilities

<table>
<thead>
<tr>
<th>Park &amp; Ride</th>
<th>Location</th>
<th>Served by Routes</th>
<th>Number of Parking Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cordata Station</td>
<td>4170 Cordata Parkway</td>
<td>3,4,15,24,25X,26,27</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td></td>
<td>48,55,71X,232,331</td>
<td></td>
</tr>
<tr>
<td>Chuckanut</td>
<td>999 N. Burlington Rd.</td>
<td>80X</td>
<td>369</td>
</tr>
<tr>
<td>Alger</td>
<td>Lake Samish Rd.</td>
<td>80X</td>
<td>54</td>
</tr>
<tr>
<td>Ferndale Station</td>
<td>1671 Main Street</td>
<td>27, 70X, 55</td>
<td>131</td>
</tr>
<tr>
<td>South Bellingham East</td>
<td>I-5 and Old Fairhaven Parkway (Exit 250 East side)</td>
<td>105</td>
<td>29</td>
</tr>
<tr>
<td>South Bellingham West</td>
<td>I-5 and Old Fairhaven Parkway (Exit 250 West side)</td>
<td>105</td>
<td>24</td>
</tr>
<tr>
<td>Lynden Station</td>
<td>1945 Front Street</td>
<td>26, 25X</td>
<td>89</td>
</tr>
<tr>
<td>Northwest Avenue</td>
<td>East of Northwest on McLeod Rd.</td>
<td>232</td>
<td>(Not listed)</td>
</tr>
<tr>
<td>Birch Bay Square</td>
<td>8115 Birch Bay Square St.</td>
<td>70X, 55</td>
<td>10</td>
</tr>
<tr>
<td>Blaine Library</td>
<td>3rd and G Street</td>
<td>70X, 55</td>
<td>10</td>
</tr>
<tr>
<td>Lincoln Creek</td>
<td>Lincoln Street, north of I-5 on-ramp</td>
<td>80X, 90A&amp;B, 190</td>
<td>530</td>
</tr>
<tr>
<td>Fairhaven Park &amp; Ride</td>
<td>Harris and 4th</td>
<td>(Not listed)</td>
<td>237</td>
</tr>
<tr>
<td>Blaine Library</td>
<td>3rd and G Street</td>
<td>(Not listed)</td>
<td>10</td>
</tr>
</tbody>
</table>

Future Needs

Public transit providers typically provide LOS standards difficult to relate to capital facility needs with respect to changes in population over time. For example, Whatcom Transportation Authority (WTA) provides one capital facility standard of a shelter at each transit stop that has 25 boardings or more (WTA Strategic Plan, page 2-43, September 2004).

Capital Projects and Funding

Capital Project Funding

According to WSDOT’s 2014 Summary of Public Transportation, WTA is expected to receive $2.8 million annually from 2016-2021 from Federal Section 5307 Grants. These are the only funds reserved for capital, as other revenue sources such as fare box revenues and sales tax may also be used for operating expenses.

Capital Projects

The WTA breaks down capital outlays under categories that include Vehicles, Public Facilities, Strategic Partnerships, Street Side Improvements, and Technology Projects. The WTA’s 2016-2021 approved Transportation Improvement Program identified the following projects that will occur during the County CFP planning period.

Table 9-6. Transit Capital Projects

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Whatcom Transportation Authority</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Purchases</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost</td>
<td>6,290</td>
<td>477</td>
<td>7,259</td>
<td>5,461</td>
<td>4,035</td>
<td>4,166</td>
<td></td>
<td>27,688</td>
</tr>
<tr>
<td>Technology Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost</td>
<td>4,150</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4,150</td>
</tr>
<tr>
<td>Facilities Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost</td>
<td>1,850</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,950</td>
</tr>
</tbody>
</table>

Source: WTA 2016-2021 Approved Transportation Improvement Program.
Chapter 10 – Stormwater Facilities

Inventory of Current Facilities

The Public Works Department is responsible for design, engineering, and construction of county-owned stormwater facilities. Many stormwater facilities are road-related stormwater conveyance systems such as culverts and ditches on and adjacent to county roads. Others are off right-of-way facilities that control storm flows and improve water quality.

In response to increasing federal and state mandates to manage stormwater and the public’s desire to improve stewardship of sensitive watersheds, Whatcom County established a Stormwater group in the Surface Water Division of the Public Works Department in 2005. The Stormwater group is responsible for planning, designing, engineering, and construction of stormwater facilities. Inventories of existing stormwater facilities are maintained by the Public Works Department. The Engineering Services Division maintains an inventory of all road-related facilities. The Stormwater group maintains an inventory of public and private stormwater facilities in the area covered by the County’s NPDES Phase II permit for Municipal Separate Storm Sewer Systems. This inventory includes ditches, culverts, catch basins, vaults, ponds, and swales. Completed stormwater construction projects since the Public Works-Stormwater group was created in 2005 are listed below.

Table 10.1 Completed Stormwater Projects

<table>
<thead>
<tr>
<th>#</th>
<th>Facility Name</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lake Whatcom Geneva Stormwater Retrofits</td>
<td>2006</td>
</tr>
<tr>
<td>2</td>
<td>Lake Whatcom Cable Street Reconstruction &amp; Stormwater Improvements</td>
<td>2007</td>
</tr>
<tr>
<td>3</td>
<td>Lake Whatcom Lahti Drive Stormwater Improvements</td>
<td>2010</td>
</tr>
<tr>
<td>4</td>
<td>Lake Whatcom Silver Beach Creek Improvements - Brow ns ville Drive to E. 16th Place</td>
<td>2011</td>
</tr>
<tr>
<td>5</td>
<td>Lake Whatcom Silver Beach Creek Improvements - West Tributary</td>
<td>2012</td>
</tr>
<tr>
<td>6</td>
<td>Lake Whatcom Coronado-Fremont Stormwater Improvements</td>
<td>2014</td>
</tr>
</tbody>
</table>

Future Needs

An increasing emphasis on the protection of sensitive watersheds has resulted in the adoption of comprehensive stormwater plans, including plans for Lake Whatcom and Birch Bay. The adopted plans identify work towards planning, design, engineering, and construction of capital projects intended to address stormwater issues.

In addition, the County has adopted a Stormwater Management Program in accordance with the NPDES Phase II permit. This program applies to about 15,000 acres of unincorporated lands including the Birch Bay UGA, Ferndale UGA, Bellingham UGA and other lands along the south shore of Lake Whatcom. Goals of the Stormwater Management Program include detecting and eliminating illicit discharges to surface waters, controlling runoff from new development, redevelopment, and new construction, pollution prevention and operation and maintenance for
municipal operations, educating the public, monitoring stormwater monitoring, and collecting and reporting data on the Program.

Capital Projects and Funding

Stormwater improvement projects anticipated in the six-year planning period include the following:

- Lake Whatcom Watershed – Water quality improvements, drainage system upgrades, outfall retrofits, channel restoration, and stormwater improvements.

- Birch Bay Watershed - Drainage improvements and an inlet upgrade.

These improvements will cost a total of approximately $7.2 million, which will be paid with the funding sources shown in the Six-Year Capital Improvement Program for Whatcom County Facilities.

It is anticipated that approximately $1.4 million will be spent annually on various stormwater improvement projects in the 7 to 20 year planning period. These costs would be paid from the Flood Fund, REET, state grants and Birch Bay Watershed and Aquatic Resource Management (BBWARM) District funds. The County will also monitor the adequacy of County stormwater facilities throughout the planning period and consider additional capital improvements and/or maintenance projects if warranted in the future.
Chapter 11 – Water Systems

Water Systems

Planning relating to public water systems is carried out in the Whatcom County Coordinated Water System Plan (CWSP), individual water system plans, and this Capital Facilities Plan. An introduction to the CWSP is presented below. For purposes of this Capital Facilities Plan, water systems are divided into major systems that serve urban growth areas (urban water systems) and other systems that have 50 or more connections. This chapter addresses urban water systems, including information summarized from the individual water system plans. Information about other systems with 50 or more connections is included in the Coordinated Water System Plan.

Coordinated Water System Plan

The draft CWSP (2016) is a plan for public water systems that identifies the present and future needs of the systems and sets forth means of meeting those needs in the most efficient manner possible. The Whatcom County Council established the planning area, called the Critical Water Supply Service Area (CWSSA), for the original CWSP effort in 1993, and retained the same area for the 2000 CWSP update and the 2016 CWSP update. The CWSSA includes all of Whatcom County west of the Mount Baker-Snoqualmie National Forest Boundary excluding certain portions of the Lummi and Nooksack Indian reservations.

The draft CWSP was prepared under the direction of the Water Utility Coordinating Committee (WUCC). The WUCC included representatives of individual water utilities located in the CWSSA with more than 50 connections that chose to participate, as well as representatives of the Washington State Department of Health, Whatcom County Health Department, Whatcom County Planning & Development Services, Whatcom County Public Works, and the Whatcom County Council. The CWSP review was conducted with the primary objective of supporting the public drinking water supply needs of the County and achieving coordination between water services, the Growth Management Act, and the Whatcom County Comprehensive Plan.

The CWSP addresses a number of topics, including population, water demand, existing water systems, water utility service areas, minimum design standards, utility service review procedures, receivership of failing systems, issues with potential implications for public water systems, and plan implementation.

The draft CWSP contains a water rights capacity analysis to compare water system’s existing water rights, and/or existing intertie agreements, against current and anticipated future demands in an effort to determine whether systems are projected to meet their future requirements, have surplus water, or have insufficient future water rights. Based on the results of the water rights analysis (which take into account existing intertie agreements), the existing and projected population, and the historic and projected water demand, a water rights status for each Group A community public water system is assigned. Analyses prepared in the individual water system plans will be more accurate and should be utilized if available (draft CWSP, p. 3-5 and Appendix 1).

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Urban Water Systems

Inventory of Current Facilities

This section of the Capital Facilities Plan inventories the 14 primary water systems that provide water service to Whatcom County’s UGAs. The table below provides information relating to existing connections, water rights, contracts for water, supply, storage and water sources.

Table 11.1 Water Supply Inventory by Service Provider

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Connections Entering Approved</th>
<th>Water Rights Allocated to Blaine Supply</th>
<th>Contracted Water Annual Instantaneous</th>
<th>Available Supply Annual Instantaneous</th>
<th>Storage Capacity (mg)</th>
<th>Primary Water Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch Bay Water and Sewer District (1)</td>
<td>5,184 unspecified</td>
<td>162.82</td>
<td>2.35</td>
<td>2.35</td>
<td>3.73</td>
<td>3.73</td>
</tr>
<tr>
<td>City of Bellingham</td>
<td>25,011 unspecified</td>
<td>162.82</td>
<td>2.35</td>
<td>2.35</td>
<td>3.73</td>
<td>3.73</td>
</tr>
<tr>
<td>City of White Rock</td>
<td>2,405 unspecified</td>
<td>0.44</td>
<td>(2.20)</td>
<td>(2.20)</td>
<td>160.52</td>
<td>160.57</td>
</tr>
<tr>
<td>City of Everson</td>
<td>733 unspecified</td>
<td>0.54</td>
<td>1.15</td>
<td>0.54</td>
<td>1.15</td>
<td>0.40</td>
</tr>
<tr>
<td>City of Ferndale</td>
<td>5,498 unspecified</td>
<td>1.91</td>
<td>4.22</td>
<td>1.91</td>
<td>4.22</td>
<td>2.00</td>
</tr>
<tr>
<td>City of Lynden (2)</td>
<td>5,070 unspecified</td>
<td>2.53</td>
<td>12.53</td>
<td>2.53</td>
<td>12.53</td>
<td>0.60</td>
</tr>
<tr>
<td>City of Nooksack</td>
<td>523 unspecified</td>
<td>0.60</td>
<td>0.60</td>
<td>0.60</td>
<td>0.60</td>
<td>0.18</td>
</tr>
<tr>
<td>City of Sumas</td>
<td>500 unspecified</td>
<td>3.34</td>
<td>5.06</td>
<td>3.34</td>
<td>5.06</td>
<td>0.60</td>
</tr>
<tr>
<td>Columbia Valley Water District</td>
<td>1,564 unspecified</td>
<td>0.38</td>
<td>0.56</td>
<td>0.38</td>
<td>0.56</td>
<td>0.38</td>
</tr>
<tr>
<td>Lake Whatcom Water and Sewer District</td>
<td>1,910</td>
<td>0.00</td>
<td>2.80</td>
<td>2.05</td>
<td>2.80</td>
<td>2.05</td>
</tr>
<tr>
<td>PLID 1</td>
<td>N/A</td>
<td>N/A</td>
<td>188.87</td>
<td>38.64</td>
<td>188.87</td>
<td>38.64</td>
</tr>
<tr>
<td>Water District 2 (4)</td>
<td>N/A</td>
<td>N/A</td>
<td>0.00</td>
<td>0.00</td>
<td>1.58</td>
<td>1.58</td>
</tr>
<tr>
<td>Water District 7</td>
<td>1,245</td>
<td>0.00</td>
<td>0.60</td>
<td>0.72</td>
<td>0.72</td>
<td>0.72</td>
</tr>
<tr>
<td>Water District 13</td>
<td>1,316</td>
<td>0.41</td>
<td>3.10</td>
<td>0.41</td>
<td>3.10</td>
<td>0.41</td>
</tr>
</tbody>
</table>

Source: Draft EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Area Review (March 2015, p. 4-227), City of Bellingham Water System Plan (June 2009), Second Amendment to Agreement to Supply Water between Nooksack and Sumas (August 2009), Lake Whatcom Water and Sewer District e-mail of April 28, 2016, Lake Whatcom Water and Sewer District Water System Comprehensive Plan (October 2010), the Washington Department of Health Office of Drinking Water Sentry Internet Home page (accessed April and May 2016), Rodney Langer (CHS Engineers) e-mail of May 3, 2016, City of Lynden e-mail of May 10, 2016, City of Ferndale e-mail of May 16, 2016, and City of Blaine e-mail of May 16, 2016.

Notes:
- All water quantity metrics expressed in millions of gallons per day (mgd), except storage capacity which is million gallons (mg).
- Available supply is the sum of water rights and contracts. It represents the total supply available to serve a provider’s own customers.
- Contracted water numbers in parentheses indicate contracts to provide water to other systems. Such contracts are subtracted from the provider’s water rights to calculate available supply.
- This table does not provide a full accounting of all contracts to provide water to other systems. Rather it notes all contracts discovered when analyzing available water supply for these larger providers.

1. BBWSD has two water rights which are shared in a single system with City of Blaine. Therefore these rights are counted under City of Blaine’s water rights and available supply.
2. See note #1 regarding BBWSD water rights.
3. Water rights in this table are based on City of Lynden’s interpretation which differs from the Department of Ecology’s interpretation.
4. The City of Bellingham provides both water and storage capacity to Water District 2.
Future Needs

Water system plans provide a design standard, generally expressed as water consumption in gallons/day per equivalent residential unit (ERU). When applying this standard to growth projections, and comparing to the water source capacity, a water system provider can obtain a sense for how planned growth will affect water service into the future.

Water service providers prepare water system plans including a program of capital improvements that address the system’s anticipated needs within their designated water service area, consistent with local land use plans. The table below identifies the purveyor’s design standards.

**Table 11.2 Design Standards**

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Design Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch Bay Water and Sewer District</td>
<td>116-135 gallons/day per ERU</td>
</tr>
<tr>
<td>City of Bellingham</td>
<td>199 gallons/day per ERU</td>
</tr>
<tr>
<td>City of Blaine</td>
<td>165 gallons/day per ERU</td>
</tr>
<tr>
<td>City of Everson</td>
<td>250 gallons/day per ERU</td>
</tr>
<tr>
<td>City of Ferndale</td>
<td>175 gallons/day per ERU</td>
</tr>
<tr>
<td>City of Lynden</td>
<td>216 gallons/day per ERU</td>
</tr>
<tr>
<td>City of Nooksack</td>
<td>175 gallons/day per ERU</td>
</tr>
<tr>
<td>City of Sumas</td>
<td>282 gallons/day per ERU</td>
</tr>
<tr>
<td>Columbia Valley Water District</td>
<td>215 gallons/day per ERU</td>
</tr>
<tr>
<td>Lake Whatcom Water and Sewer District</td>
<td>150-250 gallons/day per ERU</td>
</tr>
<tr>
<td>PUD No. 1</td>
<td>N/A$^1$</td>
</tr>
<tr>
<td>Water District 2</td>
<td>170 gallons/day per ERU</td>
</tr>
<tr>
<td>Water District 7</td>
<td>214 gallons/day per ERU</td>
</tr>
<tr>
<td>Water District 13</td>
<td>239 gallons/day per ERU</td>
</tr>
</tbody>
</table>

*1 PUD No. 1 serves industrial and commercial properties.*

Population

The table below provides an overview of the planning horizon year and horizon year population for the latest water system plans in comparison to Whatcom County Comprehensive Plan’s population projections for the year 2036. As can be seen by a review of the table, most urban water systems plan conservatively for drinking water needs, particularly given the time it takes to seek new water supplies to serve growth.
### Table 11.3 Population Comparison: Water Plans and 2036 Population Projection

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Horizon year of Capital Plan</th>
<th>Capital Plan Population</th>
<th>County’s 2036 Population Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch Bay Water/ Sewer</td>
<td>2036</td>
<td>14,565</td>
<td>14,414</td>
</tr>
<tr>
<td>City of Bellingham</td>
<td>2032</td>
<td>122,672</td>
<td>123,710</td>
</tr>
<tr>
<td>City of Blaine</td>
<td>2036</td>
<td>10,500</td>
<td>9,585</td>
</tr>
<tr>
<td>City of Everson</td>
<td>2036</td>
<td>4,046</td>
<td>3,907</td>
</tr>
<tr>
<td>City of Ferndale</td>
<td>2036</td>
<td>20,072</td>
<td>19,591</td>
</tr>
<tr>
<td>City of Lynden</td>
<td>2036</td>
<td>19,575</td>
<td>19,275</td>
</tr>
<tr>
<td>City of Nooksack</td>
<td>2036</td>
<td>2,425</td>
<td>2,425</td>
</tr>
<tr>
<td>City of Sumas</td>
<td>2036</td>
<td>2,323</td>
<td>2,323</td>
</tr>
<tr>
<td>Columbia Valley Water District</td>
<td>2030</td>
<td>N/A</td>
<td>2,886</td>
</tr>
<tr>
<td>PUD 1</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Lake Whatcom Water and Sewer District</td>
<td>2027</td>
<td>10,855</td>
<td>12,204</td>
</tr>
<tr>
<td>W.C. Water District 2</td>
<td>2029</td>
<td>1,905</td>
<td>1,533</td>
</tr>
<tr>
<td>W.C. Water District 7</td>
<td>2027</td>
<td>2,123</td>
<td>2,118</td>
</tr>
<tr>
<td>W.C. Water District 13</td>
<td>2031</td>
<td>1,170</td>
<td>1,786</td>
</tr>
</tbody>
</table>

N/A = Not Available

---

1 The City of Bellingham Water System Plan (June 2009) contains a population projection of 122,672 for the year 2028. The City of Bellingham Water System Plan Update (October 2013) extends the horizon year to 2032, but does not include an updated population projection.

2 Projected service area population per draft City 2016 Comprehensive Water System Plan.

3 Information regarding the Sumas water system is from the Draft Capital Facilities Element of the Sumas Comprehensive Plan (April 2016).

4 The Columbia Valley Water District 2013 Water System Plan Update does not include a specific 20-year population projection. However, the Water System Plan projects that it will serve 1,242 equivalent residential units (ERUs) in 2030 (pp. 36 and 37).

5 Since PUD1 provides retail water service only to areas characterized by and designated for industrial and commercial uses, the district's 2004 WSP does not provide population projections or a horizon year. PUD 1 also owns and operates the Grandview potable water supply system — retail.

6 The Lake Whatcom Water and Sewer District Water System Comprehensive Plan anticipates 4,125 ERUs in 2027 (Appendix A, Exhibit 2), which equates to a population of about 10,855 using average household sizes described in the Water System Comprehensive Plan (p. 17).

7 Water District 2 projects future connections rather than population. The district plans to serve 797 connections by 2029. Applying the Bellingham average household size of 2.49 and occupancy rate of 96% results in approximately 1,905 people served by the 797 connections in 2029.

8 Water District 7 projects future connections rather than population. The district plans to serve 888 connections by 2027. Applying the Bellingham average household size of 2.49 and occupancy rate of 96% results in approximately 2,123 people served by the 888 connections in 2027. However, Water District 7 is approved to serve up to 1,145 residential service connections (State Department of Health letter from Richard Rodriguez and John Thielmann to James Trowbridge dated January 5, 2009). Therefore the District could serve a population of about 2,700, which is greater than the projected population of the District in 2036.

9 Water District 13 could potentially serve a total of 1,338 residential connections (Whatcom County Water District # 13 Small Water System Plan, p. 14).
Capital Projects and Funding

Water services and capital improvements are funded primarily by the users of the system through water rates and general facilities charges. Water rates can be adjusted to match the funding required for capital and operational needs. Connection fees are usually charged to developers when a development necessitates expansion of the district’s capacity. There are also governmental funding programs. These include the Public Works Trust Fund, a revolving loan fund designed to help local entities through low-interest loans, and the Drinking Water State Revolving Fund, which involves low-interest federally funded loans.

Birch Bay Water and Sewer District

The Birch Bay Water and Sewer District provides service within and adjacent to the Birch Bay Urban Growth Area. The District obtains its water supply from the City of Blaine (well field). The District’s facilities include over 3.1 million gallons of storage in three reservoirs, four booster pump stations and nearly 80 miles of water transmission and distribution piping. The system includes multiple interties with the City of Blaine system and an emergency intertie with the Bell Bay Jackson Water Association system. The District’s Comprehensive Water System Plan (2009) and Comprehensive Water System Plan Amendment No. 1 (2010) indicate that existing water supply is sufficient through 2030 at the forecast demand (page ES-3, as amended). The District’s plan states that additional water supply, including use of surplus storage, and/or conservation will be necessary to meet the demand beyond that time. The District’s 2009 Comprehensive Water Plan, as amended, includes several new supply and distribution projects expected to address supply deficiencies.

Besides its residential and commercial customers, the District provides water supply to the BP Cherry Point Refinery. At the time of completion of the 2009 plan, the District provided this service through a wholesale agreement with PUD 1 (see below). The 2010 amendment to the plan was developed based on an amendment to the City of Blaine water supply contract confirming additional supply, and confirming retail water supply to the Refinery by the District. The District’s draft 2016 Comprehensive Water Plan is based on service to 14,565 persons by year 2036. The draft plan update is based on an annual water demand increasing from 116 gpd/ERU in 2015 to 135 gpd/ERU in 2036 as seasonal homes transition into full time residences. With service to the forecast population and service to district commercial and other non-residential customers, the year 2036 maximum day demand is forecast to be 3.58 million gallons per day. The District has a contract with the City of Blaine to provide a maximum supply of 3.73 million gallons per day in 2036. Birch Bay’s Comprehensive Water Plan indicates that it will extend future service areas to areas within the district boundaries and provides future connection policies.
City of Bellingham

The City of Bellingham Water System Plan (June 2009) and the City of Bellingham Water System Plan Update (October 2013) indicate that the City maintains a water system consisting of an intake from Lake Whatcom, water treatment plant, pump stations, 13 water reservoirs with over 25 million gallons of storage capacity, and almost 400 miles of water lines (2009 Water System Plan, pp. 3-3, 3-5, 3-7, 3-19, 3-21, and 3-32). The Bellingham water system has interties with Water District 2, Water District 7, the Lake Whatcom Water and Sewer District, and five other systems (2009 Water System Plan, p. 1-8). The projected average daily demand for the water system is 12.2 million gallons per day in 2032 and the projected maximum daily demand is 20 million gallons per day in 2032 (2013 Water System Plan Update, p. 2-4). The City of Bellingham has adequate water rights to meet projected demand over the planning period (2013 Water System Plan Update, p. 2-5). The City of Bellingham Water System Plan Update contains a capital improvement program with approximately $50 million in capital projects (2016-2018). These projects include a dissolved air flotation pretreatment system, disinfection improvements, metering, water main replacements, property acquisitions in the Lake Whatcom Watershed, water quality projects in the Lake Whatcom Watershed, and Nooksack River dam and pipeline improvements (2013 Water System Plan Update, p. 5-3). Revenue sources for system improvements include water rates, grants, loans, utility local improvement districts, and revenue bonds (2009 Water System Plan, pp. ES-5 and 1-13). The City’s financing program is adequate to cover planned capital improvements (2013 Water System Plan Update, p. 6-1 and 6-2).

City of Blaine

The City of Blaine is updating their Comprehensive Water System Plan and anticipates completion in mid-2016. The City of Blaine Comprehensive Water System Plan (2009) indicates that the City maintains a water system consisting of wells, a water treatment plant, booster pumps, five water reservoirs with a storage capacity of 4.59 million gallons, and approximately 95 miles of water lines up to 18 inches in diameter (City GIS data). The Blaine water system serves city residents and provides water, per terms of wholesale supply agreements, to both the Birch Bay Water and Sewer District and the Bell Bay Jackson Water Association. The City provides service throughout the current City Limits, with the exception of a few parcels that are presently served directly by the Birch Bay Water and Sewer District. The City also serves the Pipeline Road UGA, but service to the Shipyard UGA is by Birch Bay Water and Sewer District. The City also serves an area of unincorporated Whatcom County southeast of the City. This service area was declared in 2010 and is anticipated to remain unchanged as a result of the City’s work on its 2016 Comprehensive Water System Plan.

The projected average daily demand for the Blaine water system is approximately 2.7 million gallons per day in 2036 and the projected maximum daily demand is approximately 5.4 million gallons per day in 2036 (2016 Plan, work in progress). This preliminary forecast is significantly lower than as presented in the 2009 Comprehensive Water System Plan due to lower residential growth rate forecasts in the City’s UGA, and lower water use per single family equivalent, in both the City and Birch Bay Water and Sewer District systems. The City of Blaine Comprehensive Water System Plan (2009) documents water rights in the form of a claim, permits and certificates in
the amount of 4.28 million gallons per day (instantaneous). Subsequent efforts have increased the City’s water rights in the form of a claim, permits and certificates in the amount of 7.776 million gallons per day (instantaneous). Those efforts included securing a portion of the water rights held by Birch Bay Water and Sewer District, by amendment to the water supply agreement. The additional rights are reflected in Water Rights No. G1-26820, G1-28481, G1-26821 and G128046. Comparison of the year 2036 forecast demand to current water rights indicates that the city has adequate water supply to meet the needs of population growth over the 20 year period.

The City of Blaine Comprehensive Water System Plan (2009) contains a capital improvement program with approximately $22 million in capital projects over the 20 year planning period (2009 - 2029). Several of those projects have been completed since 2009. The City of Blaine Comprehensive Water System Plan (2016 – work in progress) will include the remaining projects, subject to updated analysis in the context of the revised demand forecast. Some additional projects may be identified where opportunity or strategy arises to address a water system need more efficiently, or in phases, or to meet additional City objectives. Projects are identified and planned to maintain adequate capacity for all elements of the system, from supply through treatment, storage, transmission and distribution, as well as capital needs for operation and management of the system. Anticipated revenue sources for capital improvements include grants, loans, connection fees, water rates and developer constructed facility contracts (2009 Plan, p. 9-3). The City’s financing plan has and will project adequate revenues to cover expenses over the 20-year planning period (2009 Plan, p. 9-1).

City of Everson

The City of Everson Water System Comprehensive Plan (2013) and the City of Everson Water System Comprehensive Plan Amendment No. 1 (2015) indicate that the City of Everson maintains a water system consisting of a well field with three wells, booster pumps, three 160,000 gallon water reservoirs, and over 13 miles of water lines (pp. 3 and 10-12). The Everson water system also has an intertie with the City of Nooksack Water System for use during maintenance or an emergency (pp. 3 and 17). The projected average daily demand for the water system is 483,500 gallons per day in 2036 and the projected maximum daily demand is 908,980 gallons per day in 2036 (p. 11). The City of Everson’s water system has source capacity to meet the projected need over the 20-year planning period (pp. 10-11). The City of Everson Water System Comprehensive Plan Amendment No. 1 contains a capital improvement program with approximately $3.3 million in capital projects over the next 20 years (2016 - 2036). These projects include water line improvements, an additional deep well (to replace two existing shallow wells), water treatment facilities, and an additional 160,000 gallon storage reservoir (pp. 39-42). Anticipated revenue sources for system improvements include grants, loans, connection fees, water rates and developer constructed facility contracts (p. 43). The City’s financing plan projects adequate revenues to cover expenses over the 20-year planning period (Appendix D).
City of Ferndale

The Draft City of Ferndale Water System Plan (2016) indicates that the City maintains a water system consisting of wells, a water treatment plant, three water reservoirs with a storage capacity of almost three million gallons, two pump stations, one pressure booster station and 73 miles of water lines. In December 2011, Ferndale converted to a groundwater supply with greensand filtration for its drinking water. Previous to this, it purchased industrial grade water from PUD No.1 and treated the water at its own surface water treatment plant. In October 2014, Ferndale added a reverse osmosis system to treat its groundwater supply to reduce hardness. The City no longer purchases water from PUD No. 1. The Ferndale water system has interties for emergency use only with Mountain View Water Association, Northwest Water Association, Thornton Water Association and North Star Water Association (p. 2-18). The projected average daily demand for the Ferndale water system is 2.27 million gallons per day in 2036 and the projected maximum daily demand is 3.96 million gallons per day in 2036 (p. 2-15). The Draft City of Ferndale Water System Plan indicates that the city has adequate water rights to meet the needs of population growth over the 20 year period (p. 1-12). The Draft City of Ferndale Water System Plan contains a capital improvement program with approximately $20 million in capital projects over the next 20 years (2016 - 2036). These projects include water main upgrades and replacements, increasing well production and redundancy, and constructing additional storage (p. 3-16). Anticipated revenue sources for capital improvements include grants, loans, bonds, connection fees, water rates and developer constructed facility contracts. If applicable, the City may also utilize the utility local improvement district process (Ch. 9). The City has maintained budgetary controls over the water system. Rates and connection fees will continue to be set at levels required to finance operation, maintenance, and capital improvements (Ch. 9).

City of Lynden

The Draft City of Lynden Water System Plan (2016) indicates that the City of Lynden maintains a water system consisting of a Nooksack River water intake structure, water treatment plant, booster pumps, two water reservoirs with a storage capacity of approximately 8.47 million gallons, and 82 miles of water lines (Chapter 2). The City's new 8 million gallon per day Water Treatment Plant went online September 23, 2015. The new plant doubles treatment capacity includes grit removal and sedimentation basins equipped with plate settlers to handle the heavy sediment load from the Nooksack River. The facility also features high rate deep bed gravity filters, and a combination of UV disinfection and chlorine to disinfect the water. The Lynden water system provides wholesale water supply to two water association systems (Chapter 2). The projected average daily demand for the Lynden water system is 2.44 million gallons per day in 2036 and the projected maximum daily demand is 6.35 million gallons per day in 2036 (Chapter 4). The Draft City of Lynden Water System Plan indicates that the City has adequate water supply to meet the needs of population growth over the 20 year period (Chapter 7). However, the City of Lynden and Ecology have an existing dispute over the City water rights. The City has entered into a memorandum of agreement (MOA) with Ecology to address long-standing water right issues between the City and Ecology. Resolution of water supply issues for City of Lynden is important for future planning in the City's water service area. The Draft City of Lynden Water System Plan contains a capital improvement
program in Chapter 9 that will include a new reservoir and booster pump station, as well as various water main improvements to increase distribution capacity and replace aging infrastructure. Anticipated revenue sources for capital improvements include grants, loans, connection fees, water rates and developer constructed facility contracts as discussed in Chapter 10. The City’s financing plan projects adequate revenues to cover expenses over the 20-year planning period (Chapter 10).

City of Nooksack

The City of Nooksack Water System Plan (2012) and the City of Nooksack Water System Plan Update (2016) indicate that the City of Nooksack obtains all its water from the City of Sumas (Water System Plan Update, p. 9). Nooksack maintains a water system consisting of booster pumps, water reservoirs shared with the Nooksack Valley Water Association with a capacity of 700,000 gallons (one-half of which is owned by Nooksack), and over 8 miles of water lines (Water System Plan, pp. 10 and 31). The Nooksack water system has interties with the Nooksack Valley Water Association and, for emergency purposes, with the Everson water system (Water System Plan, pp. 14 and 43). The projected average daily demand for the water system is 165,550 gallons per day in 2036 (derived from Water System Plan Update, Table D-2). The City of Nooksack’s water system has capacity to meet the projected demand over the 20-year planning period (Water System Plan Update, Tables D-2 and D-3). The City of Nooksack Water System Plan Update contains a capital improvement program with over $1 million in capital projects over the next 20 years (2016 - 2036). These projects include water line, standpipe and hydrant improvements (Water System Plan Update, p. 12). Anticipated revenue sources include water rates, connection fees, utility taxes, interest, reserves, grants, and loans. The City’s financing plan projects adequate revenues to cover expenses over the six-year planning period (Water System Plan Update, pp. 13-15).

City of Sumas

The City of Sumas Water System Comprehensive Plan (2011 Revision) indicates that the City of Sumas maintains a water system consisting of two well fields with seven wells, booster pumps, a 500,000 gallon water reservoir (which is directly adjacent to, and tied into, a 500,000 gallon water association reservoir), and almost 18 miles of water lines (pp. 1-5 and 3-21). The City of Sumas sells water wholesale to the Sumas Rural Water Association, the Nooksack Valley Water Association, and the City of Nooksack (p. 1-15). In addition, the draft Capital Facilities Element of the Sumas Comprehensive Plan (April 2016) indicates that, based on a 2015 water supply agreement, Sumas also sells water wholesale to the Meadowbrook Water Association (p. 4-5). As presented in the City’s water system plan, the projected average daily demand for the City of Sumas is 371,958 gallons per day in 2030 and the projected maximum daily demand is 743,916 gallons per day in 2030 (p. 3-24). The City of Sumas’ water system has source capacity to meet the annual projected need over the 20-year planning period through the year 2030 (pp. 4-3 and 4-8). According to the Capital Facilities Element of the draft 2016 update of the Sumas Comprehensive Plan, in the year 2036 the total system demand, including the city and all wholesale customers, will equal 3,569 gallons per minute and 3,383 acre-feet per year. These flow rates are below the maximum volumes established in the city’s water rights, therefore the city will have sufficient
source capacity to accommodate projected growth through 2036 (p. 4-6 and Table 4-2 on p. 4-7). The draft Capital Facilities Element also indicates that, based on the configuration of the city wholesale distribution system and construction of an additional 500,000 gallon storage tank by the Sumas Rural Water Association, Sumas has sufficient storage capacity to support planned growth through 2036 (p. 4-7). The draft 2016 update of the Capital Facilities Element of the Sumas Comprehensive Plan includes a 20-year capital improvement program (2016-2036) that identifies over $900,000 in capital projects to be funded through a combination of monthly rates and charges, connection charges, and developer contracts (Table 4-3 on p. 4-8). The draft Capital Facilities Element also includes a six-year financial analysis (2016-2021) indicating that the city water system will have sufficient revenues to cover anticipated expenditures, including capital improvement costs, through 2021 (p. 4-25). The City of Sumas Water System Comprehensive Plan “Service Area Policies and Conditions” requires that facilities necessitated by new development will be funded by the developer, except when the City requires oversizing (p. 1-14).

Columbia Valley Water District

The Columbia Valley Water District 2013 Water System Plan Update (2013) indicates that the Columbia Valley Water District maintains a water system consisting of three wells, booster pumps, four reservoirs with a total storage capacity of 762,000 gallons, and approximately 20 miles of water lines (pp. 8, 9 and 11). The District has explored an emergency intetrie with Water District 13 (p. 22). The projected average daily demand for the water system is 279,450 gallons per day in 2030 and the projected maximum daily demand is 536,600 gallons per day in 2030 (pp. 45-47). The District has source capacity to meet the projected need over the 20-year planning period through the year 2030 (pp. 45-47). The Columbia Valley Water District 2013 Water System Plan Update contains a capital improvement program with almost $7.9 million in capital projects (2016 - 2022). These projects include water line improvements, fire hydrant replacements, pump replacements, and a potential intetrie (Figure 8-2). Potential revenue sources for system improvements include cash reserves, general facilities charges, water sales revenue, local facilities charges, developer participation, utility local improvement district financing, bond financing, grants, and loans (pp. 77-82).

PUD 1

PUD 1 provides water service to both the Grandview industrial/commercial service area north of Ferndale, as well the Cherry Point UGA (an industrial area). PUD 1’s Comprehensive Water Plan (2004) does not measure water demand in population as most other WSPs do. The majority of the district’s water service customers are industrial and commercial customers. The PUD’s Comprehensive Water Plan indicates that it has sufficient water supply to meet the district’s needs to the end of the district plan’s 20-year planning period (2024). The plan includes a series of capital improvements including the acquisition of other potable water system treatment plants and water distribution and storage improvements. Although the district’s plan does not include maps showing future water service extensions, portions of the narrative on future water service indicate the district’s future water service plans to serve its entire district.
Lake Whatcom Water and Sewer District

The Lake Whatcom Water and Sewer District Water System Comprehensive Plan (2010) indicates that the District maintains a water system consisting of a water intake system, water treatment plant, booster pumps, water reservoirs with a combined storage capacity of almost 2.56 million gallons, and approximately 67 miles of water lines (pp. 8-10). The District's water system has interties with the City of Bellingham water system, both for purchased water supply and for emergency use (pp. 47-48). The projected average daily demand for the water system is 909,596 gallons per day in 2027 and the projected maximum daily demand is 1,617,880 gallons per day in 2027 (Appendix A, Exhibit 2). The Lake Whatcom Water and Sewer District water system has source capacity to meet the projected demand through 2027 and for full build-out (Appendix A, Exhibit 2). The Lake Whatcom Water and Sewer District Comprehensive Sewer Plan (2014) contains a capital improvement program for both sewer and water projects. This plan contains over $2.2 million in water system capital projects (2016 - 2019). These projects include security upgrades, an overflow drain, water system rehabilitation and replacement projects, treatment plant improvements, water line replacements, and reservoir maintenance (Comprehensive Sewer Plan, Exhibit K). Anticipated financing methods for system improvements include connection fees, water rates, utility local improvement districts, developer extension agreements, loans and bonds (Water System Comprehensive Plan, p. 63).

Water District 2

The Whatcom County Water District # 2 Water System Plan (2009) indicates that the District obtains all its water from the City of Bellingham, through an intertie with the City (p. 1-2). Water District 2 maintains a water system consisting of approximately 15 miles of water lines. The District does not have storage reservoirs or pumps, but relies on the City of Bellingham for storage and pressure (p. 1-2). The projected average daily demand for the water system is approximately 163,325 gallons per day in 2029 (derived from the Water System Plan, p. 2-10). The District has a contract in place with the City of Bellingham that will provide adequate water to meet this demand over the planning period.

The District’s Certified Operator stated, in an e-mail of May 9, 2016, that all of the District financed projects in the Water System Plan’s “Capital Improvement Schedule” have been completed (p. 8-2). The most recent capital improvements included approximately 5,150 of old water main completed in 2014 financed by a loan from the Drinking Water State Revolving Fund and repaid from general revenue. The Water System Plan is scheduled for update over the next couple of years during which time the capital improvement plan will be reviewed for the next 10 – 20 year period. Revenue sources for future capital projects include water rates and connection fees to repay loans (p. 9-1).
Water District 7

The *Whatcom County Water District # 7 Water System Plan* (2008) indicates that the District obtains all its water from the City of Bellingham, through an intertie with the City (p. 1-3). Water District 7 maintains a water system consisting of booster pumps, water reservoirs with a capacity of 485,000 gallons, and over 12 miles of water lines. The projected average daily demand for the water system is approximately 190,000 gallons per day in 2027 (derived from the *Water System Plan*, pp. 2-5 and 3-1). Water District 7 is approved to serve up to 1,145 residential connections (p. 1-3), which is more than the projected number of dwelling units in the District in the year 2036.

The District’s Certified Operator stated, in e-mails of April 10, 12, and 14 2016, that all of the “Recommended 6 Year Capital Improvements” identified in the 2008 Water System Plan have been completed as of 2015. The “Recommended 20 Year Capital Improvements” identified in the 2008 Water System Plan focus on replacement of existing water mains with similar size pipe, at a total cost of approximately $750,000 (p. 8-4). Revenue sources will be water rate increases as necessary to repay loans likely from the United States Department of Agriculture, Drinking Water State Revolving Fund, or Public Works Trust Fund.

Water District 13

The *Whatcom County Water District # 13 Small Water System Plan* (2012) indicates that Water District # 13 maintains a water system consisting of two wells, two reservoirs with a total storage capacity of 300,000 gallons, and associated water lines (pp. 26-27). The projected average daily demand for the water system is almost 127,000 gallons per day in 2031 and the projected maximum daily demand is estimated at over 253,000 gallons per day in 2031 (pp. 15). The District has source capacity to meet the projected need over the 20-year planning period through the year 2031 (p. 32).

The *Whatcom County Water District # 13 Small Water System Plan* contains a capital improvement program with approximately $353,000 in capital projects. These projects include backup power at well sites, storage tank piping modifications, replacing/adding valves, and water line improvements (p. 31).
Chapter 12 – Sewer Systems

Sanitary Sewer

There are a total of 10 wastewater collection systems and seven wastewater treatment plant (WWTP) facilities that serve UGAs in Whatcom County. Most of the facilities provide services within city limits with plans for future service to areas designated as UGAs. However, some systems provide service to unincorporated UGAs (Birch Bay Water & Sewer District and Water District 13).

Inventory of Current Facilities

The following cities and sewer districts (in alphabetical order) provide sanitary sewer service to UGAs in the County:

- **City of Bellingham** maintains a wastewater collection system within its city limits and sewer service zones within the UGA. The City operates a wastewater treatment plant that is also used by Lake Whatcom Water and Sewer District. The city plans future service within its UGA.

- **Birch Bay Water & Sewer District** owns and operates a wastewater collection and treatment system that serves the Birch Bay UGA, a portion Cherry Point UGA, and a parcel within the Blaine UGA.

- **City of Blaine** provides a collection and a wastewater treatment system for property within the city limits. The City also provides contract service to the Harbor Shores Sewer Association in the City’s southern UGA area. Blaine’s wastewater treatment is handled by the Lighthouse Point Water Reclamation Facility, constructed in 2010. The facility, which generates Class A reclaimed water, was a full replacement of the City’s prior treatment plant. The city plans future sewer service to areas within its UGA, and has adequate expansion capacity in the Lighthouse Point facility.

- The **City of Everson** maintains a collection system to serve property within the city limits. The city’s sewer system also provides wastewater treatment for the City of Nooksack. Both cities provide funding for operation and maintenance of the treatment facility. The city plans future sewer service to areas within its UGA.

- The **City of Ferndale** provides sewer collection and treatment facilities for property within the city limits and plans future collection and treatment to the city’s UGA. The City also serves two areas outside the UGA, east of the City, but has no plans to expand service in these areas.

- **Lake Whatcom Water & Sewer District** maintains a sanitary sewer collection system that serves the Geneva UGA, east of the city limits, and other areas around Lake Whatcom. The district relies upon the City of Bellingham wastewater system for treatment.

- The **City of Lynden** provides sewer collection and treatment facilities for property within the city limits and plans future collection and treatment to the city’s UGA upon annexation. The City also operates permitted composting facilities for beneficial use of biosolids.

- **City of Nooksack** constructed a wastewater collection system for property within the city limits in 1987. The city has plans to provide future service to unserved properties within its city limits.
and to properties within its associated UGA. By agreement with the City of Everson, Nooksack pumps its sewage for treatment at the Everson Wastewater Treatment Plant. Nooksack also provides funding for the operation and maintenance of the Everson Wastewater Treatment Plant.

- The City of Sumas provides a wastewater collection system for property within the city limits. Since 1999, the city has had wastewater treatment provided at a large regional treatment facility in Abbotsford, BC owned and operated by Fraser Valley Regional District. The city plans to extend sewer service to UGA property upon annexation.

- Whatcom County Water District 13 provides wastewater collection and treatment to a portion of the Columbia Valley UGA in unincorporated Whatcom County.

An inventory of existing wastewater facilities located in the County is presented in the table on the following pages. The table summarizes wastewater volume treated per day, total treatment capacity, and surpluses or deficits for the wastewater treatment systems expressed in million gallons per day (mgd). Existing population is also noted.
Table 12.1 Wastewater System Inventory

<table>
<thead>
<tr>
<th>Year of Plan</th>
<th>Service Provider</th>
<th>Miles of Pipe</th>
<th>Collection System Existing Conditions</th>
<th>Existing Average Annual Flow (mgd)</th>
<th>Design Flow (mgd)</th>
<th>Surplus/ Deficit (mgd)</th>
<th>2013 Population Estimate</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>Birch Bay Water and Sewer District (BBWSD)</td>
<td>56</td>
<td>The collection system is composed of approximately 56 miles of gravity and pressure sewer lines and 11 pump stations. Bellingham's sewer service area covers approximately 30 sq. miles. The City operates and maintains approximately 318 miles of sewer mains and 6 miles of force mains. There are 27 pump stations in the system. The existing service area for the Blaine sewage treatment system is in the Blaine city limits. In July 2010, the Lighthouse Point Water Reclamation Facility came on-line with capacity to treat 1.54 MGD. The City of Blaine wastewater collection system consists of gravity sewers, force mains, and eight pumping stations.</td>
<td>0.97</td>
<td>1.44²</td>
<td>0.47</td>
<td>8,639</td>
<td>The WWTP discharges to the Strait of Georgia.</td>
</tr>
<tr>
<td>2009</td>
<td>City of Bellingham</td>
<td>324</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>City of Blaine</td>
<td>40</td>
<td>The collection system has over 10 miles of gravity and force main pipe and 8 wastewater pump stations within city limits. The Everson WWTP treats wastewater from both Everson and Nooksack. Ferndale’s collection system has 56 miles of gravity and force main piping and 17 pump stations.</td>
<td>0.5</td>
<td>1.54</td>
<td>1.04</td>
<td>4,778</td>
<td>The WWTP discharges to Semiahmoo Bay.</td>
</tr>
<tr>
<td>2012</td>
<td>City of Everson¹</td>
<td>10</td>
<td>There are over 62 miles of pipe and 14 operating wastewater pump stations within the City of Lynden sewage collection system. The Lynden WWTP is an extended aeration secondary treatment plant that uses oxidation ditches and UV disinfection to treat effluent prior to discharge in the Nooksack River.</td>
<td>0.28</td>
<td>0.44</td>
<td>0.16</td>
<td>2,510</td>
<td>The WWTP discharges to the Nooksack River.</td>
</tr>
<tr>
<td>2016</td>
<td>City of Ferndale²</td>
<td>58</td>
<td>The collection system consists of almost 8 miles of gravity and force main pipe, 4 wastewater pump stations, and 2 grinder pumps. The City’s sewage is treated at the Everson WWTP.</td>
<td>1.62</td>
<td>6.37</td>
<td>4.75</td>
<td>12,558</td>
<td>The WWTP discharges to the Nooksack River.</td>
</tr>
<tr>
<td>2016</td>
<td>City of Lynden</td>
<td>62</td>
<td>The City of Sumas contracts with the City of Abbotsford, Canada for sewer service. Sumas sewage flows account for less than 2% of the volume received by the JAMES Treatment Plant in Abbotsford. The City contract allows for a</td>
<td>1.11</td>
<td>2.18</td>
<td>1.07</td>
<td>12,707</td>
<td>Plan date listed is the date of the agreement with the City of Abbotsford, British Columbia which goes through 2026. Approximately 0.110 mgd of the existing flow is generated by a single</td>
</tr>
<tr>
<td>2012 (Amended in 2016)</td>
<td>City of Nooksack³</td>
<td>8</td>
<td>The City of Sumas contracts with the City of Abbotsford, Canada for sewer service. Sumas sewage flows account for less than 2% of the volume received by the JAMES Treatment Plant in Abbotsford. The City contract allows for a</td>
<td>0.14</td>
<td>0.22</td>
<td>0.08</td>
<td>1,400</td>
<td>Plan date listed is the date of the agreement with the City of Abbotsford, British Columbia which goes through 2026. Approximately 0.110 mgd of the existing flow is generated by a single</td>
</tr>
<tr>
<td>2009</td>
<td>City of Sumas</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year of Plan</td>
<td>Service Provider</td>
<td>Miles of Pipe</td>
<td>Collection System Existing Conditions</td>
<td>Treatment</td>
<td>Service Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------</td>
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<td>--------------------------------------</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>Lake Whatcom Water and Sewer District</td>
<td>82</td>
<td>maximum treatment of 0.4 mgd.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The District does not have a sewage treatment plant. The District contracts with the City of Bellingham to treat and dispose of domestic sewage. The District operates and maintains gravity and pressure sewer lines and 27 sewage pump stations. Water District 13 owns, operates, and maintains a domestic wastewater collection system consisting of two pump stations, approximately 4 miles of pipe, a wastewater treatment plant, and a force main that transfers flows from the treatment plant to the drainfield.</td>
<td>Existing Average Annual Flow (mgd)</td>
<td>Design Flow (mgd)</td>
<td>Surplus/Deficit (mgd)</td>
<td>2013 Population Estimate</td>
<td>Notes</td>
</tr>
<tr>
<td>2012</td>
<td>Water District 13</td>
<td>4</td>
<td></td>
<td>0.062</td>
<td>0.125</td>
<td>0.063</td>
<td>790</td>
<td></td>
</tr>
</tbody>
</table>

1. The information in this table is from the Draft EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Area Review (March 2015, p. 4-241), the Final EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Area Review (November 2015, Appendix E), and individual sewer plans.

2. Permitted capacity subject to completion of treatment plant upgrades (in progress 2016).

3. City of Bellingham e-mail of May 12, 2016.

4. Design flow figure is the planned upgrade capacity for the Everson WWTP (two-thirds of the planned capacity is for the City of Everson). Construction activities on the Everson WWTP upgrade commenced in 2015 and are scheduled to be completed by the end of 2016.

5. Design flow figure is the City of Ferndale’s WWTP capacity following Phase III construction in 2019.

6. Design flow figure is the planned upgrade capacity for the Everson WWTP (one-third of the planned capacity is for the City of Nooksack). Construction activities on the Everson WWTP upgrade commenced in 2015 and are scheduled to be completed by the end of 2016.

7. Design flow is determined by dividing the peak contract capacity by a peaking factor of 2.5.
Future Needs

Sewer provider design standards are provided below, which are based on the estimated wastewater usage (gallons/day for each person or equivalent residential unit).

**Table 12.2 Design Standards**

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Design Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birch Bay Water and Sewer District</td>
<td>70 gallons/capita/day</td>
</tr>
<tr>
<td>City of Bellingham</td>
<td>102 gallons/capita/day</td>
</tr>
<tr>
<td>City of Blaine</td>
<td>184 gallons/ERU/day</td>
</tr>
<tr>
<td>City of Everson</td>
<td>96 gallons/capita/day</td>
</tr>
<tr>
<td>City of Ferndale</td>
<td>154 gallons/capita/day</td>
</tr>
<tr>
<td>City of Lynden</td>
<td>100 gallons/capita/day</td>
</tr>
<tr>
<td>City of Nooksack</td>
<td>89 gallons/capita/day</td>
</tr>
<tr>
<td>City of Sumas</td>
<td>80 gallons/capita/day</td>
</tr>
<tr>
<td>Lake Whatcom Water and Sewer District</td>
<td>100 gallons/capita/day</td>
</tr>
<tr>
<td>Water District 13</td>
<td>67 gallons/capita/day</td>
</tr>
</tbody>
</table>

*Source:* Derived from individual sewer plans. Blaine figure is from City of Blaine in an e-mail of May 12, 2016. Sumas figure is from the Sumas City Planner in an e-mail of March 7, 2016.
The table below identifies projected treatment capacity in 2022 for each sewer provider that serves a UGA, given planned growth for these areas.

**Table 12.3 Sewer Treatment Capacity 2022**

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Current Treatment Capacity (MGD)</th>
<th>2022 Treatment Capacity Surplus (Deficit) expressed in MGD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>34.300</td>
<td>10.6</td>
</tr>
<tr>
<td>Birch Bay Water &amp; Sewer</td>
<td>1.44</td>
<td>0.00&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Blaine</td>
<td>1.54</td>
<td>0.75</td>
</tr>
<tr>
<td>Everson</td>
<td>0.441&lt;sup&gt;2&lt;/sup&gt;</td>
<td>0.124</td>
</tr>
<tr>
<td>Ferndale</td>
<td>6.37&lt;sup&gt;3&lt;/sup&gt;</td>
<td>3.36</td>
</tr>
<tr>
<td>Lynden</td>
<td>2.18</td>
<td>0.48</td>
</tr>
<tr>
<td>Nooksack</td>
<td>0.220&lt;sup&gt;2&lt;/sup&gt;</td>
<td>0.062</td>
</tr>
<tr>
<td>Sumas</td>
<td>0.400</td>
<td>0.150</td>
</tr>
<tr>
<td>Lake Whatcom Water &amp; Sewer District</td>
<td>1.382</td>
<td>0.444</td>
</tr>
<tr>
<td>WC Water District 13</td>
<td>0.125</td>
<td>0.039</td>
</tr>
</tbody>
</table>

<sup>1</sup> Per forecast of future flows in *Engineering Report for Wastewater Treatment Plant Improvements, Birch Bay Water and Sewer District, 2012*. The next facility upgrade is planned for completion by 2022 for capacity through year 2032, per the flow and loading forecast in the referenced report.

<sup>2</sup> The City of Everson anticipates completing a wastewater treatment plant upgrade in 2016, which will increase the current peak month treatment capacity to 0.441 MGD for Everson and to 0.220 MGD for Nooksack.

<sup>3</sup> Treatment capacity with planned improvements to the wastewater treatment plant.
The table below identifies projected treatment capacity in 2036 for each sewer provider that serves a UGA, given planned growth for these areas.

Table 12.4 Sewer Treatment Capacity 2036

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Current Treatment Capacity (MGD)</th>
<th>2036 Treatment Capacity Surplus (Deficit) expressed in MGD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>34.300</td>
<td>.800</td>
</tr>
<tr>
<td>Birch Bay Water &amp; Sewer</td>
<td>1.44</td>
<td>(0.50)¹</td>
</tr>
<tr>
<td>Blaine</td>
<td>1.54</td>
<td>0.39</td>
</tr>
<tr>
<td>Everson</td>
<td>0.441²</td>
<td>0.000</td>
</tr>
<tr>
<td>Ferndale</td>
<td>6.37³</td>
<td>2.27</td>
</tr>
<tr>
<td>Lynden</td>
<td>2.18</td>
<td>0.13</td>
</tr>
<tr>
<td>Nooksack</td>
<td>0.220²</td>
<td>0.000</td>
</tr>
<tr>
<td>Sumas</td>
<td>0.400</td>
<td>0.105</td>
</tr>
<tr>
<td>Lake Whatcom Water &amp; Sewer District</td>
<td>1.382</td>
<td>0.265</td>
</tr>
<tr>
<td>WC Water District 13</td>
<td>0.125</td>
<td>0.006</td>
</tr>
</tbody>
</table>

¹ The Engineering Report for Wastewater Treatment Plant Improvements, Birch Bay Water and Sewer District, 2012, forecasts flow in year 2032 as 1.80 MGD, resulting in an apparent deficit of 0.36 MGD at that time. The forecast flow in 2032 is extrapolated to 2036 for the analysis above. The 2012 report recommends capacity upgrade by 2022 to maintain adequate capacity. The 2012 report will be updated prior to that upgrade to assure the upgrade is implemented for then-current flow and loading forecasts, including provision of adequate capacity for year 2036.

² The City of Everson anticipates completing a wastewater treatment plant upgrade in 2016, which will increase the current peak month treatment capacity to 0.441 MGD for Everson and to 0.220 MGD for Nooksack.

³ Treatment capacity with planned improvements to the wastewater treatment plant.

Population and Capital Projects

Population

The table below identifies each sewer provider’s latest sewer plan horizon year and population, as well as the County’s 2036 population projection. This table serves to provide an order of magnitude check with respect to the population that each service provider is planning on serving in comparison to the population projections for the 2036 Whatcom County Comprehensive Plan.
Table 12.5 Population Comparison: Sewer Plans and 2036 Population Projection

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Horizon year of Capital Plan</th>
<th>Capital Plan Population</th>
<th>County’s 2036 Population Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>2026</td>
<td>122,007</td>
<td>123,710</td>
</tr>
<tr>
<td>Birch Bay Water and Sewer</td>
<td>2036</td>
<td>13,578</td>
<td>13,046</td>
</tr>
<tr>
<td>Blaine</td>
<td>2025</td>
<td>10,871</td>
<td>9,585</td>
</tr>
<tr>
<td>Everson</td>
<td>2036</td>
<td>4,044</td>
<td>3,907</td>
</tr>
<tr>
<td>Ferndale</td>
<td>2036</td>
<td>19,591</td>
<td>19,591</td>
</tr>
<tr>
<td>Lynden</td>
<td>2036</td>
<td>19,282</td>
<td>19,275</td>
</tr>
<tr>
<td>Nooksack</td>
<td>2036</td>
<td>2,470</td>
<td>2,425</td>
</tr>
<tr>
<td>Sumas</td>
<td>2036</td>
<td>2,323(^1)</td>
<td>2,323</td>
</tr>
<tr>
<td>Lake Whatcom Water and Sewer District</td>
<td>2032</td>
<td>10,556</td>
<td>12,380(^2)</td>
</tr>
<tr>
<td>Water District 13</td>
<td>2029</td>
<td>1,595</td>
<td>1,773</td>
</tr>
</tbody>
</table>

1 From the Draft City of Sumas Comprehensive Plan.
2 The boundaries of the District are larger than the area served by sewer.

Capital Facility Projects

Sewer services and capital facilities are funded primarily by the users of the system through service charges and connection fees. These rates are adjusted as needed to fund capital and operational needs. Some grant programs exist for the construction of sewer facilities and upgrades, but, like many grant programs, they are generally very competitive.

City of Bellingham

The *City of Bellingham Comprehensive Sewer Plan* (2009) indicates that the City maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains (p. 5-1). The City of Bellingham operates a wastewater treatment plant, which is also utilized by the Lake Whatcom Water and Sewer District (pp. 2-1 and 8-1). The *City of Bellingham Comprehensive Sewer Plan* contains a capital improvement program with approximately $54.2 million in capital projects (2016 - 2026). These projects include collection system improvements and wastewater treatment plant improvements (p. 12-6). The financial plan indicates that system development charges, rates, cash reserves, and revenue bonds are funding sources to implement the plan and that projected funds will be adequate for planned capital projects (p. 12-7).

Birch Bay Water and Sewer District

The *Birch Bay Water and Sewer District Comprehensive Sewer Plan* was adopted by the District in 2009. The District is completing an updated plan in 2016. Birch Bay Water and Sewer District provides sewer collection and treatment services for the area within and some areas adjacent to the
Birch Bay UGA. The system includes a wastewater treatment plant, 11 pump stations and over 56 miles of collection and conveyance piping. The wastewater treatment plant was evaluated in 2012. The headworks facility was replaced in 2014 and aeration upgrades are in progress in 2016. Following completion of the aeration upgrades, the facility will be permitted for 1.44 million gallons per day, maximum month average daily flow. The District’s 2009 plan indicates where current sewer service exists and establishes a future service area that consists of portions of then-current Birch Bay, Blaine, and Cherry Point UGAs. The plan identifies future trunk lines and lift station and force main upgrades or additions. The system serves development throughout the UGA, including all developed areas along the Birch Bay shoreline and existing urban-density development inland. The County has since removed significant areas from the Birch Bay and Blaine UGAs, particularly areas at Birch Point and north of Lincoln Road. The sewer service area addressed in the 2016 plan update includes all of the Birch Bay UGA, and parcels and plats with existing sewer service. The most recent District sewer planning document is its *Engineering Report for Wastewater Treatment Plant Improvements* (2012). The report includes an updated forecast of growth in population, flow and loadings. The report recommended improvements for immediate implementation (the work to be completed in 2016) and an upgrade to be completed by year 2022. With the revised population forecast for this plan, the next plant upgrade will potentially be necessary prior to 2022. The 2016 plan update will refine the timing of the next plant upgrade and future updates to the 2012 report will address capacity needs for year 2036 population and corresponding flow and loading. The 2009 plan includes a capital improvement plan for adequate capacity and extension or upgrade of collection system facilities to service the designated area. Several of those projects have been completed. The 2016 plan will revise that capital plan to exclude service to areas no longer in the UGA or service area and update the list of projects anticipated for service within the UGA and adjacent existing service area.

**City of Blaine**

The *City of Blaine General Sewer Plan* (2004, revised 2005) and associated Technical Memorandum (2016) indicate that the City of Blaine maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains. The City of Blaine operates a bio-membrane wastewater treatment plant that discharges to Semiahmoo Bay. The plant is called the Lighthouse Point Water Reclamation Facility and uses advanced membrane bio-reactors to purify wastewater to meet Class A water reuse standards, such as irrigation of parks and golf courses. Lighthouse Point replaced the city’s former facility which has since been decommissioned. Lighthouse Point generates reclaimed water suitable for industrial and agricultural uses, and the city is currently contracted with Resort Semiahmoo to supply reclaimed water for golf course irrigation, and a private user for service of a landscape water feature.

The plant has a design capacity of 3.1 million gallons per day (mgd) for purification, and has the current capacity to treat an annual average of 1.54 mgd. The City of Blaine General Sewer Plan contains a capital improvement program with approximately $33.5 million in capital projects over its 20-year planning period. A significant portion of that has already been invested in developing Lighthouse Point and the flow attenuation tanks; a total of $26.0 million was estimated in the Plan for those two facilities. In the next 20 years (2016 - 2036), the City forecasts line extensions and
installation of pumping facilities to serve new development, as well as phased expansion of the Lighthouse Point facility. However, these are only necessary if development occurs and will be paid primarily through general facility fees. These projects include sewer trunk line extensions, and associated pump stations, into the East Blaine planning area as development in that area generates the need. They also include development of sewer trunk line extensions, and associated pump stations, in the West Blaine planning area as development also creates the need there. The vast majority of these facilities will be developer installed. The City’s financing plan projects adequate revenues to cover expenses over the 20-year planning period only if the City continually assesses the rate structure and general facility fees as time progresses. The City has accomplished the greatest goal outlined in the plan (building the new treatment facility), and is well-staged to expand the delivery system as demand increases due to expanding population.

City of Everson
The City of Everson General Sewer Plan (2012) indicates that the City of Everson maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains. The City of Everson operates a wastewater treatment plant, which is also utilized by the City of Nooksack (pp. 3-1 and 3-3). The Everson Wastewater Treatment Plant is being upgraded in 2016 to increase capacity to accommodate projected growth over the 20-year planning period (City of Nooksack 2012 General Sewer Plan Elements Amendment, January 2016, p. 3-2). The Everson General Sewer Plan contains a capital improvement program with approximately $4.5 million in capital projects over the next 20 years (2016 - 2036). These projects include pump station, collection system and wastewater treatment plant improvements (pp. 11-3 through 11-8). The financing plan indicates there are fiscal challenges, but also includes strategies for addressing projected funding gaps (pp. 11-8 through 11-10).

City of Ferndale
The Draft City of Ferndale Comprehensive Sewer Plan (2016) indicates that the City of Ferndale maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains. The City of Ferndale also operates a wastewater treatment plant (pp. 15). The City plans to increase the capacity of the wastewater treatment plant from 3.23 MGD to 6.37 MGD (p. 16). The existing lagoon system will be converted to an extended aeration activated sludge treatment plant. The Draft Ferndale Comprehensive Sewer Plan contains a capital improvement program with approximately $71 million in capital projects over the next 20 years (2016 - 2036). These projects include pump stations, collection system, and wastewater treatment plant improvements and inflow/infiltration reduction projects. The City’s financing plan projects adequate revenues to cover expenses over the 20-year planning period (p. 32).

City of Lynden
The Draft City of Lynden General Sewer Plan (2016) indicates that the City of Lynden maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains. The City of Lynden also operates a wastewater treatment plant that include an influent pump station, headworks with screens and grit removal, three anoxic selector tanks, two oxidation
ditches, two secondary clarifiers, effluent cloth disc filters, UV disinfection system, effluent Parshall flume, effluent pump station, sludge thickening and digestion, sludge dewatering, and composting facilities (Chapter 5). The Draft Lynden General Sewer Plan contains a capital improvement program with capital projects over the next 20 years from 2016 - 2036 (Chapter 12). The City’s financing plan projects adequate revenues to cover expenses over the 20-year planning period (Chapter 12).

City of Nooksack

The City of Nooksack 2012 General Sewer Plan Elements Amendment (January 2016) indicates that the City of Nooksack maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains. The City of Nooksack does not operate a wastewater treatment plant. Wastewater from Nooksack is treated at the Everson Wastewater Treatment Plant (pp. 3-1 and 3-3). The Everson Wastewater Treatment Plant is being upgraded in 2016 to increase capacity to accommodate projected growth over the 20-year planning period (City of Nooksack 2012 General Sewer Plan Elements Amendment, January 2016, p. 3-2). The Plan also contains a capital improvement program with over $2.5 million in capital projects over the next 20 years (2016-2036). These projects include pump station, collection system and wastewater treatment plant improvements (pp. 11-2 through 11-5). The six-year and 20-year financing plans indicate there are fiscal challenges based upon existing fee structures, but also includes strategies for addressing projected funding gaps (pp. 11-6 through 11-9).

City of Sumas

The City of Sumas does not have a comprehensive sewer plan. The Sumas sewer system was addressed in the 2016 update of the Sumas Comprehensive Plan. The Sumas Comprehensive Plan addresses the 20-year period through 2036 including a 2036 population of 2,323.

The City of Sumas owns and maintains a sewage collection and transmission system that includes gravity sewer lines and a small number of sewer lift stations. The Sumas system directs sewage to a discharge into the City of Abbotsford system in British Columbia, Canada.

The City has an ongoing contract with the City of Abbotsford to receive and treat sewage collected in Sumas. This contract provides for the receipt and treatment of a maximum volume of 400,000 gallons per day through December 31, 2028. Discharges from the Sumas system are metered on a daily basis. A review of City records from January through December 2015 indicates that typical maximum effluent levels are approximately 227,000 gallons per day total. Approximately 110,000 gallons of the City’s total maximum daily discharge is generated by a single industrial customer. Using the conversion factor of 300 gallons per day per equivalent residential unit (ERU), the total contract amount equates to 1,333 ERUs. The available capacity of 173,000 gallons per day is equivalent to approximately 577 ERUs. Excluding the one large industrial customer, which generates the equivalent of 367 ERUs, leaves an available capacity of 966 ERUs for the remainder of the City. This available capacity equals a 248% increase over the current City typical maximum daily volume of 117,000 gallons per day or 390 ERUs (e.g., maximum daily volume without considering the single large industrial use). This CFP assumes a population increase from 1,468 in
2015 to 2,323 in 2036 along with a comparable level of employment, representing a 58% increase through 2036. On this basis, it appears that Sumas has sufficient sewer service capacity to meet its needs through 2036.

The Sumas Comprehensive Plan shows the locations of sewer main extensions necessary to serve new development in the Sumas UGA. All system extensions necessary to serve new development will be provided by developers. The City completed a sewer lift station that was designed to be deep enough to receive gravity flows from all areas within the Sumas unincorporated UGA and UGA Reserve. The draft Capital Facilities Element of the Sumas Comprehensive Plan (2016) includes a 20-year capital improvement program (2016-2036) that identifies over $480,000 in capital projects to be funded through a combination of monthly rates and charges, connection charges, and developer contracts (Table 4-1 on p. 4-4). The draft Capital Facilities Element of the Sumas Comprehensive Plan also includes a six-year financial analysis (2016-2021) indicating that the city sewer system will have sufficient revenues to cover anticipated expenditures, including capital improvement costs, through 2021 (p. 4-25).

**Lake Whatcom Water and Sewer District**

The *Lake Whatcom Water and Sewer District Comprehensive Sewer Plan 2014 Update* (2014) indicates that the District maintains a wastewater collection and conveyance system comprised of gravity sewers, pump stations, and force mains. The District sends wastewater to the City of Bellingham for treatment and disposal (pp. 4-16). The District and the City of Bellingham have a contract for wastewater treatment and disposal through the year 2034. The *Lake Whatcom Water and Sewer District Comprehensive Sewer Plan 2014 Update* contains a capital improvement program with approximately $3.4 million in capital projects over the next several years (2016-2019). These projects include pump station replacements, sewer line replacements, and manhole rehabilitation (pp. 24-25 and Exhibit K). The District engages in revenue planning and reviews sewer rate structures to address future costs to the District (pp. 19-21 and 24).

**Water District 13**

Water District 13 provides sewer service to a portion of the Columbia Valley UGA. The *Whatcom County Water District No. 13 Comprehensive Sewer Plan* (2012) indicates that Water District 13 maintains a wastewater system comprised of pressure and gravity sewer pipes, pump stations, a wastewater treatment plant, and a force main that transfers flows from the treatment plant to the drainfield (p. 5-1). The *Whatcom County Water District No. 13 Comprehensive Sewer Plan* contains a capital improvement program with approximately $11.7 million in capital projects from 2017 to 2029. These projects include re-lining lagoons in the wastewater treatment plant, replacing a pump station force main, upgrading the wastewater treatment plant by installing a membrane bioreactor, refurbishing chlorination equipment, and installing new pipe (p. 7-11). The financing plan indicates that the District could issue bonds and utilize general facilities charges, developer extension charges, and monthly service charges to pay for capital facility improvements (pp. 7-7, 7-8, 7-14 and Figure 7.2).
Chapter 13 – Schools

Schools

This section evaluates the seven public school districts that serve Whatcom County and provides:

- An inventory of current facilities, showing the existing enrollment capacity at the elementary, middle school and high school levels;

- A forecast of future needs, indicating whether existing school facilities can accommodate future student enrollment projections; and

- Capital projects and funding, summarizing the facility improvements proposed by the districts to provide additional classroom space for future students.

Inventory of Current Facilities

Inventories of the school districts' existing facilities located in Whatcom County are presented in this section. Each inventory includes the number of students that the school district can accommodate (enrollment capacity) for the elementary, middle school and high school grades.

Bellingham School District

The Bellingham School District serves the majority of the City of Bellingham and surrounding areas. The school district's current enrollment capacity is shown below.

Table 13.1 Bellingham School District Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Total Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>4,815</td>
</tr>
<tr>
<td>Middle School</td>
<td>2,700</td>
</tr>
<tr>
<td>High School</td>
<td>3,350</td>
</tr>
<tr>
<td>Total K-12</td>
<td>10,865</td>
</tr>
</tbody>
</table>

Source: Bellingham School District No. 501 Capital Facilities Plan 2015-2021 (August 2015, Table 2-A). This capacity reflects permanent and portable capacity at each grade level.
Blaine School District
The Blaine School District serves the City of Blaine and its UGA, most of the Birch Bay UGA, and surrounding rural areas. The school district’s current enrollment capacity is shown below.

Table 13.2 Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Total Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>1,120</td>
</tr>
<tr>
<td>Middle School</td>
<td>540</td>
</tr>
<tr>
<td>High School</td>
<td>740</td>
</tr>
<tr>
<td>Total K-12</td>
<td>2,400</td>
</tr>
</tbody>
</table>

Source: Blaine School District Capital Facilities Plan (December 2015, p. 6).

Ferndale School District
The Ferndale School District serves the City of Ferndale and its UGA, and rural areas including the Lummi Reservation and Lummi Island. The school district’s current enrollment capacity is shown below.

Table 13.3 Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Total Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>2,975</td>
</tr>
<tr>
<td>Middle School</td>
<td>1,300</td>
</tr>
<tr>
<td>High School</td>
<td>1,925</td>
</tr>
<tr>
<td>Total K-12</td>
<td>6,200</td>
</tr>
</tbody>
</table>

Source: Ferndale Schools Capital Facilities Plan and School Impact Fee Ordinance (April 2013, p. 3).
Lynden School District

The Lynden School District serves the City of Lynden and its UGA, and surrounding agricultural and rural areas. The school district’s current enrollment capacity is shown below.

Table 13.4 Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Total Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>1,350</td>
</tr>
<tr>
<td>Middle School</td>
<td>600</td>
</tr>
<tr>
<td>High School</td>
<td>700</td>
</tr>
<tr>
<td>Total K-12</td>
<td>2,650</td>
</tr>
</tbody>
</table>

Source: Lynden School District Capital Facilities Plan (Feb. 2016, p. 5)

Meridian School District

The Meridian School District serves mostly rural areas, although the City of Bellingham extends into the southern portion of the District. The school district’s current enrollment capacity is shown below.

Table 13.5 Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Total Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>888&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Middle School</td>
<td>494</td>
</tr>
<tr>
<td>High School</td>
<td>870</td>
</tr>
<tr>
<td>Total K-12</td>
<td>2,252</td>
</tr>
</tbody>
</table>


<sup>1</sup> Capacity includes Irene Reither Elementary School and Ten Mile Creek Elementary School (which currently provides space for the Parent Partnership Program).
Mount Baker School District
The Mount Baker School District serves the Columbia Valley UGA and rural areas in eastern Whatcom County. The school district’s current enrollment capacity is shown below.

Table 13.6 Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Total Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>1,255</td>
</tr>
<tr>
<td>Middle School</td>
<td>428</td>
</tr>
<tr>
<td>High School</td>
<td>944</td>
</tr>
<tr>
<td>Total K-12</td>
<td>2,627</td>
</tr>
</tbody>
</table>


Nooksack Valley School District
The Nooksack Valley School District serves the cities of Everson, Nooksack, Sumas and their associated UGAs, and surrounding agricultural and rural areas. The school district’s current enrollment capacity is shown below.

Table 13.7 Current Enrollment Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>Total Enrollment Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>1,180</td>
</tr>
<tr>
<td>Middle School</td>
<td>650</td>
</tr>
<tr>
<td>High School</td>
<td>1,320</td>
</tr>
<tr>
<td>Total K-12</td>
<td>3,150</td>
</tr>
</tbody>
</table>

Source: Everson/Nooksack/Sumas City Planner e-mail of March 7, 2016.
Future Needs

The forecast of future needs shows whether a school district’s existing capacity will be able to accommodate projected student enrollment increases over the 20-year planning period, or whether the districts will need plans for additional school facilities to meet future needs. Several school districts have developed 20-year student enrollment projections in association with their capital facility plans (CFPs). School district projections are used in the analysis, when available. When 20-year projections are not available from the school district CFPs, consultant projections developed for the Final EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Areas Review (November 2015) are utilized.

Future enrollment is affected by demographic trends (such as an aging population) and trends in alternative school methods including home schooling, Running Start program, and online schooling. Therefore, school districts routinely monitor enrollment growth trends and may adjust their plans accordingly. The table below shows whether existing classroom capacity will be adequate to serve the projected student enrollment in 2036. As can be seen by this analysis, deficits are experienced in four school districts by 2036. School districts can address future deficits by constructing additional classrooms, installing portables, and/or increasing the number of students accommodated in existing classrooms.

Table 13.8 Whatcom County School District – Forecast of Future Needs 2036

<table>
<thead>
<tr>
<th>School District</th>
<th>Existing Student Capacity</th>
<th>2036 Enrollment Projection</th>
<th>2036 School Surplus (Deficit) Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>10,865</td>
<td>12,331&lt;sup&gt;1&lt;/sup&gt;</td>
<td>(1,466)</td>
</tr>
<tr>
<td>Blaine</td>
<td>2,400</td>
<td>2,456&lt;sup&gt;2&lt;/sup&gt;</td>
<td>(56)</td>
</tr>
<tr>
<td>Ferndale</td>
<td>6,200</td>
<td>6,521&lt;sup&gt;3&lt;/sup&gt;</td>
<td>(321)</td>
</tr>
<tr>
<td>Lynden</td>
<td>2,650</td>
<td>3,432&lt;sup&gt;4&lt;/sup&gt;</td>
<td>(782)</td>
</tr>
<tr>
<td>Meridian</td>
<td>2,252</td>
<td>1,529&lt;sup&gt;5&lt;/sup&gt;</td>
<td>723</td>
</tr>
<tr>
<td>Mount Baker</td>
<td>2,627</td>
<td>2,128&lt;sup&gt;6&lt;/sup&gt;</td>
<td>499</td>
</tr>
<tr>
<td>Nooksack Valley</td>
<td>3,150</td>
<td>2,012&lt;sup&gt;7&lt;/sup&gt;</td>
<td>1,138</td>
</tr>
</tbody>
</table>

1 The Bellingham School District No. 501 Capital Facilities Plan 2015-2021 (August 2015) shows enrollment in the 2034-35 school year at 12,141 students (Table 1-B). The County has extrapolated this enrollment projection to the year 2036.
3 Projected enrollment is from the background information prepared for the Final EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Areas Review (November 2015), contained in an e-mail from BERK Consulting (March 1, 2016).
4 Lynden School District Capital Facilities Plan (February 2016, p. 9).
5 Projected enrollment is from the background information prepared for the Final EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Areas Review (November 2015), contained in an e-mail from BERK Consulting (March 1, 2016). The projected enrollment does not include students in the Meridian Parent Partnership Program (MP3). MP3 currently serves approximately 150 students on campus that live all over Whatcom County and another 130 students via on-line methods from around the state. It is anticipated that MP3 enrollment will continue to increase throughout the 20-year planning period.
7 Projected enrollment is from the background information prepared for the Final EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Areas Review (November 2015), contained in an e-mail from BERK Consulting (March 1, 2016).
Capital Projects and Funding

Most school districts in Whatcom County have capital facility plans that inventory existing school facilities, project future enrollment levels, and identify capital projects needed to support student enrollment growth in their respective districts.

Capital Project Funding

School Districts in Washington State fund capital improvements with both State and local dollars. Local capital financing is usually achieved through two primary mechanisms. The first is the property tax, in which residents of the school district vote to finance a capital bond with an increase in property taxes. The annual bond cost is spread over the life of the bond. Therefore, if property values increase over time the levy rate necessarily declines to generate the same annual revenue.

The second potential financing tool is a school impact fee, which is designed to recover costs from new development for the facility improvements necessary to serve development. This fee is usually charged to new residential development based on the number and type of units constructed.

Bellingham School District

The future needs analysis above indicates that the Bellingham School District’s projected enrollment in 2036 will exceed the current school capacity by 1,466 students. The *Bellingham School District No. 501 Capital Facilities Plan 2015-2021* (Aug. 2015) indicates that permanent capacity will increase by 652 over the six-year planning period (Table 3). The projects that will increase permanent capacity are the Lowell Elementary School renovation/addition, the Happy Valley Elementary School replacement, a new Options High School, and the Sehome High School replacement/addition (Table 3). Installing portables and purchasing additional property are also planned in the next six years (Table 3). These projects are being funded by a $160 million bond measure passed by the voters in November 2013, state matching funds, and impact fees.

While the District’s CFP is a six-year plan, rather than a 20-year plan, it does state that “The District will closely monitor population growth and incorporate planned projects to meet actual student needs in future updates to this Plan” (p. 3).
Blaine School District

The future needs analysis above indicates that the Blaine School District’s projected enrollment in 2036 will exceed the current school capacity by 56 students. The Blaine School District Capital Facilities Plan (Dec. 2015) indicates that permanent capacity will increase by at least 60 more students over the six-year planning period, with flexibility built into the plan to accommodate up to a total of 184 more students (p. 11). Projects in the six-year planning period include improvements to the Blaine Primary School, Blaine Elementary School and Blaine High School (p. 11). These projects are being funded by a $45 million bond measure passed by the voters in February 2015. The CFP also indicates that the District plans to identify a site that could accommodate a school in the Birch Bay area, although this project is not currently funded (p. 12).

Ferndale School District

The future needs analysis above indicates that the Ferndale School District’s projected enrollment in 2036 will exceed the current school capacity by 321 students. The Ferndale Schools Capital Facilities Plan and School Impact Fee Ordinance (April 2013) indicates that the District is looking at replacing two elementary schools and one high school in the six-year planning period at the cost of about $140 million (p. 5). The proposed funding source would primarily be voter approved bonds and state matching funds (p. 6).

Lynden School District

The future needs analysis above indicates that the Lynden School District’s projected enrollment in 2036 will exceed the current school capacity by 782 students. The Lynden School District Capital Facilities Plan (Feb. 2016) indicates that permanent capacity will increase by 250 more students over the six-year planning period and by a total of 1,050 over the 20-year planning period (pp. 5, 10 and 11). Projects in the six-year planning period that will add capacity are construction of a new Fisher Elementary School and construction of a new Lynden Middle School (p. 10). These projects are being funded by a $48 million bond measure passed by the voters in April 2015 and state matching funds. The CFP also indicates that the District plans to make necessary additions to address the high school facility needs and elementary school facility needs within the 20-year planning period. The District would seek voter approval of bond measures in the future for these projects (pp. 10 and 11).
Meridian School District

The future needs analysis above indicates that the Meridian School District’s projected enrollment in 2036 can be accommodated by the current school facilities. The Meridian School District No. 505 Capital Facilities Plan 2015-2021 (June 2015) indicates that the District recently completed capacity and improvement projects at Irene Reither Elementary School and Meridian High School (p. 8). The District’s CFP states that “The District plans to monitor capacity and enrollment growth and, as necessary, will update this Plan to reflect capacity needs and related planned projects” (p. 8). In fact, the Meridian School District Superintendent indicated, in a letter of February 23, 2016, that the District is currently experiencing considerable growth at the elementary level. Therefore, the Meridian Parent Partnership Program (MP3), which currently occupies the Ten Mile Creek Elementary School, will be re-located to a new campus west of the District Office on Laurel Rd. This new campus will consist of portable buildings, parking and lawn area. The Ten Mile Creek Elementary School will be utilized for kindergarten and 1st grade classrooms at the beginning of the 2017-2018 school year.

Mount Baker School District

The future needs analysis above indicates that the Mount Baker School District’s projected enrollment in 2036 can be accommodated by the current school facilities. The Mount Baker School District Capital Facilities Plan (May 2013) indicates that the District has adequate classroom space to serve projected student enrollment through the entire 20-year planning period (p.12). While the District does not plan to add classroom space, it does plans to invest in facility improvements, maintenance and energy upgrades (p. 12).

Nooksack Valley School District

The future needs analysis above indicates that the Nooksack Valley School District’s projected enrollment in 2036 can be accommodated by the current school facilities. Projects in the six-year planning period include replacing the Nooksack Valley Middle School (except the covered play area), expanding the Nooksack Elementary School (adding one kindergarten, three general classrooms and enclosing a covered play area), and replacing the Nooksack Valley High School. These projects are being funded by almost $28 million bond measure passed by the voters in February 2015 and state matching funds. The District also plans improvements to roofs, HVAC controls, gym floors and floor coverings over the six-year planning period.
Chapter 14 – Fire Protection

Fire Protection

The County is served by 15 different fire departments or districts, 13 of which serve unincorporated portions of the County:

- City of Bellingham
- Fire District 7
- Fire District 17
- City of Lynden
- Fire District 8
- Fire District 18
- Fire District 1
- Fire District 11
- Glacier Fire District 19
- Fire District 4
- Fire District 14
- North Whatcom Fire and Rescue
- Fire District 5
- Fire District 16
- South Whatcom Fire Authority

The cities of Bellingham and Lynden have their own fire departments. There are urban growth areas (UGAs) within the boundaries of seven fire districts in the County. These seven districts serve the UGAs along with surrounding rural areas. Fire District 1 serves the cities of Everson and Nooksack. Fire District 7 serves the City of Ferndale and the Cherry Point UGA. Fire District 8 serves portions of the Bellingham UGA. Fire District 14 serves the City of Sumas and the Columbia Valley UGA. North Whatcom Fire and Rescue, which also provides service within the boundaries of Fire District 4, serves the City of Blaine, the Birch Bay UGA, the Lynden UGA (outside city limits) and portions of the Bellingham UGA. South Whatcom Fire Authority serves portions of the Bellingham UGA. Six fire districts serve rural areas and do not contain UGAs within their boundaries. These are Fire Districts 5, 11, 16, 17, 18 and 19.

Each city and fire protection district is assigned a numeric fire protection rating (a Class 1 rating is considered best) by the Washington Surveying and Rating Bureau. Insurance companies fund the Bureau to perform on-site inspections of fire districts to determine the rating. The Bureau analyzes five areas: average response time, water supply, communication network, schedule of fire inspections, and existing conditions of fire stations. Fire station evaluations focus on the age of vehicles, amount of personnel training, and whether the facilities are staffed or not. Insurance companies use the fire protection rating to help determine insurance rates on all fire insurance policies. Quality of fire service can have a significant impact on fire insurance rates with the greatest impact experienced by commercial occupancies.

In addition to fire protection services, the agencies listed here provide responses to medical emergencies. In fact, EMS calls account for the majority of the responses by most fire protection agencies.

The City of Bellingham and Whatcom County operate the 911 emergency telephone system, called What-Comm. The initial call receiving site is located in Bellingham, and is responsible for dispatching most law enforcement agencies in Whatcom County. All fire and medical related calls
are forwarded to the Fire Dispatch Center located at Bellingham Fire Department's Broadway Street Station. The Fire Dispatch Center is responsible for dispatching all municipal fire departments and fire districts in Whatcom County. The Bellingham Police Department operates the What-Comm center and the Bellingham Fire Department operates the Fire Dispatch Center.

Inventory of Current Facilities

The table below summarizes the capital facilities for each fire district. It also includes each district's fire rating, service population and whether the District serves an urban growth area (UGA).

**Table 14.1 Fire Facilities Inventory**

<table>
<thead>
<tr>
<th>Fire Protection Provider</th>
<th>Number of Stations</th>
<th>Fire Rating 1</th>
<th>Service Area Population (2013)</th>
<th>Serves UGA (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Bellingham</td>
<td>7 2</td>
<td>3</td>
<td>82,203</td>
<td>Y</td>
</tr>
<tr>
<td>City of Lynden</td>
<td>1</td>
<td>5</td>
<td>12,726</td>
<td>Y</td>
</tr>
<tr>
<td>Fire District 1</td>
<td>2</td>
<td>7/8</td>
<td>10,796</td>
<td>Y</td>
</tr>
<tr>
<td>Fire District 5</td>
<td>1</td>
<td>5</td>
<td>1,452</td>
<td>N</td>
</tr>
<tr>
<td>Fire District 7</td>
<td>6</td>
<td>6/5 3</td>
<td>22,447</td>
<td>Y</td>
</tr>
<tr>
<td>Fire District 8</td>
<td>2</td>
<td>5</td>
<td>7,779</td>
<td>Y</td>
</tr>
<tr>
<td>Fire District 11</td>
<td>1</td>
<td>7</td>
<td>969</td>
<td>N</td>
</tr>
<tr>
<td>Fire District 14</td>
<td>3</td>
<td>5-9 4</td>
<td>7,855</td>
<td>Y</td>
</tr>
<tr>
<td>Fire District 16</td>
<td>3</td>
<td>8</td>
<td>1,616</td>
<td>N</td>
</tr>
<tr>
<td>Fire District 17</td>
<td>2</td>
<td>5</td>
<td>1,364</td>
<td>N</td>
</tr>
<tr>
<td>Fire District 18</td>
<td>2</td>
<td>6</td>
<td>2,132</td>
<td>N</td>
</tr>
<tr>
<td>Glacier Fire District 19</td>
<td>1</td>
<td>7</td>
<td>425</td>
<td>N</td>
</tr>
<tr>
<td>North Whatcom Fire &amp; Rescue and Fire District 4</td>
<td>11</td>
<td>4/5</td>
<td>40,750</td>
<td>Y</td>
</tr>
<tr>
<td>South Whatcom Fire Authority</td>
<td>5</td>
<td>5</td>
<td>12,782</td>
<td>Y</td>
</tr>
</tbody>
</table>

1 Fire rating is based upon the Washington Surveying and Rating Bureau (WSRB).
2 One of the 7 stations is a medic station that serves unincorporated areas of the County.
3 Fire rating for Cherry Point is 8 and fire rating for Ferndale is 5.
4 The WSRB ratings vary within Fire District 14 from 5 (in Sumas) to 9 (in outlying areas), depending on location and type of structure.
Future Needs

Whatcom County adopted a level of service (LOS) standard tied to response time and fire ratings in the Comprehensive Plan in 2011. The Whatcom County Comprehensive Plan contains the following LOS standards:

Urban levels of service for fire protection shall be a response time of 8 minutes 80% of the time when the department covering the urban area has staffed the fire station. When the fire station is not staffed the response time shall be 10 minutes 80% of the time, or a WSRB Rating of a 6.

Rural levels of service for fire protection shall be a response time of 12 minutes 80% of the time when the department covering the rural area has staffed the fire station. When the fire station is not staffed the response time shall be 14 minutes 80% of the time, or a WSRB Rating of an 8.

Staffed stations shall be a fire station that is staffed 24 hours a day 7 days a week 365 days a year. Staff may be paid, volunteer, or combination of the two.

Fire district capital facility plans submitted in 2011 or later will be reviewed against the new county-wide LOS standards. Whatcom County will consider incorporating information from fire district capital facility plans into the Whatcom County Comprehensive Plan, as they are approved by the districts.
<table>
<thead>
<tr>
<th>Fire District</th>
<th>WSRB Rating Standard</th>
<th>Response Time Standard</th>
<th>Meets Adopted LOS?</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Bellingham Fire Department</td>
<td>8 minutes 80% of the time for the Bellingham UGA</td>
<td>Yes²</td>
<td></td>
</tr>
<tr>
<td>City of Lynden Fire Department</td>
<td>8 minutes 80% of the time for the Lynden UGA</td>
<td>Yes³</td>
<td></td>
</tr>
<tr>
<td>Fire District 1</td>
<td>10 minutes 80% of the time for the Everson and Nooksack UGAs</td>
<td>Yes⁴</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14 minutes 80% of the time for rural areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire District 7</td>
<td>8 minutes 80% of the time for the Ferndale UGA and Cherry Point UGA</td>
<td>Yes⁵</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12 minutes 80% of the time for rural areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire District 8</td>
<td>8 minutes 80% of the time for the Bellingham UGA</td>
<td>No⁶</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12 minutes 80% of the time for rural areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire District 14</td>
<td>10 minutes 80% of the time for the Columbia Valley &amp; Sumas UGAs</td>
<td>Yes⁷</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14 minutes 80% of the time for rural areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Whatcom Fire and Rescue and</td>
<td>8 minutes 80% of the time for the stations serving the UGAs (outside city limits)</td>
<td>Yes⁸</td>
<td></td>
</tr>
<tr>
<td>Fire District 4</td>
<td>12 or 14 minutes 80% of the time for rural areas (depending on whether the station is staffed or not)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Whatcom Fire Authority</td>
<td>8 minutes 80% of the time for the Bellingham UGA</td>
<td>Yes⁹</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12 or 14 minutes 80% of the time for rural areas (depending on whether the station is staffed or not)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 The Fire Districts also serve rural areas located outside UGAs.
2 Final EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Areas Review (November 2015, p. 3-17).
3 Final EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Areas Review (November 2015, p. 3-17).
4 Whatcom County Fire District #1 Capital Facilities Plan (August 2015).
5 Whatcom County Fire District No. 7 Capital Facility Plan 2018-2036 (February 2016).
6 Current responses times to portions of the Bellingham UGA are not within the LOS standards. However, the LOS will be met with planned improvements set forth in the Whatcom County Fire District #8 Capital Facilities Plan (June 2013).
7 Whatcom County Fire District #14 Capital Facilities Plan (August 2015).
8 North Whatcom County Fire & Rescue and Fire District #4 Capital Facilities Plan (May 2016).
Table 14.3  LOS Analysis – Fire Districts Serving Rural Areas

<table>
<thead>
<tr>
<th>Fire District</th>
<th>WSRB Rating Standard</th>
<th>Response Time Standard</th>
<th>Meets Adopted LOS?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire District 5</td>
<td>8</td>
<td>14 minutes 80% of the time</td>
<td>Yes¹</td>
</tr>
<tr>
<td>Fire District 11</td>
<td>8</td>
<td>14 minutes 80% of the time</td>
<td>Yes¹</td>
</tr>
<tr>
<td>Fire District 16</td>
<td>8</td>
<td>14 minutes 80% of the time</td>
<td>Yes¹</td>
</tr>
<tr>
<td>Fire District 17</td>
<td>8</td>
<td>14 minutes 80% of the time</td>
<td>Yes¹</td>
</tr>
<tr>
<td>Fire District 18</td>
<td>8</td>
<td>14 minutes 80% of the time</td>
<td>Yes¹</td>
</tr>
<tr>
<td>Glacier Fire District 19</td>
<td>8</td>
<td>14 minutes 80% of the time</td>
<td>Yes¹</td>
</tr>
</tbody>
</table>


Capital Projects and Funding

**Capital Project Funding**

Fire Districts usually fund needed capital improvements through a combination of revenue sources. These can include property tax levies, cash reserves, capital bond proceeds, mitigation fees, fire impact fees and other sources.

The State of Washington authorizes fire districts to levy both “regular” and “special” property taxes to support their operational and capital needs. As part of the regular property tax levy, a fire service provider is authorized to levy a property tax at a total maximum rate of $1.50 per $1,000 of assessed value. However, the total maximum aggregate “regular” property tax levy by local taxing agencies in an area may not exceed $5.90. Occasionally, all local levies will total more than this limit. In this case, “junior” taxing districts, including fire districts, must follow state statute to lower their levy rate so that the total aggregate rate does not exceed the statutory limit. Fire districts may also pass “special” property tax levies for short-term periods without a statutory maximum levy limit. Fire impact fees may be collected on new residential and commercial development to fund facility improvements, provided that the County and/or city governments adopt ordinances authorizing such impact fees.
Capital Projects

A summary of the capital projects for the fire departments and districts serving UGAs are provided below.

City of Bellingham Fire Department

The City of Bellingham Fire Department serves area within the city limits and will serve the UGA upon annexation. Currently, the Bellingham Fire Department assists in providing service to the City's UGA through mutual aid response agreements with Fire Districts. The Draft Bellingham Comprehensive Plan Capital Facilities and Utilities Chapter (2016) contains $495,997 in Fire Department capital improvement projects over the six-year planning period (2017-2022). These projects include replacing medic units and equipment. These costs will be paid from the Medic One fund. There are also a number of unfunded projects including the fire boathouse, Fire Station 1 remodel, fire training center, new fire station, and replacing fire engines, a ladder truck, medic units and support vehicles.

City of Lynden Fire Department

The City of Lynden Fire Department serves area within the city limits and will serve the UGA. Currently, the City of Lynden Fire Department assists in providing service to the City's UGA through mutual aid and automatic aid agreements with North Whatcom Fire and Rescue. The Draft Lynden Capital Facilities Plan (2016) contains approximately $8,020,000 million in capital improvement projects over the 20-year planning period. These projects include a new fire station, training facility, air unit, adding a third ambulance and a variety of apparatus and vehicle replacement purchases. Capital facility funding sources include property tax, sales tax, ambulance utility fees, transport fees, plan check fees, and impact fees.

Fire District # 1

Fire District # 1 serves the Everson UGA, Nooksack UGA and surrounding areas. The Whatcom County Fire District # 1 Capital Facilities Plan (August 2015) contains approximately $9.5 million in capital improvement projects over the 20-year planning period (pp. 14 and 15). These projects include Station 81 replacement (Everson), Station 82 remodel and storage building (Lawrence Rd.), and a variety of apparatus and vehicle purchases. Capital facility funding sources include property tax revenues, a bond measure, other district revenues and grants (pp. 12 and 13).

Fire District # 7

Fire District # 7 serves the Ferndale UGA, Cherry Point UGA and surrounding areas. The Whatcom County Fire District No. 7 Capital Facility Plan (February 2016) contains approximately $19.2 million in capital improvement projects over the 20-year planning period (pp. 22-24). These projects include station improvements, a Department Training Center, and a variety of apparatus and vehicle purchases. Capital facility funding sources include property tax revenues, bonds, grants, reserves and potentially mitigation fees (pp. 24-26).
Fire District # 8

Fire District # 8 serves a portion of the Bellingham UGA and surrounding areas. The *Whatcom County Fire District # 8 Capital Facilities Plan* (June 2013) contains approximately $9.8 million in capital improvement projects over the 20-year planning period (pp. 17-18). These projects include Station 31 replacement (Marine Dr.), Station 34 improvements (McKenzie Rd.), a new station (Kwina Rd.), and a variety of apparatus and vehicle purchases. Capital facility funding sources include District revenues such as property taxes, bonds, property sales, mitigation fees, funds from the Lummi Nation, funds from the City of Bellingham, and grants (pp. 13-15).

Fire District # 14

Fire District # 14 serves the Sumas UGA, Columbia Valley UGA and surrounding areas. The *Whatcom County Fire District # 14 Capital Facilities Plan* (August 2015) contains approximately $6 million in capital improvement projects over the 20-year planning period (pp. 17-18). These projects include station improvements, land purchase, and a variety of apparatus and vehicle purchases. Capital facility funding sources include annual revenues such as property taxes, reserves, mitigation fees and grants (pp. 13-15).

North Whatcom Fire & Rescue / Fire District 4

In 2011, North Whatcom Fire and Rescue (also known as Fire District 21) completed a functional consolidation with Whatcom County Fire District 4 whereby NWFR provides management and all operation services through a contract with District 4. North Whatcom Fire & Rescue now provides service to the Blaine UGA, Birch Bay UGA, Lynden UGA (outside of city limits), and a portion of the Bellingham UGA. A single capital facilities plan has been developed for the two Districts. The *North Whatcom Fire & Rescue and Fire District # 4 Capital Facilities Plan* (May 2016) contains approximately $59.6 million in capital improvement projects over the 20-year planning period (pp. 9 and 10). These projects include a new station, upgrading/remodeling existing stations, and a variety of apparatus and vehicle purchases. Capital facility funding will primarily come from capital bond proceeds (p. 13).

South Whatcom Fire Authority

The South Whatcom Fire Authority was formed in 2009 after voters approved a consolidation of four smaller fire districts. South Whatcom Fire Authority serves portions of the Bellingham UGA and surrounding areas. The District has five existing station and five fire engines. In 2016, the District is asking voters to approve a $1.96 million bond to replace three of the District’s five fire engines.
Chapter 15 – Solid Waste

Solid Waste (County)

State law requires each county within the state, in cooperation with the various cities located within the county, to prepare a coordinated, comprehensive solid waste management plan. The purpose is to plan for solid waste reduction, collection, handling, management and programs designed to meet the needs of the county and cities (RCW 70.95.080).

The Whatcom County Health Department is the lead planning agency for solid waste management in the County. The Health Department’s Solid Waste Division is responsible for several program areas encompassing waste prevention, economically efficient recycling and disposal systems, litter control, hazardous waste education and disposal opportunities, monitoring the county’s closed landfills, comprehensive planning, and providing support for the Whatcom County Solid Waste Advisory Committee.

The County prepared a Draft 2016 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan (Jan. 2016) which serves as the basis for the solid waste component of the Capital Facilities Plan.

Inventory of Current Facilities

The County’s solid waste system is a combination of private and public entities. Solid waste handling facilities in Whatcom County currently include two primary transfer stations, five drop box collection stations, one public-use and one private moderate-risk waste fixed facility (for small business and household hazardous waste collection), one vector waste transfer station, and approximately 13 composting and recycling facilities (both permitted and non-permitted). Additionally, there are three anaerobic digesters (one of which requires a permit), three biosolids land application facilities, three private industrial landfills, and six landfills in post-closure status.

The two primary transfer stations are located within the City of Ferndale. Municipal solid waste transported to these transfer stations, by either self-haulers or one of two local certificated haulers, is transported to landfills located outside of Whatcom County. While exempt from the need to obtain permits, recycling facilities are important to the system in Whatcom County, particularly, Northwest Recycling, Inc., which is presently one of the largest facilities offering residential and commercial recycling. The table below lists solid waste facilities in the County that are part of the solid waste permit system.
Table 15.1 Exiting Solid Waste Facilities with Permits

<table>
<thead>
<tr>
<th>Facility</th>
<th>Operator</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>RDS Transfer Station</td>
<td>Recycling &amp; Disposal Services, Inc.</td>
<td>4916 LaBounty Pl, Ferndale, WA 98248</td>
</tr>
<tr>
<td>RDC Transfer Station</td>
<td>Regional Disposal Co.</td>
<td>1524 Slater Rd, Ferndale, WA 98248</td>
</tr>
<tr>
<td>Drop Box Collection Stations</td>
<td>Sanitary Service</td>
<td>4297 Birch Bay Lynden Rd, Blaine, WA 98230</td>
</tr>
<tr>
<td>SSC Birch Bay-Lynden Drop Box Facility</td>
<td>Sanitary Service</td>
<td>Cedarville Rd, Bellingham, WA 98226</td>
</tr>
<tr>
<td>SSC Cedarville Drop Box Facility</td>
<td>Sanitary Service</td>
<td>1001 Roeder Ave, Bellingham, WA 98225</td>
</tr>
<tr>
<td>SSC Roeder Ave Drop Box Facility</td>
<td>Sanitary Service</td>
<td>250 Birch Bay-Lynden Rd, Lynden, WA 98264</td>
</tr>
<tr>
<td>Nooksack Valley Disposal Drop Box Facility</td>
<td>Nooksack Valley Disposal, Inc.</td>
<td>2005 Johnson Rd, Point Roberts, WA 98281</td>
</tr>
<tr>
<td>Cando Recycling Transfer Station</td>
<td>Whatcom County Health Department</td>
<td>3505 Airport Dr, Bellingham, WA 98226</td>
</tr>
<tr>
<td>Moderate-Risk Waste (MRW) Facility, Public Use</td>
<td>Whatcom County MRW Facility</td>
<td>500 Newhalem St, Rockport, WA 98283</td>
</tr>
<tr>
<td>Moderate-Risk Waste (MRW) Facility, Private Use</td>
<td>City of Bellingham Vactor Waste Transfer Station</td>
<td>2140 Division St, Bellingham, WA 98226</td>
</tr>
<tr>
<td>Seattle City Light MRW Facility</td>
<td>Seattle City Light</td>
<td>774 Meadowlark Ln, Lynden, WA 98264</td>
</tr>
<tr>
<td>Vactor Waste Transfer Station</td>
<td>City Of Bellingham Public Works</td>
<td>130 Burk Rd, Blaine, WA 98230</td>
</tr>
<tr>
<td>Composting Facility</td>
<td>Alsand Enterprises</td>
<td>1687 Burk Rd, Blaine, WA 98230</td>
</tr>
<tr>
<td>Green Earth Technology Composting Facility</td>
<td>Edaleen Cow Power, LLC</td>
<td>9497 Hill Rd, Sumas, WA 98295</td>
</tr>
<tr>
<td>Anaerobic Digester (permitted)</td>
<td>Edaleen Cow Power, LLC</td>
<td>9593 Guide Meridian, Lynden, WA 98264</td>
</tr>
</tbody>
</table>

Source: Draft EIS Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Areas Review (March 2015, pp. 4-255 and 4-256)

Future Needs

The forecast of municipal solid waste (MSW) generation is based upon the solid waste generation projections in the Draft 2016 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan (Section 2.3.8, pp. 23-26).

The table below shows projected total MSW generated, the amount of this waste anticipated to be disposed, and the amount anticipated to be recycled.
### Table 15.2 Solid Waste Generation Forecast

<table>
<thead>
<tr>
<th>Year</th>
<th>Total MSW Generated (tons)</th>
<th>Total MSW Disposed (tons)</th>
<th>Total MSW Recycled (tons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>249,189</td>
<td>135,134</td>
<td>114,055</td>
</tr>
<tr>
<td>2022</td>
<td>305,000</td>
<td>160,000</td>
<td>145,000</td>
</tr>
<tr>
<td>2036</td>
<td>405,000</td>
<td>203,000</td>
<td>202,000</td>
</tr>
</tbody>
</table>

Source: The solid waste that was deposited in landfills and recycled for 2013 is from the *Draft Whatcom County Comprehensive Solid and Hazardous Waste Management Plan* (2016, page 24). The projections for 2022 and 2036 are contained in an e-mail from Jeff Hegedus, Environmental Health Supervisor with the Whatcom County Health Department (March 10, 2016).

The County uses waste generation forecasting as a vital element of solid waste management planning. The County uses this data to help address waste prevention, recycling and special waste issues. The County updates its waste generation models periodically and uses them in conjunction with program and facility planning and evaluation.

### Capital Projects and Funding

Currently, the only County capital facility is the Whatcom County Moderate-Risk Waste Facility on Airport Dr. Whatcom County Solid Waste Division has no capital projects for County facilities. However, the *Draft 2016 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan* states “... The County will continue to work with the private solid waste service providers to ensure that facility capacity is constructed in advance of need ...” (Section 2.3.8, p. 25).
Chapter 16 – County Revenue Projections

Whatcom County Capital Facilities Revenue Analysis

This section discusses Whatcom County’s Capital Facilities Revenue for County-provided facilities and services. It assumes the County continues to be responsible for Birch Bay and Columbia Valley.

Introduction

The purpose of this financial analysis is to support the financing plan for the Capital Facilities Plan (CFP) that is required by RCW 36.70A.070(3). These revenue estimates have been developed to assist in project prioritization and planning, and represent realistic, but not exact, estimates of revenue available for the CFP.1

Estimated future revenues have been projected for the Plan’s 2017-2036 time period, in year of expenditure dollars. These revenues have been grouped according to the following categories:

- Undedicated Transportation Revenues – are composed of Road Fund revenues from the following sources: county road property tax levy, motor vehicle fuel tax allocations, and other undedicated transportation revenues including state timber sales, County Arterial Preservation Grant, Federal Forest Title I entitlement payments, forest excise tax, and minor miscellaneous sources.
- Dedicated Capital Transportation Revenues – these revenues are required by law to be used for specific types of capital expenditures.
- Other Capital Revenues – these revenues must be used for capital, but they are not transportation specific. They include Real Estate Excise Tax (REET), Rural Counties Public Facilities Tax, Conservation Futures, Parks State Grants, Stormwater State and Federal Grants.
- Potential Policy Options – these policy options may make additional capital revenues available to the County via policy changes.

Some of the funds discussed in this analysis may be used to fund the maintenance and operations of existing capital facilities or to construct new ones. However, if maintenance and operations costs of existing facilities increase faster than the revenues that support them, jurisdictions are confronted with difficult decisions regarding whether to fund these costs, at the expense of building new capital projects, or to adjust Level of Service (LOS) standards. Those decisions will be made by the County Council and executive leadership of the County according to the County’s needs and opportunities.

1 The revenue estimates are not intended to be precise forecasts. Exact funding levels are difficult to predict given the uncertainties of funding sources. The estimates discussed in this section are to be used for planning purposes; actual revenues are highly sensitive to local, state, and federal policy decisions; personal choices of residents; economic cycles and other market forces.

2 Year of expenditure dollars have been inflated to the year in which they are expected to be received.
Assumptions

The revenue projections included in this analysis are based on the assumption that all city UGAs in Whatcom County will be annexed by their respective cities by the end of the study period, and that Birch Bay, Cherry Point and Columbia Valley will remain unincorporated for the duration. To the extent that a city’s UGA represents land that is needed to accommodate the next 20 years of projected growth, and that actual patterns of growth are in line with the patterns envisioned in the Comprehensive Plan, one would expect that most or all of these areas will be annexed during the study period. The schedule at which annexations will occur is unknown; therefore, for purposes of this study they are assumed to occur in equal increments each year. Assuming complete annexation also gives this analysis the most conservative estimate of future revenues. A discussion of the implications of more scaled-back levels of annexation follows the base revenue projections.

Undedicated Transportation Revenues

Undedicated transportation revenues are unrestricted Road Fund revenues. These revenues are used to fund administration, engineering, road maintenance & operations, ferry operations and construction. About 19% of unrestricted road revenues are available for construction activities. A discussion of the major sources of these revenues follows:

County Road Property Tax Levy

This property tax is collected by Whatcom County specifically for transportation funding and accounts for a large portion of the County’s transportation funds. Since the passage of Initiative 747 in 2001, property tax increases are restricted to 1.0% of the previous year’s revenues plus new construction. In inflation-adjusted terms, revenues from property tax are actually declining, since the 1.0% allowed increase does not keep pace with inflation (which has averaged 2.53% for the period 1990 - 2015).

If a jurisdiction does not adjust the Property Tax levy rate annually to collect the full 1.0% allowed increase in revenues, the difference between the collected value and the legally-allowed 1.0% increase becomes “banked capacity” which may be collected in future years. Currently Whatcom County has banked capacity of approximately $1.8 million. For this portion of the analysis we have assumed that the County will not increase the levy rate to collect this banked capacity, nor will they collect the allowed 1.0% increase, but will continue to collect funds at a level equal to the previous year’s revenues, plus new construction. By not taking the maximum allowed annual revenue increase, the County’s banked capacity will increase each year.

State Motor Vehicle Fuel Tax

Counties and cities receive a portion of the State Motor Vehicle Fuel Tax (MVF) based on a complex reimbursement formula that includes population, road maintenance and reconstruction costs, and annual needs. The State of Washington increased fuel taxes each year during the period of 2005-2008 but most revenues went to state projects while funding to the County has only increased marginally since 2006 from $3.7 million to $3.9 million. The Legislature increased gas taxes again in 2015, with another increase taking effect in 2016, these increases are also not
expected to significantly impact County revenues. Revenues from this funding source are forecast to increase modestly at 1.89% per year.

Other Undedicated Transportation Revenues

The State Legislature increased the County Arterial Preservation funding to Whatcom County from $420,000 per year to $515,000 in 2012. This funding source has increased in small increments to $577,822 in 2015. It is forecast to increase in line with the Motor Vehicle Fuel Tax at 1.89% per year. Federal Forest - Title I revenue has been decreasing in recent years and is expected to be phased out by the federal government within a few years. Forest excise tax (previously known as private harvest tax) and state timber sale revenues fluctuate based on market conditions. Other undedicated sources include delinquent property taxes, leasehold excise tax, and minor miscellaneous amounts. For purposes of this study, forest excise tax, timber sales and other undedicated sources have been combined and projected based on the average of the amounts received in the last six years from these sources.

*Figure 16-1. Whatcom County Undedicated Transportation Revenues 1993-2036*

*1993 – 2015 data represents actual undedicated transportation revenues used for construction and 2016 - 2036 projected amounts of undedicated revenues available for construction activities. This study assumes Public Works will utilize 19% of its undedicated transportation revenues for capital projects. Federal and state grants were heavily utilized in the period of 2008 - 2014; therefore, less local funding was consumed. Excess revenues have been reserved in the Road fund balance.*
Table 16-1 shows anticipated total Undedicated Transportation Revenues available for capital construction the next six years and the remaining 14 years of the planning period.

Table 16-1.  Projected Future Whatcom County Undedicated Transportation Revenues
2017-2036

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</table>
Dedicated Capital Transportation Revenues

Motor Vehicle Fuel Tax – Paths & Trails Revenues

Beginning in 1997, one percent of the Motor Vehicle Fuel Tax is required by state law to go toward establishing and maintaining paths and trails for pedestrians, equestrians, and bicyclists. Based on average growth rate since inception, we have forecast revenues at an annual increase of 1.5% over the prior year.

Figure 16-2 shows 1.0% of the historical MVF Tax revenue to the left of the dotted line, and projected revenues available for paths and trails capital to the right.

Figure 16-2. Whatcom County MVF Tax Revenue 1993-2036 (Allocated for Capital Projects)

Table 16-2 shows anticipated total Motor Vehicle Fuel Tax revenues available for path and trail capital projects for the next six years and the remaining 14 years of the planning period.

Table 16-2. Projected Future Whatcom County Motor Vehicle Fuel Tax – Paths & Trails Revenues 2017-2036

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<td>$691,671</td>
<td>$946,718</td>
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</table>
Grants

State Transportation Grants

Grants are an important funding source for transportation capital projects; however, these funds are distributed in a competitive process making it difficult to project future grant funding levels. State grants are primarily funded with the state-levied portion of the MVF Tax.

There have, in recent years, been increases in the State MVF Tax rate. However, many of these additional funds were earmarked for specific large projects, although there was some allocation to local jurisdictions. The Transportation Partnership Act of 2005 provided some additional funds to the Transportation Improvement Board and the County Road Administration Board, for a total of $80 million to be disbursed to local jurisdictions as grants over a 16-year period. However, these increases in funds are very small relative to demand, with requests to the Transportation Improvement Board overreaching available funds. For this analysis, recent historical grant revenue trends were considered.

Assumptions: These revenues have been estimated on a per capita basis on the assumption that over time a jurisdiction will generally receive its “fair share” of available grant revenues. Since 1993 Whatcom County has averaged $6.72 per capita in grant revenues per year. However, this number has been lower in recent years averaging $5.60 per capita since 2006. This analysis assumes $5.60 per capita in the future with no annual increase. Total revenues are therefore expected to change on pace with changes in population.

For this analysis average annual dollars are assumed in each year. However, in reality these dollars will vary greatly from year to year since they are awarded on a project-specific basis.

Figure 16-3 shows historical state grant revenues to the left of the dotted line, and projected revenues to the right.
Table 16-3 shows estimated total state grant revenues for the next six years and the remaining 14 years of the planning period.

**Table 16-3. Projected Future Whatcom County State Transportation Grant Revenues 2017-2036 (Allocated for Capital Projects)**

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<tbody>
<tr>
<td>Estimated Future Revenues</td>
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**Federal Transportation Grants**

Federal transportation grants are funded through the federal portion of the fuel excise tax. The federal gas tax rate has fluctuated between $0.183 and $0.184 per gallon since 1993. The majority of these funds are deposited into the Highway Trust Fund and disbursed to the states through the Highway and Mass Transit Accounts.

As with state grants, these funds are distributed in a competitive process making it difficult to determine future grant funding levels.

**Assumptions:** Since 1993 Whatcom County has received an annual average of $26.07 per capita of federal grant funding. Lacking an increase in the federal gas tax rate, future average annual per
capita federal grant dollars are estimated to remain at that rate with no annual increase. As with state grant dollars, changes in total revenues are expected to occur at the rate of change in the population. In addition, average annual dollars are assumed in each year while in reality these dollars will vary greatly from year to year since they are awarded on a project-specific basis.

Figure 16-4 shows historical federal grant revenues to the left of the dotted line, and projected revenues to the right.

**Figure 16-4. Whatcom County Federal Transportation Grant Revenues 1993-2036 (Allocated for Capital Projects)**

Table 16-4 shows anticipated total federal grant revenues for the next six years and the remaining 14 years of the planning period.

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<td>$2,355,857</td>
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<td>$2,390,149</td>
<td>$34,036,932</td>
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Table 16-5 shows total projected transportation revenues for Whatcom County.

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<tr>
<td></td>
<td>$7,449,841</td>
<td>$7,494,983</td>
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<td>$7,586,081</td>
<td>$7,815,872</td>
<td>$7,661,463</td>
<td>$113,292,284</td>
<td>$158,840,766</td>
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</tbody>
</table>
Other Capital Revenues

Real Estate Excise Tax

Real Estate Excise Tax (REET) revenues are levied in two portions and must be expended on capital projects. Since the REET is based on the total value of real estate transactions in a given year, the amount of REET revenues a county receives can vary substantially from year to year based on the normal fluctuations in the real estate market. During years when the real estate market is active, revenues are high, and during softer real estate markets revenues are lower.

REET is levied in two parts, REET I (the first 0.25%), and REET II (the second 0.25%), for a total tax of 0.5% of total assessed value. REET I and REET II revenues must be spent on capital projects that are listed in a county’s current capital facilities plan. The definition of capital facilities, according to RCW 82.46.010, for REET I funding is:

> those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and judicial facilities...

REET II generally follows the above guidelines, but is more restricted, as it may not be spent on recreational facilities, law enforcement facilities, fire protection facilities, trails not associated with parks, libraries, administrative facilities, or judicial facilities (RCW 82.46.035).

Assumptions: This analysis assumes an average annual rate of turn-over of existing property at 6% in 2016. This rate increases at 0.5% per year until the normal turnover rate of 7.0% is reached in 2018. Normal turnover rate is based upon the average actual rate of turnover from the period of 1993 – 2015.

REET revenues generally must be used for capital projects; however, modifications to RCW 82.46.010 and 82.46.035 allow counties to transfer up to $1 million per year for operations and maintenance of existing capital projects through 2016. Whatcom County has opted to transfer $1 million per year to the Parks Department under this provision. For purposes of this study, the $1 million in 2016 is assumed to be withdrawn from the REET II fund balance and will not affect revenue projections. This analysis assumes all REET revenues are available for the capital projects discussed in this plan.

Figure 16- 5 shows historical Real Estate Excise Tax revenue to the left of the dotted line, and projected revenues to the right.
Table 16-6 shows anticipated total Real Estate Excise Tax revenues for the next six years and the remaining 14 years of the planning period.

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<tbody>
<tr>
<td>Estimated Future Revenues</td>
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<td>$4,493,450</td>
<td>$68,777,084</td>
<td>$92,877,278</td>
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</tbody>
</table>

Rural Counties Public Facilities Tax (Rural Sales Tax)

Washington State allows rural counties to impose a local sales tax to fund capital projects that have an economic development purpose and finance personnel positions in economic development offices. This tax, which is deposited in the County’s Public Utilities Improvement Fund, is not an additional sales tax for residents, but rather is given to the jurisdiction in the form of a tax credit against the 6.5% state sales tax. Whatcom County began collecting the tax during 1999. It is currently levied at 0.09% in Whatcom County and is collected countywide. The law (RCW 82.14.370) states “For counties imposing the tax at the rate of .09 percent before August 1, 2009, the tax expires on the date that is twenty-five years after the date that the .09 percent tax rate was first imposed by that county.” Whatcom County’s expiration date is August 1, 2032.
Assumptions: Because this tax is collected on retail sales we have based future projections on an assumed increase of 3.3% annual growth in taxable retail sales within the County. This rate is the taxable sales growth rate for Whatcom County for the period of 1994-2015. Revenues are assumed to be collected until August 1, 2032. Executive recommendations adopted by Council designate 30% of the proceeds of the tax revenue be used for County capital facilities. The remaining 70% is designated for economic development loans and grants to other government entities throughout the county (Economic Development Initiative – EDI).

Figure 16-6 shows historical Rural Counties Public Facilities Tax revenue for County capital facilities to the left of the dotted line, and projected revenues to the right.

Figure 16-6. Whatcom County Rural Counties Public Facilities Tax Revenues 2000-2032 (Available for County Capital Facilities)

Table 16-7 shows anticipated total Rural Counties Public Facilities Tax revenues for County capital facilities for the next six years and the remaining 14 years of the planning period.

\(^1\) 1994 is the first year of taxable sales data available on the Department of Revenue website.
Table 16-7. Projected Future Whatcom County Rural Counties Public Facilities Tax Revenues 2017-2036 (Available for County Capital Facilities)

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<td>$14,998,035</td>
<td>$22,265,032</td>
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Conservation Futures Revenues for Parks

In accordance with RCW 84.34.230, the County can impose a countywide property tax levy of $.0625 per thousand dollars assessed valuation for the purpose of purchasing open space and future development rights. The current levy rate is $.041756 per thousand.

Assumptions: For planning purposes, the amount of the levy to be set aside for park and trail acquisitions is 5% of the current year levy after consideration is made for the purchase of a Lummi Island Heritage Trust conservation and access easement for $400,000. Future property tax levy increases have been projected at the historical 1997 – 2015\(^4\) growth rate of 2.9% per annum.

Figure 16-7 shows actual usage of Conservation Futures funding for park acquisitions to the left of the dotted line, and projected usage of future revenues to the right.

Figure 16-7. Conservation Futures Revenues 1993 – 2036 (Available for Parks Capital Acquisitions)

Table 16-8 shows anticipated Conservation Futures funding for Parks capital projects for the next six years and the remaining 14 years of the planning period.

\(^4\) Large percentage increases in 1993 – 1996 assessed valuations precluded using data from those years.
Table 16-8. Projected Future Conservation Futures Revenues 2017 – 2036 (Available for Parks Capital Projects)

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<tbody>
<tr>
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<td>$55,776</td>
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<td>$62,533</td>
<td>$1,092,028</td>
<td>$1,441,764</td>
</tr>
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</table>

Parks State Grants

Parks grants are applied for through the Washington State Recreation and Conservation Office. These funds have traditionally been quite limited and are distributed in a competitive process making it difficult to determine future grant funding levels. For this analysis, historical grant revenue trends were considered.

**Assumptions:** These revenues have been estimated on a countywide per capita basis on the assumption that over time the County will generally receive its “fair share” of available state grant revenues. Since 1993 Whatcom County has averaged $16 per capita in grant revenues per year. This analysis assumes that funding level will continue in the future with no annual increase. Total revenues are therefore expected to change on pace with changes in population.

For this analysis average annual dollars are assumed in each year. However, in reality these dollars will vary greatly from year to year since they are awarded on a project-specific basis.

Figure 16- 8 shows historical state grant revenues to the left of the dotted line, and projected revenues to the right.
Table 16-9 shows anticipated state grant revenues for Parks capital projects for the next six years and the remaining 14 years of the planning period.

Table 16-9. Projected Future State Grant Revenues 2017 – 2036 (Available for Parks Capital Projects)

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</tbody>
</table>

Stormwater State Grants

The Whatcom County Stormwater Fund was established in 2009 to account for projects and programs which protect water resources, improve water quality, and reduce impacts from stormwater runoff in the unincorporated areas of the county. State stormwater grants are applied for through the Washington State Department of Ecology.

Assumptions: These revenues have been estimated on a per capita basis on the assumption that over time a jurisdiction will generally receive its “fair share” of available grant revenues. Since 2009 Whatcom County has averaged $3.18 per capita in grant revenues per year. This analysis conservatively assumes that a $3 per capita rate continues in the future with no annual increase. Total revenues are therefore only expected to change on pace with changes in population.
For this analysis average annual dollars are assumed in each year. However, in reality these dollars will vary greatly from year to year since they are awarded on a project-specific basis.

Figure 16-9 shows historical state grant revenues to the left of the dotted line, and projected revenues to the right.

Figure 16-9. Stormwater State Grant Revenues 2009-2036 (Allocated for Capital Projects)

Table 16-10 shows anticipated state grant revenues for Stormwater capital projects for the next six years and the remaining 14 years of the planning period.

Table 16-10. Projected Future State Grant Revenues 2017 – 2036 (Available for Stormwater Capital Projects)

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Stormwater Federal Grants

The Whatcom County Stormwater Fund was established in 2009 to account for projects and programs which protect water resources, improve water quality, and reduce impacts from stormwater runoff in the unincorporated areas of the county. Federal stormwater grants are applied for from the Environmental Protection Agency.

Assumptions: These revenues have been estimated on a per capita basis on the assumption that over time a jurisdiction will generally receive its “fair share” of available grant revenues. Since 2009 Whatcom County has averaged $.95 per capita in grant revenues per year; however, federal grant
funding has been more sporadic than state funding. This analysis assumes a $.95 per capita rate that continues in the future with no annual increase. Total revenues are therefore only expected to change on pace with changes in population.

For this analysis average annual dollars are assumed in each year. However, in reality these dollars will vary greatly from year to year since they are awarded on a project-specific basis.

Figure 16-10 shows historical state grant revenues to the left of the dotted line, and projected revenues to the right.

Table 16-11 shows anticipated federal grant revenues for Stormwater capital projects for the next six years and the remaining 14 years of the planning period.

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**Total Other Capital Revenues**

Table 16-12 summarizes total other capital revenues for the next six years and the remaining 14 years of the planning period.
Table 16-12.  Projected Total Other Capital Revenues

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Total Capital Revenues

Table 16-13 summarizes total capital revenues (transportation and other) available for the next six years and the remaining 14 years of the planning period.

Table 16-13.  Projected Total Capital Revenues

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<tbody>
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</table>

Impact of Reduced Levels of Annexation

Based on the structures used for each revenue projection outlined above, if the UGAs in Whatcom County were not completely annexed by the end of the study period, revenues would increase from the base, 100% annexation assumption. All else being equal, Whatcom County would have more assessed value of real property in the unincorporated parts of the County, leading to higher road levy and REET revenues. It would also retain more population in the unincorporated areas of the County, leading to higher state and federal transportation grant revenues.

Potential Policy Options

Road Levy Banked Capacity

As discussed in the first section of this analysis, if a jurisdiction does not increase the Property Tax levy rate annually to collect the full 1.0% allowed increase in revenues, the difference between the collected value and the allowed 1.0% increase becomes “banked capacity” which may be collected in future years. Currently Whatcom County has banked capacity of approximately $1.8 million, which means that the County could increase the levy rate to raise this much additional revenue annually.

If the County chooses not to take this banked capacity, it increases each year. Under this scenario, by the end of the study period (2036), total estimated banked capacity would be about $6.7 million.

Stormwater Management Revenue

Whatcom County’s stormwater management programs address state and federal water quality mandates and localized drainage and flooding problems that affect urbanized landscapes. These include, but are not limited to, design and construction of stormwater facilities, enhanced development standards, aggressive maintenance schedules, and regular facility inspections associated with the Lake Whatcom Total Maximum Daily Load (TMDL) and the County’s
National Pollutant Discharge Elimination System (NPDES) Phase II permit. Stormwater management programs are supported locally by the Road Fund, Real Estate Excise Tax Fund II, Flood Control Zone District Fund, and Birch Bay Watershed and Aquatic Resources Management District. State grants are a substantial revenue source, particularly for the capital program.

Future stormwater management services may require additional revenues between year five and the end of the 20-year planning period. At the present time, it cannot be accurately predicted what the appropriate allocation of local revenues and the availability of state and federal funds will be for that period. New revenues collected explicitly for stormwater management may be needed.

**Transportation Impact Fees**

Impact fees are a financing tool that requires new development to pay a portion of the costs associated with infrastructure improvements that are “reasonably related” to that development. The GMA allows agencies to develop and implement a transportation impact fee program to help fund some of the costs of transportation facilities needed to accommodate growth. State law (Chapter 82.02 RCW) requires that impact fees be related to improvements to serve new developments and not existing deficiencies; assessed proportional to the impacts of new developments; allocated for improvements that reasonably benefit new development; and spent on facilities identified in the Capital Facilities Plan.

Legally, financing for improvements that will serve the new development cannot rely solely on impact fees and must include other sources of public funds, and the fees must be structured in a manner that ensures that funds collected do not exceed a proportionate share of the costs of improvements reasonably related to new development.

The County has studied implementation of a transportation impact fee but no policy direction on this revenue source has been adopted yet. If the County were to implement this fee, revenues would vary based on the chosen fee rate and the types and amount of development that occurs.

**Park Impact Fees**

The same state law that authorizes transportation impact fees described above also authorizes the County to adopt impact fees for parks and recreational facilities. The same rules and conditions for transportation impact fees would apply to park impact fees.

**Existing Fund Balances**

Table 16-14 presents existing fund balances as of 1/1/2016 which are potentially available to support capital projects:
### Table 16-14. Fund Balances Potentially Available For Capital Projects as of 1/1/2016

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Balance</th>
<th>Applicable to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>3,000,000</td>
<td>Facilities</td>
</tr>
<tr>
<td>Road</td>
<td>16,000,000</td>
<td>Transportation</td>
</tr>
<tr>
<td>Chemical Depend/Mental Health</td>
<td>3,000,000</td>
<td>Facilities</td>
</tr>
<tr>
<td>Conservation Futures</td>
<td>2,465,082</td>
<td>Parks</td>
</tr>
<tr>
<td>Real Estate Excise Tax I</td>
<td>3,251,460</td>
<td>Facilities</td>
</tr>
<tr>
<td>Real Estate Excise Tax II</td>
<td>1,591,369</td>
<td>Parks &amp; Stormwater</td>
</tr>
<tr>
<td>Rural Sales Tax</td>
<td>414,500</td>
<td>Facilities</td>
</tr>
<tr>
<td>2010 Jail Improvements</td>
<td>733,734</td>
<td>Facilities</td>
</tr>
<tr>
<td>Superior Ct 4th Judge Courtroom</td>
<td>143,897</td>
<td>Facilities</td>
</tr>
<tr>
<td>New Jail Project</td>
<td>1,738,147</td>
<td>Facilities</td>
</tr>
<tr>
<td>Courthouse Building Envelope</td>
<td>250,000</td>
<td>Facilities</td>
</tr>
<tr>
<td>Lummi Nation Lease</td>
<td>1,997,378</td>
<td>Transportation</td>
</tr>
<tr>
<td>Birch Bay Lynden/Portal Way Signal</td>
<td>124,685</td>
<td>Transportation</td>
</tr>
<tr>
<td>Rural Rd Safety Program</td>
<td>38,257</td>
<td>Transportation</td>
</tr>
<tr>
<td>Slater Rd Intersections</td>
<td>388,218</td>
<td>Transportation</td>
</tr>
<tr>
<td>Dakota Creek Bridge No 500</td>
<td>359,860</td>
<td>Transportation</td>
</tr>
<tr>
<td>Lake Whatcom Blvd Re-surfacing</td>
<td>993,863</td>
<td>Transportation</td>
</tr>
<tr>
<td>Hannegan Rd Structural Overlay</td>
<td>595,240</td>
<td>Transportation</td>
</tr>
<tr>
<td>Academy Rd Stormwater</td>
<td>107,107</td>
<td>Stormwater</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>37,192,797</strong></td>
<td></td>
</tr>
</tbody>
</table>
Six-Year Funding Balance

Estimated revenues from transportation sources within the six-year time period (2017-2022) have been compared to capital project costs. The six year Capital Improvement Plan includes $48,708,185 of capital costs and this study presents $45,348,483 of potential revenues plus $18.2 million of available transportation fund balances.

Parks and stormwater capital improvement requests over the next six years total $10,099,000. Funding sources, including grants, REET II, and available fund balance amounts total $17,120,521. In addition, Birch Bay Watershed and Aquatic Resources Management (BBWARM) District, which is an entity separate from Whatcom County, is requesting to use a small amount of REET II funding for their projects. Their projects over the six year period total $3,015,000. They are requesting $40,000 of REET II from available fund balance amounts. The District’s own funding sources will cover the other $2,975,000.

New sheriff’s office facilities are estimated at $19,040,000 to be financed by non-voted bonds and paid back from General Fund sources. New jail facilities are estimated at $112,000,000 to be financed by non-voted bonds and paid back from new voter-approved sales taxes. The County’s current non-voted debt capacity is $365 million.

Regarding other general capital facilities, sources over the 2017-2022 Capital Improvement Plan period total $35,103,842 whereas needs total $26,622,563.

Table 16-15. 2017 – 2022 Revenues Available to Fund the Six Year CIP

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation Revenues</td>
<td>$7,449,641</td>
<td>$7,493,983</td>
<td>$7,540,443</td>
<td>$7,586,081</td>
<td>$7,615,672</td>
<td>$7,661,463</td>
<td>$45,348,483</td>
<td>$113,292,284</td>
<td>$149,986,035</td>
</tr>
<tr>
<td>Real Estate Excise Tax</td>
<td>$4,001,421</td>
<td>$4,346,068</td>
<td>$4,382,913</td>
<td>$4,419,759</td>
<td>$4,459,604</td>
<td>$4,493,450</td>
<td>$26,100,214</td>
<td>$66,777,054</td>
<td>$83,988,335</td>
</tr>
<tr>
<td>Rural Sales Tax</td>
<td>$1,115,534</td>
<td>$1,152,140</td>
<td>$1,190,161</td>
<td>$1,229,436</td>
<td>$1,270,008</td>
<td>$1,311,918</td>
<td>$7,268,987</td>
<td>$14,986,035</td>
<td>$18,255,060</td>
</tr>
<tr>
<td>Conservation Futures</td>
<td>$54,204</td>
<td>$55,776</td>
<td>$57,394</td>
<td>$59,058</td>
<td>$60,771</td>
<td>$62,533</td>
<td>$349,736</td>
<td>$1,092,028</td>
<td>$1,431,764</td>
</tr>
<tr>
<td>Parks State Grants</td>
<td>$34,509</td>
<td>$34,990</td>
<td>$35,478</td>
<td>$35,972</td>
<td>$36,474</td>
<td>$36,983</td>
<td>$214,408</td>
<td>$575,304</td>
<td>$790,712</td>
</tr>
<tr>
<td>Stormwater Grants</td>
<td>$356,948</td>
<td>$358,038</td>
<td>$359,101</td>
<td>$360,144</td>
<td>$361,157</td>
<td>$362,144</td>
<td>$2,157,532</td>
<td>$5,157,111</td>
<td>$6,314,626</td>
</tr>
<tr>
<td>Total Capital Revenues</td>
<td>$13,012,057</td>
<td>$13,441,996</td>
<td>$13,565,490</td>
<td>$13,690,449</td>
<td>$13,800,886</td>
<td>$13,928,490</td>
<td>$81,439,368</td>
<td>$201,899,825</td>
<td>$243,379,686</td>
</tr>
</tbody>
</table>

Economic Development Planning

In addition to this CFP and the County’s Comprehensive Plan Economic Element, the County has also engaged in an economic development strategy through the Economic Development Investment (EDI) Program. The program plans for and funds infrastructure including but not limited to roads, bridges, water facilities, sanitary sewer facilities, and storm sewer facilities. Economic development planning efforts also resulted in a report entitled the Whatcom County Comprehensive Economic Development Strategy (CEDS) (March 2015) which identifies goals and strategies for growing the Whatcom County economy without sacrificing its natural assets. The CEDS identifies and prioritizes actions for achieving its goals. It also identifies projects, including their cost and potential funding sources, that are needed to help the County achieve its economic development goals. Executive recommendations adopted by the County Council designate 70% of the Rural
Counties Public Facility Tax be set aside for economic development loans and grants to governmental entities throughout the county.

NOTES:

1. This draft Whatcom County 20-Year Capital Facilities Plan will continue to be updated, as city and special district plans are updated and submitted to the County.

2. The existing Whatcom County 20-Year Capital Facilities Plan will be repealed in its entirety.
Exhibit 2

Six-Year Capital Improvement Program For Whatcom County Facilities 2013-2018

[Note: this appendix is proposed to be deleted and replaced in its entirety]
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Chapter 1—Introduction

The Growth Management Act requires that the County’s Comprehensive Plan include a “capital facilities plan element” (RCW 36.70A.070(3)). The Whatcom County Comprehensive Plan calls for the County to develop and update the Six-Year Capital Improvement Program for County projects. The main purpose of this Capital Improvement Program is to plan County facilities to serve the people of Whatcom County over the next six years.

Growth Management Act Requirements

According to the Growth Management Act, a county’s capital facilities plan must include five items, which are shown below:

A. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

Current inventories of existing County capital facilities, based upon information provided by various County departments, are included in each chapter of this document.

B. A forecast of future needs for such capital facilities.

Chapters 4 and 6 of the Whatcom County Comprehensive Plan establish “level of service” standards for County parks, administrative facilities (i.e., Sheriff’s office space), correction facilities, and transportation. Level of service standards are expressed in acres of parkland needed for every 1,000 people in the County, square feet of Sheriff’s office space needed to serve each person in the County, etc. Forecasts of future needs for capital facilities over the six-year planning period are determined by applying the adopted level of service for a given facility to the expected population in the year 2018.

C. Proposed locations and capacities of expanded or new capital facilities.

General locations and capacities (acres of parkland, jail beds, etc.) of proposed new County facilities are indicated in this document.

D. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

This Six-Year Capital Improvement Program presents costs and funding sources for proposed County capital facilities (all figures are in 2012-dollars). There are a variety of funding sources that the County utilizes to pay for capital facilities, including real estate excise tax, conservation futures, the public utilities improvement fund, the jail fund and grants. One other potential source is the County’s General Fund. The Finance Manager for Whatcom County indicated that, over the six-year planning period, there would be little revenue in the County’s General Fund to finance capital facilities. However, the capital facilities proposed in this Six-Year Capital Improvement Program are within the County’s funding capacity. Specifically, Whatcom County’s unused limited tax general obligation
bond long-term debt capacity at the end of 2011 was $337,885,810, which far exceeds the expenditures proposed by this Six-Year Capital Improvement Program. Therefore, it would be possible to issue bonds to pay for capital facilities if revenue is increased, expenses decreased, or programs reprioritized to make debt service payments.

Revenue and expenditure projections for roads and related non-motorized facilities are set forth in the six-year transportation improvement program.

E. A requirement to reassess the land-use element if probable funding falls short of meeting existing needs and to ensure that the land-use element, capital-facilities plan element, and financing plan within the capital-facilities plan element are coordinated and consistent.

Finally, in accordance with the Growth Management Act, a requirement to reassess the land-use element of the Comprehensive Plan if probable funding falls short of meeting existing needs and to ensure consistency between plans already exists in the Comprehensive Plan (Policy 4A-4):

**Charter Provisions and the County Budget**

In addition to Growth Management Act provisions relating to capital facilities, Section 6.30 of the County Charter also requires the County to include a six-year capital improvement program as part of the budget. Appropriation for 2013-2014 capital projects may be included in the biennial budget or may be adopted through the supplemental budget process. Ultimate funding for capital improvement projects is subject to County Council authorization in the adopted budget. Costs identified for 2015-2018 are included for planning purposes and review of potential future needs, but not for budget authorization at this time.

**Contracting for Services**

Whatcom County may contract with other entities, such as the Council of Governments and the Northwest Regional Council, for vital community services. These contracts represent County participation in providing essential services alongside other partners, without the need to construct County-owned capital facilities, which can be very costly.

**Chapter 2 – Parks, Trails, and Activity Centers**

**Parks**

*Existing Parks and Open-Space Areas*

The 2012 inventory of County-owned parks and open-space areas show a total of 7,145 acres. This inventory, shown below, is a partial list.

**Table 1: Existing Parks**

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Park-Name and Location</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon Park, 7499 Alderson Rd.</td>
<td>68.19</td>
</tr>
<tr>
<td>2</td>
<td>Deming Eagle Homestead Park, Truck Rd.</td>
<td>33.00</td>
</tr>
<tr>
<td>3</td>
<td>Hovander Homestead Park and Tennant Lake, 5299 Nielsen Rd.</td>
<td>333.42</td>
</tr>
</tbody>
</table>

*Whatcom County Comprehensive Plan*
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intercan Trail/Teddy Bear Cove Parkway, Chuckanut Dr.</td>
<td>11.19</td>
</tr>
<tr>
<td>Jackson Rd. – Beach Access, Birch Bay</td>
<td>0.15</td>
</tr>
<tr>
<td>Jensen Family Forest Park, Stein Rd. – Birch Bay Lynden Rd.</td>
<td>21.48</td>
</tr>
<tr>
<td>Josh VanderYacht Park, 4106 Valley Highway</td>
<td>1.99</td>
</tr>
<tr>
<td>Lake Whatcom Park, North Shore Rd.</td>
<td>218.00</td>
</tr>
<tr>
<td>Lighthouse Marine Park, 811 Marine Dr. – Point Roberts</td>
<td>20.49</td>
</tr>
<tr>
<td>Lily Point Marine Park Reserve, East end of APA Rd., in Point Roberts</td>
<td>130.20</td>
</tr>
<tr>
<td>Lummi Island Overlook, Nugent Rd.</td>
<td>0.16</td>
</tr>
<tr>
<td>Maple Beach Park, Boundary Bay Rd., in Point Roberts</td>
<td>0.50</td>
</tr>
<tr>
<td>Monument Park, Marine Dr., and Roosevelt in Point Roberts</td>
<td>6.94</td>
</tr>
<tr>
<td>Northwest Soccer Park/Baseball &amp; Softball Complex, Smith Rd. and Northwest Dr.</td>
<td>35.00</td>
</tr>
<tr>
<td>Nugent’s Corner Access, 3671 Mt. Baker Highway</td>
<td>14.00</td>
</tr>
<tr>
<td>Point Whitehorn Marine Reserve, Kechn Rd.</td>
<td>54.10</td>
</tr>
<tr>
<td>Samish Park, 673 N. Lake Samish Dr.</td>
<td>30.61</td>
</tr>
<tr>
<td>Semiahmoo Park, 9261 Semiahmoo Parkway</td>
<td>17.92</td>
</tr>
<tr>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>412.05</td>
</tr>
<tr>
<td>Squires Lake Park, 135 Old Highway 99 North Rd.</td>
<td>84.15</td>
</tr>
<tr>
<td>Stimpson Family Nature Reserve, Lake Louise Rd.</td>
<td>371.27</td>
</tr>
<tr>
<td>Sunset Beach, West Shore Dr. on Lummi Island</td>
<td>2.25</td>
</tr>
<tr>
<td>Sunset Farm, 7980 Blaine Rd.</td>
<td>69.50</td>
</tr>
<tr>
<td>Ted Edwards Park, Oriental Ave.</td>
<td>3.85</td>
</tr>
<tr>
<td>Welcome Bridge Access, Mosquito Lake Rd.</td>
<td>0.60</td>
</tr>
<tr>
<td>Bay to Baker Trail</td>
<td>118.00</td>
</tr>
<tr>
<td>Birch Bay-Shoreline Properties</td>
<td>11.35</td>
</tr>
<tr>
<td>Canyon Lake Creek Community Forest</td>
<td>2,266.00</td>
</tr>
<tr>
<td>Chuckanut Mountain Park</td>
<td>999.80</td>
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<tr>
<td>Olsen Property</td>
<td>366.70</td>
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<tr>
<td>Plantation Rifle Range</td>
<td>60.00</td>
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<tr>
<td>South Fork Regional Park</td>
<td>603.00</td>
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<tr>
<td>Halverson Park</td>
<td>5.60</td>
</tr>
<tr>
<td>Roeder Home</td>
<td>1.15</td>
</tr>
<tr>
<td>Total</td>
<td>6,374.61</td>
</tr>
</tbody>
</table>

**Future Parks Level of Service**

A level-of-service of 9.6 acres of developed parkland for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan.

**Proposed Park Improvement Projects**

Seven park improvement projects are proposed to provide additional park space by the year 2018. These projects would add 271 acres of parkland in Whatcom County, as shown below.

Additionally, other park and recreation improvement projects are proposed on existing parkland. These projects will add recreational facilities at these parks, but will not add acreage to the inventory. Examples include playfields, picnic areas, restrooms, and parking.

**Financing for Park Improvement Projects**

The total cost of the seven proposed park improvement projects is approximately $2.5 million over the six-year planning period. These costs would be paid for...
through grants, real estate excise tax (REET), the park improvement fund, conservation futures, and flood funds as shown below.

Table 2: Park Improvement Projects, 2013–2018

<table>
<thead>
<tr>
<th>Site No. and Project Name</th>
<th>Acres</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cherry Point / Point Whitehorn Industrial Area Access</td>
<td>35</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>150,000</td>
<td>150,000</td>
<td>300,000</td>
<td>1 and 2</td>
<td></td>
</tr>
<tr>
<td>2. Ditrich Park Lake Samish</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>250,000</td>
<td>250,000</td>
<td>500,000</td>
<td>1 and 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Lake Whatcom County Park South Unit</td>
<td>83</td>
<td>0</td>
<td>0</td>
<td>130,000</td>
<td>130,000</td>
<td>130,000</td>
<td>130,000</td>
<td>520,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>4. Maple Falls Park</td>
<td>73</td>
<td>0</td>
<td>0</td>
<td>150,000</td>
<td>150,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300,000</td>
</tr>
<tr>
<td>5. Riverplace Park Ferndale</td>
<td>50</td>
<td>100,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100,000</td>
</tr>
<tr>
<td>6. South Fork Regional Park, Mosquito Lake Rd.</td>
<td>0</td>
<td>0</td>
<td>250,000</td>
<td>400,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>650,000</td>
<td>1, 2 and 3</td>
</tr>
<tr>
<td>32. Sunnyside Landing Park, North Shore Rd.</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>50000</td>
<td>50000</td>
<td>0</td>
<td>0</td>
<td>100,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>271</strong></td>
<td><strong>100,000</strong></td>
<td><strong>400,000</strong></td>
<td><strong>730,000</strong></td>
<td><strong>430,000</strong></td>
<td><strong>530,000</strong></td>
<td><strong>280,000</strong></td>
<td><strong>2,470,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

Funding Source Key:
1: Grants
2: REET II
3: Park Improvement Fund
4: Conservation Futures
5: Flood Fund

Trails

Existing Trails
Whatcom County currently has 60.63 miles of trails in various locations throughout the County. This inventory is shown below.
Table 3: Inventory of Existing Trails

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Trail Name and Location</th>
<th>Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Crest, Sunset Dr. and Woodbridge Dr., Birch Bay</td>
<td>0.21</td>
</tr>
<tr>
<td>2</td>
<td>Bay Horizon, 7499 Alderson Rd.</td>
<td>0.25</td>
</tr>
<tr>
<td>3</td>
<td>Bay to Baker Maple Falls-Blacksberg</td>
<td>4.00</td>
</tr>
<tr>
<td>4</td>
<td>Canyon Lake, off Canyon Lake Rd.</td>
<td>4.50</td>
</tr>
<tr>
<td>5</td>
<td>Chuckanut Ridge</td>
<td>0.36</td>
</tr>
<tr>
<td>6</td>
<td>Deming Homestead Eagle Park, Truck Rd.</td>
<td>0.30</td>
</tr>
<tr>
<td>7</td>
<td>Hemlock, Chuckanut area</td>
<td>3.53</td>
</tr>
<tr>
<td>8</td>
<td>Hovander Marrietta Coast Millennium Trail</td>
<td>4.90</td>
</tr>
<tr>
<td>9</td>
<td>Huckleberry, Chuckanut area</td>
<td>0.43</td>
</tr>
<tr>
<td>10</td>
<td>Interurban, Chuckanut area</td>
<td>2.80</td>
</tr>
<tr>
<td>11</td>
<td>Jensen, Stein Rd. and Birch Bay Lynden Rd.</td>
<td>0.61</td>
</tr>
<tr>
<td>12</td>
<td>Lake Samish, 673 N. Lake Samish Dr.</td>
<td>1.30</td>
</tr>
<tr>
<td>13</td>
<td>Lake Whatcom Park</td>
<td>4.02</td>
</tr>
<tr>
<td>14</td>
<td>Lily Point, Point Roberts</td>
<td>4.17</td>
</tr>
<tr>
<td>15</td>
<td>Lost Lake, Chuckanut area</td>
<td>3.07</td>
</tr>
<tr>
<td>16</td>
<td>Lower Salal, Chuckanut area</td>
<td>1.30</td>
</tr>
<tr>
<td>17</td>
<td>Madrona, Chuckanut area</td>
<td>0.78</td>
</tr>
<tr>
<td>18</td>
<td>Maple Creek, off Silver Lake Rd. in Maple Falls</td>
<td>1.50</td>
</tr>
<tr>
<td>19</td>
<td>Monument Park, Marine Dr. and Roosevelt in Point Roberts</td>
<td>0.18</td>
</tr>
<tr>
<td>20</td>
<td>Olsen Property Trail, Lake Whatcom Watershed</td>
<td>4.00</td>
</tr>
<tr>
<td>21</td>
<td>Ostrom Property, 4304 South Pass Rd.</td>
<td>0.66</td>
</tr>
<tr>
<td>22</td>
<td>Pine and Cedar Lakes, Chuckanut area</td>
<td>3.87</td>
</tr>
<tr>
<td>23</td>
<td>Point Whitehorn, Birch Bay area</td>
<td>0.75</td>
</tr>
<tr>
<td>24</td>
<td>Raptor Ridge, Chuckanut area</td>
<td>0.40</td>
</tr>
<tr>
<td>25</td>
<td>Salal, Chuckanut area</td>
<td>1.18</td>
</tr>
<tr>
<td>26</td>
<td>Semiahmoo East Paved</td>
<td>0.63</td>
</tr>
<tr>
<td>27</td>
<td>Semiahmoo West Footpath</td>
<td>0.45</td>
</tr>
<tr>
<td>28</td>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>3.10</td>
</tr>
<tr>
<td>29</td>
<td>Soccer Trail, Smith Rd. and Northwest Dr.</td>
<td>0.30</td>
</tr>
<tr>
<td>30</td>
<td>Squires Lake, 135 Old Highway 99 North Rd.</td>
<td>2.14</td>
</tr>
<tr>
<td>31</td>
<td>Stimson Reserve, Lake Louise Rd.</td>
<td>4.04</td>
</tr>
<tr>
<td>32</td>
<td>Sunset, 7989 Blaine Rd.</td>
<td>0.57</td>
</tr>
<tr>
<td>33</td>
<td>Teddy Bear Cove, Chuckanut area</td>
<td>0.33</td>
</tr>
</tbody>
</table>

TOTAL 60.63

Future Trail Needs
A level of service of 0.60 miles of trails for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, an additional 71 miles of trails would be needed by the year 2018 to serve the people of Whatcom County.

Trail Improvement Projects
Five improvement projects are proposed to provide additional trails to meet the anticipated need by the year 2018. These projects would add 71 miles of trails in Whatcom County, as shown below.
Financing for Trail Improvement Projects
The total cost of the five proposed trail improvement projects is approximately $6.2 million over the six-year planning period. These costs would be paid for through grants, REET, conservation futures, donations, and, potentially, a levy. This is an ambitious plan and funding needed to provide this level of service will, realistically, have to compete with higher priority functions of County government.

Table 4: Trail Improvement Projects, 2013-2018

<table>
<thead>
<tr>
<th>Site No. and Project Name</th>
<th>Miles</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bay to Baker Trail</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>4,000,000</td>
<td>1, 3 and 4</td>
</tr>
<tr>
<td>2. Chuckanut Mountain Trails</td>
<td>2.7</td>
<td>0</td>
<td>15,000</td>
<td>15,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
<td>1, 3 and 4</td>
</tr>
<tr>
<td>3. Hertz North Lake Whatcom Trail Extension</td>
<td>1</td>
<td>1,500,000</td>
<td>65,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,565,000</td>
<td>1, 2 and 5</td>
</tr>
<tr>
<td>4. South Fork Regional Park Trail</td>
<td>4.3</td>
<td>0</td>
<td>75,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>75,000</td>
<td>1, 2 and 5</td>
</tr>
<tr>
<td>5. Lake Whatcom Trails - Reconveyance Lands</td>
<td>55</td>
<td>0</td>
<td>0</td>
<td>125,000</td>
<td>125,000</td>
<td>125,000</td>
<td>175,000</td>
<td>550,000</td>
<td>1, 2 and 5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>71</strong></td>
<td><strong>1,500,000</strong></td>
<td><strong>155,000</strong></td>
<td><strong>1,140,000</strong></td>
<td><strong>1,125,000</strong></td>
<td><strong>1,125,000</strong></td>
<td><strong>1,175,000</strong></td>
<td><strong>6,220,000</strong></td>
<td><strong>1, 3 and 4</strong></td>
</tr>
</tbody>
</table>

Funding Source Key
1. Grants
2. REET II
3. Conservation Futures
4. Levy
5. Donations

Notes: Lake Whatcom Trails are predicated on pending Department of Natural Resources reconveyance transaction within the Lake Whatcom watershed. For the Bay to Baker Trail and Lake Whatcom Trails, trail alignments and lengths are pending land acquisition, property easement negotiation and final trail design.

Activity Centers
Existing Activity Centers
There are currently 12 activity centers that provide a variety of year-round programs for various age groups. The activity center inventory is shown below.
Table 5. Inventory of Existing Activity Centers

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Activity Center Name and Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bay Horizon, 7499 Alderson Rd.</td>
</tr>
<tr>
<td>2</td>
<td>Bellingham Senior Activity Center, 315 Halleck St.</td>
</tr>
<tr>
<td>3</td>
<td>Blaine Community/Senior Center, 763 G Street</td>
</tr>
<tr>
<td>4</td>
<td>Everson Senior Center, 111 W. Main</td>
</tr>
<tr>
<td>5</td>
<td>Ferndale Senior Center, 1998 Cherry Street</td>
</tr>
<tr>
<td>6</td>
<td>Lynden Community Center, 401 Grover Street</td>
</tr>
<tr>
<td>7</td>
<td>Plantation Rifle Range, 5102 Samish Way</td>
</tr>
<tr>
<td>8</td>
<td>Point Roberts Community Center, 1487 Gulf Road</td>
</tr>
<tr>
<td>9</td>
<td>Roeder Home, 2600 Sunset Dr.</td>
</tr>
<tr>
<td>10</td>
<td>Sumas Community Center, 461 2nd Street</td>
</tr>
<tr>
<td>11</td>
<td>Van Zandt Community Hall, 4106 Valley Highway</td>
</tr>
<tr>
<td>12</td>
<td>Welcome Valley Senior Center, 5103 Mosquito Lake Rd.</td>
</tr>
<tr>
<td>13</td>
<td>East Whatcom Regional Resource Center, 8251 Kendall Rd.</td>
</tr>
</tbody>
</table>

Note: The Blaine, Everson, Lynden and Sumas Centers are owned by these respective cities. The Point Roberts Community Center is owned by the Point Roberts Park District. Whatcom County provides-and/or-contracts-for-senior-activities-and-recreational programming at these centers.

Future Activity Center Needs

A level-of-service standard of five activity centers for every 100,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, no additional centers would be needed by the year 2018 to meet the adopted level of service.

Proposed Activity Center Improvement Projects

No improvement projects that would add usable indoor space are proposed within the six-year planning period. Maintenance projects may be undertaken.

Financing for Activity Center Improvement Projects

Not applicable.

Other Park and Recreation Projects

Pursuant to RCW 82.46.010, RCW 82.46.035 and WCC 3.20, the following park, trail, and recreational facility improvements have been identified as projects that will be funded or partially funded with the Real Estate Excise Tax (REET I or REET II). These are in addition to the projects identified above that will utilize REET funds:

- Bay Horizon Park
  - Playfields
  - Park trails
- Birch Bay
  - Restrooms, parking improvements, open space improvements and access
- Canyon Lake
  - Access road repairs
- Coast Millennium Trail
  - Trail construction
- **East Whatcom Regional Resource Center**
  Play fields
  Covered-play area

- **Hovander Park – Tennant Lake**
  Improve accessibility, exhibits and function in animal contact area
  Improve vehicle access, entrance and non-motorized accessibility
  Construct new restroom building(s)
  Evaluate & rectify sinking building foundation Hovander Home
  Reconstruct / replace Tennant Lake boardwalk
  Surface / improve parking areas and access roads
  Construct group camp area and sites
  Construct special event group picnic area and shelters
  Construct bike / pedestrian facility over Nooksack River to connect with Pioneer Park
  Improve road access into park
  Remodel interior of interpretive center
  Adapt machine shed for public use
  Boat launch improvements
  Replace roofs and paint buildings

- **Lake Whatcom Parks and Trails**
  Construct two vehicle-accessible bridges at Hertz Trail
  Construct day-use areas
  Construct public restrooms
  Construct / replace docks
  Develop trailheads
  Utilize residence for events

- **Lighthouse Marine Park**
  Resurface parking areas
  Replace playground
  Replace boardwalk and buildings
  Construct observation deck
  Cabins

- **Maple Beach**
  Parking
  Restrooms

- **Nooksack River Trail**
  Develop multi-use trail

- **Northwest Annex Trail**
  Surface 1.0 mile trail

- **Nugent's Corner**
  Open-shelter
  Trail improvements
  Accessible fishing platform
  Restroom

- **Olsen Property (Lookout Mountain Access)**
  Restroom
  Parking improvements

- **Plantation Rifle Range**
Renovate impact berm; add retaining wall and re-grade
Resurface parking area
Resurface access road
Replace HVAC

Samish Park
Misc. accessibility/picnic improvements—precast-paver-access-path, re-grading and gravel resurfacing
Replace playground
Re-grade and resurface existing parking area and install plastic stall-stripping
Survey existing conditions, perform engineering analysis and bank stabilization, and optimize parking configuration
Repair rotted wall and pitch roof
Improve parking area

Semiahmoo Park
Concession building electrical, plumbing & fixture improvements

• Silver Lake Park
Replace park playground
Replacement of 300' of boardwalk
Renovate all cabins, indoor plumbing, flooring and insulation
Construct new shower and restroom building in campground
Replace restroom in equestrian campground
Install new electrical service, pads, road surfacing, water and walkways
Install services and surface road
Relocate road to accommodate cabin septic tanks, etc.
Replace garage at residence
Replace windows, electrical service, insulate, and siding
Install playgrounds in campgrounds
Repair rot, etc. in lodges
Horse camp shelter re-roofing
Trail improvements
ADA improvements
New campground and cabins

• Stimpson Family Nature Reserve
Restroom

• Sunset Farm
Improve 0.5 mile trail and connect to community trail system
Restrooms
Stable Repairs
Landscaping

• Teddy Bear Cove
Woodstock Farm connector trail

• Warnick Bridge
Trailhead improvements

• Miscellaneous locations
Roof replacements (shop and office)
Insulation and siding (shop and office)
Parking lots
Landscaping
Stormwater improvements
Interpretive signs

- Planning and Design
  - Update Comprehensive Parks, Recreation and Open Space Plan
  - Park master plans

Chapter 3 – Maintenance and Operations

Existing Maintenance and Operations Space
The 2012 inventory of maintenance & operations/facilities management space that serves the County is 44,411 square feet. This inventory is shown below.

Table 6. Inventory of Existing Maintenance and Operations Space

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Central Shop, 901 W. Smith Rd. (Maintenance and Operations)</td>
<td>35,773</td>
</tr>
<tr>
<td>2</td>
<td>316 Lottie St. (Facilities Management)</td>
<td>4,978</td>
</tr>
<tr>
<td>3</td>
<td>Minimum Security Correction Facility – 2030 Division St.</td>
<td>3,660</td>
</tr>
</tbody>
</table>
  (Facilities Management Storage)

TOTAL 44,411

Proposed Maintenance and Operations Improvement Projects
No improvement projects that would add usable space are proposed within the six-year planning period. Only maintenance projects may be undertaken.

Financing Maintenance and Operations Improvement Projects
Not applicable.

Chapter 4 – Government Office Space

Existing Office Space
The 2012 inventory of County government office space is 180,769 square feet at eight locations. This inventory is shown below.

Table 7. Inventory of Government Office Space

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civic Center Annex (322 North Commercial)</td>
<td>20,279</td>
</tr>
<tr>
<td>2</td>
<td>Central Plaza Building (215 N. Commercial)</td>
<td>10,307</td>
</tr>
<tr>
<td>4</td>
<td>County Courthouse (311 Grand Avenue)</td>
<td>94,678</td>
</tr>
<tr>
<td>5</td>
<td>Forest St. Annex (1000 North Forest St.)</td>
<td>6,487</td>
</tr>
<tr>
<td>6</td>
<td>509 Girard St.</td>
<td>13,189</td>
</tr>
<tr>
<td>7</td>
<td>3373 Mt. Baker Highway</td>
<td>2,110</td>
</tr>
<tr>
<td>8</td>
<td>1500 N. State St.</td>
<td>12,281</td>
</tr>
<tr>
<td>9</td>
<td>Northwest Annex (5280 and 5256 Northwest Dr.)</td>
<td>21,438</td>
</tr>
</tbody>
</table>

Total 180,769
Proposed New Office Building Projects
No new buildings are proposed within the six-year planning period. Only improvement and maintenance projects in existing buildings are proposed (see chapter 11).

Financing Maintenance and Operations Improvement Projects
Not applicable.

Chapter 5 - Sheriff’s Office

Existing Sheriff’s Office Space
The 2012 inventory of Sheriff’s office space is 23,962 square feet, serving the unincorporated population. This inventory is shown below.

Table 8: Inventory of Existing Sheriff’s Office Space

<table>
<thead>
<tr>
<th>Site No</th>
<th>Facility Name</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Safety Building (311 Grand Ave)</td>
<td>15,102</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Security Correction Facility (2030 Division St.)</td>
<td>6,000</td>
</tr>
<tr>
<td>3</td>
<td>Inspector’s Office, Civic Center Building (322 N. Commercial)</td>
<td>920</td>
</tr>
<tr>
<td>4</td>
<td>Laurel Fire Hall (6028 Guide Meridian)</td>
<td>1,500</td>
</tr>
<tr>
<td>5</td>
<td>Kendall Satellite Office</td>
<td>160</td>
</tr>
<tr>
<td>6</td>
<td>Birch Bay Fire Hall</td>
<td>192</td>
</tr>
<tr>
<td>7</td>
<td>Nugent’s Corner Fire Hall</td>
<td>88</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>23,962</td>
</tr>
</tbody>
</table>

Notes:
1. The Sheriff’s Office also has storage facilities at various locations in Whatcom County.
2. The County has two mobile homes and an old detention facility in Point Roberts. The resident deputies operate out of their homes or utilize space at the U.S. Customs office at the border.

Existing Sheriff’s Office facilities locations and square footage include shared space at local fire districts that is available depending on Fire District needs and is generally subject to change with short notice or no notice, and rented or leased space not solely dedicated to Sheriff’s Office use.

Future Sheriff’s Office Needs
A level of service of 0.26 square feet of Sheriff’s Office space per capita was adopted in the Comprehensive Plan. With projected population growth in unincorporated Whatcom County over the next six years, a small amount of additional Sheriff’s Office space (approximately 81 square feet) would be needed in 2018 to meet the adopted level of service. A plan has not been formulated at the present time to increase the Sheriff’s Office space. Therefore, either the LOS will need to be re-evaluated at the next comprehensive plan update or a plan will need to be formulated to provide additional office space in the future. Most Sheriff’s Office functions are based in the Public Safety Building adjacent to the Courthouse and are remote to the vast majority of Sheriff’s Office Bureau of Law Enforcement and Investigative Services functions that take place in unincorporated Whatcom County. This results in inefficiencies and delays. Space and design factors in
current facilities preclude consolidating various functions performed throughout the agency (reception, finance, etc.) and result in redundancies. When fiscally feasible, existing Sheriff's Office facilities and associated functions should be consolidated (except for "Resident-Deputy" program facilities).

**Proposed Sheriff's Office Improvement Projects**
At the current time, no improvement projects that would add usable space are proposed within the six-year planning period.

**Financing Maintenance and Operations Improvement Projects**
Not applicable.

**Chapter 6 – Emergency Management/Emergency Operations Center (EOC)**

**Existing Emergency Management/EOC Space**
The 2012 inventory of Division of Emergency Management office space is 1,821 square feet, located in the Civic Center Annex as shown below. The active Emergency Operation Center for the county was closed in 2010. If an Emergency Operations Center is needed during an emergency, the portable building at the Central Shop, which is 3,600 square feet, is the designated site for set-up.

**Table 9: Existing Emergency Management/EOC Space**

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civic Center Annex (322 North Commercial)</td>
<td>1,821</td>
</tr>
</tbody>
</table>

**TOTAL** 1,821

**Future Emergency Management/EOC Needs**
The Division of Emergency Management requires both daily office space for Emergency Management and, during an actual emergency, additional space for the emergency operations center (EOC). During an emergency, the EOC may have to accommodate several hundred people in a single day. These people include a combination of elected officials, trained personnel and volunteers, who serve in a variety of capacities during the emergency.

A level of service of 0.011 square feet of emergency operations space per capita was adopted in the Comprehensive Plan. With projected population growth an additional 578 square feet, over and above the existing 1,821 square feet of office space, would be needed by the year 2018 to meet the adopted level of service. However, during an emergency when a location for an EOC is needed, there is access to the portable building at the Central Shop (approximately 3,600 square feet). This is a designated "cold site" that will require 45 minutes to 1 1/2 hours to set-up.

The Division of Emergency Management may need to move out of the Civic Center Annex within the next year, as other County functions may move into this space. The County is working to develop a comprehensive and coordinated plan to re-

*Whatcom County Comprehensive Plan*
locate Emergency Management, with the goal of assuring appropriate long-term facilities. However, this plan has not yet been finalized.

**Proposed Emergency Management/EOC Projects**

No improvement projects that would add usable space are proposed within the six-year planning period.

**Financing Maintenance and Operations Improvement Projects**

Not applicable.

**Chapter 7—Jails**

**Existing Jail Facilities**

The main County jail was designed for 148 beds, although it currently has 283 beds due to double bunking, internal remodeling and use of temporary beds. In 2011, the average daily population for the main jail was 265. Additionally, the jail is currently not in compliance with the Building/Fire Codes for double bunking, although a plan has been approved to bring it into compliance. Whatcom County completed construction of a 150-bed minimum-security correction facility on Division St. in 2006. In 2011, the average daily population for the minimum security facility was 137. The main jail is located in the Public Safety Building next to the County Courthouse in downtown Bellingham and minimum-security correction facility is located in the Bakerview Rd. industrial area.

**Table 10: Inventory of Existing Jail Beds**

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Safety Building (311 Grand Ave.)</td>
<td>283</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Security Correction Facility (2030 Division St.)</td>
<td>150</td>
</tr>
</tbody>
</table>

**Future Jail Needs**

A level of service of 1.42 beds for every 1,000 people in the County was adopted in 1997 in the Whatcom County Comprehensive Plan. Based on the actual average daily populations of the two County jail facilities, the County plans to review this level of service. Average daily populations documented by the Corrections Bureau since 2006 have been well above the minimum number of beds required by the current level of service standard. The County needs to review and update the existing level of service standard. This review will begin in 2013.

**Proposed Jail Improvement Projects**

There are serious concerns among law and justice officials relating to jail facility needs in the community. This need has been documented by recommendations from the Whatcom County Law and Justice Plan Phase II Report (June 2000), in a report entitled Operational Review of the Whatcom County, Washington Jail (March 2004), and in the Whatcom County Jail Planning Task Force Recommendations (Dec. 2011 and March 2012). In an effort to meet the community need, the County will be siting and constructing a Sheriff’s Office New Main Jail Facility, tentatively
scheduled to open with 600 beds. At the time the Sheriff's Office New Main Jail Facility is open, the offenders at the minimum-security corrections facility would be relocated to the new facility. A location for the Sheriff's Office New Main Jail Facility has not been selected. It is anticipated that the new jail facility will come on line by 2016.

**Financing for Jail Improvement Projects**
The cost of the proposed Sheriff's Office New Main Jail Facility is approximately $60,000,000 within the six-year planning period. These costs would be paid for through the general fund, REET-1, public utilities improvement fund, jail fund and voter and/Council approved bonds.

**Table 11: Jail Improvement Projects to Serve County-Wide, 2013-2018**

<table>
<thead>
<tr>
<th>Site No. and Project Name</th>
<th>Beds</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sheriff's Office New Main Jail Facility</td>
<td>600</td>
<td>10,000,000</td>
<td>10,000,000</td>
<td>18,000,000</td>
<td>18,000,000</td>
<td>4,000,000</td>
<td>0</td>
<td>60,000,000</td>
<td>1, 2, 3, 4 and 5</td>
</tr>
</tbody>
</table>

Note: Additional projections and analysis indicate there may be a need for more than 600 beds, but these are still under review.

**Funding Source Key**
1. General Fund
2. REET-1
3. Public Utilities Improvement Fund
4. Jail Fund
5. Bonds

**Chapter 8—Juvenile Detention**

**Existing Juvenile Detention Facilities**
The 2012 inventory of County juvenile detention facilities includes 32 beds serving the county-wide population. The juvenile detention facility is located on the sixth floor of the County Courthouse at 311 Grand Avenue.

**Table 12: Inventory of Existing Juvenile Detention Facilities**

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Facility Name</th>
<th>Beds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>County Courthouse (311 Grand Ave.)</td>
<td>32</td>
</tr>
</tbody>
</table>

**Future Juvenile Detention Needs**
A level-of-service of 0.125 beds per 1,000 population was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, no additional beds would be needed by the year 2018 to meet the adopted level of service.

**Proposed Juvenile Detention Projects**
No improvement projects are currently proposed that would increase the number of permanent beds within the six-year planning period.
Financing for Juvenile Detention Improvement Projects
Not applicable.

Chapter 9 — Transportation

Roads
Existing Roads
The 2011 inventory shows a total of 941.5 miles of County roads. Additionally, there are 217.5 miles of state highways in Whatcom County (including I-5). Therefore, there are approximately 1,159 miles of public roads in Whatcom County.

Future Road Needs
The Whatcom County Comprehensive Plan sets level of service (LOS) standards for County roads. Future traffic and the level of service for roads can be forecasted using computer modeling software. The Whatcom Council of Governments forecasts future traffic utilizing a computer transportation model. This modeling effort will inform transportation planning in Whatcom County.

Whatcom County accomplishes planning for County road improvements by approving a Six-Year Transportation Improvement Program each year, as required by RCW 36.81.121.

Proposed Improvement Projects
The Whatcom County Council approved the Six-Year Transportation Improvement Program for the years 2013 through 2018 under Resolution No. 2012-023. This six-year plan includes preliminary planning for two proposed new road projects:

- Horton Road Connector (between Northwest Drive and Aldrich Road); and
- Lincoln Road extension (between Harborview Road and Blaine Road).

While these two projects are on the Six-Year Transportation Improvement Program, construction is not anticipated within the six-year planning period. Rather, preliminary engineering to determine project feasibility may be initiated within this timeframe.

The six-year plan also includes a number of bridge replacements, several reconstruction projects, and the Birch Bay Drive & Pedestrian Facility improvements, which include pedestrian and non-motorized enhancements along Birch Bay Dr. from Alderson Rd. to Harborview Rd.

In addition to the projects in the Six-Year Transportation Program, the Lincoln Road/Birch Point connector is a developer-funded project. The project completion date is unknown because of current economic conditions.

Financing for Improvement Projects
The total cost of the County transportation projects in the Six-Year Transportation Improvement Program is $48,236,000. These costs include $24,705,000 of County funds, with the remainder being funded by the State and Federal governments. These costs are shown in greater detail in Resolution No. 2012-023.
Lummi Ferry

Existing Ferry Facilities
Whatcom County currently has one ferry vessel serving Lummi Island. The ferry runs between Lummi Island and Gooseberry Point on a daily basis.

Future Ferry Needs
The Whatcom County Comprehensive Plan sets a level-of-service of 513 ferry passenger trips annually per capita of Lummi Island population. Based upon projected population, the Lummi ferry will not meet the adopted level-of-service over the six-year planning period.

The Whatcom County Comprehensive Plan sets a level-of-service of 513 ferry passenger trips annually per capita of Lummi Island population. Based upon projected population, the Lummi ferry will not meet the adopted level-of-service over the six-year planning period. Therefore, it will be appropriate to consider revising the LOS standard during the next comprehensive plan update.

Proposed Ferry Improvement Projects
No improvement projects that would add ferry capacity are proposed within the six-year planning period.

Financing for Ferry Improvement Projects
No improvement projects that would add ferry capacity are proposed within the six-year planning period. Other ferry improvement costs are shown on the Six-Year Transportation Improvement Program.

Chapter 10—Stormwater and Flood Protection Facilities

Stormwater

Existing Stormwater Management Facilities
Public Works Department is responsible for the design, engineering, and construction of county-owned stormwater facilities. Many stormwater facilities are road-related stormwater conveyance systems, such as culverts and ditches, on and adjacent to county roads. Others are off-right-of-way facilities that control storm flows and improve water quality.

In response to (1) increasing federal and state mandates to manage stormwater and (2) the public's desire to improve stewardship of sensitive watersheds, Whatcom County established a Stormwater Section in the Surface Water Division of the Public Works Department in 2005. The Stormwater Section is responsible for planning, designing, engineering, and construction of stormwater facilities. Inventories of existing stormwater facilities are maintained by the Public Works Department. Engineering Services Division maintains an inventory of all road-related facilities. The Surface Water Division maintains an inventory of public and private stormwater facilities in the area covered by the county's NPDES Phase II permit for Municipal Separate Storm Sewer Systems. This inventory includes ditches, culverts, catch basins, vaults, ponds and swales. Stormwater projects that have been constructed since the Public Works Stormwater Section was created in 2005 are listed below.

Whatcom County Comprehensive Plan  F- 20
<table>
<thead>
<tr>
<th>Existing Site No.</th>
<th>Watershed Location</th>
<th>Facility Name</th>
<th>Year Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lake Whatcom</td>
<td>Geneva stormwater retrofits</td>
<td>2006</td>
</tr>
<tr>
<td>2</td>
<td>Lake Whatcom</td>
<td>Cable Street reconstruction &amp; stormwater improvements</td>
<td>2007</td>
</tr>
<tr>
<td>3</td>
<td>Lake Whatcom</td>
<td>Lahit Drive stormwater improvements</td>
<td>2010</td>
</tr>
<tr>
<td>4</td>
<td>Lake Whatcom</td>
<td>Silver Beach Creek improvements - Brownsville Drive to E. 16th Place</td>
<td>2011</td>
</tr>
</tbody>
</table>

Whatcom County Public Works received several awards for the Silver Beach Creek improvements, which were completed in 2011 (existing site no. 4 above). Silver Beach Creek experiences increased stormwater runoff and greater peak flows due to its developed landscape. This project is designed to substantially improve water quality and reduce flooding in an especially problematic reach of the creek. The project included reshaping and stabilizing the stream channel, installing water quality treatment swales, and installing stormwater vaults. These improvements filter phosphorus-containing sediment, alleviate flooding, reduce erosion, and promote infiltration. Project construction cost was approximately $900,000 and shared between local real estate excise tax (REET) revenues and a federal EPA grant.

**Financing for Stormwater Projects**

An increasing emphasis on the protection of sensitive watersheds has resulted in the adoption of comprehensive stormwater plans for Lake Whatcom and Birch Bay. A similar plan is currently being developed by the Lake Samish community. The adopted plans identify work towards planning, design, engineering, and construction of capital projects intended for the next six years.

Capital facilities that may be constructed during the next six years are listed below. Projects are expected to be financed by a combination of REET, grants, countywide Flood Control Zone District tax revenues, local Flood Control fees and, potentially, the county general fund. Where appropriate, matching contributions from other beneficiaries will be sought.
Table 14. Lake Whatcom Stormwater Projects 2013–2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Velocity and volume reductions, Coronado</td>
<td>290,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>290,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>2. Natural drainage retrofits, Strawberry sub-basin</td>
<td>330,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>330,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>3. Euclid Ave/Cedar Hills Install rain gardens, filter vaults and swales</td>
<td>0</td>
<td>500,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>4. Velocity and volume reductions, Agate Bay Lane</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>5. Water Quality protection, Agate Heights Reduce ditch erosion and install bio-infiltration swales</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>6. Stream restoration, Beaver Creek</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>220,000</td>
<td>0</td>
<td>0</td>
<td>220,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>7. Sudden Valley, water quality improvements Drainage system upgrades and water quality facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>8. Velocity reductions, Toad Lake at Academy Rd.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>400,000</td>
<td>0</td>
<td>400,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>9. Silver Beach Creek main channel restoration below Hills Dale</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>450,000</td>
<td>450,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>10. Lake Whatcom Blvd. stormwater improvements Vaults and roadside treatments</td>
<td>150,000</td>
<td>600,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>750,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>770,000</td>
<td>1,100,000</td>
<td>400,000</td>
<td>420,000</td>
<td>400,000</td>
<td>450,000</td>
<td>3,540,000</td>
<td></td>
</tr>
</tbody>
</table>

Funding Source Key
1: REET-H
2: Grants
3: Flood Control Zone District taxes
4: Local Flood Control Subzone District Fees
### Table 15: Birch-Bay Stormwater Projects 2013-2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cottonwood Bypass</td>
<td>400,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>400,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>Re-route to new outlet and installation of water quality treatment facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Cottonwood-Fern &amp; Beachway Neighborhood</td>
<td>150,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>150,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>drainage improvement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Shintaffer Road/Deer Creek, Partial re-route to new upgraded outlet water quality treatment facilities</td>
<td>0</td>
<td>425,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>425,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>4. Roger’s Slough, System upgrades to reduce flooding and provide water quality treatment facilities</td>
<td>50,000</td>
<td>0</td>
<td>250,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>5. Birch Bay Dr., Stormwater upgrades to beach outfalls</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>1, 2, 3 and 4</td>
</tr>
<tr>
<td>6. Point Whitehorn, Drainage upgrade and water quality facility installation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>200,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>7. Central Birch Bay Establish one or more drainage routes from upland to bay, install or upgrade conveyance system and develop water quality treatment facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>750,000</td>
<td>750,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>600,000</td>
<td>425,000</td>
<td>250,000</td>
<td>500,000</td>
<td>200,000</td>
<td>750,000</td>
<td>2,725,000</td>
<td></td>
</tr>
</tbody>
</table>

**Funding Source Key**
- 1. REET-II
- 2. Grants
- 3. Flood Control Zone District taxes
- 4. Local Flood Control Subzone District Fees

### Table 16: Lake-Samish Stormwater Projects 2013-2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lake Samish Stormwater Plan</td>
<td>30,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>30,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
<td></td>
</tr>
</tbody>
</table>

**Funding Source Key**
- 1. REET-II
- 2. Grants
- 3. Flood Control Zone District taxes
- 4. Local Flood Control Subzone District Fees

*Whatcom County Comprehensive Plan*
Flood Protection

Existing Flood Protection Facilities
Whatcom County has been involved in river management and protection of infrastructure for decades. In response to the devastating floods in 1990, the County established a County-wide Flood Control Zone District to address the natural hazards associated with river flooding, lowland flooding, landslides, and coastal storms. Projects range from repairs to existing flood control facilities after flood events, to flood hazard reduction projects that typically result from a comprehensive flood hazard management planning process. Significant flood projects that have been constructed since 2000 are listed below.

Table 17. Significant flood projects constructed since 2000

<table>
<thead>
<tr>
<th>Existing Site No.</th>
<th>Location</th>
<th>Project Name</th>
<th>Year Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>South Fork Nooksack</td>
<td>Saxon Bank Stabilization Project</td>
<td>2001</td>
</tr>
<tr>
<td>2</td>
<td>Near Sumas</td>
<td>Saar Creek Sediment Trap</td>
<td>2003</td>
</tr>
<tr>
<td>3</td>
<td>Near Everson</td>
<td>Everson Overflow Bank Stabilization Project</td>
<td>2000</td>
</tr>
<tr>
<td>4</td>
<td>Near Ferndale</td>
<td>Bertrand Creek Levee Setback Project</td>
<td>2006</td>
</tr>
<tr>
<td>5</td>
<td>Deming</td>
<td>Deming Levee Rehabilitation Project</td>
<td>2008</td>
</tr>
<tr>
<td>6</td>
<td>Near Ferndale</td>
<td>Hovander Park Levee Setback Project</td>
<td>2010</td>
</tr>
<tr>
<td>7</td>
<td>Varies</td>
<td>Acquisition of flood-prone properties</td>
<td>On-going</td>
</tr>
</tbody>
</table>

Financing for Flood Protection Projects
Capital facilities that may be constructed during the next six years are listed below. Projects are expected to be financed by a combination of real estate excise taxes (REET), grants, countywide Flood Control Zone District tax revenues, local Flood Control and diking district fees and, potentially, the county general fund. Where appropriate, matching contributions from other beneficiaries will be sought.

Table 18. Flood Protection Projects 2013-2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Canyon Creek Fish Habitat Restoration and Flood Protection</td>
<td>2,226,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,276,000</td>
<td>2 and 3</td>
</tr>
<tr>
<td>2. Deming School and Tribal Treatment Facilities Flood Protection</td>
<td>300,000</td>
<td>1,250,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,600,000</td>
<td>1,2,3 and 4</td>
</tr>
<tr>
<td>3. Jones Creek Delegation Berm Debris Flow Protection and Turkington Rd. bridge reconfiguration</td>
<td>675,000</td>
<td>325,000</td>
<td>2,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3,000,000</td>
<td>1,2,3 and 4</td>
</tr>
<tr>
<td>4. Swift Creek and Sumas River Bridges Sediment Management</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>150,000</td>
<td>1,2,3 and 4</td>
</tr>
<tr>
<td>Total</td>
<td>3,226,000</td>
<td>1,650,000</td>
<td>2,075,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>7,026,000</td>
<td></td>
</tr>
</tbody>
</table>

Funding Source Key
1. REET II
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees

Whatcom County Comprehensive Plan
Chapter 11—Improvements to Existing Buildings

Whatcom County plans to make the following improvements to existing buildings within the six-year planning period to maintain or enhance the function of these structures:

Table 19: Improvement to Existing Buildings, 2013–2018

<table>
<thead>
<tr>
<th>Project Name</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>Total Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Civic Center Annex - Repair &amp; retrofit, HVAC, engineering, lighting, and exterior repair</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,000,000</td>
<td>1, 2, 3 and 5</td>
</tr>
<tr>
<td>2. Upgrade jail and juvenile controls and improve exiting</td>
<td>1,400,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,400,000</td>
<td>1, 3, 4 and 5</td>
</tr>
<tr>
<td>3. Courthouse - Exterior engineering evaluation and repairs</td>
<td>100,000</td>
<td>300,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,400,000</td>
<td>1, 2 and 3</td>
</tr>
<tr>
<td>4. Courthouse - window replacement</td>
<td>0</td>
<td>250,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>250,000</td>
<td>1 and 3</td>
</tr>
<tr>
<td>5. Courthouse - Full suite courtroom and judicial hearing room</td>
<td>200,000</td>
<td>1,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,200,000</td>
<td>3 and 7</td>
</tr>
<tr>
<td>6. Reconfiguration of Triage - Engineering evaluation and remodel</td>
<td>0</td>
<td>0</td>
<td>120,000</td>
<td>0</td>
<td>800,000</td>
<td>0</td>
<td>920,000</td>
<td>2, 3, and 6</td>
</tr>
<tr>
<td>7. Reconfiguration of Old Jail - Engineering and remodel</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>120,000</td>
<td>800,000</td>
<td>0</td>
<td>920,000</td>
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<td>8. Northwest Annex - Engineering and remodel</td>
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<td>0</td>
<td>120,000</td>
<td>800,000</td>
<td>0</td>
<td>0</td>
<td>920,000</td>
<td>2 and 3</td>
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<tr>
<td>9. Whatcom County Buildings Interior Painting</td>
<td>50,000</td>
<td>50,000</td>
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<td>100,000</td>
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<td>10. Central Plaza Building Engineering &amp; Replacement 4 Gas-Packs, HVAC</td>
<td>10,000</td>
<td>65,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>11. Courthouse Exit Light Replacement</td>
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<td>12. Central Plaza Building Exterior Building Envelope Repairs &amp; Maintenance</td>
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<td><strong>Total</strong></td>
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<td>3,705,000</td>
<td>1,240,000</td>
<td>920,000</td>
<td>1,600,000</td>
<td>0</td>
<td>10,270,000</td>
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Funding Source Key

1. Grants
2. EDI funds
3. REEF
4. Jail Fund
5. Bonds
6. Behavioral Health Fund
7. General Fund
### Chapter 12 – Costs by Project Category

#### Table 20: Cost by Project Category, 2013–2018

<table>
<thead>
<tr>
<th></th>
<th></th>
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<tr>
<td>Parks</td>
<td>400,000</td>
<td>400,000</td>
<td>730,000</td>
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<td>530,000</td>
<td>280,000</td>
<td>2,470,000</td>
<td>1.76%</td>
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<td>Trails</td>
<td>1,500,000</td>
<td>155,000</td>
<td>1,140,000</td>
<td>1,125,000</td>
<td>1,125,000</td>
<td>1,175,000</td>
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<tr>
<td>Sheriff’s Office New Jail</td>
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<td>Transportation</td>
<td>18,906,000</td>
<td>11,205,000</td>
<td>4,470,000</td>
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<td>Stormwater</td>
<td>1,400,000</td>
<td>1,525,000</td>
<td>850,000</td>
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<td>600,000</td>
<td>1,200,000</td>
<td>6,295,000</td>
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<td>Flood Protection</td>
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<td>Existing Buildings</td>
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<td>1,600,000</td>
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<td>Total Cost</td>
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<td>28,640,000</td>
<td>28,385,000</td>
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<td>12,432,000</td>
<td>7,234,000</td>
<td>140,617,000</td>
<td>100.00%</td>
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APPENDIX G

(Proposal – delete the existing Appendix G and replace with a description of the County’s water resource and salmon recovery programs)
APPENDIX I
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tr>
<td>GD</td>
<td>6/1/2016</td>
<td>6/14/2016</td>
<td>Special Committee of the Whole</td>
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</table>

DIVISION HEAD:
Mark Personius

DEPT. HEAD:
Sam Ryan

PROSECUTOR:
Royce Buckingham

PURCHASING/BUDGET:

EXECUTIVE:
Jack Louws

JUN 07 2016
WHATCOM COUNTY COUNCIL

TITL OF DOCUMENT:

Briefing and discussion on the amendments to development regulations, the official zoning map, and related Comprehensive Plan amendments, proposed as part of the Comprehensive Plan periodic update.

ATTACHMENT:

1. Cover letter
2. Draft Planning Commission Findings

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

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas in 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to discuss with Council amendments to the County’s development regulations, official zoning map, and related changes to the Comprehensive Plan and its subsets, proposed as part of that review and described as follows:

Amendments to Whatcom County Code (WCC) Title 20 (Zoning), Title 21 (Land Division Regulations), Title 22 (Guide Meridian Improvement Plan), and the official zoning map. Title 20 amendments include amending WCC Chapter 20.36 to require reclamation plans for surface mining uses in the Rural zone, amending Chapter 20.43 revising the maximum percentage of lot area that can be removed from production of forest products in the Commercial Forestry zone, amendments to WCC Chapters 20.72, 20.80, 20.97 and the Point Roberts Character Plan involving sign regulations and permit review in the Point Roberts Special District, amending WCC Chapter 20.82 concerning new sewer lines and amendments to WCC Chapters 20.24, 20.65, 20.66, 20.68, and 20.80.210 to update references to the Urban Fringe Subarea Plan. WCC 20.80.210 is adopted by reference in the WCCP and amendments to that section are also a WCCP amendment. The Point Roberts Character Plan is a part of the Point Roberts Subarea Plan, which is a subset of the WCCP, therefore the amendment is an amendment to the WCCP. Title 21 amendments consist of amending WCC Chapters 21.03, 21.04, 21.06, and 21.08 to change standards for required disclosures for plats near significant pipelines. Title 22 amendments consist of repealing Title 22, the Guide Meridian Improvement Plan. The plan is a component of the Urban Fringe Subarea Plan, which is a subset of the WCCP, therefore the amendment is also an amendment to the WCCP. The changes to the zoning maps consist of amending the zoning maps for all urban growth areas to reflect changes to urban growth area reserve boundaries, and rescinding the short term planning area zoning.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: AB2016-047
Ordinance or Resolution Number:

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

445
Memorandum

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

FROM: Gary Davis, AICP, Senior Planner

THROUGH: Mark Personius, AICP, Assistant Director

DATE: June 1, 2016


As you know, Whatcom County has initiated a multi-year project to update the Whatcom County Comprehensive Plan (WCCP) and conduct the urban growth area (UGA) review, as required by the Growth Management Act (GMA). The Comprehensive Plan update and UGA review is being conducted in coordination with the seven cities in Whatcom County. It is anticipated that the Council will adopt an ordinance relating to the Comprehensive Plan update and UGA review in July 2016.

GMA requires that the Comprehensive Plan be internally consistent and consistent with its implementing development regulations. Staff would like to discuss the following proposed development regulation amendments, and related amendments to the WCCP and its subsets, with the Council on June 14, 2016:

- Amendments to Whatcom County Code (WCC) Title 20 (Zoning), Title 21 (Land Division Regulations), Title 22 (Guide Meridian Improvement Plan), and the official zoning map.
  - Title 20 amendments include amending WCC Chapter 20.36 to require reclamation plans for surface mining uses in the Rural zone, amending Chapter 20.43 revising the maximum percentage of lot area that can be removed from production of forest products in the Commercial Forestry zone, amendments to WCC Chapters 20.72, 20.80. 20.97 and the Point Roberts Character Plan involving sign regulations and permit review in the Point Roberts Special District, amending WCC Chapter 20.82 concerning new sewer lines and amendments to WCC Chapters 20.24, 20.65, 20.66, 20.68, and 20.80.210 to update references to the Urban Fringe Subarea Plan. WCC 20.80.210 is adopted by reference in the WCCP and amendments to that section are also a WCCP amendment. The Point Roberts Character Plan is a part of the Point Roberts Subarea Plan, which is a subset of the WCCP, therefore the amendment is an amendment to the WCCP.
  - Title 21 amendments consist of amending WCC Chapters 21.03, 21.04, 21.06, and 21.08 to change standards for required disclosures for plats near significant pipelines.
WHATCOM COUNTY
PLANNING COMMISSION

2016
Comprehensive Plan Periodic Update
Development Regulations, Comprehensive Plan, and Zoning Maps

FINDINGS OF FACT AND REASONS FOR ACTION

1. The Planning Commission held a public hearing regarding these amendments on May 26, 2016. Notification of the public hearing was published on May 13, 2016. The advertisement stated that amendments to WCC 20.80.210 and WCC Title 22 are also amendments to the WCCP.

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on May 27, 2016.

3. Notice of the proposed amendments was submitted to the Washington State Department of Commerce on April 28, 2016.

4. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the Planning Commission and County Council must find all of the following:
   A. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
   B. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
   C. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
      1) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
      2) The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
      3) Anticipated impact upon designated agricultural, forest and mineral resource lands.

1
would revise Section 3 to change the time limit for the Point Roberts Character Plan Advisory Committee to review building permit applications from 21 to 30 days, and add a link to the online version of the Character Plan.

10. **WCC Chapter 20.72 Point Roberts Special District, WCC Chapter 20.80 Supplementary Requirements, WCC Chapter 20.97 Definitions – Signs.** Concurrent with the proposal to remove the sign regulations from the Point Roberts Character Plan, the proposed amendments add new sign regulations to WCC 20.72.670. These regulations are generally consistent with those being deleted from the Character Plan, and have been reviewed and recommended by the Point Roberts Character Plan Advisory Committee. In addition, the amendments would delete a reference to the Point Roberts Character Plan’s sign regulations, and add a definition of internally illuminated sign, a term used in the proposed addition to 20.72.670.

11. **WCC Chapters 20.24 URMX District, 20.65 Gateway Industrial District, 20.66 Light Impact Industrial District, 20.68 Heavy Impact Industrial District, and 20.80 Supplementary Requirements – Urban Fringe Subarea Plan References.** The Urban Fringe Subarea Plan has several numbered reference maps, and the content and numerical order of many of those maps have changed as the plan has been amended over the years. WCC Title 20 currently contains outdated references to Urban Fringe Subarea Plan maps in sections 20.24.052, 20.24.132(3) and (4), 20.24.700, 20.65.055(1), 20.65.400, 20.65.450, 20.65.550, 20.66.131(3), 20.68.064, and 20.80.210(5)(b) Gateway Industrial Setback Table. The proposed amendments update those references to maintain consistency between the zoning code and the Subarea Plan. Because Section 20.80.210 is adopted by reference in the WCCP (Policy 2DD-2.B.3), the amendment to that section is also a WCCP amendment.

12. **WCC Chapters 21.03 Exempt Land Divisions and Boundary Line Adjustments, Chapter 21.04 Short Subdivisions, Chapter 21.06 Final Long Subdivisions, and Chapter 21.08 General and Specific Binding Site Plans – Disclosures Near Significant Pipelines.** Currently WCCP Chapter 5 establishes a 660 foot notification area on each side of a natural gas and hazardous liquid transmission pipeline. The draft amendments to Chapter 5 revise that notification area to 500 feet (descriptive text under Natural Gas and Hazardous Liquid Transmission Pipelines, 3rd paragraph). WCC Title 21 currently requires disclosures when a significant pipeline is within 660 feet of a subdivision, binding site plan, exempt land division, or boundary line adjustment. The proposed amendments change that disclosure distance to 500 feet, consistent with the WCCP Chapter 5 and updating the map references to indicate WCCP Map 5-2.

13. **WCC Title 22 – Guide Meridian Improvement Plan.** The detailed provisions of the Guide Meridian Plan, WCC Title 22, have been replaced by more current code provisions, and all but about ten acres of that plan’s study area has been annexed by the City of Bellingham. Because there are no applicable
WHATCOM COUNTY PLANNING COMMISSION

Nicole Oliver, Chair

Becky Boxx, Secretary

Date

Commissioners present at the May 26, 2016 meeting when the vote was taken: Kelvin Barton, Atul Deshmane, Gary Honcoop, David Hunter, Natalie McClendon, Nicole Oliver, Andy Rowlson, Gerald Vekved.

Vote: Ayes: 7, Nays: 0, Abstain: 1, Absent: 1. Motion carried to adopt the above amendments.
Whatcom County Code Title 20 Zoning

AMENDMENTS

Chapter 20.24

URBAN RESIDENTIAL - MIXED (UR-MX) DISTRICT

20.24.050 Permitted uses.

.052 Single-family attached dwellings; provided, that public sewer, water and, where identified by the appropriate Comprehensive Plan policies, stormwater collection and detention facilities serve the site, not more than four units are attached, and the number of dwelling units conforms to the density requirements of the district. However, additional multifamily development shall not be allowed within the UR-MX zones identified on Map 3-2 of the Urban Fringe Subarea Comprehensive Plan.

20.24.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

.132 Duplex and multifamily dwellings subject to the following limitations and the developer has conducted at least one neighborhood meeting prior to application for the purpose of hearing neighborhood concerns and suggestions regarding the proposal. Where being developed in an existing neighborhood characterized by residential development at densities of one dwelling per acre or greater, the uses listed in WCC 20.24.132 shall be administered as conditional uses rather than administrative approval uses; and are subject to the same criteria, requirements, bonuses and restrictions as if they were administrative approval uses:
(1) Duplex and multifamily dwelling units do not comprise more than 25 percent of the total dwelling units allowed for the entire site.

(2) Duplex and multifamily dwelling units are constructed at the same time as, or after, at least 50 percent of the single-family units in an approved development.

(3) Additional multifamily development shall not be allowed within the UR-MX Zones identified on Map 32, Bennett Drive Residential Area of the Urban Fringe Subarea Comprehensive Plan.

(4) Multifamily dwellings are prohibited in Area 1 and Area 4 on Map 3, Bennett Drive Residential Area, Urban Fringe Subarea Land Use Plan.

20.24.700 Transfer of residential development rights.
.710 Areas designated in the Comprehensive Plan and assigned a UR-MX zone district, with the exception of the Bennett Drive Residential Area designated on Map 3-2 of the Urban Fringe Subarea Plan, are considered receiving areas for transfer of development rights from any sending area or base zone which has been established as linked to these areas.

Chapter 20.36
RURAL (R) DISTRICT

20.36.150 Conditional Uses

.159 Surface mining and accessory washing and sorting outside of short-term planning areas; provided, that:

(1) The activity is not subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW).

(2) The activity will not result in excavation or equipment within 50 feet of county road rights-of-way.
(3) The activity will not result in excavation or equipment within 50 feet of the exterior property lines of the site, except in the case of two contiguous operations in which case by mutual consent this setback can be zero.

(4) Reclaimed side slopes shall not be steeper than three feet horizontal to one foot vertical for unconsolidated materials.

(5) At minimum, the operations shall adhere to the development and performance standards of WCC 20.73.650 and 20.73.700.

(6) All topsoil remains on site for use in subsequent reclamation.

(7) No soil erosion or sedimentation will occur beyond the exterior property lines of the site.

(8) No excavation shall occur within the five-year zone of contribution for designated wellhead protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. Wellhead protection boundaries may be adjusted in accordance with WCC 20.73.131(2).

(9) A cumulative maximum of three acres may be mined within the outer boundary of the parcel as it existed at the time of adoption of the amendment codified in this subsection. The intent of this provision is to prevent multiple conditional use permits for three-acre surface mines on a single parcel and prevent lots that were divided from a parent parcel after adoption of the amendment codified in this subsection from each having a three-acre surface mine.

(10) Owners and/or Operators shall submit a reclamation plan that is consistent with the requirements of RCW 78.44.141.

(11) Performance bonds or other monetary security as approved by the prosecuting attorney equal to the costs of completing the proposed reclamation plan, subsection (10) of this section, are submitted to the county, which shall be released within two years after completion of surface mining; provided, that reclamation has been completed according to the reclamation plan.

Chapter 20.43

COMMERCIAL FORESTRY (CF) DISTRICT
WCC 20.43.450 - Lot Coverage:
No more than 25-20 percent of the lot area shall be permanently altered or removed from production of forest products, excluding natural meadows, bogs, surface water and rock outcrops.

Chapter 20.65
GATEWAY INDUSTRIAL (GI) DISTRICT

20.65.050 Permitted uses.
The following permitted and accessory uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter 20.80 WCC. No permitted or conditional use shall be issued a building permit without provision of public sewer and water as defined in Chapter 20.97 WCC except as provided in WCC 20.65.058 and 20.65.654. Further, each permitted and accessory use shall be administered pursuant to the applicable provisions of the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.055 The following uses within one-quarter mile of a freeway interchange; except, that where this boundary divides a single parcel up to 10 percent of the area of a parcel that lies outside of this boundary may be included within it for the purposes of lot coverage and open space provisions:

(1) Retail shops; provided, they do not exceed 10,000 square feet per shop in the Gateway Industrial District west of Interstate 5 and north of Airport Way, and west of Bennett Drive and south of Airport Way, shown on Map 3 of the Urban Fringe Subarea Plan (Planning Areas 1 and 2, identified on Map 6 of the 1997 Urban Fringe Subarea Plan).and as described in the text of the Urban Fringe Subarea Plan Map 6- West Bakerview/I-5 Interchange Area, as adopted May 19, 1998. Retail shops in other Gateway Industrial areas shown on that map may not exceed 35,000 square feet per retail shop.

20.65.400 Height limitations.
Maximum building height shall not exceed 35 feet; except, that an additional foot in height is allowed for each one-foot increase in setback in the yard adjoining the interstate highway up to 45 feet in the West Bakerview/I-5 Interchange area Gateway Industrial areas designated on Map 3 of the Urban Fringe Subarea. Height of structures, where applicable, shall also conform to the general requirements of WCC 20.80.675. (Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 99-040 § 1, 1999; Ord. 99-033 § 1, 1999).

20.65.450 Site design.
Within the Gateway Industrial areas, designated on Map 6-3 of the Urban Fringe Subarea Plan, individual sites shall be designed in a clustered or concentrated form of development instead of lining the road frontage.

20.65.550 Buffer area.
When a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Rural or Residential Rural District, side and rear yard setbacks shall be increased to 25 feet. In the Gateway Industrial District west of Interstate 5 and south of Airport Way, and west of Bennett Drive and less than 470 feet north of Airport Way, shown on Map 3 of the Urban Fringe Subarea Plan (Planning Areas 2 and 3, identified on Map 6 of the 1997 Urban Fringe Subarea Plan), buffer areas shall be increased to 100 feet for commercial or industrial projects which exceed 5,000 square feet of floor area in one building or complex or generate more than 50 vehicle trips per day. Said area shall be landscaped consistent with the requirements of WCC 20.80.345. Use of buffer areas and setbacks for bicycle and pedestrian trails is encouraged.

Chapter 20.66
LIGHT IMPACT INDUSTRIAL (LII) DISTRICT

20.66.130 Administrative approval uses.
The following uses are permitted with administrative approval pursuant to WCC 20.84.235:

.131 An adult business enclosed within a building, when located in a city's urban growth area; provided, that:
(3) Adult businesses are prohibited within the Light Impact Industrial zone located southeast of the Bellingham International Airport and north of Alderwood Avenue, shown on Map 4-3 of the Urban Fringe Subarea Plan.

Chapter 20.68

HEAVY IMPACT INDUSTRIAL (HII) DISTRICT

20.68.050 Permitted Uses.

064 Uses allowed in the Light Impact Industrial zone as permitted uses, WCC 20.66.100, shall be permitted outright within Areas 1A, 1B, and 1C of the shoreline industrial area designated the Heavy Impact Industrial District shown on Map 1 of the Urban Fringe Subarea Plan.

Chapter 20.72

POINT ROBERTS SPECIAL DISTRICT

20.72.650 Development Criteria.

20.72.651 Facility design. (Adopted by reference in WCCP Chapter 2.)

(1) All commercial and institutional use structures and appurtenant signs shall conform to the requirements of the Point Roberts Character Plan.

20.72.670 Signs.

Signs in the Small Town Commercial (STC), Rural General Commercial (RGC), Rural Industrial Manufacturing (RIM), and Resort Commercial (RC) zones are permitted subject to the provisions of 20.80.410 and 20.80.470 WCC, and subject to the following:
(1) Not more than one freestanding sign is permitted on a lot of record, and a freestanding sign shall have no more than two sign faces. Freestanding signs shall not exceed 12 feet in height and shall not exceed 40 square feet in area per sign face.

(2) Not more than 10 square feet of sign area per sign face may be internally illuminated. Characters within the internally illuminated sign area shall be achromatic and no larger than six inches tall. Signs may be externally illuminated.

(3) Single-faced signs placed on walls or eaves of business establishments shall not exceed a total of 40 square feet per business establishment.

(4) Signs shall not rotate or otherwise be in motion, and copy or pictures on the sign shall not flash, scroll, or display a video or animated image.

(5) For purposes of this section, any sign erected or existing as of July 1, 2016 that has a valid permit from the department, but does not conform with the provisions of this section is a nonconforming sign. A nonconforming sign may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when the prior permit was issued. Any structural or other substantial maintenance to a nonconforming sign shall render the prior permit void and shall result in the reclassification of such sign as an illegal sign. Where there are conflicts between this section and Chapter 20.83 WCC, the provisions of this section shall prevail.

Chapter 20.80
SUPPLEMENTARY REQUIREMENTS

20.80.210 Setback Requirements (Adopted by reference in WCCP Chapter 2)

(5) Setbacks. For the purposes of this chapter, the road classification used to determine setback requirements shall be as set forth in this section. In the event a particular road is not listed in this section, the department of public works shall determine the classification, which classification shall be based on the Whatcom County Development Standards or such other local, state or federal roadway...
standards as the department of public works deems appropriate. Dead-end or loop
streets providing access to 16 or fewer lots shall be classified as minor access
streets.

(b) Setbacks Table.

<table>
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<th>Gateway Industrial (GI)</th>
<th>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</th>
<th>Collector Arterials or Major Collectors</th>
<th>Minor Collectors</th>
<th>Local Access Streets</th>
<th>Neighborhood Collector</th>
<th>Minor Access Streets</th>
<th>Side Yard</th>
<th>Rear Yard</th>
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<td>25'</td>
<td>25'</td>
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<td>10'</td>
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</table>

1. Maximum building height shall not exceed 35 feet; except, that an additional foot in height is allowed for each one-foot increase in setback in the yard adjoining the interstate highway up to 45 feet in the West-Bakerview/I-5 Interchange area, Map 3 of the Urban Fringe Subarea and up to 75 feet in the Birch Bay-Lynden Road area of the Blaine-Birch Bay Subarea. Height of structures, where applicable, shall also conform to the general requirements of WCC 20.80.675.

20.80.410 Signs – General Provisions – Applicable to all districts.

(1) No sign or any portion of a sign shall be located on or over public property, such as road rights-of-way and easements, transmission line corridors or utility easements. Standard building height limits and setbacks shall apply to all signs unless otherwise provided elsewhere in this title or on other county codes or regulations including the county’s Shoreline Management Program and the Point Roberts Character Plan. All freestanding signs advertising on-premise operations may be located within required landscaping areas, except that no such sign shall be closer than 10 feet to the road right-of-way. This distance shall be increased if it can be shown to present a traffic hazard.
Chapter 20.82
PUBLIC UTILITIES

20.82.030 Conditional Uses.

(4) New sewer lines extensions with an inside diameter of six inches or greater and length of 150 feet or greater, except for new sewer lines located and installed within urban growth areas or limited areas of more intensive rural development (LAMIRDs), and in conformance with a state approved sewer and/or water comprehensive plan and consistent with the Whatcom County Comprehensive Plan, which shall be permitted outright. Sewer lines shall not be extended to serve lots in rural outside urban growth areas unless such extensions are shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development. Sewer lines may pass through areas outside urban growth areas provided they do not provide sewer service to any lot in the non-urban areas.

Chapter 20.97
DEFINITIONS

20.97.382 Sign, internally illuminated.
"Internally illuminated sign" means a sign or portion of a sign that is illuminated by a light source that is contained within the sign.
Whatcom County Code Title 21 Land Division Regulations

AMENDMENTS

Chapter 21.03

EXEMPT LAND DIVISIONS AND BOUNDARY LINE ADJUSTMENTS

21.03.045 Required disclosures.
The following disclosures, if applicable, shall be recorded in the county auditor’s office and shall be filed concurrently with all conveyances of property subject to this title:

(1) Right to farm, right to practice forestry, or mineral resource disclosures.

(2) Boundary discrepancies.

(3) Protective covenants, conditions and restrictions.

(4) Latecomers’ agreements.

(5) Significant pipeline in vicinity disclosure when the subject property is within 660 500 feet of a pipeline shown on Map 125-2, Chapter 5 of the Whatcom County Comprehensive Plan.

Chapter 21.04

SHORT SUBDIVISIONS

21.04.170 Disclosures and notes.
The following disclosures and notes, if applicable, shall be recorded in the county auditor’s office and a statement identifying the subject and the auditor’s file number, if applicable, for each such instrument shall be on the final short plat map prior to final approval by the county:
(1) Right to farm, right to practice forestry, mineral resource disclosures.

(2) Critical area notes and protective easement as required.

(3) Boundary discrepancies.

(4) Drainage maintenance agreement block.

(5) Road maintenance agreement block (private roads only).

(6) Significant pipeline in vicinity disclosure when the subject property is within 660 500 feet of a pipeline shown on Map 125-2, Chapter 5 of the Whatcom County Comprehensive Plan.

Chapter 21.06

FINAL LONG SUBDIVISIONS

21.06.070 Disclosures and notes.
The following disclosures and notes, if applicable, shall be recorded in the county auditor’s office and a statement identifying the subject and the auditor’s file number for each such instrument shall be on the final plat map under surveyor’s notes prior to final approval by the county:

(1) Right to farm, right to practice forestry, or mineral resource disclosures.

(2) Critical area notes and protective easements as required.

(3) Boundary discrepancies.

(4) Drainage maintenance agreement block.

(5) Road maintenance agreement block (private roads only).

(6) Significant pipeline in vicinity disclosure when the subject property is within 660 500 feet of a pipeline shown on Map 125-2, Chapter 5 of the Whatcom County Comprehensive Plan.
Chapter 21.08

GENERAL AND SPECIFIC BINDING SITE PLANS

......

21.08.070 Disclosures and notes.
The following disclosures and notes, if applicable, shall be recorded in the county auditor’s office and a statement identifying the subject and the auditor’s file number for each such instrument shall be on the general binding site plan and each specific binding site plan original drawing under surveyor’s notes prior to final approval by the county:

- Right to farm, right to practice forestry, mineral resource disclosures.
- Critical area notes.
- Boundary discrepancies.
- Protective covenants, conditions and restrictions.
- Drainage maintenance agreement block.
- Road maintenance agreement block (private roads only).
- Latecomers’ agreements.
- Significant pipeline in vicinity disclosure when the subject property is within 660 feet of a pipeline shown on Map 125-2, Chapter 5 of the Whatcom County Comprehensive Plan.

......
Chapter 20.22
GUIDE-MERIDIAN-IMPROVEMENT-PLAN\(^1\)
(Reserved)

\(^1\)Code reviser’s note: Copies of the “Guide Meridian Improvement Plan Controls” can be found in the office of the clerk of the county council, Whatcom County Courthouse, 311 Grand Avenue, Suite 105, Bellingham, WA 98225.

[Note: According to its cover page, the Guide Meridian Improvement Plan is “both a component of the Urban Fringe Comprehensive Plan and an official control pursuant to Chapter 36.70.560 RCW.” Repeal of Title 22 is also an amendment to the Whatcom County Comprehensive Plan, repealing a component of that plan.]
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SECTION 3-001. ADMINISTRATIVE REQUIREMENTS
AND REGULATIONS

SECTION 3-002. HOW THE PROCESS WORKS
1. Copies of the Point Roberts Character Plan are available from the Whatcom County Department of Planning and Development Services. http://www.co.whatcom.wa.us/1143/Point-Roberts-Subarea-Plan
2. Building Permit applications are also available at Planning and Development Services.
3. Prior to applying for a building permit, developers should familiarize themselves with the Character Plan document and seek professional assistance, where necessary. This will ensure a speedy and successful permit application.
4. In addition to the customary permit and servicing requirements of the County, any commercial or institutional use structure and/or sign permit application will be evaluated for “compliance” or “non-compliance” with the Point Roberts Character Plan. This will be reflected in the permit checklist.
5. The Point Roberts Character Plan Advisory Committee will examine applications within 24-30 days prior to the date of building permit application to indicate compliance with the Character Plan.
6. The Point Roberts Character Plan Advisory Committee is a local advisory body to Whatcom County administrative authority. It will examine applications with respect to compliance to the guidelines. The purpose of the Committee is to assist the County in making its determination of “compliance”. All decisions of the County will be final.
7. A successful applicant will be issued a building permit upon receipt of applicable County fees.

SECTION 3-003. PLANS AND OTHER INFORMATION REQUIRED
In order to assess compliance with the Character Plan, the Whatcom County Department of Planning and Development Services will require at the time of application the following:
1. A scale site plan indicating the street, all structures, landscaping, ingress / egress, parking facilities, freestanding sign locations, freestanding lighting facilities, waste facilities, pedestrian walkways, fencing, screening and other miscellaneous appurtenances (eg. fire hydrants), if any. The plan must be to scale and indicate the dimensions of any structures, setbacks, and parking facilities.
2. A scale elevation which clearly indicates structural dimensions, heights, and roof lines, as well as any other exterior designs and finishes visible at ground level from any point on the compass. Diagrams must include specification for all doors, windows, porches and awnings. The types of roofing and siding materials(s) must be specified. Color chips for roofing, siding, and awning materials must be made available. All exterior lighting facilities must be clearly outlined and indicate style and finish. The locations and dimensions of signs on structures will be clearly indicated.
3. Sign Regulations: Refer to ordinances on signs and flags.

SECTION 3-004. PLAN INFORMATION
Developers and or architects are required to submit a written rationale.
SIGN ORDINANCE
Point Roberts, Washington

PART A - GENERAL

SECTION 11.001. TITLE
This article shall be known as the SIGN ORDINANCE OF THE COMMUNITY OF POINT ROBERTS, hereinafter stated as "this ordinance" or "this article".

SECTION 11.002. AUTHORITY
This article is adopted pursuant to the authority granted under Title 20, Special Overlay Zone, for the Community of Point Roberts as directed by Whatcom County Council, May 1994.

SECTION 11.003. PURPOSE
The purpose of this article is to:
1. Promote the safety of persons and property by providing that signs:
   a. Do not create traffic hazards by distracting or confusing motorists, impairing motorists' ability to see pedestrians, other vehicles, obstacles, or to read traffic signs, and
   b. Do not create hazards due to collapse, fire, collision, decay or abandonment.
   c. Do promote the aesthetics, safety, health, morals and general welfare and the assurance and protection of adequate light and air within Point Roberts by regulating the posting, displaying, erection, use and maintenance of signs.
2. Information: Promote the efficient transfer of general public and commercial information through the use of signs.
3. Public Welfare: Protect the public welfare and enhance the overall appearance and economic value of the landscape and preserve the unique natural environment that distinguishes the community.

PART B - DEFINITIONS
Except as specifically defined herein each word used in this article has its customary dictionary definition. For the purpose of this article, certain words or terms used are defined as follows:
1. Abandoned sign: A permitted sign which was erected on property in connection with a particular use which has been discontinued for a period of sixty (60) days or more, or a permitted temporary sign for which the permit has expired.
2. Administrator: That person or agency designated by the County to enforce the provisions of this article. Specifically, Whatcom County Department of Planning and Development Services.
3. Back-to-back sign (Sandwich Board): A sign constructed on a single set of supports with messages visible on any side, provided that the double message boards are physically contiguous.
4. Banners, pennants and balloons: Any animated, rotating or flapping, or non-stationary device made of flexible material designed to attract attention.
5. Billboard: Outdoor advertising signs containing a message, commercial or otherwise, unrelated to any use or activity on the property on which the sign is located, but not including directional signs as defined hereon.
6. Canopy: A structure constructed of rigid materials, including, but not restricted to metal, wood, concrete, plastic, canvas or glass, which is attached to and supported by a building or by columns, poles or braces extended to the ground.
7. Canopy sign: A sign which is suspended from, attached to, supported from or forms part of a canopy.
8. Changeable copy sign: A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.
9. Commercial or industrial center: Two (2) or more separate occupancies located within the same or adjacent building or buildings on the same commercial or industrial plot of record.

10. Development sign: Any sign displayed at a construction site that names the project, builder, or architect.

11. Dilapidated sign: Any sign which is structurally unsound, has defective parts or is in need of painting or maintenance.

12. Directional sign:
   a. A sign permanently erected or permitted in the public right of way or private property by Whidbey Island, the city, town, village, educational institution, public building, in store place, monument, medical facilities, to direct and regulate traffic, bridge, ferry or other transportation or transmission company, for the direction or safety of the public.
   b. An on-premises temporary sign which contains information regarding the time and place of regular meetings of civic or religious groups.

13. Directory sign: A sign listing only the name and - or use, or location of more than one business activity or professional office conducted within a building, group of buildings, or commercial center.

14. Double-faced sign: A sign with only two faces which are usually, but not necessarily, parallel.

15. Electrical sign: A self-illuminated sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.

16. Existing sign: Any sign that was erected, mounted, or displayed prior to the adoption of this article.

17. Façade: The entire building wall, including main street wall face, and parapet facia, windows, doors, canopy and roof on any complete elevation.

18. Fixed projecting sign: A sign other than a flat sign which extends outward for more than six (6) feet from the façade of any building and is rigidly fixed thereto.

19. Flashing sign: Any lighted or electrical sign which emits light in transitory bursts.

20. Flat sign: A sign erected parallel to and extending not more than twelve (12) feet from the façade of any building to which it is attached and supported throughout its entire length by the façade of the building and not extending above the building.

21. Free-standing sign: A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, or vehicle or other support.

22. Frontage: The length of the property lines of any one premises parcel serving as a public right-of-way line.

23. Frontage wall face: The building façade, excluding parapet facade, lintel, mansard and roof, which faces a frontage of the premises.

24. Height of sign: The vertical distance measured from ground level to the top of the sign face or sign structure, whichever is greater.

25. Illuminated sign, external: Any sign which is directly lighted by and external source.

26. Illuminated sign, internal: Any sign which transmits light through its face or any part thereof.

27. Inflatable sign: A sign that is either expanded to its full dimensions or supported by gases contained within the sign or sign parts at a pressure greater than atmospheric pressure.

28. Ingress/egress sign: A sign that designates only the direction of a parking area or driveway, such as "IN," "ONE WAY," "DO NOT ENTER," or "NOT APPLICABLE.

29. Moving message board: Any electrical sign having a continuous message that moves in one line by utilization of light, or other electrical impulses forming various words or designs, such as time and temperature signs.
30. Non-conforming signs: Any sign which have a valid permit were erected or displayed prior to the effective date of this article or any subsequent amendment hereof and do not conform with any provision of this article.

31. Occupancy: Any use or activity upon the premises.

32. Off-premise sign: Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted or such sign itself located or conducted. For purposes of this article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located on an easement or other appurtenance shall be considered an off-premise sign. Signs identifying public services, religious or civic club organizations not to exceed four square feet as approved by the character plan administrator are exceptions to this definition.

33. On-premise sign: Any sign located or proposed to be located at any place of otherwise permitted by this article, within the plcp of record for the business or other activity identified on such a plan.

34. Painted wall sign: A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

35. Panel: The primary surface of a sign upon which the message of the sign is carried.

36. Parapet: The vertical false front or wall extension above the roof line.

37. Pennant: Refer to definition #4. banners, pennants and balloons.

38. Permitted signs: A sign or signs, for which a valid permit has been issued.

39. Political sign: A sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the community shall vote. A political sign is classified as a Special Event Sign.

40. Portable sign: Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

41. Premises: The plot of record which is affected either directly or indirectly, by the contents of this article.

42. Project sign: Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor, or material vendor upon which property, such individuals is furnishing labor, services or material.

43. Public right-of-way line: The line where the property meets the public right-of-way at a public street or public walkway, provided that the definition shall not include unimproved alleys, easements or other similar dedicated uses.

44. Public way: Any street, highway, road, path or right of way whether privately, or publicly owned, which is designed, or used for vehicular or pedestrian traffic, either by public right or by custom, or by an action of two or more common owners.

45. Real estate sign: A temporary sign erected by the owner or his agent advertising the real property upon which the sign is located for rent, for sale, or for lease.

46. Roof: The exterior upper covering of the top of a building.

47. Roof sign: A sign erected over, on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

48. Seasonal holiday sign: A sign used for emphasizing the celebration of an historic American holiday, which is erected for a limited period of time.

49. Sidewalk sign: A moveable sign not secured or attached to the ground or any building or structure.
50. Sign: A device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others which is located on or attached to premises, real property, structures on real property, or a vehicle.

51. Sign area: The square foot area enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or housing.

52. Sign face: The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attests the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or indirect illumination used that differentiates the sign from the building, structure, backdrop on surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol, or any other of the aforementioned sign face criteria are displayed or designed as part of the sign structure.

53. Sign structure: A supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises upon which any sign may be fastened, affixed, displayed or applied, provided, however, this definition shall not include a building, fence, wall or earthen berm.

54. Snipe sign: A sign which is tacked, nailed, posted, pasted, stuck or otherwise attached to trees, poles, stakes, or fences, or to other objects, and advertising matter appearing thereon is not applicable to the present use of the premises upon which the sign is located.

55. Special event sign: A sign, or signs, that carry a message regarding a special event or function which is of general interest to the community.

56. Swinging sign: A sign installed on an arm, mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

57. Temporary sign: Any sign or information transmitting structure intended to be erected or displayed for a limited period of time.

58. Time and temperature sign: An electrical sign utilizing lights, going on and off periodically, to display the current time and temperature in the community.

59. Traffic direction/safety sign: A sign which is on premises consisting of type and/or arrow and/or designed, sized, and erected solely for the purpose of vehicular or pedestrian traffic direction, safety. Said sign will have no advertising words or phrases.

60. Vehicle sign: A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or any parked device capable of being towed, which is displayed in public view which circumstances indicated that the primary purpose of said display is to attract the attention of the public rather than to serve the business or the owner thereof in the manner which is customary for said vehicle.

61. Window sign: Any sign which is painted on, applied to, or attached to, or protected upon or within the exterior or interior of a building glass area including doors, whose identification, message, symbol, insignia, visual representation, logo, type, or any other form which communicates information, can be read off premises, contiguous property or public right-of-way.

62. Window sign, temporary: A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, signs of sales, specials, going out of business, and grand openings.
PART C - LEGAL, ILLEGAL AND NON-CONFORMING SIGNS

SECTION 11-004. LEGAL SIGNS

Any new erected or existing as of the effective date of this article which does not have a valid permit from Whatcom County in accordance with Title 20, the official Whatcom County zoning map, with the provisions pursuant to the special overlay zone for Point Roberts, WA. is hereby deemed to be an illegal sign. The County may immediately remove any illegal sign located on County property or right-of-way.

SECTION 11-005. LEGAL SIGNS

a. Any existing and permitted sign which complies with the provisions of this article, and any subsequent amendment hereto, is hereby deemed to be a legal sign. Any proposed alteration to or relocation of such sign shall not be undertaken until the permit required pursuant to Section 11-002 has been issued, unless the proposed alteration is specifically exempt from such permit requirement pursuant to Section 11-010.

b. Any legal sign which does not comply with the provisions of this article solely due to the enactment of an amendment hereto subsequent to the effective date of this article shall, upon the effective date of such amendment, become a non-conforming sign and subject to the provisions of Section 11-006.

c. Signs, conforming or non-conforming, that are existing as of the day of ratification of the Character Plan may continue to be displayed as long as the signs remain in good repair and are not changed. If sign face to reflect changes in land use, type of business or ownership, corporate identity, wording, colors, etc. the alterations must conform to the adopted standards within the Character Plan.

SECTION 11-006. NON-CONFORMING SIGNS

a. Any sign erected or existing as of the effective date of this article which has a valid permit from Whatcom County Department of Planning and Development Services but which does not conform to the provisions of this article, or any sign pursuant to Section 11-005(b), is hereby deemed to be a non-conforming sign. A non-conforming sign may be maintained only by painting or refinishing the face of the sign or sign structure so as to keep the appearance of the sign as it was when the prior permit was issued. Any structural or other substantial maintenance to a non-conforming sign shall render the prior permit void and shall result in the reclassification of such sign as an illegal sign pursuant to Section 11-004.

b. Any non-conforming sign may become a legal sign if, after compliance with the provisions of this article, it is put into conformity with the provisions of this article.

c. Any existing non-conforming signage shall be brought into full compliance with the sign standards established in this article upon sale of said property, ownership change or change of land use.

SECTION 11-007. OFF-PREMISE SIGNS

All off-premise signage in any commercial, light industrial, resort commercial or residential area will be prohibited except as permitted by Whatcom County. Existing off-premise signs may remain at their present location for up to one year after the implementation of the Character Plan.
PART D—PROHIBITED SIGNS
SECTION 11.008. PROHIBITED SIGNS
Except as may be hereafter specifically permitted, it shall be unlawful after the effective date of this article or any amendment hereof, for any person to erect, place or use within the community, when visible from any public way or beach, any of the following:
1. Simp signs.
2. Signs or displays of banners, clusters of flags, posters, pennants (except yacht club and marine style pennants), ribbons, streamers, strings of lights, spinners, towers or propellers, flashing, rotating or blinking lights, chasing or semitallating lights, flares, balloons, or containing other light, sound or smell. Exception: These devices are permitted on a limited and temporary basis as seasonal decorations or for grand openings of new businesses.
3. Off-premises signs.
4. Roof signs.
5. Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exitway.
6. Any sign and or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction safety sign.
7. Signs using the word(s) "stop", "danger", or any other word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver.
8. Moving message and time and temperature signs.
9. No sign or sign element whether temporary or permanent, except by a public agency, is permitted within or above any street or on roadway right of way.
10. Signs painted or attached to trees, fences, posts, rocks or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare.
11. No sign of any kind shall be erected or displayed on the tidelands.
12. Abandoned or dilapidated signs.
13. Any sign which exhibits statements, words, or pictures of obscene or pornographic subjects.
14. Portable signs.
15. Signs affixed to a private residence or dwelling, or displayed upon the grounds thereof, except one personal identification sign not exceeding two (2) square feet and one non-illuminated "for sale" or "for rent" sign not to exceed six (6) square feet.
16. Inflatable signs.
17. Internally illuminated signs.
18. Billboards.

PART E—PERMISSIBLE SIGNS
SECTION 11.009. PERMIT REQUIRED
Unless specifically exempted pursuant to 11.010, no sign or sign structure shall be erected, displayed, moved or relocated, or altered, unless specifically exempted pursuant to section 11.010, until a permit fee has been paid and a sign permit issued by the Whatcom County Department of Planning and Development Services, as outlined in Part A of this article.

SECTION 11.010. SIGNS EXEMPT FROM PERMIT REQUIREMENT
A permit is not required for the following types of signs, after proper notification is made to the Land Use Permit Section of Planning and Development Services:
1. An official sign or notice issued by any court, public agency, or office.
2. A traffic directional, warning or information sign authorized by any public agency.
3. A private street or road name, or traffic directional sign which does not exceed four (4) square feet per sign face.
4. "No trespassing", "No Hunting", and like signs not exceeding one (1) square foot in area.
5. Any on-premise sign not exceeding one (1) square foot in area.
6. A residential real estate sign not to exceed six (6) square feet.
7. An ingress, egress sign which does not exceed four (4) square feet per sign face.
8. Construction signs that are displayed at the building site during the time of actual construction.
SECTION 11.014. MATERIAL AND STYLE
a. Signs shall not have light-reflecting backgrounds, but may use light-reflecting lettering.
b. The various parts of a sign shall be compatible.
c. Any multi-faced sign shall have the advertising information for only one business.
d. Signs shall not contain more than one commercial business.
e. All signs shall be of standard geometric shapes.
f. An historical or nautical design theme is recommended, with suggestions given in a style guide available from the Point Roberts Design Review Committee.
g. The use of Day-Glo (bright) colors is not permitted.
h. Wood-carved or painted wood signs are the recommended signage material.

SECTION 11.015. ON-PREMISES SIGN-STANDARDS
a. Building and wall graphics signs shall not occupy more than ten (10) percent of the signable space on any one façade of a building with a maximum size of the sign limited to forty (40) square feet.
b. Window graphics, which otherwise comply with this article, may be displayed provided no more than twenty-five (25) percent of the area of a window may be occupied by signage.
c. Obstruction. An on-premises sign shall be erected so as not to obstruct or impair driver vision at business ingress / egress points and intersections.

SECTION 11.016. DIMENSIONS AND QUANTITY OF FREE-STANDING SIGNS
a. Area and quantity. The area and quantity of any sign face shall conform with the following:

1. Major commercial development consisting of retail and public commercial uses, either exclusively or mixed with residential uses, which contain more than one hundred thousand (100,000) square feet of heated floor space open to the public, shall be permitted one free-standing sign per entrance, but no more than two (2) identification signs for the development. Said signs shall not have more than two hundred forty (240) square feet of sign face per sign equally divided among not more than four (4) sign faces. No single sign face shall exceed one hundred twenty (120) square feet.

2. Secondary commercial development consisting of retail and public commercial uses, either exclusively or mixed with residential uses which contain one hundred thousand (100,000) square feet of heated floor space or less, but more than forty thousand (40,000) square feet open to the public, shall be permitted one free-standing sign per entrance but no more than two identification signs for the development. Said signs shall not have more than one hundred sixty (160) square feet of sign face per sign equally divided among not more than four (4) sign faces. No single sign face shall exceed eighty (80) square feet, except that if the commercial use herein is mixed with residential use which exceeds two hundred (200) dwelling units, the provisions of sub-paragraphe one shall apply to said development.
3. Commercial development consisting of retail and public commercial uses, either exclusively or mixed with residential uses which contains forty thousand (40,000) square feet or less, but more than two thousand five hundred (2,500) square feet of heated floor space open to the public, shall be permitted one free-standing sign per entrance, but no more than one (1) identification sign for the development, with not more than eighty (80) square feet of sign face per sign equally divided among not more than four (4) sign faces. No single sign face shall exceed forty (40) square feet, excepting that if the commercial use herein is mixed with residential use which exceeds one hundred dwelling units (100), the provisions of sub-paragraph two shall apply.

4. A commercial development consisting of retail and public commercial uses which contains less than two thousand five hundred (2,500) square feet or less of heated floor space open to the public shall be permitted one free-standing sign. Said sign shall have not more than forty square feet (40) of sign space equally divided between not more than two (2) sign faces.

Developments which because of their composition may qualify for more than one of the above categories, may select the single category that provides the larger sign. The above categories shall not be cumulative. Residential subdivisions shall only be considered commercial for the purpose of signage restrictions.

a. Height: The maximum height of any free-standing sign shall not exceed twelve (12) feet above the average elevation of the nearest county road.

b. Width: The maximum width of the entire sign structure shall not exceed ten (10) feet.

c. Structure size: The size of the support structure for any free-standing sign shall not exceed the sign face by more than 100%.

d. Where possible, free-standing signs shall have adequate landscaping around the base of the structure.

SECTION 11-017. TEMPORARY SIGNS AND STANDARDS

a. Types: The following types of signs are classified as "temporary signs":

1. Special event signs and - political signs
2. "Grand Opening", "Going out of business" and "Sale" signs of business and service
3. Land subdivision development or building development signs
4. Signs advertising the sale of lease of property upon which they are located

b. Area, height and location:

1. Area: The total area of temporary signs shall not exceed forty (40) square feet and twenty (20) square feet per sign face, except for real estate signs for residential property, which shall not exceed the limitations of Section 11-018.

2. Height: The maximum height of temporary signs shall not exceed eight (8) feet, while the lower edge shall not exceed four (4) feet in height from the average grade.

3. Location:

a. No temporary sign shall be located so as to obstruct or impair driver vision at business ingress - egress points or at intersections.

b. No temporary sign shall be located nearer than one hundred (100) feet to any church, cemetery, public building, historic site or district, and intersection of two or more public streets or highways.

c. Temporary signs are not to be located any closer than one hundred (100) feet from any other sign on the same premises.
c. Time limits:
   1. Special event signs. Special event signs may be erected no sooner than fourteen (14) days preceding a special event and shall be removed within forty-eight (48) hours following the event. The same or similar special event shall not be advertised more frequently than four (4) times a year.
   2. "Grand opening" signs. Temporary "grand opening" signs shall be erected for a period not to exceed fourteen (14) days.
   3. "Going out of business" and "Sale" signs. "Going out of business" and "Sale" signs may be erected for a period not to exceed thirty (30) days for "going out of business" signs and fourteen (14) days for "Sale" signs.
   4. Project signs. Signs for work under construction may be erected upon the issuance of a final development permit on the construction site during the construction and shall be removed within seven (7) days following the issuance of a certificate of occupancy.
   5. Signs announcing the subdivision of land. Temporary signs announcing the subdivision of land may be erected on the land being developed and shall be removed when one hundred percent of the development lots are conveyed or, for a term not to exceed six (6) months, whichever comes first. An extension may be permitted by the Land Use Permit Section of Planning and Development Services.
   6. Real estate signs. shall be removed within thirty (30) days after closing.

d. Permits: Unless specifically exempted pursuant to Section 11.010, or Section 11.011, a temporary sign is not subject to the permit requirement of Section 11.008.

SECTION 11.018 REAL ESTATE SIGNS
One real estate sign, not to exceed six (6) square feet in sign area per face, and, if free-standing, not exceeding four (4) feet in height, shall be permitted. Property with two (2) or more on-premise entrances shall be permitted one additional sign per entrance.

SECTION 11.019 CANOPY SIGNS
A canopy sign shall be permitted one canopy sign per occupancy, not to exceed six (6) feet in length and eighteen (18) inches in height, placed directly under a canopy (marquee) in front of said location identifying the occupancy.

SECTION 11.020 MULTIPLE USE SHOPPING, BUSINESS, OFFICE AND PROFESSIONAL CENTERS: FREE STANDING DIRECTORY SIGNS
a. Any multiple use shopping, business, office and professional center or mall shall be allowed to have not more than two (2) free standing directory signs for individual businesses, provided they meet the following requirements:
   1. Information. Signs shall be for directory information purposes only.
   2. Location. Either the area of the directory sign shall be contained within the limits for total signage area at and center or mall, and the sign shall not be visible from any public way.
   b. Free-standing signs on parcels that do not have direct traffic access to the adjacent roadway will be permitted a sign at half the size authorized in Section 11.016.
   c. Community directory signs are permitted, subject to design approval.

SECTION 11.021 GASOLINE FILLING STATIONS
a. Petroleum product pumps and dispensers which are within view of a public way shall be permitted to display only information required by law and in addition, the brand name and type of product being dispensed.
   b. Premises which dispense retail fuel petroleum products by pump shall be permitted one additional sign on the same premise announcing the price per gallon of no more than four (4) products. Station may also post prices in any other units of measurement along with the gallon price. Size of the characters shall be no larger than twelve (12) inches in height and no smaller than four (4) inches in height.
   c. Product signage shall conform in size and height to the standards set forth in Section 11.016 and conform to design standards in Sections 11.012 and 11.014.
SECTION 11.022. FREE-STANDING SIGNS; LOCATION IDENTIFICATION
The location for a new free-standing sign shall be clearly identified by a white stake or visible above the
ground line at each location at which a support pole will be imbedded in the ground.

PART F—ADMINISTRATION

SECTION 11.023. APPLICATION FOR PERMIT

In addition to the permit application requirements of the Uniform Building Code and the Department of
Planning and Development Services, the following items shall also be submitted for the purpose of design
review by the Point Roberts Character Plan Advisory Committee:

- A Type of sign for which a permit is being sought;
- Three (3) copies of a sketch, blueprint, blue line print or similar presentation drawn to scale and
dimensioned, showing elevations of the sign as proposed on a building façade, awning or canopy; provided
further, the relationship to other existing adjacent signs shall also be shown. In the case of a free-standing
sign, said sketches shall include a site plan showing the sign location and any existing or proposed
landscaping which is affected by such sign.

SECTION 11.024. MAINTENANCE (Code Enforcement)

To assist the County in code enforcement, the Character Plan Advisory Committee may advise the County of
what is believed are violations to the Point Roberts Character Plan. Alleged violations shall be decided by
a democratic vote of the Committee and submitted in writing to Whatcom County Code Enforcement via the
Liaison Officer. (See Section 9.001:)

The Point Roberts Character Plan Advisory Committee shall conduct a Special Meeting within 7 days of
having received a formal written complaint of a purported violation. An advisory report shall be made to
Code Enforcement with 7 days of the Special Meeting. If the complaint has been made in person at a
regularly scheduled meeting, advisory report shall be made to Code Enforcement with 7 days.

Any private individual(s) who believe that the Advisory Committee has acted in error may submit a formal
complaint of a purported code violation to the County Code Enforcement Officer.

Formal code enforcement action, as deemed necessary and prioritized by Whatcom County Code
Enforcement, shall only be conducted by the County Code Enforcement Officer(s).

SECTION 11.025. MINIMUM REQUIREMENTS

Whenever this article imposes a higher standard than required by Title 20, Whatcom County Zoning
Ordinance, the provisions of this article shall govern. Whenever Title 20 requirements impose a higher
standard than required by this article, Title 20 provisions shall govern.

SECTION 11.026. PRIVATE RESTRICTIONS

Whenever this article imposes a higher standard than required by easements, covenants or agreements, the
provisions of this article shall govern.

SECTION 11.027. STATUTES

When the provisions of any applicable state or federal statute impose a higher standard than required by this
article, the provisions of such statute shall govern.
SECTION 12-001. FLAGS

a. Non-governmental flags are deemed to be signs and shall be subject to the provisions of this article, except that no flag shall exceed twenty-four (24) square feet per face.
b. Governmental flags must be displayed in a dignified non-commercial manner and follow the established flag protocol in respect to times of flying, arrangements, locations, etc. No governmental flag shall exceed twenty-four (24) square feet per face.
c. The height of flag poles shall not exceed twenty (20) feet.
d. Flag poles on top of buildings shall not exceed ten (10) feet above the roof top.

Non-conforming flags, according to section 12-001-a, shall have no amortization period and shall conform immediately.
SUGGESTED SIGNAGE STYLES
INCLUDED ARE SOME SAMPLES OF POSSIBLE
SIGNAGE FOR PT. ROBERTS.

RUSTIC STYLES
NATURAL MATERIALS CONVEY
A HISTORICAL/NAUTICAL
FEELING.

USE OF WOOD IS
PREFERABLE. SAND
BLASTING OR
PAINTING CREATES
INTEREST.

NAUTICAL
ELEMENTS
(ROPE,
HARDWARE)
SUPPORTS
NAUTICAL
THEME.

SWINGING SIGN
ON POST

SIGNS CAN ALSO
BE APPLIED
DIRECTLY TO
BUILDINGS.
MATERIALS USED SHOULD HAVE A NATURAL APPEARANCE OF WOOD, STONE, BRICK, ETC.

STYLES OF LETTERING SHOULD BE SELECTED THAT REFLECT THOSE USED IN THE EARLY 1900'S, E.G. TIMES, BODONI, Goudy, Futura, Egyptian.

GAS STATION SIGN WITH LANDSCAPING.

RELIEF WOODEN SIGNS HELP WITH THE HISTORICAL THEME.

BUSINESS DIRECTIONAL SIGN WITH NAUTICAL APPEARANCE CAN HELP SHOPPERS.
Extended signs from sides of buildings can be permanent or swinging.

Facia sign

Nautical designs would be appropriate.

Sign above canopy painted on wood.

Point Roberts business directory done in nautical/historical theme.
Bellingham UGA & Surrounding Area

- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve

Existing/Proposed Title 20 Zoning Boundary

Note: Short-Term Planning Area zoning is rescinded.
Birch Bay UGA & Title 20 Zoning

- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Blaine UGA & Title 20 Zoning

- Incorporated City
- Urban Growth Area
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Cherry Point UGA & Title 20 Zoning

- Major Port/Industrial UGA
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Columbia Valley UGA & Title 20 Zoning

- Urban Growth Area
- Urban Growth Area Reserve
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Ferndale UGA & Title 20 Zoning

- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Lynden UGA & Title 20 Zoning

- Incorporated City
- Urban Growth Area
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Nooksack UGA & Title 20 Zoning

- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Sumas UGA & Title 20 Zoning

- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tr>
<td>Originator: Mark Persionius</td>
<td>M.P.</td>
<td>5/19/2016</td>
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<td>5/31/2016</td>
<td>Special Committee of the Whole</td>
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<td>5-19-16</td>
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<td>Prosecutor: Royce Buckingham</td>
<td>WP</td>
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<td>5-19-16</td>
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**EXECUTIVE:**

Jack Louws 5-24-16

**TITLE OF DOCUMENT:**

Briefing and discussion on Comprehensive Plan Chapter 10 (Design).

**ATTACHMENT:**

1. Cover letter

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

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

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

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 in 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to make a presentation and discuss Comprehensive Plan Chapter 10 (Design) with the Council.

**COMMITTEE ACTION:**

5/31/2016: SCOTW: Item not discussed

**COUNCIL ACTION:**

5/31/2016: SCOTW: Item not discussed

**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.
Memorandum

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

FROM:     Mark Personius, Assistant Director

DATE:     May 19, 2016

SUBJECT:  Comp Plan Update – Chapter 10 (Design)

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 in 2016, as required by the Growth Management Act. Staff is requesting to
make a presentation to the County Council relating to Chapter 10 - Design on May
31, 2016.

Staff proposes deleting Chapter 10, with the exception of the goal and policies on
historic and cultural resources, which would be moved to Chapter 2 Land Use.
When the chapter was originally adopted, the County Council elected not to adopt
policies that the Planning Commission had recommended in 1996. This reduced the
chapter to a series of general goals without specific implementing policies (with the
exception of the historic and cultural resources section, under Goal 10E). Many of
the general topics discussed in the remaining chapter are addressed in greater
detail in other chapters such as Land Use, Transportation, Natural Resources,
Recreation, and Environment (for example, rural character, open space, clustering,
and natural resources) or through development standards, incentives or regulations
that do not require a “Design” chapter of the Comprehensive Plan to implement.
Such issues may be better addressed through community or watershed specific
planning approaches within the discretion of Whatcom County. Some design issues,
such as rural clustering, have already been addressed as part of the County’s rural
element. Furthermore, a “Design” element is not required by the GMA. However,
the GMA (Planning Goal 13) and WAC 365-196-450 call on counties to identify and
encourage the preservation of historic and cultural resources. Because historic and
cultural resources are important topics – which are addressed in GMA Planning Goal
13 – staff proposes retaining this topic (Goal 10E and implementing policies) as
part of Chapter 2 Land Use.

The Council has requested a summary of the substantive changes made by the
Planning Commission. The Planning Commission considered Chapter 10 – Design
on August 13, 2015. Planning Commission recommended deleting the Chapter, as
proposed by staff.

Thank you for your consideration of this matter. We look forward to discussing it
with you.
Briefing and discussion on Comprehensive Plan Chapter 7 (Economics).

**ATTACHMENT:**

Related paperwork can be found at:

[www.co.whatcom.wa.us/2346/Comprehensive-Plan-Update-Process](http://www.co.whatcom.wa.us/2346/Comprehensive-Plan-Update-Process)

**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

5/17/2016: Comments recvd., discussed and gave direction

**COUNCIL ACTION:**

5/31/2016: SCotw: Not discussed

**Related County Contract #:**

<table>
<thead>
<tr>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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Chapter Seven
Economics

Introduction

Purpose

Economic vitality is the measure of the economic health of the County—which people, its businesses, and its government. A way—Different ways—of enhancing economic vitality are through public and private actions designed to achieve:

1. Maintenance of a strong sustainable economic base;
2. Diversification of the local economy;
3. Improved job training and educational opportunities; and
4. Creation and maintenance of a range of family-wage jobs.

Economic vitality depends also be described simply as 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. The purpose of the economic element is to set goals and establish policies which promote economic vitality for the future of Whatcom County. This chapter provides policies that directly affect other elements of this plan and how this plan was drafted. There are also policies that can be utilized to help direct future planning actions or to review private requests for plan amendments, rezones, or specific projects. Finally, the list of specific action items set forth direction for immediate and long-term actions by the county and suggestions that involve other entities interested in Economic Development.

Process

This chapter was originally created by utilizing policies from the Overall Economic Development Program (OEDP), developed while working with the boards of the Bellingham/Whatcom County Economic Development Council (EDC), formerly Fourth Corner Economic Development Group, the Bellingham/Whatcom Chamber of Commerce, the Chamber of Commerce Economic Committee, and an ad hoc committee that was established to review industrial land supply issues. Currently, the Economic Development Administration (EDA) now requires a Comprehensive Economic Development Strategy (CEDS) instead of an OEDP to be eligible for grant funding. The EDA established the OEDP process in order to create an effective Federal/local partnership in economic planning. An expansion of the OEDP process, the CEDS directs its investments to be based on strategies resulting from locally controlled participatory planning processes established to develop and maintain the CEDS.

Lead by the Partnership For a Sustainable Economy, a committee of the principal coordinators and advocates of the wise management of new public and private investment—provided ongoing involvement during development of the CEDS. The
resulting vision, goals and strategies provide the framework for public-and-private
decision-making and serve as the basis for the action-plan.

In addition to establishing a series of goals and strategies, a countywide
compilation of projects has been assembled and is included as an appendix section
entitled Whatcom County Comprehensive Economic Development Strategy Project
List. Included in this list are capital improvements, planning efforts, business
development and finance tools and technical assistance projects. This compilation
may be used as a tool for coordinating community and economic proposals
throughout the county.

GMA Goals, and County-Wide Planning Policies, and Visioning Community
Value Statements

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 and Community Value Statements also
have sections 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 recognizes the best path towards economic prosperity will
likely be found through promotion of the county’s 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. In general, this chapter
addresses the points raised in the CEDS, the County-Wide Planning Policies, and the
Visioning Community Value Statements, but goes beyond all documents to address
other economic issues.

As a result of the CEDS process, a compilation of all countywide economic
development goals, strategies and objectives has been assembled. The Key Policies
(Goals & Strategies) Related to Local Economic Development is also a part of the
CEDS document as an appendix. This summary includes entries from municipalities
such as area cities, Whatcom County, Council of Governments, PUD #1; economic
development groups such as East County (Foothills), Point Roberts, Birch Bay
Economic Development Committees; and special focus organizations such as
Agriculture Preservation Committee, Workforce Development Council, and Whatcom
Coalition for Healthy Communities. Goals, strategies and objectives are categorized
among six general topics: Land Use & Development; Public Infrastructure &
Services; Workforce & Education; Business Development; Coordination; and
Natural Resources. Each general topic is further divided into sub-categories allowing
for cross-community themes and coordination efforts to be supported.
Reason for change: This section of Chapter 7 addresses the GMA and County-wide Planning Policies. The Comprehensive Economic Development Strategy (CEDS) is addressed later in this chapter.

GMA Requirements

The GMA was amended Beginning in 2002 to requires an economic development element into be included as a comprehensive plan upon appropriation of state funding. As of 2014, state funding has not been provided. In addition, the County Council has specifically requested that the CEDS report prepared by the Partnership for a Sustainable Economy be incorporated in the comprehensive plan. With this update to the Economics Chapter of the Comp Plan current economic data contained within the CEDS and other sources is incorporated. This chapter directly accomplishes the above objectives though economic policies also appear in other chapters of this plan.

Reason for change: The GMA was amended in 2002 to require an economic development element only if funds covering local government costs are distributed by the state at least two years prior to the deadline for updating the comprehensive plan. The state has not yet distributed such funds.

Background Summary

Total number of people employed in Whatcom County increased from 64,720 in 1990 to 94,310 in 2013, an increase of almost 30,000 people with jobs. During this period, monthly unemployment has typically ranged from about 5 to 7.5%, but has gone as low as 3.8% in 2006-2007 and peaked at 11.1% in 2010 in the aftermath of the Great Recession.
Figure 1. Labor Force, Employment and Unemployment, 1990-2013


The Washington State Employment Security Department maintains more detailed statistics on "covered" employment, which are jobs covered by state unemployment insurance. Covered employment for Whatcom County is shown below in Table 1, and Figures 2 and 3 by North American Industry Classification System (NAICS) codes.

Table 1. Employment by Industry, 2002-2013

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<td>3,115</td>
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<td>3,336</td>
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<td>Construction</td>
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<td>5,652</td>
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<td>9,861</td>
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</tr>
<tr>
<td>Accommodation and Food Services</td>
<td>6,818</td>
<td>6,936</td>
<td>7,220</td>
<td>7,544</td>
<td>7,944</td>
<td>8,266</td>
<td>8,159</td>
<td>7,621</td>
<td>7,454</td>
<td>7,257</td>
<td>7,138</td>
<td>7,833</td>
<td>14.89%</td>
</tr>
<tr>
<td>Other Services</td>
<td>14,172</td>
<td>14,576</td>
<td>15,056</td>
<td>15,639</td>
<td>16,026</td>
<td>17,084</td>
<td>17,421</td>
<td>16,673</td>
<td>16,295</td>
<td>16,675</td>
<td>16,935</td>
<td>17,235</td>
<td>21.61%</td>
</tr>
<tr>
<td>Government</td>
<td>12,817</td>
<td>13,272</td>
<td>13,451</td>
<td>13,652</td>
<td>13,742</td>
<td>14,082</td>
<td>14,224</td>
<td>14,316</td>
<td>14,346</td>
<td>14,291</td>
<td>14,101</td>
<td>14,339</td>
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<tr>
<td>Total</td>
<td>70,306</td>
<td>72,417</td>
<td>74,988</td>
<td>78,501</td>
<td>80,188</td>
<td>82,544</td>
<td>83,167</td>
<td>79,164</td>
<td>77,779</td>
<td>79,185</td>
<td>80,401</td>
<td>82,315</td>
<td>17.08%</td>
</tr>
</tbody>
</table>

Total covered employment in Whatcom County increased by 17% between 2002 and 2013, while population grew by 18% during this same period (see Table 1 above). Health care services increased by 38% from 2002-2013, which is the highest percentage gain of any industries shown above. Employment in the resources and utilities, retail trade, transportation and warehousing, and other services categories also grew more than average. Between 2002 and 2013, about 8.5% of the construction jobs were lost. Construction, which was hit hard in the aftermath of the economic downturn, was the only industry that suffered a net loss of jobs in this time-frame. The 2013 distribution of jobs is shown below.
Median household income in Whatcom County increased between 1990 and 2013, although not as much as in Washington State. In 2013, the median household income was almost $52,000 in Whatcom County. In the state as a whole, 2013 median household income was approaching $59,000. A comparison of County and State median income, not adjusted for inflation, is presented below.
Historically, Whatcom County has had a cyclical economy. The unemployment rate typically runs nearly a percentage point higher than the state as a whole, though the 2002 year-to-date (10 month) average unemployment rate for Whatcom County of 6.3% is lower than the state average of 7.1%. Average annual wages run several thousand dollars below the state as a whole, a gap that continues to grow.

A number of efforts have been made in the past to address the economic issues in the county. Beginning in 1966 and continuing periodically thereafter, the Whatcom County Council of Governments, working with public and private sectors, published an Overall Economic Development Program (OEDP). For the years 1991 to 1993, the OEDP was prepared by the EDC, in cooperation with Whatcom County Council of Governments. Since 1993, the Whatcom County area has not had an update to overall or comprehensive economic development strategy, until completion of the CEDS process.

The earlier programs led to several studies that were completed in the early 1980s, including: The Business Triad Report, 1981; The Economic Futures Study of Whatcom County, 1983; and The Stanford Research Institute Study, 1983. These studies led to the creation of Team Whatcom, a coordinating group, and Fourth Corner Economic Development Group, both of which joined with the Council of Governments, the Chamber of Commerce, and the Port of Bellingham to sponsor studies and/or carry the economic development role in the county. In 1987, the Business College at Western Washington University led an exercise involving all of the agencies in Whatcom County interested in economic development. From this
exercise, a major conclusion was that there is a need for continuing coordination.
In 1989, the Cities of Everson and Nooksack held economic summits sponsored by
Puget Sound Power and Light. Several years later, the City of Ferndale followed
suit.

Early in 1993, an ad hoc industrial land supply committee was created under the
auspices of EDC to review industrial land supply needs. The Whatcom County
Council appointed a Jobs Based Economy Committee that published a report in
September 1994. Prior to an economic summit in October 1994, the Chamber of
Commerce published a background study on the local economy.

In addition, an Economic Development Task Force (EDTF) was formed in the fall of
1996 to address economic development issues, network between jurisdictions and
organizations in Whatcom County and to take positive actions in information and
marketing, regulatory issues, and infrastructure. In addition, the EDTF was charged
with the mission to facilitate actions that will improve the economy of Whatcom
County. A full work plan was established from which to accomplish these objectives.

Reason for change: Deleting outdated information.

Community Wide Strategic Planning Efforts

Whatcom County Comprehensive Economic Development Strategy

The Whatcom County Comprehensive Economic Development Strategy (CEDS) was
updated in 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
capital-improvements planning in the service of economic development. 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. The CEDS report has primarily directed sales tax revenue collected under RCW 82.14.370 be used to fund infrastructure.

In 2000, the Partnership for a Sustainable Economy was formed to coordinate countywide economic development planning efforts. The first task is completion of the CEDS, which is being incorporated into this Economics Chapter. Six overarching Economic Development Strategies have been identified through the CEDS process:

Goal A: Finance and maintain appropriate infrastructure for community and economic development.
Goal B: Ensure sustainable development and uses of natural resources.
Goal C: Promote a diverse economy by sector and location.
Goal D: Foster collaborative working relationships among economic development stakeholders at the community, state, federal, international and tribal levels.
Goal E: Provide and retain a high-quality workforce.
Goal F: Increase public understanding and involvement in economic issues.

Numerous strategies accompany each of the above Goals.

Minority Population Issues

Historically, Native Americans, the largest minority population in Whatcom County, have had high unemployment rates. This has been further impacted by the loss of fisheries, although casinos recently built on both reservations have partially substituted for this loss. Another growing cultural group in the county is the Hispanic community, which came to Whatcom County for seasonal agriculture work and has chosen to stay. Seasonal employment, however, cannot provide for adequate housing and other basic needs. Russian and Ukrainian immigrants are another growing minority in Whatcom County who may have special needs.

Strategic Economic Vitality Issues

There are a number of major economic vitality issues facing Whatcom County. These issues are discussed individually below and each is addressed through a specific goal with attendant policies.

Issues, Goals, and Policies

Diversified Economy

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, one that remains resilient through business cycles, is relatively recession-proof, and one 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. This concept was reinforced by a non-statistical Business
Retention—and Expansion (BRE) survey conducted by Western Washington
University’s Small Business Development Center (SBDC) with 54 manufacturers.
They reported that the top two strengths of Whatcom County are Recreation and
Quality of Life.

Reason for change: The WWU Small Business Development Center no longer
conducts this survey.

Based on non-agriculture payroll employment data in Whatcom County, the
number of non-agricultural jobs has consistently grown since 1982. In general, the
long-term trend in the county’s economic development is similar to state and
national trends. More specifically, the service producing employment sectors (trade,
services, government, financial, transportation/utilities) have grown over time,
while goods production (mining, construction and manufacturing) has decreased as
a share of total employment. The goods share of the Whatcom economy declined
from 33% in 1970 to 23% in 2000, while services rose from 67% to 77%.

Even though employment growth has surged, wage growth has lagged. Per capita
personal income growth in Whatcom County has also not kept pace with the
statewide average. In 1999, per capita personal income for Whatcom County was
reported to be $23,228 while Washington State reported $30,380. From an analysis
of the annual average wage in Whatcom County and Washington State since 1970,
the wage gap that is apparent in per capita personal income is even wider by this
measure. In 2000, the average annual wage difference between the state and the
county was $10,743. Adjusted for inflation, average wages in Whatcom County
have declined from $23,872 to $19,958 over the last 30 years.

This overall decline of the average wage has been subject of considerable
discussion because it is a national trend. Some of the explanations considered
include an overall decline in high paying goods producing jobs accompanied by a
large increase in lower paying trade and service jobs.

The rapid growth in service related jobs mirrors national and state trends that have
occurred for several decades. As reported in the CEDS, forecasts suggest that these
trends will continue through 2020 and beyond. Washington State’s economy will
continue to become more and more dominated by service jobs. It is expected that
service jobs will account for 35% of Whatcom County’s employment in 2020, up
from 26% in 2000.

Reason for change: Employment information is included in the Background
Summary in this Chapter. Wage information is in the CEDS and on the Internet.
Goal 7A: Promote a healthy economy which provides ample opportunity for family-wage jobs for diverse segments of the community, which is essential to the quality of life in the area.

Policy 7A-1: Together with the cities, provide an ample, developable land supply for commercial and industrial uses to provide opportunity for new and expanding firms wishing to locate or remain in Whatcom County.

Policy 7A-2: Foster a diverse, private-sector job base, which will provide family-wage jobs at the state median income level or greater, and facilitate the retention and expansion of existing businesses.

Policy 7A-3: Employ innovative techniques to attract a mix of diversified industries for a broader economic base.

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.

Policy 7A-5: Support a joint venture between the public and private sector in a training and technology partnership with local education resource providers to develop 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 Workforce Development Council, and businesses and industries.

Policy 7A-6: Support "Industrial Incubators" to facilitate business start-up operations and entrepreneurship education for small companies which are bigger than cottage industries, but not yet ready for a stand-alone industrial site.

Policy 7A-7: Foster an adequate housing supply for all income levels as a prerequisite for a healthy economy.

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.

Policy 7A-9: Produce a strategic plan to guide the county's participation in tourism development-marketing.

Policy 7A-10: Establish a competitiveness review of policies, taxes/fees, processes, and other influences that impact county businesses.
Cooperation and Public/Private Partnerships

In the mid-1980s, it was recognized that cooperation and coordination by businesses, jurisdictions and other entities were 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. Special efforts were made to accomplish these; both the City of Bellingham and Whatcom County hired staff with this focus.

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.

During the 1990s, the county's small cities followed suit with the addition of either added staffing or contracted planners and three unincorporated areas (Birch Bay, Point Roberts and East County) assembled economic development committees. As evidenced in the Key Policies Related to Local Economic Development, this commitment to coordination and cooperation by all entities and jurisdictions throughout the county is more specifically revealed. As the area continues to grow and systems become more complex, it will be increasingly important to maintain this effort.

Goal 7B: Support increased public/private sector partnering among all entities involved with economic development.

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.

Policy 7B-2: Continue to work with the Partnership for a Sustainable Economy in informal meetings of staff from all the entities and jurisdictions involved with economic development to discuss issues of interest on a periodic basis.
Reason for change: The Partnership for a Sustainable Economy has transitioned into a group called the Small City Partnership, which is a forum for small city issues and economic development topics.

Policy 7B-3: With the Partnership for a Sustainable Economy, cities, Port of Bellingham, Council of Governments, Tribal governments, Northwest Economic Council, Chambers of Commerce, business, labor, education, and other social and community interests, continue to cooperate, on updating prepare and implementing the annual Comprehensive Economic Development Strategy project list and other economic analyses and plans.

Policy 7B-4: Identify, develop and match funding opportunities with the economic development projects contained within the CEDS report. Funding sources could include WA CERT, the Economic Development Administration (EDA), Community Development Block Grants (CDBG), & Community Economic Revitalization Board (CERB), ELM—Rural Sales Tax (also known as the Economic Development Initiative or EDI fund), USDA Rural Development, grants and loans, private investment, local match and many other federal, state and local sources.

Policy 7B-5: Encourage utilization of current technology and efficient communications tools to disseminate information.

Infrastructure

Despite the many natural advantages for economic growth in Whatcom County, several factors constrain the creation of future wealth in the county. One of the factors is the lack of adequate infrastructure for future industrial development. An adequate water distribution system is one example.

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. Caueuses—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.
Watershed planning must continue to be considered relative to the 20 year plans for sewer, all-weather access roads, and appropriate storm drainage to encourage new industries to easily locate in Whatcom County.

Effective government services, such as criminal and civil justice, public health and safety, planning and development services, safe roads, and stormwater facilities play an important role in supporting economic development. Adequate funding for the increased demand for governmental services and the infrastructure to support them is critical to expansion of the Whatcom County economy.

Along with planning for future water and other infrastructure for economic development, electric energy supply and telecommunications are also important for future economic growth within the county. The expansion or construction of new transmission facilities is important for the locational decisions of the industries that might want to locate to Whatcom County. Also, PUD #1’s Infnet Telecommunications Utility (Whatcom Open Network) has been established to facilitate the availability of advanced telecommunications services for public agencies and businesses in proximity to the Infnet network facilities. Facilities include a backbone of fiber optic infrastructure, both existing and future, as Infnet’s network expands countywide.

Reason for change: The PUD is no longer pursuing this particular project.

Goal 7C: Ensure adequate infrastructure to support existing and future business development and evolving technology.

Policy 7C-1: Continue to work with all involved parties to ensure an adequate water supply and distribution system to support economic growth.

Policy 7C-2: Encourage the provision of adequate transportation infrastructure, including roads to all industrial sites.

Policy 7C-3: Work with service providers for a dependable electric power supply, alternative energy sources, communications, and evolving technology to support existing and future business development.

Policy 7C-4: Encourage location of industrial areas, especially where sewer and water service and all weather access can be readily provided when necessary.

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.

Policy 7C-6: Consider proposals for an east-west rail line between Cherry Point and Sumas including stops in Lynden.
Reason for change: Any such proposal would be considered under the permitting authorities that exist.

Policy 7C-67: Participate in the ongoing implementation and operation of the countywide water resources management body (WRIA #1) for Whatcom County.

Policy 7C-78: Recognize the importance of governmental services and facilities to support economic development. Update capital facility plans and appropriate adequate funding for public facility upgrade or expansion necessary to serve projected population and business growth.

Policy 7C-89: Recognize the importance of integrated transportation planning to economic development.

 Regulations/Processing

Governmental regulations are both a perceived and a real problem. Sufficient regulatory control and enforcement is needed to protect the environment and general health, safety, and welfare of the community and also to assure minimum quality standards to protect development investments from adverse effects from neighboring development. This must be tempered to avoid excessive cost, inflexibility, unpredictability, and excessive time delays. Ample land is needed with proper zoning to ensure a wide range of choice and preclude excessive land prices. Such lands should be located in areas suitable for development, thus minimizing the need for regulatory controls.

Site-specific environmental constraints such as wetlands, streams, and river protection areas reduce land use options for many businesses and industrial firms. The current incremental, site-by-site approach to regulating environmental resources is considered an impediment to achieving economic vitality goals. One step toward addressing this issue is the initiation by the Port of Bellingham to conduct an in-depth land capacity analysis, which includes an inventory of the supply and availability of industrial and commercial properties in the county and to conduct a forecast of future demands and needs.

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.

Policy 7D-1: Work with state and federal agencies to coordinate and streamline environmental review.

Policy 7D-2: In implementing this plan, do Consider conducting in-depth environmental analysis for comprehensive plans and subarea plans.
to limit the need for future analysis by the private sector to a few
issues that are unique to a specific project and cannot be
reasonably analyzed at a subarea level.

Policy 7D-3: Seek grants to develop government-sponsored environmental
impact statements for specific industrial sites.

Reason for change: Policies 7D-2 and 7K-5 address addresses programmatic
environmental analysis.

Policy 7D-34: Integrate and simplify regulations to make them more
understandable and user-friendly.

Policy 7D-45: Utilize graphic illustrations to explain choices which cannot be
clearly conveyed in a few words.

Policy 7D-56: Utilize private sector professional review, where appropriate, to
streamline the permitting process and provide a choice of reviewing
options for applicants including engineers who could provide pre-
approved engineered drawings.

Policy 7D-67: Streamline and coordinate the permit process and sustain a
supportive customer service approach towards permitting.

Policy 7D-78: Develop a computerized system, similar to the public library
system, use information technology and improve than Internet
web sites so the public computer owners can receive information on
the status of projects, latest drafts of documents, and access to
general resources via the Internet.

Policy 7D-89: Create options for greater flexibility in the regulatory and
development review process.

Policy 7D-910: Consider the vision statements and action items in the CEDS when
conducting local planning processes. Review and incorporate into
local planning processes the goals and policies summarized from
countywide planning documents in the CEDS appendix document:
Key-Policies-Related-to-Local-Economic-Development.

Proximity To Canada

The impact of the British Columbia population on the local Whatcom County
economy is considered both an asset and a liability, depending on the particular
type of impact being considered. The large Canadian consumer population has
created an inordinately large retail sector in Whatcom County, increasing jobs,
retail sales, taxes, and traffic. In 1994, estimates indicated that over 25% of all
county employment was related to Canadian consumer activity, and 30% to 40% of
all county retail activity depended on the Canadian shopper. Over time, the impacts of Canadian consumer activity has fluctuated greatly, primarily in relationship to the value of the Canadian dollar and more recently due to increased security issues. Between 1995 and 2001, taxable retail sales declined 2%, 10% and 27% in Everson, Blaine and Sumas, respectively, according to Washington Department of Revenue.

Retail jobs tend to be low-wage, frequently part-time, and without benefits. Even though these jobs can prove to be a valuable asset to a community by providing supplemental family income, part-time work availability, and entry-level positions, when this is factored with the rising cost of living in Whatcom County, it becomes apparent that many local retail jobs do not pay a living wage. This fact has important ramifications for funding public sector services, provision of affordable housing, meeting rising medical costs, and supply of other basic services.

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.

Goal 7E: **Enhance the economic trade, tourism, and industrial siting advantages of the county's location adjacent to the Canadian border.**

Policy 7E-1: Support attractions for Canadians and other visitors so they will remain in the community 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 of History and Art, 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.
- Projects, events and activities of unincorporated areas such as Point Roberts, Birch Bay and East County.

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.

Policy 7E-3: Use Western Washington University as a regional resource and major draw for Canadians and others who participate in symposiums and other regional events.

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.

Business Retention and Expansion

Businesses create jobs, supply needed goods and services, and enhance economic opportunities for the residents of the County. It is also important to encourage locally-owned and operated businesses to re-invest profits and pay wages in the local community. 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. Local businesses use local banks and other support services which help keep dollars cycling through the local economy. Therefore, business retention and expansion are important elements that support the economic well-being of the community.

In the "Evaluation for Industry Recruitment in Whatcom County and Cherry Point" study conducted for the Port of Bellingham and PUD #1 in 2000, it was shown that the best industrial sectors for targeting success include small (20–50 employees) to medium-sized (50–250 employees) firms. Target locations include firms in the Seattle and BC market, as well as industries already present in the county that are ready for expansion and retention.

Goal 7F: Encourage development that creates local re-investment funds and provides jobs in the local community.

Policy 7F-1: Support existing local businesses in the community as the major contributors of job creation and regeneration and afford them every opportunity to continue their success in the community.

Policy 7F-2: Encourage businesses investments whose products and services can be marketed beyond the borders of Whatcom County, both domestically and internationally.

Policy 7F-3: Encourage firms to contribute financially as partners with the public sector in sharing the costs for civic and cultural needs of the community-at-large.
Policy 7F-4:  Enhance opportunities for increased resource-based (agricultural, forest, fisheries, and mining products) value added industries.

Policy 7F-5:  Encourage utilization of existing and future resources available through local agencies, entities, and organizations, such as the "Evaluation for Industry Recruitment in Whatcom County and Cherry Point" and industry sector analyses being completed by information from the Western Washington University Center for Economic and Business Research.

Economic Growth and Environmental Quality

Often economic development and environmental protection are seen as opposites. Because growth can increase pressure on sensitive critical areas and resource lands there can be some truth to this. However, both economic vitality and environmental quality are interrelated and are extremely important to the community. Economic development requires adequate water supply as a fundamental need. The fishing and shellfishing industries are particularly dependent on water, good water quality, and habitat. The tourist industry needs these same attributes. Washington CEO, dated November 1993, printed a survey, which ranked quality of life and environment are first and third, respectively, as reasons that for businesses are to be attracted to Whatcom County, the State of Washington. Conversely a strong economy that provides well-paying jobs allows the leisure time and the resources to focus on environmental protection.

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.

Policy 7G-1:  Recognize the natural environment as a major asset and manage environmental resources accordingly.

Policy 7G-2:  Review the environmental protection policies plan for Whatcom County to coordinate with and incorporate economic development objectives.

Policy 7G-3:  Provide support to Whatcom County's tourist industry to maintain and enhance a balance between the economic benefits of tourism and the local quality of life.

Policy 7G-4:  Encourage sustainability a "sustainable materials economy" 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.

Policy 7G-5: Coordinate environmental and economic planning efforts.

Policy 7G-6: Address environmental issues on a county-wide basis so that areas like the Cherry Point Industrial Area or public access areas such as marinas or the airport can expand as necessary using mitigation banking or other appropriate mitigation measures.

Natural Resource Based Industries

Natural resource 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. For example, the market value of crop and livestock product sales from Whatcom County farms was over $357 million in 2012 (Census of Agriculture). Over $26 million in timber was harvested in 2012 from private and public lands in Whatcom County (State Department of Revenue). 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. In 1997, the total value of farm products produced and sold in the county was $241.6 million, ranking 5th among counties in the state. Some resource jobs tend to be high paying and it is the resource-industries that give Whatcom County its distinctive flavor.

The reduction in jobs in the resource industries not only lowers the average wages, it also disproportionately eliminates jobs from different segments of society. For example, dwindling fisheries have impacted those who, historically, have relied on fishing for a livelihood. According to the Washington State Department of Employment Security, commercial fishing has declined to 71 reported local jobs in 2000, down from a 1990-1994 average of 208 local jobs per year. Likewise, the local shellfish industry has suffered significant losses. The Dungeness crab fleet as been affected by increased competition, imposition of quotas and shorter harvest seasons. Also, due to deteriorating water quality, The State of Washington Department of Health has prohibited commercial shellfish harvest within Drayton Harbor (Blaine) and Portage Bay (off the Lummi Peninsula). In response, the County created Shellfish Protection Districts for these waterbodies and local advisory committees are actively working on strategies and actions to reduce pollution sources.
Forest-industry job losses also severely impact families living in the eastern part of the county. In addition, consolidation of farmsteads and land use is occurring more rapidly in Whatcom County than in other parts of the state. In Whatcom County, the number of farms declined by 11% between 1992 and 1997, while the state declined by only 6%. Also, the acreage devoted to farming has been steadily declining. Between 1992 and 1997, the county acreage fell 12%. During the same period, the state declined by only 3%.

New technology and improved practices are continually being evaluated. With the decrease in farmland and increase in farm productivity, more manure waste is being generated in decreasing areas of agricultural land. Thus, efforts to use waste for biogas (energy production) is under study.

Reason for change: Agriculture, forestry and mining are addressed in Chapter 8. Some of the above statistics change over time. With the availability of information on the Internet, it is generally not necessary to have this level of detail in the Comprehensive Plan.

**Goal 7H:** To promote economic diversity, continue to support the resource industries as significant elements of the local economy including the employment base.

**Policy 7H-1:** Ensure that sufficient agricultural land, support services, and skills are available to encourage a healthy and diversified agricultural economy.

**Policy 7H-2:** Work with other agencies, Tribal governments and groups to improve the condition of the fishery resource, including habitat maintenance and enhancement, especially for habitats utilized by threatened and endangered fish species.

**Policy 7H-3:** Maintain the commercial forestland base of Whatcom County to assure the industry's continued economic viability and sustainable harvest.

**Policy 7H-4:** As part of a broad-based economy, foster productive timber, agriculture, and fisheries industries in a sustainable manner.

**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.

**Policy 7H-6:** Promote the expansion of "value added" production of secondary products and resources to support the primary resource industries and maintain wealth and jobs in the local community.
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 countywide planning policies; and when located in a rural area, preserve the rural character of the area.

**Unemployment and Underemployment**

Over the past five years (1996-2001), unemployment has tended to run nearly a percentage point higher in Whatcom County (5.8%) than in the state as a whole (5.2). Unemployment tends to affect minorities harder; thus, lessening the opportunity for cultural diversity. However, this relationship has reversed during 2002 with the 10-month average unemployment rates of some more rural counties of the state, it has averaged the highest of three similar Westside counties of Thurston (Olympia), Kitsap (Bremerton), and Pierce (Tacoma) since 1990. Adjacent and more rural Skagit County has consistently held a higher unemployment rate since 1990 than Whatcom County.

Average yearly unemployment rates in Whatcom County have generally tracked unemployment rates in Washington State as a whole. In the 1990s, Whatcom County unemployment was slightly higher than the state. However, state unemployment has generally been higher from 2002 to 2013.

**Figure 5. County and State Unemployment, 1990-2013**

![Unemployment Chart](chart.png)  
Underemployment reflects underutilization of the productive capacity of the
employed population. 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.

**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.

**Policy 7J-1:** Support creation of job opportunities for local residents, especially
family wage jobs to decrease unemployment and
underemployment.

**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.

**Policy 7J-3:** 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 from declining industries.

**Geographic Diversity**

A final issue with the local economy is the location of the majority of jobs in the
western-most portion of the lowlands area of Whatcom County. 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. People from smaller
communities located throughout the County generally have longer commutes, but
as the commercial forestry, farming and fishing job base declines and people
disperse more throughout the county, commuting distances increase, creating
greater impacts on the road system. Also, there is it creates additional need for
more discretionary income for travel costs.

These and other area-specific issues have spurred three communities to focus
efforts on economic development: the creation of three economic development
regions in the unincorporated areas of Whatcom County: Point Roberts, Birch Bay,
and East County. Each has successfully developed an area Economic Development
Plan and has either completed or is in the process of completing a Sub-Area plan
with the Planning Department. The ongoing work of these groups is crucial to
addressing the most urgent and long-range planning needs in these areas, the most
rural areas of Whatcom County such as loss of family-wage jobs and tax-base revenues, and the increased demand for services by a growing residential population.

**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.

**Policy 7K-1:** Support small and cottage businesses in rural areas that minimally impact productive agricultural, forest, or mineral resource land.

**Policy 7K-2:** Designate adequate zoning to allow business and industrial development where it is needed and most appropriate.

**Policy 7K-3:** Locate new commercial or industrial development along Guide Meridian within designated urban growth areas, Rural Community LAMIRDs, and Rural Business LAMIRDs in a manner that does not disrupt the Guide’s regional transportation function.

**Policy 7K-4:** Consider establishing more Encourage resource and tourism based recreational, commercial, and cottage industry industrial uses to create economic opportunity in the rural areas of the county.

**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.

**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.

**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.

*Whatcom County Comprehensive Plan* 7-24
Policy 7K-8: Support agriculture, agricultural processing, and manufacturing as a high priority in future allocations of water rights.

Policy 7K-9: Within urban growth areas, balance areas planned for housing and jobs to potentially shorten commute times.

Policy 7K-10: Support grocery stores and local food markets that provide fresh, healthy foods in underserved areas.

Economics Action Plan

Coordination

1. In addition to present efforts at various levels to coordinate programs, work with The Partnership for a Sustainable Economy, the Bellingham/Whatcom Economic Development Council, and Chambers of Commerce, Bellingham/Whatcom Convention and Visitors Bureau and other agencies on a more formal basis than in the past in order to ensure a coordinated economic development program in Whatcom County.

Reason for change: This is similar to concepts in Policy 7B-3.

2. Work with the Partnership for a Sustainable Economy and all other participating entities and jurisdictions to implement the Comprehensive Economic Development Strategy as designated.

Reason for change: This is addressed by Policy 7B-3.

3. Utilize the information and data contained in the CEDS document and accompanying appendices along with the Goals, Strategies and Action Steps as a guide to all planning and development efforts.

Reason for change: The CEDS is addressed in Policies 7B-3, 7B-4 and 7D-10.

Economic Development Strategy

4. Through the Partnership for a Sustainable Economy, Bellingham/Whatcom EDC or other designated entity, ensure that the CEDS is updated every two years or as necessary to qualify for federal programs.

Reason for change: This is addressed by Policy 7B-3.

4-5. In addition, and working with the Partnership for a Sustainable Economy, Bellingham/Whatcom EDC or other designated entities, ensure the development of a strategic plan for economic development utilizing the
benchmarking approach to measure specific objectives. The strategic plan should specifically address the following:

- Develop benchmarks to measure success of economic development in the county:
  - Increase of the median household income of the county;
  - Reduction of the county unemployment rate;
  - Improve turn-around time on development permit processing;
  - Increase the percentage of "owner-occupied" dwellings in the county;
  - Increased worker access to affordable housing;
  - Increase citizen satisfaction of county government including permit processing;
  - Increased access to healthcare;
  - Assess the degree to which the following commitments stated in the CEDS are implemented:

- The Comprehensive Economic Development Strategies overarching goals (below) and their accompanying strategies:
  Goal A: Finance and maintain appropriate infrastructure for community and economic development;
  Goal B: Ensure sustainable development and uses of natural resources;
  Goal C: Promote a diverse economy by sector and location;
  Goal D: Foster collaborative working relationships among economic development stakeholders at the community, state, federal, international and tribal levels;
  Goal E: Provide and retain a high-quality workforce;
  Goal F: Increase public understanding and involvement in economic issues;

- Consider any additional recommendations which may surface as a result of the goals and policies adopted by Partnership for a Sustainable Economy, EDC, Chambers of Commerce, Convention and Visitors Bureau, and local governments, and economic development committees, such as cities, towns, and Port Authorities;

- Strategies which acknowledge and address environmental issues including trade-off, areas where environmental and economic issues have positive linkages and creative solutions to the environmental contracts for specific development areas;

- Strategies which take advantage of our proximity to Canada (see policies under Goal 7E);
• Strategies which address the needs of local businesses (see policies under Goal 7F).

• Strategies which address our local resource industries (see policies under Goal 7H).

• Strategies which address employment issues for all of Whatcom County’s citizens (see policies under Goal 7J).

• Strategies that support sustainable economic development demonstration projects.

• A mechanism for review of benchmarks and update the plan components.

Reason for change: The Whatcom County Comprehensive Economic Development Strategy (CEDS) is being updated in 2014-2015. It may be appropriate in future CEDS updates to establish benchmarks, but it is not necessary to have two separate economic development plans or duplicate such planning efforts.

5.6. Working through the Convention and Visitors Bureau and with the other governmental entities in Whatcom County, draft a program for expenditure of hotel/motel tax, which maximizes the draw for visitors to Whatcom County.

Reason for change: The County budget states that “Pursuant to RCW 67.28.210, the county levies an excise tax on hotel, motel, or other lodging sales. The revenue collected from this tax is used for the operation of the Bellingham/Whatcom County Visitor/Convention Center, the Mount Baker Foothills Visitor Center and various other activities that promote tourism in Whatcom County.” County elected officials determine how to utilize tax revenues in the budget.

Specific County Tasks

Infrastructure

6.7. Provide adequate levels of cost effective service to support business development and retention in all areas of the county when adopting and updating capital facilities plans.

Reason for change: Capital facilities are addressed by Policy 7C-7.

7.8. Working with the special districts, citizens in proposed Small Towns and others, develop a strategy for providing sewer service to suitable industrial areas in situations that will comply with GMA.
Reason for change: The relationship between provision of sewer and industrial sites is addressed in Policy 7C-4.

8.9. Work with the Port, PUD, COG, cities and other entities in planning and developing a countywide fiber-optic system:

Reason for change: This is generally addressed by Policy 7C-5.

Regulations/Processing

10. Using goals and strategies contained within the Key Policies Related to Local Economic Development, review and re-draft the land use codes:
   • integrate and simplify regulations;
   • remove barriers to recycle product manufacturing in Title 20.

Reason for change: Simplifying regulations is addressed by Policy 7D-3. Zoning for industrial uses is generally addressed in Policy 7K-2. Recycling and processing of used products and waste into new products is addressed by Policy 7G-4.

11. Continue to improve the permit and development review process so that greater communication and efficiency will result to better expedite the application process and provide better communication when information is needed.

Reason for change: The permit process is addressed by Policies 7D-5 and 7D-6.

12. Develop various permitting process tracks such as:
   • rapid processing for developments that conform to a prescribed set of regulations;
   • more flexibility for more creative proposals where more information can be provided.

Reason for change: In 2013, Whatcom County Planning and Development Services participated in a "Lean Academy" event designed to facilitate continuous improvements to the permitting process. This process has reduced residential permit turnaround times.

13. Continue to improve customer service, train and/or cross-train permitting staff to provide excellent and expeditious customer service.

Reason for change: Customer service is addressed by Policy 7D-6.

13.14. Based on the result of the Industrial Land Availability, Conditions and Marketing Project currently being completed through the Port, continue to update the Comprehensive Plan of the County and other jurisdictions in the County to identify additional industrial land that may be needed including the

Whatcom County Comprehensive Plan 7-28
areas identified in the proposed urban growth areas by each of the cities for longer planning time frames beyond 20 years and up to 50 years in order to prevent premature division of land that would preclude large parcels needed for future industrial sites.

Reason for change: Industrial land supply and zoning is addressed by Policies 7A-1 and 7K-2. UGA land use planning, including planning for industrial uses, is conducted in conjunction with the cities in accordance with the GMA.

14.15. In accordance with the CEDS recommendations and other recommendations review the permit process to achieve a streamlined, user-friendly approach that can turn around permits faster without losing the original objective of the review.

Reason for change: The permit process is addressed by Policies 7D-5 and 7D-6.

**Water Issues**

15.16. Work with the Public Utility District No. 1 and others to implement the Coordinated Water System Plan including adopting a satellite system management program.

Reason for change: The Coordinated Water System Plan is addressed in Chapter 5, Utilities.

16.17. Actively pursue resolution of water rights issues by maintaining a major role in working with user groups, interest groups and other jurisdictions on the Nooksack River issues and other related water questions.

Reason for change: Water rights are addressed in Chapter 11, Environment.

17.18. Continue to work with the WRIA #1 process and implement recommendations resulting from the collaborative watershed management project currently being completed.

Reason for change: WRIA is addressed in Policy 7C-6.
Memorandum

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

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Assistant Director

DATE: 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 the interest of supporting the development of an educated workforce 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—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.
Memorandum

TO: WHATCOM COUNTY COUNCIL
FROM: 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.
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.”

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


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.
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.

Policy 7L-8: Support establishment of community-wide food system development plans.

Policy 7L-9: Support healthy and safe working conditions as well as healthy and safe living conditions for farmworkers.

Policy 7L-10: Work towards a fair and equitable food system that honors and supports the people working within it.

Policy 7L-11: Support organizations that provide technical assistance, educational programs, and general support to people and businesses within the local food system.

Policy 7L-12: Consider food waste systems that reduce food waste and capture food waste nutrients.
<table>
<thead>
<tr>
<th>Goal/Policy</th>
<th>2008 Comp Plan Goal Language</th>
<th>Recommendation (Change? Add? Keep?)</th>
<th>Priority Ranking (High-Medium-Low)</th>
<th>Status in Planning Commission Recommended Draft</th>
<th>Associated Health Impacts*</th>
<th>2014 Notes to PDS:</th>
<th>2016 Notes:</th>
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<tbody>
<tr>
<td>7K</td>
<td>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.</td>
<td>Keep/Strengthen</td>
<td>High</td>
<td>Retained</td>
<td>H, K</td>
<td>Policy priority from workshop: 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. We're not sure how/if the language should be changed, but the above priority policy seems to apply here.</td>
<td>Policy priority from workshop is addressed in new Policy 7K-9</td>
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<tr>
<td>7K1</td>
<td>Policy 7K-1: Support small and cottage businesses in rural areas that minimally impact productive agricultural, forest, or mineral resource land.</td>
<td>Keep</td>
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<td><strong>7K2</strong></td>
<td>Policy 7K-2: Designate adequate zoning to allow business and industrial development where it is needed and most appropriate.</td>
<td>Keep.</td>
<td>High</td>
<td>Retained</td>
<td>K</td>
<td>Community stakeholders advocated for &quot;complete neighborhoods&quot; that include residential, services, and employment opportunities.</td>
<td>Stakeholder concern also addressed in Policy 7K-9</td>
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<td>7K7</td>
<td>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</td>
<td>Keep.</td>
<td>High</td>
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<td>Sample Language</td>
<td>Recommendation</td>
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<td>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).</td>
<td>Add</td>
<td>High</td>
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<td>Addressed in new Policy 7K-10.</td>
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<td>Identify and prioritize areas that lack access to healthy food, and grocery stores in particular</td>
<td>Add</td>
<td>High</td>
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<td>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.</td>
<td>Add</td>
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Key to Associated Evidence-based Health Impacts

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

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

Injury & Safety:
F: Roadway design affects pedestrian, bicyclist, and motor vehicle safety.

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

1) p. 7-10; Policy 7A-2: Foster a diverse, private-sector job base, which will provide family-wage jobs at the state median income level or greater, and facilitate the retention and expansion of existing businesses. An increasing body of research (from institutions, such as the Federal Reserve Bank, Yale, the Kauffman Foundation, and the Center on Policy and Budget Priorities) has concluded communities that prioritize and invest in Business Start Up, Retention, and Expansion will experience more job growth, income growth, and economic resiliency than those that spend heavily on recruitment, including giving away tax money and other incentives to attract businesses. (Brenner)

2) 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. It helps capture the economic vision and values of various segments of the community.

Whatcom Futures includes many thoughtful observations, the following are quotes from the report:

“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.”

“The economic value of Whatcom’s natural resources manifests itself in numerous ways. For instance, the County is the top producer of raspberries in the U.S. and a leading producer of other types of berries as well as dairy
products, fish and shellfish”.

“However, it is important to note that a single resource will often have value to more than one economic sector. For instance, the presence of timberland supports eco-tourism as well as the forest products industry. The same can be said of farmland – which in addition to the produce it generates also facilitates agri-tourism – as well as the region’s fisheries, which support both commercial and sport fishing.”

“The ability to receive a quality education from Pre-K through post graduate study greatly enhances the quality of life in the County and is an important asset in recruiting businesses to come to the region. Indeed, strong public schools and the availability of higher education are among the principal attributes that prospects look for when considering relocation.” (Browne)

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

In recent years Whatcom County has delegated job creation activities to the Port of Bellingham which serves as the County’s “Associate Development Organization” (ADO). The Port of Bellingham’s mission statement is: “To fulfill the essential transportation and economic development needs of the region, while providing leadership and maintaining Whatcom County’s overall economic vitality through the development of comprehensive facilities, programs, and services”. Whatcom County currently provides about $100,000 and the Port contributes $200,000 per year to support county-wide Economic Development programs. (Browne)

4) 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.

We need to continue our focus on retaining the diverse base of manufacturing and other family wage firms already here, as well as prepare for future opportunities by:

(i) working with our workforce development partners to ensure we focus on the skills enhancement needed for existing and future industries;

and

(ii) maintaining an adequate supply of shovel-ready land to support the buildings and infrastructure companies will require.
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 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 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)

5) 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. This organization will be governed by a sunset provision whereby it will automatically terminate after seven years if it was not able to document its efforts were contributing to an equal or greater number of new jobs for the money invested in it, compared to other economic development projects funded by the community. (Browne)

6) 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)

7) 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)

8) 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)
In the late 1970s, 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 BC businesses interested in a foothold in the U.S. market; and
c. Promoting Whatcom County's potential as a regional service center for Northwest Washington and the lower BC mainland, including retail, healthcare and manufacturing entrepreneurs

The community rose to the challenge and 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.

The community recognizes both the global and local economy have changed significantly since the Stanford report was commissioned in the 1970s and the report itself is out of date. Nonetheless the community remains confident our history proves that with updated research, and an intelligent, focused approach, we can again bring much needed family-wage jobs to our community. Our success will depend on 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 headquarteried in the county as their businesses have grown; and
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. To address this need, the County shall create a new Whatcom County Economic Development Organization (WEDO).

WEDO shall be governed by a 17 member board. Eleven shall be members of the business community, preferably either entrepreneurs or senior management 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 six 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)

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. 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. Prior to the current ADO contract with the Port expiring in July 2017, the ADO’s performance shall be evaluated by surveying the members of the other organizations and private companies the ADO has been working with to promote economic development. (Browne)

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

12) 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)

13) p. 7-12; New Policy 7B-6: Through the development of a forward focused marketing strategy and a professional outbound sales program, WEDO shall solicit inward investment from targeted industry sectors that are forecast to provide growth in type of family wage jobs that the community is well positioned to support. (Browne)

14) p. 7-12; New Policy 7B-7: Provide these leads to organizations such as the Port, non-profits, and private sector partners that offer the best fit based on the nature of the lead and the partners commitment to continuously demonstrate/verify high levels of responsiveness and customer satisfaction. (Browne)

15) p. 7-12; New Policy 7B-7: Ever mindful that leads related to economic development must at all times be responded to promptly and professionally, should the volume of
leads increase beyond our partner organizations capacity to respond to them, then we must ensure adequate funding is available for resources necessary for our partners to succeed. (Browne)

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

17) p. 7-14; Rename Policy 6-G9 as Policy 7C-10 (Passed 5/17 with intention to move): Work with Bellingham Whatcom County Tourism, and the cities to develop and implement a common Countywide Way-Finding system that encourages people traveling on the I5 corridor to detour and easily find the many tourist attractions that Whatcom County has to offer. (Browne)

18) p. 7-14; Rename Policy 6F-8 as Policy 7C-11 (Passed 5/17): 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) (Staff recommends move)

19) 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)

20) 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)

21) 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)

22) p. 7-17; lines 1-3: A more positive aspect of the proximity to Canada is the opportunity for job creation through BC 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)

23) p. 7-17; Policy 7E-1: Support attractions for Canadians and other visitors so they will remain in the community 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.
24) 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)

25) p. 7-19; lines 8-9: The fishing and shellfishing industries are particularly dependent on water, good water quality, and habitat. (Brenner)

26) p. 7-19; Policy 7G-1: Recognize the natural environment as a major asset and manage environmental resources accordingly. Always be mindful that we must have both economic prosperity and environmental sustainability or we will have neither. (Browne)

27a) 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.
- Supporting renewable energy, state-of-the-art technologies and conservation techniques to minimize demands on resources such as water, energy, and other natural and developed resources.
- Support revisiting restrictions on wind energy development to determine whether there are new technologies that adequately protect public health and safety, and could potentially warrant more locations for wind energy than what was determined during the comprehensive plan's last review. (Brenner)

27b) Pursuing energy resiliency and self-sufficiency by establishing renewable energy overlay zones identified in Policy 5H-6, and by revisiting restrictions on the development of wind energy systems as discussed in Policy 5H-5. (Mann)

28) 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)

29) 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)

30) p. 7-20; line 15: **Agriculture is one of Whatcom County’s largest economic drivers. Whatcom County holds the most agricultural and farming land within western Washington, according to the 2014 Whatcom Futures Report. Additionally, according to U.S. Department of Agriculture’s 2012 Census of Agriculture, 1,702 Whatcom County farms produced a market value of $357 million in crops and livestock that year. Locally produced milk produced in 2013 reached an all-time high market value of $246.1 million. Raspberries and blueberries combined for a record market value of $123.6 million in 2014.** (Brenner)

31) p. 7-21; **New Policy 7H-8: Develop and support more programs to promote ag-tourism and ag-education to increase public awareness of the nutritional and economic value of agriculture and quality food production.** (Brenner, Sidhu)

32) 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)

33) 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 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)

34) 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)

35) 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)

36a) 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)

36b) New Goal 7L: Strengthen the local food system and take steps to improve conditions for a healthy, resilient, and prosperous food economy. (Weimer)

36c) New Policy 7L-1: Encourage government, institutions, and local businesses to purchase food produced within Whatcom County when available. (Weimer)

36d) New Policy 7L-2: Encourage local farmers and producers to sell their products to local markets. (Weimer)

36e) New Policy 7L-3: Support development plans and zoning changes that increase access to healthy and locally grown food products. (Weimer)

36f) 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)

36g) Move and edit Policy 7K-7 as 7L-5: Support efforts and/or organizations seeking to achieve economic 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)

36h) 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)

36i) 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)

36j) New Policy 7L-8: Support establishment of community-wide food system development plans. (Weimer)

36k) New Policy 7L-9: Support healthy and safe working conditions as well as healthy and safe living conditions for farmworkers. (Weimer)

36l) New Policy 7L-10: Work towards a fair and equitable food system that honors and supports the people working within it. (Weimer)
36m) **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)

36n) **New Policy 7L-12:** Consider food waste systems that reduce food waste and capture food waste nutrients. (Weimer)

Passed May 17

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 (WRFA #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 well-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 Area 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, people from smaller communities located throughout the County generally have longer commutes, creating greater impacts on the road system. Also, there is a 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 Economic Development Plan and has a Sub-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. \textit{(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. \textit{(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; \textit{and}
- community education and information dissemination. \textit{(Brenner)}

47) p. 7-24; Policy 7K-8: Support agriculture, agricultural processing, and manufacturing as a high priority in future allocations of water rights. \textit{(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 recognizes the best path towards economic prosperity will likely be found through promotion of the county's 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. \textit{(Browne)}

49) p. 7-8; line 20, \textit{new subheadings:}

\textbf{Community Wide Strategic Planning Efforts}

\textbf{Whatcom County Comprehensive Economic Development Strategy} \textit{(Browne)}

50) p. 7-8; lines 21-25: The Whatcom County Comprehensive Economic Development Strategy (CEDS) \textit{was} updated in 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. \textit{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 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. The CEDS report has primarily directed sales tax revenue collected under RCW 82.14.370 be used to fund infrastructure. (Browne)
## Discussion regarding Whatcom County Comprehensive Plan Chapter 2, Land Use

### ATTACHMENT:

Related paperwork can be found at:

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

### 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:

- **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
- **5/17/2016:** Comments received but not discussed
- **5/31/2016:** This was not discussed

### COUNCIL ACTION:

- **5/3/2016:** Public Testimony Received

### 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 Two
Land Use

Introduction

The fundamental precepts of this chapter and the Whatcom County Comprehensive Plan are to comply with the Growth Management Act (GMA), adhere to the County-wide Planning Policies and implement the Vision for Whatcom County, as defined through the Whatcom 2031 visioning process.

*** VISION ***

Whatcom County is a place where urban growth is concentrated in urban areas, where there is a distinct boundary between urban and rural uses, where agricultural use is encouraged, and where resource lands and water resources are protected, and where land use changes are brought about through incentive programs. Rural areas are peaceful and quiet with less traffic and congestion than in urban areas. There is low-density development with open spaces allowing for privacy. A sense of community is retained and local control is exercised—input is considered in land use decisions.

Chapter Organization

The Land Use chapter and map include a set of adopted land use designations which combine the predicted needs of future populations with the availability of land and the desires of residents. These needs and desires are expressed through the goals, and policies, and actions included below as well as through implementation of the land use map. This chapter is divided into sections that address:

- Overall Land Use
- Urban Growth Areas (UGAs)
- Rural Lands
- Urban Growth Area Reserves
- Special Study Areas
- Comprehensive Plan Designations
- Open Space
- Essential Public Facilities; and
- Adult Businesses
- Historic and Cultural Resources

Process

Each subsection of this chapter describes the process used in creating that section.
GMA Goals, and County-Wide Planning Policies, and Community Value Statements

The Land Use chapter supports many of the GMA goals. The land use plan is based on a vision of Whatcom County that concentrates growth in urban areas but recognizes the need for economic diversity across the country. This chapter has been coordinated with all other chapters in the plan. Natural resource industries are encouraged and property rights and the permitting process are addressed.

County-Wide Planning Policies (CWPP), found in Appendix C, are supported throughout the Land Use chapter in goals, policies, and actions and in land use designations.

The "Urban Versus Rural Distinctions" and "Urban Growth Areas" sections of the CWPP are addressed by discouraging urban levels of development outside urban growth areas, allowing small cities adequately sized UGAs, accommodating the projected population and calculating needed land area, defining rural areas and drawing distinct boundaries between rural and urban areas, and minimizing impacts on resource lands and environmentally sensitive areas.

The "Contiguous, Orderly Development and Planning in Urban Growth Areas" section of the CWPP is addressed through the urban growth area analysis and identification of areas where timely and adequate services can be provided.

The "Open Space/Greenbelt Corridors" section of the CWPP is addressed and supported in goals and policies in the Open Space section of this chapter and in the designation of Open Space Corridors.

Goal 6 of the Growth Management Act, regarding Property Rights and the "Private Property Rights" section in the CWPP and Visioning Community Value Statements have been addressed by the emphasis on incentives including transfer of development rights rather than downzoning. The Fiscal Impact section of the CWPP has been addressed by providing urban growth areas in the county, providing for economic development opportunities in the eastern portion of the county, and addressing fiscal impact in interlocal agreements with cities.

The Citizen Participation goals of both the Growth Management Act and the County-Wide Planning Policies have been addressed in the development of this chapter through Whatcom County: The Next Generations Visioning Process (see Appendix C), the Whatcom 2031 visioning process, citizen committee participation, town hall meetings, and public hearings. Also, specific goals and policies actions give direction for property owner notification and the establishment of on-going citizen committee input.

The Land Use chapter also incidentally addresses and is coordinated with many others of the County-Wide Planning Policies.
Overall Land Use

Introduction

Purpose

The purpose of this section is to provide a broad, general direction for land use policy in Whatcom County. It is the foundation upon which all of the subsections of the Land Use chapter are based; it sets direction for the subsections and provides a mechanism of measurement for consistency for readers.

Process

The Land Use chapter was developed to address future land use in Whatcom County in accordance with Section 36.70A.070 of the Growth Management Act. It represents the county's policy plan for growth over the next twenty years. The Land Use chapter implements many of the goals and objectives in the other plan chapters through adopted land use designations and other action recommendations.

The Land Use chapter was also developed in accordance with the County-Wide Planning Policies and the Whatcom County: The Next Generations and Whatcom 2031 Visioning recommendations and community values statements, and was integrated with the other plan chapters to ensure consistency throughout the comprehensive plan. The Land Use chapter considers the general distribution and location of land uses, the appropriate intensity and density of land uses given current development trends, and the provision of public services.

The root of the Land Use chapter is the Whatcom County: The Next Generations Visioning Recommended Land Use Alternative. An appointed group of citizens designed and implemented a public process to give people the opportunity to express their views, criticisms, and concerns. Through an extensive series of surveys and town hall meetings, a set of value statements for Whatcom County were drafted. These statements and the overall county vision are being re-evaluated as part of the Whatcom 2031 visioning workshops that occurred in the fall of 2008 and subsequent comprehensive plan update. The final Preferred Land Use Alternative, based on citizen input gathered throughout the Whatcom 2031 process during Phase I, was a conceptual depiction of the community vision which guided the development of the Land Use chapter.

GMA Requirements

Section 36.70A.070 of the Growth Management Act requires that the comprehensive plan of a county include a land use element which designates proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry,
recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. It is required to include population densities, building intensities, and projections of future population growth. Building intensity can be described in terms of such variables as lot coverage, building height, and the spacing between buildings and property lines and between buildings and other structures. The GMA also states that the goals and policies of the Shoreline Management Program are considered elements of the Comprehensive Plan (RCW 36.70A.480).

Background Summary

Most of the non-federal land in unincorporated Whatcom County is dedicated to forestry and agricultural uses. The next largest category of land use is residential. Much smaller areas of the county are dedicated to industrial, commercial, and other uses.

The goal of growth management is to provide sufficient land area with adequate facilities and utilities either presently available or economically feasible to accommodate future growth. This means having an adequate distribution of land to provide housing, services, jobs, and resource land for the expected population. Whatcom County has almost 790 square miles of area outside of National Park and National Forest, which will accommodate the expected increase in population of 56,755 people over the 20-year planning period in Whatcom County. However, this growth must be accommodated in ways that achieve desired land use goals.

An adequate supply of serviced industrial and commercial land must also be provided to accommodate the projected increase in employment. It is expected that an increase of approximately 33,188 new non-agricultural related jobs will be created in the next twenty years.

A key need for meeting land demands to generate family wage employment is land that is "ready to go" for industrial development. Most potential industrial employers seeking to locate in Whatcom County require large tracts of land where the infrastructure and site improvements are already in place. This is a major missing element of the industrial land supply.

It is important to assess the demand and supply of land planned and zoned for various types of uses to meet the economic needs of the county, as well as utilize this information to guide policy decisions regarding land use. The multiplicity of values reflected in the vision statements must all be considered, in addition to the competing goals and policies in other chapters of the comprehensive plan. Having adequate residential lands must include adequate provision of services, and it means densities that meet the mandates of the Growth Management Act to prevent urban sprawl as well as reflecting the desires of Whatcom County residents. Industrial lands should be provided in areas that have access to transportation routes and adequate infrastructure and can meet the demands of market trends.

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Commercial areas should also be located so as to provide the kinds of goods and services that meet the needs of local residents with consideration given to market-driven forces. Sufficient urban land must be provided to accommodate growth. Rural areas with a range of densities must also be available. All of this needs to be done in light of those aspects of the county which are most valued: water quality, productive agricultural land, economic development in rural areas, distinct boundaries between rural and urban areas, and predictability in land use plans.

Issues, Goals, and Policies

Issues for this section were drawn from those identified in the Growth Management Act and public participation. Whatcom County: Next Generations Visioning Process and reinforced during the Whatcom 2031 visioning process. Numerous meetings, surveys/questionnaires and other methods were used to identify what was important to people in Whatcom County.

Accommodating Growth

The Growth Management Act requires, and the Vision statement encourages, concentrating growth into urban growth areas. This allows for efficient provision of services and preservation of rural areas as quiet, open spaces where development pressures are not such that extraordinary regulations must be imposed. A distinct boundary is needed between rural and urban areas, discouraging sprawl, maintaining desired rural lifestyles, and conserving agricultural land.

Goal 2A: Ensure designation of sufficient land, water and densities to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish, and wildlife, which are the cornerstone qualities that make the county a desirable place to live.

Policy 2A-1: Concentrate urban levels of development within designated urban growth areas.

Policy 2A-2: Draw a distinct boundary between urban and rural uses.

Policy 2A-3: Provide a range of land uses designations that which considers locational and market factors as well as required quantities of land.

Policy 2A-4: Designate land uses that reflect the best use of the land.

Policy 2A-5: Provide predictability to property owners in land use designation.
Policy 2A-6: Allow appropriate development in existing small self-contained communities through the use of the "Rural Community" land use designation.

Policy 2A-7: Establish sufficient levels of developable residential, commercial, and industrial lands informed by approved population and economic forecasts, inventory of existing use, land capacity outside of critical areas and buffers, cost of infrastructure, legally available water, and goals and policies of all chapters of this plan. Provide sufficient and appropriately located residential, commercial, and industrial lands.

Policy 2A-8: Include business/industry parks, tourist/resort areas, and allowance for existing crossroads commercial areas within urban growth areas or limited areas of more intensive rural development.

Policy 2A-9: Retain existing rural and heavy industrial areas in the northwestern region of the county within urban growth areas or limited areas of more intensive rural development.

Policy 2A-10: Recognize the importance of tourism and its influence on the need for land for various types of development.

Policy 2A-11: Ensure that the development potential of contiguous lands in common ownership is not compromised when urban growth boundaries and/or LAMIRD boundaries are designated. This should be accomplished without expanding UGA boundaries beyond that ownership and without bridging natural divisions of urban/rural land uses such as roads, rivers, and other natural features.

Policy 2A-12: Adoption of residential, industrial, and commercial comprehensive plan or zoning designations in rural areas must comply with the criteria for "limited areas of more intensive rural development" in the Growth Management Act (RCW 36.70A.070(5)).

Policy 2A-13: Allow for adequate economic development to provide economic sustainability, adequate employment opportunities, and services in and for the rural areas.
Policy 2A-14: Strive to establish by December 2017 a clear, predictable, and fair process for allowing expansion of urban growth areas that considers reasonable measures to mitigate the impacts of growth. This process should include:

Convening a multi-stakeholder work group, including the Cities, tasked with:

- Reviewing the current TDR and PDR programs.
- Identifying political, financial, and regulatory barriers to effective TDR and PDR programs.
- Identifying opportunities and solutions for creating a workable TDR program.
- Identifying mechanisms to create a PDR fund that could be used to protect important agricultural and rural lands.
- Recommending policy and regulatory amendments necessary to implement the above policy.
- Identifying proposed sending areas in critical areas, the Agricultural Zone, and the Rural Study Areas.
- Identifying receiving areas.
- Identifying other factors and/or growth management tools.

Based upon the findings of the multi-stakeholder work group, consider strategies that could require purchase, transfer or otherwise incentivize removal of potential development rights from rural or resource lands in exchange for UGA expansions and other upzones.

Resort Communities and Master Planned Resorts

The County’s resort areas are important to the economic viability of the County’s tourist industry and provide numerous and varied recreational opportunities for county residents and visitors. Historically important resort areas include Birch Bay, Point Roberts, the Semiahmoo area, and the Mount Baker winter recreational area. Resort communities provide recreational opportunities for residents of the surrounding areas.
Goal 2B: Encourage the continued viability of existing resort communities and allow the development of new Master Planned Resorts in the future.

Policy 2B-1: Permit through the planned unit development process master planned resorts in settings of significant natural amenities within urban growth areas.

Policy 2B-2: New large-scale resort development in rural areas outside of UGAs and outside established resort areas, should only be permitted as Master Planned Resorts and only when substantially in compliance with these policies and with RCW 36.70A.360.

Policy 2B-3: Work with property owners in the resort communities to develop an understanding of the unique needs of these areas and evaluate land use regulations for their responsiveness to these needs.

Policy 2B-4: New resort development and Master Planned Resorts should be developed consistent with the development regulations established for critical areas.

Policy 2B-5: No new urban land uses should be allowed in the vicinity of Master Planned Resorts, except in areas otherwise designated as urban growth areas under the Comprehensive Plan.

Policy 2B-6: Capital facilities, utilities, and services, including those related to sewer, water, storm water, security, fire suppression, and emergency medical, provided on-site shall be limited to meeting the needs of the master planned resort. Such facilities, utilities, and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts, provided that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort. A master planned resort and service providers may enter into agreements for shared capital facilities and utilities, provided that such facilities and utilities serve only the master planned resort or urban growth areas.

Policy 2B-7: Master Planned Resorts should only include other residential uses within its boundaries if residential uses are integrated into and support the on-site recreational nature of the resorts. The density of such residential uses should be consistent with
density requirements of the zoning code, planned unit development regulations.

Reason for change: Planned unit developments are only allowed within UGAs (WCC 20.85.020). Since this policy applies to both UGAs and areas outside UGAs, it should reference the zoning code regulations.

Policy 2B-8: Master Planned Resorts should only be approved when it can be demonstrated that on-site and off-site impacts to public services and infrastructure have been fully considered and mitigated.

Policy 2B-9: Master Planned Resorts should not be located on designated agricultural lands. Master Planned Resorts should not be located on forestry resource lands designated under the Comprehensive Plan.

Capital Facilities

There should be a relationship between provision of services and land use designations. Levels of service need to be set that will assure adequate services within realistic financing capabilities. This needs to be balanced against the amount of funding which taxpayers are willing to support.

Goal 2C: Channel growth to areas where adequate services can be provided.

Policy 2C-1: Coordinate capital facilities and land use planning.

Policy 2C-2: Support the comprehensive plan with capital facility plans that facilitate urban growth in UGAs at acceptable urban levels of service.

Policy 2C-3: Preclude urban development within a UGA until public services and facilities are available.

Policy 2C-4: Prior to modifying growth allocations or UGA boundaries, ensure that capital facility plans address the following elements:

- Provide a 20-year facility plan to serve urban growth within the UGA boundaries.
- Provide financial plans addressing at least a 6-year period with funding sources.
- Address existing un-served areas as well as new UGA expansion areas.
Policy 2C-5: Where public facility and service plans are not consistent with the Comprehensive Plan, allow for reconciliation of the public facility and service gaps as part of the 7-Year Review scheduled for completion in 2011. Reconciliation steps will include:

- Consistency Analysis. The County and cities will review capital facility plans for consistency with the results of the most recent 10-Year UGA Review process and current comprehensive plans. Capital facility plan consistency means demonstrating the ability to serve the proposed growth levels, growth boundaries, and land use patterns established in the Whatcom County Comprehensive Plan.

- Government and Special District Coordination. The County will coordinate with city, special district, and other service providers to ensure amendments to capital facility plans support the Comprehensive Plan.

- Public Participation. The County Comprehensive Plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the update.

- Amendment. Only those portions of capital facility plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.

- Refined Growth Levels and Boundaries. Where the planning process results in refined recommendations for growth levels, growth boundaries, land uses or other essential features, corresponding capital facility plan amendments will be considered in conjunction with the 7-Year Review process.

Reason for Change: In the 2009 UGA review, policies were placed in the comprehensive plan relating to “reconciliation” of the capital facility plans with the land use plans. One of the main reasons that reconciliation policies were adopted was that the GMA had different deadlines for conducting the UGA review and updating the remainder of the comp plan. The GMA has since been amended to delay the comp plan update requirement from 2011 to 2016 and to require the next UGA update by 2016. Because of the changes to the GMA, the land use and capital facilities planning efforts are being considered at the same time and no longer require a “reconciliation” process.
Regulations

It is very important to Whatcom County citizens to maintain local control over land use decisions. At the same time, some people want to see regulations streamlined and reduced. Regulations should be clear, concise, and predictable with enough flexibility to allow for reasonable and efficient decision-making. Regulations should be enforced. People would like to see an promote and maintain incentive programs to encourage land to be used in ways that meet community goals.

Goal 2D: Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.

Policy 2D-1: Eliminate unnecessary regulations.

Policy 2D-2: Eliminate regulations that could be more effectively achieved through incentive or education programs.

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

Policy 2D-4: Coordinate permitting requirements among jurisdictions to minimize duplication and delays.

Policy 2D-5: Provide enforcement of regulations.

Policy 2D-6: Review and update the Whatcom County Shoreline Management Program in accordance with the schedule in the Shoreline Management Act (RCW 90.58.080), as the State issues new guidelines. Updates should improve the integration of the Shoreline Program with Growth Management and with the Cherry Point Aquatic Reserve Management Plan in order to provide predictability and consistency in regulation, and eliminate regulatory redundancy.

Reason for Change: The Whatcom County Shoreline Management Program applies to the marine waters adjacent to Cherry Point area and to the uplands within 200’ of the shoreline. The Cherry Point Aquatic Reserve Management Plan, which is a state plan, applies to state owned aquatic lands adjacent to the Cherry Point area (except the areas subject to aquatic leases). It makes sense to consider the state plans for these aquatic lands as the Whatcom County Shoreline Management Plan applies to these same aquatic lands.

Policy 2D-7: Incompatible uses will be discouraged adjacent to public use airports to preserve the safety and efficient use of these airports. Incompatible uses are land uses that:
- Could be impacted by airplane noise;

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Could create or be impacted by airplane accidents; or
Create height hazards that could adversely impact aircraft
that are taking off or landing.

Policy 2D-8: Require disclosure of potential airport noise impacts to people
who are buying or obtaining a permit on property within one
mile of a public use airport.

Policy 2D-9: Land uses that are incompatible with the operation of the
Bellingham International Airport or Lynden Airport should be
discouraged when Whatcom County evaluates conditional use
permits and rezones. Specifically, Whatcom County should
follow the process set forth below when considering whether
proposed conditional use permits and rezones would allow
incompatible land uses:

- Notify the applicable airport representative of the proposed
conditional use permit or rezone. Consider comments
submitted by the airport representative relating to
compatibility of the proposed land use with the operation of
the airport; and

- Determine whether the proposed conditional use or rezone is
within zone 1 (runway protection zone), zone 2 (inner
approach/departure zone), zone 3 (inner turning zone), zone
4 (outer approach/departure zone), zone 5 (sideline zone),
or zone 6 (traffic pattern zone) as shown in the Safety
Compatibility Zone Examples from the California Airport Land
Use Planning Handbook (Shutt Moen Associates, January
2002, p. 9-38). Safety compatibility zone “example 1” will be
applied to the Lynden Airport and safety compatibility zone
“example 3” will be applied by the Bellingham International
Airport; and

- Compare any proposed or potential land uses within zones 1
through 6 with the Basic Safety Compatibility Qualities and
the Safety Compatibility Criteria Guidelines in the California
Airport Land Use Planning Handbook (Shutt Moen Associates,
January 2002, pp. 9-44, 9-45 and 9-47) and identify
incompatible land uses.

- The above provisions of Policy 2D-9 do not apply to property
owned by the airport. However, airport owners should assess
the compatibility of land uses proposed on airport property
with operation of the airport.

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Policy 2D-10: Discourage tall structures around public use airports that hamper the efficient and safe use of navigable airspace. Specifically, discourage structures from exceeding the height of the imaginary surfaces defined in Federal Aviation Regulations (FAR) Part 77 around airports that have mapped such imaginary surfaces (airports that have mapped Part 77 imaginary surfaces are shown in Appendix I of the Whatcom County Comprehensive Plan).

Goal 2E: **Encourage both a stewardship ethic and respect for cultural resources and natural systems and processes as well as and support individual responsibility to achieve community values.**

Policy 2E-1: Provide education on the assets of the community and offer incentives for individual citizens to take responsibility to protect those assets.

Goal 2F: **Make use of incentive programs that can effectively give a high priority to the use of a comprehensive incentive program to encourage achievement of land use goals.**

Policy 2F-1: Develop a set of incentives, including economic, which encourages property owners to achieve land use goals.

Policy 2F-2: Base incentive programs on suggestions from citizens, government officials, and experts in the field.

Policy 2F-3: Revise regulations to include incentive programs.

Policy 2F-4: Review and adopt, where appropriate, incentive programs such as cluster density bonuses in urban growth areas, purchase of development rights, transfer of development rights, and tax deferrals.

Policy 2F-5: Monetary compensation as an economic incentive shall be based only on market value at the time of compensation, not on "possible" future value of the land.

Policy 2F-6: Monitor incentive programs on a five-year basis to ensure the comprehensive plan goals are being achieved. Develop an alternate approach if necessary.

Policy 2F-7: Establish a transferrable development rights (TDR) sending area in the Drayton Harbor Watershed.
Rationale for Change: This policy has been modified and moved to Chapter 11, Environment.

**Public Participation in Decision-Making**

People in Whatcom County want to be involved in government decision-making. They want government to be responsive; they want to be personally notified of changes; they want their input considered. People also want to see more issues subject to a vote.

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

**Policy 2G-1:** Examine and improve methods to notify affected property owners of proposed land use changes.

**Policy 2G-2:** Ensure early and continuous public involvement in planning decisions through development and implementation of public participation plans for large-scale, long-range planning activities.

**Property Rights**

Property rights are an important issue in Whatcom County. People want to use their land as they wish. Land can be used as desired as long as it doesn't conflict with the rights of others. It is not necessary for the preservation of property rights and protection of the environment and resources to conflict with one another. People are looking for ways to achieve all of these things. They understand that it is important to protect the community's general interest.

**Goal 2H:** Preserve private property rights while recognizing the importance of the rights of the community, including protecting the natural environment and conserving resources.

**Policy 2H-1:** Review and retain regulations that serve to protect the public welfare, health, and safety.

**Policy 2H-2:** Establish incentive programs such as cluster density bonuses in urban growth areas, purchase of development rights and voluntary, workable transfers of development rights, where appropriate, to compensate property owners when-if rights are unduly infringed-upon.

**Policy 2H-3:** Provide information to the public as to government's role and responsibility in relation to property rights.
Diverse Cultural Composition

It is recognized that Whatcom County is becoming more diverse and people understand that accepting this diversity is important.

Goal 2J: Encourage individuals to honor and respect cultural diversity in our community.

Policy 2J-1: Encourage the preservation of cultural resources.

Policy 2J-2: Ensure that land use policies are not discriminatory.

Policy 2J-3: Cooperate with Tribal governments to ensure local traditions are respected in all land-use decisions.

Policy 2J-4: Protect culturally and spiritually significant places from non-essential development that is viewed as incompatible by the affected community.

Flooding

Flooding of rivers and streams in Whatcom County is a natural event due to the combination of climate, geology, and topography present in the region. Two major floods occurred in 1989 and 1990 along the Nooksack River, with damage estimates running over $20 million for 1990 alone. The cities of Nooksack, Everson, Sumas, and Ferndale are often flooded by the Nooksack. A major study and plan for managing flood hazards on the lower Nooksack, entitled the Lower Nooksack River Comprehensive Flood Hazard Management Plan, was completed in October 1999. Flood damage can also occur along smaller streams in Whatcom County, especially on those streams associated with alluvial fans.

The majority of the Nooksack River floodplain is currently used for agricultural purposes. Residential density within the floodplain is low; however, several major transportation routes cross the floodplain and may have been temporarily closed during periods of flooding. Increased building development within the floodplain, and especially within the floodway where flood water velocity can be great enough to sweep away structures, could heighten the existing level of flood hazards along the Nooksack. Development on alluvial fans can also increase flood hazards. Chapter 11: Environment, contains more detailed discussion of flood issues, as well as goals and policies for managing flood hazards in Whatcom County.

Goal 2K: Discourage development in areas prone to flooding.

Policy 2K-1: Limit lands in one-hundred year floodplains to low-intensity land uses such as open space corridors or agriculture.
Policy 2K-2: Use the *Lower Nooksack River Comprehensive Flood Hazard Management Plan* as a basis to balance land use and flooding.

Policy 2K-3: Prohibit expansion of urban growth areas into floodplains, except where allowed under the GMA, and consider danger to individuals related to flooding when designating land use in other areas.

Policy 2K-4: Encourage multi-purpose problem solving relative to flooding, aquifer recharge, improved water quality, water for human consumption, and fish habitat. Consider the purchase of land along the Nooksack River for flood water storage that could be utilized by cities and water providers.

Policy 2K-5: Development in flood prone areas must comply with adopted regulations to mitigate identified flood hazards.

**Regions of Whatcom County**

Not all parts of Whatcom County have the same available resources and land use options. A one-size-fits-all approach to comprehensive planning may not adequately serve the needs of different regions of the county.

Whatcom County is a large and diverse county. People living in different parts of the county have different priorities and understanding of what constitutes rural and urban lifestyles. It is important to citizens to emphasize these regional differences.

**Goal 2L:** Recognize the important regional differences within Whatcom County.

Policy 2L-1: Use the subarea planning process, where appropriate, to identify and support distinctions among different areas of the county.

Policy 2L-2: Retain and periodically review the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Urban Fringe, Birch Bay Community Plan, Foothills, and Point Roberts). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county’s first Growth Management comprehensive plan adopted in 1997.

1. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan review process should include the following steps:

   a. Consistency Analysis. The County should review subarea plans based on the priority order in subsection
“2” for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.

b. Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.

c. Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.

d. Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.

e. Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update process. Land capacity analysis may also be updated if appropriate.

2. Prioritize review of subarea plans. Subarea plans should be reviewed in the following order.

a. Post-GMA Subarea Plans addressing UGAs. These subarea plans should be reviewed and amended, if necessary, during Whatcom County’s periodic review of the comprehensive or repealed. Subarea plans addressing UGAs associated with a city should be coordinated with the city’s comprehensive plan update process.

b. Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should be subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County’s periodic review of the comprehensive plan or repealed. Minor updates
may be considered through the County’s docket process in subsequent years.

c. Pre-GMA Subarea Plans. These should be repealed or updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:

i. whether update is needed for health, safety, or welfare concerns;

ii. whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;

iii. whether the subarea plan would benefit from broader policy concepts to be completed in advance or in tandem, such as agricultural land protection measures;

iv. whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.

Policy 2L-3: Emphasize forestry uses with some provision for rural and agricultural uses in the south and southeastern regions of the county.

Policy 2L-4: Support the rural economic base by permitting natural resource based industries, cottage industries, forestry, fishing and agriculture in rural areas, as well as commercial and industrial activity contained within designated Rural Communities.

Policy 2L-5: Emphasize agriculture in the north central regions of the county.

**Fish and Wildlife**

Whatcom County has historically enjoyed abundant and diverse fish and wildlife populations. However, the combined effects of habitat reduction or degradation, fish harvest, hydropower development, hatchery management practices, and variations in natural conditions are now causing the decline of some of these
populations—Maintaining healthy fish and wildlife populations is a vital goal in maintaining the quality of life in Whatcom County. Chapter 11: Environment, contains additional discussion of fish and wildlife issues, as well as goals and policies regarding fish and wildlife habitat protection and management.

**Goal 2M:** Protect and encourage restoration of habitat for fish and wildlife populations including adequate in-stream flows.

- **Policy 2M-1:** Ensure that new land uses do not degrade habitat of threatened and endangered species.

- **Policy 2M-2:** Ensure that existing land uses do not cause further degradation of habitat for threatened and endangered species.

- **Policy 2M-3:** Develop educational tools and incentives to encourage existing land uses to restore degraded habitat to properly functioning conditions, especially for threatened and endangered species.

- **Policy 2M-4:** Place a note on all permits issued by the County for clearing or development activity within ¼ mile of the documented habitat of threatened or endangered species, as shown on the County Fish Distribution Map, shall include notice to alerting the property owner of the presence of these species.

- **Policy 2M-5:** Require subdivisions and short plats to be designed in a manner to protect fish habitat and water quality when a fish bearing stream or river passes through the site.

- **Policy 2M-6** Engage the Wildlife Advisory Committee to develop recommendations of critical habitat and species protection areas, and for a system to monitor the status of fish and wildlife habitat function.

- **Policy 2M-7** Engage in efforts to better define ground water resources and connection to surface water, current water usage, water rights, adequate in-stream flows, and policy barriers that create conflicts between these things.
Urban Growth Areas

Introduction

This section presents policies, map designations and rationale for the urban growth areas for Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, Sumas, Birch Bay, Columbia Valley, and Cherry Point. Map 2-18 shows designated urban growth areas.

Purpose

The Growth Management Act requires the designation of urban growth areas (RCW 36.70A.110). These areas are to include cities and other areas characterized by urban growth or adjacent to such areas, and are to be designed to accommodate the projected population growth for twenty years. Any growth that occurs outside the areas cannot be urban in nature. The Act further specifies that urban growth should, first, be located in areas that already have adequate existing public facilities and service capacity and, second, in areas where such services if not already available, can be served adequately by a combination of both existing public facilities and serves—services and any additional public facilities and services that are provided by either public or private sources.

The purpose of this section is to establish areas within the County where growth will be directed. The boundaries, as defined, are an attempt to concentrate growth and provide urban areas in accordance with expected growth needs while ensuring the county’s identified values to preserve private property rights and reduce unnecessary regulations.

Process

Planning staff worked with representatives from each city through the Growth Management Coordinating Council to develop the methodologies, policies, forecasts and allocations for each urban area. Each city was asked to submit a proposed Urban Growth Area, along with growth allocation requests, for the County to consider. Following receipt of those requests, the County Council held a public hearing before developing a response to city proposals and final action.

Urban Growth Areas—Background Summary

Each city provided information in their comprehensive plans, in work sessions with planning staff, and at public hearings and work sessions before the County Council to provide the data and assumptions used as a guide in setting Urban Growth Area boundaries. The comprehensive plans for each city and the written and oral input provided by them at the public hearings and work sessions serve as background for establishing UGAs. The cities worked with Whatcom County staff to develop a single methodology for analysis of the urban land capacity within the County. Such variables as, average population per household, occupancy, residential and
employment densities, infrastructure requirements, natural systems and critical
areas constraints, ownership and development trends, and appropriate market
factors to assure adequate supply and affordable housing were considered.

Urban Growth Areas—Issues, Goals, and Policies

Overall

The Growth Management Act assigns the responsibility of designating urban growth
areas to counties. Growth is to be encouraged within urban growth areas and
discouraged outside them. Urban Growth Areas are set in accordance with the
policies established in Chapter 36.70A RCW and applicable regulationscounty-wide
planning policies. The County should work with cities to ensure that comprehensive
plans are coordinated and consistent. Specific consideration is given to approved
comprehensive plans for the municipalities and their supporting justification.
 Modifications have been incorporated into this plan during the 10-year UGA review
based upon several criteria:

- The need to assure logical service boundaries,
- The need to avoid isolated pockets or abnormally irregular boundaries,
- Consideration of land needs and capacity analysis of residential, commercial
  and industrial needs within urban areas, and
- Identification of special needs with respect to unique non-city industrial sites
  (such as Cherry Point), and County areas for which the County will actively
  support incorporation as appropriate (such as Birch Bay; or Columbia Valley).

County-Wide Planning Policies set guidelines for designating city urban growth
areas including:

- Small cities' UGAs shall be of an adequate size to allow them to become
  viable economic centers.
- The size of cities' UGAs shall be consistent with their ability to provide
  services.
- UGAs shall include contiguous areas with urban characteristics and zoning.
- Sufficient land shall be provided within UGAs to accommodate the 20-year
  urban growth projection, plus a reasonable land supply market factor.
- Setting of UGAs shall minimize impacts on agricultural land, forestry, mineral
  resources, watersheds, water resources, and critical areas. Cities should
  absorb additional population at appropriate urban densities before expanding

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into areas where growth would adversely impact critical areas or resource lands.

- Short Term Planning Areas (STPA's) are used as a tool for facilitating provision of urban levels of services and to prevent sprawl within the Urban Growth Area (UGA).

Areas within the STPA's have provided the minimum level of urban facilities and services, including sanitary sewer, water service, police protection, fire protection and emergency medical services, parks and recreation programs, solid waste management, electric service, land use controls, communication facilities and public schools, to support urban levels of development. A full range of services would add urban public transit, natural gas, storm drainage facilities, street lighting, libraries, local parks, local recreation facilities and services, and health services.

The Short Term Planning Area (STPA) is designed to promote urban levels of density and cost effective provision of services and avoid sprawl. The STPA will be adopted as a zoning overlay and can be reviewed and changed anytime during the year. It would not require an amendment to the Comprehensive Plan.

Reason for change: Prior to 2009, UGAs were divided into long term planning areas (LTPAs) and short term planning areas (STPAs). STPAs could be annexed and public water & sewer could be provided for urban development. LTPAs could not be annexed and public water & sewer could not be provided for urban development. In the 2009 UGA review, the County Council rezoned LTPAs to STPAs, so there are no LTPAs remaining (Ordinance 2009-071).

In deciding appropriate ways to manage land within urban growth areas, there are some overriding guidelines suggested in the Growth Management Act and County-Wide Planning Policies.

GMA requires counties to include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Urban growth should be first located in areas already characterized by urban growth that have existing public facility and service capacity to serve such development, second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources.

County-Wide Planning Policies require establishment of interlocal agreements between the county and cities to manage development within urban growth areas until annexation takes place. Factors to be addressed in these agreements include a mechanism to compensate jurisdictions that suffer revenue losses without attendant reductions in service delivery demands, and mitigation for activities related to development. It should be assured that utilities can be delivered at urban levels of service within city urban growth areas.
Timing of required improvements and who pays for these improvements within urban growth areas are issues to be addressed between the county and cities. This is particularly difficult when costly transportation improvements are required within an urban growth area prior to annexation by a city. Transportation planning for Whatcom County assumes that costs and installation of the improvements would be completed by the city associated with the urban growth area. In the case of Bellingham where some growth will continue to occur prior to annexation, this may need to be negotiated.

Areas within designated urban growth areas which are not yet ready for urban levels of density can become a problem if they are allowed to develop at low densities, because a suburban land use pattern can become established that will disrupt later in-filling at urban densities. Other areas have environmental constraints such as flood plains and sensitive watersheds which would dictate using lower densities.

County-Wide Planning Policies call for the county to become a government of rural areas that encourages growth to occur primarily within cities and designated Urban Growth Areas.

Outside urban growth areas, the presence of urban levels of services can put financial pressure on rural areas to develop more densely than desired. County-Wide Planning Policies restrict cities from delivering urban levels of water and sewer service for urban uses outside urban growth areas.

The Growth Management Act requires that the County plan for a 20-year population growth that is within the range projected by OFM unless the County has studies to prove that a different figure is justified. The current 2029 OFM projection for Whatcom County ranges from a Low projection of 216,300 people to a Medium projection of 258,448 people and a High projection of 318,832 people. The County’s population projection figure of 247,755 is within OFM’s range and therefore requires no further justification. Due to the imprecise nature of growth forecasts, and due to the fact that Whatcom County will within two years (by 2011) review and update the comprehensive plan, the growth allocations are expected to remain the same for the 2029 to 2031 planning horizon years.

**Goal 2N:** Establish **Within Urban Growth Areas** Boundaries outside present city limits, within which the County will maintain jurisdiction until annexation or incorporation of the property. During this interim period the following policies shall be in place to assure that the purposes of this plan and growth management are in fact accomplished.

**Policy 2N-1:** Establish urban growth areas for cities, first, by determining the capacity of the existing city limits to accommodate growth in the
20 year planning period. If it is determined that additional land
is needed to accommodate the projected allocated growth, or to
meet other goals of the GMA, then include contiguous areas
which have urban characteristics; and, finally, by including
other suitable areas that demonstrate the ability to provide
adequate public facilities and services at urban levels of service
to accommodate growth.

Policy 2N-2: Re-evaluate UGA boundaries when significant changes in city
land uses are proposed.

Policy 2N-3: Consider cities and UGAs Short Term Planning Areas as receiving
areas for development rights transferred from sending areas.

Policy 2N-4: Ensure that cities or other service providers do not extend sewer
or urban levels of water service to serve new areas of urban
densities outside urban growth areas except when necessary to
protect basic public health and safety and the environment and
when such services are financially supportable at zoned
densities and do not permit urban development unless
emergency or health hazards exist.

Reason for change: The above language better reflects the GMA provisions relating
to extension of urban services outside of UGAs (RCW 36.70A.110(4)).

Policy 2N-5: Protect resource lands by controlling or buffering adjacent uses
and encouraging increased densities within existing city
boundaries before expanding into county resource lands.

Policy 2N-6: Encourage provision of serviced industrial sites by cities.

Policy 2N-7: Consider mixed-use zoning, where appropriate, to encourage
walkability. Encourage interlocal agreements to be in place prior
to annexation to address issues such as timing, logical service
areas, and economic balance between commercial, industrial,
residential and other lands within the UGA.

Reason for change: Mixed use zoning may facilitate the ability to walk between
residential and commercial areas. Interlocal agreements are addressed under Goal
2R and associated policies below.

Goal 2P: Encourage Bellingham to establish new residential
developments at densities averaging six to twenty-four
units per net residential acre; encourage Ferndale to
establish new residential developments at densities
averaging five to ten units per net residential acre; encourage Lynden to establish new residential developments at densities averaging five to ten units per net residential acre; and encourage remaining smaller cities to establish new residential development at average densities of four units per net residential acre, while respecting unique characteristics associated with each city.

Whatcom County seeks to support and encourage the cities in efforts to increase residential densities within their jurisdictions throughout the planning period, as a way to increase vitality, reduce the cost of services, manage outward growth, and protect the environment. The County encourages cities to approve new residential developments at city-wide average net densities as shown below, while respecting unique characteristics of each city:

- Bellingham - six to 24 units per net acre;
- Ferndale - six to 10 units per net acre;
- Lynden - six to 10 units per net acre;
- Blaine - four to six units per net acre;
- Everson - four to six units per net acre;
- Nooksack - four to six units per net acre; and
- Sumas - four to six units per net acre.

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; and
- Columbia Valley - four to six units per net acre.

**Policy 2P-1:** Encourage cities to adopt and implement policies and development regulations that promote urban densities. Ensure that cities have adopted mechanisms which will encourage densities at desired levels.

**Policy 2P-2:** Consider natural limitations on the development capacity of land, such as critical aquifer recharge areas or floodplains, and other characteristics unique to each city, such as seasonal population or adjacent county urban zoning, in designating urban growth areas and densities.
Policy 2P-3: Encourage in-filling to occur in existing areas with urban characteristics in a manner which is more harmonious with existing neighborhood character.

Policy 2P-4: Encourage housing to develop with the greatest possible mix of household incomes by utilizing such techniques as lot clustering, varied lot sizes, small scale multi-family dwellings, and responsible reductions in infrastructure requirements for subdivisions.

Goal 2Q: Ensure that development in the Birch Bay and Columbia Valley Unincorporated Residential-Recreational-Urban Growth Areas not associated with a City is of an urban level and proceeds in a logical and efficient manner.

Policy 2Q-1: Establish urban standards for development within Unincorporated Residential/Recreational Urban Growth Areas.

Reason for change: The County has already established development standards that apply in urban areas. The Birch Bay UGA was covered under the Western Washington Phase II Municipal Stormwater Permit (which became effective August 1, 2013) and this will necessitate changes in the future to the stormwater rules for Birch Bay (see Ordinance 2013-050). These changes are already required by state and federal rules.

Policy 2Q-12: Ensure that service providers do not extend sewer or urban levels of water service to serve new areas of urban densities outside urban growth areas except when necessary to protect basic public health and safety and the environment and when such services are financially supportable at zoned densities and do not permit urban development, unless emergency or health hazards exist.

Reason for change: The above language better reflects the GMA provisions relating to extension of urban services outside of UGAs (RCW 36.70A.110(4)).

Policy 2Q-23: Establish interlocal agreements with each work with urban service providers located within Unincorporated Residential/Recreational-Urban Growth Areas, if appropriate, to coordinate urban service and facility planning with land use planning, which include provisions that address coordination and timing-of-service extensions.

Policy 2Q-4: Provide planning assistance to Unincorporated Residential/Recreational Urban Growth Areas for the purpose of
developing and implementing Comprehensive Community Plans to further define future uses and facilitate orderly urban development.

Policy 2Q-35: Encourage the establishment of an advisory committee for the Birch Bay and Columbia Valley each Unincorporated Residential/Recreational Urban Growth Areas to provide a mechanism to interface with the County regarding their respective community development issues.

Policy 2Q-4: Provide planning assistance to citizens of the Birch Bay and Columbia Valley Urban Growth Areas for the purpose of developing and implementing Subarea or Community Plans to further define future uses and facilitate orderly urban development.

Policy 2Q-56: Encourage and assist the citizens of Birch Bay and Columbia Valley Unincorporated Residential/Recreational Urban Growth Areas with incorporation requirements when appropriate.

Goal 2R: Establish an interlocal agreement with each city which sets out general guidelines to address revenue sharing, the provision of services, management of growth, annexation, delivery of services, protection of critical areas, and designation of open space within urban growth areas.

Policy 2R-1: Include in interlocal agreements, a clear, predictable, and fair formula for revenue sharing agreements which compensates jurisdictions that suffer revenue loss without attendant reduction in service demands as a result of annexation.

Policy 2R-2: Establish procedures for development project review within urban growth areas which protect the interests of both the city and the county. Generally, city development standards and adopted levels of service should be applied within urban growth areas.

Reason for change: Cities generally do not extend public water and sewer outside city limits. When public water and sewer is not available in residential areas, County zoning in UGAs requires a minimum density of one dwelling per 10 acres (see Policy 2R-4 below). It may not be appropriate to require urban development standards for non-urban development.
Policy 2R-3: Responsibility for construction of capital facilities, including transportation facilities to accommodate urban levels of growth, generally, should be assigned to cities. In some cases, timing may require installation of these improvements prior to annexation. In these cases, interlocal agreements should address allocations of costs and revenues between cities and the county.

Policy 2R-4: Limit development within urban growth areas with no municipal sewer and water service through zoning at a density no greater than one unit per ten acres.

Policy 2R-5: Ensure that cities have done an adequate job of planning for development within urban growth areas and have coordinated this planning with the county including Coordinate with cities on UGA planning, facilitating urban development, balancing commercial, industrial and residential lands in the UGA, timing of annexations, service extensions and linkage of greenbelts and open space.

Policy 2R-6: Use the existing geographical information system and Encourage its the use and coordinate with coordination of the existing geographical information system by the cities and the county to provide a consistent and economical data base for making land use decisions.

Goal 2S: Ensure adequate land supply is provided to accommodate twenty years of growth within urban growth areas.

Policy 2S-1: Review all urban growth areas at least every eighteen years or in accordance with the Growth Management Act, adopted policies in city comprehensive plans. Coordinate with cities to determine the population and employment growth projected to occur within the urban growth areas, and revise the urban growth area boundaries, if necessary, to ensure they are appropriately sized to accommodate the projected growth within the planning period.

Policy 2S-2: Ensure that land use plans provide for development at urban densities within the 20-year planning period.

Policy 2S-3: Facilitate phasing of development within urban growth areas as follows:
  * Require at least ten acre minimum lot sizes within unincorporated portions of urban growth areas until public
facilities and services are provided to serve such development at urban levels of service.

- Recognizing that UGAs are sized to accommodate urban growth over a 20 year period and that all land within UGAs will not be required to meet urban land needs immediately, allow Agriculture and Rural Forestry zoning designations, on an interim basis, within UGAs. These zones function as holding districts that will allow continued resource land uses in the near term while protecting these areas from suburban sprawl. It is anticipated that they will be rezoned to allow phased urban development within the 20-year planning period when public facilities and services can be provided at urban levels of service.

Policy 2S-4: Coordinate with cities to maintain a land capacity analysis methodology that is consistently applied to all urban growth areas, including a common definition of net developable land, upon which planned net densities are based. When determining urban land needs, assume that urban densities will be developed within UGAs over the 20-year planning period.

Reason for change: Planned net densities are set forth in Goal 2P.

Policy 2S-5: Annually monitor population growth and publish a report no later than November 1 of each year that analyzes population growth trends over five years in comparison with the adopted population growth projections. Land capacity by compiling annual reports from the cities on development activity, and comparing that data with adopted growth projections for the urban growth areas. If the trend over five years indicates that population growth in urban growth areas is significantly higher than adopted projections, coordinate with the cities to consider appropriate actions. Actions may include amending growth projections, or amending urban growth area densities or boundaries, if, over several years, the data indicate that growth is occurring at a significantly different rate than adopted projections.

Reason for change: Coordinated monitoring required in policies 2S-5 and 2DD-1.

Goal 2T: Establish Urban Growth Areas within which annexations and urban levels of development can occur and outside of which urban levels of development will not occur. This is intended to be a
sprawl-preventing measure where a need exists to promote phased development from the urban core outward, where final plans for urban services are not yet in place, and where joint planning at the development regulation level is appropriate. This will assure both conformance and consistency for future plans and developments.

Reason for change: Prior to 2009, UGAs were divided into long term planning areas (LTPAs) and short term planning areas (STPAs). STPAs could be annexed and public water & sewer could be provided for urban development. LTPAs could not be annexed and public water & sewer could not be provided for urban development. In the 2009 UGA review, the County Council rezoned LTPAs to STPAs, so there are no LTPAs remaining (Ordinance 2009-071). Therefore, STPAs are no longer needed.

Policy 2T-1: A Short Term Planning Area is a zoning overlay designation and is modified through the rezone process as provided in Title 20. Initial designation or subsequent modification of Short Term Planning Area boundaries may be made when the following criteria have been satisfied:

- The County and the City have agreed on a joint plan or are working toward agreement upon a city/county interlocal agreement for land use and development standards; and

- The County and the water and/or sewer service provider, if an Unincorporated Residential/Recreational Urban Growth Area, have entered into an interlocal agreement; and

- The land to be included within the revised Short Term Planning Area has planned facilities available or facilities capable of being made available in time to serve development within the new Short Term Planning Area at the time development occurs; and

- The City and County have agreed on annexation issues identified in Policy-2N7, Goal 2Q, Policy 2Q-1, Policy 2Q-3, and Policy 2Q-5 above; and

- The Short Term Planning Area adjacent to the vicinity proposed for inclusion is meeting UGA density objectives and there is a demonstrated need for additional land in the local area; and

- The City has annexed to the STPA, or the Unincorporated Residential/Recreational Urban Growth Area has infilled up to the LTPA and extension of the boundary is necessary to accommodate provision of urban services; or
The planning area extension is otherwise consistent with the policies of this Comprehensive Plan; and

The City, or the primary utility service providers(s) in the case of Unincorporated Residential/Recreation Urban Growth Areas, has corrected the deficiency which created the need for the Short Term Planning Area; and

In any event, that adequate capacity in public facilities exists or is projected within ten years to serve the new area; and

Short Term Planning Areas would be moved by zoning action consistent with the Comprehensive Plan.

Policy 2T-12:

Land within a UGA that is not served by public water and sewer but outside a Short Term Planning Area shall retain its current zoning until a new joint plan is identified and the Short Term Planning Area is moved, but with will have the following additional limitations on development which shall be included in the County development regulations:

- No sewer shall be extended outside a Short Term Planning Area. Water lines shall not be extended to serve urban levels of development outside a Short Term Planning Area. Exceptions may be made in cases where human health is threatened as determined by the County Health and Human Services Department (the use of interties for emergency purposes will be allowed to the extent that other needed approvals are given; (2) where vested rights currently exist the city/district will provide the County detailed maps specifying the location and nature of the vested rights; (3) to help meet regional supply needs, as discussed under the CWSP, so long as the purveyor has sufficient quantities of water to meet needs in its entire UGA as determined by the purveyor and agreed to by the County;

- All development in urban growth areas shall be done in a manner which will not preclude development at urban levels of density when the area is annexed into the city.

- No residential development shall occur at a gross density greater than one dwelling unit per ten acres.

- All residential land divisions will be developed as cluster subdivisions. All clustered lots will be grouped together in one cluster. Clustered lots will be as small as possible in order to maintain a large reserve tract available for future
urban development. Wells, sewage disposal systems, and easements associated with these facilities may be placed on the reserve tract only if it is not feasible to place them within the boundaries of the clustered lots.

- When the site is rezoned to short-term planning area and public water and sewer serve the site, the reserve tract of a cluster subdivision may be developed with urban densities allowed in the zoning district.

- If the clustered lots are served by wells, sewage disposal facilities and/or associated easements that are located on the reserve tract, then the clustered lots will be required to hook up to public water and sewer when the reserve tract is developed with urban densities. The intent of this provision is to ensure that the reserve tract can be developed to its fullest potential, and such development will not be restricted by the existence of wells, sewage disposal facilities and easements associated with these facilities.

Policy 2T-3: Land which exhibits severe environmental constraints for on-site septic systems may be included within a Short Term Planning Area, to allow for the provision of sewer to reduce or eliminate on-site sewage system related environmental impacts, if all of the following conditions exist:

- The land area is contiguos to existing city limits.
- The underlying zoning is urban and the land is located in an Urban Growth Area.
- The land has been designated as an area of special concern pursuant to WCC 24.05.230 due to extenuating environmental constraints and/or failing on-site septic systems have been identified as a significant source of non-point pollution as part of the development of a Closure Response Strategy Report for a Shellfish Protection District.
- Continued reliance on on-site sewage systems for existing development density and future low density development, within the subject area, would not provide adequate protection of adjacent critical areas from significant environmental impacts from on-site sewage systems.
- Where a Local Improvement District for necessary urban levels-of-service has been established.
- Where interlocal agreements have been established between the County and the water and/or service provider.
Bellingham

Bellingham’s Urban Growth Area (UGA) was first established in 1997 as a result of a lengthy public involvement process. Three geographical areas comprise the City’s UGA: Bellingham’s Northern UGA, the Geneva/Watershed Resource Protection UGA, and the Yew Street UGA. Together, these areas make up approximately 5,595 acres.

Background

In 1984, Whatcom County developed the Urban Fringe Subarea Plan (UFS Plan) applicable to approximately 20,000 acres located immediately north, west and east of Bellingham’s city limits. Slater and Smith roads are generally this area’s northern boundary. Mission Road is the eastern boundary and the Lummi Indian Reservation forms the western boundary. Recognizing that uncoordinated and unplanned growth poses a threat to the local environment and sustainable economic development, Bellingham and Whatcom County began a process in early 1990 to update the land use section of the Urban Fringe Subarea Plan. In September 1997, the Whatcom County Council adopted an updated plan. This Plan was subsequently amended in 1999, 2004, 2008 and 2009. The next Urban Fringe Plan update will and now only includes the entire-Bellingham UGA.

Between 2000 and 2008, Whatcom County grew by 24,174 people, or 14.5%. During that same period of time, the City and its UGA grew by 11,345 or 14.5%. Bellingham and its UGA received 47% of the county’s total growth during this time period.

Urban Fringe Subarea Plan

The UFS Plan provides the policy framework for addressing the impacts and opportunities of growth in Bellingham’s UGA. It addresses County zoning designations, comparable City zoning upon annexation, land uses, development standards and Transfer of Development Rights from the Lake Whatcom Watershed to receiving areas in the UGA. The Plan addresses a number of important objectives related to planned development, public participation, land use, housing, density, the natural environment, open space, parks, recreational opportunities, transportation, utilities and other public services. Plan updates will be made in the context of the Growth Management Act planning goals, the Countywide Planning Policies, the UGA goals and policies of the Whatcom County Comprehensive Plan and Bellingham’s Comprehensive Plan.

2011 Update

Bellingham is, and will continue to be, the primary population and employment center for Whatcom County. In order to avoid tightening the land supply around this population center and putting additional pressure on rural development, the
City of Bellingham is requested to return as part of their required comprehensive
plan and development regulation update in 2011 with a proposal for how they
would accommodate a total of approximately 116,200 people, either through infill,
changes in densities within the city and Urban Growth Area, or expansion.

Goal 2U: Evaluate every eighteen years or as necessary
Bellingham’s Urban Growth Area to determine if the UGA
is sufficient in size to accommodate twenty year growth
projections, provide an adequate supply of affordable
housing, industrial, commercial and recreational
development and recognize historical development
patterns and commitments for service.

Policy 2U-1: Consider new data, research and public participation when
conducting the UGA review.

Policy 2U-2: Establish and periodically update procedures for joint
city/county review of development proposals in the UGA prior to
annexation.

Reason for change: The County and City have an existing interlocal agreement that
has established procedures for development review in the UGA.

Policy 2U-3: Work with Bellingham to identify and establish a system of
neighborhood parks, greenbelts and open space to serve the
urban growth area as it develops.

Policy 2U-3: Establish an agreement with Bellingham to share costs of and
revenues from improvements within the UGA.

Reason for change: The County and City have an existing interlocal agreement that
addresses certain capital facility improvement costs.

Policy 2U-4: Review land supply analysis and consider appropriate urban
growth area boundaries consistent with the Growth Management
Act and County-wide Planning Policies.

Policy 2U-5: Review and update the interlocal agreement with Bellingham,
prior to expiration of the current interlocal agreement, as
needed, to provide for:

- Coordinated growth management and capital facility
  planning;
• timing and provision of utility services and other urban services;

• timing and procedures to be used for review of adequate land supply;

• timing of annexations;

• revenue sharing formulas prior to and after annexation;

• development standards and regulations;

• joint City/County review of development proposals in the UGA;

• affordable housing; and:

• transfer of development rights within the City of Bellingham.

Policy 2U-6: Whatcom County and Bellingham should continue to coordinate protection and development within the Lake Whatcom Watershed.

Policy 2U-7: Whatcom County and Bellingham should designate receiving areas within the City of Bellingham and its UGA for Transfer of Development Rights from the Lake Whatcom Watershed.

Policy 2U-8: The City and Whatcom County should designate appropriate zoning and residential densities in Bellingham’s UGA consistent with Whatcom County’s Comprehensive Plan and Bellingham’s Comprehensive Plan as amended.

Policy 2U-9: Joint planning in Bellingham’s UGA should include joint review of development proposals. City design and development regulations should be required in Bellingham’s UGA.

Reason for change: The County and City have an existing interlocal agreement that addresses growth management planning and development review in the UGA. This interlocal agreement also addresses development standards in the UGA. The City will recommend City standards to apply in the UGA, and the County will review these standards and consider adoption.

Policy 2U-910: Annexation should be considered prior to or concurrently with the extension of City sewer and water and prior to urban development. Annexations should be a logical extension of the city boundaries and not create unincorporated islands.
Policy 2U-1011: The Geneva and Hillsdale areas, located within the Lake Whatcom Watershed, are designated urban growth areas in order to allow the City of Bellingham to annex these areas. The City has a long-term interest in the water quality of Lake Whatcom because the City is responsible for providing Bellingham with safe drinking water from the Lake. Whatcom County and the community also have long-term interests in the watershed based upon the special environmental sensitivity of the Lake Whatcom Watershed as a drinking water source and the Total Maximum Daily Load (TMDL) findings requiring a reduction of phosphorus inputs into the lake. Therefore, only non-urban densities should be allowed in that portion of the Urban Growth Area within the watershed. The City of Bellingham has expressed interest in exploring the possibility of annexing those areas. To allow sufficient time for those exploratory discussions to occur and for Bellingham to pursue annexation of the areas under all annexation processes available to it, the watershed UGAs will remain in the Bellingham UGA until December 2012, or until the City of Bellingham formally notifies the County that they do not intend to annex the areas, whichever is sooner.

Policy 2U-12: In the 2011 comprehensive plan update, evaluate the feasibility of changing zoning from General Commercial to Light Impact Industrial in the Bellingham Urban Growth Area in the vicinity of Interstate 5, north of the Bellingham International Airport.

Reason for change: Bellingham and Whatcom County will consider land use changes in the 2016 comprehensive plan update.
Blaine

Blaine is the northwestern-most city in Whatcom County, and is home to 4,667 people. The city is divided by Drayton Harbor into two parts: central Blaine and the Semiahmoo area to the west. These two areas are distinctly different areas of Blaine. The central area is a traditional northwestern city with a vibrant downtown surrounded by neighborhoods of single family houses. The central area includes an extension of largely undeveloped, incorporated land about 3 miles out H Street. The Resort at Semiahmoo is located in west Blaine.

Both the County and the City of Blaine are concerned about water quality in Drayton Harbor. Drayton Harbor has a rich history as a shellfish resource. Studies have shown that fecal coliform levels in Drayton Harbor are high and have led to the closure of shellfish harvesting beds. Harvest has been restricted due to fecal pollution since 1952 with closures beginning in 1988. In 1995 the Drayton Harbor Shellfish Protection District was established. Drayton Harbor was entirely closed to commercial shellfish harvest in 1999. In 2004, 575 acres were upgraded to conditionally approved with closures occurring after heavy rainfall. Currently the conditionally approved portion is closed from November through February. Several water bodies in the watershed are on the 303(d) list, including California and Dakota Creeks. In 2007, the County adopted an update to the Drayton Harbor Shellfish Protection District Recovery Plan. This plan reflects the success of reopening some areas for shellfish harvesting in 2004 and outlines future plans for Drayton Harbor restoration. In 2014, the City initiated a three-year project intended to identify point and non-point sources of pollution and take corrective action. The study targets Cain Creek, which also contributes pollutants to the Harbor through tidal flushing from Semiahmoo Bay. Land uses throughout the watershed contribute to water quality in the Harbor and efforts by both the County and the City are necessary to manage water quality.

The unincorporated UGA around Blaine was originally designated in 1997. It was larger then but all that remains today was there originally. The 1997 plan states that the area to the south along Drayton Harbor connecting the two sides of Blaine was included in the UGA:

"...because of its location sandwiched between the western and eastern expanses of the Blaine city limits which, at this time, is only connected by water. It is also included because of the urban level of zoning historically assigned by the county (UR4)...Blaine seeks control of this area to coordinate transportation planning and ensure water quality protection and coordinated shoreline management."

Other areas included in the UGA were largely due to the area’s adjacency to the existing city limits or for ease of provision of services.
The concerns that Blaine expressed in 1997 about protecting Drayton Harbor remain as studies show that fecal coliform levels in the harbor are harmful to the shellfish populations causing a decline in quality and closing of the harbor to shellfish harvesting in 1999. In 2007, the county adopted the update to the Drayton Harbor Shellfish Protection District Recovery Plan. This plan reflects the success of re-opening some areas for shellfish harvesting in 2004 and outlines future plans for Drayton Harbor Restoration. Continued urbanization of the harbor remains a concern for those working to restore it and protect the portions of the harbor that have been able to revitalize under a coordinated effort.

The City of Blaine provides public sewer, water, stormwater, and police services. Public schools for the area are operated and maintained by the Blaine School District. Fire protection services are provided by North Whatcom Fire and Rescue (Fire District # 21).

Public facilities issues in the UGA are primarily concerned with the provision of an urban level of fire and emergency medical services. Fire District 21 does not indicate in their Capital Facilities Plan a set of response times for the Birch Bay UGA or the Blaine UGA separately. It does indicate the response time trends in “urban areas of its service area” in Exhibit 11. This table shows that the district is only meeting their 8-minute standard for Urban response 65% of the time in 2008. The district indicates that 90% of the time for their urban areas they reach the scene of a priority one incident in a little over 11 minutes.

The Blaine General Sewer Plan, updated in 2005, would need to be updated to reflect the new, contracted UGA. The plan does not have an extensive plan for much of the unincorporated UGA, but it does have some areas in the east UGA adjacent to the city planned for future sewer extension. The City does not extend sewer outside of the City limits without annexation unless there is a demonstrated threat to public health that can only be remedied by the City sewer extension.

Finally, the Blaine School District does not have an adopted capital facilities plan for their service area which includes both Blaine and Birch Bay. As their enrollment is declining, they are frequently modifying remodeling and construction plans to correspond to projections and needs. They were unable to pass their most recent bond attempt, causing the school board to halt any efforts toward new construction in at least the next 2 years.

Reason for change: Additional service provider information will be in the Whatcom County 20-Year Capital Facilities Plan and, where available, individual service provider plans.

Areas included in the UGA - (Map UGA-2)

As part of the 2009 UGA Update, portions of the Blaine UGA were removed to place Blaine’s land supply in closer relationship_proximity to its projected population
growth. The unincorporated UGA was reduced from 3,315 acres to 476 acres. Only
the eastern portion of the unincorporated UGA and a small area south of the city
remains in the UGA. The rest of the UGA has reverted to a Rural designation.

**Goal 2V:** Provide a sufficient Urban Growth Area for Blaine to
accommodate future growth needs, ensure an adequate
housing, commercial and industrial land supplies; supply
and meet Growth Management Act and county land use
goals.

**Policy 2V-1:** Work cooperatively with Blaine to increase critical area
protection and water quality controls sufficient to protect
shellfish harvesting and marine resources in Drayton Harbor.

**Policy 2V-2:** Ensure that Blaine adopts measures to implement in-
fill policies in the proposed Blaine Comprehensive Plan.

**Policy 2V-3:** Readjust the Urban Growth Area as urban services are
planned and need is demonstrated.

**Policy 2V-4:** Ensure that adequate capital facilities can be provided to the
Blaine Urban Growth Area.

**Policy 2V-5:** Review and update the interlocal agreement with Blaine, prior to
expiration of the current interlocal agreements as needed, to
provide for:
- Coordinated growth management and capital facility
  planning;
- A project review process for development within Blaine’s
  UGA that ensures consistency with Blaine’s
  Comprehensive Plan and development regulations and
  standards.

**Reason for change:** Development in the UGA is subject to Whatcom County
Comprehensive Plan, development regulations and development standards until
annexation occurs.

- County adoption and maintenance of 10-acres zoning for
  the UGA which would allow urban densities to develop
  only with the extension of city water and sewer; in
  conjunction with annexation or a commitment to annex
  within a very specific timeline and under very specific
  conditions.

**Reason for change:** The County already has zoning that requires 10 acre densities
in the Blaine UGA until public water and sewer are extended.
• identification of needed capital improvements and establishment of funding mechanisms; how they will be paid for;
• timing and procedures to be used for review of adequate land supply; and
• consistency with the Coordinated Water System Plan.
Whatcom County Comprehensive Plan

Map UGA-2

- Blaine Urban Growth Area

Incorporated City
Urban Growth Area
Everson

Everson urban growth area is located in centralwestern Whatcom County, northeast
of Bellingham. The City and its UGA serve the surrounding area as a commercial,
retail and industrial center. The entire UGA is accessible by two major state
highways, SR 544 and SR 9, that connects the city to the Canadian border and to
points further south. The UGA is also accessible by Burlington Northern railway
passes through the eastern portion of the UGA.

Flood prone areas, preservation of agricultural resource land, appropriate use or re-
use of adjacent mineral resource lands and provision of adequate urban level
services, are among the factors considered in determining the City of Everson
Urban Growth Area boundary.

The City is bisected by the Nooksack River, which periodically floods and inundates
parts of downtown Everson. Lying to the south of Everson are mineral resource
lands and several active gravel mines.

Everson UGA is also adjacent to agricultural lands. County goals include working
cooperatively with the City of Everson to enhance or maintain the county’s
agricultural land base.

The City of Everson provides public sewer, water, stormwater, and police services,
while public schools for the area are operated and maintained by the Nooksack
Valley School District. Fire protection services are provided by Fire District # 1. The
City of Everson has an approved 2005 Water System Plan indicating that the city
has adequate water to meet water system demands through 2022. With
conservation and re-distribution measures, the City Planner has indicated that
water supply and storage capacity is sufficient to meet demand for the next 20
years.

The City of Everson is challenged by a number of urban service issues that must be
considered when establishing geographic boundaries to accommodate future urban
growth. The City does not have a Comprehensive Sewer Plan, and City of Everson
2004 Comprehensive Plan, Capital Facility Element indicates that the City will
exceed sewage treatment capacity in 2014. However, recent analysis shows that
the capacity may be adequate for a period of 8-12 years. Expansion of the
treatment plant will be necessary in the future to meet the needs of projected
growth for the 20-year planning period. City of Everson and City of Nooksack share
costs in operating the Everson Sewage Treatment Plant, and have plans to begin a
cooperative effort to develop a comprehensive sewer plan that will address future
needs at least through the 20-year planning period.

Fire District #1 does not currently have a capital facilities plan. Although the
Nooksack School District serving Everson, Nooksack and Sumas does not have a
Capital Facilities Plan, capacity analysis indicates that the District is able to provide sufficient capacity for the 20-year planning period.

Reason for change: Additional service provider information will be in the Whatcom County 20-Year Capital Facilities Plan and, where available, individual service provider plans.

The urban growth area for Everson is intended to provide sufficient land area to accommodate future urban growth with adequate public services, while minimizing impacts to resource lands and critical areas. County goals encourage Everson to develop residencially zoned areas at average net densities of four to six units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure and open space.

Areas included in the UGA - (Map UGA-3)

East
This area, located east and south of the existing city limits, straddles State Route 9 and adjacent rail access, and drops below the southern boundary of City of Nooksack. The proposed uses for this area are industrial to the east and residential to the west of SR 9.

North
An area northwest of Everson is included in the UGA to allow expansion of the existing Everson Riverside Park.

West
The most likely place for future development is in the upland areas located west of the city limits, adjacent to existing residential development, and with a public school in close proximity. Proposed future zoning for this area includes a mix of uses including industrial, commercial, and residential. Current agricultural zoning in portions of the UGA serve as holding districts until rezoned for urban uses in the future.

Reason for change: County Comprehensive Plan Policy 2S-3 already recognizes that Agriculture zones function as holding districts within UGAs.

South
An area to the south of the existing city limits is in the UGA. This land is outside of the floodplain and adjacent to existing residential and industrial uses.

Goal 2W: Provide Set an Urban Growth Area Boundary for Everson which accommodates future growth needs and recognizes constraints imposed by Nooksack River.
flooding and adjacent designated agriculture and mineral resource lands\textsuperscript{\textdagger}.mining issues.

Policy 2W-1: Work with Everson to adopt measures to limit development in floodplains.

Policy 2W-2: Recognize adjacent mineral resource lands as potential urban development areas and work with Everson and land owners to develop an environmentally safe plan to facilitate this conversion.

Policy 2W-3: Avoid new land uses that are an identified threat to groundwater quality within the delineated wellhead protection area of the Everson wellfield.

Policy 2W-4: Review and update the interlocal agreement with Everson, prior to expiration of the current interlocal agreement\textsuperscript{\textdagger} need, to provide for:

- Coordinated growth management and capital facility planning;
- identification of needed capital facility improvements and funding mechanisms; establishment of how they will be paid for;
- timing and procedures to be used for review of adequate land supply;\textsuperscript{\textdagger}
- consistency with the Coordinated Water System Plan;\textsuperscript{\textdagger}
- cooperation regarding conversion of mineral resource lands; and;
- recognize opportunities for future growth to the west of the existing city.

Reason for change: Land west of the existing city has already been designated as UGA, where annexation and development are allowed. To the west of the UGA are Agricultural and Rural lands, which are not slated for urban development. The existing interlocal agreement specifies a process for joint city/county planning, but does not specify the location of future UGA expansions.

- limitation of development on floodplain on parcel adjacent the former golf course.

Reason for change: The GMA already contains significant restrictions on UGA expansions into floodplains (RCW 36.70A.110(8)). Additionally, Policy 2W-1 addresses development in the floodplain. Finally, property in the floodplain is already regulated in a uniform manner by the flood regulations.
• long term measures to assure compatibility with resource lands.
**Ferndale**

County goals encourage Ferndale to develop residentially zoned areas at overall average net densities of five–six to ten units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slope, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure, and open space.

Issues in defining the Ferndale Urban Growth Area include protection of wetlands, provision of serviced industrial land, inclusion of sufficient adjacent land with planned services to accommodate projected urban growth, and urban levels of development in urban zoning, and proximity to the Bellingham UGA and proximity to the North Bellingham Rural Neighborhood.

The Grandview Industrial area Park is included in the urban growth area. This inclusion supports the policies in the Economics chapter of this plan to provide a sufficient supply of serviced industrial land.

Ferndale will provide most of the urban governmental services within the Urban Growth Area, including public sewer, water, stormwater and police services, except for fire protection and schools. Public schools for the area are operated and maintained by the Ferndale School District. Fire protection services are provided by Fire District # 7. The City of Ferndale Comprehensive Sewer Plan, adopted by the City in 2011, includes improvements to the wastewater treatment plant to serve planned growth over the 20-year planning period. The City of Ferndale 2006 Water System Plan indicates that the city has adequate water rights and contracts to meet water system demands to the end of its 2026 planning period. The Ferndale School District has a capital facilities plan, which has been adopted by Whatcom County. Fire District 7 serves the City of Ferndale. The Whatcom County Fire District No. 7 Capital Facilities Plan, adopted by the District in 2011, indicates that the District currently meets the level of service standard for the Ferndale UGA. Additionally, the Plan indicates that, with proposed capital facility and staffing improvements, the District will meet the level of service standard over the 20-year planning period.

Reason for change: Additional service provider information will be in the Whatcom County 20-Year Capital Facilities Plan and, where available, individual service provider plans.

**Areas included in the UGA - (Map UGA-4)**

**North**

The Urban Growth Area extends north to include the commercial–industrial area around the Grandview Road / I-5 interchange. A certain area between the Grandview industrial area and the Ferndale city center is designated Urban Growth Area Reserve, as this area has been identified as may be a logical extension of the Urban Growth Area in the future.
Reason for change: The City of Ferndale adopted Ordinance # 1619 to annex 144 acres in the Grandview area, including all the commercial zoned land, in Dec. 2010.

West
Areas west of the city are included in the UGA, as these areas are generally located in proximity to existing water lines, sewer lines, City streets and/or schools.

East
There are only limited areas to the east that are included within the Urban Growth Area. Existing large lot development patterns to the east make the extension of efficient public facilities and services to this area more difficult.

South
Land southeast of the City, near the intersection of I-5 and Slater Rd., is included in the UGA to accommodate commercial development. The State, Whatcom Council of Governments, Whatcom County, City of Ferndale, City of Bellingham, Lummi Nation, and Port of Bellingham are coordinating long-range transportation improvements in the Slater Rd. area. Very little land area to the south has been included in the urban growth area.

**Goal 2X:** Provide a sufficient Urban Growth Area for Ferndale to accommodate future growth needs, meet Ferndale’s long-term vision retain existing character and attain Growth Management Act and county land use goals.

**Policy 2X-1:** Support City of Ferndale planning efforts for in-fill development within the existing city limits and development of its UGA.

**Policy 2X-2:** Ensure that adequate capital facilities can be provided to the Grandview Industrial area within a timely fashion to accommodate development of the area.

**Policy 2X-3:** Establish a revenue sharing agreement which fairly compensates the county if a loss of revenue from the Grandview Industrial Area exceeds reduction in associated costs.

**Policy 2X-4:** Encourage Ferndale to work towards development of a "wetland bank" to mitigate impacts of development on scattered wetland areas within the city.

**Policy 2X-5:** Review and update the interlocal agreement with Ferndale, prior to expiration of the current interlocal agreement as needed, to provide for:

- Coordinated growth management and capital facility planning;
• policies regarding utility service outside the UGA;
• identification of needed capital facility improvements and funding mechanisms establishment of how they will be paid for;
• zoning designations and density within the UGA;
• coordination with the county of greenbelts and open space;
• timing and procedures to be used for review of adequate land supply; and,
• consistency with the Coordinated Water System Plan.
- Ferndale Urban Growth Area

- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve
Lynden

County goals encourage Lynden to develop residually zoned areas at average net densities of five to six to ten units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure, and open space.

Issues in defining the Lynden Urban Growth Area include preservation of agricultural resource lands and accommodating projected urban growth over the planning period, uses allowed within county zoning designations. Lynden is surrounded by agricultural resource lands. The Growth Management Act requires cities to protect adjacent resource lands through the adoption of buffers or the regulation of uses.

The city of Lynden provides public water, sewer, stormwater, police and fire protection services, most of the urban governmental services, except for schools. The city has a General Sewer Plan completed in 2007 that will meet the needs of growth over the 20-year period. The City of Lynden 2008 Water System Plan indicates that the city has adequate water to meet water system demands to the end of its 2026 planning period. However, the City of Lynden and the Washington State Department of Ecology have an existing dispute over the city’s water rights. The city has entered into a memorandum of agreement (MOA) with Ecology to address long-standing water right issues. The Lynden School District also serves the area has a capital facilities plan, which has been adopted by Whatcom County. Fire protection facilities are provided by the City of Lynden and are included in their Capital Facilities Plan.

Reason for change: Additional service provider information will be in the Whatcom County 20-Year Capital Facilities Plan and, where available, individual service provider plans.

The Lynden Urban Growth Area has been designated to provide a sufficient land supply for Lynden and minimize impact on adjacent agricultural resource land.

Areas included in UGA - (Map UGA-5)

North

A tract of land in the northwest area of Lynden has been included in the UGA. While this is prime agricultural land, it is logically located for service provision and is necessary to adequately accommodate Lynden’s growth needs through the 20-year planning period. The City of Lynden has been the lead in developing the Pepin Creek realignment project in the UGA for the last 10 to 15 years. This has involved coordination with the County, WSDOT, WDFW, DOE, North Lynden Watershed Improvement District and other impacted shareholders. This project would realign deep road side ditches along Benson Road and Double Ditch Road into a single
stream channel roughly centered between the two. The project is intended to
address flooding, fish habitat, and roadside drainage that impacts water quality and
creates narrow roadways without adequate shoulders. It will also provide a new
trail corridor and provide space in the existing right-of-ways for bike and pedestrian
movements. Double-Ditch Creek and Benson creek, which flow through drainage
ditches in this area, have been identified by the Department of Fish and Wildlife as
anadromous creeks. If this area develops in the future, the City and County should
work with the State to address drainage and flooding issues and protect or restore
fish habitat in these creeks.

West
A large amount of land located west of Lynden is included to facilitate industrial and
commercial growth for the City of Lynden and accommodate a city stormwater
detention facility.

South
There are several relatively smaller areas south of Lynden in the UGA.

Goal 2Y: Provide an Urban Growth Area for Lynden of
sufficient size to accommodate future growth,
protect the existing character of Lynden, and minimize
impact on county resource lands.

Policy 2Y-1: Review county zoning regulations to ensure that conditional
uses in the agricultural zone do not discourage the development
of such uses within the City of Lynden.

Reason for change: This policy was originally adopted in the 1997 Comprehensive
Plan. The County previously narrowed the range of conditional uses allowed in the
Agriculture zone in 2001 (Ordinance 2001-020). The proposed amendment would
address any future proposals to modify the conditional use provisions in the
Agriculture zone.

Policy 2Y-2: Require—Work with Lynden to develop long term
measures to assure compatibility of adjacent uses to mineral
and designated agricultural resource lands.

Reason for change: The proposed modification would provide a collaborative
approach to ensure compatibility between urban development and designated
agricultural resource lands.

Policy 2Y-3: Review and update the interlocal agreement with Lynden, prior
to expiration of the current interlocal agreement as needed, to
provide for:

Whatcom County Comprehensive Plan 2-53
• Coordinated growth management and capital facility
  planning;
• restrict extension of urban levels of service to the urban
  growth areas;
• identification of needed capital facility improvements and
  establishment of funding mechanisms; how they will be
  paid-for;
• zoning designations and density within the UGA;
• timing and procedures to be used for review of adequate
  land supply; and;
• consistency with the Coordinated Water System Plan and
  demonstration of sufficient water rights for current and
  projected needs.

Policy 2Y-4: Land uses that are incompatible with the operation of the
Lynden Airport should be discouraged when rezoning land in the
Urban Growth Area west of Benson Rd. and south of Badger Rd.
Specifically, Whatcom County should follow the process set forth
below when considering whether a proposed rezone discourages
incompatible land uses:

• Determine whether any land in the proposed rezone is
  within zone 1 (runway protection zone), zone 2 (inner
  approach/Departure zone), or zone 3 (inner turning zone)
  as shown on Safety Compatibility Zone Example 1 from
  the California Airport Land Use Planning Handbook (Shutt
• Compare the land uses allowed by the proposed zoning
  with the Basic Safety Compatibility Qualities for zones 1,
  2, and 3 and the Safety Compatibility Criteria Guidelines
  for zones 1, 2, and 3 in the California Airport Land Use
  Planning Handbook (Shutt Moen Associates, January
  2002, pp. 9-44 and 9-47) and identify incompatible land
  uses.
• Determine whether land in zone 1, 2 or 3 is proposed for
  a zoning district that allows residential land uses, schools,
  day care centers, hospitals, nursing homes, or above
  ground bulk fuel storage.
• Unless no alternatives are feasible, require residential
  land uses, schools, day care centers, hospitals, and
  nursing homes to be clustered or otherwise located
  outside of zones 1, 2 and 3 and require above ground
  bulk fuel storage to be located outside of zones 1, 2 and
  3. The intent is to preserve as much open space as
  possible in zones 1, 2 and 3.
Policy 2Y-5: Land uses that are incompatible with the operation of the Lynden Airport should be discouraged if expansion of the Urban Growth Area west of Benson Rd. and south of Badger Rd. is considered. Specifically, the Lynden Urban Growth Area should not be expanded in this area unless it can be demonstrated that:

- Residential land uses, schools, day care centers, hospitals, nursing homes, and above ground bulk fuel storage would be clustered or otherwise located outside zone 2 (inner approach/departure zone), zone 3 (inner turning zone), and zone 4 (outer approach/departure zone) as shown on Safety Compatibility Zone Example 1 from the California Airport Land Use Planning Handbook (Shutt Moen Associates, January 2002, p. 9-38).

Policy 2Y-6: A parcel added to the Lynden UGA in the 2009–10 year UGA review (located in section 15, T40N, R3E, W.M.) is within the 100-year flood plain of the Nooksack River, and its addition to the UGA and subsequent uses are subject to the restrictions of RCW 36.70A.110(8). Its addition to the UGA is conditioned upon and subject to the extinguishment of all development rights on the property, and it may not be annexed by the City of Lynden until those rights have been extinguished. Further, the uses of the property must remain consistent with the exemptions in RCW 36.70A.110(8), excepting property from the general prohibition against additions to UGAs in floodplains.

Reason for change: The City of Lynden annexed the property that is the subject of Policy 2-Y6 in March 2015. This annexation included a covenant extinguishing residential development rights on the property. Therefore, Policy 2-Y6 should be removed from the Whatcom County Comprehensive Plan.
- Lynden Urban Growth Area

Incorporated City

Urban Growth Area

Map UGA-5

Whatcom County Comprehensive Plan
Nooksack

The Nooksack urban growth area is located in centralwestern Whatcom County, northeast of Bellingham. The UGA is located immediately to the east and northeast of the City of Everson, and is served by a major state highway, SR 9 that connects the City to the Canadian border and to points further south with City of Sumas, extending north to the Canadian border. From points south, Burlington Northern railway passes through the town center, on the way to Canada.

The Community’s expressed vision is to maintain an atmosphere of safe and friendly family living in a small town rural setting, while protecting and enjoying the natural environment and agricultural lands of the surrounding area, and promoting development of new jobs and businesses. (City of Nooksack, Comprehensive Plan, 2004).

Flood prone areas, preservation of agricultural resource land, appropriate use or reuse of adjacent mineral resource lands, and provision of adequate urban level services, are among the factors considered in designating the City of Nooksack Urban Growth Area boundary. The Nooksack UGA is located entirely within the Sumas River watershed, with portions of the City’s eastern boundary following the Sumas River as it flows north toward Sumas and British Columbia, Canada. Nooksack is surrounded on all sides by physical constraints that present challenges to development. West of the city limits is the Nooksack River floodplain with a history of recurrent flooding, and east of the city are the Sumas River, Breckenridge Creek, and Swift Creek, all of which are prone to flooding. Mineral resource designated lands with active mining operations are located northeast of the city limits. The Nooksack UGA includes has also been identified as an areas with high aquifer recharge susceptibility, protected by City and County critical areas regulations.

Nooksack UGA is surrounded by agricultural land, or rural land identified with agricultural protection—soils on nearly all sides. County goals include working cooperatively with the City of Nooksack to enhance or maintain the county’s agricultural land base.

The City of Nooksack is challenged by a number of urban level service issues that must be considered when establishing geographic boundaries to accommodate future urban growth. The City of Nooksack collects and transmits wastewater to City of Everson’s Sewage Treatment Plant for treatment. Both cities provide funding for operation and maintenance of Everson’s sewer treatment facility. The City of Everson’s treatment facility is not planned to accommodate the projected growth of both cities at this time, although it is expected to have sufficient capacity for the next 13 to 15 years. Neither city has a Comprehensive Sewer Plan adopted, but efforts are beginning to have a plan that will meet future needs through the 20-year planning period.
The City of Nooksack has a Water System that provides water to the City and a portion of the UGA. Plan approved by DOH on February 22, 2006. The Plan covers the 20-year planning period through 2022. The City of Nooksack purchases water from the City of Sumas, providing 199 acre-feet of water annually to Nooksack per the terms of a mutual supply agreement between Sumas and Nooksack and the Nooksack Valley Water Association (NVWA). Sumas has water rights to provide City of Nooksack with adequate supply necessary to support projected growth. Public schools for the area are operated and maintained by the Nooksack Valley School District. Fire protection services are provided by Fire District # 1.

Fire District 1 serves Everson and Nooksack. The Fire District does not have a Capital Facilities plan.

The Nooksack Valley School District serves Everson, Nooksack and Sumas. The School District does not have a Capital Facilities Plan, although capacity analysis indicates that the District is able to provide sufficient capacity for the 20-year planning period.

Reason for change: Additional service provider information will be in the Whatcom County 20-Year Capital Facilities Plan and, where available, individual service provider plans.

The urban growth area for Nooksack is intended to provide sufficient land area to accommodate future urban growth with adequate public services, while minimizing impacts to resource lands and critical areas. County goals encourage Nooksack to develop residentially zoned areas at average net densities of four to six units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure and open space.

**Areas included in the UGA - (Map UGA-6)**

**North**

Land northwest of the existing city limits, north of Tom Rd., has been included in the Urban Growth Area. This land is mostly located outside the floodplain and, after annexation, is planned for future industrial development.

**East**

Land east of the existing city limits and north of Breckenridge Creek has been included in the Urban Growth Area. This land is mostly located outside floodplains, and upon annexation Nooksack has indicated a willingness to provide urban services. This area currently contains the Nooksack Elementary School and an adjacent cemetery, both of which are considered public uses. The majority of the remaining area is planned for residential development.
South
Land south of the existing city limits and east of SR 9 has been included in the
Urban Growth Area. This land, formerly in the Everson Urban Growth Area, is
planned for future residential and commercial development.

West
Land west of the existing city limits, adjacent to the Nooksack Valley Middle School,
has been included in the Urban Growth Area. This land is located within the
floodplain and, after annexation, is planned for ball fields.

Goal 2Z: Provide an Urban Growth Area Boundary for Nooksack which accommodates future growth needs and recognizes constraints imposed by Nooksack and Sumas River flooding, and adjacent designated agriculture agricultural uses, and mineral resource lands, mining issues.

Policy 2Z-1: Work with Nooksack to adopt measures to limit development in floodplains.

Policy 2Z-2: Encourage Nooksack to review land use proposals for available agricultural and flood prone lands for designation in open space type uses.

Reason for change: The City of Nooksack reviewed zoning in 2013 and shifted some land within the City into a new “Open Space/Agriculture” zone.

Policy 2Z-23: Encourage Nooksack to pursue multi-family development and to adopt measures to develop within the existing city limits at increased densities.

Policy 2Z-34: Ensure Nooksack can provide adequate urban services to accommodate projected population growth within the urban growth area.

Policy 2Z-45: Review and update the interlocal agreement with Nooksack, prior to expiration of the current interlocal agreements, as needed, to provide for:

- Coordinated growth management and capital facility planning;
- Identification of needed capital facility improvements and funding mechanisms; adequate sources of funding;
- Timing and procedures to be used for review of adequacy of land supply;
- Consistency with the Coordinated Water System Plan.
1. periodic reexamination of flood prone and agricultural areas;
2. measures for protection of adjacent resource lands through control of incompatible uses and/or buffers; and
3. long term measures to assure compatibility with resource lands.
- Nooksack Urban Growth Area

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<th>Incorporated City</th>
<th>Urban Growth Area</th>
<th>Urban Growth Area Reserve</th>
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Whatcom County Comprehensive Plan
Sumas

The Sumas urban growth area is located in north central Whatcom County along the USA-Canada international border, with the communities of Everson and Nooksack to the southwest. The UGA is served by two state highways (SR 9 and SR 547) connecting the City to the Canadian border and extending to points further south and east. The Community’s vision for the UGA is to take advantage of its location and function as an international border crossing to capitalize on commercial and retail economic opportunities presented by border traffic. The City has also expressed an interest in becoming a regional industrial center. The UGA is served by Burlington Northern railway.

Flood prone areas, preservation of agricultural resource land, and provision of adequate urban services, are among many factors considered in designating the City of Sumas Urban Growth Area boundary. The UGA and surrounding area consists of gently sloping terrain, tributary streams and creeks draining into the meandering northward flowing Sumas River. The UGA is also surrounded by designated agricultural land with agricultural protection soils on all sides. County goals include working cooperatively with the City of Sumas to enhance or maintain the county’s agricultural land base.

Urban level service capacities must be considered when establishing geographic boundaries to accommodate future urban growth. The City of Sumas has a Water System that serves the City, Plan (WSP) that was approved in 2000. This Plan covers the 1998 to 2018 planning period with a projected population of 1,625, which is slightly less than what the County has allocated for urban growth during the 20-year planning period. State law requires municipal systems to update WSP’s every 6 years, and City of Sumas is currently in the process of updating its Plan. The City of Sumas owns and operates seven wells in two major well fields that provide a significant quantity of water within recognized water rights. City of Sumas supplies wholesale water to the Sumas Rural Water Association (SRWA), the Nooksack Valley Water Association and the City of Nooksack. Although not covered in the 2000 Plan, preliminary analysis indicates that the combined storage of 1,000,000 gallons is sufficient to meet the need of the combined systems for the 20-year planning period.

City of Sumas collects and transports wastewater across the USA-Canada border for treatment in the City of Abbotsford, British Columbia, Canada, on a contractual basis. This agreement extends through the year 2028. Although the City of Sumas does not have a Comprehensive Sewer Plan, it appears that the City has sufficient capacity to meet the growth allocated within the 20-year planning period.

Public schools for the area are operated and maintained by the Nooksack Valley School District. Fire protection services are provided by Fire District # 14.
Fire District 14 serves Sumas by contract. The Fire District has indicated that it currently can provide urban level of service to Sumas.

The Nooksack School District serves Everson, Nooksack and Sumas. The School District does not have a Capital Facilities Plan, although capacity analysis indicates that the District is able to provide sufficient capacity for the 20-year planning period.

Reason for change: Additional service provider information will be in the Whatcom County 20-Year Capital Facilities Plan and, where available, individual service provider plans.

The urban growth area for Sumas is intended to provide sufficient land area to accommodate future urban growth with adequate public services, while minimizing impacts to resource lands and critical areas. County goals encourage Sumas to develop residentially zoned areas at average net densities of four to six units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slopes, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure and open space.

**Areas included in the UGA - (Map UGA-7)**

An area south of Sumas and east of SR9 has been designated urban growth area to accommodate future growth needs.

**Goal 2AA:** **Provide Set an Urban Growth Area Boundary for Sumas which accommodates future growth needs and recognizes the unique constraints imposed by flooding of the Sumas River and the Nooksack River and designated Agriculture lands.**

**Policy 2AA-1:** Ensure Sumas can provide adequate urban services within the urban growth area.

**Policy 2AA-2:** Work with Sumas to adopt measures to limit development in floodplains.

**Policy 2AA-3:** Encourage Sumas to increase densities for areas located outside the floodplain.

**Policy 2AA-4:** Avoid new land uses that are an identified threat to groundwater quality within the delineated wellhead protection area of the Sumas City wellfield and May Road wellfield.

**Policy 2AA-5:** Review and update the interlocal agreement with Sumas, prior to expiration of the current interlocal agreement, to provide
for: Negotiate and adopt an interlocal agreement which provides
for:

- Coordinated growth management and capital facility
  planning;
- restriction of extension of urban levels of service outside
  the urban growth area;
- identification of needed capital facility improvements and
  funding mechanisms; establishment of how they will be
  paid for;
- timing and procedures to be used for review of adequate
  of land supply;
- consistency with the Coordinated Water System Plan;
- protection of groundwater quality within the wellhead
  protection areas of the Sumas wellfields;
- re-examination of the densities outside the floodplain to
  see if they can be increased; and;
- long term measures to assure compatibility with resource
  lands.
Sumas Urban Growth Area

- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve
Birch Bay and Columbia Valley Urban Growth Areas

Unincorporated—Residential/Recreational—Urban—Growth—Areas—and—Recreational Subdivisions

Birch Bay, Sudden Valley, and the Columbia Valley/Kendall area. The Birch Bay UGA and Columbia Valley UGA are unincorporated areas with sizable populations and substantial amounts of existing, residential/recreational development. These areas are characterized by a mix of permanent residents, recreational units and/or second home use, which reflects both the population growth that has occurred in the unincorporated areas of Whatcom County and the resort/recreational nature of these areas.

Birch Bay UGA

Birch Bay is a resort community which has historically been a second-home resort area with a trend toward permanent, often retirement homes. A high proportion are still second homes. According to the 2000 U.S. Census, approximately 51% of the housing units in the Birch Bay Census Designated Place are vacant or seasonally occupied. The community, however, feels that however, the trend is shifting to more permanent residents because of the attractiveness of the Birch Bay area and the cost of housing in other areas of the county increases. The 2000 census counted 5,094 housing units in the Birch Bay Census Designated Place, including recreational units and RV sites.

During the 2009 UGA update, land was removed from the Birch Bay UGA. The land removed from the UGA was put into a Rural Comprehensive Plan designation and re-zoned from urban densities to Rural one dwelling/ten acres.

Water and sewer are provided by Birch Bay Water and Sewer—Water District which has a network of water lines throughout most of the district. Birch Bay Water and Sewer District has the capability of providing sewer service to the entire urban growth area, but the present sewer system covers a much smaller geographic area than the water distribution system. The sewer service area also includes land which was removed from the Birch Bay Urban Growth Area, or is included in the Blaine Urban Growth Area.

The district purchases water under a contractual agreement from the City of Blaine. In April 2002, the District entered into a 30 year contract with the City of Blaine to purchase water adequate to serve the District’s projected need for water through 2032. The District continues to work closely with Blaine as the need for water changes given with updates to the population projections. The District also has a pending application for groundwater rights to a well drilled by the District, and an application to transfer water from the Nooksack River, by means of a contract with Whatcom County PUD-1, to supply the longer term needs of the community.

Whatcom County Comprehensive Plan
In 2002 Between 2001 and 2003, a citizen group developed a Community Plan for the Birch Bay Urban Growth Area and surrounding rural area. The Birch Bay Community Plan, as revised, was adopted as a Subarea of the Whatcom County Comprehensive Plan in 2004 and provides more detailed background information and policy direction regarding growth and development within Birch Bay. Where there are conflicts between the Birch Bay Community Plan and the Whatcom County Comprehensive Plan, the County Comprehensive Plan shall prevail.

In 1992, an attempt was made to incorporate Birch Bay; however, it was defeated by the voters. In 2008, the county completed an incorporation feasibility study for the Birch Bay UGA which identified the issues with and benefits of incorporating. It concluded that Birch Bay incorporation was financially feasible given the community’s tax base and service needs. The community has not made another attempt to incorporate as of 2015.2009.

**Columbia Valley/Kendall UGA**

Located in the northeast region of the developed portion of the county, the Columbia Valley UGA is the most populous area in the eastern part of Whatcom County.

The Columbia Valley area, like many other areas in Whatcom County, was originally developed to cater to a seasonal population, primarily Canadians who are allowed to spend up to six months per year in the United States. 2000 U.S. Census data indicates that approximately 32% of the existing housing was either seasonal or vacant. However, this area has become attractive for permanent residents and has transitioned to a higher percentage of year-round residents. The lots are affordable and the current and projected development will provide an available work force for economic development.

Columbia Valley includes two large subdivisions, Paradise Lakes and Peaceful Valley, which are located along both sides of Kendall Road (SR547). The UGA also includes several lakes, a wetland complex along Kendall Creek, and some undeveloped land. The Columbia Valley was originally designated as an urban growth area in 1999. Between 2000 and 20132008, the population of the UGA has increased by approximately 30%, more than 50%. Additionally, the population increases in the summer because of the recreational units in the UGA.

Paradise Lakes has public roads and continues to utilize septic systems for sewage disposal. The Columbia Valley Water District (formerly Evergreen Water-Sewer District) provides public water service to residential and camper lots within the Paradise Lakes divisions. Peaceful Valley has private roads and a water and sewer system managed by Water District 13.

Public transit service is provided to the Columbia Valley/Kendall area by the Whatcom Transportation Authority (WTA). Local east-county law enforcement is
provided by a full-time resident--Sheriff’s Deputy that is based out of Kendall the
East Whatcom Regional Resource Center. The small town of Kendall, located
outside of the UGA, has a commercial district, fire station, and an elementary
school.

**Sudden Valley Recreational Subdivision**

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

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

Sudden Valley lies within the Lake Whatcom Watershed where limiting development
has been identified as desirable. The Sudden Valley Community Association (SVCA)
has a Board of Directors mandated lot consolidation program with a targeted
density reduction of 1,400 lots, reducing the total lots for development from 4,648
to 3,248. To date approximately 75% (1,047 lots) have been placed into density
reduction of which 452 are voluntary private lot consolidation. SVCA funding has
been set aside to purchase additional lots for density reduction. In accordance with
the 2000 Lake Whatcom Management Program, the County and Lake Whatcom
Water and Sewer District have also assisted Sudden Valley with their density
reduction program through several joint agreements and exchanges of property and
restrictive covenants. To date, the SVCA, County, and Lake Whatcom Water and
Sewer District have acquired 115 undeveloped lots in Sudden Valley at annual tax
foreclosure auctions. The Lot Consolidation Covenant to Bind process has, also,
increased voluntary private lot consolidation. The County Council has exempted
Sudden Valley from the Lake Whatcom Transfer of Development Rights (TDR)
program because Sudden Valley’s density reduction plan meets the intent of the
TDR program.
Since 1985, Sudden Valley has mandated the use of appropriate stormwater best management practices through standards for individual stormwater detention for all new construction. Any new building permits on existing lots must be able to demonstrate that stormwater detention is included on the plan as a precondition to issuance of a permit. Sudden Valley is also subject to additional regulatory protections that apply to the Lake Whatcom watershed under the Water Resource Protection Overlay District, Stormwater Special District, and Water Resource Special Management Area requirements. Under the provisions of these special districts, potential impacts from impervious surfaces, stormwater runoff, and clearing activities are required to be addressed on-site.

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

Reason for change: Sudden Valley text has been modified and moved to the Lake Whatcom section of Chapter 11, Environment.

**Goal 2BB:** Recognize Birch Bay and the Columbia Valley area as county urban growth areas, not associated with existing cities.

**Policy 2BB-1:** Work with the Birch Bay Water and Sewer District to foster water and sewer plans that are coordinated and consistent with the Whatcom County Comprehensive Plan. Work with Birch Bay Water and Sewer District and the City of Blaine to resolve any issues of jurisdiction, amend the District service area boundaries to be consistent with the revised Urban Growth Area and establish policies for provision of water service to portions of the District that were removed from the UGA.

**Policy 2BB-2:** Work with North Whatcom Fire and Rescue, the Blaine School District, the Washington Department of Transportation and other interested parties to foster capital facility plans for the Birch Bay UGA that are coordinated and consistent with the Whatcom County Comprehensive Plan. Work with Birch–Bay Water and Sewer District and the City of Blaine to resolve any issues of jurisdiction.

**Policy 2BB-3** Recognize the resort nature of Birch Bay, including the significant second home factor when analyzing land supply for urban growth area boundaries. Recognize the recreational use of the area and its proximity to the Lake Whatcom watershed.
nature of a portion of the Columbia Valley UGA when analyzing land supply for urban growth area boundaries.

Policy 2BB-4: Birch Bay is unique with its traditional cottages on small lots that enhance the character of the area. In order to facilitate continuation of this traditional character, encourage small lot single family development in the Birch Bay UGA. Propose amendments to the Resort Commercial zoning district, applicable only to single family dwellings, that increase density to between 10 and 20 dwelling units/acre, reduce setbacks, and require pervious surfaces for driveways or other methods of stormwater infiltration.

Policy 2BB-5: Encourage incorporation of Birch Bay when financial viability can be achieved without including the Cherry Point Industrial Area within proposed city boundaries.

Policy 2BB-65: Recognize the impacts of tourist development on local residents in the Birch Bay, Sudden Valley, and Columbia Valley UGAs and provide for mitigation of those impacts.

Policy 2BB-76: Work with Water District 13 and the Columbia Valley Water District to foster water and sewer plans that are coordinated and consistent with the Whatcom County Comprehensive Plan.

Policy 2BB-8: Work with Fire District 14, the Mount Baker School District, the Washington Department of Transportation and other interested parties to foster capital facility plans for the Columbia Valley UGA that are coordinated and consistent with the Whatcom County Comprehensive Plan, all parties to resolve infrastructure and public service issues so that the Columbia Valley UGA can develop to its full potential. Capital facility plans should provide the information required by RCW 36.70A.070(3).

Policy 2BB-97: Study the Columbia Valley UGA to identify the factors necessary to create an economically viable city, the implications of such development within the County overall, and make recommendations as to how and when incorporation should be initiated.

Policy 2BB-108: Require unplatted areas in the Columbia Valley UGA to obtain "ability to serve" letters from schools, fire districts, and water and sewer service providers and demonstrate adequate road capacity in order to receive county approval for new subdivisions.
Policy 2BB-119: For new subdivisions, encourage the use of clustering with adequate setbacks along Kendall Creek, Kendall and Sprague lakes, and wetlands to avoid environmental degradation of surface waters, to enhance/restore fish habitat relative to complying with listings under the Endangered Species Act, where they might apply, and to protect the aquifer underlying the Columbia Valley.

Policy 2BB-1210: For existing lots in the Columbia Valley UGA, encourage the use of appropriate stormwater best management practices and connection to public sewer to protect surface waters and the aquifer. Any new building permits on existing lots must be able to demonstrate that the water service is available to provide adequate water as a precondition to the issuance of a permit.

Policy 2BB-1311: Encourage use of low impact development (LID) standards in the Columbia Valley UGA.

Policy 2BB-1412: Recognize the need for light impact industrial land uses within the Columbia Valley Urban Growth Area. Consider establishing a light impact industrial zone located on the north side of Limestone Road in accordance with the policies of the Foothills Subarea Plan.

Policy 2BB-1513: Recognize the Columbia Valley UGA as a developing urban community with potential to establish a viable town center, which includes commercial uses, a variety of residential housing types, and institutional uses.

Policy 2BB-14: Facilitate meeting the unique needs of Sudden Valley due to its location within the Lake Whatcom Watershed.

Reason for change: Sudden Valley policies have been moved to the Lake Whatcom section of Chapter 11, Environment.

Policy 2BB-15: Recognize the existing parcelization and the commitment for development of the remaining multi-family parcels in Sudden Valley.

Reason for change: Sudden Valley policies have been moved to the Lake Whatcom section of Chapter 11, Environment.

Policy 2BB-16: Work with the Community Association towards achievement of the density reduction target of 1,400 lots within Sudden Valley.
Reason for change: Sudden Valley policies have been moved to the Lake Whatcom section of Chapter 11, Environment.

Policy 2BB-17: If the county acquires lots through tax foreclosure, consider selling them as non-buildable lots.

Reason for change: Sudden Valley policies have been moved to the Lake Whatcom section of Chapter 11, Environment.

Policy 2BB-18: Support Lake Whatcom Water and Sewer District’s effort to maintain adequate sewer capacity and control stormwater runoff in keeping with appropriate environmental controls and the Sudden Valley Community Association’s density reduction goal.

Reason for change: Sudden Valley policies have been moved to the Lake Whatcom section of Chapter 11, Environment.

Policy 2BB-19: Explore alternatives for traffic impact mitigation including:
- enhanced bus service to Sudden Valley;
- consideration of some additional commercial and limited light industrial development within existing Neighborhood Commercial and Resort Commercial zones to create a fuller service community to limit shopping and journey to work trips.

Reason for change: Policy concerning enhanced bus service to Sudden Valley modified and moved to Chapter 6, Transportation. The second bullet on additional commercial and light industrial development was deleted, as Sudden Valley is now a Rural Community Type I LAMIRD and subject to limitations in Policy 2JJ-1 through 8.

Policy 2BB-20: Recognize Sudden Valley as a “Recreational Subdivision”.

Reason for change: Sudden Valley is no longer designated as a Recreational Subdivision in the Comprehensive Plan.

Policy 2BB-21: 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.

Reason for change: Sudden Valley policies have been moved to the Lake Whatcom section of Chapter 11, Environment.
- Columbia Valley Urban Growth Area

- Urban Growth Area
- Urban Growth Area Reserve
Major Industrial Urban Growth Area / Port Industrial

Cherry Point

The Cherry Point Urban Growth Area (UGA) contains approximately 7,000 acres of industrial land. The land has long been planned and designated by Whatcom County for industrial development and is currently the site of three major industrial facilities including two oil refineries and an aluminum smelter. Together, these three existing industrial developments own or occupy about 4,400 acres of the total Cherry Point industrial lands. In addition to existing industry, the planning and permitting for a new 1,100-acre bulk commodities shipping port in the Cherry Point UGA is nearly complete. The four major industrial areas (three existing and one proposed) together would consume about 5,200 acres of the heavy industrial land in the Cherry Point UGA or about 74 percent of the heavy industrial area. Land consumption at Cherry Point has been about 1,000 acres per facility on the average which includes sufficient land to avoid wetlands and provide buffer areas. Based on this consumption figure, there is only sufficient remaining land in the Cherry Point industrial area to support two additional industrial complexes of the character of those presently located there.

Because of the special characteristics of Cherry Point, this area has regional significance for the siting of large industrial or related facilities. Because of the large acreage demands of the types of industries likely to locate there, the remaining undeveloped acreage at Cherry Point will likely be absorbed during the 20 year planning period.

The Cherry Point shoreline also has great importance to the fisheries and ecology of Northern Puget Sound because it provides essential spawning habitat for what once was the largest herring stock in Washington State. This herring stock has supported important commercial fisheries in the past and provides forage for salmonids and other important marine species. In 2010, the DNR recognized the need to "protect the significant environmental resource of aquatic lands at Cherry Point" (CPAR Management Plan p. 1), completed the Cherry Point Environmental Aquatic Reserve Management Plan, and designated the Cherry Point Aquatic Reserve to ensure long-term environmental protection of the area. In September 2003, the DNR accepted the recommendation that Cherry Point be further evaluated for Aquatic Reserve status. A supplemental EIS is currently being prepared for the proposed reserve. It is expected that the final supplemental EIS will be published in spring of 2005. The proposed reserve extends from the southern boundary of Birch Bay State Park to the northern border of the Lummi Nation Reservation. The site includes three existing aquatic land leases (BP, Intalco, ConocoPhillips 66 shipping piers) and one proposed aquatic land lease (Gateway Pacific Terminal site).

The overall purpose of the Cherry Point Aquatic Reserve (AR) is to ensure long-term environmental protection for local habitats and species (CPAR MP p. 1). Specific goals include protection and recovery (as applicable) of Cherry Point herring.
Nooksack Chinook salmon, ground fish, marine mammals, seabird/duck and shorebird communities, Dungeness crab, and submerged native aquatic vegetation (CPAR MP p. 2). Another goal is to cooperate with other stakeholders "to minimize and reduce identified impacts of human activities on the species and habitats within the Reserve" (CPAR MP p. 2).

The Management Plan acknowledges that the existing industries, complying with laws and regulations, do not conflict with the Aquatic Reserve although their activities may pose risks for the Aquatic Reserve. Indeed, the industries' need for buffer space and their compliance with shoreline management requirements means that much of the Aquatic Reserve shoreline is in substantially natural riparian vegetation and bluff processes proceed without interference. Existing industries can serve the Aquatic Reserve's objectives so long as they are managed according to the Plan and so long as the lessees actively work to further goals for the Reserve (CPAR MP p. 2).

The County and industrial users have long recognized that the Cherry Point area exhibits a unique set of characteristics that makes land there not only locally but regionally important for the siting of major industrial developments especially where deep water access for shipping is a critical locational factor. These characteristics were articulated in the Overall Economic Development Plan (OEDP) for Whatcom County adopted by the Whatcom County Council of Governments in May, 1993, and in the 1997 Property Counselors Report on supply and demand for industrial land in Whatcom County and at Cherry Point, the 2002 Greater Whatcom Comprehensive Economic Development Strategy, and the 2003 Whatcom County Industrial Land Study, and the 2015 Whatcom County Comprehensive Economic Development Strategy.

The characteristics that make Cherry Point unique as a site for major industrial development include the following:

Port Access – The marine waters off Cherry Point provide deep water access for shipping. Deep water access for shipping was a major siting consideration for the three major industries currently located at Cherry Point and for the—two industrial/shipping facilities currently being proposed.

Rail Access – Cherry Point is served by a branch line of the Burlington Northern mainline serving western Washington from Blaine to Portland. Rail service is considered to be vital to statewide as well as local interests for the competitive movement of freight. Rail service is particularly important in relation to water borne commerce. The Cherry Point area has the rail access to support marine terminals and industrial users in the area. The BP refinery at Cherry Point uses the railroad to ship calcined coke to U.S. markets and to other port facilities for transshipment to foreign markets. Both the BP and Phillips 66 refineries receive crude oil shipments by rail.
Proximity to Canada, Alaska and Foreign Ports - Cherry Point occupies a unique location for the siting of industry because of its close proximity to Canada and because of its shorter travel distance than other regional port facilities for shipping to Alaska and to other Pacific Rim locations. The Cherry Point industrial area benefits from proximity to Canada, as trade between the U.S. and Canada grows in response to the lifting of trade barriers under the Free Trade Agreement of 1989. Canadian exports to the U.S. are expected to increase and Canadian firms exporting to the U.S. are expected to seek locations in the U.S. as a way of improving access to U.S. markets. The City of Sumas is already experiencing an influx of Canadian industries seeking to improve access to U.S. markets. Additionally, just as other port facilities in Washington are constrained by lack of extensive upland areas to support major industrial development, Canadian port facilities are likewise constrained. There are limited expansion sites available at Roberts Banks and in the Vancouver Harbor, and development sites further up the Fraser River are constrained by limitations on vessel draft. Marine terminals at Cherry Point could serve a portion of the potential growth in Canadian marine cargo.

Presence of Necessary Utilities and Infrastructure

Cherry Point has been a major industrial area in Whatcom County since the 1960’s. The BP oil refinery, ConocoPhillips Oil Refinery and the Alcoa Aluminum Plant have all been operating at Cherry Point for more than thirty years. The Phillips 66 Ferndale Refinery was constructed in 1954, the Alcoa Intalco Works Aluminum Smelter in 1966, and the BP Cherry Point Refinery in 1971. The infrastructure to support these industries and future industrial users at Cherry Point is in place and includes the following:

Electric Power: Electric Power is available from three providers in the Cherry Point area: Puget Sound Energy, Public Utility District #1 (PUD #1), and Bonneville Power Administration.

Puget Sound Energy owns two electrical generating facilities at Cherry Point. The electricity generated by these two facilities can be transmitted outside the region into the grid for supply to Puget’s customers or some of it can be consumed by Cherry Point customers through interties with the PUD #1. Puget Sound Energy also acquires power from outside the region and transmits it via their transmission grid into Cherry Point. The BP Cherry Point Refinery purchases electrical supply on the market and pays Puget Sound Energy to transmit the power and operate distribution systems to provide that power to the refinery.

PUD #1 purchases electricity from the Bonneville Power Administration and takes ownership of that power at the Bonneville substation in Bellingham and then transmits it over its transmission line to Cherry Point to serve the Phillips 66 Ferndale Refinery.
PUD #1 and Puget Sound Energy have interties at Cherry Point allowing the transmission of power in and out of Cherry Point depending on the amount of power generated and consumed at Cherry Point.

The Bonneville Power Administration supplies power directly to the Alcoa Intalco Works aluminum production facility. One of these providers, Puget Sound Energy, has a combustion turbine-generating facility located in the Cherry Point industrial area. An additional cogeneration facility is proposed at the BP Refinery. The high cost of electrical power has been a problem for Cherry Point industrial users over the past few years. The proposed cogeneration facility could help stabilize the supply of electricity.

Water: Whatcom County Public Utility District #1 currently provides industrial process water to all major industrial facilities at Cherry Point and has contracts in place to provide process water to properties that are currently undeveloped. Two undeveloped parcels and provides potable water to the BP refinery PUD #1 also operates a small system to provide potable water to one industry (Praxair). Birch Bay Water and Sewer District provides potable water to the BP Cherry Point Refinery. The other industries operate their own water treatment facilities and treat process water to provide potable water for their facilities.

Sewer: Sewer service is not typically required for large industrial developments. Most of the existing industrial users provide their own on-site sewage treatment and waste water treatment. Sewer service for domestic wastewater is provided to the BP Refinery by the Birch Bay Water and Sewer District. If and when sewer service should become necessary for other industries, service could be provided on a contractual basis with the Birch Bay Water and Sewer District, which borders the Cherry Point industrial area on the north.

Natural Gas: Natural gas is currently available at Cherry Point.

All-weather Roads: Grandview and Slater Roads, the major east-west connectors between Cherry Point and Interstate-5, provides all-weather road access to Cherry Point.

The industries currently located at Cherry Point are a substantial part of the economic base of Whatcom County and the region and the economic welfare of the county is strongly tied to the health of these industries and their ability to flourish and expand as opportunities present themselves. These industries need to be protected from the inappropriate encroachment of incompatible uses; particularly residential uses that could affect their ability to expand. The best means for protecting these industries from incompatible adjoining uses and to assure their continued regulatory conformity is to maintain the industrial land use designation of these lands and adjoining properties currently designated for industrial development. The Cherry Point industrial lands have been designated for industrial development and as a direct result of the industrial designation, incompatible and inappropriate residential development has been curtailed.
Goal 2CC: Maintain Cherry Point as an unincorporated urban growth area based on its unique location and characteristics and its significant contribution to the overall industrial land supply and Whatcom County’s tax base.

Policy 2CC-1: Designate Cherry Point as a major industrial Urban Growth Area to accommodate major users that need to be located away from concentrated urban residential areas and that can manage their activities in such a way that they do not conflict with the goals of the Aquatic Reserve Management Plan.

Policy 2CC-2: Ensure that developments in the Cherry Point UGA maintain management plans to accomplish the goals of the Aquatic Reserve Management Plan.

Policy 2CC-3: Assure that Cherry Point's unique features of large parcelization, port access, and transportation availability are maintained and protected from incompatible development.

Policy: 2CC-43: Require the master planning of each large parcel in advance of any development or subdivision at Cherry Point.

Policy: 2CC-54: Require the designation and site plan for a major user (generally 40 acres or more) before the development of accessory or supporting uses to assure that accessory or supporting uses are compatible with and will not interfere with the major industrial user.

Policy: 2CC-65: Specify 160 acres as a minimum area for planning, prior to the commitment of a parcel for a major user (40 acres or more, singularly or as a cluster or group).

Policy: 2CC-76: Permit support activities, warehousing, shipping, machine repair and service, educational services, food service and conveniences, to locate on a parcel only after the completion of a master plan, and the identification and site plan approval for the major user.

Policy 2CC-87: Resist inclusion of Exclude Cherry Point as part of any future incorporation of Birch Bay.

- to protect interests of the property owner in terms of taxation and urban regulations;
- to preclude urbanism near "smokestack" industries;
- to preserve county government tax base.
Policy 2CC-98: Continue to work with service providers that serve Cherry Point to ensure the delivery of services and to allow it to develop to its fullest potential.

Policy 2CC-109: It is the policy of Whatcom County to limit the number of piers at Cherry Point by establishing a development moratorium. Notwithstanding the above, this moratorium shall not affect, nor otherwise apply to, any proposed pier that Whatcom County approved under its Shoreline Management Program prior to adoption of the moratorium.

Policy 2CC-1110: RCW 36.70A.365 requires the implementation of Traffic Demand Management (TDM) programs for the designating of a Major Industrial Urban Growth Area. Any employer in the Cherry Point Urban Growth Area that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 am and 9:00 am on weekdays for at least twelve continuous months during the year are required to meet the TDM requirements of WCC 16.24.

Policy 2CC-12: Work with the Cherry Point industries to maximize public access to the Cherry Point beaches without compromising industrial security.
Rural Lands

Introduction

Purpose

The purpose of the Rural Lands section is to provide direction for land use decisions in the rural areas of Whatcom County.

GMA Requirements

The state Growth Management Act (GMA) requires counties to include a Rural element in their comprehensive plan in accordance with RCW 36.70A.070. GMA defines rural lands as those that are located outside urban growth areas and which do not include designated agriculture, forestry, or mineral resource lands of long-term commercial significance. Agriculture, forestry and mineral resource lands are addressed separately in Chapter 8: Resource Lands.

GMA requires counties to provide for a variety of rural densities and uses in its rural areas, and to adopt measures to protect the rural character of the area, as established by the county. The GMA (RCW 36.70A.030(15)) defines “rural character” as “patterns of land use and development established by a county in the rural element of its comprehensive plan:

- In which open space, the natural landscape, and vegetation predominate over the built environment;
- That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- That provide visual landscapes that are traditionally found in rural areas and communities;
- That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- That generally do not require the extension of urban government services; and
- That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.”

GMA allows counties to designate “limited areas of more intensive rural development” (LAMIRDs) where more intensive uses have been established within their rural areas. Counties making such designations must adopt measures to minimize and contain the existing areas or uses of more intensive rural development. In its findings preceding the GMA, the legislature states that rural counties must have flexibility to create opportunities for business development and must have the flexibility to retain existing businesses and allow them to expand.
Rural Character and Lifestyle

Rural Whatcom County is the portion of the County not planned for either urban or resource use and its character differs from that of the County's urban and resource areas. While agriculture and forestry are practiced in the rural areas, it is generally on a smaller scale than in the resource areas that are set aside specifically for those purposes. The rural areas provide an important buffer between urban areas and resource lands, and the character of the rural areas is differentiated from the urban areas by less intensive uses and densities, and greater predominance of vegetation, wildlife habitat, and open space.

Small unincorporated communities have existed in the rural areas for many decades but have not become urban centers. Land uses in these communities are more intensive than those in the surrounding rural areas, and provide rural residents places to shop, eat, play, etc., and access public services such as schools, libraries, and post offices without having to travel to cities. The businesses in these communities are important contributors to the economy of Whatcom County. Even outside these settlements, residents of the rural areas have established home occupations, cottage industries, and small-scale businesses that are an important part of the County's traditional rural economy.

Historically, rural Whatcom County has been a place of great variety. Residential densities vary greatly from homes on 10 or 20 acre lots to lots smaller than one acre in the rural communities and neighborhoods that have been established over the years. The scale and intensity of rural businesses varies from the home occupations, cottage industries, and resource-based industries to the more intensive commercial and manufacturing uses, though the County's largest commercial and industrial uses have been established in the urban areas.

Whatcom County's rural lifestyle is one where residents enjoy views of a green landscape dotted by homes and barns, and have an appreciation for clean water and air. Residents can work and shop in small rural communities, or earn a living on their own rural lands, but these enterprises do not detract from the overall sense of openness and predominance of the landscape in the rural area. Rural Whatcom County has long been a place to raise children with the values of hard work and responsible stewardship of the land, and where residents can grow food and livestock for themselves or for market. While rural property owners do not expect to be provided with urban-level services, they enjoy a quality of life and sense of self-sufficiency not ordinarily found in the urban areas.

In the rural element of this chapter, Whatcom County establishes policy consistent with the findings of the legislature and with the above vision of rural character and lifestyle that will:

- Help preserve rural-based economies and tradition lifestyles,
- Encourage the economic prosperity of rural residents
• Foster opportunities for small-scale, rural-based employment and self-employment,
• Permit the operation of rural-based agriculture, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns,
• Be compatible with the use of the land by wildlife and for fish and wildlife habitat,
• Foster the private stewardship of the land and preservation of open space, and
• Enhance the rural sense of community and quality of life.

Goal 2DD: Retain the character and lifestyle of rural Whatcom County.

Policy 2DD-1: Concentrate growth in urban areas per the population projections in Chapter 1 of this plan, and recognize rural lands as an important transition area between urban areas and resource areas. As part of the population growth monitoring report required in Policy 2S-5, compare non-urban population growth trends with the adopted non-urban population growth projection. If the trend over five years indicates that non-urban growth is significantly higher than by February 1 of each year the department will publish a report that monitors residential development activity outside the urban growth areas during the previous year and compares that data with the adopted population growth projection for those areas. If it is apparent that growth occurring outside the urban growth areas is inconsistent with adopted projections, the County shall take action to address the discrepancy. Actions may include changing the allocation of the projected population growth during the comprehensive plan update required per RCW 36.70A.130(1), or changing development regulations to limit growth outside the urban growth areas. In addition, as the County and cities review the capacity for growth in the urban growth areas, the county should coordinate with the cities to ensure that policies are in place that are consistent with encouraging growth in the urban areas and reducing demand for development in rural areas.

Reason for change: Coordinate monitoring required in policies 2S-5 and 2DD-1.

Policy 2DD-2: Protect the character of the rural area through the County's development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County’s key development regulations are incorporated into this plan by reference to assure that the plan contains measures to protect rural character:
A. Measures to contain or otherwise control rural development
and reduce the inappropriate conversion of undeveloped land
into sprawling, low-density development:

1. Limit the expansion of areas of more intensive
development and higher rural densities through Policies
2A-8, 2A-9, 2DD-1, 2DD-8, 2GG-2, 2GG-3, 2JJ-1 through
8, 2KK 1 and 2, 2LL-1 through 4, and 2MM-1 through 4 of
this plan.

2. Provide options to reserve areas of land suitable for
agriculture, forestry, or open space through lots
clustering in the following Zoning Code provisions,
adopted herein by reference:

   a. WCC 20.32.305, .310, and .320, Lot clustering,
      Residential Rural District;
   b. WCC 20.34.305, .310, and .320, Lot clustering, Rural
      Residential Island District;
   c. WCC 20.36.305, .310, and .320, Lot clustering, Rural
      District;
   d. WCC 20.71.350, .351, and .352, Lot clustering,

3. Prohibit short subdivisions outside of urban growth areas
and limited areas of more intensive rural development
that would require extension of public sewer except for
health or safety reasons through the following Whatcom
County Land Division regulations adopted herein by
reference:

   a. WCC 21.04.090, Sewage Disposal, Short
      Subdivisions.
   b. WCC 21.05.090 Sewage Disposal, Preliminary Long
      Subdivisions.

B. Measures to assure visual compatibility of rural development
with the surrounding rural area:

1. Ensure that the visual landscapes traditionally found in
rural areas and communities are preserved through
limitations on structural coverage of lots in the following
Zoning Code provisions, adopted herein by reference:

   a. WCC 20.32.450 Lot coverage, Residential Rural
      District;
b. WCC 20.36.450 Lot coverage, Rural District.

2. Require that lots developed under the lot clustering option be designed and located to be compatible with valuable or unique natural features as well as physical constraints of the site through standards provided in the following Zoning Code provisions, adopted herein by reference:

a. WCC 20.32.310 Lot clustering design standards, Residential Rural District;
b. WCC 20.34.310 Lot clustering design standards, Rural Residential-Island District;
c. WCC 20.36.310 Lot clustering design standards, Rural District;

3. Protect the aesthetic assets of the rural areas and soften the impact of structures through landscape buffers and setback requirements provided in the following Zoning Code provisions, adopted herein by reference:

a. WCC 20.80.200 Setback requirements;
b. WCC 20.80.300 Landscaping.

4. In the Point Roberts Rural Community, regulated visual aspects of development through the standards in the following Zoning Code provisions, adopted herein by reference:

a. WCC 20.72.350 Building setbacks/buffer areas, Point Roberts Special District;
b. WCC 20.72.651 Facility design, Point Roberts Special District;
c. WCC 20.72.653 Tree canopy retention, Point Roberts Special District;
d. WCC 20.72.654 Site design/view corridors, Point Roberts Special District.

C. Measures to protect critical areas and surface and groundwater resources:

1. Protect the functions and values of critical areas (geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and habitat conservation areas) and the ecological
processes that sustain them, through WCC 16.16 Critical Areas provisions, adopted herein by reference.

2. Minimize the adverse effects of discharges from on-site sewage systems on ground and surface waters through WCC 24.05, adopted herein by reference.


4. Protect surface and ground water resources through stormwater management standards established in the County’s Development Standards per WCC 20.80.630 through .636, WCC 20.51 and 12.08.035 referenced in the following Zoning Code provision, adopted herein by reference:

   a. 20.32.656 Drainage, Residential Rural District;
   b. 20.34.659 Drainage, Rural Residential-Island District;
   c. 20.36.656 Drainage, Rural District;
   d. 20.37.655 Drainage, Point Roberts Transitional District;
   e. 20.44.652 Drainage, Recreation and Open Space District;
   f. 20.59.704 Drainage, Rural General Commercial District;
   g. 20.60.655 Drainage, Neighborhood Commercial District;
   h. 20.61.704 Drainage, Small Town Commercial District;
   i. 20.63.654 Drainage, Tourist Commercial District;
   j. 20.64.655 Drainage, Resort Commercial District;
   k. 20.67.653 Drainage, General Manufacturing District;
   l. 20.69.655 Drainage, Rural Industrial and Manufacturing District.

5. Assure that subdivisions meet requirements for critical areas, shoreline management, and stormwater management through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
a. WCC 21.04.034 Application Procedures, Short subdivisions.

b. WCC 21.05.037 Hearing Examiner Notice Hearing and Decision, Preliminary Long Subdivisions.

6. Limit water withdrawals resulting from land division through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:

   a. WCC 21.04.090 Water supply, Short Subdivisions.
   b. WCC 21.05.080 Water supply, Preliminary Long Subdivisions.

7. Regulate groundwater withdrawals by requiring purveyors of public water systems and private water system applicants to comply with Washington State Department of Ecology water right requirements per WCC 24.11.050, adopted herein by reference.

8. Require evidence of an adequate water supply prior to issuance of any building permit, per WCC 24.11.060, adopted herein by reference.

9. Determine adequacy of water supply for building permit applications proposing to use a well, spring, or surface water, per WCC 24.11.090, .100, .110, .120, .130, .160, and .170, adopted herein by reference.

10. Limit phosphorus entering Lake Whatcom through WCC 20.51 Lake Whatcom Watershed Overlay District and Lake Whatcom and Lake Samish due to the application of commercial fertilizers to residential laws and public properties through WCC 16.32, adopted herein by reference.

11. Protect vital drinking water, sensitive habitats, and recreational resources within the Department of Ecology’s designated Western Washington Phase II Municipal Stormwater Permit area and the Lake Whatcom watershed by prohibiting illicit discharges to the county’s stormwater collection system through WCC 16.36 Illicit Discharge Detection and Elimination Program, adopted herein by reference.
12. Maintain standards for clearing activity in highly valued water resource areas, environmentally sensitive areas, or areas where natural conditions are so unstable that clearing activity in the area can result in hazardous conditions per WCC 20.80.735 Water Resource Special Management Area, adopted herein by reference.

D. Measures to protect against conflicts with the use of agricultural, forest, and mineral resource lands:

1. Ensure separation of new residences from agricultural and forestry uses through setback requirements in the following Zoning Code provisions, adopted herein by reference:
   a. WCC 20.80.255 Agricultural District, Supplementary Requirements;
   b. WCC 20.80.256 Forestry districts, Supplementary Requirements;
   c. WCC 20.80.258 All districts, Supplementary Requirements.

2. Ensure separation of businesses from agricultural uses through setback requirements in the following Zoning Code provisions, adopted herein by reference:
   a. WCC 20.59.600 Buffer area, Rural General Commercial District;
   b. WCC 20.60.550 Buffer area, Neighborhood Commercial District;
   c. WCC 20.61.600 Buffer area, Small Town Commercial District;
   d. WCC 20.63.600 Buffer area, Tourist Commercial District;
   e. WCC 20.64.550 Buffer area, Resort Commercial District;
   f. WCC 20.67.550 Buffer area, General Manufacturing District;
   g. WCC 20.69.550 Buffer area, Rural Industrial and Manufacturing District.

3. Require that all discretionary project permits within one half mile of areas designated in this plan as Rural, Agriculture, Commercial Forestry, or Rural Forestry, or within 300 feet of areas designated as Mineral Resource
Lands, be subject to disclosure practices in the in the following Whatcom County Code provisions, adopted herein by reference:

a. WCC 20.40.662 Use of Natural Resources, Agriculture District;
b. WCC 20.42.652 Use of Natural Resources, Rural Forestry District;
c. WCC 20.43.662 Use of Natural Resources, Commercial Forestry District;
d. WCC 14.02 Right to Farm;
e. WCC 14.04 Right to Practice Forestry;

Policy 2DD-3: Encourage property owners to conserve forested areas, agricultural land, and open space by utilizing current-use taxation provisions (RCW 84.34).

Policy 2DD-4: Conserve open space, park land, and trails for recreational use, as well as to protect essential habitat such as riparian areas and wetlands.

Policy 2DD-5: Use an "Agriculture Protection Overlay Zone" designation in certain Rural zoned areas as a way to help achieve the goal of conserving and enhancing Whatcom County's agricultural land base.

Policy 2DD-6: In the "Agriculture Protection Overlay Zone" on parcels 20 acres and larger with Rural 5 acre and Rural 10 acre zoning, require non-agriculturally related development to be clustered where it would not create more conflicts with accepted agricultural practices, on a maximum of 25 percent of the available land with the remainder available for open space and agricultural uses. Development standards shall provide flexibility to achieve development potential in cases of natural limitations.

Policy 2DD-7: Maintain the historic character and cultural roles of each rural area and community.

Policy 2DD-8: Allow more intensive uses in limited areas of more intensive rural development designated consistent with RCW 36.70A.070(5)(d), which provide public and commercial services and employment opportunities. Reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area by establishing clearly defined boundaries for these areas as well as criteria for creating or
changing those boundaries consistent with RCW 36.70A.070(5)(d).

Policy 2DD-9: Assure—Promote economic prosperity for rural areas and allow rural property owners reasonable use of their land by continuing to allow legal nonconforming uses.

Policy 2DD-10: Adopt incentive programs, such as purchase of development rights, transfer of development rights, and tax deferrals, to achieve desired land use policies in rural areas and in areas where there are compelling reasons to do so.

**Rural Services**

Development in rural areas should not receive urban levels of service except where necessary to protect public health, safety, and the environment. Services should be coordinated to ensure that rural areas receive appropriate services including law enforcement protection, fire protection, and emergency services. The Whatcom County Public Works Department maintains county roads. Most of the residential development in rural areas uses individual on-site septic systems. Some drinking water is provided by on-site wells and in other cases it is provided by water districts or water associations.

**Goal 2EE:** Ensure that rural areas are provided with services consistent with the rural character and that development patterns do not encourage an increased service level or degrade water quality.

Policy 2EE-1: Recognize domestic water systems, volunteer fire protection, emergency services, law enforcement protection, transportation, public transit services and public utilities typically associated with rural development as appropriate services in designated rural areas. Rural services do not include storm or sanitary sewers.

Policy 2EE-2: Coordinate and plan public facilities, services, roads, and utilities to ensure that rural areas have appropriate and adequate rural levels of service necessary to maintain a rural lifestyle. Coordinate with rural service providers to ensure efficient and effective service to rural areas.

Policy 2EE-3: Pursue measures through which new development would help pay for increased demands on critical rural services such as fire and emergency service.
Policy 2EE-4: Prohibit extension or expansion of municipal public sewer systems outside urban growth areas or LAMIRDs except where it is necessary to protect public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

Policy 2EE-5: Ensure that adequate on-site wells and on-site sewage and septic systems are properly installed, monitored, and maintained. Provide technical assistance to property owners, and require necessary improvements when needed to protect health, safety and environmental quality.

Policy 2EE-6: Promote better land use practices and protect water quality by encouraging landowners and developers to investigate and implement innovative subdivision, septic system designs, and stormwater management.

Policy 2EE-7: Ensure county coordination with service providers to determine if new or infill development will have necessary services. Require concurrent review of new development to ensure adequate level of service at rural standards are available at the time of development.

Policy 2EE-8: Public services and public facilities necessary for rural commercial and industrial uses shall be provided in a manner that does not permit low-density sprawl. Uses may utilize urban services that previously have been made available to the site.

Rural Employment Opportunities

Many residents in rural Whatcom County depend on cottage industries, home occupations, small businesses, and natural resource-based jobs for their livelihood. These types of businesses support the local economy and are compatible with the rural lifestyle desired by county residents.

Commercial and industrial uses located within Rural Communities, Rural Tourism, and Rural Business areas are also important contributors to the local economy, providing jobs and services to rural residents.

Goal 2FF: Provide employment opportunities in the rural parts of Whatcom County.

Policy 2FF-1: Support small businesses, cottage industries, home occupations, resource-based, tourist, recreational, and other appropriate industries in the rural areas of Whatcom County. New rural commercial and industrial uses that are more intensive than
those permitted within rural zones as home occupations or
cottage industries should be located within designated Rural
Communities and Rural Business areas.

Policy 2FF-2: Support resource-based industries that require only rural
services, conserve the natural resource land base, and help
maintain the rural character and lifestyle of the community.
Assure adequate facilities, mitigation and buffers through
development regulations.

Policy 2FF-3: Ensure that business operations do not adversely impact
adjacent residential, agricultural or forest land, or compromise
water quality and quantity.

Policy 2FF-4: Allow home-based occupations, cottage industries and small-
scale tourist and recreational uses throughout the rural area
provided they do not adversely affect the surrounding
residential uses, agricultural uses, forestry uses, or rural
character.

Rural Lands—Land Use

Rural Designation

Lands outside the County’s urban and resource areas include a variety of uses and
densities. Traditionally, Whatcom County’s rural areas have been characterized by a
spectrum of uses ranging from farms and large-lot residential areas to recreational
communities and small towns. The more intensive uses in that spectrum
(commercial/industrial areas and residential areas with densities greater than one
unit per five acres) are contained within the boundaries of Rural Community, Rural
Tourism, or Rural Business designations (LAMIRDs) and Neighborhood designations.
The remainder of the rural areas are designated Rural and contain traditional rural
residential and farm uses as well as small home-based and conditionally-permitted
businesses. The rural character of the lands designated as Rural should not be
compromised by the encroachment of more intensive development. Commercial
and industrial uses in the rural areas not contained within a Rural Community
designation must meet GMA criteria for small-scale tourism or isolated business
uses (RCW 36.70A.070(5)(d)(ii) and (iii).

Portions of the rural area that historically contain larger lots have been zoned for
densities of one dwelling per ten acres. These areas provide for a variety of
densities important to the rural character and shall be retained. Rezones from R10A
to allow higher densities are limited to those R10A areas that are adjacent to
established higher densities.
Goal 2GG: Designate Rural areas to contain a variety of uses and densities while retaining their traditional rural character.

Policy 2GG-1: Provide a variety of residential choices at rural densities which are compatible with the character of each of the rural areas.

Policy 2GG-2: The Rural designation includes areas of traditional rural uses and gross residential densities at or below one unit per five acres. To reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area, more intensive development shall be contained within Rural Community, Rural Tourism, or Rural Business designations, which are limited areas of more intensive rural development (LAMIRDs), and predominantly residential areas with established densities greater than one unit per five acres shall be contained in Rural Neighborhood designations.

Policy 2GG-3: Uses and densities within the Rural designation should reflect established rural character. Rezones within the Rural designation should be consistent with the established rural character and densities. Land in the R10A district may be rezoned to a rural zone that allows a higher density only if:

A. Residential density (the average size of parcels that contained a residence as of January 1, 2013) within 500 feet of the area to be rezoned is less than 7.5 acres.
B. The proposed rezoning area is not in a designated urban growth area reserve, and
C. The proposed rezoning area is not within an area designated as a rural study area in the 2007 Rural Land Study accepted by the County in Resolution 2009-040.

Policy 2GG-4: Minimize potential conflicts of rural residential development near designated natural resource lands to prevent adverse impacts on resource land uses.

Policy 2GG-5: Provide landowners with incentives and options to develop their property at densities that may be less than the underlying zone, when necessary to protect critical areas and high-value resource lands.

Policy 2GG-6: Ensure that flexible development patterns such as cluster subdivisions effectively preserve open space and agricultural land and do not create the need for more intensive rural services.
Policy 2GG-7: Development within Rural designations shall be consistent with rural character as described in this chapter.

**Limited Areas of More Intensive Rural Development (LAMIRDs)**

RCW 36.70A.070(5)(d)(i) through (iii) allows counties to designate limited areas of more intensive development (LAMIRDs) for three types of development patterns in the rural areas:

- **Type I:** "Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas..." Existing development is defined as that which existed on July 1, 1990.
- **Type II:** "The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those...uses, that rely on a rural location and setting..."
- **Type III:** "The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents..."

Areas designated in this plan as Rural Communities are Type I LAMIRDs. Rural Tourism designations are Type II LAMIRDs and Rural Business designations are Type III LAMIRDs.

The purpose of LAMIRDs is to place limits on more intensive development and prevent it from adversely affecting the character of the surrounding rural areas. Rural Communities (Type I LAMIRDs) are areas characterized by more intensive uses at the time Whatcom County began planning under GMA. Rural Tourism designations (Type II LAMIRDS) apply to lots that contain small-scale tourist uses. Rural Business designations apply to lots that contain isolated small-scale business. The criteria listed under Goal 2HH were used to designate Rural Communities and Rural Business areas (the Type I and Type III LAMIRDS) in 2010 and should be used to establish future Rural Tourism and Rural Business designations (Type II and III LAMIRDs) and to evaluate future proposed modifications to Rural Community, Rural Tourism, and Rural Business designations (Type I, II, and III LAMIRDs).

**Goal 2HH:** Establish LAMIRD Designation Criteria

**Policy 2HH-1:** Rural Community (Type I LAMIRD) designation criteria

A. Location Criteria. Rural Communities may be designated in an area that:
1. Was characterized by existing development more intensive than surrounding rural areas (residential or non-residential) as of July 1, 1990, and
2. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and

B. Additional Location Criteria. The following may serve as additional criteria for Rural Community designation (relative to the specific circumstances of the area, and in combination with each other):
1. The existing (1990) residential built environment was more intensively developed than surrounding areas;
2. Public services are available to serve potential infill, such as adequate potable water and fire protection, transportation facilities, sewage disposal and stormwater control; or
3. The area is planned for more intensive development in a post-GMA local subarea plan.
4. Existing zoning prior to designation as a Rural Community, except existing zoning may not be a sole criterion for designation.

C. Outer Boundary Criteria. For land meeting the criteria described in A and B above, Rural Community boundaries must minimize and contain areas of intensive development and be delineated predominately by the built environment, and shall include:

1. Areas that were intensively developed and characterized by the built environment (including water lines or other utility lines with capacity to serve areas of more intensive uses) on July 1, 1990.
2. Areas that on July 1, 1990 were not intensively developed may be included within Rural Community boundaries if they meet any of the following conditions:
   a. Including the area helps preserve the character of an existing (built) natural neighborhood;
   b. Including the area allows the logical outer boundary to follow a physical boundary such as bodies of water, streets and highways, and land forms and contours;
   c. Including the area (or in limited cases, a portion of the parcel) prevents the logical outer boundary from being abnormally irregular;
d. Including the area is consistent with efficient provision of public facilities and services in a manner that does not permit low-density sprawl;

e. Including the area does not create a new pattern of low-density sprawl.

Policy 2HH-2: Rural Tourism (Type II LAMIRD) designation criteria

A. Location Criteria. Rural Tourism may be designated on land that:

1. Consists of one lot, or more than one lot, and

2. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and

3. Is characterized by the intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those uses, that rely on a rural location and setting, but that do not include new residential development, other than a dwelling unit accessory to the business for use by the owner-manager or caretaker.

4. Does not exceed 20 acres.

B. Additional Criteria The following serve as additional criteria for Rural Tourism designation:

1. The area may include pre-existing residential development, but not new (except for dwelling units accessory to the business for use by the owner-manager or caretaker), and

2. The area may serve more than the local existing & projected rural population, and utility lines with capacity to serve areas of more intensive uses) on July 1, 1990.

3. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl.

Policy 2HH-3: Rural Business (Type III LAMIRD) designation criteria

A. Location Criteria. Rural Business may be designated on land that:
1. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
2. Consists of a lot or small group of lots that either:
   a. Contain nonresidential uses and is located within a commercial, manufacturing, or industrial zoning district at the time of original county-initiated designation, or
   b. Allow for new development of isolated cottage industries and isolated small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents.

B. Additional Criteria.

1. A Rural Business designation on a lot or small group of lots containing nonresidential uses shall be separated from other LAMIRD designations, regardless of type, by no less than one-half mile by public road, except where the other LAMIRD is separated by a major physical feature such as a water body, freeway, major road, or other physical feature.

2. In the event that the listed criteria result in the need to choose one proposed designation over another, preference is given to a proposed use that:
   a. Provides the greatest number of job opportunities for rural residents.
   b. Is located at a controlled public road intersection.

Rural Communities

Rural Communities are areas that have historically served as centers of activity and services for surrounding rural areas, or have been established as more intensive rural residential development. In many cases, they are served by public services and facilities, including schools, libraries, post offices, and/or public transportation. These areas are Type I LAMIRDs and include small unincorporated towns and other areas where a concentration of commercial and public uses have been in existence
since before the adoption of the GMA in 1990. Typically, these are mixed-use areas containing both residential and nonresidential uses developed at a greater intensity than is generally found in outlying rural areas. This more intensive development is contained within the boundaries of the Rural Community designations, preventing the expansion of more intensive uses and densities into the surrounding rural areas. Because undeveloped lots may be included within Rural Community boundaries, infill development is possible, but at an intensity consistent with the development that existed in 1990.

Areas designated as Rural Communities are: Acme, Axton & Guide Meridian, Birch Bay-Lynden & Valley View, Cain Lake, Custer, Deming, Diablo, Emerald Lake, Glacier, Pinetop Corner, Kendall, Lake Samish, Laurel, Lummi Peninsula, Maple Falls, Newhalem, Nugents Corner, Point Roberts, Pole & Guide Meridian, Sandy Point/Sandy Point Heights, Smith & Guide Meridian, Sudden Valley, Van Wyck, and Wiser Lake.

Goal 2JJ: Designate areas of more intensive rural development that existed on July 1, 1990 as Rural Communities.

Policy 2JJ-1: Areas designated as Rural Communities shall meet the criteria stated in this chapter and the requirements of RCW 36.70A.070(5)(d)(i), which describes limited areas of more intensive rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, including necessary public facilities and public services to serve the limited area.

Policy 2JJ-2: Boundaries of Rural Communities shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iv), which requires limited areas of more intensive rural development to be clearly identifiable and contained within a logical outer boundary delineated predominately by the built environment as it existed on July 1, 1990.

Policy 2JJ-3: Additional Rural Communities shall not be designated, nor shall boundaries of Rural Communities be changed unless the area of the proposed addition meets the criteria stated in this chapter, and requirements of RCW 36.70A.070(5)(d). Designated Resource Lands should not be redesignated as Rural Communities.

Policy 2JJ-4: Within the Rural Communities, encourage adequate economic development to provide current and future residents’ employment needs, and provide rural residents places to shop, eat, and access to public services.
Policy 2JJ-5: Within Rural Communities development or redevelopment in terms of size, scale, use, or intensity shall be consistent with the character of the area on July 1, 1990.

Policy 2JJ-6: Lands inside Rural Community designation boundaries that are within low-density residential zones (one residence per five acres or less density) or resource zones, or are federally owned, should not be re-zoned to allow more intensive uses and densities.

Policy 2JJ-7: Land uses within Rural Communities, except for industrial uses, should be principally designed to serve the existing and projected rural population.

Policy 2JJ-8: Encourage future public participation activities to develop additional planning goals and policies specific to residents' needs and preferences in individual Rural Communities.

**Rural Tourism**

Whatcom County's scenic rural areas are enjoyed by residents and tourist alike. Small scale recreation or tourist uses that rely on a rural setting provide income opportunities for rural residents and contribute to the local economy. GMA allows counties to designate new Type II LAMIRDs for new small-scale recreation and tourist uses. The Rural Tourism designation limits and contains such uses, which can be more intensive than surrounding rural uses.

**Goal 2KK:** *Provide opportunities for small-scale recreational or tourist uses in rural areas.*

Policy 2KK-1: Lands designated for Rural Tourism shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(ii), which describes limited areas of more intensive rural development consisting of the intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those uses, that rely on a rural location and setting, but that do not include new residential development (other than a dwelling unit accessory to the business for use by the owner-manager or caretaker).

Policy 2KK-2: Designated Resource Lands shall not be redesignated as Rural Tourism.
Rural Business

Many businesses have been established in commercial and industrial zones outside of Rural Community areas. These uses, which are more intensive than those found in surrounding rural areas, provide commercial services and job opportunities for rural residents. The Rural Business designation permits uses to continue while preventing the spread of businesses in sprawl development patterns.

GMA allows counties to designate new Type III LAMIRDs for new isolated small-scale businesses. To ensure that these uses remain isolated and do not lead to strip development, criteria for Rural Business designation include spacing requirements from other Rural Business designations as well as Rural Communities.

The areas designated Rural Business under Type III guidelines are: Birch Bay-Lynden & I-5, Blue Canyon, Guide Meridian Border Crossing, North Lake Samish & I-5, Slater & Elder, Van Zandt, and Welcome.

Goal 2LL: Designate Rural Business areas to limit and contain nonresidential uses.

Policy 2LL-1: All lands designated Rural Business shall meet the Rural Business designation criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iii), which describes limited areas of more intensive rural development consisting of the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.

Policy 2LL-2: On lots in a Rural Business area where businesses did not exist on July 1, 2012, the new businesses shall be "small-scale" as described in the development regulations. On lots where businesses existed on July 1, 2012, development regulations should not hold the business to a "small-scale" standard.

Policy 2LL-3: Uses in the Rural Business designation need not be principally designed to serve the existing and projected rural population and nonresidential uses, but provide job opportunities for rural residents.

Policy 2LL-4: Designated Resource Lands shall not be redesignated as Rural Business.
Rural Neighborhoods

The GMA does not set a maximum allowed residential density for rural areas. A large majority of the lands designated as Rural are zoned for one residence per five or ten acres, however, a small proportion has been developed under a zoning that allows densities greater than one dwelling per five acres where public water service is available. These areas have their own unique rural character (as compared with the higher densities contained within LAMIRDs) and they serve to provide a needed variety of rural densities. However, it is important to maintain the character of the more traditional rural areas and prevent expansion of these areas of higher rural densities beyond their traditional limits.

This plan recognizes the unique qualities of these established Rural Neighborhoods and contains them within boundaries that reflect the extent of these areas in 2011. Unlike the Rural Communities, these areas are not LAMIRDs.

GOAL 2MM: Designate Rural Neighborhoods to recognize and contain rural areas that have been established with predominantly residential uses with higher densities than surrounding rural areas.

Policy 2MM-1: Areas zoned for densities greater than one dwelling per five acres shall be contained within Rural Neighborhood boundaries. Rural Neighborhood boundaries shall not be expanded beyond those established in 2012, which were drawn to include areas that were developed at higher rural densities in 2011.

Policy 2MM-2: In the Whatcom County Code, the Rural and Rural Residential zoning districts may include Rural Residential Density Overlays that may be applied to areas within the Rural Neighborhood designation where higher density rural residential development has already occurred. The overlay should allow for infill development with lot sizes consistent with those of surrounding lots, where public water service is available. The overlay shall limit eligibility of lots based on the percentage of surrounding lots that were developed in 2011, and shall establish a maximum density that may be achieved using the overlay. The Rural Residential Density Overlays shall not be created or expanded outside of Rural Neighborhoods or into areas where higher density rural development has not occurred; such expansion is not consistent with maintaining the traditional character of the surrounding rural areas.

Policy 2MM-3: Rural Neighborhoods are designated adjacent to Urban Growth Areas only in areas where developed densities exceeded one
dwellings per 2.5 acres in 2011, and there is little potential for efficient urban development in the future.

Policy 2M4: Urban governmental services shall not be extended into a Rural Neighborhood unless such extensions are shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

Urban Growth Area Reserves

The Whatcom County Comprehensive Plan Land Use Map includes the designation of Urban Growth Area Reserves. Urban Growth Area Reserves means a land use designation that may be applied to those areas which are adjacent and contiguous to either incorporated or unincorporated Urban Growth Areas which appear to be suitable for future inclusion in the respective Urban Growth Area. The purpose of the Urban Growth Area Reserve varies by urban area. Expansion of urban growth into the Reserve area may occur if criteria are met.

Upon establishing an Urban Growth Area Reserve, Whatcom County will establish land use controls intended to reserve the area for future urban densities and development by limiting the potential of the properties to be developed with incompatible uses, densities, or public facilities which would interfere with the likely expansion of urban development in the future. Properties in these areas should generally have land use designations of no more than one unit per ten acres, and uses such as agriculture, forestry, conservation, and low density residential development, may be encouraged provided that the continuation of such uses may not be a basis for preventing future expansion of the Urban Growth Area to the Urban Growth Area Reserve.

General criteria for transferring properties from the Urban Growth Area Reserve to the Urban Growth Area are set forth below:

1. Need for Land Capacity. The need for additional land is necessary to accommodate projected urban growth, as documented in a land capacity analysis due to growth higher than allocated to the urban area or less land capacity than analyzed. A transfer from Urban Growth Area Reserve to Urban Growth Area will not be allowed which would provide capacity to accommodate substantially more than 20 years of urban growth. Additional consideration can be made regarding the mix of housing and employment opportunities that are required to serve the Urban Growth Area which could be accommodated in the Urban Growth Area Reserve and which cannot be accommodated within the Urban Growth Area.

2. Adequate Public Facilities and Services. There are plans and capacity to serve the areas with urban governmental services as set forth in the Growth
Management Act. There is no requirement to extend these services prior to transferring the area from Urban Growth Area Reserve to Urban Growth Area, but the Capital Facility Plans must document the capacity and plans to serve at urban levels of service within the 20-year planning period.

3. **Land Use Plans.** The respective city, or county for unincorporated Urban Growth Areas, have comprehensive plans and land use regulations in place to allow for the transition from Urban Growth Area Reserve to Urban Growth Area. The respective jurisdiction will also have in place development regulations that ensure urban densities are achieved within the existing Urban Growth Area. Urban Growth Area Reserves should be jointly planned between Whatcom County and the respective city.

4. **Natural Resource Lands.** Expansion into the Urban Growth Area Reserve will not allow uses that are incompatible with adjoining natural resource lands unless mitigated through buffers, increased setbacks or other measures as necessary to maintain the productivity of the adjacent resource lands. If the expansion is into lands zoned Agricultural, the city and county shall have an interlocal agreement or regulations in place that implement a program that outlines the respective roles in protecting at least 100,000 acres of agricultural land in Whatcom County.

5. **Environment.** Land use regulations are in place to ensure protection of the environment and sensitive watersheds.

6. **Open Space Corridors.** Continued provisions are made for open space corridors within and between Urban Growth Areas where not otherwise precluded by previous development patterns.

Below are issues, established by urban area that must be addressed in order to authorize areas to be re-designated from Urban Growth Area Reserve to Urban Growth Area.

**Bellingham Urban Area**

The south Yew St. and the south Caitac areas have been designated as Urban Growth Area Reserves. Prior to re-designating the south Yew St. area to UGA, need for additional land capacity must be demonstrated, planning for adequate public facilities and services must be completed, and potential impacts on Lake Padden water quality must be addressed. Prior to re-designating the south Caitac area to UGA, need for additional land capacity must be demonstrated and planning for adequate public facilities and services must be completed.
Lake Padden is considered a sensitive water body because it is designated as impaired by pollution under Clean Water Act standards [303(d) Category 5 Waters]. This area has also not demonstrated the ability to provide adequate public facilities and services within the twenty-year planning period. The portion of the Lake Padden Watershed that was previously designated as an Urban Growth Area is designated as an Urban Growth Area Reserve. The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

Reason for change: The County Planning Commission recommended adding the Yew St. area referenced above (and the south Caitac area) to the Bellingham UGA on October 22, 2015.

Birch Bay Urban Area

There are no areas proposed for Urban Growth Area Reserve adjacent to the Birch Bay Urban Growth Area.

The Birch Bay Community Plan adopted in 2004 used a high growth forecast that does not appear to be warranted over the new twenty-year planning period. The community is currently working on a planning process (Birch Bay Watershed Characterization) to identify areas most suitable for development. A portion of the Urban Growth Area along Blaine Road not needed for the growth allocation but within a logical urban boundary is designated as an Urban Growth Area Reserve.

Reason for change: The County has proposed re-designating the UGA Reserve to UGA.

Blaine Urban Area

There are no areas proposed for Urban Growth Area Reserve adjacent to the Blaine Urban Growth Area.

Cherry Point Urban Area

There are no areas proposed for Urban Growth Area Reserve adjacent to the Cherry Point Industrial Urban Growth Area.

Columbia Valley Urban Area

An area on the west side of the UGA has been placed into an Urban Growth Area Reserve. This area is within lands designated as geologically hazardous, and suitability for urban development has not yet been demonstrated.

Everson Urban Area
Land to the north of Everson along Trap Line Road is designated as Urban Growth Area Reserves. This area was previously designated as agricultural lands of long-term commercial significance. The Everson UGA has been reduced in other areas and those lands were put into agricultural lands of long-term commercial significance, thus not causing a reduction in the resource land designations in the Everson area. Holding this area in an Urban Growth Area Reserve through the year 2012 will allow the opportunity for Whatcom County and the City of Everson to work on strategies and plans to ensure protection of at least 100,000 acres of agricultural land in Whatcom County, including acquisition of development rights consistent with WCC 2.160.080(5). The Urban Growth Area Reserve should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

Reason for change: The 100,000 acre goal is already addressed in the general criteria for transferring properties from the Urban Growth Area Reserve to the Urban Growth Area.

**Ferndale Urban Area**

Lands in the vicinity of Enterprise Rd. and Slater Rd. have been designated as Urban Growth Area Reserves for future employment growth at the request of the City of Ferndale. A portion of the Enterprise UGA Reserve on the northwest side of the Ferndale Urban Growth Areas is within the Drayton Harbor Watershed. The City may utilize this area as a corridor to provide utilities to the Grandview area. The Slater Urban Growth Area Reserve, on the southeast side of Ferndale, is adjacent to and abuts the Bellingham UGA and consultation with the City of Bellingham will be required before this area is designated as Ferndale UGA. Both the Enterprise and Slater Urban Growth Area Reserves includes existing rural and residential uses that must be considered when developing land use plans for these areas. Lands in the Vista/Brown, Thornton, Mtn. View and Douglas Rd. areas have been designated as Urban Growth Area Reserves for future residential growth. These Reserves are logical areas for the city to grow and should be jointly planned with the city and county in conjunction with Urban Growth Area plans.

**Lynden Urban Area**

There are no areas proposed for Urban Growth Area Reserve adjacent to the Lynden Urban Growth Area.

Growth of Lynden is constrained by agricultural lands. In 2003, Whatcom County designated Target Areas for Purchase of Development Rights following consultation with the City of Lynden. Those Target Areas included lands north of Badger Road and west of the Guide Meridian. Lynden has not proposed expansion into those Target Areas. The city has also requested a moderate amount of growth, and has
implemented significantly higher densities in their land use plans. Capital facility
plans have been developed and implemented based on the assumption of a modest
growth level.

A portion of the lands west of Double Ditch Road have been designated as an Urban
Growth Area Reserve, instead of Urban Growth Area as requested by the City.
Holding this area in an Urban Growth Area Reserve through the year 2012 will allow
the opportunity for Whatcom County and the City of Lynden to work on strategies
and plans to ensure protection of at least 100,000 acres of agricultural land in
Whatcom County. The Urban Growth Area Reserve should be jointly planned with
the city and county in conjunction with Urban Growth Area plans.

Reason for change: The City of Lynden has proposed re-designating the UGA Reserve to UGA.

Nooksack Urban Area

An area east of the Sumas River and south of Breckenridge Creek has been
designated as an Urban Growth Area Reserve. This area is currently used primarily
for agricultural uses, and includes lands that may be flooded and exposed to
Naturally Occurring Asbestos (NOA) from a natural landslide adjacent to Swift
Creek. Holding this area in an Urban Growth Area Reserve will allow the opportunity
for Whatcom County and the City of Nooksack to work on strategies and plans to
ensure protection of at least 100,000 acres of agricultural land in Whatcom County.
This area will be kept in reserve status until the County has determined that
development will not expose future residents and employees to unacceptable risk
from naturally occurring asbestos. The Urban Growth Area Reserve should be jointly
planned with the city and county in conjunction with Urban Growth Area plans.

Reason for change: The 100,000 acre goal is already addressed in the general
criteria for transferring properties from the Urban Growth Area Reserve to the
Urban Growth Area.

Sumas Urban Area

Growth of Sumas is constrained by agricultural lands. Lands in agricultural use on
the south end of Sumas along Hovel Road have been designated as an Urban
Growth Area Reserve. While there is sufficient land within the city to accommodate
projected growth, there is little surplus, and growth outward may become
necessary. This area will be kept in reserve status until the County has determined
that development will not expose future residents and employees to unacceptable
risk from naturally occurring asbestos. The Urban Growth Area Reserve should be
jointly planned with the city and county in conjunction with Urban Growth Area
plans.
Special Study Areas

Lake-Whatcom

Lake-Whatcom is the drinking water source for approximately half of Whatcom County. Recent studies on Lake-Whatcom indicate water quality in the lake has declined. Oxygen levels in Lake-Whatcom are declining to lower levels and are declining faster than in the past. In 1997, the Washington State Department of Ecology listed Lake-Whatcom as an impaired water body and place Lake-Whatcom on the Federal Clean Water Act 303(d) list because of low oxygen levels. The 303(d) listing requires the establishment of a Total Maximum Daily Load (TMDL) that designates loading capacity of the lake such that there will be no measurable change in oxygen levels from natural lake conditions. The TMDL goals will require a variety of planning, pollution prevention, pollution reduction and technical approaches. Meeting the TMDL goals will be required in order to stabilize water quality in Lake-Whatcom.

A significant cause of declining oxygen levels has been from residential development in the watershed. Past development permitted by the City of Bellingham and Whatcom County has led to increased phosphorus loading into the lake, which in turn has led to lower oxygen levels in the lake. Past poorly managed forest practices may have led to significant increases in phosphorus loading to the lake.

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

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

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

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

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

In 2003, there were approximately 2,730 existing dwelling units in the Lake Whatcom watershed located outside of the Bellingham UGA. Under the zoning adopted in January 2004, the gross potential build-out in this area is about 6,507 total dwelling units. Therefore, even under the more restrictive zoning adopted in January of 2004, there could be a significant amount of new development in the watershed.

Water and sewer service are provided by Water District 10. Capacity problems in the district's sewer line, which serves Geneva and Sudden Valley, have caused overflows into the lake in the past. An aggressive program to preclude stormwater infiltration has eliminated the overflow problems to a large extent. In addition, the district has a contractually limited flow capacity to Bellingham. The Lake Louise Road sewage interceptor was constructed in January 2003 to carry waste water from Sudden Valley and Geneva and serves as a complement to the Lake Whatcom Boulevard trunk line. The interceptor was designed to service full build-out of Sudden Valley and Geneva.

There are several pending subdivisions in the area which are being proposed at less than full density but which will increase the overall development level outside of urban areas to a significant degree.

In 2006 the Whatcom County Council approved funding to study reconveyance of DNR managed County Forest Board Lands.

In 2004, the Department of Natural Resources (DNR) Board on Natural Resources adopted the Lake Whatcom Landscape Plan. This plan provides additional
protections on state-managed lands within the Lake Whatcom watershed. The plan provides additional protections on streams and potentially unstable slopes not normally included in forest practices in Washington State. If the DNR exchanges land from the watershed the protections provided by the plan would not be applicable to the new owner. Chapter 11: Environment, contains more discussion of Lake Whatcom issues and includes additional goals and policies related to watershed management, stormwater, and water quality.

**Goal 2MM:** Prioritize the Lake Whatcom area as an area to minimize development, repair existing storm water problems, specifically for phosphorus, and ensure forestry practices do not negatively impact water quality. Provide sufficient funding and support to be successful.

**Policy 2MM-1:** Work with property owners to find acceptable development solutions at lower overall densities than the present zoning allows.

**Policy 2MM-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 2MM-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 2MM-4:** Work cooperatively with the City and Water District 10 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 in the watershed. Include an analysis of the diversion from the Middle Fork of the Nooksack. Coordinate effort with the Lake Whatcom Management Committee process.

**Policy 2MM-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 2MM-6:** Do not allow density bonuses within the Lake Whatcom Watershed.

**Policy 2MM-7:** Work cooperatively with the City and Water District 10 to develop benchmarks to determine the effectiveness of management options; when goals have been achieved; or when additional actions are necessary.
Policy 2MM-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 2MM-9: Work to keep Whatcom County Forest Board and Forest Purchase lands within the Lake Whatcom watershed in public ownership, and support managing forestry on said lands in a manner that minimizes sediment and phosphorus yields from streams.

Policy 2MM-10: Encourage the location of public services such as schools, libraries, and post offices, within Rural Communities that would likely reduce the vehicle miles traveled within the watershed.

Reason for change: The Lake Whatcom text, goals and policies have been modified and moved to Chapter 11.

Private Parcels Surrounded by National Park or National Forest

There are a number of private parcels in Whatcom County which are completely surrounded by National Forest and National Park land. Some of these have houses built on them, primarily for seasonal use, but most represent mining patents and are used, or have been used, only for mining. The majority of these parcels are located in the Mt. Baker area or the Slate Creek area near the eastern border of the county with their access primarily by Forest Service roads.

When interim zoning was established for Whatcom County in 1972, these parcels along with a majority of the rest of the county were zoned general protection (GP). This zoning allows single-family houses on one acre lots and a multitude of other uses mostly subject to the conditional use process. As final zoning has been established around the county as part of the subarea planning process, only these exclave parcels and the Lummi Reservation remain under interim zoning.

Reason for change: Interim zoning was replaced with the new Title 20 zoning for these areas in 1999.

Goal: 2NN: Continue to recognize private parcels surrounded by National Park or National Forest as part of Whatcom County's jurisdiction.

Policy 2NN-1: Increase the potential for land exchanges, and other voluntary mechanisms, in order to reduce the checkerboard ownership and jurisdictional patterns within eastern Whatcom County.
Subdivisions on the Lummi Reservation

There are over 2,000 at least 2,086 parcels on the Lummi Reservation, many of which are owned by non-Indians. As Federal policy has changed and tribal lands have been allowed to be removed from trust to fee status, state and county regulations have become applicable. The County has made efforts to work closely with local tribes on land use directions. The requirements of the Growth Management Act cannot be applicable to reservation trust lands, even when a checkerboard pattern has developed. It is the full intent of this County, when possible, to continue working cooperatively with area tribes on land use, watershed planning, utility planning and the coordinated water system plan. Most platted areas have sewer, which is provided by the Lummi Sewer District.

Goal 2PP: Seek resolutions that satisfy the requirements of Growth Management, the needs of the non-tribal residents and the goals of the Lummi Nation.

Policy 2PP-1: Work with the residents and the Lummi Nation to establish adequate water and sewer for the existing platted lots.

Policy 2PP-2: Whatcom County will administer land use policy on fee lands and prohibit discriminatory land use practices.
Comprehensive Plan Designations Map

The Comprehensive Plan designations map (Map 2-18) is intended to provide direction for future land use decisions in Whatcom County. It is officially adopted as part of this document. Because of the scale of the map, specific boundaries are identified on maps in the County Planning and Development Services office.

These descriptors are intended to be general in nature. More specific criteria and explanation may be incorporated into comprehensive plan chapters or subarea plans.

Title: Urban Growth Areas

Purpose: To denote where future urban growth may occur.

Definition: Areas characterized by urban growth that have adequate existing public facility and service capacities; areas characterized by urban growth that can be served adequately by a combination of both existing public facilities and any additional public facilities and services that are provided by either public or private sources; and lands adjacent to areas characterized by urban growth.

Locational Criteria: First urban growth may be located on lands characterized by urban growth that have adequate existing public facility and service capacities; next urban growth may be located on lands characterized by urban growth that can be served adequately by a combination of both existing public facilities and services and any additional public facilities and services that are provided by either public or private sources; and finally urban growth may be located on lands adjacent to areas characterized by urban growth.

Title: Urban Growth Area Reserve

Purpose: To denote lands which appear to be suitable for future inclusion in an adjacent and contiguous Urban Growth Area when the need arises and adequate public facilities and services can be provided, and other issues identified in the comprehensive plan are addressed.

Definition: Areas that are not yet suited for urban growth but are logical areas in which the urban area would likely grow beyond current growth allocations after being properly designated as an Urban Growth Area.
Locational Criteria: Areas adjacent and contiguous to Urban Growth Areas in which urban development would likely occur beyond current growth allocations.

**Title:** Major Industrial Area / Port Industrial - Urban Growth Areas

**Purpose:** To reserve appropriate areas to attract heavy industrial manufacturing uses and provide employment opportunities while minimizing land use conflicts and off-site impacts.

**Definition:** Land area for large-scale heavy industry that has a high impact on the surrounding neighborhood and environment.

Locational Criteria: Industry should be located in areas adequate for its use away from residential centers, but within reasonable commuting distance; near transportation facilities and services.

**Title:** Master Planned Resort

**Purpose:** To recognize and contain resort areas that existed on July 1, 1990, or permit new master planned resort areas that depend on a setting of significant natural amenities.

**Definition:** Historic or new resort planned unit development that is self-contained and fully integrated, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

Reason for change: Planned unit developments are only allowed within UGAs (WCC 20.85.020), and not within Rural areas.

Locational Criteria: Resorts may be located in urban or rural areas within a setting of significant natural amenities.

**Title:** Rural Community (Type I LAMIRD)

**Purpose:** To recognize rural development consisting of the infill, development, or redevelopment of commercial, industrial, residential, or mixed uses areas that existed on July 1, 1990 and limit and contain more intensive rural land uses within logical outer boundaries.
Policies on the definition and locational criteria for Rural Communities are found under Goals 2HH and 2JJ in this chapter.

Title: Rural Tourism (Type II LAMIRD)

Purpose: To recognize small-scale recreational or tourist uses in rural areas, and to limit and contain more intensive rural development on those lots.

Policies on the definition and locational criteria for Rural Tourism designations are found under Goals 2HH and 2KK in this chapter.

Title: Rural Business (Type III LAMIRD)

Purpose: To recognize development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses, to limit and contain more intensive development on those lots.

Policies on the definition and locational criteria for Rural Business designations are found under Goals 2HH and 2LL in this chapter.

Title: Rural Neighborhood

Purpose: To recognize and contain rural areas that have been established with predominantly residential uses with higher densities than surrounding rural areas.

Policies on the definition and locational criteria for Rural Neighborhood designations are found under Goal 2MM in this chapter.

Title: Rural

Purpose: To provide opportunity for a variety of low-density residential development including cluster development with the flexibility to practice farming or forestry, or operate a home occupation or cottage industry; to retain a sense of community. Also to encourage agriculture and forestry activities through the use of incentives.

Policies on the definition and locational criteria for Rural designations are found under Goal 2GG in this chapter.
Title: Agriculture - Resource Lands

Purpose: To recognize and promote agriculture in Whatcom County and protect prime agricultural soils and productive agricultural lands from conversion to other uses. To prevent conflicts between residential and agricultural uses.

Definition: Commercial agriculture lands generally located on parcels 40 acres or larger, with one dwelling unit per 40 acres or legal lot of record allowed.

Reason for Change: The Agriculture designation has lots that are smaller than 40 acres. The zoning generally allows a house on an existing legal lot of record.

Locational Criteria: Agriculture designation criteria are set forth in Chapter 8, Resource Lands. Soils identified as prime agricultural soils; large parcels; existing commercial agricultural uses.

Title: Rural Forestry - Resource Lands

Purpose: To provide flexibility in use, enabling the landowner to live on the land and practice forestry and forestry-related industry.

Definition: Lands used primarily for growing trees with some low-density residential development.

Locational Criteria: Rural Forestry designation criteria are set forth in Chapter 8, Resource Lands. Lands useful for growing trees for commercial timber production; usually located within public service districts; accessed by private roads built to Whatcom County development standards or public roads; low-density residential development; land-parcels generally 20 acres or greater in size; property often in tax deferred-status.

Title: Commercial Forestry - Resource Lands

Purpose: To provide land base for commercial forestry activities and provide predictability of future land use to forest land owners.

Definition: Land primarily devoted to commercial timber production.

Locational Criteria: Commercial Forestry designation criteria are set forth in Chapter 8, Resource Lands. Land primarily devoted to growing trees for long-term commercial timber production; located outside public service districts such as fire and water; accessed by private or state forest roads; parcels generally 40 acres or larger in size; land in tax deferred-status.
Title: Mineral Resource Lands - Resource Lands

Purpose: To ensure a long-term supply of mineral resources and provide predictability in land use.

Definition: Lands of long-term commercial significance for the extraction of minerals.

Locational Criteria: MRL designation criteria are set forth in Chapter 8, Resource Lands. Proven mineral resources of long-term commercial significance, low density rural areas, designated Agricultural lands generally with Non-Prime Farmland Soils and when demonstrated to be of higher value as a mineral resource than as an agricultural resource; and designated Forestry lands of higher value as a mineral resource than as forestry resource.

Title: Public Recreation

Purpose: To provide the public with open space and recreational opportunities; to protect conservation areas.

Definition: Areas with unique scenic or recreational amenities.

Locational Criteria: Parcels owned or managed by public or private agencies for recreational or conservation use.

Title: Special Study Areas

Purpose: To indicate areas where regional planning efforts are a high priority and necessary in order to address important local issues in greater detail.

Definition: Includes the Lake Whatcom Watershed and certain areas within the Lummi Reservation.

Reason for Change: There is no designation on the Whatcom County Comprehensive Plan map called “Special Study Areas.”

Open Space

Introduction

Cascade peaks, forested mountains, the Nooksack drainage, farmlands, riparian corridors, lakes, shorelines and islands contain the natural beauty and character of Whatcom County’s landscape. This setting contributes greatly to the quality of life enjoyed by county residents who value its elements of environmental quality, scenic beauty and recreational opportunities. Whether thought of as broadly as a
mountain range and the marine waters of the Strait of Georgia, or as narrowly as a small corridor between two buildings in a small town, open spaces are essential components to the health and well-being of individuals and communities.

**Purpose**

This section, in keeping with the Growth Management Act, serves to identify and designate open spaces and open space corridors, and encourage their retention.

**Process**

This section was originally drafted by Whatcom County Planning Division staff. Whatcom County and volunteer citizens' committees have already defined and identified many of the county's unique and important natural areas, open spaces and corridors, and scenic and natural resource lands. Many of these lands are included in Whatcom County's *Comprehensive Park and Recreation Open Space Plan* (1989) and in *Preserving a Way of Life: A Natural Heritage Plan for Whatcom County* (1991). The plans recommend priority lands to include in the county's general open space system. Staff reviewed and incorporated existing policies and recommendations from these documents as well as others such as county subarea plans, Whatcom County Open Space Policies (1986 Policies, Criteria and Public Benefit Rating System), and County-Wide Planning Policies (1993). These were excerpted when consistent with the GMA and tailored to information gathered through the Visioning Process. The first draft was then reviewed by the Coordinating Committee for consistency with other elements of the draft Whatcom County Comprehensive Plan and re-drafted.

**GMA Requirements**

The GMA requires Whatcom County to designate the general location of open space lands, and to "encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks" (GMA Planning Goal, RCW 36.70A.020 (9)). **Map 2-29** shows the distribution of lands currently enrolled under Whatcom County's open space taxation program (see below).

The act also has a requirement to identify open space corridors within and between urban growth areas to include "...lands useful for recreation, wildlife habitat, trails, and connection of critical areas..." (RCW 36.70A.160). This law authorizes the public purchase of such corridors.

**Map 2-310** shows proposed Open Space Corridors for Whatcom County.

**Open Space—Background Summary**
Whatcom County contains many public open space lands such as county and state
parks and state and national forest lands. Whatcom County stewards over 15,000
acres of parkland. Whatcom County Parks and Recreation Department maintains 32
park sites totaling over 4,000 acres. The Washington State Parks Department
stewards over 2,400,000 acres of state parks. The Washington
State Department of Natural Resources manages stewardship of 88,000,000 acres of state forest land in Whatcom County, including two Natural Resource
Conservation Areas. These forest lands are generally open to the public for
recreational uses, except for seasonal and some special use restrictions. The US
Forest Service and the North Cascades National Park manage over 800,000 acres of
land in the eastern portion of the county for timber, recreation, wildlife habitat,
fisheries production, and wilderness.

Under the provisions of the Open Space Taxation Act (RCW 84.34), Whatcom
County may classify or designate as "Open Space" farms, forests, and beneficial
open lands upon request by individual land owners when such lands meet adopted
criteria and policies. These adopted policies are contained in the policies established
in this section. A Public Benefit Rating System that implements the policies rates
each application under consideration.

Properties which qualify under the county's Open Space program are granted partial
relief from property taxes in exchange for maintaining their land in open space use
as defined by state law and county policies. Some open space categories require
that a landowner provide public access provisions to the property while other
categories do not have this requirement. According to latest Assessor's information,
119,907±12,841 acres were classified under the County's open space program in
2014±2002, 94%±95% of which were classified as Open Space Agriculture. Most of
the forested areas in Whatcom County, however, are classified as forest lands
under RCW 84.33. This law phased out the ad valorem system for taxing timber
land. This act was meant to encourage forestry and reforestation of forests for the
continued enjoyment of present and future generations. See Map 2-29 for the
location of these areas.

With the existence of these areas, it may be hard to believe there is an additional
need for open space. Of the open space lands listed above, an estimated 125,000
acres are available near population centers. For privately held open space lands,
there can be strong pressures to convert resource lands and rural areas to more
urban environments. Additionally, while Whatcom County has more than 130 miles
of saltwater shoreline, only about 6% is currently in public ownership and freely
accessible to the public. With the county projecting a growing population and
expanding development, the opportunity for additional public access is reduced
almost every day. According to a November 1993 mail survey analyzed by Hebert
Research Incorporated for the Whatcom County Visioning Committee, "Land Use
Management/Preservation of Open Space" was the most important issue facing
Whatcom County residents over the next twenty years.
Issues, Goals, and Policies

Open Space Areas
Whatcom County residents consider open space and the conservation of farm and timber land to be essential to the quality of life in Whatcom County. As urban growth pressures increase, open space, farms, forests, and shorelines are becoming more valuable to the residents of the county. Loss of open space is perceived by the people of Whatcom County as an adverse impact to the quality of life.

Goal 2QQ: Conserve or enhance important natural, cultural, and scenic resources.

Policy 2QQ-1: Protect and encourage voluntary restoration of streams, stream corridors, wetlands, natural shorelines, fish habitat and aquifers through education and incentive programs. For willing landowners, purchase property or acquire easements for riparian and channel migration zone areas to protect habitat of threatened and endangered species.

Policy 2QQ-2: Protect soil resources.

Policy 2QQ-3: Protect unique or critical wildlife and native plant habitat.

Policy 2QQ-4: Promote conservation principles by example or by offering educational opportunities.

Policy 2QQ-5: Enhance the values of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space lands.

Policy 2QQ-6: Enhance recreation opportunities.

Policy 2QQ-7: Preserve scenic vistas, historic, and archaeological sites.

Open Space Corridors
Retaining open spaces between and within cities and small population centers contributes to the high quality of life in Whatcom County. The need for jurisdictions to coordinate in designating Open Space Corridors in order to preserve the quality of life desired by residents, provide connector trails and public access, protect wildlife habitat, and ensure areas for recreation becomes greater as the population of the county continues to grow and urban areas continue to expand.

Goal 2RR: Identify and protect open space corridors within and between urban growth areas. These corridors should include trails and other lands useful for recreation, while
emphasizing wildlife habitat, and connection of critical areas, where feasible.

Policy 2RR-1: Identify marine, riverine, and other riparian corridors as essential elements of open space corridors.

Policy 2RR-2: Identify contiguous forested landscapes as essential elements of open space corridors.

Policy 2RR-3: Identify tidelands and floodplains as essential elements of open space corridors.

Policy 2RR-4: Identify estuaries, lakes, and rivers as naturally occurring open space corridors.

Policy 2RR-5: Plan greenway corridors within urban growth areas. Ensure development is consistent with these corridors through the permit process and incentive programs.

Policy 2RR-6: Include common open space in which pedestrian and bicycle pathways may be integrated in new developments.

Goal 2SS: Promote coordination among the county, cities, Port of Bellingham, and other appropriate jurisdictions in order to protect linked greenbelts, parks, and open spaces.

Policy 2SS-1: Encourage all jurisdictions to provide adequate neighborhood parks and play areas within safe walking and bicycling distances of residential neighborhoods.

Policy 2SS-2: Link county open space corridors with those of adjacent jurisdictions where viable.

Policy 2SS-3: Encourage separation of urban growth areas through planning, development regulations, open space purchase, conservation easements, and other appropriate mechanisms.

Encouraging Open Space Conservation

A variety of methods act to encourage the retention of open space. These range from regulatory restrictions to incentives and to public purchase. It has been the policy of Whatcom County to create an equitable tax climate for the landowner willing to maintain land as open space, through the use of the Open Space Taxation Act. While the Growth Management Act authorizes the purchase of open space corridors, in many cases incentive-based measures may be more flexible, productive, and desirable.
Public and private conservation organizations such as the Nature Conservancy, the Trust for Public Land, and the Whatcom Land Trust serve important functions such as assisting in negotiating with property owners, providing funding sources, and accepting conservation easements and land donations. Often such organizations can act quickly to provide interim preservation during the time period necessary for government action to occur.

Finally, protection of private property rights has been identified through the Visioning Process as an important issue for Whatcom County residents that needs to be expressed in public policy concerning open space.

Goal 2TT: Ensure equity between the public benefit and the private burden while encouraging open space retention.

Policy 2TT-1: Retain valuable agriculture and forestry lands by enrollment in Whatcom County’s open space taxation program.

Policy 2TT-2: Recognize that some parcels in the open space taxation program, while key components of the open space system, may not be open to the public.

Policy 2TT-3: Support the conservation of fish and wildlife habitat through enrollment in Whatcom County’s open space taxation program.

Policy 2TT-4: Support the retention of open space and open space corridors through the use of education and incentives, such as purchase or transfer of development rights, density bonuses within UGAs, cluster development, and acquisition of easements.

Policy 2TT-5: Avoid inflexible land use regulations by engaging in a proactive program of public investment, landowner incentives, and other actions aimed at preserving open space.

Policy 2TT-6: Improve public access to shorelines and other lands using such mechanisms as purchase or transfer of development rights, density bonuses within UGAs, and open space tax status.

Policy 2TT-7: Utilize the Conservation Opportunity Matrix developed by the Natural Heritage Task Force in 1990 as a tool for evaluating alternatives, and developing a list of priority sites.

Policy 2TT-8: Make expenditures for public purposes, such as open space, parks or greenbelts, with existing public funds and other sources as appropriate. New local taxes for these purposes should be imposed only upon the vote of the people.
Policy 2TT-9: Support the conservation of unique environmental features through the creative use of cluster subdivisions.

Policy 2TT-10: Support the incorporation of stream greenbelts into subdivision design as common open space and provide incentives for stream buffers greater than those legally required.

Policy 2TT-11: Support the important role of public and private conservation organizations.

Policy 2TT-12: Support public and private land trusts in acquiring conservation easements that provide open space attributes, consistent with the intents of property owners.

Policy 2TT-13: Review the goals of Preserving a Way of Life: A Natural Heritage Plan for Whatcom County, as-endorsed by the Whatcom County Council in 1991 and continue to implement those goals which are appropriate, beneficial, consistent with this plan, and within the County's fiscal capabilities.

Policy 2TT-14: Consider an update to Whatcom County Open Space Policies and Criteria and Public Benefit Rating System (as amended in 1995 under Ord. No. 1995-040) to further incentivize voluntary fish and wildlife habitat enhancement and protection on privately owned lands and shorelines.

Open Space Corridors Map

The Open Space Corridors Map (2-310) indicates both areas of interest for acquisition or easements to implement the open space objectives and other areas which will remain private but because of their nature serve as visual or wildlife corridors. This does not imply that all sites will be acquired, nor have their development potential reduced. Property owners may or may not have been contacted regarding potential public access.

Essential Public Facilities

Introduction

Essential public facilities are those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020 (RCW 36.70A.200, Siting of essential public facilities).
The county has also designated telecommunication towers, water treatment plants, sewer treatment plants, and water storage facilities as essential public facilities.

Reason for change: Regional transit authority facilities as defined in RCW 81.112 were added to the list of essential public facilities by the State legislature in 2010 (Senate Bill 6279). However, regional transit authorities may only be established in two or more contiguous counties each having a population of 400,000 or more (RCW 81.112.030). Therefore, this change to the state statute does not apply to Whatcom County. Instead of adding regional transit authority facilities to the list above, the quotes will simply be removed.

Purpose

This section of the Land Use chapter outlines a recommended process for identifying essential public facilities, defining locational criteria for such facilities, selecting sites for them, and establishing an appeal mechanism as required by the RCW. The suggested process emphasizes avoidance of process duplication, considers the long- and short-term impacts of such siting, provides for effective public review and participation, and stresses compatibility with neighboring land uses.

Process

This section was prepared with consideration of information and procedures adopted by other jurisdictions. An Essential Public Facilities Advisory Committee composed of citizen, business, health care and government representatives met in 2001-2002 and recommended modifications to this chapter to refine the process for siting essential public facilities. The original essential public facilities ordinance was adopted in 2004 and has since been amended. The process adapted for use by Whatcom County and recommended herein has been recognized as a model site selection process at the state level.

GMA Goals and County-Wide Planning Policies and Visioning Community Value Statements

The GMA goal of encouraging citizen participation and coordination is served by this section. This section has been prepared to satisfy that goal while also meeting the intent of the County-Wide Planning Policies (CWPPs) and the general guidelines of the Visioning Community Value Statements. The CWPPs require identification of appropriate land for public facilities, a cooperative and structured process to consider siting of essential public facilities of a regional, or state-wide nature. Visioning Community Value Statements underscore the importance of citizen participation. Adoption of this section and implementation of its goals and policies satisfies Growth Management goals, Visioning Community Value Statements, and County-Wide Planning Policies.
GMA Requirements

RCW 36.70A.200 requires that each county include a process for identifying and siting essential public facilities. The RCW defines essential public facilities as those facilities that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities, state and local correction facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities for sex offenders. Additionally, the county has designated telecommunication towers, water treatment plants, sewer treatment plants, and water storage facilities as essential public facilities. This section meets the requirements of the Growth Management Act.

Background Summary

Essential public facilities include those facilities considered difficult to site because of potential adverse effects related to size, bulk, hazardous characteristics, noise, or public health and safety. The Growth Management Act (RCW 36.70A.200) and the Washington Administrative Code (WAC 365-195-550340) indicate that essential public facilities:

- Are typically difficult to site;
- Provide a public service—serve a public need, including a local service need; and
- Are provided, substantially funded or contracted for by government or subject to public service obligations.

County-Wide Planning Policies (CWPP) stipulate that the county and cities must identify appropriate land for public facilities meeting the needs of the community. Adopted CWPPs require the county and cities to develop a cooperative and structured process, including public involvement at an early stage, to consider siting of public facilities of a regional, or state-wide, or federal nature. Any new facilities or major expansions of existing facilities must conform to these local siting procedures.

Reason for change: County-wide Planning Policy K-2 references regional and state-wide facilities, but not federal facilities.

The CWPPs also address the desirability of shared rights-of-way when not in conflict with wildlife, technical, or public health and safety concerns.

Issues, Goals, and Policies

Siting Essential Public Facilities
Essential public facility siting may not be prohibited by any local plan or regulation; the Growth Management Act, however, empowers local government to determine those plans, policies, and regulations that are most appropriate to county communities.

An equitable distribution of public facilities is important to avoid an unfair concentration of any such facilities within the county. A well-defined appeal process must be part of any siting process. Some essential public facilities, federal facilities for example, must meet multiple levels of siting and permitting approval; coordination is important to avoid unnecessary and costly delays brought about by redundant processes.

Goal 2UU: Utilize the established process for siting essential public facilities.

Policy 2UU-1: Adhere to the process for essential public facility site selection as outlined in the comprehensive plan and zoning ordinance. This process is summarized as follows:
- An applicant for an essential public facility should consult with the Whatcom County Planning & Development Services Department very early in the process of developing a proposal to determine the siting criteria and County permit requirements for the proposed facility.
- Essential public facilities that are allowed as a permitted use are processed administratively by the Planning & Development Services Department.
- Essential public facilities that require a conditional use permit require a public hearing before the hearing examiner. Notice in the newspaper, notice posted on the site and notice mailed to all property owners within 300' of the subject site must be accomplished.

Reason for change: Notice provisions are set forth in Whatcom County Code 2.33.060 and .070.

- Siting criteria in the comprehensive plan and zoning ordinance will be applied when deciding where to site essential public facilities.

Policy 2UU-2: Where possible, use essential public facilities sites jointly for public benefit; trails or open space, for example, could share a corridor or site used primarily for transportation.

Policy 2UU-3: The Growth Management Act identifies certain essential public facilities and the County Council has taken legislative action, with the assistance of an essential public facilities advisory...
committee, to identify additional essential public facilities. A proponent or government agency shall apply for a comprehensive plan amendment to add a particular land use to the adopted list of essential public facilities. In order to be added to the list of essential public facilities, the applicant must demonstrate that the facility:

- Is typically difficult to site;
- Provides a public service, serves a public need, which may be a local service;
- Is provided, substantially funded or contracted for by government or subject to public service obligations.

Policy 2UU-4: If significant amendments to the essential public facility siting process are proposed in the future, an essential public facilities committee consisting of citizen, business, health care, and government representatives, as appropriate, will be appointed by the County Executive to make recommendations relating to the proposed amendments.

Goal 2VV: Utilize the established siting criteria for essential public facilities.

Policy 2VV-1: Locate essential public facilities that generate traffic equal to or greater than similar-sized residential or commercial development near major transportation corridors.

Policy 2VV-2: Do not site essential public facilities where they would have a probable significant adverse impact on critical areas or designated resource lands—designated as environmentally sensitive areas or resource lands.

Policy 2VV-3: Site essential public facilities on property where needed expansion of the facility, based upon population forecasts, level of service standards or projected facility needs, can be accommodated within a 20-year planning period.

Policy 2VV-4: State and regional highways in unincorporated Whatcom County that have been designated as essential state or regional transportation facilities are I-5, State Route 539 (the Guide Meridian), State Route 546/9 (Badger/Garrison from the Guide to Sumas), and State Route 20 to eastern Washington. Other transportation facilities in unincorporated Whatcom County that have been designated as essential public facilities are Amtrak Cascades passenger rail service, the Burlington Northern Santa Fe railroad tracks, and the Cherry Point marine port facilities. Such facilities in the City of Bellingham include Fairhaven...
Station (intercity passenger rail terminal), Bellingham Cruise Terminal (Alaska Ferry), and the Port of Bellingham (marine port). Additionally, State Route 543 (the truck route at the Blaine border) is an essential public facility located within the city limits of Blaine.

Widening of existing state highways or railroad tracks (including construction of sidings) and siting new state highways or railroad tracks should be planned in the Washington Highway System Plan, Amtrak Cascades Plan and the Freight Rail Plan. The state will invite the Regional Transportation Planning Organization and the County to participate in planning studies, review design plans, and provide comments when siting new or expanded state highways or railroad tracks.

Highways and railroad tracks that qualify as essential public facilities should be sited in accordance with all of the following principles. These facilities should be located:

- In a manner that minimizes or mitigates noise impacts to surrounding residential areas.
- Outside of the Lake Whatcom Watershed, unless there are no viable alternatives.
- In a manner that allows continued fish passage beyond the road or railroad tracks or restores blocked passage.
- In a manner that avoids or mitigates wetland impacts.
- In a manner that minimizes impacts of additional impervious surfaces by treating stormwater runoff.
- In a manner that encourages a vibrant economy by facilitating the efficient movement of people and freight.
- In a manner that accommodates pedestrians, bicycles, and transit.

Major passenger intermodal terminals should be located in General Commercial, Tourist–Commercial,–Airport Operations, Urban Residential–Medium Density or industrial zones.

Reason for change: Whatcom County Ordinance 2012-032, relating to rural land use planning and limited areas of more intensive rural development (LAMIRDS), amended the Tourist Commercial zoning district to no longer allow major passenger intermodal terminals.

Freight railroad switching yards and terminals should be located in industrial zones.
Marine port facilities should be located within the Heavy Impact Industrial zone of the Cherry Point Major/Port Industrial Urban Growth Area.

Policy 2Vv-5: Airports in Whatcom County are the Bellingham International Airport, and the Lynden Municipal Airport, and the Blaine Municipal Airport. Bellingham International Airport, which is in unincorporated Whatcom County, serves both general aviation traffic and commercial airline traffic. Lynden and Blaine airports, which are within the city limits of these respective cities, serve general aviation traffic. There is also a sea plane base called Floathaven on Lake Whatcom, and a sea plane base called the Port of Bellingham Sea Plane Base on Bellingham Bay.

Reason for change: The Blaine Airport closed in December 2008. Additionally, the Port of Bellingham indicated, in an e-mail of 12/2/2014, that they do not operate a sea plane base on Bellingham Bay.

Within unincorporated Whatcom County, general aviation and commercial airports will be sited in the Airport Operations District. Compatibility of surrounding land use, including evaluation of height hazards, safety based upon aircraft accident data, and noise impacts, will be evaluated when a new Airport Operations District or an expansion of an existing Airport Operation District is proposed, as follows:

- Height hazards – Towers and other objects that penetrate the imaginary surfaces established in 14 CFR Part 77 Safe, Efficient Use, and Preservation of the Objects Affecting Navigable Airspace, shall be identified and mapped by the applicant. The applicant shall demonstrate to the County that existing objects that penetrate the imaginary surfaces as defined in 14 CFR Part 77 will not create a hazard to operation of the proposed airport. The applicant shall also demonstrate to the County that objects that could be allowed by zoning to penetrate the imaginary surfaces as defined in 14 CFR Part 77 will not create a hazard to operation of the proposed airport.

- Safety – Aircraft accident data shall be evaluated in the context of the densities and types of existing land uses and land uses allowed by zoning that are in proximity to the proposed airport. Specifically, for general aviation airports or commercial airports that also serve general aviation traffic, existing land uses and zoning around the proposed Airport Operations District shall be compared to

- Noise – The applicant shall map the projected 55, 60 and 65 DNL noise contours. The County shall evaluate noise impacts to existing land uses and land uses allowed by zoning within the mapped 55, 60 and 65 DNL noise contours.

- The County shall consult with and consider the comments of the Federal Aviation Administration and the Washington Department of Transportation – Aviation Division.

- Mitigation, such as removing objects that create height hazards, will be encouraged to achieve compatibility with surrounding land uses.

Policy 2VV-6: State education facilities in Whatcom County are Western Washington University, Whatcom Community College and Bellingham Technical College and related facilities. The main campuses of these state education facilities are located within the city limits of Bellingham. It is anticipated that they will remain within Bellingham over the planning period. However, research, recreational, satellite educational and other facilities associated with these institutions may be located outside of Bellingham within unincorporated Whatcom County.

State education facilities should generally be located in commercial, rural, residential, light impact industrial, or general manufacturing areas. They should only be allowed in the Airport Operations zone if related to airport operations training. They should not be located on resource lands, except that educational facilities related to forestry should be allowed in the forestry designations and educational facilities relating to agricultural operation training should be allowed in the agriculture designation.
Policy 2VV-7: Correctional facilities in Whatcom County are the Public Safety Building (County Jail), the minimum security correction facility, the alternative corrections building, and the juvenile detention facility in the County Courthouse. These three facilities are adjacent to one another in downtown Bellingham. The County also contracts with a private company located in the City of Bellingham for work release beds.

Reason for change: The County opened the minimum security corrections facility on Division Street, which is not in downtown Bellingham, in 2006. Additionally, the County has not contracted for work release beds since 2006.

Within unincorporated Whatcom County, new correction facilities should be sited in accordance with all of the following principles. New facilities should be located:

- With convenient access to major transportation corridors;
- With convenient access to frequent transit service;
- In areas that will not create excessive traffic, noise, or glare impacts on surrounding residential properties;
- In areas that have access to adequate utilities and infrastructure;
- In areas where there is convenient access to the courts, the sheriff’s office, law offices, medical services, fire protection services, and community & social services.
- Outside the 100-year floodplain;
- Outside seismic hazard areas. If no suitable sites are available outside of seismic hazard areas, correction facilities may be located within such areas if adequate mitigation measures are undertaken;
- Outside of landslide hazard areas;
- Outside of mine hazard areas;
- Outside of alluvial fans;
- Outside the 65 DNL noise contour of airports;
- At least 500’ from gas pipelines with a maximum operating pressure 500 or greater pounds/square inch gage (psig);
- At least 100’ from gas pipelines with a maximum operating pressure between 251 – 499 psig;
- At least one quarter mile from public and private schools.

Policy 2VV-8: Solid waste handling facilities in Whatcom County currently include two primary transfer stations, a construction & demolition debris landfill, a “clean-green” yard waste site, and a variety of recycling and other facilities. Drop box collection stations, moderate risk waste fixed facilities (small business and
household hazardous waste collection), a vector waste transfer station, and composting and recycling facilities. Additionally, there are anaerobic digesters, biosolids land application facilities, private industrial landfills, and landfills in post-closure status. The two primary transfer stations are located within the City of Ferndale. Municipal solid waste transported to these transfer stations, by either self-haulers or one of two local certificated haulers, is transported to landfills located outside of Whatcom County, from these sites. The construction & demolition debris landfill is located on Hemmi Rd. in unincorporated Whatcom County. The “clean green” yard waste facility is located within the City of Bellingham, and is jointly maintained by the City of Bellingham and Whatcom County:

Reason for change: The above solid waste handling facility information was updated based upon information provided by the Whatcom County Health Department.

Within unincorporated Whatcom County, solid waste handling facilities will be sited in accordance with all of the following principles:

1. Type III solid waste handling facilities as defined by WCC 20.97.429, including but are not limited to municipal solid waste landfills, incinerators, and transfer stations (but excluding uses set forth in subsection (2b)) will be located:

   a. Within industrial and forestry zones. They may be located within a rural zone only when the site has been identified for such a solid waste facility in the adopted subarea plan;
   b. At least 1,500’ from all zoning district boundaries, except commercial forestry and industrial zones;
   c. At least 1,500’ from public parks, public recreation areas, or publicly owned wildlife areas;
   d. At least 1,500’ from archeological and historical sites that are registered with the State Office of Archeology & Historic Preservation;
   e. At least 1,500’ from shorelines that are within the jurisdiction of the Shoreline Management Program;
   f. At least 1,500’ from rivers, streams or creeks that contain documented threatened or endangered fish species;
   g. Outside the 10-year time of travel boundary of a public water system’s delineated wellhead protection area;
h. Outside the Lake Whatcom watershed;

i. Outside the 100-year floodplain;

j. In accordance with *Hazardous Wildlife Attractants on or Near Airports* (Federal Aviation Administration Advisory Circular 150/5200-33), solid waste facilities and sites that handle putrescible waste will be located:

   i. At least 10,000’ from airports serving turbine-powered aircraft (Bellingham International Airport);

   ii. At least 5,000’ from airports serving piston-powered aircraft (Blaine Municipal and Lynden Municipal Airports).

2. Inert material landfills will be located:

   a. Within industrial and forestry zones. They may be located within a rural zone only when the site has been identified for such a solid waste facility in the adopted subarea plan;

   b. At least 500’ from all zoning district boundaries, except commercial forestry and industrial zones;

   c. At least 500’ from public parks, public recreation areas, or publicly owned wildlife areas;

   d. At least 500’ from archeological and historical sites that are registered with the State Office of Archeology & Historic Preservation;

   e. At least 500’ from shorelines that are within the jurisdiction of the Shoreline Management Program;

   f. At least 500’ from rivers, streams or creeks that contain documented threatened or endangered fish species;

   g. Outside the 10-year time of travel boundary of a public water system’s delineated wellhead protection area;

   h. Outside the Lake Whatcom watershed;

   i. Outside the 100-year floodplain.

Commercial composting facilities are solid waste handling facilities, but do not qualify for essential public facility status.

Policy 2VV-9: Personal wireless communication facilities and broadcast towers have been constructed at various locations around Whatcom County.
Personal wireless communication facilities, such as cell phone towers, shall be sited in accordance with Whatcom County Code 20.13.

Broadcast towers, such as TV and radio towers, are allowed with a conditional use permit in all zoning districts.

Proximity to airports and potential hazards to aviation will be considered when siting new towers or increasing height of existing towers.

Policy 2VV-10: Sewage treatment plants in Whatcom County currently serve cities, water & sewer districts, the Lummi Nation, and a state park.

Within unincorporated Whatcom County, sewage treatment plants will be sited in accordance with all of the following principles:

1. New sewage treatment plants will be located outside of the 100-year floodplain, unless the applicant demonstrates that alternative sites are not feasible;
2. New sewage treatment plants will be located outside the 10-year time of travel boundary of a public water system’s delineated wellhead protection area;
3. New sewage treatment plants will be located, in accordance with Hazardous Wildlife Attractants on or Near Airports (Federal Aviation Administration Advisory Circular 150/5200-33), as follows:
   a. At least 10,000’ from airports serving turbine-powered aircraft (Bellingham International Airport);
   b. At least 5,000’ from airports serving piston-powered aircraft (Blaine Municipal and Lynden Municipal Airports);
4. New sewage treatment plants will be buffered from existing high-density residential land uses. Expansion of existing sewage treatment plants will provide buffering from existing high-density residential land uses to the extent possible;
5. New sewage treatment plants and expansion of existing sewage treatment plants will be constructed in a manner to shield light and glare from surrounding land uses.
Policy 2VV-11: Water treatment plants in Whatcom County are currently operated by cities, water & sewer districts, water associations and other public water system operators such as industries at Cherry Point.

Within unincorporated Whatcom County, water treatment plants will be sited in accordance with all of the following principles:

1. New water treatment plants will be located outside of the 100-year floodplain, unless the applicant demonstrates that alternative sites are not feasible;
2. New water treatment plants and expansion of existing water treatment plants will be constructed in a manner to shield light and glare from surrounding land uses.
3. New water treatment plants will be located:
   a. At least 500' from natural gas pipelines with a maximum operating pressure of 500 or greater pounds/square inch gage (psig).
   b. At least 100' from natural gas pipelines with a maximum operating pressure between 250 and 499 psig;
   c. At least 500' from pipelines that carry liquid gas, oil or other petroleum products.

Policy 2VV-12: Water storage facilities owned and operated by a public water utility for the sole purpose of providing required fire flow are a permitted use in all zoning districts provided:

- Volume does not exceed 50,000 gallons; and
- Height does not exceed 12 feet above the ground level measured within 20 feet in all directions of the tank.

Other water storage facilities for potable water and/or fire flow owned and operated by a public utility are allowed with a conditional use permit in all zoning districts.

Policy 2VV-13: Substance abuse facilities, mental health facilities, and group homes have been constructed at various locations around Whatcom County.

1. In compliance with RCW 36.70A.410, Whatcom County will not treat a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. "Handicaps" are as defined in the federal fair housing amendments act of 1988.
2. Within unincorporated Whatcom County, substance abuse crisis facilities and mental health crisis facilities will not be located within 600' from any of the following:

- Public schools;
- Private schools;
- School bus stops,
- Licensed day care
- Licensed pre-school facilities;
- Public parks;
- Publicly dedicated trails;
- Sports fields;
- Playgrounds;
- Recreational and community centers;
- Public libraries; and
- Public and private youth camps

Policy 2VV-14: There are currently no secure community transition facilities for sex offenders located in Whatcom County. Within unincorporated Whatcom County, secure community transition facilities for sex offenders will be sited in accordance with all of the following:

1. Secure community transition facilities shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of existing risk potential facilities, which are:

- Public schools;
- Private schools;
- School bus stops,
- Licensed day care
- Licensed pre-school facilities;
- Public parks;
- Publicly dedicated trails;
- Sports fields;
- Playgrounds;
- Recreational and community centers;
- Churches, synagogues, temples or mosques;
- Public libraries;
- Public and private youth camps; and
- Other uses identified by the State Department of Social and Health Services pursuant to RCW 71.09.020(1311).

Reason for change: A 2009 amendment to RCW 71.09.020 changed the subsection number for the definition of “risk potential activity” from 11 to 13.
"Within the line of sight" shall mean that it is possible to reasonably visually distinguish and recognize individuals. An unobstructed visual distance of 600' shall be considered to be within the line of sight. Line of sight may be considered to be less than 600' if the applicant can demonstrate that visual barriers exist or would be created that would visually screen the risk potential facility from the secure community transition facility.

1. No more than one secure community transition facility, with a maximum of three people (other than staff), shall be located within Whatcom County.

2. The average response time of emergency services to a proposed secure community transition facility will be balanced against the proximity of the proposed secure community transition facility to the above risk potential facilities. Great weight will be given to sites that are farthest removed from the risk potential facilities listed above.

3. In identifying potential sites within a county for the location of a secure community transition facility, the State Department of Social and Health Services shall work with local governments to provide for the equitable distribution of such facilities. In coordinating and deciding upon the siting of secure community transition facilities, great weight shall be given by the county and cities within the county to:

   a. The number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in each jurisdiction in the county; and
   
   b. The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless residing in each jurisdiction in the county.

"Equitable distribution" means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant.

Whatcom County should seek a financial mitigation agreement from the Department of Social and Health Services for costs
associated with law enforcement training, emergency procedure
training and other expenses identified under RCW 71.09.344.

Policy 2VV-15: If significant amendments to the essential public facility siting
criteria are proposed in the future, an essential public facilities
committee consisting of citizen, business, health care, and
government representatives, as appropriate, will be appointed
by the County Executive to make recommendations relating to
the proposed amendments.

Goal 2WW: Provide for broad participation in the siting process by
affected agencies, citizens and any other interested parties.

Policy 2WW-1: Assure that any specific procedure for siting facilities considered
as regional or essential is consistent with county comprehensive
plans and County-Wide Planning Policies.

Goal 2XX: Utilize the established review or appeal procedure to
resolve differences of opinion regarding facility site
selection.

Policy 2XX-1: Appeals relating to essential public facility siting shall be decided
by the Hearing Examiner and/or County Council, in accordance
with the zoning ordinance, prior to proceeding with any appeals
to Superior Court.

Policy 2XX-2: County regulations will not preclude the siting of essential public
facilities in designated zoning districts.

Adult Businesses

Introduction

Purpose

The purpose of the adult business section is to prevent crime, protect residential
areas and sensitive uses from incompatible uses, protect retail trade, maintain
property values, preserve the quality of life in Whatcom County, protect gateways,
corridors and connections in the community, preserve rural character and protect
children from increased hazards created by adult businesses.

Process

Because of adverse secondary effects of adult businesses, the County Council
established a year-long moratorium in 1998 on accepting new applications until
appropriate policies and regulations could be established governing adult
businesses. Whatcom County Planning Division staff originally drafted this section in
response to the moratorium. It was reviewed with a representative of the Whatcom
County Prosecuting Attorney's office with regard to Constitutional issues. The
Planning Commission held a public hearing before final adoption by the County
Council.

GMA Requirements

The GMA does not require a Comprehensive Plan to address adult businesses.
However, a county is authorized to plan for land use in general (RCW 36.70A.070).
Additionally, the Comprehensive Plan can include any elements relating to the
physical development within its jurisdiction (RCW 36.70A.080).

Background Summary

Whatcom County provides an outstanding quality of life that is worthy of preserving
for future generations. This quality of life is partially dependent upon controlling
crime, protecting residential areas, protecting businesses, preserving rural
character and maintaining property values. Adult businesses can adversely impact
the quality of life and, therefore, Whatcom County should regulate where such uses
are allowed.

Issues, Goals, and Policies

Location of Adult Entertainment Establishments

Adult businesses have been shown to create adverse secondary effects upon the
community in the form of crime, harming other forms of retail trade, impacting
property values and causing deterioration in the quality of life. Such secondary
effects can intensify when adult businesses are located in close proximity to one
another. Regulating the location of adult businesses is necessary in unincorporated
Whatcom County in order to protect the quality of life and minimize adverse
secondary impacts of such businesses.

Goal 2YY: Utilize the established criteria for the location of adult
businesses.

Policy 2YY-1: Adult businesses will be allowed with administrative approval
use permits in Light Impact Industrial zoning districts that are
located within City Urban Growth Areas. Adult businesses will
not be allowed in the Light Impact Industrial zone immediately
southeast of the Bellingham International Airport because, as
the main entrance to the airport, it serves as a gateway to the
community.

Policy 2YY-2: Adult businesses will not be allowed in other zoning districts.
Policy 2YY-3: Adult businesses will not be allowed within 1,000 feet of a school, day care, church, park, library, residential zoning district, rural zoning district, Interstate-5, or state highway.

Policy 2YY-4: An adult business will not be allowed within 1,000 feet of any other adult business.

Policy 2YY-5: Non-conforming adult businesses will be terminated by operation of the Whatcom County Code in November 9, 2000. A maximum of four one-year extensions could have been granted if needed to recoup financial expenditures made in the business.

Historic and Cultural Resources

Cultural resources contribute materially to a sense of place and identity and civic pride. Economic dividends come from cultural tourism and downtown revitalization. Whatcom County recognizes a number of benefits which result from cultural resource preservation. A strong cultural resources management program enables the County to fulfill its legal obligation to avoid potential harmful impacts on cultural resources. The preservation of historic and archeological resources contributes to Whatcom County’s rural and cultural character. Historically significant lands, sites and structures, which are part of and help illustrate the collective culture of the people, are important resources for the County. One of the Planning Goals of the GMA is to “Identify and encourage the preservation of lands, sites, and structures that have historical or archeological significance.”

Goal 2ZZ: Recognize Whatcom County’s historical and archeological attributes and identify and encourage the preservation of lands, sites, and structures that have historic or archeological significance.

Policy 2ZZ-1: Whatcom County shall prepare a cultural resource inventory to identify and document archeological and historic resources.

Policy 2ZZ-2: The County’s cultural resource inventory shall be updated on a continuing basis to ensure the inventory’s usefulness as a historic preservation and land use tool.

Policy 2ZZ-3: The County’s cultural resource inventory shall be coordinated with similar programs maintained by municipalities and Tribes within the county to ensure the comprehensiveness of the inventory.
Policy 2ZZ-4: Consistent with its resources and based on the standards of the cultural resources inventory, the County shall provide technical assistance to local groups whose work can be incorporated into the County’s inventory.

Policy 2ZZ-5: The County shall seek to preserve and enhance archeological, historic, and cultural resources by enacting a qualifying historic preservation ordinance and carrying out the mandates of that ordinance.

Policy 2ZZ-6: The County shall meet its cultural resource management obligation under federal, state, and local regulations in an efficient and effective manner.

Policy 2ZZ-7: Consistent with its resources, the County shall provide technical assistance on cultural resource matters.

Policy 2ZZ-8: The County shall promote preservation of identified archeological, historic, and cultural resources.

Policy 2ZZ-9: On projects under its authority, the County shall consistently seek to mitigate negative impacts to cultural resources.

Policy 2ZZ-10: The County shall undertake through a public/private partnership a coordinated long-range planning in conjunction with representatives of arts, heritage, and tourism organizations, to develop strategies for preserving and enhancing cultural resources.

Policy 2ZZ-11: The County shall continue to cooperate with cultural groups and the organized representatives of the tourism industry to promote cultural tourism and ensure that cultural tourism projects remain eligible for funding assistance through its hotel/motel tax fund program.

Reason for change: The above Historic and Cultural Resources text, Goal and Policies were modified and moved from Chapter 10, Design.

Land Use—Action Plan

Regulatory Changes

Overall Land Use

1. Refer to a technical advisory committee to review the following:

Whatcom County Comprehensive Plan 2- 141
• Redundant regulations.
• Unnecessary regulations.
• Regulations that could be replaced by incentive programs.
• Regulations that could be replaced by education programs.
• Regulations which serve to protect the public welfare, health, and safety.
• Regulations that prohibit fair, timely and well-publicized review.

Reason for change: Goal 2D, Policies 2D-1, 2D-2, 2D-3, 2D-4, 2G-1 and 2H-1 address most of the above issues.

2.1. Draft and propose regulatory changes to implement the recommendations from this plan and give serious consideration to recommendations from advisory committees appointed by the County Executive or County Council.

Reason for change: The Executive or Council can appoint an advisory committee and consider their recommendations at any time.

3.2. Propose zoning ordinance changes to designate and develop guidelines and policies and appropriate regulatory amendments to accompany Business/Industry Parks and Crossroads Commercial designations.

Reason for change: Industrial parks are allowed in urban growth areas zoned for industrial uses. The LAMIRD designations were amended and no longer include a “Crossroads Commercial” designation.

4.3. Design, present, and adopt a creative land use regulatory program which utilizes such innovative techniques as cluster development, purchase of development rights, transfer of development rights and mitigation banking.

Reason for change: Clustering is generally allowed by zoning. PDRs and TDRs are addressed by policies 2F-4 and 2DD-10. Mitigation banks are addressed in Chapter 11, Environment.

5. Revise the zoning ordinance to:
• Include a new zone designation(s) for business/industrial parks possibly as a supplement to the existing LII zone.
• Incorporate Master Planned Resort Guidelines and develop specific locational criteria for Master Planned Resorts.
• Include development standards for the Guide Meridian Corridor.

Reason for change: The County can docket or consider these items at any time.

Education
6.4. Design and produce presentations, written materials, and other programs to educate citizens on the value of preserving the assets of the community and each individual's responsibility to preserve those assets.

Reason for change: Policy 2E-1 is similar to the above action item.

Incentives

7.5. Establish a committee comprised of citizens, local officials, including one or more Planning Commissioners, and land development experts to design a set of economic incentives for property owners to voluntarily reduce density on their property, and to encourage protection of valuable open space identified on the Open Space Map.

Reason for change: The County may establish committees at any time as priorities and resources allow.

8.6. Undertake complete and programmatic environmental review for identified growth areas to facilitate urban and industrial development.

Reason for change: An EIS is being prepared for the 2016 Comprehensive Plan Update/UGA review.

9.7. Monitor the results of incentive programs on an annual basis to ensure desired results are achieved and produce a report outlining results of the programs.

Reason for change: Policy 2F-6 is to monitor incentive programs on a five-year basis.

Subarea Plans

10.8. Revise county subarea plans, if appropriate, to incorporate urban growth area boundaries as identified in this plan, ensure consistency with this plan, and eliminate any redundancy in policy. Continue to implement existing subarea-plan action items that are consistent with this plan.

Reason for change: A number of old subarea plans have been repealed. Others will be updated, as appropriate, consistent with the Whatcom County Comprehensive Plan Policy 2L-2.

11.9. Examine alternatives for meeting the transportation and utility needs for Sudden Valley.
Reason for change: Policy 6J-8 in Chapter 6 (Transportation) addresses bus serviced to Sudden Valley. Chapter 5 generally addresses utilities and chapter 11 generally addresses stormwater.

12.10. Continue the industrial land supply study, identify appropriate additional industrial land in the Whatcom County Comprehensive Plan and update subarea plans accordingly.

Reason for change: The County, in conjunction with the cities, is undertaking a land capacity analysis to identify land available for urban land uses in conjunction with the 2016 Comprehensive Plan update and UGA review.

13.11. When completed, review the Comprehensive Flood Hazard Management Plan to ensure consistency with land use plans and regulations.


Citizen Involvement

14.12. Establish Council-appointed subarea citizens’ committees to participate in the updating and review of subarea plans, if appropriate.

Reason for change: Policy 2Q-4 addresses advisory committees for Birch Bay and Columbia Valley. County-wide Planning Policy A-2 also addresses advisory committees.

15.13. Improve methods of notification to affected property owners of land use decisions.

Reason for change: Policy 2G-1 addresses notice.

Timing/Review


Reason for change: The City/County Planner Group meets on a regular basis to coordinate growth management planning, including land capacity and UGA review.

Urban Growth Areas
15. Using the Growth Management Oversight Committee, develop a cooperative approach to Geographic Information System use with all the cities and interested special districts which may include regular user meetings, cooperative funding, and data needs.

Reason for change: The County’s GIS personnel coordinate with cities and special purpose districts on an informal, as needed basis.

16. Work with the City of Blaine to establish a project review process for development within Blaine’s UGA that ensures consistency with Blaine’s Comprehensive Plan and development regulations and standards.

Reason for change: The County and the City of Blaine approved an interlocal agreement in 2012 that addresses processing development applications in the Blaine UGA.

17. Adopt and maintain County zoning for the Blaine UGA which would allow urban densities to develop only in conjunction with annexation or a commitment to annex within a very specific timeline and under very specific conditions.

Reason for Change: The County already has zoning that requires 10 acre residential densities in the Blaine UGA until public water and sewer are extended. At the current time, the City typically does not extend public water and sewer prior to annexation.

18. Work with the City of Blaine to develop an appropriate level of regulation to adequately protect the Drayton Harbor watershed. Cooperate with the City in enforcing these regulations.

Reason for change: Chapter 11 and Policy 2V-1 in Chapter 2 address Drayton Harbor.

21. Work with all cities to ensure limitation of development in floodplains within their UGAs.

Reason for change: Chapter 11, Goal 2K and associated policies in Chapter 2, and Policy 2P-2 in Chapter 2 address flooding.

19. Establish a time frame and process to work with the City of Everson and land owners to develop an environmentally safe plan to facilitate conversion of mineral resource lands adjacent to Everson to urban or rural land uses.

Reason for change: Policy 2W-2 addresses this issue for the Everson UGA.
.20. Work with cities to develop regulations that assure compatibility of uses adjacent to resource lands.

Reason for change: Policies 2W-4 (Everson), 2Y-2 (Lynden), 2Z-4 (Nooksack) and 2AA-5 (Sumas) address this issue. Additionally, the interlocal agreements address resource lands.

.21. Develop a time frame and process to work with cities to make the appropriate changes to urban growth area boundaries and zoning designations when necessary.

Reason for change: The Growth Management Act requires UGA review by 2016 and every eight years thereafter.

.25. Review and update interlocal agreements with each city, as necessary, to address:
   - levels of service within and outside the UGAs.
   - identification of needed improvements and establishment of how they will be funded.
   - development standards within the UGA and review procedures, including wetland and floodplain protection, for development proposals.
   - coordination with the county on greenbelt and open space designations.
   - timing and procedures for review of adequate land supply.
   - consistency with the Coordinated Water System Plan.
   - actions specific to each city and identified in the goals and policies for that city.
   - extension of water and sewer services within UGAs.
   - specific development density requirements within annexation proposals.
   - cities should show evidence of meeting their infill goals as identified in their comprehensive plans.
   - mitigation agreements for conversion of lands designated on the County Comprehensive Plan map as Resource Lands, with the exception of depleted Mineral Resource Lands.

Reason for change: Interlocal agreements are addressed in the policies for each city. Interlocal agreements were approved in 2012 and extend through the year 2022.

.22. Adopt interlocal agreements with water and sewer districts, if appropriate, to assure service to county unincorporated urban growth areas and limit urban levels of service outside Short Term Planning Areas.
Reason for change: Water and sewer service for the Birch Bay and Columbia Valley unincorporated UGAs is addressed in Policies 2BB-1 and 2BB-6.

23. Work with the Sudden Valley Community Association to implement the density reduction program.

Reason for change: Sudden Valley is addressed in Chapter 11.

24. Establish on-going communications link with Whatcom County Water District 13, Columbia Valley Water District and Community Associations to work towards mutually beneficial infrastructure solutions including combined services in the Columbia Valley UGA.

Reason for change: Water and sewer service for the Columbia Valley UGA are addressed in Policy 2BB-6.

25. Develop a mechanism for addressing neighborhood parks in Bellingham’s Urban Growth Area when development occurs prior to annexation. Use the Urban Fringe planning process and the city/county development review process to address neighborhood park needs in Bellingham’s UGA if development occurs prior to annexation.

Reason for change: Neighborhood parks are addressed in Policy 2U-3.

26. 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 has been moved to Chapter 11, Environment.

27. 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 has been moved to Chapter 11, Environment.

28. Establish a provision that prevents density increases from occurring as a result of provision of sewer in the Rural zone in the Lake Whatcom Watershed.

Reason for change: This has been modified and moved to Chapter 11, Environment.
**Open-Space**

29. Review Whatcom County land-use and taxation policies to ensure that there are incentives for landowners to pursue agriculture and forestry open space designations that implement the Open Space section of this plan.

Reason for change: Incentives are generally addressed in Policies 2QQ-1, 2TT-4 and 2TT-5.

30. Develop strategies to encourage utilization of open space designations in order to protect natural resources, open-space, and critical areas.

Reason for change: This issue is generally addressed in Policies 2TT-1 and 2TT-3.

31. Develop a strategy to implement the Open Space Corridor map included in this chapter.

Reason for change: Goals 2QQ, 2RR and 2SS and associated policies generally address open space corridors.

32. Working with landowners, develop a list of priority sites for acquisition or other form of open space preservation based on criteria from Preserving a Way of Life: A Natural Heritage Plan for Whatcom County and the goals and policies of the Comprehensive Park and Recreation Open Space Plan.

Reason for change: This is generally addressed in Chapter 9 and Policy 2TT-13 in Chapter 2.

33. Continue to acquire priority sites utilizing the Conservation Futures Levy and other funding sources. Work with Whatcom County Land Trust and others to facilitate protection of these designated sites.

Reason for change: Policy 2TT-8 generally addresses funding. Policy 2TT-11 generally addresses the role of conservation organizations.
Memorandum

TO: WHATCOM COUNTY COUNCIL
FROM: Regina Delahunt, Director
DATE: FEB 16, 2016
RE: HEALTH REVIEW OF 2016 COMPREHENSIVE PLAN--LAND USE CHAPTER

Overview:
As one step in the implementation of the County’s Healthy Planning Resolution #2015-038, Health Department staff will provide an overview of health recommendations for selected chapters of the 2016 Comprehensive Plan Update to the County Council. The attached matrix includes recommendations for the Land Use Chapter that were provided to County Planning and Development Services (PDS) staff and describes current status in the Planning Commission’s recommended draft.

Process:
The process for developing and incorporating the recommendations included:

- Technical review of the 2008 Comprehensive Plan by Alta Planning and Design (2013), identifying opportunities to strengthen specific policies in the plan from a health perspective
- Planning workshop to prioritize health topics and associated policy recommendations with Public Health Advisory Board (PHAB), PDS staff, health department staff, and community stakeholders (March 2014)
- Refinement of policy recommendations based on PHAB, County PDS and stakeholder input (Spring 2014)
- Correspondence and connection with County PDS to integrate recommendations into draft chapters, as feasible and appropriate
- Support for PHAB feedback to Planning Commission on specific issues and recommendations
- Review and analysis of the status of health recommendations in the Planning Commission’s draft chapters.

Recommendations:
For the Land Use Chapter, all of WCHD’s policy recommendations were either included in the 2016 draft or otherwise adequately addressed.
There were two occurrences where the language was not added to a policy for which WCHD suggested additional language be included to strengthen the policy. The first recommendation was to add language to recognize parks and gathering areas as open spaces to be integrated in new developments (Policy 2RR-6); however this recommendation is already addressed through other mechanisms. The second was to add an explicit walkability standard to Policy 2SS-1, which encourages jurisdictions to provide parks and play areas within safe walking distance of neighborhoods. The transportation chapter includes policies that address this walkability standard for the County, and cities will determine their own standards, so the fact that a walkability standard is not included in Policy 2SS-1 is not consequential.

One of the eight policy additions we recommended was added to the Land Use Chapter. Three suggested additions are addressed elsewhere in the plan (Economics and Transportation chapters) or in existing zoning code. Three potential additions can be addressed through other mechanisms than the comprehensive plan. One recommended addition was determined to be unsuitable for rural residential areas to which it would apply.
699


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<tr>
<th>Existing Camp Plan Policy 85.4.10</th>
<th>2016 Notes</th>
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<th>A. C. D. I. X.</th>
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| Policies will determine their own
where parks are located and specific
park usage standards.
| Include parks in the
neighborhood (non-
residential) area
which are provided.
| C.D.1.1
Policy revised, walkability standards.
| High | Change
Policy:
| Providing
walkability:
| 225-2
Policy 225-2: Link County open space
conditions with those of recreation
| 225-2
Policy 225-2: Link County open space
conditions with those of recreation
Parks and Recreation Department

701
702


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<td>Not included in Policy ZN-7.</td>
<td>A.D.K.</td>
<td>Not included for rural residential areas.</td>
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<td>supports development of activity based in core.</td>
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<td>Transportation and economic development.</td>
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<td>These policy suggestions are addressed in</td>
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<td>Encourage mixed-use.</td>
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<td>and office space.</td>
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Sample Influences (Some specific to UCAS)
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<th>H</th>
<th>Description</th>
<th>Info</th>
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| S | Supports development of healthy food retail in underserved areas. Addressed in zoning code. Not included.
| G | Can be addressed outside of comprehensive plan. Not included.

| N/A | Transportation access for site uses.
| N/A | Encourage from stands, mobile.
| N/A | Farm stands, farmers markets.
| N/A | Small farm stands, farmers markets.
| N/A | Discontinue use in neighborhoods.
AB2016-47B

The following documents are available at the Whatcom County Council Office.
Literature Summary:
Access to Healthy Food
Literature Summary:
Physical Activity
Literature Summary:
Mental Health
Literature Summary:
Social Context
Literature Summary:
Injury & Safety
Healthy Planning Workshop: Summary Report

Overview + Background

Over the past five years, community improvement processes and plans have prioritized the need to focus on the built environment and relationship to health outcomes. Staff at the Whatcom County Health Department and members of the Public Health Advisory Board are involved in a project to explore how to integrate public health into community planning and design, specifically through the Whatcom County Comprehensive Plan. The goal of this project is to create a set of prioritized policy recommendations for the 2016 update of the Whatcom County Comprehensive Plan that have the potential to improve the health & well-being of Whatcom County residents. Many aspects of health are connected to community planning and design; however during this phase of the project, the focus was on policies that help achieve goals identified in the Whatcom County Community Health Improvement Plan: promoting healthy and active living by expanding access to healthy food; creating safe places to walk, bike, play and connect; and limiting exposure to harmful substances.

The purpose of the Healthy Planning Workshop was to move from generalized, best practice comprehensive plan policies that are health-promoting to specific policies that are best suited for the Whatcom County comprehensive plan.
March 2, 2016

Whatcom County Council
311 Grand Avenue
Bellingham, WA 98225

Re: Bellingham Urban Growth Area Review

Dear Council Members,

Thank you for the opportunity to provide written comments for the record in the County’s urban growth area review/comprehensive plan update process. Several assertions have been made by representatives of the Caitac and S. Yew Street areas that require a response. These assertions are related to the County’s land capacity analysis and the City’s financial impact analysis and utility planning for the Caitac area.

Land Capacity Analysis

The Council has heard testimony related to the methodology and accuracy of the County’s land capacity analysis (LCA), using the recent Dewey Valley annexation as an example. As we stated in our oral testimony, the assertion that the LCA contains an overstated buildout for the Dewey Valley area is incorrect. The confusion lies in the initial buildout projections given to the Bellingham City Council during the annexation review process. The LCA had, and has the correct buildout projection (98-195 new homes) for the area.

Others have stated that the LCA over estimates development capacity in areas of the city that contain a range of allowed densities. For example, in areas with zoning that allows 6 to 12 units per acre, the LCA uses the base density of 6 units per acre to forecast future growth capacity. It was incorrectly suggested that the LCA uses the mid-point density figure in these areas (or 9 units per acre in this example).

Additional assertions were made regarding basic flaws in LCA methodology, primarily related to wetland buffers. As the Council is aware, the same LCA methodology was used in all the jurisdictions, including the rural areas. Changes in the methodology at this point in the process would require the County and all other jurisdictions to reassess their land capacity and population allocations.
Financial Impact Analysis and Utility Plans

Caitac representatives, both in a February 5, 2016 letter to you and in oral testimony questioned the results of the City's financial impact analysis (FIA) for the Caitac area. They asserted that the FIA contained errors as to the improvements that would be needed to serve the area, and the costs to the public for the improvements. As we indicated in our previous testimony, the FIA methodology is fairly standard, used by many jurisdictions to identify potential costs to provide the full range of urban services to an annexation area. It has been used by the City for over a decade now.

Mr. Jones's testimony regarding the Caitac property raised a number of issues that should be clarified. The 2/5/16 letter discusses the difference between the draft 2007 sewer plan and the approved 2009 plan. The information in the 2007 document is irrelevant as the 2009 plan addressed the ability of the City to treat the potential future sewage for the adopted population and employment growth numbers. This total population estimate stayed consistent with only general locations of future growth within the existing UGA's changing. The plan was not a conveyance plan and therefore did not establish where future growth would occur, only general areas of the city and UGA for input of the sewage into the system. Mr. Jones assertion that the City's sewer plan anticipates and accounts for development of the Caitac property is misleading.

In 2013, a water system plan update was approved by the City. Using this most up to date plan clears up many of Mr. Jones's misunderstandings of the City's future water system. Throughout the letter, he refers to the "350 Cordata Zone" tank and the "460 King Mountain Water Reservoir" as separate projects. The 2013 Water plan clarifies that there will only be one water reservoir constructed on upper King Mountain, not two. That tank will provide service to most properties in northern Bellingham, not just the Caitac property. The Kearney Street Pump Station will be installed in conjunction with the reservoir construction. The estimated price tag of $4,250,000 is not an error as it also includes additional conveyance pipe work and not just the pump station. The comparison to the cost to build the Birch Street pump station is misleading. That pump station was constructed privately in 2005 for $800,000 per the developers supporting costs submitted to the City. Obviously, construction costs have increased substantially since 2005. A City constructed pump station is required to be built under prevailing wage rules which also increases the cost.

Additionally, the letter alludes to the fact that many future infrastructure projects will not be built without funding from Caitac, and therefore land near the Caitac property will not develop. This may or may not be true. Any inclusion of the Caitac properties would provide additional participants in funding future projects, however they are not reliant on Caitac to be constructed.

On February 9th, the County Council assigned Bellingham the responsibility to accommodate over 31,000 additional residents during the planning period without any changes to the City's UGA. On February 22nd, the City Council directed staff to use the County-approved population growth figure in the update to our comprehensive plan. The Council indicated a willingness to accept the higher growth figure primarily because
it does not require changes to the UGA. We are proceeding in good faith based on the County Council's February 9th vote. Changing direction at this point in the process by revising the City's UGA boundary would make it very difficult to complete our work on the comprehensive plan update by the statutory deadline.

Please contact me if you have any questions regarding this information.

Sincerely,

[Signature]

Greg Aucutt, AICP
Assistant Director

C Mayor Linville
Bellingham City Council
Bellingham Planning Commission
Darcy Jones, Jones Engineering
Linda Twitchell, BIAWC
Proposed Council Changes to Comprehensive Plan

Chapter 2 - Land Use

Page and line numbers reflect Planning Commission Recommended Draft dated 1/14/16 (http://wa-whatcomcounty.civicplus.com/DocumentCenter/View/15150). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.

1) p. 2-13; Policy 2F-6: Monitor incentive programs on a five-year basis to ensure the comprehensive plan goals are being achieved. Develop an alternate approach if necessary, using adaptive management steps to effect compliance with individual programs. (Brenner)

2) p. 2-77; Policy 2CC-1: Designate Cherry Point as a major industrial Urban Growth Area to accommodate major users that need to be located away from concentrated urban residential areas and that can manage their activities in such a way that they do not conflict with the goals of the Aquatic Reserve Management Plan. Cooperate with the DNR and existing industries to monitor the effects of industrial activities on water quality and habitat functions in and adjacent to the Cherry Point Aquatic Reserve. (Brenner)

3) p. 2-78; New Policy 2CC-12: Cooperate with the DNR and existing industries to monitor the effects of industrial activities on water quality and habitat functions in and adjacent to the Cherry Point Aquatic Reserve. (Brenner)

Proposed Reconsideration of Previous Changes

In these proposed reconsiderations, previous changes made by the Council are underlined or struck-out, but not bold. New changes are shown in bold. Previous Council changes proposed for deletion are highlighted.

4) p. 2-6; New Policy 2A-14: Strive to establish by December 2017, a clear, predictable, and fair process for allowing expansion of urban growth areas that considers reasonable measures to mitigate the impacts of growth residential development in rural lands, agricultural areas (broadly defined), and sensitive watersheds. This process should include:

Convening a multi-stakeholder work group, including the cities, tasked with and potential TDR/PDR users in the building industry who will be exchanging development rights. The process and program should include:

- Reviewing the current TDR and PDR programs,
- Identifying political, financial, and regulatory barriers to effective TDR
and PDR programs.

- **Identifying opportunities and solutions for creating a workable TDR program.**
- **Identifying mechanisms to create a PDR fund that could be used to protect important agricultural and rural lands.**
- **Recommending policy and regulatory amendments necessary to implement the above policy.**
- **Identifying proposed sending areas in critical areas, the Agricultural Zone, and the Rural Study Areas.**
- **Identifying receiving areas.**
- **Identifying other factors and/or growth management tools.**
- **Exchangeable development rights that have economic value, with the potential for multiple methods of assigning and converting value.**
- **Interlocal agreements that grant economic value to exchangeable development rights and that insure development rights can be used in receiving areas.**

Based upon the findings of the multi-stakeholder work group, consider strategies that could require purchase, transfer or otherwise incentivize removal of potential development rights form rural or resource lands in exchange for UGA expansion and other upzones.  
*(Donovan) (alternative to 4b)*

4b) p. 2-6; New Policy 2A-14: **Strive to establish by December 2017, a clear, predictable, and fair process for allowing expansion of urban growth areas that considers reasonable measures to mitigate the impacts of growth. This process should include:**

- Convening a multi-stakeholder work group, including the cities, tasked with:
  - **Reviewing the current TDR and PDR programs.**
  - **Identifying political, financial, and regulatory barriers to effective TDR and PDR programs.**
  - **Identifying opportunities and solutions for creating a workable TDR program.**
  - **Identifying mechanisms to create a PDR fund that could be used to protect important agricultural and rural lands.**
  - **Recommending policy and regulatory amendments necessary to implement the above policy.**
  - **Identifying proposed sending areas in critical areas, the Agricultural Zone, and the Rural Study Areas.**
g. Identifying receiving areas.

. Identifying other factors and/or growth management tools.

Based upon the findings of the multi-stakeholder work group, consider strategies that could require purchase, transfer or otherwise incentivize removal of potential development rights from rural or resource lands in exchange for UGA expansion and other upzones.

Collaborate with all Whatcom County municipalities to develop successful voluntary, workable transfer of development rights (TDRs) and purchase of development rights (PDRs) before TDRs or PDRs are considered for any UGA expansion. The creation of a successful program should include:

. Consultation with a focus group of potential TDR/PDR users in the building industry.
. Inter-local agreements to ensure approval of all jurisdictions before any TDR/PDR program is implemented that could affect the jurisdictions.
. Multiple methods of assigning and converting the value of development rights.
. County oversight and implementation.

(Brenner) (alternative to 4a)

5) p. 2-23; Goal 2P:

Encourage Bellingham to establish new residential developments at densities averaging six to twenty-four units per net residential acre; encourage Ferndale to establish new residential developments at densities averaging five to ten units per net residential acre; encourage Lynden to establish new residential developments at densities averaging five to ten units per net residential acre; and encourage remaining smaller cities to establish new residential development at average densities of four units per net residential acre, while respecting unique characteristics associated with each city.

**Whatcom County seeks to support and encourage the cities in efforts to increase residential densities within their jurisdictions throughout the planning period, as a way to increase vitality, reduce the cost of services, manage outward growth, and protect the environment. The County encourages cities to approve new residential developments at city-wide average net densities as shown below, while respecting unique characteristics of each city:**

- Bellingham — six to 24 units per net acre;
- Ferndale — six to 10 units per net acre;
- Lynden — six to 10 units per net acre;
- Blaine — four to six units per net acre;
- Everson — four to six units per net acre;
- Nooack — four to six units per net acre; and
- Sumas — four to six units per net acre.
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; and
  - Columbia Valley—four to six units per net acre.

Work cooperatively with all jurisdictions to determine new residential development densities that each jurisdiction approves. (Brenner)

Changes Approved March 29

1) p. 2-1; Vision Statement: Whatcom County is a place where urban growth is concentrated in urban areas, where there is a distinct boundary between urban and rural uses, where agricultural use is encouraged, and where resource lands and water resources are protected, and where land use changes are brought about through incentive programs. Rural areas are peaceful and quiet with less traffic and congestion than in urban areas. There is low-density development with open spaces allowing for privacy. A sense of community is retained and local control is exercised input is considered in land use decisions. (Weimer)

2) p. 2-2; lines 32-34: ...providing for economic development opportunities in the eastern portion of the county, and addressing fiscal impact in interlocal agreements with cities. (Brenner)

3) p. 2-2; lines 37-40: ...Planning Policies have been addressed in the development of this chapter through citizen committee participation, town hall meetings, and public hearings. (Brenner)

4) p. 2-5; Goal 2A: Ensure designation of sufficient land, and densities to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish, and wildlife, which are the cornerstone qualities that make the county a desirable place to live. (Brenner)

5) p. 2-6; Policy 2A-8: Include business/industry parks, tourist/resort areas, and allowance for existing crossroads commercial areas ... (Brenner)

6) p. 2-6; Policy 2A-12: Adoption of residential, industrial, and commercial comprehensive plan... (Brenner)

7) p. 2-12; Policy 2F-4: Review and adopt, where appropriate, incentive programs such as cluster density bonuses in urban growth areas, purchase of development rights, transfer of development rights, and tax deferrals. (Brenner)
8) p. 2-4; lines 31-35: A key need for meeting land demands to generate family wage employment is land that is "ready to go" for industrial development. Many potential industrial employers seeking to locate in Whatcom County require large tracts of land where the infrastructure and site improvements are already in place. (Weimer)

9) p. 2-5; Goal 2A: Ensure designation of sufficient land, water and densities to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish and wildlife which are the cornerstone qualities that make the county a desirable place to live. (Weimer, Donovan)

10) p. 2-6; Policy 2A-7: Establish sufficient levels of developable residential, commercial, and industrial lands informed by approved population and economic forecasts, inventory of existing use, land capacity outside of critical areas and buffers, cost of infrastructure, legally available water, and goals and policies of all chapters of this plan. (Weimer)

11) p. 2-6; New Policy 2A-14: Strive to establish by December 2017, a clear, predictable, and fair process for allowing expansion of urban growth areas that considers reasonable measures to mitigate the impacts of growth. This process should include:

Convening a multi-stakeholder work group, including the Cities, tasked with:

- Reviewing the current TDR and PDR programs.
- Identifying political, financial, and regulatory barriers to effective TDR and PDR programs.
- Identifying opportunities and solutions for creating a workable TDR program.
- Identifying mechanisms to create a PDR fund that could be used to protect important agricultural and rural lands.
- Recommending policy and regulatory amendments necessary to implement the above policy.
- Identifying proposed sending areas in critical areas, the Agricultural Zone, and the Rural Study Areas.
- Identifying receiving areas.
- Identifying other factors and/or growth management tools.

Based upon the findings of the multi-stakeholder work group, consider strategies that could require purchase, transfer or otherwise incentivize removal of potential development rights from rural or resource lands in exchange for UGA expansion and other upzones. (Staff)
Changes Approved April 5

1) p. 2-8; Policy 2B-7: Master Planned Resorts should only include other residential uses within its boundaries if residential uses are integrated into and support the on-site recreational nature of the resorts... (Brenner)

2) p. 2-11; Policy 2D-9 (ln. 34): ...or zone 6 (traffic pattern zone) as shown on in the Safety Compatibility Zone Examples... (Brenner)

3) p. 2-13; lines 32-35: Property rights are an important issue in Whatcom County. People want to use their land as they wish. Land can be used as desired as long as it doesn’t conflict with the rights of others. It is not necessary for the preservation of property rights and protection of the environment and resources to conflict with one another. (Brenner)

4) p. 2-14; Policy 2H-2: Establish incentive programs such as cluster density bonuses in urban growth areas, purchase of development rights and voluntary, workable transfers of development rights, where appropriate, to compensate property owners when if rights are unduly infringed upon. (Brenner)

5) p. 2-18; Goal 2M: Protect and encourage restoration of habitat for fish and wildlife populations including adequate in-stream flows. (Weimer)

6) p. 2-19; New Policy 2M-7: Remain actively engaged in efforts to better define ground water resources and connection to surface water, current water usage, water rights, adequate in-stream flows, and policy barriers that create conflicts between these things. (Weimer)

7) p. 2-25; Policy 2Q-5: Encourage and assist the citizens of Birch Bay and Columbia Valley Urban Growth Areas with the requirements to incorporate when appropriate. (Brenner)

8) p. 2-27; 2S-5: Annually monitor population growth and publish a report no later than November 1 of each year that analyzes population growth trends over time five years in comparison with the adopted population growth projections. If the trend over several-five years indicates that population growth in urban growth areas is significantly higher than adopted projections, coordinate with the cities to consider appropriate action. Actions may include amending growth projections, or amending urban growth area densities or boundaries. (Donovan)

9) p. 2-35: Bellingham UGA Map: Amend map to show South Calac and South Yew Street as UGA Reserve. (Donovan)
10) p. 2-102; lines 36-38: There are no areas proposed for Urban Growth Area Reserve adjacent to the Bellingham Urban Growth Area. The south Yew St. and the south Caitac areas have been designated as Urban Growth Area Reserves. Prior to re-designating the south Yew St. area to UGA, need for additional land capacity must be demonstrated, planning for adequate public facilities and services must be completed, and potential impacts on Lake Padden water quality must be addressed. Prior to re-designating the south Caitac area to UGA, need for additional land capacity must be demonstrated and planning for adequate public facilities and services must be completed. (Staff)

Changes Approved April 19

3) p. 2-18; Policy 2M-6: Engage the Wildlife Advisory Committee to develop recommendations of critical habitat and species protection areas, and for a system to monitor the status of fish and wildlife habitat function. (Browne)

10) p. 2-73; lines 31-34: In 2010, the DNR recognized the need to “protect the significant environmental resource of aquatic lands at Cherry Point” (CPAR Management Plan p. 1), and completed the Cherry Point Environmental Aquatic Reserve Management Plan, and designated the Cherry Point Aquatic Reserve to ensure long-term environmental protection of the area. (Donovan)

12) p. 2-74; lines 6-13: The Management Plan acknowledges that the existing industries, complying with laws and regulations, do not conflict with the Aquatic Reserve although their activities may pose risks for the Aquatic Reserve. Indeed, the industries’ need for buffer space and their compliance with shoreline management requirements means that much of the Aquatic Reserve shoreline is in substantially natural riparian vegetation and bluff processes proceed without interference. Existing industries can serve the Aquatic Reserve’s objectives so long as they are managed according to the Plan and so long as the lessees actively work to further goals for the Reserve (CPAR MP p. 2). (Weimer)

13) p. 2-77; New Policy 2CC-2 (renumber existing 2CC-2 and subsequent 2CC policies): Ensure that developments in the Cherry Point UGA maintain management plans to accomplish the goals of the Aquatic Reserve Management Plan. (Donovan)

14) p. 2-77; Policy 2CC-7: Resist inclusion of Exclude Cherry Point as part of any future incorporation of Birch Bay. (Brenner)
15) p. 2-82; Policy 2DD-1: Concentrate growth in urban areas per the population projections in Chapter 1 of this plan, and recognize rural lands as an important transition area between urban areas and resource areas. As part of the population growth monitoring report required in Policy 2S-5, compare non-urban population growth trends with the adopted non-urban population growth projection. If the trend over several five years indicates that non-urban growth is significantly higher than adopted projections, the County shall take action to address the discrepancy.
(Weimer)

17) p. 2-128; Policy 2VV-7: Correctional facilities... New facilities should be located: ...
- At least one quarter mile from public and private schools.
(Weimer)

18) p. 2-23; Goal 2P: Encourage Bellingham to establish new residential developments at densities averaging six to twenty-four units per net residential acre; encourage Ferndale to establish new residential developments at densities averaging five to ten units per net residential acre; encourage Lynden to establish new residential developments at densities averaging five to ten units per net residential acre; and encourage remaining smaller cities to establish new residential development at average densities of four units per net residential acre, while respecting unique characteristics associated with each city.
Whatcom County seeks to support and encourage the cities in efforts to increase residential densities within their jurisdictions throughout the planning period, as a way to increase vitality, reduce the cost of services, manage outward growth, and protect the environment. The County encourages cities to approve new residential developments at city-wide average net densities as shown below, while respecting unique characteristics of each city:
- Bellingham – six to 24 units per net acre;
- Ferndale – six to 10 units per net acre;
- Lynden – six to 10 units per net acre;
- Blaine – four to six units per net acre;
- Everson - four to six units per net acre;
- Nooksack - four to six units per net acre; and
- Sumas - four to six units per net acre.
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; and
- Columbia Valley - four to six units per net acre.
(Staff)

Changes Approved May 3
1) p. 2-5; Goal 2A: Ensure designation of sufficient land and densities, with consideration of water availability, to accommodate the growth needs of Whatcom County and protect
the local economy, rural lifestyle, habitat, fish and wildlife which are the cornerstone qualities that make the county a desirable place to live. *(Weimer)*

2) p. 2-6; **New Policy 2A-15:** Strive to improve predictability to property owners regarding the connection between legal water use, and land use and development by:

- **Supporting completion of groundwater studies that provide a better understanding of water quantities available and the connection between groundwater use and in-stream flow levels.**

- **Supporting the efforts of water purveyors to develop new legal water sources and the infrastructure and systems necessary to transport that water to existing water users that lack safe potable water or sufficient water rights.**

- **Encouraging a negotiated water rights quantification and settlement between the Lummi Nation, Nooksack Indian Tribe and other water users in the Nooksack River basin.**

- **Encouraging the Department of Ecology to protect instream flows, particularly in times of extremely low summer flows.**

- **Coordinating with the Department of Ecology to find solutions to provide adequate water for out-of-stream users while protecting in-stream flows. Potential solutions may include consideration of recycling, conservation, water banking, public water system interties, stream recharge augmentation, change in place of use, desalinization, and other alternative water supply measures.**

- **Request the Department of Ecology to create a water management plan for exempt wells in closed water basins that better aligns in-stream flows with current water rights and legal decisions on hydraulic continuity.** *(Weimer)*

3) Reject proposed expansion of Birch Bay UGA. *(Donovan)*

**Changes Approved May 10**

1a) p. 2-28; Restore language in Goal 2T: Establish Urban Growth Areas within which annexations and urban levels of development can occur and outside of which urban levels of development will not occur. **This is intended to be a sprawl preventing measure.** *(Donovan)*
1b) p. 2-28; **New Policy 2T-1 and renumber 2T policies:** Discourage UGA expansion that does not border an incorporated city. *(Donovan)*

1c) p. 2-28; UGA map: Restore the Birch Bay UGA map to previous map with no extension into the floodplain. *(Donovan)*

2a) p. 2-100; Restore and edit Sudden Valley to Chapter 2: **Sudden Valley**

Sudden Valley was established in the early 1970s as a recreation/resort area located on the shore of Lake Whatcom, entirely within the Lake Whatcom Watershed. Over the last thirty years it has developed into a semi-urban residential area. Sudden Valley is organized as a homeowners association which maintains and operates common facilities and land. Despite its recreational beginnings, this unincorporated area is now composed primarily of permanent residents—numbering approximately 7000—with some recreational units and second homes as well.

Water and sewer are provided by the Lake Whatcom Water and Sewer District. Public transit service is provided by the Whatcom Transportation Authority (WTA). Natural gas is available only to limited portions of Sudden Valley. Security is provided by a very small, private, contracted force and the Sheriff’s Department. There is a small commercial area surrounded by Sudden Valley, and an immediately neighboring station of the South Whatcom Fire Authority. The area includes Lake Whatcom shoreline with lake access, as well as wetlands, natural preserves, and land that will remain forever undeveloped. Of its 1,545 acres, 835 acres – over half – are permanent open space with established parks, trails, and recreational areas, with an additional 140 acres of golf course.

Sudden Valley lies within the Lake Whatcom Watershed where limiting development has been identified as desirable. As a result, Sudden Valley is not a candidate for incorporation or UGA status. However, because Sudden Valley represents a sizable population, the Sudden Valley Community Association (SVCA) is a recognized participant in County and Lake Whatcom planning.

2b) **New Goal 2NN: Recognize Sudden Valley as a Rural Community (Type 1 LAMRID) with unique challenges that require active participation in the planning process.**

2c) **New Policy 2NN-1:** Liaison with SVCA on issues of mutual concern in Sudden Valley.

2d) Move Policy 2NN-2: Facilitate meeting the unique needs of Sudden Valley due to its location within the Lake Whatcom Watershed. *(From p. 11-33; Policy 11K-14)*

2e) Move Policy 2NN-3: Recognize the existing parcelization and the commitment for development of the remaining multi-family parcels in Sudden Valley. *(From p. 11-33; Policy 11K-15)*
May 31, 2016

Proposed Council Changes to Comprehensive Plan
Chapter 2 – Land Use

2f) Move Policy 2NN-4 (as edited by Council): Work with the Community Association towards voluntary density reduction of additional lots within Sudden Valley. (From p. 11-33; restored Policy 11K-16)

2g) Move Policy 2NN-5 (as edited by Council): 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. (From p.11-33; Policy 11K-16)

2h) Move Policy 2NN-6: 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. (From p.11-33; Policy 11K-17)

2i) Move Policy 2NN-7: 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. (From p.11-33; Policy 11K-18)

(Staff)

1) p. 2-73; lines 37-41: The reserve extends from the southern boundary of Birch Bay State Park to the northern border of the Lummi Indian Nation Reservation. The site excludes three existing aquatic land leases (BP, Intalco, Phillips 66 shipping piers) and one proposed aquatic land lease (Gateway Pacific Terminal site). (Brenner)

2) p. 2-92; Policy 2GG-3: Proposed Uses and densities within the Rural designation should reflect established rural character. Rezones within the Rural designation should be consistent with the established rural character and densities. Land in the R10A district may be rezoned to a rural zone that allows a higher density only if: ...

(Donovan)
WHATCOM COUNTY COUNCIL  
Committee Of The Whole  

May 3, 2016

CALL TO ORDER  

Council Chair Barry Buchanan called the meeting to order at 6:45 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL  

Present: Barbara Brenner, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer  
Absent: None

COMMITTEE DISCUSSION  

1. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING A MOTION TO DISMISS AN APPEAL OF THE HEARING EXAMINER’S DECISION ON APL2015-0006 FILED BY ROBERT LA ROCCO FOR DANIEL BROCKER (AB2016-121)  
   Attorney Present: Karen Frakes

2. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING PENDING LITIGATION, YEW STREET ASSOCIATES ET AL. V. WHATCOM COUNTY, GMHB CASE NO. 10-2-0009C (AB2016-018)  
   Attorney Present: Karen Frakes

Buchanan stated that discussion of agenda items one and two may take place in executive session pursuant to RCW 42.30.110 (1)(i). Executive session will conclude no later than 7:00 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

Mann moved to go into executive session until no later than 7:00 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

The motion carried by the following vote:  
Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)  
Nays: None (0)

OTHER BUSINESS
ADJOURN

The meeting adjourned at 6:57 p.m.

The Council approved these minutes on ______ 2016.

ATTEST:                                  WHATCOM COUNTY COUNCIL
                                          WHATCOM COUNTY, WASHINGTON

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

Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Special Committee of the Whole

May 3, 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)

Jim Hanson submitted and read from a handout (on file) suggesting changes.

Linda Twitchell, Building Industry Association, stated she supports a letter from Dannon Traxlor saying that environmental issues should be in the Environment Chapter, not written into other chapters. There are stormwater rules that allow a variety of methods in addition to impervious surfaces for controlling stormwater.

Barry Wenger stated they need to look forward to new options. He supports the idea of having a consistency planner. Include a reference line in the different sections that references the related sections. It will eliminate redundancy in the chapters. There is very little effect on flood hazard reduction if they take all the gravel out of the river. As soon as they remove gravel from the river, more gravel will fill in. He opposes the policy for mining gravel out of the river. Science and engineering don’t support that activity. One possibility is creating new side channels that provide new fish habitat, which provides for an opportunity for mining gravel when the channels are created.

Carole Perry stated the process is very complex. There is too much information that she can’t process. Everyone is overwhelmed by the information. State and federal agencies are making all the decisions for Whatcom County. The Council’s power is undermined. The citizens of Whatcom County don’t even know what the regulations are.

2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 11, ENVIRONMENT, AND APPENDIX G, WATER RESOURCES PROGRAM AND SALMON RECOVERY PROGRAM (AB2016-047K)
Brenner stated it's not the County’s job to protect people who don’t use common sense to take care of themselves. She referenced item one in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-18, Policy 11F-5, "Allow permitted uses that do not require human habitation in hazard areas that are deemed to be of low or acceptable risk, 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 or federally listed sensitive plant and animal species.”

The motion was seconded.

Mann asked the current status of lahar zones.

Cliff Strong, Planning and Development Services Department, stated the Planning Commission is considering a new version of the language that mimics the Pierce County model, which creates zones based on how long it takes a lahar to get someplace. It allows different levels of development based on those zones. Lahars are addressed in the Comprehensive Plan in the Natural Hazards section beginning on page 11-13. The policies are in goal 11F.

Mann stated he is interested in reducing the restrictions in lahar zones.

Donovan stated the policy addresses broader hazards, such as landslides. There should be language that doesn’t allow human habitation in dangerous landslide areas.

Brenner stated the risk areas vary between high risk and low risk. Her motion applies to areas with lower risk.

Mann asked how they define the high and low risk areas.

Sidhu stated the risk areas are defined by the seismic code when buildings are developed. There are criteria on a scale of risk from the State Department of Ecology and the County Public Works Department. He supports Councilmember Brenner’s motion. Don’t just limit developers and landowners. Inform the landowners of the risks, and then allow the landowners to accept those risks if they want.

Weimer stated he doesn’t know how the Code connects to the Comprehensive Plan. He asked if there are specific things in the Code that define specific risks. He asked if the Code addresses each one of these geologic hazards differently. Strong stated it does address them differently, but it doesn’t assign different levels of risk. The staff wants Council to determine the acceptable level of risk, and then staff can implement them.

Weimer stated he likes the current language. Everyone has to come up with their own acceptable levels of risk. Don’t assign levels of risk to particular areas.

Browne stated he agrees with Councilmember Weimer about how they define acceptable risk. The section needs more work.
Brenner stated it’s not right to prohibit people from doing anything until the County figures out the risks. It may create a liability for the County if they deem an area low risk, and something happens. For landslide areas, they can find a geologist to decide what is acceptable and what isn’t in an area.

Donovan stated they may need a policy specifically about lahars, and everything else could be covered by existing language. The issue is how to deal with lahars in the same way they deal with things like landslides.

Weimer stated creating a prohibition will drive them to figure out the risk. Until then, development could be grandfathered in to risky areas.

Mann stated there is language in the Comprehensive Plan that indicates that level of detail will be in the Code, not the Comprehensive Plan.

Mann withdrew his second to the motion. He prefers to just remove the entire policy.

Donovan stated he prefers to remove the entire policy.

**Brenner withdrew** the motion.

**Mann moved** to delete Policy 11F-5.

The Committee discussed various options for amending the language.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)

**Nays:** Weimer (1)

**Brenner** referenced item two in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and **moved** to amend Comprehensive Plan page 11-27, Policy 11I-8, “Strongly incentivize the use of low impact development strategies. Minimize Work cooperatively with applicants to consider minimizing 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).” It will allow applicants to have some say, not just the County.

The motion was not seconded.

**Weimer** referenced item three in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and **moved** to amend Comprehensive Plan page 11-36, lines 26-31, regarding Shellfish Protection District Advisory Committees:

“Whatcom County has three Shellfish Protection District Advisory 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.”
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 four in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and asked why the text includes the term “stabilizing banks.”

John Thompson, Public Works Department, stated the text refers to riprap, which is a negative for habitat function. They could use the term “bank armoring.” Streams move into a bank, undercut the bank, and recruit trees for habitat. Immovable banks aren’t good for habitat, either.

*Brenner* stated the term “bank stabilizing” infers planting trees and putting in native vegetation. She *moved* to amend Comprehensive Plan page 11-38, lines 9-11, “Many stream systems in Whatcom County have been altered by agriculture, forestry, development, and flood control practices contributing to low stream flows, fisheries loss, water pollution, sedimentation and other problems. These impacts can directly affect the fisheries resources by depositing silt and debris into spawning beds, by removing trees that shade and cool the water, stabilizing banks bank armoring, 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.”

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 five in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and *moved* to amend Comprehensive Plan page 11-38, Policy 11L-7, “Promote voluntary fish and wildlife habitat enhancement projects through educational and incentive programs. These projects, which can be done by individuals, organizations, and businesses, should will buffer and expand fish and wildlife habitat.” It does provide buffer and expands fish and wildlife.

The motion was seconded.

Browne stated “should” is correct, because it means they can’t guarantee that the projects will have an impact.

Brenner stated she disagrees. The projects will have an impact.

The motion carried by the following vote:

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

**Nays:** Browne and Weimer (2)
Brenner referenced item six in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-38, Policy 11L-13, “Evaluate the full value of the fishery—including its cultural and economic value—in land use decisions that may impact that fishery. Unavoidable impacts to an individual habitat or fishery should be mitigated.”

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 seven in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-40, Policy 11M-3, “When possible, establish non-regulatory mechanisms and incentives for development that accommodates the habitat needs of fish and wildlife and encourages good stewardship practices.” She can’t think of any time when they wouldn’t want to create more non-regulatory and incentive development programs.

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 eight in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-40, Policy 11M-5, “Native vegetation and soils on stream banks and shorelines should be disturbed as little as possible. In situations where re-vegetation is necessary to restore stream bank or shoreline stability and provide shading, site-specific native plants should be used. Retention of vegetated riparian areas on all lake and marine shorelines shall also be encouraged.”

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 nine in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-41, Policy 11M-13, “Diligently work to prevent and reduce the spread of invasive species.”

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 ten in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-42, Policy 11N-3,
"Biological functions of wetlands are complex and interwoven. Evaluate the full range of potential and immediate economic impacts in land use decisions relating to wetlands, including fisheries, wildlife, recreation, farmlands, sustainable resources, air and water quality, flood hazard management, real estate, cultural attributes, and other entities uses."

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 11 in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-45, Policy 11P-3, “Protect shellfish resources by means of pollution prevention and enforcement when necessary. This should include surface and groundwater monitoring for early detection of pollution that will minimize the damage and cost of resource restoration.”

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 12 in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-45, Policy 11P-6, “Identify and encourage the use of stormwater treatment systems and Best Management Practices that will help to reduce fecal coliform bacteria levels in stormwater discharging directly into shellfish habitat areas.”

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, and moved to amend Comprehensive Plan page 11-46, Policy 11P-12, “Continue to develop programs that help identify potential pollution sources and ensure timely and science-based approaches are used in response to problems as they arise.”

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 14 in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-46, Policy 11P-15, “Create a tracking mechanism to document progress made toward improving downgraded shellfish areas. This information will be useful not only in helping to support an
upgrade when water quality shows improvement, but also in preventing degradation in currently approved shellfish 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 15 in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-47, Policy 11P-17, “Consider establishing the Drayton Harbor Watershed as a sending area when considering a voluntary, workable transfer of development rights (TDR) program.” When doing this work, it should be a voluntary and workable program.

The motion was seconded.

Donovan stated they need to have a conversation about which programs they want to be voluntary and which they don’t. They need to search through the document to see how many times it’s mentioned.

Brenner stated this is a sending area. They can’t take people’s property. A sending area for TDRs should be voluntary and workable.

Sidhu stated TDRs are voluntary by definition. The voluntary and workable language was in the context of a TDR program itself.

Weimer stated they may want to require the use of TDRs or PDRs in certain instances. It makes sense to review the entire document to be consistent.

Browne stated he supports reviewing the document to make it consistent throughout.

Brenner stated she will not support a required TDR program. It’s a taking.

Buchanan moved to hold in Committee until they could review the document and identify all the sections that have TDRs.

The motion was seconded.

Brenner stated people are concerned about a program that isn’t voluntary.

Sidhu stated this section just establishes the TDR area in Drayton Harbor.

The motion to hold in Committee carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)
**Browne** referenced item 16 in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and **moved** to amend Comprehensive Plan page 11-51 to restore and edit action item line 37-41, the Environment and Private Rights section:

“Develop Encourage working relationships within** development, environmental protection, and property rights organizations, with a clear vision of promoting the greatest public good and environmental health.”

Make it clear they want to encourage working relationships within these different groups and with each other.

The motion was seconded.

Brenner stated it sounds like they are encouraged to have working relationships within each organization. They mean to say that.

Forrest Longman, Council Office, stated this is an action item. Restoring it would make it the only action item in the Comprehensive Plan.

**Browne withdrew** the motion.

**Browne** referenced item one in the list of tabled items in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and **moved** to amend Comprehensive Plan page 11-20 to create a new policy, “11F-16: Identify known locations of abandoned mines and wells that could produce methane and or other hazardous substances and where immediate danger of methane and hazardous substance leaking exists, prevent construction from occurring above them.” Address concerns about older exploratory gas wells in the county. They produced a degree of methane. The County needs to identify them and not allow construction on top of them.

The motion was seconded.

Weimer stated he is concerned about including abandoned mines. It’s unclear how many abandoned mines exist.

**Browne amended** his motion, “...of abandoned mines and wells...”

Sidhu stated “Identify known locations of wells that could produce methane and/or other....”

Browne stated methane can be produced by the decomposition of organic material. He is concerned about the well, which could span several thousand feet of substrate.

Cliff Strong, Planning and Development Services Department, suggested different language, “...leaking exists, prevent construction from occurring above them condition development approvals on affected parcels to mitigate those impacts.” Make it possible to build once it’s studied and the development is conditioned.

Donovan asked if leaking methane can be mitigated.
Sidhu stated he likes the staff’s suggestion. Just make people aware that there will be some intervention. If they can prove it’s safe or it can be mitigated, they can move forward.

Browne stated a well can be sealed by pumping concrete down the well. The older wells weren’t required to have that.

**Buchanan restated the motion**, “11F-16: Identify known locations of abandoned mines and wells that could produce methane and/or other hazardous substances and where immediate danger of methane and hazardous substance leaking exists, prevent construction from occurring above them condition development approvals on affected parcels to mitigate those impacts.”

The motion carried by the following vote:

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

**Nays:**  None (0)

**Browne** referenced item two in the list of tabled items in the Proposed Council Changes to Comprehensive Plan, Chapter 11, and moved to amend Comprehensive Plan page 11-33, Policy 11K-16, “If the county acquires lots through tax foreclosure, consider selling them as non-buildable lots. If vacant lots in the Lake Whatcom watershed come available due to a tax foreclosure the County should acquire them, remove the developments rights and then place them back on the market through the public auction process to recover any residual value.”

The motion was seconded.

Brenner stated she likes the intent, but if buyers know the County is going to go after all these, there could be a bidding war. The County could consider acquiring them.

Mann suggested, “...foreclosure the County should may acquire them....”

Browne stated he does not accept the suggestion. He doesn’t intend for the County to get into a competitive bidding war. They have to establish a value of development rights in the watershed for acquisition.

Brenner asked if the County could make an agreement to not bid against someone who wants to buy a lot that the County would bid on if the person agrees to eliminate the development right.

Browne stated it’s legally problematic to do that. The County gets the property in trust for the junior tax districts. The County has to acquire the property in its own right, and then it has the rights of any other property owner. He explained the ownership rights in a foreclosure process.

The motion carried by the following vote:

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

**Nays:**  None (0)
OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 10:55 a.m.

The Council approved these minutes on _____________, 2016.

ATTEST:      WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Special Committee of the Whole  

May 3, 2016  

CALL TO ORDER  

Council Chair Barry Buchanan called the meeting to order at 1:20 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 9  

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTER 9, RECREATION (AB2016-047I)  

The following people spoke:  

Max Perry stated keep recreation plans in the Comprehensive Plan, not in a separate plan, so it can go through the Planning Commission.  

Christopher Bruce Deile stated Policy 9C-8, on pages 9-11, should be changed. It’s impossible for people to get solitude because of wildlife biologists’ hidden cameras. The Plan should acknowledge the potential grizzly bear attack hazards on hiking trails. Hiking guides in the North Cascade National Parks need to be armed with more than bear spray to protect hikers from grizzly bears.  

Barry Wenger stated two policies address private property rights in the comprehensive planning policies. The shoreline master program also addresses the role of property rights and the public trust doctrine. The Comprehensive Plan should reference the language in these documents rather than make the Comprehensive Plan longer by repeating it.  

Todd Ellsworth, Recreation Northwest, stated he appreciates the attention to detail in the recreation plan. Make sure the primary message in the plan is about bringing businesses here to make recreation an economically viable industry that needs public access to recreation areas.  

Eric Brown, Whatcom Mountain Bike Coalition, stated he supports the proposed Council changes. He described statistics from a recent study that his organization conducted showing that trail access is very important to people. They need various types of
trails, from beginner to expert level trails. Consider buying and renovating the old Sudden Valley campground.

Daniel Probst, Cascade Mountain Runners, submitted a map (on file) and described the Bellingham Mt. Baker Trail. On June 3 is a planned run from Bellingham to Mt. Baker and back. These tourists will stay more than a day and spend money locally.

2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 9, RECREATION (AB2016-047I)

Sidhu asked how staff would cross reference the policy document with the Code. It’s a great idea, but he doesn’t know if it’s feasible.

Matt Aamot, Planning and Development Services Department, stated he can look into the volume of work required.

Donovan referenced the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to approve items 1 through 19 and 21 through 28, which concern comma use and other non-substantive grammatical changes.

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 20 in the Proposed Council Changes to Comprehensive Plan, Chapter 9 and moved to amend Comprehensive Plan page 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.” The language is duplicative. Something that is proposed is 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)

Browne referenced item 29 in the Proposed Council Changes to Comprehensive Plan and moved to amend Comprehensive Plan page 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 grow a recreation based business.”
The motion was seconded.

**Brenner suggested a friendly amendment**, “…a recreation-based and other types of businesses.”

**Browne accepted** the friendly amendment.

**Mann suggested a friendly amendment** to include language about attracting and recruiting employees. “…a great place to locate businesses, attract employees, and grow recreation-based and other types of businesses.

**Browne accepted** the friendly amendment. He amended his motion and **moved** to amend Comprehensive Plan page 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 businesses, attract employees, or grow recreation-based and other types of businesses.”

The motion carried by the following vote:
- **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
- **Nays:** None (0)

**Browne** referenced item 30 in the Proposed Council Changes to Comprehensive Plan, and **moved** to amend Comprehensive Plan page 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.”

The motion was seconded.

Mann stated the focus on the parks and recreation facilities and services seems limited when there are many recreational opportunities that don’t have anything to do with County-owned programs. He asked why there is a focus on County parks and recreation rather than access to community-wide programs.

Mike McFarlane, Parks and Recreation Department Director, stated this is a County plan, and this is what the County uses for departmental planning efforts and budgeting to achieve goals and objectives.

Mann asked if it would influence planning if they broadened the terms to reference access to all recreation opportunities. McFarlane stated it would be complementary. It would not impact anything the department is doing.

Mann stated a goal is to work with landowners at Galbraith Mountain to gain access. It doesn’t have to be a County park to be an asset to the community. Avoid different messages regarding county-owned facilities versus coordinating and supporting efforts to gain legal public access, which should be the broader mission.
Browne stated he’s just asking to recognize that the right services will attract tourists from outside the area who come here for longer than a day.

The motion carried by the following vote:
**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
**Nays:** None (0)

Brenner referenced item 31 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 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 a multitude of county and local parks and trails all located within the County.”

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 32 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 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.” Seniors aren’t getting enough recognition. Senior services and senior centers are handled by the Parks Department. They should be mentioned throughout.

The motion was seconded.

Donovan asked if they deleted language about senior centers or changed it to community centers.

McFarlane stated the Parks Plan is a recreation and open space plan, so it doesn’t have a chapter on senior services. The County provides funding for senior services, and there are senior centers in county-owned facilities. There are other contracted senior services.

Sidhu asked if the additional language impacts policy-making. McFarlane stated planning is done through the capital improvement plan.

Brenner stated it makes people aware that senior services are provided through the Parks Department, not the Health Department.

The motion carried by the following vote:
**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
**Nays:** None (0)
Donovan moved to approve items 33 through 36 in the Proposed Council Changes to Comprehensive Plan, Chapter 9.

The motion was seconded.

Brenner referenced item 33 and stated add commas, “...providing recreation, senior services, and facilities...” in both places in that policy.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Browne referenced item 37 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 9-6, Policy 9A-2, “Because of the unique features of the site, location within the county is not as important although they must have as good road access.”

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 item 38 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 9-6, Policy 9A-6, “If possible, regional parks should be located on an existing or proposed trail route and ideally should enhance countywide trail system connectivity.” Reinforce the need to have an integrated approach to the trail system.

The motion was seconded.

Brenner stated make “routes” plural.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner referenced item 39 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 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.” Fees are for campsites expenses, not parks.

The motion was seconded.

Donovan asked if the fees would apply to county and non-county residents.

Brenner stated they would.
Sidhu asked the cost. McFarlane stated there are resident and non-resident fees that cover the operating cost, not the capital cost or major improvements.

The motion carried by the following vote:

Ayes: Brenner, Sidhu, Browne, Buchanan, and Weimer (5)
Nays: Mann and Donovan (2)

Brenner referenced item 40 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 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.”

Mann asked the point of these sentences in the Trail Systems section. Rather than wordsmithing this section, he will consider whether the whole section is even necessary.

Donovan asked if the intent is to make bicyclist and horseback riders aware of safety hazards.

Mann stated the intent is clear. Leave the language in there until they come up with something better.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner referenced item 41 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 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.”

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 42 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 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.”

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 43 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and **moved** to amend Comprehensive Plan page 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.” It’s duplicative.

The motion was seconded.

Weimer stated the words “interesting” and “attractive” mean different things.

**Brenner amended her motion and moved** to just amend the comma after “scenery.”

The motion carried by the following vote:

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

Nays: None (0)

**Brenner** referenced item 44 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and **moved** to amend Comprehensive Plan page 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.” It’s also duplicative.

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 item 45 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and **moved** to amend Comprehensive Plan page 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 pollution.” A criteria should be awareness of places that don’t have noise pollution.

The motion was seconded.

**Brenner suggested a friendly amendment,** “…especially noise and other pollution.”

**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 46 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 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.”

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 47 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 9-12, Policy 9C-23, “Provide bike lanes or wide shoulders where appropriate for trail corridor connection in conjunction with major road improvements.”

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 48 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 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.”

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 49 and 49b-f in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 9-15, to restore the section on Recreation Resource Management Areas (RRMAs). Citizens were concerned that the recreation resource management area gave government control over their land. He didn’t find evidence to justify the concern, but recognizes that at some point in the future they may want to identify areas where they could seek a trail easement, for example, to create a trail connection. He respects the citizens’ concerns and proposes Policy 9F-5, to reinforce that they would demonstrate respect for private property rights throughout the process, by recognizing that participation by private landowners must be voluntary.

The motion was seconded.

Brenner identified typos in the proposed language.
Browne accepted the corrections as part of his motion.

Sidhu asked the reason the language was removed initially. McFarlane stated it was in response to citizens who appeared before the Park Commission. Those areas have not been in the Comprehensive Parks, Recreation, and Open Space (CPROS) Plan since 1998, but they were included in the County’s Comprehensive Plan. Goal 9B identifies that it be reinstated in the CPROS Plan.

Browne stated amend 49b, "...to be identified in the ...

Weimer asked how valuable this is, if they haven’t considered it in 15 years. McFarlane stated it identified large areas in the county where recreation was taking place. It’s relevant today because the State Department of Natural Resources (DNR) is looking at those same areas. The property ownership under the area was a combination of State, County, private timberland, and private lands. The concern was from those who owned the private land regarding what they could do with their land. However, all this does is identify that those areas are important for recreational purposes.

Brenner moved to hold in Committee the items having to do with the CPROS, items 49b-e, to get more direction.

Sidhu seconded the motion to hold.

Browne stated don’t hold in Committee. It’s just an overlay where they are identifying areas for future consideration. It doesn’t create any parks or infrastructure. It improves their ability to negotiate with DNR to get access to areas they want. They can put it back in the CPROS at a later date.

The motion to hold failed by the following vote:

Ayes: Brenner (1)

Nays: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

Mann stated the people’s concerns about the RRMAs are somewhat misplaced, but he is sympathetic. There is enough verbiage in the section to feed their fears. He’s not going to support the motion for that reason, although it could be a useful tool. As the section has been written, he understands the concerns from private property owners. Specifically mention that the section doesn’t include any private land holdings.

Browne amended his motion and moved to approve items 49 and 49b,c,e,and f.

Brenner stated she won’t support the motion. It needs to go through a committee for review.

Mann moved to hold in Committee.

The motion was seconded.

The motion to hold in Committee carried by the following vote:

Ayes: Brenner, Mann, Buchanan, Weimer and Donovan (5)
Nays:  Browne and Sidhu (2)

Weimer stated he’s not clear when these RRMAs were created, last updated, or what kind of process they went through. He would like that information. He would also like a map of these areas.

Brenner referenced item 50 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 9-18, Policy 9H-4, “Expand the Plantation Rifle Range to meet the needs of citizens residents, interested organizations, and law enforcement agencies.”

The motion was seconded.

Buchanan asked what are the interested organizations.

Brenner stated gun clubs use the gun ranges.

Mann suggested a friendly amendment, “...the needs of residents, interested organizations, and....”

Brenner accepted the friendly amendment.

The motion carried by the following vote:
Ayes:  Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays:  None (0)

Brenner referenced item 51 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 9-20, Policy 9I-9, “Galbraith/Lookout Mt. - Develop and implement a plan cooperatively to acquire Right-of-Way for trail corridors and for the purchase or lease of additional park 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.”

Mann suggested a friendly amendment, “...for the purchase or lease of additional park acreage, ....”

Brenner accepted the friendly amendment.

The motion carried by the following vote:
Ayes:  Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays:  None (0)

Brenner referenced item 52 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 9-21, Policy 9J-5, “Consider the establishment of park impact fees based on the Growth Management Act.”

The motion was not seconded.
Browne referenced item 53 in the Proposed Council Changes to Comprehensive Plan, Chapter 9, and moved to amend Comprehensive Plan page 9-21 to create a 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."

The motion was seconded.

Weimer stated parks are often too well-used. Don't encourage greater overcrowding.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: Weimer (1)

Forrest Longman, Council Office, referenced additional information submitted to the Council on April 29 from staff.

Mann moved to amend Comprehensive Plan age 9-2, line 18, with changes to the staff recommendation, "Access to recreation areas provides significant economic benefits through tourism, 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)."

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

(Clerk’s note: The Council took a ten minute break at 3:00 p.m.)

COMPREHENSIVE PLAN CHAPTER 2

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTER 2, LAND USE (AB2016-047B)

The following people spoke:

Barry Wenger stated reference private property rights to the shoreline master plan or countywide planning policies. Have all the similar language in one location. Also, they need to address water supply in the policies.
John Miller stated he supports Policy 2A-14, the fourth bullet point, regarding the purchase of development rights (PDR) program. He is also in favor of Policy 2M-7 about creating more science on hydrologic continuity for the Nooksack River.

Brenner stated make sure there is a process to incorporate the public’s suggestions at a later time.

Buchanan stated they will have a meeting toward the end of the process to work on miscellaneous items that come up.

Linda Twitchell, Building Industry Association, stated Chapter 2 is a good place to address private property rights, which is a goal of the Growth Management Act (GMA). The problem with transfers and purchases of development rights is that there is no guarantee they can be used. Staff’s suggested amendments submitted today for Goal 2A and Policy 2A-15 are an improvement. Whatcom County’s role is limited.

Brenner asked for an explanation of the additional information submitted to the Council today from Matt Aamot regarding changes to the Goal 2A and Policy 2A-15.

Matt Aamot, Planning and Development Services Department, stated the yellow highlighted text are changes from Councilmember Weimer’s original proposal.

Brenner asked if staff and legal counsel accept the change. Aamot stated they do.

Bob Weeks, Lynden Airport Advisory Board, referenced the proposed changes to Policy 2Y-5. The Lynden airport location is confined. Expansion is not feasible. Keep the current size and location. Don’t approve the proposed change. The airport does not qualify for Federal Aviation Administration (FAA) funding. There’s no money for expansion. If there were a major earthquake, all the bridges over the Nooksack River would be closed, and this airport would be the only place where the military and others could get in to service the entire north county.

Browne stated it may be a good idea to look at locations for another airport north of the river. Weeks stated the available flight corridor between Bellingham International Airport and Abbotsford, B.C. airport is narrow.

Roger Almskaar submitted a handout (on file) and stated he is concerned about the tendency to write duplicative policies on the same subject in different chapters. Don’t include policies about water rights in the land use chapter. It’s already in the environment chapter. The same thing is happening with property rights and rural areas. Consolidate these items.

Wendy Harris stated Chapter 2 is improved. She supports the changes made for Birch Bay and the provision about studying and inventorying groundwater. The County is not protecting groundwater. Chapter 2 is an appropriate place in the plan to address property rights, but all they need to say is that property rights are protected through variance permits, reasonable use permits, and by making sure that all regulations have a nexus established by science to public health and safety. Engage the Wildlife Advisory
Committee to develop a recommendation of critical habitat and species area protections, including a system to monitor the status of fish and wildlife habitat function.

Kane Hall stated he supports the new water policy from Councilmember Weimer. The policy will fight sprawl and have positive impacts on water rights and availability issues, while improving instream flows and respecting treaty rights. He supports Councilmember Donovan’s policies regarding the UGA.

Dan Eisses, Birch Bay Water and Sewer District, referenced a letter to the Council and stated the District has facilities inside the 201 acres being considered for the Birch Bay UGA. The main facility is a sanitary sewer pump station constructed in 1995 through a local improvement district. The drainage area is larger than the 201 acres. The existing urban growth area to the south needs to drain to that pump station. Without it in the urban growth area, it could be considered an extension of sewer service through a rural area.

Clayton Petree stated PDRs work for retiring farmers, but not for working farms. The policies and goals in Chapter 2 are disconnected from the population projections in Chapter 1. The rural allocation was previously based on the City of Bellingham allocation being higher. If it isn’t, they won’t be able to achieve the GMA goal for reducing rural growth. They are sending growth to communities surrounded by agriculture and with water issues. Bellingham has the second biggest and oldest water right in the county. Areas such as Yew Street fulfill Countywide Planning Policy D2. Don’t push growth into the agricultural protection zone. When comparing densities, use the gross density factor.

Patrick Alesse stated Birch Bay has enough water rights to double the population. There is an area along Birch Bay Drive that has not been developed. Consider it for smaller lots.

2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 2, LAND USE (AB2016-047B)

Weimer referenced the additional information submitted today regarding staff’s suggested amendments for Goal 2A and Policy 2A-15 and moved to approve Goal 2A as suggested by staff, “Ensure designation of sufficient land and densities, with consideration of water availability, to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish and wildlife which are the cornerstone qualities that make the county a desirable place to live.”

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 Barry Wenger’s idea of putting all language in one place and referencing it.

Sidhu stated it’s a good idea, but it’s not achievable by June 30. Consider it for the future.
**Brenner moved** consider it as they go through the Comprehensive Plan. Also, the proposed aquatic lands section needed to go through the entire process.

The motion was not seconded.

Matt Aamot, Planning and Development Services Department, stated they decided that the proposed new Aquatic Lands section would go to the Planning Commission and through the whole process. This is a different subject.

Donovan stated that when considering growth, they must plan for land capacity and water.

**Brenner** asked if legal counsel approved the changes shown in the additional information submitted today regarding staff’s suggested amendments for Goal 2A and Policy 2A-15. She would rather meet with the attorney if councilmembers have more changes. She **moved** to hold in Committee for legal review.

The motion was not seconded.

**Weimer** stated make it clear the State Department of Ecology (DOE) has responsibilities it has not been living up to. The County needs to encourage them to live up to their responsibilities, not take on those responsibilities. He referenced the Proposed Council Changes to Comprehensive Plan, Tabled Items 2, and **moved** to amend the first paragraph in Policy 2A-14, “Provide greater predictability to property owners regarding the connection between legal water use, and land use and development by:

**Mann** stated he prefers the language shown in the additional information submitted today. He **suggested a friendly amendment** to approve the first paragraph as shown in staff’s suggested amendments for the policy now numbered as Policy 2A-15, “Strive to improve predictability to property owners regarding the connection between legal water use, and land use and development by:…” The County has limited ability to provide water use predictability.

**Weimer accepted** the friendly amendment.

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

**Nays:** None (0)

**Abstained:** Brenner (1)

Brenner stated she abstained because they should talk to the attorney first.

Karen Frakes, Prosecutor’s Office, stated she worked on and approved the language submitted today regarding staff’s suggested amendments for Goal 2A and Policy 2A-15.

**Weimer moved** to approve a first bullet point in proposed Policy 2A-15, “Supporting completion of groundwater studies that provide a better understanding of water quantities available and the connection between groundwater use and in-stream flow levels.”
The motion was seconded.

The motion carried by the following vote:

Ayes:  Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays:  None (0)

Weimer moved to approve a second bullet point in proposed Policy 2A-15, “Supporting the efforts of water purveyors to develop new legal water sources and the infrastructure and systems necessary to transport that water to existing water users that lack safe potable water or sufficient water rights.”

The motion was seconded.

The motion carried by the following vote:

Ayes:  Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays:  None (0)

Weimer moved to approve a third bullet point in proposed Policy 2A-15, “Encouraging a negotiated quantification of tribal water rights by supporting the Lummi Nation’s request to the federal government for a limited adjudication of tribal water rights.”

The motion was seconded.

Brenner stated she supports the version proposed by staff in the language submitted today regarding staff’s suggested amendments for Goal 2A and Policy 2A-15. In a negotiated quantification, many of the user parties aren’t involved. They are taking a position that appears to support what they want.

Weimer stated they may never get to a federally-mandated negotiation of water rights, but this encourages the parties to get back to the table. There’s no incentive for anyone to negotiate at this point. Ecology is again not doing its job.

Brenner stated not doing this gives people more incentive to get back to the table. The County should not be supporting that request. The federal government hasn’t done anything yet. There has to be a reason the federal government is not following through. Councilmember Weimer’s proposed language will hurt them during negotiation, because it implies that the County supports getting the government involved. The County will do a lot better by continuing to work on it. She doesn’t want the federal government to make the decision.

Browne stated he prefers the staff’s recommendation. The County’s role is as an impartial mediator, and it should not take a position on the issue or get involved in dictating what the process should be.

Mann asked how this would speed up or help the process. Right now, he’s partial to their neutral status.

Weimer stated the language in the motion would keep the County neutral about the actual outcome. It also encourages the parties to continue negotiating quantification. No
one is negotiating right now because there is no incentive to do so. Encourage continued
negotiation by writing a letter to the federal government asking that they begin the legal
process unless people come back to the negotiation table. The federal government doesn’t
want to go through a legal process either.

Browne stated the farmers have an incentive, because they want clarity on the issue.
They don’t need additional incentive. He’s not sure if this would change the Tribe’s
incentive.

Brenner stated the version of the language from staff and the attorney gives other
water users opportunity to be involved.

Donovan stated he likes the intent of Councilmember Weimer’s language. They have
been waiting for water quantification and definition for as long as he can remember. Staff’s
version is missing quantification language, which is necessary.

Sidhu stated the Nooksack Tribe and other users are not mentioned in
Councilmember Weimer’s language. The County should stay neutral. The best settlement
would be done by the parties at the negotiation table. If it becomes a legal battle, everyone
loses. All parties have to be encouraged. Federal and state governments won’t understand
their local needs. He supports the staff’s version.

The motion failed by the following vote:
Ayes: Buchanan, Weimer and Donovan (3)
Nays: Mann, Sidhu, Browne, and Brenner (4)

**Browne moved** to approve a third bullet point in proposed Policy 2A-15,
“Encouraging a negotiated water rights quantification and settlement between the Lummi
Nation, Nooksack Indian Tribe and other water users in the Nooksack River basin.”

The motion was seconded.

Brenner asked what the attorney thinks about the motion. Frakes indicated it is
okay.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

**Weimer moved** to approve a fourth bullet point in proposed Policy 2A-15,
“Encouraging the Department of Ecology to better commit to their responsibilities to protect
instream flows, particularly in times of extreme low summer flows.” Last summer, there
were extremely low summer flows. People were drawing water illegally, using it very
inefficiently, and Ecology was doing nothing about it.

The motion was seconded.

Browne stated he is against the motion. They haven’t answered the question of
what happens to large users who don’t have water rights, particularly the farmers. He
agrees with the spirit of the motion, but must first define the consequences to the agriculture sector before they start doing enforcement.

Brenner asked if sisterns and reservoirs are possibly legal. Frakes stated she doesn’t have the expertise to know the answer to the question.

Brenner stated sisterns are good at conserving water and preventing evaporation. Frakes stated they don’t need an answer to the question to write a policy.

Brenner stated the language seems very accusatory. Stick with what the County can do.

Sidhu stated add language about Ecology’s responsibility to deal with water rights applications from farmers. Also, explore the possibility of upstream water storage, beyond where salmon go, so there is some control of instream flows. It would benefit everyone and could be done in an environmentally safe manner. Find long-term solutions.

**Mann suggested a friendly amendment**, “Encouraging the Department of Ecology to better commit to their responsibilities to protect instream flows….”

**Weimer accepted** the friendly amendment.

Browne stated the staff version is more about finding a solution to the problem as opposed to telling someone else to find a solution.

Weimer stated staff’s language is the list of items that has been in the Watershed Management Plan for over ten years, but nothing has been done. If they want something to happen, they must encourage people. He tried to address concerns about cutting off people’s water rights by removing that section. He isn’t asking Ecology to enforce all water rights. He’s asking them to pay attention to the particularly extreme flows in the water.

Browne stated the County has more control over what it is supposed to do and where it should put its resources. Putting emphasis on Ecology takes it out of the County’s control.

Weimer stated he supports recommitting to the things Whatcom County can do. A lot of this is the responsibility of the Department of Ecology, and they should call it out.

Brenner stated just invite someone from Ecology to attend a meeting and ask them about it without calling them out on paper.

The motion carried by the following vote:

**Ayes:** Mann, Donovan, Buchanan, Weimer (4)

**Nays:** Sidhu, Brenner and Browne (3)

Frakes stated include staff’s language in Councilmember Weimer’s version. They aren’t inconsistent or redundant.

**Browne moved** to add a fifth bullet point in proposed Policy 2A-15, “Coordinating with the Department of Ecology to find solutions to provide adequate water for out-of-
stream users while protecting in-stream flows. Potential solutions may include consideration of recycling, conservation, water banking, public water system interties, stream recharge augmentation, change in place of use, and other alternative water supply measures.”

Brenner suggested a friendly amendment to add, “...the use of a desalinization plant, and other alternative water supply measures.”

Browne accepted the friendly amendment.

Buchanan restated the motion to add a fifth bullet point in proposed Policy 2A-15, “Coordinating with the Department of Ecology to find solutions to provide adequate water for out-of-stream users while protecting in-stream flows. Potential solutions may include consideration of recycling, conservation, water banking, public water system interties, stream recharge augmentation, change in place of use, desalinization, and other alternative water supply measures.”

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Weimer moved to add a sixth bullet point in proposed Policy 2A-15, “Working with the Department of Ecology to better undertake their responsibilities by encouraging them to create a clear explanation of how exempt wells and closed water basins do not violate instream flows and current water rights based on recent legal decisions on hydraulic continuity.” At this point, the County is put in the middle of the issue. Ecology must better-define its policy so the County is not stuck with lawsuits.

Mann suggested a friendly amendment, “Request the Department of Ecology to explain how exempt wells and closed water basins do not violate....”

Weimer accepted the friendly amendment.

Frakes asked why this has to be a policy in the Comprehensive Plan and why the Council can’t just write a letter to Ecology making the request. In Whatcom County, the rule has been interpreted by Ecology as not effecting exempt wells, even though basins are closed to surface water withdraws. It’s confusing what they are asking Ecology to explain.

Weimer stated he’s looking for an explanation of why the County is giving people the ability to drill wells. Frakes stated wait for resolution of the court case.

The motion was seconded.

Brenner stated this doesn’t belong in the Comprehensive Plan. Invite Ecology to talk to the Council directly about these things.

Weimer stated they’ve talked about it at the Planning Unit and a number of other times. He’s looking for a concise, written statement from Ecology that takes the County off the hook.
Browne suggested a friendly amendment, “Request the Department of Ecology to create a water management system for exempt wells in closed water basins that better aligns instream flows with current water rights and legal decisions on hydraulic continuity.”

Weimer accepted the friendly amendment.

The friendly amendment was seconded.

Frakes stated the Department of Ecology doesn’t have jurisdiction over exempt wells. Ecology can’t have a permit system here for exempt wells, because exempt wells aren’t subject to the rule. Get rid of this policy altogether.

Browne stated replace language, “…water management system plan….”

Brenner stated the exempt wells are exempt from having a water right.

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, Weimer and Donovan (5)

Nays: Brenner (1)

Absent: Buchanan (out of the room) (1)

Browne referenced the Proposed Council Changes to the Comprehensive Plan for Chapter 2, Tabled Item 3, and stated he withdraws his proposed amendment.

Donovan referenced the Proposed Council Changes to the Comprehensive Plan for Chapter 2, Item one on Council packet page 321. Remove the 201 acres from the urban growth area (UGA). The need is marginal, only 12 people. It’s located in the flood plain. It’s not an area that will have a lot of development. Blaine, just to the north, has a huge capacity. He would like to have a conversation about the long-term plan for expanding Birch Bay’s UGA if it does not incorporate. The question is whether they want to continue growing the UGA without expectation that Birch Bay will incorporate. He moved to reconsider the Birch Bay UGA.

The motion was seconded.

Brenner stated that if the area is in the UGA Reserve, the water and sewer can’t develop beyond rural standards. There is no problem with it remaining in the UGA. There are rules to prevent development in certain areas. Services are already there.

Donovan stated the rules suggest that they limit development in flood plains to agricultural non-urban uses, which suggests that they shouldn’t add this to an urban growth area. It’s low-lying land. The surrounding areas aren’t developing much.

Mann stated he supports the motion for the reasons Councilmember Donovan articulated.

Brenner stated the area has water service already. If removed, the district can’t use it for development anywhere in the UGA or the City.

Mann stated it’s not a UGA now.
Donovan stated they aren’t taking it out of the UGA. The proposal was to include the area in the UGA.

Aamot stated sewer is an urban service, so can’t be provided to sites within an area that is not in the UGA. Water can be provided at rural densities.

Mann stated the pump station in the area would not have to be taken out of service if the area was not in the UGA.

Dan Eisses, Birch Bay Water and Sewer District, stated the pump station is located within the proposed 201 acres. It was installed in 1995 under the UGA rules current at that time. The pump station services areas to the north and south that are in the UGA. If the 201 acres aren’t included in the UGA, the District can’t extend service to any property in the 201 acres. His biggest concern is their ability to connect areas to the south to this pump station in the future.

Sidhu stated the District can extend its infrastructure, but it can’t let anyone in the 201 acres connect to it.

Mark Personius, Planning and Development Services Department, stated the District is allowed to install a transmission line through a rural area, but no one in the rural area can connect to the line. A transmission line can connect to urban areas as long as it doesn’t serve the rural area in between, according to the Growth Management Act. It’s okay that the pump station is located in the rural area.

Browne asked if the wetlands area would be restricted for development. Personius stated that’s correct. Generally, clustering and mitigation would be required on parcels with wetlands. In a case like this, staff proposes leaving the density the same as it is now. Don’t increase the density at all. The only density increase would be to the areas east of the road.

Donovan stated there are times when they may want to cluster development in areas like this, but this area is barely needed. Keep it out of the urban growth area. It won’t affect what could potentially happen in the general commercial (GC) area.

**Donovan restated the motion** to keep the 201 acres out of the UGA. Leave it as an urban growth reserve, which is the current status.

**Brenner moved** to hold in Committee to get clarification from staff and Mr. Eisses.

The motion to hold in Committee was not seconded.

The motion carried by the following vote:

**Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

**Nays:** Brenner (1)

Donovan stated they need more discussion on Chapter 2 at another meeting.

Sidhu stated they need to schedule special meetings.
COMPREHENSIVE PLAN CHAPTER 3

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON COMPREHENSIVE PLAN CHAPTER 3, HOUSING (AB2016-047C)

   This item was not addressed.

2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 3, HOUSING (AB2016-047C)

   This item was not discussed.

OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 5:01 p.m.

The Council approved these minutes on _____________, 2016.

ATTEST: WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 10:30 a.m. in the County Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

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

1. PUBLIC SESSION

No one spoke.

2. DIRECTOR/HEALTH OFFICER REPORT

Regina Delahunt, Health Department Director, introduced new Health Department staff Cindy Hollinsworth and Erika Nuenenberg. The Department received its accreditation from the National Public Health Accreditation Board. She described the accreditation process. They are beginning another update of the community health assessment in partnership with Peace Health St. Joseph.

Greg Stern, Public Health Officer, updated the Board on the upcoming Public Works, Health, and Safety Committee meeting to address lead exposure. He also updated the Board on the Zika virus, including its genesis in Africa, worldwide migration, effects of infection, and modes of transmission. They aren't likely to see this infection from mosquitos locally. Transmission is more likely to occur locally from travelers and through sexual contact. He answered questions about length of contagiousness after receiving medicine for the virus, whether a woman is at risk during her entire pregnancy, the impact of climate change on the virus, and travel advisories for Brazil during this summer’s Olympics.

3. PUBLIC HEALTH ADVISORY BOARD (PHAB) UPDATE

Ben Schultz, Public Health Advisory Board Chair, stated the PHAB has been focusing on the health policy agenda, which the staff will present for the next agenda item. He referenced the Discussion Form in the Board packet and updated the Board on a recent survey and recent PHAB policy discussions about e-cigarettes, the proposed new jail, and addressing topics at the request of the Board of Health. The PHAB supports the Health in Planning approach and policies that will be presented regarding e-cigarettes.

Weimer asked that the PHAB resend the survey.
Brenner stated medical marijuana users are having trouble finding quality medical marijuana now that recreational marijuana is legal. The Health Department should know which retailers sell different types of marijuana.

Amy Hockenberry, Health Department, gave an update on medical marijuana.

4. **2016/2017 HEALTH POLICY AGENDA**

Regina Delahunt, Health Department Director, described the Public Health Advisory Board (PHAB) review of priority health issues in the community. She referenced and read through a presentation in the Board packet on the Health Board policy agenda. They have begun working on the e-cigarette issue and would like feedback on the prescription medicine take-back program.

Brenner stated prescription medication is getting more expensive. It will continue to get more expensive if manufacturers agree to take back medications.

Amy Hockenberry, Health Department, referenced and read through a presentation in the Board packet on emerging issues that include e-cigarette use and a prescription medication takeback program. E-cigarettes are becoming a problem for schools and bar owners. Federal regulations require producers to register with the Food and Drug Administration (FDA) to report the ingredients and manufacturing process for vaping products. The Public Health Advisory Board discussed the recent data and asked staff to move forward with collecting public input via a survey and community meetings and to draft an ordinance. She continued the presentation on the Extended Producer Responsibility program and answered questions about the problem from landfill leachate and disposal of controlled substances.

Mann asked why e-cigarettes and vaping are suddenly so popular. Delahunt stated it probably has to do with changes in the tobacco industry from fewer people who smoke cigarettes.

Weimer stated he would like more information on the leachate from the local landfills and whether individuals can dispose of prescriptions themselves in a safe way. Hockenberry stated there is still a problem with accessibility to disposal sites.

Mann stated make sure the takeback program isn’t a solution in search of a problem locally. Show the data.

Donovan stated consider bans on smoking, vaping, and e-cigarettes in certain public locations where it’s not banned now.

Brenner asked how dangerous vaping is compared to cigarettes. Hockenberry stated vaping is not as dangerous as smoking, but it’s still dangerous.

Delahunt stated staff will move ahead with the vaping options and do further research on the takeback program.

*The Board concurred.*
Brenner stated see what other jurisdictions are doing for a takeback program and the effect on the cost of the prescriptions.

Weimer asked if the takeback program would apply in the cities. Delahunt stated it would.

Donovan asked if vaping regulations would apply to the Western Washington University campus. Delahunt stated she would look into it.

Delahunt referenced the priority health issues on Board packet page two and asked if the Board has input on priority issues and would provide direction to the PHAB to continue to work on some of these issues.

Browne stated work on the spice problem, which is artificial marijuana. Also work on e-coli pollution in older septic systems, and prioritize areas based on whether older septic systems are in compliance by looking at soil type and water table. Finally, address issues with garbage pollution.

Brenner stated include the construction community in the Health in Planning policy discussions regarding the Comprehensive Plan Housing Chapter. Also, change the term “substance use” to “substance abuse” in all references. Create a healthy recipe book for County employees and others.

Weimer stated consider issues around elder care and the lack of services for the elderly.

Browne stated consider how to deal with the aging population in the most cost-effective way. Also, determine whether there are pockets of poverty in the community that don’t have access to internet technology and need access to health information.

Donovan stated emphasize enforcement of onsite septic system (OSS) requirements.

Brenner stated consider encouraging healthy aging and allowing the elderly to stay in their homes.

Delahunt described a Medicaid waiver program. She asked if the Board approves of the PHAB priority health issues, with the additions of the issues just mentioned.

_The Board concurred._

Browne stated he would like to know if there is a correlation between environmental chemicals and obesity.

**ADJOURN**

The meeting adjourned at 12:00 p.m.

The Council approved these minutes on ________________, 2016.
WHATCOM COUNTY COUNCIL
Special Committee of the Whole

May 10, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

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

COMPREHENSIVE PLAN CHAPTER 1, GROWTH PROJECTIONS (SPECIFICALLY BIRCH BAY UGA)

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON POPULATION GROWTH PROJECTIONS FOR THE BIRCH BAY UGA (AB2016-047A)

Doralee Booth referenced and read from information she sent to the Council regarding the growth projections (on file). Plan for more growth, rather than less, so shortfalls don’t occur.

2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 1, GROWTH PROJECTIONS (SPECIFICALLY THE BIRCH BAY UGA) (AB2016-047A)

Brenner asked the difference between the population projections from Matt Aamot and from Todd Donovan.

Matt Aamot, Planning and Development Services Department, explained how the proposed changes are noted. If the 201 acres aren’t added to the urban growth area (UGA), the population projection will have to be adjusted to fit the existing urban growth area.

Brenner asked why they would lower the population projection for Birch Bay. Aamot stated it’s a matter of managing risk if the plan is appealed to the Growth Management Hearings Board. The population projection should closely match the land capacity.

Donovan referenced Proposed Council Changes to Comprehensive Plan, Chapters 1 and 2, item 1a, and moved to amend Comprehensive Plan page 1-11 to amend the Population Projection and Distribution Table to reduce growth of Birch Bay UGA by 12 people per year.

The motion was seconded.
Brenner stated keep the projection as it is. There are other ways to increase density, such as creating more small lots.

Donovan stated this projection is more defensible.

The motion carried by the following vote:

**Ayes:** Mann, Browne, Buchanan, and Donovan (4)

**Nays:** Brenner (1)

**Absent:** Weimer and Sidhu (2)

**COMPREHENSIVE PLAN CHAPTER 2, LAND USE**

1. **AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTER 2, LAND USE (AB2016-047B)**

Doralee Booth referenced and read from information she sent to the Council regarding the Birch Bay urban growth area and stated the Birch Bay Water and Sewer District needs connectivity within the urban growth area (UGA) boundaries. Keep traffic off Birch Bay Drive. Don’t exclude the 201 acres from the UGA. They need it for transportation planning along Blaine Road.

Clayton Petree stated the proposed change from Councilmember Donovan in Chapter 1 makes the overall projection lower by 5,000 people, which is significant. The rural element has a historic 24 percent growth rate. People will continue to move to this area. Consider where they will go.

Matt Petryni, ReSources for Sustainable Communities, stated the Army Corps of Engineers did not approve the coal terminal project permit. It’s unlikely the County will ever consider the Gateway Pacific Terminal. He recommends proposed language that will prevent similar proposals from coming forward in the future.

Carole Perry stated she disagrees with the previous speaker. Many people don’t believe that climate change is real.

Jeff Callender, Phillips 66, referenced Policy 2CC-2 proposed by Councilmember Donovan. He asked how they define a development in that proposed policy and what was the reason for the proposed change.

Donovan stated the previous Comprehensive Plan has references to the aquatic reserve, which is a State policy. They haven’t talked about the size of development, but he was thinking large-scale development in the Cherry Point UGA.

Browne asked staff to clarify the transportation connectivity in Birch Bay that Ms. Booth referenced.

Gary Davis, Planning and Development Services Department, stated the only funding implication from the irregular boundary is that transportation improvement board funding can
only be used in urban areas. It’s okay for a sewer transmission pipe to cross a rural area from one urban area to another, as long as it doesn’t have connections in the rural area. A Code amendment to Title 20 will clarify that policy.

2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 2, LAND USE (AB2016-047B)

Donovan referenced Proposed Council Changes to Comprehensive Plan, Chapter 2, item 1b and moved to amend Comprehensive Plan page 2-28 to restore language in Goal 2T: “Establish Urban Growth Areas within which annexations and urban levels of development can occur and outside of which urban levels of development will not occur. This is intended to be a sprawl preventing measure.” He stated the additional sentence reflects that sprawl preventing measures, which were deleted previously, are the purpose of planning.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Donovan referenced Proposed Council Changes to Comprehensive Plan, Chapter 2, item 1c, and moved to amend Comprehensive Plan page 2-28 to create a new policy and renumber the 2T policies, “2T-1: Discourage UGA expansion that does not border an incorporated city.” He stated they need to discuss whether they want a policy about whether or not they want to expand urban growth areas (UGAs) that aren’t contiguous to a city.

The motion was seconded.

Brenner stated non-city UGAs that grow should eventually incorporate.

Donovan stated the question is whether or not they would allow UGAs to expand if they never incorporate.

Browne stated it’s a worthy discussion, but Birch Bay and Columbia Valley should be discussed separately.

Brenner stated it may be good for Birch Bay to incorporate, but maybe not Columbia Valley.

Donovan withdrew the motion.

Donovan referenced Proposed Council Changes to Comprehensive Plan, Chapter 2, item 1d, and moved to amend Comprehensive Plan page 2-28, the UGA map, to restore the Birch Bay UGA map to the previous map with no extension into the floodplain.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Aamot referenced page eight of the Committee packet regarding the Birch Bay Urban Area Reserve and stated the language needs to be reinstated since the area won’t be included in the UGA.

**Donovan moved** to amend text in the Birch Bay Urban Area, “The Birch Bay Community Plan adopted in 2004 used a high growth forecast that does not appear to be warranted over the new twenty-year planning period. The community is currently working on a planning process (Birch Bay Watershed Characterization) to identify areas most suitable for development. A portion of the Urban Growth Area along Blaine Road not needed for the growth allocation but within a logical urban boundary is designated as an Urban Growth Area Reserve. An area bisected by Blaine Rd., generally north of Arnie Rd., has been designated as Urban Growth Area Reserve. Prior to re-designating this area to UGA, need for additional land capacity and planning for adequate public facilities and services must be demonstrated. The area currently zoned R10A west of Blaine Rd. should maintain a density of one dwelling/10 acres in recognition of the wetlands and floodplain in this area.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Absent:** Weimer and Sidhu (2)

Forrest Longman, County Council Office, referenced items 2a-i regarding Sudden Valley and gave a staff report. Councilmembers are interested in restoring Sudden Valley to Chapter 2 and officially interacting with Sudden Valley. The Sudden Valley Community Association objects to items 2f-h because the language regarding density reduction seems unnecessarily restrictive.

**Brenner** referenced Proposed Council Changes to Comprehensive Plan, Chapter 2, Tabled Item one and stated legal counsel prefers to leave out the reference.
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**Donovan** referenced Tabled Item one and **moved** to amend Comprehensive Plan page 2-73, lines 37-41, “The reserve extends from the southern boundary of Birch Bay State Park to the northern border of the Lummi Indian Nation Reservation. The site excludes three existing aquatic land leases (BP, Intalco, Phillips 66 shipping piers) and one proposed aquatic land lease (Gateway Pacific Terminal site).”

The motion was seconded.

Donovan stated he supports the motion. Don’t reference something that isn’t there.

The motion carried by the following vote:

- **Ayes:** Brenner, Mann, Buchanan, and Donovan (4)
- **Nays:** None (0)
- **Absent:** Browne (out of the room), Weimer and Sidhu (3)

**Donovan** referenced Proposed Council Changes to Comprehensive Plan, Chapter 2, Tabled Item two and **moved** to amend Comprehensive Plan page 2-92, Policy 2GG-3, “Uses and densities within the Rural designation should reflect established rural character. Rezones within the Rural designation should be consistent with the established rural character and densities. Land in the R10A district may be rezoned to a rural zone that allows a higher density only if: ...” He stated the new sentence came from a settlement and helped get the County compliant. When working on the Code, make it clear they consider uses in addition to density.

The motion was seconded.

**Mann suggested a friendly amendment,** “Proposed uses and densities within....”

**Donovan accepted** the friendly amendment.

The motion carried by the following vote:

- **Ayes:** Brenner, Mann, Browne, Buchanan, and Donovan (5)
- **Nays:** None (0)
- **Absent:** Weimer and Sidhu (2)

**COMPREHENSIVE PLAN CHAPTER 3, HOUSING**

1. **AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON COMPREHENSIVE PLAN CHAPTER 3, HOUSING (AB2016-047C)**

Clayton Petree stated Goal 4 of the Growth Management Act (GMA) is to provide affordable housing, promote a variety of residential types, and encourage preservation of housing stock. There is an affordable housing shortage in Whatcom County. The City of Bellingham doesn’t allow innovative housing types. The County Council must address the problem in Bellingham and countywide. The Housing Chapter must have an inventory and analysis of housing needs that exist and that are projected. The current projection is low. People will look for housing options in agriculture and rural areas. Get the Bellingham vacancy rate up to a healthy level. Encourage Bellingham to allow its infill tools citywide, starting with demonstration projects in newer neighborhoods.
Linda Twitchell, Building Industry Association, stated she agrees with the previous speaker. There are extremely high housing prices, low availability, and low income. The GMA requires a housing analysis. Try to get the cities to take this seriously. Most of the available land in Bellingham is impacted by critical areas that are difficult to develop. Analyze what they have, whether it meets needs currently, and whether it will meet future needs.

Matt Petryni, ReSources for Sustainable Communities, stated move beyond a supply-based approach. Look at affordability in the context of communitywide costs, such as the fire code, critical area restrictions, and UGA restrictions. Expand access to subsidized housing. Look at other programs around the country for affordable housing. Untether the cost of land from the cost of housing. Continue housing programs that don’t have externalized costs. There is no data that reducing the cost of housing happens from expanding supply.

Roger Almskaar stated don’t identify affordable housing with subsidized housing. Affordable housing, which is an income test, is defined by Washington Administrative Code (WAC). The Health Department has a housing advisory committee, but it does not include any developers. Broaden the scope of the committee. Do a better job in housing choices for all income groups in terms of both prices and housing choices. Change the goals regarding regulatory control, property rights, and permitting efficiency. They must convert the South Yew Street area and South Caitac area to urban growth areas to deal with the housing issue in Bellingham.

2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 3, HOUSING (AB2016-047C)

Brenner referenced items one through four in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to approve the items as proposed, which concern comma usage and may be considered in a single motion.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Mann thanked everyone for their comments. Affordable housing is one of the most vexing, important, and corrosive issues in the community. Addressing supply won’t solve it. The biggest problem is construction costs. There is little they can do about that. Many things increase the cost to builders. Wages are also a huge issue. The Council has limited ability to influence wages. There is a lot of subsidized housing in Bellingham. Some of it is beneficial. They are approaching a point where there is too much subsidized housing, especially downtown. They need market rate housing that people can afford without subsidies. These issues are very complex.

Brenner stated she disagrees with Councilmember Mann. The supply of land is very important. Accessory dwelling units should be allowed in Bellingham, but they aren’t allowed in single family residential zones. She agrees that subsidized housing and affordable housing
are different. Make housing more affordable by creating innovate, effective housing to which people can adapt.

**Brenner** referenced item five in Proposed Council Changes to Comprehensive Plan, Chapter 3, and **moved** to amend Comprehensive Plan page 3-1, lines 16-20, “The purpose of this housing element is to consider future needs for housing in Whatcom County by examining existing housing patterns, projected population growth, and most-likely growth scenarios, and to suggest realistic ways to provide for those housing needs within the wishes of county citizens **residents**, sound public policy, and within the mandates of the Washington State Growth Management Act (GMA).”

The motion was seconded.

**Browne** referenced items five through seven in Proposed Council Changes to Comprehensive Plan, Chapter 3, and **moved** to approve a substitute motion to approve items five through seven as proposed.

The substitute motion was seconded.

Brenner referenced item six and stated housing costs are higher not lower.

Mann stated the housing costs in Bellingham are lower than in Seattle.

Brenner stated other locations in Puget Sound have lower housing costs than Bellingham.

Davis stated the housing report, which is attached to the Comprehensive Plan by reference, indicates that Whatcom County has lower housing prices than the Puget Sound.

Donovan stated change the language to “high housing costs.”

Brenner stated she agrees with using the term “high housing costs.”

Mann asked the definition of student age. If it refers to college-aged students, then change the language to “...school **college**-age students....”

Brenner stated she agrees with using the term “...school **college**-age students....”

Councilmember Browne’s substitute motion carried by the following vote:

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

**Nays:** None (0)

**Absents:** Weimer and Sidhu (2)

**Brenner** referenced item eight in Proposed Council Changes to Comprehensive Plan, Chapter 3, and **moved** to amend Comprehensive Plan page 3-4 to restore lines 1-8 with edits: “Single-parent households are proportionally more financially sensitive than two-parent households to factors contributing to poverty and sub-standard living conditions such as housing costs, health care costs, and other increases in the cost of living. The number of such households is increasing at a faster rate than households with two parents. Shifts in proportions of various groups comprising county population also shift the need for various
types and sizes of housing. Some families require larger homes to accommodate larger extended families. Some groups, such as single-parent households, require smaller and more efficient housing.”

The motion was seconded.

Mann stated he is against the motion because it’s unnecessary. They can have a thousand pages on all the different possibilities.

**Brenner withdrew** her motion.

**Brenner** referenced item nine in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-7, lines 9-12, “Innovative housing solutions are needed to provide enough housing units to accommodate the County’s growing housing needs. By the end of the 20-year planning period, Whatcom County will likely experienced-substantial growth.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Absent:** Weimer and Sidhu (2)

Brenner referenced item ten in Proposed Council Changes to Comprehensive Plan, Chapter 3, and stated she withdraws the proposed amendment from consideration.

**Brenner** referenced item 11 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-15, lines 13-15, “Both public and private investments can be directed into housing that ensures that low- to moderate-income people will be able to continue to live near where they work in the community. (According to the US Department of Housing and Urban Development, in 2015, a family of four earning $54,100 was considered low-income, while the median income for a family of four was $67,600.)”

Davis suggested a clarification, “In 2015 in Whatcom County, a family of four….“

**Brenner accepted** the suggestion from Mr. Davis.

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Absent:** Weimer and Sidhu (2)

**Brenner** referenced item 12 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-15, line 17, “Adopting an Ambitious but Achievable Preferred and Affordable Housing Vision-Goal”
Whatcom County and its cities might consider adopting a HOUSING VISION GOAL that sets the bar at a high but achievable level:

"By the year 2036, every community and neighborhood has a healthy mix of housing sizes, types and prices, affordable at the wages of the jobs nearby. A balanced mix of housing will have housing costs in sync with wages and incomes in the community."

To achieve this overarching vision goal, the following goals and policies are adopted:

The motion was seconded.

Mann stated this grammar doesn’t make sense.

**Brenner** stated it’s about more than affordable housing. It’s about different types of housing. She **moved** to hold in Committee

The motion was seconded.

The motion to hold in Committee carried by the following vote:

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

**Nays:** None (0)

**Absent:** Weimer and Sidhu (2)

**Browne** referenced item 13 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and **moved** to amend Comprehensive Plan page 3-16, lines 23-28, “Incompatible uses such as heavy, noisy, or noxious industrial facilities adjacent to residential uses should continue to be discouraged. Some non-polluting, low-impact types of light industrial uses such as textile manufacturing computer or medical equipment assembly, which could be large-scale but not environmentally or aesthetically offensive, could, with some buffering, be perfectly acceptable and probably desirable near residential development."

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Absent:** Weimer and Sidhu (2)

**Brenner** referenced item 14 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and **moved** to amend Comprehensive Plan page 3-16, lines 41-43, “Citizens Residents currently possessing safe and decent housing may not fully understand the scope of the housing problem and they may tend not to want housing for less advantaged households near them."

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Absent:** Weimer and Sidhu (2)
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Brenner referenced item 15 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-16, lines 43-44, “In that regard, the location of affordable housing can be as difficult an issue as funding. Many people who do not want rural sprawl also do not want in-fill near them.”

The motion was seconded.

Davis stated distinguish between urban people and rural people.

Donovan stated the only use for this sentence is to criticize.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Browne, and Buchanan (4)

**Nays:** Donovan (1)

**Absent:** Weimer and Sidhu (2)

Brenner referenced item 16 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-17, Policy 3C-1, “Support lot clustering, varied lot sizes, small-scale multi-family dwellings, accessory, especially accessory dwelling units (ADUs) in single-family zoning, and reductions in infrastructure requirements for subdivisions as incentives for development of housing obtainable by purchasers with the greatest possible mix of needs and household incomes.”

The motion was seconded.

Mann asked if it’s for the County or Cities. He’s not sure some of these types of uses are appropriate for unincorporated areas. They talk about minimizing impact to infrastructure in the rural areas. That type of density belongs in the cities. He asked if this goal or policy belongs in unincorporated areas and what is the best practice. Davis stated these policies are broad and countywide. Most things in the list would be things the county would support in urban areas. Lot clustering and accessory dwelling units (ADUs) are allowed in the county.

Browne stated he supports ADUs, which is one dwelling inside another structure, and detached accessory dwelling units (DADUs) because they have lower construction costs and are a type of affordable housing. They also help people deal with aging-in-place issues. It has a lot of flexibility, minimum environmental impact, and maximum affordability. They must give some thought on the zones in which they will be encouraged. DADUs area already allowed in the county. They may be legitimate receiving areas in a transfer of development rights (TDR) program.

Brenner stated the County has an ADU ordinance, which is too restrictive.

Donovan stated he supports the motion, but shares Councilmember Mann’s concerns. This is a high-level policy, so he will look at implementation. He hopes that not every single five-acre lot would double.
Brenner stated there are design requirements. It’s for someone who wants to increase the use on their own property. It’s not about creating multi-family rentals. It has to be owner-occupied.

Browne stated an accessory dwelling unit doesn’t change the footprint or density on the property. There is no external impact. A detached accessory dwelling unit adds to the footprint.

Donovan stated there is the potential for more vehicle trips and more impacts from more people.

Browne stated they need to consider where they will be allowed, such as near LAMIRDs, not on a rural forestry lot.

Brenner stated she disagrees. There are many kinds of potential uses. They’ve never had a problem with them. Recognize the ordinance, which allows them in the County. They should be used more often.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, and Donovan (4)
Nays: Mann (1)
Absent: Weimer and Sidhu (2)

Brenner referenced item 17 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-17, Policy 3C-2, “Support programs in which citizens participate in the construction of their own home.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Brenner referenced item 18 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-17, Policy 3C-2, with a change to her proposal, “Availability of housing for seniors, young adults, young families without children, single parents, and groups is frequently overlooked by both the private development sector and the public sector. In addition, many migrant farm workers entering the county each season face substandard housing and homelessness.”

Davis stated the wording may have come from the census category for group living situations.

Mann stated he prefers to delete those two sentences entirely.

Brenner moved to hold in Committee.

The motion was seconded
The motion to hold in Committee carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Brenner referenced item 19 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-18, lines 33-35, “A portion of the agricultural workers have difficulty in obtaining adequate housing. Prior to adoption of the comprehensive plan, Whatcom County considered ordinance amendments allowing for easier and better provision of migrant worker housing.” She stated that the first sentence is duplicative of the second sentence.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Mann referenced item 20 in Proposed Council Changes to Comprehensive Plan, Chapter 3, asked what is “preferred.”

Brenner stated “preferred” refers to the type of housing that people prefer. She moved to hold this proposed item in Committee.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Mann referenced item 21 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to hold in Committee since councilmember Weimer isn’t here.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Brenner referenced item 22 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-19, Policy 3E-1, “Encourage all jurisdictions to provide adequate stocks of preferred types of housing. Review and revise existing regulations to identify inhibitions to housing for the varying preferences of those needing housing. Focus on population segments with particular needs such as temporary, transitional, or emergency housing.”

The motion was not seconded.
Mann stated jurisdictions should not be in the business of providing housing.

**Brenner moved** to hold in Committee item 22 in Proposed Council Changes to Comprehensive Plan, Chapter 3.

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Absent:** Weimer and Sidhu (2)

**Brenner** referenced item 23 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and **moved** to amend Comprehensive Plan page 3-19, Policy 3E-3, “Encourage financial institutions to participate in creative housing solutions which respond to changing demographics and needs.” She stated that the County has no right to do this.

The motion was not seconded.

**Brenner** referenced item 24 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and **moved** to amend Comprehensive Plan page 3-20, Policy 3F-4, “Support innovative housing ideas including co-housing (essentially a micro-community with some centralized facilities), elder cottages (housing units for healthy but aging family members), accessory dwelling units (ADUs) in single family zoning of all jurisdictions, including cottage designs available at planning department front desk, and shared living residences or group quarters in UGAs, and educate the public about them.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Absent:** Weimer and Sidhu (2)

**Browne** referenced item 25 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and **moved** to amend Comprehensive Plan page 3-20 to create a new policy, “3F-5: Study the new innovative programs and policies in other urban areas within our region, particularly Seattle, Portland and Vancouver BC, relating to the use of Detached Accessory Dwelling Units (DADU).”

The motion was seconded.

**Brenner suggested a friendly amendment,** “…Accessory Dwelling Units (ADUs) and Detached….”

**Browne accepted** the friendly amendment.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Browne, Buchanan, and Donovan (5)
Browne referenced item 26 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-20 to create a new policy, “3F-6: Recognize that many residents are unfamiliar with ADUs and DADUs therefore develop outreach materials that explain the advantages to the community of ADUs and DADUs such as the ability for residents to derive supplemental income, to age-in-place, provide accommodation for an aging parents and the reduction of the tax burden that results when the cost of providing public services is shared across a larger number of residents etc.” He stated these cities have been addressing the concerns of residents about densification by producing educational materials.

The motion was seconded.

Davis stated the introductory phrase of this item and the next item is more description than policy. To be clear, the sentence should start with the word “Develop.”

Browne amended his motion and moved to amend Comprehensive Plan page 3-20 to create a new policy, “3F-6: Recognize that many residents are unfamiliar with ADUs and DADUs therefore Develop outreach materials that explain the advantages to the community of ADUs and DADUs, such as the ability for residents to derive supplemental income, to age-in-place, provide accommodation for an aging parents and the reduction of the tax burden that results when the cost of providing public services is shared across a larger number of residents etc.”

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Browne referenced item 27 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-20 to create a new policy, “3F-7: Recognizing that DADU programs can offer quality housing at a lower cost, Work with the cities to develop ADU and DADU policies and programs that encourage infill within urban areas where transportation, public facilities, and utilities already exist.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Brenner referenced item 28 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to amend Comprehensive Plan page 3-20, Policy 3G-3, “Educate the public on equal opportunity laws specifically related to housing and housing conditions including options available to anyone discriminated against.” She stated it’s not the County’s job to do this. The County can’t give legal advice to people. It makes the County liable. Other groups do this education.
The motion was seconded.

Mann stated eliminate the whole thing.

**Brenner amended her motion and moved** to strike the entirety of policy 3G-5.

Donovan stated this section is about impediments to affordable housing. He prefers to keep the language in. He’s not sure who should do the educating.

Browne stated he is opposed to the motion. He’s seen many cases when certain groups are discriminated against and they don’t know their rights. He is against any changes to Policy 3G-3. The County is involved in helping victims of domestic violence and tenant rights regarding the health code. This is not a conflict with any law, and is consistent with their existing obligations.

Brenner stated those things are the jurisdiction of the Health Department. This is about more than public health issues.

Donovan stated Policy 3G-5 as written will not discourage a bad landlord from discrimination or empower the County to actually do anything about it.

The motion failed by the following vote:

**Ayes:** Brenner and Mann (2)

**Nays:** Browne, Buchanan, and Donovan (3)

**Absent:** Weimer and Sidhu (2)

**Browne** referenced item 29 in Proposed Council Changes to Comprehensive Plan, Chapter 3, and **moved** to amend Comprehensive Plan page 3-21 to create a new policy, “3G-5: Develop policies that encourage the construction of more Accessory Dwelling Units and Detached Accessory Dwelling Units.”

The motion was seconded.

Davis asked if this is something that encourages construction of accessory dwelling units countywide in rural areas as well as urban areas.

**Browne** stated more work needs to be done on where the County wants to allow them. He **amended his motion**, “3G-5: Develop policies that encourage the construction of more Accessory Dwelling Units and Detached Accessory Dwelling Units in urban areas.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Absent:** Weimer and Sidhu (2)
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Donovan referenced items 30a and 30b in Proposed Council Changes to Comprehensive Plan, Chapter 3, and moved to hold in Committee because Councilmember Weimer is not here.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

COMPREHENSIVE PLAN CHAPTER 6, TRANSPORTATION

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON COMPREHENSIVE PLAN CHAPTER 6, TRANSPORTATION (AB2016-047F)

Nancy Ging, Lummi Island Ferry Advisory Committee Vice-Chair, referenced Policy 6A-1 and stated create a footnote that includes the exact formula. Don’t add language that tries to explain the formula.

Forrest Longman, County Council Office, stated including a footnote would be fine.

Gary Davis, Planning and Development Services Department, stated they could add the more precise formula, “…439 (ferry trips x car units per population).”

2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 6, TRANSPORTATION (AB2016-047F)

Donovan referenced item one in Proposed Council Changes to Comprehensive Plan, Chapter 6, and moved to amend Comprehensive Plan page 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 ferry passenger trips annually per capita Lummi Island population.” He asked if this is the same as the old formula.

Gary Davis, Planning and Development Services Department, stated it is not.

Forrest Longman, County Council Office, stated staff suggests “…439 (ferry trips x car units per population).”

Davis stated the precise formula can be placed in the text rather than in a footnote.

Ging stated the staff proposal is a generalization. Include the exact formula.
Longman stated putting the formula in a footnote is the clearest explanation.

Davis read the exact formula, “…439 ferry trips x car units per population (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.)”

Buchanan restated the motion as proposed by Councilmember Donovan with the exact formula.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Mann referenced item two in Proposed Council Changes to Comprehensive Plan, Chapter 6, and moved to amend Comprehensive Plan page 6-16 to create a 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.”

The motion was seconded
The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Mann referenced item three in Proposed Council Changes to Comprehensive Plan, Chapter 6, and moved to amend Comprehensive Plan page 6-29 to create a new policy: “6J-9: Encourage the development and installation of a comprehensive electric vehicle 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 charging stations;
• Provide incentives to developers, employers, and organizations that provide charging stations;
• Consider requirements to include charging stations in multi-family and commercial developments over 100,000 square feet; and
Pursue partnerships with Puget Sound Energy to develop charging stations and reduce their cost.”

He stated this technology is expanding rapidly. At the very least, allow electric charging stations to be sited easier than gas stations.

The motion was seconded.
Brenner stated make it voluntary. She suggested a friendly amendment, "Pursue partnerships with Puget Sound Energy to develop charging stations and reduce their cost consider voluntary development of charging stations to reduce costs.

Mann accepted the friendly amendment.

Browne stated lower or remove the 100,000 square foot size threshold. To have an impact, make the threshold smaller. Buildings that size are rare. Also, don’t require the charging stations as much as the infrastructure that is required for the charging stations.

Mann amended the last bullet item of his motion, “Consider requirements to include infrastructure for charging stations in multi-family and commercial developments over 100,000 square feet; and.”

Davis stated a threshold isn’t necessary, since this is a broad concept. The specific size would be in an enacting ordinance. On the first bullet item, remove the term “rapid,” which is a specific high-voltage station that is only allowed as accessory to a service station.

Mann stated he meant for all these to include the possibility for a rapid charging station. The term “charging unit” doesn’t exclude a rapid charging station. He amended his motion to include “rapid” before “charging stations” in all instances in this new policy.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)
Nays: None (0)
Absent: Weimer and Sidhu (2)

Davis submitted a handout (on file) recommending a change to Policy 6G-3,

Brenner moved to amend Policy 6G-3 as presented by staff, “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 interest 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.”

The motion was seconded.

Davis gave a staff report on the change. The Council of Governments technical advisory group recommended a policy about development standards for transportation facilities around UGAs. He’s received feedback on this proposed amendment to Policy 6G-3 from several of the Cities. Public Works Department staff also reviewed it.

Mann stated he would like to know what the Building Industry Association (BIA) thinks. In the past there were challenges about whether or not infrastructure should meet city standards.
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, and Donovan (5)

Nays: None (0)

Absent: Weimer and Sidhu (2)

Longman submitted a handout of amendments from Councilmember Browne. He will schedule these proposals for discussion at the next meeting.

OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 3:38 p.m.

The Council approved these minutes on ______________, 2016.

ATTEST: WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Special Committee of the Whole

May 17, 2016

CALL TO ORDER
Council Chair Barry Buchanan called the meeting to order at 2:05 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.

COMMITTEE DISCUSSION – CLOSED SESSION
1. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING POTENTIAL LITIGATION, GPT PERMIT PROCESS (AB2016-018)
   Attorney Present: Karen Frakes

   Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no later than 2:30 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

   Donovan moved to go into executive session until no later than 2:30 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

   The motion carried by the following vote:
   Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
   Nays: None (0)

   (Clerk’s Note: The Committee moved into the Council Conference Room for the executive session.)

   Buchanan announced at 2:30 p.m. that executive session will be extended until 2:40 p.m.

   (Clerk’s Note: The Committee came out of executive session at 2:40 p.m.)

   Buchanan announced no action will be taken on this issue.

COMPREHENSIVE PLAN CHAPTERS 2 AND 9
1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTER 2, LAND USE (AB2016-047B) AND CHAPTER 9, RECREATION (AB2016-047I)

Cliff Langley submitted a handout (on file) and spoke about the recreation resource management areas (RRMAs) in Chapter 9. Don’t include property owners on Squalicum Mountain in the RRMAs. The proposed change that restores the RRMA language implies that the County wants to purchase their land for RRMA. The citizens have not been properly notified, which is required in Appendix A.

Paul Isaacson submitted a handout (on file) and stated he is opposed to including Squalicum Mountain in the RRMA. It does not meet the criteria. The County will not get access to his property, including the road that he owns. He can’t have the public on his property for many reasons.

Carole Perry stated she agrees with the first two speakers. At a Planning Commission meeting, it was established that the County has almost 2,000 acres of undeveloped parkland. They were told that text regarding the RRMAs would be removed from the Comprehensive Plan, but now it’s being proposed again.

2. POTENTIAL DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 2, LAND USE (AB2016-047B)

This item was not discussed.

3. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 9, RECREATION (AB2016-047I)

Forrest Longman, County Council Office, referred to additional text proposed regarding the Recreational Resource Management Areas.

Browne moved to hold in Committee.

The motion was seconded.

Mann stated don’t hold this in Committee, he is against having RRMAs. The amount of attention and angst that people have about RRMAs is not realistic, but should be respected. There is not a lot of benefit to the RRMAs. The Council needs to make a decision today. Don’t delay the issue.

Brenner stated there is no maintenance or public safety for these areas. Having people roaming around these areas could cause forest fires and other problems due to these areas being remote.

The motion to hold in Committee failed by the following vote:

Ayes: Browne (1)
Nays: Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)

Browne moved to not reinstate the RRMA language in the Comprehensive Plan.
The motion was seconded.

Browne stated the RRMA designation does not grant public access to private property or constitute a private property taking. He described the purpose of the RRMA. Given the emotions that have been generated as a result of the proposed RRMA, he is happy to not include the section on RRMA.

The motion carried by the following vote:

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

**Nays:** None (0)

**COMPREHENSIVE PLAN CHAPTER 6**

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTER 6, TRANSPORTATION (AB2016-047F)

No one spoke.

2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 6, TRANSPORTATION (AB2016-047F)

Browne referenced item one in Proposed Council Changes to Comprehensive Plan, Chapter 6, and moved to amend Comprehensive Plan page 6-18, to create a 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." He stated the County must develop a countywide wayfinding system to assist tourists in getting around the county.

The motion was seconded.

Donovan asked if Councilmember Browne is talking about signage.

Browne stated he is.

Brenner suggested a friendly amendment to remove language, "between Vancouver BC and Seattle". People are coming from other areas beside Vancouver and Seattle.

Browne accepted the friendly amendment.

Sidhu asked if this would include more than signs, such as tourism literature.

Browne stated signage would be installed off the exit ramps and around the county, not on Interstate 5.
Gary Davis, Planning and Development Services Department, asked the relationship between a wayfinding system and multi-modal transportation and if this proposal belongs in another section. It could even belong in Chapter 7 as an economic development section.

**Browne amended his motion and moved** to number the new policy 6G-9 regarding intergovernmental coordination.

The motion carried by the following vote:

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

**Nays:** None (0)

**Browne** referenced item two in Proposed Council Changes to Comprehensive Plan, Chapter 6 and **moved** to amend Comprehensive Plan page 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.”

The motion was seconded.

Brenner moved to amend language to allow more segments of the economy, not just recreation, “and supports the recreational segments of our economy...” They aren’t talking just about recreational segment of the economy in this chapter. People go to work on bicycles, for example.

Browne stated he’s trying to focus on the recreational economy.

The motion to amend was not seconded.

Weimer stated these proposals seem to be more about the economy, not transportation.

Browne stated it’s important to integrate the transportation elements that are necessary for the recreation economy to succeed.

The motion carried by the following vote:

**Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

**Nays:** Brenner (1)

**Browne** referenced item three in Proposed Council Changes to Comprehensive Plan, Chapter 6 and **moved** to amend Comprehensive Plan page 6-19, Policy 6F-4, “Identify, analyze and prioritize pedestrian and bicycle projects based on the following criteria:...”

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 item four in Proposed Council Changes to Comprehensive Plan, Chapter 6 and **moved** to amend Comprehensive Plan page 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.”

Davis stated staff has concerns. It would be a significant shift in how the County plans for transportation facilities. The existing process is the six-year transportation program, not a plan. The program is the year-by-year funding of specific projects, whereas a plan is more a list of projects they want to do and potential funding sources. The Public Works Department is required by State law to create the program. This language may conflict with the State requirements for the transportation improvement program. Staff would like time to construct better language.

Browne stated the intent is to bring structure and visibility about how they look at non-motorized transportation. They should identify where critical infrastructure should be in sequence. Do the projects with the greatest safety need or greatest pedestrian and bicycle traffic need first. Do things in a logical and orderly sequences. He moved to hold in Committee to allow staff time to review the language.

The motion was seconded.

The motion to hold in Committee carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Browne referenced item five in Proposed Council Changes to Comprehensive Plan, Chapter 6 and moved to amend Comprehensive Plan page 6-20 to create a 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.” He described the Trail Town designation and stated they must tie the trails together to qualify as a Trail Town.

The motion was seconded.

Brenner stated put it in the Recreation or Economy Chapter, not the transportation chapter.

Donovan asked if pedestrian facilities include non-paved trails. It should also be in the Economic Chapter.

Sidhu asked staff which chapter this language should be in. Davis stated recreational trails that aren’t transportation projects are in the Recreation Chapter. Funding would come from recreation sources. It’s not really a transportation facility.

Browne amended his motion and moved to include this language in the Economics Chapter in a section to be decided.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

**Browne** referenced item six in Proposed Council Changes to Comprehensive Plan, Chapter 6 and **moved** to amend Comprehensive Plan page 6-32 to restore a section on commercial transportation, “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.”

The motion was seconded.

**Brenner suggested a friendly amendment**, “residents themselves...also involved as well.”

**Browne accepted** the friendly amendment.

Weimer stated this whole section was removed from the Comprehensive Plan because it’s covered in other areas. He asked why it’s important to restore it and if staff has any concerns.

Browne stated it wasn’t covered in other sections. He also suggests new policies for the goal.

Davis stated staff tried to refine policies that were broad or duplicative. Staff may have created policies that provide safe and efficient transportation of all modes, not just commercial transportation. It is covered by broader policies. They restored some policies at the request of the Port of Bellingham, including Policy 6C-5 and 6G-8, but they are Port-specific. He doesn’t object to adding specific language that supports commercial transportation.

Browne stated the new policies he proposes address complaints in the community about certain vehicle types blocking access to certain areas, such as when the rail system blocks streets. The Sheriff had to charge the railroad because it blocked the city of Blaine for a half day. New commercial and industrial developments should not impact or profit at the expense of existing businesses, industrial developments, or residences in the community.

Sidhu stated the Canadians just rebuilt their border, and the Guide Meridian is congested just because of truck traffic. They need to divert that traffic to Interstate 5 or Highway 9. Much Canadian truck traffic is going through Whatcom County to Seattle or Portland. When they talk about commercial traffic, there is no east-west connector. There is no efficient way to get truck traffic to the Interstate.

The motion carried by the following vote:

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

**Nays:** None (0)
Browne referenced item 6a in Proposed Council Changes to Comprehensive Plan, Chapter 6 and moved to amend Comprehensive Plan page 6-32 to restore a goal, “6P: Provide for safe, efficient movement of commercial vehicles in Whatcom County.”

The motion was seconded.

Brenner suggested a friendly amendment to delete “in Whatcom County.”

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 6b in Proposed Council Changes to Comprehensive Plan, Chapter 6 and moved to amend Comprehensive Plan page 6-32 to create a 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.” Existing business in industrial and commercial developments rely on the ability to move their goods easily and efficiently. Whenever the County does any planning or development, make sure new development doesn’t unduly impact existing development in terms of transportation.

The motion was seconded.

Donovan stated the question is how they define “materially diminish.” Every increased vehicle trip will somehow diminish service levels.

Browne stated this is a broad policy document. How they define the threshold can be determined later on.

Davis stated staff doesn’t object to this policy. They already have concurrency requirements and State Environmental Policy Act (SEPA) review of new developments in place to make sure they don’t go beyond the level of service or impact roads so they fall below the level of service. Staff does this already.

Weimer stated he doesn’t know if they’re trying to create new levels of service for commercial vehicles versus all vehicles.

Davis asked how this is prioritized over something else that they do.

Browne stated his intent is to protect the level of service of an existing business as a priority over someone who wants to build a new business that would materially impact the traffic flow and other factors of the existing business.

Browne amended his motion, “…service levels to/from of previously established….”

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, Buchanan, and Donovan (5)
Nays: Brenner and Weimer (2)

Browne referenced item 6c in Proposed Council Changes to Comprehensive Plan, Chapter 6 and moved to amend Comprehensive Plan page 6-32 to create a 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.” He stated they should focus on residential traffic and public safety in terms of emergency response.

The motion was seconded.

The motion carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)

Browne referenced item 6d in Proposed Council Changes to Comprehensive Plan, Chapter 6 and moved to amend Comprehensive Plan page 6-32 to restore and renumber a policy, “6P-3: Support commercial and industrial development adjacent to major transportation corridors, including I-5, rail, and air facilities within urban growth areas, as long as such facilities do not reduce safe, efficient movement of vehicles.” He supports commercial and industrial developments adjacent to major transportation corridors.

The motion was seconded.

Weimer asked if this policy only supports those facilities in urban growth areas. The text needs to be rearranged so that they are only supporting those developments within those urban growth areas.

Browne withdrew the motion.

COMPREHENSIVE PLAN CHAPTER 7

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTER 7, ECONOMICS (AB2016-047G)

Bruce MacCormack listed his credentials and organizations and stated he supports Councilmember Browne’s proposed amendments to Chapter 7. Don’t duplicate the efforts of others and be responsive to potential new businesses.

Sylvia Goodwin, Port of Bellingham Planning and Economic Development Director, referenced yesterday’s email from Rob Fix and described the history of all the economic development organization changes in Whatcom County. There are many agencies in Whatcom County that are working on economic development. All the organizations have worked together on the ChooseWhatcom.com website. The reason that Skagit County’s economic development organization has been so successful is because they’ve had one organization working continuously with the same leader for 28 years. The only thing Whatcom County has done continuously is change. Stick with the status quo. There has been too much change over the years.
John Michener, Port of Bellingham, described the economic development efforts by the Port of Bellingham, which include 60 interactions with Canadian business interests in the past two years. It is currently working with nine Canadian businesses. The majority of new jobs come from startups and local companies that are expanding. The Port staff has met with over 160 companies and firms in different stages. It is working with 38 firms in different stages of expansion. Consistency of economic development programs is a key factor towards creating a positive business climate for both existing companies and those interested in moving to the area. The Port staff brought in over $33 million in investment in the county last year. It is working with 24 projects in various stages of reaching their final investment decision about whether or not they want to locate here. The Port is doing its job very well, and would love to work with Mr. MacCormack’s organization.

Sara Sutherland, Sustainable Connections and Whatcom Food Network, stated she supports the proposed addition of the proposed new local food system section. The County’s support is very important for economic growth, health, and food access in the community. Only three to four percent of the food consumed here is also produced and grown here. They are working to make that closer to ten percent, which adds $50 million more to the economy. It’s important to collaborate, coordinate, maintain water quality and soil health responsibly, and get buy-in from municipal procurement and other food and farming businesses.

Jim Ashby, Community Food Co-Op, stated he supports the proposed new local food system section. They have over 15,000 co-op members who shop local and organic food, which is the fastest growing segment of the grocery industry. They would like to purchase more from local farmers. Development of a strong local food system in the Comprehensive Plan would benefit the county in many ways.

2. **DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 7, ECONOMICS (AB2016-047G)**

Mann moved to approve Proposed Council Changes to Comprehensive Plan, Chapter 7, items 1 through 47, which concern comma use and other non-substantive grammatical changes and may be considered in a single motion.

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 item 48 in Proposed Council Changes to Comprehensive Plan, Chapter 7 and moved to amend Comprehensive Plan page 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.” He stated it adds more description. Focus on what they are good at locally to have economic success.

The motion was seconded.

**Donovan suggested a friendly amendment**, “This chapter also recognizes that the quickest, easiest, and most certain best path towards….”

**Browne accepted** the friendly amendment.

Mann stated they first need to discuss the possibility of changing the associate development organization (ADO).

Browne stated he wants to hold that decision so he can get some answers from the Port of Bellingham before they have a discussion about changing that role.

**Brenner suggested friendly amendments**, “…more diversified economy. This chapter also recognizes that the quickest, easiest, and most certain best 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 accepted** the friendly amendments.

The motion carried by the following vote:

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

**Nays:**  None (0)

**Browne** referenced item 49 in Proposed Council Changes to Comprehensive Plan, Chapter 7 and **moved** to amend Comprehensive Plan page 7-8, line 20, to create new subheadings:

- Community Wide Strategic Planning Efforts
- Whatcom County Comprehensive Economic Development Strategy

The item was seconded.

The motion carried by the following vote:

**Ayes:**  Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

**Nays:**  None (0)

**Abstains:**  Brenner (1)

**Browne** referenced item 50 in Proposed Council Changes to Comprehensive Plan, Chapter 7 and **moved** to amend Comprehensive Plan page 7-8, lines 21-25, “The Whatcom County Comprehensive Economic Development Strategy (CEDS) was 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 capital-improvements planning in the service of economic development. The CEDS incorporates three vision statements relating to the County’s preferred economic future.” This language he inserts is right out of the CEDS document and describes the purpose of the CEDS.

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 item 51 in Proposed Council Changes to Comprehensive Plan, Chapter 7 and moved to amend Comprehensive Plan page 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.” He stated that his point is that the sales tax revenue is primarily directed to infrastructure.

The motion was seconded.

Browne stated it explains how the revenue collected under this Revised Code of Washington (RCW) has historically been used. It’s informational.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)

**Nays:** None (0)

**Abstains:** Weimer (1)

Weimer stated he abstains because he doesn’t know whether that’s historically what the CEDS document does.

Tyler Schroeder, Executive’s Office, stated it’s accurate to say that Economic Development Investment (EDI) money is used for projects on the CEDS list. A project that uses EDI funds has to be on the CEDS list. He’s not sure there isn’t a way to make this broader. He is concerned about removing the first sentence.

Browne amended his motion to not strike out the first sentence, “The CEDS also identifies infrastructure and other projects that support economic development, and includes economic data. The CEDS report has primarily directed that the sales tax revenue collected under RCW 82.14.370 be used to fund infrastructure.”

The motion carried by the following vote:

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

**Nays:** None (0)
Browne referenced item 52 in Proposed Council Changes to Comprehensive Plan, Chapter 7 and stated this is just background information that explains what Whatcom Futures did. There were two very useful observations, which he included in his proposed language. He moved to amend Comprehensive Plan page 7-8, line 41, to create a 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. It helps 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”.

The motion was seconded.

Sidhu stated that if they only address business, they don’t address agriculture. There is a significant Canadian investment in the farm sector in Whatcom County. It may not be included in the total or reported, but it creates jobs. There should be a recognition that this is not only industrial development. No one is recognizing or promoting that part of the economic sector and investment from Canadians.

Browne stated he agrees with Councilmember Sidhu. This particular motion is specifically about the Whatcom Futures document.

Sidhu stated Whatcom Futures does not report on the agriculture sector or consider it part of economic development.

Browne stated this is just about what has historically happened.

Sidhu stated the first paragraph of the motion does not mention or recognize any other organization that is making any effort in that sector. The local land is cheaper and resources and market are bigger. That drives people to invest in this county. A substantial amount of berry land is owned by Canadians.

Browne stated he agrees that it should have happened, but it didn’t happen.
Sidhu stated he hopes in the future that Whatcom Futures considers this important economic sector.

Browne stated language about what should happen in the future is not in this section. It’s a different section in the document.

Brenner asked why Whatcom Futures didn’t address agriculture.

Sylvia Goodwin, Port of Bellingham, stated Whatcom Futures did talk about agriculture, recreation, retail, education, and healthcare. This is just one quote that Councilmember Browne pulled from the Whatcom Futures document.

Brenner stated include language that recognizes the historical growth of the agricultural economy.

Browne stated other councilmembers can insert other quotes from the Whatcom Futures document.

Goodwin stated she has a copy of the Whatcom Futures report and will email it to the Council.

**Browne moved** to hold in Committee.

The motion to hold in Committee carried by the following vote:

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

**Nays:** None (0)

**OTHER BUSINESS**

There was no other business.

**ADJOURN**

The meeting adjourned at 4:35 p.m.

The Council approved these minutes on _____________, 2016.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.
WHATCOM COUNTY COUNCIL
Regular County Council Meeting

May 17, 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

Brenner moved to approve Minutes Consent items one through five. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Mann (out of the room) (1)

1. REGULAR COUNTY COUNCIL FOR APRIL 5, 2016

2. SPECIAL COMMITTEE OF THE WHOLE (AM) FOR APRIL 19, 2016

3. SPECIAL COMMITTEE OF THE WHOLE (PM) FOR APRIL 19, 2016

4. REGULAR COUNTY COUNCIL FOR APRIL 19, 2016

5. REGULAR COUNTY COUNCIL FOR MAY 3, 2016

PUBLIC HEARINGS

1. WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 3, HOUSING (AB2016-047C)
Buchanan opened the public hearing, and the following people spoke:

Linda Twitchell, Building Industry Association, stated there is a serious housing problem and they need flexibility and a variety of housing forms. Expand the Bellingham urban growth area (UGA) to deal with the problems, but the Chapter is headed in the right direction.

Ann Russell stated make a countywide, comprehensive effort to address the affordable housing problem. There is a gap between wages and housing prices, which can’t be fixed by zoning, housing supply, or land supply. Think about how to solve these problems in the context of Chapter 3.

Matt Petryni, ReSources for Sustainable Communities, stated they need to address the problem of affordable housing. Intentionally invest in and subsidize affordable housing. A supply-based solution doesn’t work. The staff’s original draft of the Chapter included such solutions.

Roger Almskaar submitted a handout (on file) and stated the law of supply and demand does work. There is a problem with over-regulation, which is the cause of most housing problems. It’s not legal to ask new developers to pay for existing deficiencies or require them to participate in the transfer of development rights program.

Patrick Alesse stated pay attention to the cost of delivering services in the rural areas. The costs are higher, and the service is less. The higher cost of services to rural areas is already subsidized.

Kris Halterman stated the Council must define the difference between affordable housing and subsidized housing. They are not the same. Don’t shift the tax burden to others.

Bill Angel stated address climate mitigation and adaptation. Allow future expansion of climate mitigation options. Rules and regulations for building should allow alternative energy and conservation.

Robin Dexter stated they must consider the cost and tax shift from housing in inappropriate areas when it disturbs the natural services. Some people benefit economically from using resources on which they all depend.

David Bernstein stated he is concerned about the housing crisis in Birch Bay.

Sandy Robson stated keep in mind that statistics can be presented to promote a particular position.

Wendy Harris stated people have a right to be free from nuisance. People don’t have an absolute right to do whatever they want with their property, regardless of the impact to others, particularly regarding air quality. Consider having a ban on recreational burning, especially in areas where people live closer together.

Hearing no one else, Buchanan closed the hearing.
2. WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 11, ENVIRONMENT (AB2016-047K)

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

Dena Jensen stated the Environment Chapter must be the first chapter, not the last chapter, in the plan. She opposes fracking. Strengthen stormwater management strategies to control runoff in sensitive areas. Approve the proposed policy regarding instream flow rules. Restore the original staff recommendation to develop and implement an action plan to record water use by 2025.

Pam Borso stated include language about comprehensive flood hazard planning. Discourage new development in a river migration zone. Use accurate and relevant data for water quality and water quantity issues. She supports comments from ReSources on the Lake Whatcom watershed. Require landowners to protect water quality. Meet instream flow rules. Institute countywide water metering of all users.

Judith Akins stated protect and restore water resources. Develop a policy for countywide water quantification.

Christine Hansen submitted her comments (on file) and stated include policies that ensure there will be enough clean water for fish, farms, and people well into the future. Don’t permit fracking. Save the salmon, which are threatened by poor water quality and low river levels. Achieve a harvestable surplus of salmon. Follow the Nooksack River instream flow requirements.

Karlee Deatherage, ReSources for Sustainable Communities, stated proactively manage water resources by working with the State. She supports the changes proposed by ReSources. Quantify water use throughout the county.

Bob Seaman described recent work done in the Ten Mile watershed. There are septic system failures in the area. People are learning how to do self-inspections, but several re-inspections show failures. Stay vigilant about water quality in the county. They need more help with outreach.

Brian Carey stated protect water resources. Restrict further development or urban growth area (UGA) expansion in the Lake Whatcom watershed. Also, support funding plans for the 2008 Lake Whatcom Comprehensive Stormwater Plan. Reduce or eliminate stormwater runoff to protect stream and river quality. Meter water use countywide by 2025.

Bob Aegerter submitted and read from his comments (on file) and stated eliminate polluted runoff, support salmon recovery, and quantify water use.

Blanche Bybee stated quantify water use in Whatcom County.

Ann Russell, ReSources, stated the County must protect the environment and enhance quality of life. She referenced a letter from ReSources dated May 12, 2016 regarding Lake Whatcom. They ask for a new policy to not designate any more urban growth areas in the Lake Whatcom watershed.
Dillon Kilroy stated promote the development of renewable energy.

David Jackman stated promote renewable energy. Regulations regarding wind energy projects are outdated. The zoning ordinance should be reviewed and revised.

Riley O’Leary stated allow wind turbines in the agricultural sector. Wind energy has many benefits.

Emily Seamons stated she supports allowing wind energy as proposed by the students at Western Washington University.

Cole Rogers stated allow renewable energy, including wind power.

Julianna Fischer, Western Students for Renewable Energy, stated support renewable energy policies and incentives.

Edward Ury stated support changes to respond and adapt to climate change, protect water resources, and convene the climate impact advisory committee. Quantify water use countywide. He supports the policy opposing fracking.

Joe Knight stated protect against willful action that damages the environment and natural resources.

Roger Almskaar stated over-regulation is a big problem. Quality of life requires a decent income and housing. Include the Growth Management Act (GMA) goals in the Plan. Find a balance among all 14 GMA goals. Create a set of rules that are fair, clear, don’t conflict with other rules, and accomplish a legitimate public purpose.

Rianna Johnson stated she supports renewable energy. Climate change is the biggest threat to the future. Consider the language proposed by the Students for Renewable Energy.

Patrick Alesse stated he agrees with the students from Western Washington University who have spoken.

Tim Douglas stated include a strategy that includes an outreach effort to create new jobs. Invest economic development money in outreach.

Wendy Harris referenced goals 11L and 11M and stated they are problematic. Standards for development regulations and the critical areas ordinance (CAO) should not be stronger than the policy in the Comprehensive Plan. Use the right terminology and language. Include language about species that are declining or have a cultural value.

Matt Petryni, ReSources for Sustainable Communities, stated he supports the language proposed by the Students for Renewable Energy.

Robin Dexter stated he supports the comments in the letter from Ann Russell dated May 12, 2016 and comments from Eric Hurst on Policy 11J-3. Metering water use is the
only way to settle water rights questions. He supports good economic policy when they strictly protect the environment.

Sandy Robson stated she supports comments from Dena Jensen. Create a policy about contracts that the Public Utility District (PUD) makes that use large amounts of water, such as its agreement regarding the Gateway Pacific Terminal (GPT). The PUD must have a transparent public process.

Carol Perry stated the Public Utility District addressed the GPT contract in open meetings. Predictions about changes in the climate and overpopulation have existed since the 1970’s, and those predictions have not come true.

Kris Halterman stated use good economic sense when creating this language. Some language would prevent businesses from coming here. Solar and wind require a lot of resource land to be viable. Don’t create an energy source that makes it less affordable to live here.

Don Nichols stated don’t delay solutions until 2025, because the problems will still exist.

Hearing no one else, Buchanan closed the hearing and stated the Council will continue to take written testimony.

OPEN SESSION

The following people spoke:

- Wendy Harris spoke about fiscal responsibility and the cost of incentive programs for businesses and farmers.
- Gordon Bakke spoke about property rights and recreational resource management areas (RRMAs).
- Patrick Alesse spoke about agenda items regarding Birch Bay Community Park.
- Kris Halterman spoke about a proposed property tax increase to pay for emergency medical services (EMS) and using volunteer firefighters instead of paid staff.
- Carole Perry spoke about the farming community participation in community groups, citizen advisory groups, and other policy issues.
- Cliff Langley spoke about the RRMAs and the purpose of government.
- David Bernstein spoke about Birch Bay not receiving government services proportionate to the amount of taxes collected in the area.

CONSENT AGENDA

Browne reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda Items one through five.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND NORTHWEST REGIONAL COUNCIL TO PROVIDE NURSING SERVICES TO OFFENDERS AT THE DOWNTOWN JAIL AND THE WORK CENTER, IN THE AMOUNT OF $85,322, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF $1,214,902 (AB2016-171)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TO OBLIGATE FEDERAL EMERGENCY RELIEF CONSTRUCTION FUNDS FOR THE SOUTH PASS ROAD FAILURE REPAIR, IN THE AMOUNT OF $580,000, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF $715,200 (AB2016-172)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO AWARD BID #16-22 AND ENTER INTO A CONTRACT FOR THE CEDAR HILLS-EUCLID STORMWATER IMPROVEMENTS PROJECT TO LOW BIDDER, STREMLER GRAVEL, INC., IN THE AMOUNT OF $1,039,477.27 (AB2016-146B)

4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND SUSTAINABLE CONNECTIONS FOR IMPLEMENTATION OF THE COMMERCIAL WASTE REDUCTION AND RECYCLING EDUCATION PROGRAM, IN THE AMOUNT OF $35,000 (AB2016-173)

5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND NURSE-FAMILY PARTNERSHIP TO PROVIDE TRAINING AND IMPLEMENTATION SUPPORT TO ENSURE THAT WHATCOM COUNTY’S IMPLEMENTATION OF NURSE-FAMILY PARTNERSHIP MAINTAINS MODEL FIDELITY AND DELIVERS PROGRAM RESULTS AS EXPECTED, IN THE AMOUNT OF $27,461 IN 2016 AND $16,752 IN SUBSEQUENT YEARS (AB2016-174)

OTHER ITEMS

1. RESOLUTION AUTHORIZING THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM ADMINISTRATOR TO APPLY FOR PDR EASEMENT MATCH FUNDING THROUGH THE WASHINGTON STATE RECREATION CONSERVATION OFFICE (AB2016-165)

   Weimer reported for the Natural Resources 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)
2. ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, NINTH REQUEST, IN THE AMOUNT OF $162,263 (AB2016-164)

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)

3. RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO MAKE APPLICATION AND ENTER INTO A GRANT AGREEMENT WITH THE WASHINGTON STATE RECREATION AND CONSERVATION OFFICE FOR FUNDING THROUGH THE LAND AND WATER CONSERVATION FUND WASHINGTON WILDLIFE AND RECREATION PROGRAM FOR TRAIL DEVELOPMENT AT SOUTH FORK PARK, IN THE AMOUNT OF $209,000 (AB2016-168)

Browne reported for the Finance and Administrative Services Committee and moved to approve the substitute resolution. The motion was seconded.

Mike McFarlane, Parks and Recreation Department Director, gave a staff report and answered questions about using the real estate excise tax (REET) fund and other funding sources, plans for the use of the park, an easement with the Department of Natural Resources (DNR), and how well the park will be maintained.

The motion carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)

4. RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO MAKE APPLICATION AND ENTER INTO A GRANT AGREEMENT WITH THE WASHINGTON STATE RECREATION AND CONSERVATION OFFICE FOR FUNDING THROUGH THE AQUATIC LANDS ENHANCEMENT ACCOUNT FOR THE ACQUISITION OF THE BIRCH BAY COMMUNITY PARK PROPERTY, IN THE AMOUNT OF $615,884 (AB2016-169)

Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution.

Mike McFarlane, Parks and Recreation Department Director, answered questions about program funding, whether the community still supports development of the parking lot, and whether another parcel was sold at auction.

Tyler Schroeder, Executive’s Office, stated he will look into the auction process and report to Council.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)
5. RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO MAKE APPLICATION AND ENTER INTO A GRANT AGREEMENT WITH THE WASHINGTON STATE RECREATION AND CONSERVATION OFFICE FOR FUNDING THROUGH THE WASHINGTON WILDLIFE AND RECREATION PROGRAM FOR THE ACQUISITION OF THE BIRCH BAY COMMUNITY PARK PROPERTY, IN THE AMOUNT OF $615,884 (AB2016-170)

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)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Browne reported for the Finance and Administrative Services committee and moved to send a letter of thanks to all the jurisdictions, including the Sheriff’s Office, who participated in providing public safety during the recent Donald Trump rally in Lynden.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF ASHTON BEANBLOSSOM TO THE AGRICULTURAL ADVISORY COMMITTEE (AB2016-176)

Mann moved to confirm the appointment. 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 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 (AB2016-167)
Mann moved to accept the substitute Introduction Item. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES


Councilmembers gave updates on recent activities and upcoming events.

ADJOURN

The meeting adjourned at 9:31 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
CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 10:10 a.m. in the Civic Center Garden Level Conference Room, 322 Commercial Avenue, Bellingham, Washington.

ROLL CALL

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

Absent: Satpal Sidhu

SURFACE WATER WORK SESSION (AB2016-024)

1. JOINT BOARD UPDATE

Gary Stoyka, Public Works Department, reported on the status of combining the Salmon Recovery Board and Joint Board. They are negotiating what the Planning Unit role will be.

Brenner stated the Planning Unit is authorized by State law. Stoyka stated the Planning Unit isn’t in any of the current agreements of the Joint Board or Salmon Recovery Board. The next Joint Board meeting is July 28, and they hope for a vote on the interlocal agreement.

2. COORDINATED WATER SYSTEM PLAN (CWSP)

Gary Stoyka, Public Works Department, submitted and read from a presentation and handouts (on file).

Mark Personius, Planning and Development Department, continued the presentation on the CWSP and Comprehensive Plan update process.

Jim Bucknell, RH2 Engineers, continued the presentation on the water supply analysis. He explained the analysis process and assumptions. There is a surplus of water, but that surplus isn’t necessarily where the future demand will be.

Stoyka continued the presentation beginning on the water utility service areas, Section 4.

Donovan asked when public water is required. Stoyka stated it is required anytime there is service in which the public will be drinking or accessing water. It does not include industrial use.
Brenner asked if the County has ever taken receivership. Stoyka stated it hasn’t. No one has ever done it in Whatcom County.

Brenner stated they’ve never talked about the possibility of desalinization. Bucknell stated nowhere in the world is there a desalinization plant where there are other water alternatives, due to the cost, but they could look at it.

Weimer asked if water systems that use more water than allowed is an issue with Ecology. Stoyka stated County staff have contacted those systems to request more information. Ecology is looking into it.

Bucknell stated Ecology’s response would likely be to work with the State Department of Health and the system owners to solve the problem and prevent new connections.

Weimer asked if small systems north of Lynden are having nitrate problems they can’t afford to address. Bucknell stated they are. They are working on finding another water source.

Browne asked the average water use per household in the county. Bucknell stated it varies widely depending on whether the household had a dairy, for example.

Stoyka stated the urban average water use is 309 gallons per household per day and the rural average is 258 gallons per day.

Browne stated that in some locations, the ability to draw water is less than what the water right allows. Bucknell stated it would be evaluated in the water system plan process to see if capacity meets needs, regardless of what the water right says. The forecast compared the water right certificates to the demand.

Browne stated they need to answer the question of the actual physical capacity to draw water. He asked if a public water system requires an underlying water right and must stay within the physical boundaries of that water right. Bucknell stated they would have to submit a request to change the place of use to add the additional area.

3. PLANNING UNIT

Sylvia Goodwin, Planning Unit Member and Port of Bellingham, gave an update on the Planning Unit work on the Lower Nooksack Strategy, the Coordinated Water System Plan, and the Comprehensive Plan policies on water, which she emailed to the Council.

4. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) LEVEL OF SERVICE EXPANSION DISCUSSION

Cathy Craver, Public Works Department, read from the presentation in the packet supplement (on file).

Brenner asked if staff work with private property owners so they have an incentive to do the work on their own. Craver stated they are evaluating an approach for consultation and discussion with property owners.
Rob Ney, Public Works Department, stated phase one is just about identifying and inventorying what is out there so they can develop a program, prioritize the outfalls that exist, and identify funding.

Weimer asked the budget this year and next year. Ney stated they are working on how to provide funding for the expanded level of service for the entire system.

Weimer stated they need to have that discussion to address inequities in the system.

Jon Hutchings, Public Works Department Director, stated they are working on a clear scope of work that identifies what the funding will be spent on and to make the argument for increased funding.

Browne asked what is the sediment that gets into the facilities and what do they do with it. Ney stated it’s mostly sand. There is no information that indicates it is contaminated waste.

Hutchings stated contaminated waste goes to a managed waste facility through a contract with the City of Bellingham.

Brenner asked if it’s possible to have agreements with smaller cities. Ney stated the smaller cities would look to the County for help.

5. FINAL SYSTEMWIDE IMPROVEMENT FRAMEWORK PLAN

Paula Harris, Public Works Department, stated the plan is still a draft. She gave an update on the plan process. There will be minor revisions as she receives more comments. She submitted and read from a presentation (on file).

Mann asked how often they have to do this plan. Cooper stated they will monitor and update the plan every two years.

6. MEMORANDUM OF AGREEMENT TO ADOPT THE SUDDEN VALLEY STORMWATER AND PHOSPHORUS MITIGATION PLAN

Cliff Strong, Planning and Development Services Department, submitted and read from a presentation (on file) on the background and purpose of the presentation.

Melanie Mankamyer, Wilson Engineering and representing Sudden Valley Community Association, continued and concluded the presentation.

Strong stated the agreement will be scheduled on the June 14 County Council meeting agenda for approval.

Mann stated he is concerned about recordkeeping, ongoing operation and maintenance, and the County’s enforcement authority. Mankamyer stated the County has the same enforcement as any other place.
Strong, Craver, and Mankamyer answered questions about the current and future reporting requirements of the homeowners and homeowner’s association.

**ADJOURN**

The meeting adjourned at 12:38 p.m.

The Council approved these minutes on ________________, 2016.

**ATTEST:**
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**

Behavioral Health Revenue Advisory Committee quarterly report to County Council.

**ATTACHMENTS:**

Memo to Executive
Behavioral Health Nurse-Family Partnership Report

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

Behavioral Health Revenue Advisory Committee quarterly report to County Council.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: JACK LOUWS

FROM: Judy Ziels, Public Health Nurse Supervisor

DATE: JUNE 2, 2016

RE: Quarterly Report of Behavioral Health Revenue Advisory Committee

The Behavioral Health Revenue Advisory Committee will present its quarterly report of the Behavioral Health Fund, collected by the 1/10th of 1% sales tax, to the County Council on June 14th, 2016. The focus of this quarter’s report is on the Nurse-Family Partnership Program. Attached is a two-page report that highlights this program along with two short narratives describing the impact of this program on two local families.

In December of 2012, the Whatcom County Health Department began implementing the Nurse-Family Partnership program. The program is a nationally-recognized home visiting program focused on supporting low-income first-time mothers during pregnancy until the first child is two years of age. The Nurse-Family Partnership program is at the forefront of community health programs because it is evidence-based. Thirty years of research has demonstrated multi-generational outcomes that benefit individual families and the community.

The program matches each family with a nurse who provides ongoing support to the family focusing on health, child development, goal-setting and family self-sufficiency. In order to be a part of the program women must enroll before their third trimester of pregnancy. Starting during pregnancy takes advantage of this demonstrated unique window of opportunity to promote a healthy change process in a woman that can positively impact the health and behavior of mother, baby and, eventually, the entire family. To date, 101 families have been served by the program in Whatcom County.

The Whatcom County Health Department initially sought to implement this program in the community in response to the priorities identified through the Community Health Assessment and Improvement Plan. One of the top priorities identified by the community for action was to support the health and well-being of children, focusing on eliminating opportunity gaps right from the start. Because of the strong evidence of effectiveness in addressing both long-term health and well-being and economic
security, Nurse-Family Partnership was identified as an important addition to address the needs in our community.

The Behavioral Health Revenue Advisory Committee also recognized the Nurse-Family Partnership as a good fit for their priorities and became a backbone funder. The Nurse-Family Partnership program is a recognized prevention program for youth mental health and substance abuse problems. As an evidence-based program the Nurse-Family Partnership has demonstrated that, as compared to other similar children, children of nurse-visited women are less likely to use tobacco, alcohol and marijuana; demonstrate greater attention, impulse control and sociability; and, demonstrate a greater capacity for sustained attention.

The contribution of dollars from the Behavioral Health Fund has helped to serve families in this program but has also served as backbone funding to secure additional grants. Recently, we received additional competitive grant funds to expand our program in partnership with the Lummi Nation. We have hired an additional nurse and a part-time Lummi tribal member to be a part of our team as a family advocate for Lummi families enrolled in the program. We now have the capacity to serve up to 60 families at one time.

We began graduating our first families from the program in March of 2015. It has been uplifting to see the success of the families that complete the program. Some of the outcomes we have seen to date include: (1) a 20% reduction in cigarette smoking among NFP moms during pregnancy, (2) 97% of NFP mothers report breastfeeding at birth and nearly 60% continue to breastfeed at 6 months, (3) >90% of NFP infants and toddlers met NFP objectives for language and developmental progress, and (4) 54% of NFP clients 18 years of age or older are participating in the workforce when their child is 12 months of age.
NURSE-FAMILY PARTNERSHIP IN OUR COMMUNITY

Nurse-Family Partnership® (NFP) is an evidence-based, community health program that helps transform the lives of vulnerable mothers pregnant with their first child. Each mother served by NFP is partnered with a registered nurse early in her pregnancy and receives ongoing nurse home visits that continue through her child’s second birthday. Independent research proves that communities benefit from this relationship — every dollar invested in Nurse-Family Partnership can yield more than five dollars in return.

NURSE-FAMILY PARTNERSHIP GOALS

1. Improve pregnancy outcomes by helping women engage in good preventive health practices, including thorough prenatal care from their healthcare providers, improving their diets, and reducing their use of cigarettes, alcohol and illegal substances;
2. Improve child health and development by helping parents provide responsible and competent care; and
3. Improve the economic self-sufficiency of the family by helping parents develop a vision for their own future, plan future pregnancies, continue their education and find work.

---

Positive Outcomes for NFP Clients in Whatcom County

94% of babies were born full term
97% of mothers initiated breastfeeding
95% of children in the program are up-to-date on their immunizations
96% of children in the program are receiving regular developmental screenings and appropriate referrals

---

CLIENT DEMOGRAPHICS
At Intake
Total Clients Served: 101
Median Age: 20
Age Range: 14-35
99% Unmarried
99% Medicaid recipients
45% Without High School diploma
Race/Ethnicity
9% American Indian/Alaska Native
0% Asian
5% Black or African American
9% Multi-racial
77% White
25% Hispanic/Latina

Data from December 2012 through May 2013
All data is self-identified
In Whatcom County, Nurse-Family Partnership is currently serving 40 families with the new capacity to serve up to 60 families.

PROGRAM GROWTH AND HISTORY

In 2012, responding to the community priority of enhancing the well-being of children and families as documented in the Community Health Assessment and Community Health Improvement Plan, the Whatcom County Health Department began implementing the Nurse-Family Partnership. The program started with two Nurse Home Visitors and has recently expanded to include a third. This expansion has been done in partnership with the Lummi Nation. As part of this partnership, a Lummi tribal member has been hired to act as a family advocate with Lummi families as part of the Nurse-Family Partnership team. In order to expand our services to include additional vulnerable families in Whatcom County, the program intends to continue to grow and eventually have the capacity to serve up to 100 families at any one time.

FUNDING CONTEXT

The Whatcom County Behavioral Health Fund has been a primary part of the funding structure of the program from the beginning. In addition to this funding, two different grants from Thrive Washington, which administers the state Home Visiting Services Account, support the program. And, finally, additional County General Fund dollars are used to provide administrative support of the program.

PUBLIC HEALTH PROGRAM WITH PROVEN AND MEASURABLE RESULTS

Societal Benefits

Nurse-Family Partnership is one of the only community health programs that is based on evidence from randomized, controlled trials – 30 years of research proves that it works. This evidence shows our clients – eligible first-time mothers – that if they follow the program and work with their nurse, they can transform their lives and the lives of their children. Moreover, independent policy research makes clear that every public health dollar policymakers and communities invest in Nurse-Family Partnership could realize more than five dollars in return.

National Recognition

- The Washington State Institute for Public Policy, The RAND Corporation and The Brookings Institution have concluded that investments in Nurse-Family Partnership lead to significant returns to society and government, giving taxpayers a $2.88-5.70 return per dollar invested in the program.

- The Partnership for America’s Economic Success finds investments in early childhood programs, such as Nurse-Family Partnership, to be stronger investments than state business subsidies when viewed from a long-term, national perspective.
Two Stories Nurse-Family Partnership Nurse Home Visitor Stories

December 2015

CLARA enrolled in the Whatcom County Nurse-Family Partnership when she was 12 weeks pregnant. She was homeless and temporarily living at the YWCA. CLARA was scared and unsure she could parent and was looking for support. CLARA’s father had passed away recently and her mother was mentally ill and didn’t have the capacity to help her. Her partner was supportive, but he was also homeless and without a job. CLARA went to WIC (Women, Infant, and Children nutrition program) and was referred to the Nurse-Family Partnership program.

CLARA was scared and worried about how she was going to support and parent a new baby. CLARA had worked for many years but she had suffered an injury at work that resulted in a closed head injury. She was on disability and continuing to receive Occupational and Physical Therapy. Her partner was young and lacked education and skills, but he was willing to work hard.

I met this family and it was clear from the beginning that they wanted to be the best parents they could be and build a life as a family. The first thing they needed was reassurance that they could learn about babies and parenting. I provided them with information and also referred them to other community resources including the Whatcom Pregnancy Clinic and the public library.

The next thing the family needed was housing and financial stability. We explored goals and talked about what they wanted as a family. I provided resources and CLARA’s partner was able to find work. Once the family was financially stable, I helped CLARA find safe and affordable housing.

CLARA and her partner welcomed their new baby, feeling much more confident and secure than when they first entered the Nurse-Family Partnership program. They were both such happy parents and wanted to know everything they could about raising a loved, happy, healthy baby and toddler. The Nurse-Family Partnership program follows evidence based guidelines and timelines that provided the information and support to achieve this with CLARA and her family.

The family continued to do well with the support of Nurse-Family Partnership program. Their baby became the toddler they hoped. He reached all his infant and toddler developmental milestones and attached well with his parents. He is such a happy little boy who likes to play guitar and dance with his dad!

CLARA continued to struggle with her health issues but she was able to complete schooling and gain a certificate. CLARA now works again. CLARA’s partner was promoted and earns a living wage. CLARA and her partner became married, with their little toddler as the ring bearer. CLARA fostered support for her family from extended family and friends.
CLARA and her family graduated from the Nurse-Family Partnership program. They voice regularly that the support they received from the program made a big difference in their success as a family. They still send pictures and their new baby, a little girl, is due this year.

April 2015

Over a year and a half ago, when enrolling 18 year old EDNA into the NFP program at 23 weeks pregnancy, it was easy to note numerous strengths this client possessed. Her kind and selfless nature, supportive relationships with friends and family, and internal motivation to work towards a secure future were just a few. With time, lots of listening and reflection, and proving to be reliable and authentic, I have been able to build a strong relationship with this client; the type that is central to the NFP model.

EDNA has since felt comfortable opening up about her history as a victim of domestic violence, and current struggles with depression and low self-esteem. I observed that this client continually expressed self-doubt and frequently noted her deficits. Addressing these struggles and supporting the client to see her strengths and capabilities in all facets of life has been the underlying focus of our visits. By continually acknowledging her strengths, making small achievable goals, and celebrating each success along the way, I have seen EDNA grow substantially in her ability to view herself as a competent and worthy person, and she is accomplishing some amazing things. In September of 2014, EDNA enrolled in college and is working toward her degree in the dental hygiene program. She is the first person in her family to go to college and is completing coursework with grades that she didn’t believe she was capable of. She was also recently offered a paid position on campus due to recognition of her reliability and hard work as a volunteer. When talking about romantic relationships, she speaks about what she is looking for in her next relationship and that she is deserving of love and support.

Most remarkably, EDNA’s growth has shaped who she is as a mother. She is able to recognize and respond to her 15-month old daughter’s needs in a sensitive and loving manner and helps her daughter to manage strong emotions. EDNA talks about what she wants for her daughter’s future and how she is teaching her daughter to like herself. With the added support of the NFP program at this pivotal time in her life, EDNA has been able to build on her existing strengths to grow as a parent and work towards her goals, believing in herself all the while.
**Title of Document:**
Resolution relating to the Whatcom County Coordinated Water System Plan 2016 update.

**Attachments:**
- Cover Memorandum
- Resolution
- Whatcom County Coordinated Water System Plan – Executive Summary

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

**Should Clerk schedule a hearing?** (X) Yes ( ) NO
**Requested Date: 6/14/16**

**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 Water Utility Coordinating Committee, composed of water purveyor and government representatives, approved the Coordinated Water System Plan (CWSP) on April 20, 2016. RCW 70.116.050(4) and (7) require the County Council to hold a public hearing to “insure that the plan is not inconsistent with land use plans, shoreline master programs and/or development policies” of the County. Following acceptance of the plan by the County Council, the CWSP will be submitted to the Washington Department of Health for approval per RCW 70.116.060.

**Committee Action:**

**Council Action:**
5/31/2016 Introduced

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

THROUGH: Jon Hutchings, Director

FROM: Gary S. Stoyka, Natural Resources Program Manager

RE: Resolution Accepting the Coordinated Water System Plan 2016 Update

DATE: May 16, 2016

Requested Action
Enclosed is one original of a resolution to accept the Whatcom County Coordinated Water System Plan (CWSP) 2016 update and find the Plan to be not inconsistent with land use plans, shoreline master programs and/or development policies of the County. Public Works staff requests that Council approve this resolution.

Background and Purpose
The County Council commenced an update of the current 2000 Whatcom County Coordinated Water System Plan (CWSP) on September 30, 2014 by adoption of Resolution 2014-045. A CWSP is a plan for public water systems within a defined area that identifies the present and future needs of the systems and sets forth means of meeting those needs in the most efficient manner possible. The County Council established the planning area, called the Critical Water Supply Service Area (CWSSA), for the original CWSP effort in 1993, and retained the same area for the 2000 update, as well as for this update. The CWSSA includes all of Whatcom County west of the Mount Baker-Snoqualmie National Forest Boundary excluding certain portions of the Lummi and Nooksack Indian reservations.

This CWSP update was prepared under the direction of the Water Utility Coordinating Committee (WUCC). Per RCW 70.116.040, the WUCC included representatives of all individual water utilities located in the CWSSA with more than 50 connections that chose to participate, as well as representatives of the Washington State Department of Health (DOH), Whatcom County Health Department (WCHD), Whatcom County Planning & Development Services (PDS), Whatcom County Public Works (WCPW), and the Whatcom County Council. In addition, all water systems in the CWSSA and the Lummi Nation and Nooksack tribes were invited to participate on the WUCC as non-voting members. WUCC meetings were held from late 2014 through early 2016 to review the existing 2000 CWSP update, provide recommended changes that reflect the needs of the current water system community in the county, and provide guidance for the future. These actions were conducted with the primary objective of supporting the public drinking water supply needs of the County and achieving coordination between water services, the Growth Management Act (GMA), and the update of Whatcom County’s Comprehensive Plan.

This CWSP represents the collective views of the WUCC and integrates the documented views of other state and local governments. This document is officially known as the “Regional Supplement,”
and it and the approved individual water system plans (WSPs) comprise the CWSP. When integrated with the County’s Comprehensive Plan, the CWSP presents a significant piece of the larger resource and growth management strategy for the County’s future.

The WUCC unanimously approved the Whatcom County CWSP on April 20, 2016. The Planning and Development Services (PDS) Department subsequently conducted a State Environmental Policy Act (SEPA) and consistency review. PDS issued a determination of non-significance (DNS) and determined that the CWSP was not inconsistent with land use plans, shoreline master programs, and/or development policies of the County.

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

Encl.
RESOLUTION NO. ________

RELATING TO THE WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN UPDATE

WHEREAS, State law (RCW 70.116.050(4) and (7)) requires the County Council to review the Coordinated Water System Plan and insure that it is "not inconsistent with the land use plans, shoreline master programs, and/or development policies" of the County and consider other factors; and

WHEREAS, the Water Utility Coordinating Committee, consisting of water purveyor and County government representatives, finalized the Coordinated Water System Plan Update in April of 2016 in accordance with RCW 70.116.050(2); and

WHEREAS, a determination of non-significance was issued pursuant to the State Environmental Policy Act; and

WHEREAS, the County Council held a public hearing and acted on the Coordinated Water System Plan within 60 days of receiving it, as required by RCW 70.116.050(7);

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby determines that the Coordinated Water System Plan Update is not inconsistent with the Whatcom County Comprehensive Plan and development regulations and satisfies RCW 70.116.050, subject to the following conditions:

1) Outside of Urban Growth Areas, as designated on the Whatcom County Comprehensive Plan map, City water service shall be provided consistent with planned densities as set forth in the Whatcom County Comprehensive Plan and Official Whatcom County Zoning Ordinance (Title 20).
2) A City's designation of a water service area that extends outside of an Urban Growth Area shall not be utilized as justification for later expanding the Urban Growth Area.

APPROVED this ____ day of __________, 2016.

ATTEST:

__________________________

Dana Brown-Davis, Clerk of the Council

__________________________

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

__________________________

Daniel L. Gibson, Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
Whatcom County
Coordinated Water System
Plan Update

May 2016

Prepared For:

Whatcom County Council
Barbara Brenner
Rud Browne
Barry Buchanan, Council Chair
Todd Donovan
Ken Mann
Satpal Sidhu
Carl Weimer

Jack Louws, County Executive

Patrick Sorensen, Chair
Water Utility Coordinating Committee

Larry Helm, Vice-Chair
Water Utility Coordinating Committee

Prepared By:
RH2 Engineering, Inc.
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Bothell, WA 98021
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425-951-5400
Certificate of Engineer

Whatcom County Coordinated Water System Plan Update 2016

The material and data contained in this plan were prepared under the direction and supervision of the undersigned, who is licensed to practice in the State of Washington and whose seal as a professional engineer is fixed below.

[Seal of Bret Eric Beaupain]

5/31/2016

[Seal of Michele R. Campbell]

5/31/2016
Acknowledgements

An undertaking of this magnitude is not possible without the efforts of numerous individuals and groups. This plan is a product of extensive input and a compilation of the recommendations of numerous special studies and related planning efforts.

Those of us at RH2 Engineering, Inc. would like to pay particular tribute to those agencies and individuals listed below.

- Patrick Sorensen, Chair, Water Utility Coordinating Committee
- Larry Helm, Vice-Chair, Water Utility Coordinating Committee
- Members of the Whatcom County Water Utility Coordinating Committee
- Gary Stoyka, Whatcom County Public Works Department
- John Wolpers, Whatcom County Health Department
- Laurette Rasmussen, Whatcom County Health Department
- Mark Personius, Whatcom County Planning and Development Services
- Erin Osborn, Whatcom County Planning and Development Services
- Wain Harrison, Whatcom County Deputy Fire Marshal
- Richard Rodriguez, Washington State Department of Health
- Jolyn Leslie, Washington State Department of Health
- Water Resources Inventory Area 1 (WRIA 1) Watershed Planning Unit
DOH Approval Letter

Note: The final approval letter from DOH will be inserted here once the plan update is approved.
Glossary of Acronyms and Terms

The following acronyms and terms, with accompanying definitions, are included in this Coordinated Water System Plan. Additional definitions may be found in Chapter 246-290 Washington Administrative Code (WAC), Drinking Water Regulations of the State Board of Health, effective April 1999.

Acronyms

af  Acre feet (1 acre-foot equals 43,560 cubic feet or 32,585 gallons)
afy  Acre-feet per year
APWA  American Public Works Association
ARC  Appeals Resolution Committee
AWWA  American Water Works Association
BRB  Whatcom County Boundary Review Board
ccf  100 cubic feet (100 cubic feet is equal to approximately 748 gallons)
cfs  Cubic feet per second (1 cfs is equal to approximately 449 gallons per minute)
CIP  Capital Improvement Program
CT  Contact time
CWPP  County-wide Planning Policies
CWSP  Coordinated Water System Plan (Prepared pursuant to Chapter 70.116 Revised Code of Washington (RCW))
CWSSA  Critical Water Supply Service Area (Chapter 70.116 RCW and Chapter 246-293 WAC)
DOH  Washington State Department of Health
Ecology  Washington State Department of Ecology
EPA  United States Environmental Protection Agency
ERU  Equivalent Residential Unit
GIS  Geographic Information System
GMA  Growth Management Act
gpcd  Gallons per capita per day
gpd  Gallons per day
gpm  Gallons per minute
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>GWI</td>
<td>Groundwater sources under the direct influence of surface water</td>
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<tr>
<td>IBC</td>
<td>International Building Code</td>
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<tr>
<td>IFC</td>
<td>International Fire Code</td>
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<tr>
<td>IWA</td>
<td>International Water Association</td>
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<tr>
<td>MCL</td>
<td>Maximum Contaminant Level</td>
</tr>
<tr>
<td>MGD</td>
<td>Million gallons per day (1 MGD = 3.0689 acre-feet of water per day)</td>
</tr>
<tr>
<td>MPA</td>
<td>Microscopic Particulate Analysis</td>
</tr>
<tr>
<td>NTNC/TNC</td>
<td>Non-transient Non-community/Transient Non-community</td>
</tr>
<tr>
<td>NRW</td>
<td>Non-revenue water</td>
</tr>
<tr>
<td>OFM</td>
<td>Washington State Office of Financial Management</td>
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<tr>
<td>PDS</td>
<td>Whatcom County Planning and Development Services</td>
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<tr>
<td>ppb</td>
<td>Parts per billion – a measurement of contaminant levels in water</td>
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<tr>
<td>psi</td>
<td>Pounds per square inch</td>
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<tr>
<td>PW</td>
<td>Whatcom County Public Works Department</td>
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<tr>
<td>RCW</td>
<td>Revised Code of Washington</td>
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<tr>
<td>SDWA</td>
<td>Safe Drinking Water Act</td>
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<tr>
<td>SEPA</td>
<td>State Environmental Policy Act</td>
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<tr>
<td>SMA</td>
<td>Satellite Management Agency</td>
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<td>SMCL</td>
<td>Secondary Maximum Contaminant Level</td>
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<td>SWAP</td>
<td>Source Water Assessment Program</td>
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<td>SWSMP</td>
<td>Small Water System Management Plan</td>
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<td>SWTR</td>
<td>Surface Water Treatment Rule</td>
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<td>UGA</td>
<td>Urban Growth Area</td>
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<td>ULID</td>
<td>Utility Local Improvement District</td>
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<td>USGS</td>
<td>United States Geological Survey</td>
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<td>Washington Administrative Code</td>
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<td>Water Availability Form</td>
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<td>Whatcom County Health Department</td>
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<td>WID</td>
<td>Watershed Improvement District</td>
</tr>
<tr>
<td>WRIA</td>
<td>Water Resource Inventory Area</td>
</tr>
<tr>
<td>WSP</td>
<td>Water System Plan</td>
</tr>
</tbody>
</table>
Glossary of Acronyms and Terms

WUCC  Water Utility Coordinating Committee
WUE  Water Use Efficiency

Terms

Adjacent – Water lines are considered adjacent to a property when the water lines lie within either side of the right-of-way or easements directly abutting the property.

Appeals Resolution Committee (ARC) – A committee, consisting of the following:

- The Director of the Whatcom County Health Department or his/her designee
- The Director of Whatcom County Planning and Development Services or his/her designee
- The Director of Whatcom County Public Works or his/her designee
- A representative from one of the approved SMAs identified in Section 6.

The ARC is chaired by the representative of the Health Department for review and informal resolution of appeals regarding the conditions of water service outside of the retail service area.

Community Water System – Any Group A public water system providing service to 15 or more service connections used by year-round residents for 180 or more days within a calendar year, regardless of the number of people, or regularly serving at least 25 year-round (i.e., more than 180 days per year) residents.

Coordinated Water System Plan (CWSP) – Per RCW 70.116.030(1), a coordinated water system plan is:

A plan for public water systems within a critical water supply service area which identifies the present and future needs of the systems and sets forth means for meeting those needs in the most efficient manner possible. Such a plan shall include provisions for subsequently updating the plan. In areas where more than one water system exists, a coordinated plan may consist of either: (a) A new plan developed for the area following its designation as a critical water supply service area; or (b) a compilation of compatible water system plans existing at the time of such designation and containing such supplementary provisions as are necessary to satisfy the requirements of this chapter. Any such coordinated plan must include provisions regarding: Future service area designations; assessment of the feasibility of shared source, transmission, and storage facilities; emergency inter-ties; design standards; and other concerns related to the construction and operation of the water system facilities.

Coordination Act – Public Water System Coordination Act (Chapter 70.116 RCW).

Critical Water Supply Service Area (CWSSA) – Per RCW 70.116.030(2), a CWSSA is:

A geographical area which is characterized by a proliferation of small, inadequate water systems, or by water supply problems which threaten the present or future water quality or reliability of service in such a manner that efficient and orderly development may best be achieved through coordinated planning by the water utilities in the area.
SECTION 0

Declaration of Water Utility Service Area – A declaration signed by water utilities that identifies the service area that the water utility is willing and able to serve unless constraints do not enable the utility to do so. The service area may include existing, retail, wholesale, and future service areas.

Designated Purveyor – A water purveyor (utility) identified to provide water service to a given area. When willing to provide the service in a timely and reasonable manner, the designated purveyor is assigned an exclusive right to provide public water service to the area and is required to include the area within its approved Water System Plan.

Duty to Serve – A municipal water supplier, as defined in RCW 90.03.015, has a duty to provide retail water service within its retail service area if:

1. its service can be available in a timely and reasonable manner;
2. the municipal water supplier has sufficient water rights to provide the service;
3. the municipal water supplier has sufficient capacity to serve the water in a safe and reliable manner as determined by the department of health; and
4. it is consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area and, for water service by the water utility of a city or town, with the utility service extension ordinances of the city or town (RCW 43.20.260).

Equivalent Residential Unit (ERU) – The amount of water typically used by a single-family residence.

Exempt Well – A well that is exempt from the water rights permitting process as established in RCW 90.44.050.

Existing Service Area – The specific area where a water system already provides direct service, remote service, or where service connections are currently available.

Expanding Water Systems – Per WAC 246-293-610(2), expanding water systems are:

Those public water systems installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities which will enable the system to increase in size its existing service area. New individual retail or direct service connections onto an existing distribution system shall not be considered an expansion of the public water system.

Financial Viability – The ability to obtain sufficient funds to develop, construct, operate, maintain, and manage a public water system in full compliance with local, state, and federal requirements on a continuous basis.

Firefighting Water Use – The use of water to contain, suppress, and extinguish a fire that is an immediate threat to persons or property. It also includes temporary use of water for drinking and sanitation by firefighting personnel as needed during the act of fire suppression and extinguishment. A water right is not required for this use.
Fire Flow – The rate of water delivery needed for the sole purpose of fighting fires. For design purposes, the fire flow volume shall be in addition to the requirements of the water system for domestic demand, and a 20 pounds per square inch (psi) residual pressure should be maintained throughout the system under combined maximum demand flow conditions.

Fire Protection – A beneficial use of water associated with the ongoing use of water to reduce fire risks. It includes irrigating buffer areas, storing water for fire use, and supplying fire hydrants within developments. Fire protection water also includes the use of water within a firefighting facility for training firefighting personnel, and testing and maintaining firefighting equipment. A water right is required for such uses.

Franchise Area – Non-exclusive area in which a utility is permitted by the County to extend facilities within public rights-of-way. A franchise area is not equivalent to a service area.

Future Service Area – The specific area where a purveyor or utility plans to serve water.

Groundwater Sources under the Direct Influence of Surface Water (aka GWI) – Any water beneath the surface of the ground with:

1. Significant occurrence of insects or other macroorganisms, algae or large-diameter pathogens such as Giardia lamblia, or

2. Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

Under the direct influence of surface water means the groundwater source is located close enough to nearby surface water, such as a river or lake, to receive direct surface water recharge. Since a portion of the groundwater source's recharge is from surface water, the groundwater source is considered at risk of contamination from pathogens such as Giardia lamblia and viruses, which are not normally found in true ground waters.

Sources most likely to be under the direct influence of surface water are:

- Infiltration galleries and Ranney wells located near surface waters;
- Poorly constructed spring source facilities; and
- Shallow wells located near surface waters.

Group A Water System – A system that serves 15 or more connections or 25 or more people per day for 60 or more days per year. Group A systems are divided into a series of subgroups as diagrammed in Exhibit 2-1. A full description of the classes of systems is contained in WAC 246-290-010.

Group B Water System – A system that serves less than 15 connections and less than 25 people per day or 25 or more people per day during fewer than 60 days per year.

(Note: As specified in the Joint Plan of Responsibilities (JPR) between the State Department of Health and Whatcom County Health Department, two party (shared) wells are exempt from the Group B requirements as allowed in WAC 246-291-005(3), Applicability, which states "The rules of this chapter do not apply to a Group B system that provides water to one or two service connections, except: (a) In a county in which a local board of health has adopted requirements for Group B systems with one or two service connections." (See also WCC 24.11 Drinking Water.)
SECTION 0

Intertie – An interconnection between public water systems permitting the exchange or delivery of water between those systems (see WAC 246-290-010(141)).

Ordinarily, the use of an intertie is governed by a written agreement or contract between the utilities. A modification to water rights issued by Ecology may also be required, or may, in many cases, be accomplished via an amendment to the system’s WSP.

Land Use Designation – The land use(s) allowed in a geographical area by right or permit, as provided in the applicable comprehensive plan or zoning ordinance.

Level of Service – Operational features, such as pressure, flow, and reliability provided to the customer by the water system.

Municipal Corporation – Any city, town, county, water-sewer district, port district, public utility district, irrigation district, and any other municipal corporation, quasi-municipal corporation, or political subdivision of the state (RCW 70.315.020 – Water Purveyors – Fire Suppression Facilities).

Municipal Water Supplier – An entity that supplies water for municipal water supply purposes (RCW 90.03.015(3)).

Municipal Water Supply Purposes – Per RCW 90.03.015(4):

A beneficial use of water: (a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year; (b) for governmental or governmental proprietary purposes by a city, town, public utility district, county, sewer district, or water district; or (c) indirectly for the purposes in (a) or (b) of this subsection through the delivery of treated or raw water to a public water system for such use. If water is beneficially used under a water right for the purposes listed in (a), (b), or (c) of this subsection, any other beneficial use of water under the right generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes. If a governmental entity holds a water right that is for the purposes listed in (a), (b), or (c) of this subsection, its use of water or its delivery of water for any other beneficial use generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes.

Nearby – For the purposes of determining access to public water supplies, “nearby” shall mean at a distance of 1/2 mile or less.

New Construction (as it relates to components of a public water system) – Any addition of supply, transmission, distribution, or storage facilities, either in a new water system or an expanding water system, which provides a capability to serve additional dwelling units or other buildings.
Glossary of Acronyms and Terms

Non-community Water System – A Group A public water system that is not a community water system. Non-community water systems are further defined as non-transient non-community and transient non-community.

Non-transient Non-community Water System – A Group A public water system that provides service opportunities to 25 or more of the same non-residential people for 180 or more days within a calendar year.

Private Water Supply – A water supply serving up to two single family residences or a commercial business for which the director has waived all public water system development and monitoring standards found in WAC 246-291-005 and 030. Private water supplies shall not be approved to serve a connection with a use listed under WCC 24.11.040(a) through (li).

Public Water System – All systems except those serving one single-family residence or four or fewer service connections on the same farm. As used in this document, the term is generally synonymous with “Purveyor” and “Utility.”

Purveyor – Any agency or subdivision of the state or any municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity, that owns or operates for wholesale or retail service a public water system. It also means the authorized agents of any such entities. As used in this document, generally synonymous with “utility” and “public water system.”

Receiver – An entity appointed by the court to manage a water system. Generally, the court intends receivership to be temporary until a permanent solution for the water system is found.

Receivership – The process by which a receiver is appointed to temporarily manage a water system with the goal of bringing a failing public water system back into organizational and operational compliance.

Reclaimed Water – Water derived in any part from wastewater with a domestic wastewater component that has been adequately and reliably treated, so that it can be used for beneficial purposes. Reclaimed water is not considered a wastewater (RCW 90.46.010(15)).

Remote System – A public water system, located within the designated service area of a utility, which is detached from the primary facilities of the utility. A remote system has its own source of supply, unless it connects to the utility's primary source and distribution facilities.

Retail Service Area – The specific area where a municipal water supplier has a duty to serve new service connections under certain conditions (see the Municipal Water Law – Duty to Provide Service Requirements fact sheet, DOH 331-366, for details).

Rural Levels of Service – Includes those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire, and police protection services.

Satellite Management Agency (SMA) – An individual, purveyor, or entity that is approved by the secretary to own or operate more than one public water system on a regional or countywide basis, without the necessity for a physical connection between such systems (WAC 246-295-010).

Satellite Management and Operation Services – All day-to-day responsibilities of a water system. Management responsibilities shall include planning and policy decision making. Operational responsibilities shall include normal day-to-day operations, preventative maintenance,
SECTION 0

water quality monitoring, trouble-shooting, emergency response, response to complaints, public/press contact, and recordkeeping.

Secretary – The secretary of the Washington State Department of Health or the secretary’s authorized representative.

Service Area – A water system’s service area is the specific area or areas the system serves or plans to serve. This may include the:

- Existing service area;
- Retail service area (applies to municipal water suppliers only);
- Future service area; and
- Wholesale service area (where the system provides water to other public water systems).

The largest area identified on a map where a municipal water supplier currently provides direct service and remote service, and the area it plans to serve. The service area may include the existing service area, retail service area, and the future service area. The service area may also include where a water system provides wholesale water supply to other public water systems through an intertie. This area may represent a water right’s expanded place of use if the requirements of WAC 246-293-107 are met. Note: The service area and the water right place of use should be consistent with each other (i.e., the utility should have authority from a water rights perspective to serve water anywhere within its designated service area).

Boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with Whatcom County. Water service provided within designated service areas must be consistent with local land use plans.

Service Connection – A physical connection through which water may be delivered to a customer for discretionary use. Unless otherwise indicated, all such connections, whether currently in use or not, shall be considered as a service connection. The service connection defines the limit of the water utility’s responsibility for system design and operation unless otherwise provided for in the water utility’s condition of service policies.

Utility customers such as mobile home parks, planned unit developments, condominiums, apartment buildings, industrial/commercial sites, or other similar complexes are generally considered exterior to the water system. In such cases, the purveyor shall be required to meet design standards for water systems up to the point of service to the customer; and beyond that point, the applicable plumbing and building codes, fire codes, county health regulations, and local ordinances are deemed to be sufficient to protect the public health and to ensure adequate water service. These customers are not themselves considered herein as water purveyors unless specifically designated as such by DOH.

Timely and Reasonable – Because the Coordination Act and Municipal Water Law use different definitions of “timely” and because neither defines “reasonable,” the term “timely and reasonable” is defined as follows (in order of priority) for the Whatcom County CWSP:

1. As defined in the water utility’s approved water system plan.
2. If the water utility does not have a water system plan, the definition shall be as defined in the utility’s service policies and not inconsistent with the Coordination Act.
3. If the water utility does not have a water system plan or service policies or the water system plan or service policies do not provide a definition for timely and reasonable, the definitions shall be as follows:
   - Water service is considered timely when:
     - the water utility can provide service within 120 days of receiving all necessary permits to begin installation of required system improvements, if the utility is conducting system installation; or
     - the water utility can provide service within 120 days of the applicant installing all necessary system improvements; or
     - as otherwise agreed to between the applicant and utility.
   - Water service is considered reasonable if costs and conditions of service are consistent with the utility’s acknowledged standard practice experienced by other applicants requesting similar service.

**Transient Non-community Water System** – A Group A public water system that serves:

(a) Twenty-five or more different people each day for 60 or more days within a calendar year; or

(b) Twenty-five or more of the same people each day for 60 or more days, but less than 180 days within the calendar year.

**Urban Growth Area (UGA)** – The Growth Management Act requires that participating counties designate a boundary that includes cities and other areas characterized by urban growth, or adjacent to such areas that are planned to accommodate future urban growth. Growth occurring outside the boundary cannot be urban in nature. A final UGA is determined and included in the completed comprehensive plan of each city and the county. As comprehensive plans are updated, the criteria for designation and placement of these boundaries are guided by the GMA and county-wide planning policies.

**Urban Levels of Service** – Includes those public services and public facilities historically and typically delivered at an intensity usually found in urban areas, and typically includes domestic water systems, fire, and police protection services.


**Utility Service Review Procedure** – An administrative procedure established under local agency jurisdiction to identify the water purveyor best able to serve an area where new public water service is requested.

**Water Availability** – Water is considered available when an applicant for a project requiring potable water has access to an adequate supply of safe drinking water which meets the intent of the Growth Management Act of 1990, as amended, and other requirements for the provision of a safe and adequate water supply (WCC 24.11).

**Water Availability Form** – The Water Availability Form (WAF) required by PDS, and reviewed by WCHD, as part of a building permit application to show that the applicant has access to an adequate supply of safe drinking water which meets the intent of the Growth Management Act of 1990, as amended, and other requirements for the provision of a safe and adequate water supply.

**Water Resource Inventory Area (WRIA)** – An administrative and planning boundary established by the Washington State Department of Ecology. Washington State is divided into
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62 WRIs. WRIA 1 is the Nooksack Watershed and certain adjacent drainages (WAC 173-500-040).

Water System Plan – A written plan prepared for a particular water system and service area. Also known as a Comprehensive Water System Plan. Details of Water System Plan requirements can be found in WAC 246-290-100.

Water Utility – See “Public Water System” and “Purveyor” definitions.
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Executive Summary

This Coordinated Water System Plan (CWSP) is a plan for public water systems within the Critical Water Supply Service Area (CWSSA) that was established by the Whatcom County Council to include all of Whatcom County (County) west of the Mount Baker-Snoqualmie National Forest boundary, excluding certain portions of the Lummi and Nooksack Indian reservations (Figure 1-1).

This CWSP update was prepared under the direction of the Water Utility Coordinating Committee (WUCC), which was established pursuant to the Public Water System Coordination Act of 1977 (Coordination Act; Chapter 70.116 Revised Code of Washington (RCW)). This CWSP represents the collective views of the WUCC and integrates the documented views of other state and local governments. This document, officially known as the “Regional Supplement,” and the individual water system plans (WSPs) approved by the Washington State Department of Health (DOH), comprise the CWSP. When integrated with the County’s GMA Comprehensive Plan, the CWSP presents a significant piece of the larger resource and growth management strategy for the County's future.

The County’s 2016 GMA Comprehensive Plan Update anticipates that more than 80 percent of new growth over the next 20 years will be accommodated within cities and Urban Growth Areas (UGAs), with the remainder in rural areas. However, public water service and systems can either be urban or rural as defined in RCW 36.70A.030 (17:20). Water supply and service policies in this CWSP are designed to support the Growth Management Act (GMA) and local land use policies by projecting population and employment growth capacities for the existing municipal and non-government (Group A) water suppliers (comprising both UGAs and non-UGAs). These population growth capacities (i.e., maximum potential demand) are then compared with their respective water rights (supply) and DOH-approved system connection capacities. Cumulatively, there are sufficient water rights available to meet all current and projected needs for the next 50 years. Most utilities have sufficient individual water rights to meet their current demand and their projected full build out demand. The WUCC recommends several measures, such as new water lines and interties, that individual water utilities with inadequate water rights should implement to provide legal and secure supply of water to areas requiring additional water to support future growth and development.

Water utilities are given exclusive right to provide service in their designated service areas. The Coordination Act mostly addresses service in a utility’s future service area. Under the Municipal Water Law, a water utility has a duty to serve within their retail service area providing certain conditions are met. Water systems are required to identify their service areas by submitting a Declaration of Water Utility Service Areas to the Whatcom County Health Department (WCHD). Any changes to a utility’s service area must be reported to WCHD on the appropriate form. Service areas are shown on the official CWSP map. Service area overlaps may occur and do not necessarily present a conflict. This CWSP includes minimum design standards for water systems within the CWSSA. In most cases, the minimum design standards apply only to new or expanding water systems, although existing water systems are encouraged to meet these standards to support the provision of safe, reliable, and high-quality drinking water throughout the CWSSA, including the provision of adequate fire flow. This CWSP also includes updated fire protection and hydrant placement requirements.
Section 1 – Introduction

1.0 Introduction

A Coordinated Water System Plan (CWSP) is a plan for public water systems within a defined area that identifies the present and future needs of the systems and sets forth means of meeting those needs in the most efficient manner possible. The Whatcom County Council established the planning area, called the Critical Water Supply Service Area (CWSSA), for the original CWSP effort in 1993, and retained the same area for the 2000 update, as well as for this update. The CWSSA includes all of Whatcom County west of the Mount Baker-Snoqualmie National Forest Boundary excluding certain portions of the Lummi and Nooksack Indian reservations (Figure 1-1).

This CWSP update was prepared under the direction of the Water Utility Coordinating Committee (WUCC). Per Revised Code of Washington (RCW) 70.116.040 (The Public Water System Coordination Act of 1977, hereafter referred to as the Coordination Act), the WUCC included representatives of all individual water utilities located in the CWSSA with more than 50 connections that chose to participate, as well as representatives of the Washington State Department of Health (DOH), Whatcom County Health Department (WCHD), Whatcom County Planning & Development Services (PDS), Whatcom County Public Works (WCPW), and the Whatcom County Council. In addition, all water systems in the CWSSA and the Lummi Nation and Nooksack tribes were invited to participate on the WUCC as non-voting members. WUCC meetings were held from late 2014 through early 2016 to review the existing 2000 CWSP, provide recommended changes that reflect the needs of the current water system community in the county, and provide guidance for the future. These actions were conducted with the primary objective of supporting the public drinking water supply needs of the county and achieving coordination between water services, the Growth Management Act (GMA), and the update of Whatcom County’s Comprehensive Plan.

This CWSP represents the collective views of the WUCC and integrates the documented views of other state and local governments. This document is officially known as the “Regional Supplement,” and it and the approved individual water system plans (WSPs) comprise the CWSP. When integrated with the County’s Comprehensive Plan, the CWSP presents a significant piece of the larger resource and growth management strategy for the County’s future.

Preparation of the CWSP update has been in accordance with the contract between Whatcom County and RH2 Engineering, Inc., dated October 1, 2014. Close coordination was maintained with the DOH during the CWSP preparation to conform to the requirements of the Coordination Act. This CWSP was approved by the WUCC, and PDS has determined that it is not inconsistent with County land use plans, shoreline master programs, and/or County developmental policies and regulations. [Note: This sentence will be included in the final Introduction assuming these steps all occur as anticipated. Once accepted by the Whatcom County Council, this CWSP will be submitted to DOH for final approval.]

This CWSP includes the following sections:

Glossary of Acronyms and Terms

Executive Summary
SECTION 1

Section 1 – Introduction

Section 2 – The Coordinated Water System Process – This section provides an overview of the process, the history of the CWSP in Whatcom County, Whatcom County Council resolution providing direction to the CWSP update, and the WUCC membership.

Section 3 – Population, Water Demand, and Existing Water Systems – This section provides population projections consistent with the County’s Comprehensive Plan update and water demand forecasts, and compares water demand forecasts to water rights capacity to identify water systems with adequate and inadequate water supplies.

Section 4 – Water Supply Service Areas – This section provides a general discussion of existing, future, retail, and wholesale service areas and the significance of each in terms of rights and responsibilities of the water system, municipal water system commitments, service area declarations, service area appeals and appeal resolution, and the process to amend service area boundaries.

Section 5 – Minimum Design Standards – This section establishes the minimum design standards for new or expanding water systems in the CWSSA, including standards related to fire hydrants, and fire flow requirements linked to zoning classifications.

Section 6 – Utility Service Review Procedures – This section describes the administrative review procedures for applicants with development proposals requiring potable water service in a variety of scenarios, such as: service within an existing retail service area; within a designated future service area; and within relinquished or non-designated service areas. This section also describes procedures for approval of new public water systems and private water supplies, describes a voluntary appeal resolution process, and satellite management within the CWSSA.

Section 7 – Receivership of Failing Systems – This section discusses receivership as an option of last resort for a failing public water system and clarifies the obligations that remain with a public water system even as it makes use of the receivership process.

Section 8 – Issues with Potential Implications for Public Water Systems in Whatcom County – The CWSP process encourages regional solutions to water supply issues. This section briefly identifies a number of water resource related issues to provide context for the public water system coordination efforts identified and established in the CWSP update.

Section 9 – Plan Implementation – This section identifies recommended steps to be taken by the County, public water systems, and others to implement this CWSP and provides an appeals process.

Throughout this CWSP, the words “must,” “will,” “shall,” or “required” are used when practices are required by rule or statute, sufficiently standardized to permit specific delineation of requirements, or where safeguarding the public health justifies definitive criteria or action (and is legally allowable to do so). Where requirements are spelled out in statutes or rules, an attempt has been made to cite the relevant source of the statements.

The words “should” or “recommend” indicate procedures, criteria, or methods that are not required and can be approached with some degree of flexibility. In such cases, water managers may need to explain the basis of the altered approach or, in some cases, why another approach may be more applicable. Unless specifically noted, the WUCC has determined this flexibility should be retained and the related recommendations should not be codified.
Introduction

In cases where the WUCC has determined that certain actions, standards, or procedures are sufficiently important to warrant adoption into the Whatcom County Code, this has been noted in the CWSP, and those changes are specifically identified in Section 9, where the WUCC recommends the County Council amend the existing code to implement the recommendations of the WUCC.
Section 2 – Coordinated Water System Plan

Process
Section 2 – Coordinated Water System Plan

Process

2.0 Introduction

The Public Water System Coordination Act (Coordination Act), enacted in 1977, modified in 1991 and 1995, and codified as Chapter 70.116 Revised Code of Washington (RCW), establishes a procedure for the state’s water utilities to coordinate their planning and construction programs with adjacent water utilities and other local government activities, including planning under the Growth Management Act (GMA). The Coordination Act provides authority to the county for identifying a critical water supply service area (CWSSA) in a given area “where water supply problems related to uncoordinated planning, inadequate water quality or unreliable water service appear to exist.” The Whatcom County Council established its CWSSA for the original Coordinated Water System Plan (CWSP) effort in 1993, and retained the same area for the 2000 and 2016 updates. This area includes “all lands west of the National Forest Boundary excluding certain portions of the Lummi and Nooksack Indian reservations,” (Whatcom County Council Resolution No. 2014-045).1

This update to the CWSP has been completed in accordance with the Coordination Act and is composed of a regional supplement (this document), and a compilation of individual water system plans (WSPs). These individual WSPs have been developed in accordance with Washington Administrative Code (WAC) 246-290-100, and are subject to approval by the Washington State Department of Health (DOH). Water system plans demonstrate a water system’s “operational, technical, managerial, and financial capability to achieve and maintain compliance with relevant local, state, and federal plans and regulations, and must also demonstrate how the water system will address present and future needs in a manner consistent with other relevant plans and local, state, and federal laws, including applicable land use plans.”

The Coordination Act authorizes DOH and the county’s legislative authority to convene a Water Utility Coordinating Committee (WUCC) which is comprised of: water utilities in the area serving more than 50 customers; the county legislative authority; county planning agency; and health agencies. The WUCC advises as to the geographic extent of the area defined as the CWSSA, and plays a major role in the development of the CWSP that serves to guide orderly and efficient delivery of potable water to water dependent users in the region.

Preparation of the regional supplement is the responsibility of a WUCC. In addition to the statutory members of the WUCC listed above, Whatcom County invited representatives of all public water systems in the CWSSA to attend the WUCC meetings as were representatives of DOH, the Washington State Department of Ecology (Ecology), the Lummi Nation, and the Nooksack Tribe to broaden the range of perspectives in developing the CWSP update. A schematic outlining the comparison of Groups A and B and municipal purpose water systems is provided in Table 2-1.

---

1 Whatcom County Government’s web site provides access to its ordinances and resolutions at the following link: http://www.whatcomcounty.us/1414/Legislation Note: For purposes of uniform archiving and retrieval, Whatcom County now uses a standardized numbering system to file resolutions and ordinance that may be different than the original, e.g. Resolution No. 90-73 as adopted is now filed as Resolution No. 1990-073.
### Table 2-1

#### Chapter 246-290 WAC – Public Water System Definition

**Public Water Systems**

All systems except those serving only one single family residence or four or fewer service connections on the same farm.

---

**Group A**

- System that regularly serves:
  - 15 or more service connections
  - OR
  - 25 or more people/day for 60 or more days/yr.

---

**Group B**

- System that serves:
  - Less than 15 service connections AND
  - Less than 25 people/day OR
  - 25 or more people/day during fewer than 60 days/yr.

---

**Community**

- System that regularly serves 15 or more year-round service connections, or 25 or more year-round residents (for 180 or more days/yr).

---

**Non-Community**

- Any system that is not a community system

---

**Non-Transient (NTNC)**

- System that serves 25 or more of the same people/day for 180 or more days/yr.

---

**Transient (TNC)**

- System that serves:
  - 25 or more different people/day during 60 or more days/yr.
  - OR
  - 25 or more of the same people/day for less than 180 days/yr and during 60 or more days/yr.
  - OR
  - 1,000 or more people for two, or more, consecutive days.

---

In addition, the County will review the CWSP and identify any inconsistencies with the existing Whatcom County Code (WCC) 24.11) and, where inconsistencies are found, will either modify the CWSP to eliminate the inconsistency or will identify the inconsistency and include a recommendation to modify the code where the WUCC has deemed such modifications to be desirable as part of the implementation section (Section 9).

Once the CWSP update has been developed by the WUCC, the Coordination Act requires that the CWSP update be submitted to the County Council for concurrence that the document is not inconsistent with local planning policies and requirements. The County Council is also required to hold at least one public hearing on the update. The CWSP is subsequently submitted to the DOH for approval.
Coordinated Water System Plan Process

More than 80 percent of Whatcom County’s 208,000 residents obtain their drinking water from public water systems subject to this CWSP. The remaining population obtains their potable water from private water systems and are not subject to this CWSP.

This CWSP provides updated processes and strategies for Whatcom County water utilities to define their role in the program consistent with adopted land use policies and the County’s projected 20-year population and employment growth strategy identified in the 2016 GMA Comprehensive Plan Update. The CWSP update represents the collective views of the WUCC and, although it is not the total and final water resource management plan for the County, it is a significant piece of the larger water resource and growth management strategy for the County. Existing municipal and non-governmental water suppliers (serving both urban and rural areas) are expected to provide water service to more than 90 percent of the new growth projected over the next 20 years.

In preparing this 2016 CWSP update, a major goal was to achieve coordination between public water service and the County’s 2016 GMA Comprehensive Plan Update. Among many of the GMA’s provisions is the creation of urban growth areas (UGAs) within which urban densities and utility services are allowed. Outside the UGA, rural densities are specified. The County’s 2016 GMA Comprehensive Plan Update anticipates that more than 80 percent of new growth over the next 20 years will be accommodated within cities and UGAs, with the remainder in rural areas. However, public water service and systems can either be urban or rural as defined in RCW 36.70A.030(17:20). Therefore, much effort was spent reviewing and revising water supply and service policies that support GMA and local land use policies. Key to this effort was projecting population and employment growth capacities for all the existing municipal and non-governmental (Group A) water suppliers (comprising both UGAs and non-UGAs), and comparing those population growth capacities (i.e., maximum potential demand) with their respective Ecology-approved water rights (supply) and DOH-approved system connection capacities. This coordination effort is highlighted in Section 3.

Chapter 36.93 RCW established boundary review boards and identified their roles and authorities and includes Boundary Review Board (BRB) responsibilities in the extension of water and sewer service outside of existing service areas by a city, town, or special purpose district. These revisions were incorporated into Utility Service Review Procedures developed for the CWSP.

RCW 70.116.050(4) lists several requirements for Coordinated Water System Plans:

To insure that the plan incorporates the proper designs to protect public health, the secretary shall adopt regulations pursuant to chapter 34.05 RCW concerning the scope and content of coordinated water system plans, and shall ensure, as minimum requirements, that such plans:

(a) Are reviewed by the appropriate local governmental agency to insure that the plan is not inconsistent with the land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects. (The 2016 CWSP has been reviewed by Whatcom County Planning and Development Services (PDS) and Whatcom County Health Department (WCHD) for consistency.)
(b) Recognize all water resource plans, water quality plans, and water pollution control plans which have been adopted by units of local, regional, and state government. (The 2016 CWSP has been reviewed by PDS, WCHD, and WPW for consistency and the plan has been shared with, and reviewed by, the WRIA 1 Planning Unit. In addition, the CWSP identifies a number of issues with potential implications for water users in Whatcom County but defers to other planning efforts for the discussion and resolution of those issues (Sections 2 and 9).

(c) Incorporate the fire protection standards developed pursuant to RCW 70.116.080 (Section 5).

(d) Identify the future service area boundaries of the public water system or systems included in the plan within the critical water supply service area (Section 2).

(e) Identify feasible emergency inter-ties between adjacent purveyors.

(f) Include satellite system management requirements consistent with RCW 70.116.134 (Section 5).

(g) Include policies and procedures that generally address failing water systems for which counties may become responsible under RCW 43.70.195 (Sections 5 and 6).

For the purpose of this CWSP, Whatcom County (County) has committed to review the following plans to ensure that the CSWP update is not inconsistent with those plans:

- Whatcom County Comprehensive Plan (including land use plans and adopted subarea plans, as applicable);
- Whatcom County Shoreline Master Plan;
- WRIA 1 Watershed Management Plan;
- 2005 WRIA 1 Salmon Recovery Plan; and
- Total Maximum Daily Load studies (TMDLs).

It should also be noted that Chapter 246-290 WAC, which is a regulation governing Group A public water systems, was updated several times subsequent to the 2000 CWSP update. This CWSP update has incorporated these changes and is consistent with the current content and requirements of Chapter 246-290 WAC.

The CWSP is also required to be consistent with other related planning documents.

2.1 CWSP History in Whatcom County

This CWSP update represents the third generation of CWSP efforts conducted by Whatcom County (County) since the early 1990s. Table 2-2 outlines the chronology of efforts to develop and approve a CWSP for Whatcom County. The County's original CWSP, completed in 1993, complemented other ongoing County activities to establish a cohesive strategy addressing water and land use issues throughout the CWSSA. Key issues at that time targeted the creation of procedures to define service areas and service responsibilities, eliminate the proliferation of poorly
Coordinated Water System Plan Process

managed water systems, establish minimum design standards, conduct inventories of system capabilities and water rights, and address regional water resources issues.

The 1993 CWSP was submitted by the WUCC and accepted unanimously by the County Council. However, after submitting the CWSP to DOH, disputes arose with the Lummi Nation regarding how water resource issues on tribal lands were being addressed by the State and presented in the CWSP. In January 1995, the issue was directed by the Lummi Nation to the Governor's office for intervention. In March 1995, DOH notified the County that the CWSP could not be approved until issues with the tribe were satisfactorily resolved. Consequently, DOH never formally approved the 1993 CWSP although the County's Comprehensive Plan was prepared during this same period and was adopted in May of 1997.

In 2000, Whatcom County prepared an update of the 1993 CWSP. The Whatcom County Council determined that the update was “not inconsistent with the land use plans, shoreline master programs and/or development policies” of the County and the update was approved by the DOH.

Since its approval in 2000, the CWSP has been implemented with limited success. The CWSP is referenced in the County’s Comprehensive Land Use Plan land use policies as a guiding document to address coordination of the provision of water service to UGAs. The CWSP map, a living document subject to ongoing revision, directs applicants seeking water supply to the most likely public water system available. The CWSP utility service review procedure has served to help coordinate review on land development proposals (including building permits and land division), ensuring water availability prior to issuance of project development permits. The 2000 update identified the WUCC as a key first step in the resolution of disputes related to conflicts between water customers and water utilities. However, the WUCC, although never formally disbanded, did not continue to meet, with the result that the dispute resolution process envisioned in the update did not come to fruition. In 2015, the WUCC developed a new dispute resolution process that is detailed in this document.
## SECTION 2

### Table 2-2: Chronology of Whatcom County CWSP Effort

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 1, 1990</td>
<td>The Whatcom County Council adopted a resolution establishing a Critical Water Supply Service Area (CWSSA) for the purpose of initiating the development of a Coordinated Water System Plan.</td>
</tr>
<tr>
<td>June 22, 1993</td>
<td>Whatcom County Council voted unanimously to adopt the CWSP.</td>
</tr>
<tr>
<td>August 2, 1994</td>
<td>Lummi Nation protests County's SEPA determination of non-significance (DNS) due to dispute over tribal water right claims and jurisdiction on reservation.</td>
</tr>
<tr>
<td>May 20, 1997</td>
<td>Whatcom County Comprehensive Plan (GMA) approved by the County Council, but appeals filed. CWSP remains unapproved by DOH due to ongoing Lummi negotiations and current invalidation status of the Whatcom County Comprehensive Plan (GMA).</td>
</tr>
<tr>
<td>January 30, 1998</td>
<td>Whatcom County submits scope of work to DOH and requests funding to update the 1993 CWSP.</td>
</tr>
<tr>
<td>October 28, 1998</td>
<td>Whatcom County begins update of the unapproved 1993 CWSP.</td>
</tr>
<tr>
<td>August 7, 2000</td>
<td>DOH approves the 2000 update of the CWSP for Whatcom County.</td>
</tr>
<tr>
<td>August 1, 2014</td>
<td>Whatcom County commences update of the approved 2000 CWSP document.</td>
</tr>
<tr>
<td>September 30, 2014</td>
<td>Whatcom County Council approves resolution 2014-045, commencing the Coordinated Water System Plan Update Process, re-establishing the CWSSA with the same boundaries as before, and identifying several specific issues to be addressed.</td>
</tr>
<tr>
<td>November 5, 2014</td>
<td>The first meeting of the WUCC is convened to begin the CWSP update process. RH2 file sharing site established for posting of material for WUCC review.</td>
</tr>
<tr>
<td>December 17, 2014</td>
<td>WRIA 1 Planning Unit briefed on the scope and schedule of the CWSP update project.</td>
</tr>
<tr>
<td>January 21, 2015</td>
<td>WUCC meeting. Chair and Vice-Chair selected. Draft of updated service area map reviewed and discussed. Standards/Fire Flow subcommittee initiated. County to assemble a group to discuss utility service review procedures.</td>
</tr>
<tr>
<td>February 18, 2015</td>
<td>The water rights appendix was provided to the WUCC for review and comment. Standards/Fire Flow working group was established.</td>
</tr>
<tr>
<td>February 23, 2015</td>
<td>The Utility Service Review Procedures (USRPs) working group met for the first time.</td>
</tr>
<tr>
<td>February 25, 2015</td>
<td>Design Standards/Fire Flow working group met for the first time.</td>
</tr>
<tr>
<td>March 13, 2015</td>
<td>Design Standards/Fire Flow and USRP working groups met.</td>
</tr>
<tr>
<td>April 15, 2015</td>
<td>The updated water rights appendix was presented to the WUCC, the updated service area map was presented, and the WUCC was updated on the work of the USRP group and the Design Standards/Fire Flow working group, which includes a representative from the County Fire Marshal's Office.</td>
</tr>
<tr>
<td>April 21, 2015</td>
<td>Design Standards/Fire Flow and USRP working groups meet.</td>
</tr>
<tr>
<td>May 20, 2015</td>
<td>WUCC voted to approve the section on Receivership of Failing Systems. Section 8, Issues with Potential Implications for Public Water Systems In Whatcom County, was discussed. WUCC was updated on the work of the USRP and Design Standards/Fire Flow working groups. The WUCC was briefed on the water demand table and accompanying map. Design Standards/Fire Flow and USRP working groups meet.</td>
</tr>
<tr>
<td>June 10, 2015</td>
<td>Design Standards/Fire Flow and USRP working groups meet.</td>
</tr>
<tr>
<td>June 25, 2015</td>
<td>USRP working group meets.</td>
</tr>
<tr>
<td>July 30, 2015</td>
<td>USRP working group meets.</td>
</tr>
<tr>
<td>August 19, 2015</td>
<td>Section 0, Glossary of Acronyms and Terms, was approved by the WUCC. Section 2, the CWSP Process was approved by the WUCC. Section 8, Issues with Potential Implications for Public Water Systems in Whatcom County, was approved by the WUCC.</td>
</tr>
<tr>
<td>October 21, 2015</td>
<td>Section 5, Minimum Design Standards, was approved by the WUCC. The WUCC was updated on the status of the USRP section revisions. Section 9, Plan Implementation, was discussed with the WUCC.</td>
</tr>
<tr>
<td>December 16, 2015</td>
<td>Section 3, Population, Water Demand, and Existing Systems, was approved by the WUCC. Section 4, Water Utility Service Areas was approved by the WUCC. Section 6, Water Utility Service Areas was approved by the WUCC.</td>
</tr>
<tr>
<td>February 17, 2016</td>
<td>Section 1, Introduction and Section 9, Plan Implementation were approved by the WUCC.</td>
</tr>
<tr>
<td>April 20, 2016</td>
<td>The WUCC approved the final update of the CWSP Regional Supplement document for submittal to the Whatcom County Council.</td>
</tr>
</tbody>
</table>
Coordinated Water System Plan Process

2.2 CWSP Update Preparation

The Coordination Act provides that updates or revisions to coordinated water system plans may be initiated by the county legislative authority at any time [RCW 70.116.060(6)]. During the 15 years following approval of the County’s CWSP, changing conditions in regards to water resource, water supply, and land use planning all suggested that a review and update of the CWSP would benefit the County.

On September 30, 2014, the Whatcom County Council approved Whatcom County Resolution No. 2014-045, and by this action initiated an update to the County’s 2000 CWSP. This resolution re-confirmed the boundaries of the CWSSA established under Resolution No. 91-075, which includes all lands in the county west of the National Forest boundary, excluding certain tribal lands on the Nooksack and Lummi Indian reservations.

Whatcom County’s Resolution 2014-045, initiating the CWSP update, identifies the following areas for review:

1. Water demand forecasting consistent with the 2016 update of the County’s Comprehensive Plan (Section 3);
2. A review of minimum design standards for water systems, including emergency interties and fire flow requirements (Section 5);
3. A review of service area boundary designations and identification of contested service areas (Sections 3 and 4);
4. A review of the utility service review procedure (Section 6);
5. A review of policies regarding satellite management agencies (Section 6);
6. A review of water quality issues, but not necessarily limited to, nitrate contamination issues (Section 8);
7. Terms of the Lummi Peninsula groundwater settlement agreement (Section 8);
8. Incorporation of provisions of the state Municipal Water Law of 2003, including water use efficiency measures (Section 8); and
9. Coordination, identification, and provision for specific links with other water resource management efforts, including but not necessarily limited to the WRIA 1 Watershed Management Project, in order to ensure efficient use of time and funding, and consistency of use of parameters such as per capita water use rates, and to avoid overlap and duplication of effort (Sections 2 and 9).

The Whatcom County Council chose, in September 2014, to begin this update of the CWSP for a number of reasons, one being that the timing presented an opportunity to coordinate water supply planning with GMA requirements for periodic review and update of Whatcom County’s Comprehensive Land Use Plan, scheduled for completion in 2016.

This update recognizes all water resource plans, water quality plans, and water pollution control plans which are have been adopted by units of local, regional, and state government. Special emphasis is given to the County’s Watershed Resource Inventory Area 1 (WRIA 1) Watershed Management Plan Phase I, adopted in 2005, because an update to the CWSP is listed as a task in one of its implementing strategies. One of the implementing strategies of this plan, adopted in 2010, includes what is commonly known as the “Lower Nooksack Strategy.” The 2010 Lower Nooksack Strategy, Objective 3, Task 3 specifically calls for an update to Whatcom County’s Coordinated Water
SECTION 2

System Plan "...to be used as the basis for furthering the completion of a comprehensive water supply plan..."

The County Council further resolved to seek input from the WRIA 1 Planning Unit at the outset of the update process. A final draft of the updated CWSP will be submitted to the WRIA 1 Planning Unit prior to its approval by the County Council.

DOH also requested that special emphasis during this update be centered on revising the appeals process, updating the utility service review procedures (USRPs), and coordinating with the Lummi Nation to accurately reflect details of the settlement agreement for the Lummi Peninsula area of the Lummi Reservation.

Whatcom County authorized RH2 Engineering, Inc., (RH2) to begin work to update the CWSP on October 1, 2014.

In addition, the 2016 update, like the 2000 CWSP Update, is intended to reaffirm the benefit and successes of the coordination process and addresses a broad portion of the County to include areas experiencing, or expected to experience, increased growth and water demands. As with the previous versions of the CWSP, the intent is to facilitate the coordinated provision of water service and provide a structured approach to this element of water resource management throughout the County in a manner consistent with local land use policies and regulations.

Mr. Patrick Sorensen of the Lake Whatcom Water and Sewer District and Mr. Larry Helm of the Y-Squialicum Water Association were selected by the WUCC as chair and vice chair, respectively. Decisions requiring a vote of WUCC members were decided by a majority of the voting members present, as required by statute.

Table 2-3 lists those systems eligible and invited to participate on the WUCC and whether the system has a current Declaration of Water Utility Service Area on file with the County. Table 2-3 serves a number of purposes, including the following:

- Identifies for each utility its compliance with submitting a declaration, and the planning requirements of the CWSP;
- Assists the County and DOH in their review of the CWSP for consistency with County policies and state statutes and regulations; and
- Directs County and DOH attention to those utilities that must satisfy basic CWSP planning requirements before system improvement and/or expansion of service takes place.

Declaration of Water Utility Service Area

To ensure a high degree of CWSP compliance, the WUCC maintains that:

- All water utilities who have not done so, should immediately complete and file a declaration and associated service area map with the County; and
- Failure to have a declaration and an approved and current WSP on file with Whatcom County Planning and Development Services (PDS) and DOH may result in delays of approvals for proposed system expansions. As WSPs are reviewed by the County for consistency with land use plans and receive DOH approval, they will be administratively included within the adopted CWSP.
Coordinated Water System Plan Process

Due to the importance of tracking the status of these utilities, the PDS will be responsible for updating the service area maps and **Table 2-3.** The GIS files used to develop the base map and all service areas are available at the County for this purpose. Any changes to service areas boundaries will follow the procedure established in **Section 4.**

<table>
<thead>
<tr>
<th>Utility</th>
<th>Water Facility Identification (WFI)</th>
<th>Group</th>
<th>Type</th>
<th>On Map</th>
<th>Declaration of Water Utility</th>
</tr>
</thead>
<tbody>
<tr>
<td>WUCC Member Systems (&gt;50 connections)</td>
<td></td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acme Water District No. 18</td>
<td>00250</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Aldergrove Water Association</td>
<td>01200</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Birch Bay Water and Sewer District</td>
<td>95904</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Belfern Water Association</td>
<td>05370</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Bell Bay Jackson Water</td>
<td>05450</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Bellingham Water Division, City of</td>
<td>05600</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Berthusen Road Water</td>
<td>05875</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Blaine, City of</td>
<td>07300</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Central City Water Association</td>
<td>12150</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Chuckanut Trails Water Association</td>
<td>01383</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Custer Water Associations</td>
<td>17050</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Deer Creek Water Association</td>
<td>18418</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Delta Water Association</td>
<td>18750</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Deming Water Association</td>
<td>18800</td>
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<td>Comm</td>
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<td>Yes</td>
</tr>
<tr>
<td>Evergreen Mobile and Park Sales</td>
<td>24151</td>
<td>A</td>
<td>Comm</td>
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<td>Yes</td>
</tr>
<tr>
<td>Everson Water Association</td>
<td>24195</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Everson, City of</td>
<td>24200</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Ferndale, City of</td>
<td>24850</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Ferndale Mobile Village</td>
<td>24840</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Forest Park MHP</td>
<td>25937</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Glenhaven Lakes Club</td>
<td>28050</td>
<td>A</td>
<td>Comm</td>
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<td>Gooseberry Point Community</td>
<td>28550</td>
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<td>Guide Meridian Water</td>
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<td>Hemmi Road Water Association</td>
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<td>Hilltop Water Owners Association</td>
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<td>Lake Samish Terrace Park</td>
<td>44540</td>
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<td>Lamplighter Mobile Homes</td>
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<td>Comm</td>
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<td>Yes</td>
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<tr>
<td>Louie, Joe Water Association</td>
<td>29014</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Lynden Water Department</td>
<td>49150</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Mantheys Country Mobile Park</td>
<td>50900</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Maple Falls Water Coop</td>
<td>51100</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Meadowdale Water Association</td>
<td>53250</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Mount Baker Water Association</td>
<td>56500</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Mountain View Water</td>
<td>56900</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
2.2.1 Coordination with the Growth Management Act

Water Supply and Land Use Planning Meet
The Coordination Act, enacted by the Washington State legislature in 1977, predates the State’s 1990 GMA. The Coordination Act and its implementing rules follow a general trend of law making in the late 1960s and early 1970s in response to the environmental movement. During this time, many environmental laws were enacted at state and national levels to preserve, protect, and enhance environmental resources for the use and enjoyment of future generations. Although original enactment of these two laws is separated by a period of 13 years, they continue to complement one another. They each provide regulatory authority and direction to local governments to employ an intentional approach that considers water resources, water quality, and water quantity when developing goals, policies, and regulations that apply to land use and development, and capital facility planning for the region.
Coordinated Water System Plan Process

A goal of the Coordination Act is to provide for an adequate supply of potable water for consumptive use while recognizing that water supplies are finite and variable within the County and must be used efficiently. A second goal is to ensure that an adequate supply of water is readily available to serve projected growth and land uses. These goals represent a nexus between water supply planning and land use planning. Growth strategies must take into account the availability of water when conducting land suitability and capacity assessments, acknowledging existing uses, allocating population or employment, or assigning density or scale and intensity of planned uses in any geographic area.

Land use planning coordinated with water supply planning ensures predictability for both the water utility and the developer. When land use and water supply planning are coordinated, water utilities may develop long-range financial, technical, and operational plans with regards to capacity in accordance with planned land use. This coordination, when documented in a CWSP including individual WSPs provide developers with some degree of certainty as to whether or not water service may be available in the course of a development process and provides greater transparency and efficiencies to all involved parties.

The Growth Management Act (GMA) [Chapter 36.70A RCW]
The GMA directs Washington counties and cities of a certain size that are growing at a certain rate to adopt comprehensive land use strategies (RCW 36.70A.040). Whatcom County and the seven cities within its boundaries are subject to the GMA’s provisions. The GMA, codified in Chapter 36.70A RCW, with rules in Chapter 365-196 WAC, directs jurisdictions that are required to fully plan under the GMA to adopt internally consistent land use plans, generally referred to as a comprehensive plan. These plans contain generalized land use policy statements that guide and coordinate orderly growth and development based on a 20-year vision for the region. GMA planning goals are broad guiding principles that are applied locally to meet the unique needs of each community. GMA planning goals are implemented through locally-adopted comprehensive land use goals, policies, and implementing regulations; for example, zoning, critical areas, shorelines, watersheds, and resource protection ordinances.

The GMA requires counties planning under the act to designate lands that are most suitable for rural, natural resource (e.g., mineral, forestry, and agricultural), urban, commercial, industrial, recreation, and open space, and to set goals and policies in a comprehensive land use plan that direct and guide development on such lands in a way that is coordinated, orderly, and internally consistent. The Whatcom County Comprehensive Plan Land Use Map, including urban growth areas and associated land use designations is shown in Figure 2-1.

Because most land use depends on water, when reviewing geographies for land use suitability, the availability of water for the type of uses planned must be considered.

When planning under the GMA, local jurisdictions must designate and accommodate critical areas, including Critical Aquifer Recharge Areas (CARA), which are defined as “areas with a critical recharging effect on aquifers used for potable water” [RCW 36.70A.030(5)]. Accordingly, local jurisdictions must adopt provisions that protect both the quality and quantity of groundwater used for public water supplies, protect groundwater and surface water resources in rural areas, protect and enhance shorelines of the state, and protect critical areas.

As stated above, the GMA requires counties planning under the act to develop a comprehensive land use planning strategy to ensure orderly growth and development. Whatcom County and the
seven cities within the County develop and adopt comprehensive land use plans and development regulations. These must be reviewed, evaluated, and amended periodically to ensure that these plans are internally consistent and consistent with one another. Whatcom County’s Comprehensive Plan policies and County-wide planning policies identify implementation of the CWSP as one of its strategies to achieve compliance with GMA goals that address water resources, water quality, and water supply planning.

Whatcom County’s 2016 Comprehensive Plan Update includes a variety of strategies to address water resources and water supply, which are discussed in Chapter 2 – Land Use, Chapter 4 – Capital Facilities, Chapter 5 – Utilities, Chapter 7 – Economics, Chapter 8 – Resource Lands, and Chapter 11 – Environment.

Whatcom County Comprehensive Plan Chapter 11 contains a thorough discussion on the various water resource planning strategies adopted and/or endorsed by the County.

**Whatcom County Comprehensive Plan – Growth Management Compliance**

A discussion about coordination between water supply planning and GMA land use planning would not be complete without mentioning that since its enactment in 1990, implementation of the GMA across jurisdictions statewide has resulted in numerous appeals to the Washington State Growth Management Hearings Board and higher courts requesting clarity on how its provisions should be interpreted and applied.

When there is a legal challenge to county or city compliance with the GMA that results in a Growth Management Hearings Board Final Decision and Order of Invalidation (Order), this can have an effect on both land use and water supply to the area that is subject to the Order, both during the timeframe when the legal issues are being resolved and after. Such an Order results in restrictions to land use, especially new development, because the local comprehensive plan and implementing regulations are considered invalid until resolved and the Order is lifted. The result is that during the time period when a part of the GMA comprehensive plan is subject to the Order, there is a lack of local authority in which to approve proposed land uses (RCW 36.70A.302). In some cases, the timeframe for resolving legal issues may span many years. In coordinating land use and water supply planning, the potential for legal challenges with respect to GMA land use implementation strategies may present uncertainties, requiring increased coordination and information sharing with respect to any proposed development in the affected areas.

**2.2.2 Water System Service Areas**

Each utility was requested through correspondence, and during the WUCC meetings, to submit a map and Declaration of Water Utility Service Area (Declaration) that verified its service area boundary. The Declaration signifies that the utility is willing and able to provide service within that area unless regulatory constraints preclude it from doing so. All changes were incorporated in GIS and are included in the County’s map which is shown in **Figure 2-2** which is located at the end of this Section.

Each water system was asked to review its service area and confirm the boundary was consistent within the CWSP and its individual WSP. Upon completion of the CWSP, the DOH has the authority to deny extension requests for expanding systems with inconsistent service area boundaries, or if Declarations have not been submitted. Detailed discussions regarding service areas, their designation, and the implications of those designations are included in Section 4, and Section 6.
2.2.3 Minimum Design Standards

The design standards and fire flow requirements developed in the 1993 CWSP were reviewed by the Design Standards and Fire Flow Subcommittee and the WUCC. The Whatcom County Fire Marshal participated in the work of the subcommittee.

Section 5 provides guidance on minimum planning and design standards that apply to water service delivery, assessment of feasibility of shared source, transmission, storage facilities, interties and emergency interties between systems, and system reliability. Section 5 also includes minimum standards for fire flow, minimum standards for fire hydrants, and addresses alternate methods for fire protection that are developed pursuant to RCW 70.116.080.

It should be noted that the DOH encourages standard construction specifications be developed by each utility and submitted as part of their individual WSP.

2.2.4 Utility Service Review Procedure

RCW 19.27.097 and WCC 24.11.060 require that each application for a building permit necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building.

A primary goal of the Coordination Act is to provide both guidance and “a strategy to ensure an adequate supply of potable water for domestic, commercial, and industrial uses is readily available with a minimum of loss or waste.”

The Utility Service Review Procedure (USRP) is discussed in Section 6. The USRP describes the various options for obtaining water service within the CWSSA when public water is readily available and also when public water service is not readily available (e.g., if a public system exists but is not able to serve in a manner that is “timely and reasonable,” or when a public water system (municipal water supplier) is not subject to a “duty to serve” in its retail service area, or when no public water system is available). The USRP details specific steps that apply when establishing remote systems, satellite management systems, and private wells.

Section 9, Plan Implementation, provides a path to a voluntary dispute resolution process when there are differing opinions between either the County, the water purveyor, and/or the applicant, developer, or project proponent as to what constitutes delivery of water service in a “timely and reasonable” manner, a water purveyor’s “duty to serve,” or when the County Health Department has denied an applicant’s request to drill a private well. The first step consists of a voluntary pre-hearing conference where information sharing, negotiation, and agreement can take place and, if this is unsuccessful in resolving the problem, a process is outlined where an aggrieved party may request resolution to a dispute utilizing the appropriate existing process.

Under current law, disputes regarding service in retail service areas are resolved in Superior Court. Disputes regarding water service in future service areas are resolved by a process beginning with the County Hearing Examiner, followed by the County Council, and Superior Court appeals system.

The intent of the voluntary dispute resolution process is to develop a locally-driven, less expensive and, hopefully, faster way of resolving disputes. Details of this process are included in Section 9. The revised USRP is discussed in Section 6.
SECTION 2

2.2.5 Issues with Potential Implications for Public Water Systems in Whatcom County

Several issues with potential implications for public water systems in Whatcom County are discussed in Section 8. Topics addressed include the Lummi Peninsula Groundwater Settlement; tribal requests to the federal government regarding their claimed federal reserved water rights; an overview of the water right approval process, including alternative means of water rights processing such as the cost-reimbursement process; water conservancy boards; the use of certified water rights examiners to prepare “proof exams” to move water right permits to the certificate stage; the ability, under certain conditions, to drill new or replacement wells without obtaining prior approval from Ecology; and the municipal water law. Other elements of the regional resource issues include discussions regarding the financial viability of small systems; bacteriological contamination; the presence of nitrates, arsenic, iron, and manganese in drinking water; seawater intrusion; relic saltwater; the search for productive deep wells; the presence of volatile organics and pesticides; data needed for management of both water quantity and quality; the presence or lack of joint facilities and system interties; water conservation and efficiency, including the water use efficiency requirements embodied in the municipal water law; and reclaimed water.

2.2.6 Individual Water System Plans

The DOH rules (Chapter 246-290 WAC) require that certain categories of public water systems shall develop a WSP for review and approval by DOH. One listed category is public water systems required to develop water system plans under the Public Water System Coordination Act of 1977, Chapter 70.116 RCW and Chapter 246-293 WAC.

Elements of the WSP are to be based upon a 20-year planning period, with identification of specific improvements and a financial program for the first 6 years. The purveyor is to update the plan at least every 6 years. However, the DOH may require a plan submission or update at any time. In 2014, DOH announced plans to implement a more flexible and tailored approach to the development of comprehensive water system plans. While the plans still will need to look at planning horizons of 6 and 20 years, systems will now have the option of working with DOH to determine the appropriate interval between plan updates rather than being locked into an update every 6 years. For example, if a system is relatively stable, the system could propose to extend the period to an update every 10 years.

The planning requirements are determined by the DOH and vary for utilities based upon their expansion plans, size, and intent for satellite management.

In the preparation or update of their plan, systems must address issues relating to their consistency with the CWSP, including:

- Map of service area;
- Signed service area agreement;
- Population and water demand projections;
- Design standards;
- Implementation of utility service review procedure;
Coordinated Water System Plan Process

- Satellite management policies and procedures, if a utility intends to provide services;
  and
- Receivership policy.

All systems are to coordinate with DOH to determine the extent of water system planning requirements and their appropriate submittal date.

2.3 Regional Supplement

This CWSP update has been prepared under the provisions of WAC 246-293-220, which allows for a CWSP that consists of: 1) a compilation of WSPs approved by DOH; and 2) a supplement (this document) that addresses water purveyor concerns relating to the entire CWSSA. All completed WSPs of the individual utilities referenced herein are on file with DOH or the County. The review and approval procedure for this document is outlined in Section 9.
WHATCOM COUNTY
Title 20 Zoning & Comprehensive Plan Designations
Section 3 – Population, Water Demand, and Existing Water Systems
Section 3 – Population, Water Demand, and Existing Water Systems

3.0 Introduction
Washington State has given certain mandates on land use plans and utility services to individual counties as part of the Growth Management Act (GMA). The link between growth management and responsible water resource management for Whatcom County (County) exists when population and industrial/agricultural/fisheries water demands occur simultaneously. As the County population continues to grow, the demand for water will increase, as will the competition for water from the various out of stream and instream uses. The County places a high priority on water resources management to ensure a secure and sustainable supply of water for all future uses. This Coordinated Water System Plan (CWSP) update is one part of the County’s comprehensive water resource management efforts.

3.1 Population Forecasts
As required by Revised Code of Washington (RCW) 36.70A.110, the Washington State Office of Financial Management (OFM) developed a range of population projections for the County and its cities (including their urban growth areas (UGAs)) from 2013 through 2036. The GMA requires the County to plan for population growth that is consistent with OFM population projections. The County’s Draft 2016 Comprehensive Plan presents a population projection of 275,625 people in 2036, which is within OFM’s range of projections. The County and each city plan for the distribution of this growth within and outside of the UGAs through the comprehensive planning processes.

For this CWSP, population projections over the planning period were developed by linear interpolation of the County’s distribution of the existing and projected population presented in the Draft 2016 Comprehensive Plan. The County’s population estimates developed for the Draft 2016 Comprehensive Plan are shown in Table 3-1. The projections in Table 3-1 indicate that the proportion of the County’s population that resides in urban areas is expected to increase from approximately 68 percent in 2013 to 72 percent in 2036.
SECTION 3

Table 3-1
Population by County Areas

<table>
<thead>
<tr>
<th></th>
<th>Estimated 2013 Population (cities include Urban Growth Areas)</th>
<th>Forecasted 2036 Population (cities include Urban Growth Areas)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>92,660</td>
<td>123,710</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>7,540</td>
<td>13,040</td>
</tr>
<tr>
<td>Blaine</td>
<td>5,171</td>
<td>9,585</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>3,103</td>
<td>4,448</td>
</tr>
<tr>
<td>Everson</td>
<td>2,665</td>
<td>3,907</td>
</tr>
<tr>
<td>Ferndale</td>
<td>12,758</td>
<td>19,591</td>
</tr>
<tr>
<td>Lynden</td>
<td>12,872</td>
<td>19,275</td>
</tr>
<tr>
<td>Nooksack</td>
<td>1,435</td>
<td>2,425</td>
</tr>
<tr>
<td>Sumas</td>
<td>1,449</td>
<td>2,323</td>
</tr>
<tr>
<td><strong>City/UGA Total</strong></td>
<td><strong>139,653</strong></td>
<td><strong>198,304</strong></td>
</tr>
</tbody>
</table>

Unincorporated Whatcom County Non UGA 66,147 77,321

Whatcom County Grand Total 205,800 275,625


Note: The Cherry Point UGA population of 43 people is included in the Unincorporated Whatcom County Non UGA population. No additional population growth is anticipated in the Cherry Point UGA.

Longer term projections, up to 50 years into the future, are made in this CWSP update to plan for future water supply needs. The average annual growth rates presented by the OFM were used to develop the three population projections shown in Table 3-2. Each population projection applies an annual growth rate of either 0.4 percent (low projection), 1.3 percent (medium projection), or 2.1 percent (high projection) to the population data presented in Table 3-1 to project future population growth to the year 2065.

Table 3-2
County-wide Population Forecast

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2020</th>
<th>2030</th>
<th>2040</th>
<th>2050</th>
<th>2060</th>
<th>2065</th>
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</thead>
<tbody>
<tr>
<td>Low Projection</td>
<td>212,300</td>
<td>216,500</td>
<td>225,400</td>
<td>234,500</td>
<td>244,100</td>
<td>254,000</td>
<td>259,200</td>
</tr>
<tr>
<td>Med. Projection</td>
<td>212,300</td>
<td>226,400</td>
<td>257,600</td>
<td>293,200</td>
<td>333,600</td>
<td>379,600</td>
<td>404,900</td>
</tr>
<tr>
<td>High Projection</td>
<td>212,300</td>
<td>235,500</td>
<td>289,900</td>
<td>356,900</td>
<td>439,300</td>
<td>540,800</td>
<td>600,000</td>
</tr>
</tbody>
</table>

While future uncertainties exist, for water planning purposes, the medium projection will be utilized as the forecast or most likely scenario. Table 3-3 shows the estimated distribution of population in urban and rural areas. The values in the table were developed by linear interpolation of the change in the County’s ratio of urban to rural population shown in Table 3-1. For years beyond 2035, it is assumed that the proportion of people who will reside in urban areas will continue to increase. It is the intent of the policies in the Draft 2016 Comprehensive Plan Update to encourage a greater share of urban growth in the future.
Population, Water Demand, and Existing Water Systems

Table 3-3
Urban and Rural Distribution for Population Projections

<table>
<thead>
<tr>
<th>Land Use</th>
<th>2015</th>
<th>2020</th>
<th>2030</th>
<th>2040</th>
<th>2050</th>
<th>2060</th>
<th>2065</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>144,064</td>
<td>155,895</td>
<td>182,645</td>
<td>213,747</td>
<td>248,586</td>
<td>286,701</td>
<td>306,897</td>
</tr>
<tr>
<td>Rural</td>
<td>68,236</td>
<td>70,505</td>
<td>74,955</td>
<td>79,453</td>
<td>85,014</td>
<td>92,899</td>
<td>98,003</td>
</tr>
<tr>
<td>Total</td>
<td>212,300</td>
<td>226,400</td>
<td>257,600</td>
<td>293,200</td>
<td>333,600</td>
<td>379,600</td>
<td>404,900</td>
</tr>
</tbody>
</table>

It should be noted that the U.S. Bureau of the Census is projecting that the United States, as a whole, will grow less than 1 percent per year between 2015 and 2060. Growth rates in the County have been higher than the nation over the last 40 years. The Census Bureau also projects that the nation's rate of population increase will be declining between 2015 and 2060. Extrapolating the County's historical growth rates does not take into account changes that could take place in future trends. Therefore, population projections should be monitored closely and revised every 5 years to incorporate the most recent data. Additionally, a more sophisticated projection technique that incorporates trends in specific components of change (birth, death, and migration rates) could be employed in the future.

3.2 Water Demand Forecasts

3.2.1 Current and Future Demand Forecasts

Planning for future water supply needs requires demand projections for both short- and long-term. Short-term projections are generally necessary to define capital improvements anticipated in the near future. Such improvements require lead time for financing, design, and construction. Long-term forecasts are necessary to quantify probable water resource requirements, including identifying and sizing long-range supply facilities, acquiring water rights, and managing water resources necessary to meet future demands. The time required to plan and develop water sources and systems is such that short-term planning is for a period of 20 years (consistent with GMA 20-year planning requirements), and long-term planning must consider a 50-year horizon. This is much further into the future than land use plans generally project development. In contrast, however, the current key issues of water supply in the County were created by actions taken in the late 1800s and early 1900s.

Population growth and competing uses for water resources are the most influential factors on future water demands. Not only does the magnitude of future population have an impact, but the location of new population centers will greatly affect delivery of future water supplies. Therefore, water supply and systems must be coordinated with, and based on, population growth according to approved land use plans and policies.

3.2.2 Current and Future Water Consumption Data

The existing water use for most Group A community public water systems was obtained by reviewing the annual water use efficiency reports that were submitted to the Washington State Department of Health (DOH). The metered annual supply volume from the reports was divided by the number of existing connections identified by DOH to calculate each system’s annual average use per connection.
Table 3-4 presents the range and average daily water consumption per connection for both urban and rural Group A public water systems in the County. For the purposes of this analysis, urban water systems are defined as systems serving the primary urban population centers in the County, as identified in Table 3-1. Water systems not serving the UGAs listed in Table 3-1 are defined as rural water systems. Rural water use discussed in this section is associated with rural public water systems and does not encompass all water use that occurs outside of urban population centers and incorporated portions of the County. Rural water use has the largest range in customer supply needs due, in part, to the mix of residential, commercial, and agricultural connections present in many of the systems. Water consumption data are from either 2013 or the most recent data set available at the time of this CWSP update. As shown in Table 3-4, there is a large range in water consumption per connection for the water systems throughout the County. This is due to the wide range in connection types, from individual single-family services to dairies or large industrial customers who may only be served by one connection.

<table>
<thead>
<tr>
<th>Water System Category</th>
<th>Range (gal/conn/day)</th>
<th>Average Daily Use (gal/conn/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>125 to 918</td>
<td>309</td>
</tr>
<tr>
<td>Rural</td>
<td>38 to 2,191</td>
<td>258</td>
</tr>
</tbody>
</table>

Table 3-5 summarizes the water demands for Group A community public water systems in the Critical Water Supply Service Area (CWSSA) in 2015 and at full buildout, based on current zoning and land use classifications. It should be noted that the analysis did not look at areas that may not be buildable due to slope, soil type, sensitive areas, etc. with the result that the full-buildout scenario essentially represents a "worst-case" build-out condition. Due to the lack of metering data available for Group B public water systems, they are not included in this analysis. Using GIS data, based on water system service areas defined in April 2015, the County estimated an additional number of connections for each system, representing full build-out conditions in accordance with the zoning densities within each water service area boundary. Each system's average consumption per connection was applied to the additional connections at full buildout and added to the existing system demands to estimate the buildout demands. For systems with high water use per connection, the future consumption per connection for additional connections was assumed to be 350 gallons per day\(^1\), with the assumption that most future development will be residential in nature with few new high water use connections.

Although metering data is generally not available for Group B and private water systems, county population figures suggest that approximately 41,741 people are supplied water by private wells (2015 County Population [212,300] minus the 2015 Group A and B population [170,559] people yields 41,741 people on private wells). Dividing that number by the County average of 2.56 people per connection means that there are approximately 16,305 well connections. Assuming average

---

\(^1\) As shown in Table 3-4, average daily urban water use is 309 gallons per connection per day and average daily rural water use is 258 gallons per connection per day. The value of 350 gallons per connection per day was selected as a conservative assumption for future uses.
Population, Water Demand, and Existing Water Systems

Water use of 350 gallons per connection per day (0.39 acre-feet per year), private well water use accounts for approximately 6,360 acre-feet of water use per year.

Table 3-5
County-wide Water Demands for Group A Community Public Water Systems
Average Daily Demands in Million Gallons per Day (MGD)

<table>
<thead>
<tr>
<th>System Classification</th>
<th>Existing (2015)</th>
<th>Buildout</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>14.8</td>
<td>39.4</td>
</tr>
<tr>
<td>Rural</td>
<td>4.8</td>
<td>6.0</td>
</tr>
<tr>
<td>County-wide</td>
<td>19.6</td>
<td>45.4</td>
</tr>
</tbody>
</table>

Note: Buildout represents estimated year 2065 data for urban systems and build-out demands for rural systems.

3.3 Water Right Capacity Analysis

In evaluating public water systems and their ability to provide water to their customers now and in the future, there are several factors that must be considered. Many of these factors are addressed by the DOH Water Facilities Inventory process, which considers the capacity of the system, the number of existing connections, and the number of approved connections for future use. As part of the Comprehensive Plan development, the County is evaluating projected population and must allocate the forecasted population growth to locations within the County. When the County identifies an anticipated population increase in a specific area, it is important to determine whether the public water system slated to serve that population can, in fact, provide that service. A key component of that determination is an analysis of each system’s water rights, including existing intertie agreements, compared to their existing and future water demands.

A water rights capacity analysis was conducted to compare each water system’s existing water rights, and/or existing intertie agreements, against current and anticipated future demands. Both the existing and build-out water demands for each system, as described in the previous section, were compared against their respective annual water rights (Qa) in an effort to determine whether systems are projected to meet their future requirements, have surplus water, or have insufficient future water rights. No comparison was made between peak demand and instantaneous water rights (Qi). The results of this analysis are summarized in Table 3-6 and depicted in the map in Appendix 1, which also includes the table from which the summary in Table 3-6 is derived. Based on the results of the water rights analysis (which take into account existing intertie agreements), the existing and projected population, and the historic and projected water demand, a water rights status for each Group A community public water system is assigned on Figure 3-1. The total annual water rights held by Group A community public water systems in the CWSSA and the buildout demands are shown in Table 3-7. This analysis is planning level in nature to help identify potential problem areas and does not represent a determination of the legal status of any water right. Analyses prepared in the individual water system plans will be more accurate and should be utilized if available.
### Table 3-6
**Group A Community Public Water Systems Water Right Capacity Analysis Summary Table**

<table>
<thead>
<tr>
<th>Water Right Status</th>
<th>Number of Systems</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Currently Exceeding Water Right Limits</td>
<td>6</td>
<td>Water rights are insufficient to meet current demand.</td>
</tr>
<tr>
<td>Projected to Exceed Water Right Limits at Full Buildout</td>
<td>16</td>
<td>Water rights may be insufficient to meet projected demand at full buildout.</td>
</tr>
<tr>
<td>Enough Water Rights to Meet Current and Future Projected Water Demand</td>
<td>15</td>
<td>Water rights are satisfactory to meet current and future projected water demand at full buildout.</td>
</tr>
<tr>
<td>More Water Rights than Current and Future Projected Water Demand(^2)</td>
<td>53</td>
<td>Water rights exceed the current and future projected water demand (i.e., surplus water may be available).</td>
</tr>
<tr>
<td>No Data on System Water Use</td>
<td>12</td>
<td>No data available.</td>
</tr>
</tbody>
</table>

\(^1\) In this table, the water right status includes not only water rights held by the system, but also intertie agreements currently in place for receipt of water from other systems. Any water included as part of an intertie agreement was subtracted from the water available to the system providing the water to meet its own projected demand.

\(^2\) The City of Lynden falls within the status "More Water Rights than Current and Future Projected Water Demand" based on its 2004 Memorandum of Agreement with Ecology.

### Figure 3-1
**Water Right Capacity Analysis Map**

![Water Right Capacity Analysis Map](image)

---

3-6

J:\DATA\WCPA\14-085\PLAN\FINAL\SECTION_3\POPULATION\WATER DEMAND AND EXISTING SYSTEMS\DOCX\WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN

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**Population, Water Demand, and Existing Water Systems**

### Table 3-7

**County-wide Water Rights Summary for Group A Community Public Water Systems**

<table>
<thead>
<tr>
<th></th>
<th>Existing (2015)</th>
<th>Buildout (2065)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Annual Water Rights (afy*)</td>
<td>209,644</td>
<td>209,644</td>
</tr>
<tr>
<td>Annual Water Demand (afy)</td>
<td>21,972</td>
<td>50,864</td>
</tr>
<tr>
<td>Surplus Water Rights</td>
<td>187,672</td>
<td>158,781</td>
</tr>
</tbody>
</table>

*afy is acre-feet per year.

Note: To be conservative, it has been assumed that no additional water rights will be obtained in the future.

Note: Buildout represents estimated year 2065 data for urban systems and buildout demands for rural systems.

The six Group A community public water systems that appear to be currently exceeding their water rights include Delta Water Association (198 acre-feet per year (afy) exceedance), Flemings Platt Water Association (2 afy exceedance), Guide Meridian Water Association (27 afy exceedance), Skookum Chuck Water Association (60 afy exceedance), Tall Cedars Estates Water Association (14 afy exceedance), and Wickersham Water Association (8 afy exceedance). The total exceedance is approximately 309 afy. No water rights information was found for Flemings Platt Water Association, Tall Cedars Estates Water Association, and Wickersham Water Association; consequently, it was assumed that these systems are relying on the groundwater permit exemption (RCW 90.44.050), which limits withdrawals to 5,000 gallons per day and a maximum annual volume of 5.6 afy, for group domestic use. The remaining three systems have state-issued water rights that appear inadequate to meet existing demands. None of these systems currently have permanent interties with other systems that have excess water rights.

The strategy of meeting these demands through regional supply development, aggressive conservation measures, individual wells, surface supplies, desalination, or other combinations is partially fulfilled with the CWSP update and adoption by the Whatcom County Council of portions of the update into the Whatcom County Code.

The water right capacity analysis is intended to provide some perspective on the potential water resource requirements facing the County. It is acknowledged that future reduction in usage patterns, land use policy and/or water resource policy, and other factors are key variables in a supply plan. Subsequent water resource planning efforts and individual water system plans are expected to further refine these numbers as part of an effort to quantify the anticipated out-of-stream water demands for the County. Permanent interties and intertie agreements with nearby public water systems could be a viable option for meeting the existing demand for many of these systems.

### 3.4 Existing Water Systems

The estimated 2015 County population was 212,300, of which approximately 80 percent were served by either Group A, or Group B public water systems, and approximately 20 percent were served by other water systems (e.g., permit-exempt wells, individual surface water sources, etc.).

The number and type of systems are shown in **Table 3-8**. This table was created using data from the DOH Sentry system, which is an online database containing information on public water systems. The method used to determine the values in the Estimated Connections column is
consistent with how the DOH calculates existing connections in Sentry. The Estimated Population column is the sum of the population values provided for each system.

Table 3-8
Number and Type of Public Water Systems

<table>
<thead>
<tr>
<th>Group</th>
<th>Number of Systems</th>
<th>Estimated Connections</th>
<th>Estimated Population</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Water System</td>
<td>102</td>
<td>64,794</td>
<td>168,283</td>
<td>98.666%</td>
</tr>
<tr>
<td>Non-transient Non-community Water System (NTNC)</td>
<td>15</td>
<td>123</td>
<td>5</td>
<td>0.003%</td>
</tr>
<tr>
<td>Transient Non-community Water System (TNC)</td>
<td>64</td>
<td>3,673</td>
<td>137</td>
<td>0.080%</td>
</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>234</td>
<td>1,016</td>
<td>2,134</td>
<td>1.251%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>415</td>
<td>69,606</td>
<td>170,559</td>
<td>100%</td>
</tr>
</tbody>
</table>

3.4.1 DOH Operating Permits

Once a year, the DOH mails an annual fee statement form containing existing data previously provided by the water systems' Water Facilities Inventory (WFI) form. Once the completed form is returned to DOH either confirming the data or noting any changes, along with the permit fee, the DOH issues the water system a color-coded operating permit representing the system's compliance status. The compliance status is updated on an annual basis or when significant changes have occurred to the water system.

The following permit colors are assigned to Group A community public water systems. Non-community water systems are not assigned operating permit colors from the DOH.

- **Green** — In compliance with all DOH requirements. Adequate for existing uses and additional connections up to the approved number of connections, unless it is already at capacity.

- **Yellow** — In compliance with all DOH requirements; however, the system was notified to submit a water system plan and has not satisfied the planning requirement or is under a compliance agreement for a state significant non-complier violation. Adequate for existing uses and additional connections up to the approved number, unless otherwise limited by a compliance agreement.

- **Blue** — In compliance with DOH requirements. However, the system does not meet design approval requirements or has exceeded the number of approved connections established by DOH. Adequate for existing uses, but not adequate for adding new connections.

- **Red** — In non-compliance with DOH requirements. Inadequate for existing uses and no additional connections are allowed. This may result in denial of home loans, building permits, on-site sewage disposal permits, food service, liquor licenses, and other permits or licenses for properties served by the system.

The operating status of Group A community water systems as of August 12, 2015 are shown in Tables 3-9, 3-10, and 3-11. The breakdown of the operating status for the 102 systems listed is shown in Figure 3-2. No systems currently have red operating permits in the County.
### Table 3-9
**Green Operating Permits – DOH Group A Water Systems in Whatcom County**

<table>
<thead>
<tr>
<th>DOH System ID No.</th>
<th>Water System Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>00250</td>
<td>ACME WATER DISTRICT NO. 18</td>
</tr>
<tr>
<td>00496</td>
<td>AGATE BAY TRAILER PARK</td>
</tr>
<tr>
<td>01200</td>
<td>ALDERGROVE WATER ASSOCIATION</td>
</tr>
<tr>
<td>05370</td>
<td>BELFERN WATER ASSOCIATION</td>
</tr>
<tr>
<td>09899</td>
<td>BELFERN WEST</td>
</tr>
<tr>
<td>05450</td>
<td>BELL BAY JACKSON WATER ASSOCIATION</td>
</tr>
<tr>
<td>05600</td>
<td>BELLINGHAM, CITY OF</td>
</tr>
<tr>
<td>05875</td>
<td>BERTHUSEN ROAD WATER ASSOCIATION</td>
</tr>
<tr>
<td>095904</td>
<td>BIRCH BAY WATER &amp; SEWER DISTRICT</td>
</tr>
<tr>
<td>07300</td>
<td>BLAINE, CITY OF</td>
</tr>
<tr>
<td>02011</td>
<td>CALMAN JAMES L</td>
</tr>
<tr>
<td>12150</td>
<td>CENTRAL CITY WATER ASSOCIATION</td>
</tr>
<tr>
<td>00601</td>
<td>CENTURY WATER ASSOCIATION</td>
</tr>
<tr>
<td>01383</td>
<td>CHUCKANUT TRAILS WATER SYSTEM</td>
</tr>
<tr>
<td>06110</td>
<td>COLUMBIA VALLEY WATER DISTRICT</td>
</tr>
<tr>
<td>17050</td>
<td>CUSTER WATER ASSOCIATION</td>
</tr>
<tr>
<td>08912</td>
<td>DEER CREEK WATER ASSN/GUIDE SOUTH</td>
</tr>
<tr>
<td>18418</td>
<td>DEER CREEK WATER ASSOCIATION</td>
</tr>
<tr>
<td>18800</td>
<td>DEMING WATER ASSOCIATION</td>
</tr>
<tr>
<td>23480</td>
<td>ENTERPRISE ESTATES WATER ASSOCIATION</td>
</tr>
<tr>
<td>23485</td>
<td>ENTERPRISE TERRACE WATER ASSOCIATION</td>
</tr>
<tr>
<td>24164</td>
<td>EVERGREEN RETREAT MHP</td>
</tr>
<tr>
<td>24195</td>
<td>EVERSON WATER ASSOCIATION</td>
</tr>
<tr>
<td>24200</td>
<td>EVERSON, CITY OF</td>
</tr>
<tr>
<td>02601</td>
<td>FAIRFIELD MHP</td>
</tr>
<tr>
<td>24850</td>
<td>FERNDALE, CITY OF</td>
</tr>
<tr>
<td>24840</td>
<td>FERNDALE MOBILE VILLAGE</td>
</tr>
<tr>
<td>27450</td>
<td>GEORGIA MANOR WATER ASSOCIATION</td>
</tr>
<tr>
<td>27755</td>
<td>GLACIER SPRINGS WATER SYSTEM</td>
</tr>
<tr>
<td>95915</td>
<td>GLACIER WATER DISTRICT</td>
</tr>
<tr>
<td>27950</td>
<td>GLEN COVE WATER ASSOCIATION</td>
</tr>
<tr>
<td>28050</td>
<td>GLENHAVEN LAKES CLUB</td>
</tr>
<tr>
<td>28950</td>
<td>GRANDVIEW BEACH WATER ASSOC INC</td>
</tr>
<tr>
<td>30200</td>
<td>GUIDE MERIDIAN WATER ASSOCIATION</td>
</tr>
<tr>
<td>32350</td>
<td>HEMMI ROAD WATER ASSOCIATION</td>
</tr>
<tr>
<td>33364</td>
<td>HILLTOP WATER OWNERS ASSOCIATION</td>
</tr>
<tr>
<td>36268</td>
<td>ISLE AIRE BEACH ASSOCIATION</td>
</tr>
</tbody>
</table>
### Table 3-9 (continued)

**Green Operating Permits – DOH Group A Water Systems in Whatcom County**

<table>
<thead>
<tr>
<th>DOH System ID No.</th>
<th>Water System Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>44540</td>
<td>LAKE SAMISH TERRACE PARK</td>
</tr>
<tr>
<td>44950</td>
<td>LAKE TERRILL WATER ASSOCIATION</td>
</tr>
<tr>
<td>43290</td>
<td>LISECC</td>
</tr>
<tr>
<td>29014</td>
<td>LOUIE, JOE WATER ASSOCIATION</td>
</tr>
<tr>
<td>52957</td>
<td>LAKE WHATCOM WATER AND SEWER DISTRICT - AGATE HEIGHTS</td>
</tr>
<tr>
<td>08118</td>
<td>LAKE WHATCOM WATER AND SEWER DISTRICT - EAGLERIDGE</td>
</tr>
<tr>
<td>95910</td>
<td>LAKE WHATCOM WATER AND SEWER DISTRICT - SOUTH SHORE WATER SYSTEM</td>
</tr>
<tr>
<td>49150</td>
<td>LYNDEN WATER DEPARTMENT</td>
</tr>
<tr>
<td>51100</td>
<td>MAPLE FALLS WATER COOP</td>
</tr>
<tr>
<td>53250</td>
<td>MEADOWBROOK WATER ASSOCIATION</td>
</tr>
<tr>
<td>56500</td>
<td>MOUNT BAKER WATER ASSOCIATION</td>
</tr>
<tr>
<td>56900</td>
<td>MOUNTAIN VIEW WATER ASSOCIATION</td>
</tr>
<tr>
<td>59850</td>
<td>NOOKSACK VALLEY WATER ASSOCIATION</td>
</tr>
<tr>
<td>59880</td>
<td>NOOKSACK WATER DEPARTMENT</td>
</tr>
<tr>
<td>62000</td>
<td>NORTHWEST WATER ASSOCIATION, INC</td>
</tr>
<tr>
<td>63350</td>
<td>OLD SETTLERS WATER ASSOCIATION</td>
</tr>
<tr>
<td>64150</td>
<td>ORCHARD WATER ASSOCIATION</td>
</tr>
<tr>
<td>66116</td>
<td>PARADISE PARK WATER SYSTEM</td>
</tr>
<tr>
<td>67020</td>
<td>PERCIE ROAD WATER ASSOCIATION</td>
</tr>
<tr>
<td>67900</td>
<td>PLEASANT VALLEY WATER SYSTEM</td>
</tr>
<tr>
<td>95750</td>
<td>POINT ROBERTS WATER DISTRICT NO 4</td>
</tr>
<tr>
<td>68350</td>
<td>POLE ROAD WATER ASSOCIATION</td>
</tr>
<tr>
<td>27631</td>
<td>RASPBERRY RIDGE WATER ASSOCIATION</td>
</tr>
<tr>
<td>72800</td>
<td>RIVER RD WATER ASSOCIATION</td>
</tr>
<tr>
<td>74705</td>
<td>ROYAL COACHMAN MOBIL EST</td>
</tr>
<tr>
<td>76105</td>
<td>SANDY POINT IMPROVEMENT CO</td>
</tr>
<tr>
<td>79800</td>
<td>SKOOKUM CHUCK WATER ASSOCIATION</td>
</tr>
<tr>
<td>84850</td>
<td>SUMAS RURAL WATER ASSOCIATION</td>
</tr>
<tr>
<td>84870</td>
<td>SUMAS WATER DEPARTMENT</td>
</tr>
<tr>
<td>06514</td>
<td>SUNSET WATER &amp; MAINTENANCE ASSOCIATION</td>
</tr>
<tr>
<td>86200</td>
<td>SUNSET WATER ASSOCIATION</td>
</tr>
<tr>
<td>88050</td>
<td>THORNTON WATER ASSOCIATION</td>
</tr>
<tr>
<td>91000</td>
<td>VALLEY VIEW WATER ASSOCIATION</td>
</tr>
<tr>
<td>95700</td>
<td>WHATCOM COUNTY WATER DISTRICT NO. 2</td>
</tr>
<tr>
<td>95900</td>
<td>WHATCOM COUNTY WATER DISTRICT NO. 7</td>
</tr>
<tr>
<td>95914</td>
<td>WHATCOM COUNTY WATER DISTRICT NO. 13</td>
</tr>
<tr>
<td>97110</td>
<td>WILLEYS LAKE TERRACE WATER ASSOCIATION</td>
</tr>
<tr>
<td>99550</td>
<td>Y-SQUALICUM WATER ASSOCIATION</td>
</tr>
</tbody>
</table>
Population, Water Demand, and Existing Water Systems

Table 3-10
Blue Operating Permits – DOH Group A Water Systems in Whatcom County

<table>
<thead>
<tr>
<th>DOH System ID No.</th>
<th>Water System Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>02300</td>
<td>ANDERSON CREEK WATER ASSOCIATION</td>
</tr>
<tr>
<td>04050</td>
<td>BAKER VIEW WATER ASSOCIATION</td>
</tr>
<tr>
<td>10562</td>
<td>CALMOR COVE CLUB</td>
</tr>
<tr>
<td>12112</td>
<td>CEDAR LYNN WATER ASSOCIATION</td>
</tr>
<tr>
<td>15510</td>
<td>COUNTRY HAVEN WATER ASSOCIATION</td>
</tr>
<tr>
<td>19890</td>
<td>DOUBLE L MOBILE HOME PARK</td>
</tr>
<tr>
<td>24151</td>
<td>EVERGREEN MOBILE PARK &amp; SALES</td>
</tr>
<tr>
<td>25610</td>
<td>FLEMINGS PLATT WATER ASSOCIATION</td>
</tr>
<tr>
<td>30800</td>
<td>HAMPTON WATER ASSOCIATION</td>
</tr>
<tr>
<td>37950</td>
<td>KELLY ROAD WATER ASSOCIATION</td>
</tr>
<tr>
<td>00119</td>
<td>KONTREE APARTMENTS WATER SYSTEM</td>
</tr>
<tr>
<td>46300</td>
<td>LAUREL WEST WATER ASSOCIATION</td>
</tr>
<tr>
<td>50900</td>
<td>MANTHEYS COUNTRY MOBILE PARK</td>
</tr>
<tr>
<td>56874</td>
<td>MOUNT BAKER MOBILE HOME PARK</td>
</tr>
<tr>
<td>58950</td>
<td>NEPTUNE BEACH WATER ASSOCIATION</td>
</tr>
<tr>
<td>61350</td>
<td>NORTH STAR WATER ASSOCIATION</td>
</tr>
<tr>
<td>07507</td>
<td>NORTHWEST MOBILE HOME PARK</td>
</tr>
<tr>
<td>62135</td>
<td>NORTHWOOD PARK SYSTEM</td>
</tr>
<tr>
<td>73750</td>
<td>ROEDERLAND WATER ASSOCIATION</td>
</tr>
<tr>
<td>80550</td>
<td>SMITH ROAD WATER ASSOCIATION</td>
</tr>
<tr>
<td>87120</td>
<td>TALL CEDARS ESTATES WATER ASSOCIATION</td>
</tr>
<tr>
<td>91650</td>
<td>VICTOR WATER ASSOCIATION</td>
</tr>
<tr>
<td>92150</td>
<td>WAHL WATER ASSOCIATION</td>
</tr>
<tr>
<td>96700</td>
<td>WICKERSHAM WATER ASSOCIATION</td>
</tr>
</tbody>
</table>

Table 3-11
Yellow Operating Permits – DOH Group A Water Systems in Whatcom County

<table>
<thead>
<tr>
<th>DOH System ID No.</th>
<th>Water System Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>18750</td>
<td>DELTA WATER ASSOCIATION</td>
</tr>
<tr>
<td>62150</td>
<td>NORTHWOOD WATER ASSOCIATION</td>
</tr>
<tr>
<td>71290</td>
<td>RATHBONE PARK WATER ASSOCIATION</td>
</tr>
</tbody>
</table>
3.5 Conclusions

Forecasts suggest that the population of Whatcom County will increase by approximately 70,000 people by 2036, and approximately 200,000 people by 2065. The projected 2065 population is nearly double the existing population. This additional population will place increasing demand on the County's public water systems.

On a CWSSA wide basis, the public water systems collectively hold more than enough water rights to meet the projected demand. However, there are individual water systems that have excess water rights and some that have insufficient water rights.

A comparison of existing water rights and intertie agreements held by Group A community public water systems with existing and forecasted demand was performed to identify which systems need additional supply now, which systems will likely need additional supply in the future, which systems appear to have sufficient water to meet their needs, and which systems appear to have water in excess of their needs that could potentially be utilized to alleviate other systems' shortfalls. In the future, it will be important for systems to work together to meet demands. The County should encourage cooperation and resource sharing among systems.

Three quarters of the Group A community public water systems in the CWSSA have green operating permits, meaning they are in compliance with all DOH regulations and capable of serving existing and authorized connections. However, one quarter of the Group A community public water systems are operating under either blue or yellow operating permits indicating that there may be room for improvement. There are no systems classified as red (non-compliance).
Section 4 – Water Utility Service Areas
Section 4 – Water Utility Service Areas

4.0 Introduction

This section is a general discussion regarding water utility service areas. It explains the different categories or types of service areas; the obligations of certain public water systems that accompany the various types of service areas; the process by which service areas were identified for this CWSP update; the changing nature of service areas over time, the implications of such changes; and the requirements for water system planning. Procedures for addressing new developments requiring the provision of potable water are discussed in Section 6.

The Coordination Act provides the legal authority for municipalities and private water utilities to establish an exclusive service area within the county’s designated CWSSA. The term "service area(s)" within this document means the specific geographical area described in the written agreement required by WAC 246-293-250. These agreements are formalized in Exhibit 4-1, known as the Declaration of Water Utility Service Areas. This procedure, and resulting agreements between utilities provides assurance that water system planning, capital improvement programs, and financial commitments are consistent with state and county requirements.

The establishment of service area boundaries carries with it obligations. The first obligation is that county and state governments recognize an identified utility as the agency responsible for providing all public water service within a designated area. The second obligation is that the designated utility assumes responsibility, within its service area, for development of cost-effective and efficient service to accommodate the future growth that these areas will experience. For those systems that are required by the Washington State Department of Health (DOH) to prepare planning documents (water system plan or small water system management program), these documents and any system improvements should be consistent with the growth management objectives established for these areas by Whatcom County's Comprehensive Plan. For water service requests in areas that are outside of any utility's designated service area, there is a utility service review procedure (Section 6) that gives Whatcom County (County) the authority to designate service first to an adjacent utility, then to an approved Satellite Management Agency (SMA). If neither of these is available, a new utility may be formed. A third obligation relates to the designated retail service area in which a municipal water supplier has a “duty to serve” when conditions defining this duty in RCW 43.20.260(1:4) are met.

The Coordination Act requires that service area boundaries be established among the purveyors based on a variety of factors, including topography, readiness and ability to serve, local franchise areas, legal water system or municipal boundaries, future population projections, and sewer service areas. It also specifies that these service areas be developed in conformance with the land use policies of the County. Designated service areas include those areas in which the utility expects adequate customer growth, within a reasonable period of time, to support an established plan for system development.

All water utilities are required to designate a service area by submitting a Declaration of Water Utility Service Areas form to PDS. Utilities with water system plans must also designate service

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1 Note: Title 57 of the Revised Code of Washington establishes the authority and responsibilities of water and sewer districts in Washington State. However, when such Districts provide potable water service, they also fall under the purview of the Public Water System Coordination Act and municipal water law as discussed herein.
areas in the plan. For water utilities that do not have a water system plan, their service areas shall be shown on a Declaration of Water Utility Service Areas (Declaration) form provided in Exhibit 4-1, which is to be completed by an authorized representative of the water utility, and then submitted to PDS. PDS then processes the Declaration in accordance with the procedure in Exhibit 4-2.

The types of water service areas are as follows.

- Existing Service Area. DOH Publication 331-432 (dated November 2010) defines an existing service area as the area in which the utility currently provides direct service, remote service, or where service connections are currently available.
- Future Service Area. Public water utilities may identify future service areas that are outside of the current retail service area but in which they plan to serve water in the future.
- Retail Service Area. WAC 246-290-100 requires all municipal water suppliers to designate a retail service area where they currently provide or plan to provide direct retail service connection to customers and where they have a “duty to serve” when conditions defining this duty in RCW 43.20.260 (1:4) are met.
- Wholesale Service Area. Utilities with water system plans may also designate wholesale service areas, where they provide only wholesale water service. Wholesale service areas are not regulated under the Coordination Act.

If a water system plan does not differentiate between retail and future service areas, then their entire service area is presumed to be their retail service area.

4.1 Service Area Commitments and Procedures

4.1.1 Municipal Water Supplier Service Area Commitments

Municipal water suppliers (as defined in RCW 90.03.015) that are required by DOH to prepare water system plans in accordance with WAC 246-290-100, must identify a retail service area in their Water System Plan². The retail service area must include all areas where the municipal water supplier currently provides direct retail service and may include areas where new retail service is proposed. A municipal water supplier has a duty to provide retail water service (duty to serve) to all new service connections within its retail service areas when the following conditions defining are met:

1. The municipal water supplier can provide service in a timely and reasonable manner.
2. The municipal water supplier has sufficient water rights to provide service.
3. The municipal water supplier has sufficient capacity to serve water in a safe and reliable manner.
4. The service request is consistent with adopted local plans and development regulations.

A municipal water supplier may extend water service outside the retail service area to provide temporary service for a neighboring water system if there is a written agreement in place.

Those municipal water suppliers that are required by DOH to prepare a water system plan pursuant to WAC 246-290-100 must address the four conditions that define a duty to serve water within

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² Not all municipal water suppliers will be required to prepare a water system plan pursuant to WAC 246-290-100.
their retail service area. A municipal water supplier must provide service for all requests within its retail service area, unless it can document that it does not have a duty to serve because it does not satisfy the conditions established in RCW 43.20.260(1)(a) and WAC 246-290-106.

The water system plan (WSP) must address the four threshold factors as follows.

**Capacity**: Municipal water suppliers must include a capacity determination in their WSP. Capacity determinations incorporate a water system's physical capacity (source and storage) and water right limitations.

**Consistency**: Consistency applies to locally-adopted comprehensive plans, land use plans, development regulations, and utility service extension ordinances. Consistency determinations must evaluate land use, 6-year growth projections, service extension ordinances, new water service provisions, and other elements determined by DOH as being related to water supply planning. Municipal water suppliers must ask their local government(s) to determine consistency. If a local government does not complete the determination, the municipal water supplier must document its efforts to obtain local review and then determine consistency itself.

**Water Rights**: The Washington State Department of Ecology (Ecology) is responsible for water right sufficiency determinations. Municipal water suppliers must include a water right self-assessment in their WSP or small water system management program. DOH forwards a copy of the planning document and the water rights self-assessment to Ecology for review and incorporates any water right limitations into its service capacity approvals. The utility's service area should be consistent with the place of use on the utility’s water right (i.e., the utility should ensure they have the legal authority to put water to beneficial use within their service area). When the service area and the water right place of use are not the same, water systems whose use satisfies the definition of a municipal purpose water right may modify the water right place of use by an amendment to the utility’s water system plan, indicating that the water right place of use conforms to the area served by the utility. With this process, there is no need to submit a water right change application to Ecology.

**Timely and Reasonable**: Municipal water suppliers must include their service policies in their WSP. They must describe how they will provide new service and what constitutes the timely and reasonable provision of water service. The phrase “timely and reasonable” is defined within this CWSP and is included in the **Glossary of Acronyms and Terms**.

It should be noted that a utility's water facilities, such as sources of supply and reservoirs, can be located outside the utility's service area. These facilities can be located within another utility's retail service area, provided the facilities are not used for direct retail service without the written concurrence of the designated utility.

**4.1.2 Service Area Designation**

As part of previous CWSP efforts, public water systems were asked to submit Declarations to the Whatcom County Health Department (WCHD). As part of this 2016 CWSP update, systems were asked to review and update their service area declarations and associated service area maps. Once this information was compiled, the existing service areas of the utilities located in the Critical Water Supply Service Area (CWSSA) were mapped. This update used Geographic Information System (GIS) technology to generate parcel-level accuracy for delineating service area boundaries. The maps were reviewed at several meetings of the Water Utility Coordinating Committee (WUCC), and refinements were made based on feedback received.
Once adopted as part of this CWSP, the designated service area is the exclusive service area of the identified utility, giving the utility first priority for serving future customers. As a condition of being granted a designated service area, the utility shall meet the obligations and commitments identified in this CWSP update.

The resulting map of service areas, showing almost all Group A and some Group B systems within the CWSSA, is provided in Figure 2-2 at the end of Section 2. This map is referred to as the “Official CWSP Map.” The Official CWSP Map, and individual water utility Declarations and associated maps, are stored as GIS digital files and in hard copy at PDS.

PDS has provided copies of the Official CWSP Map to each utility. Furthermore, PDS has provided a complete set of maps, along with any subsequent updates to the DOH, Ecology, WCHD, and the Whatcom County Boundary Review Board (BRB).

4.1.3 Service Area Overlaps

The Official CWSP Map (Figure 4-1) also identifies areas where there are overlaps in service areas. Such overlaps may or may not represent a conflict. For example, in many cases, a public water system’s service area is located entirely within the service area of a larger system and functions relatively independently, until such time as the larger system becomes willing and able to provide water to the smaller system. Such conditions do not represent a service area conflict. The WUCC is not aware of any service area conflicts in the CWSSA.
Conflicts occur where adjacent utilities both desire to serve the same area. When this occurs, there is a voluntary dispute resolution process that may be utilized to resolve such conflicts. An area found to be in conflict would be denied additional service until the dispute is resolved. The voluntary dispute resolution process is available to help resolve such disputes, as discussed in Section 4.2 and Section 9.2.3.

4.1.4 Service Area Declarations

The Declaration form (Exhibit 4-1) identifies the service area boundaries and acknowledges that the utility is willing and able to serve that area unless regulatory constraints preclude the utility from so doing. A specific example of these constraints is the inability to secure water rights. The Declaration allows a utility to designate their existing, future, retail, and wholesale service areas.

Utilities will need to develop a more detailed agreement when understandings concerning service in a neighboring utility's service area, transfer of service, or common boundaries require more specific terms. In order for these agreements to be recognized when implementing the CWSP, the utilities must include them in their WSPs and file them with PDS as an addendum to the Declaration. PDS shall, in turn, make the appropriate updates to the service area map and provide an updated copy, with the date of the most recent update, to WCHD.

The WUCC also reviewed the Declaration signature process. In the past, some confusion has occurred when agreements were signed by individuals who did not have the full authority of the water utility. In response, the WUCC developed new language that was included in the Declaration to verify an individual's authority to sign (Exhibit 4-1).

4.1.5 Service Area Adjustments

Service area boundaries are subject to change through time. Consequently, the service area map is intended to be dynamic and will be revised, as necessary, to accurately reflect service area boundary changes.

In the future, service boundaries can be revised if a utility determines that its service area is either too large or too small, or if a utility determines that it is unable or unwilling to serve a specific request. Changes in utility service area boundaries will occur when one or more utilities wish to expand or reduce their service areas. Expansion of service areas must be approved by PDS, and will only be allowed if a new conflict in service areas is not created by the modification.

The CWSP specifies a procedure to request, document, and implement such service area changes. Exhibit 4-2 provides a summary of these service area adjustment procedures. If the purveyor has not already obtained approval to proceed from DOH, the first step is for PDS to direct the purveyor to DOH to determine whether a proposed expansion or revision to a CWSP water service area boundary will require a new WSP or update to an existing WSP. After the initial coordination with DOH, the essence of these procedures requires that a utility initiate a change by submitting a request to amend its Declaration to PDS. PDS will ensure that proper notification occurs for public input and that adjacent utilities are notified of the change. As previously stated, PDS reviews the request to ensure no conflicts are created.

Subsequently, the affected service area maps are revised and distributed to the appropriate entities. PDS will date stamp and keep on file copies of all Declaration amendment documents and related correspondence for each participating utility. As discussed above, PDS will provide an updated
version of the service area map, with the date of the updates, to WCHD for their use in responding to applicants for projects requiring potable water.

Recognition of these new and altered utility service areas and Declarations should be incorporated into the County utility franchise process by revising the franchises. It is the utility’s responsibility to update their franchise agreement with the County as necessary. The BRB shall also be provided copies of the new and revised service areas for their information. For those water utilities required by DOH to prepare a WSP pursuant to WAC 246-290-100, any expansion of service area must be addressed in an update to its water system plan and, following approval by DOH, the utility’s CWSP water service areas must be adjusted to correspond to those boundaries identified in the approved water system plan. The service area boundaries should also be consistent with the place of use identified in the system’s water rights. Note that, under the municipal water law, a municipal water supplier has the ability to change their authorized place of use by amending their WSP as opposed to filing a water right change application with Ecology.

4.2 Service Area Disputes and Dispute Resolution

The Coordination Act (RCW 70.116 RCW) provides for a mediation procedure to resolve service area disputes at the local level. The procedure specifies that if there are any contested service areas that are not resolved within 1 year of the establishment of the CWSSA, DOH may conduct a public hearing in regard to the contested service area. At the termination of that hearing, DOH may either establish a service area line or delay approval of new water service extensions to a contested service area pending resolution of that conflict. This delay in approval would be limited to the area in question and is not extended to the entire service area of the utilities involved. Further development in the contested service area would be delayed until the dispute is resolved.

When a dispute is brought to the attention of the County, the County will offer to initiate a voluntary dispute resolution process.

The goal is to resolve the dispute amicably, with minimal cost to all parties, in the hopes of avoiding the use of either the DOH mediation process or other measures such as the County Hearing Examiner or Superior Court. Details regarding dispute resolution are included in Section 9.2.3.

4.3 Boundary Review Board

Whatcom County and its seven cities are planning comprehensively in accordance with the goals of the Growth Management Act (GMA) as provided in Chapter 36.70A RCW. Pursuant to RCW 36.93.030, Whatcom County has established a BRB, which is codified in Whatcom County Code (WCC) 2.24. The BRB plays an important role in supporting GMA land use planning county-wide, and reviews proposals for boundary changes by cities, fire districts, and water sewer/districts within Whatcom County, including city or district annexations, new city incorporations, and district mergers.

For the purposes of this section, discussion about the role of the BRB is limited to proposed actions by municipalities or water districts that involve the creation, modification, or dissolution of jurisdictional boundaries, or involve the extension of public water service outside of a water district’s existing water service area.
4.3.1 Notice of Intention

RCW 36.93.090 requires a municipality or water district that proposes to establish a new service area or extend permanent water service outside of its existing, approved service area to file a Notice of Intention with the BRB. The definition of "service area" as it is used in this context includes all of the area within an entity's corporate boundary plus the area outside of the corporate boundaries that has been designated through the approval process outlined in Exhibit 4-2.

All municipalities and special purpose districts are required to file a Notice of Intention with the BRB on forms provided by the BRB, when:

- Annexation, incorporation, or change in municipal area or boundaries is proposed; or
- A permanent water line extension is proposed outside of a water district’s service area, as defined in RCW 36.93.090(4).

4.3.2 BRB Review of Proposed Actions

The BRB notifies potentially interested jurisdictions of proposed actions, and exercises its boundary review authority only when such actions are contested. Requests made to the BRB to "invoke its jurisdiction," conduct a review, and hold a hearing, must come either from an affected jurisdiction, or from residents and property owners within the affected area by petition.

4.3.3 Public Notification of Proposed Actions

All utilities are required to seek public input by following the procedures for Service Area Adjustments provided in Section 4.1.3.

4.4 Department of Health Action

Once a utility has a current Declaration that has been reviewed and approved by PDS (and DOH, as applicable), the service area will be designated to that utility. If, at any time, DOH determines that the utility has failed to comply with the standards or provisions of its WSP, approval of planned construction activities may be delayed pending compliance.

Further, unless a documented health-related problem is involved, a utility's failure to submit a Declaration will result in DOH's delay of planned construction activities until a valid Declaration is in effect. For utilities with contested service area conflicts, delay of DOH approvals will be limited to proposed activities within the contested service area pending resolution of the dispute.

Section 6 includes a detailed discussion of the procedures to be followed by an applicant seeking potable water service. It includes a number of possible scenarios, including direct service by the water system in whose retail service area the applicant’s project is located, service within a system’s future service area, creating a remote system within the existing service area, service in a relinquished service area or a non-designated area, service by an adjacent utility, creating a new public water system, or developing a new private water supply.
Section 4

Exhibit 4-1
DECLARATION OF WATER UTILITY SERVICE AREAS
for
WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN

This Declaration, submitted by 'water utility', confirms that the attached map* accurately identifies the service areas (existing, retail, future, and wholesale) that the water utility either serves or plans to serve unless regulatory or other constraints do not enable the utility to do so.

The intent of this declaration is to define service areas in a manner which assures that time, effort, and money are best used by avoiding any unnecessary duplication of service. In the absence of overlapping boundaries, the Whatcom County Health and Human Services along with the Washington State Department of Health (DOH) will recognize the existing, retail, and future boundaries as the exclusive service area of the undersigned utility, giving the utility right of first refusal for serving future customers. The wholesale service area does not convey an exclusive service area, but is important for delineating the extent of a municipal water supplier’s service area, which may represent its water right place of use.

Any proposed changes to a designated service area must include submittal of this declaration to Whatcom County Planning and Development Services, to allow the County to update the CWSP service area map. The utility will also need to provide service in a manner consistent with its own individual water system plan and service policies.

The person signing below assures that he or she has been authorized to sign the Declaration on behalf of the utility.

____________________________
Date

____________________________
Water Utility

____________________________
Authorized Representative

*Note: This map needs to be clearly dated to ensure the most up-to-date version is being used and should accurately depict the existing, future, retail, and wholesale service areas.
Exhibit 4-2
Whatcom County CWSP
Service Area Boundary Amendment Procedure

Application: Amendments in water utility service area boundaries will occur when a utility or adjacent utilities wish to expand or reduce their service area and will be approved by the procedures defined herein only if a new conflict in service areas is not created by the modification.

Potential Stakeholders: The utility proposing the amendment; adjacent utilities; Whatcom County Planning and Development Services (PDS); Whatcom County Health Department (WCHD); and Washington State Department of Health (DOH).

Procedures:

1. The water utility must submit their request for a service area boundary amendment in writing to PDS, along with an up-to-date map identifying the existing and requested boundaries and identifying the existing, future, retail, and wholesale service areas. The written request shall specify the reason or justification for the change. All submittals of requests for amendments, confirmation of non-conflict, and signed revised Service Area Declarations must bear the signature of an official authorized to represent the respective utility. Some form of written confirmation of this authority and/or agreement with the requested boundary amendment by the utility’s governing body must be submitted to PDS.

2. Upon receipt of a service area boundary amendment request, PDS will schedule a pre-application meeting between DOH, the applicant, and PDS to establish preliminary feasibility of the proposal, and to identify any potential inconsistencies with changes in service relative to planned land use. This meeting will also provide DOH with an opportunity to conduct preliminary assessments and make notification to the applicant as to whether or not the proposed revision to service area will require a new or updated Water System Plan pursuant to and in accordance with WAC 246-290-100. No changes in the service area or to the delivery of water shall be made until the DOH review process has been completed.

3. PDS will require that the water utility requesting the service area boundary amendment has formally sought public input regarding the requested amendment and has provided copies of any comments received to PDS. PDS will prepare two copies of the revised service area map and a Declaration for Water Utility Service Area and submit them to the affected utilities within ½ mile for the utility’s review and written confirmation that the proposed change does not create a service conflict. It should be noted that not all service area overlaps constitute a conflict. When such conditions exist, any special working agreements between the affected utilities, if they exist, shall be submitted as attachments to the Declaration.

4. If a conflict exists, no further boundary modifications shall occur until the conflict is resolved between the impacted parties. The utilities shall be referred to the voluntary dispute resolution process identified in Section 4.2.

5. If there are no conflicts, or any conflicts are resolved, and all necessary approvals have been obtained, PDS will update the official CWSP map on GIS and hard copy. PDS shall update the official map at least quarterly and the map shall be kept on file by PDS.

6. Copies of all signed Declarations and related correspondence shall be date stamped and kept on file for each participating utility by PDS.
Section 5 – Minimum Design Standards
Section 5 – Minimum Design Standards

5.0 Introduction

The Coordination Act requires development of minimum design standards applicable within the CWSSA. Unless otherwise noted, the minimum design standards included in this section shall apply only to new or expanding public potable water systems. However, existing water systems are encouraged to meet these minimum design standards to support the provision of safe, reliable, and high quality drinking water throughout the CWSSA.

In addition to design standards, the Washington State Department of Health (DOH) approval procedure for WSPs encourages the development of standard construction specifications by larger water utilities. Construction specifications are more detailed than the design standards included in this CWSP update. Construction specifications are typically used by contractors for reference during construction of system improvements, whereas design standards are typically referenced by the design engineer during planning or design of system improvements. Construction specifications are typically included or referenced in the technical specifications for improvement projects. The construction specifications and the design standards contained in individual WSPs shall not be less stringent than the standards described in this section per WAC 246-290-200.

Throughout this update, the words “must,” “will,” “shall,” or “required” are used when design practices are sufficiently standardized to permit specific delineation of requirements, or where safeguarding the public health justifies definitive criteria or action (such as state statute or rule requirements). Where requirements are spelled out in statutes or rules, an attempt has been made to cite the relevant source.

“Should” or “recommend” indicate procedures, criteria, or methods that are accepted as standard practices but are not required by law and that can be approached with some degree of flexibility. In such cases, managers need to explain the basis of the altered approach or, in some cases, why another approach may be more applicable. The words “should” or “recommend” indicate procedures, criteria, or methods that are not required and can be approached with some degree of flexibility. Unless specifically noted, the WUCC has determined this flexibility should be retained and the related recommendations should not be codified.

In cases where the WUCC has determined that certain actions, standards, or procedures are sufficiently important to warrant adoption into the Whatcom County Code, it has been noted and those changes are identified later in Section 9 – Implementation Plan. The Implementation Plan specifies what the WUCC recommends the County Council amend in the existing code.

5.1 Rural and Urban Levels of Standards

"Urban" levels of service are provided within the urban growth area (UGA) boundaries and, conversely, "rural" services occur outside the UGA. Without further definition by local government, the legislature has determined that rural services include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire, and police protection services.

The GMA also mandates that each county develop county-wide planning policies (CWPP) that shall serve as written policy statements used solely for establishing a county-wide framework from
which county and city comprehensive plans are developed and adopted. These policies are companions to any existing non-conflicting land use policies already in place.

The CWPPs developed for Whatcom County specify in Section F that cities will not extend water and sewer utilities without an adopted program for annexation and an adopted capital facilities plan. Exceptions may be made in cases where human health is threatened. The CWPPs require that, if water extensions are made, they must be consistent with the service area boundaries and other provisions of the CWSP. Outside of UGAs, cities and other public and private utilities may extend water only at rural levels of service. If rural levels of service are extended, availability of pipeline capacity to meet local supply needs shall not be used to justify development counter to county-wide land development patterns, and shall not be considered in conversions of agriculture land, forestry, or rural lands.

The following goals and policies are specified in Chapter Five – Utilities of the Whatcom County Comprehensive Plan. These strategies aim to provide adequate water supply for new developments consistent with the County’s future growth and demands.

Goal: Resolve county water issues through proactive participation in processes leading to a solution of water-related conflicts.

- Plan for interlocal agreements with other agencies to manage failing water associations that fall into receivership.

- Encourage and actively participate in forums, workshops, and other water-related planning activities.

- Discourage extension of urban levels of water service to areas not designated as urban growth areas or Rural Communities, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

- Investigate the opportunity for multiple solutions to other issues such as flood management when looking towards acquiring additional water supplies/rights.

- Evaluate and, where feasible, support alternative supplies of water such as desalinization, re-use of treated wastewater, and storage of flood water. Investigate reservoir holding ponds that take advantage of flood water when needed for beneficial uses such as fisheries, agriculture, domestic and industrial water supplies.

Goal: Work with water purveyors to provide service to all existing and designated urban growth or industrial areas.

- Work with the appropriate jurisdictions to ensure adequate water rights and supplies to the Urban Growth Areas and designated industrial areas in Whatcom County. Consider all options, including but not limited to, extension of water service areas, conjunctive management of surface and groundwater, artificial storage and recovery and reclamation of wastewater.
Minimum Design Standards

- Ensure provision of urban levels of water service to urban growth within areas designated for urban growth.
- Periodically review Urban Growth Areas to ensure adequate water supplies.
- Encourage annexation of areas zoned for urban densities concurrent with extension of urban level services.
- The County should work closely with purveyors and the State Department of Health in the development and review of Comprehensive Water Plans to ensure consistency with land use and urban growth area needs.
- The County will work with the Department of Ecology, City of Bellingham, the Port of Bellingham, the PUD, and local, regional, and state economic development agencies to ensure an adequate water supply to areas planned for industrial development.

Goal: Ensure that potable water supplies required to serve development are available at the time the development is available for occupancy and use.

- Building permit applicants, new subdivisions, short plats, and binding site plans will be required to provide evidence that adequate and legal (in consultation with the Department of Ecology) supplies of water are available prior to their approval by the County.
- Work with purveyors to assist them in modifying their systems as required to support the land use element of the comprehensive plan.

The design standards presented herein have been reviewed by the WUCC to ensure compliance with the policies of the County's Comprehensive Plan.

5.2 Minimum Design Standards

5.2.1 Purpose

The purpose of these standards is to set a base level of utility planning and design for public water utilities. Once the CWSP update is approved by the DOH, these standards will apply to expanding public water systems or to the construction of new public water systems. The base-level planning must provide for development consistent with adopted land use plans of the agencies with jurisdiction per WAC 246-290-100. Uniformity and consistency in standards will, in the long-term, reduce costs to consumers as system interties and/or consolidation of utilities takes place. Reliability of water supply will also be improved.

Subject to certain exceptions contained in the Coordination Act, each utility must adopt minimum design standards as a part of its WSP (WAC 246-290-100). It is intended that a utility may adopt the minimum design standards described herein or more stringent standards, provided such standards are not inconsistent with applicable land use plans. As discussed, the development and submittal of standard construction specifications for larger utilities is encouraged by the DOH and is separate from these minimum design standards.

The WUCC found that the minimum design standards from the 2000 CWSP were generally acceptable in their current state. Additional clarification was requested from the County Fire
SECTION 5

Marshal and local fire district authorities regarding fire protection requirements and hydrant placement. These standards incorporate this clarification and are discussed in Section 5.3.

5.2.2 Application of Standards

Existing Water Systems

Existing water systems are not required to utilize these minimum standards for connection of new retail customers to existing mains (infill), repair or replacement of facilities, or distribution system extensions in an existing service area identified in a current and approved WSP or project report, so long as they are not an expanding system that will increase in size its existing service area and/or its number of approved service connections. However, adherence to these standards in all cases is encouraged to provide better public water service throughout the County. If existing facilities must be repaired or replaced to serve an expanded service area, the new construction shall meet these minimum standards (Chapter 246-290 WAC).

The newly proposed DOH definition of an expanding water system is a public water system that increases the existing service area or approved number of service connections. For the purposes of this CWSP, when a public water system increases its existing service area, it shall be considered an expanding water system.

When a water system proposes to increase the approved number of service connections within its existing service area, PDS shall convene a meeting of PDS staff, DOH staff, and representatives of the water system to determine the appropriate level of planning for the proposed increase in connections, with the goal of mutually agreeing on whether the proposed change constitutes an expansion of the water system. For example, if the system already has infrastructure in place and is now able to serve more connections because of improvements in their water use efficiency or development of a new source, DOH may consider that as in-filling and not system expansion. However, if the utility needs to install new infrastructure to serve that area, that may constitute expansion of the system. Such a determination is appropriately made on a case-by-case basis through a collaborative effort by the parties listed above. In the event a determination is made and any party disagrees, they may seek resolution through the DOH appeals process.

Indian Tribes and Nations

Since the tribal lands on the Nooksack and Lummi Indian reservations are excluded from the CWSSA, the standards contained herein are not binding upon public water systems owned and operated by the tribes or tribal members and serving exclusively tribal lands.

Water System Plans and Applicable Land Use Plans

New, expanding, and other utilities required to meet the water system planning requirements under WAC 246-290-108 shall use land use designations as prescribed in the Whatcom County Comprehensive Plan for their service area, zoning codes, city comprehensive plans, and any related interlocal agreements. Such designations shall be identified in the utility's WSP and used to establish design standards.

The WSP and capital improvement schedule shall provide the anticipated level of service within the utility's designated water service area, consistent with the land use plan (WAC 246-290-100). When the utility that is required to meet the water system planning requirements under WAC 246-290-108 is requested to provide water service, it will identify that portion of planned capital facilities, as well as other installations, that are necessary to provide the service requested.
As growth occurs, the full level of water service will eventually be provided throughout the service area of the utility through implementation of a capital improvement schedule that meets County or municipal requirements.

Once a utility’s WSP is approved, the utility should be consulted by the land use planning agency with jurisdiction regarding any proposed land use changes which impact the required level of water service. The water service related cost of said impacts, as determined by the utility, should be fully considered by the planning agency in acting on the proposed land use change.

5.2.3 General Provisions

Source Development

New sources must be designed and developed to meet the Washington State Department of Ecology (Ecology) and DOH regulations and design guidelines, including Chapter 173-160 WAC, “Minimum Standards for Construction and Maintenance of Wells,” as administered by Ecology, and Chapter 246-290 WAC, “Group A Public Water Supplies,” as administered by the DOH.

All test and production wells must be drilled in accordance with state and local drilling and testing specifications. Wells used for domestic supply must meet the minimum requirements and must obtain written source approval from DOH in accordance with Chapter 246-290 WAC.

Source Abandonment

Any well that is unusable, abandoned, or whose use has been permanently discontinued, or that is in such disrepair that its continued use is impractical or is an environmental, safety, or public health hazard shall be decommissioned in accordance with WAC 173-160-381. If a water source is abandoned, the water system should notify both Ecology and DOH of the abandonment of that source and should make the appropriate changes to their WSP and related water rights.

Water Quality

Water quality must be proven to conform to the federal Safe Drinking Water Act (SDWA), and DOH criteria specified in Chapter 246-290 WAC.

Design Standards

Standards Incorporated by Reference – The existing standards listed below, or as may be modified by the appropriate authorities, are hereby incorporated by reference. Priority for application of these standards is in the order listed, but the most stringent applies. Except as otherwise superseded by the County standards described herein, these standards will apply to water system design, installation, modification, and operation.

- Group A Public Water Supplies (Chapter 246-290 WAC), Water System Design Manual, DOH publication no. 331-123.
- Applicable County or city rules, regulations, ordinances, and standards.
- Standard Specifications for Road, Bridge, and Municipal Construction, as published by the Washington State Department of Transportation/American Public Works Association (WSDOT/APWA), latest edition.
- Standards of the American Water Works Association (AWWA).
SECTION 5

General Standards – Selection of materials and construction of water system facilities in the County shall conform to the provisions outlined above, with the additional provisions:

- All owners/operators of water systems that have water mains in County road rights-of-way must comply with franchise requirements outlined in ordinances passed by the County Council authorizing such use of the road and rights-of-way (Whatcom County Code Chapter 12.27);

- Construction within incorporated areas remains subject to municipal permitting requirements; and

- All projects requiring design by a registered professional engineer shall be inspected by the utility or its designated representative before closure of any excavation.

Hydrostatic Pressure Test

A hydrostatic pressure leakage test will be conducted on all newly constructed water mains, fire lines, fire hydrant leads, and shutoffs in accordance with WSDOT/APWA Section 7-11.3(11) or AWWA C-600 specifications, unless otherwise specified by the designated utility.

Disinfection and Bacteriological Testing

All pipe, reservoirs, and appurtenances shall be flushed and disinfected in accordance with the standards of AWWA C651-86 and C652-86, or WSDOT/APWA Section 7-11.3(12), unless otherwise specified by the designated utility.

Utility Interties

When a utility or utilities are planning to install new or replacement water mains, the utility should evaluate the feasibility of emergency or permanent interties with nearby water systems as a potential means of improving efficiency and reliability of their water supplies.

Flow Measurements

All new groundwater wells used as water sources for new and expanding public water supplies shall be provided with an access port for measurement of depth to water (WAC 173-160-291), and measuring devices for determining flow rate and total production (WAC 246-290-496). Installation of these devices is also recommended for existing groundwater sources. Water users are advised to examine their water right documents to determine whether metering requirements are included as a condition of their water right.

Cross-connection Control

Where the possibility of contamination of the supply exists, water services shall be equipped with appropriate cross-connection control devices in accordance with WAC 246-290-490. The designated utility shall determine the need, size, kind, location, maintenance, and testing requirements of the device as specified in WAC 246-290-490.

5.2.4 Specific Provisions

If a public water system has adopted specific design standards that have been approved by DOH, those standards shall apply instead of the specific provisions discussed below, and shall be at least as stringent (WAC 246-290-200).
**Minimum Design Standards**

**Pressure Requirements**

All public water systems shall be designed to maintain a minimum residual pressure of 30 pounds per square inch (psi) at the meter, or property line if there is no meter, under peak hourly demand flow conditions, excluding fire demand. For water systems providing fire flow capability, the design shall be adequate to maintain, under fire flow plus maximum daily demand flow conditions, a residual pressure of 20 psi throughout the system (Chapter 246-290 WAC). **Section 5.3** contains additional details relating to the fire flow provisions.

**Pipe Sizing and Materials**

For new systems or expansions to existing systems, the minimum pipe diameter for distribution mains should be 8 inches within UGAs, rural community, urban, and rural business land use designations. These land use designations are as defined in the County’s current Comprehensive Plan. For all other designations, the minimum diameter shall be 6 inches, unless it can be justified hydraulically that all other service conditions can be maintained (WAC 246-290-230). Exceptions to the 6-inch minimum diameter requirement may be granted by the appropriate agency (DOH or Whatcom County Health Department) under the following conditions:

a) Fire flow is not required under current land use; or

b) A system is to be developed within a designated service area, there is not a direct connection to the designated utility, and the designated utility has entered into a water service agreement with the developer that includes provisions for eventual direct connection of the development. Fire protection requirements, if any, must be met during the interim by the system to be developed.

Water main size shall be adequate to deliver the required fire flow (if applicable) and maintain pressure requirements. Water mains serving fire hydrants, either as part of new construction or planned phased improvements, shall not be less than 8 inches in diameter for dead-end lines, or less than 6 inches in diameter if looped. Hydrant leads extending less than 50 feet or across a street should be of a suitable size to carry the required fire flow, but shall not be less than 6 inches in diameter. In a dead-end cul-de-sac, smaller diameter mains may be installed from the last hydrant to remaining residences.

All water mains shall meet applicable engineering and health standards adopted by DOH and the water purveyor, including Chapters 246-290 and 246-293 WAC. Maximum flow velocities shall be consistent with WAC 246-290-230(9) and Chapter 8.1 of the DOH Water System Design Manual.

All pipe material shall be equal to or greater than AWWA standard specifications unless previously approved by the appropriate agency. All pipe material for new water systems shall be constructed with lead-free materials in accordance with Chapter 246-290 WAC.

**Isolation Valves**

Valves should be installed in a configuration that permits isolation of water mains and minimizes the number of customers out of service when the water system turns the water off for maintenance, repair, replacement, or additions. A valve is not required for short block lines of less than 100 feet. Valves should be installed at main intersections with normal maximum spacing, as listed in Table 5-1. The zoning designations are as defined in the County’s current Comprehensive Plan. The general zoning classification may be referenced for zoning within incorporated areas.
SECTION 5

<table>
<thead>
<tr>
<th>Table 5-1</th>
<th>Isolation Valve Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Classification</td>
<td>Valve Spacing</td>
</tr>
<tr>
<td>Industrial</td>
<td>500 feet</td>
</tr>
<tr>
<td>(HII, UI, GM, GI, RIM, AO)</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>500 feet</td>
</tr>
<tr>
<td>(RGC, GC, TC, NC, STC, RC)</td>
<td></td>
</tr>
<tr>
<td>Urban Residential</td>
<td>500 feet</td>
</tr>
<tr>
<td>(URMX, URMX10-24, URMX6-12, URMX6-10, URM24, URM18, URM12, URM6)</td>
<td></td>
</tr>
<tr>
<td>Urban Residential</td>
<td>800 feet</td>
</tr>
<tr>
<td>(URM6, UR6, UR4, UR3)</td>
<td></td>
</tr>
<tr>
<td>Rural Residential</td>
<td>800 feet</td>
</tr>
<tr>
<td>(RR3, RR2, RR1)</td>
<td></td>
</tr>
<tr>
<td>Rural Residential</td>
<td>0.50 mile</td>
</tr>
<tr>
<td>(RR5A, RR10A, RR1, TZ)</td>
<td></td>
</tr>
<tr>
<td>Rural</td>
<td>0.50 mile</td>
</tr>
<tr>
<td>(R2A, R5A, R10A)</td>
<td></td>
</tr>
<tr>
<td>Resources</td>
<td>0.50 mile</td>
</tr>
<tr>
<td>(AG, CF, RF, MRL)</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>0.50 mile</td>
</tr>
<tr>
<td>(ROS, EI)</td>
<td></td>
</tr>
</tbody>
</table>

Air and Air-vacuum Relief Valves

To minimize problems associated with air entrapment, the purveyor should install air valves or combined air-vacuum relief valves at appropriate points of high elevation in the system.

Blow-off Valves

A hydrant or blow-off assembly should be installed in accordance with each water system’s design standards at low points and dead-ends in the distribution system to allow sufficient flushing and proper disinfection of distribution mains. The blow-off assembly should be installed in the utility right-of-way, except where an access and construction easement is provided for in writing to the water utility. In no case should the location and construction be such that there is a possibility of back-siphoning into the distribution system.

Pressure Reducing Stations

Pressure reducing stations should include a manifold system that provides for a redundant pressure reducing valve, a bypass valve, or other suitable device that ensures reliability and continuity of service.

Storage

The design of each storage tank shall adhere to the design considerations, provisions, and appurtenant design details discussed in Chapter 9 of the DOH Water System Design Manual per Chapter 246-290 WAC. Storage facility requirements are based upon the following five components.
Minimum Design Standards

a) Equalizing Storage: required to supplement production from water sources during high demand periods.

b) Standby Storage: required as backup supply in case the largest source is out of service.

c) Fire Storage: required to deliver the level of fire flow service for the required duration identified in the utility's approved WSP.

d) Operational Storage: the volume of distribution storage associated with source or booster pump normal cycling times under normal operating conditions.

e) Dead Storage: the volume of stored water not available to all consumers at the minimum design pressure.

As a minimum, sizing of storage tanks shall be adequate to provide for equalizing storage plus the larger of standby or fire storage requirements (nesting). Nesting of standby and fire storage is allowed only where not prohibited by local ordinance, the local fire protection authority, or the county fire marshal (WAC 246-290-235). Equalizing and standby storage volumes shall be determined using the DOH Water System Design Manual. Fire storage volumes shall be determined using the fire flow and duration as provided in the levels of service requirements of the County or municipal ordinance and the utility's approved WSP. Siting of storage facilities should consider locations that provide gravity flow. Ground-level, partially-buried, and underground reservoirs should be designed to minimize the potential for contamination in accordance with the DOH Water System Design Manual.

General Facility Placement

Facilities shall be located in accordance with applicable municipal or county ordinances. Where no ordinance applies, water mains should be installed at a location that is compatible with the existing water system, terrain, and location of other utilities. In new subdivisions, binding site plans, and short plats water mains should be installed parallel to the center line on the north or east sides of the street, wherever practical.

In addition, all piping, pumping, source, storage, and other facilities should be located on public rights-of-way or dedicated utility easements. Utility easements should be a minimum of 15 feet wide, unless the easement is contiguous and parallel to an access easement or public right-of-way. In such cases, the minimum easement width should be 10 feet. Piping should be installed no closer than 5 feet from the edge of an easement. Unrestricted access should be provided to all public water system lines and their appurtenances, and public fire hydrants that are maintained by public agencies or utilities.

Pipe Cover

The depth of trenching, installation of pipes, and backfill should be such as to give a minimum cover of 36 inches over the top of the pipe for transmission and distribution lines, and 24 inches over service piping. Backfilling up to 12 inches over the top of the pipe should be evenly and carefully placed. The remaining depth of trench is to be filled in accordance with applicable construction standards identified in Section 5.2.3 – General Provisions. Materials capable of damaging the pipe or its coating should be removed from the backfill material.
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Concrete Thrust Blocking
Concrete thrust blocking should be placed at bends, tees, dead ends, and crosses in accordance with the utility's standards. Blocking should be concrete poured in place. Concrete blocking should bear against solid undisturbed earth at the sides and bottom of the trench excavation and should be shaped so as not to obstruct access to the joints of the pipe or fittings.

Water and Sewer Line Separation Distances
Whenever possible, transmission and distribution water piping should be separated at least 10 feet horizontally from on-site waste disposal piping, drain fields, and/or wastewater gravity or force mains. The bottom of the water main should be 18 inches above the top of the sewer. Where local conditions prevent such horizontal and/or vertical separation, closer spacing is permissible where the separation is mitigated in the design and construction, and meets the special requirements of Ecology's Criteria for Sewage Works Design.

5.3 Fire Hydrants and Fire Flow
The goal of these standards is to prevent or minimize the loss of life, loss of property, and damage to the environment from the adverse effects of fire.

5.3.1 New Fire Hydrants
For new or expanding systems, new fire hydrants within the unincorporated areas of the County shall comply with the minimum design criteria set forth in Whatcom County Code 15.04.040, and shall be compatible with local fire department standards and the design criteria adopted by each purveyor. Fire hydrants shall adhere to the specific design criteria and standards utilized by the utility but may not be less stringent than the Whatcom County Code.

5.3.2 Fire Hydrant Location
Fire hydrants shall be located in unincorporated areas in accordance with Whatcom County Code 15.04.040. Within municipalities, the location specifications provided in the city fire ordinance or water system design standards shall apply, but shall not be less stringent than the Whatcom County Code.

Actual location of hydrants should be identified in the development site plan and should be approved by the water purveyor and fire marshal prior to construction. Placements should be made to provide unhindered access for fire hose connections, testing, and maintenance.

5.3.3 Fire Hydrant Maintenance
It is the determination of the WUCC that the responsibility for maintenance and testing of fire hydrants primarily rests with the water systems that own the infrastructure. For non-municipal corporations, a description of the hydrant maintenance procedures must be kept on file to be eligible for liability protection under RCW 70.315.060 for damages that may arise out of a fire event. Within all water systems, fire hydrants that are permanently inoperative or unusable shall be repaired or removed. Fire hydrants that are temporarily inoperative or unusable shall be wrapped or otherwise provided with temporary indication of their condition and the local fire authority notified when they are unavailable. Fire hydrants that are temporarily inoperative or unusable shall be repaired as soon as possible (WAC 246-293-650).

5-10
Minimum Design Standards

Public water systems are encouraged to communicate with their local fire authorities regarding the location, operation, and status of their fire flow facilities. Where appropriate, a written agreement that identifies responsibilities for maintenance and testing of fire hydrants should be negotiated between the fire department or district and the water utility (WAC 246-293-650(8)). Such agreements could establish operation, maintenance, and testing policies that are mutually beneficial to both the fire authority and the water utilities and would clarify each party’s respective roles and responsibilities. Communication is seen as being most important in the unincorporated areas and/or where County fire districts exist with dynamic boards of commissioners and local fire district chiefs.

The tasks itemized in Table 5-2 should be carried out in a responsible manner by the assigned party at the specified frequency. The utility should notify the local fire authority in advance before any changes are made to hydrant installation or relocation. The local fire authority should notify the utility in advance of testing any fire hydrants.
### Table 5-2
Fire Protection Facility Operation, Maintenance, and Testing

<table>
<thead>
<tr>
<th>Water Utility Responsibility</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of location, installation, and type of hydrant, ports, and valves</td>
<td>At time of permitting</td>
</tr>
<tr>
<td>Inspection of new facility</td>
<td>At time of construction</td>
</tr>
<tr>
<td>Painting, numbering, and coding of hydrants</td>
<td>As needed</td>
</tr>
<tr>
<td>Hydrant testing, maintenance, and recordkeeping</td>
<td>As needed</td>
</tr>
<tr>
<td>Communications (emergency, alert system, faulty hydrant, etc.)</td>
<td>As needed</td>
</tr>
<tr>
<td>Clear vegetation and brush from hydrant</td>
<td>Seasonally or more often as needed</td>
</tr>
<tr>
<td>Backflow prevention between potable and fire protection systems</td>
<td>Annually</td>
</tr>
<tr>
<td>Estimate volume and time of use of hydrants for Water Use Efficiency reporting</td>
<td>Monthly</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fire District Responsibility</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of location, installation, and type of hydrant, ports, and valves</td>
<td>At time of permitting</td>
</tr>
<tr>
<td>Notify water utility in advance when hydrants are used for training or testing</td>
<td>As needed</td>
</tr>
<tr>
<td>Communications (emergency, alert system, faulty hydrant, flow tests, etc.)</td>
<td>As needed</td>
</tr>
<tr>
<td>Install and check reflector location, if used</td>
<td>As needed</td>
</tr>
<tr>
<td>Private hydrant and fire system testing</td>
<td>Annual</td>
</tr>
<tr>
<td>Estimate volume and time of use of hydrants</td>
<td>Per occurrence</td>
</tr>
</tbody>
</table>

### 5.3.4 Fire Flow Requirements

Water supply facilities for new developments and new or expanding public water systems shall be designed to meet the minimum fire flow requirements set forth in Table 5-3. The WUCC defers to the Fire Marshall’s expertise and believes that the recommended fire flow requirements in Table 5-3 are an appropriate level of fire flow to meet the goal of this section of preventing or minimizing the loss of life, loss of property, and damage to the environment from the adverse effects of fire. Although typical fire flow requirements established for individual structures during the development review process are based on building type, construction, and other factors,
Table 5-3 presents fire flow recommendations based on zoning to assist water purveyors in planning for fire protection within their service areas. The recommended fire flow requirements shown in Table 5-3 were developed in coordination with the County Fire Marshal and the WUCC, and includes flows that are typically required by the fire marshal for development within the zoning designations. The zoning designations in Table 5-3 are as defined in the County’s current Comprehensive Plan. The general zoning classification may be referenced for zoning within incorporated areas.
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#### Table 5-3
Minimum and Recommended Fire Flow Requirements

<table>
<thead>
<tr>
<th>Zoning Classification</th>
<th>Minimum Fire Flow Requirement (gallons per minute (gpm))</th>
<th>Recommended Fire Flow Requirement (gpm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>1,000 gpm for 2 hours</td>
<td>2,000 gpm for 2 hours</td>
</tr>
<tr>
<td>(H11, L1, G1M, G1, R1M, AO)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>1,000 gpm for 2 hours</td>
<td>1,500 gpm for 2 hours</td>
</tr>
<tr>
<td>(RGC, GC, TC, NC, STC, RC)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Residential</td>
<td>750 gpm for 1 hour or commensurate with standards of the adjacent municipal corporation, whichever is greater</td>
<td>1,500 gpm for 1 hour</td>
</tr>
<tr>
<td>(URM15, URM10-24, URM66-12, URM66-10, URM24, URM18, URM12)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Residential</td>
<td>500 gpm for 1 hour or commensurate with standards of the adjacent municipal corporation, whichever is greater</td>
<td>750 gpm for 1 hour</td>
</tr>
<tr>
<td>(URM6, UR6, UR4, UR3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Residential</td>
<td>500 gpm for 1 hour</td>
<td>500 gpm (residential)/</td>
</tr>
<tr>
<td>(T2)</td>
<td></td>
<td>1,000 gpm (commercial) for 1 hour</td>
</tr>
<tr>
<td>Rural Residential</td>
<td>500 gpm for 1 hour</td>
<td>500 gpm for 1 hour</td>
</tr>
<tr>
<td>(RR1, RR2, RR22)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Residential</td>
<td>No fire flow requirement</td>
<td>500 gpm for 1 hour</td>
</tr>
<tr>
<td>(RSA, RR10A, RRI)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural</td>
<td>No fire flow requirement</td>
<td>500 gpm for 1 hour</td>
</tr>
<tr>
<td>(R2A, RSA, R10A)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resources</td>
<td>No fire flow requirement</td>
<td>500 gpm for 1 hour</td>
</tr>
<tr>
<td>(AG, RF, MRL)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resources</td>
<td>No fire flow requirement</td>
<td></td>
</tr>
<tr>
<td>(CF)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>No fire flow requirement</td>
<td>500 gpm for 1 hour</td>
</tr>
<tr>
<td>(ROS, EI)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Fire protection may be provided by means other than hydrants supplied by a water utility's distribution system provided that such alternative methods are fully documented in the utility's WSP and approved by the local fire protection authority (WAC 246-299-670, Whatcom County Code 15.04.040).
2. Projected density based upon designated land use in adopted County or city comprehensive plans.
3. Whenever existing land use densities are greater than the comprehensive land use designation density, the fire flow rate will be determined on the basis of existing density or per the determination of the fire marshal.
4. Within a designated service area, a utility that has fire flow capability shall extend existing water mains to provide flows whenever feasible. When main extension is not feasible, a remote system may be developed that is designed to accommodate fire flows in accordance with a jointly developed plan between the water utility and fire marshal's office. The plan shall be incorporated in the utility's WSP.
5. A greater flow rate may be required for certain developments as determined by the fire marshal.
6. Fire flow requirements for churches, schools, and labor camps will be established by the County Fire Marshal, but in no case will the required fire flow be less than that specified in the table above.

Table 5-3 presents zoning-based fire flow requirements. However, the actual fire flow requirement for individual structures will be determined during the development review process and may be higher than those stated in Table 5-3. Utilities shall develop their capital improvement programs for meeting their fire flow objectives in consultation with the appropriate local fire authorities. It is the intent that said programs may be scheduled to be phased-in over a specific period of time.
considered to be reasonable for the individual circumstances. The program and schedule shall be described in the utility's comprehensive water system plan, which is subject to DOH approval.

5.3.5 Fire Flow Mitigation Alternatives

The fire marshal and building official may consider any combination of alternative strategies to mitigate in part or in whole the lack of adequate or available fire flow water and/or reduce the minimum required fire flow storage volume or flow for a given project proposal (Whatcom County Code 15.04.040). Such strategies may include, but are not necessarily limited to:

- Provide an automatic sprinkler system throughout the building or fire area when not otherwise required by the International Fire Code (IFC) or International Building Code (IBC).
- Upgrade the proposed building construction type from combustible to non-combustible and/or fire-rated. For example, upgrade from Type VB to Type VA or Type IIB construction.
- Provide fire walls or fire barrier walls to divide the building into smaller fire areas or to provide isolated storage of combustible packaging supplies and/or hazardous materials.
- Provide enhanced setbacks from property lines and other buildings on the site.
- Partner with an existing water purveyor to provide approved upgrades to the delivery capability of the existing purveyor system, such as upsizing sections of the piping system, providing a station or satellite pump, providing an additional system storage tank, or similar approved system upgrades.
- Provide additional fire hydrants at approved locations with adequate, parking-prohibited staging areas for the fire district.
- Provide a monitored fire alarm system when not otherwise required by the IFC or IBC.
- Where appropriate, provide additional exits from the building to adequate, accessible exit discharge areas.
- Reduce high-piled storage racking systems.
- Other approved strategies that reduce risk to building occupants and emergency responders.

Approval of such strategies is at the discretion of the fire marshal in cooperation with the Building Official. They are to be considered on a case-by-case basis, and based on the specific characteristics of a given project. The fire marshal may require system strategies be analyzed, evaluated, and/or designed by an approved Fire Technician or licensed Fire Tech/System Design Engineer.

5.3.6 Phased Fire Flow Plan

If water service is requested of a utility in an area where only limited fire flow is currently provided, the cost of installing all improvements at once to meet the required level of fire flow may be prohibitive. In this case, the utility and developer may reach an agreement to provide the desired service through a schedule of improvements over a reasonable period of time. Until the schedule of improvements is fully implemented, the required level of fire flow may not be available in all
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areas of the development. This phased plan must be approved by the County for service in unincorporated areas, or the city agency with jurisdiction within corporate limits, and must be consistent with the approved WSP of the utility (Chapter 246-293 WAC).

If fire hydrants are not initially installed as part of the phased fire flow plan, a tee shall be installed at least every 900 feet where fire hydrants will be located (WAC 246-293-650(1)) or at approved hydrant location intervals per applicable sections of the current adopted edition of the IFC Section 507, Fire Protection Water Supplies; IFC Appendix C, Fire Hydrant Locations and Distribution; and as amended per Whatcom County Code 15.04.040.

A phased fire flow plan shall be applicable when the following conditions are met:

a) If the proposed new service is within the utility's designated service area, the utility shall have an approved WSP that contains a capital improvement schedule that provides the full level of water service to the phased fire flow plan area. If the new service is proposed outside of a designated service area and the utility intends to provide service, or if it is to be developed by a Satellite Management Agency (SMA), the utility or SMA shall submit an amendment to its WSP that addresses the needs of the new service area.

b) A written agreement between the utility and developer setting forth the phased fire flow plan is submitted and approved by the city or County prior to issuing a development permit (subdivision, binding site plan, plat, short plat, etc.). The plan must identify the fire flow to be initially provided, projected growth expected in the proposed development, additional capital facilities required, a schedule of construction, and eventual fire flow to be provided. The phased construction schedule must provide for compliance with design standards within a reasonable period of time agreed to by the County.

c) All water mains and other permanent facilities installed during the phased development period shall be in accordance with the eventual system design identified in the capital improvement schedule of the utility's WSP.

If land use changes occur, or if growth does not occur as anticipated, the utility may submit a revised plan that identifies the reasons for variation from the original plan and a fixed date for compliance to be achieved.

5.3.7 Low Flow Hydrants (For Existing Systems)

While not all public drinking water systems in Whatcom County provide fire flow, it is recognized that some water systems have installed fire hydrants that do not meet fire flow standards. Connection to these systems for fire suppression can result in negative pressures and possible cross contamination of the system.

Public water systems that are not required to comply with minimum fire flow standards shall coordinate with the local fire control authorities to ensure that any hydrants on the system, if they can possibly be used in the course of fire suppression activities, do not create adverse pressure problems within the water system as a result of fire control actions (WAC 246-290-221).

In order to safeguard public health, drafting (pulling water from a hydrant) of fire hydrants is prohibited unless otherwise agreed between the purveyor and the fire authority. Hydrant connections may only be made with collapsible hose unless the utility informs the local fire control authority otherwise. For all water systems in the unincorporated portions of the County, the caps on all hydrants must be color-coded RED when:
The effects of supplying fire flow are unknown;

- Fire flow is less than 500 gallons per minute (gpm); or
- Fire flow would reduce system pressures to less than 20 psi;

The reason for this measure of safety is that most existing rural water systems are not designed to meet minimum fire flow standards, even if they have fire hydrants, while maintaining 20 psi throughout the entire system during fire flow conditions. It is a common misconception that a fire hydrant can be used (drafted/pulled) for its maximum flow capacity as long as the pressure at that fire hydrant does not drop below 20 psi. In fact, an individual hydrant may free flow large quantities of water while maintaining in excess of 20 psi. However, the assumption is false that more water is available to be drawn from a hydrant by drafting (pulling) down to 20 psi. Drafting or pulling from a hydrant beyond what freely flows is likely to reduce the pressure elsewhere in the system below 20 psi and create negative pressure, which can cause contamination through backflow, failure of residential plumbing, and even catastrophic failure of water system facilities. The WUCC believes it is the responsibility of a water system to take steps to retard free flow of water from its system hydrants to maintain system pressures above 20 psi. These steps may include installation and operation of valves, orifices, or other flow restriction methods.

5.3.8 Water Rights and Fire Flow

The diversion or withdrawal and use of water for **firefighting**, such as containing, suppressing, and extinguishing a fire, including the use of water from hydrants, is essential to the public welfare and does not require a water use authorization from Ecology. However, use of water for some **fire protection** purposes does require a water right permit.

The following definitions of firefighting facility, firefighting water use, and fire protection are taken from Ecology Policy POL-2015:

**Firefighting** facility means any building or place that provides firefighting service and is used primarily for storing and maintaining firefighting equipment and/or housing firefighting personnel. Water may be used within the facility for training firefighting personnel, and testing and maintaining firefighting equipment. A water right is required for such uses.

**Firefighting** water use means the use of water to contain, suppress, and extinguish a fire that is an immediate threat to persons or property. It also includes temporary use of water for drinking and sanitation by firefighting personnel as needed during the act of fire suppression and extinguishment. A water right is not required for this use.

**Fire protection** is a beneficial use of water associated with the ongoing use of water to reduce fire risks. It includes irrigating buffer areas, storing water for fire use, and supplying fire hydrants within developments. Fire protection water use also includes the use of water within a firefighting facility for training firefighting personnel, and testing and maintaining firefighting equipment. A water right is required for such uses (emphasis added).

When a water right permit is required, it must be obtained in accordance with Ecology regulations and procedures (Chapter 173-160 WAC). Copies of water rights documents, correspondence, and other records are to be maintained on file by the purveyor. Water used for firefighting facilities...
and for fire protection purposes, if not a permit exempt use of water, also requires a water right. Any water right issued for these purposes will identify “fire protection” as the beneficial use.

Groundwater withdrawals of not more than 5,000 gallons per day, as authorized under the groundwater permit exemption (RCW 90.44.050), may be used to serve a firefighting facility, or up to 1/2-acre lawn or noncommercial garden may be irrigated as a buffer area for fire protection purposes.

5.4 Standards Review Subcommittee

A Standards Review Subcommittee (Subcommittee) shall be established by the WUCC and should be convened by the Whatcom County Executive’s Office, or his/her designee, at least annually to review these standards and their implementation. The Subcommittee shall seek input from the County Fire Marshal, city fire departments, and the County Fire Chiefs Association in matters related to fire protection standards. The Subcommittee should also include representation from engineering firms and other technical staff, as required. Recommendations of the Subcommittee shall be submitted to the WUCC and, if revisions are approved, they shall be forwarded to the County Council for adoption.

5.5 Severability

If any provisions of these standards or their application is found to be invalid, the remainder of the standards and their implementation should not be affected.
Section 6 – Utility Service Review Procedures
Section 6 – Utility Service Review Procedures

6.0  Introduction

This section of the CWSP, the Utility Service Review Procedures (USRP), presents the administrative procedures for directing applicants with development proposals that require potable water service (WCC 24.11.050) in the unincorporated portion of the CWSSA to the most appropriate source of water.

This section is developed in accordance with WAC 246-293-190 rules that are in part authorized by the Coordination Act. The USRP generally directs applicants with development proposals that require potable water availability approval to water utilities with readily available water service. When water service is not readily available, it provides procedures for developing a new water public water system. Although not required by state law or rule, this section also applies to the circumstances in which a private water supply may be approved.

These procedures are intended to guide local officials, citizens, development applicants, and regulatory agencies in identifying the necessary facilities for providing adequate potable water service.

The Coordination Act (RCW 70.116.060) prohibits the establishment of a new public water utility within the CWSSA unless it is determined that existing utilities are unable to provide the service in a timely and reasonable manner. The primary goal of these procedures is to first direct applicants to existing utilities that are willing and able to provide water service. The GMA requires that each applicant for a building permit necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building.

Any major change in land use plans may require substantial system improvements to serve the proposed development because water utilities should, and in some cases must, develop their systems to be consistent with applicable land use plans. Therefore, special review procedures are provided in this section and will apply to applications that propose a land use change.

6.1  Service Areas

Reference to "service area(s)" within the CWSP means the specific geographical area described in the written agreement required by RCW 70.116.070(1) and WAC 246-293-250 (Section 4.0). All water utilities are required to designate a service area boundary. Service areas within the CWSSA are depicted in Exhibit 2-2. For utilities with water system plans, service area designations will be included in the plan. For water utilities that do not have a water system plan, their service areas shall be attached to a Declaration of Water Utility Service Area form as provided in Exhibit 4-1, which is completed by an authorized representative of the water utility, and submitted to PDS.

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1Statutory authority included in Substitute House Bill 2929 of 1990 codified in Chapter 19.27 RCW.
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The types of water service areas are as follows:

- Existing Service Area: DOH Publication 331-432 (dated November 2010) defines an existing service area as the area in which the utility currently provides direct service, remote service, or where service connections are currently available.

- Future Service Area: Public water utilities may identify future service areas that are outside of the current retail service area but in which they plan to serve water in the future.

- Retail Service Area: WAC 246-290-100 requires all municipal water suppliers to designate a retail service area where they currently provide or plan to provide direct retail service connection to customers.

- Wholesale Service Area: Utilities may also designate wholesale service areas in their water system plan where they provide or plan to provide only wholesale water service. Wholesale service areas are not regulated under the Coordination Act.

If a water system plan does not differentiate between retail and future service areas, then their entire service area is presumed to be a retail service area.

6.2 Activities within City Boundaries

Water service requests within incorporated areas are not subject to the USRP provided in this section. Applicants for such water service must contact the municipality directly.

6.3 Timely and Reasonable

The USRP makes reference to the provision of water service in a timely and reasonable manner. The term "timely and reasonable" is included in both the Coordination Act (RCW 70.116.060(3)(a)) and the Municipal Water Law, although with different meanings.

With respect to the Coordination Act (Chapter 70.116 RCW), the term "timely and reasonable" is applied to the conditions of service for applicants seeking water service within the future service area of a water utility. Applicants for water service located in an existing water system's future service area must request service from the existing system. In this case, the existing utility has the "right of first refusal" of water service. If the system cannot provide the new service in a timely and reasonable manner, the applicant may pursue the following options in the order presented:

1. Seek service from another water system. If service is not available, the applicant may

2. Develop a new public water system if another system is not willing or able to provide the service.

Note: "Public water system" includes all systems except those serving one single-family residence or four or fewer service connections on the same farm. As used in this document, the term is generally synonymous with "Purveyor" and "Utility." "Private water supply" means a non-Group B water supply serving up to two single-family residences (per Whatcom County Drinking Water Ordinance – WCC 24.11).
Utility Service Review Procedures

The Coordination Act defines "timely" as actions taken within 120 days, but it does not specify when the period begins and ends. The Coordination Act allows CWSPs to specify utility actions for completion in this 120-day period. The Coordination Act does not define "reasonable." The DOH suggests the following criteria for defining reasonable (DOH Publication No. 331-444, December 2012):

- Conditions of service are consistent with local land use plans and development regulations;
- Conditions of service and associated costs are consistent with those documented in the system's approved water system plan.
- Conditions of service and associated costs are consistent with the system's acknowledged standard practice experienced by other applicants requesting similar water services.

Under the Municipal Water Law, the term "timely and reasonable" is used as one of the conditions in which a water utility has a "duty to serve" within their retail service area. Municipal water suppliers have a duty to provide service to all new connections within their retail service area where the circumstances meet four threshold factors (DOH Publication No. 331-366, November 2010):

1. The utility has sufficient capacity to serve water in a safe and reliable manner.
2. The service request is consistent with adopted local plans and development regulations.
3. The utility has sufficient water rights to provide service.
4. The utility can provide service in a timely and reasonable manner.

Because the two laws use the term "timely" differently and neither law defines "reasonable," DOH recommends that a definition for timely and reasonable service be provided in the CWSP. Consequently, timely and reasonable service shall be defined as follows (in order of priority):

1. As defined in the water utility's approved water system plan.
2. If the water utility does not have a water system plan, the definition shall be as defined in the utility's service policies provided that the definition is not inconsistent with the Coordination Act.
3. If the water utility does not have a water system plan or service policies or the water system plan or service policies do not provide a definition for timely and reasonable, the definitions shall be as follows:
   - Water service is considered timely when:
     - the water utility can provide water service within 120 days of receiving all necessary permits to begin installation of required system improvements, if the utility is conducting system installation; or
     - the water utility can provide water within 120 days of the applicant installing all necessary system improvements; or
     - as otherwise agreed to between the applicant and utility.
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- Water service is considered reasonable if costs and conditions of service are consistent with the utility's acknowledged standard practice experienced by other applicants requesting similar service.

This CWSP update includes an appeals process to resolve disputes between applicants and utilities regarding the timely and reasonable provision of water service.

6.4 Utility Service Review Procedures

The first step in the USRP is to identify the utility service area within which a proposed development is located. The CWSP places responsibility on the review agencies to recognize a designated utility service area. In turn, the utility is responsible for effective management within that service area. The USRP then describes, in order of priority, the available water service options. It also describes options for water service to proposed developments lying outside of designated service areas (Figure 2-2 – Water System Service Area Map).

The USRP applies to all development proposals requiring potable water availability approval by Whatcom County including, but are not limited to: new plat or subdivision development; short plats; land use permits; rezones; issuance of residential and commercial building permits; creation of new water systems; resolution of health emergencies arising out of existing public water systems; source site inspections; and other related activities. PDS will initiate and administer the review procedure at the time an application is submitted for permits or approvals, or upon request. A flow chart of steps to be followed in the USRP is provided as Figure 6-1.
The USRP directs applicants for water availability approval to the Official CWSP map to identify an existing water utility willing and able to provide water service. In effect, the result of the USRP is to assign the proposed new development to the service area of a designated water utility. In the event a designated utility is unable or unwilling to provide service, the referral process referenced in subsequent paragraphs shall be followed.

Pursuant to state law (RCW 70.116.060 and 070 and WAC 246-293-401, 420, and 430), approval of water service requests occurring within a contested service area or the service area of a utility that has not completed either its required individual water system planning document or its Declaration of Water Utility Service Area (Exhibit 4-1) may be denied by the County until these
issues are resolved. Contested service area disputes should be resolved by the affected utilities. If the utilities cannot resolve their dispute, the affected utilities are directed to the appeals process in Section 9.2. If the affected utilities are unable or unwilling to resolve their service area conflicts, the DOH shall render a determination following appropriate due process as defined in RCW 70.116.070(2).

6.4.1 Review Process for Development Proposals or Water Service Requests in Conformance with Applicable Land Use Plans

When development and associated water service applications conform to land use plans and zoning ordinances, the USRP will generally follow the sequential steps outlined in Figure 6-1. This sequence is described as follows.

1. PDS will coordinate review of all development proposals within the unincorporated area of the CWSSA. PDS will review land use development proposals and determine whether or not they are in conformance with the applicable comprehensive land use plans, zoning, building, and fire code, and service area interlocal agreements. Upon determination of appropriate land use designation, PDS will review applications for residential or non-residential building permits for conformance with the appropriate codes.

2. Applicants requesting water availability approval must coordinate their supply needs with an existing utility, as directed by PDS. PDS will review the proposed water service request and direct the applicant to one of the following water sources: the designated utility; an adjacent utility; a Satellite Management Agency (SMA); the creation of a new utility; or use of a private water supply, as outlined in the steps below.

   a. Proposed Development within a Municipal Water Supplier’s Designated Retail Service Area

   The applicant will first be referred to the designated municipal water supplier (utility). Per the requirements of RCW 43.20.260, a municipal water utility has a duty to serve the applicant if the applicant’s project is located within the utility’s retail service area and if the conditions defining “duty to serve” are met.

   In response to a request for water service, the utility will give written notice on the Notification of Water Availability form of its intent to exercise one of the following options, in order of priority:

   i. The designated utility provides direct service by connection to existing mains or by extension of existing mains and supply; or

   ii. The designated utility approves a design for a new detached, remote system and upon construction in accordance with said design, owns and operates the system; or

   iii. The designated utility approves design of a new water system that is separate from the designated utility’s water system, to be owned by the developer of the new system, and enters into an agreement specifying the operational requirements and financial obligations of the owners of the remote system. The remote system may be operated by the designated utility, an adjacent utility, an SMA, or the developer/homeowners
association. The remote system owner submits documentation to PDS that the designated utility acknowledges and approves the creation of the new system. The remote system owners are responsible for financing, constructing, and properly operating the system until the two systems are connected.

If the utility cannot meet one or more of the duty to serve conditions, including timely and reasonable, the applicant will be referred to an adjacent utility (WAC 246-293-190). If the adjacent utility is unable or unwilling to serve, or it is determined that the conditions of service extensions identified by the utility are not timely and reasonable, the applicant may develop a new water system or a private water supply.

(b) Proposed Development within Designated Future Service Areas

The applicant will be referred to the designated water utility. In response to a request for water service, the utility will give notice of its intent to exercise one of the following options, in order of priority:

i. The designated utility provides direct service by extending existing mains and supply; or

ii. The designated utility denies direct service. The applicant then requests water service for the proposed development from a utility adjacent to the service area. The adjacent utility must have an approved water system plan that allows for expansion or must modify their plan to provide for the expansion. If the developer reaches agreement for water service with an adjacent utility, the adjacent utility will initiate an appropriate change in their designated service area boundaries through the process established in Section 4; or

iii. The designated utility approves a design for a new detached, remote system and upon construction in accordance with said design, owns and operates the system; or

iv. The designated utility approves design of a new water system that is separate from the designated utility’s water system, to be owned by the developer of the new system, and enters into an agreement specifying the operational requirements and financial obligations of the owners of the remote system. The remote system may be operated by the designated utility, an adjacent utility, an SMA, or the developer/homeowners' association. The remote system owner submits documentation to PDS that the designated utility acknowledges and approves the creation of the new system. The remote system owners are responsible for financing, constructing, and properly operating the system until the two systems are connected; or

v. The designated utility denies service and thereby may be subject to relinquishment of that portion of its service area. At this point, because water service cannot be provided in a timely or reasonable manner pursuant
to the Coordination Act, a new water system is developed, and service options are further determined through the procedures described below.

(c) Proposed Development in Relinquished Service Areas or Non-Designated Areas

If the development is in a relinquished or undesignated service area, the following will occur, in order of priority:

i. PDS will refer the applicant to the Whatcom County Health Department (WCHD); WCHD will identify existing utilities within 1/2 mile of the proposed development and refer the applicant to those utilities for water service. The adjacent utility must have an approved water system plan that allows for expansion or must modify their plan to provide for the expansion. If the applicant reaches agreement for water service with an adjacent utility, designated service area boundaries are changed through the process established in Section 4 of this CWSP; or

ii. If adjacent utilities are unwilling to provide service, do not exist, or service cannot be provided in a timely and reasonable manner, the applicant may create a new public water system or establish a private water supply following the process described below.

(d) Approval of New Public Water Systems

The process described above may result in the formation of a new public water system only in those instances where existing utilities are unwilling or unable to provide service in a timely and reasonable manner. A new water utility will be required to have an approved Declaration of Water Utility Service Area (Exhibits 4-1 and 4-2), the required water system planning document, and provide evidence of a water right (if required) issued by the Department of Ecology. Applicants wishing to use groundwater as a water source need to comply with applicable local standards relating to the siting of the well and to state requirements including, but not limited to, RCW 90.44.050 (the groundwater permit exemption), Chapter 173-160 WAC, Minimum Standards for Construction and Maintenance of Wells, and the Water Resource Inventory Area (WRIA) 1 and WRIA 3 Instream Resources Protection Programs (Chapters 173-501 and 173-503 WAC).

(e) Approval of Private Water Supply

The Coordination Act and its rules (specifically, WAC 246-293-190) do not require counties to develop procedures that apply to the approval of a private water supply. However, in the interests of overall coordination and ease of use, Whatcom County has elected to enlarge the scope of its USRP to include procedures that apply to private water supplies.

This procedure applies only to those land uses that do not require public water per the Whatcom County Drinking Water Ordinance (WCC 24.11). This ordinance requires applicants who are requesting water availability approval of a private water supply to first request service from an existing public water system; and, if

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3See CWSP Glossary for a definition of "private water supply."
Connections are available and the public water system is willing to provide service, the applicant must connect to that public water system when (WCC 24.11.050):

1. The applicant proposes to use surface water, spring water, rainwater, or contaminated groundwater; or

2. The applicant proposes to build on a lot located in a long or short subdivision approved based on the availability of public water; or

3. The existing public water system has water lines adjacent to the property line of the applicant and connection is consistent with RCW 36.70A.110; or

4. The existing public water system has defined a “service area boundary” in accordance with the CWSP which includes the property of the applicant.

If a public water system or municipal water supplier does not have available connections or is unwilling to provide service in either its existing, retail, or future service areas, and no adjacent system is able or willing to provide service and, provided that the particular land use does not require a public water system, then in that case a private water supply may be developed subject to water availability approval by the WCHD and in accordance with WCC 24.11.

Additional Considerations

1. When development is proposed on existing lots that were created and approved on the basis of a private water supply, the existing private water supply must continue to meet WCHD requirements, and at time of application for a building permit, the proposed development may require additional water availability review and re-approval.

2. In the rare event that water availability approval is requested on a lot that was created and approved on the basis of a public water system, but at the time of application for a building permit and request for water availability approval it is determined that a public water system is not available, WCHD will make a case-by-case determination as to whether or not a private water supply may be approved or whether public water service is required. If WCHD determines that public water service is required, and also finds that no other existing public water system is able or willing to serve, then in that case, a new public water system may be developed subject to these utility service review procedures that apply to the development of a new public water system.

6.4.2 Review Process for Development Proposals or Water Service Requests Not in Conformance with Applicable Land Use Plans

If a development proposal requires a zoning change or alteration of applicable land use plans, then PDS shall contact each affected utility and allow them to comment on the proposal prior to approval of the zoning change. By identifying new or additional utility costs associated with changes in land use or zoning, the costs of development can be integrated into the decision making process and will allow the consideration of an assignment of costs.

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3 For the purposes of this CWSP, water lines are considered adjacent to a property when the water lines lie within either side of the right-of-way or easements directly abutting the property.
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6.4.3 Appeals Process

The USRP process described herein provides the process for directing applicants for water service to the appropriate source of water, and conditions for providing that service. Issues of what constitute appropriate conditions of service may be expected to arise between applicants and water utilities. To resolve these disputes, an appeal procedure has been developed. The appeals procedure is included in Section 9, along with procedures for resolving other disputes.

6.4.4 Special Review Consideration

In the review of development proposals and associated requests for water service, PDS shall be guided by the special considerations provided below.

(1) Applications for Service to Non-residential Properties

Commercial and industrial properties represent a fire flow responsibility that may greatly exceed flows required for residential housing. These flow requirements are critical to the sizing of the storage, pumping, and piping facilities. For these reasons, PDS shall also use the referral process described herein for all proposed commercial and industrial developments. (See Section 5 for system design standards.)

(2) Expanding Group A Non-community or Group B Systems

Special consideration is required for Group A Non-community or Group B systems currently designated as non-expanding systems (after adoption of the CWSP) that wish to expand both inside and outside of designated service areas. These considerations are addressed below.

(a) Expansion outside Utility's Designated Service Areas

An expanding Group A Non-community or Group B system located outside of a utility's designated service area will be referred by PDS to adjacent, larger utilities with approved water system plans or SMAs. This will allow the expanding system to discuss and evaluate utility service proposals by an adjacent utility or SMA versus expansion. If the decision is made to pursue expansion, the system owner must submit a completed Service Area Agreement to PDS. Furthermore, pursuant to WAC 246-290-100, a water system plan needs to be prepared or revised to incorporate the proposed expansion. The plan must be submitted to PDS to be reviewed for local government consistency, and approved by DOH before the expansion is allowed to take place.

(b) Expansion within Utility's Designated Service Areas

An expanding Group A Non-community or Group B system located within a designated utility service area will not be allowed without approval by the designated utility.

6.4.5 Public Water System Availability

A public water system is considered to be available if any of the following apply:

1. The distribution line for the public water utility is of adequate size and adjacent to the property requesting service; or
Utility Service Review Procedures

2. The existing public water utility is planning, at the utility's own expense, to extend the existing water supply line adjacent to the property within one year from the initial written request for water availability; or

3. The applicant is willing to extend the existing water supply line to the property at the applicant's own expense, per the existing public water utility's policies and procedures; or

4. The applicant is located within the retail service area of an existing utility and that system has agreed to serve the applicant's project; the terms of the service offered by the utility are timely and reasonable, and consistent with the conditions of service provisions contained within the water system's DOH approved water system plan; documentation is provided from the existing public water utility that any of the above provisions can be met; and a Letter of Water Availability that is related to this procedure and acceptable to the County is provided from the existing public water utility.

6.4.6 DOH Satellite Management Agency (SMA) Requirements

Creation of a new public water system can occur after all of the USRP processes are exhausted. When a new system is created, it must be owned or operated by a department-approved SMA if one is available (WAC 246-290-035(1)(a)). The requirements for the provision of SMA services are embodied in the Coordination Act at RCW 70.116.134 and in Chapter 246-295 WAC. The RCW and WAC establish the criteria for designating entities as approved SMAs, delineate the process that SMAs must follow, and outline procedures for coordination between water users, utilities, SMAs, local government, and the DOH. A SMA is defined in RCW 70.116.134(6) as "A person or entity that is approved by the secretary to own or operate more than one public water system on a regional or countywide basis, without the necessity for a physical connection between such systems."

DOH policy regarding SMA service in areas having CWSPs is as follows:

If a utility has claimed a future served area in a DOH approved WSP and identified that it may be served with a remote system, DOH will require that system, in their next WSP update, to include information about their SMA program that satisfies the approval criteria. If the system opts not to submit the SMA information, DOH will not approve the updated WSP until the service area to be served with remote systems is modified.

WAC 246-295-070, Requests for Water Service, states that:

The county or city agency responsible for determining water availability shall direct an individual or other entity proposing a new system or requesting water service to contact one or more approved SMAs designated for the service area where the new system is proposed. Such contact shall take place prior to construction of a new public water system and shall be documented in writing to the appropriate county or city.

In addition, WAC 246-290-035(1)(a) states that:

(1) The following requirements apply to all newly developed public water systems:
(a) Except for systems proposed within an individual water system's approved
service area in a critical water supply service area as governed by the Public Water System Coordination Act, chapter 70.116 RCW and chapter 246-293 WAC, and offered service by that existing system, any proposed new public water system must be owned or operated by a department approved satellite management agency (SMA) if one is available.

If no approved SMA agrees to own or operate the proposed system, the applicant can seek DOH approval to operate the system itself by demonstrating that it has the ability to meet financial viability and other operating requirements.

6.4.7 Current Approved SMAs in the Whatcom County CWSSA

The DOH maintains a list of approved SMAs for each county. The criteria and process for the approval of SMAs is contained in Chapter 246-295 WAC. This regulation establishes the submittal and approval process and identifies the required contents of an SMA plan when the SMA proposes to own the new system, and when it intends only to manage and operate the new system. As of January 1, 2016, the following entities are approved as SMAs in Whatcom County. For each approved SMA, the contact person, the type of service offered by the SMA (ownership, operation and management, or both), and contact information are listed. Note that all of the approved SMAs in Whatcom County are currently authorized for management and operations only. No SMAs are authorized for system ownership in Whatcom County. Each of these SMAs provides services countywide.

Northwest Water Systems
(SMA #119)
Management & Operations only
Jon Wiley, President
PO Box 123
Port Orchard, WA 98366
(360) 876-0958
info@nwwatersystems.com

Northwest Water Works, Inc.
(SMA #126)
Management & Operations only
Brad Ferris
8618 Tilbury Road
Maple Falls, WA 98266
(360) 656-5576

Water & Wastewater Services
(SMA #148)
Management & Operations only
Kelly Wynn
14263 Calhoun Road
Mount Vernon, WA 98273
(360) 466-4443
wwsvc@wwsvc.com

Water Systems Services, Inc.
(SMA #163)
Management & Operations only
Dave Olson, President
6951 Hannegan Road Suite 2
Lynden, WA 98264
(360) 739-5661
info@watersystemservices.net
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7.0 Receivership of Failing Systems

The Washington State Department of Health (DOH) and local health jurisdictions share responsibility for enforcing state drinking water regulations to ensure safe, reliable drinking water. The DOH tracks water system sample results, conducts technical investigations, and takes action as needed to ensure compliance.

When a water system fails to provide safe and reliable water, the DOH uses a variety of tools to bring it back into compliance. These include informal actions such as phone calls, letters, site visits, and technical assistance, as well as formal enforcement actions such as issuing orders and penalties.

In most cases, by the time formal enforcement action occurs, the water system has exhausted all reasonable justifications for not meeting DOH requirements. As a last resort, if the system fails to respond, the Secretary of Health or the local health officer may file a petition with the Whatcom County Superior Court. The Court, in turn, may appoint a receiver who is willing and able to operate the water system. A receiver is an entity appointed by the court to manage a water system. Receivership is not a final action, but is a process to bring failing public water systems back into organizational and operational compliance. Generally, the court intends receivership to be temporary until permanent solutions have resolved the water system’s problems. The failing water system should carefully evaluate receivership, as it will result in obligations to meet, including but not limited to, the following:

- Conducting an audit by a Certified Public Accountant (CPA) of all accounts, corporate books, and records (Revised Code of Washington (RCW) 7.60.180; RCW 64.38.045);
- Ensuring that a licensed professional engineer with expertise in water systems conducts a physical inventory of all assets within 35 days of appointment as a receiver (RCW 7.60.090(2));
- Taking sworn depositions of all current and past officers and directors (RCW 7.40.060(1)(i); RCW 7.60.080(4));
- Obtaining an appraisal of water system value (RCW 7.60.060(1); RCW 7.60.090(5)) by a qualified appraiser;
- Developing a proposal prepared by a licensed professional engineer with expertise in water systems to upgrade the water system to meet current DOH standards (RCW 43.70.195); and
- Developing a proposal for how to pay for the proposed upgrade costs (such as a local improvement district), and recover public expenses through special assessments against the owners (RCW 43.70.195(5)).

RCW 43.70.195 provides that whenever an action is brought by the Secretary of Health or a local health officer to place a public water system in receivership, the petition shall include the names of one or more suitable candidates for receiver who have consented to assume operation of the water system. If there is no other entity willing and able to be named as receiver, the court shall appoint the county in which the water system is located as receiver.
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Existing utilities have accepted the lead responsibility for providing public water supply within their designated service areas through the establishment of service area boundaries in the Coordinated Water System Plan (CWSP) and the review process described above. Therefore, these utilities should be considered the primary candidate as receiver for a failing system within or adjacent to their system. A logical extension of this responsibility is for the designated utilities to assist in correcting problems of failing systems within the boundaries of their service areas and ultimately accept ownership of the failing system following the designated system's upgrade to standards. Designated satellite management agencies (SMAs) are candidates named as the receivers of failing systems outside all other designated service areas and within designated service areas where suitable candidates are not otherwise available.

Group A – Community systems with 100 or more permanent connections, and all expanding public water systems that intend to have 100 or more permanent connections, will be considered candidates to assume the receivership role described in RCW 43.70.195 for failing systems within their designated service area.

The Secretary of Health or Whatcom County Health Officer will advise the court of the name of one or more suitable candidates for receiver who have consented to assume operation of the water system in any future petition for receivership.

As stated above, if no other entity is willing or able to be the receiver, the court shall designate the county as the receiver of last resort. If Whatcom County (County) is named the receiver, RCW 36.94.150 allows the County to lien the owner's real property and foreclose against such property within 60 days of delinquency should the owner fail to pay rates and charges. Additionally, all of the County's costs for administering the receivership, including staff time (salary and benefits), are billable directly to the system owners as receivership administrative expenses (RCW 7.60.060).
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Section 8 – Issues with Potential Implications for Public Water Systems in Whatcom County

8.0 Introduction

The CWSP encourages implementation of regional solutions to resource issues commonly shared by water utilities throughout the area. During development of the 1993 and 2000 CWSPs, several issues were identified as impediments to adequately meeting current and future water service responsibilities. In this section, a brief summary of the status of some of these issues are presented.

The purpose of this section is to identify the issues that may affect the management of water by and for public water systems in Whatcom County. The discussions provided below are summary in nature and solely intend to provide general awareness and understanding of the various issues so that water system may consider the potential ramifications on the operation and maintenance of their systems. It is not the role of the CWSP to propose or implement solutions for these issues. Rather, the CWSP is intended to serve as a part of the County’s larger overall efforts related to water supply issues. These issues would be addressed best as part of an overall water supply plan that includes all beneficial uses of water and would ultimately inform the County’s comprehensive plan as it relates to water supply and water use in the County. The information provided also encourages consideration of these issues in the broader comprehensive planning effort mentioned above.

8.1 Tribal Water Issues

The Lummi Indian Nation and Nooksack Indian Tribe are federally recognized sovereign governments. The Lummi Nation has a reservation located in western Whatcom County. As sovereign governments, they have authority to regulate many aspects of water management within their reservations and have treaty rights affecting water resources that may extend beyond their reservation boundaries.

8.1.1 Lummi Peninsula Groundwater Settlement

In January 2001, the United States, in its own right and on behalf of the Lummi Nation, commenced suit in the United States District Court for the Western District of Washington regarding the use of groundwater against landowners who owned wells on a portion of the Lummi Reservation, referred to here as the Lummi Peninsula, and against the Washington State Department of Ecology. The Lummi Nation intervened in the suit as a plaintiff, and the Court ordered the plaintiffs to join all fee landowners within the litigation area. Negotiations between the parties occurred and the settling parties filed a Notice of Filing, along with the revised Settlement Agreement and all exhibits, on November 13, 2007. On November 20, 2007, Judge Zilly signed and filed the Order and Judgment in this case, which approved the Settlement Agreement as it was filed with amendments required by the Court. This concluded the litigation at the Court. The settlement agreement was appealed by some objectors, and twice the Ninth Circuit Court of Appeals affirmed the Court’s judgment approving the Settlement Agreement.

Figure 8-1 shows the extent of the area included in the settlement agreement in relation to the entire Lummi Reservation uplands.
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The settlement agreement provided clarity to all users of groundwater on the Lummi Peninsula and established a framework for Ecology to appropriate the remainder of the state’s allocation. The agreement laid out the rights and obligations of all parties and developed a framework to protect the groundwater resource and ensure compliance with the settlement agreement. It also established metering requirements, maximum annual pumping volume, water quality monitoring requirements, replacement well setbacks, and reporting requirements.

Ecology is charged with making sure that all of the public water systems and individual water users pumping water from the state’s allocation comply with the settlement agreement. The Lummi Nation is charged with making sure that the Lummi Tribal Water District system and the individual tribal water users pumping water from the Tribe’s allocation comply with the settlement agreement. A federal water master has been assigned to guarantee compliance by all parties with the settlement agreement.

The state-regulated water users were originally granted 120 acre-feet per year (afy) of water, and the Lummi Nation could take the remainder of the water physically available (estimated to be up to 780 afy based on groundwater modeling). Even though the Lummi Nation could assert that its water rights are senior, since they date from the time of formation of the reservation (1855), the Tribe agreed not to assert the senior priority of water rights on the state water users as long as the conditions of the settlement agreement were followed. Under the settlement, water quality monitoring and triggers were put in place to protect the resource from saltwater intrusion. Setbacks were established between single and group domestic wells to prevent a new well from being drilled within a specified distance of an existing well to help spread withdrawal over the aquifer and reduce interference drawdown between neighboring wells. All wells supplying single homes were granted an annual volume of 0.39 afy, which equates to an annual average withdrawal of 350 gallons per day (gpd) per home. Public water systems were granted either the volume of water listed on the face of their water right documents, or 0.39 acre-feet for each connection if the system was served by a permit-exempt well. (Harnden Island Water Association is limited to 11 connections on a permit-exempt well, and Bell Bay Community Water Association is limited to 5 connections on a permit-exempt well.) The public water systems included in the settlement are shown in Table 8-1 and on Figure 8-1.
Table 8-1
Public Water Systems within the Lummi Peninsula Settlement Area that are Currently Regulated under the CWSP

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>Public Water System ID</th>
<th>Group</th>
<th>Water System Type</th>
<th>Annual Volume (afy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunset Water Association</td>
<td>86200</td>
<td>A</td>
<td>Comm</td>
<td>35.0 (^1)</td>
</tr>
<tr>
<td>Georgia Manor Water Association</td>
<td>27450</td>
<td>A</td>
<td>Comm</td>
<td>20.0 (^1)</td>
</tr>
<tr>
<td>Leeward/Northgate Water Association</td>
<td>64916</td>
<td>B</td>
<td>- (^*)</td>
<td>7.0 (^1)</td>
</tr>
<tr>
<td>Harnden Island View Water Association</td>
<td>31366</td>
<td>B</td>
<td>- (^*)</td>
<td>4.29 (^2)</td>
</tr>
<tr>
<td>Bell Bay Community Water Association</td>
<td>05400</td>
<td>B</td>
<td>- (^*)</td>
<td>1.95 (^2)</td>
</tr>
</tbody>
</table>

\(^*\) The DOH Sentry database does not specify a water system type.

\(^1\) Volume from Water Right Documents.

\(^2\) Volume from number of lots served at an allocation of 0.39 afy per lot.

On the Lummi Reservation, the CWSSA (and thus the applicability of the CWSP) only includes fee lands within existing service areas that are under state and County jurisdiction and are not currently receiving water service from the Lummi Indian Nation\(^1\). The settlement agreement allows individuals and public water systems that have rights to the state allocation to transfer their rights to the Lummi Nation in exchange for being connected to the larger Lummi Tribal Water District system. Some public water systems have done this since the 2000 CWSP update.

In 2004, the Gooseberry Point Water Association settled separately with the Lummi Nation and agreed to have their water system integrated into the larger Lummi Tribal Water District water system. With this change, the Gooseberry Point Water Association no longer falls within the definition of the CWSSA; therefore, it is no longer included in the CWSP.

In 2007, shortly after the settlement agreement was implemented, Gulfside Mobile Home Park, which served six connections, was purchased by the Lummi Nation. In 2011, this system was connected to the larger Lummi Tribal Water District system. With these changes, the Gulfside...
Mobile Home Park public water system no longer falls within the definition of the CWSSA and is no longer governed by the CWSP.

8.1.2 Public Water Systems on Lummi Reservation Outside of Peninsula Settlement Area

There are also a few non-Lummi-owned public water systems that are located inside the boundaries of the reservation, but outside of the peninsula settlement area discussed above. These water systems are identified in Table 8-2.

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>Group</th>
<th>Public Water System ID</th>
<th>Water System Type</th>
<th>Annual Volume (afy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandy Point Improvement Company</td>
<td>A</td>
<td>76105</td>
<td>Comm</td>
<td>143</td>
</tr>
<tr>
<td>Fertile Meadows Water Association</td>
<td>B</td>
<td>24900</td>
<td></td>
<td>187 or 107 (uncertainty in water right record)</td>
</tr>
<tr>
<td>Neptune Beach Water Association</td>
<td>A</td>
<td>58950</td>
<td>Comm</td>
<td>35</td>
</tr>
</tbody>
</table>

2 Volume from Water Right Documents.
3 Group B water systems are not categorized by water system type.
3 Fertile Meadows Water Association and River Road Water Association (which is outside of the Lummi Reservation) utilize the same well as a source.

The service areas of these water systems are either wholly located within the boundaries of the Lummi Reservation or they straddle the reservation boundary (Figure 8-1). These systems are included in the CWSSA.

8.1.3 Tribal Claims of Treaty-reserved Fishing and Water Rights

In addition to the settlement efforts related to the groundwater of the Lummi Peninsula, in March 2011, the Nooksack Tribe, in a letter to the U.S. Department of the Interior, requested “that the United States commence litigation against the State of Washington for the purpose of obtaining a declaratory judgment that quantifies the Nooksack Tribe’s treaty reserved water rights and enjoins the issuance of, or reliance upon, state water permits that would impair these rights.” The Lummi Nation sent a similar request in June 2011.

In their letters, the Nooksack Tribe and the Lummi Nation made three principal assertions:

1. The Lummi Nation and the Nooksack Indian Tribe have federal reserved water rights for instream flows necessary to support its treaty fishery;

2. The Lummi Nation and the Nooksack Indian Tribe have federal reserved rights in an amount necessary to fulfill the “homeland” purposes of their reservations, including, but not limited to, instream flow for treaty fisheries; and
3. Federal action is necessary to protect and preserve Lummi Nation and Nooksack Tribe water rights and the Lummi Nation and Nooksack Tribe treaty fishery.

In their letters to the U.S. Department of the Interior, the Lummi Nation and Nooksack Tribe cited the failure of ongoing negotiations to resolve these issues locally. The water rights in the Nooksack Basin (Water Resource Inventory Area (WRIA) 1) have not been the subject of a general stream adjudication. The Lummi Nation and Nooksack Tribe’s assertion of treaty-based water rights held in trust by the federal government has not been established by the courts and no such rights have been quantified by either the federal government or a general stream adjudication. The ultimate resolution of these issues will have significant implications for all water users in the County. All water users, including public water systems, are encouraged to closely monitor any actions taken by the United States on behalf of the Lummi Nation and the Nooksack Tribe, and to become actively involved in any local efforts aimed at the resolution of these issues, which are beyond the scope of this CWSP update.

8.2 Water Rights

A water right summary for each of the Group A community water systems is contained in Appendix 1 and discussed in more detail in Section 3. Appendix 2 includes a brief description of the water rights procedures that have been in place for many years. The appendix also highlights changes in water right procedures since 2000 that are applicable to public water supplies.

8.2.1 Background

The water rights procedures that have been in place for many years in the State of Washington are based on the State Surface Water Code of 1917 (Chapter 90.03 RCW), the State Ground Water Code of 1945 (Chapter 90.44 RCW), and the various state regulations adopted by Ecology and its predecessor agencies for administration of these two codes.

Historically, Ecology has been charged with processing water right applications. The typical process applies to either a new application to appropriate public surface or ground waters, or an application for change to an existing right. The typical steps for this process are included in Appendix 2. As a result of Washington State Supreme Court decisions and other factors affecting the complex decision-making process for water rights, Ecology has revised some policies and procedures that may affect public water supply projects.

8.2.2 Postema Case

Postema v. Pollution Control Hearings Board, et al. (2000) raised issues as to what Ecology’s obligations are when analyzing an application to withdraw groundwater that is interconnected to surface water (“hydraulic continuity”). The Supreme Court ruled that the legal test of impairment (i.e., whether the withdrawal of groundwater affects the volume of surface water that it is connected with) is “no impairment.” Hydraulic continuity between groundwater and a stream where instream flows are not met part of the year is not sufficient to find impairment; impairment must be determined on a case-by-case basis. And finally, the court also ruled that an application for a withdrawal from groundwater in hydraulic continuity with a closed stream must be denied if that withdrawal will affect the flow or level of the surface water. This is the decision that is often referred to as the “one-molecule rule” for the determination of hydraulic continuity.
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8.2.3 Municipal Water Law

In 2003, the Washington State Legislature significantly amended Washington water law to provide clarity on the nature of water rights issued for municipal supply purposes, and flexibility to municipal water suppliers in exercising their water rights. (SES S HB 1338; Chapter 5, Laws of 2003; 58th Legislature; 2003 1st Special Session; Municipal Water Supply – Efficiency Requirements. In a unanimous decision on October 28, 2010, the Washington State Supreme Court upheld the constitutionality of this Municipal Water Law.) The Municipal Water Law (MWL) defines the terms “municipal water supplier” and “municipal water supply purposes;” defines when the “place of use” could be the same as a municipal water supplier’s service area; establishes that municipal water rights are not limited to the stated number of connections on a water right but to the number of connections approved in a water system plan; and requires specific water use efficiency (WUE) practices and planning. Under the law, utilities must use water efficiently.

To help in understanding the MWL, Ecology developed its 2003 Municipal Water Law Interpretive and Policy Statement, POL-2030. This policy is included as Appendix 3 of this CWSP.

Background

Traditionally, Ecology issued water right certificates to public water systems when they demonstrated the ability to serve water to customers within their service area, regardless of whether or not water was actually being provided to the entire area. This was in recognition of the fact that many systems construct their distribution system but recognize that it may be some time before the area is fully built out and all parcels within the service area are using water. Such certificates have come to be known as pumps and pipes certificates because they were issued when the utility could demonstrate it had installed the necessary pumps and pipes to provide water within its service area. The water that is in the water right certificate stage but has not yet been placed to beneficial use is called an inchoate water right. In the Theodoratus case (1998), the Supreme Court found that Ecology erred in issuing such certificates. Following this decision, Ecology no longer issues such certificates; Ecology waits until water is actually put to beneficial use before issuing a water right certificate. The court’s decision raised questions about the validity of the pumps and pipes certificates. The municipal water law decision decreed that such certificates are in good standing (RCW 90.03.330(3)). Ecology has interpreted this portion of the Court’s decision based on the proposition that by including the term “in good standing” for such certificates, the Legislature intended that holders of such rights would still have to meet other water law principles, such as reasonable diligence in project development to keep the rights in good standing. (See Ecology Policy POL 2030 at RCW 90.03.330(3).)

The Supreme Court decision means that inchoate portions of a water right that are found to be in good standing are eligible for change or transfer, which could allow that inchoate water to be transferred to another municipal water supplier or integrated into a regional water supply system.

Under RCW 90.44.100, inchoate groundwater rights can be changed or transferred, but inchoate surface water rights for municipal purposes can be changed or transferred only if criteria under RCW 90.03.570 are met. In determining whether an inchoate groundwater right remains in good standing and is valid for change, Ecology considers the three parameters described on page 8 of POL 2030:
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- The original intent described in the water right document including the nature of the project the original applicant sought to pursue;
- Whether there was reasonable diligence to complete the project sought to be developed through the water right; and
- Whether or not approval of the change would be contrary to the public interest.

MWL

The Municipal Water Law was intended to clarify which water rights were for municipal water supply purposes and to enable the holders of those water rights to meet the demands of serving growing communities more easily. In addition, the law also required the holders of such rights to engage in WUE measures to improve the efficiency of their systems.

The law included the following definitions per RCW 90.03.015:

(3) "Municipal water supplier" means an entity that supplies water for municipal water supply purposes.

(4) "Municipal water supply purposes" means a beneficial use of water: (a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year; (b) for governmental or governmental proprietary purposes by a city, town, public utility district, county, sewer district, or water district; or (c) indirectly for the purposes in (a) or (b) of this subsection through the delivery of treated or raw water to a public water system for such use. If water is beneficially used under a water right for the purposes listed in (a), (b), or (c) of this subsection, any other beneficial use of water under the right generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes. If a governmental entity holds a water right that is for the purposes listed in (a), (b), or (c) of this subsection, its use of water or its delivery of water for any other beneficial use generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes.

Note that, in identifying the "governmental entities" that are eligible to hold municipal purpose water rights, the legislature identified cities, towns, public utility districts, counties, sewer districts, and water districts.

If the beneficial use of water by a public water system meets the definition of municipal water supply purposes, then that entity is considered a municipal water supplier regardless of the purpose of use stated on their water right. The result is that all water systems whose purpose of use on their water rights is domestic, community domestic, group domestic, or some other term but whose use meets the definition, are now considered municipal water suppliers. Such water right holders are
not required to modify their water rights but may request that Ecology “conform” their rights to municipal purpose if desired under RCW 90.03.560.

RCW 90.14.160 states that:

...any person entitled to divert or withdraw waters of the state ... who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to divert or withdraw for any period of five successive years after July 1, 1967, shall relinquish such right or portion thereof, and said right or portion thereof shall revert to the state, and the water affected by said right shall become available for appropriation in accordance with RCW 90.02.250.

RCW 90.14.140 provides exemptions from the relinquishment provision above by defining what constitutes “sufficient cause” for the non-use of all or a portion of the water by the owner of a water right for a period of 5 or more consecutive years. RCW 90.14.140(2)(d) states the user has sufficient cause for non-use: “If such right is claimed for municipal water supply purposes under chapter 90.03 RCW.” Thus, municipal water supplies are not subject to relinquishment. However, such water rights can be lost in cases where the water right is found to be abandoned (Okanogan Wilderness League, Inc., 133 Wash. 2nd at 781).

In addition to the issuance of pumps and pipes certificates as discussed previously, Ecology also often included the anticipated maximum number of connections that would be served by the public water system and viewed this number as a limitation on the water right. In other words, if the applicant sought an amount of water to serve 65 homes, they would be limited to serving water to only 65 homes, even if the applicant still had water remaining in their water right. RCW 90.03.260(4) and (5) provide that the maximum population or number of connections specified on an application or any subsequent water right documents for a municipal water supply right is no longer a limitation of the water right. The municipal water supplier must have an approved water system plan or an approval from the Department of Health to serve a specified number of service connections to not be subject to this limit. Also, DOH is responsible for determining the approved number of connections. (Note that other water right provisions such as the requirement for metering and reporting data and screening intakes still apply.)

All water rights describe a place of use in which the water may be put to beneficial use. Generally speaking, if a water right holder wanted to change the place of use of their water right, they were required to submit a water right change application; Ecology would need to process that application and make a determination of whether the change could be approved. This process often took a long time due, in part, to the backlog of water rights, but it did allow for notification of potentially affected third parties via a legal notice process. The Municipal Water Law provided another avenue for changing the place of use of a municipal purpose water right.

Under RCW 90.03.386(2), a municipal water supplier may now modify their place of use of water by amending their water system plan or an engineering document that is approved by DOH. In submitting the document to DOH, the system must attest that the change is in compliance with their water system plan and is “not inconsistent” with other local planning documents. This change eliminated the need to file a water right change application with Ecology in order to change the place of use specified for the water right. However, it is still necessary to file a change application if the supplier wants to change the point of withdrawal or diversion of a municipal water right.
Appendix 3 is Ecology’s Municipal Water Law Interpretive and Policy Statement. In the discussion of RCW 90.03.330(3) on page 8, it states:

“Inchoate portions of water rights for municipal supply purposes found to be in good standing through this assessment (mentioned above), are eligible for change or transfer. This approach may, among other things, allow for the inchoate portion to be transferred to another municipal water supplier or integrated into a regional water system.”

Ecology views the municipal water law as a law that is intended to make the management of municipal water supplies easier and less cumbersome and that includes interties as they relate to the potential creation of regional water supplies. Systems wishing to develop new interties are advised to consult with both Ecology and DOH early in the process to ensure that the proposal addresses the concerns of these agencies.

Another key element of the Municipal Water Law related to WUE is discussed in more detail in Section 8.7.

The DOH and Ecology share responsibilities under the Municipal Water Law, and have developed agreements to coordinate planning, engineering, and public health and safety matters relating to water systems and water resources. The DOH is responsible for ensuring safe and reliable drinking water, and reviews and approves planning and engineering documents for water systems. Ecology administers the state’s Water Resource Program, including water rights administration and watershed planning.

8.2.4 Changes or Transfers of Water Rights

In 2001, the legislature amended RCW 90.03.380 and 90.44.100, to clarify that Ecology could process applications for changes to existing water rights in a separate line from applications requesting new water rights. This splitting of the processing lines has reduced the processing time for change applications considerably.

8.2.5 Exempt Well Consolidation

Under RCW 90.44.105, it is possible for a water system to obtain additional water rights when it connects to an entity that was previously supplied by a permit-exempt withdrawal. For this to happen, all of the following must be satisfied.

1. The water system must hold a groundwater right whose point of withdrawal taps the same body of public groundwater as the permit-exempt well.

2. Use of the permit-exempt well shall be discontinued upon approval of the consolidation.

3. A legally enforceable agreement must prohibit construction of another exempt well to serve the area previously served by the permit-exempt well and must be binding on future property owners.

4. The permit-exempt well must be properly decommissioned.

5. Other existing water rights cannot be impaired because of the consolidation.

The rate and volume of water added to the water system’s groundwater right is equivalent to the permit-exempt use that has been established through beneficial use, not to exceed 5,000 gpd.
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Ecology is required to make a decision on exempt well consolidation applications within 60 days of the end of the comment period following public notice. Therefore, this process is faster than the typical water right change application process.

Exempt well consolidation is generally supported within the CWSSA because it reduces the number of wells in a particular source, does not impact the amount of water available for the water system to serve existing or future customers, and has the potential to improve the quality of water delivered to the end user.

8.2.6 New or Replacement Wells

In 1997, the Legislature enacted new provisions of RCW 90.44.100 (the State Groundwater Code). The provisions, which are codified at RCW 90.44.100(3) and RCW 90.44.100(4), state:

3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

4) As used in this section, the "location of the original well or wells" is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well.

Use of RCW 90.44.100(3) is only available to holders of state-issued groundwater permits and certificates. This process is not available to holders of a water right claim, as water right claims do not go through the public notice process. This process is also not available to holders of surface water rights.

The "location of the original well or wells" means within the same area advertised as the point of withdrawal in the legal notice that was published for the original water right. While this is typically the quarter-quarter section, it does vary, and whatever is listed in the published legal notice constitutes the "location of the original well or wells."

The drilling of a new or replacement well under this section does not require an application to change an existing water right. Instead, it requires submittal of a notarized showing of compliance to Ecology identifying the changes made and compliance with the terms of this section. This form is available at Ecology's website at:
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https://fortress.wa.gov/ecy/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Water%20Resources&Docum{}

Ecology does not approve or deny such submittals. The affidavit is simply to provide notification to Ecology of the changes being made. Public water systems making such changes also are advised to notify the DOH of the additional or replacement wells to ensure that the system obtains source approval from the DOH for these new facilities.

8.3 Financial Viability of Small Systems

Financial viability is defined as "the ability to obtain sufficient funds to develop, construct, operate, maintain, and manage a public water system in full compliance with local, state, and federal requirements on a continuous basis," (DOH Publication No. 331-405 Revised, August 2013). DOH urges that water systems should be run like a business.

Due to financial constraints, many small water systems are not able to make required system improvements or upgrades, and are not considered financially viable as a result. Currently, DOH records indicate that there are 183 active Group A water systems in Whatcom County, with 164 inside the CWSSA, and 19 outside of the CWSSA. It is not known how many of these systems are financially viable.

The DOH identified the following benefits of financial viability for small water systems:

1. Predictable funding for capital improvements;
2. Improved system efficiency;
3. Cost savings;
4. Eligibility for grants and loans;
5. Emergency response; and
6. Peace of mind.

The DOH identified the following guidelines for public water systems to work towards financial viability:

1. Develop an operating budget;
2. Evaluate rates for adequacy;
3. Create and fund an operating cash reserve;
4. Create and fund an emergency reserve; and
5. Create and fund reserves for capital improvements and equipment replacement.

It is recommended that all public water systems evaluate their systems according to the DOH guidelines and identify any needed changes to ensure their long-term financial viability. To that end, the Rural Community Assistance Corporation has free financial viability software available online at http://www.rcac.org/home.

For additional information, visit the DOH Drinking Water website at: http://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater.
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8.4 Existing and Potential Water Quality Problems

Water quality data in this section was obtained from the DOH’s Sentry database. No attempt was made to identify additional data, or to verify that all systems have submitted a report as required.

Water quality issues throughout the County can be categorized as discussed in the following subsections. WCC 24.11 requires public water systems and private water supplies to comply with water quality standards that vary depending on the type of water supply being developed. Public water systems that have contaminants exceeding the Maximum Contaminant Levels (MCLs) specified in WAC 246-290-310 will not be approved. Private water systems that exceed MCLs are required to provide treatment to reduce the concentration of regulated contaminants to levels below the MCL to gain approval.

8.4.1 Bacteriological Contamination

Surface water sources must be consistently treated to remove bacteria. Failure to operate and maintain the treatment system will usually result in bacteriological MCL violations.

According to DOH records, 38 water systems in the CWSSA performed coliform tests that showed a presence of the bacteria in 2013.

In general, causes for these violations are attributed to improper well construction, groundwater under the direct influence of surface water, lack of reservoir maintenance, improper disinfection of repairs and new lines, improper sampling technique, disinfection system malfunction, and cross connections. Except for unusual circumstances, such as a direct conduit of sewage into an aquifer in the immediate vicinity of a well, the causes of bacteriological contamination in distribution systems are easily corrected through operation and maintenance procedures.

8.4.2 Nitrate

In 1997, six water systems exceeded the MCL for nitrate, which is 10.0 milligrams per Liter (mg/L), and 15 water systems were above 5 mg/L for nitrate. In 1998, seven water systems exceeded the MCL for nitrate, and 16 water systems were above 5 mg/L for nitrate. As shown in Table 8-3 and on Figure 8-2, according to DOH data, 18 active public water systems have had at least one water quality sample that has exceeded the MCL for nitrate at least one time from January 2005 to June 2015. Of those systems, 10 have average nitrate concentrations that are greater than 10.0 mg/L, 5 have average nitrate concentrations that are between 5.0 and 10.0 mg/L, and 3 have average nitrate concentrations that are less than 5.0 mg/L. The U.S. Geological Service, in their report entitled *Hydrogeology, Ground Water Quality, and Sources of Nitrate in Lowland Glacial Aquifers of Whatcom County, Washington, and British Columbia, Canada* reported that there are areas within the study area where nitrate levels are declining and areas where the nitrate levels are increasing. This data suggests that nitrate contamination of public water supply wells is a current concern that warrants continued monitoring.
Table 8-3
Public Water Systems with a Source that has had a Water Quality Sample that Exceeded the Nitrates MCL of 10.0 mg/L at Least Once from 2005 through June 2015

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>Public Water System ID</th>
<th>Group</th>
<th>Water System Type*</th>
<th>Total Number of Samples</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delta Water Association</td>
<td>18750</td>
<td>A</td>
<td>Comm</td>
<td>85</td>
<td></td>
</tr>
<tr>
<td>East Badger Water Association</td>
<td>37823</td>
<td>B</td>
<td></td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>Ehlers Labor Camp</td>
<td>58951</td>
<td>A</td>
<td>TNC</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Hoag Acres Water System</td>
<td>59730</td>
<td>B</td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Line Road Water Association</td>
<td>47385</td>
<td>B</td>
<td></td>
<td>1</td>
<td>Average and maximum concentration greater than 10.0 mg/L</td>
</tr>
<tr>
<td>Lynden Valley View Association</td>
<td>91001</td>
<td>B</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Northwood Park</td>
<td>62135</td>
<td>A</td>
<td>Comm</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>Northwood Water Association</td>
<td>62150</td>
<td>A</td>
<td>Comm</td>
<td>43</td>
<td></td>
</tr>
<tr>
<td>Rader Farms Labor Camp</td>
<td>56829</td>
<td>A</td>
<td>TNC</td>
<td>66</td>
<td></td>
</tr>
<tr>
<td>Rathbone Park Water Association</td>
<td>71290</td>
<td>A</td>
<td>Comm</td>
<td>81</td>
<td></td>
</tr>
<tr>
<td>Belfern West</td>
<td>09899</td>
<td>A</td>
<td>Comm</td>
<td>54</td>
<td></td>
</tr>
<tr>
<td>Century Water Association</td>
<td>00601</td>
<td>A</td>
<td>Comm</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Delta Grocery Water System</td>
<td>08255</td>
<td>A</td>
<td>TNC</td>
<td>9</td>
<td>Average concentration between 5.0 and 10.0 mg/L, Maximum concentration greater than 10.0 mg/L</td>
</tr>
<tr>
<td>Evergreen Drive Water Association</td>
<td>02400</td>
<td>B</td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Vicente Farms &amp; Sons – Enterprise</td>
<td>56831</td>
<td>A</td>
<td>TNC</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Covenant Christian School</td>
<td>15596</td>
<td>A</td>
<td>NTNC</td>
<td>41</td>
<td>Average concentration less than 5.0 mg/L, Maximum concentration greater than 10.0 mg/L</td>
</tr>
<tr>
<td>Raspberry Ridge Water Association</td>
<td>27631</td>
<td>A</td>
<td>Comm</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Wiser Lake Kingdom Hall Jehovahs</td>
<td>61494</td>
<td>A</td>
<td>TNC</td>
<td>36</td>
<td></td>
</tr>
</tbody>
</table>

*Comm = Community; NTNC = Non-transient Non-community; TNC = Transient Non-community

Most of the impacted systems are located in the northern part of the County, near the City of Lynden, with the source of supply being the Abbotsford-Sumas aquifer (Figure 8-2). This particular aquifer is susceptible to nitrates contamination because it is unconfined, it is relatively thin (approximately 40 feet thick), and the depth to the water table is often less than 10 feet.

Public water systems are required to monitor nitrates quarterly for new sources and where annual monitoring indicates nitrate levels above 5 mg/L. Any existing system with a nitrate sample greater than 10 mg/L (the MCL) must provide treatment and collect a confirmation sample. For systems treating for nitrates, monthly sampling is required to ensure the treatment is working properly.

Nitrate sources include failing on-site sewage systems, and past and present improper manure or fertilizer application or storage. The July 1992 Environment Canada study of nitrates and...
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pesticides in the Abbotsford-Sumas aquifer shows nitrate levels over 10 mg/L in 60 percent of the wells sampled in the south Matsqui area. This study is significant to Whatcom County because the regional groundwater flows in the southern part of the Abbotsford-Sumas aquifer is generally southward, according to the Environment Canada study.

In May 1998, Ecology completed the Sumas-Blaine Surficial Aquifer Nitrate Characterization Study (Publication No. 98-310). Of the 250 sources sampled for nitrate in this study over a 10-week period, about 21 percent exceeded the 10 mg/L MCL for nitrate. According to the study, elevated nitrate levels in drinking water sources are associated with up-gradient agricultural land use practices. The nitrate levels in drinking water sampled ranged from less than the detection limit (0.01 mg/L) to 53 mg/L. The results of this study indicate the Sumas-Blaine surficial aquifer has elevated nitrate concentrations in the groundwater.

The United States Geological Survey completed a study titled Hydrogeology, Ground-Water Quality, and Sources of Nitrate in Lowland Glacial Aquifers of Whatcom County, Washington, and British Columbia, Canada (Water-Resources Investigations Report 98-4195) in 1999. This study similarly showed that the majority of nitrate contamination to groundwater occurs in the Abbotsford-Sumas aquifer. This study concluded that the main contributors to nitrate in groundwater were dairy manure applied to cropland, mineralization of soil organic matter, inorganic nitrogen fertilizers, leakage from manure lagoons, redispersion of nitrogen volatilized from manure, septic tank effluent, and residential fertilizer use.

Figure 8-2 shows the spatial distribution of the water system service areas that are impacted by nitrate concentrations above the MCL in at least one of their sources. Some systems are blending sources to reduce the nitrate concentration before the water is distributed, while other water systems continue to exceed the MCL.

One option to assist water systems dealing with high nitrate groundwater includes transmission of water from uncontaminated sources, such as the City of Blaine, City of Sumas, Public Utility District No. 1 of Whatcom County (PUD), and City of Lynden. The most difficult part of this potential solution is the distance between the sources (Blaine, Sumas, and the PUD), and the water right uncertainty for the City of Lynden.

8.4.3 Arsenic

Elevated arsenic levels in Whatcom County are found in systems using a groundwater source and is the result of the natural weathering of certain types of arsenic-bearing bedrock and sediments, as opposed to human contamination. Figure 8-2 shows that elevated arsenic in groundwater is most prevalent in southern and western Whatcom County, with five of the systems being located on northern Lummi Island.

Historically, arsenic problems in general appeared to be limited to four public water systems on Lummi Island. In the 2000 CWSP update, it was reported that only one public water system exceeded the MCL for arsenic of 50 parts per billion (ppb) in effect at that time. In 2001, the EPA adopted a new lower standard for arsenic in drinking water of 10 ppb, which went into effect on January 23, 2006. The adoption of this new standards means new water systems sources or expansions of systems exceeding the MCL will not be approved without installation of an approved treatment system.
Table 8-4 lists water systems that had raw water samples that yielded at least one arsenic exceedance in the period from 2005 to 2015. All of these systems have either moved to a new source or are blending their water or treating it to achieve arsenic levels that are below the MCL.

Table 8-4
Public Water Systems that have had Raw Water from a Source Exceed the Arsenic MCL of 10 ppb at Least Twice from 2005 through June 2015

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>Public Water System ID</th>
<th>Group</th>
<th>Water System Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acme Water District No. 18</td>
<td>00250</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Fairfield MHP</td>
<td>02601</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Hilltop Water Owners Association</td>
<td>33364</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Isle Aire Beach Association</td>
<td>36368</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Pleasant Valley Water System</td>
<td>67900</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Sandy Point Improvement Company</td>
<td>76105</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Cornwall Church of God Water System</td>
<td>07028</td>
<td>A</td>
<td>NTNC</td>
</tr>
<tr>
<td>Marine View Estates Water System</td>
<td>50155</td>
<td>B</td>
<td>-</td>
</tr>
</tbody>
</table>

1 Comm = Community; NTNC = Non-transient Non-community; TNC = Transient Non-community
2 System located on Lummi Island.
3 Group B water systems are not characterized by water system type.

Any new sources of water should be evaluated to determine whether they contain arsenic as levels of concern. If they do, appropriate actions should be taken, ranging from a decision not to develop that source of water to blending with other sources to achieve adequate water quality to treating the water to reduce arsenic concentrations to acceptable levels.

8.4.4 Surface Water and Groundwater under the Influence of Surface Water Sources

Public water systems using groundwater under the influence of surface water (GWI) are at risk of contamination by microbiological pathogens and are required to treat water under the Surface Water Treatment Rule (SWTR). Potential GWI is defined in WAC 246-290-010(189), and the GWI determination process is defined in WAC 246-290-640.

DOH considers all spring sources and wells less than 50 feet deep and within 200 feet of surface water to be potential GWI sources. These water systems must conduct either water quality monitoring, or a hydrogeologic investigation to determine if the source is hydraulically connected with the surface water. Water quality monitoring includes 12 months of testing the source water and surface water for water quality parameters such as temperature, turbidity, and conductivity. Other GWI sources include springs, water systems with bad water quality, and water systems associated with a disease outbreak. If, at the conclusion of the initial monitoring, the source appears to be "hydraulically connected" to surface water, the water system must reconstruct the source to
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eliminate any surface water; install a disinfection system with a minimum contact time (CT) of 6 (concentration x contact time); and conduct microscopic particulate analysis (MPA) to determine the source’s relative risk to the presence of surface water organisms such as *Giardia* and *Cryptosporidium*. If these surface water organisms are present, the source is classified as a surface water source and treatment is required.

The seven systems in the CWSSA listed in Table 8-5 were evaluated by the DOH (c. 2005) as “potential” GWI sources. All seven of these systems were determined not to be GWI as described in the “GWI Status” column of Table 8-5.

**Table 8-5**

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>Public Water System ID</th>
<th>Group</th>
<th>Water System Type</th>
<th>GWI Status*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Samish Park</td>
<td>15064</td>
<td>A</td>
<td>TNC</td>
<td>D-GW(MPA)</td>
</tr>
<tr>
<td>Deming Water Association</td>
<td>18800</td>
<td>A</td>
<td>Comm</td>
<td>D-GW(MPA)</td>
</tr>
<tr>
<td>Double L Mobile Home Park</td>
<td>19890</td>
<td>A</td>
<td>Comm</td>
<td>D-GW(MPA)</td>
</tr>
<tr>
<td>Evergreen Retreat MHP</td>
<td>24164</td>
<td>A</td>
<td>Comm</td>
<td>D-GW(MPA)</td>
</tr>
<tr>
<td>Glacier Springs Water System</td>
<td>27755</td>
<td>A</td>
<td>Comm</td>
<td>D-GW</td>
</tr>
<tr>
<td>Plantation Range</td>
<td>52681</td>
<td>A</td>
<td>TNC</td>
<td>D-GW(MPA)</td>
</tr>
<tr>
<td>Slavic Gospel Church Water System</td>
<td>AA034</td>
<td>A</td>
<td>TNC</td>
<td>D-GW(MPA)</td>
</tr>
</tbody>
</table>

*GWI Status key:

D-GW(MPA) means system was determined to be groundwater based on water quality monitoring (MPA results) and are required to disinfect to CT6.

D-GW means source was determined to be groundwater based on water quality monitoring (temp, conductivity) and no disinfection treatment is needed.

The DOH indicated that now that the groundwater rule is in effect they may conduct assessment source water monitoring under WAC 246-290-300(3)(e), which could lead to new interpretation and implementation around the definition of potential GWI. This may occur for wells that tap shallow, unconfined aquifers with indicators of surface contamination risk (e.g., nitrates in agricultural areas).

8.4.5 Seawater Intrusion

Seawater intrusion occurs from over pumping of groundwater in areas where the aquifer is hydraulically connected to seawater. Seawater intrusion results in excessive levels of chloride, sodium, and other related contaminants. Chloride is a secondary contaminant with a secondary MCL of 250 mg/L. Chloride concentrations above 100 mg/L in areas prone to seawater intrusion are generally considered to be an indicator that seawater intrusion is occurring. While seawater intrusion was reported to have been a historic issue for systems located along the marine shoreline, there are currently no public water systems in the CWSSA exceeding the secondary MCL for chloride.
While there is no established MCL for sodium at this time, the DOH can require treatment for chloride based on the Policy for Treatment of Secondary Contaminants, which considers consumer complaints.

8.4.6 Relic Saltwater

In many parts of Whatcom County, west of the Mount Baker – Snoqualmie National Forest, there is evidence of relic saltwater, especially in the deeper sediments. It is generally believed this is due to seawater that was trapped either within glacial sediments that were deposited when marine water covered the area or in sediment and bedrock that was already in place when marine water covered the area. Chloride levels in relic saltwater can exceed the MCL of 250 mg/L. The presence of relic saltwater is not considered a significant problem countywide but can be an issue in localized areas where it prevents the use of groundwater for potable supply.

8.4.7 Deep Wells

Deep wells have been drilled in many locations of the County, primarily for the following reasons: searching for a source that is not contaminated with nitrates or relic saltwater; searching for a deep aquifer that is not in hydraulic continuity with surface water bodies with the hopes of obtaining new water rights; and searching for a suitable aquifer storage and recovery reservoir. Some deep wells have successfully found productive aquifers with good water quality (primarily located in the vicinity of the City of Blaine), while the remainder drilled in the CWSSA have only tapped marginal, deep, unconsolidated, and bedrock aquifers that typically contain relic saltwater, as described above.

As of 2015, a suitable deep aquifer for aquifer storage and recovery has not yet been identified.

8.4.8 Volatile Organic Chemicals (VOCs) and Pesticides

Sandy soils overlying shallow aquifers in the County can allow agricultural chemicals applied to the ground to enter the drinking water easily. Many studies have been conducted since 1984 that provide information about water quality in northern Whatcom County. Ecology, among other agencies, has conducted several studies in the County, such as the 1986 Phase I Investigation of Sites in Whatcom County, the 1990 Washington State Agricultural Chemicals Pilot Study, and the 1991 Bertrand Creek EDB Site Study. These studies show the presence of soil fumigants such as 1,2-dichloropropane (1,2-DCP) and ethylene dibromide (EDB) in groundwater in specific areas of the County.

Historically, five water systems have detected 1,2-DCP at levels below the MCL of 5.0 mg/L. In 1998, only one water system detected 1,2-DCP (and the results were below the MCL. Historically, no EDB has been detected in public water system sources. Since 2000, no systems have exceeded the MCL for volatile organic chemicals although, as discussed below, some individual groundwater wells have been found to contain some volatile organic contaminants and EDB.

Ecology, the City of Lynden, and the Whatcom County Health Department (WCHD) collaborated to construct a pipeline to supply Nooksack River water for domestic supply to properties where the groundwater in private wells were contaminated with EDB and/or 1,2-DCP. The pipeline, called either the Bertrand Creek Water Main Extension or EDB-line, is connected to the City of Lynden’s water system. The extension consists of 5.4 miles of distribution system for domestic service to approximately 51 existing residences with wells that were contaminated at the time of
construction. The system has the capacity to serve up to 86 equivalent residential units, and is located on the following roads:

- Birch Bay Lynden Road from Tromp Road to 500 feet west of Bob Hall Road;
- Bob Hall Road from Birch Bay Lynden Road to 1,000 feet north of Birch Bay Lynden Road;
- Rathbone and Wiley's Lake Roads from Birch Bay Lynden Road to 7,700 feet south of Birch Bay Lynden Road;
- Berthusen Road between Birch Bay-Lynden and Loomis Trail Road;
- Loomis Trail Road from Berthusen Road to approximately 600 feet west of Weidkamp Road; and
- Weidkamp Road for 1,000 feet north of Loomis Trail.

For the purposes of the EDB pipeline project, domestic supply refers to the use of water typically associated with human hygiene in a residence, specifically including potable supply for drinking and cooking, toilet flushing, hand washing, showers, bathing, etc. It also includes the use of water outside of the residence for up to 1/2 acre of non-commercial lawn and garden watering and other typical residential uses such as car washing. The human hygiene uses described above may also be associated with pre-existing commercial operation; however, the water may not be used for commercial purposes such as food processing, parts washing, industrial cooling, or any other types of industrial process activities (Source: Protested ROE for S1-28116, Department of Ecology).

In 2002, Ecology issued a water right permit to the City of Lynden (S1-28116P) for the water supply to serve the extension in an amount not to exceed an instantaneous diversion rate of 0.57 cubic feet per second (cfs) (approximately 266 gallons per minute) and an annual volume of 70 afy.

The water right established the following criteria under which a property is eligible to receive water under Ecology Report of Examination S1-28116, Recommendation No. 3:

Only property where 1,2-DCP has been detected by a certified laboratory at or above 2.5 parts per billion (one-half of the Maximum Contamination Level, or MCL, of 5.0 parts per billion or where EDB has been detected at or above 0.01 parts per billion (one-half the MCL of 0.02 parts per billion) are eligible to receive water pursuant to this permit. The level of 0.01 parts per billion is also the Practical Quantification Limit which is essentially the lowest level at which a substance can be reliably detected.

In 2007, a follow-up study was conducted to determine the current state of pesticides in groundwater in the Abbotsford-Sumas aquifer. The results of this study indicated that pesticides were still present in groundwater in some private water systems and that EDB, 1,2-DCP, and nitrates also remained contaminants of concern for users of wells in the Abbotsford-Sumas aquifer.

Metering data from 2004 through 2013 show that the amount of water utilized by those along the Bertrand Creek Water Main Extension has ranged from 11.83 afy in 2013 up to 19.31 afy in 2009.

### 8.4.9 Iron/Manganese

Iron (secondary maximum contaminant level (SMCL) of 0.3 mg/L) and manganese (SMCL of 0.05 mg/L) are aesthetic water quality problems through much of the sand and gravel aquifers in
the County. Iron and manganese are naturally occurring substances that do not pose a known health threat, but can cause taste and staining problems if untreated. They are relatively common throughout much of the County, but can generally be treated with relative ease and reasonable costs.

8.5 Data Management and Lack of Water Quality and Quantity Data

8.5.1 Data Management

Implementation of many state laws, such as the State Environmental Policy Act, the Water Pollution Control Act, and the Water Resources Act of 1971, requires various agencies to collect water data. In addition, water data is generated from private well testing, solid waste site monitoring wells, surface and groundwater studies, hatchery facilities, and public water system testing. Water data is captured and maintained by a variety of federal, state, and local governments. There is no uniformity to the format, nomenclature, or units of measurement used in the data at this time.

At the state level, the DOH developed a drinking water database referred to as Sentry. The database is available on the Internet and provides local health departments and the general public with current information on public water systems in the County and the state. WCHD uses the Sentry database and is able to map Sentry data as needed. Data for private one- and two-party wells are captured as scanned documents and are not in a searchable database format that can be extracted for reports or mapping.

8.5.2 Quantity

There has been relatively little water quantity data collected in Whatcom County. Those that have been conducted include the Blaine Ground Water Management Study, the Lynden Everson Nooksack Sumas Ground Water Study, the Lummi Peninsula Aquifer Study, and the Lummi Island Ground Water Study. Due to funding limitations, the major focus of these studies has been on water quality. The LENS study, for example, was unable to thoroughly explore the physical availability and quality of groundwater at bedrock depths. If a deep aquifer existed, it would probably not be in hydraulic continuity with the closed surface water sources.

Since passage of the Municipal Water Law, most public water systems are now collecting data on current water usage and reporting that data to DOH on an annual basis. This data has been used in this CWSP and will be useful to those interested in reviewing the volume of water withdrawn and diverted for public water system use in the future. Most systems have source meters and all systems will eventually have individual service meters installed to enable data collection and analysis for different user categories. Water use data is necessary to evaluate the effectiveness of WUE efforts.

In addition, due to shallow aquifers, some water systems have wells that go dry during the summer and early fall. For these sources, interties with other water systems, emergency sources, and WUE measures may be options for increasing source reliability year-round.

The adoption of the WRIA 1 Watershed Management Plan was followed by development of the Lower Nooksack Strategy, which presented a number of action items necessary to meet the goals identified for the Lower Nooksack Sub-basin. In 2012, a water budget was developed for the area, a part of which was to be a groundwater model, to gain a better understanding of the hydrogeology
and ground/surface water interaction potential in the region. In 2014, as a follow-up, local agencies initiated a groundwater modeling project that will better characterize groundwater quantity. The study area will focus primarily on the Lynden-Everson-Nooksack-Sumas portion of Whatcom County. The primary objective for this effort is to develop a groundwater model that ultimately has the ability to estimate potential temporal and spatial impacts to surface water resources from activities ranging from general (large scale) changes in land use to the use of an individual domestic/irrigation groundwater supply well.

8.5.3 Wellhead Protection

The DOH maintains a database of water quality results as submitted by public water systems known as the Sentry database. This database is available to local water systems and the general public.

Although the County has collected some information on water quality in the past, there is not a comprehensive map of groundwater sources, aquifer recharge areas, flow directions, aquifer yields, or aquifer discharging areas for water purveyors to use when selecting new sources or trying to protect their existing sources from contamination.

Under the 1996 amendments to the Safe Drinking Water Act (SDWA), Washington State is required to implement Source Water Assessment Programs (SWAP). The DOH has addressed this requirement by implementing a wellhead protection program, among others. This program ensures Group A water systems delineate the 1-, 5-, and 10-year time of travel for groundwater around the source(s), inventory potential contamination sources in the time of travel, and conduct a susceptibility assessment for each drinking water source. Most water systems can use a calculated fixed radius approach, but are encouraged to use a more sophisticated method (i.e., a hydrogeological consultant) if needed.

By developing the time of travel around the source water, water systems are able to comment on proposed land use issues that may impact water quality in the future. Furthermore, water systems can educate the users on protecting the groundwater through septic system maintenance, conserving water, and limiting the use of herbicides and pesticides on lawns and gardens.

During the update of the CWSP, the WUCC expressed the need for a process to incorporate results from delineating wellhead recharge areas or vital source protection areas into the Comprehensive Plan. The WUCC felt that the state and federal mandate for water utilities to delineate time-of-travel zones and wellhead protection plans is ineffective if these areas are not reflected as critical aquifer recharge areas by the Growth Management Act (GMA) and incorporated into land use decisions. To address this concern, it is recommended that Goal 11F, and especially Goal 11F.3, of the Comprehensive Plan should be coordinated with water resource information and protection efforts of water systems.

8.6 Lack of Joint Facilities and System Interties

8.6.1 Joint Facilities

Many times water systems will plan improvements without taking into account the plans of neighboring utilities. Through coordination, sharing a facility can sometimes eliminate
duplication. Several types of shared source projects have proven to be very effective solutions to quantity, quality, and economic problems in the State of Washington. Advantages include:

- Combining sources can assist a utility in meeting water needs until additional sources can be developed.
- Neighboring systems experiencing quality problems can jointly afford the construction and maintenance costs of a treatment facility that is too expensive to provide separately.
- System reliability problems can be resolved by using different sources of supply during different time periods.
- Water of marginal quality may be combined with higher quality water to avoid the costs of treatment.

8.6.2 Interties

An intertie is an interconnection between public water systems that permits the exchange or delivery of water between the systems. An intertie can be used for emergency or seasonal supply, during repairs or facility maintenance only, or on a continual basis. Interties are recognized as a valuable management tool for public water systems because they improve overall system reliability, enhance the manageability of the system, provide opportunities for conjunctive use, or delay the need to develop new water sources.

Legislation related to public water system interties was enacted in 1991 that enables utilities to address water right matters related to system interties through submittal of water system plans or CWSPs to DOH. Its provisions are codified at RCW 90.03.383 and summarized as follows:

- Interties are recognized as a valuable management tool for public water systems and are defined to allow other than emergency use of water by systems other than the one holding the water right subject to certain conditions.

- The place of use of water resulting from interties which were existing and in use as of January 1, 1991, shall be recognized for water right purposes subject to certain conditions.

- System interties where use commenced after January 1, 1991, are to be incorporated into the CWSP or utility's water system plan for review and approval by DOH and Ecology as part of the plan review process. Water right requirements are to be addressed in this process. The plan is to state how the intertie will improve overall system reliability, enhance the manageability of the system, provide opportunities for conjunctive use, or delay or avoid the need to develop new water sources.

- Interties may be necessary to supply adequate potable water to those areas planned for growth, since the place of use described on water rights is not always perfectly aligned with anticipated growth. Interties also avoid the need to develop new water sources and they provide a valuable tool to ensure reliable public water supplies. When facilities join together to share water treatment facilities, reservoirs and water lines, the cost of operating the water systems will lower capital facility costs for the county as a whole.
Municipal water law was established to increase the flexibility of municipal purpose water rights, including the creation of interties to facilitate regional water solutions where such solutions are deemed appropriate.

Table 8-6 lists the existing permanent and emergency interties between Group A water systems within the CWSSA as identified through the Sentry database. The geographic locations of the systems are shown on Figure 8-3. Public water systems should identify interties in their WSPs. In those plans, the utility providing the water should identify the receiving utility's service area as all or part of their wholesale service area, and the receiving system should indicate the existence of the interie in their WSP as well. Systems should also identify emergency interties in their WSPs but do not need to include the receiving area as a wholesale service area.

### Table 8-6

<table>
<thead>
<tr>
<th>System Providing Water</th>
<th>Providing System PWS ID</th>
<th>Receiving System Providing Water</th>
<th>Receiving System PWS ID</th>
<th>Usage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham-Water Department, City of</td>
<td>05600</td>
<td>Deer Creek Water Assoc/Guide South</td>
<td>A8912</td>
<td>Permanent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Glen Cove Water Association</td>
<td>27950</td>
<td>Permanent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lummi Tribal Water and Sewer District</td>
<td>NA</td>
<td>Permanent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LWWSD - Eagleridge</td>
<td>08118</td>
<td>Permanent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LWWSD - South Shore Water System</td>
<td>95910</td>
<td>Emergency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Whatcom County Water District No. 2</td>
<td>95700</td>
<td>Permanent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Whatcom County Water District No. 7</td>
<td>95900</td>
<td>Permanent</td>
</tr>
<tr>
<td>Birch Bay Water &amp; Sewer</td>
<td>95904</td>
<td>Bell Bay Jackson Water Association</td>
<td>05450</td>
<td>Emergency</td>
</tr>
<tr>
<td>Blaine, City of</td>
<td>07300</td>
<td>Bell Bay Jackson Water Association</td>
<td>05450</td>
<td>Permanent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Birch Bay Water &amp; Sewer District</td>
<td>95904</td>
<td>Permanent</td>
</tr>
<tr>
<td>Delta Water Association</td>
<td>18750</td>
<td>Valley View Water Association</td>
<td>91000</td>
<td>Emergency 1</td>
</tr>
<tr>
<td>Everson, City of</td>
<td>24200</td>
<td>Everson Water Association</td>
<td>24195</td>
<td>Permanent</td>
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<tr>
<td></td>
<td></td>
<td>Hampton Water Association</td>
<td>30800</td>
<td>Permanent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nooksack</td>
<td>59800</td>
<td>Emergency</td>
</tr>
<tr>
<td>Ferndale, City of</td>
<td>24850</td>
<td>Central City Water Association</td>
<td>12150</td>
<td>Emergency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mountain View Water Association</td>
<td>56900</td>
<td>Emergency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>North Star Water Association</td>
<td>61350</td>
<td>Emergency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Northwest Water Association, Inc.</td>
<td>62000</td>
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<td></td>
<td></td>
<td>Thornton Water Association</td>
<td>88050</td>
<td>Emergency</td>
</tr>
<tr>
<td>Hemni Road Water</td>
<td>32350</td>
<td>Meridian School Complex</td>
<td>A8234</td>
<td>Permanent</td>
</tr>
<tr>
<td>Lynden Water Department</td>
<td>49150</td>
<td>Berghusen Road Water Association</td>
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<td>Meadowbrook Water Association</td>
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<td>Emergency</td>
</tr>
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<td>Sumas Water Department</td>
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<td>Nooksack</td>
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<td>Permanent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nooksack Valley</td>
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<td>Permanent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sumas Rural Water Association</td>
<td>84850</td>
<td>Permanent</td>
</tr>
<tr>
<td>Greater Vancouver Water District</td>
<td>NA</td>
<td>Point Roberts Water District No. 4</td>
<td>95750</td>
<td>Permanent</td>
</tr>
</tbody>
</table>

1 Water can also be moved from Valley View Water Association to Delta Water Association through this emergency intertie.
8.7 Water Use Efficiency

8.7.1 Introduction

This discussion regarding water use efficiency (WUE) is intended to provide public water system owners, operators, managers, and customers with an understanding of what is required of them in terms of WUE, what options they have in establishing WUE goals, and how to design their WUE program to meet those goals. Specific information about individual water systems and their use of water is available in their comprehensive water system plans and WUE efficiency reports on file with the DOH Office of Drinking Water. 


Due to the various tools now available, WUE can offer a variety of different benefits to utilities and their customers. This is important because the design of WUE programming needs to be carefully matched to the objectives of the utility, so the desired benefits can be achieved.

Some of the objectives that might be achieved from the efficient use of water through WUE are:

- Manage the Scale and Timing of New Supply and Treatment

  In recent years, it has become increasingly difficult to develop new sources of water supply due to limitations on the availability of new water rights. This trend is likely to continue as growth increases the need for water, while at the same time, environmental and water quality requirements grow more stringent.

  WUE planning can reduce, or delay, the need for new sources of supply, while increasing public support for new sources of supply if and when they are needed. At the same time, increased regulatory requirements for water treatment have driven up the cost of supplying potable water. By reducing water needed, WUE can also lower the cost of water treatment.

- Reduce Utility Operating Expenses

  Reducing water consumption and system losses allows a corresponding reduction in chemical usage, energy consumption, and carbon footprint. This can lead to considerable savings in utility operating expenses. In addition, a comprehensive leak detection and repair program can reduce expenditures on emergency repairs.

- Reduce or Delay Investments in Wastewater Capacity

  Given the connection between water consumption and wastewater flows, WUE also offers a means to reduce demand on wastewater collection and treatment systems. This, in turn, can reduce or delay capital expenditures on wastewater collection and treatment capacity.

- Minimize Impacts on Natural Resources

  By reducing the amount of water diverted from streams or pumped from aquifers that recharge rivers and wetlands, WUE provides a tool for utilities and their customers to minimize their impacts on the natural environment.

- Water Use Efficiency as an Ethic and for a Sustainable Future

  Citizens and public officials acknowledging that water is a finite resource that varies within the County can manage its use efficiently to ensure its continued availability. In this case,
SECTION 8

WUE may be implemented even though it is not the most cost-effective alternative to other supply development options because it has greater social or environmental benefits.

- Regulatory Compliance

The Municipal Water Law includes WUE elements. In response to the Municipal Water Law, WDOH promulgated WAC 246-290-800 through 840 related to water use efficiency, and added metering requirements to WAC 246-290-496. The purpose was to define the requirements of water use efficiency programs in water system plans developed under WAC 246-290-100, and small water system management programs developed under WAC 246-290-105. This included the following elements:

- Establish a water distribution system leakage standard;
- Define a process requirement for water use efficiency goal setting; and
- Establish annual water use efficiency performance reporting requirements.

Municipal water suppliers must:

- Publicly establish water savings goals for their customers through a public forum occurring at a minimum once every 6 years;
- Evaluate or implement specific water saving measures to achieve customer-based goals based on the number of active connections;
- Develop a WUE planning program to support the established goals;
- Install meters on all customer connections by January 22, 2017;
- Achieve a standard of no more than 10-percent water loss; and, if over the standard, develop and implement a water loss control action plan to achieve compliance;
- Report total production, authorized consumption, and distribution system leakage volumes and percent annually and include a short narrative about progress towards achieving these goals.

The DOH specified that any Group A community water system that serves at least 15 residential service connections must comply with the Water Use Efficiency Rule, whether they are publicly or privately owned. WAC 246-290-800 through 840, and WAC 246-290-496 are included in Appendix 4 of this CWSP. Additional details are available in the DOH Water Use Efficiency Guidebook, Third Edition, January 2011, DOH 331-375 (Revised).

8.7.2 WUE Program Measures

The term WUE embraces a range of supply and demand efficiency measures. Measures are identified once supply and demand characteristics are evaluated and factored into the final WUE goal. Activities may include, but are not limited to: system-wide water audits documenting authorized uses; leak surveys; and repairs on meters, lines, storage facilities, and valves. WAC 246-290-810(4) provides details on the WUE program that is required of municipal purpose water suppliers.

Supply-side WUE measures can be implemented readily and may be among the most cost effective tools available for managing water use. Supply-side measures include, but are not limited to:
Issues with Potential Implications for Public Water Systems in Whatcom County

- Leak detection and repair;
- Main replacement;
- Corrosion prevention;
- Management of hydrant flushing; and
- Meter repair, replacement, and calibration.

Demand side measures can involve customers in a variety of ways, ranging from customer education, financial incentives for installing water-saving equipment, developing rate structures that include an economic incentive to reduce consumption, or imposing regulatory requirements on plumbing fixtures, landscaping, or water use. In addition, WUE demand-side measures can be designed to reduce base water use, peak use, or both. Some common demand-side WUE measures include the following:

- Broadly packaged information and outreach (e.g., advertising, billing inserts).
- Narrowly targeted information and outreach (e.g., free water-use audits for businesses or homeowners).
- Water bill showing consumption history.
- Improved metering.
- Hardware retrofit programs.
- Appliance rebate programs.
- Conservation-based rate structure.
- Landscaping ordinances.
- Seasonal outdoor use restrictions.
- Recycling or re-use programs.

Utilities are encouraged to reference the DOH Water Use Efficiency Guidebook for additional information on planning WUE program measures.

8.7.3 Water Loss Control

In 2003, the American Water Works Association (AWWA) adopted improved best practice methods for defining and measuring water loss in water distribution systems. The AWWA abandoned the use of the term unaccounted for water as all water sent into the distribution system can be accounted for. The term now used is non-revenue water (NRW). NRW is specifically defined to include the sum of specific types of water loss and any authorized, unbilled consumption that occurs within water distribution systems. The AWWA states in its Best Practice in Water Loss Control: Improved Concepts for 21st Century Water Management that:

It is important to understand that all water utility distribution systems incur leakage (real losses). Similarly, all water utilities fail to recover revenue from all of the water that is (or should be) billed to customers (apparent losses). Although every system is unique, all water utilities should employ leakage control and revenue
recovery programs that strive to keep losses contained to appropriate, economically justified levels. AWWA's Manual: Water Audits and Loss Control Programs (M36) and the AWWA FREE Audit Software (http://www.awwa.org/resources-tools/water-knowledge/water-loss-control.aspx) provide a robust pathway for utilities to develop data-driven program to cost-effectively manage all water loss components (apparent and real) in distribution systems, as shown below in the International Water Association (IWA)/AWWA Water Balance (Table 8-7).

### Table 8-7
The IWA/AWWA Water Balance

<table>
<thead>
<tr>
<th>Volume from Own Sources (corrected for known errors)</th>
<th>Water Exported (corrected for known errors)</th>
<th>Billed Water Exported</th>
<th>Revenue Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorized Consumption</td>
<td>Billed Authorized Consumption</td>
<td>Billed Metered Consumption</td>
<td>Revenue Water</td>
</tr>
<tr>
<td>Unbilled Authorized Consumption</td>
<td>Unbilled Metered Consumption</td>
<td>Unbilled Unmetered Consumption</td>
<td></td>
</tr>
<tr>
<td>System Input Volume</td>
<td>Water Supplied</td>
<td></td>
<td>Non-revenue Water</td>
</tr>
<tr>
<td>Water Imported (corrected for known errors)</td>
<td>Water Losses</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Real Losses</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Leakage on Transmission and Distribution Mains</td>
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</tr>
<tr>
<td></td>
<td>Leakage and Overflows at Utility's Storage Tanks</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Leakage on Service Connections up to the Point of Customer Metering</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTE: All data in volume for the period of reference, typically one year.


### 8.7.4 Costs of WUE

The complete program of supply and demand side measures that is the most cost effective at achieving WUE goals will vary considerably from one utility to another. Since WUE programs may involve both up-front expenditures and continuing investments, it is valuable to develop levelized costs that provide equivalent comparisons. In addition, it is important to consider the costs and savings to the utility, as well as those experienced by the customer.

While performing an analysis of expected costs and benefits is important to WUE planning, it should be recognized that, in many cases, water savings cannot be projected with precision. Therefore, decisions on WUE programming require careful consideration of the importance of other factors besides cost effectiveness. For example, as a matter of policy, the utility may decide to promote WUE to respond to community desires or offer increased protection to an environmental resource. In addition, it is important to consider the impact on a variety of customer...
classes and income groups in designing a complete WUE program. Finally, utilities need to consider the revenue implications of reduced water usage and modify their rate structure as necessary to maintain financial viability as WUE goals are achieved. These revenue implications need to be assessed in terms of wastewater system needs as well.

The CWSP recommends that water systems initiate WUE efforts that can be jointly implemented by several utilities and achieve cost savings through combined purchasing. Specific recommendations are for joint contracting of leakage detection analysis and the procurement of public education material. The DOH and AWWA are sources of literature and material that can be tailored for the Whatcom County area.

8.8 Reclaimed Water

Reclaimed water is a water supply produced by treatment of municipal or domestic wastewater. The treatment processes are designed to ensure that the water is safe and suitable for the intended use. Sometimes called water recycling or water reuse, the process of reclaiming water involves an engineered treatment system that speeds up nature's restoration of water quality.

In Washington, reclaimed water can be used for a wide variety of non-potable benefits such as irrigation, industrial processes and cooling water, toilet flushing, dust control, and construction activities. Under current law, it cannot be used as potable water. It can also be used as a resource for creating, restoring, and enhancing wetlands, recharging groundwater supplies, and increasing flows in rivers and streams.

A hurdle for many reclaimed water projects is the issue of impairment. Reclaimed water use may not impair a water right existing at the time of the water reclamation. For example, if a facility has been discharging to a water body and that discharge is reduced or eliminated by reclaiming the water for other uses, the reduction in that discharge may not impair a downstream user, including a minimum instream flow established by rule as part of the Washington Administrative Code that has historically relied on the flow provided by the discharge. In such cases, the reclamation of water may not be allowed or the party reclaiming the water may have to provide mitigation to the party whose use of water is impaired. It is easier for a wastewater treatment facility that discharges directly to marine water to get authorization to reclaim water since there are no impairment concerns.

Ecology’s Water Quality Program is proposing a new rule, Chapter 173-219 WAC – Reclaimed Water, directed by the state Legislature under Chapter 90.46 RCW. The purpose is to establish an efficient, effective, and consistent statewide implementation framework, including standards and permit requirements, for reclaimed water.

8.8.1 Reclaimed Water in Whatcom County

8.8.1.1 City of Blaine

In 2010, the City of Blaine initiated operation of a new Class A water reclamation facility that features membrane bioreactor (MBR) technology and can treat up to 3.1 million gallons per day. The reclaimed water is not acceptable for drinking but is acceptable for human contact, irrigation, and industrial use. The treated water is being piped and re-sold to large customers such as the Semiahmoo Resort, where it will be used for golf course irrigation. It will also be used by Blaine
for street cleaning and other industrial uses. It is being sold at about 80 percent of the cost of fresh water. Use of reclaimed water can help to stretch the City’s available existing supplies of potable water into the future.

8.8.1.2 City of Lynden

The City of Lynden has been looking at reclaimed water options, but has yet to plan for delivery outside of the wastewater treatment facility. Currently, Lynden utilizes reclaimed water in its wastewater treatment facility for cleaning and wash down. The current range of use is between 300,000 and 500,000 gallons per day, and averages 350,000 gallons per day.

8.8.1.3 Birch Bay and PUD No. 1 of Whatcom County

The PUD is completing a water reclamation study that is looking at opportunities to work with some of its customers at Cherry Point to reclaim and/or reuse water those customers now buy from the PUD. As the source of that water is the mainstem of the Nooksack River, any reduction in the use of the Nooksack River will increase stream flow in the Nooksack downstream from the PUD’s diversions.

Two opportunities the PUD is considering are:

- Diverting Birch Bay Water and Sewer District wastewater discharge to industrial customers at Cherry Point for use in the refining process, which would decrease wastewater discharge into the Cherry Point Aquatic reserve, and reduce a small portion of the water taken from the mainstem of the Nooksack; and

- Discharging some of the Cherry Point industrial processing discharge water now going to Puget Sound back into the mainstem of the Nooksack.
Section 9 – Plan Implementation
Section 9 – Plan Implementation

9.0 Introduction

This CWSP update was prepared to fulfill the requirements of the Public Water System Coordination Act, RCW 70.116, and provide clarity on related processes and procedures. This section briefly outlines the approval process for the CWSP, a process of appealing CWSP decisions, how the CWSP will be updated, and the environmental review.

Throughout this CWSP, the words “must,” “will,” “shall,” or “required” are used when practices are required by rule or statute, sufficiently standardized to permit specific delineation of requirements, or where safeguarding the public health justifies definitive criteria or action (and is legally allowable to do so). Where requirements are spelled out in statutes or rules, an attempt has been made to cite the relevant source of the statements.

“Should” or “recommend” indicate procedures, criteria, or methods that are not required and can be approached with some degree of flexibility. In such cases, water system managers need to explain the basis of the altered approach or why another approach may be more applicable. Unless specifically noted, the WUCC has determined this flexibility should be retained and the related recommendations should not be codified.

In cases where the WUCC has determined that certain actions, standards, or procedures are sufficiently important to warrant adoption into the Whatcom County Code, this has been noted in the CWSP. These changes are summarized later in this section, where the WUCC recommends the Whatcom County Council amend the existing code to implement the recommendations of the WUCC.

9.1 Plan Approval Procedures

As outlined in Section 2, the completed CWSP is presented in two parts: (1) the supplemental provisions detailed in this Regional Supplement document; and (2) a compilation of individual water system plans for individual water utilities, which are approved separately by the County and the DOH. Approved WSPs are on file with DOH and the County. It is the responsibility of each utility to fulfill its water system planning requirements. The level of effort required is based upon the system size, the expansion plans of the utility, and the type of system ownership. Guidelines for preparing WSPs are available from DOH. All individual WSPs are to be updated on a schedule coordinated with DOH.

Preparation of the supplemental provisions is the responsibility of the County and the local utilities, acting through the WUCC. The WUCC identified local needs and gave direction to the development of the CWSP as it related to area-wide issues. Through the efforts of the WUCC and the County, the procedures, regional policies, and minimum design standards have been reviewed and revised accordingly.

Once approved by the WUCC, the completed CWSP is submitted to the Whatcom County Council for a consistency review. The purpose of the consistency review is to ensure this CWSP is not inconsistent with existing land use plans or policies. The council has 60 days upon receipt of the CWSP to hold a public hearing and act on the document. Once reviewed and accepted by the council, the CWSP is submitted to DOH, which must act upon adoption within 60 days.
Once assured that the local preparation and review procedures of RCW 70.116 have been followed, DOH will be able to approve this document as the Regional Supplement of the Whatcom County CWSP. It should be emphasized that the DOH may approve portions of the CWSP found to be consistent with adopted plans and policies in effect at the time of their review. This will enable approval of this CWSP Regional Supplement and those completed individual WSPs. As specified in Section 2, requests for system expansion will be denied for those water utilities that have not completed their planning requirements.

Any changes requested to individual WSPs or service area boundaries prior to the next update of the CWSP can follow the administrative change procedures specified in the CWSP without additional formal action by the Whatcom County Council.

### 9.2 Appeals Process

As discussed in Section 6, the Utility Service Review Procedure (USRP) process gives existing systems preference for providing water service to new developments. Each service must be timely and reasonable. Disagreements as to what constitutes appropriate conditions of service may be expected to arise from time to time between applicants for new water service and existing systems. For these reasons, an appeal procedure was developed.

Per the USRP, applicants for land use permits that require potable water service within the designated service area of a water utility must work out the conditions for new service with the designated utility. Conditions of service disputes within a utility’s retail service area are not subject to the CWSP appeals process but may be pursued through means specified in the MWL, including Superior Court.

An applicant who is not satisfied with the designated utility’s conditions for new service outside of their retail service area may initiate an appeal as detailed in Sections 9.2.1 through 9.2.3, below.

#### 9.2.1 Issues Subject to Appeal and Review

Only water service related issues are subject to appeal and review under this process. In most instances, such issues will be identified when the applicant requests the Water Availability Form from the water utility. Issues subject to appeal and review are limited to the following:

- Interpretation and application of water utility service area boundaries;
- Proposed schedule for providing service outside of the retail service area;
- Conditions of service outside of a utility’s retail service area, such as the timeliness and reasonableness of service, but excluding published rates and fees;
- Annexation provisions imposed as a condition of service; provided, however, existing authorities of city government are not altered by the CWSP, except where an interlocal agreement exists between a city and the County or as are specifically authorized by Chapter 70.116 RCW; and
- Lack of response by a utility.

Issues other than conditions of service, such as those related to conformance with the State Environmental Policy Act (SEPA), the GMA, any county-wide planning policies, county and city
Plan Implementation

land use plans, financing policies, and wholesale agreements are not subject to the CWSP appeals process, but may be addressed through other avenues.

9.2.2 Timeliness and Reasonableness of Service

State law requires that no other utility shall establish a public water system within the area covered by a CWSP unless the local legislative authority (Whatcom County Council) determines that the existing utilities are unable to provide the service in a timely and reasonable manner. The USRP makes reference to the provision of water service in a timely and reasonable manner. The term “timely and reasonable,” as included in both the Public Water System Coordination Act (RCW 70.116.060(3)(a)) and the Municipal Water Law, have different meanings.

With respect to the Coordination Act (Chapter 70.116 RCW), the term is applied to the conditions of service for applicants seeking water service within the future service area of a water utility. Applicants for water service located in an existing water system’s future service area must request service from the existing system. In this case, the existing utility has the “right of first refusal” of water service. If the system cannot provide the new service in a timely and reasonable manner, the applicant may pursue the following options in the order presented.

1. Receive service from another water system.

2. If service is not available, the applicant may develop a new public water system or a private supply.¹

The Coordination Act defines “timely” as actions taken within 120 days, but it does not specify when the period begins and ends. The Coordination Act allows CWSPs to specify utility actions for completion in this 120-day period. The Coordination Act does not define “reasonable.” DOH suggests the following definitions for reasonable:

- Conditions of service are consistent with local land use plans and development regulations;
- Conditions of service and associated costs are consistent with those documented in the system’s approved water system plan; and
- Conditions of service and associated costs are consistent with the system’s acknowledged standard practice experienced by other applicants requesting similar water services.

Under the Municipal Water Law, the term “timely and reasonable” is used as one of the conditions in which a water utility has a “duty to serve” within their retail service area. Municipal water suppliers have a duty to provide service to all new connections within their retail service area when the following criteria are fulfilled.

1. The utility has sufficient capacity to serve water in a safe and reliable manner.

¹ Note: “Public water system” includes all systems except those serving one single-family residence or four or fewer service connections on the same farm. As used in this document, the term is generally synonymous with “Purveyor” and “Utility.” “Private water supply” means a non-Group B water supply serving up to two single-family residences (per WCC 24.111).

9-3
2. The service request is consistent with adopted local plans and development regulations.

3. The utility has sufficient water rights to provide service.

4. The utility can provide service in a timely and reasonable manner.

Because the two laws define "timely" differently, and neither law defines "reasonable" service, the DOH recommends that a definition for timely and reasonable service be provided in the CWSP. Consequently, timely and reasonable service shall be defined as follows (in order of priority):

1. As defined in the water utility's approved water system plan.

2. If the water utility does not have a water system plan, the definition shall be as defined in the utility's service policies, so long as those policies are not inconsistent with the Coordination Act.

3. If the water utility does not have a water system plan or service policies, or the water system plan or service policies do not provide a definition for timely and reasonable, the definitions shall be as follows:
   - Water service is considered timely when:
     - the water utility can provide service within 120 days of receiving all necessary permits to begin installation of required system improvements, if the utility is conducting system installation; or
     - the water utility can provide service within 120 days of the applicant installing all necessary system improvements, or as otherwise agreed to between the applicant and utility.
   - Water service is considered reasonable if costs and conditions of service are consistent with the utility's acknowledged standard practice experienced by other applicants requesting similar service.

9.2.3 Appeals Process

Step 1 — Filing of an Appeal

An aggrieved party has 30 days from receipt of a written decision from a utility to file an appeal of issues identified in Section 9.2.1 with the Whatcom County Hearing Examiner and notify the Whatcom County Health Department (WCHD). The appeal shall be accompanied by a fee as set forth in the Unified Fee Schedule. The current fee schedule is provided in Whatcom County Ordinance 2014-063.

Step 2 — Voluntary Appeal Resolution Process

When an aggrieved party notifies the WCHD that an appeal has been filed, the County will offer to initiate a voluntary appeal resolution process. The goal of the voluntary appeal resolution process is to amicably resolve the dispute of an issue subject to appeal with minimal cost to all parties in the hopes of avoiding the use of other more costly and time consuming remedies, such as a formal appeal before the Hearing Examiner or Superior Court. If both parties desire to enter into the voluntary appeal resolution process, the aggrieved party shall request a stay of the Hearing Examiner proceedings for a specific period of time. Additional stays can be requested, if necessary and desirable.
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The voluntary appeal resolution process can be initiated by either party sending a written request for review of the disputed issues to the Director of the WCHD. If all parties agree to the voluntary process, the appeal will be heard by an appeal resolution committee (ARC) consisting of the Director of WCHD (or his/her designee), the Director of Planning and Development Services (PDS) (or his/her designee), the Director of Public Works (or his/her designee), and a representative from a Satellite Management Agency (SMA) currently approved for operation in Whatcom County. The ARC shall be chaired by the representative from the WCHD.

The goal of the ARC shall be to find a mutually agreeable solution to the dispute and have the parties memorialize any agreement by executing a service agreement. However, neither party is bound by the decision; if either party subsequently wishes to pursue a final resolution in another venue, they may do so. Furthermore, no official record of this appeal resolution process will be provided. The WUCC recommends that Whatcom County develop a process for appellants to receive a refund of the Hearing Examiner filing fees if the voluntary appeal resolution process is successful.

**Step 3 — Hearing Examiner**

If the voluntary appeal resolution process is not successful, or if the parties choose not to engage in that process, either party may appeal issues identified in Section 9.2.1 to the Hearing Examiner in accordance with WCC 20.92.210. Further review will then take place under standard Hearing Examiner procedures (WCC 20.92).

Per WCC 20.92, the Hearing Examiner shall conclude review and issue a final decision within 45 days of receiving the appeal and "Staff Findings." Upon completion of the Hearing Examiner review and any appeals thereunder, the WCHD will continue processing the development application consistent with the final resolution.

**Step 4 — County Council**

The final decision of the Hearing Examiner may be appealed to the County Council within 10 days of the decision in accordance with WCC 20.92.600. This appeal shall be accompanied by a fee as set forth in the Unified Fee Schedule.

**Step 5 — Review Court**

Upon receipt of a report of findings and a decision regarding unresolved appeals from the Hearing Examiner, an appeal may be made to Superior Court and/or other appropriate courts following the rules of that venue.

**9.3 Coordinated Water System Plan Update**

Because rules, laws, and practices change over time, it is recommended that the CWSP be updated in coordination with updates of the Whatcom County Comprehensive Plan to ensure that both documents remain relevant and useful. More frequent updates of the CWSP may be initiated, as necessary, at the direction of the County Council or DOH. In accordance with RCW 70.116.060(8), if DOH initiates an update or revision of the CWSP, the state shall pay for the cost of the update.

**9.4 Periodic Review of CWSP Implementation**

The Director of WCHD (or his/her designee) shall contact WUCC members at least once per calendar year to determine whether there are issues of significance requiring attention by the full WUCC or a sub-committee of the WUCC. The Director will also contact the members of the Water
Resource Inventory Area (WRIA) 1 watershed planning process established under RCW 90.82, including the WRIA 1 Planning Unit, at least annually to determine if there are issues from that process that require attention by the WUCC. These issues may include the identification of items for which the WUCC or the Planning Unit recommend the County engage in education-related efforts intended to foster the successful implementation of the CWSP.

9.5 Environmental Review

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires that all CWSPs be accompanied by an appropriate environmental document. A SEPA Checklist has been prepared for the Whatcom County CWSP and its recommended activities. This checklist is included as Appendix 5.

The CWSP update has been prepared to establish administrative, management, and policy procedures to respond to the needs of existing and future customers in the County. It is intended to address regional concerns within the County that are not ordinarily included in each utility's WSP. Examples of those regional issues are: procedures for reviewing and approving future water use activities; minimum design standards; designated water utility service areas; and water utility management policies.

The CWSP contents are referenced in the SEPA Checklist. It is anticipated that both negative and positive impacts will occur to earth, water, land use, population, public services, and utilities as a result of implementing the individual water system plans. The CWSP update has been developed in coordination with the GMA County-wide Planning Policies and County land use documents to reflect local land use policies and requirements. Therefore, implementation of this CWSP and the employment of sound engineering and construction practices during the implementation of each utility's WSP will minimize any adverse impacts.

Before the CWSP has been formally accepted by the Whatcom County Council, it is recommended that a final environmental determination be made by PDS. This final determination is attached as Appendix 5 for submittal to DOH for approval.

9.6 Implementation Tasks

This section presents a summary of actions that are recommended to fully implement this CWSP or otherwise improve the coordination of water service in the County. The first list (Section 9.6.1) includes new implementation measures that the WUCC identified during the 2016 CWSP update process and recommends for implementation. The second list (Section 9.6.2) is a list of other implementation actions that were included in the 2000 CWSP or otherwise in effect, but were not fully implemented or do not require continuing implementation.

9.6.1 New Implementation Measures

1. Whatcom County will provide a link to the Service Area Map on the PDS and WCHD websites for easy reference.

2. Whatcom County will update the Service Area Map whenever changes to Group A public water system service areas are filed with the County and will include the date of the update on the map to ensure that all users are working from the most current version.
Plan Implementation

3. Whatcom County will provide a link to staff contacts on the PDS and WCHD websites for questions regarding the CWSP.

4. Whatcom County will revise the Water Availability Notification forms for consistency with this update of the CWSP.

5. Whatcom County shall implement the voluntary appeals resolution process discussed in Section 9.2 as necessary.

6. The Director of WCHD (or his/her designee) shall contact WUCC members at least once per calendar year to determine whether there are issues of significance requiring attention by the full WUCC or a sub-committee of the WUCC. The Director will also make contact with members of the WRIA 1 watershed planning process at least annually to determine if there are issues from that process that require attention by the WUCC. These issues may include the identification of items for which the WUCC or the Planning Unit recommend the County engage in education-related efforts intended to foster the successful implementation of the CWSP.

7. Whatcom County Health Department will pursue the development of a GIS layer depicting all public water system services areas in Whatcom County, including community and non-community water systems.

8. The County shall seek to amend WCC 24.11 as follows:
   - Adopt the CWSP or its successor by reference;
   - Provide definitions of alternative private water supply and private water supply;
   - Provide a definition of the CWSP;
   - Distinguish the difference between public water systems and private water supply (well);
   - Include language that applicants must comply with provisions of the CWSP prior to director approval of private water supplies and new public water systems; and
   - Establish a public water denial form required for private water supply applications within public water system service areas.

9.6.2 Other Action Items

1. Whatcom County will continue to incorporate results from delineating wellhead recharge areas or vital source protection areas into the Whatcom County Comprehensive Plan with the goal of ensuring compliance with the intent of the state and federal mandate for water utilities to delineate time-of-travel zones and wellhead protection plans. The County will facilitate coordination of water resource information and protection efforts of water systems per Goal 11F, Policy 11F.3 of the Comprehensive Plan.

2. Per RCW 70.315.060, non-municipal corporations shall develop a description of their hydrant maintenance procedures and keep them on file to be eligible for liability protection for damages that may arise out of a fire event.

3. Whatcom County will notify those public water systems that are not required to comply with minimum fire flow standards that they are required to coordinate with the local fire control authorities to ensure that any hydrants on their system, if they can possibly be used in the
course of fire suppression activities, do not create adverse pressure problems within the water system as a result of fire control actions (WAC 246-290-221).

4. Local fire control authorities may only use collapsible hoses for hydrant connections unless the utility informs the local fire control authority otherwise.

5. Water utilities are responsible for taking action to restrict free flow from hydrants to protect against back flow and siphoning when water is being used for fire-fighting.

6. Water supply facilities for new developments and for new or expanding public water systems shall be designed to meet the minimum fire flow requirements set forth in Table 5-3.

7. Water utilities must color-code red caps on all hydrants when:
   - The effects of supplying fire flow are unknown;
   - Fire flow is less than 500 gallons per minute; or
   - Fire flow would reduce system pressures to less than 20 pounds per square inch.

8. Utilities should, where practical, provide the Fire Marshal and fire district with the locations of hydrants with color-coded red caps so that these locations can be mapped for use by fire crews (Section 5.3.7).

9. Fire hydrants that are temporarily inoperative or unusable shall be wrapped or otherwise provided with indication of their condition, and shall be repaired as soon as possible by the water utility as required by WAC 246-293-650(7).

10. Fire hydrants that are permanently out of service should be removed by the utility as soon as possible.

11. Where appropriate, a written agreement that identifies responsibilities for maintenance and testing of fire hydrants should be negotiated between the fire control authority and the water utility (WAC 246-296-650(8)). Such agreements should establish operation, maintenance, and testing policies that are mutually beneficial to both the fire authority and the water utilities and would clarify each party’s respective roles and responsibilities. Communication is seen as being most important in the unincorporated areas and/or where County fire districts exist with dynamic boards of commissioners and local fire district chiefs. Fire hydrants that are permanently inoperative or unusable must be removed by the water utility. All testing should be done according to application American Water Works Association and National Fire Protection Association standards.

12. NEW ACTION ITEM. Public water systems identified in Section 3 as not having sufficient water rights to meet existing or anticipated future demands are encouraged to explore options for reducing their system demand and increasing their system supply including, where appropriate, consideration of interties with existing water systems with available water. As Whatcom County continues to develop and implement a strategy for overall water resources management in the County, it should continue to support the creation of interties and other infrastructure improvements among and between public water systems in an on-going attempt to provide secure and high-quality sustainable sources of water throughout the County.
9.6.3 WUCC Items for Consideration by the Community

The items in the following list are not necessarily items that any single entity can successfully address or implement but are issues which were identified during the update of the CWSP and which, in the opinion of the WUCC, deserve acknowledgment as the community plans for the future.

- Water rights acquisition for current and future demand.
- Emergency intertie exploration.
- Permanent intertie exploration.
- Consolidation of water systems.
- Identify available inchoate water to be transferred to another municipal water supplier or integrated into a regional water supply system.
- Closely monitor any actions taken by the United States on behalf of the Lummi Nation and the Nooksack Tribe, and to become actively involved in any local efforts aimed at the resolution of these issues, which are beyond the scope of this CWSP update.
- Identify water systems at high risk based on their financial viability. Those systems should be encouraged to do the following:
  1. Develop an operating budget;
  2. Evaluate rates for adequacy;
  3. Create and fund an operating cash reserve;
  4. Create and fund an emergency reserve; and
  5. Create and fund reserves for capital improvements and equipment replacement. (Resources exist, DOH templates, programs, etc., but small troubled systems lack capacity and require coaching to follow through and gain financial viability).
- Continue discussions regarding issues and potential solutions related to the presence of nitrates in groundwater in the CWSSA.
- Plan for and encourage interlocal agreements between utilities to manage failing water associations that fall into receivership.
- Encourage and actively participate in forums, workshops, and other water-related planning activities.
Appendix 1 – Water Rights Capacity Map
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Appendix 2 – Water Right Procedures
Appendix 2 – Water Right Procedures

Typical Water Rights Process

The following discussion identifies the typical steps involved in the processing of a water right application by Ecology.

1. Submittal of an application to Ecology, with the appropriate application fee.
2. Ecology preparation of a legal notice for the applicant to have published once a week for two consecutive weeks.
3. Ecology solicits comments on the proposed application from the Washington Department of Fish and Wildlife (WDFW), Nooksack Tribe, and Lummi Nation.
4. Applicant submits an Affidavit of Publication to Ecology.
5. There is a 30-day period after the last date of publication for submittal of protests to the proposed application to appropriate water.
6. Ecology conducts a field examination and evaluates comments from the WSFE, tribes, and any other protests, and reviews Chapter 173-501 WAC to determine if affected water bodies have minimum instream flows assigned, or if they are closed to future consumptive appropriation.
7. Ecology prepares a draft Report of Examination that is posted on its website for 30 days to allow for review by the public and collection of additional public comment.
8. If no substantive comments are received, Ecology prepares a final Report of Examination with copies to anyone who has protested the application, either approving, approving with conditions, or denying the application. If the application is approved, Ecology includes a request for submittal of the appropriate permit fee.
9. Appeals of the Ecology decision in the Report of Examination can be filed with the Pollution Control Hearings Board within 30 days of this decision.
10. Upon submittal of the permit fee, and after the 30-day period for appeals has expired, Ecology issues a permit containing the development schedule from the Report of Examination (ROE).
11. The development schedule in the permit contains dates for beginning of construction, completion of construction, and putting the water to beneficial use.
12. When the water authorized in the permit has been put to beneficial use, and the appropriate fees are received, Ecology issues a certificate of water right or a certificate of change.

Alternative Means of Water Rights Processing

As a means of addressing the water rights backlog, the legislature has established alternative means of water rights processing that can be employed under certain conditions. These alternative methods are discussed briefly below.
Appendix 2 – Water Right Procedures

Cost Reimbursement

Cost reimbursement is a contract between a water right applicant and Ecology. Under this contract, applicants assume the full cost of processing their water right application, with some or all of the work performed by Ecology’s consultant. Presently, Ecology has eight consulting firms pre-approved to perform this work.

The cost reimbursement option allows a private consultant to complete the work that Ecology hydrogeologists and permit writers would ordinarily perform. This process makes Ecology staff more available to work with other applicants on their water right applications.

The consultant conducts a site investigation, performs the environmental and hydrogeologic analyses, identifies whether the water is available or would impair other water users, prepares a report with his or her findings, and recommends whether to approve the application. Ecology posts the draft ROE on the internet to solicit comments. Once the comment period is closed, Ecology works with the consultant to make any needed changes. Ecology makes the final decision on the application and then posts the final ROE on the internet for a 30-day appeal period.

The cost reimbursement process consists of two phases. In Phase One, the application is evaluated to identify the boundaries of the water source. This is the area that could be affected by a proposed water withdrawal. In the case of groundwater applications, this phase requires a preliminary delineation of the affected body of public groundwater. A Phase One analysis includes looking at whether there are other prior applications requesting water from the same source of supply. It will also identify likely issues that require further evaluation, and may provide a scope and cost estimate for completing Phase Two.

In Phase Two, Ecology’s consultant prepares a ROE for the application(s). The ROE consists of the background and technical analysis necessary for the particular water right or water right change requested.

If the applicant has an Ecology contract with a pre-approved consultant to conduct Phase One, a report will be provided to the applicant with a scope and cost estimate for Phase Two. If the applicant used his or her own consultant to prepare the Phase One report, the report will be forwarded to Ecology’s consultant (chosen by either the applicant or Ecology from Ecology’s pre-approved list) with a request to provide a scope of work and fee estimate for Phase Two.

Ecology recommends that any applicant considering the cost reimbursement process first consult with Ecology regional staff. Regional staff will be able to give an applicant an idea of how many other applications are in the same watershed, share their knowledge of watershed issues, and provide an initial impression of the likelihood that the application can be approved.

Ecology staff will also be able to discuss what type of costs the applicant must pay, such as:

- Consultant services;
- Ecology time spent reviewing the consultant’s work and managing the contract; and
- Certain legal costs.

(Source: Ecology FAQ: Cost Reimbursement)
Appendix 2 – Water Right Procedures

Water Conservancy Boards

Water conservancy boards (boards) allow for the processing of water right transfer applications by an independent branch of local county government. The boards are separate units of government that process water right change applications within an identified geographic area. A board can serve a single watershed, multiple watersheds, a county, or multiple counties. They can also issue reports of examination and record decisions. Boards were authorized by the 1997 Legislature, under Chapter 90.80 RCW, as an alternative to the conventional application process to assist Ecology with the backlog of pending water right change applications, and to provide timelier water right change decisions. All board decisions are ultimately reviewed and affirmed, reversed, or modified by Ecology.

Each board consists of three or five commissioners with up to two alternates. All board commissioners and alternates must initially receive 32 hours of training from Ecology, and maintain 8 hours per year of continuing education thereafter.

Whatcom County established a water conservancy board in December 1999, but it was dissolved by the Whatcom County Council in July 2008, due to the inability to recruit volunteer board members. The board approved two water right transfers in Water Year 2003, one for groundwater and one for surface water.

(Source: https://fortress.wa.gov/ecy/publications/publications/0811046.pdf)

Certified Water Right Examiners (CWRE)

Historically, when a permit holder had completed their development, they filed a proof of appropriation form with Ecology attesting to the rate and (sometimes) volume of water that had been beneficially used. Ecology staff would then perform a proof examination, which consisted of a review of the water right file followed by a site visit, the extent the water right permit had been beneficially used. After this review, Ecology would issue the water right holder a water right certificate up to the limit of the beneficial use or the permit, whichever was lower, and this would conclude the development schedule of the permit.

In 2010, the legislature created RCW 90.03.665, which allowed Ecology to establish CWREs in the State of Washington, which they did in 2012, with the adoption of Chapter 173-165 WAC. CWREs are individuals that have been certified by Ecology as qualified to perform proof examinations and prepare a report necessary for Ecology to issue a water right certificate. A water right permit holder that is ready to advance to certificate stage contracts directly with a CWRE for preparation of the necessary report. Ecology reviews the document and, once in agreement, issues the water right certificate. Similar to cost reimbursement, this program pushes the responsibility and cost for completing work onto the entity that is interested in the work being performed.

Decision Making Process on Water Right Applications

Ecology adopted Chapter 173-152 WAC – Water Rights, in March 1998, which established a framework for processing water right applications and applications for change. This regulation contains the following pertinent provisions:

- The department will make decisions on water right applications and applications for change from the same water source in the order the application was received.
- Applications from more than one water source may be investigated at one time.
Appendix 2 – Water Right Procedures

- The department may conduct basin assessments to assemble and correlate information related to multiple applications from the same basin for decision-making purposes on all pending applications in the basin or the same water source.

- Multiple basin assessments may be conducted at the same time.

- Upon completion of the basin assessment and consultation with interested parties and agencies, the department will make decisions on the competing applications.

- Applications may be processed prior to competing applications if the department determines the application:
  - Meets certain criteria related to public health or safety,
  - Is a non-consumptive use,
  - Would substantially enhance the quality of the natural environment,
  - Would result in providing public water supplies to meet the general needs of the public, or
  - Is included in a pending adjudication of water rights.
Appendix 3 – Department of Ecology
Municipal Water Law Interpretive and Policy Statement
Appendix 3 – Department of Ecology Municipal Water Law Interpretive and Policy Statement

POL-2030 WATER RESOURCES PROGRAM POLICY

2003 Municipal Water Law Interpretive and Policy Statement

Contact: Program Development and Operations Support Section

Effective Date: February 5, 2007
Revised Date: May 7, 2012

References: Chapter 90.03 Revised Code of Washington

Purpose: To describe and provide interpretation of parts of the Municipal Water Law, and describe generally applicable procedures that the Department of Ecology (Ecology) will use in identifying and managing municipal water rights.

Application: This interpretive and policy statement is a review of the applicable sections of the state Water Code (Ch. 90.03 RCW) that were amended or added by the 2003 Municipal Water Law. The document describes how Ecology intends to apply the various sections of the law to municipal water rights and management.

The 2003 Municipal Water Law (SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1338; Chapter 5, Laws of 2003; 58th Legislature; 2003 1st Special Session; MUNICIPAL WATER SUPPLY—EFFICIENCY REQUIREMENTS) clarifies municipal water rights.

Ecology has chosen to develop this Interpretive and Policy Statement (IPS) for carrying out the 2003 Municipal Water Law under the authority of the Administrative Procedure Act (RCW 34.05.230). This IPS clarifies the Department of Ecology’s position and management approach for carrying out that law. This IPS supersedes earlier statements relating to the Municipal Water Law and has been issued subsequent to the Washington Supreme Court’s decision in Lummi Indian Nation v. State of Washington, Washington Supreme Court No. 81809-6, which held that all sections of the Municipal Water Law are constitutional on their face, and thus valid and operative.

This document’s primary audience is those interested in, and affected by, management of water rights for municipal supply purposes. It clarifies Ecology’s approach in interpreting and implementing the law. It enables Ecology staff to have a common understanding and consistency of application.

Wherever possible, Ecology’s goal is to be consistent in review and decisions on municipal water supply issues. While the following statements address many situations, exceptions based on case-by-case review may arise that do not conform to these statements. This interpretive and policy statement interprets the 2003 Municipal Water Law but is not a formal rule adopted through a rulemaking process. Thus, pursuant to RCW 34.05.230(1) this interpretive and policy statement is advisory only.

This document is organized by sections of the Water Code (Ch. 90.03 RCW) added or amended by SESSHB 1338. Each of the sections states what Ecology believes the section addresses, what it means, and how Ecology will apply that section.
RCW 90.03.015(3) & (4) DEFINITIONS of "Municipal Water Supplier" and "Municipal Water Supply Purposes." This section defines water rights that are for municipal water supply purposes.

1. Municipal water suppliers can hold water rights for municipal water supply purposes.

2. Municipal water suppliers can hold water rights that are not for municipal water supply purposes.

3. Ecology evaluates conformance with the definitions in this section on an individual water right basis. In reviewing individual water rights however, relationships between water rights must be identified and given consideration. Such relationships between water rights include but are not limited to "alternate" and other linkages (as more fully described in paragraph 9 below).

4. If one purpose of use on a water right is for a municipal water supply purpose, then another purpose of use under the same water right is for a municipal water supply purpose when it is a use generally associated with a municipality.

5. Beneficial purposes of use generally associated with a municipality include but are not limited to residential, governmental or governmental proprietary, commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, and the uses described in RCW 90.03.550.

6. If a municipal water supplier holds one water right that is for municipal water supply purposes, other water rights held by the municipal water supplier may or may not qualify as rights for municipal water supply purposes.

7. If a municipal water supplier holds or acquires a water right not for municipal water supply purposes, the purpose of use may be changed to municipal water supply purposes under RCW 90.03.380. The statutory tests for a change must be satisfied. Also, the beneficial use following the change must meet a definition in this section. Changes under RCW 90.03.380 require a tentative determination of the extent and validity of the water right proposed for transfer or change.

8. In general, agricultural irrigation purpose of use and dairy purpose of use water rights held or acquired by a municipal water supplier cannot be conformed as rights for municipal water supply purposes. These purposes are not generally associated with the use of water within a municipality. Water rights for other purposes of use may also fall into this exclusive group. These situations will be considered by Ecology on a case-by-case basis. [See "conformed water right" definition in the section concerning RCW 90.03.560, below.] Water rights for non-municipal purposes that cannot be conformed can still be changed to municipal purposes by filing and having approved an application for a water right change or amendment.

9. Ecology interprets the statute as requiring active compliance by conformance with the beneficial use definitions in RCW 90.03.015(4). Examples of conformance with the definitions include but are not limited to the following:

   a. Conformance with the definition occurs where a water right holder uses water for one or more of the categories of beneficial use included in the definition of a water right for municipal water supply purposes (e.g. the residential connection or nonresident population thresholds under RCW 90.03.015).
b. If the water right holder is a public water system participating in the water system planning process, then conformance with the definition occurs when the water right is identified as being held for existing customers, future growth or supply needs, standby/reserve, backup or emergency, or other reasonable future use in a water system plan (WAC 246-290-100), project report (WAC 246-290-110), construction document (WAC 246-290-120), source approval (WAC 246-290-130), existing system as-built approval (WAC 246-290-140), or coordinated water system plan (WAC 246-293) as approved by the Department of Health, or a small water system management program (WAC 246-290-105) as required by the Department of Health.

c. A water right authorized for one or more of the categories of beneficial use included in the definition of municipal water supply purposes that has been integrated or consolidated through Ecology action(s) or statutory procedure(s) (e.g. new permit, change decision, replacement or new additional well, showing of compliance under RCW 90.44.100(3), consolidation of rights for exempt wells under RCW 90.44.105) such that two or more water rights or water sources have alternate, well field, non-additive (formerly "supplemental"), or other relationships will be recognized as in conformance with the definitions.

d. If a water right does not meet the definition of a water right for municipal water supply purposes for 5 or more years, or does not otherwise qualify for the relinquishment exception under RCW 90.14.140(2)(d), then the water right would be valid only to the extent it had been beneficially used during that period, with any non-use resulting in relinquishment of the right unless the non-use is excused by one of the other exemptions to relinquishment provided under RCW 90.14.140.

**RCW 90.03.015(4)(a) DEFINITIONS — Defines Required Number of Residential Connections and Non-Residential Population for Municipal Water Supply Rights.** The statutory definitions in this subsection do not exactly match the Department of Health rules for Group A water systems under WAC 246-290-020.

1. In this section, we provide examples of water systems that might or might not be considered municipal water suppliers holding water rights for municipal water supply purposes. Whether or not the particular system is considered municipal or not depends on the specific fact pattern.

2. RCW 90.03.015(4)(a) provides statutory definitions for municipal water suppliers holding water rights for municipal water supply purposes. These definitions overlap Department of Health rules for Group A water systems, but they are not exactly the same.

3. All municipal water suppliers under this section are Group A water systems. However, not all Group A water systems are municipal water suppliers.

4. One difference between the definition in this section and Department of Health rules for Group A water systems is the statute requires 15 or more residential connections. The Department of Health rules consider both residential and non-residential connections. Therefore, a water right serving 15 homes would be for municipal water supply purposes but a water right serving 14 homes and a business would not. It does not meet the "municipal" definition, because it does not meet the "residential" criterion. However, both would be Group A water systems.
5. The statute does not define the term *residential service connection*. Ecology considers this term to be as defined in Department of Health rules for Group A community water systems in WAC 246-290-020. The definition reads: "service connections used by year-round residents for one hundred eighty or more days within a calendar year". This is a subset of Department of Health's general definition of a service connection in WAC 246-290-010, i.e. a connection to a public water system serving both residential and non-residential populations. By contrast, the Municipal Water Law only considers residential service connections.

6. Ecology interprets the term "connection" in a manner consistent with Department of Health rules. This includes provisions for alternative means of calculating the number of connections for a Group A water system. This can include counting "equivalent residential units" within a building. The determination on number of residential units (connections) is done on a case-by-case basis.

7. In general, the following Group A water systems could be examples of municipal water suppliers because the statutory definitions are equivalent to those adopted in rule by the Department of Health: a city, subdivision, mobile home park, or water association. The decisions on whether systems hold water rights for municipal supply purposes depend on the particular factual situations.

8. Another difference between the statutory definition and Department of Health rules for Group A water systems is the statute does not include a definition for *residential* populations but Department of Health rules do.

   For example, under WAC 246-290-020, a water system can be classified as a Group A community system if it serves at least 25 residents for 180 or more days within a calendar year. This is regardless of the number of connections. A water right serving such a system would not be for municipal water supply purposes under this section because the statute does not contain an equivalent definition. There are stand-alone Group A community water systems that, under particular factual situations, may not be municipal water suppliers because of this difference. These types of systems could include some colleges, nursing homes, or other residential facilities.

9. The Municipal Water Law does not include a minimum service connection requirement for nonresidential connections. RCW 90.03.015(4)(a) defines a water right for municipal water supply purposes in terms of nonresidential populations (residential use of water for a nonresidential population of, on average, at least twenty-five people for at least sixty days a year). Therefore, this category includes some Group A non-community systems and excludes others, depending upon particular factual situations.

10. Ecology interprets the phrase "residential use of water for a nonresidential population" to mean that the full range of residential water uses (e.g. drinking, cooking, cleaning, sanitation) are provided under the water right. Further, such service is for temporary domiciles for non-residents (an average of 25 or more people living there for more than 60 days per year). Examples of Group A non-community systems that might hold water rights for municipal water supply purpose under this section under particular factual situations could include vacation homes and temporary farm worker housing.
11. The following Group A non-community systems would not typically hold rights under RCW 90.03.015(4)(a) for municipal water supply purposes under the residential water use for a non-resident population definition:
   o schools,
   o daycares,
   o churches,
   o campgrounds,
   o fairgrounds,
   o restaurants,
   o businesses, and
   o factories.

   Actual determination of whether such systems hold water rights for municipal supply purposes will depend upon the particular factual situations.

12. Group B water systems are also defined in WAC 246-290-020 and are public water systems smaller than Group A systems, either in terms of connections or population. Water rights serving Group B water systems do not qualify as water rights for municipal water supply purposes under RCW 90.03.015(4)(a).

   **RCW 90.03.015(4)(b) Governmental Entities and Governmental Purposes.** Defines water rights for municipal water supply purposes for a specific group of governmental entities.

   1. The governmental entities listed in this subsection constitute an exclusive list. Those entities are:
      o cities,
      o towns,
      o public utility districts,
      o counties,
      o sewer districts, or
      o water districts.

      If an entity is not on the list, it is not a municipal water supplier for the purpose of this subsection. For example, neither a port district nor an irrigation district qualify as municipal water suppliers under RCW 90.03.015(4)(b).

   2. Governmental and governmental proprietary purposes generally refer to those purposes listed at the end of RCW 90.03.015(4), including, but not limited to:
      o commercial,
      o industrial,
      o irrigation of parks and open spaces,
      o institutional,
      o landscaping,
      o fire flow,
      o water system maintenance and repair, or
      o related purposes.
3. A governmental or non-governmental entity not qualifying as a municipal water supplier under this subsection (e.g., a port district or irrigation district) may qualify under another subsection of RCW 90.03.015. However, domestic use rights issued to or acquired by a city, town, public utility district, county, sewer district, or water district that do not qualify as municipal under the more specific requirements of RCW 90.03.015(4)(a) cannot qualify under the more general "governmental or governmental proprietary purposes" standard of RCW 90.03.015(b).

4. When considering whether a water right qualifies for a governmental purpose under this section (e.g., irrigation of parks), Ecology considers the entity that was originally issued the water right, as well as the current owner of the right.

   For example, if a water right was issued for irrigation of parks (or another governmental purpose) to a "governmental entity", then the right is for a municipal water supply purpose. However, if the same right were issued to a non-governmental entity (e.g., a private developer) and later acquired by a "governmental entity", then the right would need to be changed to municipal water supply purposes under RCW 90.03.380. The right as issued did not then qualify as a municipal water supply purpose water right.

5. Municipal water rights held by entities listed in RCW 90.03.015(4)(b) may include agricultural irrigation as a governmental purpose under an existing municipal water supply purpose water right, if such an entity has statutory authority to provide agricultural irrigation water and the entity has used the right, at least in part, for agricultural irrigation since the time the right was issued.

**RCW 90.03.260(4) & (5) Applications – Numbers of Connections and Population.** These subsections provide that the maximum population or number of connections specified on an application or any subsequent water right documents for a municipal water supply right is no longer a limitation of the water right. The municipal water supplier must have an approved water system plan or an approval from the Department of Health to serve a specified number of service connections to not be subject to this limit. These subsections do not relate to water rights documented by statements of water right claims.

1. If a water system serving 15 or more existing residential service connections has a water right for community or multiple domestic supply, and the number of connections has been authorized by the Department of Health, the water right is for municipal water supply purposes and any population or connection limitations that may appear in water right documents are not limiting. Rather, the maximum instantaneous quantity (Q₁) and annual quantity (Qₐ) are the controlling numbers.

2. If a water system serving less than 15 existing residential service connections has a water right that issued for a project proposing more than 15 residential service connections, and any number of connections specified on the application or any subsequent water right documents is 15 or greater, then such a water right may be conformed as a right for municipal water supply purposes under RCW 90.03.560. This conformance must follow actual physical service to at least 15 residential service connections.

3. If a water system serving less than 15 existing residential service connections has a water right that issued for a project proposing fewer than 15 residential service connections, and any
number of connections specified on the application or any subsequent water right documents is 14 or less, then the number of connections specified on the application or any subsequent water right documents is a limitation on the water right\(^1\). Only a sufficient quantity of water necessary to serve those connections is authorized.

4. If a water system that qualifies as a municipal water supplier under RCW 90.03.015(3) physically consolidates another water system into its distribution system, or takes ownership of another water system and acquires a community or multiple domestic supply water right that was held by the acquired water system for a project proposing fewer than 15 residential service connections, then the number of connections specified on the application or any subsequent water right documents of the acquired system is not limiting, so long as the municipal water supplier receives a water system plan or other approval from the Department of Health to serve an authorized number of connections.

5. If a water system is providing water for residential use to a nonresidential population numbering *less* than an average of 25 people for sixty or more days per year, under a water right issued for a project proposing residential use of water to a nonresidential population for an average of *greater* than 25 people for sixty or more days per year, then such a water right may be conformed as a right for municipal water supply purposes under RCW 90.03.560 following actual service to an average of 25 or more people for sixty or more days per year.

6. If a water system is providing water for residential use to a nonresidential population numbering *less* than an average of 25 people for sixty or more days per year, under a water right issued for a project *proposing* residential use to a nonresidential population for an average of *less* than 25 people for sixty or more days per year, then the population intended to be served by the water right is a limitation on the water right and only a sufficient quantity of water necessary to serve that population is authorized.

*RCW 90.03.330(2)* Appropriation Procedure — Water Right Certificate: Exceptions to Prohibition of Revocation or Diminishment of a Municipal Water Supply Purpose Water Right. This section provides that Ecology may not revoke or diminish a water right for municipal water supply purposes documented by a certificate covered under RCW 90.03.330(3) except:

- when issuing certificates under RCW 90.03.240,
- issuing certificates following changes, transfers, or amendments under RCW 90.03.380 or 90.44.100, or
- if Ecology determines a certificate was issued with ministerial errors or obtained through misrepresentation.

1. Apart from the exceptions listed in this section, Ecology cannot rescind or diminish a certificate for municipal water supply purposes and/or revert a certificate to permit status.

\(^1\) "Such a water right does not qualify as a right for municipal supply purposes. Changing the purpose of use of such a water right to municipal supply purposes would require approval of an application to change the purpose of use of the right, which, under RCW 90.44.100, is not permissible for an unperfected inchoate groundwater right."
2. A certificate for municipal water supply purposes may be revoked or diminished if the revocation or diminishment results from a general adjudication of water rights in superior court conducted pursuant to RCW 90.03.110 - 245.

3. When processing an application for change, transfer, or amendment of a water right documented by a certificate covered under RCW 90.03.330(3), Ecology may revoke the certificate, or issue a certificate for a quantity less than that on the original certificate. Revocation or diminishment may occur based on:
   o the tentative determination of validity and extent of the water right,
   o to prevent impairment of other existing water rights, or
   o to prevent detriment to the public welfare (for ground water changes under RCW 90.44.100).

   [See RCW 90.03.330(3), below, for discussion relating to tentative determination of validity and extent.]

4. Upon determining that a certificate for municipal water supply purposes has been issued with ministerial errors, Ecology may revoke the certificate and issue a superseding certificate containing modifications only to the extent necessary to correct the ministerial errors.

5. Upon determining that a certificate for municipal water supply purposes has been issued through misrepresentation, Ecology may revoke the certificate and issue a superseding certificate containing modifications only to the extent necessary to correct the misrepresentation.

**RCW 90.03.330(3) Appropriation Procedure – Water Right Certificates.** This subsection provides that water rights for municipal water supply purposes documented by certificates issued prior to September 9, 2003 with maximum quantities based on system capacity (known as "pumps and pipes" certificates) are "rights in good standing."

1. "Pumps and pipes" certificates were issued based on the system capacity measure, rather than on the basis of actual beneficial use. These water rights include inchoate quantities that have not yet been exercised. See *Department of Ecology v. Theodoratus*, 135 Wn.2d 582, 957 P.2d 1241 (1998). Such rights may continue to be exercised to serve new growth. Ecology is not authorized to revoke or diminish water rights for municipal supply purposes documented by such "pumps and pipes" certificates, except under the circumstances set forth in RCW 90.03.330(2), discussed above.

2. RCW 90.44.100 authorizes changes of points of withdrawal and places of use for inchoate ground water rights. In the context of exceptions provided under RCW 90.03.330(2), such as when a conservancy board or Ecology evaluates an application for change or transfer of a water right documented by a "pumps and pipes" certificate and must perform a tentative determination of the validity and extent of the water right, an assessment must be performed to determine whether any of the inchoate quantity specified in the certificate remains valid. This requirement is based on the proposition that by including the term "in good standing" for such certificates, the Legislature intended that holders of such rights would still have to meet other water law principles, such as reasonable diligence in project development, to keep the rights in good standing.
Appendix 3 – Department of Ecology Municipal Water Law Interpretive and Policy Statement

In assessments under RCW 90.03.330(2), to determine if inchoate quantities remain in good standing, the conservancy boards and Ecology will consider at least the following parameters:

a. The original intent described in water right documents, including the nature of the project that the applicant sought to pursue through issuance of the permit;

b. Whether the water right holder has exercised reasonable diligence to complete the project sought to be developed through the water right, and

c. Whether or not approval of the change would be contrary to the public interest. Public interest analysis can involve consideration of whether the proposed change or transfer is speculative in nature. As an example, evidence of speculation could be no continued involvement by the selling municipal water supplier in the water use served by the receiving entity. Additional evidence could be no discussion or rationale for the transfer indicated in planning documents, such as a water system plan.

Inchoate portions of water rights for municipal supply purposes found to be in good standing through this assessment (mentioned above), are eligible for change or transfer. This approach may, among other things, allow for the inchoate portion to be transferred to another municipal water supplier or integrated into a regional water system.

For inchoate surface water rights, the additional requirements in RCW 90.03.570 must be met before changes and transfers may be approved. Further, RCW 90.03.380 and 90.44.100 authorize changes and transfers of perfected surface and ground water rights for municipal supply purposes when the criteria of those statutes are met.

RCW 90.03.330(4) Issuance of Certificates – Beneficial Use Requirement. This section requires that for water rights represented by permits, after September 9, 2003, water right certificates may only be issued that document maximum quantities based on actual beneficial use of water.

1. Ecology will issue certificates, upon proof of appropriation by permit holders, based only on actual beneficial use of water, rather than system capacity. Such certificates will not include quantities of inchoate water.

2. Ecology will consider a permit holder's request to split a partially developed permit by issuing a certificate for the developed portion and issuing a superseding permit for the inchoate portion with a development schedule. The permit holder must demonstrate reasonable diligence in working toward full development.

3. In reports of examination authorizing changes and transfers of water rights for municipal supply purposes, Ecology may specify development schedules. The schedule may include an estimated date of final development. Extensions may be granted as described in Ecology Policy POL-1050. Upon completion of development, Ecology will issue superseding water right certificates.

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2 RCW 90.03.320 provides guidance on factors to consider when evaluating whether a water right permittee has exercised reasonable diligence.
Appendix 3 – Department of Ecology Municipal Water Law Interpretive and Policy Statement

RCW 90.03.386(1) Coordination between Department of Health and Department of Ecology. This section requires coordinated review and approval procedures to ensure compliance and consistency with water system plans/small water system management programs. Ecology and the Department of Health developed a Memorandum of Understanding (MOU) to outline the agencies' roles and responsibilities.


RCW 90.03.386(2) Place of Use and Determinations of "Not Inconsistent" with Specified Local Plans. This section provides that a municipal water supplier's authorized place of use on its water right or rights can change to its current service area, provided that:

1. a planning or engineering document describing the service area has been approved by the Department of Health;
2. the municipal water supplier is in compliance with the terms of its water system plan or small water system management program, and
3. the alteration of the water right place of use is "not inconsistent" with other local planning documents (see section 5(2) of Municipal Water Law Agency Responsibilities Outline - June 23, 2006 created by DOH and Ecology relating to implementation of this section

Ecology and the Department of Health included detailed implementation and coordination information from this document into an MOU that outlines the agencies' roles and tasks.


RCW 90.03.386(3) Water Conservation as a Part of an Approved Water System Plan/Small Water System Management Program. This section describes the responsibility for a municipal water supplier to implement a water use efficiency/water conservation program. It directs Ecology to consider such implementation when considering development schedules for municipal water supply rights.

1. Ecology supports the Department of Health's rule on water use efficiency/water conservation for municipal water suppliers. Ecology generally intends to be consistent with the Department of Health's water conservation requirements, but believes there may be exceptions when more stringent requirements may be necessary.
2. Ecology has statutory mandates to encourage conservation and eliminate waste. In some cases, Ecology may base water allocation decisions on conservation criteria more stringent than those in the Department of Health's rule. Such instances may include, but are not limited to:
   1. evaluations of applications for water right permits under RCW 90.03.290,
   2. waste of water determinations under RCW 90.03.005,
   3. coordination with watershed planning efforts under Chapters 90.54 and 90.82 RCW,
   4. drought permitting under Chapter 43.83B RCW,
   5. general adjudications of water rights, or
   6. settlements of administrative appeals and court cases.
Many factors could come into play when making the determination for more stringent conservation requirements. Ecology will address these instances on a case-by-case basis.

For example, Ecology could require more stringent conservation measures when issuing a new water right permit authorizing a withdrawal from a watershed with instream flows established by rule. In its decision, Ecology could determine that water is not available, or that it would impair other existing water rights or be contrary to the public interest, to allow water use at a level that would be allowed under the DOH rule. With proper mitigation and a requirement to conserve additional water over what the DOH rule might require, Ecology could be able to approve the application and issue a permit.

3. In its review of water system plans and related documents, Ecology might comment on those areas within its jurisdiction, including those listed above in number 2.

4. When Ecology believes it must be more stringent than DOH's water use efficiency rules, Ecology will consult with DOH before imposing more stringent conditions.

5. Ecology policy POL-1050 provides guidance on the agency's criteria for extending development schedules for all water rights, including those for municipal water supply purpose. Under this policy, Ecology may require additional conservation provisions and conditions at the time of a permit extension for a municipal, water supply purpose right. See the policy at: http://www.ecy.wa.gov/programs/wr/rules/images/pdf/pol1050r.pdf

**RCW 90.03.550 Municipal Water Supply Purposes – Beneficial Uses.**

1. Beneficial uses of water under a municipal water supply purposes water right may include water withdrawn or diverted under such a right and used for:
   o Uses that benefit fish and wildlife, water quality, or other instream resources or related habitat values;
   o Uses that are needed to implement environmental obligations called for by:
     • a watershed plan under Ch. 90.54 RCW or Ch. 90.82 RCW,
     • a federal habitat conservation plan,
     • a hydropower license of the federal energy regulatory commission, or
     • a comprehensive irrigation district management plan.

**RCW 90.03.560 Municipal Water Supply Purposes – Identification. "Conforming Documents" and Municipal Water Right Changes and Transfers**. Water rights meeting the definition under RCW 90.03.015 are for municipal water supply purposes. The water right documents can be conformed to correctly identify the purpose of use.

1. A "conformed water right" is one in which water right documents have been amended by the department to properly indicate it is for municipal water supply purposes. For a qualifying right, this can occur during the process of changing some other attribute of the water right under RCW 90.03.380 or 90.44.100. This can also occur when a municipal water supplier requests a correction of the listed purpose of use, pursuant to this section and not just during a change or transfer.
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2. Purposes of use that can be conformed to a municipal water supply purpose generally include those identified in RCW 90.03.015 and RCW 90.03.550.

3. A municipal water supplier can hold or acquire water rights for non-municipal purposes (e.g. agricultural irrigation and daily purposes of use). However, these rights may not be conformed to a municipal water supply purpose of use under this section. They must undergo a purpose of use change under RCW 90.03.380 to become municipal purpose rights.

Maia Bellon
Program Manager
Water Resources Program

Special Note: These policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of the department's practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact the department.
Appendix 4 – Excerpts from DOH Regulations Related to Public Water Systems
Appendix 4 – Excerpts from DOH Regulations Related to Public Water Systems

WAC 246-290-496

Metering requirements.

(1) Production:

(a) The volume of water produced or purchased must be measured using a source meter or other meter installed upstream of the distribution system.

(b) The requirements of this section do not alter any source metering regulations adopted by either the department of health or the department of ecology.

(c) The requirements of this section do not apply to volumes of water delivered to a public water system through an emergency intertie.

(2) Consumption:

(a) The requirements of this section apply to public water systems that supply water for municipal water supply purposes.

(b) Except as provided in (g) of this subsection, the volume of water delivered to consumers must be measured by meters installed on all direct service connections.

(c) Meters must be installed on all existing direct service connections and clustered entities as provided in (g) of this subsection within ten years of the effective date of this rule.

(d) Meters must be installed on all new direct service connections when the service connection is activated.

(e) Meters must be installed on all interties used as permanent or seasonal sources within ten years of the effective date of this rule.

(f) If a system is not fully metered, the municipal water supplier shall complete the following:

(i) Develop a meter installation schedule consistent with this section.

(A) For systems serving one thousand or more total connections, submit the schedule to the department by July 1, 2008.

(B) For systems serving less than one thousand total connections, submit the schedule to the department by July 1, 2009.

(C) The schedule must include milestones demonstrating steady and continuous progress toward compliance with the requirements of this section.

(ii) Implement activities to ensure distribution system leakage is minimized (e.g., periodic leak detection and repair) until the system is fully metered.

(iii) Report the status of meter installation and all actions taken to minimize leakage in annual performance reports developed under WAC 246-290-840 and water use efficiency programs developed under WAC 246-290-810.
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(g) The volume of water may be measured through a single meter for the following clustered entities:

(i) A campground;
(ii) A recreational vehicle park;
(iii) A designated mobile home park;
(iv) A building with multiple units; and
(v) A complex with multiple buildings served as a single connection.

(3) Meters must be selected, installed, operated, calibrated, and maintained following generally accepted industry standards and information from the manufacturer.

[Statutory Authority: RCW 70.119A.180. WSR 07-02-025B, § 246-290-496, filed 12/22/06, effective 1/22/07.]

WAC 246-290-800
Purpose and applicability.

(1) The purpose of Part 8 is to:

(a) Define requirements for water use efficiency programs in water system plans developed under WAC 246-290-100 and small water systems management programs developed under WAC 246-290-105.

(b) Establish a water distribution system leakage standard.

(c) Define process requirements for water use efficiency goal setting.

(d) Establish water use efficiency performance reporting requirements.

(2) The requirements of Part 8 of this chapter apply to public water systems that supply water for municipal water supply purposes.

[Statutory Authority: RCW 70.119A.180. WSR 07-02-025B, § 246-290-800, filed 12/22/06, effective 1/22/07.]

WAC 246-290-810
Water use efficiency program.

(1) Water system plans and small water system management programs submitted for approval for the first year after the effective date of this rule, must describe the municipal water supplier's existing water use efficiency program. The municipal water supplier must continue existing levels of water use efficiency.

(2) Subsections (3) and (4) of this section apply to:

(a) Water system plans submitted to the department for approval under WAC 246-290-100 one year after the effective date of this rule.
(b) Small water system management programs developed and implemented or submitted to the department for approval one year after the effective date of this rule.

(3) Municipal water suppliers shall develop and implement a water use efficiency program which includes sufficient cost-effective water use efficiency measures to meet the water use efficiency goals developed under WAC 246-290-830.

(4) Municipal water suppliers shall complete the following items in the water use efficiency program:

(a) Describe the current water use efficiency program;

(b) For systems serving one thousand or more total connections, estimate the amount of water saved through implementation of the water use efficiency program over the last six years;

(c) Describe the chosen water use efficiency goals and document the goals were established in accordance with WAC 246-290-830;

(d) Evaluate water use efficiency measures to determine if they are cost-effective as follows:

(i) Evaluate or implement, at a minimum, the number of water use efficiency measures specified in Table 1 based on the system's total number of connections.

(ii) Evaluate or implement water use efficiency measures from the following categories of measures if they are applicable: Indoor residential, outdoor, and industrial/commercial/institutional.

(iii) For systems serving less than one thousand total connections, describe the evaluation process used to select water use efficiency measures.

(iv) For systems serving one thousand or more total connections, include the following criteria when evaluating water use efficiency measures:

(A) Quantitatively evaluate water use efficiency measures to determine if they are cost-effective from the system's perspective including the marginal costs of producing water.

(B) Address whether the water use efficiency measures are cost-effective if the costs are shared with other entities.

(C) Quantitatively or qualitatively evaluate water use efficiency measures to determine if they are cost-effective from the societal perspective.

### Table 1

<table>
<thead>
<tr>
<th>Number of connections</th>
<th>Less than 500</th>
<th>500-999</th>
<th>1,000-2,499</th>
<th>2,500-9,999</th>
<th>10,000-49,999</th>
<th>50,000 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water use efficiency measures</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>9</td>
<td>12</td>
</tr>
</tbody>
</table>

(e) Describe all water use efficiency measures to be implemented within the next six years including a schedule and a budget that demonstrates how the water use efficiency measures will be funded;
(f) Describe how consumers will be educated on water use efficiency practices;

(g) Estimate projected water savings from selected water use efficiency measures;

(h) Describe how the water use efficiency program will be evaluated for effectiveness;

(i) Evaluate water distribution system leakage as follows:

(i) Include distribution system leakage totals in accordance with WAC 246-290-820 for the past six years.

(ii) If necessary, include a copy of the water loss control action plan in accordance with WAC 246-290-820(4).

(iii) If all or portions of transmission lines are excluded when determining distribution system leakage, estimate the amount of leakage from the excluded portion of the transmission mains and describe how it is maintained to minimize leakage.

[Statutory Authority: RCW 70.119A.180. WSR 07-02-025B, § 246-290-810, filed 12/22/06, effective 1/22/07.]

**WAC 246-290-820**

**Distribution system leakage standard.**

(1) Municipal water suppliers shall determine distribution system leakage annually under subsection (2) of this section or an alternative methodology under subsection (3) of this section.

(a) Municipal water suppliers shall include (i), (ii), or (iii) of this subsection in water use efficiency performance reports developed under WAC 246-290-840 and water use efficiency programs developed under WAC 246-290-810:

(i) Distribution system leakage totals calculated under subsection (2) of this section shall be recorded in annual percent and volume;

(ii) Distribution system leakage totals calculated under subsection (3) of this section shall include annual figures and the approved alternative methodology's numerical standard(s); and

(iii) For systems not fully metered, the status of meter installation and any actions taken to minimize leakage.

(b) Municipal water suppliers will be considered in compliance with this section if any of the following conditions are satisfied:

(i) Distribution system leakage calculated in accordance with subsection (2) of this section is ten percent or less for the last three-year average;

(ii) Distribution system leakage calculated under subsection (3) of this section meets the numerical standards for the approved alternative methodology for the last three-year average;

(iii) For systems serving less than five hundred total connections, distribution system leakage calculated in accordance with subsection (2) of this section is twenty percent or less for the last three-year average and the steps outlined in subsection (5) of this section are completed; or
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(iv) A water loss control action plan has been developed and implemented under subsection (4) of this section and the system is meeting the implementation schedule.

(2) Calculate the percent of distribution system leakage annually using the following equation:

\[ DSL = \left[ \frac{(TP - AC)}{TP} \right] \times 100 \]

Where:

- DSL = Percent of Distribution System Leakage (%)
- TP = Total Water Produced and Purchased
- AC = Authorized Consumption

(a) Total water produced and purchased, and authorized consumption must be calculated using data from meters installed under WAC 246-290-496. Elements of authorized consumption that cannot be metered, such as fire flow, must be estimated.

(b) All or portions of transmission lines may be excluded when determining distribution system leakage.

(c) Any water that cannot be accounted for shall be considered distribution system leakage.

(3) Municipal water suppliers may use an alternative methodology to calculate distribution system leakage if both (a) and (b) of this subsection are satisfied.

(a) The alternative methodology is contained in published standards or specifications of the department, Environmental Protection Agency, American Water Works Association, American Public Works Association, or American Society of Civil Engineers.

(b) The alternative methodology is approved for statewide use by the department, to provide a better evaluation of distribution system leakage than percent of total water produced and purchased, is appropriate for the system requesting to use it, and uses numerical standards so that compliance and action levels can be determined.

(4) If the average distribution system leakage for the last three years does not meet the standard calculated under subsection (1)(b)(i), (ii), or (iii) of this section, the municipal water supplier shall develop and implement a water loss control action plan. Municipal water suppliers shall submit the water loss control action plan to the department as part of a water use efficiency program under WAC 246-290-810 and upon request by the department. The control methods described in a water loss control action plan shall be commensurate with the level of leakage reported. The following items shall be included in the water loss control action plan:

(a) The control methods necessary to achieve compliance with the distribution system leakage standard;

(b) An implementation schedule;

(c) A budget that demonstrates how the control methods will be funded;
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(d) Any technical or economic concerns which may affect the system's ability to implement a program or comply with the standard including past efforts and investments to minimize leakage;

(e) If the average distribution system leakage calculated under subsection (2) of this section is greater than ten and less than twenty percent of total water produced and purchased, the water loss control action plan must assess data accuracy and data collection;

(f) If the average distribution system leakage calculated under subsection (2) of this section is between twenty and twenty-nine percent of total water produced and purchased, the water loss control action plan must include elements listed under (e) of this subsection and implementation of field activities such as actively repairing leaks or maintaining meters within twelve months of determining standard exceedance;

(g) If the average distribution system leakage calculated under subsection (2) of this section is at thirty percent or above the total water produced and purchased, the water loss control action plan must include elements listed under (e) and (f) of this subsection and include implementation of additional control methods to reduce leakage within six months of determining standard exceedance; and

(h) If the average distribution system leakage calculated under subsection (3) of this section is over the approved alternative methodology's numerical standard, the department will take appropriate compliance actions and work collaboratively with the municipal water supplier to ensure the control methods and level of activity are commensurate with the level of leakage.

(5) Systems serving less than five hundred total connections may submit a request to the department for approval of an average distribution system leakage up to twenty percent. The following information must be submitted to the department with the request:

(a) Production volume;

(b) Distribution system leakage volume;

(c) Evidence documenting that:

(i) A leak detection survey using best available technologies has been completed on the system within the past six years;

(ii) All leaks found have been repaired;

(iii) The system is unable to locate additional leaks; and

(iv) Ongoing efforts to minimize leakage are included as part of the system's water use efficiency program; and

(d) Any technical concerns or economic concerns, or other system characteristics justifying the higher distribution system leakage.

[Statutory Authority: RCW 70.119A.180 and 43.20.050. WSR 08-03-061, § 246-290-820, filed 1/14/08, effective 2/14/08. Statutory Authority: RCW 70.119A.180. WSR 07-02-025B, § 246-290-820, filed 12/22/06, effective 1/22/07.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.
WAC 246-290-830

Water use efficiency goal setting.

(1) The elected governing board or governing body of the public water system shall establish water use efficiency goals within one year of the effective date of this rule for systems serving one thousand or more total connections, and within two years of the effective date of this rule for systems serving less than one thousand total connections.

(2) Water use efficiency goals must be designed to enhance the efficient use of water by the water system's consumers.

(3) If a municipal water supplier determines that further reductions over current consumption levels are not reasonably achievable, the municipal water supplier shall provide justification that considers historic water use efficiency performance and investment and any other factors that support that determination. Justification must be provided in water use efficiency programs developed under WAC 246-290-810 and in water use efficiency performance reports developed under WAC 246-290-840.

(4) Municipal water suppliers must provide documentation when requested by the department and in water use efficiency programs developed under WAC 246-290-810 that demonstrates the following goal setting requirements have been met:

(a) Goals shall be set in a public forum that provides opportunity for consumers and the public to participate and comment on the water use efficiency goals;

(b) Public notice must occur at least two weeks prior to the public forum. Public notice must include the purpose, date, time, and place of the forum, and where materials supporting the rationale for the proposed goals can be reviewed;

(c) The elected governing board or governing body of the public water system shall review and consider all comments received;

(d) The following must be made available to the public for the purpose of fully documenting the basis for each goal:

(i) The information listed under WAC 246-290-810(4);

(ii) Annual water use efficiency performance reports prepared under WAC 246-290-840;

(iii) Water supply characteristics description in accordance with WAC 246-290-100 (4)(f)(iii)(B) or source description in accordance with WAC 246-290-105 (4)(f); and

(iv) A summary of the comments received and how they were considered.

(5) Existing public processes may be used if all requirements listed under subsection (4) of this section are met.

(6) Water use efficiency goals must include:

(a) Consideration of the system's forecasted demand and water supply characteristics;

(b) Measurable outcomes in terms of reduced or maintained water production or usage. Outcomes may be expressed on a per capita, per connection, total system, or other basis as deemed appropriate by the municipal water supplier;
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(c) A schedule for achieving the water use efficiency goals; and

(d) Implementation schedule for each water use efficiency measure selected under WAC 246-290-810(4).

(7) The elected governing board or governing body of the public water system shall evaluate and reestablish water use efficiency goals following the process identified in subsection (4) of this section at least every six years and as part of a water system plan approval under WAC 246-290-100 or small water system management program approval under WAC 246-290-105.

(8) Water use efficiency goals may be changed at any time in accordance with subsection (4) of this section. Changes to goals must be identified in the next performance report.

(9) Water use efficiency programs must be modified if any water use efficiency goal is not met. Program modifications must be designed to achieve the system's water use efficiency goals.

[Statutory Authority: RCW 70.119A.180. WSR 08-12-019, § 246-290-830, filed 5/28/08, effective 7/1/08; WSR 07-02-025B, § 246-290-830, filed 12/22/06, effective 1/22/07.]

WAC 246-290-840 Water use efficiency performance reports.

(1) Municipal water suppliers shall develop an annual water use efficiency performance report and must:

(a) Send the water use efficiency performance reports to the department and the consumers by July 1st of each year for the previous year and make them available to the public;

(b) For systems serving one thousand or more total connections, develop the first water use efficiency performance report by July 1, 2008;

(c) For systems serving less than one thousand total connections, develop the first water use efficiency performance report by July 1, 2009; and

(d) Municipal water suppliers shall submit performance reports in a manner specified by the department.

(2) Water use efficiency performance reports shall include:

(a) Total annual production. Systems with multiple sources may provide aggregate data;

(b) Annual water distribution system leakage totals in accordance with WAC 246-290-820;

(c) A description of the system's water use efficiency goals set in accordance with WAC 246-290-830;

(d) A schedule for achieving the goals;

(e) A narrative description of progress toward achieving the goals; and

(f) Report the status of meter installation and all actions taken to minimize leakage.

[Statutory Authority: RCW 70.119A.180. WSR 07-02-025B, § 246-290-840, filed 12/22/06, effective 1/22/07.]
Appendix 5 – SEPA Checklist
SEPA Distribution List
SEP2016-00044
Date of Issuance: May 12, 2016

Please review this determination. If you have further comments, questions or would like a copy of the SEPA checklist, phone the responsible official at (360) 778-5900. Please submit your response by the comment date noted on the attached notice of determination.

WA State Department of Archaeology and Historic Preservation via email Gretchen Kaehler, gretchen.kaehler@dahp.wa.gov

SEPA Unit, WA State Department of Ecology, Olympia via email sepaunit@ecy.wa.gov

WA State Department of Fish and Wildlife via email Joel Ingram, joel.ingram@dfw.wa.gov

WA State Department of Natural Resources via email Rochelle Goss, sepacentral@dnr.wa.gov

SEPA Unit, WA State Department of Transportation, Burlington via email Roland Storme, stormer@wsdot.wa.gov
Ray McEwan, mcewanr@wsdot.wa.gov

City of Bellingham
Kurt Nabbefeld via email - knabbefeld@cob.org
Brent Baldwin via email - bbaldwin@cob.org
Clare Fogelsong via email - cfogelsong@cob.org

City of Blaine
Michael Jones, AICP via email mjones@cityofblaine.com

City of Everson

City of Ferndale
Jori Burnett via email joriburnett@cityofferndale.org

City of Nooksack

City of Sumas

Public Utility District
Steve Jilk via email stevej@pudwhatcom.org

Lummi Nation Natural Resources
Merle Jefferson, Sr. via email - merlej@lummi-nsn.gov
Tamela Smart - tamelas@lummi-nsn.gov

Nooksack Indian Tribe
George Swanaset, JR via email - george.swanasetjr@nooksack-nsn.gov
Trevor Delgado via email - tdelgado@nooksack-nsn.gov

Terry J. Wechsler via email wechslerlaw@comcast.net

Applicant
Whatcom County Public Works – Gary Stoyka
Project Description:
Non-project action to adopt an updated Coordinated Water System Plan (CWSP) per RCW 70.116.030. Whatcom County has designated a critical water supply services area per RCW 70.116.030(2). The proposed CWSP updates prior planning efforts conducted in 1993 and 2000. A number of updates have been provided in the proposed CWSP, including the following: 1) identifies existing water systems within the study area, establishes services area boundaries of these water purveyors and analyzes projected future growth in connections and water rights capacities; 2) updates minimum design standards and review procedures for services to new customers; 3) addresses regional water resource issues such as tribal water issues, water rights, financial viability of small systems, existing and potential water quality problems, data management, lack of joint facilities and system interties, water use efficiency and reclaimed water; 4) provides an appeals process; and 5) identifies implementation measures.

Proponent: Whatcom County Public Works

Address and Parcel #: All of Whatcom County west of the Mount Baker-Snoqualmie National Forest boundary excluding certain portions of the Lummi and Nooksack reservations.

Lead Agency: Whatcom County Planning & Development Services

Zoning: County-wide  Comp Plan: County-wide  Shoreline Jurisdiction: County-wide

The lead agency for this proposal has determined that with proper mitigation, no significant adverse environmental impacts are likely. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS) is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request.

_ There is no comment period for this DNS._

X Pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date of issuance indicated below. Comments must be received by 4:00 p.m. on May 26, 2016 and should be sent to: Mark Personius

Responsible Official: Mark Personius, mpersoni@whatcomcounty.us

Title: Assistant Director

Telephone: 360-778-5900

Address: 5280 Northwest Drive Bellingham, WA 98226

Date of Issuance: May 12, 2016

Signature:

SEPA Determination of Nonsignificance (DNS) PL4-83-005E

Page 1 of 2 REV October 2012
An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by and submitted to the Whatcom County Current Planning Division located at 5280 Northwest Drive, Bellingham, WA 98226, during the ten days following the comment period, concluding June 6, 2016.

You should be prepared to make a specific factual objection. Contact Whatcom County Current Planning Division for information about the procedures for SEPA appeals.
SEPA Determination of Nonsignificance (DNS)
Legal Notice

To be published one time only on: May 12, 2016

CHARGE TO: Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, Washington 98226
Acct #451232

WHATCOM COUNTY GIVES PUBLIC NOTICE THAT THE FOLLOWING SEPA THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS) HAS BEEN ISSUED TODAY SUBJECT TO THE 14 DAY COMMENT PERIOD CONCLUDING ON, May 26, 2016.

File: SEP2016-00044

Project Description:
Non-project action to adopt an updated Coordinated Water System Plan (CWSP) per RCW 70.116.030. Whatcom County has designated a critical water supply services area per RCW 70.116.030(2). The proposed CWSP updates prior planning efforts conducted in 1993 and 2000. A number of updates have been provided in the proposed CWSP, including the following:
1) identifies existing water systems within the study area, establishes services area boundaries of these water purveyors and analyzes projected future growth in connections and water rights capacities; 2) updates minimum design standards and review procedures for services to new customers; 3) addresses regional water resource issues such as tribal water issues, water rights, financial viability of small systems, existing and potential water quality problems, data management, lack of joint facilities and system interties, water use efficiency and reclaimed water; 4) provides an appeals process; and 5) identifies implementation measures.

Proponent: Whatcom County Public Works

Address and Parcel #: All of Whatcom County west of the Mount Baker-Snoqualmie National Forest boundary excluding certain portions of the Lummi and Nooksack reservations.

Lead Agency: Whatcom County Planning & Development Services

Zoning: County-wide Comp Plan: County-wide Shoreline Jurisdiction: County-wide

ANY PERSON OR AGENCY MAY APPEAL THE COUNTY'S COMPLIANCE WITH WAC 197-11 BY FILING AN APPEAL WITH THE WHATCOM COUNTY CURRENT PLANNING DIVISION LOCATED AT 5280 NORTHWEST DRIVE, BELLINGHAM, WA 98226. APPEALS MUST BE MADE WITHIN 10 DAYS AFTER THE END OF THE COMMENT PERIOD.
SEPA Environmental Checklist

Purpose of Checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Non-Project Proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the Supplemental Sheet for Non-project Actions (Part C). Please completely answer all questions that apply and note that the words “project”, “applicant”, and “property or site” should be read as “proposal”, “proponent” and “affected geographic area”, respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements that do not contribute meaningfully to the analysis of the proposal.
A Background

1 Name of proposed project, if applicable:
   Whatcom County Coordinated Water System Plan (CWSP) Update

2 Name of applicant: Whatcom County Public Works Department
   Applicant phone number: 360-778-6218
   Applicant address: 322 North Commercial Street, Suite 210
   City, State, Zip or Postal Code: Bellingham, WA 98225
   Applicant Email address: gstoyka@whatcomcounty.us

3 Contact name: Gary Stoyka - Public Works Natural Resources Manager
   Contact phone number: 360-778-6218
   Contact address: 322 North Commercial Street, Suite 210
   City, State, Zip or Postal Code: Bellingham, WA 98225
   Contact Email address: gstoyka@whatcomcounty.us

4 Date checklist prepared: May 2016

5 Agency requesting checklist: Whatcom Co. Planning and Development Services

6 Proposed timing or schedule (including phasing, if applicable):
   Periodic updates

7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes ☑ No ☐
   If yes, explain:
   Yes, participating purveyors will update their respective comprehensive plans every five years. District plans will be updated for consistency with this CWSP. Individual utilities will add new wells, reservoirs, and piping to their systems.

8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:
   Extensive background studies have been performed as well as individual utility water system plans.

9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes ☑ No ☐
   If yes, explain.
   Approval of individual Water System Plans.
10 List any government approvals or permits that will be needed for your proposal, if known.

County Council determination that the CWSP is consistent with County land use plans.
Final approval by the Washington State Department of Health (DOH).

11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is a non-project action to adopt an updated Coordinated Water System Plan per RCW 70.116.030. Whatcom County has designated a critical water supply service area per RCW 70.116.030(2). The proposed CWSP updates prior planning efforts conducted in 1993 and 2000. A number of updates have been provided in the proposed CWSP, including the following: 1) identifies existing water systems within the study area, establishes service area boundaries of these water purveyors and analyzes projected future growth in connections and water rights capacities; 2) updates minimum design standards and review procedures for service to new customers; 3) addresses regional water resource issues such as tribal water issues, water rights, financial viability of small systems, existing and potential water quality problems, data management, lack of joint facilities and system interties, water use efficiency, and reclaimed water; 4) provides an appeals process; and 5) identifies implementation measures.

12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

All of Whatcom County west of the Mount Baker-Snoqualmie National Forest boundary excluding certain portions of the Lummi and Nooksack reservations. (See Figure 1-1 in the CWSP document)
B Environmental Elements

1 Earth

a. General description of the site:  Varies

☐ Flat
☐ Rolling
☐ Hilly
☐ Steep Slopes
☐ Mountainous
☐ Other

b. What is the steepest slope on the site (approximate percent slope)?  Varies

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Variess

d. Are there surface indications or history of unstable soils in the immediate vicinity?  Yes ☐ No ☐

If so, describe.
N/A

e. Describe the purpose, type, total area, approximate quantities and total affected area of any filling excavation or grading proposed.

N/A

Indicate source of fill.
N/A

Indicate were excavation material is going.
N/A
f. Could erosion occur as a result of clearing, construction, or use?
   Yes [ ] No [ ]
   If so, generally describe.
   N/A

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
   N/A

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
   N/A

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed (i.e., dust, automobile, odors, or industrial wood smoke)?
   N/A

   If any, generally describe and give approximate quantities if known.
   N/A

b. Are there any off-site sources of emissions or odor that may affect your proposal?  Yes [ ] No [ ]

   If so, generally describe.
   N/A

c. Proposed measures to reduce or control emissions or other impacts to air, if any:
   N/A
3. Water
   a. Surface:
      
      (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)?  Yes □  No □

      If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
      N/A

      (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?  Yes □  No □

      If yes, please describe and attach available plans.
      N/A

      (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. N/A

      Indicate the source of fill material.
      N/A

      (4) Will the proposal require surface water withdrawals or diversions?  Yes □  No □

      Not directly as a result of adoption of the CWSP.

      Give general description, purpose, and approximate quantities if known.

      Some existing purveyors currently divert surface water. Diversions may increase as population and need increases. However, any increased diversion would need to be consistent with the individual purveyor’s Water System Plan and regulations.

      Does the proposal lie within a 100-year floodplain?  Yes □  No □

      If so, note location on the site plan.
      N/A
(5) Does the proposal involve any discharges of waste materials to surface waters?  
Yes ☐ No ☐  
If so, describe the type of waste and anticipated volume of discharge N/A  

b. Ground Water:  

(1) Will ground water be withdrawn from a well for drinking water or other purposes?  Yes ☑ No ☐  
If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.  
Some existing purveyors currently withdraw groundwater in the area. Groundwater withdrawal may increase as population and need increases. However, any increased withdrawal would need to be consistent with the individual purveyor's Water System Plan and applicable regulations.  

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.  
N/A  

c. Water runoff (including stormwater):  

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).  
N/A
Where will this water flow? N/A

Will this water flow into other waters? Yes ☐ No ☐

If so, describe.
N/A

(2) Could waste materials enter ground or surface waters?
Yes ☐ No ☐

If so, generally describe.
N/A

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site: Yes ☐ No ☐

If so, describe.
N/A

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
N/A

4 Plants

a. Check types of vegetation found on the site:
✓ Deciduous tree: alder, maple, aspen, other
✓ Evergreen tree: fir, cedar, pine, other
✓ Shrubs
✓ Grass
✓ Pasture
✓ Crop or grain
✓ Orchards, vineyards or other permanent crops
✓ Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
✓ Water plants: water lily, eelgrass, milfoil, other
✓ Other types of vegetation
b. What kind and amount of vegetation will be removed or altered?
   N/A

c. List threatened or endangered species known to be on or near the site.
   N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
   N/A

e. List all noxious weeds and invasive species known to be on or near the site.
   N/A

5. Animals

a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

   Birds:
   ✔ Hawk,
   ✔ Eagle,
   ✔ Other:

   Mammals:
   ✔ Deer,
   ✔ Elk,
   ✔ Other:

   Fish:
   ✔ Bass,
   ✔ Trout,
   ✔ Shellfish;

   ✔ Heron,
   ✔ Songbirds;

   ✔ Bear,
   ✔ Beaver;

   ✔ Salmon,
   ✔ Herring,
   ✔ Other:

b. List any threatened or endangered species known to be on or near the site.
   N/A
c. Is the site part of a migration route? Yes ☐ No ☐
   If so, explain.
   N/A

d. Proposed measures to preserve or enhance wildlife, if any:
   N/A

e. List any invasive species known to be on or near site.
   N/A

6. Energy and Natural Resources

   a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
   N/A

   b. Would your project affect the potential use of solar energy by adjacent properties? Yes ☐ No ☐
      If so, generally describe.
      N/A

   c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
      N/A

7. Environmental Health

   a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes ☐ No ☐
      If so, describe.
      N/A

(1) Describe any known or possible contamination at the site from present or past uses.
   N/A

Reviewed by initials ______________________
Page 10 of 20
Rev October 2015
(2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A

(3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A

(4) Describe special emergency services that might be required.

N/A

(5) Proposed measure to reduce or control environmental health hazards, if any:

N/A

b. Noise

(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A

(2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A

(3) Proposed measures to reduce or control noise impacts, if any:

N/A
8 Land and Shoreline Use

a. What is the current use of the site and adjacent properties?
   Varies
   Will the proposal affect current land uses on nearby or adjacent properties? Yes ☐ No ☐
   If so, describe.
   N/A

b. Has the project site been used as working farmlands or working forest lands? Yes ☑ No ☐
   If so, describe.
   N/A

   How much agriculture or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any?
   N/A

   If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?
   N/A

   (1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling and harvesting? Yes ☐ No ☐
   If so, how:
   N/A

c. Describe any structures on the site.
   Varies
d. Will any structures be demolished? Yes ☐ No ☐
   If so, what?
   N/A

e. What is the current zoning classification of the site?
   Varies

f. What is the current comprehensive plan designation of the site?
   Varies but the update of the CWSP has been coordinated with the County's update of its Comprehensive Plan.

g. If applicable, what is the current shoreline master program designation of the site?
   Varies

h. Has any part of the site been classified as a critical area by the city or county? Yes ☐ No ☐
   If so, specify.
   N/A

i. Approximately how many people would reside or work in the completed project?
   N/A

j. Approximately how many people would the completed project displace?
   N/A

k. Proposed measures to avoid or reduce displacement impacts, if any:
   N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
   Existing and projected land uses and plans will be followed and the CWSP update has been coordinated with the County's update of its Comprehensive Plan.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?
   N/A
9 Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

- High
- Middle
- Low-income

Number of Units: N/A

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- High
- Middle
- Low-income

Number of Units: N/A

c. Proposed measures to reduce or control housing impacts, if any:

N/A

10 Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A

b. What views in the immediate vicinity would be altered or obstructed?

N/A

c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A

11 Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A
c. What existing off-site sources of light or glare may affect your proposal?
   N/A

d. Proposed measures to reduce or control light and glare impacts, if any:
   N/A

12 Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?
   N/A

b. Would the proposed project displace any existing recreational uses? If so, describe.
   N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
   N/A

13 Historic and Cultural Preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? Yes □ No □
   If so, specifically describe.
   N/A

b. Are there any landmarks, features, or other evidence of Indian, historic use or occupation, this may include human burials or old cemeteries?
   Yes □ No □
   Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Yes □ No □
   Please list any professional studies conducted at the site to identify such resources.
   N/A
c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples: Include consultation with tribes and the Department of Archeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.

N/A

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A

14 Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plan, if any.

N/A

b. Is site or geographic area currently served by public transit?
   Yes ☐ No ☐
   If not, what is the approximate distance to the nearest transit stop?

N/A

c. How many parking spaces would the completed project have? How many would the project eliminate?

N/A

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? Yes ☐ No ☐
   If so, generally describe (indicate whether public or private).

N/A
e. Will the project use (or occur in the immediate vicinity of)
   □ Water,
   □ Rail, or
   □ Air transportation?
   If so, generally describe.
   N/A

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?
   N/A

g. Proposed measures to reduce or control transportation impacts, if any:
   N/A

15 Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?
   Yes □  No □
   If so, generally describe.
   N/A

b. Proposed measures to reduce or control direct impacts on public services, if any.
   N/A

16 Utilities

a. Check utilities currently available at the site:
   □ Electricity,
   □ Water,
   □ Telephone,
   □ Septic system,
   □ Natural gas,
   □ Refuse service,
   □ Sanitary sewer,
   □ Other
   /
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: [Signature]

Date Submitted: 5/4/16
C Supplemental Sheet for Non-project Actions

(It is not necessary to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

N/A

Proposed measures to avoid or reduce such increases are:

N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Additional groundwater use authorized by the WDOH and WDOE to accommodate future growth may have an impact on surface water stream flows in continuity with groundwater that could affect fish and wildlife habitat in and along WRIA 1 streams and rivers.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The 2005 WRIA 1 Watershed Management Plan (WMP), 2007 WRIA 1 WMP Detailed Implementation Plan, Whatcom County Comprehensive Plan Update (2016) and the WRIA 1 Nooksack River Instream Flow Rule all contain measures to protect fish and wildlife habitat.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal involves coordinated planning for public water system surveyors which may increase the use of groundwater. Increased population and employment growth in the county authorized by the County Comprehensive Plan will increase the rate of depletion of groundwater resources to accommodate that growth.

Proposed measures to protect or conserve energy and natural resources are:

Preparation of the CWSP Update included coordination with the Comprehensive Plan (CP) Update and multiple policies in the CP Update address strategies and measures to manage and protect groundwater resources in coordination with the WDOH and WDOE.
4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Additional groundwater use authorized by the WDOH and WDOE for public water systems to accommodate future growth may have an impact on surface waters in continuity with groundwater that could affect fish and wildlife habitat and other critical areas in and along WRJA 1 streams and rivers.

Proposed measures to protect such resources or to avoid or reduce impacts are:

In addition to policies in the Whatcom County Comprehensive Plan Update that protect critical areas, the Critical Areas Regulations (WCC Title 16) also protect the functions and values of environmentally sensitive areas, as required by the GMA.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Preparation of the CWSP Update has been closely coordinated with the Whatcom County CP Update, as required by the GMA (RCW 36.70A) and the Public Water System Coordination Act of 1977 (RCW 70.116). The CWSP only serves to coordinate delivery of potable water to customers within both municipal and non-municipal (Group A) public water systems approved for service by the WDOH.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The Whatcom County CP Update, proposed CWSP Update and Drinking Water Ordinance (WCC 24.11) all contain measures to ensure that legal potable water availability is required in order to facilitate future growth consistent with WDOH and WDOE requirements.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposal allows planned growth to proceed consistent with the Growth Management Act, local zoning, and land use plans.

Proposed measures to reduce or respond to such demand(s) are:

Response to demand will be met with water supply planning and coordinated service responsibilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Proposal shall be approved by all applicable local, state, and federal governing agencies thus no conflict of laws is expected.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Originator: Roland Middleton</th>
<th>Initial</th>
<th>Date</th>
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<th>Agenda Date</th>
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<td>RM</td>
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<td>5/31/16</td>
<td>Introduction</td>
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<td>JMR</td>
<td>5/17/16</td>
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<tr>
<td>Executive: Jack LOwes</td>
<td>JLO</td>
<td>5/24/16</td>
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TITLE OF DOCUMENT:
Authorizing the Public Works Director and the County Engineer to close or restrict use of county roads on a temporary basis.

ATTACHMENTS:
Draft Ordinance

SEPA review required? ( ) Yes ( x ) NO
SEPA review completed? ( ) Yes ( NA ) NO
Should Clerk schedule a hearing? ( x ) Yes ( ) NO
Requested Date: June 14, 2016

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.)

An ordinance to amend Whatcom County Code Chapter 12.06.010 to authorize the Public Works Director and the County Engineer to close or restrict use of county roads on a temporary basis.

COMMITTEE ACTION:

COUNCIL ACTION:
5/31/2016: Introduced 7-0

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

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

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

Through: Jon Hutchings, Director

From: Roland Middleton, Special Programs Manager

Date: May 17, 2016

Re: Amending Whatcom County Code 12.06; Temporary Road Closures

Requested Action:

The Department of Public Works requests that the proposed amendment to the Temporary Road Closures ordinance (WCC 12.06) be introduced at the May 31, 2016 Council meeting. We then request that a Public Hearing be advertised and held June 14, 2016 at that evening’s County Council meeting with the amendment ordinance adopted at that meeting.

Background and Purpose:

Chapter 46.44.080 of the Revised Code of Washington requires that temporary road closures or restrictions lasting longer than 12 hours be authorized by the County Council by ordinance. The existing approval protocol requires each temporary closure or restriction to be individually decided by council. In some cases, the time to process or amend individual closures causes undue economic hardship on contractors working in the county rights-of-way.

Whatcom County Council has the authority to establish temporary road closures as an administrative duty and may delegate the authority to perform the administrative functions.

Other counties have passed similar ordinances to address the same need (Snohomish County and Spokane County).

Whatcom County Public Works requests approval of the proposed ordinance amending WCC 12.06.010 to better serve the needs of the community.

Funding Amount and Source:

Not applicable
ORDINANCE NO. ________

AUTHORIZING THE PUBLIC WORKS DIRECTOR AND THE COUNTY ENGINEER TO CLOSE OR RESTRICT USE OF COUNTY ROADS ON A TEMPORARY BASIS

WHEREAS, Chapter 12.06.010 of Whatcom County Code, by referring to Chapter 46.44.080 of the Revised Code of Washington, requires that each temporary road closure or restriction be authorized by the County Council through ordinance; and

WHEREAS, The County Council has stated their desire that temporary road closures and restrictions be considered administrative duties dealt with by the Public Works Director or the County Engineer; and

WHEREAS, Article XI, section 4 of the Washington State Constitution allows the County Council to delegate the authority to perform administrative functions;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 12.06.010 is amended to read:

12.06.010 Temporary closure – Posting notices.
In accordance with the provisions of RCW 46.44.080, whenever due to emergency conditions the use of a county road by all vehicles, or by vehicles whose gross tire loads exceed those described in either schedule contained in Section 12.06.020, will damage the highway or will be dangerous to traffic using the highway, the public works director, or the county engineer, shall close such road temporarily to all vehicles or to a designated class of vehicles, as the case may be, by posting notices at each end of the closed portion of road or roads. (Ord. 80-10 § 1 (part)). In addition, for any definite period of time, the director of public works or the county engineer may close to travel or restrict county roads to all vehicles or any class of vehicles whenever the county road is being constructed, altered, repaired, improved or maintained in such a manner as to require its use or any portion of its use closed or restricted: PROVIDED,

(a) That before any county road is closed or restricted to all vehicles or any class of vehicles, a notice including the effective date shall be published in one issue of a newspaper of general circulation in the county,
(b) That on or prior to the date of publication of such notice, the engineer shall erect and maintain, or cause to be erected and maintained signs designating the provisions of this chapter in a conspicuous place at each end of the portion of any county road affected.

(c) No county road will be closed sooner than three days after the publication and posting of the notice.

ADOPTED this _____ day of __________, 20____.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibson
Chief Civil Deputy Prosecutor

Jack Louws
County Executive,

( ) Approved    ( ) Denied

Date Signed: ________________________
**TITLE OF DOCUMENT:** Appointment to the Whatcom County Appeals Board

**ATTACHMENTS:** Application for Appointment

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

County Executive Jack Louws requests confirmation of his appointment of Kim Yuska to the Whatcom County Appeals Board.
Board and Commission Application

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided 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.

First Name
Kim

Last Name
Yuska

Date
5/31/2016

Street Address
2700 Meridian St.

City
Bellingham

Zip
98225

Do you have a different mailing address?  
Field not completed.

Primary Telephone
360-734-3480

Secondary Telephone
360-815-0151

Email Address
kimyuska@comcast.net

1. Name of Board or Committee
County Appeals Board

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?  
Yes

3. Which Council district do you live in?  
Field not completed.

4. Are you a US citizen?  
Yes

5. Are you registered to vote in Whatcom County?  
Yes

6. Have you ever been a member of this Board/Commission?  
No
7. 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?

No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

Field not completed.

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

Vice president and co owner of Alvord-Richardson Const. Co., Inc. for the past 38 years.

9. Please describe why you’re interested in serving on this board or commission

I have built up a great working relationship with many County staff members over the years.

References (please include daytime telephone number):

Jeff Alvord 360-815-0191

Signature of applicant: /Kim Yuska/

Place Signed / Submitted Bellingham, WA
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:** 2016 Supplemental Budget Request #10

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

<table>
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<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
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<td>SEPA review completed?</td>
<td>( ) Yes</td>
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Supplemental #10 requests funding from the Convention Center Fund:

1. To appropriate $10,000 to fund increase in Lodging Tax contracts.

From Emergency Management Fund:
2. To appropriate $97,900 to fund two All Hazard Alert Broadcast systems from grant and donation proceeds.

From Public Utilities Improvement Fund:
3. To appropriate $1,100,000 to fund City of Bellingham Waterfront Project – EDI grant.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**
PROPOSED BY: Executive
INTRODUCTION DATE: 6/14/16

ORDINANCE NO.
AMENDMENT NO. 10 OF THE 2016 BUDGET

WHEREAS, the 2015-2016 budget was adopted November 25, 2014; and,
WHEREAS, changing circumstances require modifications to the approved 2015-2016
budget; and,
WHEREAS, the modifications to the budget have been assembled here for deliberation by
the Whatcom County Council.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2015-2016
Whatcom County Budget Ordinance #2014-065 is hereby amended by adding the following
additional amounts to the 2016 budget included therein:

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<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<tbody>
<tr>
<td>Convention Center Fund</td>
<td>10,000</td>
<td>(10,000)</td>
<td>-</td>
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<tr>
<td>Emergency Management Fund</td>
<td>97,900</td>
<td>(97,900)</td>
<td>-</td>
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<tr>
<td>Public Utilities Improvement Fund</td>
<td>1,100,000</td>
<td>-</td>
<td>1,100,000</td>
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<tr>
<td>Total Supplemental</td>
<td>1,207,900</td>
<td>(107,900)</td>
<td>1,100,000</td>
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ADOPTED this ____ day of ______________________, 2016.

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Chair of the Council

( ) Approved      ( ) Denied

Jack Louws, County Executive

Date: ____________________________
<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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<tr>
<td>Convention Center Fund</td>
<td>To fund increase in Lodging Tax contracts.</td>
<td>10,000</td>
<td>(10,000)</td>
<td>-</td>
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<tr>
<td>Emergency Management Fund</td>
<td>To fund two All Hazard Alert Broadcast systems from grant and donation proceeds.</td>
<td>97,900</td>
<td>(97,900)</td>
<td>-</td>
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<tr>
<td>Public Utilities Improvement Fund</td>
<td>To fund City of Bellingham Waterfront Project - EDI Grant</td>
<td>1,100,000</td>
<td>-</td>
<td>1,100,000</td>
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<tr>
<td>Total Supplemental</td>
<td></td>
<td>1,207,900</td>
<td>(107,900)</td>
<td>1,100,000</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: Whatcom County Council Members
FROM: Tawni Helms, Administrative Coordinator
Through: Jack Louws, Whatcom County Executive
DATE: June 1, 2016
SUBJECT: Supplemental Budget Request for Bellingham Whatcom County Tourism

Background:
In the fall of 2015, the Lodging Tax Advisory Committee met and reviewed several local funding applications. In all, there were 18 applications submitted and 15 were awarded a total of $619,980.

When the 2015-2016 biennium budget was established the LTAC funding included $610,000. This budget supplemental increases the 2016 budget authority to allow for the increase in funding allocations.

Funding Source:
Additional Lodging Tax over and above the current budgeted amount. 2016 Lodging tax is projected to be higher than the currently budgeted amount of $560,000.
Supplemental Budget Request

Non-Departmental

Supp.ID # 2155  Fund 141  Cost Center 141100  Originator: Tawni Helms

Expenditure Type: One-Time  Year 1 2015  Add'l FTE  Add'l Space  Priority 1

Name of Request: 2016 Lodging Tax Budget

X

Department Head Signature (Required on Hard Copy Submission)  Date

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<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<td>6610</td>
<td>Contractual Services</td>
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<td>Request Total</td>
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1a. Description of request:
The Lodging Tax Advisory Committee (LTAC) accepted 2016 funding applications totaling $754,195. Applicants were asked to present their funding proposals to the LTAC at their Fall budget meeting. Additionally, a funding request in the amount of $10,000 from the Bellingham Whatcom Highland Games was received and awarded for $5,000 at the April 25, 2016 LTAC meeting. In total, the LTAC awarded $619,980 in funding for 2016. The 2016 Lodging Tax (Convention Center) Fund has budget authority for $610,000. This budget supplemental increases the budget by $10,000 to meet the LTAC funding recommendations.

1b. Primary customers:
Tourists and festival organizers.

2. Problem to be solved:
When the 2015-2016 biennium budget was established the LTAC funding included $610,000. LTAC funding recommendations exceed the budget authority by $10,000.

3a. Options / Advantages:
Reduce the funding awards. Through the presentation and interview process several funding applications were reduced or denied all together. The additional $10,000 will allow for equitable distribution of the funds.

3b. Cost savings:
N/A the Lodging Tax is a dedicated fund designed to benefit the local economy through the Bed and Head tax.

4a. Outcomes:
Additional funding will be awarded to eligible recipients.

4b. Measures:
All funding recipients are responsible for submitting year end reports that include data on tourism.

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:
Addition Lodging Tax over and above the current budgeted amount. 2016 Lodging tax is projected to be higher than the currently budgeted amount of $560,000.
MEMO

To: Jack Louws, County Executive
From: Sheriff Bill Elfo, Director
John Gargett, Deputy Director
Whatcom County Sheriff’s Office Division of Emergency Management

Subject: Supplemental Budget Request ID # 2158
AHAB Warning System

Date: May 25, 2016

The attached Supplemental Budget Request seeks budget authority for the acquisition and installation of two All Hazard Alert Broadcast (AHAB) systems in Whatcom County, one at Birch Bay and one on Lummi Island.

- Background and Purpose
Washington State Military Department Emergency Management Division (WA-EMD), through its Earthquake/Tsunami Program, provides public awareness and education in preparing for and surviving a natural or man-made disaster event. WA-EMD, as federal funds and industry donations become available and through coordination with local agencies, purchases and installs AHAB Warning Sirens that provide both tone and voice alert and notification devices for hazardous situations in at-risk communities. Both Birch Bay and Lummi Island have been identified as being at risk for tsunami effects.

Currently, there are four AHABs located in Whatcom County, with one each at Point Roberts and Sandy Point and two on the Lummi Peninsula. This project will increase the coverage of all-hazard early warning notifications to two additional Whatcom County communities.

- Funding Amount and Source
$50,000 from a Phillips 66 donation for the Birch Bay AHAB.
$47,900 from a Dept of Commerce National Oceanic Atmospheric Agency/National Weather Service (NOAA/NWS) federal grant, CFDA#11.467, for the Lummi Island AHAB.

Please contact John Gargett or Frances Burkhart if you have any questions.
Supplemental Budget Request

Sheriff

Emergency Management

Supp't ID # 2158
Fund 167
Cost Center 16741
Originator: Frances Burkhart

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

Name of Request: AHAB Warning System

Department Head Signature (Required on Hard Copy Submission) 5/26/16

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

1a. Description of request:
Washington State Military Department Emergency Management Division (WA-EMD) will purchase and install two All Hazards Alert Broadcast (AHAB) Warning Systems in Whatcom County, one in Birch Bay and one on Lummi Island. Whatcom County Sheriff’s Office Division of Emergency Management is requesting budget authority to proceed with these acquisitions.

1b. Primary customers:
Birch Bay and Lummi Island communities.

2. Problem to be solved:
Providing early warning of and ongoing information is essential to enable people to respond more efficiently and effectively to any disaster, thereby reducing the impact of that disaster. Among other hazards, coastal communities in Whatcom County have been identified as being at risk for tsunami effects. AHAB Warning Systems, commonly called Tsunami Sirens in coastal communities, provide both tone and voice alert and notification devices for natural, human-caused, or technological hazards.

Currently, there are four AHABs in Whatcom County, with one each at Point Roberts, Sandy Point, Gooseberry Point, and near Haxton Way and Lummi Shore Drive. AHABs at Birch Bay and Lummi Island will increase the coverage of early warning notifications to Whatcom County communities at risk.

3a. Options / Advantages:
The AHAB Warning System is a nation-wide program for early alert and notification. AHABs are an integral piece of Whatcom County’s all-hazard alert and warning strategy.

3b. Cost savings:
$97,900, through a donation and a federal grant.

4a. Outcomes:
WA-EMD will purchase and install two AHAB Warning Systems, one in Birch Bay and one on Lummi Island.

4b. Measures:
Upon installation, the AHAB Warning Systems will be tested for satisfactory operation.

5a. Other Departments/Agencies:
In addition to the overarching coordination provided by WCSO-DEM and WA-EMD, Whatcom County Fire Protection District #11 (Lummi Island) will help coordinate testing, maintenance,
and activation for the Lummi Island AHAB.
Whatcom County Fire Protection District #21 (North Whatcom Fire & Rescue) will help coordinate testing, maintenance, and activation for the Birch Bay AHAB.

5b. Name the person in charge of implementation and what they are responsible for:
Fire Chief Duncan McLane will coordinate WCPD#11’s responsibilities for the Lummi Island AHAB.
Fire Chief Bill Pernett will coordinate WCPD#21’s responsibilities for the Birch Bay AHAB.

6. Funding Source:
Birch Bay AHAB: Phillips66 donated $50,000 for the purchase of an AHAB for the Birch Bay community. WA-EMD will purchase this AHAB and invoice Whatcom County for the purchase and installation cost. Whatcom County will then submit a reimbursement request to the Whatcom Community Foundation, where the Phillips66 designated funds are currently being held.

Lummi Island AHAB: WA-EMD will purchase this AHAB through the Department of Commerce National Oceanic Atmospheric Agency/National Weather Service (NOAA/NWS) National Tsunami Hazard Mitigation Program, CFDA 11.467. This AHAB will be recorded as a non-cash transaction.
1a. Description of request:
This request is for EDI Program grant funding to support the City of Bellingham's waterfront project, entitled the Waterfront District Arterial Streets.

1b. Primary customers:
City of Bellingham

2. Problem to be solved:
In 2007, the EDI Board and the County Council approved a commitment of $1.1-million in EDI grant funding for a construction-ready project for the benefit of the Bellingham waterfront. The City of Bellingham has now identified a project which is ready to move forward to construction. Accordingly, a project-specific application was recently presented and approved by the EDI Board and recommended for approval to the County Council. Budget authority is being requested to allow the City of Bellingham to proceed with the project. It is anticipated that construction of the primary arterial for the waterfront redevelopment will go out to bid in early 2017, with construction completed by the end of 2017.

3a. Options / Advantages:
The EDI Board and County Council have determined that this infrastructure project meets the objectives of the EDI Program project guidelines.

3b. Cost savings:
N/A

4a. Outcomes:
Project completion is estimated to be late 2017.

4b. Measures:
Final project report and budget summary.

5a. Other Departments/Agencies:
City of Bellingham

5b. Name the person in charge of implementation and what they are responsible for:
Ted Carlson, City of Bellingham’s Public Works Director, is overseeing this project.

6. Funding Source:
Public Utilities Improvement Fund